

ACR 11

Align regulations for sport fishing services and sport fishing guide services in fresh and salt water and update guide registration and reporting regulations (5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.085, 5 AAC 75.995).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 75.075. Sport fishing services and sport fishing guide services; salt water license and fresh water registration requirements; regulation of activities; 5 AAC 75.076. Sport fishing guide and operator reporting requirements; 5 AAC 75.085. Guided sport ecotourism requirements; and 5 AAC 75.995. Definitions.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. During the 2016 session the Alaska Legislature passed HB 41, which reestablished sport fishing business and guide license requirements for salt water guides and operators (only). These statutes are set to repeal January 1, 2019 and there was no legislation during the last session to extend the saltwater guide license requirements. As a result, effective January 1, 2019, the current saltwater sport fishing business and guide regulations will conflict with statute. After the statutes sunset, the board will no longer have the authority to require licensing of salt water sport fish guides and operators, or other requirements including insurance, business license, or first aid certification.

WHAT SOLUTION DO YOU PREFER? Amend the existing sport fishing business and guide regulations to require sport fishing business and guide registration for both fresh and salt water guiding activities as were in regulation prior to January 1, 2017.

STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.

a) for a fishery conservation purpose or reason: Not applicable.

b) to correct an error in regulation: Current regulations for salt water sport fishing guides and operators are inconsistent with the statutes that sunset January 1, 2019.

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted: Not applicable.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Regulations in 5 AAC 75 for sport fish guiding in salt water would be inconsistent with statute (AS 16.40.261 – AS 16.40.300) that will sunset January 1, 2019.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is an administrative ACR.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. The Alaska Department of Fish and Game manages the fresh and salt water sport fisheries (guided and unguided) within Alaska waters, with the exception of halibut, subject to the regulations established by the board.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has not been considered before. However, the department submitted an ACR for consideration at the October 2004 work session that requested the board implement the then-new provisions of HB 452. The board accepted the ACR and adopted the ensuing proposal at the November 2004 Lower Cook Inlet meeting. Similarly, the department submitted an ACR for consideration at the October 2016 work session that requested the board implement the provisions of HB 41. The board accepted the ACR and adopted the ensuing proposal at the November 2016 Lower Cook Inlet meeting.

SUBMITTED BY: Alaska Department of Fish and Game