

DEMERIT POINTS

In 1998, the Alaska Legislature enacted a law which assesses demerit points against salmon permit holders for fishing violations. The Commercial Fisheries Entry Commission (CFEC) is notified of those convictions by the Alaska Court System and assesses demerit points. An accumulation of points may result in the suspension of a permit for one to three years.

After CFEC is notified of the conviction, the permit holder is sent a letter advising him/her of the conviction and demerit point assessment and given 45 days to request a hearing. The hearing rights are for the purpose of contesting the assessment of points but not for the violations themselves. Questions about fishing violations must be dealt with through court system personnel. CFEC only administers the demerit point system once there is a conviction.

Demerit points are assessed against the permit holder for the fishery in which the violation occurred. If a permit has been emergency transferred and a violation occurs while the transferee is fishing the permit, any demerit points assessed for the violation will be assessed against both the transferor and the transferee.

CFEC will suspend a permit holder's commercial salmon fishing privileges for a period of one year if the permit holder accumulates 12 or more demerit points in a consecutive 36 month period as a result of convictions for violations of commercial fishing laws in the salmon fishery. Likewise, a permit will be suspended for two years if 16 or more points are accumulated in a 36 month period or three years if 18 or more points are accumulated in a 36 month period. To date, only one permit has been suspended for one year for violations accumulated in 1998 and 1999.

Also, AS 16.43.860 states that a permit holder who is suspended from fishing will not be allowed to crew in the fishery and will not be able to lease or rent his/her vessel for use in the salmon fishery for which the permit holder's fishing privileges are suspended.

Most of the demerit points assessed so far are from fishing violations occurring in Bristol Bay.

Information regarding demerit points can be found on CFEC's website at www.cfec.state.ak.us. You can also call 907-789-6150 for more information.

Under AS 16.43.850(b), points are assessed for the following:

Fishing in closed waters.....	6 points
Fishing during closed season or period.....	6 points
Fishing with more than the legal amount of gear	4 points
Fishing with gear not allowed in fishery.....	6 points
Fishing before expiration of transfer period	6 points
Interfering with commercial fishing gear.....	4 points
Fishing with more than the legal amount of gear on vessel.....	4 points
Improper operation of fishing gear	4 points
Permit holder not present when required.....	4 points
Fishing with underlength or overlength vessel	6 points
Wanton waste of fishery resources.....	4 points

