

PROPOSED CHANGES TO THE CATCH SHARING PLAN
AND ANNUAL REGULATIONS

Under its standard process, the Council solicits proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan at its September meeting and adopts any changes in November after reviewing public and agency comments. Generally, changes are limited to adjustments in the annual regulations and minor modifications to the Catch Sharing Plan. Attachment 1 is a copy of the 2005 Catch Sharing Plan.

For the 2006 season, the Council is considering changes to the management of recreational fisheries in Washington and Oregon. The proposed changes resulted from recommendations provided by the Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife, after holding public meetings, and from Council discussion and public testimony received at the September 2005 Council meeting. The Council solicited public input on the changes on its website and in the Council News Brief article from October 2005 (Attachment 2).

Based on the input received since the September Council meeting, the states and tribes will present their final proposals for regulatory changes in the halibut fishery at this meeting.

Council Action:

Within the scope of the September proposals (Attachment 2) and public input; adopt Council recommendations for implementing proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan for 2006.

Reference Materials:

1. Agenda Item E.1.a, Attachment 1: 2005 Pacific Halibut Catch Sharing Plan for Area 2A.
2. Agenda Item E.1.a, Attachment 2: Council News Brief Article on Proposed Changes to the Area 2A Pacific Halibut Catch Sharing Plan.
3. Agenda Item E.1.e, Public comment.

Agenda Order:

- a. Agenda Item Overview
- b. State Proposals
- c. Tribal Comments
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. **Council Action:** Adopt Proposed Changes for 2006

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2005 PACIFIC HALIBUT CATCH SHARING PLAN FOR AREA 2A

(a) FRAMEWORK

This Plan constitutes a framework that shall be applied to the annual Area 2A total allowable catch (TAC) approved by the International Pacific Halibut Commission (IPHC) each January. The framework shall be implemented in both IPHC regulations and domestic regulations (implemented by NMFS) as published in the *Federal Register*.

(b) ALLOCATIONS

(1) Except as provided below under (b)(2), this Plan allocates 35 percent of the Area 2A TAC to U.S. treaty Indian tribes in the State of Washington in subarea 2A-1, and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. Allocations within the non-Indian commercial and sport fisheries are described in sections (e) and (f) of this Plan. These allocations may be changed if new information becomes available that indicates a change is necessary and/or the Pacific Fishery Management Council takes action to reconsider its allocation recommendations. Such changes will be made after appropriate rulemaking is completed and published in the *Federal Register*.

(2) To meet the requirements of U.S. District Court Stipulation and Order (*U.S., et al. v. State of Washington, et al.* Case No. 9213 Phase I, Subproceeding No. 92-1, Stipulation and Order, July 7, 1999), 25,000 lb (11.3 mt) dressed weight of halibut will be transferred from the non-treaty Area 2A halibut allocation to the treaty allocation in Area 2A-1 each year for eight years commencing in the year 2000 and ending in the year 2007, for a total transfer of 200,000 lb (90.7 mt). To accelerate the total transfer, more than 25,000 lb (11.3 mt) may be transferred in any year upon prior written agreement of the parties to the stipulation.

(c) SUBQUOTAS

The allocations in this Plan are distributed as subquotas to ensure that any overage or underage by any one group will not affect achievement of an allocation set aside for another group. The specific allocative measures in the treaty Indian, non-Indian commercial, and non-Indian sport fisheries in Area 2A are described in paragraphs (d) through (f) of this Plan.

(d) TREATY INDIAN FISHERIES

Except as provided above in (b)(2), 35 percent of the Area 2A TAC is allocated to 12 treaty Indian tribes in subarea 2A-1, which includes that portion of Area 2A north of Point Chehalis, WA (46°53.30' N. lat.) and east of 125°44.00' W. long. The treaty Indian allocation is to provide for a tribal commercial fishery and a ceremonial and subsistence fishery. These two fisheries are

managed separately; any overages in the commercial fishery do not affect the ceremonial and subsistence fishery. The commercial fishery is managed to achieve an established subquota, while the ceremonial and subsistence fishery is managed for a year-round season. The tribes will estimate the ceremonial and subsistence harvest expectations in January of each year, and the remainder of the allocation will be for the tribal commercial fishery.

- (1) The tribal ceremonial and subsistence fishery begins on January 1 and continues through December 31. No size or bag limits will apply to the ceremonial and subsistence fishery, except that when the tribal commercial fishery is closed, treaty Indians may take and retain not more than two halibut per day per person for subsistence purposes. Ceremonial fisheries shall be managed by tribal regulations promulgated inseason to meet the needs of specific ceremonial events. Halibut taken for ceremonial and subsistence purposes may not be offered for sale or sold.
- (2) The tribal commercial fishery begins between March 1 and April 1 and continues through November 15 or until the tribal commercial subquota is taken, whichever is earlier. Any halibut sold by treaty Indians during the commercial fishing season must comply with IPHC regulations on size limits for the non-Indian fishery.

(e) NON-INDIAN COMMERCIAL FISHERIES

The non-Indian commercial fishery is allocated 31.7 percent of the non-Indian share of the Area 2A TAC for a directed halibut fishery and an incidental catch fishery during the salmon troll fishery. The non-Indian commercial allocation is approximately 20.6 percent of the Area 2A TAC. Incidental catch of halibut in the primary directed sablefish fishery north of Point Chehalis, WA will be authorized if the Washington sport allocation exceeds 224,110 lb (101.7 mt) as described in section (e)(3) of this Plan. The structuring and management of these three fisheries is as follows.

(1) Incidental halibut catch in the salmon troll fishery.

Fifteen percent of the non-Indian commercial fishery allocation is allocated to the salmon troll fishery in Area 2A as an incidental catch during salmon fisheries. The quota for this incidental catch fishery is approximately 3.1 percent of the Area 2A TAC. The primary management objective for this fishery is to harvest the troll quota as an incidental catch during the May/June salmon troll fishery. The secondary management objective is to harvest the remaining troll quota as an incidental catch during the July through September salmon troll fishery.

- (i) The Council will recommend landing restrictions at its spring public meeting each year to control the amount of halibut caught incidentally in the troll fishery. The landing restrictions will be based on the number of incidental harvest license applications submitted to the IPHC, halibut catch rates, the amount of allocation, and other pertinent factors, and may include catch or landing ratios, landing

limits, or other means to control the rate of halibut harvest. NMFS will publish the landing restrictions annually in the *Federal Register*, along with the salmon management measures.

- (ii) Inseason adjustments to the incidental halibut catch fishery.
 - (A) NMFS may make inseason adjustments to the landing restrictions, if requested by the Council Chairman, as necessary to assure that the incidental harvest rate is appropriate for salmon and halibut availability, does not encourage target fishing on halibut, and does not increase the likelihood of exceeding the quota for this fishery. In determining whether to make such inseason adjustments, NMFS will consult with the applicable state representative(s), a representative of the Council's Salmon Advisory Sub-Panel, and Council staff.
 - (B) Notice and effectiveness of inseason adjustments will be made by NMFS in accordance with paragraph (f)(5) of this Plan.
- (iii) If the overall quota for the non-Indian, incidental commercial troll fishery has not been harvested by salmon trollers during the May/June fishery, additional landings of halibut caught incidentally during salmon troll fisheries will be allowed in July and will continue until the amount of halibut that was initially available as quota for the troll fishery is taken or the overall non-Indian commercial quota is estimated to have been achieved by the IPHC. Landing restrictions implemented for the May/June salmon troll fishery will apply for as long as this fishery is open. Notice of the July opening of this fishery will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No halibut retention in the salmon troll fishery will be allowed in July unless the July opening has been announced on the NMFS hotline.
- (iv) A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not in both.

(2) Directed fishery targeting halibut.

Eighty-five percent of the non-Indian commercial fishery allocation is allocated to the directed fishery targeting halibut (e.g., longline fishery) in southern Washington, Oregon, and California. The allocation for this directed catch fishery is approximately 17.5 percent of the Area 2A TAC. This fishery is confined to the area south of Subarea 2A-1 (south of Point Chehalis, WA; 46°53.30' N. lat.). This fishery may also be managed with closed areas designed to protect overfished groundfish species. Any such closed areas will be described annually in federal halibut regulations and published in the *Federal Register*. The commercial fishery opening date(s), duration, and vessel trip limits, as necessary to ensure that the quota for the non-Indian commercial fisheries is not exceeded, will be determined by the IPHC and implemented in IPHC regulations. If the

IPHC determines that poundage remaining in the quota for the non-Indian commercial fisheries is insufficient to allow an additional day of directed halibut fishing, the remaining halibut will be made available for incidental catch of halibut in the fall salmon troll fisheries (independent of the incidental harvest allocation).

(3) Incidental catch in the sablefish fishery north of Point Chehalis.

If the Area 2A TAC is greater than 900,000 lb (408.2 mt), the primary directed sablefish fishery north of Point Chehalis will be allocated the Washington sport allocation that is in excess of 214,110 lb (97.1 mt), provided a minimum of 10,000 lb (4.5 mt) is available (i.e., the Washington sport allocation is 224,110 lb (101.7 mt) or greater). If the amount above 214,110 lb (97.1 mt) is less than 10,000 lb (4.5 mt), then the excess will be allocated to the Washington sport subareas according to section (f) of this Plan. The amount of halibut allocated to the sablefish fishery will be shared as follows: up to 70,000 lb of halibut to the primary sablefish fishery north of Pt. Chehalis. Any remaining allocation will be distributed to the Washington sport fishery among the four subareas according to the sharing described in the Plan, Section (f)(1).

The Council will recommend landing restrictions at its spring public meeting each year to control the amount of halibut caught incidentally in this fishery. The landing restrictions will be based on the amount of the allocation and other pertinent factors, and may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings. NMFS will publish the landing restrictions annually in the Federal Register.

(4) Commercial license restrictions/declarations.

Commercial fishers must choose either (1) to operate in the directed commercial fishery in Area 2A and/or retain halibut caught incidentally in the primary directed sablefish fishery north of Point Chehalis, WA or (2) to retain halibut caught incidentally during the salmon troll fishery. Commercial fishers operating in the directed halibut fishery and/or retaining halibut incidentally caught in the primary directed sablefish fishery must send their license application to the IPHC postmarked no later than April 30, or the first weekday in May, if April 30 falls on a weekend, in order to obtain a license to fish for halibut in Area 2A. Commercial fishers operating in the salmon troll fishery who seek to retain incidentally caught halibut must send their application for a license to the IPHC for the incidental catch of halibut in Area 2A postmarked no later than March 31, or the first weekday in April, if March 31 falls on a weekend. Fishing vessels licensed by IPHC to fish commercially in Area 2A are prohibited from operating in the sport fisheries in Area 2A.

(f) SPORT FISHERIES

The non-Indian sport fisheries are allocated 68.3 percent of the non-Indian share, which is approximately 44.4 percent of the Area 2A TAC. The allocation is further divided as subquotas

among seven geographic subareas.

- (1) Subarea management. The sport fishery is divided into seven sport fishery subareas, each having separate allocations and management measures as follows.

- (i) Washington inside waters (Puget Sound) subarea.

This sport fishery subarea is allocated 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as all U.S. waters east of the mouth of the Sekiu River, as defined by a line extending from 48°17.30' N. lat., 124°23.70' W. long. north to 48°24.10' N. lat., 124°23.70' W. long., including Puget Sound. The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea. Due to inability to monitor the catch in this area inseason, fixed seasons, which may vary and apply to different regions within the subarea, will be established pre-season based on projected catch per day and number of days to achievement of the quota. Inseason adjustments may be made, and estimates of actual catch will be made post-season. The fishery will open in April or May and continue until a date established pre-season (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier. The Washington Department of Fish and Wildlife will develop recommendations to NMFS on the opening date and weekly structure of the fishery each year. The daily bag limit is one fish per person, with no size limit.

- (ii) Washington north coast subarea.

This sport fishery subarea is allocated 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as all U.S. waters west of the mouth of the Sekiu River, as defined above in paragraph (f)(1)(i), and north of the Queets River (47°31.70' N. lat.). The management objective for this subarea is to provide a quality recreational fishing opportunity during May and the latter part of June. To meet this objective, the north coast subarea quota will be allocated as follows: 72% for the month of May and 28% for the latter part of June. The fishery will open on the first Tuesday between May 9 and 15, and continue 5 days per week (Tuesday through Saturday) until the May allocation is projected to be taken. The fishery will then reopen during the third week in June and continue until the remaining quota is projected to be taken, 5 days per week (Tuesday through Saturday.) No sport fishing for halibut is allowed after September 30. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen this subarea for another fishing day, then any remaining quota

may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline. The daily bag limit in all fisheries is one halibut per person with no size limit. A “C-shaped” yelloweye rockfish conservation area that is closed to recreational groundfish and halibut fishing is defined by the following coordinates in the order listed:

48° 18.00' N. lat.; 125° 18.00' W. long.;
48° 18.00' N. lat.; 124° 59.00' W. long.;
48° 11.00' N. lat.; 124° 59.00' W. long.;
48° 11.00' N. lat.; 125° 11.00' W. long.;
48° 04.00' N. lat.; 125° 11.00' W. long.;
48° 04.00' N. lat.; 124° 59.00' W. long.;
48° 00.00' N. lat.; 124° 59.00' W. long.;
48° 00.00' N. lat.; 125° 18.00' W. long.;
and connecting back to 48° 18.00' N. lat.; 125° 18.00' W. long.

(iii) Washington south coast subarea.

This sport fishery is allocated 12.3 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as waters south of the Queets River (47°31.70' N. lat.) and north of Leadbetter Point (46°38.17' N. lat.). The structuring objective for this subarea is to maximize the season length, while maintaining a quality fishing experience. The fishery will open on May 1. If May 1 falls on a Friday or Saturday, the fishery will open on the following Sunday. The fishery will be open Sunday through Thursday in all areas, except where prohibited, and the fishery will be open 7 days per week in the area from Queets River south to 47°00.00' N. lat. and east of 124°40.00' W. long. Beginning July 1, the halibut fishery will be open 7 days per week. The fishery will continue until September 30, or until the quota is achieved, whichever occurs first. Subsequent to this closure, if there is insufficient quota remaining to reopen the entire subarea for another fishing day, then any remaining quota may be used to accommodate incidental catch in the nearshore area from Queets River south to 47°00.00' N. lat. and east of 124°40.00' W. long. or be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline. The daily bag limit is one halibut per person, with no size limit.

(iv) Columbia River subarea.

This sport fishery subarea is allocated 2.0 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 4.0 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea also is allocated from the Oregon/California sport allocation the number of pounds equal to the Washington contribution. Oregon's

contribution will be 2.0 percent of the total Oregon/California sport allocation. Any additional pounds needed to equal the number of pounds contributed to the Columbia River subarea from the Washington allocation will come from the Oregon Central Coast subarea allocation. This subarea is defined as waters south of Leadbetter Point, WA (46°38.17' N. lat.) and north of Cape Falcon, OR (45°46.00' N. lat.). The fishery will open on May 1, and continue 7 days per week until the subquota is estimated to have been taken, or September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining state's quota would be transferred to that state. The daily bag limit is one halibut per person, with no size limit. No groundfish may be landed, except sablefish when allowed by groundfish regulations, if halibut are on board the vessel.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46.00' N. lat.) to Humbug Mountain, Oregon (42°40.50' N. lat.) and is allocated 95.0 percent of the Oregon/California sport allocation minus any amount of pounds needed to contribute to the Oregon portion of the Columbia River subarea quota. The structuring objectives for this subarea are to provide two periods of fishing opportunity in Spring and in Summer in productive deeper water areas along the coast, principally for charterboat and larger private boat anglers, and provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers. Fixed season dates will be established pre-season for the Spring opening and will not be modified inseason except that the Spring opening may be modified inseason if the combined Oregon all-depth Spring and Summer season total quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring fishery each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season quota. ODFW will monitor landings and provide a post-season estimate of catch within 1 week of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season, openings will be provided if possible in May - July. Potential open dates for both the Spring (May - July) and Summer (August - October) seasons will be announced pre-season. If a decision is made inseason to allow fishing on one or more additional days, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No all-depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. Any poundage remaining unharvested in the Spring all-depth subquota will be added to the Summer all-depth sub-quota. Any poundage that is not needed to extend the inside 40-fathom (73 m) fishery through to October 31 will be added to the Summer all-depth season if it can be used, and any poundage remaining unharvested from the Summer all-depth fishery will be added to the inside 40-fathom (73 m) fishery subquota, if it can be used. The daily bag limit is one halibut per person, unless otherwise specified, with no size limit. During days open to all-depth halibut fishing, no groundfish may be retained,

except sablefish when allowed by groundfish regulations, if halibut are on board the vessel. A yelloweye rockfish conservation area that is closed to recreational halibut fishing is defined by the following coordinates in the order listed:

44° 37.46 N. lat.; 124° 24.92 W. long.;
44° 37.46 N. lat.; 124° 23.63 W. long.;
44° 28.71 N. lat.; 124° 21.80 W. long.;
44° 28.71 N. lat.; 124° 24.10 W. long.;
44° 31.42 N. lat.; 124° 25.47 W. long.;
and connecting back to 44° 37.46 N. lat.; 124° 24.92 W. long.

ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows.

A. The first season opens on May 1, only in waters inside the 40-fathom (73 m) curve, and continues daily until the subquota (8 percent of the subarea quota) is taken, or until October 31, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through October 31 will be transferred to the Summer all-depth fishery if it can be used. Any overage in the all-depth fisheries would not affect achievement of allocation set aside for the inside 40-fathom (73 m) curve fishery.

B. The second season is an all-depth fishery with two potential openings. The first opening begins on the second Thursday in May (if the season is 5 or more fishing days) or the second Friday in May (if the season is 4 or fewer fishing days) and is allocated 69 percent of the subarea quota. Fixed season dates for the first opening will be established preseason based on projected catch per day and number of days to achievement of the subquota for this season. The first opening will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days. The fixed season dates will be established preseason and will occur in consecutive weeks starting the second Thursday in May (if the season is 5 or more fishing days) or second Friday in May (if the season is 4 or fewer fishing days), with exceptions to avoid adverse tidal conditions. If, following the “fixed” dates, quota for this season remains unharvested, a second opening will be held. The fishery will be open every other week on Thursday through Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Thursdays through Saturdays will be identified preseason. The fishery will continue until there is insufficient quota for an additional day of fishing or July 31, whichever occurs first. Any remaining quota will be added to the Summer quota. No inseason adjustments will be made to the established fixed season unless the combined Oregon all-depth Spring and Summer season total subquotas

are estimated to be achieved.

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured to be open every other week on Friday through Sunday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays through Sundays will be identified preseason. If after the first scheduled open period, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 60,000 lb (27.2 mt) or more, the fishery will re-open on every Friday through Sunday (versus every other weekend), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. Any excess quota projected to remain after the needs of the inside 40-fathom (73 m) fishery are met would be transferred into the remaining all-depth quota. The inseason action will be announced by NMFS via an update to the recreational halibut hotline. If after the third scheduled open period, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 30,000 lb (13.6 mt) or more, the fishery will re-open on every Friday through Sunday (versus every other weekend), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. Under this provision, after the third scheduled open period, the bag limit would be 2 fish per person, with no size limit. Any excess quota projected to remain after the needs of the inside 40-fathom (73 m) fishery are met would be transferred into the remaining all-depth quota. The inseason action will be announced by NMFS via an update to the recreational halibut hotline. The fishery will continue until there is insufficient quota for an additional day of fishing or October 31, whichever occurs first. Any remaining quota will be transferred to the fishery inside the 40-fathom (73 m) curve, if needed. If inseason it is determined that the combined all-depth and inside 40-fathom (73 m) fisheries will not harvest the entire quota to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point, WA by NMFS via an update to the recreational halibut hotline.

(vi) South of Humbug Mountain subarea.

This sport fishery subarea is allocated 3.0 percent of the Oregon/California subquota, which is approximately 0.62 percent of the Area 2A TAC. This area is defined as the area south of Humbug Mountain, OR (42°40.50' N. lat.), including California waters. The structuring objective for this subarea is to provide anglers the opportunity to fish in a continuous, fixed season that is open from May 1 through October 31. The daily bag limit is one halibut per person, with no size limit. Due to inability to monitor the catch in this area inseason, a fixed season will be established preseason by NMFS based on projected catch per day and number of days to achievement of the subquota; no inseason adjustments will be made, and estimates of actual catch will be made post season.

- (2) Port of landing management. All sport fishing in Area 2A will be managed on a "port of landing" basis, whereby any halibut landed into a port will count toward the quota for the subarea in which that port is located, and the regulations governing the subarea of landing apply, regardless of the specific area of catch.
- (3) Possession limits. The sport possession limit on land is two daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel.
- (4) Ban on sport vessels in the commercial fishery. Vessels operating in the sport fishery for halibut in Area 2A are prohibited from operating in the commercial halibut fishery in Area 2A. Sport fishers and charterboat operators must determine, prior to May 1 of each year, whether they will operate in the commercial halibut fisheries in Area 2A which requires a commercial fishing license from the IPHC. Sport fishing for halibut in Area 2A is prohibited from a vessel licensed to fish commercially for halibut in Area 2A.
- (5) Flexible inseason management provisions.
 - (i) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the IPHC Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations.
 - (A) The action is necessary to allow allocation objectives to be met.
 - (B) The action will not result in exceeding the catch limit for the area.
 - (C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea.
 - (D) If any of the sport fishery subareas south of Leadbetter Point, WA are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.
 - (ii) Flexible inseason management provisions include, but are not limited to, the following:
 - (A) Modification of sport fishing periods;
 - (B) Modification of sport fishing bag limits;

- (C) Modification of sport fishing size limits;
 - (D) Modification of sport fishing days per calendar week; and
 - (E) Modification of subarea quotas north of Cape Falcon, OR.
- (iii) Notice procedures.
- (A) Inseason actions taken by NMFS will be published in the *Federal Register*.
 - (B) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishermen should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.
- (iv) Effective dates.
- (A) Inseason actions will be effective on the date specified in the Federal Register notice or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.
 - (B) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the *Federal Register*. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after of the action in the *Federal Register*.
 - (C) Inseason actions will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.
- (v) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA.

(6) Sport fishery closure provisions.

The IPHC shall determine and announce closing dates to the public for any subarea in which a subquota is estimated to have been taken. When the IPHC has determined that a subquota has been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled by NMFS as an inseason action, or announced by the IPHC.

(g) PROCEDURES FOR IMPLEMENTATION

Each year, NMFS will publish a proposed rule with any regulatory modifications necessary to implement the Plan for the following year, with a request for public comments. The comment period will extend until after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments. After the Area 2A TAC is known, and after NMFS reviews public comments, NMFS will implement final rules governing the sport fisheries. The final ratio of halibut to chinook to be allowed as incidental catch in the salmon troll fishery will be published with the annual salmon management measures.

Sources: 70 FR 20304 (April 19, 2005)
69 FR 24524 (May 4, 2004)
68 FR 10989 (March 7, 2003)
67 FR 12885 (March 20, 2002)
66 FR 15801 (March 21, 2001)
65 FR 14909 (March 20, 2000)
64 FR 13519 (March 19, 1999)
63 FR 13000 (March 17, 1998)
62 FR 12759 (March 18, 1997)
61 FR 11337 (March 20, 1996)
60 FR 14651 (March 20, 1995)
59 FR 22522 (May 2, 1994)
58 FR 17791 (April 6, 1993)

COUNCIL NEWS BRIEF ARTICLE ON PROPOSED CHANGES TO THE
AREA 2A PACIFIC HALIBUT CATCH SHARING PLAN.

At the September meeting, the Council adopted several proposed changes to the Area 2A Pacific halibut catch-sharing plan (CSP) for public review. The proposals affect Oregon and Washington sport fisheries. Final adoption of the proposed changes to the CSP will take place at the Council's meeting in San Diego, California, October 31-November 4, 2005. Comments on the proposals can be emailed (pfmc.comments@noaa.gov), faxed (503-820-2299) or mailed to the Council office (7700 NE Ambassador Place, Ste 200, Portland, Oregon, 97220-1384). Comments will also be taken at the Council meeting in San Diego.

Additional detail on the substance and rationale for the following proposals is available on the following web sites:

WDFW: <http://www.wdfw.wa.gov/fish/creel/halibut/>

ODFW: www.dfw.state.or.us/MRP

Washington Statewide

1. Implement an annual bag limit of five halibut per angler, which would apply to halibut caught in U.S. waters only.

Rationale – The annual bag limit would provide an opportunity for more anglers to participate in halibut fisheries. Additionally, selecting an annual bag limit less than the number of days open to fishing could extend the season. This requirement will also be considered through the Washington sport fishing rule making process, which requires approval by the Washington Fish and Wildlife Commission.

Washington North Coast Subarea

2. For the May fishery, reduce the number of days open per week from five consecutive days (Tuesday through Saturday) to three staggered days (Tuesday, Thursday, Saturday).

Rationale – The objective of this proposal is to lengthen the north coast halibut season by reducing the incentive for anglers who fish several days in a row to not stay over, reducing effort and allowing other anglers the opportunity to fish.

3. For the June fishery, specify the opening date as the 1st Thursday after June 17.

Rationale – To provide a fishing opportunity after school has ended for the year and to reduce confusion with the current wording of “opening the third week in June”.

4. For the June fishery, reduce the number of days open per week from five to two staggered days (Thursday and Saturday).

Rationale – To extend the number of days open in June, similar to the May fishery.

Washington South Coast Subarea

5. Remove the reference to the automatic seven days per week season beginning July 1, and specify that the northern nearshore area will reopen to accommodate incidental halibut catch on Fridays and Saturdays only.

Rationale – To extend nearshore opportunity into the salmon fishery time frame, and facilitate monitoring of the relative small quota.

6. Modify the definition of the northern nearshore area to: from 47° 25.00' N. Latitude south to 46° 58.00' N. Latitude, and east of 124° 35.00' W. Longitude

Rationale – To include a few areas south of the currently defined northern nearshore area (which ends at 47° 00.00' N. Latitude) where halibut are caught incidentally on targeted groundfish trips, while excluding “targetable” halibut areas to maintain the integrity of the offshore fishery, and to facilitate monitoring of the relative small quota.

Washington and Oregon Columbia River Subarea

7. Prohibit the retention of rockfish with a halibut onboard a vessel in the Columbia River subarea (from Leadbetter Pt., WA to Cape Falcon, OR).

Rationale – To reduce impacts on depressed canary and yelloweye rockfish stocks while allowing anglers to retain healthier groundfish species such as arrowtooth flounder, Pacific cod, and lingcod.

8. Increase the allocation to the Columbia River subarea from 2.6 percent to five percent of the total Oregon/California sport allocation. This would reduce the allocation in the Central Oregon subarea from 94.4% to 92%.

Rationale - To provide additional angler opportunity in the Columbia River subarea.

9. Provide for the possibility of a split season, with the primary (early) season having the traditional structure, and the secondary (late) season(s) (if any) managed under separate quotas in the Washington and Oregon portions of the subarea.

Description – The initial allocation for this subarea is 2.0 percent of the first 130,845 lbs (59.4 mt) allocated to the Washington sport fishery, and 4.0 percent of the Washington sport allocation between 130,845 lbs (59.4 mt) and 224,110 lbs (101.7 mt) (except for that provided to the fixed gear sablefish fishery), and 5.0 percent of the Oregon/California sport allocation. The primary season is allocated the full amount of the Washington contribution and, from the Oregon-California sport allocation, the number of pounds equal to the Washington contribution. The primary season would

open May 1 and continue seven days per week until the allocation for the primary season has been taken, or July 20, whichever is earlier. The secondary season(s) (if any) will reopen the first Friday in August, by NMFS via an update to the recreational halibut hotline. The secondary seasons will be managed under separate quotas for Oregon ports and Washington ports. The Oregon ports in the area from Cape Falcon north to the Washington/Oregon border would be allocated 50% of the remaining allocation from the primary season, plus the difference between the Oregon contribution to the primary season and 5.0 percent of the Oregon/California sport allocation, plus any additional quota transferred from other Oregon subareas. The Oregon ports north of Cape Falcon will remain open three days per week (Friday, Saturday, and Sunday) until the Oregon secondary season allocation has been taken, or September 30, whichever is earlier. The Washington ports between the Oregon/Washington border and Leadbetter Point, WA would be allocated the remaining 50% of the primary season allocation, plus any additional quota transferred from other Washington subareas. The Washington ports south of Leadbetter Point would remain open three days per week (Friday, Saturday, and Sunday) until the Washington secondary season allocation has been taken, or September 30, whichever is earlier. Subsequent to the closure of a secondary season, if there was insufficient quota remaining for another fishing day, then any remaining quota could be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

Rationale – To provide additional opportunity in the Columbia River subarea and maintaining benefits proportional to the respective states’ quota contribution to the subarea quota.

Oregon Statewide

10. Increase the possession limit on land in Oregon from two daily limits to three daily limits.

Rationale – To allow anglers to fish all three open days during all-depth weeks in the central coast and legally transport the fish on land.

Oregon Central Coast Subarea

All-Depth Fisheries

11. All open periods to occur on consecutive weeks rather than every other week.

12. Change allocation between Spring and Summer seasons from 75%/25% to 80%/20%

Rationale – The above proposals (10 and 11) are intended to increase the number of angler days to provide sufficient opportunity to harvest the entire allocation, which has not been taken in recent years.

13. If after the Labor Day weekend 25,000 pounds or more remain available for harvest on the combined all-depth and nearshore fishery catch limit, the daily-bag-limit increases to two fish.

14. After the Labor Day weekend the IPHC, NMFS, and ODFW will consult to determine whether increasing the central Oregon coast Pacific halibut bag limit is warranted.

Rationale – The above proposals (13 and 14) are alternative ways to increase the bag limit to two fish to allow the quota for the subarea to be taken by September 30, before bad weather precludes opportunity. If the quota is not attained by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever occurs first.

15. Prohibit the retention of rockfish with a halibut onboard the vessel during all-depth openings (see exception for the Nearshore Fishery Central Coast Subarea as discussed below).

Rationale – To reduce impacts on depressed canary and yelloweye rockfish stocks while allowing anglers to retain healthier groundfish species such as flatfish and lingcod.

Nearshore Fishery

16. Allow no more than 1 halibut per vessel on all-depth days if rockfish are onboard vessel.

Rationale – Presently on all-depth days no groundfish, except sablefish, are allowed if a halibut is on the vessel no matter what depth the fishing occurs. The purpose of the groundfish retention prohibition on all-depth dates is to reduce yelloweye and canary rockfish impacts in the offshore fishery. The existing provision prevents the incidental take of halibut in nearshore fisheries on all-depth dates, which is contrary to the objective of the nearshore fishery.

PFMC
10/13/05

Subject: [Fwd: Proposed Changes to Catch Area 2A Pacific Halibut Catch Sharing Plan]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 03 Oct 2005 08:55:02 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Proposed Changes to Catch Area 2A Pacific Halibut Catch Sharing Plan
Date: Fri, 30 Sep 2005 13:59:45 -0700
From: Tom Merriman <tmerriman@masco.net>
To: <pfmc.comments@noaa.gov>

Pacific Fish Management Council
7700 NE Ambassador Place
Suite 200
Portland, Oregon 97220

Council

As a private fisherman I would wish to comment on the "Proposed Changes to Catch Area 2 Halibut 2006".

Washington Statewide
1. No Problem.

Washington North Coast Subarea
,2,3, and 4 -- No Problem

Washington South Coast Subarea
5-6-- No Problem

Washington and Oregon Columbia River Subarea
7. No Problem

I would like to see the C.R.S. open to ground fish > 40 fathom June 1 thru Sept. 30 as this Subarea has no real potential (near shore) rockfish harvest areas as available in other

Oregon Waters. Also the waters off the Colombia River (Astoria Canyon) have a extremely low incidental Yellow Eye/Canary by- catch. The waters are very rich in Yellowtail

Rockfish and Black Cod.

8. Increase the allocation of the Columbia River subarea from the proposed 5% to 10%. This would reduce the allocation in the Central Oregon subarea from the proposed

92% to 87% which is a greater representation of the average of fish not harvested in this catch area for the last 4 years. Why let this allocation go unharvested year after year.

9. Increase Oregon and Washington's contribution to the Subarea by a factor of 100%. Split season is fine.

Oregon Statewide

10. No Problem

Oregon Central Coast Subarea

All Depth Fisheries

11. No Problem

12. No Problem

13. This proposal is unfair to all other Catch Areas in Washington and Oregon. If after the Labor Day weekend 25,000 pounds or more remain available to harvest than

the Central Oregon Coast subarea will transfer 30% of the uncaught quota to other Oregon subareas. The legal daily limit will remain at one fish.

Rationale-- This proposal to up the daily limit from 1 to 2 fish is an unfair economic advantage to one or more ports in the Central Oregon subarea that will direct

much needed tourist dollars away from the economically depressed areas of the Northern Oregon and Southwest Washington Coasts. The bulk of pressure on the Columbia

River subareas on halibut is on the charter boats on the weekdays and weekend sports boats. These tourist dollars are spent equally between out of state and local

(Oregon/Washington) residents. The ports of Ilwaco and Chinook (Wa. C.R.S. ports) service a predominantly Oregon and local S.W. WA. resident client base traveling

predominantly on Oregon Highways and servicing local Oregon Business and infrastructure. To gift only one area within Oregon extra fishing potential and fish is most certainly

unfair and possibly not legal.

14. see above #13

15. No Problem

Nearshore Fishery

16. Do not allow any Halibut on all-depth days if rockfish are onboard vessel.

Rationale-- Avoid any chance of mistakes by enforcement officials.

ALSO

I would wish to see the Nearshore Halibut Fishery opened to include all areas within Oregon Territorial

Waters. There is a near shore *incidental* N. Coast halibut

harvest area that is centered around the Tillamook Head near shore waters, although these waters are out of the Normal transit area of fishers off the Columbia River, these areas are targeted on full day bottom fish charters operating from Columbia River ports. These full day charters were once a mainstay of survival back in the mid 80's when the salmon fishing was non-existent. Again these near shore fisheries would be available to Columbia River fishers to also develop the Sand Dab and other flatfish potential possibly taking pressure off ground fish and rockfish because the C.R.S. lacks rocky structure as is prevalent in the Central Oregon Coast subareas. These are vast areas of flat sand and gravel areas that not only hold halibut but also other flatfish and codfish.

Thank you for your consideration,

Tom Merriman

2504 Sahalee Dr East

Sammamish, Wa. 98074

425-487-6161

Pacific Fishery Management Council

Subject: [Fwd: Halibut annual limit]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 03 Oct 2005 08:55:37 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Halibut annual limit
Date: Sun, 2 Oct 2005 22:18:54 -0700
From: Ronald McDougall <JORONMCD@peoplepc.com>
To: <pfmc.comments@noaa.gov>

I am against having an annual limit on halibut.
There is already a 2 fish possession limit in any form. I feel that this is more than adequate.

Ronald McDougall
1110 Olympic View Way
Aberdeen Wa. 98520
joronmcd@peoplepc.com

Pacific Fishery Management Council

Subject: Sport Halibut quota Columbia River
From: "Butch & Terri Smith" <coho@willapabay.org>
Date: Tue, 4 Oct 2005 21:32:11 -0700
To: "Chuck Tracy" <Chuck.Tracy@noaa.gov>
CC: "Mark Cedergreen" <mcedergreen@olynet.com>

PFMC
7900 N.E. 82nd Ave.
Portland, OR. 97220

Re: Halibut

Dear Councilmembers;

I would like to take this time to give you my written testimony on the Columbia River Sports Halibut. I've testified before this council on the importance of not splitting the Columbia river on any fisheries. I attended a large users meeting in Astoria, Oregon on August 18, 2005 and to my surprise and the surprise of some of the state officials at this meeting every person except one was not in favor of splitting the rivers halibut quota. The thinking of the user groups was that there would be some years that Oregon would be able to give some additional fish and some years that Washington would be able to give some additional fish to the river. We still believe that splitting the river is a very dangerous path to take and an enforcement nightmare. If all the users can agree that it is a bad idea, I think we should agree to maintain the Columbia River as one management zone, when one state fishes we all fish. We would urge your consideration to leave the Columbia River one management zone for halibut, and all fisheries. Thank you for your time.

Sincerely Yours,

Butch Smith
Pres. Ilwaco Charter Assoc.
SAS Vice Chair.

Subject: [Fwd: halibut]
From: PFMC Comments <pfmc.comments@noaa.gov>
Date: Tue, 04 Oct 2005 13:28:00 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: halibut
Date: Tue, 04 Oct 2005 13:14:11 -0700
From: Rick Andersen <rvprorick@hotmail.com>
To: pfmc.comments@noaa.gov

Concerning the halibut limit. I am totally opposed to the yearly limit proposal. This has not worked for sturgeon and the columbia. This is simply a way to discriminate against user groups. The private boater ,who obvisily puts more money into state and local econimmes than any other, would take the hit on this. Please do not pass this proposal. thanks, Rick Andersen pres. RVPROINC.

Don't just search. Find. Check out the new MSN Search!
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

Pacific Fishery Management Council

Subject: [Fwd: Halibut fishing]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Tue, 04 Oct 2005 11:48:23 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Halibut fishing
Date: Tue, 04 Oct 2005 11:33:19 -0700
From: Rick Migliacio <rick.migliacio@alaskaair.com>
To: <pfmc.comments@noaa.gov> <pfmc.comments@noaa.gov>

Hi

I was reading on your web site about the proposed changes for Washington. I am opposed to the 5 annual bag limit. How is this going to extend the season. Last year I caught 1 Halibut maybe next year I will be luckier. Also Having staggard days to extend the season makes no sense when people plan vacations like myself I usally plan fo a week and pay good money to stay at local hotels or resorts to stay and fish this would have me paying for nights in hotels and days of no fishing.

Rick Migliacio
2532739013

This inbound e-mail message has been scanned for Viruses and Content and cleared by AAG MailScan

Pacific Fishery Management Council

Subject: Halibut

From: BRANCHOFIC@aol.com

Date: Tue, 4 Oct 2005 12:28:33 EDT

To: Chuck.Tracy@noaa.gov, culvemkc@dfw.wa.gov, anderpma@dfw.wa.gov

CC: mcedergreen@olynet.com, coho@willapabay.org, spirit.spirit@verizon.net, curt.melcher@coho2.dfw.state.or.us

October 1, 2005

PFMC

7900 NE 82nd Ave.

Portland, Oregon 97220

Re: Halibut

Dear Sirs:

I am writing to express my opposition to WDFW's proposal to institute a yearly limit on Halibut. Although this proposed regulation is well intentioned, and appears on the surface to be logical, it is fatally flawed and has been proven to be ineffective and counter productive.

In 1989 WDFW implemented a 15 fish annual bag limit (it is currently 5) for Sturgeon on the Columbia River with the intent of maintaining a year round fishery. The rationale for this regulation was the same as stated in the "*WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE HALIBUT CATCH SHARING PLAN FOR 2006*" that was presented to the council at the September meeting. In this report WDFW states that "The annual bag limit would accomplish the objective of providing an opportunity for more individuals to participate in the recreational fisheries" while admitting that "selecting a limit amount, which is less than the amount of days open to fishing could **POTENTIALLY** (emphasis added) extend the season".

What we learn from 16 years of experimentation on Sturgeon annual bag limits is that it has been a complete failure with unintended negative consequences. Not only did it not achieve the objective of extending the season it resulted in widespread non-compliance of catch record recording. Individuals regularly buy both a Washington and an Oregon license with the intent of recording 5 fish on each license and then "losing" one of the catch record cards. The same thing would happen in Neah Bay with anglers buying Canadian licenses and claiming their Washington caught fish were caught in Canadian waters. Anglers obtain a second catch record card using an alias, second address, or a phony social security number. These same anglers consistently refuse to record their catch unless enforcement is present and many fish go unrecorded. Catch record card data is corrupted and as a result is worthless for catch monitoring and enforcement purposes. This is the exact opposite of what WDFW states is another goal to be achieved by implementing this measure.

The ethics of these widespread actions are the subject of another discussion but will not change reality. Even more unfortunate is that catch record non-compliance is not restricted to the anglers that catch more than 5 fish per year. If WDFW wants to "require all anglers to complete a catch record card for Halibut caught in all marine areas" it does not require implementation of an annual limit. And if the department wants to use the catch record card "for catch monitoring and

enforcement purposes” it is best that an annual limit is not implemented to ensure catch record card accuracy.

The driving force behind this problem is the perception that the regulation does not achieve it's objective, that it discriminates against the individual, and that annual bag limits reallocate catch from the private boat fleet to the charter fleet. This is the opposite of WDFW's assertion that "Placing an annual limit on all anglers would treat everyone in the same fashion, and would be more likely to accomplish the objective". And again, it results in an additional negative consequence. The perception of reallocation creates unwanted user group conflict. When the council imposed a weekly limit (4 fish in 7 days) in the recreational ocean fishery it created just such a conflict. The hard feelings between the two user groups was so intense that it was 15 years before they could work together again. The weekly limit has been eliminated from the fishery because it didn't achieve the objective of extending the season and was proven to be unenforceable. The annual bag limit is also unenforceable. In the 16 years that Sturgeon have had an annual limit not a single individual has been cited for violating this rule in spite of widespread noncompliance.

WDFW indicates that the annual bag limit was sent out for public comment due to "a considerable number of comments and suggestions". It is worth noting that during the three stakeholder meetings, where stakeholders actually attended, the issue was believed to have been put to rest. Sport fishing interests, representatives of LaPush, and Neah Bay advocated no yearly limit and were lead to believe the issue was no longer on the table.

Do we really need a regulation that doesn't work, is unenforceable, creates user group conflict, corrupts catch record card data, and furthers the misconception that WDFW favors one group over another?

Sincerely,

Steve Watrous
President
Columbia Pacific Anglers

Subject: [Fwd: annual bag for Halibut]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Wed, 05 Oct 2005 08:18:39 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: annual bag for Halibut
Date: Wed, 05 Oct 2005 02:14:31 +0000
From: frack26@comcast.net
To: culvemkc@dfw.wa.gov
CC: anderpma@dfw.wa.gov, pfmc.comments@noaa.gov

Gentlemen:

I am writing to express my opposition to WDFW's proposal to institute a yearly limit on Halibut. Although this proposed regulation is well intentioned, and appears on the surface to be logical, it is fatally flawed and has been proven to be ineffective and counter productive.

It is time that you quit giving all the fish to the commercial and Indian fisheries, The sportsmen support your agency and all your programs with our moneys but end up getting nothing out of it Thank you.

Thank you

Thomas J Kula
Sportsman.

Pacific Fishery Management Council

Subject: [Fwd: Halibut Yearly Catch Limit Proposal]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Wed, 05 Oct 2005 11:47:12 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Halibut Yearly Catch Limit Proposal
Date: Wed, 05 Oct 2005 18:33:16 +0000
From: Mike Gabrielson <mikegabrielson@hotmail.com>
To: pfmc.comments@noaa.gov

Dear Sirs:

I am writing to express my opposition to WDFW's proposal to institute a yearly limit on Halibut. Although this proposed regulation is well intentioned, and appears on the surface to be logical, it is fatally flawed and has been proven to be ineffective and counter productive.

In 1989 WDFW implemented a 15 fish annual bag limit (it is currently 5) for Sturgeon on the Columbia River with the intent of maintaining a year round fishery. The rationale for this regulation was the same as stated in the "WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE HALIBUT CATCH SHARING PLAN FOR 2006" that was presented to the council at the September meeting. In this report WDFW states that "The annual bag limit would accomplish the objective of providing an opportunity for more individuals to participate in the recreational fisheries" while admitting that "selecting a limit amount, which is less than the amount of days open to fishing could POTENTIALLY (emphasis added) extend the season".

What we learn from 16 years of experimentation on Sturgeon annual bag limits is that it has been a complete failure with unintended negative consequences. Not only did it not achieve the objective of extending the season it resulted in widespread non-compliance of catch record recording. Individuals regularly buy both a Washington and an Oregon license with the intent of recording 5 fish on each license and then "losing" one of the catch record cards. The same thing would happen in Neah Bay with anglers buying Canadian licenses and claiming their Washington caught fish were caught in Canadian waters. Anglers obtain a second catch record card using an alias, second address, or a phony social security number. These same anglers consistently refuse to record their catch unless enforcement is present and many fish go unrecorded. Catch record card data is corrupted and as a result is worthless for catch monitoring and enforcement purposes. This is the exact opposite of what WDFW states is another goal to be achieved by implementing this measure.

The ethics of these widespread actions are the subject of another discussion

but will not change reality. Even more unfortunate is that catch record non-compliance is not restricted to the anglers that catch more than 5 fish per year. If WDFW wants to "require all anglers to complete a catch record card for Halibut caught in all marine areas" it does not require implementation of an annual limit. And if the department wants to use the catch record card "for catch monitoring and enforcement purposes" it is best that an annual limit is not implemented to ensure catch record card accuracy.

The driving force behind this problem is the perception that the regulation does not achieve it's objective, that it discriminates against the individual, and that annual bag limits reallocate catch from the private boat fleet to the charter fleet. This is the opposite of WDFW's assertion that "Placing an annual limit on all anglers would treat everyone in the same fashion, and would be more likely to accomplish the objective". And again, it results in an additional negative consequence. The perception of reallocation creates unwanted user group conflict. When the council imposed a weekly limit (4 fish in 7 days) in the recreational ocean fishery it created just such a conflict. The hard feelings between the two user groups was so intense that it was 15 years before they could work together again. The weekly limit has been eliminated from the fishery because it didn't achieve the objective of extending the season and was proven to be unenforceable. The annual bag limit is also unenforceable. In the 16 years that Sturgeon have had an annual limit not a single individual has been cited for violating this rule in spite of widespread noncompliance.

WDFW indicates that the annual bag limit was sent out for public comment due to "a considerable number of comments and suggestions". It is worth noting that during the three stakeholder meetings, where stakeholders actually attended, the issue was believed to have been put to rest. Sport fishing interests, representatives of LaPush, and Neah Bay advocated no yearly limit and were lead to believe the issue was no longer on the table.

Do we really need a regulation that doesn't work, is unenforceable, creates user group conflict, corrupts catch record card data, and furthers the misconception that WDFW favors one group over another?

Sincerely,

Mike Gabrielson

Pacific Fishery Management Council

Subject: [Fwd: Halibut Issue]

From: "PFMC Comments" <pfmc.comments@noaa.gov>

Date: Fri, 07 Oct 2005 08:08:55 -0700

To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject:Halibut Issue

Date:Wed, 5 Oct 2005 14:10:09 -0700

From:john herrling <jherrling@msn.com>

To:<pfmc.comments@noaa.gov>, "M Culver" <culvemkc@dfw.wa.gov>, "p
anderson" <anderspma@dfw.wa.gov>

To all concerned,

I am writing to express my opposal to the now once again proposed yearly limit of five halibut per angler. I attended the share holder meetings on these issues and this proposal was deleted from the list by majority agreement. It was obvious at the meetings that there were a few Charter Operators and Phil Anderson from WDFW interested in pursuing this agenda. It was finally agreed to by representatives at the meetings from PSA and other Sports Anglers, The Charter Boat Association, Forks/LaPush and Neah Bay that this was not something that was desirable or wanted and Phil Anderson finally deleted it from the list of proposals and told us it would not be presented as part of the halibut sharing plan. Now WDFW comes back and wants to do it again after telling us all they wouldn't claiming that it's what everyone wants. It appears to me that WDFW is operating in it's own little world and really doesn't care to honor what it agreeded to and really doesn't seem to care what the rest of us want.

Thank you for your time,
John Herrling

Pacific Fishery Management Council

Subject: [Fwd: halibut]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Fri, 07 Oct 2005 08:09:56 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: halibut
Date: Wed, 5 Oct 2005 19:22:41 -0700
From: Bob Reudink <pelagic@copper.net>
To: <pfmc.comments@noaa.gov>

I am as as a sport fisher diametically opposed to another catch limit as done on sturgeon . I feel this discriminates sport fishing ...is supporting commercial interests and decreases economic return .

Pacific Fishery Management Council

Subject: [Fwd: Halibut]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 10 Oct 2005 10:54:56 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Subject: Halibut
Date: Sun, 9 Oct 2005 19:37:48 -0700
From: <manjendan@peoplepc.com>
To: DJ <WPackroom@bbafiberweb.com>, <anderpma@dfw.wa.gov>, <culvemkc@dfw.wa.gov>, <pfmc.comments@noaa.gov>

October 9, 2005

Dear PFMC;

Here we go again. It didn't work for sturgeon so now we're going to try the annual bag limit on the halibut fisheries.

I live in Washougal and fish the Columbia River for sturgeon as often as I can. Every year I see an increase in the number of guides and charter boats trying to make a living off of the sturgeon fishery. When sturgeon season closes, they switch to walleye. Will walleye be next for the annual bag limit?

Some fisheries, such as halibut, walleye and sturgeon, should not be used to help someone buy a \$40,000 guideboat and an "Outback" hat, just so ten executives can get on board and have their pictures taken with a fish they'll never eat. Not everything should be for sale.

Please reconsider the implementation of an annual limit on halibut.

Sincerely,

David P. Johnson
5503 SE Hans Nagel Rd.
Washougal, WA 98671

(360) 835-5724

manjendan@peoplepc.com

Pacific Fishery Management Council

Subject: (no subject)

From: "PFMC Comments" <pfmc.comments@noaa.gov>

Date: Tue, 11 Oct 2005 08:19:44 -0700

To: Chuck Tracy <Chuck.Tracy@noaa.gov>

----- Original Message -----

Date: Mon, 10 Oct 2005 22:30:48 -0700

From: <Vern@cablespeed.com>

Reply-To: <Vern@cablespeed.com>

To: <pfmc.comments@noaa.gov>

No Annual limit on Halibut, Please. **NO ANNUAL LIMIT ON
HALIBUT, PLEASE. VERN GARRISON,
360-379-0548**

Pacific Fishery Management Council