

**PROPOSAL 165**

**5 AAC 01.XXX. New section.**

Prohibit compensation for guide services in subsistence fisheries, as follows:

No person or persons shall pay more than the pro rata share in exchange for guide services while engaged in subsistence fisheries.

For the purpose of this section "guide services" include providing direct instruction in fishing techniques and locations, or operating watercraft while subsistence fishing is taking place from that watercraft. "Guide services" do not include transportation to and from the fishing site, customary and traditional barter, fish processing services, gear rentals, or trips between family members of second degree kindred.

"Pro rata" means a proportional share of direct trip costs. Direct trip costs include fuel, ice, food, fish processing or other costs incurred from consumable goods or services, but do not include cost of durable goods such as boats, fishing equipment, or regular maintenance costs of equipment.

**What is the issue you would like the board to address and why?** Subsistence fishing provides the guide industry a loophole to commercially exploit fish and game resources when other commercial opportunities are closed for conservations reasons. Subsistence fishing is defined to be a non commercial enterprise and should not be used to enrich individuals who choose not to share in the conservation burden, they provide an outsized catch power to resident fishermen who nearly entirely do not need subsistence fish, would not qualify as federal subsistence users, and have the means to participate sport, personal use, commercial or other subsistence fisheries in the state of Alaska.

By allowing commercial guiding in subsistence fisheries the board of fish is allocating fish generally away from local traditional users of the resource towards urban users who have limited knowledge, equipment and means who are not traditional users of the resource.

This proposal is not intended to limit the passing down of traditional knowledge, traditional barter, or sharing of equipment. This proposal is also not intended to affect commercial services in engaging with aiding subsistence fishermen indirectly such as transporting them to subsistence locations, furnishing gear, processing fish etc.

This proposal is simply intended to codify that subsistence fishing shall not support commercial enterprises, as intended by state law.

**PROPOSED BY:** Patrick McCormick

(EF-F21-030)

\*\*\*\*\*