** COVID-19 HEALTH MANDATE **

Issued: April 23, 2020
Revised: May 22, 2020

By: Governor Mike Dunleavy
Commissioner Adam Crum Alaska Department of Health and Social Services
Dr. Anne Zink, Chief Medical Officer, State of Alaska

To slow the spread of Coronavirus Disease 2019 (COVID-19), the State of Alaska is issuing its seventeenth health mandate, based on its authority under the Public Health Disaster Emergency Declaration signed by Governor Mike Dunleavy on March 11, 2020.

Given the ongoing concern for new cases of COVID-19 being transmitted via community spread within the state, Governor Dunleavy and the State of Alaska issued Mandate 017 to **become effective April 24, 2020 at 8:00 a.m. This Mandate has been reviewed, and will remain in effect until rescinded or superceded**.

This Mandate is issued to protect the public health of Alaskans. By issuing this Mandate, the Governor is establishing consistent mandates across the State in order to mitigate the impact of COVID-19. The goal is to flatten the curve and disrupt the spread of the virus.

The purpose of this Mandate is to enact protective measures for independent commercial fishing vessels operating within Alaskan waters and ports in order to prevent, slow, and otherwise disrupt the spread of the virus that causes COVID-19.

The State of Alaska acknowledges the importance of our commercial fishing fleet to our economy and lifestyle as Alaskans. In order to ensure a safe, productive fishing season this year, while still protecting Alaskan communities to the maximum extent possible from the spread of the virus, the State is establishing standardized protective measures to be followed by all independent commercial fishing vessels operating in Alaskan waters and ports.

Health Mandate 017 – Protective Measures for Independent Commercial Fishing Vessels.

I. Applicability

a. Definition: For the purposes of this Mandate, "independent commercial fishing vessels" are defined as all catcher and tender vessels that have not agreed to operate under a fleet-wide plan submitted by a company, association, or entity that represents a fleet of vessels. This Mandate alleviates the requirement for independent commercial fishing vessels to submit a Community/Workforce Protective Plan in response to Health Mandate 010.

b. For the purposes of this Mandate, "independent commercial fishing harvesters" are defined as all commercial fishing harvesters who do not meet the definition for independent commercial fishing vessels above, and that have not agreed to operate under a fleet-wide plan submitted by a company, association, or entity that represents a fisheries sector. This Mandate alleviates the requirement for independent commercial fishing harvesters to submit a Community/Workforce Protective Plan in response to Health Mandate 010.

II. Required Protective Measures/Plans

a. Independent commercial fishing vessels operating in Alaskan waters and ports must enact the protective measures and procedures described in Appendix 01, the Alaska Protective Plan for Commercial Fishing Vessels.

b. Vessel captains must enact controls on their vessel to ensure crewmember compliance with this Mandate.

c. Independent commercial fishing harvest operations in Alaskan waters must enact the protective measures and procedures described in Appendix 03, the Alaska Protective Plan for Independent Commercial Fishing Harvesters.

d. Site Managers must enact controls at their harvesting operation to ensure harvester compliance with this Mandate.

III. Travel and Access

a. Compliance with this Mandate does not constitute a right to travel or access into any areas.

b. It is incumbent upon the individual traveler to ensure that any proposed travel itinerary is still possible, and to adhere to any additional restrictions enacted by air carriers and lodging facilities or by small communities.

IV. Compliance and Penalties

a. Vessel captains and Site Managers are required to maintain documentation as directed by Appendix 01, Paragraph I, or Appendix 03, Paragraph III, and must provide a copy of the Mandate 017 Acknowledgement Form (Appendix 02) upon

request by any seafood purchasing agent or Federal, State, or local authority, to include law enforcement and fisheries regulators.

b. A violation of a State COVID-19 Mandate may subject a business or organization to an order to cease operations and/or a civil fine of up to $1,000 per violation.

c. In addition to the potential civil fines noted above, a person or organization that fails to follow the State COVID-19 Mandates designed to protect the public health from this dangerous virus and its impacts may, under certain circumstances, also be criminally prosecuted for Reckless Endangerment pursuant to Alaska Statute 11.41.250. Reckless endangerment is defined as follows:

> (a) A person commits the crime of reckless endangerment if the person recklessly engages in conduct, which creates a substantial risk of serious physical injury to another person.
> (b) Reckless endangerment is a class A misdemeanor.

Pursuant to Alaska Statute 12.55.135, a defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

Additionally, under Alaska Statute 12.55.035, a person may be fined up to $25,000 for a class A misdemeanor, and a business organization may be sentenced to pay a fine not exceeding the greatest of $2,500,000 for a misdemeanor offense that results in death, or $500,000 for a class A misdemeanor offense that does not result in death.

This Mandate Supersedes And Replaces All Previously Submitted Protective Plans For Independent Commercial Fishing Vessels.

This Mandate Does Not Supersede Or Replace Any Previously Enacted Protective Plans For Corporate Vessel Fleets.