

20 AAC 05.220(a) is amended to read:

20 AAC 05.220. Gear codes. (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)[(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 (vessel register length under 60 feet)
- 07 otter trawl
- 7(A-D)[(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 (vessel register length under 60 feet)
- 9(A-D)[(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)[22] scallop dredge (A is for vessels with an overall length of more than 80 feet and B 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)[(a-d)] net gear with vessel restrictions (includes trawl or any other gear authorized by the Board of Fisheries that catches fish with nets)++
- 5(A-D)[(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)++
- 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 60 feet to 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)

- 91 pot gear (required for vessels with registered vessel length 60 feet or over, but may be used aboard smaller vessels)
- 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 less than 60 feet; G is 60 feet to less than 90 feet; H is 90 feet to 125 feet; and I is greater than 125 feet. A permit with G, H or I can be used on a smaller vessel.**

(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 ____/____/2005; Register _____)

Authority: AS 16.43.100 AS 16.43.140 AS 16.43.990
AS 16.43.110

20 AAC 05.230(a)(2), (a)(5), and (c) are amended to read:

20 AAC 05.230. Administrative areas. (a)

(2) King crab administrative areas.

Code	Name and Description
Letter A – T	Except for Administrative Areas X and Z, all those king crab administrative areas the same as those king crab statistical areas established in 5 AAC 34.005.
<u>OG</u>	<u>Aleutian Islands Area– all waters of the Adak community crab allocation fishery authorized under 5 AAC 39.690 within Registration Area O as described in 5 AAC 34.600.</u>
Q (A – F)	Bering Sea Area - all waters of the CDQ crab fishery authorized under 5 AAC 39.690 within Registration Area Q as described in 5 AAC 34.900, excluding the Norton Sound Section as defined in 5 AAC 34.905(c)(1).
T (A – F)	Bristol Bay Area - all waters of the CDQ crab fishery authorized under 5 AAC 39.690 within Registration Area T as described in 5 AAC 34.800.
X	St. Lawrence Island Area – all waters of the St. Lawrence Section described in 5 AAC 34.905.
Z	Norton Sound Area – all waters of the Norton Sound Section as described in 5 AAC 34.905(c)(1).

Z (A – F) Norton Sound Area - - all waters of the CDQ crab fishery authorized under 5 AAC 39.690 within the Norton Sound Section of Registration Area Q as described in 5 AAC 34.905(c)(1).

(5) **Tanner crab administrative areas.**

Code	Name and Description
Letter	Name and Description
A – H	Tanner Crab Administrative Area A – H are the same as those Tanner crab statistical areas established in 5 AAC 35.005.
K	Kodiak Area – all waters of the Kodiak District as described in 5 AAC 35.505(a).
<u>L</u>	<u>Chignik Area – all waters of the Chignik District as described in 5 AAC 35.505(f).</u>
M	Alaska Peninsula Area – all waters of the South Peninsula District [AND THE CHIGNIK DISTRICT] as described in 5 AAC 35.505(b) [AND (F)].
O	Dutch Harbor Area – all waters of the Eastern Aleutians District as described in 5 AAC 35.505(c).
Q	Bering Sea Area – all waters of the Bering Sea District as described in 5 AAC 35.505(e).
Q (A – F)	Bering Sea Area – all waters of the CDQ crab fishery authorized under 5 AAC 39.690 within the Bering Sea District of Registration Area J as described in 5 AAC 35.505(e).
R	Adak-Western Aleutians Area – all waters of the Western Aleutians District as described in 5 AAC 35.505(d).

(c) In the king crab administrative areas described in (a)(2) of this section and in the Tanner crab administrative areas described in (a)(5) of this section, if a letter code from the schedule set out in (a)(2) or (a)(5) of this section designating an administrative area is immediately followed by a second letter,

(1) the second letter in the code indicates the CDQ group **or community allocation group** harvesting the crab allocation; and

(2) the permit card issued by the commission for a CDQ **or community allocation** fishery in an administrative area having a second letter in its code is only valid for harvest of the CDQ **or community allocation** king crab or Tanner crab allocation as authorized by the CDQ **or community allocation** group holding the king crab or Tanner crab allocation for that administrative area. (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 5/6/2004, Register 170; am 12/1/2004, Register 172; am ____/____/2005; 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 and a new paragraph is added to (a) 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:

(1) the annual base fee for the issuance or renewal of an entry permit or interim-use permit in a limited fishery is four-tenths of one percent of the estimated value of the entry permit, rounded to the nearest fee class amount established in (4) of this subsection; if insufficient data are available to determine the estimated value of an entry permit **or no permit sale values have been recorded for the most recent three years**, the annual fee in a limited fishery will be calculated according to (2) or (3) of the subsection;

(2) the annual base fee for the issuance or renewal of an interim-use permit in an unlimited fishery is four-tenths of one percent of the estimated average gross earnings per permit in the most recent three years for which data are available, rounded to the nearest fee class amount established in (4) of this subsection;

(3) notwithstanding (2) of this subsection, and subject to the limits for an annual base fee in AS 16.43.160(e), the commission may make an appropriate adjustment to an annual base fee if (A) 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; or (B) strict application of (1) and (2) of this subsection results in an annual base fee that is not appropriate in light of the rate of economic return for the fisheries covered by that permit;

(4) the annual base fees are as follows:

FEE CLASS	ANNUAL BASE FEE
<u>40</u>	<u>\$ 3,000</u>
<u>39</u>	<u>2,925</u>
<u>38</u>	<u>2,850</u>
<u>37</u>	<u>2,775</u>
<u>36</u>	<u>2,700</u>
<u>35</u>	<u>2,625</u>
<u>34</u>	<u>2,550</u>
<u>33</u>	<u>2,475</u>
<u>32</u>	<u>2,400</u>
<u>31</u>	<u>2,325</u>
<u>30</u>	<u>2,250</u>
<u>29</u>	<u>2,175</u>
<u>28</u>	<u>2,100</u>
<u>27</u>	<u>2,025</u>
<u>26</u>	<u>1,950</u>
<u>25</u>	<u>1,875</u>
<u>24</u>	<u>1,800</u>

FEE CLASS	ANNUAL BASE FEE
<u>23</u>	<u>1,725</u>
<u>22</u>	<u>1,650</u>
<u>21</u>	<u>1,575</u>
<u>20</u>	<u>1,500</u>
<u>19</u>	<u>1,425</u>
<u>18</u>	<u>1,350</u>
<u>17</u>	<u>1,275</u>
<u>16</u>	<u>1,200</u>
<u>15</u>	<u>1,125</u>
<u>14</u>	<u>1,050</u>
<u>13</u>	<u>975</u>
<u>12</u>	<u>900</u>
<u>11</u>	<u>825</u>
<u>10</u>	<u>750</u>
<u>9</u>	<u>675</u>
<u>8</u>	<u>600</u>
<u>7</u>	<u>525</u>
<u>6</u>	<u>450</u>
<u>5</u> [1]	<u>375</u> [\$300]
<u>4</u> [2]	<u>300</u> [240]
3	<u>225</u> [180]
<u>2</u> [4]	<u>150</u> [120]
<u>1</u> [5]	<u>75</u> [60]

(5) under (1) of this subsection, the entry permit value for each fishery will be estimated by the commission in June of the year immediately preceding the year for which the annual fee applies;

(6) under (2) and (3) of this subsection, the average gross earnings for each fishery will be estimated by the commission in June of the year immediately preceding the year for which the annual fee applies; these estimates will be based upon the most recent three years for which data are available; if less than three years of data are available for a fishery, the average will be calculated using the available years;

(7) **in addition to the annual base fees for all interim-use or entry permits renewed for the year, a** [IF THE] person [SEEKING THE ISSUANCE OR RENEWAL OF AN INTERIM-USE OR ENTRY PERMIT] **who** 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 FEE AS CALCULATED UNDER (1) – (6) OF THIS SUBSECTION PLUS AN ADDITIONAL AMOUNT THAT] will be charged [TO THE PERSON] **an annual nonresident surcharge** 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 **annual nonresident surcharge** [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 **annual nonresident surcharge** [ADDITIONAL AMOUNT] every three years.

(8) notwithstanding (2) of this subsection, an applicant for an interim-use permit in a halibut or sablefish fishery regulated under a federal individual fishing quota program may pay an annual base fee corresponding to fee class 1 as defined under (4) of this subsection if the applicant submits an invoice of fishing activity prepared by National Marine Fisheries Service, Restricted Access Management or other evidence for the most recent completed calendar year showing the applicant fished 8000 pounds or less of federal individual harvest share quota.

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(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, 2005** [JANUARY 1, 2004] 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 18, 2005** [FEBRUARY 13, 2004] 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, 2005** [JANUARY 1, 2004] 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 **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, 2005** [JANUARY 1, 2004] 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 18, 2005** [FEBRUARY 13, 2004] 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, 2005** [JANUARY 1, 2004] 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)** [(a)(7)] 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.**

(e) An applicant for a reduced fee under (c) or (d) of this section must apply on the **2006** [2005] **Federal Income** [Poverty] Guidelines and Reduced Permit Fee Application, provided by the commission, as revised as of **May 2005** [SEPTEMBER 2004] 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 ____/____/2005, Register _____)

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

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 “2006[2005] Federal Income [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, 2005 [JANUARY 1, 2004] 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 18, 2005 [FEBRUARY 13, 2004] 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, 2005 [JANUARY 1, 2004] 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 _____/_____/2005, Register _____)

Authority: AS 16.43.100 AS 16.43.110

20 AAC 05.320(e) is amended to read:

20 AAC 05.320. Maximum number of entry permits.

(e) The maximum number of entry permits for the sablefish fisheries designated in 20 AAC 05.310(f) is established as follows:

Fisheries	Maximum Number of Entry Permits
(1) Northern Southeast Inside <u>(A)</u> longline fishery	73
(2) Southern Southeast Inside <u>(C)</u> longline fishery	<u>18</u> [12]
pot fishery	3
(3) Prince William Sound <u>(E)</u> fixed gear fishery	49
pot gear fishery	1
net gear fishery	1

(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; 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 ____/____/2005; Register _____)

Authority: AS 16.43.100 AS 16.43.110 AS 16.43.240

20 AAC 05.831(a)(3) is amended to read:

20 AAC 05.831. Fishing capacity restrictions for Kodiak bairdi Tanner crab pot permits. (a) As part of interim-use permits and entry permits issued for the Kodiak (K) bairdi Tanner crab pot fishery, the commission will restrict the maximum overall length of a vessel that a permit holder can use. These restrictions will be based upon the past participation of the applicant in the fishery before the qualification date, as follows:

(3) notwithstanding (b) of this section, if the vessel used in the fishery to commercially harvest bairdi Tanner crab was sunk, **sold** or destroyed and a replacement vessel was acquired before the commission proposed limited entry for the fishery on September 18, 2002, the applicant's permit will be based upon the overall length of the replacement vessel;

(Eff. 1/2/2003, Register 164; am ____/____/2005, Register _____)

Authority: AS 16.43.100 AS 16.43.270 AS 16.43.950
AS 16.43.110

20 AAC 05.1910(g) and (h) are amended and a new subsection is added to read:

20 AAC 05.1910. Remittances and charges.

(g) The following fees apply to the issuance of duplicate permit cards and vessel licenses:

- (1) duplicate permit card is \$20;
- (2) duplicate metal ADF&G number plate is **\$20**[\$2];
- (3) duplicate vessel license, consisting of a receipt or annual sticker, or both, is \$20;
- (4) there is no fee for a duplicate permit certificate or for a vessel salmon net area registration tab.

(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, 2005** [JANUARY 1, 2004] 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 18, 2005** [FEBRUARY 13, 2004] 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, 2005** [JANUARY 1, 2004] and adopted by reference.

(i) The fee for the initial issuance of a metal ADF&G number plate is \$30. (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 ____/____/2005, Register _____)

Authority: AS 16.43.100 AS 16.43.110 AS 16.43.160