

PROPOSAL 80 - 5 AAC 47.090. George Inlet superexclusive guided sport ecotourism Dungeness crab fishery. Modify pot limits, buoy marking requirements, responsible parties, and management provisions for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery, as follows:

(d) Notwithstanding 5 AAC 47.035(c), no more than six pots per registered sport fishing operator, may be used and each pot may be lifted no more than three times per day. A pot lifted more than twice must be removed from the water on the third lifting and not returned to the water until the next calendar day. Pots may be set, but not pulled, by a separate designated support vessel that does not carry clients and is not otherwise used for fishing while designated as a support vessel. The department must be notified in writing of any support vessel designation before the support vessel is used to set pots. The vessel remains designated as a support vessel for the remainder of the calendar year unless the department is notified in writing that the designation is terminated.

(e) Notwithstanding 5 AAC 47.035

(f), the name and address of each sport fisherman using the gear is not required to be inscribed on a keg or buoy. However, a keg or buoy attached to a pot must be inscribed with the name of the registered sport fishing operator, the operator's address, and the name(s) or the division of motor vehicles boat registration number(s), issued under 2 AAC 70, of the vessel(s) used to operate the pot. The sport fishing guide in command of the sport fishing operator's vessel, and the person pulling or setting the pot, are responsible for any violations.

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(i) The commissioner may close the fishery by emergency order, or close and immediately reopen the fishery with additional conditions by emergency order, if the commissioner determines that a closure or additional conditions are reasonably necessary for the protection of the resource. The commissioner shall close, by emergency order, the guided sport ecotourism Dungeness crab fishery if the personal use Dungeness crab fishery in the area is closed. The commissioner may reduce the number of allowable pots or the number of allowable lifts, or both, if more than one sport fishing operator registers for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.

What is the issue you would like the board to address and why? The George Inlet superexclusive guided sport ecotourism Dungeness crab fishery was implemented at the request of Experience Alaska Tours (EAT). EAT was interested in developing an eco-tour in George Inlet that allowed guests to pull crab pots, view live crab, return their catch to the ocean, and return to George Inlet Lodge for a Dungeness crab meal. The tour has been highly successful and demand continues to increase.

Originally EAT operated three boats. Under regulation, each boat was allowed to operate two pots and each pot was allowed to be pulled up to three times per day. In 2011 EAT replaced two of its smaller tour boats with a larger boat. Standard protocol during a tour has been to pull two pots per tour. This allows guests two opportunities to experience the excitement as the pot comes out of the water, as well as diminishes the chance the trip will get skunked. The area is very productive and on the rare occasion when one pot has not fished well, the second pot usually always does. As demand for the tour has increased, EAT is faced with the possibility of

reducing the quality of the tour by only pulling one pot per trip in order to accommodate additional trips.

Changes to these regulations would also allow EAT (or any other registered business to this fishery) the flexibility to operate tours in a manner that accommodates its guests and meets the interests of the business. For instance, under current regulations a smaller group may be forced to be accommodated on EAT's smaller passenger vessel, because that vessel is the only one that has pots that can still be pulled that day. However, given the choice, the company may prefer to use the larger and more comfortable vessel as a way to enhance the tour for guests. Current regulations would prohibit such accommodation.

The original regulations anticipated three boats, 2 pots each, with a maximum of three pot pulls per day. For EAT's original boat fleet, this equated to 6 total pots and 18 total pot pulls per day. This proposed regulation would eliminate the need for each pot to be assigned to a specific vessel but would still limit the registered sport fish operator (EAT, in this case) to a total of 6 pots and 18 total pot pulls per day. The changes simply give the business more flexibility with their smaller boat fleet to meet the demands of the customer and the needs of the business.

Since its inception no other company, other than EAT, has registered for this superexclusive fishery. Proposed changes to 5 AAC 47.090(i) would give the Commissioner the ability to restrict the number of pots or pulls if more than one sport fishing operator registers for the fishery.

This tour has been in operation since 2003 and is a shining example of how an eco-tour can successfully meet the demands of conservation as well as support industry. The crab stocks in George Inlet continue to be very healthy and our log books show strong catches over the history of this fishery. The tour employs close to 30 seasonal employees, as well as five full-time year-round positions. In 2013 the tour purchased 50,000 pounds of Petersburg-processed Dungeness crab to serve to tour guests, supporting the seasonal tourist economy in Ketchikan as well as the Southeast commercial crab fishing industry as well.

PROPOSED BY: Experience Alaska Tours (EF-C14-012)

PROPOSAL 81 - 5 AAC 47.090. George Inlet superexclusive guided sport ecotourism Dungeness crab fishery. Modify sport fishing guide requirements in the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery, as follows:

(b) During the calendar year of registration, a sport fishing operator[, SPORT FISHING GUIDE,] or vessel registered for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery may not participate in any other Dungeness crab fishery, or any other guided sport fishery as a vessel or operator. **A sport fishing guide registered for the George Inlet superexclusive guided sport ecotourism Dungeness crab fishery may not participate in any other Dungeness crab fishery, or any other guided sport fishery as a guide while registered for the superexclusive fishery. A sport fishing guide may rescind their**

registration for the superexclusive fishery by submitting a request in writing to the Commissioner.

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(j) Notwithstanding (c) of this section, during the 2008 calendar year, before April 1, a sport fishing operator, sport fishing guide, or vessel owner may register for the George Inlet superexclusive ecotourism guided sport ecotourism fishery. After registering for the fishery, a sport fishing operator [,SPORT FISHING GUIDE,] or vessel owner may not fish for Dungeness crab in any other area or participate in other guided sport fishery as a vessel or operator. **A sport fishing guide may not fish for Dungeness crab in any other area or participate in any other guided sport fishery as a guide while registered for the superexclusive fishery.**

What is the issue you would like the board to address and why? This restriction places an unnecessary burden on both the employer and the employee. The employer may feel compelled to reduce an employee's hours or lay them off due to slow tour sales but be less inclined to do so given the fact that the employee's job opportunities have been diminished as a result of registering for the superexclusive fishery. The employee may wish to seek employment with another company or branch out on their own, but may be prohibited from doing so because they are ineligible to participate in another sport fishery as a guide. Additionally, the seasonal nature of this fishery requires employees to seek out other "off-season" employment to support themselves. It is not uncommon for sport fishing guides to seek employment in the commercial fishery during the winter. This includes crabbing, shrimping, and long lining for bottom fish. There are not similar provisions in place for other sport fish guides (i.e. a charter guide that fishes for halibut is not prohibited from fishing on a long line boat, a charter guide that facilitate his guests setting crab pots is not prohibited from commercially crab fishing).

PROPOSED BY: Experience Alaska Tours (EF-C14-013)
