

Madam Chair and members of the board

AS 16.05.940(7) Customary and Traditional means the “non-commercial,”

What does “non-commercial” mean?

We know what commercial fishing means.

AS 16.05.940 (5) “commercial fishing” means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels.

When the legislature has defined a term such as “commercial fishing”, that definition has to be used consistently. The term “non-commercial”, as used in the subsistence statute, applies to the wild resource being harvested and specifies what can or cannot be done with it. The resource harvested in a subsistence fishery cannot be sold.

Interestingly, commercial harvesters routinely set aside a portion of their harvest as “home pack”. These fish are not sold as is clearly required by the definition of “commercial fishing”, and instead are directly consumed or given away by the harvester to friends or family.

Guides operating in a subsistence use area are not “commercial fishing”. Guides are also not “commercial fishermen” because they are not selling fish. Guide services are not operating in a regulated commercial fishery, so they are not commercial fishing by definition. Guide services, under proposal 165, are non-commercial. “Commercial” means to sell fish caught in commercial gear. Non-commercial is the opposite of commercial. Dip nets are not commercial gear.

This proposal is from a commercial harvester in Prince William Sound who seeks to prevent subsistence users in the Copper River from hiring a boat captain to take them to places where they can dip net for subsistence salmon. Less subsistence salmon fishing opportunity in the Copper River could mean more commercial harvest opportunity in Prince William Sound. The proposal erroneously claims that urban users are not truly subsistence users.

When guide services are participating in subsistence, they are passing on customary and traditional knowledge of how, when, and where to fish. Furthermore, guide services provide an opportunity for families to harvest their wild fish subsistence needs. Families that they may not have had the opportunity, means, or knowledge to do so. If you don't own a fish wheel site above the McCarthy Bridge, there is almost no other reasonable opportunity to harvest other than using a large powerful jet boat. The kind of boat that is not available to most subsistence users.

Harvesters who gillnet the mouth of the Copper River for fish to sell have long sought to limit the ability of Alaskans to catch upriver fish to eat.

Every fish caught from a subsistence guide boat is caught by a subsistence user for subsistence uses. This board should not restrict those users or uses absent compelling facts... It is not a compelling fact that gillnetters want more fish for them to sell and less fish for Alaskans to eat.

Do not support 165.

Al Barrette

