

Agenda item C-4

Definition of fishing guide – final action

The Council recommends the following preferred alternative:

Alternative 2. Revise and clarify Federal definitions.

Option 1 (revised).

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 **halibut** 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.

Option 2, Suboption b. Define ‘compensation.’ within the context of sport fishing guide services.

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

The Council intends to review proposed regulatory text for this action prior to submission of the proposed rule to the Secretary for approval.