

**Title 5. Fish and Game.**

**Chapter 75. Statewide Provisions.**

**Article 4. Fishing Services and Sport Fishing Guides.**

5 AAC 75.075 is amended to read:

**5 AAC 75.075. Sport fishing services and sport fishing guide services; registration [LICENSE] requirements; regulation of activities.** (a) An owner of a business intending to conduct sport fishing services shall register with [OBTAIN A CURRENT ANNUAL SPORT FISHING OPERATOR LICENSE FROM] the department before the business conducts sport fishing services. To meet the registration [LICENSING] requirements of [AS 16.40.260 AND] this section, the owner shall complete and submit [, ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340(a),] a sport fishing operator registration [LICENSE APPLICATION] form provided by the department. The following information regarding the business conducting the sport fishing service must be provided on the sport fishing operator registration [LICENSE APPLICATION] form:

(1) the name, permanent residence address, local residence address, and mailing address of the owner;

(2) the name of the business;

(3) repealed / /2015 [THE ALASKA BUSINESS LICENSE NUMBER, ISSUED UNDER 12 AAC 12, AND EXPIRATION DATE OF THE BUSINESS LICENSE];

(4) repealed / /2015 [THE BUSINESS' INSURANCE POLICY NUMBER, WITH THE COMPANY NAME AND EXPIRATION DATE, OF THE POLICY THAT MEETS THE INSURANCE REQUIREMENTS SPECIFIED IN AS 16.40.260];

(5) the areas in which the fishing services will be provided;

(6) repealed / /2015 [ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.260].

(b) Before providing sport fishing guide services, **a person shall complete and submit to the department** [AND APPLICANT SHALL COMPLETE AND SUBMIT, ALONG WITH THE APPLICABLE FEE PRESCRIBE IN AS 16.05.340 (a),] a current annual sport fishing guide **registration** [LICENSE] form provided by the department. The following information regarding the applicant must be provided on the sport fishing guide **registration** [LICENSE] form:

(1) the name, permanent residence address, and mailing address of the applicant;

(2) repealed / /2015 [A DECLARATION OF CITIZENSHIP];

(3) repealed / /2015 [FIRST AID CARD INFORMATION];

(4) current Alaska sport fishing license number;

(5) **repealed** / /2015 [IF OPERATING A VESSEL, THE CURRENT UNITED STATES COAST GUARD LICENSE INFORMATION];

(6) **repealed** / /2015 [ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.270].

(c) While engaged in providing sport fishing guide services, a sport fishing guide shall have readily available for inspection and shall display upon request of a local representative of the department or a peace officer of the state, and while on salt water or navigable fresh water within six hours after being on salt water a law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard, the following:

(1) the sport fishing guide's current

(A) sport fishing guide **registration form validated by the department** [LICENSE]; and

(B) applicable logbooks as required in 5 AAC 75.076(c);

(2) a copy of the current sport fishing operator **registration form** [LICENSE] of the sport fishing guide's employer, or, if the sport fishing guide is also a sport fishing operator, the guide's current sport fishing operator **registration form** [LICENSE];

(3) current sport fishing licenses, tags, stamps, or permits that are required to engage in the sport fishery for which the sport fishing guide services are provided;

(4) an identification card issued to the sport fishing guide by a state or federal agency that bears a photograph of the sport fishing guide;

(5) if on a vessel that provides sport fishing guide services in salt water, the sport fishing license and harvest record of each client on board the vessel. (Eff. 4/18/86, Register 98; am 5/13/95, Register 134; am 4/23/98, Register 146; am 5/19/98, Register 146; am 2/10/2005, Register 173; am 1/1/2008, Register 184; am \_\_\_\_/\_\_\_\_/2015, Register \_\_\_\_)

**Authority:** AS 16.05.251 [AS 16.40.270] [AS 16.40.280]

[AS 16.40.260]

5 AAC 75.076 is amended to read:

**5 AAC 75.076. Sport fishing services and sport fishing guides reporting**

**requirements.** (a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2015 [2014] *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in salt waters;

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2015 [2014] *Freshwater Sport Fish Guide Logbook and Vessel Registration*, adopted by reference, if operating in fresh waters.

(b) A logbook requires information necessary for the management and conservation of fishery resources or the regulation of the guided sport fishing industry, including

(1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing guide services in fresh or salt waters;

(2) the locations where the sport fishing guide services were provided;

(3) the effort, catch, and harvest of sport fish by persons who are clients, owners, or employees of a business that conducts sport fishing services or a person who provides sport fishing guide services; and

(4) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the guided sport fishing industry.

(c) A sport fishing guide shall complete a logbook in the manner and at the location specified in the logbook and present the guide's logbook for inspection upon request from a

(1) local representative of the department;

(2) peace officer of the state; and

(3) law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard while on salt water or navigable fresh water within six hours after being on salt water.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(e) The holder of a sport fishing operator **registration issued under** [LICENSE ISSUED UNDER AS 16.40.260 AND] 5 AAC 75.075 is responsible for reporting logbook information and returning the completed logbook of each sport fishing guide it employs to the department in the manner and time frame specified in the logbook. (Eff. 5/19/98, Register 146; am 9/23/98, Register 147; am 5/15/99, Register 150; am 4/16/2000, Register 154; am 5/20/2000, Register 154; am 3/11/2001, Register 157; am 4/5/2002, Register 162; am 2/28/2003, Register 165; am 3/25/2004, Register 169; am 2/10/2005, Register 173; am 5/19/2005, Register 174; am 5/26/2006, Register 178; am 8/12/2007, Register 183; am 1/1/2008, Register 184; am 4/25/2008, Register 186; am 5/23/2009, Register 190; am 6/20/2010, Register 194; am 4/28/2011, Register 198; am 4/1/2012, Register 201; am 3/7/2013, Register 205; am 4/9/2014, Register 210; am \_\_\_\_/\_\_\_\_/2015, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 [AS 16.40.280]

5 AAC 75.077 is amended to read:

**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 currently **registered** [LICENSED] sport fish 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:

(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 engaged in sport fishing guide services;

(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 engaged in sport fish guide services.

(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 engaging in sport fish guide services with the vessel.

(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. (Eff. 2/10/2005, Register 173; am \_\_\_\_/\_\_\_\_/2015, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 AS 16.05.395

5 AAC 75.085 is amended to read:

**5 AAC 75.085. Guided sport ecotourism requirements.** Except as otherwise provided, guided sport ecotourism fishing may occur only as follows:

- (1) a person conducting guided sport ecotourism fishing shall obtain an annual sport fishing operator **registration** [LICENSE] as specified in 5 AAC 75.075;
- (2) a person holding a valid sport fishing guide **registration** [LICENSE REGISTERED] for the fishery must be present at all times when gear or fish are being handled;
- (3) a person on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license;
- (4) all requirements of the applicable sport fishery apply, except that all participants must comply with rules relating to nonresidents regardless of residency;

(5) unless otherwise permitted, all fish taken must be immediately released unharmed;

(6) a sport fishing services operator or sport fishing guide must comply with applicable requirements for their industry. (Eff. 3/14/2008, Register 186; am \_\_\_\_/\_\_\_\_/2015, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 [AS 16.40.260] [AS 16.40.270]

#### **Article 9. Definitions.**

5 AAC 75.995(a)(39) is amended to read:

(a) In addition to the definitions set out in AS 16.05.940, in 5 AAC 47 – 5 AAC 75,

...

(39) "client" means a person who is a member of a fishing party that engages or uses a person to provide sport fishing guide services and who is not a **registered** [LICENSED] sport fishing guide or sport fishing guide crewmember;

5 AAC 75.995(a)(41) is amended to read:

(41) "sport fishing guide" **means a person who is registered to provide sport fishing guide services to persons who are engaged in sport fishing** [HAS THE MEANING GIVEN IN AS 16.40.299];

5 AAC 75.995(a)(42) is amended to read:

(42) "sport fishing guide services"

**(A) means assistance, for compensation or with the intent to receive compensation, to a sport fisherman to take or to attempt to take fish by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip;**

**(B) does not include**

**(i) sport fishing services; or**

**(ii) services provided by an assistant, deckhand, or similar person who works directly under the supervision of and on the same vessel as a sport fishing guide** [HAS THE MEANING GIVEN IN AS 16.40.299];

5 AAC 75.995(a)(43) is amended to read:

(43) "sport fishing services"

**(A) means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip;**

**(B) does not include**

**(i) an activity for which a sport fishing guide registration is required; or**

**(ii) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator [HAS THE MEANING GIVEN IN AS 16.40.299];**

5 AAC 75.995(a)(49) is amended to read:

(49) "sport fishing guide crewmember" means a person who, for compensation or with intent to receive compensation for services during a day or any portion of a day, provides assistance to clients or a **registered** [LICENSED] sport fishing guide on board a sport fishing guide vessel;

5 AAC 75.995(b) is amended to read:

(b) In [AS 16.40.299 AND] this chapter, unless the context requires otherwise, "compensation"

(1) means direct or indirect payment, remuneration, and other benefits received in return for services, regardless of the source; in this paragraph, "benefits" includes

(A) wages and other employment benefits given directly or indirectly to an individual or organization; and

(B) dues, payments, fees, and other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services;

(2) does not include reimbursement for the actual daily expenses for fuel, food, or bait. (In effect before 1983; am 4/3/83, Register 85; am 4/28/84, Register 90; am 6/30/84, Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 7/30/89, Register 111; am 6/5/94, Register 130; am 5/13/95, Register 134; am 2/25/98, Register 145; am 4/23/98, Register 146; am 5/19/2001, Register 158; am 3/13/2004, Register 169; am 2/10/2005, Register 173; am 5/26/2006, Register 178; am 9/12/2008, Register 187; am 3/14/2009, Register 189; am 6/10/2010, Register 194; am 6/1/2013, Register 206; am \_\_\_\_/\_\_\_\_/2015, Register \_\_\_\_)

**Authority:** AS 16.05.251