

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

The attached 13 pages of regulations to add new gear codes for the statewide sablefish fishery, to amend food stamp permit fee reductions so those regulations will no longer need to be updated annually, to increase the maximum number of permits in the Southeast shrimp pot fishery by two to reflect actual participation, to correct a definition pertaining to the Kodiak bairdi Tanner crab fishery, to repeal all regulations relating to the Bering Sea hair crab vessel permit fishery, to correct a cross-reference in a regulation regarding transfer of permits upon death of the holder, and to amend the definition of hardship that applies to emergency transfers are certified to be a correct copy of the regulation changes that the Commercial Fisheries Entry Commission adopted at its April 22, 2020 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.

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:

4/23/2020



Fate Putman, Chair

April Simpson for

FILING CERTIFICATION

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

May 26th, 2020 at 12:48 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for Lieutenant Governor *Kevin Meyer*

Effective: June 25, 2020.

Register: 23rd, July 2020.

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.



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

- 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/pot gear (registered vessel length under 60 feet)
- 51 longline/pot gear (registered vessel length 60 feet and 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.

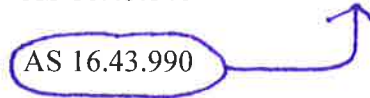
Register 234, July 2020 MISCELLANEOUS BOARDS

++++ A permit with this gear code issued for the Southern Southeast Inside sablefish longline fishery 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)

Authority: AS 16.43.100 AS 16.43.140

AS 16.43.110 AS 16.43.990



20 AAC 05.245(c) is amended to read:

(c) A **person** [RESIDENT OF THIS STATE] may apply **on a form prescribed by the commission** for a reduced fee for the issuance of an interim-use permit or the annual renewal of an interim-use or entry permit if the **person meets ^{the} eligibility standards for the federal food stamp program _{as described in} under AS 16.43.160(d)** [RESIDENT'S TOTAL FAMILY INCOME, AS DEFINED FOR THE FOOD STAMP PROGRAM IN 7 C.F.R. 273.9 – 273.11, AS REVISED AS OF JANUARY 1, 2019 AND ADOPTED BY REFERENCE, FALLS WITHIN THE POVERTY GUIDELINES PUBLISHED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN THE FEDERAL REGISTER ON FEBRUARY 1, 2019 AND ADOPTED BY REFERENCE, AND THE RESIDENT'S ASSETS AND RESOURCES DO NOT EXCEED THOSE ESTABLISHED FOR THE FOOD STAMP

PROGRAM IN 7 C.F.R. 273.8, AS REVISED AS OF JANUARY 1, 2019 AND ADOPTED BY REFERENCE]. ^A The person applying under this section must provide all documentation required on the form. The reduced fee for a resident entry or interim-use permit is 50 percent of the annual base fee determined under (a)(4) [(a)(1) – (6)] of this section. The reduced fee for a nonresident entry or interim-use permit is 50 percent of the annual base fee determined under (a)(4) of this section, in addition to the full amount of the annual nonresident surcharge under (a)(7) of this section.

20 AAC 05.245(d) is repealed:

(d) Repealed 6/16/2020

20 AAC 05.245(e) is repealed:

(e) Repealed 6/25/2020 (Eff. 10/27/2001, Register 160; am 5/16/2002, Register 162; am 12/21/2002, Register 164; am 12/6/2003, Register 168; am 12/1/2004, Register 172; am 11/6/2005, Register 176; am 10/28/2006, Register 180; am 11/10/2007, Register 184; am 11/23/2008, Register 188; am 11/20/2009, Register 192; am 12/31/2010, Register 196; am 12/25/2011, Register 200; am 12/27/2012, Register 204; am 12/25/2013, Register 208; am 11/13/2014, Register 212; am 11/4/2015, Register 216; am 11/16/2016, Register 220, am 10/29/2017, Register 224; am 11/25/2018, Register 228; am 12/21/2019, Register 232; am 6/25/2020, Register 234)

Authority:	AS 16.43.100	AS 16.43.140	AS 16.43.160
	AS 16.43.110	AS 16.43.150	AS 16.43.990

Register 234, July 2020 MISCELLANEOUS BOARDS

((*Publisher: please delete editor's note at end of 20AAC 05.245*))

[**EDITOR'S NOTE:** A COPY OF THE COMMERCIAL FISHERIES ENTRY

COMMISSION'S FORM *2020 FEDERAL INCOME GUIDELINES AND REDUCED PERMIT FEE APPLICATION* ADOPTED BY REFERENCE IN 20 AAC 05.245 MAY BE OBTAINED FROM THE COMMERCIAL FISHERIES ENTRY COMMISSION, 8800 GLACIER HWY., SUITE 109, P.O. BOX 110302, JUNEAU, AK 99811-0302. THE FORM IS ALSO AVAILABLE AT THE COMMERCIAL FISHERIES ENTRY COMMISSION'S WEBSITE AT <http://www.cfec.state.ak.us/>.]

20 AAC 05.250(b) is amended to read:

(b) Instead of the \$100 application fee required under (a) of this section, an applicant may pay a fee of \$50 if the applicant meets ^{the} eligibility standards for the federal food stamp _{as described in} program under AS 16.43.160(d) [APPLICANT'S TOTAL FAMILY INCOME, AS DEFINED FOR THE FOOD STAMP PROGRAM IN 7 C.F.R. 273.9 - 273.11, AS REVISED AS OF JANUARY 1, 2019 AND ADOPTED BY REFERENCE, FALLS WITHIN THE POVERTY GUIDELINES PUBLISHED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN THE FEDERAL REGISTER ON FEBRUARY 1, 2019 AND ADOPTED BY REFERENCE, AND THE APPLICANT'S ASSETS AND RESOURCES DO NOT EXCEED THOSE ESTABLISHED FOR THE FOOD STAMP PROGRAM IN 7 C.F.R. 273.8, AS REVISED AS OF JANUARY 1, 2019 AND ADOPTED BY REFERENCE]. (Eff. 1/30/87, Register 101; am 1/1/2000, Register 152; am 5/16/2002, Register 162; am 12/21/2002, Register 164; am 12/6/2003, Register 168; am 12/1/2004, Register 172; am 11/6/2005, Register 176; am 10/28/2006, Register 180; am 11/10/2007, Register 184;

Register 234, July 2020 MISCELLANEOUS BOARDS

am 11/23/2008, Register 188; am 11/20/2009, Register 192; am 12/31/2010, Register 196; am 12/25/2011, Register 200; am 12/27/2012, Register 204; am 12/25/2013, Register 208; am 11/13/2014, Register 212; am 11/4/2015, Register 216; am 11/16/2016, Register 220; am 10/29/2017, Register 224; am 11/25/2018, Register 228; am 12/21/2019, Register 232; am 6/25/2020, Register 234)

Authority: AS 16.43.100 AS 16.43.110

20 AAC 05.320(h) is amended to read:

(h) The maximum number of entry permits for the Southeast Alaska (A) shrimp fisheries designated in 20 AAC 05.310(i) is established as follows:

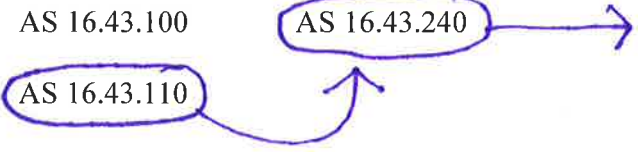
((no bold)) - Fisheries	Maximum Number of Entry Permits
(1) pot fishery	<u>334</u> [332]
(2) beam trawl fishery	41
(3) otter trawl fishery	6

(Eff. 12/18/74, Register 52; am 4/7/75, Register 54; 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 4/30/78, Register 66; am 1/25/80, Register 73; am 3/2/80, Register 73; am 2/15/81, Register 77; am 10/30/82, Register 84; am 11/25/84, Register 92; am 8/24/85, Register 95; am 12/22/85, Register 96; am 3/29/87, Register 101; am 12/20/87, Register 104; am 3/26/88, Register 105; am 12/30/89, Register 112; am 5/20/90, Register 114; am 11/14/93, Register 128; am 2/11/95, Register 133; am 10/1/95, Register 136; am 12/14/95, Register 136; am 12/15/95, Register 136; am 1/2/96, Register 136;

Register 234, July 2020 MISCELLANEOUS BOARDS

am 1/26/96, Register 137; am 8/9/96, Register 139; am 12/4/96, Register 140; am 5/29/97, Register 142; am 7/26/97, Register 143; am 8/2/97, Register 143; am 6/30/2000, Register 154; 1st add'l am 6/30/2000, Register 154; 2nd add'l am 6/30/2000, Register 154; am 9/13/2001, Register 159; am 10/31/2001, Register 160; am 1/2/2003, Register 164; am 11/6/2005, Register 176; am 12/25/2013, Register 208; am 6/25/2020, Register 234)

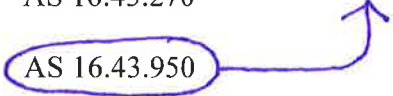
Authority: AS 16.43.100 AS 16.43.240
AS 16.43.110



20 AAC 05.831(d)(2) is amended to read:

(2) "overall length" means the horizontal distance between the outboard side of the foremost part of the stem [STERN] and the outboard side of the aftermost part of the stern, excluding fittings and attachments. (Eff. 1/2/2003, Register 164; am 11/6/2005, Register 176; am 6/25/2020, Register 234)

Authority: AS 16.43.100 AS 16.43.270
AS 16.43.110 AS 16.43.950



20 AAC 05.1400 is repealed:

20 AAC 05.1400. Establishment of vessel permit system. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1405 is repealed:

20 AAC 05.1405. Limitation of Bering Sea hair crab fishery. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

Register 234, July 2020 MISCELLANEOUS BOARDS

20 AAC 05.1407 is repealed:

20 AAC 05.1407. Application process for Bering Sea hair crab fishery vessel entry permit. Repealed. (Eff. 9/21/2003, Register 167; am 12/6/2003, Register 168; repealed 6/25/2020, Register 234)

20 AAC 05.1408 is repealed:

20 AAC 05.1408. Initial issuance of Bering Sea hair crab fishery vessel entry permit. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1409 is repealed:

20 AAC 05.1409. General provisions for the Bering Sea hair crab vessel permit system. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1410 is repealed:

20 AAC 05.1410. Substitution of Bering Sea hair crab fishery vessel. Repealed. (Eff. 9/21/2003, Register 167; am 12/1/2004, Register 172; repealed 6/25/2020, Register 234)

20 AAC 05.1414 is repealed:

20 AAC 05.1414. Transfer of Bering Sea hair crab vessel entry permit. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1416 is repealed:

20 AAC 05.1416. Annual renewal of Bering Sea hair crab vessel entry permit. Repealed. (Eff. 9/21/2003, Register 167; am 12/1/2004, Register 172; repealed 6/25/2020, Register 234)

Register 234, July 2020 MISCELLANEOUS BOARDS

20 AAC 05.1417 is repealed:

20 AAC 05.1417. Annual renewal fees for Bering Sea hair crab vessel entry permit.

Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1418 is repealed:

20 AAC 05.1418. Transfer and vessel substitution fees for the Bering Sea hair crab fishery. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1419 is repealed:

20 AAC 05.1419. Applicability of 20 AAC 05.1400 - 20 AAC 05.1420. Repealed. (Eff. 9/21/2003, Register 167; am 11/23/2008, Register 188; repealed 6/25/2020, Register 234)

20 AAC 05.1420 is repealed:

20 AAC 05.1420. Definitions for 20 AAC 05.1400 - 20 AAC 05.1420. Repealed. (Eff. 9/21/2003, Register 167; repealed 6/25/2020, Register 234)

20 AAC 05.1750(f) is amended to read:

(f) An annual request for emergency transfer of an entry permit held by a person who received that permit by right of survivorship, designation, or inheritance will, in the discretion of the commission, be granted for the three years after the decedent's death, unless the recipient has fished the permit since the death of the holder. If the recipient is a youth, upon request the commission will, in its discretion, grant annual requests for emergency transfers until the youth

Register 234, July 2020 MISCELLANEOUS BOARDS

has reached the age of presumptive ability to participate as set out in 20 AAC 05.1707(a) [20 AAC 05.1730(d)]. An emergency transfer granted under this subsection is valid for the remainder of the calendar year in which it is granted.

(Eff. 12/18/74, Register 52; am 12/27/79, Register 72; am 1/2/81, Register 77; am 10/30/82, Register 84; am 6/5/83, Register 86; am 7/20/83, Register 87; am 2/29/84, Register 89; am 12/29/84, Register 92; am 11/26/87, Register 104; am 8/20/89, Register 111; am 5/4/95, Register 134; am 10/31/2001, Register 160; am 6/25/2020, Register 234)

Authority: AS 16.43.100 AS 16.43.150 AS 16.43.180
AS 16.43.110 AS 16.43.170

20 AAC 05.1770(13) is amended to read:

(13) "hardship," with respect to the emergency transfer of limited entry permits **and** interim-use permits, means privation and suffering, and does not include the results of a permit holder's own economic decisions, nor the results of economic, biological, or regulatory variables which are normally part of the risk of doing business as a fisherman.

(Eff. 12/18/74, Register 52; am 12/27/79, Register 72; am 2/29/84, Register 89; am 12/29/84, Register 92; am 11/13/94, Register 132; am 6/25/2020, Register 234)

Authority: AS 16.43.100 AS 16.43.150 AS 16.43.180
AS 16.43.110 AS 16.43.170

Register 234, July 2020 MISCELLANEOUS BOARDS

20 AAC 05.1910(h) is amended to read:

(h) The fee to process permanent transfers and emergency transfers of interim-use and entry permits is \$50. Instead of the \$50 processing fee, the transferor or transferee may pay a fee of \$25 if both the transferor and **transferee meet the eligibility standards for the federal food stamp program** ^{as described in} **AS 16.43.160(d)** [TRANSFEREE'S TOTAL FAMILY INCOMES, AS DEFINED FOR THE FOOD STAMP PROGRAM IN 7 C.F.R. 273.9 - 273.11, AS REVISED AS OF JANUARY 1, 2019 AND ADOPTED BY REFERENCE, FALL WITHIN THE POVERTY GUIDELINES PUBLISHED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN THE FEDERAL REGISTER ON FEBRUARY 1, 2019 AND ADOPTED BY REFERENCE, AND NEITHER THE TRANSFEROR'S OR TRANSFEREE'S ASSETS AND RESOURCES EXCEED THOSE ESTABLISHED FOR THE FOOD STAMP PROGRAM IN 7 C.F.R. 273.8, AS REVISED AS OF JANUARY 1, 2019 AND ADOPTED BY REFERENCE].

(Eff. 12/18/74, Register 52; am 11/26/87, Register 104; am 7/16/94, Register 131; am 5/4/95, Register 134; am 10/7/95, Register 136; am 12/29/2000, Register 156; am 10/31/2001, Register 160; am 5/6/2002, Register 162; am 12/21/2002, Register 164; am 12/6/2003, Register 168; am 12/1/2004, Register 172; am 11/6/2005, Register 176; am 10/28/2006, Register 180; am 11/10/2007, Register 184; am 11/23/2008, Register 188; am 11/20/2009, Register 192; am 12/31/2010, Register 196; am 12/25/2011, Register 200; am 12/27/2012, Register 204; am 12/25/2013, Register 208; am 11/13/2014, Register 212; am 11/4/2015, Register 216;

Register 234, July 2020 MISCELLANEOUS BOARDS

am 11/16/2016, Register 220; am 10/29/2017, Register 224; am 11/25/2018, Register 228; am 12/21/2019, Register 232; am 6/25/2020, Register 234)

Authority: AS 16.05.520 AS 16.43.110

AS 16.43.100

AS 16.43.160

