

PROPOSAL 165

5 AAC 75.077. Sport fishing guide vessel registration requirements.

Allow a fishing guide vessel to de-register after registration in a calendar year, as follows:

We propose a simple fix to allow Charter Vessels to be de-registered prior to the end of the end of the year, and then re-registered with ADF&G the following calendar year to allow for the vessel owners to bring friends for subsistence fishing. Here is our proposed draft language to 5 AAC 75.077:

5 AAC 75.077. Sport fishing guide vessel registration requirements

(a) Before being used to provide sport fishing guide services, a vessel must be registered annually with the department. A business owner, or the owner's authorized agent, shall register each individual vessel operated by the business to provide sport fishing guide services by completing a form provided by the department. At the time of registration, the business owner, or the owner's authorized agent, must provide the current division of motor vehicles boat registration number, issued under 2 AAC 70, or the current United States Coast Guard vessel documentation number of each vessel being registered.

(b) A person may not engage in sport fishing guide services from a powered or unpowered vessel unless the vessel is registered under (a) of this section and displays a sport fishing guide vessel decal with a current annual sticker issued by the department as follows:

(b)(1) upon initial registration of a vessel, two sport fishing guide vessel decals will be issued by the department for that vessel; one decal must be securely affixed on each side of the vessel and must be displayed in plain view at all times the vessel is used to provide sport fishing guide services;

(b)(2) for the years following the year of initial registration of a vessel, two current year renewal stickers will be issued by the department for that vessel; one current year renewal sticker must be securely affixed on each decal over the previous year renewal sticker and must be displayed in plain view at all times the vessel is used to provide sport fishing guide services.

(b)(3) De-registration of a sport fishing guide vessel is allowed prior to Dec. 31st. This would be permanent for the rest of the year and vessel could not be registered to sport fish charter guided anglers again until after Dec. 31st, of current year. [OR see (e)]

(c) If a decal or current year renewal sticker is lost or damaged, a replacement must be obtained from the department and affixed and displayed as required in this section before the vessel is used to provide sport fishing guide services.

(d) A float tube used to provide sport fish guide services is exempt from the registration and decal requirements of this section. For the purposes of this subsection, "float tube" means a tubular floating device designed to support one person in the water and propelled only by power from the arms or legs of the operator.

(e) De-registration of a sport fishing guide vessel is allowed prior to Dec. 31st. This would be permanent for the rest of the year and vessel could not be registered to sport fish charter guided anglers again until after Dec. 31st, of current year.

What is the issue you would like the board to address and why? Recreational Charter Fishing Passenger Vessels and Subsistence Fishing: Under current rules, Federal regulation states that "once a charter vessel is registered with the ADF&G, only the vessel owner and/or immediate

family may be on board the vessel while subsistence fishing for halibut." Many charter boat owners with SHARC cards would like to take friends with cards as well. The problem is that many family members with SHARC cards may be unable to fish, and friends with SHARC cards may not have a safe vessel to use to provide their winter pack of halibut. Using multiple vessels when a charter boat is available is inefficient, wasteful and presents serious safety concerns. There is no similar prohibition of friends fishing subsistence on commercial vessels; this would provide parity and fairness to make the change we are proposing.

We propose to allow charter vessels to de-register their vessels in the winter and then re-register them the next spring, to conform with federal rules and still be able to take family AND friends with SHARC cards to subsistence fish. Friends can help out on the trip when family is unable or unavailable to make a trip.

Changing federal regulations to allow for this fix would be much more cumbersome and time consuming, and as the state registers the vessels, this seems like a more direct solution. Without this change, charter boat owners and their friends will be denied safe access to their subsistence rights.

PROPOSED BY: Alaska Charter Association

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