

ACR 5

Prohibit fishing in the waters of the Homer Spit Marine Terminal barge basin (5 AAC 58.022).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet — Resurrection Bay Saltwater Area.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. There is currently extensive sport fishing effort in the barge basin of the Homer Spit Marine Terminal. 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. Thus fishing from shore or an anchored boat is already trespassing. However, 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 perceived 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 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.

WHAT SOLUTION DO YOU PREFER? Close the Homer Spit Marine Terminal barge basin to all sport fishing.

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

a) for a fishery conservation purpose or reason:

b) to correct an error in regulation:

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:
It was impossible for the board to foresee the impact that general Kachemak Bay saltwater sport fishing regulations would one day have on sport fishing within the commercial barge basin. The size of the problem has increased drastically in the last two years and does not appear likely to improve without regulatory changes.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? There will be an additional year of this problem. The current situation offers considerable risk to the public who attempt to fish in the basin; and incurs a great amount of cost in man-hours asking people to leave and liability due to the public presence on a commercial property for the Homer Spit Marine Terminal.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. It has no allocative impacts at all. Ample fishing opportunity exists on the Homer Spit for these fish. Fishermen can fish either in the Nick Dudiak Fishing Lagoon or any of the outside beaches. The channel immediately outside the barge basin would remain open and offers good fishing at appropriate tide stages.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Manager of the property in question.

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 issue has never come before the Board of Fish to our awareness.

SUBMITTED BY: Homer Spit Properties LLC