

**Council motion on D-1: Federal Definition of Sport Fishing Guide Services
February 10, 2013**

The Council approves the following problem statement and alternatives for analysis.

The Council has received information highlighting halibut fishing practices in Area 2C that allow anglers to circumvent guided daily bag and size limits, and allows operators to provide sport fishing guide services without required Charter Halibut Permits (CHPs) for the Pacific halibut charter sector. It may be necessary to revise and clarify federal definitions of terms including 'sport fishing guide services', 'compensation', and 'assistance', to meet Council intent to define guided halibut fishing. The current loopholes not only affect the CHP program but, as long as differential bag and size limits exist in Area 2C, and if they expand to Area 3A in the future, have the potential to increase the overall removals of halibut and affect other sectors that use the halibut resource.

Alternative 1. No action

Alternative 2. Revise and clarify the federal definition of sport fishing guide services.

Option 1. Revise the definition to remove the language "by being onboard a vessel with such person".

Option 2. Define 'compensation' within the definition of sport fishing guide services.

Suboption 1. The definition of 'compensation' would be aligned with the proposed State of Alaska definition, if the proposed state definition is amended to replace "actual" daily expenses with "reasonable" daily expenses.

Option 3. Define 'assistance' within the definition of sport fishing guide services.

Suboption 1. Examples of assistance include, but are not limited to, providing a handheld GPS unit containing coordinates for halibut fishing locations.

Rationale:

The intent of Alternative 2 is to work with the State of Alaska to align all regulations regarding sport fishing guide services for Pacific halibut. The Council may choose any combination of the options and suboptions under Alternative 2, and none are mutually exclusive.

It is not the intention to change the allocation to the charter sector under the halibut Catch Sharing Plan or increase the number of charter halibut permits initially issued under the charter halibut limited access program.

The proposed State definition of 'compensation' that I refer to in Option 2 is provided on p. 4 of our discussion paper.

It is assumed that staff would need to discuss and analyze possible definitions of assistance under Option 3, Suboption 1, as there may be other examples that need to be included. However, I have included the one definition that I explicitly want to consider within the definition of 'guided' fishing. (Currently the State does not interpret providing GPS coordinates to an angler as 'sport fishing guide services'.)