

PROPOSAL 6

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet — Resurrection Bay Saltwater Area.

Close the Homer Marine Terminal barge basin to sport fishing, as follows:

Close the Homer Marine Terminal barge basin to all sportfishing.

5 AAC 58.022(b)(2)

...

(F) in the marine waters near the entrance of the Homer Spit Marine Terminal barge basin, including the entire barge basin, sport fishing is prohibited. The Homer Spit Marine Terminal barge basin is located on the east side of the Homer spit approximately 1/2 mile north of the Nick Dudiak Fishing Lagoon. ADF&G regulatory markers at approximately (GPS coordinate to be supplied upon further consultation with ADF&G staff) mark the entrance of the Homer Spit Marine Terminal barge basin.

What is the issue you would like the board to address and why? Anglers fishing within the close confines of the barge basin while commercial activities are being conducted has created safety concerns and at times hampered commercial activities. The Homer Marine Terminal barge basin is located on the east side of the Homer Spit approximately 1/2 mile north of the Nick Dudiak Fishing Lagoon (NDFL). The defined NDFL waters are closed to snagging unless opened by emergency order, while the nearby barge basin opens to snagging June 24. Anglers have been trespassing on private property at the Homer Marine Terminal primarily to snag wild and stocked coho salmon in July and August. This is an active freight landing area and is extremely unsafe for recreational users.

Furthermore, there is no legal access to the barge basin by land in the first place, but the fact that it is open to fishing encourages trespass. As a man made and maintained body of water, current understanding is that the Homer Spit Properties LLC has ownership of all land included in the basin, including tidal lands and the basin bottom. The last two years have seen a large increase of sport fishermen fishing in the basin for hatchery silvers released off the spit by ADF&G during July and August. Extensive time and effort has been spent talking to fishermen, informing them it was private property, and asking them to not fish there. These efforts have been unsuccessful in large part due to an incorrect general impression that the basin is “navigable water” and in the public domain. Compounding the problem is the fact that current regulations allow for snagging in the barge basin while the Nick Dudiak Fishing Lagoon just down the road prohibits snagging. As a result many fishermen prefer to trespass and fish in the barge basin over utilizing the nearby fishing lagoon. As many as 40 shore fishermen and 12 boats have been present at a given time this past summer. There have been multiple occasions of boats interfering with tug and barge operations; or people, often with children, being in the path of heavy equipment during offload and yard operations. This is a commercial property where barges and landing craft regularly come into the basin, have very limited maneuvering space, and sometimes have dangerous cargo. There is regular use of heavy equipment, handling of freight, and occasionally explosives and other hazardous materials. It is simply not an appropriate location for recreational fishing.

PROPOSED BY: Homer Spit Properties LLC

(HQ-F19-113)
