



November 5, 2019

Chairman Morisky
Board of Fisheries

Department of Public Safety, Division of the Alaska Wildlife Troopers (AWT), comments on Lower Cook Inlet proposals:

PROPOSAL 7 – 5 AAC 58.030. Methods, means, and general provisions – Finfish.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would redefine the area prohibited to snagging in Cook Inlet salt waters.

DEPARTMENT COMMENTS: This would simplify regulations in Cook Inlet salt waters by aligning the snagging boundaries with other sport fishing regulations by moving the boundary 8 miles south from Anchor Point to Bluff Point. Snagging would be allowed year-round in Kachemak Bay which would be inline with all other southcentral area salt waters. The Alaska Wildlife Troopers **SUPPORT** this proposal.

PROPOSAL 10 – 5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, methods and means for the Kenai Peninsula Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would redefine the boundary for the lower and upper Anchor River stream sections.

DEPARTMENT COMMENTS: This would add clarity to regulations and may reduce unintentional violations. Referencing the Old Sterling Highway Bridge for the description of the boundary will provide anglers a more readily identifiable landmark for reference and will eliminate the need to continually change the location of the boundary as the confluence of the North and South forks moves. The Alaska Wildlife Troopers **SUPPORT** this proposal.

PROPOSAL 14 – 5 AAC 75.995. Definitions.

PROPOSED BY: Mel Erickson.

WHAT WOULD THE PROPOSAL DO? This would modify the definition of bag limit to include fish landed but not originally hooked by an angler.

WHAT ARE THE CURRENT REGULATIONS? Bag limit is defined in 5 AAC 75.995(a)(4): “...the maximum legal take of fish per person per day, in the area in which the person is fishing, even if part or all of the fish are immediately preserved; a fish when landed and not immediately released becomes a part of the bag limit of the person originally hooking it”.

DEPARTMENT COMMENTS: The Alaska Wildlife Troopers are **NEUTRAL** on this proposal. There are pros and cons from an enforcement perspective. In some cases, it would be easier to determine who is operating the fishing rod when a fish is landed, as opposed to when a fish is initially hooked. As it is now, any fish not immediately released becomes part of the bag limit of the person who originally hooked it. If this proposal is accepted an angler who is adept at fishing could hook and fight fish and just before the fish is landed and retained, hand the rod to someone else for landing and then the fish would be added to that person’s bag limit. It is likely that overall take of fish would increase. Should the board decide to accept this proposal at some point and, change the definition, it would be a state-wide change.

PROPOSAL 15 – 5 AAC 75.075. Sport fishing services and sport fishing guide services; salt water license and fresh water registration requirements; regulation of activities; 75.076. Sport fishing guide and operator reporting requirements; and 75.077. Sport fishing guide vessel registration requirements.

PROPOSED BY: Mel Erickson.

WHAT WOULD THE PROPOSAL DO? This would prohibit reselling of guide services by anyone other than licensed guides.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not address how guide services may be sold.

DEPARTMENT COMMENTS: Should the Board desire to take action on this proposal it may best be addressed as a statewide proposal. Sport fish guides often move great distances by vessel and aircraft, often moving from one region to another during the same trip.

Based on current regulations the provision of “sport fish guide services” does not commence until a sport fish guide accompanies or physically directs a sport fishing client engaged in sport fishing. In other words, until a line goes in the water no sport fish guiding has occurred.

To enforce the sale or “re-selling” of sport fish guide services by sport fish guides the board will need to add “sale” or “contracting” for sport fish guide services to the definition of sport fish guide. For example, in Big Game Commercial Services statutes [AS 08.54.790(9)] the definition of guide “means to provide, for compensation or

with the intent or with an agreement to receive compensation, services, equipment...”. The statute goes on to say that “services” includes contracting to guide. Therefore, if a person contracts to guide they need to be licensed.

The board would also need to provide clarity in regulation regarding the activities of tour brokers and agents of sport fish guides. Current regulation, 5AAC 75.995(a)(43)(B), says that, “sport fish services does not include booking and other ancillary services provided by a tour broker or agent to sport fish guide service operator.”

The Alaska Wildlife Troopers are **OPPOSED** to this proposal because of added regulatory complexity and the burden that it would put on all involved. If the board determines that there is a need for this type of control it may be advisable to work through the legislative process and adopt a statutory structure similar to Big Game Commercial Services statutes.

PROPOSAL 17 – Personal Use Coho Salmon Fishery Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would require that the permit holder in the personal use set gillnet fishery be on site when their gear is deployed.

WHAT ARE THE CURRENT REGULATIONS? There is currently no requirement in regulation for a permit holder to be physically present when a set gillnet is being operated.

DEPARTMENT COMMENTS: Requiring a personal use permit holder to be physically present at the fishing site while a set gillnet is being operated will simplify enforcement. Enforcement of gear restrictions, fishing seasons, possession limits and waste of salmon regulations is much more effective, practical and less time consuming when the operator is present at the site. Adopting this proposal will also align regulations with other areas in Cook Inlet. For example, for Upper Cook Inlet, 5 AAC 77.540(b)(5)(C) says in part, “the permit holder shall attend the set gillnet at all times when it is being used to take fish.” The Alaska Wildlife Troopers **SUPPORT** this proposal.

PROPOSAL 33 – 5 AAC 21.350(d) Closed waters

PROPOSED BY: Cook Inlet Recreational Fishermen/Todd Jacobson.

WHAT WOULD THE PROPOSAL DO? This would establish regulatory closed waters within one nautical mile radius of the end of the Homer Spit (Coal Point) using a waypoint as a reference.

DEPARTMENT COMMENTS: From an enforcement perspective, it is relatively simple to enforce a boundary any distance from a given point, whether that point is at the end of a spit, at the mouth of a creek or anywhere else that a straight-line or contoured boundary is not preferred. Adoption of this proposal could reduce conflict between user groups but it would also add the burden of enforcing a new closed waters boundary. The Alaska Wildlife Troopers are **NEUTRAL** on this proposal.

PROPOSAL 36 – 5 AAC 21.xxx. Retention of king salmon

PROPOSED BY: Cook Inlet Recreational Fishermen/Todd Jacobson.

WHAT WOULD THE PROPOSAL DO? This would prohibit the retention and sale of king salmon over 28” in length by commercial purse seine permit holders in the Southern District of Lower Cook Inlet (LCI).

DEPARTMENT COMMENTS: The Alaska Wildlife Troopers are **NEUTRAL** on the allocative aspects of this proposal but **OPPOSE** the non-retention method reducing king salmon take. Regulations similar to this proposal exist in the Southeast Alaska commercial salmon purse seine fisheries. The non-retention method of reducing king salmon harvest has proven to be problematic for enforcement, fishermen and processors alike. Enforcing this type of regulation is labor intensive, the level of investigation it takes causes conflict between enforcement and the fishing public and there is a seemingly high violation rate.

This type of regulation also causes difficulties for tender operators and fish processors when unlawfully retained king salmon are encountered during off-loads. Over the past two years several Southeast fishermen and processors have been cited for violating regulations related to the non-retention of king salmon. Should the board decide that there is a need to reduce take of king salmon in the purse seine fishery, other options should be considered as this is a burdensome and marginally effective tool from an enforcement perspective.