

Sport/Personal Use/Subsistence Guiding (4 proposals)

PROPOSAL 162

5 AAC 75.077. Sport fishing guide vessel registration requirements.

Allow the Kenai River Special Management Area -DNR decal to serve as proof of ADF&G sport fishing guide vessel registration, as follows:

5 AAC 75.077 is amended to read:

(a) Before being used to provide sport fishing guide services, a vessel must be registered annually with the department. A business owner, or the owner's authorized agent, shall register each individual vessel operated by the business to provide sport fishing guide services by completing a form provided by the department. At the time of registration, the business owner, or the owner's authorized agent, must provide the current division of motor vehicles boat registration number, issued under 2 AAC 70, or the current United States Coast Guard vessel documentation number of each vessel being registered.

(b) A person may not engage in sport fishing guide services from a powered or unpowered vessel unless the vessel is registered under (a) of this section and displays a sport fishing guide vessel decal with a current annual sticker issued by the department as follows:

(1) upon initial registration of a vessel, two sport fishing guide vessel decals will be issued by the department for that vessel; one decal must be securely affixed on each side of the vessel and must be displayed in plain view at all times the vessel is used to provide sport fishing guide services, **except that a vessel providing sport fishing guide services in the Kenai River Special Management Area may display the current year Department of Natural Resources Kenai River guide decal as proof of ADF&G registration;**

(2) for the years following the year of initial registration of a vessel, two current year renewal stickers will be issued by the department for that vessel; one current year renewal sticker must be securely affixed on each decal over the previous year renewal sticker and must be displayed in plain view at all times the vessel is used to provide sport fishing guide services, **except as provided in (b)(1) for vessels providing sport fishing guides services in the Kenai River Special Management Area.**

What is the issue you would like the board to address and why? Alaska statute and statewide sport fishing regulations require a sticker be displayed on a vessel providing sport fishing services. The statute (AS 16.05.395 Sport fishing vessel registration) specifically requires “proof of registration” with ADF&G be “clearly visible on the vessel while the vessel is used to provide sport fishing services. The regulation (5 AAC 75.077 Sport fishing guide vessel registration requirements) requires that guides display “a sport fishing guide vessel decal with a current annual sticker issued by the department...”

The annual Department of Natural Resources (DNR) current year renewal sticker has been used in lieu of the department’s annual renewal sticker for vessels operating in the Kenai River Special Management Area (KRSMA) because DNR regulations required guides operating in the KRSMA be in compliance with ADF&G regulations prior to receiving the KRSMA sticker. This ensured

that guides and their vessels were annually registered with ADF&G and therefore the DNR current year renewal sticker was proof of current ADF&G registration.

However, the DNR regulation currently references a statute that is repealed and 5 AAC 75.077 requires the current annual sticker “issued by the department”. DNR and ADF&G staff are coordinating a response to address the redundancy of requiring two vessel stickers that provide proof of registration. ADF&G by submitting this proposal and, if it passes, DNR will replace the reference to the repealed statute with 5 AAC 75.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-071)

PROPOSAL 163

5 AAC 77.XXX. New section.

Prohibit guiding in personal use finfish fisheries, as follows:

Alternative one (preferred): Guiding of persons engaging in personal use fisheries shall not be allowed. **What is the issue you would like the board to address and why?** Commercialization of personal use fisheries.

Personal use fisheries were implemented as a stop gap measure to actively manage sockeye salmon runs after the Exxon Valdez oil spill allowing Alaskan residents to harvest excess fish to maintain optimum escapement goals. Currently the industry of guiding this non commercial fishery is growing rapidly. Personal use fishermen do not pay for management of fisheries, and do not pay for enhancement of those fisheries targeting hatchery salmon (for example, Gulkana River sockeye, Kachemak Bay Coho/Sockeye, Fish Creek Sockeye) allowing persons to commercialize these resources paid for almost exclusively by commercial fishermen (some is paid for through sportfish funded programs) is entirely unfair to the commercial sector and sportfishing license holders.

Personal use fisheries have been entirely to give residents an opportunity to participate in subsistence style fisheries, feeding their families despite living in a non subsistence zone, they are not intended to be commercialized. Imagine a company in Glennallen charging money to operate a fishwheel for subsistence fishing.

Some alternatives:

Alternative two: Impose a fish tax on commercial operators who engage in enhanced PU fisheries based on the market value of those fish.

Alternative three: Impose a flat fee on commercial operators who engage in PU fisheries.

Alternative four (least preferred): Impose a fee on all PU fishery permit holders to pay for management and enhancement of these fisheries.

PROPOSED BY: Patrick McCormick

(EF-F21-017)

PROPOSAL 164

5 AAC 77.XXX. New Section.

Establish registration and reporting requirements for personal use guides and transporters, as follows:

-Personal use guides and transporters shall be registered similarly to sport fishing guides following the same requirements established in 5 AAC 75

- Personal use guides and transporters shall report to the department all retained fin fish and shellfish, estimated fishing effort, and any other information deemed helpful to the department.

What is the issue you would like the board to address and why? Establish regulations for commercial guide operations in personal use fisheries. Currently there are no requirements for guides engaging in commercial operations. This makes it impossible for the department to collect data to better regulate this budding industry and is prudent for management of fisheries.

PROPOSED BY: Patrick McCormick

(EF-F21-031)

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)
