

INFORMATIONAL SLIDES FOR UNGUIDED RENTAL BOAT DISCUSSION

Prepared by NPFMC staff
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Who is the North Pacific Fishery Management Council and what is its authority relative to this topic?

- The NPFMC (or Council) is one of 8 regional Councils established by the Magnuson-Stevens Fishery Conservation and Management Act to manage fisheries in the U.S. 200-mile Exclusive Economic Zone.
- NPFMC jointly manages U.S. Federal fisheries off Alaska by providing policy recommendations to the National Marine Fisheries Service (NMFS).
- Halibut off Alaska is managed through a U.S.- Canadian agreement - the Northern Pacific Halibut Act of 1982. This Act establishes joint responsibilities for the International Pacific Halibut Commission (IPHC), NMFS and the NPFMC in halibut management.
 - **Pacific halibut is the only recreational fishery in Alaska for which NPMFC/ NMFS has authority.**
 - NPMFC/ NMFS may develop halibut regulations that are in addition to and not in conflict with IPHC regulations.
 - For example, the Council has exercised this authority in the development of Federal regulations for 1) subsistence halibut fishery management measures, 2) the limited access program for charter vessels in the guided sport fishery, and 3) the Individual Fishing Quota (IFQ) Program for the commercial halibut and sablefish fisheries.



How NPFMC may engage in this process

- The NPFMC is prohibited from making recommendations intended to provide support for or against specific State of Alaska legislation, including any direct or indirect attempts to influence the introduction, enactment, or modification of State legislation (50 CFR 600.227).
- The NPFMC may, however, provide technical or factual guidance. Comments must be specific and related to the NPFMC's ability to fulfill the objectives and activities specified under its NOAA Grant and management goals under MSA.

Recent consideration by NPFMC of halibut fishing on unguided rental boats

NPFMC meeting	Document	Focus	NPFMC response
December 2017 (link to agenda item, written testimony, and motion)	Discussion paper	This discussion paper described a possible definition of ‘self-guided halibut rental boat’, presented existing data for unguided halibut harvest overall and types of vessel registration systems that currently exist and may apply. The discussion paper also identified questions for the Council if it wished to move forward.	The Council identified a purpose and need statement and requested an expanded discussion paper to explore mechanisms to create a registry for motorized rental boats.
October 2018 (link to agenda item, written testimony, and motion)	Expanded discussion paper	This discussion paper 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.	The Council initiated an analysis with a set of alternatives to look at 1) establishing an unguided rental vessel registration, and 2) to align bag limits between charter anglers and anglers on unguided rental vessels.
December 2019 (link to agenda item, written testimony, and motion)	Initial Review Analysis	This analysis describes the unguided rental vessel subsector using the best available information, while highlighting the deficiencies of these sources. The analysis considers the logistics of implementing a new registration system for unguided rental vessels and the continued deficiency of not being able to link these registered vessels with halibut harvest. The analysis also considered the alternative of aligning the bag limits between the charter sector and unguided rental boat sector. This alternative may reduce halibut harvest. However, this alternative would also result in enforcement costs, impacts to rental businesses, and without a catch accounting system for this sub-sector the impact of new management measures may not be clear.	The Council took no further action at this time, but requested Council staff coordinate with AFSC, ADF&G, and recreational stakeholders to explore alternative non-regulatory methods to quantify the number and geographic scope of unguided rental boat activities in recreational halibut fisheries off Alaska (*see slide 7 relative to this tasking).

Existing Definitions

Federal

50 CFR 300.61

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 halibut by 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, as defined at § 300.61.

Compensation, for purposes of sport fishing for Pacific halibut in Commission regulatory areas 2C and 3A, means direct or indirect payment, remuneration, or other benefits received in return for services, regardless of the source; for this definition, "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.

State of Alaska

5 AAC 75.995. Definitions.

(a) In addition to the definitions set out in AS 16.05.940, in 5 AAC 47 - 5 AAC 75,

.....

(8) "**charter vessel**" means a vessel 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;

(34) "**charter vessel operator**" means a person engaged in carrying any person on board a 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;

(42) "**sport fishing guide services**"

(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;

(43) "**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;

Existing licenses and registration

- **US Coast Guard**
 - Documents vessels at least 5 net tons. Generally, 25 feet or larger, which excludes many vessels that could be used for unguided services.
- **Alaska Department of Fish & Game (ADF&G)**
 - **Registration for sport fishing businesses and guides**
 - “An owner of a business shall register with the department before the business conducts **sport fishing services....**” (5 AAC 75.075(e))
 - “A person shall register with the department before the person conducts **sport fishing guide services...**” (5 AAC 75.075(f)).
 - **Registration for charter vessels**
 - “Before being used to provide **sport fishing guide services**, a vessel must be registered annually with the department....” (5 AAC 75.077)
 - Side decals are provided for registered vessels, one for each side of the vessel to aid with the enforcement of this registration.
- **Alaska Division of Motor Vehicles (DMV)**
 - All powered and non-powered boats used on waters of Alaska, with some limited exception, required to be registered by the DMV.
 - Registration includes a check-box detailing ‘primary operation’ which includes ‘rental’ and ‘pleasure craft’ as an option.
 - 539 rental vessels registered
 - 38,128 boats registered to 37,597 entities as pleasure craft
 - Limited utility of these data for understanding unguided rental boat trends:
 - May not be audited (self-reported and ‘rental’ not clearly defined in the form)
 - No link to fishing
 - No link to intent to fish halibut or IPHC area

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

<div style="display: flex; justify-content: space-between;"> B1 <div>STATE OF ALASKA DIVISION OF MOTOR VEHICLES</div> </div>								
BOAT TITLE AND REGISTRATION APPLICATION								
TYPE	<input type="checkbox"/> CHANGE OF OWNERSHIP <input type="checkbox"/> NTI (Start Title Process)		<input type="checkbox"/> DUPLICATE TITLE <input type="checkbox"/> CORRECTION / ADD OR REMOVE LIENHOLDER		<input type="checkbox"/> NEW AK TITLE <input type="checkbox"/> REGISTRATION <input type="checkbox"/> LOST TAB		<input type="checkbox"/> LOST REGISTRATION <input type="checkbox"/> OTHER	
	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			
MAKE/BOAT INFORMATION	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
	HULL IDENTIFICATION NUMBER (HIN)		LENGTH (FT)		YEAR		MAKE/BUILDER OF BOAT	
NEW BOAT INFORMATION	VESSEL TYPE		ENGINE DRIVE TYPE		PROPULSION TYPE		PRIMARY OPERATION	
	<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:		<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:		<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		<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		HULL MATERIAL		COLOR HULL		
		<input type="checkbox"/> 1. Gas <input type="checkbox"/> 2. Diesel <input type="checkbox"/> 3. Electric <input type="checkbox"/> 4. None		<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:		<input type="checkbox"/> TRIM <input type="checkbox"/> CABIN		
		Previous State of Title/Registration						
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							

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

Additional information to understand the scope of unguided rental vessels

- **Ad hoc review of websites conducted for Dec 2019 Initial Review Analysis**

- Minimum estimates of 71 businesses offering rentals, 296 boats from Area 2C and 3A
- Several types of operations
 - Bareboat rentals (17)
 - Lodge packages (23)
 - Mixed guided and unguided fishing operations (31)

* Inclusion in this dataset does not assert that these boats are used for fishing or halibut fishing.

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

- [NOAA tech memo](#) prepared by the Alaska Fisheries Science Center presents a characterization of the Alaska charter fleet, including those that have rental boats (D. Lew, K. Ray, & R. Kosaka 2023)

- Lew et al. systematically collected website data from charter businesses to characterize what is offered.
- Started with a list of 564 saltwater charter businesses that were active in 2017 as identified from the ADF&G charter logbook data. Of these businesses, 329 websites were identified, 268 found to be active and included details that could be used.
- For Area 2C, 15 of the 130 charter businesses identified also offered rental boats. In Area 3A, only 4 of the 127 charter businesses identified also offered rental boats.

Persistent challenges and questions for consideration

➤ Challenges in defining the scope of the issue to be addressed:

- Different perspectives have been shared on what the problem is.
- If the problem is halibut harvest by non-Alaskan residents, this cannot be a basis for NPFMC action - under MSA and the Halibut Act the NPFMC cannot discriminate among residents of different states.
- During recent actions considered, review of data available to the Council did not indicate an apparent shift in halibut effort from the charter to the unguided sector and did not support the perception that increased use of rental boats is resulting in more halibut harvested by unguided anglers. While lack of data inhibits the ability to define the problem, designing the appropriate data collection hinges on the intended use of that data collection.
- Sector definition should include the people/ entities intended without providing opportunities to work around the definition.
 - Many types of operations currently exist (e.g., barebone rentals, lodges, mixed guided and unguided fishing operations, etc.)
 - Would a definition apply to the angler or the outfitter?
 - What should be included in the scope of the definition? (e.g. Area 2C and 3A? Non-motorized? Only those harvesting halibut?)

➤ Challenges with creating a registration system:

- A registration system will provide little utility if not linked to a catch accounting system. For example, if not linked to halibut catch, we will continue to have no data on how many rental boats are used to harvest halibut in the unguided sector or how many halibut are harvested on those boats, only how many boats there are. Thus, implementing a costly registration system may not provide enough information to understand the scope of a problem.
- Questions and considerations related to developing a catch accounting/ reporting system are included in the Dec 2019 Initial Review Analysis Section 2.12.1.3 (page 56).

➤ Challenges with enforcement:

- All management and enforcement pieces would be new for this subsector and must fit together to be successful (e.g., what does enforcement need to ensure compliance?)