

# Alaska's Marine Resources

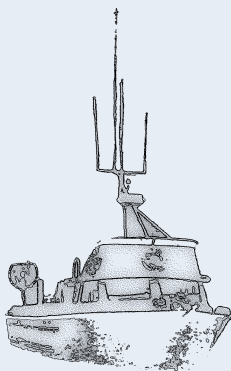
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## A Charter Boat Operator's Guide

D. Douglas Coughenower, Professor, MAP Kenai Peninsula

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So you have decided to become a charter operator, now what? This edition of Alaska's Marine Resources will begin to answer some of your questions. How, or if, you use this information is up to you. But with it, you are starting out with more information on how to start a charter business than ever existed before. It's quite possible that even an experienced charter operator can learn something from this publication.

The charter boat industry in Alaska has grown significantly in the last ten years. In the early 1980s, a few boats operated out of the major Alaskan ports taking customers out to fish, primarily for halibut and salmon. Today, in ports like Homer, Ketchikan, Juneau, and Sitka more than 100 boats are available to serve the needs of a growing resident and non-resident customer base. Not only does the charter boat industry have a presence at all of the major port cities in Alaska, it also has a significant presence on major fresh water rivers of the state like the Kenai, Susitna, and Copper. New but growing is a fledgling charter boat industry in less accessible fresh and marine waters of Western Alaska. From the Canadian border to the Seward Peninsula, charter boat fishing and guide services are springing up.

While fishing is still the backbone of the charter industry in Alaska, other forms of charter excursions are growing in popularity. With the rapid expansion of the ecotourism movement throughout the world we are beginning to see a perceptible shift from consumptive charter activities (i.e., fishing and hunting) to non-consumptive uses like sightseeing, photography, mammal-watching, and catch-and-release fishing. As harvestable resources become more regulated and harder to find, there is little doubt that this trend will continue.

The growth of the Alaskan charter industry has been accompanied by the normal growing pains of a developing industry, especially a visitor-based industry. Every year new operators enter this industry with big plans and grand ideas about how they will succeed. At the same time, charter operators leave the industry because their plans didn't work out.

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# Permits and Licenses

Terry Johnson, Associate Professor, MAP Western Alaska

Recreational boating and even commercial fishing are relatively unregulated activities because the government assumes that participants understand the risks involved and assume them willingly. But when it comes to carrying passengers for a fee, a different set of standards applies. As with the air transportation industry, the government takes a major role in ensuring the safety of the traveling public. The agency charged with regulating marine transportation safety is the U.S. Coast Guard.

## Coast Guard Licenses

Vessel operators who carry *passengers for hire* upon the *navigable waters of the United States* are required to carry the appropriate license issued by the Coast Guard.

Passengers for hire are any persons who exchange cash or other considerations for their passage, and that includes clients of lodges and other businesses who receive boat transportation as part of the contracted service. Navigable waters include all tidal or tidally-influenced waters, and specified lakes and rivers. In Alaska more than 30 lakes and rivers have been declared navigable by the Coast Guard. To carry passengers for hire on lakes and rivers other than those classified navigable, does not require a Coast Guard license.

If you want to take paying passengers out on any navigable waterway in a motor-powered boat, you must first possess one of two classes of Coast Guard license, either an Operator Uninspected Passenger Vessel (OUPV), or a Master Steam or Motor Vessels.

A Master license is required for operation of an *inspected* passenger vessel; that is, a vessel specifically designed and built to carry passengers for hire, which is annually inspected for compliance and seaworthiness for carrying specific numbers of passengers, and which is classified by gross tons. Master licenses are issued for 25, 50, 100, 150 and 200 gross tons, depending on the size of vessels on which the operator received his or her qualifying sea service experience. Master licenses are endorsed for Inland, Near Coastal, or Ocean service, again based on where the operator has experience.

The OUPV permits operation of *uninspected* vessels, which includes most recreational and commercial fishing vessels. Holders of OUPVs are limited to carrying six or fewer passengers, hence the nickname “six-pack.” OUPVs are also endorsed for inland, near coastal and ocean use, and in addition there are endorsements for some very specific kinds of operations. In Alaska, for example, there is a “Remote Rivers” endorsement which

allows the holder to operate only on the Kenai, Susitna, Kuskokwim, and Yukon rivers; and a “Remote Waters of Western Alaska” endorsement which pertains to some specified waters in the Bristol Bay region.

Licenses are valid for a period of five years. If, during the five-year period, the holder has operated a motor vessel at least 360 days, he or she can simply fill out an application for renewal, provide a current physical, drug test, and first aid/CPR card; pay the appropriate fee, and a new license will be issued. If the license holder operated fewer than 360 days, he or she must do the above, plus pass an extensive open-book written test. At the end of the initial five-year period, the license will expire if not renewed, but the holder has a one-year grace period in which to apply for a renewal through either of the above means. At the end of the grace period the licensee no longer has any valid standing with the Coast Guard and must start over again as a new applicant.

## Qualifying for a Coast Guard License

Basic qualifications for Master and OUPV licenses are essentially the same, except that some classes of Master licenses require more sea service than others. Applicants must submit several kinds of information to the Coast Guard, including:

- A completed form called “Application for License as Officer, Staff Officer, Operator, and Merchant Mariner’s Document”
- A completed driver registry consent form
- A medical form filled out by a physician
- A police background check consent form
- Birth certificate or passport
- Proof of Social Security number
- Fingerprints
- Results of a urinalysis drug test
- Proof of current valid first aid and CPR training
- Three letters of reference or recommendation
- A completed Sea Service form showing 360 days of boat operating or crewing experience including 90 days in the last three years.

The pertinent forms and instructions are available in the form of an application packet titled USCG Merchant Marine License Requirements, available from the Regional Exam Center in Anchorage and Juneau.

Documentation of sea time is often the most difficult part of the process for applicants. If you acquired your sea time on your own vessel you can attest to your own

time, but you must provide proof of ownership of the vessel(s) on which you claim the time, in the form of copies of certificates of documentation or state registration. If you claim time on a boat owned by someone else, you must obtain notarized affidavits from the owners and/or skippers of those vessels, attesting that you served for the days claimed. Tracking down previous owners and skippers, and getting them to send in the affidavits, can hold up an application.

An applicant may be disqualified if he or she: is under 18 years of age, fails to pass the physical or drug test, has a recent or repeat history of criminal offenses or drunk driving offenses, or fails to disclose a past criminal record on the appropriate form. However, qualification is based on a subjective evaluation by a Coast Guard officer, and applicants may receive waivers for some of the above problems if they can present a convincing written justification to the reviewing officer.

After the Coast Guard has evaluated the above information and found the candidate eligible, he or she must then score a passing grade on a written test, and pay application processing fees.

Fees currently are \$45 for qualifications evaluation, \$80 for the exam, and \$35 for license issuance, for a total of \$180.

The written tests for the Remote Rivers and Remote Waters licenses are short (50 questions), fairly simple, and requires a score of only 70 percent to pass. Tests for the OUPV and Master licenses are longer and more difficult, involve navigational plotting problems, and the Rules of the Road portion requires a 90 percent score to pass. If you flunk a section of the test you can re-take that section, but the Coast Guard examiner imposes limits on the number of times and the time period in which you are allowed to re-test. Check with your local regional exam center for the rules.

There is no requirement to take a license prep training course, but most applicants find it difficult or impossible to pass the written test without some assistance, either in the form of classroom training or a commercial self-study program.

## Radio Licenses

Radio frequencies are regulated by Federal Communications Commission (FCC), and rules regarding radio licensing have been changing. Under current rules, there is no requirement to license Citizens Band (CB) and marine Very High Frequency (VHF) radios, nor is there any longer a requirement for a radio operator license to operate VHF equipment. However, single sideband (SSB) radios and certain other kinds of communications equipment must be licensed with the FCC.

Application for the SSB license is accomplished on a form known as FCC 506, and application fee is \$75.

Operators of *inspected* passenger vessels, as well as other vessels for which a radio is required, must license their VHF and SSB radios using the FCC 506 and, in addition must apply for the Restricted Radiotelephone Operator Permit, using form FCC 753. Application fee is \$45.

Other forms are required for licenses to operate VHF, SSB, and other radios as base stations. Check with the FCC for the latest rules concerning base stations, and for current forms and fees for the licenses which may pertain to your type of operation.

## State Business License

All businesses operating in the state must have a state business license, issued by the Div. of Occupational Licensing of the Department of Commerce and Economic Development. The license is valid two years and the cost is \$50. The application form contains a numerical code for the type of business, and the correct code in most cases will be 4400 for water transportation. A separate business license is required for each type of activity in which a business is involved, even if the various services are provided under the same name.

## Transporter License

To carry big game hunters to the field aboard your boat (or airplane, snow machine or ATV) you must first possess a Transporter License. It is required only for carrying big game hunters; it is not required to carry fishermen, photographers, or duck hunters. A Transporter may provide transportation services in the field and accommodations at a lodge or cabin or aboard a boat. He or she may not guide clients to game or assist in the harvesting, dressing, butchering or packing of the game.

The Transporter License is issued by the Dept. of Commerce and Economic Development, for an annual



# Permits and Licenses *continued*

fee of \$150 plus an application fee of \$50. The applicant must certify that he or she has not been convicted of, nor is under investigation for, violation of hunting regulations in the U.S. or Canada. In lodge operations, the owner of the boats apply for the permits. To renew, the applicant must submit the required report on the preceding season's operations, and pay the annual fee. Previously, a Commercial Use Permit was required in conjunction with the Transporter License, but that permit has been eliminated.

To guide big game hunters you need first to work for a specified number of seasons as an assistant guide, pass a test, obtain a guide license, and acquire guiding rights to a territory.

## **Vessel License and Registration**

All motor-powered vessels must be registered with the Coast Guard. Registration is accomplished with submission of a completed application form and payment of \$6. The applicant receives a certificate which assigns the vessel a registration number that starts with the letters AK, as well as colored stickers with an expiration date. The boat owner is required to affix the colored sticker and the assigned number on both sides of the bow. The registration serves as proof of ownership, and should be transferred when the boat is sold. Registration is valid for three years.

All vessels used in sport fishing guide or charter operations, including canoes and rafts, must be licensed as a commercial fishing vessel with the Commercial Fisheries Entry Commission. Registration for vessels 25 feet long and less costs \$20, 25-50 ft. is \$50. The owner receives an ADFG triangle plate and is assigned a registration number. Charter boats operating in saltwater in Southeast Alaska must display the numbers a foot high on both sides. All others need not have the number painted on the sides, but must carry the registration certificate and display the ADFG license triangle. Motor vessels must have a vessel documentation certificate or Coast Guard registration certificate before an ADFG license will be issued. ADFG registration must be renewed annually.

## **Sport Fishing Guide Registration**

All sport fishing guide operations must be registered with the Dept. of Fish and Game. Registration forms can be obtained from local ADFG offices, or by mail from the Sport Fish office in Anchorage. All guides working for an operation must be listed on the registration form. There is no registration fee.

## **Sport Fishing Guide License**

A bill introduced in the Alaska Legislature in 1996 would have created a sport fishing guide service operator's license and a sport fishing guide license. The former would have been for the owner of the lodge or business which contracted with clients; the latter would have applied to the actual guide who is out in the boat with the clients. The license program outlined requirements for both classes of licensees, including a minimum age, first aid/CPR training, and liability insurance. However, the Legislature failed to pass the bill during the session. There remains the possibility that it may be reintroduced and passed by later Legislatures, so prospective sport fishing guides are advised to check with ADFG about any new licensing requirement well in advance of each new season.

## **Other Requirements**

Any business feeding ten or more persons per day, including employees, is subject to Food Service Inspection by the Dept. of Environmental Conservation. DEC requirements for food service apply to drinking water (surface water must be treated and filtered, for example), waste water, solid waste disposal, and outhouses. DEC personnel out of Anchorage have reportedly been inspecting guiding operations for compliance; anonymous reports from rival operators are not uncommon.

Local boroughs and municipalities may require persons doing business within their boundaries to obtain a local business license, and remit local sales or business taxes.

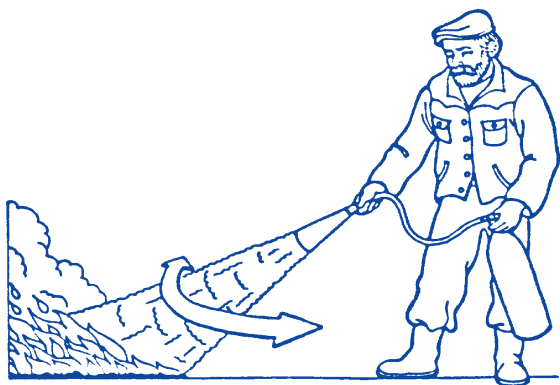
All businesses which hire employees have responsibilities to withhold federal income tax, provide workers' compensation coverage, and pay into the unemployment insurance program. Some business owners try to circumvent these requirements by claiming their workers are independent contractors, but the IRS applies very narrow definitions of contractor. In the event that a worker is a contractor or a service provider not in the employment of the guide service or lodge owner, that owner is required to send a Form 1099 showing the amount paid that person during the year, and submit a copy along with a Form 1096 to the IRS. For more detailed information on these and other business matters, contact the Dept. of Commerce and Economic Development for a copy of Establishing a Business in Alaska and the Dept. of Labor for Alaska Employer Handbook.

# Safety Equipment and Vessel Standards

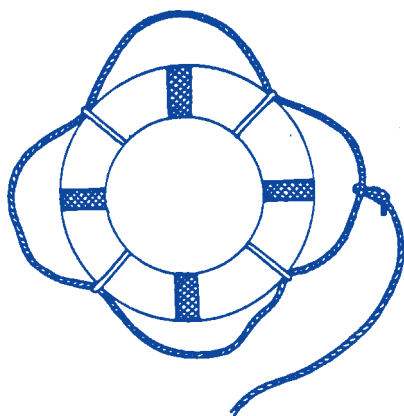
Terry Johnson, Associate Professor, MAP Western Alaska

A six-pack license is just the first step toward meeting all the Coast Guard requirements for carrying passengers for hire. Title 46 of the Code of Federal Regulations (46 CFR) spells out vessel safety equipment requirements, safety checklists, and safety orientations.

Small uninspected passenger vessels adhere to pretty much the same safety equipment standards which apply to recreational vessels, with a few notable exceptions. They must show registration numbers, display the correct navigation lights if operating during darkness or periods of reduced visibility, carry the correct visual distress signals, have engine and fuel space ventilation, carry a sound-producing device, and must display the same pollution control placards as are required for recreational vessels.



In addition, uninspected passenger vessels must carry fire extinguishers (one B-I for vessels under 26 feet in length, two B-Is or one B-II for vessels 26-40 feet). Also there are more stringent controls on the kinds of cooking and heating fuels they can use (for example, propane systems are prohibited unless installed to American Boat and Yacht Council, ABYC, or National Fire Protection Association, NFPA, standards).



Passenger vessels must carry one *Type I* personal flotation device (PFD) for each person onboard, plus a Type IV throwable device. Each Type I PFD must have 31 square feet of reflective tape on each side. (Recreational boaters have a choice of carrying a Type I, II, III or V PFD for each person, and Type I devices are not commonly carried, so this rule applies a more stringent requirement on passenger-carrying boats. In addition, aboard passenger vessels 26 feet long and greater, the Type IV throwable device must be a ring buoy.

Be sure to refer to the Coast Guard publication "Federal Requirements and Safety Tips for Recreational Boats" for a complete list of the basic equipment requirements, and get a copy of 46 CFR for the additional requirements which pertain to uninspected passenger boats. Requirements for inspected vessels are much more extensive.

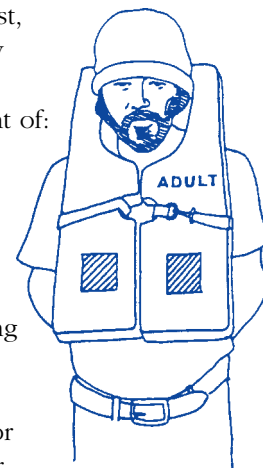
## Checklist and Safety Orientation

Also contained in 46 CFR are requirements that passenger vessels carry, posted in a conspicuous location, an emergency procedures checklist, which provides location of key safety equipment, and details actions to be taken in the event of:

- rough weather at sea or crossing a hazardous bar
- man overboard
- fire at sea.

In addition, prior to getting underway in any vessel carrying six or fewer passengers, the captain has to make a public announcement to passengers or circulate instructive placards or both to acquaint passengers with:

- location of life preservers
- proper donning and adjustment of life preservers
- type and location of all lifesaving devices aboard the boat, and
- location and contents of the emergency checkoff list, above.



# Drug and Alcohol Testing

D. Douglas Coughenower, Professor, MAP Kenai Peninsula

Drug and alcohol testing for vessel personnel, who are required to have a license issued by the United States Coast Guard, was first proposed in late 1988. The rules and regulations governing this testing program were formalized in the early 1990s. Any officer or crewmember who holds a license, Certificate of Registry (COR), or Merchant Mariner's Document (MMD) is required to participate in this testing program. Other unlicensed people onboard a vessel may be required to participate in the testing program depending on their role in the vessel's operation.

In 1995, the Coast Guard indicated their intention to step up the enforcement of the program by creating Drug and Alcohol Program Inspector (DAPI) positions in each of the ten Coast Guard Districts throughout the United States. For Alaska, that position is located in Anchorage.

For Alaska's charter and tour boat industry, this means that all vessel Captains and other license holders participating in the operation of the vessel must be tested for drugs and alcohol. Some non-licensed crewmembers and deckhands may be required to be tested, especially if they perform duties and functions directly related to the safe operation of the vessel.

Under the current drug and alcohol program, only the following substances are tested: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP), and alcohol. Drug testing is done through urine analysis and alcohol testing is done with a blood or breath sample.

It is the employer's responsibility to see that all provisions of the Coast Guard's Drug and Alcohol Testing Program are carried out, even if the employer is also the employee in a owner/operator operation. The employer must see that at least 50 percent of their covered employees are tested each year.

The employer will safeguard the confidentiality of the program and shall not release drug testing information except to the person who was tested, to a third party that the tested person specifies in writing, or to the Coast Guard. They must also establish an Employee Assistance Program (EAP) which provides education, information, and training on the effects of drug and alcohol.

The employer is also responsible for annual reporting of the results of their testing program to the Coast Guard's Management Information System (MIS). If the employer and employees are members of a drug testing consortium then this data may be submitted by the consortium. However, it remains the employer's responsibility to ensure that the data is submitted and is accurate.

There are five types of testing required under this program;

**Pre-employment Testing:** A crewmember must pass a drug test before an employer may employ him/her. A person cannot begin work until the results of this test are released. If a prospective employee can show proof that he/she passed a Coast Guard drug test within the previous six months or that they have been part of a random drug testing program for the previous 60 days, no pre-employment test is required.

However, an employer is not required to exempt prospective employee from pre-employment testing.

**Random Drug Testing:** A marine employer must establish a program for random drug testing of all employees who qualify under the Drug and Alcohol Testing Program, as discussed above. In a random testing program, each crewmember must have a substantially equal chance of being selected for testing, and annually at least 50 percent of the qualified employees must be tested. There are a number of state and national drug testing consortiums that charter operators find are the most convenient way to handle drug and alcohol testing.

**Periodic Testing:** Periodic drug and alcohol test are the responsibility of the individual mariner, not the employer. These tests are usually required when applying for or renewing a Coast Guard license, and the test results are submitted directly to the Coast Guard Regional Exam Center.

**Reasonable Cause Testing:** A employer shall require any crewmember who is suspected of using a dangerous drug to be tested. When the employer determines that reasonable cause exists, the individual must be informed of the fact and directed to test as soon as practicable. Any refusal or other response should be logged. Reasonable cause means a probability exists, based on some evidence (direct observation, physical,



behavioral, or performance indication), that a crewmember is intoxicated or has used drugs.

**Post-accident Testing:** When a marine casualty, discharge of oil, or release of a hazardous substance occurs, the marine employer needs to make a timely, good faith determination as to whether the event is or is likely to become a serious marine incident. The employer shall require all persons (not limited to crewmembers) onboard the vessel who are determined to be directly involved in the serious marine incident to be chemically tested for drugs and alcohol. A serious marine incident is defined by 46 CFR 4.03-2.

For a more complete discussion of drug and alcohol testing you can contact Alaska's DAPI, Marine Safety Office Anchorage at (907) 271-6714. The office is also available to conduct courtesy reviews of chemical testing programs or to make employer group presentations on the chemical testing requirements.



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# Marketing Your Charter Business

D. Douglas Coughenower, Professor, MAP Kenai Peninsula

For most new charter operators, one of the last things they think about, even though it should be first, is marketing their business. Charter owner/operators get so wrapped up in the fun stuff: buying or building a boat, acquiring the best fishing tackle and electronic gear, deciding when and where to fish or tour, that the most important item, the customer, somehow gets left 'til last.

How do you get someone to choose your business over all of the other boats parked in your town's harbor? Some people will tell you that marketing is marketing whether you are trying to sell a TV, an automobile or a boat ride. To some extent this is true. There are certain basic marketing principles that apply to nearly every product or service and many of these can be learned by reading or studying marketing concepts. However, there comes a point at which the marketing of products and services diverge and as a charter boat operator you are really selling an experience.

Even more than an experience, you are hoping to sell (or create) a relationship with your customer. Thus "Relationship Marketing" is the real essence of building

a charter business. In relationship marketing, you realize that your best and most economical form of advertisement is a satisfied customer. Not only will satisfied customers come back and bring their friends with them, they will work for you for free, year around, telling others about your business. To create this satisfied customer is not easy but then no one said this was an easy business, did they?

In 1985, charter fishing customers in Homer, Alaska, were asked why they chose a particular charter company? Thirty-eight percent based their selection on the "recommendation of others," the second largest response-18%, was "good reputation" (of the company); and in third place at 14% was "success in the past." All three of these responses, representing 70% of all the responses, can be traced to relationship marketing.

In this same survey, when asked what they liked most about their charter experience, the largest response, 38%, said "the captain, crew, and staff." This again points to building good, solid relationships with your customers by knowing what they want from their charter experience and doing your best to give it to them.

## Marketing Your Charter Business *continued*

Perhaps the best way to explain the basics of relationship marketing is through a series of quotes and concepts from a publication, “Marketing Your Charter Boat Experience: Putting Relationships to Work,” by Bruce De Young.

“It’s important to remember that this is a people business, not a fish business or an experience business. Clients, competitors and booking brokers can help or hurt you—depending on how they are treated.”

“While mass media allows the recognition of the presence of an organization, it takes one-to-one communications to build and maintain client commitment. This business activity is called relationship marketing.”

“Effective relationship marketing helps build business by retaining existing clients and obtaining new ones through the established ones.”

“People have to like you if they’re going to be loyal to you. You can’t stay up in the wheelhouse with the door closed and never come out. You have to get out on deck and mingle . . . getting to know people’s names and faces. It’s like being a politician who’s running for reelection everyday.”

“Whereas goods are manufactured, services are performed. In the case of charter boats, the performance can be customized to fit a client’s particular needs.

“The trick is asking and listening rather than telling and demanding.”

“The off season is a particularly good time to practice loyalty through PFS (Personal Friendly Service).”

“We get more repeat business from charter groups catching few fish . . . but despite this, perceive that they were well served by the deck crew and a determined captain . . . than days when we bailed fish. In fact, catching too many fish may actually be a detriment to repeat business because you can’t give clients the personal service and attention they desire.”

“Manage your client’s perception of your service.”

“An important, but sometimes overlooked business factor to be managed, is the physical appearance of the boat and staff.”

“Mates are my sales representatives. If they do their job right, the patron leaves satisfied and ready to rebook. In many ways, the boat and captain are part of the stage, with the mate performing an opening night role for each charter trip. I’d rather take a person having a good attitude about people and teach him or her fishing skills then have an expert angler who turns off my clients with his personality. My mate makes or breaks the business by the way clients are treated. If my mate isn’t getting good tips, something is wrong that needs correcting in a hurry.”

“A lot of captains want to be top hook in their port . . . it’s kind of a macho thing. During my 35 years of chartering I’ve learned that the name of the game is understanding and servicing the recreational desires of clients, not your own ego.”

“In service businesses, like charter boats, quality is judged by clients rather than by the provider. This is why successful captains are soliciting feedback from clients throughout the charter experience.”

“Clients don’t care how much you know until they see how much you care.”

All of the above quotations are from actual charter captains. These captains have learned that the kind of experience you give your clients can greatly influence the future of their business. The starting point for all relationship marketing efforts is understanding your business interests and biases.

This brief article just scratches the surface of marketing and customer satisfaction. Look for a more in-depth treatment of this subject in the forthcoming, expanded version of the Charter Operator’s Guide.





# Land Use Permits

Terry Johnson, Associate Professor, MAP Western Alaska

Charter boat operators who conduct their business strictly on the water don't usually have to concern themselves with land use matters. But fishing guides, hunting transporters, ecotourism operators, and others who land their clients or place camps or other facilities on the shore or uplands have to obtain permission to use those lands. All land in Alaska is in some form of public or private ownership and permission of the landowner is required for commercial use in virtually all cases.

Operations within federal wildlife refuges, state parks or other special use areas are regulated by the respective agencies, while use of private lands, such as those owned by Native corporations or individuals, may be subject to governmental regulations in addition to the rules of the landowner. The first step toward operating legally is to determine who owns the land and to determine what permits are required.

On state land the Dept. of Natural Resources, Div. of Lands, requires either a Registration or a Land Use Permit for temporary commercial on-shore and/or "floating facilities" (including anchored boats, houseboats or rafts), depending on the length of time in place. Registration permits for "mobile" or short-term camps which can be in place no more than 14 days can be purchased for \$350. Land use permits are required for camps in place more than 14 days and the fee varies from \$350 to \$1000, depending on the length of use. The application approval can take months and requires the operator to provide various kinds of information about the operation. In addition to the permit fee, there is a \$100 filing fee and a \$1000 performance bond, which is refundable on DNR's receipt of a satisfactory "completion report"—complete with pictures and a map—detailing cleanup and restoration work. Applications are available from DNR Div. of Lands.

Federal lands are controlled by the agencies administering each specific administrative unit. For example, the National Park Service issues commercial use licenses for activities within park boundaries which involve no

seasonal or permanent camps. Liability insurance and Workers' Compensation coverage are required. License fee is \$75 plus \$25 for each park listed on the license.

The U.S. Fish and Wildlife Service manages national wildlife refuge lands and regulates commercial use through a permit system. Each refuge management administers its own management plan, so the terms and conditions of permits varies. Some refuges charge a flat \$100 per year for a special use permit, while others award sport fishing and hunting guiding permits for periods of five years, on the basis of a competitive proposal system. Under the competitive system, applicants submit an operation proposal which details their planned operation, experience, and proposed client/day fees to be paid to the refuge.

Much of the best lake, river, and bay frontage in Alaska is in Native ownership, either as individual allotments or as corporation lands. Any individual or business can make an arrangement to lease Native allotment lands from the owners for private or commercial use. In some cases, regional Native associations maintain a realty office which helps facilitate lease arrangements between Native

landowners and lessees. Village and regional corporations also will lease lands to commercial businesses, or will sell seasonal commercial use permits which authorize camps, boat and gear storage, and other uses. Contact the local corporation for information.

Under state law, lands below mean high tide and mean high water on lakes and rivers are state land and not subject to the restrictions imposed by the adjacent upland owners. This means that you can camp on and use lands on gravel bars where there is no perennial vegetation, but commercial use requires a state permit. However, some landowners do not recognize state authority over these lands and may dispute an individual's right to occupy those locations. In addition, federal land agencies such as the Fish and Wildlife Service and the National Park Service take the position

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STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF LAND  
COMMERCIAL RECREATION PERMIT  
Under AS 38.05.490

CALENDAR YEAR: 1997 LAS: \_\_\_\_\_ (Receipt Code: 7B)  
This permit is required of any commercial business entering and using short term (portable) camps on state owned land managed by the Division of Land. Check land status. Be sure the land you plan to use is state owned land managed by the Division of Land and its use is not excluded in Condition #1 of this permit.

Name of Commercial Recreation Guide/Operator: \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
Telephone Number Business: \_\_\_\_\_ Home: \_\_\_\_\_ FAX: \_\_\_\_\_  
Business and/or Guide License Number(s): \_\_\_\_\_

Check type of recreation opportunities to be offered on state owned land managed by the Division of Land and provide a general description of the location of such activity.  
\_\_\_\_ Big Game Guiding (List up to 3 Guide Use Areas)  
\_\_\_\_ Big Game Guide/Outfitter. Sections of guide use areas consisting of state owned islands, riverfront land that are adjacent to or public lands are not covered under this permit unless the permittee has secured the permission of the owner to conduct a similar activity.  
\_\_\_\_ Sportfishing (List river corridors, lakes, etc.)  
\_\_\_\_ Boating/Rafting/Kayaking (List river corridors, lakes, etc.)  
Other Recreations (Type and general geographic description): \_\_\_\_\_

Average number of assistant guides to be employed at any point in time during the permit term: \_\_\_\_\_  
Circle months of operation on state owned land (for Feb. Mar. Apr. May June July Aug. Sept. Oct. Nov. Dec.)  
Receive the following permit conditions and sign the last page of this document. Mail or bring the signed permit along with the appropriate fee to our office based on the last page of this document. Checks should be made payable to the Alaska Department of Revenue. (See fee schedule on the last page of this document.)

Permit Conditions:  
1) Authorized Use: This permit authorizes the permittee to enter and/or use short term (portable) camps on identified state owned land managed by the Division of Land, excluding sections of those identified lands that are located within the boundaries of State of Alaska National Parks, National Historical Areas and Subdivisions. The permittee will enter and/or use these terms (portable) camps only in conjunction with the identified commercial recreation activities.  
2) Permit Term: The term of this authorization is from the first day to the last day of each of the above identified months.

20-420 (Rev. 1/96)

# The Charter Boat Business

Terry Johnson, Associate Professor, MAP Western Alaska



As any charter boat operator or fishing guide will tell you, they aren't in the fish business, they are in the people business. Sure, it's important that your customers catch fish, but it's more important that they are safe and comfortable, and that they have fun. At the same time, if you want to survive and prosper, you have to generate a profit.

Before you make a big commitment in boat, equipment, Coast Guard licenses and so forth, be sure to give some thought to the other factors involved in making yours a successful business, including (but not limited to):


- Business planning and management
- Insurance
- Marketing
- Customer satisfaction.

Like any businessperson, a would-be guide or charter boat operator should begin with a written business plan. If you intend to borrow from a bank or other lending institution, you will probably be required to produce a written plan. But even if you're not borrowing, you owe it to yourself to write down your plan so that you, your spouse, your friends and relatives, will understand what you intend to do and how you will do it.

In the plan you should describe your enterprise, what services you will provide, who your customers will be, what your fees will be, what cash and equipment you are bringing into the business, and what liabilities you have. You should project income and expenses for the first year, and for several years afterward. You will have to guess at a lot of the information which goes into the plan, but make the most realistic guesses you can, and then read it over and see if anyone reading it would be convinced that the business would be profitable. If it doesn't appear profitable, try to figure out what to do about it.

Advice on business start-up and samples of business plans are available from several sources, including the Alaska Business Development Center, and the Rural Tourism Center.

Remember that as soon as you start a business you incur various obligations concerning business licensing, taxes, employees, and record keeping. Unless you have experience in business management, pay a bookkeeper or accountant to help you set up your books and make sure that you comply with all the legal requirements.



In most cases there currently is no legal requirement that you carry insurance on your operation. But as a professional and businessperson, you have a practical need and an ethical obligation to your customers, to your family, and to the industry as a whole to carry adequate liability insurance. Even a relatively minor accident—maybe not even your fault—could result in a lawsuit which may cost you your boat, your personal property and a big chunk of your future earnings. Without adequate insurance, an innocent customer of yours could be faced with lifelong medical or living costs which may not be covered by other sources, and this kind of incident could give the whole Alaska charter boat industry a black eye. Indications are that before long legislation will mandate liability insurance, so why not get ahead of the curve and buy a policy which suits your own needs?

You will have to consider several kinds of insurance including coverage of your boat (called “hull and machinery”), liability coverage for your crew (called “protection and indemnity” or “P&I”) and liability

coverage on your passengers. To take it a step further, your passenger liability policy will probably only cover customers while they are on board your boat; if you set them on the shore to fish or engage in other activities off the boat, or if you use inflatables, rafts or other non-standard vessels, you will probably need the liability coverage provided through “guides and outfitters” policies. If you operate within federal parks or refuges you will probably be required by the permitting agency to show proof of liability coverage which is written to protect the government as well as you from liability lawsuits.

Go to established insurance agents who specialize in marine and guides and outfitters policies to get the best coverage, and shop around since rates and coverages vary. Relative to the overall costs and revenues of a successful charter boat or guiding operation, insurance rates are not exorbitant, and a good policy brings great peace of mind.

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## A Charter Boat Operator's Guide

*continued from front page*

The purpose of this publication is to make readily accessible some of the information that anyone starting a charter business ought to know. The majority of people who enter this industry have two things in common, they own a boat and they love to go fishing (or be on the water). If you ask them what else it takes to have a successful charter business, they probably won't know how to answer.

If you ask an experienced charter boat operator what kind of knowledge and skills it takes to run their business, an hour later you will still be writing down what they said. First and foremost, chartering is a people oriented business, and these three words require more knowledge, skills, and information than most new operators ever dreamed of.

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## Land Use Permits

*continued from page 9*

that they possess management authority over all lands within their boundaries, including those below normal high water, and in fact exercise control over uses of the waters within their boundaries even when operators don't set foot on the land. The situation becomes further complicated when private lands, such as Native allotments, are located within federal or state jurisdictions.

It is the federal position that, if a Native inholding occurs within the boundaries of a refuge and the owner of the land leases it for commercial use, the commercial operator needs a federal permit to conduct guiding activities based on that land but occurring on the adjacent waters.

For the would-be commercial operator, the caveat is: make a very careful attempt to determine who owns the land where you wish to base your operation, and who exercises management authority over the waters where you intend to operate, and apply for the appropriate permits. Make sure all agreements are in writing and legally binding. Be prepared to spend cash and to comply with various stipulations in exchange for the privilege of conducting your operation.

# Viewing Marine Mammals Responsibly

Kate M. Wynne, MAP Marine Mammal Specialist, Kodiak

We saw the whale surface 100 ft. ahead in the tide-rip where we drifted, jigging for cod. Our initial excitement was heightened by the realization that, at its current course and speed, the 25 ft. minke whale would soon be resurfacing under our 13 ft. skiff! As the seconds ticked by and we braced for impact, we couldn't help but lean over the rail to watch the whale rise silently beneath us. It was 15 years ago but I remember every detail of the whale as it surfaced within arm's reach, made eye contact with us, and rolled gently past without touching our skiff. Keenly aware of our exact location, the whale had established the terms of contact and acceptable distance between us; the result was a mutually positive experience.

The public's desire for similar, indelible marine mammal viewing memories has fueled a burgeoning whale watching industry and created huge economic opportunities for charter operators worldwide. As the industry grows, increasing numbers of boats and people are getting closer to cetaceans, sea otters, and pinnipeds than ever. While "close" is obviously good for tour operators and the camera-clicking public, how close is legal, ethical, and acceptable to the marine mammal?

The visual and auditory senses of all marine mammals are acute but the degree to which human-related vessel, air, and foot traffic and noise disturb them in the wild depends on the species, individual, and the level and frequency of exposure. Some marine mammals may be disturbed by humans a half mile away while others are attracted by or become habituated to human activity.

Therefore, the acceptable marine mammal viewing distance should ideally be determined by the marine mammal. As vessel traffic increases and the whale watching industry grows more competitive in Alaska, however, the viewing distance and conditions will be more likely determined by human judgment, ethics, and laws.

In response to this trend and to recent changes in the Marine Mammal Protection Act, the Alaska Regional Office of the National Marine Fisheries Service has recently published marine mammal viewing guidelines for those who live, work, and play among marine mammals in the wild. The following is a summary of these guidelines and other regulations on viewing Alaska's marine mammals. (Contact your local NMFS office for a copy of the guidelines.)

The law is straightforward: It is illegal to pursue or harass marine mammals. All marine mammals are federally protected and two Acts specifically ban the pursuit or harassment of any marine mammal or endangered species (the Marine Mammal Protection Act and the Endangered Species Act ). Maximum fines reach \$20,000 per incident.

But what constitutes harassment?

As defined in the Marine Mammal Protection Act, harassment is any act of pursuit, torment, or annoyance which has the potential to injure or disturb a marine mammal or marine mammal stock in the wild. Disturbance is defined as any disruption of behavioral patterns (including migration, breathing, nursing, feeding, sheltering, etc.).

How do I know if I am too close to a marine mammal ?

Monitor the animal's behavior as you approach. If your action causes a disruption in its behavior you are too close and have, by definition, disturbed it. Cautiously back away if you notice any of the following behavioral changes:

- increased agitation or vocalization
- those on land moving closer to or rushing into the water
- rapid changes in swimming direction or speed
- prolonged dives with a change in course
- slapping water with flippers or flukes
- erratic swimming patterns
- mothers shielding their young with their body
- underwater exhalation.

What can I do to avoid harassing marine mammals while viewing ?

Stay at least 100 yards away but remember: not all marine mammals are equally sensitive to disturbance and this regimented minimum distance may not prevent harassment. To reduce the likelihood that your approach will disturb marine mammals when approaching or viewing from the air, land, and sea:





- never pursue or chase marine mammals
- back away if or when behavioral changes are noticed
- avoid getting between group members or mothers and their young
- approach swimming animals from behind; avoid head-on approaches or crossing swimming animal's path
- avoid excessive speed or sudden changes in your speed or direction
- avoid approaching whales if another vessel is near them
- give them a wide berth, avoid "squeezing" a whale between you and another obstacle
- limit your time near the same animal(s) to 1/2 hour at a time
- stay higher than 1500 ft above marine mammals when flying and do not buzz, hover, or land nearby.

But what if they approach me?

Put your engine in neutral and let the animal establish the acceptable distance between you. If you are approached by Dall's porpoise, maintain your course and speed they'll stay with you longer!

What other marine mammal regulations affect vessel operators ?

All vessels are prohibited from traveling or anchoring within 3 nautical miles of the approximately 40 major Steller sea lion rookeries west of 150 degrees W longitude, including Round Island in Bristol Bay. Maximum fine for Buffer Zone transit violations is \$2500 per incident.

Intentional feeding of marine mammals in the wild is illegal.

### Summary

As the public seeks memorable marine mammal encounters in ever greater numbers, it will become increasingly important that we approach and view marine mammals responsibly. It is the responsibility of the vessel operator to monitor a marine mammal's response, be sensitive to its behavioral cues, and be willing to back away to avoid harassment. As the viewing public becomes aware of the legalities and need to avoid harassment, it will be responsible guides and operators that gain the respect and business of conscientious marine mammal viewers.



# Information



## Marine Advisory Program

University of Alaska Fairbanks  
2221 E. Northern Lights #110  
Anchorage, AK 99508-4140  
907-274-9691 Voice 907-277-5242 Fax

The Marine Advisory Program (MAP) is the public service and outreach division of the UAF School of Fisheries and Ocean Sciences. With field offices in seven Alaskan communities it provides educational and technical assistance to marine users, including the charter boat industry.

## Alaska Wilderness Recreation and Tourism Association

P.O. Box 22827  
Juneau, AK 99802  
907-463-3038 Voice 907-463-3280 Fax  
awrta@aol.com E-mail

AWRTA is a new but very aggressive organization devoted to the promotion and support of continuing conservation and appropriate use of natural resources. If you are interested in getting into "ecotourism" activities and products this is a good organization to get to know.

## Alaska Division of Tourism

P.O. Box 110801  
Juneau, AK 99811-0801  
907-465-2012 Voice 907-465-2287 Fax  
Tom Garrett, Director  
Tom\_Garrett@commerce.state.ak.us

This is the principal state agency that deals with tourism. One of their major functions is to collect and compile visitor statistics. Their visitor statistics publications will tell you everything you want to know about the people (residents and non-residents) who visit Alaska.

## Alaska Visitor Association

3201 C St., Suite 403  
Anchorage, AK 99503  
907-561-5733 Voice 907-561-5727 Fax  
Tina Lindgren, Director  
ava@alaskanet.com

The largest statewide organization for visitor industry businesses. Can provide a lot of information, help, and services to visitor businesses.

## Alaska Tourism Marketing Council

3601 C St., Suite 700  
Anchorage, AK 99503-5935  
907-563-2289 Voice 907-269-8136 Fax  
Dave Karp, Director  
David\_Karp@commerce.state.ak.us

ATMC is a joint state and industry council which oversees a marketing program that promotes Alaska throughout the world. It can be useful to the individual tourism business to know how and to whom Alaska is being marketed.

## Small Business Development Center University of Alaska

430 West 7th Avenue, Suite 110  
Anchorage, AK 99501  
907-274-7232 800-478-7232

There are several offices around the state offering small business planning assistance. The Small Business Planning Guide is available to the public for \$7.

## Alaska Business Development Center, Inc.

3335 Arctic Blvd., Suite 203  
Anchorage, AK 99503  
907-562-0335 800-478-3474

A private, non-profit corporation which service businesses around the state. Consultants are experts in credit, business planning, and problem resolution.

## Alaska Village Initiatives Rural Tourism Center

1577 "C" St., Suite 304  
Anchorage, AK 99501  
907-274-5400 Voice 263-9971 Fax  
800-478-2332



## License Training Programs

### Compass North

7926 Old Seward Highway, Suite A-6  
Anchorage, AK 99518  
800-478-1559 Voice 907-522-6315 Fax  
Ray Doyle

Offers six-pack and 100-ton license prep course. \$700 in Anchorage and \$850 outside Anchorage. Six-pack course for western rivers of Alaska and remote waters of Alaska also available.

### Alaska Vocational Technical Center

P.O. Box 889  
Seward, AK 99664  
800-478-5389 Voice (within Alaska)  
907-224-3322 Voice 907-224-3380 Fax  
Capt. Rodger Mercer

Offers six-pack, 100-ton and larger license prep courses, both in Anchorage and elsewhere in the state. A variety of other maritime courses are also available. All classes held at AVTC facility in Seward. License prep courses last about 8 weeks. Reasonably priced room and board is also available.

## Charter Boat Organizations

Charter Boat organizations and associations can be found in many Alaskan communities. These groups can be a valuable source of information. Contact the Chamber of Commerce or tourist bureau in your community to see if such an organization is available.

### National Association of Charter Boat Operators

655 15th St., NW, Suite 310  
Washington, DC 20005  
800-745-6094 Voice 202-546-2121 Fax  
AssnOffice@aol.com

A national association of small boat charter operators. Provides a voice and political action for charter boats in Washington DC. Members can also take advantage of a group insurance program and drug and alcohol testing program.

## Books, Publications and Periodicals

### Charter Industry

Charter Industry Services  
P.O. Box 375  
Stuart, FL 34995-0375  
407-288-1066 Voice 407-288-5015 Fax

The only national publication devoted to the charter boat industry. Full of tips and information about how to run a charter business. Contains the latest information on federal regulations affecting the industry.

### The Charter Log, An Industry Newsletter

Marine Advisory Program  
4014 Lake St. #201B  
Homer, Alaska 99603  
907-235-5643 Voice 907-235-6048 Fax  
<http://www.ptialaska.net/~homermap>

This newsletter is published by the Kenai Peninsula Marine Advisory Program agent. It covers issues, state and federal regulations, and other news of interest to Alaska's charter boat operators. There is no charge for this publication. You can also access this publication via the world wide web at the above web address.

### Life Ring

Commander MOC  
Fishing Vessel Safety  
U.S. Coast Guard  
P.O. Box 25517  
Juneau, AK 99802-5517  
800-478-7369 Voice 907-463-2299 Fax  
[s.jorgensen/d17-10@sgsmtp.uscg.mil](mailto:s.jorgensen/d17-10@sgsmtp.uscg.mil)

This free newsletter is full of excellent safety ideas and tips. Although it is specifically for the commercial fishing industry it often contains information applicable to charter vessels.

### Boating Safety Circular

U.S. Coast Guard  
2100 Second St. S.W.  
Washington, D.C. 20593

This publication contains a lot of good information about boat safety including everything from fire suppression to carbon monoxide problems to industry recalls. Not all of it pertains to charter vessels but it's good information for the conscientious mariner.

### Marine Safety Newsletter

U.S. Coast Guard  
National Maritime Center  
4200 Wilson Blvd., Suite 510  
Arlington, VA 22203-1804  
703-235-1574 Voice 703-235-1062 Fax

Another safety related publication from the Coast Guard Marine Safety Office. This one tracks all of the federal regulations and rules that relate to vessels. Some of it relates to charter boats. With this publication you know at least a year in advance about some federal regulation that may impact you. Subscriptions are free by writing to the above address.

## State Agencies

### Department of Commerce and Economic Development Division of Occupational Licensing

P.O. Box 110806  
Juneau, AK 99811-0806  
907-465-2550 Voice (Business Licenses)  
907-465-2543 Voice (Big Game  
Commercial Services)  
907-465-2974 Fax  
Anchorage Field Office  
3601 C St., Suite 722  
Anchorage, AK 99503-5986  
907-269-8160

Contact one of these offices to apply for an Alaska business license or a big game transporter license.

### Department of Natural Resources

Division of Land, Southcentral Region  
3601 C St., Suite 1090  
P.O. Box 107005  
Anchorage, AK 99510-7005  
907-269-8400 907-269-8550

If your business operates on state land at any time you may need to contact DNR regarding appropriate permits.

### Dept. of Environmental Conservation

Western District Office  
555 Cordova St.  
Anchorage, AK 99501  
907-269-7500

Contact DEC regarding food service, waste water, and solid waste disposal if any of these activities apply to your operation.

## Federal Agencies

### U.S. Coast Guard Anchorage Marine Safety Office Regional Exam Center

510 L St., Suite 100  
Anchorage, AK 99501-1946  
907-271-6700 Voice 907-271-6751 Fax  
[msoanc@alaska.net](mailto:msoanc@alaska.net)

Best source of information about the federal rules and regulations which impact the charter industry. Point of contact for license applications and renewals.

### U. S. Coast Guard Drug and Alcohol Program Inspector

U.S. Coast Guard MSO  
510 L St. Suite 100  
Anchorage, AK 99501-1946  
907-271-6714 Voice 907-271-6751 Fax

Robin Johnson is the best source in Alaska for information on the drug and alcohol testing program. He is also available to conduct courtesy reviews of chemical testing programs or to make employer group presentations on the chemical testing requirements.

### Federal Communications Commission

Marine Ship Service  
P.O. Box 358275  
Pittsburgh, PA 15251-5275  
Wireless Communications Bureau:  
800-322-1117  
Toll free forms request number:  
800-418-3676

### National Park Service, Alaska Region

2525 Gambell St., Room 107  
Anchorage, AK 99503  
907-257-2596 Voice 907-257-2485 Fax

If you operate within a National Park boundary contact the National Park Service for appropriate permits.

### U.S. Forest and Wildlife Service

Alaska Regional Office  
1011 E. Tudor Road  
Anchorage, AK 99503  
907-786-3487

### Chugach National Forest

3301 C Street, Suite 300  
Anchorage, AK 99503  
907-271-2500

## Contact any of the following offices for information on:

- Fisheries Business Management
- Seafood Technology
- Quality Control
- Gear Technology
- Processing
- Legislation
- Workshops
- Tax Preparation
- Marine Safety
- Marketing
- Packing and Shipping
- Regulations
- Publications
- Research
- Aquaculture

### Anchorage

Marine Advisory Program  
 Carlton Trust Building, #110  
 2221 E. Northern Lights Blvd.  
 Anchorage, Alaska 99508-4140  
 Voice 907-274-9691  
 Fax 907-277-5242  
 Donald Kramer  
 Deborah Mercy  
 Ray RaLonde  
 Rick Steiner  
 Craig Wiese

### Kodiak

Marine Advisory Program  
 900 Trident Way  
 Kodiak, Alaska 99615  
 Voice 907-486-1500  
 Fax 907-486-1540  
 Charles Crapo  
 Hank Pennington  
 Kate Wynne

### Cordova

Marine Advisory Program  
 P.O. Box 830  
 Cordova, Alaska 99574  
 Voice 907-424-3446  
 Fax 907-424-5246

### Bethel

Marine Advisory Program  
 UAF Kuskokwim Campus  
 P.O. Box 368  
 Bethel, Alaska 99559  
 Voice 907-543-4515  
 Fax 907-543-4527  
 Geri Hoffman-Sumpter

### Dillingham

Marine Advisory Program  
 P.O. Box 1549  
 Dillingham, Alaska 99576  
 Voice 907-842-1265  
 Fax 907-842-5692  
 Terry Johnson

### Homer

Marine Advisory Program  
 4014 Lake Street, #201B  
 Homer, Alaska 99603  
 Voice 907-235-5643  
 Fax 907-235-6048  
 Douglas Coughenower

### Petersburg

Marine Advisory Program  
 P.O. Box 1329  
 Petersburg, Alaska 99833  
 Voice 907-772-3381  
 Fax 907-772-4431  
 Brian Paust

### Sitka

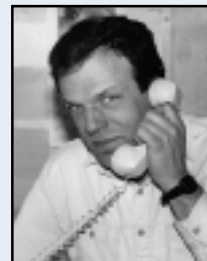
Marine Advisory Program  
 700 Katlian St., #D  
 Sitka, Alaska 99835  
 Voice 907-747-3988  
 Fax 907-747-1443  
 Dolly Garza

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