

HOUSE BILL NO. 137

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GRUSSENDORF, Hudson, Koponen, Ulmer, Gruenberg

Introduced: 2/13/91

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the Commercial Fisheries Entry Commission to establish a moratorium
2 on new entrants into certain commercial fisheries and relating to qualifications for entry
3 permits."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * Section 1. AS 16.43.100(a) is amended to read:

6 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall [:]

7 (1) regulate entry into the commercial fisheries for all fishery resources in the
8 state;

9 (2) establish priorities for the application of the provisions of this chapter to the
10 various commercial fisheries of the state;

11 (3) establish administrative areas suitable for regulating and controlling entry into
12 the commercial fisheries;

13 (4) establish, for all types of gear, the maximum number of entry permits for each
14 administrative area;

- 1 (5) designate, when necessary to accomplish the purposes of this chapter,
2 particular species for which separate interim-use permits or entry permits will be issued;
3 (6) establish qualifications for the issuance of entry permits;
4 (7) issue entry permits to qualified applicants;
5 (8) issue interim-use permits as provided in AS 16.43.210 and 16.43.220;
6 (9) establish, for all types of gear, the optimum number of entry permits for each
7 administrative area;
8 (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320
9 to reduce the number of outstanding entry permits to the optimum number of entry permits;
10 (11) provide for the transfer and reissuance of entry permits to qualified
11 transferees;
12 (12) provide for the transfer and reissuance of entry permits for alternative types
13 of legal gear, in a manner consistent with the purposes of this chapter;
14 (13) administer the collection of the annual fees provided for in AS 16.43.160;
15 (14) administer the issuance of commercial fishing vessel licenses under
16 AS 16.05.490;
17 (15) issue educational entry permits to applicants who qualify under the provisions
18 of AS 16.43.340 - 16.43.390;
19 (16) establish reasonable user fees for services;
20 (17) issue landing permits under [IN ACCORDANCE WITH] AS 16.05.675 and
21 regulations adopted under that section; [AND]
22 (18) establish and collect annual fees for the issuance of landing permits that
23 reasonably reflect the costs incurred in the administration and enforcement of provisions of law
24 related to landing permits; and
25 (19) establish a moratorium on entry into commercial fisheries as provided
26 in AS 16.43.225.

27 * Sec. 2. AS 16.43.180(a) is amended to read:

- 28 (a) The commission shall adopt regulations providing for the temporary emergency
29 transfer of entry permits and interim-use permits when illness, disability, death, required military
30 or government service, or other unavoidable hardship prevents the permit holder from
31 participating in the fishery. To alleviate hardship pending a final determination of the permit

1 holder's eligibility for an entry permit, the commission shall adopt regulations providing for the
2 temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or
3 16.43.225.

4 * Sec. 3. AS 16.43.210(a) is amended to read:

5 (a) Pending the establishment of the maximum number of entry permits under
6 AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue
7 interim-use permits under regulations adopted by the commission for each fishery, not subject
8 to a moratorium under AS 16.43.225, to all applicants who can establish their present ability
9 to participate actively in the fishery for which they are making application.

10 * Sec. 4. AS 16.43 is amended by adding a new section to read:

11 Sec. 16.43.225. MORATORIUM ON NEW ENTRANTS INTO CERTAIN FISHERIES.

12 (a) The commission may establish a moratorium on new entrants into a fishery that has not been
13 designated as a distressed fishery under AS 16.43.230, if the commission finds that the fishery
14 has reached levels of participation that may threaten the conservation and the sustained yield
15 management of the fishery resource and the economic health and stability of commercial fishing,
16 and that the commission has insufficient information to conclude that the establishment of a
17 maximum number of entry permits under AS 16.43.240 would further the purposes of this
18 chapter. The commission may establish a moratorium under this section for a continuous period
19 of up to four years. A fishery may not be subject to more than one moratorium under this
20 section.

21 (b) While a moratorium is in effect, the commission shall conduct investigations to
22 determine whether a maximum number of entry permits should be established under
23 AS 16.43.240 by

- 24 (1) conducting research into conditions in the fishery;
25 (2) consulting with the Department of Fish and Game and the Board of Fisheries
26 as necessary; and
27 (3) consulting with participants in the fishery as necessary.

28 (c) The commission must establish by regulation the qualifications for applicants for an
29 interim use permit for a fishery subject to a moratorium under this section. The qualifications
30 must include the minimum requirements for past or present participation and harvest in the
31 fishery. The commission may not issue an interim use permit for a fishery subject to a

1 moratorium under this section unless the applicant can satisfy the qualifications established under
2 this subsection and establish the present ability and intent to participate actively in the fishery.

3 * **Sec. 5.** AS 16.43.240(b) is amended to read:

4 (b) When the commission finds that a fishery, not designated as a distressed fishery under
5 AS 16.43.230 or not subject to a moratorium under AS 16.43.225, has reached levels of
6 participation that [WHICH] require the limitation of entry in order to achieve the purposes of
7 this chapter, the commission shall establish the maximum number of entry permits for that
8 fishery.

9 * **Sec. 6.** AS 16.43.240 is amended by adding a new subsection to read:

10 (c) When the commission finds that a fishery subject to a moratorium under
11 AS 16.43.225 has reached levels of participation that require the limitation of entry in order to
12 achieve the purposes of this chapter, the commission shall establish the maximum number of
13 entry permits for that fishery.

14 * **Sec. 7.** AS 16.43.260(a) is amended to read:

15 (a) The commission shall accept applications for entry permits only from applicants who
16 have harvested fishery resources commercially while participating in the fishery as holders of
17 gear licenses issued under AS 16.05.536 - 16.05.670 or [AND] interim-use permits under
18 AS 16.43.210(a) or 16.43.225 before the qualification date established in (d), [OR] (e), or (f) of
19 this section. The commission may specify by regulation the calendar years of participation that
20 will be considered for eligibility purposes.

21 * **Sec. 8.** AS 16.43.260(d) is amended to read:

22 (d) Except as provided in (e) or (f) of this section, an applicant shall be assigned to a
23 priority classification based solely upon the applicant's qualifications as of January 1, 1973.

24 * **Sec. 9.** AS 16.43.260(e) is amended to read:

25 (e) Except as provided in (f) of this section, when [WHEN] the commission establishes
26 the maximum number of entry permits for a particular fishery under AS 16.43.240 after
27 January 1, 1975, an applicant shall be assigned to a priority classification based solely upon the
28 applicant's qualifications as of January 1 of the year during which the commission establishes
29 the maximum number of entry permits for the fishery for which application is made.

30 * **Sec. 10.** AS 16.43.260 is amended by adding a new subsection to read:

31 (f) When the commission establishes the maximum number of entry permits under

1 AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225, an applicant for
2 an entry permit for the fishery shall be assigned to a priority classification based solely upon the
3 applicant's qualifications as of the effective date of the regulation establishing the moratorium
4 during which the maximum number of entry permits is established.