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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Nicole Lynch
Alaska Commercial Fisheries Entry Commission

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: August 19, 2022

RE: Filed Permanent Regulations: Alaska Commercial Fisheries Entry Commission

Alaska Commercial Fisheries Entry Commission regulations re: Northern Southeast Sablefish Fishery and Tanner Crab (20 AAC 05.220, .230)

Attorney General File:	2022200239
Regulation Filed:	8/19/2022
Effective Date:	9/18/2022
Print:	243, October 2022

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE COMMERCIAL FISHERIES ENTRY COMMISSION

The attached 5 pages of regulations, dealing with changes to gear codes and administrative areas, are certified to be a correct copy of the regulation changes that the Commercial Fisheries Entry Commission adopted at its July 27, 2022 meeting, under the authority of AS 16.43.110 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Commercial Fisheries Entry Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: _____

Glenn Haight Digitally signed by Glenn Haight
Date: 2022.07.28 11:30:55 -08'00'

Glenn Haight, Chair

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

August 19, 2022 at 2:43 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Kevin Meyer
for Lieutenant Governor *Kevin Meyer*

Effective: September 13, 2022.

Register: 243, October 2022.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer
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**KEVIN MEYER
LIEUTENANT GOVERNOR**

20 AAC 05.220(a) is amended to read:

(a) A number code from the following schedule will be used to indicate the specific type of gear for which an interim-use or entry permit is issued:

Code

- 01 purse seine (hand or power)
- 1 (A - D) herring gillnet and seine, combined fishery, with vessel restrictions++
- 02 beach seine
- 03 drift gillnet
- 04 set gillnet
- 05 hand troll
- 06 longline (registered vessel length under 60 feet)
- 07 otter trawl
- 7 (A - D) trawl with vessel restrictions++
- 7 (F - I) trawl gear for miscellaneous saltwater finfish fishery+++
- 08 fish wheel 9 pot gear (Area A king and Tanner crab fisheries)
- 09 pot gear (registered vessel length under 60 feet)
- 9 (A - D) pot gear with permit restrictions++
- 10 ring nets
- 11 diving gear
- 12 hand picking**
- 15 power troll
- 17 beam trawl

- 18 shovel
- 21 pound*
- 2 (A - B) scallop dredge (A is for vessels with an overall length of more than 80 feet, and B is for vessels with an overall length of 80 feet or less)
- 23 mechanical or hydraulic digger
- 25 dinglebar troll gear
- 26 power-driven mechanical jigging machine
- 31 herring gillnet and purse seine, combined permit
- 34 herring gillnet
- 37 pair trawl
- 4 (A - D) net gear with vessel restrictions (includes trawl or any other gear authorized by the Board of Fisheries that catches fish with nets and, as specified under 5 AAC 28.230, pot gear)++
- 5 (A - D) fixed gear with permit restrictions (includes longline or any other gear authorized by the Board of Fisheries that catches fish with fishing hooks and, as specified under 5 AAC 28.230, pot gear)++
- 50 longline and pot gear (registered vessel length under 60 feet)
- 51 longline and pot gear (registered vessel length 60 feet or over)
- 61 longline (required for vessels with registered vessel length 60 feet or over, but may be used aboard smaller vessels)++++
- 6 (A - B) longline gear for miscellaneous saltwater finfish fishery (A is for vessels with an overall length of 90 feet or over and B is for vessels with an overall length of at least 60 feet but less than 90 feet)

- 77 institutional (all legal gear types used in a special harvest area or by the holder of an educational entry permit)
- 80 fishing derby (as authorized under AS 16.05.662)
- 91 pot gear (required for vessels with registered vessel length 60 feet or over, but may be used aboard smaller vessels)
- 97 aquatic farming (required to harvest, from an aquatic farm under 5 AAC 41.200 – 5 AAC 41.400, wild stock of a species identified for culture in the operation permit)
- 99 other

* A herring pound permit allows the incidental use of other gear when operated in compliance with a pound permit issued by the commissioner of fish and game.

** A hand picking permit in the Prince William Sound herring wild spawn-on-kelp fishery includes and authorizes use of diving gear.

++ A permit issued with this gear code restricts the fishing capacity that a permit holder can use, as set out in 20 AAC 05.764, 20 AAC 05.779, 20 AAC 05.823, or 20 AAC 05.831.

+++ For miscellaneous saltwater finfish trawl permits, F-I corresponds to the overall length of the vessel indicated on the permit as follows: F is for an overall length less than 60 feet; G is for an overall length at least 60 feet but less than 90 feet; H is for an overall length 90 feet to 125 feet; and I is for an overall length more than 125 feet. A permit with G, H, or I may be used on a vessel that is smaller than the vessel that corresponds with the permit.

++++ A permit with this gear code issued for the **Northern Southeast Inside sablefish longline fishery or Southern Southeast Inside sablefish longline fishery** **includes** [INCLUDES] pot gear. (Eff. 12/18/74, Register 52; am 4/9/76, Register 58; am 1/1/78, Register 64; am 12/27/79, Register 72; am 12/30/82, Register 84; am 3/16/83, Register 85; am 11/25/84, Register 92; am

11/22/87, Register 104; am 3/3/94, Register 129; am 5/4/95, Register 134; am 12/15/95, Register 136; am 8/9/96, Register 139; am 9/13/2001, Register 159; am 1/2/2003, Register 164; am 11/6/2005, Register 176; am 7/20/2006, Register 179; am 6/1/2013, Register 206; am 5/11/2017, Register 222; am 6/25/2020, Register 234; am 9/18/2022, Register 243)

Authority: AS 16.43.100 AS 16.43.140
AS 16.43.110 AS 16.43.990

20 AAC 05.230(a)(5) is amended to read:

(5) Tanner crab administrative areas.

Code *((bold - so in original))*

- | Letter | Name and Description |
|-----------|--|
| A - H | Tanner Crab Administrative Areas A - H are the same as those Tanner crab registration areas established in 5 AAC 35.005. |
| K | Kodiak Area - all waters of the Kodiak District as described in 5 AAC 35.505(a). |
| L | Chignik Area - all waters of the Chignik District as described in 5 AAC 35.505(f) <u>and waters of the Semidi Island Overlap Section of the Kodiak District as described in 5 AAC 35.505(a)(5).</u> |
| M | Alaska Peninsula Area - all waters of the South Peninsula District as described in 5 AAC 35.505(b). |
| O | Dutch Harbor Area - all waters of the Eastern Aleutians District as described in 5 AAC 35.505(c). |
| Q | Bering Sea Area - all waters of the Bering Sea District as described in 5 AAC 35.505(e). |
| Q (A - F) | Bering Sea Area - all waters of the CDQ crab fishery authorized under 5 AAC |

39.690 within the Bering Sea District of Registration Area J as described in 5 AAC 35.505(e).

R Adak-Western Aleutians Area - all waters of the Western Aleutians District as described in 5 AAC 35.505(d).

(Eff. 12/18/74, Register 52; am 5/12/75, Register 54; am 4/9/76, Register 58; am 2/25/77, Register 61; am 1/21/78, Register 65; am 3/2/80, Register 73; am 1/2/81, Register 77; am 1/29/82, Register 81; am 10/30/82, Register 84; am 12/30/82, Register 84; am 2/29/84, Register 89; am 10/28/84, Register 92; am 11/25/84, Register 92; am 12/29/84, Register 92; am 4/13/85, Register 94; am 8/24/85, Register 95; am 9/26/85, Register 95; am 12/22/85, Register 96; am 11/22/87, Register 104; am 12/20/87, Register 104; am 8/20/89, Register 111; am 1/17/91, Register 117; am 1/2/92, Register 121; am 2/11/95, Register 133; am 5/4/95, Register 134; am 12/14/95, Register 136; am 12/4/96, Register 140; am 1/21/98, Register 145; am 5/16/2002, Register 162; am 9/21/2003, Register 167; am 5/6/2004, Register 170; am 12/1/2004, Register 172; am 11/6/2005, Register 176; am 12/21/2005, Register 176; am 11/23/2008, Register 188; am 11/20/2009, Register 192; am 12/31/2010, Register 196; am 6/1/2013, Register 206; am 12/25/2013, Register 208; am 9/18/2022, Register 243)

Authority: AS 16.43.100

AS 16.43.200

AS 16.43.110