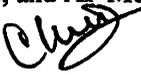


MEMORANDUM

TO: Council, SSC, and AP Members

FROM: Chris Oliver 
Executive Director

DATE: January 28, 2013

SUBJECT: Federal Definition of Halibut Sport Fishing Guide

ESTIMATED TIME 4 HOURS

ACTION REQUIRED:

Review discussion paper and take action as necessary.

BACKGROUND:

In April 2012, the Council received a report from the Office of Law Enforcement highlighting a fishing practice in Area 2C that allows anglers to circumvent guided (charter) daily bag and size limits and allows operators to provide sport fishing guide services without the required Charter Halibut Limited Access Permit (CHLAP) for the Pacific halibut charter sector. The regulations defining charter anglers and operators is important for tracking and managing halibut harvest, particularly in Area 2C, because charter anglers are subject to more restrictive daily bag limits than unguided anglers. Specifically, halibut fishing activities are subject to charter fishery restrictions under Federal regulations only if a guide is "onboard the vessel" with the charter angler and is providing "sport fishing guide services." Beginning in 2011, law enforcement staff observed and received anecdotal reports of businesses offering "unguided" halibut fishing to anglers, where guides provide assistance to anglers for compensation from adjacent vessels or shore, presumably to circumvent the Federal regulations that limit charter halibut anglers. The State definition of "sport fishing guide services" does not require the guide to be aboard the vessel with clients.

Based on this information, the Council requested a discussion paper to review the different Federal and State definitions of a charter guide in order to determine if the current Federal regulatory definitions used to determine charter fishing are consistent with its intent for management of the charter halibut harvests. The discussion paper is attached as Item D-1(a).

Two businesses each year from 2010 through July 2012 that submitted ADF&G charter logbooks are believed to have routinely offered guide-assisted halibut fishing that did not meet the Federal definition of "sport fishing guide services." It is possible that more businesses engaging in this fishing practice have not been detected, but staff is unable to estimate the number based on available information. If the Council wishes to pursue a regulatory amendment to curtail this type of guide-assisted halibut fishing by what appears to be a small number of businesses, staff suggests that the analysis and development of such a regulatory amendment should include a review of relevant Federal and State regulations governing the definition of charter fishing activities to ensure a clear and consistent approach among CHLAP, State logbook, and charter harvest requirements and restrictions. Alternatively, the Council may choose to take no action at this time and reevaluate the need for action in the future since the CHLAP Program has been in effect for only two years.