

PROPOSAL 105

5 AAC 47.020 General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area, and 5 AAC 47.055 Southeast Alaska King Salmon Management Plan..

Modify sport fishing regulations in salt waters subject to the Magnuson-Stevens Act by removing differential regulations for resident and nonresident anglers, as follows:

Regulations for federal fisheries must not vary between Alaska residents and nonresidents.

What is the issue you would like the board to address and why? King salmon and groundfish fisheries in Alaska are federal fisheries. State regulation of these federal fisheries must comply with the Magnuson-Stevens Conservation and Fishery Management Act. Federal law prohibits management measures that distinguish between state residents and non-residents. 16 U.S.C. § 1851 (a)(4) (“Conservation measures shall not discriminate between residents of different states.”)

Discrimination among residents of different states. An FMP may not differentiate among U.S. citizens, nationals, resident aliens, or corporations on the basis of their state of residence. An FMP may not incorporate or rely on a state statute or regulation that discriminates against residents of another state.

50 C.F.R. § 600.325(b).

Alaska’s Administrative Code expressly discriminates against non-residents.

- King salmon. The Southeast Alaska King Salmon Management Plan makes express an objective to favorably treat resident anglers. 5 AAC 47.055(b) (“The objectives of the management plan under this section are to . . . minimize regulatory restrictions on resident anglers.”)
- King salmon. The Southeast Alaska King Salmon Management Plan contains numerous provisions constraining opportunities for nonresident anglers through reduced daily bag limits as well as an annual limit not applied to resident anglers. 5 AAC 47.055(c) through 5 AAC 47.055(i).
- King salmon. Nonresidents are obligated to complete a harvest record. 5 AAC 47.020(1).
- Demersal rockfish. resident: bag limit of one fish; possession limit of two fish; no annual limit; no size limit; nonresident: no open season; may not be taken or possessed. 5 AAC 47.020(8)(C).
- Sablefish. Unlike residents, nonresidents have an annual limit and are obligated to complete a harvest record. 5 AAC 47.020(17)(B).

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Marc Gorelnik

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