



LAWS OF ALASKA

1995

Source
CSHB 107(FSH)

Chapter No.
82

AN ACT

Relating to restrictions attached to certain commercial fisheries limited entry permits.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 16, 1995
Actual Effective Date: September 14, 1995

AN ACT

1 Relating to restrictions attached to certain commercial fisheries limited entry permits.

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3 * Section 1. FINDINGS. The legislature finds that

4 (1) limited entry is an important state management tool to promote
5 conservation and sustained yield management of fisheries resources of the state and to
6 preserve and sustain the benefits of fisheries development for Alaska;

7 (2) there is a need for effective access restrictions; however, in some fisheries
8 access restrictions alone do not adequately control post-limitation increases in fishing capacity
9 and effort;

10 (3) restricting the fishing capacity associated with entry permits for a particular
11 fishery would make a portion of the entry permits for that fishery more affordable for entry
12 level fishermen;

13 (4) this Act allows the Alaska Commercial Fisheries Entry Commission to

Chapter 82

1 "grandfather" participants into newly limited fisheries at levels of fishing capacity that reflect
2 each participant's historic level of participation before limitation; and

3 (5) this Act does not alter or limit the powers of the Board of Fisheries to
4 impose additional restrictions on fishing capacity.

5 * Sec. 2. AS 16.43.150(a) is amended to read:

6 (a) Except as may be otherwise provided under AS 16.43.270(d), an
7 [EACH] entry permit authorizes the permittee to operate a unit of gear within a
8 specified fishery.

9 * Sec. 3. AS 16.43.270 is amended by adding a new subsection to read:

10 (d) The commission may restrict the fishing capacity employed under an entry
11 permit if, before the initial issuance of entry permits for a fishery, the commission
12 determines that the fishing capacity in the fishery must be limited to achieve the
13 purposes of this chapter, establishes criteria for determining the fishing capacity that
14 is allowed under an entry permit, and establishes how fishing capacity will be
15 measured. The maximum fishing capacity allowed under an entry permit must be
16 based upon past participation in the fishery by the initial recipient of the entry permit
17 during a period, specified by the commission, preceding the qualification date
18 established under AS 16.43.260. The commission may define fishing capacity in terms
19 of quantity of fishing gear, a proportion of the maximum amount of gear that can be
20 utilized in the fishery under regulations of the Board of Fisheries, fishing vessel size
21 or other characteristics, or other factors determined by the commission to affect the
22 amount of fishing effort in the fishery. The recipient or transferee of an entry permit
23 issued subject to this subsection may not exceed the fishing capacity allowed under the
24 entry permit.