

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV

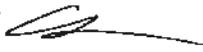


530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Kristen Bomengen
Department of Fish and Game

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: October 3, 2017

RE: Filed Permanent Regulations: Commercial Fisheries Entry Commission

Commercial Fisheries Entry Commission Regulations re: Reduced Permit Renewal Fees
(20 AAC 05.245 - .1910)

Attorney General File:	JU2017200491
Regulation Filed:	9/29/2017
Effective Date:	10/29/2017
Print:	224, January 2018

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

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

The attached 4 pages of regulations, dealing with updating the references to the federal guidelines used to determine eligibility for reduced permit fees, are adopted and certified to be a correct copy of the regulation changes that the Commercial Fisheries Entry Commission adopts 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.

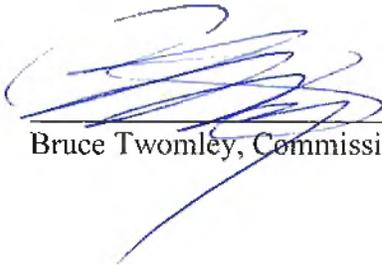
This action is not expected to require an increased appropriation.

Although no public comments were received, the Commercial Fisheries Entry Commission 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:

9/12/2017
Juneau, Alaska


Bruce Twomley, Commissioner

FILING CERTIFICATION

I, Claire Richardson Lieutenant Governor for the State of Alaska, certify that¹ on September 29, 2017, at 2:29 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Claire Richardson
Lieutenant Governor Byron M. Jett

Effective: October 29, 2017

Register: 224, January 2017

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.



**BYRON MALLOTT
LIEUTENANT GOVERNOR**



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, 2017 [2016] 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 31, 2017 [JANUARY 25, 2016] 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, 2017 [2016] 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, 2017 [2016] 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 31, 2017 [JANUARY 25, 2016] 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.

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 2018 [2017] *Federal Income Guidelines and Reduced Permit Fee Application*, provided by the commission, as revised as of July 2017 [2016] 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 11/16/2016, Register 220, am 10 / 29 / 2017, Register 224)

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 2018 [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, 2017 [2016] 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 31, 2017 [JANUARY 25, 2016] 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, 2017 [2016] 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 12/31/2010, 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)

Authority: AS 16.43.100 AS 16.43.110

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'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, 2017 [2016] 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 31, 2017 [JANUARY 25, 2016] 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, 2017 [2016] 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 11/16/2016, Register 220, am 10 / 29 / 2017, Register 224)

Authority: AS 16.05.520 AS 16.43.110 AS 16.43.160
AS 16.43.100

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: September 27, 2017

File No.: JU2017200491

Tel. No.: 465-3600

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

Re: Commercial Fisheries Entry
Commission Regulations re:
Reduced Permit Renewal Fees
(20 AAC 05.245 - .1910)

The Department of Law has reviewed the attached regulations of the Commercial Fisheries Entry Commission against the statutory standards of the Administrative Procedure Act. The regulations update eligibility standards to qualify for reduced permit fees; the updated 2017 poverty guidelines for the 48 contiguous states were available for review during the comment period. Based upon our review, 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 regulations were adopted by the Commercial Fisheries Entry Commission after the close of the public comment period. The August 3, 2017 public notice and the certification of 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.

SRP:hh

cc: Bruce Twomley, Chair
Commercial Fisheries Entry Commission

Kristen Bomengen, Regulations Contact
Commercial Fisheries Entry Commission

Frances Leach, Regulations Contact
Department of Fish and Game

Vanessa Lamantia, Assistant Attorney General
Natural Resources Section

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF
THE COMMERCIAL FISHERIES ENTRY COMMISSION

BRIEF DESCRIPTION

The Commercial Fisheries Entry Commission proposes to change regulations regarding reduced permit renewal fees.

The Alaska Commercial Fisheries Entry Commission proposes to adopt regulation changes in Title 20, Chapter 05 of the Alaska Administrative Code dealing with annual fees, including the following:

20 AAC 05.245(c)-(e), 20 AAC 05.250(b), and 20 AAC 05.1910(h) are proposed to be changed by updating the references to the federal guidelines used to determine eligibility for reduced permit fees.

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 Randy Lippert at Commercial Fisheries Entry Commission, 8800 Glacier Highway, Suite 109, P.O. Box 110302, Juneau, AK 99811-0302 or by email: randy.lippert@alaska.gov. The comments must be received **not later than 5:00 p.m. on September 8, 2017**.

You may submit written questions relevant to the proposed action to Randy Lippert at Commercial Fisheries Entry Commission, 8800 Glacier Highway, Suite 109, P.O. Box 110302, Juneau, AK 99811-0302 or by email: randy.lippert@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Commercial Fisheries Entry Commission will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and <http://www.cfec.state.ak.us>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Randy Lippert at (907) 790-6945 or randy.lippert@alaska.gov no later than September 5, 2017, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available online at the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx> or at the Commercial Fisheries Entry Commission webpage at <http://www.cfec.state.ak.us>; or you may contact Randy Lippert, Paralegal, Commercial Fisheries Entry Commission, 8800 Glacier Highway, Suite 109, P.O. Box 110302, Juneau, AK 99811-0302, (907) 789-6160, Fax: (907) 789-6170, email randy.lippert@alaska.gov.

After the public comment period ends, the Commercial Fisheries Entry Commission will either adopt these 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.** Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 16.43.100; AS 16.43.110

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.43.100; AS 16.43.110; AS 16.43.140; AS 16.43.150; and AS 16.43.160.

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

Under the Open Meetings Act (AS 44.62.310), the Commission will conduct a public meeting in the Commission's Conference Room, 8800 Glacier Highway, Suite 109, Juneau, Alaska, on **September 12, 2017 at 3:30 p.m.** to consider action upon the proposed regulations. You can contact Randy Lippert for a copy of the agenda on the Friday before the scheduled meeting. No public testimony will be accepted at this meeting.

The Commission keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Commission's Notice of Proposed Regulation Changes. To be added to or removed from the list, send a request to CFEC at 8800 Glacier Highway, Suite 109, P.O. Box 110302, Juneau, AK 99811-0302, or email: randy.lippert@alaska.gov and provide your name and preferred contact method for receiving notices.



By Direction of the
Commercial Fisheries Entry Commission
Bruce Twomley, Chairman
Benjamin Brown, Commissioner

Date: August 1, 2017

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

1. Adopting agency: Commercial Fisheries Entry Commission
2. General subject of regulation: Amends regulations to update reference to federal guidelines used to determine eligibility for reduced permit fees.
3. Citation of regulation (may be grouped): 20 AAC 05.245, 250, and 1910.
4. Department of Law file number, if any: JU2017200491

5. Reason for the proposed action:

- Compliance with federal law or action (identify): _____
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): _____
- Development of program standards
- Other (identify): _____

6. Appropriation/Allocation: Commercial Fisheries/ Commercial Fisheries Entry Commission

7. Estimated annual cost to comply with the proposed action to:

- A private person: -0-
- Another state agency: -0-
- A municipality: -0-

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2018</u>	Subsequent Years
Operating Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
Capital Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
1002 Federal receipts	\$ <u>-0-</u>	\$ <u>-0-</u>
1003 General fund match	\$ <u>-0-</u>	\$ <u>-0-</u>
1004 General fund	\$ <u>-0-</u>	\$ <u>-0-</u>
1005 General fund/ program	\$ <u>-0-</u>	\$ <u>-0-</u>
Other (identify)	\$ <u>-0-</u>	\$ <u>-0-</u>

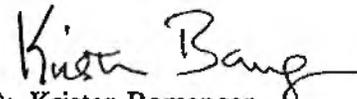
9. The name of the contact person for the regulation:

Name: Randy Lippert
Title: Paralegal
Address: 8800 Glacier Hwy, Ste. 109; PO Box 110302, Juneau, AK 99811-0302
Telephone: (907) 790-6945
E-mail address: randy.lippert@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: August 1, 2017 Prepared by:


Name (printed): Kristen Bomengen
Title (printed): Acting Law Specialist
Telephone: (907) 790-6965

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Bruce Twomley, Commissioner, of the Commercial Fisheries Entry Commission, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 20 AAC 05.245(c)-(e), 20 AAC 05.250(b), and 20 AAC 05.1910(h), updating the references to the federal guidelines used to determine eligibility for reduced permit fees 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 regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of 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 regulation, 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, additional regulation 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 regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 9/12/2017

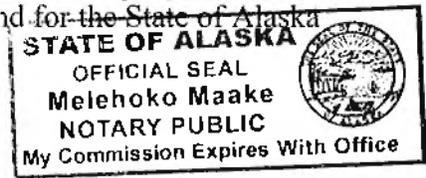


Bruce Twomley, Commissioner

Subscribed and sworn to before me at Juneau, Alaska on
September 12, 2017



Notary Public in and for the State of Alaska



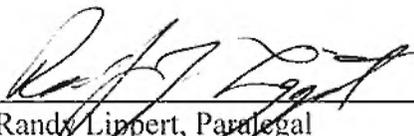
STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Randy Lippert, Paralegal for the Commercial Fisheries Entry Commission, being duly sworn, state the following:

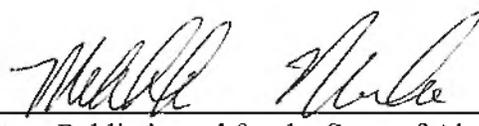
The Commercial Fisheries Entry Commission did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Commercial Fisheries Entry Commission regulation updating the references to the federal guidelines used to determine eligibility for reduced permit fees.

Date: 9/12/17

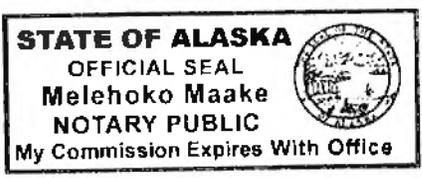


Randy Lippert, Paralegal

Subscribed and sworn to before me at Juneau, Alaska on
September 12, 2017.



Notary Public in and for the State of Alaska



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AFFIDAVIT OF PUBLICATION

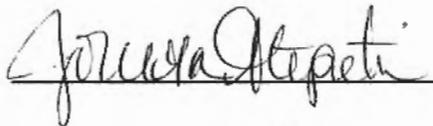
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
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

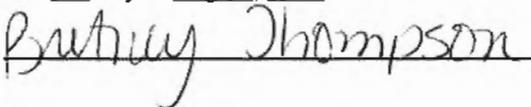
August 03, 2017

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 3rd day of August, 2017



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

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE COMMERCIAL FISHERIES ENTRY COMMISSION

BRIEF DESCRIPTION

The Commercial Fisheries Entry Commission proposes to change regulations regarding reduced permit renewal fees.

The Alaska Commercial Fisheries Entry Commission proposes to adopt regulation changes in Title 20, Chapter 05 of the Alaska Administrative Code dealing with annual fees, including the following:

20 AAC 05.245(c)-(e), 20 AAC 05.250(b), and 20 AAC 05.1910(h) are proposed to be changed by updating the references to the federal guidelines used to determine eligibility for reduced permit fees.

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After the public comment period ends, the Commercial Fisheries Entry Commission will either adopt these 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. Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 16.43.100; AS 16.43.110

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.43.100; AS 16.43.110; AS 16.43.140; AS 16.43.150; and AS 16.43.160.

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

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By Direction of the
Commercial Fisheries Entry Commission
Bruce Twomley, Chairman
Benjamin Brown, Commissioner

/s/ Bruce Twomley

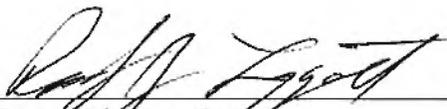
STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF COMMISSION ACTION

I, Randy Lippert, Paralegal for the Commercial Fisheries Entry Commission, being duly sworn, state the following:

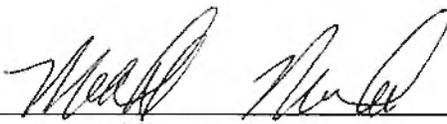
The attached motion dealing with updating the references to the federal guidelines used to determine eligibility for reduced permit fees was adopted by the Commercial Fisheries Entry Commission during its September 12, 2017 meeting.

Date: 9/12/17

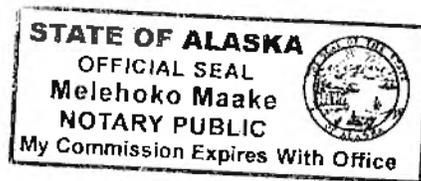


Randy Lippert, Paralegal

Subscribed and sworn to before me at Juneau, Alaska on
September 12, 2017.



Notary Public in and for the State of Alaska



COMMERCIAL FISHERIES ENTRY COMMISSION

September 12, 2017

3:30 PM

Excerpt from Unapproved Minutes

Commissioner Ben Brown moved and Commissioner Bruce Twomley seconded the following motion:

"I move that we adopt the amendments to 20 AAC 05.245(c)-(e), 20 AAC 05.250(b), and 20 AAC 05.1910(h), as proposed in the August 1, 2017, draft regulations and set out in pages one through four in the document before us."

The motion carried unanimously.