

## **Council Motion to Redefine Sportfish Guide Services June 2013 Agenda Item D-1(a)**

### ***Problem Statement***

*The Council has received information highlighting halibut fishing practices in Area 2C that allow anglers to circumvent the Council's intent for daily bag and size limits for the Pacific halibut charter fishery. It may be necessary to revise and clarify Federal regulations to meet the Council's intent to define guided halibut fishing. The current discrepancy between Federal and State regulations in the definition of sport fishing guide services not only affects the Charter Halibut Permit program but, as long as differential bag and size limits exist in Area 2C, and if they expand to Area 3A in the future, have the potential for some guided sport removals to be accounted against the non-guided sport sector.*

*A few companies have developed a guide-assisted business model that allows them to provide "sport fishing guide services" to anglers to catch halibut for compensation from shore or adjacent vessels. This practice is not considered to be "sport fishing guide services" in Federal regulations because the guide is not on board the vessel. As a result, these businesses are not required to have a Charter Halibut Limited Access Permit. Additionally, the clients (anglers) using guide-assisted services are allowed to fish under the more liberal regulations for unguided anglers.*

### **Alternatives for Analysis**

The Council adopted the following alternatives and options for analysis to improve clarity and to reflect recent action by the Board of Fisheries to define compensation. The revised options are not intended to convey any intention by Federal or State agencies for selection of a preferred alternative.

#### **Alternative 1. No action**

#### **Alternative 2. Revise and clarify Federal definitions.**

Option 1. Revise the definition of sport fishing guide services to remove the language "by being onboard a vessel with such person".

Option 2. Define 'compensation.' within the context of sport fishing guide services.

Suboption 1. The definition of 'compensation' would be aligned with the State of Alaska definition.

"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 or 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;

Suboption 2. The definition of 'compensation' would be aligned with the State of Alaska definition, with one word substitution.

"Compensation" means direct or indirect payment, remuneration, or other benefits received in return for services, regardless of the source; in this paragraph, "benefits" includes wages or other employment benefits given directly or indirectly to an individual or organization, and any dues, payments, fees, or other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services; and does not include reimbursement for the *reasonable* daily expenses for fuel, food, or bait;

Option 3. Define 'assistance' within the context of sport fishing guide services.

"Assistance" means accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip.