

20 AAC 05.245(a) is amended to read:

(a) The commission will determine, on a yearly basis, the annual fee for the issuance or renewal of an entry permit or interim-use permit according to the following:

(1) the annual base fee for the issuance or renewal of an entry permit or interim-use permit in a limited fishery is four-tenths of one percent of the estimated value of the entry permit, **as determined under 20 AAC 05.1990**, rounded to the nearest fee class amount established in (4) of this subsection; if insufficient data are available to determine the estimated value of an entry permit or no permit sale values have been recorded for the most recent three years, the annual fee in a limited fishery will be calculated according to (2) or (3) of the subsection;

(2) the annual base fee for the issuance or renewal of an interim-use permit in an unlimited fishery is four-tenths of one percent of the estimated average gross earnings per permit in the most recent three years for which data are available, rounded to the nearest fee class amount established in (4) of this subsection;

(3) notwithstanding **(1) and** (2) of this subsection, and subject to the limits for an annual base fee in AS 16.43.160(e), the commission may make an appropriate adjustment to an annual base fee if

(A) more than one permit type allows the directed harvest of the same species with the same gear in the same area or if one permit allows the directed harvest of the same species by a combination of gears in the same area; or

(B) strict application of (1) and (2) of this subsection results in an annual base fee that is not appropriate in light of the rate of economic return for the fisheries covered by that permit;

20 AAC 05.245(c) is amended to read:

(c) A resident of this state may apply 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 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, **2016** [2015] 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 January 25, **2016** [2015] 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, **2016** [2015] and adopted by reference. The reduced fee for a resident entry or interim-use permit is 50 percent of the annual base fee determined under (a)(1) – (6) of this section.

20 AAC 05.245(d) is amended to read:

(d) A nonresident may apply for a reduced base fee for the issuance of an interim-use permit or the annual renewal of an interim-use or entry permit if the nonresident'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, **2016** [2015] 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 January 25, **2016** [2015] and adopted by reference, and the nonresident'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, **2016** [2015] and adopted by reference. The reduced base fee for a nonresident entry or interim-use permit is 50 percent of the total fee determined under (a)(4) of this section. In addition to the reduced annual base fee, a nonresident who qualifies for a reduced fee shall pay the annual nonresident surcharge determined under (a)(7) of this section.

Register ____, _____ 2016 MISCELLANEOUS BOARDS

20 AAC 05.245(e) is amended to read:

(e) An applicant for a reduced fee under (c) or (d) of this section must apply on the 2017 [2016] *Federal Income Guidelines and Reduced Permit Fee Application*, provided by the commission, as revised as of July 2016 [2015] and adopted by reference, and must provide the documentation identified on that form. (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 ____/____/____, Register ____)

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

Editor's note: A copy of the Commercial Fisheries Entry Commission's form 2017 [2016] *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'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, 2016 [2015] 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 January 25, 2016

Register ____, _____ 2016 MISCELLANEOUS BOARDS

[2015] 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, **2016** [2015] 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; am 11/23/2008, Register 188; am 11/20/2009, Register 192; 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 ____/____/____, Register ____)

Authority: AS 16.43.100 AS 16.43.110

20 AAC 05.1725 (c) is amended to read:

(c) In addition to the requirements under (b) of this section, the proposed transferee shall certify on the request form an understanding that the transferee

(1) is authorized to hold a second entry permit for the purpose of fleet consolidation under AS 16.43.140(c)(5);

(2) may not engage in fishing under the second permit and will not be issued a permit card for the second permit; and

(3) may not emergency transfer the second permit, **except under 20 AAC 05.1946(3)(B).**

(Eff. 12/21/2002, Register 164; am 11/20/2009, Register 192; am ____/____/____, Register ____)

20 AAC 05.1740(b) is amended to read:

. (b) The commission will grant an emergency transfer of an entry permit if the proposed transferee is not a permit holder in the fishery and is presently able to participate

Register ____, _____ 2016 MISCELLANEOUS BOARDS

actively in the fishery, and if it is established that illness, disability, death, required military or government service, or other unavoidable hardship of a temporary, unexpected, and unforeseen nature prevents the transferor from participating in the fishery. If the entry permit is not transferable under AS 16.43.170(e), the emergency transfer will be granted only to allow the continued operation of the transferor's vessel or setnet site and fishing gear or, in the dive fisheries, the transferor's dive fishery operation. Temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b), 16.43.225, or 16.43.227 or of a permit held by an estate will be granted by the commission to alleviate hardship. Temporary emergency transfer of an interim-use permit in an unlimited fishery issued under AS 16.43.210(a), will be granted by the commission if reasonably necessary in order for the fishing operation to continue until another permit may be obtained. **The commission may grant a temporary emergency transfer of an entry permit to a proposed permanent transferee to alleviate hardship if the intent to permanently transfer the entry permit cannot presently be fulfilled in spite of substantial and good faith efforts to do so.**

(Eff. 12/18/74, Register 52; am 12/27/79, Register 72; am 5/15/81, Register 77; am 1/29/82, Register 81; am 10/30/82, Register 84; am 6/5/83, Register 86; am 2/29/84, Register 89; am 5/20/90, Register 114; am 1/2/92, Register 121; am 7/3/94, Register 130; am 12/29/2000, Register 156, am 11/20/2009, Register 192; am 12/31/2010, Register 196 am 12/25/2013, Register 208; am ____/____/____, Register ____)

Authority: AS 16.43.100 AS 16.43.180 AS 16.43.227
AS 16.43.110 AS 16.43.225

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

Register ____, _____ 2016 MISCELLANEOUS BOARDS

pay a fee of \$25 if both the transferor and 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, **2016** [2015] 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 January 25, **2016** [2015] 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, **2016** [2015] 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; am ____/____/____, Register ____)

Authority: AS 16.05.520

AS 16.43.110

AS 16.43.100

AS 16.43.160

