

20 AAC 05.230(a)(12) is amended to read:

**20 AAC 05.230. Administrative areas. (a) . . . .**

(12) Sea urchin, sea cucumber, geoduck, and abalone administrative areas.

Code

Letter            Name and Description

A                Southeastern Alaska Area – the statistical area comprised of the waters described in 5 AAC 38.100.

B                Statewide Area – all waters subject to the jurisdiction of the state, excluding those waters described in A **and K** in this paragraph.

**K**                **Kodiak Area – the statistical area comprised of the waters described in 5 AAC 35.505(a).**

(Eff. 12/18/74, Register 52; 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 3/2/80, Register 73; am 1/2/81, Register 77; am 1/29/82, Register 81; am 10/30/82, Register 84; am 12/30/82, Register 84; am 2/29/84, Register 89; am 10/28/84, Register 92; am 11/25/84, Register 92; am 12/29/84, Register 92; am 4/13/85, Register 94; am 8/24/85, Register 95; am 9/26/85, Register 95; am 12/22/85, Register 96; am 11/22/87, Register 104; am 12/20/87, Register 104; am 8/20/89, Register 111; am 1/17/91, Register 117; am 1/2/92, Register 121; am 2/11/95, Register 133; am 5/4/95, Register 134; am 12/14/95, Register 136; am 12/4/96, Register 140; am 1/21/98, Register 145; am 5/16/2002, Register 162; am 9/21/2003, Register 167; am \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100 AS 16.43.110 AS 16.43.200

20 AAC 05.245(a), (c), (d) and (e) are amended to read:

**20 AAC 05.245. Schedule of annual fees.**

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

(3) notwithstanding (2) of this subsection, the commission may make an appropriate adjustment to a fee if more than one permit type allows the directed harvest of the same species with the same gear in the same area or if one permit allows the directed harvest of the same species by a combination of gears in the same area; if strict application of (1) and (2) of this subsection results in a fee that **is not** [EXCEEDS THE LEVEL] appropriate in light of the rate of economic return for the fisheries covered by that permit, the commission may **adjust** [REDUCE] the fee;

(7) if the person seeking the issuance or renewal of an **interim-use or** entry permit is not a resident of this state, the commission will determine the fee for an interim-use permit or entry permit to be the annual base as calculated under (1) – (6) of this subsection plus an additional amount **that will be charged to the person for that year** as calculated under this paragraph; once every three years, the commission will obtain from the Office of the Governor, Office of Management and Budget(OMB), the values necessary to calculate the maximum allowable annual fee differentials under the per capita formula established by *Carlson v. State*, 919 P.2d 1337, 1342-45 (Alaska 1996); to determine the additional amount, the commission will calculate an average of the maximum allowable fee differentials in the five most recent fiscal years for which OMB has provided values, and will round the calculated

average to the nearest five dollars; the commission will recalculate the additional amount every three years.

(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, 2004** [JANUARY 1, 2003] 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 13, 2004** [FEBRUARY 7, 2003] 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, 2004** [JANUARY 1, 2003] 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.

(d) A nonresident 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 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, 2004** [JANUARY 1, 2003] 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 13, 2004** [FEBRUARY 7, 2003] 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, 2004** [JANUARY 1, 2003] and adopted by reference. The reduced fee for a nonresident entry or interim-use permit is 50 percent of the total fee determined under (a)(7) of this section.

(e) An applicant for a reduced fee under (c) or (d) of this section must apply on the **2005** [2004] Poverty Guidelines and Reduced Permit Fee Application, provided by the commission, as revised as of **August 2004** [NOVEMBER 2003] and adopted by reference, and must provide the documentation

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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 \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100 AS 16.43.140 AS 16.43.990  
AS 16.43.110 AS 16.43.160

The editor's note following 20 AAC 05.245 is amended to read:

**Editor's note:** A copy of the Commercial Fisheries Entry Commission's form "2005 [2004] *Poverty 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, Juneau, Alaska 99801. The form is also available at the Commercial Fisheries Entry Commission's web site at <http://www.cfec.state.ak.us/>.

20 AAC 05.250(b) is amended to read:

**20 AAC 05.250. Application fee.**

(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, 2004 [January 1, 2003] 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 13, 2004 [FEBRUARY 7, 2003] and adopted by reference, and the

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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, 2004** [JANUARY 1, 2003] 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 \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100 AS 16.43.110

20 AAC 05.550 is amended by adding a new subsection to read:

**20 AAC 05.550. Issuance of entry permits.**

(e) A lottery for the allocation of entry permits within a priority classification shall be conducted at a public meeting of the commission. Applicants in the priority classification subject to the lottery shall be given at least 30 days notice of the date and time of the public meeting where the lottery will occur. To conduct the lottery, the commission will enter the names of each applicant within the priority classification subject to the lottery into a pool. The commission will draw enough names of applicants from the pool to reach the maximum number of entry permits for that fishery and issue permits to the applicants whose names are drawn. (Eff. 12/18/74, Register 52; am 4/9/76, Register 58; am 1/2/81, Register 77; am 1/29/82, Register 81; am 12/30/82, Register 84; am 10/28/84, Register 92; am \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100(a) and (b) AS 16.43.110(a) AS 16.43.270

20 AAC 05.779 is amended by adding a new subsection to read:

**20 AAC 05.779. Fishing capacity restrictions for Prince William Sound sablefish permits.**

(d) Notwithstanding (a)-(c) of this section, an interim-use or entry permit holder may use a vessel with an overall length greater than the vessel category for which the interim-use or entry permit is issued while participating in the fishery under the provisions specified in 5 AAC 28.272(c). (Eff. 12/15/95, Register 136; am 7/26/97, Register 143, am \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100 AS 16.43.270 AS 16.43.950  
AS 16.43.110

20 AAC 05.1410(b) is amended to read:

**20 AAC 05.1410. Substitution of Bering Sea hair crab fishery vessel.** (a) If a vessel is lost or damaged to the extent the vessel is inoperable, the holder of the vessel permit may request the substitution of another vessel that does not exceed the overall length of the original vessel for the remainder of the calendar year and an additional calendar year if needed. A request for temporary substitution of a vessel entry permit must be made on the form designated Request for Temporary Substitution of Vessel. If the temporary substitution is approved by the commission, the commission will withdraw the original vessel entry permit and reissue the permit with the substitute vessel indicated on it. (Eff. 9/21/2003, Register 167; am \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100 AS 16.43.110 AS 16.43.490

20 AAC 05.1416(b) is repealed and a new subsection is added to read:

**20 AAC 05.1416. Annual renewal of Bering Sea hair crab vessel entry permit.**

(b) [THE ANNUAL RENEWAL FORM FOR A VESSEL ENTRY PERMIT UNDER THIS SECTION MUST CONTAIN THE NAMES OF THE INTERIM-USE PERMIT HOLDERS WHO WILL OPERATE THE VESSEL IN THE FISHERY. THE OWNER OF A VESSEL FOR WHICH A VESSEL ENTRY PERMIT IS ISSUED MUST NOTIFY THE COMMISSION IN WRITING OF A CHANGE IN THE INTERIM-USE PERMIT HOLDERS WHO ARE AUTHORIZED TO OPERATE THE VESSEL.]

(f) A vessel entry permit or vessel interim-use permit issued for the Bering Sea hair crab fishery shall be identified by the following permit code: E for hair crab; 91 for pot gear; Q for Bering Sea administrative area; and V for vessel permit. (Eff. 9/21/2003, Register 167; am \_\_\_\_/\_\_\_\_/2004)

Authority AS 16.43.100 AS 16.43.110 AS 16.43.500

20 AAC 05.1438 is amended by adding a new subsection to read:

**20 AAC 05.1438. Annual renewal of statewide weathervane scallop vessel entry permit.**

(e) A vessel entry permit or vessel interim-use permit issued for the statewide weathervane scallop fishery shall be identified by the following permit codes: W for weathervane scallops; 2 for dredge gear; B for statewide administrative area; A or B for fishing capacity restrictions (A for vessels with an overall length greater than 80 feet and B for vessels with an overall length of 80 feet or less); and V for vessel permit. (Eff. 5/6/2004, Register 170; am \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority AS 16.43.100 AS 16.43.110 AS 16.43.500

20 AAC 05.1910(c) and (h) are amended to read:

**20 AAC 05.1910. REMITTANCES AND CHARGES.**

(c) The commission will charge for the costs it incurs in furnishing copies of any printed, typed, or computer-generated material in its possession. For a request regarding computer-generated material, the request will not be processed until payment of the copying charge is received by the commission.

Charges for copies under this subsection are as follows:

**Staff Time**

Special Request Programming	<b><u>\$50</u></b> [\$40] per hour
Regular Request Programming	<b><u>\$30</u></b> [\$23] per hour
Clerical Skills	<b><u>\$25</u></b> [\$20] per hour
Specialized Skills	<b><u>\$35</u></b> [\$31] per hour

**Media**

Printed Paper	\$.20 per printed page side
Copies	\$.20 per printed page side
Mailing Labels	\$.35 per page
[DISKETTES	\$2 PER DISKETTE]
Cassette Tapes	\$5 per tape
Compact Disc (CD)	<b>\$25</b> [\$150] per CD (rate includes the cost for the set-up of the CD and the cost of the CD, but does not include the cost for any programming required to develop the data)

**Miscellaneous**

Computer time – LAN batch processing	<b>\$50</b> [\$20] per hour ( <b>\$20 minimum</b> )
[LICENSING INFORMATION SYSTEM DATA	\$50 PER HOUR]
Mailing/packaging/ archiving	<b>\$30</b> [\$20] per request
Mainframe usage	Fees are governed by DOA/DIS chargeback rates

(h) The fee to process permanent transfers and emergency transfers 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, 2004** [JANUARY 1, 2003] 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 13, 2004** [FEBRUARY 7, 2003] 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, 2004** [JANUARY 1, 2003] 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 \_\_\_\_/\_\_\_\_/2004, Register \_\_\_\_\_)

Authority: AS 16.43.100 AS 16.43.110