

Mr. Michael Braynen
Director of Fisheries

May 15, 2016

Dear Mr. Braynen,

Thank you for allowing the Abaco Fly Fishing Guides Association the opportunity to provide comments on the April 2016 draft.

The attempt at legislating the flats fishing industry started a year ago with a first draft that mandated all anglers fish with guides and has ended up with a third draft that attempts to 'legitimize' the guiding profession and carries penalties that can put guides in jail if they don't have a Bahamas Fly Fishing Industry Association (BFFIA) certified guide license.

What are we, as a country, trying to legislate? Perhaps a better question is *why* are we legislating?

Is the intent to protect the fishery? If so, the legislation has missed the mark.

Is the intent to complicate the guiding profession and destroy the reputation of The Bahamas world-wide by criminalizing the tranquil sport of catch and release flats fishing that our visiting anglers enjoy? If so, the legislation is on the right track.

We beg you as you read our organizations suggestions to remember that bonefishing is catch and release fishing that is environmentally friendly. Even though the sport is done on the water and involves fish it is a tourism product. 100% of anglers that visit the Islands of the Bahamas and pay for guide services or fish the flats by themselves are *WHO* this legislation affects. Without our visiting anglers there would be no flats fishing industry at all; no guides, no lodges, no need for any of this draconian legislation.

Licensing Guides

The craft of guiding for bonefish began in The Bahamas in the early 1960's as foreigners began traveling here to catch bonefish. The profession of 'Bonefish Guide' evolved as the sport gained popularity.

Today, more than 50 years later, a few of the original Bonefish Guides are still guiding anglers on the flats as are the hundreds of guides that have followed in their footsteps. ALL of these guides have always been 'legitimate' and do not need a certificate from BFFIA to validate them.

The Abaco Fly Fishing Guides Association is of the opinion that 'Commercial Fisherman' – a recognized profession stamped on Bahamian passports, includes bonefish guides. Many of the

guides already have business licenses, pay National Insurance contributions under the self-employed individual classification or through their employer, and have Class B Captains Licenses, boat registration, and liability insurance, as well as being recommended by the Department of Fisheries – either as bonefishing or commercial fisherman for duty exemptions. Many guides also have ‘Bahamas Certified Fly Fishing Guide’ status having completed a Ministry of Tourism prescribed course and some also have international certification by respected companies like Orvis.

The Commercial Fisherman making part of his or her living as a Bonefish Guide does not need a license to validate them or their profession. It should be noted that guiding is not a full-time job. A guide may work for some of, or most of the 9 month flats fishing ‘season’ or just during the 3 peak months. He may work a few days a year or he may work 200 days a year. All guides have two or more jobs in order to make a living throughout an entire year just like other kinds of seasonal commercial fisherman within The Bahamas. None of them guide full-time.

Guiding is, and always will be, a performance based business; a business that succeeds or fails via word-of-mouth recommendation, internet chatter and guide reputation because the world is small but the fishing world is even smaller. The high-end fishing lodges provide in-house guide training to meet the exacting standards of their establishment. They do not need nor want BFFIA certification for that. One could argue that independent guides who have been fishing for 3, 5, 10, 15, or 20+ years have great reputations and solid bookings because they are doing their job properly without BFFIA certification.

Training happens for young guides with knowledge of fish behavior on the flats handed down by family, friends and mentors. It is not a craft mastered in a classroom in a week. Proper etiquette and marketing can be taught, fly tying and small engine repair can be taught, and even boat handling skills, poling techniques, and fly casting can be taught. But guiding is not learned in a class room in a few days. A good guide is an extraordinary businessman who makes his living on the water entertaining anglers, he likes what he does and he does it exquisitely well. A guide cannot be taught a proper work ethic or an enthusiasm for great customer service – either they have it or they don’t, all guides are not created equally even when they are trained.

The Abaco Fly Fishing Guides Association is of the opinion that guides who are not in demand may not be proficient in their craft and may need further training. And new guides should be trained to a minimum standard because they are part of our valuable tourism market (much like taxi drivers must take The Bahamas Host Program offered by the Ministry of Tourism.) But to mandate an NGO as part of this legislation that has absolutely no experience nor infrastructure in place to provide certification is unthinkable and must be removed from this legislation. The Ministry of Tourism should be responsible for training and certification. They can partner with appropriate ‘internationally recognized training’ organizations to implement a Bahamas guide training program.

Certification

The Abaco Fly Fishing Guides Association is adamantly opposed to BFFIA being any part of this legislation as a contributor or regulatory body. As an organization they are completely unacceptable. It is common knowledge, widely reported and verified, that the board of director's elections for BFFIA were conducted in an unprofessional and unethical manner. Many of BFFIA members and ALL of the BFFIA members from Abaco were not afforded a vote for the board of directors in the election. Because of this, along with their unreasonable draconian ideas, the Abaco Fly Fishing Guides Association and our 300+ members, as well as many other anglers and stakeholders in the fishing world find them to be untrustworthy and do not acknowledge BFFIA as an authority. Our guides will not now, nor ever, participate in any sort of training, certifying, nor any meetings or fishing related activities with BFFIA involvement.

Guide License Fees

The Abaco Fly Fishing Guides Association is of the opinion that a guide license is unnecessary and redundant to commercial fisherman already running businesses as per the rules and regulations of statute law of The Bahamas. Flats guiding is not something that requires public regulation like a doctor or lawyer but if we must be licensed, the fee should be no more than \$10.00 which is in line with other fees within the Fisheries Resources (Jurisdiction and Conservation) Regulations. I.e.; \$10.00 – permit to trap crawfish, \$10.00 - permit to engage in sportfishing for vessels entering The Bahamas, \$10.00 - permit for commercial fishing vessel and \$10.00 - permit to use compressor. It should be noted that there is no other kind of fisherman or classification of fishing in the Bahamas that requires certification nor licensing for a Bahamian to participate in. It is unclear why the unfair business practice of licensing is being imposed on one small business sector.

Duty Free Exemption

If licensing is mandated, licensed guides should be qualified to import items (equipment, boats, motors, trailers, parts and trucks) under the Tariff Act of 1996 for use in legitimate fishery business as these same duty exemptions are currently extended to Commercial Fisherman, Taxi Drivers and Farmers under the Tariff Act.

Draconian Elements

Since distributing the April 2016 draft to our Abaco Fly Fishing Guides Association members for comment and receiving much input from AFFGA members regarding the draconian elements added since the January 2016 draft was released, it is apparent that most of the legislation is unneeded or completely misses the mark. Again, what are we regulating?

Definitions

The definitions of flats and flats fishing guide are too broad and need to be redefined. Bahamian jobs must be protected – foreigners must not be allowed to work as guides in our country, but every boat and angler on the flats is not a guide. The 2:1 guide requirement

restricts our much-valued second-home owners from fishing for pleasure and it is imperative that this restriction be removed.

2:1 Angler to Guide Ratio

According to data from the Department of Housing, there were 3,000 second-homeowners on Abaco in 2014. If only 10% of them have flats boats that would equate to 300 boats. All of the boats and flats boats that have been imported into The Bahamas by second-homeowners throughout the country who keep them here permanently have duty, stamp tax and now VAT paid to the Treasury. They are also licensed with the Port Authority on a yearly basis. Our second-homeowners should be allowed to fish on the flats without the ridiculous requirement that they be alone in the boat.

The amount of money that second-homeowners contribute to the Bahamas economy is staggering. The financial contributions of our angling second-homeowners has been estimated at \$15 million dollars per year on Abaco alone. Without calculating their original investments of property and home purchases - each of them spend an additional \$20,000 to \$100,000 a year on everything from property tax, to import duty, vat, vehicles, boats, utilities, gasoline, groceries, incidentals, yard work, housekeepers, club memberships, entertainment, guides, doctors, lawyers, marinas, auto and boat mechanics, hardware purchases and sundry purchases to name just a few of their expenditures. They also contribute generously to our many charitable organizations and many donate their time to the benefit of the community. These are the very people we need to be a part of our communities in the Bahamas.

The 2:1 guide requirement also restricts the pleasure yachts that contribute huge sums of money to our economy when they dock at Bahamian marinas for a season. This type of visitor should be allowed one flats boat to be used for private fishing. Commercial flats fishing utilizing foreign guides should never be allowed.

The Abaco Fly Fishing Guides Association believes it is unfair to the second home-owners and pleasure yachting segment of the economy and to the Bahamians who make their living in those sectors to legislate against the visiting anglers ability to pleasure fish. The 2:1 guide requirement should be removed from the legislation.

Commercial Motherships

Commercial Motherships – a live aboard yacht with multiple flats boats and employees poling those boats, for both paying and nonpaying anglers, whose sole purpose of being in Bahamian waters is to flats fish, must be banned or be financially regulated as they contribute almost nothing to the country, yet are utilizing our most precious resource at the expense of Bahamian guides, lodges, hotels and other business establishments as well as the entire economy. If the government will not ban them entirely, at no time should any of the boats aboard a Mothership be allowed to fish the flats in Bahamian waters without a Bahamian Guide aboard.

Commercial Fishing in the Flats

The Abaco Fly Fishing Guides Association believes that it is unfair and unnecessary to ban commercial food fishing upon the flats as it is highly prejudicial against other Bahamian fisherman. If this has been added to the legislation to stop the netting of bonefish it is redundant as regulation 34, (a) & (b), Part V, Chapter 244, Fisheries Resources (Jurisdiction and Conservation) Regulations already prohibits buying or selling bonefish and fishing for bonefish by means of nets. It would be much more effective to enforce the laws presently in the regulations than to make more regulations that have no mechanism for enforcement.

Threat to Fisheries & Draconian Regulation

The Abaco Fly Fishing Guides Association believes that the biggest threat to the flats fishery is habitat loss and pollution. That is why our organization has partnered with respected Bahamian and foreign conservation organizations to have three National Parks declared on Abaco. Pressure from anglers and proper fish handling are also of great concern. Illegal netting must be stopped and the only way to stop it is for the current laws to be enforced. This draft does NOTHING to protect the fishery but it does add an undue burden on the guides and terrorizes both the guides and angling public with exorbitant fees, and the threat of unreasonably exorbitant fines and jail time. None of these offences should be a criminal offence. If an offence is committed by either a guide or an angler a reasonable fine should be payable within 30 days. End of story. Any licensing penalties should be credited to the Conservation Fund.

Catch and Release Angling

“Catch and Release” is a practice within recreational fishing intended as a technique of conservation. As the name indicates, the fish must be unhooked and returned to the water using ‘Best Practices for Bonefish Catch & Release.’ If we want to make a difference in our fishery these regulations should be addressing the best science available at this time for managing our flats fishery instead of harassing our guides and anglers. It should be noted that ‘Having one fish in their possession’ is not catch and release. If the intent of the legislations is to protect the fish and the fishery, no fish can be taken. If the intent of the legislation is to allow Bahamians to continue eating bonefish the term ‘catch and release’ must be removed from the regulation.

Unfair Licensing

The Abaco Fly Fishing Guides Association believes that it is unfair to regulate one segment of the fishing industry with licensing fees and licenses for Bahamians. We also believe the licensing categories for visiting anglers are unduly cumbersome and must be modified to a single license for DIY anglers.

It is a rare Bahamian, other than guides (and possibly their family) who flats fish for recreation. After questioning many residents we couldn't come up with more than 2 non-industry

Bahamians who actually flats fish on Abaco. For this reason, it is not prudent to require a flats fishing license for Bahamians. It is imperative that the current law banning netting and the proposed law of allowing a 1 fish limit per Bahamian per day be enforced.

Conservation License

The Abaco Fly Fishing Guides Association believes that our flats fishery is a fishery used by recreational anglers (tourists) for catch and release fishing which is a **conservation** technique. For this reason instead of a fishing license anglers should be required to buy a Conservation License that permits them to engage in 'Catch and Release' fishing on the flats for Bonefish, Permit, Tarpon and Snook.

This Conservation License should be easily obtainable, either on line or at the Administrator's Office on each island. The license could be printed or downloaded as an App for a smart phone. 100% of the Conservation License fees should go back to the fishery for the administration of licensing, and for wardens to enforce the Conservation License requirement, verify the catch and release status by foreigners, enforce illegal netting by Bahamians and enforce the 1 fish limit per day for Bahamians. And, if allowed to continue, wardens must also enforce the 1:2 guide to angler ratio for foreign Motherships in Bahamian waters. Funds should also go toward conservation, research and projects as warranted to preserve our pristine fishery.

No Protection of the Fish & Fishery

There is virtually nothing in this draft to protect the fishery. At the present time we are unaware of any illegal activities (other than netting of bonefish & Motherships) presently taking place on the flats of Abaco that warrant legislation. However, it may be advisable to enact additional legislation based on recent scientific findings to protect the fish or the fishery.

Conservation Fund

The Abaco Fly Fishing Guides Association believes that before this legislation is enacted the Conservation Fund must have well-defined objectives, along with proper management in place to oversee the expenditure of the monies in the fund. 100% of the Conservation Licensing fees and fines should go toward protecting the fish and the fishery. This income will not be another tax against Bahamians but will be collected from our recreational fishing visitors to help maintain this important tourism sector. Anglers will feel they are getting value for their money and will support the Conservation License and fines if 100% goes toward enforcement, conservation and management.

Fees

The Abaco Fly Fishing Guides Association believe that the proposed fees for Flats Fishing – Personal Licenses are exorbitant and will alienate our visiting anglers and second-homeowners as they are out of line with other fishing destinations around the world. We recommend that

fees for a DIY angler Conservation License should be no more than \$10 per day, \$25 for a 3 day license, \$40 per week, \$120 per month and \$200 per year.

Penalties

The Abaco Fly Fishing Guides Association believe that the exorbitant fines and criminal penalties will alienate our visiting anglers and second-homeowners and would be extremely unfair to Bahamian guides who are the only fishing business sector liable for such extreme penalties. The Fixed Penalty Offence for a DIY angler fishing without a license should be \$50 + the cost of the license. Fines could be increased for repeat violations. I.e.: 2nd violation in 12 months should be a \$100 fine + the cost of the license. The Bahamas has the best bonefishing in the world but criminalization and harsh penalties will destroy our countries reputation as a tranquil and friendly flats fishing destination.

Conclusion

Please, we beg you to reject the contents of this draft and enact sensible legislation that will protect not only our fishery but our \$150,000,000 flats fishing industry. The Bahamas is a premier bonefishing destination but we must always remember that we are not the only destination in the world.

There are more detailed suggestions, questions and comments regarding individual line items of the Regulation and Schedules throughout the attached draft.

Thank you for taking the time to both read and consider The Abaco Fly Fishing Guides thoughts and recommendations on this most important issue that will affect our livelihoods and the entire Bahamas fly fishing industry tourism sector.

Very truly yours,

Justin Sands, Director
Cindy Pinder, Director
Buddy Pinder, Director
Patrick Roberts, Director

**Board of Directors
Abaco Fly Fishing Guides Association**

Attachments: Draft, April 06, 2016

