

INITIAL DRAFT IMPLEMENTING REGULATIONS
ALASKA KING-CRAB FMP

Section _____ .1 General

- (a) Subject to the other provisions of this Part, the authority to implement the Fishery Management Plan for the King Crab Fishery Off Alaska (FMP) is delegated to the State of Alaska.
- (b) Subject to other requirements of law, this Part shall take effect upon receipt by the Assistant Administrator for Fisheries (Assistant Administrator) of the National Oceanic and Atmospheric Administration (NOAA) of a statement signed by the Governor of the State of Alaska accepting the provisions of this Part on behalf of that State identifying the agencies that will exercise the authority to implement the FMP delegated by paragraph (a) of this section.
- (c) No person may fish for king crab in the fishery conservation zone adjacent to the State of Alaska (FCZ) except as permitted by laws and regulations of the State of Alaska having effect in the FCZ under this Part at the time such fishing occurs.
- (d) Terms used in this Part are defined as they are in the Magnuson Fishery Conservation and Management Act (Act) and in the FMP.

Section _____ .2 Initial Implementation of the FMP

- (a) Within sixty (60) days after this Part takes effect, the Director of the Alaska Region, National Marine Fisheries Service, NOAA (Regional Director) shall, after consultation with the North Pacific Fishery Management Council (Council), specify the laws and regulations of the State of Alaska governing fishing for king crab then in effect that he finds to be inconsistent with the FMP, and publish this specification in the FEDERAL REGISTER. On the sixty-first day after this Part takes effect, any State laws and regulations so specified by the Regional Director shall cease to govern fishing for king crab in the FCZ by any vessels, whether or not they are registered under the laws of the State of Alaska. On the same day, any laws and regulations of the State of Alaska governing fishing for king crab on the day this Part took effect that are not so specified by the Regional Director shall take effect under this Part and govern all fishing for king crab in the FCZ.
- (b) The Regional Director may promulgate and amend such other regulations as he may deem necessary to implement the FMP fully, in accordance with other requirements of law.
- (c) Any interested person may appeal the non-specification of a State law or regulation by the Regional Director under paragraph (a) of this section to the Assistant Administrator within ninety (90) days after this Part takes effect. An appeal under this paragraph shall be considered filed upon receipt by the Assistant Administrator of a written statement signed by the appellant, identifying the State laws and regulations in question

and the reasons they should have been specified by the Regional Director under paragraph (a) of this section. The Assistant Administrator shall either reject the appeal or specify other State laws and regulations governing fishing for king crab that he finds to be inconsistent with the FMP within thirty (30) days after the appeal is filed, and any such specification shall be published in the FEDERAL REGISTER.

If the Assistant Administrator specifies under this paragraph a State law or regulation not previously specified by the Regional Director under paragraph (a) of this section, that law or regulation shall cease to govern fishing for king crab by any vessels, whether or not they are registered under the laws of the State of Alaska, upon publication of the Assistant Administrator's specification in the FEDERAL REGISTER.

Section _____ .3 New State Laws and Regulations

- (a) Within sixty (60) days after adoption by the State of Alaska of a law or regulation governing fishing for king crab that was not in effect when this Part took effect, the Regional Director shall, after consultation with the Council, determine whether that law or regulation is consistent with the FMP, and shall publish that determination in the FEDERAL REGISTER.

Unless the Regional Director determines that the new State law or regulation is inconsistent with the FMP, it shall take effect under this Part when it takes effect under the law of the State of Alaska, and shall thereafter govern all fishing for king crab in the FCZ. Upon publication in the FEDERAL REGISTER of a determination by the Regional Director that the new State law or regulation is not consistent with the FMP, that law or regulation shall cease to govern fishing for king crab in the FCZ by any vessels, whether or not they are registered under the laws of the State of Alaska.

- (b) Any interested person may appeal to the Assistant Administrator the determination by the Regional Director under paragraph (a) of this section that a new State law or regulation is consistent with the FMP within thirty (30) days after that determination is published in the FEDERAL REGISTER. An appeal under this paragraph shall be considered filed upon receipt by the Assistant Administrator of a written statement signed by the appellant stating the reasons that the new State law or regulation should have been determined by the Regional Director to be inconsistent with the FMP. The Assistant Administrator shall determine whether the new State law or regulation is consistent with the FMP within thirty (30) days after the appeal is filed, and shall publish his determination in the FEDERAL REGISTER. If the Assistant Administrator determines that the new State law or regulation is inconsistent with the FMP, that law or regulation shall cease to govern fishing for king crab in the FCZ by any vessels, whether or not they are registered under the laws of the State of Alaska, upon publication of the Assistant Administrator's determination in the FEDERAL REGISTER.

Section _____ .4 Amendment of the FMP

The provisions of Section _____ .2 of this Part shall apply in case of amendment of the FMP, except

- (a) time periods calculated from the taking effect of this Part shall instead be calculated from the final approval of the amendment by the Assistant Administrator; and
- (b) all laws and regulations of the State of Alaska having effect in the FCZ under this Part shall retain such effect pending the specification by the Regional Director under Section _____ .2(a).