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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Frances Leach
Department of Fish & Game

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: April 26, 2017

RE: Filed Permanent Regulations: Department of Fish & Game

Department of Fish and Game Regulations re: Permit Processing Fees for Fish
Transporter Permits (5 AAC 39.130(a))

Attorney General File:	JU2017200128
Regulation Filed:	4/25/2017
Effective Date:	5/25/2017
Print:	222, July 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

**ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF FISH AND GAME**

The attached two pages of regulations, dealing with Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits, are adopted and certified to be a correct copy of the regulation changes that the Department of Fish and Game adopts under the authority of AS 16.05.020 and AS 16.05.050 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 Department of Fish and Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under 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:

4-19-17

Juneau, Alaska

S. COTTEN

Sam Cotten, Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on April 25, 2017, at 3:00 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Byron Mallott

Byron Mallott, Lieutenant Governor
State of Alaska

Effective:

May 25, 2017

Register:

222, July 2017

Title 5. Fish and Game.

Chapter 39. General Provisions.

Article 1. General.

(a)
5 AAC 39.130 is amended to read:

5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements. (a) Before operating during

a calendar year, an individual, company, firm, or other organization that is a first purchaser, catcher-exporter, catcher-processor, or catcher-seller shall submit to the department a completed intent to operate application provided by the department or available online, **together with a \$25 processing fee for each individual, company, firm, or other organization identified in the application; the fee is not required of an applicant that paid the annual fee required by AS**

43.75.020(a) ^{no bold/underline} The individual, company, firm, or other organization may begin to operate only after receiving authorization from the department to begin operating, along with the individual's or organization's processor code for the current year.

(In effect before 1981; am 6/28/81, Register 78; am 4/16/83, Register 86; am 5/31/85, Register 94; am 7/23/88, Register 107; am 6/14/90, Register 115; am 7/26/90, Register 115; am 8/2/90, Register 115; am 5/2/92, Register 122; am 6/2/95, Register 134; am 6/2/96, Register 138; am 12/8/96, Register 140; am 5/31/98, Register 146; am 3/13/2004, Register 169; am 5/26/2006, Register 178; am 8/8/2007, Register 183; add'l am 8/8/2007, Register 183; am 8/15/2008, Register 187; am 5/23/2009, Register 190; am 12/5/2009, Register 192; am 4/28/2011, Register

Register 222, July 2017 FISH AND GAME

198; am 7/26/2015, Register 215; am 1/1/2016, Register 216; am 5 / 25 /2017, Register 222)

Authority: AS 16.05.020 AS 16.05.060 AS 16.05.690

AS 16.05.050 AS 16.05.671

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor
(hand delivery)

Date: April 25, 2017

File No.: JU2017200128

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Fish and Game
Regulations re: Permit Processing
Fees for Fish Transporter Permits
(5 AAC 39.130(a))

We have reviewed the attached regulations from the Department of Fish and Game against the statutory standards of the Administrative Procedure Act. The regulations concern fees for permit processing for an individual, company, firm, or other organization that is a first purchaser, catcher-exporter, catcher-processor, or catcher-seller.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The March 15, 2017 public notice and the April 19, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:ljm

cc w/enc: (via email)

Hon. Sam Cotten, Commissioner, Dept. of Fish and Game
Glenn Haight, Executive Director, Board of Fisheries, Dept. of Fish and Game
Scott Kelley, Director, Div. of Commercial Fisheries, Dept. of Fish and Game
Forrest Bowers, Deputy Director, Div. of Commercial Fisheries, Dept. of Fish and Game
Tom Brookover, Director, Div. of Sport Fisheries, Dept. of Fish and Game
Tom Taube, Deputy Director, Div. of Sport Fisheries, Dept. of Fish and Game
Lisa Olson, Deputy Director, Div. of Subsistence, Dept. of Fish and Game
Frances Leach, Fishery Regulations Program Coordinator, AAC Contact, Dept. of Fish and Game
Enforcement Commander, Div. of Wildlife Troopers, Dept. of Public Safety
Seth Beausang, Assistant Attorney General, Natural Resources Section

NOTICE OF PROPOSED CHANGES IN PERMIT PROCESSING FEE FOR EEZ-ONLY, CATCHER-SELLER, INDEPENDENT BUYER, AND FISH TRANSPORTER PERMITS

BRIEF DESCRIPTION

The Department of Fish and Game proposes changes to regulations relating to fees for Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits.

The Department of Fish and Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits, including the following:

5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements, is proposed to be changed to update fees for Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Kathleen Jones, Data Processing Manager II, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. Additionally, the Department of Fish and Game will accept comments by facsimile at (907) 465-4753 and by electronic mail at kathleen.jones@alaska.gov. The comments must be received no later than 5:00 p.m. on April 17, 2017.

You may submit written questions relevant to the proposed action to Kathleen Jones by submitting written questions to Kathleen Jones, Data Processing Manager II, Department of Fish and Game, P.O. Box 115526, Juneau, AK 99811-5526. The questions must be received at least 10 days before the end of the public comment period. The Department of Fish and Game may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kathleen Jones at (907) 465-4753 no later than April 7, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Kathleen Jones, Data Processing Manager II, at the mailing address, telephone number or email address above.

After the public comment period ends, the Department of Fish and Game will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from

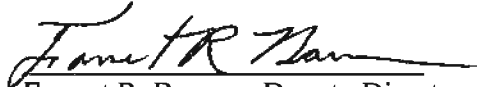
that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 16.05.020; AS 16.05.050

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.020; AS 16.05.050, AS 16.05.671, AS 16.05.690, and AS 16.05.060

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 3/15/17


Forrest R. Bowers, Deputy Director
Division of Commercial Fisheries
Department of Fish and Game

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Fish and Game
2. General subject of regulation: Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits
3. Citation of regulation (may be grouped): 5 AAC 39.130
4. Department of Law file number, if any: JU2017200128
5. Reason for the proposed action: Recover costs of permit processing and issuance.
6. Appropriation/Allocation: Natural Resources.
7. Estimated annual cost to comply with the proposed action to:

A private person: Since the regulation is regarding use fees, the cost to a person using the facility would be the fee established for the applicable use under the section.

Other state agencies: \$0

A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars): There is no cost to the agency for establishing and implementing the applicable fees.
9. The name of the contact person for the regulation:

Name: Kathleen Jones

Title: Data Processing Manager II

Address: P.O. Box 115526

Juneau, AK 99811-5526

Telephone: (907) 465-4753

E-mail address: kathleen.jones@alaska.gov

10. The origin of the proposed action: Staff of state agency

11. Date: March 15, 2015

Prepared by: _____

[signature]

Name: Frances H. Leach

Title: Regulations Program Coordinator

Telephone: (907) 465-6124

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**


I, Kathleen M. Jones, IT Manager - Commercial Fisheries, of the Department of Fish and Game, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 5 AAC 39 dealing with the Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

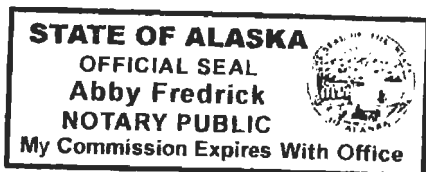
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

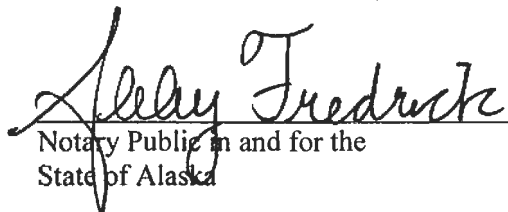
Date: APR 19, 2017
Juneau, Alaska



Kathleen M. Jones
IT Manager - Commercial Fisheries
Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 19 day of April, 2017





Notary Public in and for the
State of Alaska

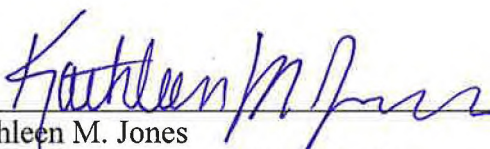
My commission expires: with office

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Kathleen M. Jones, IT Manager - Commercial Fisheries, of the Department of Fish and Game, being duly sworn, state the following:

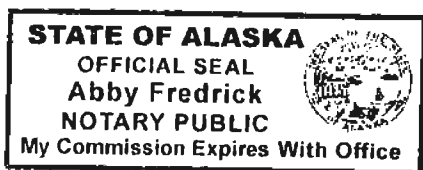
In compliance with AS 44.62.215, the Department of Fish and Game has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Fish and Game on regulations relating to fees for Permit Processing Fee for EEZ-Only, Catcher-Seller, Independent Buyer, and Fish Transporter permits.

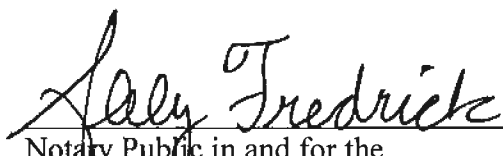
Date: APR 19, 2017
Juneau, Alaska



Kathleen M. Jones
IT Manager - Commercial Fisheries
Alaska Department of Fish and Game

SUBSCRIBED AND SWORN TO before me this 19 day of April, 2017.





Notary Public in and for the
State of Alaska

My commission expires: with office

270233
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\$313.76

AFFIDAVIT OF PUBLICATION

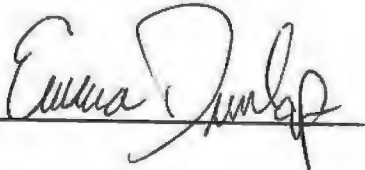
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

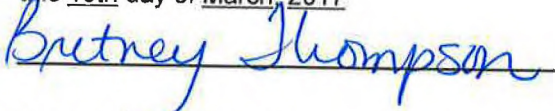
March 15, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed



Subscribed and sworn to before me
this 15th day of March, 2017



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

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DATE: 3/15/17

Forrest R. Bowers, Deputy Director
Division of Commercial Fisheries
Department of Fish and Game

Published: March 15, 2017

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019