

INITIAL REVIEW DRAFT

**Regulatory Impact Review
for Proposed Regulatory Amendment
to the Federal Regulations Implementing the Pacific Halibut Fisheries Off
Alaska**

Unguided Halibut Rental Vessel Registration

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Abstract: This document analyzes proposed management measures that would apply exclusively to unguided halibut rental vessels and the anglers that harvest halibut on these vessels. The measures under consideration include: a registration requirement for all unguided rental vessels used for harvesting halibut; and aligning the bag and size limits for halibut harvested by anglers on unguided rental vessels with those of anglers on charter vessels. The measures under consideration would apply in the Gulf of Alaska (GOA) in IPHC Regulatory Areas 2C and 3A or only Area 2C, depending upon the Council's preferred alternative and chosen options.

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List of Acronyms and Abbreviations

Acronym or Abbreviation	Meaning
AAC	Alaska Administrative Code
ADF&G	Alaska Department of Fish and Game
AKFIN	Alaska Fisheries Information Network
CAS	Catch Accounting System
CFR	Code of Federal Regulations
Council	North Pacific Fishery Management Council
CSP	Catch Sharing Plan
E.O.	Executive Order
EA	Environmental Assessment
EEZ	Exclusive Economic Zone
EIS	Environmental Impact Statement
FCEY	Fishery Constant Exploitation Yield
FMP	fishery management plan
FONSI	Finding of No Significant Impact
FR	<i>Federal Register</i>
FRFA	Final Regulatory Flexibility Analysis
ft	foot or feet
GOA	Gulf of Alaska
GHL	Guideline harvest level
IPHC	International Pacific Halibut Commission
IRFA	Initial Regulatory Flexibility Analysis
lb(s)	pound(s)
NAO	NOAA Administrative Order
NEPA	National Environmental Policy Act
NMFS	National Marine Fishery Service
NOAA	National Oceanic and Atmospheric Administration
NPFMC	North Pacific Fishery Management Council
OLE	Office of Law Enforcement
PSFMC	Pacific States Fishery Management Commission
PSC	prohibited species catch
PPA	Preliminary preferred alternative
PRA	Paperwork Reduction Act
RFA	Regulatory Flexibility Act
RIR	Regulatory Impact Review
RPA	reasonable and prudent alternative
SAFE	Stock Assessment and Fishery Evaluation
SBA	Small Business Act
Secretary	Secretary of Commerce
SWHS	Statewide Harvest Survey (ADF&G)
t	tonne, or metric ton
TAC	total allowable catch
TCEY	Total Constant Exploitation Yield
U.S.	United States
USCG	United States Coast Guard

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Executive Summary

This document analyzes proposed management measures that would apply exclusively to unguided halibut rental vessels and the anglers use these vessels to harvest halibut. The measures under consideration include: a registration requirement for all unguided rental vessels used for harvesting halibut; and aligning the bag and size limits for halibut harvested by anglers on unguided rental vessels with those of anglers on charter vessels. The measures under consideration would apply in the Gulf of Alaska (GOA) in IPHC Regulatory Areas 2C and 3A or only Area 2C, depending upon the Council's preferred alternative and chosen options.

This document is a Regulatory Impact Review (RIR). A RIR provides assessments of the distribution of impacts of the proposed alternatives, benefits and costs of the alternatives, and identification of small entities that may be affected by the alternatives. This RIR addresses the statutory requirements of the Halibut Act, Presidential Executive Order 12866, and some of the requirements of the Regulatory Flexibility Act. A RIR is a standard document produced by the North Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) Alaska Region to provide the analytical background for decision-making.

Analysts have consulted with NMFS Alaska Region and preliminarily determined that none of the alternatives have the potential to have an effect individually or cumulatively on the human environment. The recreational harvest of Pacific halibut for either regulatory area will continue to be accounted for when the IPHC establishes catch limits, regardless of how the fish are allocated among user groups; therefore, the only effects analyzed in this RIR are socio-economic. However, this determination is subject to further review and public comment. If this determination is confirmed when a proposed rule is prepared, the proposed action will be categorically excluded from the need to prepare an Environmental Assessment.

History of this Action

In June 2017, the Council requested a discussion paper that would provide a definition of a self-guided rental boat and mechanisms to move to a regulatory amendment creating a registration, if the Council concluded that this was necessary. The Council stated that “the benefit of this registration is that it fills a data gap in fishery participation by a commercial business entity which allows access resulting in significant harvest of Pacific halibut. Knowing how many rental boats there are and where they are spatially distributed will help the Council assess the potential impacts of this sector to communities, the halibut resource and other stakeholders in the future.”

After reviewing the discussion paper in December 2017, the Council requested an expanded discussion paper to explore mechanisms to create a registry for motorized rental boats that are used by unguided anglers to harvest halibut in IPHC Regulatory Areas 2C and 3A. This was in response to concerns that differences in harvest regulations between charter (guided) and unguided recreational halibut anglers, and the growth of the rental boat segment of the unguided sector, may negatively impact other halibut fishing sectors.

In October 2018, the Council reviewed the expanded discussion paper, which provided an overview of existing vessel registration programs, examined patterns in halibut harvest in the unguided, charter, and commercial sectors in recent years, and addressed questions posed by the Council in their December 2017 motion. After review, the Council initiated an analysis of alternatives to require registration for unguided rental vessels in IPHC areas 2C and 3A, and align bag limits between charter anglers and anglers on unguided rental vessels by applying the charter angler daily bag limits and size limits to both groups.

Purpose and Need

At the October 2018 meeting, the Council adopted the following purpose and need statement.

Over the past six years, declining trends in halibut abundance and the proportionate reductions in guided sport bag limits may incentivize sport fishing businesses to offer non-guided vessel rentals and assisted unguided fishing experiences. This shift appears to be contributing to a proportional increase in unguided sport harvest in IPHC Areas 2C and 3A. Because unguided sport harvest is deducted from the total allowable catch of halibut before the guided sport and commercial allocations are set, the growth in unguided halibut harvest could result in a reallocation of halibut from the guided sport and commercial sectors to the unguided sport sector. To provide a measure of stability in the future to the halibut charter and commercial sectors, the Council is considering management strategies for the unguided halibut sport sector that will require registration for vessels offering non-guided vessel rentals and apply charter halibut bag and size limits when halibut is retained on non-guided vessel rentals. Registration and consistent management measures between charter and non-guided vessel rentals would ensure appropriate accounting of sport halibut catch and reduce incentives for shifting harvest patterns that could reduce allocations to the charter and commercial sectors. This proposed action is not intended to modify regulations for anglers fishing on private boats.

Alternatives

The Council adopted the following alternatives for analysis in October 2018. Council staff has included minor recommended language changes for clarity for Council review. If the Council is silent on these changes at initial review, staff will assume these changes are accepted. New language is underlined; deleted language is in ~~strike through~~.

Alternative 1: No Action (Status quo)

Alternative 2: Require registration for ~~non-guided vessel~~ unguided rental vessels

Require registration for ~~non-unguided~~ motor vessels that operate in IPHC Areas 2C and 3A that are used to retain recreationally harvested halibut and that are rented for compensation. This registration would apply to all vessels used to provide access to the halibut resource for compensation, including but not limited to unguided rental boats, mother ships, bare boat charters, fishing clubs, time shares and all other means whereby compensation is exchanged for access to the halibut resource.

Element 1: Apply the registration requirements:

Suboption 1: IPHC Regulatory Area 2C and 3A

Suboption 2: Only IPHC Regulatory Area 2C

Element 2: Require ~~non-unguided~~ rental vessel registration be renewed:

Suboption 1: Annually ~~renewal~~

Suboption 2: Every 3 years

Suboption 3: Every 5 years

Alternative 3: Align bag and size limits between charter anglers and anglers on ~~non-unguided~~ rental vessels

~~Apply the same daily bag limit or size limit to anglers~~ Unguided anglers on rental vessels shall comply with the same daily bag and size limits that apply to charter anglers under the Catch Sharing Plan.

Suboption: Provide an exemption to aligning bag and size limits to MWR vessels.

Note: More than one action alternative may be chosen.

Regulatory Impact Review

Determining the Status Quo in Charter and Unguided Halibut Fisheries

A description of the status quo of the recreational halibut fisheries is provided in Section 2.8 of the analysis. The recreational or sport halibut fishery in Alaska is divided into the charter and unguided sectors. In the charter sector, anglers are accompanied on a fishing trip by a guide providing assistance for compensation, to a person who is sportfishing. Unguided anglers are not accompanied by a guide and may either have access to a private vessel, or they may rent a vessel from a business (unguided rental vessels). Currently, certain registration programs are required of charter vessels, but unguided rental vessels used for harvesting halibut are not specifically identified or accounted for in any of the existing registrations, described in Section 2.8.4.

Because no such registration that categorizes these types of vessels currently exists, in order to implement Alternative 2 a registration would need to be created. Section 2.12 describes why NMFS or a NMFS contractor is likely to be the appropriate agency to administer this registration requirement. Any business that owns a vessel that fits the definition of an "unguided rental boat" would have to register that vessel.

Different regulations apply to charter and unguided halibut sportfishing trips, and in recent years, management measures have increasingly restricted the effort and harvest of the charter sector in response to declining halibut biomass. Regulatory Area limits consider intricacies and needs in each regulatory area and are confined to a single coastwide fishing limit. The sector allocations (or quotas) for the charter and commercial halibut sectors in Areas 2C and 3A vary in proportion with changing levels of annual halibut spawning biomass and balance the differing needs of the charter and commercial halibut fisheries over a wide range of halibut biomass in each area. While unguided anglers are limited by a two-fish daily bag limit, the unguided sector is not managed by an explicit limit on the amount of harvest, therefore, the unguided sector does not have a specific allocation that is correlated with halibut biomass. Section 2.8.2 further explains the current management of the unguided and charter halibut sectors.

Sections 2.8.4 and 2.8.6 describe the various approaches the analysts have taken to estimate participation in the unguided halibut rental vessel subsector. With limited data, accurately estimating changes in growth of the unguided rental vessel subsector is challenging. There are a variety of types of operations that may offer rental boats, such as bareboat rentals, lodge packages, and mixed charter and unguided fishing options. Using the data available to estimate participation for this analysis, there are at least 71 businesses offering unguided rental vessels. Of those 71 businesses, 56 are in Area 2C, and 15 are in Area 3A. The analysts estimated a minimum of 296 boats for rent in Areas 2C (243 boats) and 3A (53 boats). However, many of these boats may be used for purposes other than halibut fishing. Overall, Prince of Wales has the largest number of businesses offering unguided rental vessels of all subareas, and Ketchikan businesses offer the most rental vessels of any subarea. Area 2C has substantially more businesses offering unguided rental vessels than Area 3A.

As harvest data specific to the unguided rental vessel subsector is not collected, the analysts rely on comparing trends in the unguided and charter sectors in order to qualitatively describe potential changes over time in the subsector specific to unguided rental vessels. It is important to note that trends in the overall unguided sector may mask trends in the unguided rental vessel subsector, as harvest in the unguided rental vessel subsector may be offset by changes amongst private vessel anglers.

In 2007-2009, declines in charter halibut harvest occurred in response to increased regulatory restrictions on the charter sector in Area 2C, the prohibition of crew harvest during the peak fishing season in Area 3A, and potentially due to the economic recession during that time.

As further described in Section 2.8.5, halibut subareas have experienced changes in unguided harvest to varying degrees over the past several years. From 2011-2018 in Area 2C, unguided halibut harvest (in terms of pounds) increased the most in Glacier Bay, followed by Petersburg/Wrangell, and Ketchikan in terms of number of fish harvested. In Area 3A, Eastern Prince William Sound experienced the largest increase in unguided halibut harvest (in pounds) but also experienced a decrease in terms of number of fish harvested by unguided anglers, meaning unguided anglers in this subarea were likely catching fewer, larger fish more recently. Yakutat experienced the largest increase in unguided harvest in terms of number of fish in Area 3A.

If anglers were increasingly choosing to rent unguided vessels to harvest halibut instead of taking charter trips, we would expect that in areas where unguided harvest is increasing, charter effort may be correspondingly decreasing. However, charter effort 2011-2018 in Area 2C has increased in all areas except Glacier Bay, where it has been fairly stable. Charter effort in the Area 3A portion of Glacier Bay has increased considerably over the same time period. Charter effort in other Area 3A subareas, including in Eastern PWS and Yakutat, has remained fairly stable with the exception of Central Cook Inlet, which has seen a decline in charter effort by roughly 10,000 trips since 2011. Central Cook Inlet has similarly seen a decline in unguided harvest between 2011 and 2018. These data do not indicate any apparent shift in effort from the charter to the unguided sector.

It is possible that in areas where unguided harvest is either stable or decreasing, halibut harvest by the unguided rental vessel subsector could still be increasing. This would be the case if harvest by unguided private anglers (those with their own vessels) is decreasing to the same extent that unguided rental vessel harvest is increasing, therefore any changes within the subsectors are offset at the sector level. **Without data specific to these subsectors, it is not possible to quantitatively assess changes in growth in the unguided rental vessel subsector.**

Potential Impacts of the Action Alternatives

Potential impacts of a registration requirement for unguided rental vessels (Alternative 2), primarily consist of increased burden on unguided rental vessel owners and the businesses that offer them, and administrative costs to the agency responsible for the registration. Alternative 2 could also fill a data gap by providing a means through which information on participation in and harvest by the unguided rental vessel subsector could be collected. This information could inform further management decisions relating to halibut allocation issues, as further described in Section 2.10.

Note that the Council's purpose and need statement includes "Registration and consistent management measures between charter and non-guided vessel rentals would ensure appropriate accounting of sport halibut catch". Alternative 2, as currently described, would not achieve appropriate accounting of halibut catch, as it does not include any mechanism for catch accounting for the unguided rental vessel subsector. Section 2.12 includes discussion of options and potential impacts of catch accounting in the management and enforcement considerations section, as well as additional steps the Council could take to clarify whether and how to estimate halibut harvest of the unguided rental vessel subsector.

Potential impacts of Alternative 3 are largely dependent upon changes in angler preferences and behavior in response to aligned bag limits. Section 2.11 addresses the potential impacts on various stakeholder groups, such as unguided rental vessel anglers, charter businesses, businesses that offer unguided vessels for rent, and participants under the Catch Sharing Plan (CSP). Additionally, the communities that are associated with these businesses may be affected indirectly due to economic impacts to businesses. While restricting bag limits may reduce incentives for people using unguided rental vessels to harvest halibut, any difference from changes in unguided bag limits may not directly translate into more or bigger fish for participants in the CSP. Potential impacts of the action on participants in the CSP are further described in Section 2.11.4.

The potential impacts of the action on these different stakeholders are summarized in the table below.

Comparison of Alternatives for Decision Making	
Alternative	Impacts
<p>Alternative 1 Status quo. No action.</p>	<ul style="list-style-type: none"> • If regulations for charter (guided) halibut fishing are considerably more restrictive than those for unguided halibut fishing, anglers have an incentive to fish unguided from rental vessels instead of fishing from charter vessels • Lack of information on participation and harvest by the unguided rental vessel subsector leads to a data gap in management • Unguided rental boat anglers can continue to access unguided bag limits • No additional reporting burden on the unguided rental vessel subsector • No additional administrative burden for implementing agency
<p>Alternative 2 Require registration for unguided halibut rental vessels</p>	<ul style="list-style-type: none"> • Burden of time and added paperwork on vessel owners who are required to register boats • Potential means to account for the number of businesses that rent vessels, as well as determine the total number of rental vessels that could be used for catching and retaining halibut • Administrative cost to the agency(s) for developing, maintaining, and enforcing a registration
<p>Alternative 3 Align bag limits between charter and unguided rental vessels</p>	<ul style="list-style-type: none"> • Decreased bag and size limits for anglers on unguided rental vessels • Increased complexity of sport fishing regulations and increased risk of anglers failing to be in compliance with the regulations • Potential distributional shift in revenue dependent upon changes in angler preferences and behavior: <ul style="list-style-type: none"> ○ Potential for decreased revenue to rental vessel owners and associated communities if anglers who previously rented vessels decide to no longer rent vessels due to reduction in bag limit. ○ Limited potential for increased revenue to charter operators and associated communities, if those who once rented vessels decide to use charter vessels after bag limits are aligned • Potential for incremental increases in catch limits for the commercial (IFQ) and charter sectors under the halibut Catch Sharing Plan (CSP)

Section 2.12 describes the management and enforcement considerations of the proposed action. This includes a discussion of the appropriate agency to administer a registration, potential administrative costs of the action, and some of the logistical challenges that will need to be addressed if the Council chooses to move forward with a registration. This section also highlights aspects of the action alternatives that would benefit from Council clarification and input.

1 Introduction

This document analyzes proposed management measures that would apply exclusively to unguided halibut rental vessels and the anglers that harvest halibut on these vessels. The measures under consideration include: a registration requirement for all unguided rental vessels used for harvesting halibut; and aligning the bag and size limits for halibut harvested by anglers on unguided rental vessels with those of anglers on charter vessels. The measures under consideration would apply in the Gulf of Alaska (GOA) in IPHC Regulatory Areas 2C and 3A or only Area 2C, depending upon the Council's preferred alternative and chosen options.

This document is a Regulatory Impact Review (RIR). A RIR provides assessments of the distribution of impacts of the proposed alternatives, benefits and costs of the alternatives, and identification of small entities that may be affected by the alternatives. This RIR addresses the statutory requirements of the Halibut Act, Presidential Executive Order 12866, and some of the requirements of the Regulatory Flexibility Act. A RIR is a standard document produced by the North Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) Alaska Region to provide the analytical background for decision-making.

2 Regulatory Impact Review

The following sections of this RIR¹ examine the benefits and costs of a proposed regulatory amendment that would apply exclusively to unguided halibut rental vessels and the anglers that harvest halibut on these vessels. The measures under consideration include: a registration requirement for all unguided rental vessels used for harvesting halibut; and aligning the bag and size limits for halibut harvested by anglers on unguided rental vessels with those of anglers on charter vessels. The measures under consideration would apply in the Gulf of Alaska (GOA) in IPHC Regulatory Areas 2C and 3A or only Area 2C, dependent upon the Council's preferred alternative and chosen options.

The preparation of an RIR is required under Presidential Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993). The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following Statement from the E.O.:

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and Benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nonetheless essential to consider. Further, in choosing among alternative regulatory approaches agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

E.O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to:

- Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, local or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

2.1 Statutory Authority

The management of Pacific halibut fishery off Alaska falls under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773-773k), in coordination with annual fishery management measures adopted by the IPHC and published in the Federal Register. For the United States, the Halibut Act gives effect to the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea. The Act provides that, for the halibut fishery off Alaska, the Council may develop regulations to govern the fishery, provided that the Council's actions

¹ If the RIR/IRFA is a stand-alone document because the action qualifies for a CE, add this footnote:

"The proposed action has no potential to effect individually or cumulatively on the human environment. The only effects of the action are economic, as analyzed in this RIR/IRFA. As such, it is categorically excluded from the need to prepare an Environmental Assessment."

are in addition to, and not in conflict with, regulations adopted by the International Pacific Halibut Commission (IPHC).

Regulations which set the IPHC's annual management measures are published by the Assistant Administrator in the Federal Register by March 15 each year and may be adjusted inseason by the IPHC.² Council action must also be approved and implemented by the U.S. Secretary of Commerce (Secretary). While the proposed action would not be under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. § 1801, et seq.) and would therefore not include an amendment to a Fishery Management Plan, the proposed action would still require an amendment to U.S. Federal regulations.

The Council is acting under the authority of the Halibut Act when considering regulations supporting the proposed action. Actions taken to implement regulations governing these fisheries must meet the requirements of Federal law and regulations. It is necessary for the Council to consider the directions in the Halibut Act about the regulations that may result from this action. Much of the direction listed in §773c(c) is similar to the Magnuson-Stevens Act's National Standard 4, as it requires that regulations not discriminate between residents of different States, and directs that if halibut fishing privileges are allocated or assigned among fishermen, such allocation shall be fair and equitable.

2.2 History of this Action

In June 2017, the Council requested a discussion paper that would provide a definition of self-guided rental boats and mechanisms to move to a regulatory amendment creating a registration, if the Council concluded that this was necessary. The Council stated that "the benefit of this registration is that it fills a data gap in fishery participation by a commercial business entity which allows access resulting in significant harvest of Pacific halibut. Knowing how many rental boats there are and where they are spatially distributed will help the Council assess the potential impacts of this sector to communities, the halibut resource and other stakeholders in the future."

After reviewing the discussion paper in December 2017, the Council requested an expanded discussion paper to explore mechanisms to create a registry for motorized rental boats that are used by unguided anglers to harvest halibut in IPHC Regulatory Areas 2C and 3A. This was in response to concerns that differences in harvest regulations between charter (guided) and unguided recreational halibut anglers, and the growth of the rental boat segment of the unguided sector may negatively impact other halibut fishing sectors.

In October 2018, the Council reviewed the expanded discussion paper, which provided an overview of existing vessel registration programs, examined patterns in halibut harvest in the unguided and charter sectors in recent years, and addressed questions posed by the Council in their December 2017 motion. After review, the Council initiated an analysis of alternatives to require registration for non-guided rental vessels in IPHC areas 2C and 3A, and to align bag limits between charter anglers and anglers on non-guided rental vessels by applying the charter angler daily bag limit and size limit to both groups.

2.3 Purpose and Need for Action

At the October 2018 meeting, the Council adopted the following purpose and need statement.

Over the past six years, declining trends in halibut abundance and the proportionate reductions in guided sport bag limits may incentivize sport fishing businesses to offer

² Final Rule 84 FR 9243, <https://www.federalregister.gov/documents/2019/03/14/2019-04714/pacific-halibut-fisheries-catch-sharing-plan>. See Sections 26 "Sport Fishing for Halibut—General" and 29 "Sport Fishing for Halibut".

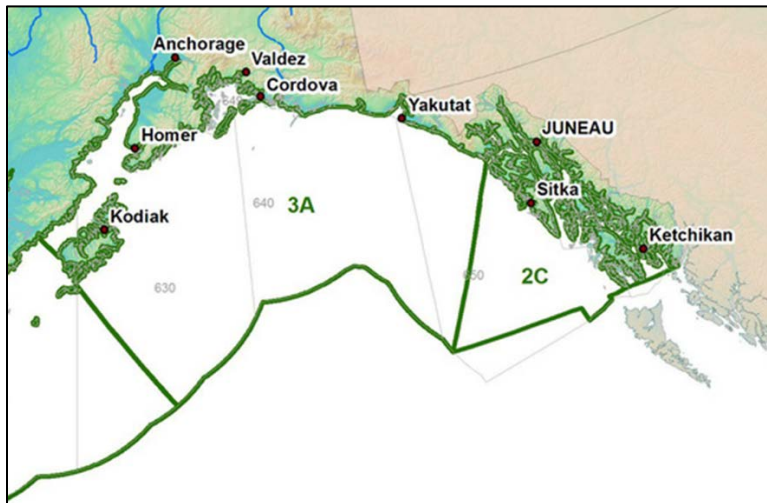
non-guided vessel rentals and assisted unguided fishing experiences. This shift appears to be contributing to a proportional increase in unguided sport harvest in IPHC Areas 2C and 3A. Because unguided sport harvest is deducted from the total allowable catch of halibut before the guided sport and commercial allocations are set, the growth in unguided halibut harvest could result in a reallocation of halibut from the guided sport and commercial sectors to the unguided sport sector. To provide a measure of stability in the future to the halibut charter and commercial sectors, the Council is considering management strategies for the unguided halibut sport sector that will require registration for vessels offering non-guided vessel rentals and apply charter halibut bag and size limits when halibut is retained on non-guided vessel rentals. Registration and consistent management measures between charter and non-guided vessel rentals would ensure appropriate accounting of sport halibut catch and reduce incentives for shifting harvest patterns that could reduce allocations to the charter and commercial sectors. This proposed action is not intended to modify regulations for anglers fishing on private boats.

2.4 Description of Management Area

Figure 2-1 shows the IPHC Regulatory Areas where this action would apply. The proposed action suggests a registration requirement for unguided halibut rental vessels would apply in Areas 2C (Southeast Alaska) and 3A (Southcentral Alaska) or only in Area 2C, depending upon the sub-option chosen under Element 1.

The Council may wish to clarify whether the proposed bag limits under Alternative 3 should apply to all IPHC areas or only to Area 2C.

Figure 2-1 IPHC Regulatory Areas 2C and 3A



2.5 Alternatives

The Council adopted the following alternatives for analysis in October 2018. Council staff has included minor recommended language changes for clarity for Council review. If the Council is silent on these changes at initial review, staff will assume these changes are accepted. New language is underlined; deleted language is in ~~strike through~~.

Alternative 1: No Action (Status quo)

Alternative 2: Require registration for ~~non-guided vessel~~ unguided rental vessels.

Require registration for ~~non-unguided~~ motor vessels that operate in IPHC Areas 2C and 3A that are used to retain recreationally harvested halibut and that are rented for compensation. This registration would apply to all vessels used to provide access to the halibut resource for compensation, including but not limited to unguided rental boats, mother ships, bare boat charters, fishing clubs, time shares and all other means whereby compensation is exchanged for access to the halibut resource.

Element 1: Apply the registration requirements:

Suboption 1: IPHC Regulatory Area 2C and 3A

Suboption 2: Only IPHC Regulatory Area 2C

Element 2: Require ~~non-unguided~~ rental vessel registration be renewed:

Suboption 1: Annually ~~renewal~~

Suboption 2: Every 3 years

Suboption 3: Every 5 years

Alternative 3: Align bag and size limits between charter anglers and anglers on ~~non-unguided~~ rental vessels.

~~Apply the same daily bag limit or size limit to anglers~~ Unguided anglers on rental vessels shall comply with the same daily bag and size limits that apply to charter anglers under the Catch Sharing Plan.

Suboption: Provide an exemption to aligning bag and size limits to MWR vessels.

Note: More than one action alternative may be chosen.

2.5.1 Alternative 1, No Action

In this analysis, the no action alternative is the same as the status quo. The status quo does not differentiate unguided halibut sport fishing regulations for anglers renting vessels and anglers aboard a private vessel. Unguided rental vessels that may be used to fish for halibut would not have a new registration requirement. Anglers who harvest halibut using an unguided rental vessel are considered unguided or private anglers, and halibut bag limits for private anglers are currently less restrictive than those for anglers aboard charter vessels (guided). Bag limits under Alternative 1 would remain the same for all private recreational anglers, including for those anglers using unguided rental vessels to harvest halibut.

Under status quo, there is no reliable way to accurately identify the number of operations that offer rental vessels that can be used for harvesting halibut. Similarly, a reliable estimate of the number of vessels which meet the definition for “unguided rental boats” is not available. Section 2.5.4 describes ways in which the analysts have attempted to estimate the number of rental operations or rental vessels that fall under these types of operations. Additionally, there is currently no way to accurately estimate annual halibut harvest by anglers using unguided rental vessels. Section 2.8.5 describes how halibut harvests in the sportfishing sector are currently estimated.

2.5.2 Alternative 2, Require Registration for Unguided Rental Vessels

Alternative 2 would create a registration requirement for all unguided rental vessels used to harvest halibut in IPHC Regulatory Areas 2C and 3A (Element 1, suboption 1), or only IPHC Regulatory Area 2C (Element 1, suboption 2). Registration would be required either annually (Element 2, suboption 1), every three years (Element 2, suboption 2), or every five years (Element 2, suboption 3). This registration

requirement would apply to all unguided, motorized vessels that are used to retain recreationally harvested halibut and that are rented for compensation, including but not limited to unguided rental boats, motherships, bare boat charters, fishing clubs, time shares and all other means whereby compensation is exchanged for access to the halibut resource.

Because no such registration that categorizes these types of vessels currently exists, a registration would need to be created. Section 2.12 describes why NMFS or a NMFS contractor is likely to be the appropriate agency to administer this registration requirement. Any business that owns a vessel that fits the definition of an "unguided rental boat" would have to register that vessel. As further described in Section 2.12.1, the registration would identify a basic description of the boat (the make & serial number, the length, the primary construction material, the type of engine and horsepower) as well as the vessel owner. If a rental vessel owner does not register with NMFS, that vessel could not be used by rental clients for an unguided halibut fishing trip in Area 2C nor 3A, or Area 2C only (depending upon the Council's preferred alternative and chosen suboptions). Element 2, suboption 1 would require submission of registration information prior to the start of the following season in order for the registration to be renewed. Element 2, suboptions 2 or 3 would require the same information to be submitted before a fourth season or sixth season (the year in which the registration would first expire).

As further described in Section 2.12.1, an important consideration under Alternative 2 would be for the Council to clearly define the scope of rental boats that should be registered. The current wording of Alternative 2 is inconsistent, first requiring registration for vessels that "are used to *retain* [emphasis added] recreationally harvested halibut and that are rented for compensation," then stating that the requirement would apply "to all vessels used to *provide access* [emphasis added] to the halibut resource for compensation." Under the latter, virtually all motorized rental vessels in Areas 2C and 3A would be included, irrespective of whether the persons who rent the boats are anglers, and – if they are – whether they intend to fish for halibut or not. **For the purposes of this analysis, the analysts assume that halibut retention, rather than intent to fish for halibut, more appropriately fits the Council's intent of the action and is more appropriate from an enforcement perspective, as described in Section 2.12.**

Previously, the Council has stated that "the benefit of this registration is that it fills a data gap in fishery participation by a commercial business entity which allows access resulting in significant harvest of Pacific halibut. Knowing how many rental boats there are and where they are spatially distributed will help the Council assess the potential impacts of this sector to communities, the halibut resource and other stakeholders in the future." Additionally, the Council's purpose and need statement includes, "Registration and consistent management measures between charter and non-guided vessel rentals would ensure appropriate accounting of sport halibut catch". However, Alternative 2 as currently described would not ensure appropriate accounting of halibut catch, as it does not include any mechanism for catch accounting for the unguided rental vessel subsector. **The Council may wish to clarify whether it intends to include a catch accounting mechanism as part of the registration, if the intent is to increase accounting for halibut catch by unguided rental vessels.** As it is not currently included in the alternatives, catch accounting is not considered in the analysis of impacts. However, the analysts have included a discussion of options and potential impacts of catch accounting in the management and enforcement considerations section, as well as steps the Council could take to clarify whether and how to estimate halibut harvest of the unguided rental vessel subsector (Section 2.12.1.3).

Section 2.12.1 outlines several logistical points on implementation of Alternative 2, with input from management and enforcement representatives. While management and enforcement representatives have weighed in on these points to provide context, some of these issues would benefit from Council recommendations, thus, the precise requirements for this registration are not specified.

The proposed action alternative and its options would not require an FMP amendment; however, it would require changes to Federal regulations.

2.5.3 Alternative 3, Align Bag Limits Between Charter and Unguided Rental Vessels

Alternative 3 would apply the charter angler daily bag limits and/or size limits to anglers on unguided rental vessels. This alternative would not change the CSP to include unguided rental vessel anglers; harvest limits for the unguided sector would continue to be subtracted off the top prior to allocations for the CSP (further described in Section 2.8). The suboption under Alternative 3 would provide an exemption to newly aligned bag and size limits to the U.S. Military's Morale, Welfare and Recreation (MWR) vessels. The current Council motion indicates this Alternative could also be combined with Alternative 2. The Council may wish to clarify if it intends to align bag limits in both IPHC Regulatory Areas 2C and 3A.

The differences between charter and unguided anglers in 2019 include more restrictive bag, possession, and size limits, and in Area 3A, a four-fish annual limit and closures to halibut retention on all Wednesdays and five Tuesdays from July 16 through August 13 for charter anglers. **Unless otherwise directed by the Council, for this review the analysts assume the plain language of Alternative 3: that it would apply only the halibut bag and size limits (with associated carcass retention requirements) of charter anglers to rental boat anglers.** Under the 2019 halibut management measures, this would provide an opportunity for unguided rental boat anglers in Area 3A to retain halibut on all Tuesdays and Wednesdays and to retain more than four fish per year.

2.5.4 Comparison of the Alternatives

Comparison of Alternatives for Decision Making	
Alternative	Impacts
<p>Alternative 1 Status quo. No action.</p>	<ul style="list-style-type: none"> • If regulations for charter (guided) halibut fishing are considerably more restrictive than those for unguided halibut fishing, anglers have an incentive to fish unguided from rental vessels instead of fishing from charter vessels • Lack of information on participation and harvest by the unguided rental vessel subsector leads to a data gap in management • Unguided rental boat anglers can continue to access unguided bag limits • No additional reporting burden on the unguided rental vessel subsector • No additional administrative burden for implementing agency
<p>Alternative 2 Require registration for unguided halibut rental vessels</p>	<ul style="list-style-type: none"> • Burden of time and added paperwork on vessel owners who are required to register boats • Potential means to account for the number of businesses that rent vessels, as well as determine the total number of rental vessels that could be used for catching and retaining halibut • Administrative cost to the agency(s) for developing, maintaining, and enforcing a registration
<p>Alternative 3 Align bag limits between charter and unguided rental vessels</p>	<ul style="list-style-type: none"> • Decreased bag and size limits for anglers on unguided rental vessels • Increased complexity of sport fishing regulations and increased risk of anglers failing to be in compliance with the regulations • Potential distributional shift in revenue dependent upon changes in angler preferences and behavior: <ul style="list-style-type: none"> ○ Potential for decreased revenue to rental vessel owners and associated communities if anglers who previously rented vessels decide to no longer rent vessels due to reduction in bag limit. ○ Limited potential for increased revenue to charter operators and associated communities, if those who once rented vessels decide to use charter vessels after bag limits are aligned • Potential for incremental increases in catch limits for the commercial (IFQ) and charter sectors under the halibut Catch Sharing Plan (CSP)

2.6 Considered but not Analyzed Further

Upon reviewing the Unguided Rental Boat Registration discussion paper (NPFMC 2018) at its October 2018 meeting, the Council discussed the potential of adapting existing registration programs in a way that could include unguided halibut rental vessels. The Council considered whether unguided halibut rental vessels could be registered with the State of Alaska Division of Motor Vehicles (DMV), further described

in Section 2.8.4. The Council also discussed whether the State of Alaska Division of Commerce definitions of guides, outfitters, and transporters in its big game statutes and regulations (AS 08.54.591-680) could be adapted for application to businesses providing rental boats and gear for unguided anglers. The Council considered defining businesses that provide rental boats as “outfitters” and requiring those businesses to register their boats available for rent. However, hunting guide services - including guides, outfitters, and others - are governed by the Big Game Services Board, which administratively falls under Dept. Commerce Community & Econ Development; Division of Corporations, Business, and Professional Licensing.³ Both of these options involved Divisions of the State of Alaska other than ADF&G, and for this reason the Council would not have a partner to engage these strategies, and these options were not put forward for further analysis.

2.7 Methods Used for the Impact Analysis

The evaluation of impacts in this analysis is designed to meet the requirement of E.O. 12866, which dictates that an RIR evaluate the costs and benefits of the alternatives, to include both quantifiable and qualitative considerations. Additionally, the analysis should provide information for decision makers “to maximize net benefits (including potential economic, environment, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.” The costs and benefits of this action with respect to these attributes are described in the sections that follow, comparing the “no action” alternative (Alternative 1) with the action alternatives (Alternatives 2 and 3).

The analysis includes a discussion on the benefits (i.e., why is this step important?) and the costs (i.e., industry and administrative burden). In this analysis, the benefits and costs of the proposed registration requirement and aligning bag limits are evaluated through qualitative assessment derived from discussions with representatives from NMFS Sustainable Fisheries (SF), NOAA Office of Law Enforcement (OLE), NMFS Restricted Access Management (RAM), and the Alaska Department of Fish and Game (ADF&G), as well as local knowledge holders and those who possess a general knowledge of the fishery.

First, the following sections provide data on the halibut stock (Section 2.8.1) to provide context to the Council’s description of trends in halibut abundance described in the purpose and need statement. Section 2.8.2 provides background on the management of the recreational halibut fisheries in Alaska, followed by definitions used in regulation and statutory language that are applicable to this action (Section 2.8.3). Section 2.8.5 describes trends in recreational halibut harvest, using data collected by ADF&G using charter logbooks, creel sampling at major ports, and the Statewide Harvest Survey (SWHS).

One of the largest challenges in preparing this RIR is providing an accurate count of the number of businesses that offer unguided halibut rental vessels, the number of fishing vessels that are available to be rented out as unguided halibut fishing vessels, and the extent to which unguided halibut anglers use these rental vessels to harvest halibut. Neither NMFS, ADF&G, nor the IPHC collect data on the number of boats specifically rented for unguided halibut trips, nor do the agencies distinguish between halibut harvested on private vessels and unguided rental vessels.

The absence of this data creates two challenges for analysts in preparing an RIR. First, without a fully described and enumerated status quo, it is difficult to measure the impacts of the action alternatives compared to status quo. Second, the lack of data concerning the number of operations that offer unguided halibut rental vessels and the halibut harvest on these fishing vessels make it difficult to provide the Council a measure of the potential direction and magnitude of the impacts of the action alternatives.

³ Board members are appointed by the Governor. The Board is supported by DCCED and is empowered to develop regulations for big game hunting, which, among other things, includes licensing of service providers

Sections 2.8.4 and 2.8.6 describe the various approaches the analysts have taken to estimate participation in the unguided halibut rental vessel subsector. It is likely that estimates of participating businesses/operations and/or vessels are minimum estimates, and caveats of the data are explained in detail. Given the absence of data concerning unguided halibut rental vessels in Areas 2C and 3A, the analysis relies largely on a qualitative assessment to describe the impacts of the alternatives. Analysis of the impacts are provided in Sections 2.9, 2.10, and 2.11, and management and enforcement impacts of the alternatives are considered in Section 2.12.

While the direct impacts of the proposed action affect participants in the unguided halibut fishery, this analysis also describes current management strategies of the charter sector, in order to compare status quo management of the charter sector and the unguided halibut fishery. This allows a more thorough understanding of how the regulations, and angler behavior as a result of those regulations, in one recreational subsector may produce indirect impacts on the other sector.

For a full list of people consulted and references used, see Sections 4 and 5.

2.8 Description of Fisheries

This section details the current information about the recreational halibut fisheries in Areas 2C and 3A; with a focus in areas that may prove relevant to the proposed alternatives: status of the halibut stock, management of the fisheries and subsectors, existing licensing and registration requirements, and estimated participation in the unguided halibut rental vessel subsector.

2.8.1 Halibut Management and Stock Status

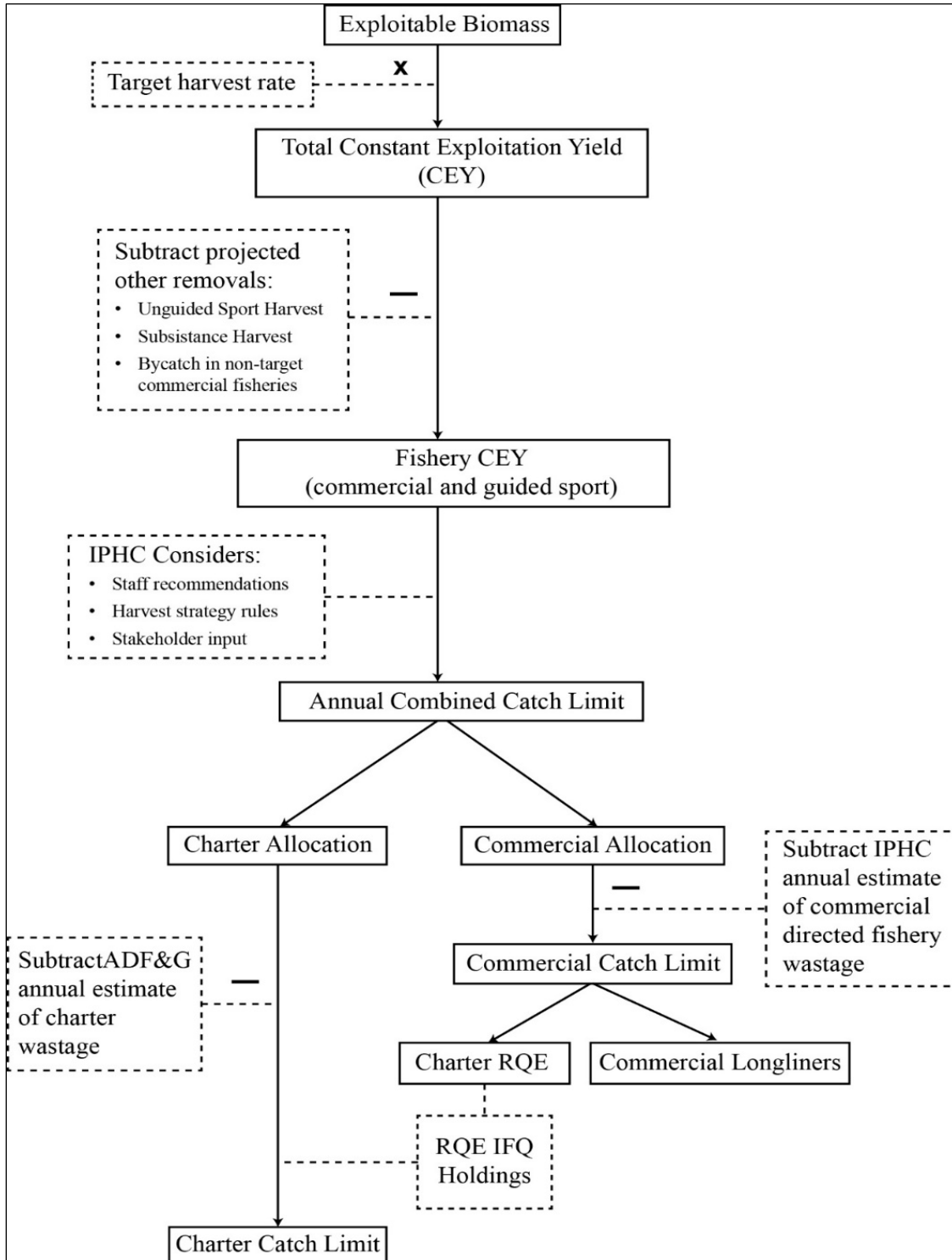
The halibut fisheries in Alaska are managed by the IPHC, the Council, and NMFS under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act), which gives effect to the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea. Each year, the IPHC estimates the exploitable biomass of halibut using a combination of harvest data from the commercial, sport, and subsistence fisheries, and information collected during scientific surveys and sampling of bycatch in other fisheries. The current stock assessment is performed at a coastwide scale, but IPHC sets catch limits on a regulatory area basis. Regulatory area-specific biomass estimates are derived by apportioning the coastwide estimate via the observed survey catch rates and bottom area, and accounting for hook competition from other species as well as the timing of the survey and fishery removals. The estimates also take into account historical catches at each survey location and the relationship with neighboring survey locations (space-time model).

The IPHC Commissioners consider the coastwide decision table and area-specific results of apportionment, as well as the current harvest policy in determining the final catch targets for each year and each regulatory area. The IPHC calculates the Total Constant Exploitation Yield (TCEY, or the target level for total removals (in net pounds)) for each area in the coming year by multiplying the estimate of exploitable biomass by the harvest rate in that area. The IPHC subtracts estimates of other O26⁴ removals (non-FCEY removals) from the TCEY. These removals differ by regulatory area and include catches which either have no explicit limits on the amount of harvest (unguided sport harvest in Alaska, subsistence/personal use harvest in Canada and Alaska, and wastage from the commercial halibut fishery, except where this is explicitly included in catch-sharing plans), or catches which the IPHC has no authority to manage (bycatch mortality, such as halibut PSC in Alaska). The result is the Fishery CEY (FCEY), which is the amount available for harvest by the directed fisheries. The FCEY is then used by

⁴ U26 mortality is not accounted for in the area-specific removals, as these fish are capable of redistributing to other Areas prior to becoming accessible to the directed halibut fisheries.

the regulatory agencies in each region to determine allocations and specific quotas. See Figure 2-2 for a diagram of this process.

Figure 2-2 Process for setting annual combined catch limits, charter and commercial allocations, and charter and commercial catch limits under the Catch Sharing Plan

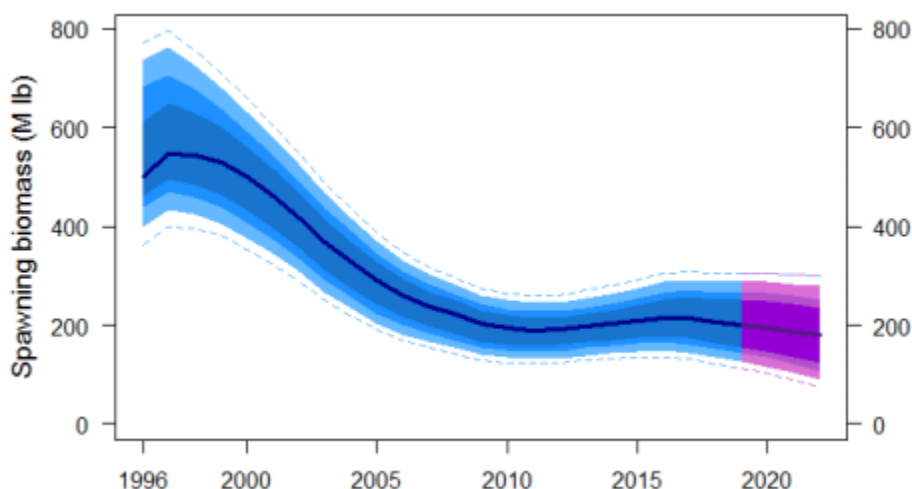


Source: NMFS. <https://www.fisheries.noaa.gov/webdam/download/88446580>

Currently, the stock assessment for Pacific halibut uses four integrated age-structured models in an ensemble to account for parameter and structural uncertainty (Stewart & Martell 2015). As with all stock assessment models, the IPHC stock assessment ensemble is a simplification of reality that attempts to capture the trends in the stock, supply useful management advice, and characterize an appropriate level of uncertainty. The result of the ensemble is a coastwide estimate, which means that the annual estimated biomass is a single value for the entire coast (U.S. and Canada) and migration between areas is not modeled.

The results of the 2018 stock assessment indicate that the Pacific halibut stock declined continuously from the late 1990s to around 2011 (IPHC 2018a; Figure 2-3). Weight-at-age is a contributing factor to this decline because the average weight-at-age of Pacific halibut has been declining over this same period. Since the estimated female spawning biomass (SB) stabilized near 190 million pounds (~86,200 t) in 2011, the stock is estimated to have increased gradually to 2016. The SB at the beginning of 2019 was estimated to be 199 million pounds (~90,300 t), with an approximate 95% confidence interval ranging from 125 to 287 million pounds (~56,700-130,200 t). The best available scientific information suggests that the halibut stock is projected to decrease over the period from 2019-2021 for all TCEYs greater than 20 million pounds (~9,070 t).

Figure 2-3 Estimated spawning biomass for the 2018 stock assessment ensemble with a three-year projection

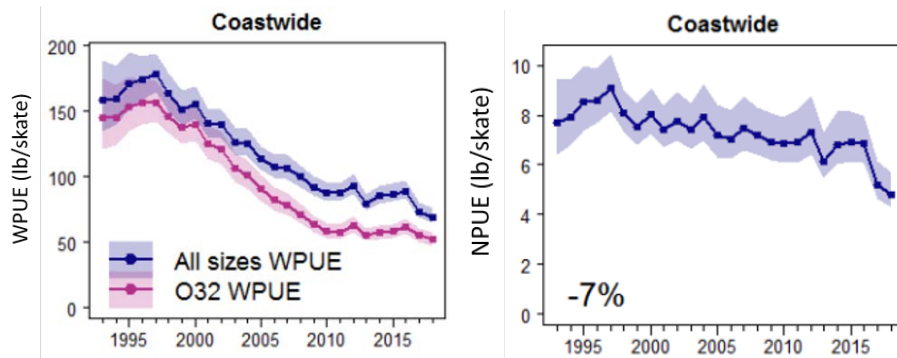


Source: IPHC 2018a

Note: based on a fishing intensity of FSPR=48% (TCEY=37.2 million pounds, ~16,880 t; equivalent to the 2018 status quo).

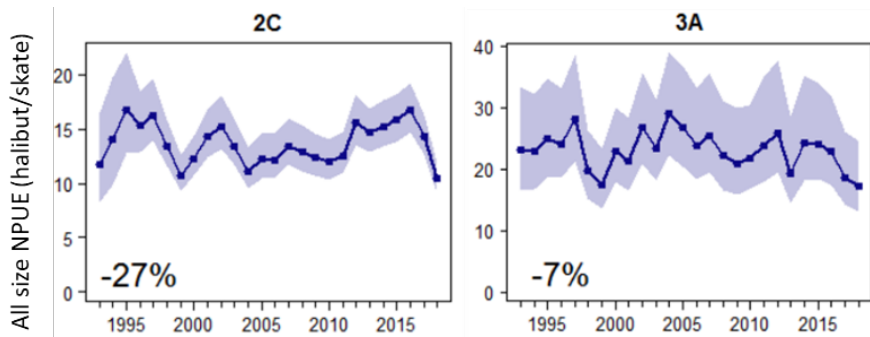
According to the IPHC, the modelled catch-rate information from the setline survey serves as the primary source of relative trend information (along with commercial catch-rates) for the stock assessment (IPHC 2018b). This information also provides the basis for the best available estimates of the stock distribution by biological region. Modelled survey NPUE showed a decrease in both areas in recent years. From 2017 to 2018, NPUE decreased by 7% coastwide (Figure 2-4), with a 27% decrease in IPHC Regulatory Area 2C and a 7% decrease in Area 3A (Figure 2-5). IPHC Regulatory Area 2C showed the largest decrease in modeled survey weight per unit effort (WPUE) of any regulatory area, with a decline of 21% from 2017-2018 (Figure 2-6). The 2018 stock assessment provides additional detail on the potential trends in the halibut stock, uncertainties in the assessment, and additional factors that may impact the overall stock status and harvestable surplus of abundance of halibut (IPHC 2018a).

Figure 2-4 Output of space-time model for WPUE and NPUE, 1993-2018.



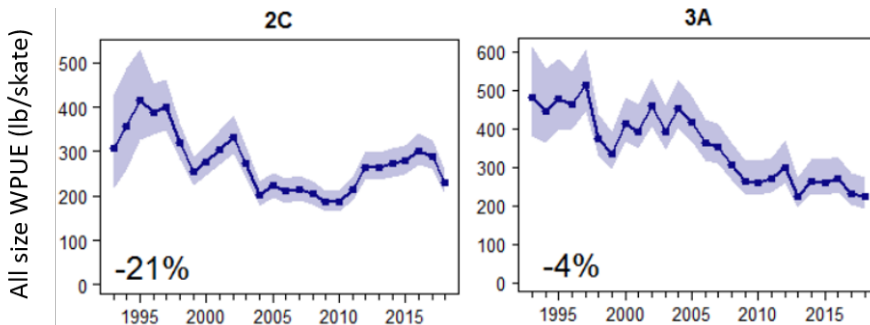
Note: Filled circles denote the posterior means for each year. Shaded regions show posterior 95% credible intervals, which provide a measure of uncertainty: the wider the shaded interval, the greater the uncertainty in the estimate.
 Source: IPHC 2018c

Figure 2-5 Trends in modelled survey NPUE by IPHC Regulatory Area, 1993-2018.



Note: Percentages indicate the change from 2017 to 2018. Shaded zones indicate 95% credible intervals.
 Source: IPHC 2018b

Figure 2-6 Trends in modelled survey WPUE by IPHC Regulatory Area, 1993-2018.



Source: IPHC 2018b
 Note: Percentages indicate the change from 2017 to 2018. Shaded zones indicate 95% credible interval

2.8.2 Management of the Recreational Halibut Fisheries in Alaska

Pacific halibut is the only recreational (sport) fishery in Alaska for which NMFS has regulatory authority. Sport fishing regulations for Pacific halibut in Alaska are developed on the international, federal, and state levels by the IPHC, the NPFMC, NMFS, and ADF&G. Although ADF&G does not directly manage Alaska halibut fisheries, the agency is involved in gathering data and analyzing annual management measures for the charter sector. Additionally, ADF&G has adopted some regulations that affect sport fishing for halibut.

In Alaska, all recreational halibut anglers must have a valid sportfishing license unless they are a resident under the age of 18 or a non-resident under the age of 16. Charter regulations apply if a charter vessel guide is providing assistance, for compensation, to a person who is sport fishing, to take or attempt to take fish during any part of a charter vessel fishing trip. Regulatory definitions of applicable terms are included in Section 2.8.3. Unguided anglers either use their own vessels and equipment, or they may rent a vessel and fish with no assistance from a guide.

Different regulations apply to charter and unguided halibut sportfishing trips. Charter sport fishing for halibut is subject to charter restrictions under Federal regulations that can be more restrictive than the regulations for unguided anglers. The following sections describe some of the background and management differences between these recreational sectors.

Charter Halibut Limited Access Program (CHLAP) and Catch Sharing Plan (CSP)

The Council and NMFS developed specific management programs for the charter halibut fishery to achieve allocation and conservation objectives for the halibut fisheries. These management programs are also intended to maintain stability and economic viability in the charter fishery by establishing 1) limits on the number of participants; 2) allocations of halibut that vary with abundance; and 3) a process for determining annual charter angler harvest restrictions to limit charter fishery harvest to the established allocations. The charter halibut fisheries in Areas 2C and 3A are managed under the Charter Halibut Limited Access Program (CHLAP) (50 CFR 300.67) and the Catch Sharing Plan (CSP) (50 CFR 300.65). The CHLAP limits the number of operators in the charter fishery, while the CSP establishes annual allocations to the charter and commercial fisheries and describes a process for determining annual management measures to limit charter harvest to the allocations in each management area.

On January 5, 2010, NMFS published a final rule (75 FR 56903) to create a limited access system for charter vessels in the guided sport fishery for Pacific halibut in waters of IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). The Charter Halibut Limited Access Program (CHLAP) limits the number of charter vessels that may participate in the guided sport fishery for halibut in these areas. The intended effect of the CHLAP was to curtail growth of fishing capacity in the charter fishery for halibut.

Since 2011, all vessels operators in Regulatory Areas 2C and 3A with charter anglers onboard have been required to have an original, valid charter halibut permit (CHP) onboard during every charter vessel fishing trip on which Pacific halibut are caught and retained. Each CHP is endorsed for the appropriate regulatory area (2C or 3A) and, with limited exceptions, the number of charter anglers that may catch and retain halibut on a fishing trip. CHPs were issued to licensed charter fishing business owners based on past participation. Some CHPs are transferable and have since been transferred to an owner other than the original recipient. Each business owner with a CHP is required to obtain a business owner license from ADF&G and to register the vessels to be used to conduct charter fishing operations (see Section 2.8.4). The business owner is also required to submit logbook sheets to ADF&G (described further in Section 2.8.5.1).

In response to Council action, NMFS issued a proposed rule in August 2019 (84 FR 38912; August 8, 2019) that would require CHPs to be registered annually with NMFS before the permits are used. The intent of the renewal process is to provide more complete and useful information to evaluate whether changes in the CHP Program are necessary as a result of changes in ownership and participation of CHPs, to facilitate retirement of non-transferable permits when ownership changes, and to improve the ability of enforcement agents to ensure valid permits are being used.

The Catch Sharing Plan (CSP) was implemented by NMFS in January 2014 (78 FR 75844, December 12, 2013). The CSP replaced the Guideline Harvest Level (GHL) method that was used for setting catch limits in the charter halibut fisheries in Areas 2C and 3A. The GHLs constituted reference levels for

harvest, and regulations did not necessarily trigger management actions when the GHGs were exceeded. The CSP defines an annual process for allocating halibut among the charter and commercial halibut fisheries in Areas 2C and 3A. The CSP provides a systematic means, using the best available data, to annually adjust harvest management measures to meet the harvest objectives.

Through a public process, the Council develops recommendations to the IPHC for charter angler harvest restrictions (annual management measures) that are intended to limit harvest to the annual charter halibut fishery catch limit in each area. Each year in October, the Charter Halibut Management Committee meets to develop potential management alternatives for the charter halibut fishery in Area 2C and Area 3A. Potential management measures are evaluated by ADF&G to estimate their impact on charter halibut catch. The Charter Halibut Management Committee then recommends management measures to the Council, based on the ADF&G analysis, in December of each year. The Council reviews and identifies their preferred management measures at the December Council meeting and proposes those measures to the IPHC at their annual meeting in January. Once approved by the IPHC, the regulations are published by NMFS.

The sector allocations (or quotas) vary in proportion with changing levels of annual halibut spawning biomass and balance the differing needs of the charter and commercial halibut fisheries over a wide range of halibut biomass in each area. The CSP also authorizes limited annual leases (supplemental individual transfers) of commercial halibut individual fishing quota (IFQ) for use in the charter fishery as guided angler fish (GAF). Using GAF, qualified charter halibut permit holders may offer charter vessel anglers the opportunity to retain halibut up to the limit for unguided anglers when the charter management measure in place limits charter vessel anglers to a more restrictive harvest limit. Additional detail on the development and rationale for the CSP can be found in the proposed rule (78 FR 39136, June 28, 2013) and final rule implementing the program (78 FR 75844, December 12, 2013).

There are a variety of management measures that have been used or considered in the past to manage the charter sector. Some of these measures directly restrict the number or size of fish allowed to be retained, and these measures have changed over time as shown in Table 2-1.

Table 2-1 Historical Charter Halibut Bag and Size Limits in Areas 2C and 3A

Area	Year	Management measure
2C	2006 (and prior)	Two fish any size
	2007	Two fish, one U32
	2008	Two fish, one U32, except 1 fish limit June 1-10
	2009	One fish any size
	2010	One fish any size
	2011	One fish, U37
	2012	One fish, U45-O68 rev. slot
	2013	One fish, U45-O68 rev. slot
	2014	One fish, U44-O76 rev. slot
	2015	One fish, U42-O80 rev slot
	2016	One fish, U43-O80 rev slot
	2017	One fish, U44-O80 rev slot
	2018	One fish, U38-O80 rev slot
2019	One fish, U38-O80 rev slot	
3A	2013 and prior	Two fish any size
	2014	Two fish, one ≤ 29", one trip/day with halibut harvest.
	2015	Two fish, one ≤ 29", Thursday closed Jun 15-Aug 31, annual limit 5 halibut, one trip/day with halibut harvest.
	2016	Two fish, one ≤ 28", Wednesday closed all year, annual limit 4 halibut, one trip/day with halibut harvest.
	2017	Two fish, one ≤ 28", Wednesday closed all year, three Tuesdays closed, annual limit 4 halibut, one trip/day with halibut harvest.
	2018	Two fish, one ≤ 28", Wednesday closed all year, six Tuesdays closed, annual limit 4 halibut, one trip/day with halibut harvest.
	2019	Two fish, one ≤ 28", Wednesday closed all year, five Tuesdays ⁵ closed, annual limit 4 halibut, one trip/day with halibut harvest.

Regulations for the recreational halibut fisheries in addition to those shown in Table 2-1 include the following: No person may possess more than two daily bag limits (50 CFR 300.62 Annual Management Measures Section 29). In Area 3A, anglers must also have his or her own annual State of Alaska sport fishing license or Sport Fishing Harvest Record Card⁶ for all other anglers if they intend to harvest halibut on a charter trip due to the annual limit. In both areas, skipper and crew may not harvest halibut during a charter vessel fishing trip.

Unguided Recreational Halibut Management

Bag limits for unguided halibut anglers are different from those for charter halibut anglers in Areas 2C and 3A (Figure 2-7). As shown in Figure 2-2, projected unguided sport removals (and subsistence harvest) are subtracted from the total constant exploitation yield (TCEY) before the catch limits are set for the commercial and charter halibut sectors. **While catch limits, linked to abundance, are established for the commercial and charter sectors with the remaining TCEY (remaining TCEY is referred to as the Fishery Constant Exploitation Yield, or FCEY), there is no catch limit assigned to unguided sport harvest; the total amount of removals is constrained indirectly through management**

⁵ In 2019, these Tuesdays were July 16, July 23, July 30, August 6, and August 13.

⁶ This card includes the date of harvest, name of water where fish was harvested, and species of fish harvested. This card is not turned in at the end of the year, however it should be carried with anglers when fishing and must be shown if requested by an enforcement official.

measures such as bag limits and gear restrictions. The regulations for unguided sport halibut harvest have remained at a daily bag limit of two fish of any size, while the charter sector’s management measures are more restrictive and have varied over the years (particularly since the implementation of the CSP).

Figure 2-7 2019 Recreational Halibut Bag and Size Limits

Unguided (both areas)	Charter (Area 2C)	Charter (Area 3A)
<ul style="list-style-type: none"> • Two fish of any size daily. 	<ul style="list-style-type: none"> • One fish daily • U38-O80 reverse slot limit 	<ul style="list-style-type: none"> • Two fish daily • 28-inch maximum size limit (U28) on one fish, other can be any size. • Wednesday closures • Five Tuesday closures • Annual four fish limit • 1 trip/day limit

2.8.3 Applicable definitions

This section includes a partial listing of definitions that are relevant to the proposed action as a reference guide.

In February 2014, the Council defined sport fishing guide 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 **sport fishing guide 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 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 actual daily expenses for fuel, food, or bait.

The following terms are defined under Alaska Statute 5 AAC 75.995:

"sport fishing guide services" [almost identical to the Federal definition] (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;

"sport fishing guide" *means a person who provides sport fishing guide services to persons who are engaged in sport fishing;*

"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;*

"charter vessel" *means a vessel licensed under AS 16.05.490, used for hire in the sport, personal use, or subsistence taking of fish or shellfish, and not used on the same day for any other commercial fishing purpose; a charter vessel does not include a vessel or skiff without a charter vessel operator.*

"charter vessel operator" *means a person engaged in carrying passengers on a charter vessel for any valuable consideration that passes directly or indirectly to the vessel's owner, operator, or a person with a financial interest in the vessel, in consideration of the carriage of any person on board.*

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, private), 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**. A **charter vessel angler** means a person, paying or non-paying, receiving sport fishing guide services for halibut. 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 charter (or 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.**

2.8.4 Existing Licensing and Registrations

This section will provide an overview of existing vessel registration programs in order to consider whether they might meet the Council's needs for a rental boat registry.

Registration of sport fishing services (businesses) and sport fishing guides

Businesses providing sport fishing services are required to obtain a State of Alaska Business License issued by the Department of Commerce and Economic Development, Division of Occupational Licensing. Regulations at 5 AAC 75.075(e) also require the owner of a business to register with ADF&G before the business conducts sport fishing services. This licensing process previously required a fee, however, the licensing requirement sunset at the end of 2018.⁷ To meet the registration requirements of this section, the business shall complete and submit to the department a current annual sport fish business owner/guide registration application provided by the department. The USCG still requires a USCG license to operate a motorized vessel in Navigable Waters with clients onboard. Additionally, before a

⁷ From 2006 – 2014, 2017-2018 the State had a licensing program, which switched to a registration program for 2015 and 2016. The State statute that required saltwater fishing guide licensing had a 2-year sunset clause attached to it when it passed in 2016. The Alaska Legislature did not take action on the statute in 2018, and the program to license saltwater sport fishing services expired at the end of 2018. As a result, businesses that conduct saltwater sportfishing services are no longer required to obtain a license as of 2019 but are subject to the ADF&G registration program.

person conducts sport fishing guide services, they must register with the department by submitting a current annual sport fish business owner/guide (or guide only) registration application (5 AAC 75.075(f)).

It might be possible to require all businesses with saltwater sportfishing business registrations to register all motorized boats owned by that business, but this would require a modification to the Alaska Administrative Code. It is also likely many of the boats that would then be required to be registered would not be intended for rental, or not intended to harvest halibut. Additionally, it is possible that many of the boats available for rental would be owned by a business other than the holder of the business registration. Under the current definition of “sport fishing services”, simply renting a boat to a person, without more, would not fall within that definition. Businesses that rent vessels to clients for unguided trips (whether in fresh or saltwater) are not required to register their vessels with ADF&G. It is possible that the Department could attempt to amend and broaden the definition of “sport fishing services” through a regulatory change, to include activities such as boat rentals for halibut fishing, but a proposed expansion of the definition would have to be carefully considered to ensure the Department is acting within its statutory and constitutional authority, and also to ensure that any regulation would be enforceable.

Vessel Registration

State of Alaska Division of Motor Vehicles

As of January 1, 2019 Alaska Statute 05.25.055 requires motorized boats and non-powered boats used as a sport fishing guide’s boat to be registered by the State of Alaska, Department of Administration, Division of Motor Vehicles (DMV).⁸ The new law also has requirements for titling the ownership of vessels over 24 feet. Vessel registrations are valid for three years, beginning with the month in which the vessel is initially registered. The DMV database includes the name of the entity (individual or business) that registered the boat, and the mailing address for the registering entity.

The registration application also includes information about whether primary operation of the boat is as a rental (Figure 2-8). As of May 25, 2018, when staff first analyzed DMV data (noting that this was prior to 2019 updates), the DMV database contained 539 vessels identified as rental boats. Of those, 349 vessels were registered by 78 businesses. A total of 197 vessels were registered as rentals by 35 businesses in IPHC Area 2C, and 52 boats are registered by 12 businesses in Area 3A (249 boats total for 2C and 3A), the other 100 boats were freshwater rentals or available for rent outside of IPHC Areas 2 or 3.

The DMV registry also contains boats identified as pleasure boats. The DMV database listed 37,597 entities that had registered 38,128 boats as pleasure boats. It is not clear what determines whether a boat is registered as a rental or pleasure boat, as these are subjective; chosen by the registrant with no definitions for what is considered a rental or pleasure boat.

The analysts reviewed the DMV database to determine to what extent the DMV registration could meet the Council’s needs in identifying or registering unguided halibut rental vessels. During the review of the DMV database, the analysts noted several difficulties in using this registration for the Council’s intent. Staff identified at least one company that is known to offer boats for rent to halibut anglers that does not have any registered rental boats but does have registered pleasure boats. There may be other companies that offer boats for rent that are registered as pleasure boats. Staff also identified several companies that have registered rental boats that do not offer fishing services (e.g. adventure tours, marinas, etc.). Additionally, the self-reported data included in this registration is not verified to follow specific guidelines. Without any other information, 197 boats in Area 2C and 52 boats in Area 3A (249 total) is one approximation of the number of boats available for rent at the time of the analysis.

⁸ Exceptions to the DMV vessel registration include government boats, ship’s lifeboats, water toys, boats that are registered and primarily used elsewhere, and inspected passenger vessels.

While this database may provide a very basic estimate for the number of boats, the analysts also assessed the feasibility of the DMV registration to provide information about changes in the number of registered rental vessels over time. While assessing the data included in the database, the analysts found that the number of pleasure and rental boats had tripled for the current three-year registration window. Additionally, there are no unique identifiers or sequencing of registrations to track vessels over time. These anomalies in the data led the analysts to determine that the DMV database is not a workable dataset as a time-series and thus cannot be used to demonstrate any changes in participation in the unguided rental subsector over time.

There are also no data currently collected to identify whether the boat intended for rental is located or intended to be operated in marine waters in Area 2C or Area 3A, although the address of the registering entity may provide some information. Based on the information provided, there is no systematic way to identify whether the boats intended for rental are owned by an entity that provides sport fishing services. Lastly, there are also no data collected to indicate whether the rental boat is intended to be used to harvest halibut, as per the assumed Council definition of an unguided halibut rental boat.

Figure 2-8 Example portion of State of Alaska DMV boat title and registration

TYPE		TITLE				REGISTRATION	
		<input type="checkbox"/> CHANGE OF OWNERSHIP	<input type="checkbox"/> DUPLICATE TITLE	<input type="checkbox"/> NEW AK TITLE	<input type="checkbox"/> REGISTRATION	<input type="checkbox"/> LOST TAB	<input type="checkbox"/> LOST REGISTRATION
BASIC BOAT INFORMATION	PRESENT AK BOAT NUMBER	AK			DOES THIS VESSEL HAVE A CURRENT CERTIFICATE OF DOCUMENTATION FROM THE USCG? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THE CERTIFICATE IN YOUR NAME AND EXPECTED TO REMAIN THROUGH REG. PERIOD? <input type="checkbox"/> YES <input type="checkbox"/> NO
	BOAT NAME (IF APPLICABLE)	STATE OF PRINCIPAL OPERATION	CLASS OF BOAT	<input type="checkbox"/> POWER BOAT (B1) \$24	<input type="checkbox"/> NON-POWER BOAT (B2) \$10	<input type="checkbox"/> BARGE (B3) \$75	
NEW BOAT INFORMATION	HULL IDENTIFICATION NUMBER (HIN)		LENGTH (FT)	YEAR	MAKE/BUILDER OF BOAT		
	VESSEL TYPE <input type="checkbox"/> 1. Airboat <input type="checkbox"/> 2. Auxiliary Sail <input type="checkbox"/> 3. Open Motorboat <input type="checkbox"/> 4. Cabin Motorboat <input type="checkbox"/> 5. Houseboat <input type="checkbox"/> 6. Inflatable Boat <input type="checkbox"/> 7. Paddle craft <input type="checkbox"/> 8. PWC (I.E. Jet Ski) <input type="checkbox"/> 9. Pontoon Boat <input type="checkbox"/> 10. Row Boat <input type="checkbox"/> 11. Sail only <input type="checkbox"/> 12. Other:	ENGINE DRIVE TYPE <input type="checkbox"/> 1. Inboard <input type="checkbox"/> 2. Outboard <input type="checkbox"/> 3. Pod Drive <input type="checkbox"/> 4. Sterndrive <input type="checkbox"/> 5. Other:	PROPULSION TYPE <input type="checkbox"/> 1. Air Thrust <input type="checkbox"/> 2. Manual <input type="checkbox"/> 3. Propeller <input type="checkbox"/> 4. Sail <input type="checkbox"/> 5. Water Jet	PRIMARY OPERATION <input type="checkbox"/> 1. Pleasure <input type="checkbox"/> 2. Comm. Passenger <input type="checkbox"/> 3. Comm. Fishing <input type="checkbox"/> 4. Rental <input type="checkbox"/> 5. Other:	FUEL TYPE <input type="checkbox"/> 1. Gas <input type="checkbox"/> 2. Diesel <input type="checkbox"/> 3. Electric <input type="checkbox"/> 4. None	HULL MATERIAL <input type="checkbox"/> 1. Aluminum/Metal <input type="checkbox"/> 2. Fiberglass/Plastic <input type="checkbox"/> 3. Wood <input type="checkbox"/> 4. Rubber <input type="checkbox"/> 5. Vinyl <input type="checkbox"/> 6. Canvas <input type="checkbox"/> 7. Other:	COLOR HULL TRIM CABIN
OWNER INFORMATION	FULL FIRST NAME		FULL MIDDLE NAME		FULL LAST NAME		SUFFIX
	DRIVER LICENSE #	STATE	DATE OF BIRTH		SOCIAL SECURITY NO.*		
	COMPANY OR TRUST NAME (if applicable)				TAXPAYER ID NO.		
	CONJUNCTION TYPE <input type="checkbox"/> "AND" requires the signatures of ALL owners to sell/ transfer <input type="checkbox"/> "OR" requires the signature of a single owner to sell/transfer				<small>*"AND" CONJUNCTION TYPES ONLY APPLIES TO BOATS WITH TITLES. BOATS OVER 24 FEET IN LENGTH THAT ARE REQUIRED TO BE REGISTERED MUST BE TITLED IF NOT CURRENTLY DOCUMENTED BY THE USCG</small>		

Note: This is not the full registration application
Source: <https://doa.alaska.gov/dmv/forms/PDFS/b1.pdf>

Alaska Department of Fish and Game vessel registration

In addition to the DMV vessel 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 to 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 (powered and unpowered) 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. All vessels used to provide sport fish guided activities must have a current AK number issued by the DMV prior to becoming registered with ADF&G, unless they have a unique USCG Documentation Number instead of an AK number. Vessels become registered when the ADF&G saltwater or freshwater logbook is issued. Vessel information is requested at the time a logbook is issued. For each vessel that is registered with ADF&G, one set of guide vessel decals will be provided, one for each side of the vessel. These are the green stickers on charter vessels. This registration requirement was intended to be focused 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, motorboat 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.

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 Center⁹ notes that vessels more than 25 feet are likely to measure five net tons or more under the Simplified Measurement System. It is likely that many boats that could be used in Area 2C or Area 3A to harvest halibut would be less than five net tons, and therefore exempt from USCG documentation. There are no Federal programs to register or document vessels less than 5 net tons.

Because nearly all non-powered and motorized boats are supposed to be registered with the State of Alaska DMV, and ADF&G registers all vessels used to provide sport fishing guide services, any program to register unguided halibut rental vessels may require close coordination with the ADF&G, any regulations may require commensurate regulations approved by the State of Alaska Board of Fisheries (BOF), and the registration would need careful consideration under the Paperwork Reduction Act.

2.8.5 Recreational Halibut Harvest

2.8.5.1 Catch Monitoring and Estimation in the Sport Halibut Fisheries

ADF&G estimates charter yield using reported logbook harvest combined with estimates of average weight from creel sampling. Unguided harvest is estimated by ADF&G using a post-season mail survey.

Logbook data

As part of implementation of the CSP, the Council recommended using the ADF&G Saltwater Guide Logbook (i.e., logbook) as the primary data collection method for monitoring and managing the charter harvest. ADF&G developed the logbook program in 1998 to provide information on participation and harvest by individual vessels and businesses in charter fisheries for including numerous state-managed species and halibut.

A logbook record is required for every chartered trip taken with clients, defined as an outing with one group of clients that ends when the clients and their fish (if fish were kept) are offloaded. Each trip is associated with an individual licensed business and guide. In order to inform annual estimates of halibut harvest and discard mortality, charter vessel operators are required under State and Federal regulations to record the following information in the ADF&G logbook:

- Guide license number
- Date

⁹ <http://www.dco.uscg.mil/Our-Organization/Deputy-for-Operations-Policy-and-Capabilities-DCO-D/National-Vessel-Documentation-Center/>

- Charter halibut permit number
- GAF permit number (if applicable)
- Primary statistical area fished
- Angler sport fishing license numbers and names
- Number of halibut kept and released
- Number of GAF retained
- Guide signature
- Angler signature (if halibut are kept)

Logbook data are compiled to show where fishing occurs, the extent of participation, and the species and the numbers of fish caught and retained by individual charter anglers. This information is essential to estimate annual harvest and discard mortality in order to inform regulation and management of the charter halibut fisheries in Areas 2C and 3A.

The statewide logbook has remained consistent in design since 2006, with few annual changes occurring in logbook layout. In 2006, both the freshwater and saltwater logbooks were redesigned to require reporting of angler license numbers and the harvest and release numbers by individual anglers in an effort to improve reporting and facilitate evaluation of the quality of logbook data. Annual design changes in the saltwater logbook were driven primarily by changes or improvements in the collection of halibut and rockfish data, and by requests from the NPFMC for information needed for allocation of halibut. In 2011, ADF&G worked collaboratively with NMFS to modify the logbook requirements associated with the federal Charter Halibut Permit (CHP) program. Logbook data have been used to manage the halibut charter sector since the CSP was implemented in 2014, and angler signatures are required to verify halibut kept and that the angler information is correct. In earlier years, statistics for the charter sector were based on the division's Statewide Harvest Survey (SWHS), described below.

Fishery creel sampling occurs through onsite fishery monitoring programs in Southeast (Area 2C) and Southcentral Alaska (Area 3A). Halibut that are harvested by both charter operations as well as by unguided anglers are measured and net weight is estimated from weights predicted for each fish using the IPHC length-weight relationship. This allows for estimates of average weight by sector and port. Creel samplers do not distinguish between halibut caught on a rented vessel and halibut caught on a private vessel where no compensation was involved.

Description of Statewide Harvest Survey

Since the mid-1990s, ADF&G has provided the IPHC and Council with estimates of charter and unguided yield (harvest in pounds) based in part on estimates from the department's Statewide Harvest Survey (SWHS). The department also provided reports to the IPHC summarizing creel survey harvest estimates from several ports in Southeast Alaska, but only the SWHS provided comprehensive, year-round estimates of harvest for the sport fishery.

The SWHS is a mail survey that employs stratified random sampling of households containing at least one licensed angler. Survey respondents are asked to report the numbers of fish caught and kept by all members of the entire household, and the data are expanded to cover all households. Up to three mailings may be used to increase the response rate and correct for nonresponse bias.

The survey estimates sport fishery harvests of all species, including Pacific halibut. The SWHS has used two types of survey questionnaires. Approximately equal numbers of each type were mailed. The standard questionnaire did not break out guided and unguided harvest except for Kenai Peninsula fisheries (Area P). An alternate questionnaire, used since 1992, requested anglers to report effort, catch, and harvest for guided and unguided trips. Starting in 1996, for all areas except Area P, charter harvest was estimated by applying the guided proportions from the alternate questionnaire to the total estimate from both survey

types. A single questionnaire that separately estimates guided and unguided harvest statewide was used starting in 2011.

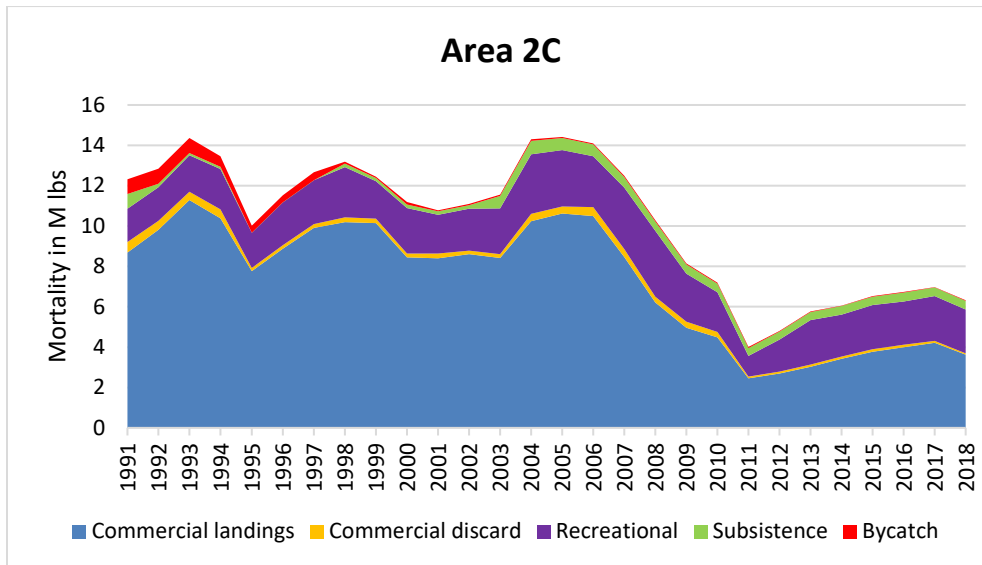
No data on whether rental boats were used to access halibut harvest are collected through the survey, nor through creel sampling. Therefore, no accurate estimation of the portion of unguided halibut harvest which comes from the unguided rental vessel subsector currently exists. Section 2.12.1 includes a description of the steps that would be necessary to estimate this harvest.

2.8.5.2 Harvest

In 2018, recreational mortality accounted for 34% of total halibut mortality in Area 2C, and 27% in Area 3A (Figure 2-9 and Figure 2-10). Total unguided and charter halibut sport harvest levels for Areas 2C and 3A from 2003 through 2018 are shown in Table 2-2. Total sport harvest in Area 2C has varied considerably between years, with a sharp decline from 2008 to 2011, and an increase from 2011 to 2013 (Figure 2-11). Recent harvest levels since 2013 have been more stable, and are currently around 2M lbs, similar to the harvest levels in 2003. Total harvest in Area 3A has generally declined from about 5.5M lbs in 2003 to 3.43M lbs in 2018 (Figure 2-12).

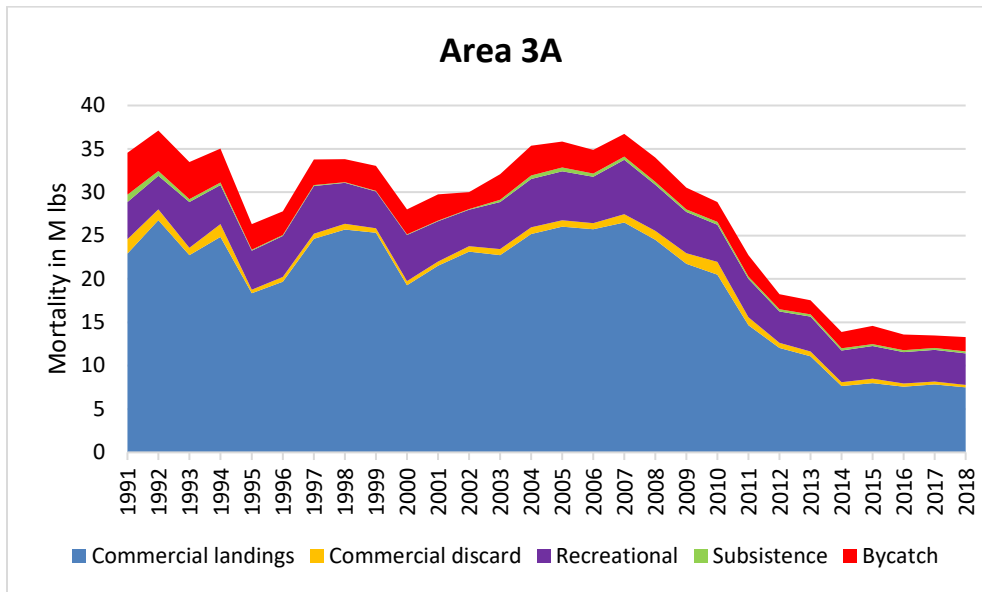
Between 2003 and 2018, the charter GHLS or quotas ranged from 1.432 to 0.788M lbs in Area 2C and from 3.650 to 1.782M lbs in Area 3A (Table 2-2). In both Area 2C and Area 3A, the GHL or quota has generally declined since 2003, and reached its lowest point in 2014. Charter harvest of halibut has also declined, generally, from 2003 to 2018. Charter harvest (in M lbs) was lowest in 2011 in Area 2C, and in 2018 in Area 3A.

Figure 2-9 Area 2C halibut mortality estimates by sector in millions of net pounds.



Source: IPHC. Table originates from file 2Cand3Amortality1991_2018.xlsx

Figure 2-10 Area 3A halibut mortality estimates by sector in millions of net pounds.



Source: IPHC. Table originates from file 2Cand3Amortality1991_2018.xlsx

Table 2-2 Charter GHL/Quota, and charter, unguided, and total sport harvest (M lb) of Pacific halibut in Area 2C and Area 3A.

Year	Area 2C				Area 3A			
	GHL/Quota	Charter	Unguided	Total	GHL/Quota	Charter	Unguided	Total
2003	1.43	1.41	0.85	2.26	3.65	3.38	2.05	5.43
2004	1.43	1.75	1.19	2.94	3.65	3.67	1.94	5.61
2005	1.43	1.95	0.85	2.80	3.65	3.69	1.98	5.67
2006	1.43	1.80	0.72	2.53	3.65	3.66	1.67	5.34
2007	1.43	1.92	1.13	3.05	3.65	4.00	2.28	6.28
2008	0.93	2.00	1.26	3.26	3.65	3.38	1.94	5.32
2009	0.79	1.25	1.13	2.38	3.65	2.73	2.02	4.76
2010	0.79	1.09	0.88	1.97	3.65	2.70	1.59	4.28
2011	0.79	0.34	0.69	1.03	3.65	2.79	1.61	4.41
2012	0.93	0.61	0.98	1.58	3.10	2.28	1.34	3.63
2013	0.79	0.76	1.36	2.12	2.73	2.51	1.45	3.97
2014	0.83	0.78	1.17	1.95	1.78	2.03	1.53	3.57
2015	0.81	0.77	1.33	2.09	1.89	2.07	1.62	3.68
2016	0.84	0.79	1.25	2.04	1.81	2.00	1.54	3.54
2017	0.94	0.90	1.22	2.12	1.89	2.08	1.53	3.61
2018	0.81	0.66	1.22	1.82	1.79	1.87	1.56	3.43

Note: GHL was replaced with a quota under the Halibut CSP after 2013 (black line). GHL or quota applies only to the charter harvest.

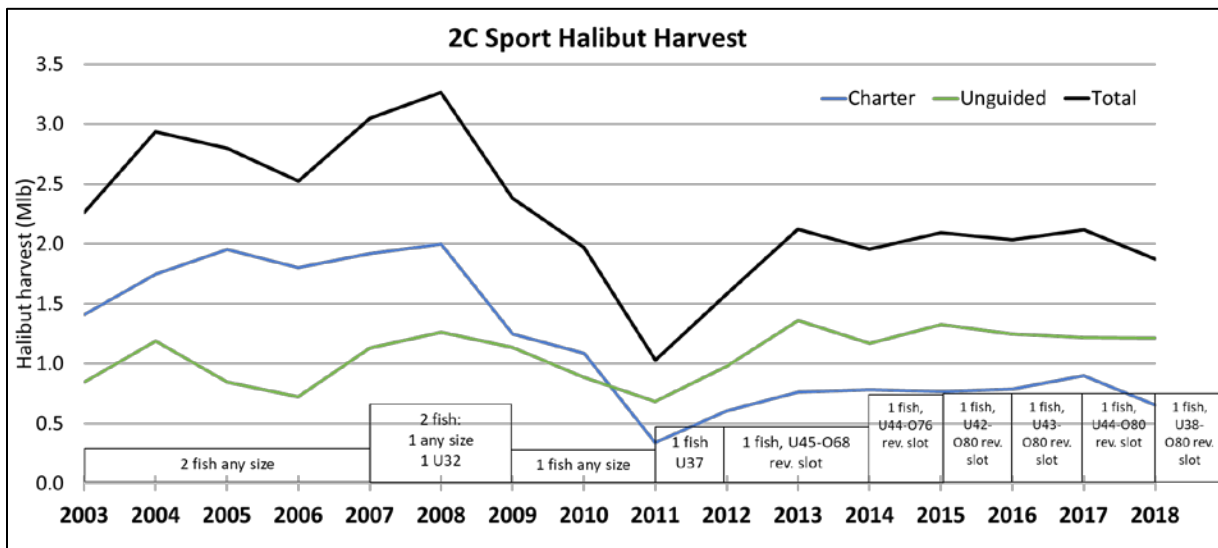
Source: Table originates from file HalHarv2003-2018. Number of fish harvested in charter fishery is from logbook data, estimate for unguided fishery is from the ADF&G Statewide Harvest Survey.

Figure 2-11 and Figure 2-12 highlight changes in charter and unguided harvest in Area 2C and Area 3A. The unguided harvest of halibut in Area 2C was variable from 2003 – 2015 and stabilized from 2015-2018. The declines in charter harvest from 2008-2011 resulted in the unguided harvest exceeding the charter harvest in Area 2C starting in 2011. This decline in charter harvest in Area 2C is predominately

due to the more restrictive bag limits coming from the CSP allocation and its ties to halibut spawning biomass, as charter effort (in number of angler trips) in Area 2C has increased nearly every year (Figure 2-13). Additionally, this decline in charter harvest (by weight) is likely due to number of halibut harvested, and not changes in fish size, as Figure 2-17, shows number of halibut harvested by the charter sector in Area 2C has decreased over this same period. This is further explored in the following sections.

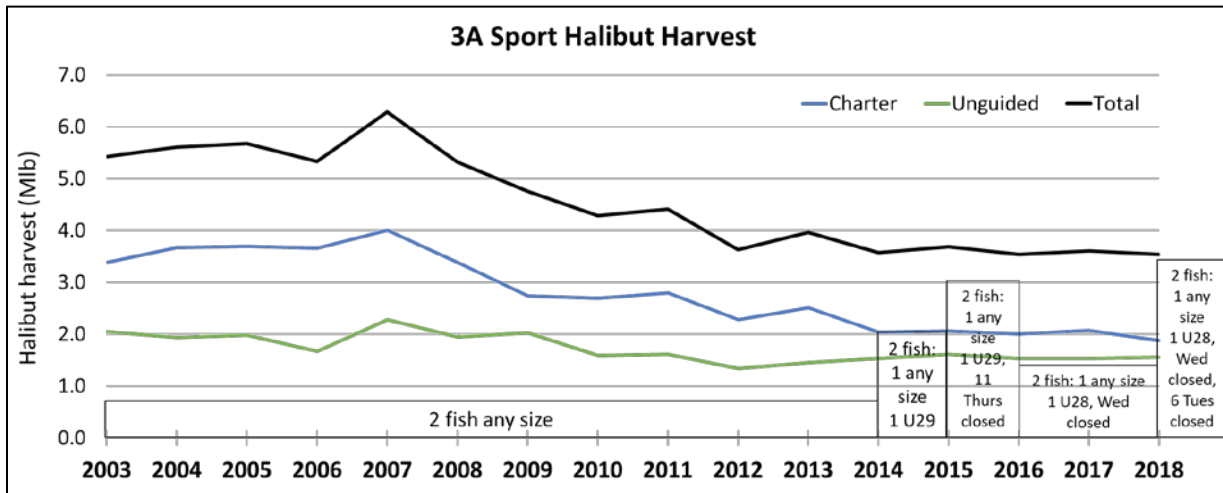
The trends shown in Figure 2-11 and Figure 2-12 are contributing to a proportional increase in unguided sport harvest in IPHC Areas 2C and 3A, and in turn, a proportional decrease in charter harvest. Declining halibut spawning biomass, as charter harvest allocations are linked to spawning biomass, is a likely factor, especially due to regulatory restrictions such as bag and size limits on charter harvest in response to declines in abundance. In Area 2C, unguided harvest has been fairly stable, between 1.17 and 1.36 million pounds since 2013. In Area 3A, unguided harvest remains below charter harvest, between 1.45 and 1.62 million pounds since 2013. Area 3A unguided harvest has generally decreased since 2007. In both of these areas, there does not appear to be a substantial increase in unguided harvest; however, these data do not provide an estimation of effort in the unguided sector. Increased effort can occur through a combination of factors, including an increase in the number of anglers, a greater number of angling trips and/or longer periods of time spent on trips (i.e. greater fishing intensity), and these factors may be augmented by more effective access to fishing. **While it is possible that rental vessels have contributed to a changing proportion of the harvest, it is not possible to determine the percentage of unguided harvest that is attributed to unguided rental vessels.**

Figure 2-11 Unguided and charter halibut harvest and bag/size limits in Area 2C from 2003-2018



Source: Data from ADF&G. Number of fish harvested in charter fishery (post 2014) is from logbook data, estimate for unguided fishery is from the ADF&G Statewide Harvest Survey. Table originates from file HalHarv2003-2018.

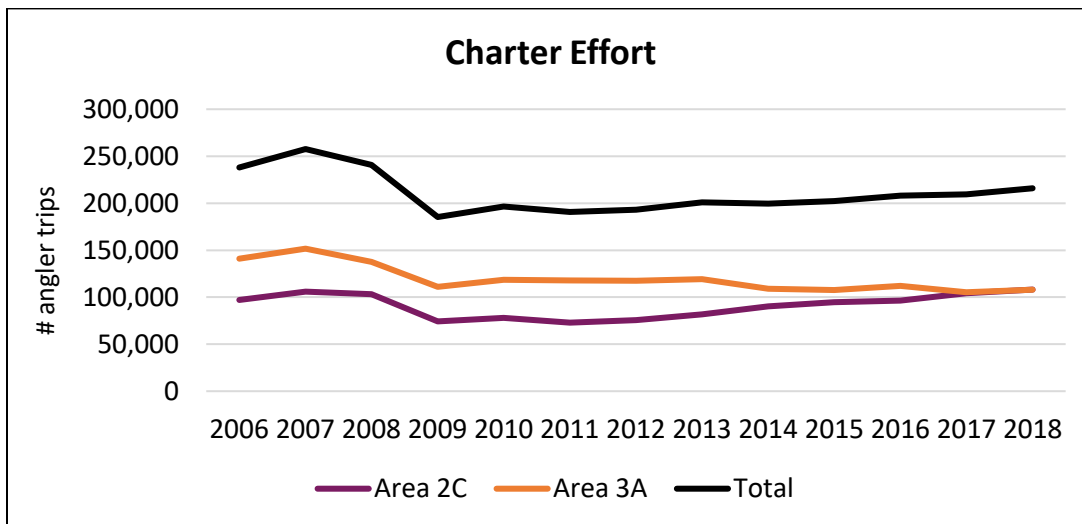
Figure 2-12 Unguided and charter halibut harvest and bag/size limits in Area 3A from 2003-2018



Source: Table originates from file HalHarv2003-2018. Data from ADF&G. Number of fish harvested in charter fishery is from logbook data, estimate for unguided fishery is from the ADF&G Statewide Harvest Survey.

One way to determine changes in effort for the charter sector is to look at trips taken by charter anglers. Because logbooks are only used in the charter sector and the SWHS effort data cannot be assigned to days of halibut effort, similar data for unguided anglers do not exist. Figure 2-13 illustrates changes in charter effort by number of angler trips. This data includes any day with halibut harvest or days that hours were recorded for a bottomfish statistical area in the logbook. The use of bottomfish hours is an attempt to account for days where people are unsuccessful while fishing for halibut, because there is currently nothing that otherwise distinguishes a “halibut trip”. In both regulatory areas in from 2007-2009, a sharp decline in charter effort occurred, likely due, in part, to the more restrictive one fish bag limit in Area 2C and prohibition of crew harvest during the peak fishing season in Area 3A, but also potentially due to the economic recession during that time. The number of trips has been slightly increasing from 2009-2018. This slight increase is attributed to Area 2C, where the number of angler charter trips has increased since 2011. In Area 3A, number of charter angler trips has declined slightly since 2009, dropping from 119,078 trips in 2013 to a low of 105,281 in 2017.

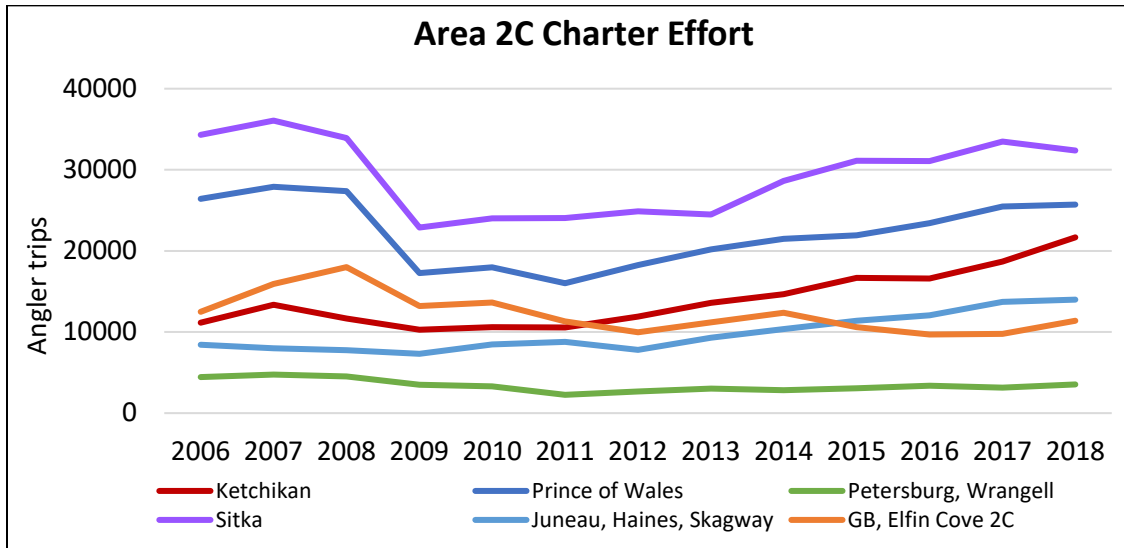
Figure 2-13 Effort in the charter sector, by number of angler trips



Source: ADF&G. Table originates from file charter effort.xlsx

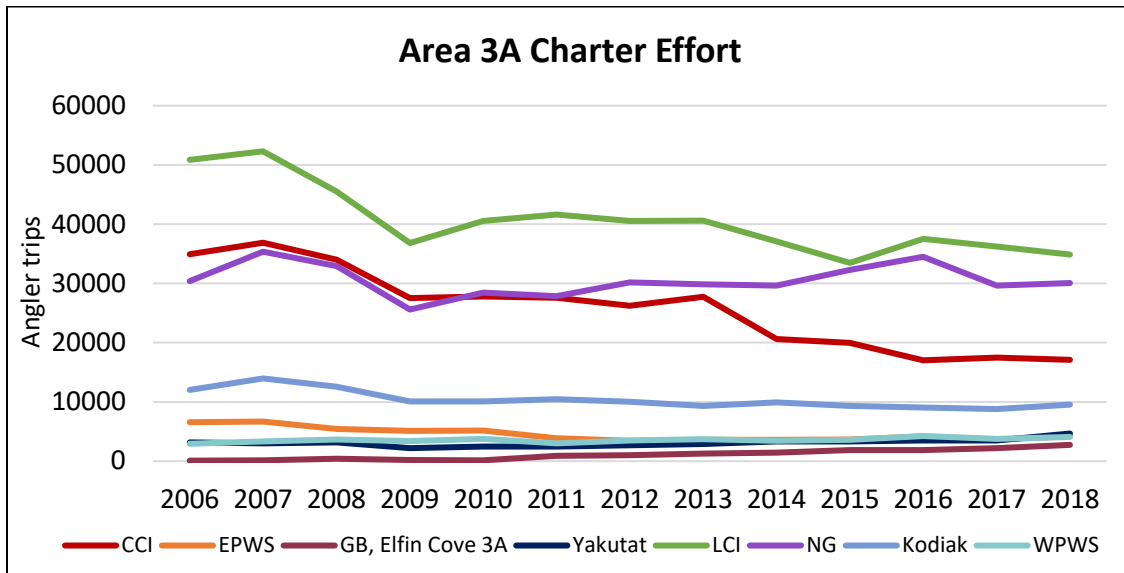
Figure 2-14 and Figure 2-15 provide the same data on charter effort broken out by subarea. These subareas, shown in Figure 2-16, are a combination of IPHC areas, statewide harvest survey areas, and port sampling location. Note that Glacier Bay falls into two IPHC areas. Charter data are split into two subareas (G2C and G3A) to match those regulatory areas based on statistical areas recorded in logbooks. Businesses operating in this area have CHPs specific to 2C or 3A (as these areas have different bag and size limits), though some businesses have both 2C and 3A CHPs and are therefore able to operate in both areas.

Figure 2-14 Area 2C charter effort by subarea, 2006-2018



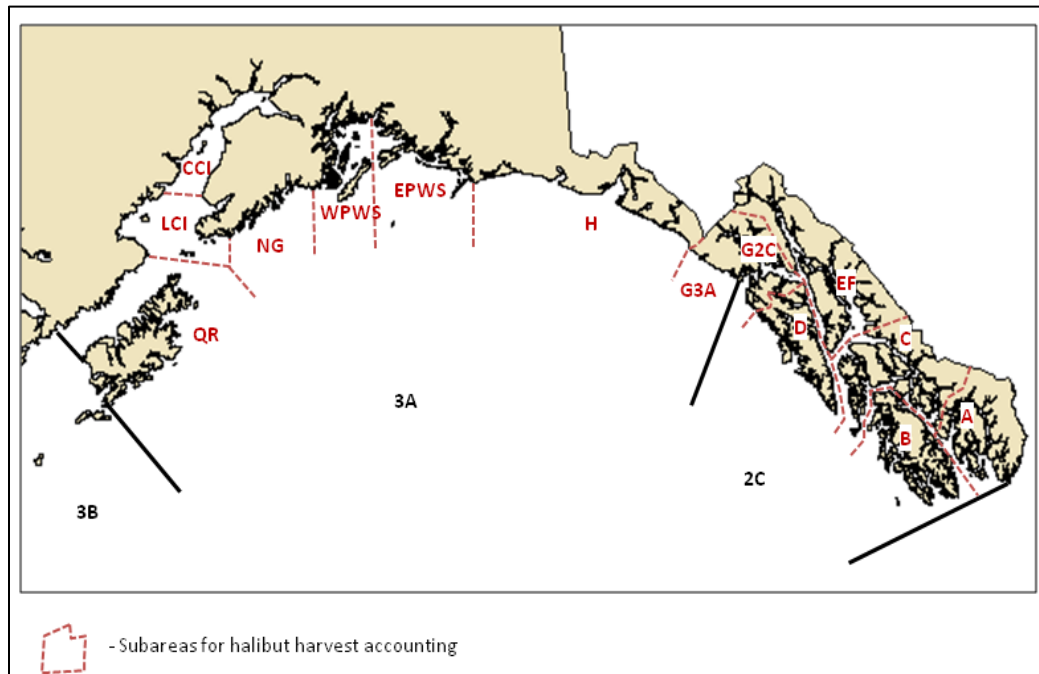
Source: ADF&G. Table originates from file charter effort.xlsx

Figure 2-15 Area 3A charter effort by subregion, 2006-2018



Source: ADF&G. Table originates from file charter effort.xlsx

Figure 2-16 Halibut harvest accounting subareas



Source: ADF&G.

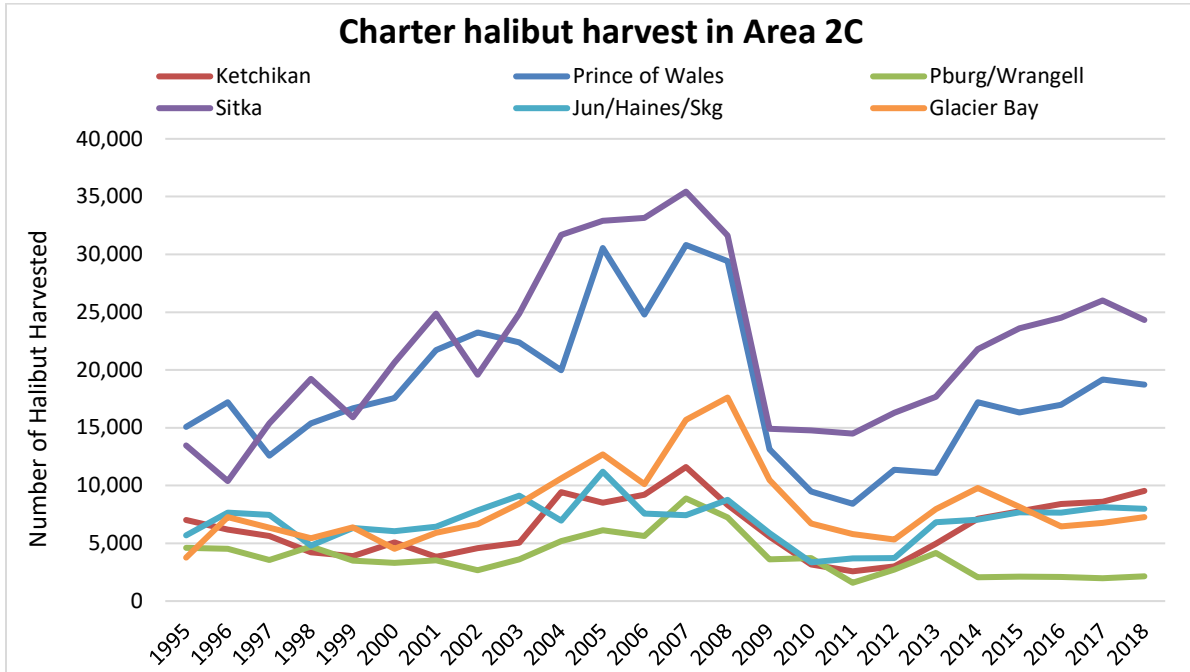
Note: A – Ketchikan; B - Prince of Wales (Craig, Klawock); C - Petersburg, Wrangell; D – Sitka; EF - Juneau, Haines, Skagway; G2C - Glacier Bay, Elfin Cove (2C areas); CCI - Central Cook Inlet (Deep Creek, Anchor Point); EPWS - Eastern Prince William Sound (Valdez, Cordova); G3A - Glacier Bay, Elfin Cove (3A Areas); H – Yakutat; LCI - Lower Cook Inlet (Homer); NG - North Gulf (Seward); QR – Kodiak; WPWS - Western Prince William Sound (Whittier)

Recreational halibut harvest by subarea is shown in Figure 2-17 through Figure 2-22. All unguided harvest in Glacier Bay is assumed to come from the 2C portion of that area; this assertion is backed by location specific reporting in the statewide harvest survey. Again, these data represent the entire unguided sector, not just those using unguided rental vessels. Therefore, no conclusive statements can be made about the harvest on unguided rental vessels with the available data.

Area 2C

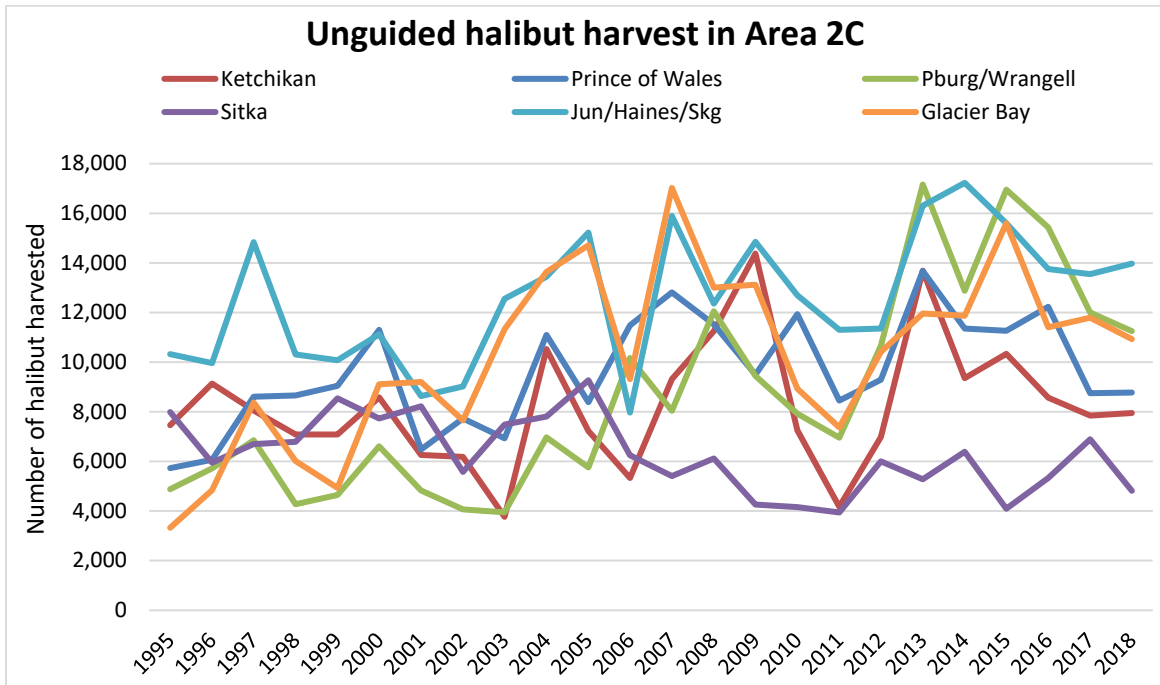
Since 2003, unguided harvest has stayed between 0.69 and 1.36 million lbs in Area 2C (Table 2-2). However, differences in harvest patterns by subregion have occurred. Figure 2-17 and Figure 2-18 include charter and unguided halibut harvest dating back to 1995. In Area 2C, it is clear when the one-fish limit was implemented in the charter sector in 2009, as the number of halibut harvested decreased in all subareas in the years following. Over the past ten years, Sitka and Prince of Wales have had the largest charter harvest in 2C, and Petersburg/Wrangell has had the lowest, noting that this does not account for size of subareas or localized population trends (Figure 2-17). Over the same time frame, unguided harvest was higher in the Juneau/Haines/Skogway, Petersburg/Wrangell, and Glacier Bay subareas than in Ketchikan, Prince of Wales, or Sitka (Figure 2-18). Figure 2-19 illustrates the data by subarea and compares charter and unguided harvest.

Figure 2-17 Charter halibut harvest in Area 2C by halibut area, 1995-2018



Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.

Figure 2-18 Unguided halibut harvest in Area 2C by halibut area, 1995-2018



Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.

Figure 2-19 Charter and unguided halibut harvest by subarea, Area 2C, 2009-2018



Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.

Table 2-3 Change in unguided halibut harvest, 2011-2018

Area 2C		
	Change in yield (lbs)	Change in #
Ketchikan	74,110	3,768
Prince of Wales	68,731	313
Petersburg/Wrangell	63,171	4,294
Sitka	51,256	877
Juneau/Haines/Skagway	75,775	2,668
Glacier Bay	197,986	3,566

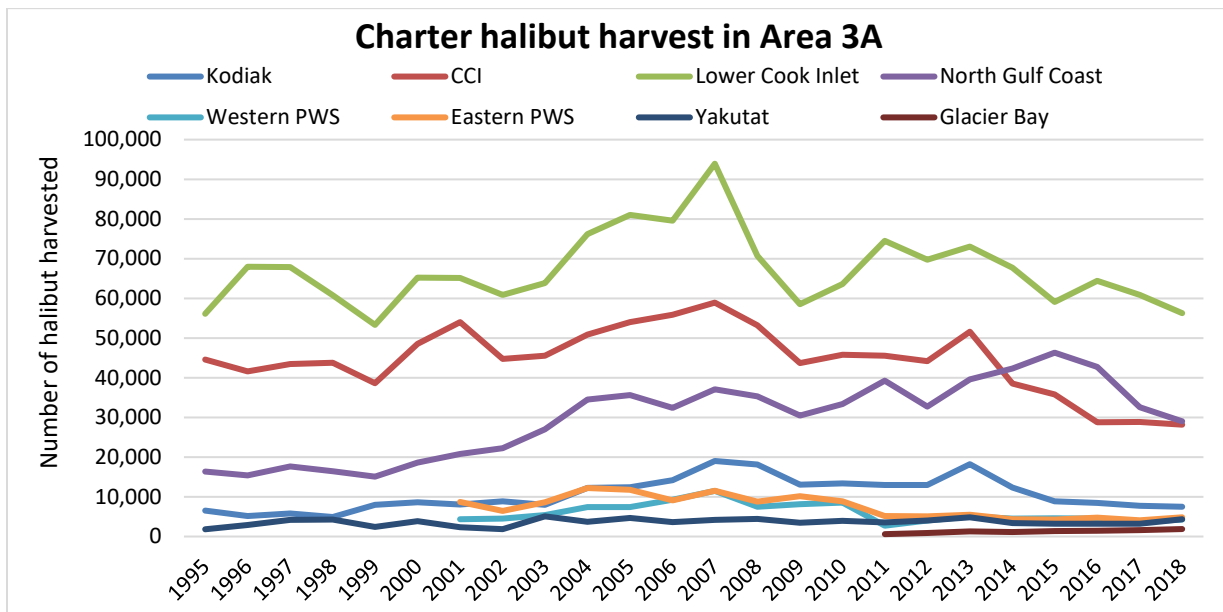
Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx

Note: Includes all unguided harvest, does not distinguish that of unguided rental vessel anglers and private vessel anglers. Does not include annual variability of years in between 2011 and 2018. Does not include standard error. 2011 was chosen as start year to show trends beginning after the initial declines in charter harvest due to the one-fish limit in Area 2C. This was done in attempts to tease apart changes in the unguided sector versus other variables (economic recession, increased charter bag and size limits due to changes in halibut biomass) that led to changes in charter harvest and effort.

Area 3A

Since 2003, unguided harvest has stayed between 1.34 and 2.28 million lbs in Area 3A (Table 2-2). Differences in harvest patterns by subarea have been less substantial than in Area 2C. Figure 2-20 and Figure 2-21 include charter and unguided halibut harvest going back to 1995 for Area 3A. Over the past ten years, Lower and Central Cook Inlet and the North Gulf subareas have had the largest charter harvest in 3A. The Cook Inlet subareas have also had the largest unguided harvest over the same time frame. Figure 2-22 illustrates the data by subarea and compares charter and unguided harvest within Area 3A.

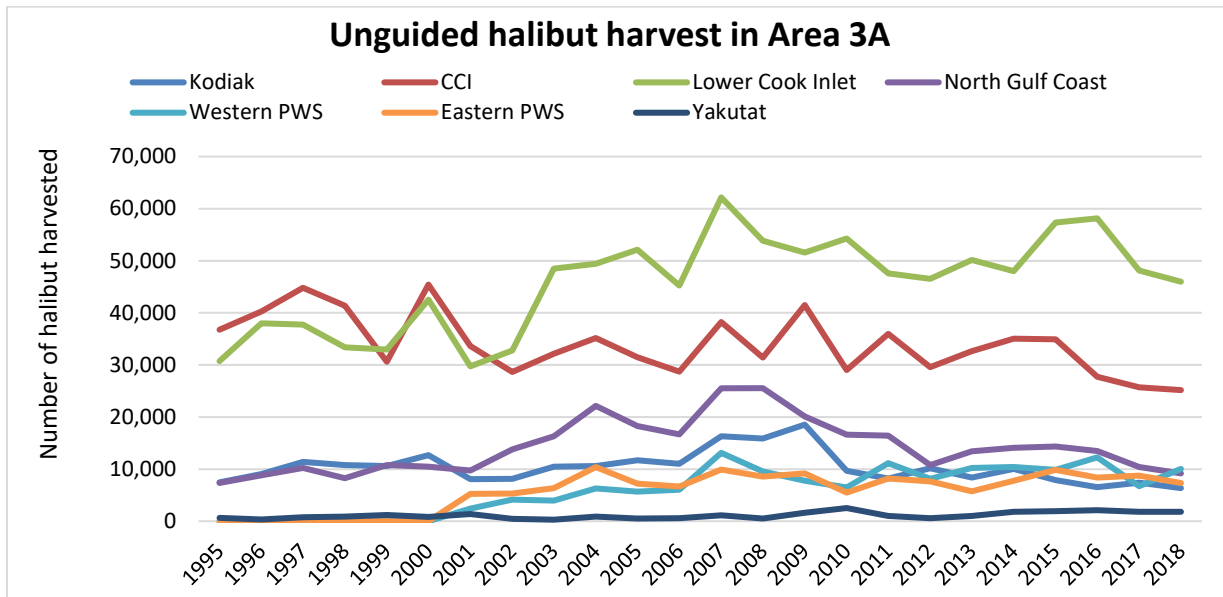
Figure 2-20 Charter halibut harvest in Area 3A by halibut area, 1995-2018



Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.

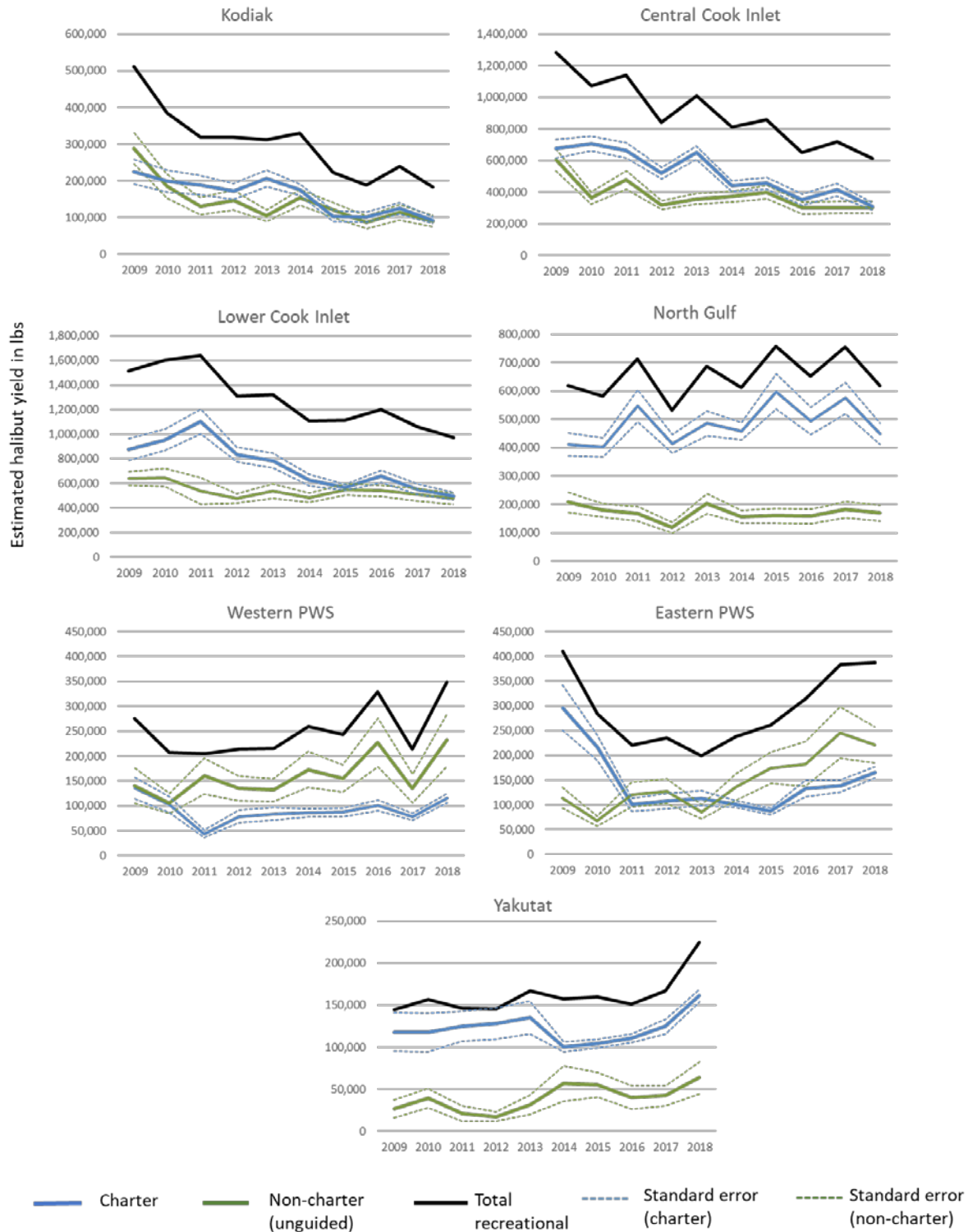
Note: Prior to 2011, all fish in the Glacier Bay area were estimated to come from 2C.

Figure 2-21 Unguided halibut harvest in Area 3A by halibut area, 1995-2018



Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.
 Note: Glacier Bay unguided harvest in 3A is minimal and is not estimated.

Figure 2-22 Charter and unguided halibut harvest by subarea, Area 3A, 2009-2018



Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.

Table 2-4 Change in unguided halibut harvest, 2011-2018

Area 3A		
	change in yield (lbs)	change in #
Kodiak	-40,832	-1,820
CCI	-174,981	-10,795
Lower Cook Inlet	-61,538	-1,575
North Gulf Coast	2,489	-7,267
Western PWS	72,377	-1,097
Eastern PWS	100,816	-849
Yakutat	42,348	819

Source: ADF&G. Originates from file HalibutHarvest 1995-2018.xlsx.

Note: Includes all unguided harvest, does not distinguish that of unguided rental vessel anglers and private vessel anglers. Does not include annual variability of years in between 2011 and 2018. Does not include standard error. 2011 was chosen as start year to maintain consistency with Table 2-3 for comparison. show trends beginning after

Summary of trends in the recreational halibut fisheries

In 2007-2009, declines in charter halibut harvest occurred in response to increased regulatory restrictions on the charter sector in Area 2C, the prohibition of crew harvest during the peak fishing season in Area 3A, and potentially due to the economic recession during that time. In Area 3A, the charter sector was further restricted by size and trip limits in 2014.

While some subareas have seen limited changes in unguided harvest over this time period, the largest increase in unguided harvest¹⁰ (yield in pounds) in Area 2C occurred in Glacier Bay (roughly 200,000 lbs, Table 2-3). (Note that Table 2-3 and Table 2-4 do not include annual variability of years in between, as shown in Figure 2-19 and Figure 2-22, and therefore the numbers included in Table 2-3 and Table 2-4 are highly dependent upon the year ranges chosen.) In terms of number of fish, Glacier Bay unguided harvest increased by over 3,500 fish (Table 2-3), though 2011 was an anomalously low year in Glacier Bay and there is little difference between the 5, 10, and 15 year averages in number of halibut harvested.

Petersburg/Wrangell had the largest increase in Area 2C in terms of number of fish harvested by the unguided sector, at roughly 4,000 fish, and Ketchikan had an increase of roughly 3,700 fish. This may imply that in Glacier Bay, unguided anglers have been catching larger fish than in other areas, where we have seen a comparable increase in the number of fish, but not in the yield in pounds harvested. In Area 3A, Eastern Prince William Sound experienced the largest increase in unguided halibut harvest in terms of yield (100,816 lbs) from 2011-2018, but experienced a decrease in terms of number of fish harvested by unguided anglers (-849) (Table 2-4). Unguided anglers were catching fewer, but larger fish in this area in 2018 than they were in 2011. Yakutat was the only subarea in Area 3A that did not see a decline in unguided harvest by numbers of fish over this time period.

If anglers were increasingly choosing to rent unguided vessels to harvest halibut instead of taking charter trips, we would expect that in areas where unguided harvest is increasing, charter effort may be correspondingly decreasing. However, charter effort in Area 2C has increased in all areas except Glacier Bay, where effort has been fairly stable (Figure 2-14).¹¹ Correspondingly, charter effort in the Area 3A portion of Glacier Bay has increased considerably over the same time period (by roughly 1,800 angler trips), potentially indicating the preference of operators who hold CHPs in both areas to fish in Area 3A. Charter effort in other Area 3A subareas, including in Eastern PWS and Yakutat, has remained fairly stable with the exception of Central Cook Inlet, which has seen a decline in charter effort by roughly 10,000 trips since 2011 (Figure 2-15). Central Cook Inlet has similarly seen a decline in unguided harvest

¹⁰ Total unguided harvest, includes harvest from anglers on private vessels and unguided rental vessels.

¹¹ Petersburg/Wrangell increased minimally, by 1,300 angler trips.

between 2011 and 2018 (Table 2-4). These data do not indicate any apparent shift in effort from the charter to the unguided sector.

It is possible that in areas where unguided harvest is either stable or decreasing, halibut harvest by the unguided rental vessel subsector could still be increasing. This would be the case if harvest by unguided private anglers (those with their own vessels) is decreasing to the same extent that unguided rental vessel harvest is increasing, therefore any changes within the subsectors are offset at the sector level. **Without data specific to these subsectors, it is not possible to quantitatively assess changes in growth in the unguided rental vessel subsector.**

2.8.6 The Unguided Rental Vessel Subsector

2.8.6.1 Operations, Vessels, and Anglers

There are many reasons that (both resident and non-resident) anglers would seek an unguided fishing opportunity vs. a charter fishing trip, including costs, satisfaction, increased bag limits, etc. From the rented boat, clients are able to participate in many activities including sightseeing, photography, wildlife viewing, and fishing for many saltwater and freshwater species available to anglers in Alaska in addition to halibut, including salmon, sablefish, trout, char, Pacific cod, lingcod, and rockfish.

Some businesses in Alaska offer clients the opportunity to rent a boat to access marine waters, affording anglers the opportunity to fish without a guide onboard and without any physical direction from a guide during any portion of a fishing trip (therefore not falling under the definitions of guided sport fishing, as described in Section 2.8.3). Some operators offer rental boats in addition to their guided fishing opportunities. Local knowledge indicates that rental boats have been available for much longer than the CSP has been in regulation. Any anglers utilizing rental boats without a guide onboard are considered unguided or “non-charter”. These anglers are, therefore, legally able access the unguided halibut daily bag limits of two fish of any size, (just as an angler aboard a private vessel could), rather than being held to the more restrictive guided or “charter” angler daily bag limits. While in these ways, the unguided rental vessel subsector is distinguished from the charter sector, both types of operations involve monetary exchange or some form of compensation, as defined in Section 2.8.3. While anglers aboard unguided rental vessels are indeed a subsector of the unguided recreational sector, it is this exchange of compensation that is the major commonality between the unguided rental vessel subsector and the charter sector.

Observations from persons with local and general knowledge of the fishery suggest that participation in the unguided rental vessel subsector is increasing. The Council has received comments and testimony that indicates a greater number of operations that offer boats for rent and increases in the number of halibut and other species that are caught by unguided anglers aboard rental vessels. There is some concern that use of unguided rental boats could be a way for anglers to skirt the more restrictive charter bag limits, resulting in additional harvest for the unguided sector, at the commercial and charter sector’s expense. The Council’s purpose and need statement stated that the Council is concerned that differences in regulations and growth of the unguided rental boat segment could have negative impacts on other halibut sectors.

Currently, there is no comprehensive database with the number of unguided vessels available for rent, nor the number of halibut caught from such boats. Datasets that would indicate changes in this subsector over time have proven to be insufficient to evaluate any changes (Section 2.8.4). While there is currently no systematic way to measure growth of this subsector, the analysts have attempted to provide an understanding of participation in the unguided halibut rental vessel subsector, using a combination of qualitative and quantitative information.

Estimates of Participation in the Subsector

In light of the difficulties of determining the number of businesses potentially affected by this action, the analysts attempted several avenues through which to gather data that would be useful in this analysis. The analysts turned to work previously submitted as public comment on this issue in October 2017. The commenter performed extensive open-source internet searches for rental boat options, and from this he developed a spreadsheet that indicated, among other things, the web address of the business, its general location, the owner of the business, and a count or estimate of the number of available rental boats. The spreadsheet was validated and updated in the summer of 2019 by a NMFS staff intern and analytical staff. This spreadsheet is attached in Appendix 1: Unguided Rental Boat Operations.

Additionally, staff also discovered GetMyBoat.com, an online clearing house for individuals and businesses who seek to periodically rent their vessels (Unguided Rental Boat Operations spreadsheet in Appendix 2). This list is not comprehensive. We did not cross reference GetMyBoat entries with observations from the spreadsheet; consequently, some rental vessels might appear in both the spreadsheet and GetMyBoat sites. Additionally, GetMyBoat also appears to contain entries from existing charter operators. Many of the listing on GetMyBoat are lodge packages.

In total, these internet searches identified 71 businesses offering rental vessels. Of those 71 businesses, 56 are in Area 2C, and 15 are in Area 3A. These searches also estimated approximately 296 boats for rent in Areas 2C (243 boats) and 3A (53 boats). This figure aligns with previous Council analysis from 2018 that estimated 275 rental boats from the Division of Motor Vehicles database.¹²

Searches of this type are not all-inclusive, and the open source material is sometimes subject to interpretation. Nevertheless, in the view of the analysts, this material provides at least a lower-end estimate of the number of affected businesses and the number of rental boats in Areas 2C and 3A. The information also provides some context on the type of operations that rent vessels for sport fishing in Areas 2C and 3A, and the general location of the operations. The dates that these businesses began renting boats, whether these businesses have grown (added additional boats), or if some business that previously rented boats but since have gone out of business, are all unknown. Another caveat to these data is that it can be difficult to determine whether the users of these rental boats are predominantly fishing, or if they are fishing for halibut, or if they are renting the boats for wildlife viewing, exploration, or other reasons, so **their inclusion in this dataset does not assert that all of these vessels are necessarily used for halibut fishing.** Many of the businesses' websites mention halibut fishing in addition to other species clients could fish for- salmon, rockfish, lingcod, etc. While not an accurate indicator of whether differences in bag limits incentivize anglers to choose unguided rentals over a charter trip, only a few of these websites mention the dissimilar charter/unguided halibut bag limits.

In order to demonstrate the variety of types of operations that may offer rental boats, staff also added a field that classified the business by type to the dataset, which are described below. In general, in Areas 2C and 3A there are several classes of businesses that receive compensation for the recreational use of boats. Examples of these classes of businesses, and the number of them found online, are described in the following paragraphs.

Alaska-based Bareboat Rentals (17 businesses)

These are traditional boat rental businesses based in Alaska that only provide boats for rent. The businesses do not include lodging, meals, or guides. The boats might be owned by the company, or the company might serve as a broker by facilitating arrangements between persons seeking boats with private

¹² See Discussion Paper: Unguided Rental Boat Registration; North Pacific Fishery Management Council; October, 2018.

boat owners. Some companies specialize in large live-aboard vessels, while others provide bareboat charters with smaller runabout, outboard-powered boats.

Note that bareboats may also be rented through online brokers not based in Alaska. These are typically large yachts and sailboats temporarily brought to Alaska during the summer season. Many of these brokers advertise for both charter (guided) companies, as well as private businesses that offer solely bareboats. Some boats are advertised through more than one broker. To avoid double-counting, these online brokers and the boats they represent are not included in the totals of rental boats or rental boat businesses herein.

Lodge Packages, not affiliated with guided fishing (23 businesses)

These businesses offer full food and lodging services, as well as rental boats. Typically, the use of a boat is a piece of equipment included in the lodge package price. Many of these businesses are found in small, rural communities and the number of guests they serve at one time is relatively small. The style of boats they offer are typically smaller vessels, ranging from outboard-powered skiffs to covered runabouts. Although these businesses do not directly offer guided fishing, some claim in their advertising that guided fishing can be arranged through a third party. Although saltwater fishing is usually listed as an activity at these lodges, the boats are also advertised as a vehicle for marine mammal viewing, freshwater fishing, photography, personal use shellfish fishing, and other non-fishing activities.

However, some lodge packaged rental boats are associated with businesses whose primary focus is saltwater fishing. These businesses can be referred to as “unguided fishing lodges”. The internet searches indicated these lodges tend to be located in Southeast Alaska, in particular the vicinity of Icy Strait and Ketchikan areas.

Mixed Guided and Unguided fishing options (31 businesses)

Some businesses offer both guided and unguided fishing options. Many of these offer meals and lodging, with the charter or unguided fishing options rolled into variable prices. Unguided fishing is normally a less expensive option, and is typically done from smaller boats than are used for charter fishing. A fishing package of several days, with a mix of charter and unguided fishing, is not uncommon. Although most charter fishing operations with rental boats appear to be shore-based, some are apparently associated with motherships, where small boats deploy from a larger vessel that is used for transport and lodging. Unguided fishing options of this type existed prior to the Catch Sharing Plan. Lower prices, and the individual desires of the client anglers appears to have contributed to this. However, it is also clear based on these fishing operations’ advertising that less restrictive halibut bag and size limits is a factor contributing to this particular type of business model.

The examination of the various types of businesses that rent vessels suggests that the users of the vessels have varying interests, motivations, and activities as well. A consideration of these differences helps frame how the alternatives may affect different participants in the impacts section of this RIR: Some anglers who rent a vessel may enjoy the self-satisfaction of not having to rely on a guide, while others may be familiar enough with an area that they need not pay the price of taking a charter. Others may be primarily renting a boat as a way to see the area or to view wildlife on an overnight trip, and may opportunistically fish for halibut or other saltwater fish while renting a vessel. Others may be renting a boat primarily for saltwater salmon fishing. While there are no quantitative data to support this, discussions with those familiar with the fisheries and areas have indicated that some rental boat anglers may also take advantage of the unguided halibut bag limits, or may want to fish on a day of the week in which charters are not allowed (Area 3A).

Rental Operations by Region

Based on the data in Appendix 1, vessel rental businesses can be categorized into the halibut harvest areas used by ADF&G when reporting halibut harvest data (the same areas used in Figure 2-17 - Figure 2-21). This categorization, shown in Table 2-5, provides information on distribution of unguided halibut vessel rentals across regions. According to this data, Prince of Wales has the largest number of businesses offering unguided rental vessels of all subareas, and Ketchikan has businesses offering the highest number of vessels. Area 3A has substantially fewer businesses offering rental vessels than 2C. However, it is important to note that a vessel rented by a business in one location may harvest fish in another. Additionally, one vessel rental business is listed in Soldotna, which does not have direct access to the water, but it is likely that anglers using these rentals would fish somewhere in Lower Cook Inlet.

Table 2-5 Unguided halibut rental vessel businesses (Appendix 1) by halibut area

Halibut area	Estimated (minimum) # businesses	Estimated (minimum) # boats
Area 2C		
Juneau	3	12
Glacier Bay	7	39
Sitka	6	10
Petersburg	7	28
Prince of Wales	21	57
Ketchikan	12	97
Total 2C	56	243
Area 3A		
CCI	1	13
Lower Cook Inlet	2	3
Kodiak	1	2
E PWS	4	14
W PWS	1	5
North Gulf	3	7
Yakutat	3	9
Total 3A	15	53

2.8.6.2 Safety Considerations

Differences in safety risk likely exist when comparing a charter trip to a trip by an unguided rental vessel. On a charter, clients or anglers are in the hands of a licensed operator. On rental vessels, users have varying levels of experience and operations that rent vessels do not need to abide by any standards ensuring a certain level of boating experience when renting a vessel to an angler. However, some rental operations may have their own requirements for who is qualified to rent a vessel or may limit how far anglers on rental vessels may take the boat. While some states require boating education courses for any vessel operator, Alaska does not have this type of requirement.

As mentioned in Section 2.8.6.1, boating safety risk also depends upon the ocean condition of the area. Vessels going out in some areas of Area 3A may be in less protected waters than in parts of Area 2C, increasing safety risk; a potential reason there may be fewer options for vessel rentals in Area 3A.

Unguided rental vessels are not distinguished in the USCG database. If or when these vessels get boarded or receive safety violations, they are not identified any differently than charter vessels. Therefore, there is

no quantitative data with which to describe baseline characteristics of safety in the unguided rental vessel subsector.

2.9 Analysis of Impacts: Alternative 1, No Action

Alternative 1, the no action alternative, would maintain the status quo. No registration would exist for unguided halibut rental vessels. Private halibut anglers on rental vessels would continue to have the same bag limits as the rest of the unguided halibut sportfishing community – two fish of any size (see Section 2.8.2).

The Council is concerned that growth of the unguided rental boat segment could have negative impacts on other halibut fishing sectors. Although not quantifiable due to the lack of data, it is possible that the increasingly restrictive bag and size limits for charter halibut fishing (see Table 2-1, Figure 2-11 and Figure 2-12) relative to the restrictions for unguided halibut fishing could result in more anglers choosing to take unguided fishing trips. In Area 2C, charter restrictions started diverging from unguided halibut restrictions in 2007, with a size limit of 32” on one (of two) fish for charter operations, and two fish per day for unguided. In Area 3A, charter restrictions diverged from unguided restrictions starting in 2014, when size limits were implemented on one of the two allowed halibut for charter operations, and charter vessels were limited to one trip per day. As charter regulations continue to be more restrictive than unguided regulations, it is likely, under this no action, or status quo, alternative, that the number of unguided angler trips could increase as anglers seek those fishing opportunities that result in more halibut catch.

Under this alternative, in the absence of quantitative data, having no registration for unguided halibut rental vessels would maintain a data gap in terms of how many businesses offer rental vessels, and the number of rental vessels available in Areas 2C and 3A. Additionally, there is currently no systematic collection of data on halibut harvest by this subsector.

2.10 Analysis of Impacts: Alternative 2

The Council has previously stated that “the benefit of this registration is that it fills a data gap in fishery participation by a commercial business entity which allows access resulting in significant harvest of Pacific halibut. Knowing the number of rental boats and where they are spatially distributed will help the Council assess the potential impacts of this sector to communities, the halibut resource and other stakeholders in the future.” Due to this data gap, assessing the potential impacts of this action alternative proves challenging. As mentioned in Section 2.5.4, there are no data on halibut harvest by unguided anglers using rental vessels. Additionally, apart from the online data on businesses that have vessels for rent and the potential number of vessels they have for rent (Appendices 1 and 2 and Section 2.8.6), there is currently no comprehensive dataset with this information. Implementing a vessel registration, if the Council chooses, (see Section 2.12.1 for a description of logistical considerations in developing a registration) could provide more reliable estimates on the number of vessels involved in this subsector. However, without catch accounting measures, a registration of vessels may only provide the number of vessels potentially used as unguided halibut rental vessels in each regulatory area and would not include any information on the number of anglers or the estimated harvest of this subsector. The following sections consist of qualitative descriptions of potential impacts of Alternative 2, based on the limited data available.

In describing the impacts of this alternative, the analysts note that the difference between the suboptions under Alternative 2, Element 1, is that under suboption 1, impacts would be expected to have impacts on the identified fishery participants below in both Area 2C and 3A, and under suboption 2, impacts would be expected just within Area 2C.

2.10.1 Impacts on Rental Vessel Business Owners

Creating a registration requirement for unguided halibut rental vessels would most directly impact those who own businesses that rent vessels to be used to fish halibut without a guide. It would likely be the responsibility of the vessel owners to undergo the registration process for any of their vessels which fit the unguided halibut rental vessel definition. While this registration is assumed to be free of cost, it would still require the burden of time and effort on part of the registrant.

Under Element 2 of Alternative 2, the registration would need to be renewed either annually (suboption 1), every 3 years (suboption 2), or every 5 years (suboption 3). The analysts expect that while it would depend upon how simple or complex the registration process would be, the more frequently a vessel owner needs to renew their registration, the effort and time required of vessel owners increases.

One aspect of a registration that should be considered is the timeline for registering a vessel. Business owners may need to decide if and when to register a vessel, depending on if and when it may be used by clients to harvest halibut. Because business owners cannot always predict whether their clients will use their rental boats to retain halibut, it is likely that businesses will deliberately register all of their vessels early in the season, to ensure that they and their clients are in compliance with the registration rules in the event that sport-caught halibut come onboard.

For the purposes of this analysis, the analysts assume that the registration would be designed in such a way that it would be the responsibility of the vessel owner to register their rental vessels, and that the burden of registration is borne by the vessel owner (and not the angler) and the Agency. Therefore, the vessel owner would be responsible for issues relating to halibut retention onboard an unregistered rental vessel that they own. This could impact a vessel owner if regulations are not clearly outlined prior to an unguided trip.

2.10.2 Impacts on Halibut Users

In Alaska, the halibut resource is fully allocated amongst the recreational (unguided and charter), subsistence, and commercial (IFQ and RQE) fisheries, and as bycatch in non-target commercial fisheries. Alternative 2, as it is written, would likely yield information on the number of unguided rental boats and where they are spatially distributed. Increased data collection could fill a data gap in fishery participation. While the commercial and charter fisheries are subject to detailed reporting requirements both in terms of participation and harvest, data on the unguided subsector is limited, as it is estimated through the SWHS and creel sampling, described in Section 2.8.5. More specifically, the lack of data collection on the unguided rental vessel subsector has resulted in a limited understanding of this subsector and its potential impacts on other halibut users. Alternative 2 could provide a more systematic way of measuring changes in growth of this subsector. In the future, this information could help the Council assess the potential impacts of this sector to other halibut stakeholders and communities.

2.11 Analysis of Impacts: Alternative 3

As with Alternative 2, assessing the potential impacts of Alternative 3 is challenging due to the lack of data. As mentioned in Section 2.5.4, there are no data on halibut harvest by unguided anglers using rental vessels. Additionally, there is no comprehensive dataset that systematically provides data on the number of businesses that rent vessels and the potential number of vessels they have for rent, except for the online information that was gathered by the analysts and is provided in the appendices.

Impacts of Alternative 3 are dependent are largely dependent upon changes in angler preferences and behavior in response to reductions in unguided halibut rental vessel bag limits. While it is difficult to predict angler behavior, the following sections describe potential ways anglers could respond to

Alternative 3, and the likely impacts of corresponding shifts in effort in the unguided and charter fisheries.

Based on the information described in Section 2.8, vessel rental operations offer a variety of experiences for anglers looking to rent vessels. Due to this range of operations and the types of anglers they cater to, the proposed action can create disparate social and economic impacts among business operators and unguided anglers. The following sections consist of qualitative descriptions of these potential impacts, based on the limited data available.

2.11.1 Impacts on Unguided Sportfishing Anglers

Currently, anglers who wish to retain halibut aboard unguided rental vessels are regulated by bag limits that allow two fish of any size per day (Section 2.8.2). Under Alternative 3, these anglers would be restricted to the charter bag limits in Area 2C or Area 3A. Under the 2019 charter management measures, anglers on unguided rental vessels would have more restrictive bag limits than anglers who own private vessels.

As described in Section 2.8.6, anglers choose to rent vessels for a variety of reasons- from enjoying the experience of taking a boat on out their own, to a more affordable experience than a charter trip. Some anglers cannot afford, or do not want to own and maintain their own boat, nor pay for a charter trip. While an unguided rental boat angler would no longer be able to harvest two fish of any size under Alternative 3, renting a vessel would still be a less expensive option than a charter, and would continue to offer anglers the non-monetary benefits previously mentioned. The proportion of anglers who would decide to no longer rent a vessel because they can no longer access the unguided halibut bag limits is unknown. Some unguided anglers may try to find other ways to continue accessing the unguided bag limit, such as finding friends with a private vessel. Other anglers may decide that if they must abide by the same bag limits, they would prefer the expertise of a guide on a charter in order to harvest their full limit of halibut (assuming they can afford a charter trip). Under this alternative, unguided anglers would be affected differently based on their ability to access a private vessel.

Alternative 3 could also increase the complexity of sport fishing regulations. Alternative 3 would create a situation in which there are different regulations for halibut anglers on unguided rental vessels, halibut anglers on their own private vessel, and halibut anglers on a charter trip. Regulations for other species (such as salmon) do not differentiate between the type of vessel the angler fishes from. Public testimony has indicated that differentiating unguided bag limits and unguided rental vessel bag limits could cause confusion among anglers and may increase the risk of anglers failing to be in compliance with regulations.

2.11.2 Impacts on Rental Vessel Owners/Businesses

Aligning the bag limits, under Alternative 3, could remove one incentive anglers have to rent an unguided vessel over taking a charter trip: access to less restrictive unguided bag limits. Impacts on rental vessel owners and businesses would be determined by changes in angler behavior in response to reductions in bag limits.

As mentioned in 2.11.1, if Alternative 3 were implemented, anglers may try to find other ways to continue accessing the unguided bag limit, such as finding friends with a private vessel. This could result in a loss of business for unguided rental vessel owners, and in turn, a reduction in revenue for those businesses, and any downstream economic impacts within associated communities.

There are no data with which to determine the number or percentage of rental boat clients who would decide to take a charter trip rather than continue to rent an unguided vessel if Alternative 3 were

implemented. To the extent that anglers decide that no longer having access to unguided halibut bag limits makes renting a vessel not worth it, they may shift their fishing plans, and rental vessel owners could experience a reduction in customers, and in turn, a loss of revenue. One situation where this type of change in angler behavior does not impact a rental vessel business is if a business offers both unguided rentals and charters. For some anglers, if they are going to have the same bag limit, they may prefer the expertise of a guide despite the extra cost compared to renting a vessel. If an angler chooses to take a charter rather than rent a vessel and chooses to stay with the same business, that business may end up earning increased revenue, as charters are more expensive than unguided rental vessels.

Overall, there is potential for decreased revenue to businesses that own rental vessels and associated communities due to downstream economic effects, if anglers decide that it is not worth renting a vessel if they can no longer access the unguided bag limits.

2.11.3 Impacts on Charter Operations

Alaska's halibut charter anglers have been subject to recent increases in regulatory restrictions due to declining halibut stocks and charter allocations (Figure 2-11 and Figure 2-12). Some stakeholders are concerned that anglers choosing to participate in the unguided rental vessel subsector rather than the charter sector has shifted some amount of effort from the charter sector to the unguided rental vessel subsector, leading to a redistribution of revenue to businesses that offer unguided rental vessels.

According to the data available in Figure 2-13, effort in the charter sector (in terms of number of angler trips) has slightly increased, specifically in Area 2C. While charter effort in Area 3A has stayed stable at around 120,000 angler trips per year since 2009, charter effort in Area 2C has gradually increased every year except 2011 (~73,000 angler trips) and 2012 (~75,000 angler trips), from 74,428 angler trips in 2009 to 108,116 angler trips in 2018.

While anglers would no longer have access to increased bag limits as incentive to rent an unguided vessel, the smaller expense of a rental vessel as compared to a charter trip may still be economic incentive enough that an angler would continue to rent a vessel rather than pay for a charter. Additionally, the intrinsic value, for some, of being out on a boat without a guide (described in Section 2.8.6) may also incentivize anglers to continue to rent boats. In this way, owners of charter operations may not see increased benefits through aligning bag limits between the charter and unguided sectors.

For other anglers, if they are going to have the same bag limit, they may prefer the expertise of a guide despite the extra cost compared to renting a vessel. If an angler chooses to take a charter rather than rent a vessel there is potential for increased revenue to charter businesses and associated communities.

The charter sector could also experience changes in its allocation under Alternative 3. If bag limits were aligned, this could result in a more restrictive bag limit for some unguided anglers (under current halibut abundance). Hypothetically, a smaller amount of halibut may be deducted from the total allowable catch of halibut before the guided sport and commercial allocations are set, potentially leaving more halibut to be harvested under the CSP. This is described further in the following section (Section 2.11.4).

2.11.4 Impacts on Catch Sharing Plan (and Participants)

The extent to which Alternative 3 would affect allocations under the current Catch Sharing Plan is unclear. Because unguided sport harvest is deducted from the halibut TCEY before the guided sport and commercial allocations are set, any growth in the unguided halibut harvest could result in a default reallocation of halibut from the charter and commercial sectors to the unguided sector. Hypothetically, if the unguided rental boat sector is limited to a more restrictive bag limit (as it would be under Alternative 3 with 2019 charter bag limits) the remaining allocation for participants in the CSP could increase.

However, it may not be appropriate to assume that an incremental reduction in harvests by unguided rental vessel anglers would result in a direct and complete reallocation of that increment to the commercial and charter sectors in the IPHC regulatory area where the unguided rental vessel harvests occurred. The following paragraphs provide a brief discussion on trying to determine impacts of Alternative 3 on the CSP and its participants.

The proportion of the total unguided harvest that is attributed to unguided rental boat anglers is unknown. Under Alternative 3, the total unguided harvest would be reduced by some amount, but that amount is difficult to predict. As an example, in Area 2C, the effect on the 2019 allocations would be the difference in poundage between all halibut currently taken by rental boat anglers and the pounds of halibut they would have retained under the 1-fish per day and U38" / O80" slot limit. The amount of the Alternative 3 difference would be subtracted from the sum of total removals already accounted for under the TCEY: the total unguided sport harvest; subsistence/personal use harvests; wastage from the commercial halibut fishery; and commercial bycatch mortality. This incremental reduction in halibut removals could be split under the Catch Sharing Plan; in Area 2C in 2019 roughly 82% of the additional halibut would be allocated to the commercial longline fishery, and roughly 18% to the charter fishery.

However, in 2019 a substantial amount of the coastwide TCEY was moved into Area 2C to supplement the FCEY. It is unclear under the current management strategies whether savings from the unguided rental vessel subsector, if bag limits were aligned, would be put back into Area 2C. In other words, if there are savings to the CSP under Alternative 3, it may be likely less that some or any supplemental TCEY would be moved into 2C, and the resulting FCEY could be the same as it was prior to aligning bag limits.

Presumably, restricting unguided rental vessel anglers from two fish per day of any size to one fish U38"-O80" would result in savings that could provide an incremental benefit to both commercial fishermen and charter anglers. Should the TCEY increase in the IPHC regulatory area where the unguided rental vessel harvests occurred, this incremental benefit could be, for example, gaining another inch on charter halibut slot limits. Estimating the number of pounds it would take to make this increment effective would require making several major assumptions including:

- a reasonable estimate for amount of unguided harvest that the unguided rental vessel subsector is responsible for;
- unguided rental boat harvest (angler behavior) would follow the same trends as the charter sector did in response to more restrictive bag limits; and
- unguided rental boat harvest savings would be equally distributed to the charter sector.

There is no guarantee that all the savings from reducing unguided rental boat size and bag limits would be apportioned back into Areas 2C or 3A. While restricting bag limits may eliminate one incentive for people to rent unguided vessels to harvest halibut, any difference from changes in unguided bag limits may not directly translate into more or bigger fish for the charter sector or higher IFQs in that area for the commercial sector.

2.11.5 Impacts on Communities

Impacts of Alternative 3 on communities is, again, dependent upon angler response and behavior to changes in bag limits. If unguided anglers continue to take unguided rental vessels despite changes in bag limits, impacts of the action on communities could be negligible. If unguided anglers choose to no longer rent unguided vessels due to no longer having access to the unguided bag limit, then communities where rental vessel businesses are located could lose revenue. Table 2-5 lists the estimated number of unguided halibut rental vessel businesses and estimated number of rental vessels (from Appendix 1) by subarea.

Those communities with more rental vessel businesses, such as Prince of Wales and Ketchikan, could experience larger impacts than those areas that have fewer rental vessel businesses.

Impacts on communities are also influenced by how dependent communities are on the revenue from the rental vessel subsector. This depends upon many factors, including:

- Whether those communities are the same communities where charter businesses are located, and whether the rental vessel businesses also offer charters;
- The size of the community, for example, if there are only a few businesses in a community and most of them are businesses that offer rental vessels; and
- To what extent anglers that rent boats provide further revenue to the community (paying for food, lodging, other activities in the area)

Revenue from the unguided rental vessel subsector is not quantified, but dependence of certain communities on rental vessel businesses may be informed by public testimony and local knowledge. It is also worth noting that some of these businesses may have minimal interaction with local communities if they are remote lodges, therefore, impacts from downstream effects of revenue and spending behavior across communities could be more widespread. Business owners may have year-round residences elsewhere, and this may distribute revenue to other communities outside of the location of the unguided rental vessel business. Overall, impacts on communities would likely correlate with impacts on the rental vessel and charter businesses located within those areas.

2.12 Management and Enforcement Considerations

2.12.1 Management and Enforcement Considerations: Alternative 2

2.12.1.1 Options for Registration

Precisely what would be required for a rental boat registration is not specified, and while management and enforcement representatives have provided input, some of these issues would benefit from Council recommendations. Any business that owns a vessel that fits a definition of an "unguided rental boat" that is used to catch and retain halibut (see below) would have to register that vessel. This process might be similar to the State of Alaska Commercial Fisheries Entry Commission (CFEC) registration of commercial fishing vessels, which have to be licensed before they can be used for fishing. At minimum, the analysts expect the registration would identify a basic description of the boat: the make & serial number, the length, the primary construction material, the type of engine and horsepower (this data would prevent forgeries; i.e. a person using a single registration for several boats). Additionally, effective enforcement of the registration would require the owner of the rental vessel to be identified. Enforcement of a rental boat registration would also be enhanced if the vessels were physically marked in some manner; for example, with a sticker identifying them as registered "unguided halibut rental vessels".

As discussed in Section 2.8.4, as of January 1, 2019, the Alaska Division of Motor Vehicles registers, with limited exceptions, all powered and non-powered boats used on the waters of Alaska. The DMV registration identifies the vessel owner and basic characteristics of the vessel. Individual registrations are valid for three years from the month the vessel was initially registered. A registration sticker is provided. As a result, if the DMV registry is complete, up to date, and accurate, it should encompass all the vessels contemplated by the Council motion.

Along with other information, the DMV registry includes a survey question asking for information on the primary use of the vessel. Answer choices for the survey include: pleasure; commercial passenger; commercial fishing; rental; and, other. However, the accuracy of this self-reported data, particularly for identifying rental boats, has come into question. During early review, staff identified at least one company

that is known to offer boats for rent to halibut anglers that did not have any registered rental boats but does have registered pleasure boats. It is not clear what determines whether a boat is registered as a rental or pleasure boat. There may be other companies that offer boats for rent that are registered as pleasure boats. However, during review, staff also identified several companies that have registered rental boats that do not offer fishing services (e.g. adventure tours, marinas, etc.). For the DMV registry to become useful under Alternative 2, the DMV definition of “rental boat” would have to accurately capture the Council’s intent.

Additionally, the DMV data does not contain the more precise detail needed to fully address Element 1 of Alternative 2. For example, the registry does not contain information on the area of use for the vessel, and specifically whether the boat is to be used in IPHC Regulatory Areas 2C or 3A.

Therefore, to fit the Council’s needs under Alternative 2, the DMV registry would have to be changed to collect more specific data (e.g. to determine where the boat is used, and to more precisely define the meaning of “rental boat”) and to enforce provisions for the registrants to accurately provide the newly required information. That registry would then have to be shared with NMFS on an ongoing basis.

Section 2.7 discusses other vessel registrations, one administered by the USCG, and another by ADF&G Division of Sport Fish. Each of these registries is currently insufficient to fulfill the data collection required under Alternative 2. USCG vessel documentation is required only for vessels at least 5 net tons, and many rental boats are likely smaller than that. The ADF&G registry is limited to vessels that provide sport fishing guide services. This registry would be useful only if the Council changed the scope of the vessels they were intending to register, or if ADF&G adopted regulations that required unguided boats to be registered. As mentioned in Section 2.8.4, it is possible that ADF&G could attempt to amend and broaden the definition of “sport fishing services” through a regulatory change, to include activities such as boat rentals for halibut fishing, but a proposed expansion of the definition would have to be carefully considered to ensure the Department is acting within its statutory and constitutional authority, and also to ensure that any regulation would be enforceable.

NMFS is authorized to regulate halibut fishing vessels, as they are used to access a federally managed resource. Under the authority of the Halibut Act, it appears the Council and NMFS could implement a new vessel registry that would include vessels contemplated under Alternative 2.¹³ A NMFS registry would require new regulations and 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). Justifying a NMFS registry that would closely mirror data collections already done by the State of Alaska DMV could raise issues under the Paperwork Reduction Act.

Additionally, NMFS, or a NMFS contractor, could probably develop the new registry with requirements for periodic renewals that matched the suboptions in Elements 1 and 2. The Pacific States Marine Fisheries Commission (PSMFC) has indicated that if funding were available, they would be able to develop and implement a rental boat registry.¹⁴ This could allow NMFS to identify the scope, application, and data needs for a registry and may be logistically more simple and more cost effective than creating a new registry.

An important consideration under Alternative 2 would be for the Council to clearly define the scope of rental boats that should be registered. The current wording of Alternative 2 is inconsistent, first requiring registration for vessels that “are used to *retain* [emphasis added] recreationally harvested halibut and that are rented for compensation,” then stating that the requirement would apply “to all vessels used to *provide*

¹³ The Halibut Act, at section 773c(c), provides the Council with relatively broad authority to develop regulations that are in addition to, and not in conflict with, approved IPHC regulations. Regulations developed by the Council may be implemented by NMFS only after approval by the Secretary of Commerce.

¹⁴ M. Fey, Dave Colpo, 2019

access [emphasis added] to the halibut resource for compensation.” Under the latter, virtually all motorized rental vessels in Areas 2C and 3A would be included, irrespective of whether the persons who rent the boats are anglers, and – if they are – whether they intend to fish for halibut or not.

A clear definition of unguided rental boats would not only clarify the scope of potential action, it would also be critical for effective compliance and enforcement of new regulations. Defining a rental boat and placing that boat on a registry based upon the intended use of the boat’s passengers would be problematic and difficult to enforce. New regulations would require considerable outreach and communication by the agency to the affected public, and a clear and simple definition of the boats that fit the new requirements would be needed to facilitate those communications. Furthermore, it would be important to clarify whether and how the Council’s current definition of “compensation” (as it was defined by the Council in 2014, Section 2.8.3) includes fishing clubs and time shares.

As mentioned in Section 2.10.1, the agency that administers the registry would have to be responsive to changing conditions among the businesses, their vessels, and their clientele. To avoid circumstances where their clients are prohibited from retaining halibut caught from rental boats, business owners are likely to register all their rental vessels, irrespective of the actual future use of the boats. The alternative, where business owners register vessels on an ad hoc basis, or simply prohibit their clients from retaining halibut, are probably not as workable as simply registering all the vessels so that all circumstances are covered.

In addition to registering new or first-time rental boats, the agency that administers the registry would likely have to develop provisions for de-registering a boat if its status changes during a registration period. Examples of status changes would include re-purposing a vessel for something other than a defined rental, or the sale or transfer of a vessel to a new owner, or permanent damage and retirement of a vessel. New regulations would also have to account for situations where a boat is rented only part-time, and also has other commercial, or private use, for work, pleasure, transportation, or subsistence fishing uses.

2.12.1.2 Estimate of Administrative Costs

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 registration. It is important to note that increasing the frequency of registration, under Element 2 of Alternative 2 could increase the costs of the registration. Incremental costs occur once a registration is applied to multiple regulatory areas (under Element 1 of Alternative 2), as this would mean additional vessels each needing to be registered. However, many of the most expensive information technology (IT) tasks would be the same, irrespective of the number of persons who periodically obtain their required permit registration.

Additional information about what type of data the Council would want to be collected through a vessel registration will be necessary to provide an estimate of the cost of a registration. For example, having an annual registration which identifies the number of unguided rental boats and the operations/businesses they are affiliated with may only require developing a database and forms, without much maintenance. If the registration needs to be audited or requires maintenance, costs would increase. Additional reporting requirements such as catch accounting (Section 2.12.1.3) would also significantly increase costs and would require Council input prior to cost estimation.

To implement a rental boat registration would require, at minimum:

- IT costs to develop the databases.
- IT costs to develop easy-to-use staff interface with the databases, mainly data entry, data lookup and correction, and database reporting & filtering
- Developing and publishing the required forms.

- Developing an online registration that would work in tandem with filling out a paper form and USPS mailing.
- Potentially (under Alternative 3) developing, printing, and distributing stickers to put on the rental boats, (without an easy way to identify rental boats, enforcing Alternative 3 would be challenging)
- Ongoing staff time to process the required forms and address user questions & problems.

Note: this does not include the cost of drafting and publishing the rules, nor does it include enforcement costs.

2.12.1.3 Catch Accounting/Reporting Requirements

The Council's purpose and need statement includes, "Registration and consistent management measures between charter and unguided vessel rentals would ensure appropriate accounting of sport halibut catch". However, the Alternative 2 as currently described would not ensure appropriate accounting of halibut catch, unless the registration also included a mechanism for catch accounting for the unguided rental vessel subsector. **If the Council intends to increase accounting for halibut catch by unguided rental vessel anglers, then they would need to clarify this within the alternatives.**

Implementing a vessel registration, if the Council chooses, (see Section 2.12.1 for a description of logistical considerations in developing a registration) could provide more reliable estimates on the number of vessels involved in this subsector. However, unless there is also a way to report and collect harvest data, a registration of vessels would only provide the number of vessels used as unguided rental vessels in each regulatory area, and not any information on the number of anglers or the harvest of this subsector. Collecting this data would require either: 1) modifications to the current creel sampling protocols and the Statewide Harvest Survey or 2) would require a logbook for unguided halibut rental vessel anglers.

Adding a question or a checkbox to the SWHS that asks whether the unguided halibut angler(s) used a rental vessel would be similar to current ADF&G hunting harvest reports that ask how hunters accessed their hunting area. This would be entirely the purview of the State of Alaska, as the State does not manage halibut. Changes to the SWHS may require related changes to the current creel sampling protocols for validation. According to the ADF&G, adding additional detail to the Statewide Harvest Survey (SWHS) is likely to have substantial impacts to data evaluation protocols, and would be costly.

If the Council chooses to include logbooks as a catch accounting mechanism in this action, the analysis would benefit from Council input on the following discussion points.

- Database creation: Does the same agency that administers the registration also take on the catch accounting database?
- Use of logbooks: The logbook program regulations would have to determine which party is responsible for completing the logbooks – the vessel owners, or the anglers? Is it up to the angler, or is the vessel owner responsible for ensuring this happens at the end of every unguided trip when halibut are retained?
- Logbook content: the data collections would have to be determined. Pertinent data might include: trip dates, numbers of catch and retention of halibut, an estimate of effort (e.g. hours fished), the sizes of retained halibut, area(s) of harvest, and the names, sport fishing license data, and contact information for the anglers.
- Distribution: The agency would have to decide whether to create paper or electronic logbooks – or both. For paper, there would need to be a process for making sure the logbooks are distributed to the anglers and vessel owners, and that the logbooks would be returned to the agency. For

electronic logbooks, software applications would need to be developed. In either case, staff would need to be available to provide user support.

- Logbook collection: Logbooks and/or logbook data would need to be returned to the administering agency on a timely basis. For example, ADF&G charter logbook pages must be returned to ADF&G on a weekly basis. The agency would need to develop rules for situations where logbooks are not returned.
- Data entry: Presumably, the administering agency would be responsible for entering the unguided rental boat halibut logbook data. Staff would need to be prepared to follow up with users to answer questions and address instances of improper, incomplete, or unreadable data.
- Data veracity: Logbook data would need to be periodically audited, and the integrity of the databases must be maintained. Logbook data should also be verified in some fashion; for example, the self-reported SWHS data are verified by data from the creel census.
- Enforcement: What does the enforcement process look like if a logbook is not turned in to the administering agency? Is the angler in violation, or is the vessel owner in violation?

2.12.2 Management and Enforcement Considerations: Alternative 3

Alternative 3 would apply the halibut charter daily bag limits and/or size limits to anglers on unguided rental vessels. The current Council motion indicates this Alternative could also be combined with Alternative 2, which would create a rental boat registration.

Previous sections also describe how unguided halibut harvests are estimated through the ADF&G Statewide Harvest Survey, and how those harvests are accounted for when setting annual combined catch limits, charter and commercial allocations, and charter and commercial catch limits. **Unless the Council indicates otherwise, the analysts assume unguided halibut harvests from rental boats under Alternative 3 would continue to be factored “off the top”, as it currently is.** Alternatively, the Council may decide that harvests from rental boats should be included as part of the charter allocation, with the rationale that compensation is a key component of a definition for rental boats under Alternative 2, and that many rental boats are associated with guided operations. If the Council should choose this option, a method for catch accounting, as described above, would be required.

From an enforcement perspective, Alternative 3 would focus on retention of halibut from an identified rental boat. As mentioned above, rental boats with a visible sticker would enhance enforcement. Under this scenario, enforcement officers could identify rental vessels, review the onboard registration information, and inspect halibut harvests. Complications could arise if the rental boat is used for something other than a rental arrangement and there are halibut onboard. Under Alternative 3, regulations would need to address situations that are common for charter boats when those boats are not used for charters, such as subsistence fishing, fishing with family and friends, and transporting halibut.

As mentioned above, if a catch accounting system is contemplated for this action, then enforcement concerns would be considerably greater. It is likely that OLE responsibilities for enforcing the provisions of an unguided rental boat logbook would be similar to the efforts for enforcing halibut accounting on the logbooks of charter vessels. The OLE focus would be on timely and accurate reporting of the data.

2.13 Affected Small Entities

Section 603 of the Regulatory Flexibility Act (RFA) requires that an initial regulatory flexibility analysis (IRFA) be prepared to identify if a proposed action will result in a disproportionate and/ or significant adverse economic impact on the directly regulated small entities, and to consider any alternatives that would lessen this adverse economic impact to those small entities. As of January 2017, NMFS Alaska

Region will prepare the IRFA in the classification section of the proposed rule for an action. Therefore, the preparation of a separate IRFA is not necessary for Council final actions on this issue. This section will provide information that NMFS will use to prepare the IRFA for this action, namely a description and estimate of the number of small, directly regulated entities to which the proposed action will apply. *This section will be completed when the Council has identified a preliminary preferred alternative.*

2.14 Summation of the Alternatives with Respect to Net Benefit to the Nation

This section will be completed when the Council has identified a preliminary preferred alternative.

3 Halibut Act Considerations

The fisheries for Pacific halibut are governed under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773-773k). For the United States, the Halibut Act gives effect to the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea. The Halibut Act also provides authority to the Regional Fishery Management Councils, as described in §773c(c):

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the International Pacific Halibut Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 303(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges. Provided, That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.

Once the Council has identified a preferred alternative, this section will include an assessment of that alternative in relation to the Pacific Halibut Act.

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6 Appendices

Appendix 1: Unguided Rental Boat Operations

Operation classification: BB- Bare boat, LP- Boat with Lodge Package, no guides, GO- Lodge Package with Guided option

Note: Estimated number of unguided boats is based on information that could be gleaned on a website or through someone with knowledge of the business, and therefore is not certain.

Date Added	Region	Company	Location	*Estimated Number of Unguided Boats	Advertised Types of Boats	Operation classification	Website	Notes
10/18/2017	2C	Whalers Cove Lodge	Angoon	5	18-24' aluminum hardtops	GO	https://www.whalerscovelodge.com/	
7/30/2019	2C	Alaskan Star Fishing Rentals	Coffman Cove	1	18' Hewescraft	BB	http://www.alaskanstarfishingrentals.com/Boat_Rental.html	
8/7/2019	2C	Misty Sea Charters & Lodging	Coffman Cove	1	18' skiff	GO	https://www.mistyseacharters.com/	
8/7/2019	2C	Wetherbee's Lodge & Charters	Coffman Cove	2	2 skiffs	GO	http://www.wetherbeeslodge.com	
10/18/2019	2C	Coffman Cove Adventures	Coffman Cove	1	20' hewescraft	LP	https://www.coffmancoveak.com/	
8/7/2019	2C	Powell's Place	Coffman Cove	1	unknown	LP	http://www.powellsplaceincoffmancove.com/	Contracted GO available
10/17/2019	2C	Coffman Cove Bears Den Adventures	Coffman Cove	2	20' Hewescraft, 21' Chaparral	LP	http://coffmancovebearsden.com/	
7/30/2019	2C	Prince of Wales Excursion Outfitters	Craig	1	18' Kingfisher	BB	https://www.powoutfitter.com/boats	
7/30/2019	2C	Hollis Adventure Rentals	Craig and Hollis	3	16' Smokercraft	BB	http://www.harentals.com/	
10/19/2017	2C	Waters Edge Lodge	Elfin Cove	12	22' Defiance	LP	http://www.watersedgealaska.com/	
10/24/2019	2C	South Passage Outfitters	Elfin Cove (Gull Cove)	3	18' Lund	LP	https://www.southpassageoutfittersllc.com/	
10/18/2017	2C	Doc Warners's Alaska Adventures	Excursion Inlet (Icy Strait)	18	18-20' Skiffs & 20' Stabi-craft	LP	http://docwarners.com/selfguided/	

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10/19/2017	2C	True North Sportfishing	Gustavus	1	Glacier Bay 2680 catamaran	GO	http://gustavusalaskafishing.com/self-guided-halibut-fishing.html	
8/7/2019	2C	Taylor Charters	Gustavus	1 +		GO	http://taylorcharters.com	
10/18/2017	2C	Icy Point Lodge	Hoonah	3	18.5' Smokercraft Phantom	LP	https://icystraitlodge.com/boat-rentals-1	
7/30/2019	2C	Auke Bay Adventures	Juneau	3	37-42' Nordic Tugs	BB	https://www.aukebayadventures.com/fees-and-options/	
10/23/2017	2C	Panhandle Powerboats	Juneau	4	18-26' North River, C-Dory & 22-26' Power Boats and 18' Skiff	BB	https://panhandlepowerboats.com/	
9/3/2017	2C	Clover Bay Lodge (Floating)	Ketchikan	7	18 Foot Smoker Crafts with 40hp Yamaha Outboards	GO	http://www.cloverbay.com	
7/30/2019	2C	Bare Boat Rentals	Ketchikan	1	37' Uniflite	BB	http://bareboatalaska.com	
7/30/2019	2C	Gone Fishin Boat Rentals	Ketchikan	1	23' Wooldridge	BB	https://gonefishinalaska.com/	
10/6/2017	2C	Knudson Cove Marina	Ketchikan	18	14' Skiffs, 16' Skiff, 18' Woolridges, 22'; Hewescraft, 22' Olympic	BB	http://www.knudsoncove.com/	Contracted GO available
7/30/2019	2C	Ketchikan Fish Finder	Ketchikan	1	22' Hewescraft	GO	https://ketchikanfishfinder.com/self-guided-fishing-ketchikan-alaska.html	
10/8/2017	2C	Explore Alaska Charters LLC	Ketchikan	3	22' Custom Crozier Craft, 22' Alaska Raider	GO	https://www.explorealaskacharters.com/	
9/2/2017	2C	Salmon Falls Fishing Resort	Ketchikan	6	16' Skiff	GO	http://www.salmonfallsresort.com	
10/17/2017	2C	Chinook Shores Lodge	Ketchikan	7	(5) 21' and (2) 20' hardtops	GO	http://chinookshores.com/facilities/self-guided-boats/	
10/18/2017	2C	Anglers Dream Self Guided	Ketchikan	1	20 Foot Hewescraft Pro V Extended Transom	LP	http://www.rentbyowner.com/property/anglers-dream-self-guided-fishing-private-boat-dock-beach-hot-	

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tub-fish-on/HA-375643

7/30/2019	2C	Clover Pass Lodge	Ketchikan	41	14' Skiffs (20) and 20' Thunder Jet (21)	LP	https://www.cloverpassresort.com/alaska-fishing-vacation-rates/	Contracted GO available
10/19/2017	2C	Silverking Lodge Inc	Ketchikan (Grant Island)	9	14' Livingston Skiffs; 20' Thunder Jet Boat	LP	http://www.silverkingalaska.com/alaska-fishing-vacation-rates/	
10/19/2017	2C	Fireweed Lodge	Klawock	1		GO	http://alaskafishingkingssalmon.com/index.html	
10/23/2017	2C	Southeast Retreat Fishing Lodge	Klawock	1	Lund	GO	http://www.southeastretreat.com/self-guided-fishing-adventure.php	
10/19/2017	2C	Alaska's Log Cabin and RV Resort (Log Cabin Sports Rental Inc.)	Klawock	2	Skiff	GO	http://www.logcabinresortandrvpark.com/charterunguided.html	
10/25/2017	2C	Naha Bay Lodge & Naha Bay Outdoor Adventures	Naha Bay	2	16' Lund skiffs	GO	http://www.nahabayoutdooradventures.com	
10/24/2019	2C	Pelican Joe's	Pelican	1	21' Duckworth	GO	http://pelicanjoes.weebly.com/	
10/23/2017	2C	Jensen's Boat Rentals	Petersburg	6	20-22' hewescraft, 18' skiffs, 18' Lund, 18' Crestliner	BB	http://www.jensensboatrentals.com/	
10/23/2017	2C	Rocky Point Resort	Petersburg	2	16' Skiff	GO	http://www.rockypointresortak.com/boats_guides	
10/23/2017	2C	Alaska Sport Haven (Float House)	Petersburg	2	20-22' hewescraft. Lunds(2) in photo	LP	http://www.alaskasportshaven.com/Float_House_Details.html	
10/19/2017	2C	Green Rocks Lodge LLC.	Petersburg	2	18' Lund Skiff; 20' soft cover skiffs	LP	https://www.greenrockslodge.com/	
10/23/2017	2C	Majestic Eagle Lodge	Petersburg	7	Skiffs	LP	http://www.majesticaglelodge.com/index.php/fishing-rates	
10/23/2017	2C	Island Point Lodge	Petersburg	8	18' Lund Skiff	LP	http://www.islandpointlodge.com/	

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10/18/2017	2C	Petersburg Sportfishing Charters	Petersburg	1	20' Hewescraft	GO	https://petersburgsportfishing.com/	
8/29/2018	2C	Woxof Lodge and Fish Camp	Point Baker	5	18' Northriver skiff	GO	http://www.pointbakerrcharterservice.com/	
10/19/2017	2C	Calder Mountain Lodge	Point Baker	10	18-20' Skiffs	GO	http://www.caldermountainlodge.com/rates-info/	
10/25/2017	2C	The Outpost at Point Baker	Point Baker	3	16-18' Skiffs. 21' Glasply	LP	https://pointbakeralaskafishing.com/	Contracted GO available
7/30/2019	2C	Underdog Sport Fishing	Port Protection	1	21' Skiff	GO	https://fishportprotection.com/details	
10/25/2017	2C	Port Protection Wilderness Lodge	Port Protection	1	20' skiff	LP	https://www.portprotectionwildernesslodge.com/tour-packages	
10/18/2017	2C	Alaska Sea Otter Sound Lodge LLC	Prince of Wales	10	18-19' Jetcraft Skiffs	GO	https://www.seaotter_soundlodge.com/	
7/30/2019	2C	Alaskan Pirate Boat Rentals	Sitka	1	22' Duckworth Pacific Pro	BB	https://www.alaskanpirateboatrentals.com/rentals-1	
10/30/2017	2C	Sitka Self Charters	Sitka	2	18' & 19' Hewes	BB	https://www.sitkaselfcharters.com/contact-information	
8/29/2017	2C	Fish Baranof	Sitka	4	19' hewescraft, Skiff	BB	http://www.fishbaranof.com/	
7/30/2019	2C	Annahootz Alaskan Adventures	Sitka	1	18' Skiff	GO	https://www.annahootz.com/guide.php	
8/29/2017	2C	Sitka Alaska Outfitters	Sitka	1	20' runabout	GO	https://www.sitkaalaskaoutfitters.com/	
7/30/2019	2C	Alaska's Big Salmon Lodge	Sitka	1	18-20' covered skiff	GO	https://www.alaskasbigalmonlodge.com/	
10/19/2017	2C	Adventure Alaska Southeast	Thorne Bay	3	Lund	LP	http://www.fishorhunting.com/	Contracted GO available
10/18/2017	2C	Alaskan Escape LLC	Thorne Bay	4	16' Lund skiffs	LP	http://www.alaskanescapet.com/	Contracted GO available
8/1/2019	2C	L&W Fishing Adventure	Whale Pass	2	18' skiff, 20' cruiser	GO	http://www.lwfishingadventures.com/main_page.html	
10/19/2017	2C	Alaska Fish Tales Lodge	Whale Pass	2	Skiff	LP	http://alaskasfishtaleslodge.com/index.html	
10/30/2019	3A	Ashama Point Lodge	Kodiak	2	Skiffs	LP	https://ashamapointlodge.com/	Contracted GO available

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7/30/2019	3A	Homer Boat Rentals	Homer	1	22' Hewescraft Ocean Pro	BB	https://www.homerboatrentals.com	
10/23/2017	3A	Bayes Boat Rental	Homer	2	22' Hewescraft, 22' Sea Sport	GO	http://www.bayesboatrental.com/	
10/17/2017	3A	Ravencroft Lodge	Port Fidalgo, PWS	3	18' Skiffs	GO	http://www.ravencroftlodge.com/self_guide_d.html	
10/25/2017	3A	Alaskan Wilderness Outfitting	Cordova, PWS	5	Skiffs	LP	http://alaskawilderness.com/	
7/30/2019	3A	Silver Boat 4 Rent	Seward	1	21' Aurora runabout	BB	https://www.silverboat4rent.com	
7/30/2019	3A	Seward AK Boat Rental	Seward	2	22'Sweetwater, 24' Slip Stream	BB	https://www.sewardkboatrental.com/home	LP available
10/19/2017	3A	Millers Landing, Inc	Seward	4	4 20' Stabicrafts, plus 16' Kalamath skiffs	GO	https://www.millerslandings.com/	
7/30/2019	3A	Alaska Boat Rentals	Soldotna	13	12 18-20' Skiffs & 1 22' C-Dory	BB	https://www.akboatrental.com/	
7/30/2019	3A	Fish Central	Valdez	3	22' covered boat, 20' open bow, 18' open bow	BB	http://fishcentral.net	Contracted GO available
7/30/2019	3A	Valdez Outfitters	Valdez	3	21' Hewescraft Hardtop Searunner	GO	http://valdezoutfitters.com/rental-boats/	
7/30/2019	3A	Whittier Marine Charters	Whittier	5	22' Hewescraft, 24' Bayliner, 26' Hewescraft, 17' & 32' Peregrine	GO	https://whittiermarinecharters.com/boat-rentals/	
7/30/2019	3A	Yakutat Charter Boat Company	Yakutat	2	Alumaweld	GO	http://www.alaska-charter.com/rates.htm	
10/19/2017	3A	Monti Bay Lodge and Resort	Yakutat	2	16' Deep V, 15' Smokercraft	LP	http://www.montibaylodge.com/categories/boats	
10/19/2017	3A	Leonard's Landing	Yakutat	5	16' Lund skiffs	BB, LP	https://www.leonardslanding.com/	Contracted GO available

Total Boats 297

*this is a
minimum
estimate

Appendix 2: GetMyBoat Rental List

Unguided rentals with GetMyBoat				
Location	Type/Size	# of passengers	Rate (\$) / Day	Notes
Ketchikan	27' Cuddy Cabin	2	113 Per Hour	
Kenai	17' Bass Boat	4	250 Per Person	
Ketchikan	14' Dinghy	4	90	
Ketchikan	14' Livingston Skiff	4	2,350 Per Person	Cost includes lodge package
Klawock	18' Kingfisher	4	400	
Soldotna	24' Bass Boat	4	275	
Sterling	20' Jon Boat	4	94 Per Hour	
Sterling	20' Deck Boat	4	275 Per Person	
Whittier	28' Cuddy Cabin	4	1015	Lodge package
Ninilchik	27' Seasport Sea Master	5	275 Per Person	
Valdez	28' Cuddy Cabin	5	395 Per Person	
Anchor Point	26' Koffler Cuddy Cabin	6	250 Per Person	
Homer	48' Motor Yacht	6	2000	
Hoonah	30' Trawler	6	200 Per Person	
Ketchikan	37' Cuddy Cabin	6	865	
Ketchikan	24' Cuddy Cabin	6	~600 Per Person	
Ketchikan	29' Inboard Propulsion	6	175 Per Hour	
Ketchikan	27' Sport fisherman	6	113 Per Hour	
Kodiak	26' Trawler	6	2,180 Per Person	Lodge package
Kodiak	23' Cuddy Cabin	6	2,180 Per Person	Lodge package
Kodiak	33' Custom Charter Boat	6	350 Per Person	
Kupreanof	28' North River Almar	6	570	
Ninilchik	28' North River	6	250	
Ninilchik	27' Cuddy Cabin	6	300 Per Person	
Ninilchik	33' Trawler	6	275 Per Person	
Ouzinkie	42' Power Catamaran	6	350 Per Person	
Pelican	28' Trawler	6	700 Per Person	

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Prince Rupert	26' Zeta	6	1400	
Seldovia	30' Trawler	6	2,495 Per Person	
Seward	22' Cuddy Cabin	6	550	
Seward	24' Hewescraft	6	750	
Sitka	25' Welded Aluminum Landing Craft	6	125 Per Person	
Soldotna	15' Jon Boat	6	1,895+ Per Person	
Valdez	36' Cuddy Cabin	6	395 Per Person	
Whittier	26' Cuddy Cabin	6	910	
Whittier	22' Cuddy Cabin	6	696	
Palmer	17' Skiff	7	50 per hour	
Kodiak	30' "The Runnamuck" Passenger Boat	8	107 Per Hour	
Ninilchik	34' Cuddy Cabin	8	255 Per Person	
Soldotna	20' Center Console	8	250	
Seward	53' Trawler	10	67 Per Hour	
Homer	50' "Whistler" Sportfisherman Boat	12	2800	
Whittier	50' Trawler	12	350 Per Person	
Juneau	50' Trawler	15	715	