

# Discussion Paper: Unguided Rental Boat Registration

April 2018<sup>1</sup>

1	Introduction.....	1
2	Purpose and Need.....	1
3	Description of the Problem.....	2
	3.1 Definition of guided and unguided anglers.....	2
	3.2 Unguided rental boats.....	3
4	Halibut sport harvest in Alaska.....	3
	4.1 Sport Harvest statistics.....	3
	4.2 Licensing of sport fishing services and sport fishing guides.....	7
	4.3 Vessel registrations.....	8
	4.3.1 Federal registry.....	8
	4.3.2 State of Alaska Division of Motor Vehicles registration.....	8
	4.3.3 Alaska Department of Fish & Game vessel registration.....	8
5	Considerations for an unguided rental boat registry.....	9
	5.1 Appropriate agency to administer a registration.....	9
	5.2 Timeframe for registration.....	9
	5.3 Costs of registration.....	10
	5.4 Number of businesses or rental vessels associated with charter operations.....	10
	5.5 Steps necessary to estimate catch from unguided rental boats.....	11
	5.5.1 Statewide Harvest Survey.....	11
	5.5.2 ADF&G Saltwater Charter Logbook.....	12
	5.5.3 Requiring logbooks for unguided anglers.....	13
	5.6 Guide, Outfitter, or Transporter.....	14
6	Conclusions.....	15
7	References.....	16

## 1 Introduction

In June 2017, the North Pacific Fishery Management Council (Council) requested that Council staff, National Marine Fisheries Service (NMFS) staff, and Alaska Department of Fish & Game (ADF&G) staff develop a discussion paper to explore mechanisms to create a registration for motorized rental boats that are used by unguided anglers to harvest halibut in International Pacific Halibut Commission (IPHC) regulatory areas 2C and 3A. That discussion paper was presented to the Council in December 2017 and identified a number of decisions that the Council should address before progress could be made on any program to register rental boats used by unguided anglers to harvest halibut in Areas 2C and 3A.

In December 2017, the Council requested an expanded discussion paper. The Council’s motion included a purpose and need statement and provided a number of specific questions for the expanded discussion paper to address.

## 2 Purpose and Need

The Council’s motion from December 2017 included the following purpose and need statement:

*Due to declines in halibut abundance and associated changes in charter halibut sport fishing regulations, the charter halibut sector in IPHC Areas 2C and 3A currently has more restrictive*

<sup>1</sup> Prepared by: Steve MacLean, Council staff

*management measures that non-charter halibut anglers. Additionally, charter halibut catch is limited by an allocation between the commercial and charter sectors; whereas the non-charter halibut harvest is not constrained by a sector catch limit.*

*The Council is concerned that differences in regulations between the charter and non-charter sectors, and growth of unguided halibut rental vessels affiliated with charter operations may result in increased halibut harvest in the non-charter sector that may negatively impact other sectors. To address this concern, the Council intends to a) establish a registration requirement for vessels affiliated with charter operations, remote lodges, or businesses that require annual saltwater fishing guide licenses, and b) estimate halibut catch from this segment of the sector. The intent of this registration requirement and catch estimation is to identify and track these unguided vessels to better understand impacts of this portion of the sector to communities, the halibut resource and other halibut stakeholders. This information will help the Council determine whether additional management actions are necessary for this segment of the fishery.*

### **3 Description of the Problem**

The purpose and need statement approved by the Council proposes that presumed growth in the unguided harvest of halibut in IPHC regulatory areas 2C and 3A and the differences in harvest regulations between guided and unguided anglers is negatively impacting or may negatively impact other halibut fishing sectors. The Council stated that they intend to establish a registration requirement for vessels affiliated with charter operations, remote lodges, or businesses that require annual saltwater fishing guide licenses in order to estimate the halibut catch from unguided anglers accessing the resource with rental boats in order to determine whether management actions are necessary to limit the catch of unguided halibut anglers.

#### **3.1 Definition of guided and unguided anglers**

In February 2014, the Council defined guided sport fishing services and compensation, incorporating recommendations developed cooperatively by State and Federal enforcement and management staffs. NMFS published regulations in 2015 (50 CFR §300.61) that define guided sport fishing services and compensation as follows:

*Sport fishing guide services, for purposes of §§300.65(d) and 300.67, means assistance, for compensation or with the intent to receive compensation, to a person who is sport fishing, to take or attempt to take fish by being on board a vessel with such person, accompanying, or physically directing the sport fisherman in sport fishing activities during any part of a charter vessel fishing trip. Sport fishing guide services do not include services provided by a crew member.*

*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 direction 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.*

Under the definitions of guided sport fishing and compensation, recreational anglers participating in the halibut fishery in Alaska are either guided (charter) or unguided (non-charter), regardless of how they access the resource. An angler using a rented boat, without a guide onboard and without any physical direction from a guide during any portion of the fishing trip is considered to be unguided, and an angler using a privately-owned vessel, but with a guide aboard, or with physical direction from a guide during any portion of the trip is considered to be guided, and an ADF&G logbook and sport fishing guide vessel

registration would be required. Although other terms have been used to describe the practice of an unguided angler using a rented vessel, this paper will consider any anglers that are fishing without a guide onboard and without physical direction from a guide during any portion of the fishing trip as unguided anglers, per the NMFS regulatory definitions at 50 CFR §300.61.

### **3.2 Unguided rental boats**

Businesses in Alaska have for many years offered clients the opportunity to rent a boat to access marine waters. From the rented boat, the clients are able to participate in many activities including sightseeing, wildlife viewing, and fishing for many saltwater species available to anglers in Alaska, including salmon, cod, ling cod, rockfish, and halibut. Under the definitions of guided sport fishing and compensation described above, an unknown number of entities began to legally offer anglers the opportunity to rent boats without a guide onboard and without any physical direction from a guide during any portion of a fishing trip. Some operators may be offering these rental boats in addition to offering guided fishing opportunities. Under these definitions, any anglers utilizing rental boats without a guide onboard are considered unguided or “non-charter” for the purposes of halibut fishing. These anglers are, therefore, legally able access the unguided daily bag limits of two fish of any size rather than being held to the more restrictive guided or “charter” angler daily bag limits. There are no reliable data on the number of boats available for rent, or the number of halibut caught from such boats. However, there is public perception that the number of operations offering boats for rent and the number of halibut caught by unguided anglers is increasing, and the Council purpose and need statement stated that the Council is concerned that the differences in regulations and the presumed growth of the unguided rental boat sector could have negative impacts on other sectors.

## **4 Halibut sport harvest in Alaska**

The halibut sport fishery in Alaska is managed by the IPHC, the Council, and NMFS under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act), which gives effect to the Convention between the United States and Canada for the Preservation of Halibut Fishery of the North Pacific Ocean and Bering Sea. Under the Halibut Act, the Council approved, and NMFS implemented, a Catch Sharing Plan (CSP) that allocates halibut among the commercial and charter sectors in Areas 2C and 3A. The non-charter sport sector is not included in the CSP and is therefore unconstrained by an allocation or other catch limit aside from the 2 fish per day limit established by the IPHC. Charter vessel operators are required under State and Federal regulations to record the numbers of halibut kept and released by individual clients in an ADF&G logbook to inform annual estimates of harvest and discard mortality. Logbook data have been used to manage the charter sector since 2014. Non-charter harvest is estimated by ADF&G using a post-season mail survey. The survey estimates sport fishery harvest of all species, including Pacific halibut. Data on the size of halibut retained in charter and non-charter fisheries are collected through an ADF&G dockside creel sampling program in major ports in Areas 2C and 3A.

### **4.1 Sport Harvest statistics**

Total non-charter and charter halibut sport harvest levels from 2003 through 2016 are shown in Table 1. Total harvest in Area 2C has varied considerably between years, with a sharp decline from 2008 to 2011, and an increase from 2011 to 2013. Recent harvest levels since 2013 have been more stable, and are currently around 2Mlb, similar to the harvest levels in 2003 (Figure 1). Total harvest in Area 3A has generally declined from about 5.5Mlb in 2003 to 3.5Mlb in 2016 (Figure 1).

Before 2014, charter halibut harvest in Areas 2C and 3A was regulated under Guideline Harvest Levels (GHLs). The GHLs constituted reference levels for harvest, and regulations did not necessarily trigger management actions when the GHLs were exceeded. The GHLs were replaced in 2014 by quotas based on allocations specified in the CSP. From 2003 to 2016, the GHLs or quotas ranged from 1.432 to 0.788

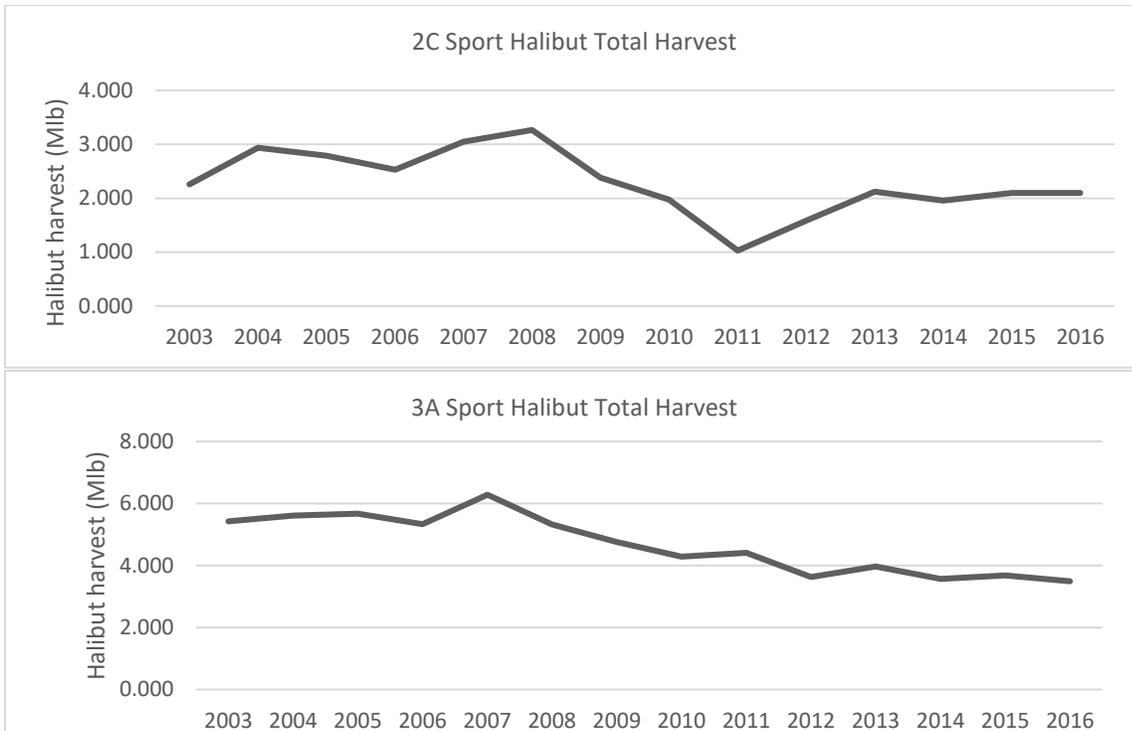
million pounds in area 2C and from 3.650 to 1.782 million pounds in Area 3A (Table 1). In both Areas 2C and 3A, the GHL or quota has generally declined since 2003 and reached its lowest point in 2014. Charter halibut harvest has also declined, generally, from 2003 to 2016. Charter harvest was lowest in 2011 in Area 2C, and in 2016 in Area 3A.

Figure 2 highlights patterns in charter and non-charter harvest in Area 2C and Area 3A. The non-charter harvest of halibut in Area 2C has been variable from 2003–2016, but despite concerns of increased harvest, does not appear to show any apparent trend. The declines in charter harvest starting in 2011 resulted in the non-charter harvest exceeding the charter harvest from 2011–2016. The decline in charter harvest in Area 2C from 2008 to 2011 could be the result of a number of factors, including a reduction in effort, a reduction in the GHL, and implementation of more restrictive bag and size limits to keep the fishery within its GHL. The decline in effort was likely linked to economic factors as well as some diversion of charter effort to the non-charter sector to avoid restrictions. Figure 2 also shows that non-charter harvest declined from 2003 to 2011, as the charter harvest was declining. The amount of effort diverted to the non-charter sector cannot be estimated with available information. Non-charter harvest in 3A has been generally unchanged since 2003 and remains below charter harvest.

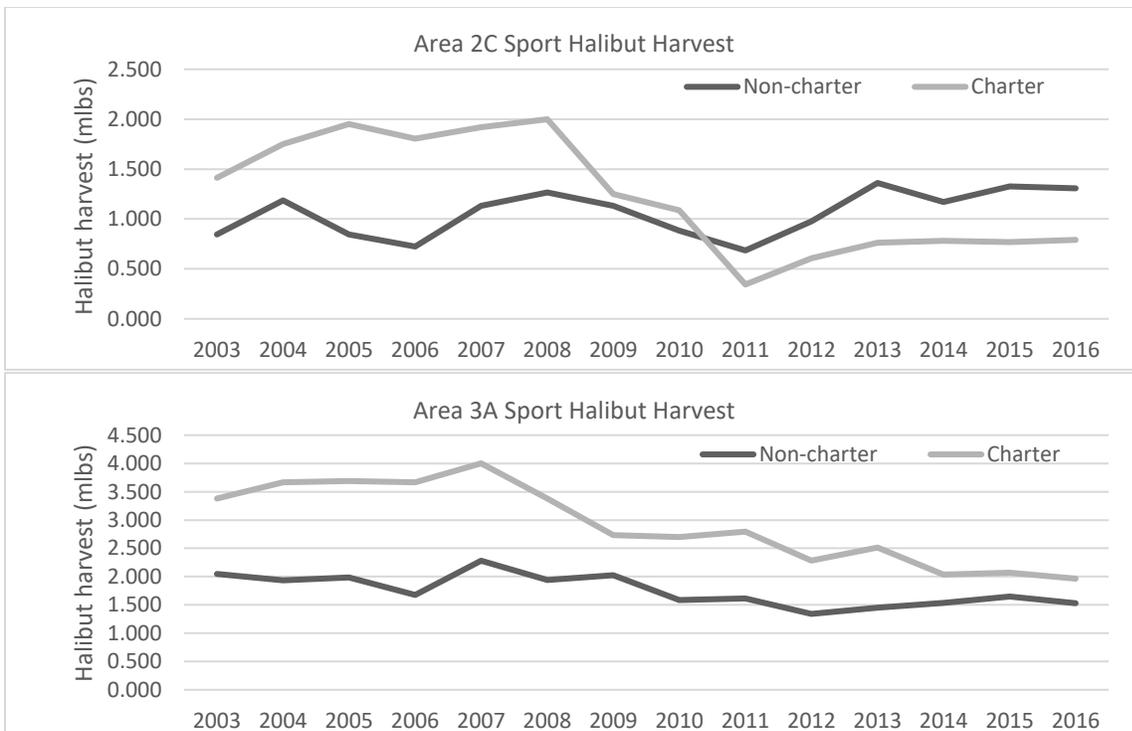
**Table 1. Non-charter, charter, and total sport harvest of Pacific Halibut in Area 2C and Area 3A and the GHL or Quota (after 2013) from 2003–2016. GHL was replaced with a quota under the Halibut CSP after 2013 (dashed line) GHL or quota applies only to the charter harvest.**

Year	Area 2C				Area 3A			
	Non-charter	Charter	Total	GHL or Quota	Non-charter	Charter	Total	GHL or Quota
2003	0.846	1.412	2.258	1.432	2.046	3.382	5.427	3.650
2004	1.187	1.750	2.937	1.432	1.937	3.668	5.606	3.650
2005	0.845	1.952	2.789	1.432	1.984	3.689	5.672	3.650
2006	0.723	1.804	2.526	1.432	1.674	3.664	5.337	3.650
2007	1.131	1.918	3.049	1.432	2.281	4.002	6.283	3.650
2008	1.265	1.999	3.264	0.931	1.942	3.378	5.320	3.650
2009	1.133	1.249	2.383	0.788	2.023	2.734	4.758	3.650
2010	0.885	1.086	1.971	0.788	1.587	2.698	4.285	3.650
2011	0.685	0.344	1.029	0.788	1.615	2.793	4.408	3.650
2012	0.977	0.605	1.583	0.931	1.341	2.284	3.626	3.103
2013	1.361	0.762	2.123	0.788	1.452	2.514	3.966	2.734
2014	1.171	0.783	1.954	0.761	1.533	2.034	3.567	1.782
2015	1.327	0.768	2.095	0.851	1.646	2.067	3.683	1.890
2016	1.308	0.792	2.100	0.906	1.528	1.964	3.492	1.814

<sup>a</sup> Charter estimates are based on the ADF&G mail survey before 2014, and on logbook data since 2014.

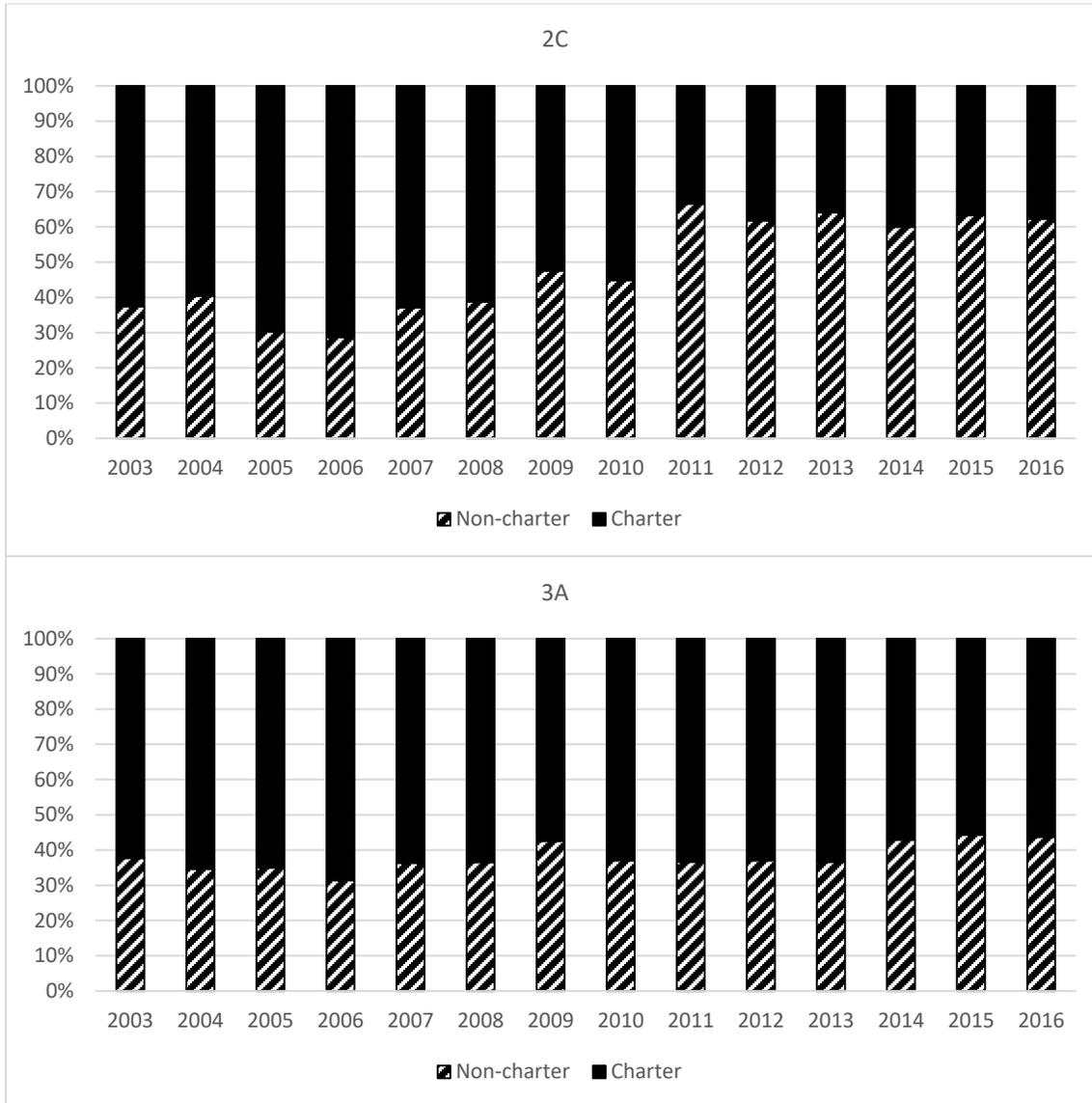


**Figure 1. Total sport halibut harvest in Area 2C (top) and 3A (bottom) from 2003–2016.**



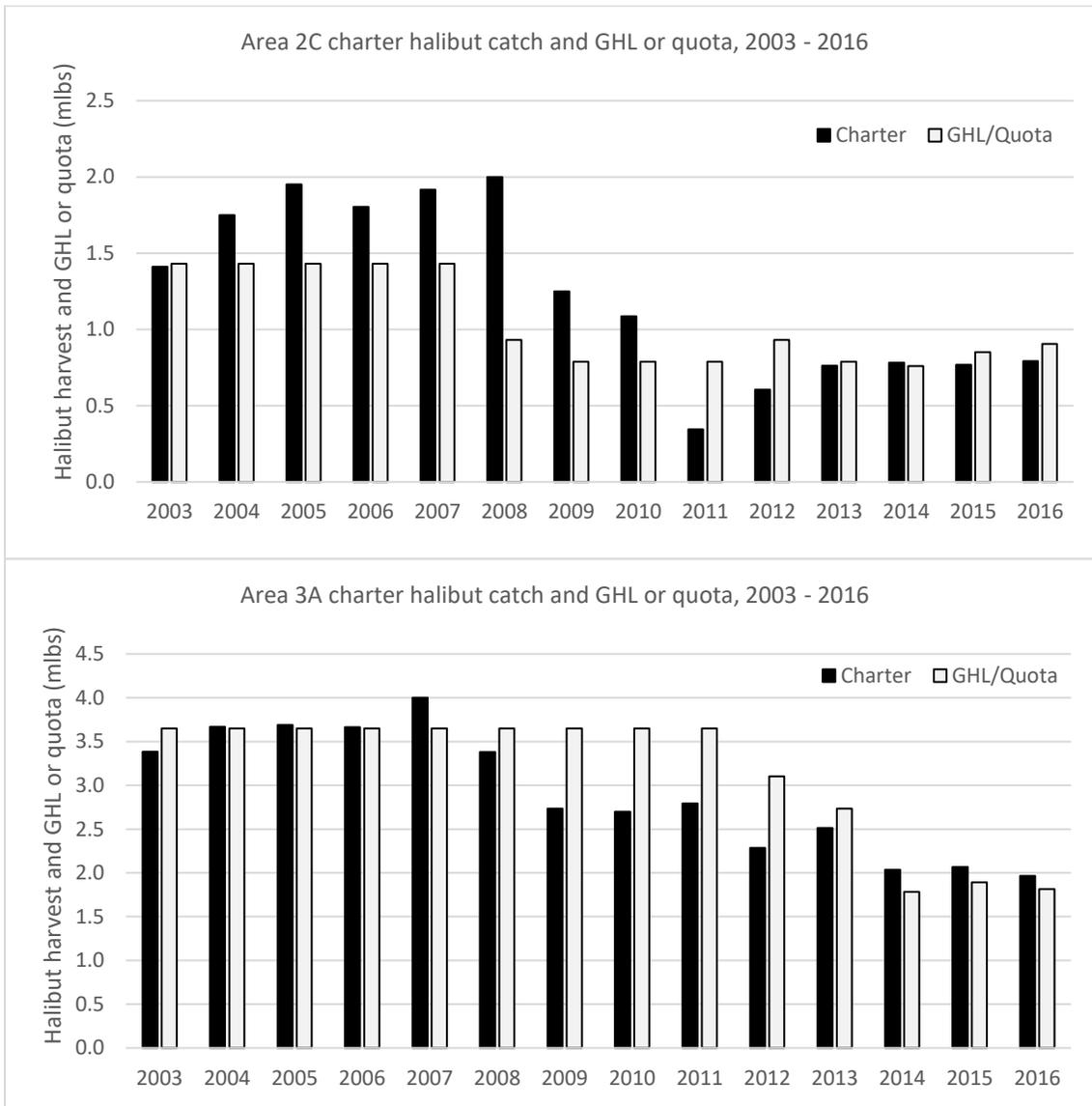
**Figure 2. Non-charter and charter halibut harvest in Area 2C (top) and Area 3A (bottom) from 2003–2016.**

Figure 3 shows the non-charter and charter halibut harvest in Area 2C and Area 3A as a proportion of total sport harvest. The change in patterns of sport harvest in Area 2C is clearly seen as non-charter halibut harvest exceeds 50% of the total harvest for the first time in 2011. This could explain the impression from the public that non-charter harvest is increasing in Area 2C, despite data that show no large change in non-charter harvest from 2003–2016 (Figure 2). The non-charter harvest in Area 3A has remained around 30%-40% of the total harvest from 2003–2016.



**Figure 3. Non-charter and charter halibut harvest, as proportion of total annual harvest, in Area 2C (top) and 3A (bottom) from 2003–2016.**

Figure 4 shows charter halibut catch compared to the GHL or quota in Areas 2C and 3A from 2003 through 2016. The charter catch in Area 2C regularly exceeded the GHL before 2011 when severe restrictions on charter catch were put in place. Since 2011 the charter catch has remained below or very close to the GHL or quota. Charter catch in Area 3A was generally close to the GHL until the GHL was exceeded in 2007. Charter halibut catch remained below the GHL and quota until 2014 and exceeded the quota from 2014–2016.



**Figure 4. Charter halibut catch and GHL or quota (after 2013) in Area 2C (top) and Area 3A (bottom) from 2003–2016.**

#### 4.2 Licensing of sport fishing services and sport fishing guides

State of Alaska regulation 5 AAC 75.075 (a) requires the owner of a business to obtain a current annual saltwater sport fishing operator license from the department before the business conducts saltwater sport fishing services. Alaska Statute 16.05.940 defines “sport fishing” as:

*the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries.*

State of Alaska regulation 5 AAC 75.075 (b) requires a person to obtain an annual salt water sport fishing guide license from the ADF&G before that person conducts salt water sport fishing guide services. The State of Alaska and Federal definitions of a sport fishing guide are identical.

### **4.3 Vessel registrations**

#### **4.3.1 Federal registry**

The US Coast Guard (USCG) documents vessels that are at least 5 net tons and used in fishing activities on navigable waters of the U.S. or the Exclusive Economic Zone (EEZ). The USCG National Vessel Documentation Center<sup>2</sup> notes that vessel more than 25 feet are likely to measure 5 net tons or more under the Simplified Measurement System. It is likely that many boats that could be used with the intention to harvest halibut in Area 2C or Area 3A would be less than 5 net tons, and therefore exempt from USCG documentation. There are no federal programs to register or document vessels less than 5 net tons. In order for the USCG documentation to be used to register rental boats in Alaska, significant changes would have to be made. Any new registry established by NOAA Fisheries or other Federal agency would require new regulations and the attendant analyses.

#### **4.3.2 State of Alaska Division of Motor Vehicles registration**

The State of Alaska, Department of Administration, Division of Motor Vehicles (DMV) registers all powered boats used on any water of the state, including rivers, streams, lakes, and salt water within 3 miles of land. The registration application includes information about whether the boat will be used as a rental boat. There is, however, not currently a way to identify whether the boats intended for rental are owned by an entity that provides sport fishing services, but this information might be obtained by comparing DMV and ADF&G sport fishing guide vessel registration datasets. There are also no data currently collected to identify whether the boat intended for rental is also intended to be operated in Area 2C or Area 3A, although the address of the registering entity may provide some information. There are also no data collected to indicate whether the rental boat is intended to be used to harvest halibut. The DMV registry would need significant modification to be used as a registry for rental boats in Alaska.

#### **4.3.3 Alaska Department of Fish & Game vessel registration**

In addition to the DMV registration described above, the State of Alaska in AS 16.05.395 requires vessels used to provide sport fishing services to be registered with ADF&G, and display proof of registration when the vessel is used to provide sport fishing services. To implement the statute, the Alaska Administrative Code, 5 AAC 75.077(a), requires that all vessels being used to provide sport fishing *guide* services (emphasis added) be registered annually with the department and outlines procedures related to the registration process and proof of registration. This was intended to focus the registration requirement on guide services because there are many businesses that rent boats that do not provide sport fishing services or guide services (e.g., kayak rental, motor boat rental, river raft rental, etc.). Without this clarification, any vessel available for rent that could, potentially, be used for sport fishing would be required to be registered with ADF&G.

The State of Alaska also requires businesses that conduct saltwater sport fishing services to obtain a saltwater sport fishing operator license. The Council could consider requiring a registration of boats owned by businesses with saltwater sport fishing operator licenses. Because not all businesses with saltwater sport fishing operator licenses have boats available for rent, the registry would likely include boats not available for rent to clients and may, therefore, overestimate the number of boats available for rent. Alternately, some businesses that offer boats for rent may not have a saltwater sport fishing operator license, if they are not taking clients onto the water themselves. In this case, a registry requirement for

---

<sup>2</sup> <http://www.dco.uscg.mil/Our-Organization/Deputy-for-Operations-Policy-and-Capabilities-DCO-D/National-Vessel-Documentation-Center/>

these license holders would miss some boats available for rent to the public. Any registry would be a new registry and would be subject to the challenges in establishing a new boat registry, whether Federal or State managed.

## **5 Considerations for an unguided rental boat registry**

In the December 2017 motion, the Council identified a number of points that they request staff to address in this discussion paper, including:

- Appropriate agency to administer a registration
- Timeframe for registration
- Number of businesses or vessels associated with charter operations
- Steps necessary to estimate catch from this segment of the unguided sector
- Challenges of a selective registration requirement focused on vessels affiliated with charter operations, remote lodges, or businesses that require annual saltwater fishing guide licenses
- Consideration of adapting the State of Alaska definition of hunting outfitter to rental boat businesses.

Those will be addressed in this section. It should be noted at the beginning that there are very few data to evaluate these points. This section should be considered a “brainstorming” section to identify opportunities and issues with developing a rental boat registration.

### **5.1 Appropriate agency to administer a registration**

Any registration for unguided rental boats would be administered by either NMFS or the State of Alaska. The Council has no authority to direct the State of Alaska to take any action, so any State registry would require cooperation from the State of Alaska and may require commensurate regulations approved by the State of Alaska Board of Fisheries.

Federal vessel registration is limited to the USCG vessel documentation for any vessels at least 5 net tons used in fishing activities on navigable waters of the U.S. or the U.S. EEZ. Any vessel less than 25 feet is likely to be less than 5 net tons and is exempt from documentation. Many boats that could be available for rental are likely to be less than 5 net tons, and not documented. Any new Federal registry would require new regulations, which would require the regular review under the National Environmental Policy Act, Paperwork Reduction Act, Executive Order 12866, and Executive Order 13771 Reducing Regulations and Controlling Regulatory Costs, etc.

### **5.2 Timeframe for registration**

The Council motion requested discussion about whether any registration should be annual or valid for some number of years. This is a policy choice to be made by the Council and will depend on the objectives of the registry. The Council’s motion from December 2017 states that the intent of the registration is to identify and track these unguided vessels to understand the impacts of this part of the sector on communities, halibut, and other halibut stakeholders in order to determine whether management measures to restrict these unguided anglers are necessary.

An annual registration is more likely to be able to track the number of vessels available for rent than would a multi-year registration because vessels may not remain available for rent for the duration of a multi-year registration. In this case, a multi-year registration may overestimate the number of vessels actually available to unguided anglers. However, a multi-year registration is likely to be less onerous to business owners as registration paperwork would need to be completed and submitted less frequently.

Alternately, an annual registration, if accompanied by an annual reporting requirement may provide the Council with more information about the number of halibut that are harvested annually by the portion of the unguided sector that are using rental boats to access the saltwater.

### 5.3 Costs of registration

Any registration would impose some level of burden on NMFS or the State of Alaska, depending on whether the registration is managed by the Federal or State government. Although not directly comparable to a vessel registry, RAM estimated approximately \$300,000 in costs to provide for an annual renewal process for Charter Halibut Permits (CHPs) in NPFMC (2018). Because an unguided rental boat registration would be a new registry, there are likely to be some initial start-up costs and recurring costs to maintain a registry. Costs would be estimated in an analysis, should the Council choose to initiate an analysis of alternatives.

### 5.4 Number of businesses or rental vessels associated with charter operations

The ADF&G Division of Sport Fish has operated a program to register and license both sport fishing guides and sport fishing guide business since 1998 (Powers and Sigurdsson 2016). This licensing has been mandatory for both freshwater and saltwater sport fishing guides and businesses<sup>3</sup>. There are three options on the license application:

1. License a guide only
2. License a business only;
3. License a combination business and guide (an owner/operator who also guides)

Although there is no reliable estimate for the number of vessels that may be available for rent in Areas 2A and 3A, or a reliable estimate for the number of businesses that may have vessels available for rent, the number of businesses in Alaska with saltwater sport fishing business licenses or guide licenses may provide a gross estimate of the number of businesses that *could* have boats for rent. This would clearly be an overestimate because not all of the guides or businesses associated with the three types of sport fishing licenses would also be in the business of renting boats. Moreover, not all of the rental boat businesses would be associated with sport fishing and would not be required to have any of the sport fishing licenses listed above. Table 2 shows the number of sportfishing guide business licenses, combination business/guide licenses, and guide licenses issued each year. Most of the licenses issued are combination business/guide licenses, as owner-operator businesses are common in the sport fishing industry in Alaska. Guide licenses are not an indication of boat or business ownership.

---

<sup>3</sup> Until 2016, a license was valid for either saltwater or freshwater sportfishing guides and guide business operations. In 2017, the licensing system was maintained for saltwater guides/ businesses, and those that participate in both freshwater and saltwater. However, in 2017 a license is not required for those who work exclusively in freshwater. Those that exclusively guided and/or operated a guide business in freshwater were still required to register through ADF&G; however, there were no fees for the registration. For further description see: [http://www.adfg.alaska.gov/static/license/prolicenses/pdfs/sportfish\\_guidebusiness\\_2017\\_changes.pdf](http://www.adfg.alaska.gov/static/license/prolicenses/pdfs/sportfish_guidebusiness_2017_changes.pdf)

**Table 2. Number of sportfishing business licenses, combination business/guide licenses, and guide licenses in Alaska, 2012–2016.**

	2012	2013	2014	2015	2016
Business Licenses	131	122	132	121	122
Business/Guide Licenses	1,132	1,056	983	1,079	1,162
Guide Licenses	1,712	1,711	1,805	1,998	2,104

## 5.5 Steps necessary to estimate catch from unguided rental boats

The catch of halibut from unguided anglers fishing from rental boats is already accounted for in the Statewide Harvest Survey. However, because there are no data collected in the Statewide Harvest Survey about how individual anglers accessed the salt water, there are no data available to estimate the proportion of unguided halibut harvest occurs from rented boats. If the Council wishes to collect these data, there are several options that the Council could consider.

### 5.5.1 Statewide Harvest Survey

The Alaska Department of Fish and Game Sport Fish Division has conducted a mail survey to estimate sport fishing participation (number of anglers, days fished), total harvest (fish kept) since 1977 and total catch (fish kept plus fish released) since 1990. Estimates from 1996 are available from the ADF&G website<sup>4</sup>. The following description of the Statewide Harvest Survey comes from Romberg (2016).

The purpose of the survey is to provide information on participation, catch, and harvest in order to protect, maintain, and improve recreational fisheries in Alaska. The survey provides a statewide database on where fishing occurs, the extent of participation, and the species and numbers of game fishes caught and harvested. These data are essential for regulation and management of fisheries, for project evaluation, and for formulation of ADF&G policies and priorities that reflect angler needs, concerns, and preferences.

The survey uses a stratified random sampling of fishing households with at least one individual who either purchased a fishing license, holds a permanent identification (PID) card, or holds a disabled veteran (DAV) license. The surveys include pages that ask specifically about the Kenai, Kasilof and Russian Rivers freshwater fisheries and Cook Inlet saltwater fisheries, and all other statewide saltwater and freshwater sites. The survey booklet is designed to capture guided and non-guided activity within fisheries across Alaska.

The survey has been refined since 1977 to provide the ADF&G with the data they need to evaluate and manage recreational fisheries in Alaska. Because the method of access to waters by recreational anglers is not necessary to manage these fisheries, those data are not collected. In order to collect those data, the Statewide Harvest Survey would have to be modified significantly to add questions about access for each trip, and to record the number of fish caught on each trip. This is likely to have impacts to the automated data evaluation protocols that ADF&G has developed. An example of the Statewide Harvest Survey Cook Inlet and Kachemak Bay Saltwater survey page is shown in Figure 5. Any proposed change to the Statewide Harvest Survey would have to be approved by the Alaska Department of Fish and Game and may require commensurate regulations approved by the State of Alaska Board of Fisheries.

<sup>4</sup> <https://www.adfg.alaska.gov/sf/sportfishingsurvey/>

**COOK INLET and  
KACHEMAK BAY  
SALTWATER**

See Mapsite Booklet Page 15

Number of Household Anglers who fished. Do not include visiting friends, relatives, or other party members outside your household.  
 Number of Household Trips (a trip, which may last one or more days, is a visit to a fishing site).  
 Sum of Each Household Angler's Days Fished. Count any part of a day as one whole day. If 2 or more anglers fish the same day, include that day in each angler's sum.  
 Example: 2 household anglers fished the same day. One angler returned a second day, and fished again at the same site.  
 Sum of Each Household Angler's Days Fished would equal 3.  
**DO NOT INCLUDE FISH HARVESTED UNDER SUBSISTENCE REGULATIONS.**

<b>SALTWATER CHARTER</b> <i>Charter (guided) means you paid to be accompanied or personally directed on your fishing trip</i>		No. of Household Anglers	No. of Household Trips	Sum of Each Household Angler's Days Fished	King Salmon through June 24	King Salmon after June 24	King Salmon Summer Fishery*	King Salmon Winter Fishery**	Silver (Coho) Salmon	Red (Sockeye) Salmon	Pink Salmon	Chum Salmon	Dolly Varden/Arctic Char	Steelhead Trout	Smelt	Halibut	Shark	Rockfish	Lingcod	Sablefish (Black Cod)	Pacific Cod	Other (specify)
980	Upper Cook Inlet north of Bluff and Chinitna Points, including saltwaters by Anchor River, Whiskey Gulch, Deep Creek and Nimlichik River (boat)																					
952	Lower Cook Inlet west of Gore Point not including Kachemak Bay (boat)																					
796	Kachemak Bay from Bluff Point to Seldovia (boat)																					
<b>SALTWATER NONCHARTER</b> <i>Noncharter (nonguided) means you did not pay to be accompanied or personally directed on your fishing trip</i>		No. of Household Anglers	No. of Household Trips	Sum of Each Household Angler's Days Fished	King Salmon through June 24	King Salmon after June 24	King Salmon Summer Fishery*	King Salmon Winter Fishery**	Silver (Coho) Salmon	Red (Sockeye) Salmon	Pink Salmon	Chum Salmon	Dolly Varden/Arctic Char	Steelhead Trout	Smelt	Halibut	Shark	Rockfish	Lingcod	Sablefish (Black Cod)	Pacific Cod	Other (specify)
980	Upper Cook Inlet north of Bluff and Chinitna Points, including saltwaters by Anchor River, Whiskey Gulch, Deep Creek and Nimlichik River (boat)																					
981	Upper Cook Inlet fishing from the shore (specify)																					
952	Lower Cook Inlet west of Gore Point not including Kachemak Bay (boat)																					
796	Kachemak Bay from Bluff Point to Seldovia (boat)																					
823	Homer Spit (fishing from shore on the Spit)																					
991	Other Lower Cook Inlet and Kachemak Bay fishing from the shore (specify)																					

\* Summer king salmon fishery occurs April 1 through September 30.  
 \*\* Winter king salmon fishery occurs January 1 through March 31 and October 1 through December 31.

Figure 5. Cook Inlet and Kachemak Bay Saltwater survey page from 2015 ADF&G Statewide Harvest Survey.

**5.5.2 ADF&G Saltwater Charter Logbook**

The State of Alaska requires all sport fish charter/guide operators in both saltwater and freshwater to maintain a logbook for each vessel, whether the vessel is used to fish or not. All daily trips must be recorded in the logbook, and the book must be returned to ADF&G by the date specified in the logbook. It is the responsibility of the guide to assure that daily fishing activity is recorded in the logbook in a timely manner, and the responsibility of the business owner to ensure that all data for fishing activities from January 1 through December 31 is submitted to ADF&G. The ADF&G has developed an optional electronic logbook (eLogBook) that can be used to replace the paper forms.

The logbook must include the following, if applicable:

- Vessel name
- AK or USCG number
- Charter Halibut Permit (CHP) number
- CHP holder name
- Name of sport fishing business
- ADF&G sport fishing business license number
- Primary port.

Logbook entries for each trip must contain:

Trip Information		
• Date	• Hour trip ended	• Guide License number
• CHP number(s)	• NOAA Guided Angler Fish requirements	• Port of Community of off-loading
• Primary Statistical Area fished	• Boat hours fished	
Individual Angler Information		
• Sport Fishing License No.	• Residency	• Comped and crew angler status
• Angler name	• Youth anglers	• Angler Signatures
• Proxy fishing information		
Catch Information		
• Number of fish retained	• Number of fish released	• Guide signature
• Continuing trip information		

An example saltwater sport fishing charter trip logbook page is shown in Figure 6.

Figure 6. Portion of 2018 Saltwater Sport Fishing Charter Trip Logbook Page.

### 5.5.3 Requiring logbooks for unguided anglers

The ADF&G Saltwater Sport Fishing Charter Logbook is required for all guided anglers. Anglers who are using rented boats to access the saltwater without the services of a fishing guide are unguided. The ADF&G logbook is therefore not currently required for anglers on rented boats. The Council could consider requiring separate saltwater logbooks for all recreational anglers or for all unguided anglers

accessing the water with rental boats. The Council could determine which data are necessary to effectively address the Council's questions and concerns and design the logbook to record those data. This may be more efficiently accomplished if the saltwater logbook requirement accompanied a rental boat registration requirement. There are a number of questions that would still need to be addressed in an analysis of alternatives, including whether the owner of the rental boat or the angler would be responsible for the logbook, whether the information collected was restricted to halibut or other species were included, and enforcement issues (e.g., is the information on the logbook required at the commencement of the trip or once a halibut has been landed?).

## 5.6 Guide, Outfitter, or Transporter

The State of Alaska includes definitions of guides, outfitters, and transporters in its big game statutes and regulations (AS 08.54.591-680). These definitions may be adapted for application to businesses providing rental boats and gear for unguided anglers.

**Guide** means to provide, for compensation or with the intent or with an agreement to receive compensation, services, equipment or facilities to a big game hunter in the field by a person who accompanies or is present with the big game hunter in the field either personally or through an assistant.

**Outfit** means to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities, excluding the provision of accommodations by a person described in AS 08.54.785<sup>5</sup>, to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant. The State of Alaska does not provide a definition of outfitters for businesses providing saltwater sport fishing services.

**Transportation services** means the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field; "transportation services" does not include the carriage by aircraft of big game hunters, their equipment, or big game animals harvested by hunters.

Under these definitions, a business owner who provides a rental boat to a client could be considered an outfitter regardless of whether other fishing gear (rods & reels, downriggers, bait, etc.) were provided. The Council could consider defining businesses that provide rental boats as "outfitters" and requiring those businesses to register their boats available for rent if a registry is developed (see §5.1 – 5.2). The State of Alaska also restricts the areas in which a guide-outfitter may provide services. Rental boats available for day-rentals would most likely be restricted to the areas near the business from which the boat was rented, so those restrictions could apply. However, some rental boats are available for multi-day rentals, and those clients may travel beyond the immediate area of the business that provided the boat. If the intention of the outfitter licensing and rental boat registry is to understand and manage the impact of rental boats and halibut harvest from rental boats on local communities, the Council should consider how to address multi-day rentals that may provide access for unguided anglers to multiple communities.

The Council would need to consider whether to apply the outfitter label to all businesses with boats available for rent, for those with the opportunity to fish for halibut, or only for those whose clients intend to fish for halibut. There may be enforcement concerns with any or all of the options, these would be discussed in an analysis of alternatives. The Council could also consider requiring unguided angler logbooks in association with outfitters in order to collect catch data from this sector.

---

<sup>5</sup> **08.54.785 CHAPTER NOT APPLICABLE.** The provisions of this chapter do not apply to a person providing, for compensation or with the intent to receive compensation, only accommodations to a big game hunter in the field at

- 1) A permanent lodge, house, or cabin on private land owned by the person; or
- 2) A state or federal cabin on state or federal land.

## 6 Conclusions

The Council's purpose and need statement for considering a registry for unguided halibut rental boats states that differences in regulation and the perceived growth in the number of rental boats available to unguided halibut anglers may result in increased growth in the non-charter sector that may negatively affect other sectors. The purpose and need further states that the Council intends to establish a registration requirement for vessels affiliated with charter operations, remote lodges, or businesses that require annual saltwater fishing guide licenses and estimate the halibut catch from this segment of the sector. This information will be used to help the Council determine whether additional management actions are necessary for this segment of the fishery.

The total recreational (charter and non-charter) catch of halibut has declined in Area 2C from 2.258 million pounds in 2003 to 2.100 million pounds in 2016. In Area 3A, the catch has declined from 5.427 million pounds in 2003 to 3.492 million pounds in 2016. The non-charter catch in Area 2C has ranged from 0.685 million pounds in 2006 to 1.361 million pounds in 2013 but has remained relatively stable near 1 million pounds from 2003 through 2016. In Area 3A, the non-charter catch has generally declined from 2.046 million pounds in 2003 to 1.528 million pounds in 2016. Charter halibut catch in Area 2C has generally declined from 2003 through 2016, with a high of 1.999 million pounds in 2008 and a low of 0.344 million pounds in 2011. Charter catch in Area 3A has declined from 3.382 million pounds in 2003 to 1.964 million pounds in 2016. The decline in charter halibut catch in Area 2C resulted in non-charter catch exceeding charter catch starting in 2011, which may explain the perception that non-charter catch is increasing despite the available catch data.

Both the State of Alaska and the Federal government have vessel registrations in place. The US Coast Guard documents vessels greater than 5 net tons and used in fishing activities on navigable waters of the US or the EEZ. The State of Alaska registers boats less than 5 net tons with the Division of Motor Vehicles. The ADF&G also registers all vessels that are used to provide sport fishing guide services on salt and fresh water. Any changes to existing registrations would require substantial changes to regulations and changes to the State of Alaska registrations would require cooperation by the State and may require commensurate regulations approved by the State Board of Fisheries.

Any new registration, whether State or Federal, would require new regulations and the attendant analyses. Any new registration would also impose some level of burden on NMFS or the State of Alaska, including start-up and recurring costs to maintain a registry.

There are no reliable data to estimate the number of businesses that provide rental boats, nor of the number of boats available for rent. The State of Alaska registers and licenses businesses that provide sport fishing guide services, which could serve as a proxy for the number of businesses that *could* provide rental boats, but very likely overestimates the number of businesses. The business license information would not provide data on the number of boats that are available because businesses may have one or more boats available for rent.

The halibut catch by unguided anglers is accounted for in the Statewide Harvest Survey. The Statewide Harvest Survey provides ADF&G with the data needed to evaluate and manage recreational fisheries in Alaska and does not provide information about the method of access to waters by recreational anglers. Any change to the Statewide Harvest Survey would require approval by the State of Alaska and would likely result in substantial changes to the way those data are collected and analyzed by the ADF&G. The ADF&G requires all sport fish charter/guide operators to maintain a logbook for each vessel, which records the number of fish kept and released by each angler. The Council could consider requiring logbooks for unguided anglers which could collect the data desired by the Council. A logbook program may be more efficiently enacted in association with a vessel registry, but there are a number of questions that the Council should consider if they choose to consider a logbook requirement.

The State of Alaska identifies businesses that provide services, supplies, or facilities to big game hunters as “outfitters”. Businesses that provide rental boats to anglers could be considered to be outfitters under this definition, although the State limits outfitters to those businesses serving big game hunters. Requiring businesses that provide boats available for rent and requiring logbooks for those boats could provide the Council with information about the numbers of boats available and the numbers of halibut harvested from them. There are remaining questions that the Council should consider in an analysis of alternatives if the Council chooses to consider this option.

## **7 References**

- NPFMC. 2018. Public Review Draft of a Regulatory Impact Review for a regulatory amendment to establish a Charter Halibut Permit Annual Renewal. April 2018. Available at <http://npfmc.legistar.com/gateway.aspx?M=F&ID=676c0fad-f8d3-4ebc-a7c1-15089a329018.pdf>.
- Romberg, W.J., 2015. Alaska statewide sport fish harvest survey, 2015. Alaska Department of Fish and Game, Division of Sport fish, Regional Operational Plan ROP.SF.4A.2015.05, Anchorage.