

HB

429

Alaska State Legislature

House Resources Committee

Co-Chair Beverly Masek
(907) 465-3715
FAX (907) 465-4822

Capitol Building, Room 124
Juneau, Alaska 99801



Co-Chair Bill Hudson
(907) 465-6890
FAX (907) 465-2273

Committee Meetings:
M/W/F 1 - 3 p.m.

Members: Vice Chair John Cowdery, Representatives: Ramona Barnes, John Harris, Carl Morgan, Jim Whitaker, Reggie Joule, and Mary Kapsner

HB 429 Moratoria: Hair Crab & Scallop Fisheries

HB 429 extends the current vessel moratoria on the Korean hair crab (AS 16.43.901) and Weathervane Scallop (AS 16.43.906) fisheries for three years. These moratoria were enacted by the Legislature in 1996 and 1997, respectively.

These extensions are necessary because the Legislature has not yet created a viable limited entry or moratorium program for the Commercial Fisheries Entry Commission to use after these vessel moratoria expire. Without some type of program in place, these fisheries will likely have to be reopened to a potential influx of new participants or be closed entirely. In addition, the state risks federal preemption of state management of these fisheries.

When the Legislature enacted these moratoria, it recognized that these fisheries might not lend themselves to limited entry under existing state statute. With that in mind, the Legislature implemented the moratoria and directed CFEC to submit legislation for a vessel-based limited entry program the following year. Legislation authorizing a vessel permit limitation system was introduced in the House and Senate but neither bill has moved out of its first committee of referral. It appears that legislation will not be passed in time to implement vessel limitation programs in these two fisheries prior to the expiration of the moratoria.

The Weathervane scallop and Korean hair crab fisheries occur in both state waters and in adjacent federal waters of the Exclusive Economic Zone (EEZ) but the State has assumed management of both fisheries.

Frequently Asked Questions

HB 429 Moratoria: Hair Crab and Scallop Fisheries

1. Where do these fisheries occur?

The hair crab and weathervane scallop fisheries occur in both state water and in adjacent federal waters of the Exclusive Economic Zone (EEZ). The hair crab fishery occurs in the Bering Sea near St. Paul Island. The 1999 fishery began on October 30th and had a guideline harvest level of 283,000 pounds. The total harvest for 1999 was 230,000 pounds with an average ex-vessel price of \$4.00 therefore the total ex-vessel value was \$920,000.

The weathervane scallop fishery occurs in the Gulf of Alaska from the eastern Aleutian Islands to Yakutat. Product is harvested and processed (shucked) on board the vessel. The fishery opens on July 1 with each area or district having its own guideline harvest range and bycatch limits. The Cook Inlet fishery (Area H) is a separately managed fishery with the beds in federal waters. The guideline harvest level for Cook Inlet is between 10,000 and 20,000 pounds.

2. How are scallops harvested?

Fishing gear for scallops consists of a dredge made up of a rectangular metal frame approximately 12 feet wide. Steel rings connected together by chain links and webbing along the top form a net. Generally, a vessel will fish two such dredges, which may weigh around a ton each, and are towed through the beds. Due to the sea conditions associated with offshore scallop beds, vessels average around 83 feet in length. Mounted on the foremast are two booms, which are used in hauling the dredges. The statewide fishery has 100% observer coverage. The Cook Inlet fishery is a smaller fishery and its gear is limited to one six-foot dredge.

3. How many vessels are eligible to participate under the moratoria?

25 vessels are eligible to participate under the moratorium in the Korean Hair Crab fishery. In the Weathervane Scallop fishery, there are 10 vessels eligible statewide and 3 vessels eligible to participate specifically in the Cook Inlet fishery (Area H).

4. Why did the Legislature implement these moratoria?

Alaskan fishers petitioned the CFEC to limit entry in the two fisheries, but the commission was not authorized to implement a program that limited vessels in a fishery instead of persons. The Legislature responded to the fishers' requests by establishing a four-year vessel moratorium in each fishery. The vessel moratorium for the Bering Sea Korean hair crab fishery is due to expire on June 30, 2000. The vessel moratorium for the Weathervane scallop fishery expires on June 30, 2001.

5. Why is traditional limited entry not a good option for these fisheries?

Under the current limited entry statute, AS 16.43, the Commercial Fisheries Entry Commission (CFEC) issues limited entry permits to persons who are gear operators in a fishery, but not to vessels or vessel owners unless the vessel owner is also the gear operator. This type of limited entry system, based on an "owner-operator" model, is appropriate for such fisheries as salmon and herring where vessels are typically fished by only one person in

a season. Vessels in these fisheries tend to be small and are usually fished in near-shore waters and the fisherman is usually the vessel-owner.

Other fisheries in Alaska, especially those in the Gulf of Alaska and Bering Sea, are characterized by larger vessels that operate in offshore waters. In these fisheries, the gear operator may not own the vessel he fishes, but may be a skipper hired by the vessel owner. Larger vessels in these fisheries may move from area to area, hiring replacement skippers as necessary to continue fishing throughout the season.

A limited entry system under AS 16.43 may not be appropriate or workable for this kind of fishery because the number of vessels in the fishery could increase after the fishery was limited if each skipper, i.e. each limited entry permit holder, then decided to fish from his own vessel. Thus, limited entry under AS 16.43 could potentially increase the units of gear in such fisheries instead of limiting the number, and therefore would not achieve the resource conservation and economic viability purposes of the Limited Entry Act. Furthermore, under traditional limited entry, some permits would be issued to those who had been hired skippers (i.e. employees) while those who have made the financial investment in vessels which have actively participated in the fishery may be left owning vessels without legal fishing privileges

6. Why can't CFEC extend these moratoria?

Current statute does not authorize the CFEC to implement vessel-based moratorium or extend an existing moratorium. Last session, the House Fisheries Committee introduced legislation, HB 104, to give CFEC this authority. HB 104 passed the House unanimously but is unlikely to move out of the Senate.

7. What happens if the Legislature does not take action to extend these moratoria?

With no limitation action, these two fisheries will revert to open access at the end of the moratorium. Fisheries managers would then have two options. One would be to open the fishery knowing that there will likely be an influx of new participants with the possibility of a resource conservation concern. If managers feel the risk is too high, and that the fisheries cannot be managed to ensure sustained yield under open access, they could choose to not open the fisheries at all or significantly reduce fishing time. This would result in economic harm to the vessel owners, skippers, crew, processors and coastal communities. Additionally, closure of the fisheries would mean the loss of fisheries business tax revenue to the state's General Fund.

8. Are these permits transferable?

No. Moratorium permits are temporary or "interim use" permits that may not be transferred to another vessel owner. These temporary permits have no "value" beyond the ability of the vessel to continue participating during the moratorium.

HOUSE BILL NO. 429

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 3/3/00

Referred: Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date for the vessel permit moratoria for the
2 Bering Sea Korean hair crab fishery and the weathervane scallop fishery; and
3 providing for an effective date."

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

5 * Section 1. AS 16.43.901(d) is amended to read:

6 (d) After July 1, 1996, and through June 30, 2003 [2000], the commission may
7 not issue a vessel permit under this section to a commercial fishing vessel [,] unless
8 the vessel either had legally participated in a directed Korean hair crab fishery in the
9 Bering Sea and landed Korean hair crab in at least one calendar year during 1993
10 through 1995, inclusive, or was acquired between 1993 and 1995, inclusive, as a
11 replacement for a vessel that would be eligible to receive a vessel permit but is no
12 longer used in the fishery. Use of a vessel in the Bering Sea Korean hair crab fishery
13 after July 1, 1996, may not be used to establish eligibility for a vessel permit for the
14 Bering Sea Korean hair crab fishery that occurs beyond five miles from shore that may

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB429

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
 Title An Act extending the termination date for the BRU Commercial Fisheries Entry Comm
vessel permit moratoria for the Bering Sea Korean hair crab Component Commercial Fisheries Entry Comm
 Sponsor House Resources
 Requester House Resources Component No. 471

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact

Prepared by: Roger Kolden Phone 790-6950
 Division Commercial Fisheries (Limited) Entry Commission Date/Time 3/7/00 3:12 PM
 Approved by Commissioner Mary McDowell Date 3/7/00
 Agency Fish and Game, Commercial Fisheries (Limited) Entry Commission

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office



Pacific Associates, Inc.

234 Gold Street • Juneau, Alaska 99801

March 16, 2000

The Honorable Bill Hudson
Alaska State Legislature
Capitol Building
Juneau, Alaska 99801

Re: HB - 429

Dear Representative Hudson:

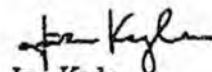
Thank you for the opportunity to comment on HB - 429. I am the co - owner of a public affairs consultancy (Pacific Associates), which represents numerous clients in the commercial fishing and marine transportation industries. One of my clients is John Winther, from Petersburg, Alaska, who leads an informal group of Korean Hair Crab fishermen who support HB - 429.

HB - 429 extends the current moratorium for hair crab and scallop fishermen so they are not flooded with new entrants who have been displaced from other fisheries. The majority of the Bering Sea commercial fisheries are currently moving into one form or another of limited entry. Displaced fishermen (most of whom are non Alaskan) are shopping for new fisheries. The hair crab and scallop fisheries still have significant Alaskan participation.

Our home grown fishermen will be disadvantaged if these fisheries are thrown back into an open access status.

I urge you to move HB - 429 as expeditiously as possible

Sincerely,


Joe Kyle

United Aleut Nation
4000 Old Seward Hwy. Suite 300
Anchorage, Alaska 99503
Tel.# (907) 561-4300

March 17, 2000

The Honorable Bill Hudson
Chairman
House Resources Committee
The Alaska Legislature
Juneau, Alaska

Re: HB 429-For Hearing Record 3-17-00

Dear Chairman Hudson:

I have reviewed the proposed legislation, HB 429, referencing Korean Hair Crab and the weathervane scallop fishery. I am opposed to the legislation as in its present form; it adversely affects the Aleut residents of St. Paul and St. George Islands. I am an Aleut from St. Paul Island.

The following questions should be answered before we go to a limited entry system for Korean Hair Crab, as proposed.

- 1.) What economic and social impacts will this have on the communities of St. Paul and St. George?
- 2.) How does the fishery for scallop's affect or have anything to do with hair crab? We must separate the two fisheries and not mix them together. How many scallop permits are issued each year by NMFS or the State and for what areas of the State?
- 3.) What is the health of the Korean Hair Crab stocks near the Pribilof Islands?
- 4.) How many permits were issued for the hair crab fishery near the Pribilof Islands? Vessel sizes? Pounds delivered?
- 5.) How will this moratorium affect the CDQ program?
- 6.) What vessel sizes or class is this legislation targeting?

The effect of this legislation, in present form, are to create a problem in the near shore fisheries surrounding the Pribilof Islands where none exists today? The present quota's are not large and we believe are managed to insure stock strength and health.

The significant impact of this legislation is to deny the Aleut People of the Pribilofs the opportunity to participate in this fishery and further discriminate against the Aleut's for economic reasons. We need not detail the reasons why this is true today, but can state for the record that we can demonstrate how economic factors have impeded our efforts. Given this, this legislation is unfair and takes away a valuable resource from the Aleut People. While we can also discuss our CDQ fishery operations, we believe that because we are still developing our options in the fisheries, we must not allow for programs that exclude us from future potential. We are making progress and want our people to be able to purchase vessels of the size necessary to harvest hair crab economically and safely. We are moving in that direction towards larger vessels. If this legislation is enacted, it will freeze us out of this important fishery for local operators.

We recognize that the crab fishery in Alaska is under strain today. We see the industry struggling with buy-back programs and other issues such as co-ops to harvest available quotas. The Pribilof communities are seeking emergency declarations because of the crash in the opilio fisheries. Crab fisheries obviously have a significant impact on our communities. Thus far and until we can diversify, crab is our economic mainstay.

We are mindful that the State encourages local development and participation. There is very good reason for this. Communities can only sustain themselves with local development. We all have heard about the problems of salmon permits owned by outside interests. We know that most of the vessel participant in the crab fisheries today is owned by non-Alaska interests. This legislation would give what is essentially a local fishery around the Pribilof's to outside interests. This is wrong and poor policy for the residents of Alaska.

If the State wishes to establish a moratorium for the hair crab fishery, and we would encourage this sometime in the future, it must be for vessel's under 60 feet in length. As each member of this committee must be aware, most local fleets in our State are vessels 60 feet and under. The hair crab is and must be considered a local near shore fishery. The question of 5 miles out from shore is not material to any moratorium. What we must concentrate on is the health of the stocks as well as careful quota harvest levels.

We ask that this legislation be tabled for this session until we can develop a program that takes into consideration the impact on the Pribilof communities where most of the hair crab is harvested. We must be fair and apply our resources on an equitable basis. We must give people an opportunity to develop and not freeze them out of any development potential.

Thank you for your time and consideration. We want to work with the State to develop our resources carefully and in consideration of our communities and our residents.

Sincerely,
S/s

R. George Pletnikoff
Executive Director

Patrick Pletnikoff
St. Paul Island, Alaska 99660
Tel.# (907) 272-1233

March 17, 2000

The Honorable Bill Hudson
Chairman
House Resources Committee
The Alaska Legislature
Juneau, Alaska

Re: HB 429-For Hearing Record 3-17-00

Dear Chairman Hudson:

I have reviewed the proposed legislation, HB 429, referencing Korean Hair Crab and the weathervane scallop fishery. I am opposed to the legislation as in its present form; it adversely affects the Aleut residents of St. Paul and St. George Islands. I am an Aleut from St. Paul Island.

The following questions should be answered before we go to a limited entry system for Korean Hair Crab, as proposed.

- 1.) What economic and social impacts will this have on the communities of St. Paul and St. George?
- 2.) How does the fishery for scallop's affect or have anything to do with hair crab? We must separate the two fisheries and not mix them together. How many scallop permits are issued each year by NMFS or the State and for what areas of the State?
- 3.) What is the health of the Korean Hair Crab stocks near the Pribilof Islands?
- 4.) How many permits were issued for the hair crab fishery near the Pribilof Islands? Vessel sizes? Pounds delivered?
- 5.) How will this moratorium affect the CDQ program?
- 6.) What vessel sizes or class is this legislation targeting?

The effect of this legislation, in present form, are to create a problem in the near shore fisheries surrounding the Pribilof Islands where none exists today? The present quota's are not large and we believe are managed to insure stock strength and health.

The significant impact of this legislation is to deny the Aleut People of the Pribilofs the opportunity to participate in this fishery and further discriminate against the Aleut's for economic reasons. We need not detail the reasons why this is true today, but can state for the record that we can demonstrate how economic factors have impeded our efforts. Given this, this legislation is unfair and takes away a valuable resource from the Aleut People. While we can also discuss our CDQ fishery operations, we believe that because we are still developing our options in the fisheries, we must not allow for programs that exclude us from future potential. We are making progress and want our people to be able to purchase vessels of the size necessary to harvest hair crab economically and safely. We are moving in that direction towards larger vessels. If this legislation is enacted, it will freeze us out of this important fishery for local operators.

We recognize that the crab fishery in Alaska is under strain today. We see the industry struggling with buy-back programs and other issues such as co-ops to harvest available quotas. The Pribilof communities are seeking emergency declarations because of the crash in the opilio fisheries. Crab fisheries obviously have a significant impact on our communities. Thus far and until we can diversify, crab is our economic mainstay.

We are mindful that the State encourages local development and participation. There is very good reason for this. Communities can only sustain themselves with local development. We all have heard about the problems of salmon permits owned by outside interests. We know that most of the vessel participant in the crab fisheries today is owned by non-Alaska interests. This legislation would give what is essentially a local fishery around the Pribilof's to outside interests. This is wrong and poor policy for the residents of Alaska.

If the State wishes to establish a moratorium for the hair crab fishery, and we would encourage this sometime in the future, it must be for vessel's under 60 feet in length. As each member of this committee must be aware, most local fleets in our State are vessels 60 feet and under. The hair crab is and must be considered a local near shore fishery. The question of 5 miles out from shore is not material to any moratorium. What we must concentrate on is the health of the stocks as well as careful quota harvest levels.

We ask that this legislation be tabled for this session until we can develop a program that takes into consideration the impact on the Pribilof communities where most of the hair crab is harvested. We must be fair and apply our resources on an equitable basis. We must give people an opportunity to develop and not freeze them out of any development potential.

Thank you for your time and consideration. We want to work with the State to develop our resources carefully and in consideration of our communities and our residents.

Sincerely,

Bill History/Action Display



BILL: HB 141 SHORT TITLE: SCALLOP FISHERY/ VESSEL MORATORIUM
 BILL VERSION: SCS CSHB 141(RES)
 SPONSOR(S): REPRESENTATIVES(S) AUSTERMAN

CURRENT STATUS: CHAPTER 97 SLA 97 STATUS DATE: 6/20/97
 EFFECTIVE DATE OF LAW 6/21/97

TITLE: "An Act relating to a vessel permit moratorium for the Alaska weathervane scallop fishery; relating to management of the scallop fisheries; and providing for an effective date."

Full Text Detailed 2000 fiscal note information currently not available on-line.

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
2/17/97	<u>374</u>	(H) READ THE FIRST TIME - REFERRAL(S)
2/17/97	<u>374</u>	(H) FSH, RESOURCES
2/27/97	<u>508</u>	(H) FSH RPT CS(FSH) 5DP
2/27/97	<u>508</u>	(H) DP: AUSTERMAN, KUBINA, HODGINS, IVAN,
2/27/97	<u>508</u>	(H) OGAN
2/27/97	<u>508</u>	(H) ZERO FISCAL NOTE (F&G)
4/01/97	<u>895</u>	(H) RES RPT CS(RES) 3DP 4NR
4/01/97	<u>895</u>	(H) DP: DYSON, GREEN, HUDSON
4/01/97	<u>895</u>	(H) NR: MASEK, OGAN, NICHOLIA, JOULE
4/01/97	<u>896</u>	(H) ZERO FISCAL NOTE (F&G) 2/27/97
4/11/97	<u>1081</u>	(H) RULES TO CALENDAR 4/11/97
4/11/97	<u>1081</u>	(H) READ THE SECOND TIME
4/11/97	<u>1081</u>	(H) RES CS ADOPTED UNAN CONSENT
4/11/97	<u>1081</u>	(H) AM NO 1 ADOPTED UNAN CONSENT
4/11/97	<u>1081</u>	(H) ADVANCED TO THIRD READING UNAN CONSENT
4/11/97	<u>1081</u>	(H) READ THE THIRD TIME CSHB 141(RES) AM
4/11/97	<u>1082</u>	(H) PASSED Y35 E3 A2
4/11/97	<u>1082</u>	(H) EFFECTIVE DATE(S) SAME AS PASSAGE
4/11/97	<u>1086</u>	(H) TRANSMITTED TO (S)
4/14/97	<u>1122</u>	(S) READ THE FIRST TIME - REFERRAL(S)
4/14/97	<u>1122</u>	(S) RESOURCES
5/08/97	<u>1818</u>	(S) RES RPT SCS 2DP 3NR SAME TITLE
5/08/97	<u>1818</u>	(S) DP: TORGERSON, LEMAN
5/08/97	<u>1818</u>	(S) NR: HALFORD, GREEN, LINCOLN
5/08/97	<u>1818</u>	(H) ZERO FN APPLIES TO SCS (F&G)
5/09/97	<u>1892</u>	(S) RULES TO CALENDAR 5/9/97
5/09/97	<u>1899</u>	(S) READ THE SECOND TIME
5/09/97	<u>1900</u>	(S) RES SCS ADOPTED UNAN CONSENT
5/09/97	<u>1900</u>	(S) ADVANCE TO THIRD READING FLD Y14 N5 E1
5/09/97	<u>1900</u>	(S) THIRD READING 5/10 CALENDAR
5/10/97	<u>1957</u>	(S) READ THE THIRD TIME SCS CSHB 141(RES)
5/10/97	<u>1957</u>	(S) PASSED Y17 N- E1 A2
5/10/97	<u>1958</u>	(S) EFFECTIVE DATE(S) SAME AS PASSAGE
5/10/97	<u>1971</u>	(S) TRANSMITTED TO (H) AS AMENDED
5/10/97	<u>1832</u>	(H) CONCUR AM OF (S) Y37 A3
5/10/97	<u>1833</u>	(H) EFFECTIVE DATE(S) SAME AS PASSAGE
7/10/97	<u>1966</u>	(H) 11:50 AM 6/9/97 TRANSMITTED TO GOVERNOR
7/10/97	<u>1983</u>	(H) SIGNED INTO LAW 6/20 CHAPTER 97 SLA 97
7/10/97	<u>1983</u>	(H) EFFECTIVE DATE OF LAW 6/21/97

Similar Subject Match or Exact Subject Match



SENATE CS FOR CS FOR HOUSE BILL NO. 141(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 5/8/97

Referred: Rules

Sponsor(s): REPRESENTATIVE AUSTERMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a vessel permit moratorium for the Alaska weathervane
2 scallop fishery; relating to management of the scallop fisheries; and providing for
3 an effective date."

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

5 * **Section 1. LEGISLATIVE FINDINGS AND INTENT.** (a) The legislature finds that
6 (1) the scallop fishing fleet in Alaska is overcapitalized;
7 (2) fishing effort in the Alaska weathervane scallop fishery has reached levels
8 that may threaten the sustained yield management of the fishery;
9 (3) weathervane scallops are long-lived animals with few natural predators;
10 these attributes are common to species that are the most susceptible to overfishing;
11 (4) the status of many Alaska weathervane scallop stocks is largely unknown,
12 and the stocks are susceptible to localized depletion and general overfishing;
13 (5) scallop fisheries around the world have collapsed after relatively short
14 periods of intense fishing;

1 (6) scallop dredges may adversely affect important bottom-dwelling species,
2 such as king crab and Tanner crab, and without careful management may threaten the
3 conservation of these other fishery resources;

4 (7) the conventional limited entry and moratorium system under AS 16.43
5 cannot adequately protect the economic health and stability of the Alaska weathervane scallop
6 fishery or adequately promote the sustained yield management of the Alaska weathervane
7 scallop fishery;

8 (8) the United States Department of Commerce has taken action to restrict
9 access to the Alaska weathervane scallop fishery in the waters of the United States exclusive
10 economic zone adjacent to Alaska;

11 (9) state management of the entire Alaska weathervane scallop fishery will
12 provide a uniform and comprehensive management regime for the fishery, protect the
13 economic health and stability of the fishery, and promote sustained yield management of the
14 fishery;

15 (10) establishment of a moratorium on the issuance of vessel permits to new
16 vessels seeking to enter the Alaska weathervane scallop fishery promotes the purposes of art.
17 VIII, sec. 15, Constitution of the State of Alaska, and AS 16.43 while providing an
18 opportunity to study and evaluate the feasibility of a permanent vessel permit limited entry
19 system for the Alaska weathervane scallop fishery.

20 (b) It is the intent of the legislature that the Board of Fisheries maintain 100 percent
21 observer coverage for all vessels engaged in the Alaska weathervane scallop fishery.

22 * Sec. 2. AS 16.05 is amended by adding a new section to article 5 to read:

23 **Sec. 16.05.735. Management of offshore fisheries.** The state may assume
24 management of the scallop fisheries in offshore water adjacent to the state in the
25 absence of a federal fishery management plan for scallops or in the event that a federal
26 fishery management plan for scallops delegates authority to the state to manage scallop
27 fisheries in the United States exclusive economic zone.

28 * Sec. 3. AS 16.43 is amended by adding a new section to read:

29 **Sec. 16.43.906. Vessel permits for weathervane scallop fishery.** (a) The
30 commission shall issue annual vessel permits for commercial fishing vessels used in
31 the weathervane scallop fishery. The commission shall issue vessel permits to the

1 vessel upon application by the vessel owner. The commission shall issue separate
2 vessel permits for each registration area. The weathervane scallop fishery registration
3 areas are the statewide Alaska weathervane scallop fishery registration area and the
4 area H weathervane scallop fishery registration area.

5 (b) A vessel permit is a use privilege authorizing the vessel to take
6 weathervane scallops in the registration area for which the vessel permit is issued. The
7 use privilege conveyed by a vessel permit may be modified or revoked by the
8 legislature without compensation.

9 (c) On or after July 1, 1997, a commercial fishing vessel may not be used to
10 take weathervane scallops in a registration area unless a vessel permit for that
11 registration area has been issued under this section for the vessel.

12 (d) The commission may not issue a vessel permit under this section to a
13 commercial fishing vessel for the statewide Alaska weathervane scallop fishery
14 registration area for the period from June 30, 1997, through June 30, 2001, inclusive,
15 unless

16 (1) the vessel has landed at least 1,000 pounds of weathervane scallops
17 that were legally taken in the statewide Alaska weathervane scallop fishery registration
18 area

19 (A) during calendar year 1995 or 1996; and

20 (B) during each of at least four calendar years between 1984
21 and 1996, inclusive; or

22 (2) the vessel qualifies for a vessel permit for the area H weathervane
23 scallop fishery registration area under (e) of this section.

24 (e) The commission may not issue a vessel permit under this section to a
25 commercial fishing vessel for the area H weathervane scallop fishery registration area
26 for the period from July 1, 1997, through June 30, 2001, inclusive, unless the vessel
27 has landed at least 1,000 pounds of weathervane scallops that were legally taken in the
28 area H weathervane scallop fishery registration area

29 (1) during calendar year 1994 or 1996; and

30 (2) during each of at least three calendar years between 1984 and 1996,
31 inclusive.

1 (f) Notwithstanding (d) and (e) of this section, a vessel owner who does not
2 own a commercial fishing vessel that qualifies for a vessel permit for a scallop fishery
3 registration area may receive a vessel permit for that registration area if the vessel
4 owner owned two or more commercial fishing vessels whose combined participation
5 in the scallop fishery for that registration area would satisfy the requirements for a
6 vessel permit for that registration area under this section. The commission shall issue
7 a vessel permit under this subsection to the last commercial fishing vessel that the
8 vessel owner owned to satisfy the requirements for the vessel permit for the
9 registration area if the vessel owner still owned that commercial fishing vessel on
10 July 1, 1997.

11 (g) Notwithstanding (d) - (f) of this section, the commission shall reissue a
12 vessel permit upon request of a person who is the owner of a vessel for which a vessel
13 permit has been issued under this section to another vessel owned by the person if the
14 vessel to which the vessel permit is to be reissued does not have an overall length or
15 horsepower rating exceeding the length or horsepower rating of the vessel for which
16 the vessel permit was initially issued. The vessel from which the vessel permit was
17 transferred may no longer be used in the fishery for which the vessel permit was
18 issued unless another vessel permit is reissued to the vessel. This subsection does not
19 authorize the issuance of more vessel permits than are authorized under (d) - (f) of this
20 section.

21 (h) Use of a vessel in a weathervane scallop fishery on or after July 1, 1997,
22 may not be used to establish eligibility for a vessel permit for a weathervane scallop
23 fishery that may be issued after June 30, 2001.

24 (i) Subsections (d) - (h) of this section may be superseded by regulations
25 adopted by the commission under subsequent legislation enacted by the legislature
26 authorizing

27 (1) a permanent vessel permit limited entry system for the weathervane
28 scallop fishery; or

29 (2) termination of the temporary moratorium on issuance of new vessel
30 permits established by this subsection.

31 (j) An application for a vessel permit under this section must contain the name

1 of each permit holder authorized to operate the vessel in the weathervane scallop
2 fishery and other information the commission may require to implement this section.
3 The owner of a vessel for which a vessel permit is issued shall notify the commission
4 in writing of a change in the permit holders who are authorized to operate the vessel
5 in the weathervane scallop fishery. In this subsection, "permit holder" means a person
6 who holds an entry permit or interim-use permit issued under this chapter for the
7 weathervane scallop fishery.

8 (k) If a commercial fishing vessel that qualifies for a vessel permit under this
9 section or that is issued a vessel permit under this section is sunk, destroyed, or
10 damaged to the extent that the vessel is inoperable for a weathervane scallop fishing
11 season, the commission may, upon the request of the owner of the vessel, reissue the
12 vessel permit for that fishing season to another commercial fishing vessel with an
13 overall length and horsepower rating that does not exceed the overall length and
14 horsepower rating of the vessel that was sunk, destroyed, or damaged.

15 (l) The fee for the annual vessel permit is \$1,000. A vessel permit is valid for
16 the calendar year that is inscribed on the license.

17 (m) The commission shall, in cooperation with the Department of Fish and
18 Game, conduct investigations to determine whether an alternative form of
19 nontransferable vessel or limited entry permit system or other management program
20 is appropriate for weathervane scallop fisheries in the state.

21 (n) The commission may adopt regulations that the commission considers
22 necessary to implement this section.

23 (o) In this section,

24 (1) "area H weathervane scallop fishery registration area" means the
25 marine waters of Cook Inlet north of the latitude of Cape Douglas (58 degrees 52
26 minutes North latitude) and west of the longitude of Cape Fairfield (148 degrees 50
27 minutes West longitude);

28 (2) "landed" includes catching or catching and processing of
29 weathervane scallops taken in state waters or the adjacent United States exclusive
30 economic zone for sale as evidenced by a Department of Fish and Game fish ticket;

31 (3) "statewide Alaska weathervane scallop fishery registration area"

1 means the marine waters of the state and the adjacent United States exclusive
2 economic zone, outside of the area H weathervane scallop fishery registration area.

3 * Sec. 4. AS 16.43.911(c) is amended to read:

4 (c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may
5 release to the owner of a vessel information on the vessel's history of harvests in a
6 [THE KOREAN HAIR CRAB] fishery that is necessary to apply for a vessel permit
7 under AS 16.43.901 - 16.43.906.

8 * Sec. 5. Section 5, ch. 126, SLA 1996, is amended to read:

9 Sec. 5. AS 16.43.901 [AND 16.43.911], added by sec. 3 of this Act, is [ARE]
10 repealed July 1, 2000.

11 * Sec. 6. AS 16.43.906, added by sec. 3 of this Act, and AS 16.43.911 are repealed July 1,
12 2001.

13 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

Bill History/Action Display



BILL: HB 538 SHORT TITLE: HAIR CRAB VESSELS; LTD ENTRY FOR VESSELS
 BILL VERSION: CSHB 538(2D FSH)
 SPONSOR(S): COMMUNITY AND REGIONAL AFFAIRS

CURRENT STATUS: CHAPTER 126 SLA 96 STATUS DATE: 7/03/96
 EFFECTIVE DATE OF LAW 7/4/96

TITLE: "An Act relating to vessels participating in the Bering Sea Korean hair crab fishery; relating to a vessel permit limited entry system; and providing for an effective date."

[Full Text](#) Detailed 2000 fiscal note information currently not available on-line.

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
3/06/96	<u>2995</u>	(H) READ THE FIRST TIME - REFERRAL(S)
3/06/96	<u>2995</u>	(H) FISHERIES
3/13/96	<u>3113</u>	(H) FSH RPT CS(FSH) 2DP 3NR
3/13/96	<u>3113</u>	(H) DP: AUSTERMAN, ELTON
3/13/96	<u>3113</u>	(H) NR: G.DAVIS, OGAN, MOSES
3/13/96	<u>3113</u>	(H) ZERO FISCAL NOTE (F&G)
4/17/96	<u>3826</u>	(H) RETURN TO FSH COMMITTEE
4/19/96	<u>3878</u>	(H) FSH RPT CS(2D FSH) NT 2DP 3NR
4/19/96	<u>3879</u>	(H) DP: ELTON, AUSTERMAN
4/19/96	<u>3879</u>	(H) NR: G.DAVIS, MOSES, OGAN
4/19/96	<u>3879</u>	(H) ZERO FISCAL NOTE (F&G) 3/13/96
4/24/96	<u>4000</u>	(H) RULES TO CALENDAR 4/24/96
4/24/96	<u>4000</u>	(H) READ THE SECOND TIME
4/24/96	<u>4001</u>	(H) 2D FSH CS ADOPTED UNAN CONSENT
4/24/96	<u>4001</u>	(H) ADVANCED TO THIRD READING UNAN CONSENT
4/24/96	<u>4001</u>	(H) READ THE THIRD TIME CSHB 538(2D FSH)
4/24/96	<u>4001</u>	(H) PASSED Y37 E2 A1
4/24/96	<u>4002</u>	(H) EFFECTIVE DATE(S) SAME AS PASSAGE
4/24/96	<u>4020</u>	(H) TRANSMITTED TO (S)
4/25/96	<u>3549</u>	(S) READ THE FIRST TIME - REFERRAL(S)
4/25/96	<u>3550</u>	(S) RESOURCES
4/29/96	<u>3704</u>	(S) RES RPT 2DP 2NR 1DNP
4/29/96	<u>3704</u>	(S) PREVIOUS H ZERO FN (F&G)
5/03/96	<u>3875</u>	(S) RULES TO CALENDAR 5/3/96
5/03/96	<u>3887</u>	(S) READ THE SECOND TIME
5/03/96	<u>3887</u>	(S) ADVANCED TO THIRD READING UNAN CONSENT
5/03/96	<u>3887</u>	(S) READ THE THIRD TIME CSHB 538(2D FSH)
5/03/96	<u>3888</u>	(S) PASSED Y13 N5 E2
5/03/96	<u>3888</u>	(S) EFFECTIVE DATE PASSED Y18 N- E1 A1
5/03/96	<u>3888</u>	(S) PEARCE NOTICE OF RECONSIDERATION
5/04/96	<u>3945</u>	(S) RECONSIDERATION NOT TAKEN UP
5/04/96	<u>3945</u>	(S) RETURN TO (H), TRANSMIT TO GOVERNOR NEXT
10/21/96	<u>4799</u>	(H) 10:10 AM 6/18/96 TRANSMITTED TO GOVERNOR
10/21/96	<u>4840</u>	(H) SIGNED INTO LAW 7/3 CHAPTER 126 SLA 96
10/21/96	<u>4840</u>	(H) EFFECTIVE DATE OF LAW 7/4/96

Similar Subject Match or Exact Subject Match

BOARDS & COMMISSIONS

FISH & GAME (FISH)

LICENSING



CS FOR HOUSE BILL NO. 538(2d FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 4/19/96

Referred: Rules

Sponsor(s): HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vessels participating in the Bering Sea Korean hair crab
2 fishery; relating to a vessel permit limited entry system; and providing for an
3 effective date."

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

5 * **Section 1. LEGISLATIVE FINDINGS AND INTENT.** (a) The legislature finds that

6 (1) fishing effort in the Bering Sea Korean hair crab fishery has reached levels
7 that may threaten the economic welfare of the fishery, the overall efficiency of the fishery,
8 and the sustained yield management of the Bering Sea Korean hair crab resource;

9 (2) the conventional limited entry system under AS 16.43 will not adequately
10 protect the economic health and stability of the fishery or promote the sustained yield
11 management of the Bering Sea Korean hair crab fishery resource;

12 (3) the Bering Sea Korean hair crab fishery should provide for some entry
13 level opportunities for fishermen;

14 (4) establishment of a vessel permit system for the Bering Sea Korean hair

1 crab fishery that occurs beyond five miles from shore will promote the purposes of art. VIII,
2 sec. 15, Constitution of the State of Alaska, and of AS 16.43, if the system maintains the
3 current levels of fishing capacity in the fishery;

4 (5) establishment of a moratorium on the issuance of vessel permits to new
5 vessels seeking to enter the Bering Sea Korean hair crab fishery that occurs beyond five miles
6 from shore promotes the purposes of art. VIII, sec. 15, Constitution of the State of Alaska, and
7 of AS 16.43 while providing an opportunity to study and evaluate the feasibility of a
8 permanent vessel permit limited entry system for the Bering Sea Korean hair crab fishery and
9 other fisheries;

10 (6) a limitation on the size of vessels engaged in the near shore fishery for
11 Bering Sea Korean hair crab is necessary to provide an opportunity for the small boat fleet
12 of the state to participate in the fishery, allow increased participation in the fishery without
13 jeopardizing sustained yield management and viability of the Bering Sea Korean hair crab
14 resource and fishery, and foster economic development.

15 (b) It is the intent of the legislature that the Board of Fisheries maintain 100 percent
16 observer coverage for all vessels engaged in taking Bering Sea Korean hair crab.

17 * Sec. 2. AS 16.05.835 is amended to read:

18 Sec. 16.05.835. MAXIMUM LENGTH OF SALMON SEINE AND
19 CERTAIN KOREAN HAIR CRAB VESSELS. (a) A salmon seine vessel may not
20 be longer than 58 feet overall length except vessels that have fished for salmon with
21 seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard
22 register length vessels.

23 (b) A vessel engaged in the Bering Sea Korean hair crab fishery within
24 five miles of the shore may not be longer than 58 feet overall length.

25 (c) In this section, "overall length" means the straight line length between the
26 extremities of the vessel excluding anchor rollers.

27 * Sec. 3. AS 16.43 is amended by adding new sections to read:

28 ARTICLE 6A. VESSEL PERMITS FOR THE HIGH SEA BERING
29 SEA KOREAN HAIR CRAB FISHERY.

30 Sec. 16.43.901. VESSEL PERMITS. (a) The commission shall issue annual
31 vessel permits for commercial fishing vessels used in the Bering Sea Korean hair crab

1 fishery that occurs beyond five miles from shore. The commission shall issue vessel
2 permits to the vessel upon application by the vessel owner. The commission may
3 establish administrative areas for the Bering Sea Korean hair crab fishery that occurs
4 beyond five miles from shore and issue separate vessel permits for each administrative
5 area.

6 (b) A vessel permit is a use privilege authorizing the vessel to take Bering Sea
7 Korean hair crab beyond five miles from shore in the administrative area for which the
8 vessel permit is issued. The use privilege conveyed by a vessel permit may be
9 modified or revoked by the legislature without compensation.

10 (c) After July 1, 1996, a commercial fishing vessel may not be used to take
11 Korean hair crab in the Bering Sea beyond five miles from shore unless a vessel
12 permit has been issued under this section for the vessel.

13 (d) After July 1, 1996, and through June 30, 2000, the commission may not
14 issue a vessel permit under this section to a commercial fishing vessel, unless the
15 vessel either had legally participated in a directed Korean hair crab fishery in the
16 Bering Sea and landed Korean hair crab in at least one calendar year during 1993
17 through 1995, inclusive, or was acquired between 1993 and 1995, inclusive, as a
18 replacement for a vessel that would be eligible to receive a vessel permit but is no
19 longer used in the fishery. Use of a vessel in the Bering Sea Korean hair crab fishery
20 after July 1, 1996, may not be used to establish eligibility for a vessel permit for the
21 Bering Sea Korean hair crab fishery that occurs beyond five miles from shore that may
22 be issued after June 30, 2000. This subsection may be superseded by regulations
23 adopted by the commission under subsequent legislation enacted by the legislature
24 authorizing

25 (1) a permanent vessel permit limited entry system; or

26 (2) termination of the temporary moratorium on issuance of new vessel
27 permits established by this subsection.

28 (e) An application for a vessel permit under this section must contain the
29 names of the interim-use permit holders authorized to operate the vessel in the Bering
30 Sea Korean hair crab fishery that occurs beyond five miles from shore and other
31 information the commission may require to implement this section. The owner of a

1 vessel for which a vessel permit is issued shall notify the commission in writing of a
2 change in the interim-use permit holders who are authorized to operate the vessel in
3 the Bering Sea Korean hair crab fishery that occurs beyond five miles from shore.

4 (f) If a commercial fishing vessel that qualifies for a vessel permit under this
5 section is sunk, destroyed, or damaged to the extent that the vessel is inoperable for
6 a Bering Sea Korean hair crab fishing season, the commission may, upon the request
7 of the owner of the vessel, reissue the vessel permit to another commercial fishing
8 vessel with an overall length that does not exceed the overall length of the vessel that
9 was sunk, destroyed, or damaged.

10 (g) The fee for the use privileges conveyed by the vessel permit is \$1,000.

11 (h) The commission may adopt regulations to implement AS 16.43.901 -
12 16.43.911.

13 Sec. 16.43.911. APPLICABILITY OF OTHER STATUTES. (a) In addition
14 to the penalties imposed under AS 16.43.960, the commission may also revoke,
15 suspend, or transfer all vessel permits for violations under AS 16.43.960(a).

16 (b) In addition to the penalties imposed under AS 16.43.970(a), upon a first
17 or second conviction under AS 16.43.970, the court may in its discretion order a
18 forfeiture of vessel permits, as well as a loss of eligibility for future issuance of vessel
19 permits, or order a suspension of fishing rights under vessel permits held or to be held
20 for a period of not more than three years. Upon a third conviction under
21 AS 16.43.970, all vessel permits held are forfeited, and the vessels for which the
22 permits are issued lose eligibility for future issuance of vessel permits for a period of
23 three years.

24 (c) Notwithstanding AS 16.05.815 and AS 16.43.975, the commission may
25 release to the owner of a vessel information on the vessel's history of harvests in the
26 Korean hair crab fishery that is necessary to apply for a vessel permit.

27 (d) AS 16.43.901 - 16.43.911 do not alter the requirement for an interim-use
28 permit or entry permit under AS 16.43.140 or a vessel license under AS 16.05.490 -
29 16.05.530.

30 (e) Nothing in AS 16.43.901 - 16.43.911 limits the powers of the Board of
31 Fisheries or the Alaska Department of Fish and Game.

1 * **Sec. 4.** The Department of Law shall prepare on behalf of and under the policy direction
2 of the Alaska Commercial Fisheries Entry Commission draft legislation establishing a vessel
3 permit limited entry program that may be used for fisheries in which the current limited entry
4 program under AS 16.43 will not effectively achieve the purposes of that chapter. The draft
5 legislation shall be submitted to the resource committees of the Alaska Senate and the Alaska
6 House of Representatives on or before the 10th legislative day of the First Session of the
7 Twenty-First Alaska State Legislature.

8 * **Sec. 5.** AS 16.43.901 and 16.43.911, added by sec. 3 of this Act, are repealed July 1,
9 2000.

10 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).