

HOUSE BILL NO. 502

**IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVE TAYLOR

**Introduced: 2/18/92
Referred: Resources, Finance**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of entry into sport fishing charter fisheries."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. FINDINGS. The Alaska State Legislature finds that

**4 (1) the sport fishing charter fisheries constitute a successful and valuable industry and
5 provide a useful commercial service to sport fishermen;**

**6 (2) the sport fishing charter fisheries provide substantial benefits to the economy of the
7 state;**

**8 (3) the sport fishing charter fisheries are expanding rapidly in many areas of the state and
9 are contributing substantially to increased harvests of fishery resources by sport fishermen;**

**10 (4) increased harvests of already fully utilized fishery resources by the sport fishing
11 charter fisheries compete with commercial fishermen who rely on those fishery resources for their
12 livelihood;**

**13 (5) in fisheries and areas of the state where the commercial fisheries are subject to
14 harvest quotas, such as the halibut fishery and the Southeast chinook fishery, the increased harvests by**

1 sport fishermen result in decreased harvests by commercial fishermen, shorter commercial fishing
2 seasons, reduced economic viability of the commercial fisheries, and greater difficulty for fishery
3 managers to monitor and regulate the fisheries and to prevent overfishing;

4 (6) the success of the sport fishing charter fisheries will encourage more people to enter
5 into the fisheries and to invest in new vessels and equipment;

6 (7) entry into the sport fishing charter fisheries must be regulated, in order to forestall
7 overcapitalization of the sport fishing charter fisheries as has occurred in other commercial fisheries, to
8 prevent future economic hardship on participants in the sport fishing charter fisheries, to provide a
9 rational basis for regulation of expansion of the sport fishing charter fisheries, and to prevent further
10 economic dislocation to existing commercial fisheries due to rapidly increasing sport fishing harvests
11 attributable to the sport fishing charter fisheries;

12 (8) entry into the sport fishing charter fisheries must be regulated to prevent economic
13 distress among fishermen and their dependents, to help conserve the fishery resources, and to promote
14 the efficient development of aquaculture;

15 (9) the Alaska Commercial Fisheries Entry Commission is well suited to fairly and
16 efficiently regulate entry into the sport fishing charter fisheries.

17 * Sec. 2. AS 16.43.010 is amended to read:

18 Sec. 16.43.010. PURPOSE AND FINDINGS OF FACT. (a) It is the purpose of this
19 chapter to promote the conservation and the sustained yield management of Alaska's fishery
20 resource and the economic health and stability of commercial fishing and the sport fishing
21 charter fisheries in Alaska by regulating and controlling entry into the commercial and sport
22 fishing charter fisheries in the public interest and without unjust discrimination.

23 (b) The legislature finds that commercial fishing for fishery resources and the sport
24 fishing charter fisheries have [HAS] reached levels of participation, on both a statewide and
25 an area basis, that have impaired or threaten to impair the economic welfare of the fisheries of
26 the state, the overall efficiency of the harvest, and the sustained yield management of the fishery
27 resource.

28 * Sec. 3. AS 16.43.050 is amended to read:

29 Sec. 16.43.050. QUALIFICATIONS. The commission shall consist of three members
30 with a broad range of professional experience, none of whom has a vested economic interest in
31 an interim-use permit, entry permit, commercial fishing vessel or gear, a sport fishing charter

1 vessel or business, or in any fishery resource processing or marketing business.

2 * Sec. 4. AS 16.43.100(a) is amended to read:

3 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall

4 (1) regulate entry into the commercial and sport fishing charter fisheries for all
5 fishery resources in the state;

6 (2) establish priorities for the application of the provisions of this chapter to the
7 various commercial and sport fishing charter fisheries of the state;

8 (3) establish administrative areas suitable for regulating and controlling entry into
9 the commercial and sport fishing charter fisheries;

10 (4) establish, for all types of gear and for all types of sport fishing charter
11 fisheries, the maximum number of entry permits for each administrative area;

12 (5) designate, when necessary to accomplish the purposes of this chapter,
13 particular species for which separate interim-use permits or entry permits will be issued;

14 (6) establish qualifications for the issuance of entry permits;

15 (7) issue entry permits to qualified applicants;

16 (8) issue interim-use permits as provided in AS 16.43.210, 16.43.220, and
17 16.43.225;

18 (9) establish, for all types of gear and for all types of sport fishing charter
19 fisheries, the optimum number of entry permits for each administrative area;

20 (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320
21 to reduce the number of outstanding entry permits to the optimum number of entry permits;

22 (11) provide for the transfer and reissuance of entry permits to qualified
23 transferees;

24 (12) provide for the transfer and reissuance of entry permits for alternative types
25 of legal gear, in a manner consistent with the purposes of this chapter;

26 (13) administer the collection of the annual fees provided for in AS 16.43.160;

27 (14) administer the issuance of commercial fishing vessel licenses under
28 AS 16.05.490;

29 (15) issue educational entry permits to applicants who qualify under the provisions
30 of AS 16.43.340 - 16.43.390;

31 (16) establish reasonable user fees for services;

1 (17) issue landing permits under AS 16.05.675 and regulations adopted under that
2 section;

3 (18) establish and collect annual fees for the issuance of landing permits that
4 reasonably reflect the costs incurred in the administration and enforcement of provisions of law
5 related to landing permits; and

6 (19) establish a moratorium on entry into commercial and sport fishing charter
7 fisheries as provided in AS 16.43.225.

8 * Sec. 5. AS 16.43.140(c) is amended to read:

9 (c) A person may hold more than one interim-use or entry permit issued or transferred
10 under this chapter only for the following purposes:

11 (1) fishing more than one type of gear;

12 (2) fishing in more than one administrative area;

13 (3) harvesting particular species for which separate interim-use or entry permits
14 are issued;

15 (4) operating sport fishing charter vessels in more than one type of sport
16 fishing charter fishery or more than one administrative area.

17 * Sec. 6. AS 16.43.140 is amended by adding a new subsection to read:

18 (d) After January 1, 1993, a person may not operate a vessel for hire in the recreational
19 taking of fishery resources without a valid entry permit or a valid interim-use permit issued by
20 the commission. A permit is not required of a crew member or other person assisting in the
21 operation of a vessel for hire engaged in the recreational taking of fishery resources as long as
22 the holder of the entry permit or the interim-use permit is at all times present on and engaged
23 in the operation of the vessel.

24 * Sec. 7. AS 16.43.150(a) is amended to read:

25 (a) Each entry permit authorizes the permittee to operate a unit of gear within a specified
26 commercial fishery or to operate a vessel in a specified sport fishing charter fishery. An
27 entry permit for a sport fishing charter fishery does not authorize the permit holder to sell,
28 barter, or otherwise dispose of fishery resources for profit.

29 * Sec. 8. AS 16.43.150(b) is amended to read:

30 (b) The holder of an entry permit shall have the permit in possession at all times when
31 engaged in the operation of gear for which it was issued or when operating a vessel engaged

1 in a sport fishing charter fishery.

2 * Sec. 9. AS 16.43.200(a) is amended to read:

3 (a) The commission shall establish administrative areas suitable for regulating and
4 controlling entry into the commercial and sport fishing charter fisheries. The commission shall
5 make the administrative areas reasonably compatible with the geographic areas for which specific
6 commercial fishing or sport fishing charter regulations are adopted by the Board of Fisheries.

7 * Sec. 10. AS 16.43.220(c) is amended to read:

8 (c) The holder of an interim-use permit shall [MUST] have the permit in possession at
9 all times when engaged in the operation of the gear or the type of vessel for which it was issued.

10 * Sec. 11. AS 16.43.220 is amended by adding a new subsection to read:

11 (d) An interim-use permit for a sport fishing charter fishery does not authorize the
12 permit holder to sell, barter, or otherwise dispose of fishery resources for profit.

13 * Sec. 12. AS 16.43.260(a) is amended to read:

14 (a) The commission shall accept applications for entry permits only from applicants who
15 (1) have harvested fishery resources commercially while participating in the fishery as holders
16 of gear licenses issued under AS 16.05.536 - 16.05.670 or interim-use permits under
17 AS 16.43.210(a) or 16.43.225 before the qualification date established in (d), (e), or (f) of this
18 section; or (2) have, before the qualification date established in (e) or (f) of this section,
19 either operated a vessel that was licensed under AS 16.05.490 and was engaged in a sport
20 fishing charter fishery or operated a vessel as the holder of an interim-use permit for a
21 sport fishing charter fishery under this chapter. The commission may specify by regulation
22 the calendar years of participation that will be considered for eligibility purposes.

23 * Sec. 13. AS 16.43.290 is amended to read:

24 Sec. 16.43.290. OPTIMUM NUMBER OF ENTRY PERMITS. Following the issuance
25 of entry permits under AS 16.43.270, the commission shall establish the optimum number of
26 entry permits for each fishery based upon a reasonable balance of the following general
27 standards:

28 (1) the number of entry permits sufficient to maintain an economically healthy
29 fishery that will result in a reasonable average rate of economic return to the fishermen
30 participating in that fishery, considering time fished and necessary investments in vessels and
31 gear;

1 (2) the number of entry permits necessary to harvest the allowable commercial
2 or sport fishing charter take of the fishery resource during all years in an orderly, efficient
3 manner, and consistent with sound fishery management techniques;

4 (3) the number of entry permits sufficient to avoid serious economic hardship to
5 those currently engaged in the fishery, considering other economic opportunities reasonably
6 available to them.

7 * Sec. 14. AS 16.43.990(2) is amended to read:

8 (2) "economically healthy fishery" means a fishery that yields a sufficient rate of
9 economic return to the fishermen, or in reference to a sport fishing charter fishery to the
10 vessel operator, participating in it to provide for, among other things, the following:

11 (A) maintenance of vessels and gear in satisfactory and safe operating
12 condition; and

13 (B) ability and opportunity to improve vessels, gear and fishing techniques,
14 including, when permissible, experimentation with new vessels, new gear, and new
15 techniques;

16 * Sec. 15. AS 16.43.990(3) is amended to read:

17 (3) "fishery" means the commercial taking of a specific fishery resource in a
18 specific administrative area with a specific type of gear or a sport fishing charter fishery for
19 a specific fishery resource in a specific administrative area; however, the commission may
20 designate a fishery to include more than one specific administrative area, gear type, or fishery
21 resource;

22 * Sec. 16. AS 16.43.990(6) is amended to read:

23 (6) "present ability to actively participate" means the person applying for a permit
24 is physically able to harvest fish in the fishery and has reasonable access to commercial fishing
25 gear of the type utilized in that fishery; in reference to a sport fishing charter fishery,
26 "present ability to participate" means the person applying for a permit is physically able
27 to operate a sport fishing charter vessel and has reasonable access to a sport fishing charter
28 vessel of the type used in that fishery;

29 * Sec. 17. AS 16.43.990 is amended by adding a new paragraph to read:

30 (10) "sport fishing charter fishery" means a fishery in which fishermen hire a
31 vessel with crew to assist in the recreational taking of fishery resources.

1 * **Sec. 18.** AS 43.76.035 is amended to read:

2 **Sec. 43.76.035. EXEMPTION.** This chapter does not apply to salmon harvested under
3 a special harvest area entry permit issued under AS 16.43.400 or under an entry permit or
4 interim-use permit for a sport fishing charter fishery.