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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Glenn Haight, Commercial Fisheries Entry Commission  
**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081  
**DATE:** July 3, 2024  
**RE:** Filed Permanent Regulations: Department of Fish & Game

Commercial Fisheries Entry Commission regulations re: gear and species code changes from March 2024 meeting (20 AAC 05.210 - .230)

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Attorney General File:	2024200176
Regulation Filed:	7/3/2024
Effective Date:	8/2/2024
Print:	251, October 2024

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Law**

CIVIL DIVISION

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June 28, 2024

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *20 AAC 05.210 - .230: CFEC - Gear and species code changes from March 2024 meeting*

Our file: 2024200176

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Fish and Game, Commercial Fisheries Entry Commission against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter 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 the addition of new fishery and gear codes. The regulations add a fishery resource code for Arctic lamprey and amend the gear code schedule for fyke nets, pot gear, and dipnets.

In addition, the regulations make permanent a portion of the emergency regulation promulgated on May 22, 2024, related to the use of dip nets in the Yukon River Area under 5 AAC 05.362. The May 22, 2024 emergency regulations amended 20 AAC 05.220(a) to include dip net privileges for holders of set gillnet permits in the Cook Inlet region under 5 AAC 21.382 and the Yukon River Area. Following the commission's review of public comments, the commission permanently adopted the Yukon River dip

net designation and did not permanently adopt the Cook Inlet designation. Consequently, the authorization for holder of a set gillnet permit to use dip nets in the Cook Inlet Area will expire on September 18, 2024, pursuant to the May 22, 2024 filing issued by your office, while the use of dip nets by the holders of a set gillnet permit has been made permanent for the Yukon River Area. The permanent Yukon River Area dip net designation will be effective 30-days from the date of filing under AS 44.62.180.

The May 13, 2024 public notice and the June 25, 2024 order adopting changes both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. Please note, these corrections resulted in the regulations filed being three pages in length, as opposed to the four pages referenced in the June 25, 2024 certification order. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: Rebecca C. Polizzotto  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2024.06.28  
10:18:28 -08'00'

RCP/kmd

CC w/enclosure: Glenn Haight, Commissioner  
Commercial Fisheries Entry Commission  
Department of Fish and Game

Jennifer Findley, Law Specialist  
Commercial Fisheries Entry Commission  
Department of Fish and Game

Vanessa Lamantia, Assistant Attorney General  
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE COMMERCIAL FISHERIES ENTRY COMMISSION

The attached <sup>3</sup>~~4~~ pages of regulations, dealing with adding fishery resource code for Arctic lamprey under 20 AAC 05.210 and adding gear codes for fyke nets, pot gear for vessels under 35 feet in length (limited to the "M"- Miscellaneous fishery resource code) and dipnets in the Yukon River area under 20 AAC 05.220(a), 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 16.43.100, AS 16.43.110, AS 43.140, AS 16.43.200, AS 16.43.950 and AS 16.43.030(c) 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 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: 06/25/2024

DocuSigned by:  
  
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\_\_\_\_\_  
Glenn Haight, Commissioner

*Steph Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on July 3, 2024, at 2:20 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
for Lieutenant Governor Nancy Dahlstrom

Effective: August 2, 2024.

Register: 251, October 2024.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, 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:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

20 AAC 05.210 is amended to read:

**20 AAC 05.210. Fishery resource codes.** The letter, or letter and number code, from the following schedule is used to indicate the specific fishery resource for which an interim-use or entry permit is issued:

Code

...

L Herring Spawn on Kelp or Other Substrate

**LA** **Lamprey, Arctic**

...

P Shrimp

...

(Eff. 12/18/74, Register 52; am 1/21/78, Register 65; am 12/27/79, Register 72; am 1/2/81, Register 77; am 12/30/82, Register 84; am 11/25/84, Register 92; am 12/20/87, Register 104; am 8/20/89, Register 111; am 7/8/92, Register 123; am 3/3/94, Register 129; am 8/9/96, Register 139; am 12/4/96, Register 140; am 1/2/2003, Register 164; am 11/23/2008, Register 188, am 8 / 2 / 2024, Register 251 )

**Authority:** AS 16.43.100 AS 16.43.110 AS 16.43.140

20 AAC 05.220(a) is amended to read:

**20 AAC 05.220. Gear codes.** (a) A number code from the following schedule **is** [WILL BE] used to indicate the specific type of gear for which an interim-use or entry permit is issued:

Code

...

04 set **gillnet\*** [GILLNET]

...

9 (A - D) pot gear with permit restrictions++

**9E** **pot gear (registered vessel length under 35 feet) \*\*\* (limited to the "M" -  
Miscellaneous fishery resource code)**

...

12 hand picking\*\*

**13** **dipnet**

...

21 **pound\*\*\***[POUND\*]

...

26 power-driven mechanical jigging machine

**28** **fyke net**

...

37 pair trawl

...

**\*A set gillnet permit in the Yukon Area allows the use of a dip net under 5 AAC 05.362 [\*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].**

Register 251, October 2024 MISCELLANEOUS BOARDS

...

**\*\*\* 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 permit with this gear code issued for the Northern Southeast Inside sablefish longline fishery or Southern Southeast Inside sablefish longline fishery **includes** [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; am 9/18/2022, Register 243, am 8 / 2 / 2024, Register 251 )

**Authority:** AS 16.43.100                      AS 16.43.140                      AS 16.43.990  
AS 16.43.110