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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jason Kampman
Commercial Fisheries Entry Commission

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 26, 2020

RE: Filed Permanent Regulations: Commercial Fisheries Entry Commission

Commercial Fisheries Entry Commission Regulation re: CFEC - Gear Codes, Food
Stamp Permit Fees, Permits, Bering Sea Crab Fishery (20 AAC 05.220, .245, .250, .320,
.831, .1400 - .1420, .1750, .1770, .1910)

Attorney General File:	2020200236
Regulation Filed:	5/26/2020
Effective Date:	6/25/2020
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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**

Register 234, July 2020 MISCELLANEOUS BOARDS

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/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]. ^AThe 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:

<u>((no bold))</u> - Fisheries	Maximum Number of Entry Permits	<u>((no bold))</u>
(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} under 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



MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: May 22, 2020

File No.: 2020200236

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 Regulation re: 20 AAC
05.220, .245, .250, .320, .831, .1400-
.1420, .1750, .1770, .1910: CFEC -
Gear Codes, Food Stamp Permit
Fees, Permits, Bering Sea Crab
Fishery

The Department of Law has reviewed the attached regulations of the Commercial Fisheries Entry Commission against the statutory standards of the Administrative Procedure Act. 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 regulations concern amendments to fishery gear codes and permits, amendments related to permit fee reductions, the repeal of the Bering Sea hair crab fishery, and general corrections. The amendment to 20 AAC 05.220 to add two new gear codes implements the policy goal to create a new gear type for the statewide sablefish industry to allow, but not require, use of both pots and longline gear under one permit. Further, these regulations remove the requirement for annual regulation changes to adopt updated forms to address the reduced application fees allowed for persons who meet federal food stamp requirements, while still retaining the financial resources eligibility standards of AS 16.43.160(d).

The March 5, 2020, public notice and the April 23, 2020, 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.

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:sjw

Fate Putman, Chair
Commercial Fisheries Entry Commission

Jason Kampman, Regulations Contact
Commercial Fisheries Entry Commission

Shellene Hutter, Regulations Contact
Department of Fish and Game

Vanessa Lamantia, Assistant Attorney General
Department of Law

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

BRIEF DESCRIPTION

The Commercial Fisheries Entry Commission proposes to change regulations to add new gear codes, amend regulations regarding the food stamp permit fee reduction, increase the maximum number of permits in the Southeast shrimp pot fishery, correct a definition pertaining to the Kodiak bairdi Tanner crab fishery, repeal all regulations relating to the Bering Sea hair crab vessel permit fishery, correct a cross-reference in a regulation regarding transfer of permits upon death of the holder, and amend the definition of hardship that applies to emergency transfers.

The Alaska Commercial Fisheries Entry Commission proposes to adopt regulation changes in Title 20, Chapter 05 of the Alaska Administrative Code, as follows:

- (1) Amend 20 AAC 05.220(a) to create a combined longline and pot gear code for interim-use permits issued for the statewide sablefish fishery;
- (2) Amend 20 AAC 05.245(c), 20 AAC 05.250(b), and 20 AAC 05.1910(h) to remove incorporation of other documents so that these regulations will no longer need to be updated annually;
- (3) Amend 20 AAC 05.245(c) to consolidate essential parts of 20 AAC 05.245(d)-(e) within that regulation and repeal 20 AAC 05.245(d)-(e);
- (4) Amend 20 AAC 05.320(h)(1) to increase by 2 the maximum number of Southeast shrimp pot permits;
- (5) Amend 20 AAC 05.831(d)(2) to correct a typo in the definition of "overall length";
- (6) Repeal all regulations relating to a vessel permit system for the former Bering Sea hair crab fishery, including 20 AAC 05.1400 - 20 AAC 05.1420;
- (7) Amend 20 AAC 05.1750(f) to correct a cross-reference to another regulation; and
- (8) Amend 20 AAC 05.1770(13) to apply the definition of hardship to emergency transfers of limited entry 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 Jason Kampman at Commercial Fisheries Entry Commission, P.O. Box 110302, Juneau, AK 99811-0302 or by email: Jason.Kampman@alaska.gov. The comments must be received **not later than 5:00 p.m. on April 15, 2020**.

You may submit written questions relevant to the proposed action to Jason Kampman at Commercial Fisheries Entry Commission, P.O. Box 110302, Juneau, AK 99811-0302 or by email: Jason.Kampman@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 at <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 Jason Kampman at (907)790-6940 or Jason.Kampman@alaska.gov no later than **April 7, 2020**, to ensure that any necessary accommodation 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 Jason Kampman, Law Specialist, Commercial Fisheries Entry Commission, P.O. Box 110302, Juneau, AK 99811-0302, (907)790-6940, email Jason.Kampman@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; AS 16.43.160; AS 16.43.170; AS 16.43.180; AS 16.43.240; AS 16.43.270; AS 16.43.950.

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

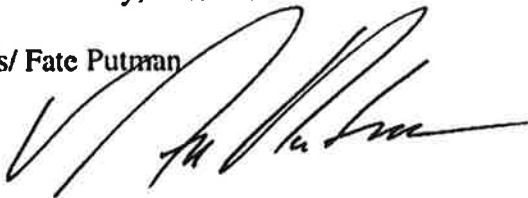
Under the Open Meetings Act (AS 44.62.310), the Commission will conduct a public meeting in the Commission's Conference Room, 8800 Glacier Highway, Suite 109, Juneau, Alaska, on **April 22, 2020 at 2:00 p.m.** to consider action upon the proposed regulations. You can contact Jason Kampman for a copy 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 P.O. Box 110302, Juneau, AK 99811-0302, or email: Jason.Kampman@alaska.gov and provide your name and preferred contact method for receiving notices.

Date: February 28, 2020

By Direction of the
COMMERCIAL FISHERIES ENTRY COMMISSION
Fate Putman, Chair
Dale Kelley, Commissioner

/s/ Fate Putman

A handwritten signature in black ink, appearing to read 'Fate Putman', is written over a horizontal line.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Commercial Fisheries Entry Commission
2. General subject of regulation: Amends 20 AAC 05.220(a) to create a combined longline and pot gear code for interim-use permits issued for the statewide sablefish fishery; amends regulations regarding the food stamp permit fee reduction; increases the maximum number of permits in the Southeast shrimp pot fishery; corrects a definition in the Kodiak bairdi Tanner crab fishery; repeals all regulations relating to the Bering Sea hair crab vessel permit fishery; corrects a cross-reference in a regulation regarding transfer of permits upon death of the holder; and amends the definition of hardship that applies to emergency transfers.
3. Citation of regulation (may be grouped): 20 AAC 05.220(a); 20 AAC 05.245(c)-(e), 20 AAC 05.250(b), 20 AAC 05.320(h)(1); 20 AAC 05.831(d)(2); 20 AAC 05.1400 - 20 AAC 05.1420; 20 AAC 05.1750(f); 20 AAC 05.1770(13); 20 AAC 05.1910(h).
4. Department of Law file number, if any: _____
5. Reason for the proposed action:

☐ Compliance with federal law
☒ Compliance with new or changed state statute
☐ Compliance with court order
☒ 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>2020</u>	Subsequent Years
Operating Cost	\$ <u>-0-</u>	\$ <u>-0-</u>
Capital Cost	\$ <u>-0-</u>	\$ <u>-0-</u>

1002 Federal receipts	\$ -0-	\$ -0-
1003 General fund match	\$ -0-	\$ -0-
1004 General fund	\$ -0-	\$ -0-
1005 General fund/ program	\$ -0-	\$ -0-
Other (identify)	\$ -0-	\$ -0-

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

Name: Jason Kampman
 Title: Law Specialist
 Address: P.O. Box 110302, Juneau, AK 99811-0302
 Telephone: (907)790-6940
 E-mail address: Jason.Kampman@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: February 28, 2020 Prepared by: _____

[signature]

Name (printed) Jason Kampman
 Title (printed): Law Specialist
 Telephone: 907-790-6940

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Fate Putman, Chair, 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 05.220(a), 245(c)-(e), 250(b), 1910(h), 320(h)(1), 831(d)(2), 1400 – 1420, 1750(f), 1770(13), to add new gear codes for the statewide sablefish fishery, amend food stamp permit fee reductions so those regulations will no longer need to be updated annually, increase the maximum number of permits in the Southeast shrimp pot fishery to reflect actual participation, correct a definition pertaining to the Kodiak bairdi Tanner crab fishery, repeal all regulations relating to the Bering Sea hair crab vessel permit fishery, 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 has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

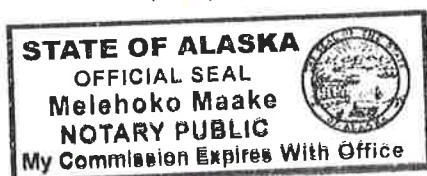
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 4/23/2020



Fate Putman, Chair

Subscribed and sworn to before me at Juneau, Alaska on
4/23/2020
(date)





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Fate Putman, Chair of the Commercial Fisheries Entry Commission, being duly sworn, state the following:

In compliance with AS 44.62.215, the Commercial Fisheries Entry Commission 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 Commercial Fisheries Entry Commission 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.

Date: 4/23/2020


Fate Putman, Chair

Subscribed and sworn to before me at Juneau, Alaska on
4/23/2020
(date)


Notary Public in and for the State of Alaska



ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270208 ST OF AK/COMM FISHING ENTRY
PO BOX 110302, JUNEAU, AK 99811-0302

Order #: W0013864

Cost: \$572.74

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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 afore-said 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

03/05/2020

RECEIVED
MAR 16 2020
CFEC

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 9th day of March 2020.

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

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

MY COMMISSION EXPIRES

7/14/2020

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

BRIEF DESCRIPTION

The Commercial Fisheries Entry Commission proposes to change regulations to add new gear codes, amend regulations regarding the food stamp permit fee reduction, increase the maximum number of permits in the Southeast shrimp pot fishery, correct a definition pertaining to the Kodiak Baird Tanner crab fishery, repeal all regulations relating to the Bering Sea hair crab vessel permit fishery, correct a cross-reference in a regulation regarding transfer of permits upon death of the holder, and amend the definition of hardship that applies to emergency transfers.

The Alaska Commercial Fisheries Entry Commission proposes to adopt regulation changes in Title 20, Chapter 05 of the Alaska Administrative Code, as follows:

- (1) Amend 20 AAC 05.220(a) to create a combined longline and pot gear code for Interim-use permits issued for the statewide sablefish fishery.
- (2) Amend 20 AAC 05.245(c), 20 AAC 05.250(b), and 20 AAC 05.1910(h) to remove incorporation of other documents so that these regulations will no longer need to be updated annually.
- (3) Amend 20 AAC 05.245(c) to consolidate essential parts of 20 AAC 05.245(d)-(e) within that regulation and repeal 20 AAC 05.245(d)-(e).
- (4) Amend 20 AAC 05.3200(1) to increase by 2 the maximum number of Southeast shrimp pot permits.
- (5) Amend 20 AAC 05.831(d)(7) to correct a typo in the definition of "overall length".
- (6) Repeal all regulations relating to a vessel permit system for the former Bering Sea hair crab fishery, including 20 AAC 05.1400 - 20 AAC 05.1420.
- (7) Amend 20 AAC 05.1750(f) to correct a cross-reference to another regulation; and
- (8) Amend 20 AAC 05.1770(13) to apply the definition of hardship to emergency transfers of limited entry 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 Jason Kampman at Commercial Fisheries Entry Commission, P.O. Box 110302, Juneau, AK 99811-0302 or by email: Jason.Kampman@alaska.gov. The comments must be received not later than 5:00 p.m. on April 15, 2020.

You may submit written questions relevant to the proposed action to Jason Kampman at Commercial Fisheries Entry Commission, P.O. Box 110302, Juneau, AK 99811-0302 or by email: Jason.Kampman@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 at <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 Jason Kampman at (907)790-6940 or Jason.Kampman@alaska.gov no later than April 7, 2020, to ensure that any necessary accommodation 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 Jason Kampman, Law Specialist, Commercial Fisheries Entry Commission, P.O. Box 110302, Juneau, AK 99811-0302, (907)790-6940, email Jason.Kampman@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; AS 16.43.160; AS 16.43.170; AS 16.43.180; AS 16.43.240; AS 16.43.270; AS 16.43.950.

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 April 22, 2020 at 2:00 p.m. to consider action upon the proposed regulations. You can contact Jason Kampman 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 P.O. Box 110302, Juneau, AK 99811-0302, or email: Jason.Kampman@alaska.gov and provide your name and preferred contact method for receiving notices.

Date: February 28, 2020

By Direction of the
COMMERCIAL FISHERIES ENTRY COMMISSION
Fate Putman, Chair
Dale Kelley, Commissioner

/s/ Fate Putman

Published: March 5, 2020

COMMERCIAL FISHERIES ENTRY COMMISSION

Transcript of Public Meeting

April 22, 2020

CHAIR FATE PUTMAN: Today is April 22nd, 2020. The time is 2pm. My name is Fate Putman, and I am Chair of the Commercial Fisheries Entry Commission. And this is the date and time set for a public meeting regarding proposed changes to Title 20, Chapter Five of the Alaska Administrative Code. Uh, specifically, the proposed changes apply to the following regulations, and I will read them very slowly for the record: 20 AAC 05.220(a), 245(c)-(e), 250(b), 1910(h), 320(h)(1), 831(d)(2), 1400 – 1420, 1750(f), and 1770... 1770(13). These proposed changes would add new gear codes for the statewide sablefish fishery, amend food stamp permit fee reductions so that these regulations will no longer need to be updated annually, they increase the maximum number of permits in the Southeast shrimp pot fishery by two to reflect actual participation, they correct a definition pertaining to the Kodiak bairdi Tanner crab fishery, they repeal all regulations relating to the Bering Sea hair crab vessel permit fishery, correct a cross-reference in a regulation regarding transfer of permits upon death of a holder, and amend the definition of hardship that applies for emergency transfers. As Chair, I would like to present these proposals to the Commission and to Commissioner Kelley. Together, we constitute a quorum of the Commission. And I am at the CFEC offices located in Juneau, Alaska. And there are no members of the public present or requesting to listen in on the hearing. The Commission has received three total contacts from the public regarding these proposed regulations, all of which have been presented as part of the public record. Commissioner Kelley and I have reviewed these comments carefully and deliberated upon them in anticipation of this hearing today. The first comment received was a general statement of opinion not directly relevant to any of the proposed regulations at issue today. The second comment requested additional information about the proposals regarding the Southeast shrimp pot fishery and the statewide sablefish fishery, which was timely provided by Commission staff. The third comment advocated for in favor of the proposal to create a combined longline and pot line fish pot gear fishery for the statewide sablefish fishery. Those are the three comments we received. No comment will be heard today in person, but this meeting is open to any member of the public who wants to listen as we present these regulations. With this statement for the record, I would like to present these proposals to the Commission.

COMMISSIONER DALE KELLEY: Thank you Mr. Chairman. I have carefully considered the proposed regulatory changes and public comments. I move that we adopt all changes proposed in the draft regulations currently posted online at the State of Alaska public notice website and set out in the numbered pages one through thirteen of that document.

CHAIR FATE PUTMAN: Thank you Commissioner Kelley. Uh, I second that motion. And with that motion, I am going to call a roll. Commissioner Kelley, what is your vote on the proposed regulation changes?

COMMISSIONER DALE KELLEY: Yea.

CHAIR FATE PUTMAN: And as Chair, I also vote yes. The motion is adopted and the proposed regulations are therefore adopted. Um, as there are no further matters to come before the Commission regarding this matter, I will adjourn this meeting at approximately 2:04pm April 22nd 2020. Thank you all for your participation at the hearing.

AFFIDAVIT OF TRANSCRIBER

I, Fate Putman, Chair of the Commercial Fisheries Entry Commission, being duly sworn, state the following:

The attached transcript of the Public Meeting of the Commercial Fisheries Entry Commission on April 22, 2020, is a true, accurate, and complete transcript of the proceedings at the Public Meeting, transcribed by me, with assistance from staff, from a copy of the electronic sound recording to the best of my knowledge and ability.

Date: 4/23/2020



Fate Putman, Chair

Subscribed and sworn to before me at Juneau, Alaska on Juneau, Alaska, 2020.



Notary Public in and for State of Alaska

