

## OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2014 FISHERY

The Oregon Department of Fish and Wildlife (ODFW) solicited public comment on the Pacific Fishery Management Council (PFMC) approved proposals for changes to the Pacific Halibut Catch Sharing Plan (CSP) for fisheries in 2014. To gather public input on proposals, ODFW hosted public meetings in Newport (Sept. 24) and Brookings (Sept. 25) and used an online survey for those who could not attend the public meetings; 303 people took the online survey. Anglers were limited to providing input on fisheries they currently participate in or plan to in 2014 (survey questions were conditional upon responses). For example, anglers were asked if they fish or plan to fish the Columbia River Sub-area, and if they answered no, then they did not receive proposals affecting that sub-area. Input was focused on the specific items put forward by PFMC in September, with some additional input on things to look at for the future.

### **Proposed Changes to the CSP:**

#### **Columbia River Subarea**

##### **Spring and summer all-depth open days per week**

**Status quo: Friday through Sunday**

**Proposed: Thursday through Sunday**

**ODFW recommends changing the open days per week to include Thursday**, as this may provide anglers additional opportunity to fully utilize the quota (harvest was only 50 percent of the 2013 quota and 65 percent of the 2012 quota). Opening an additional mid-week day is not expected to affect the season duration. The majority (59 percent; 17 of 29) of halibut anglers from Oregon who fish the Columbia River Subarea also support the proposal

##### **Revise the subarea allocation to create a nearshore fishery**

**Status quo: no nearshore fishery**

**Proposed: Revise the subarea allocation such that 1,500 pounds or 10 percent of the subarea allocation, whichever is less, is set aside for a nearshore fishery in the area shoreward of either 30 or 40 fathoms.**

**ODFW recommends revising the subarea allocation such that 1,500 pounds or 10 percent of the subarea allocation is set aside for a nearshore fishery.** ODFW is in favor of exploring options that allow for more opportunities for anglers in this area to harvest their allocation; however there is concern that this may proposal may strand fish. We are unsure how of this fishery will proceed and if there will be allocation left unused, and then unavailable for the all-depth seasons. For instance, only 2 percent (9 of 481) of halibut catch from Oregon anglers has occurred shoreward of 40 fathoms, and no incidental halibut catches (landings nor releases) have been reported on an Oregon bottomfish trip since 2004. It is not expected that this change will impact the duration of the all-depth fishery, as more than 1,500 pounds of halibut have gone unharvested each year since 2011. ODFW does not currently have a recommendation on the depth

restriction for this fishery. Our intent is to work with Washington Department of Fish and Wildlife and the Enforcement Consultant at the Council meeting on the depth restriction.

### **Allow lingcod retention**

**Status quo: not allowed when halibut are onboard**

**Proposed: Revise the bottomfish restrictions in this subarea such that lingcod retention would be allowed when halibut are onboard.**

**ODFW does not recommend allowing lingcod retention when halibut are onboard during the all-depth seasons.** The restriction on retention of bottomfish in the all-depth halibut fisheries were put into place in 2005 to reduce impacts to canary and yelloweye rockfish. At this time, it is uncertain how retention of lingcod would impact primarily yelloweye rockfish. Additionally, any changes in angler behavior (i.e. retaining truly incidentally caught lingcod to targeting deep-water lingcod) has the potential to increase the encounter rate and impacts to yelloweye rockfish. Given that yelloweye rockfish harvest guidelines are currently the most restrictive element to groundfish and halibut recreational fisheries, and increased interactions will have the potential to require further restrictions, causing any additional impacts to yelloweye rockfish seems too risky at this time. ODFW does encourage analysis of groundfish retention in the halibut fisheries be included in the Tier 1 groundfish environmental impact statement that is being prepared. This should help provide information for the states and council to make a more informed risk call on allowing retention of lingcod (or other groundfish) in halibut fisheries.

### **Central Coast Subarea**

#### **Nearshore fishery days of the week and opening date**

**Status quo: Three days per week (Thursday through Sunday), beginning on 1<sup>st</sup> Thursday in May**

**Proposal 1: Open June 1, seven days per week**

**Proposal 2: Open after the spring all-depth season concludes, seven days per week**

**ODFW recommends Proposal 2 to open the nearshore fishery seven days per week after the spring all-depth fishery closes.** Most anglers (66%; 169 of 257) would rather have a shorter (one month or less) fishery open seven days per week than a longer (two month) fishery open three days per week. The primary rationale for seven days per week was to accommodate anglers with different work schedules, specifically for those who had to work during the open days (i.e., Thursday-Saturday).

Regarding the start date of the fishery, there was no clear favorite among those who preferred seven days per week (i.e., 52 percent for Proposal 1 and 48 percent for Proposal 2). ODFW is therefore recommending the nearshore fishery start after the spring all-depth closes (typically late June). This is projected to allow halibut fishing each month from May through August, (Table 1). Having the nearshore fishery occur during July would also provide anglers the opportunity for coho salmon and nearshore halibut combination trips. Since both of these fisheries occur within the same general areas (within 40 fathoms) and both are variable in terms of fishing success, anglers could easily switch from halibut to salmon or vice versa if the fishing for one or the other is poor.

**Table 1. Projected seasons for each of the nearshore days per week alternatives (grey shading). Chinook salmon and tuna seasons are based on when the fish generally arrive and the other seasons are based on regulations. AD=all-depth halibut; SQ=status quo; P=proposal.**

Expected seasons	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Bottomfish</b>												
<b>Tuna</b>												
<b>Chinook S.</b>												
<b>Coho S.</b>												
<b>AD halibut</b>												
<b>SQ (3; May 1)</b>												
<b>P1 (7; June 1)</b>												
<b>P2 (7; Spr. AD)</b>												

**Restrict the nearshore fishery to inside of 30 fathoms**

**Status Quo: restricted to inside of the 40 fathom regulatory line**

**Proposal: restricted to inside of the 30 fathom regulatory line**

**ODFW is not recommending changing the depth restrictions for the Central Coast nearshore fishery** primarily because restricting the fishery to 30 fathoms is not expected to extend the length of the fishery: (a) nearly all nearshore halibut trips already occur shoreward of 30 fathoms at most ports (e.g., Pacific City; Figure 2) and (b) in ports where effort occurs seaward of 30 fathoms, there would likely only be a shift of effort from deeper depths (> 30 fathoms) to shallower depths (< 30 fathoms) where fishing is just as productive (i.e., similar halibut catch rates). The nearshore fishery would likely have to be restricted to 20 fathoms in order to reduce catch rates enough to have a measure effect on season duration. Additionally, the majority of anglers were strongly opposed to a 30 fathom depth restriction (Figure 1).

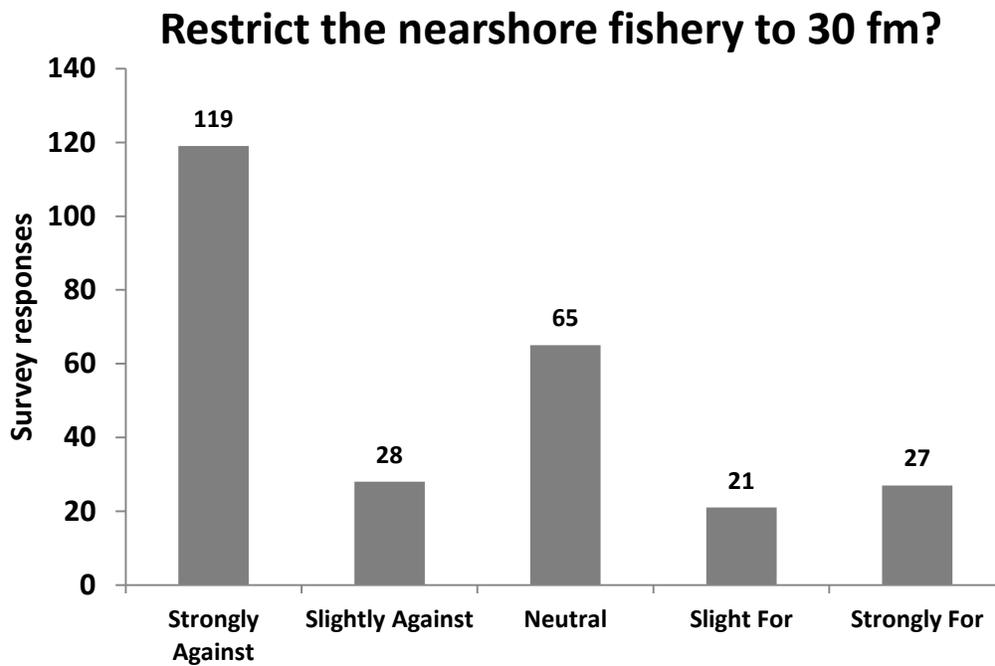


Figure 1. Online survey responses regarding the proposal to restrict the nearshore from 40 fm to 30 fm.

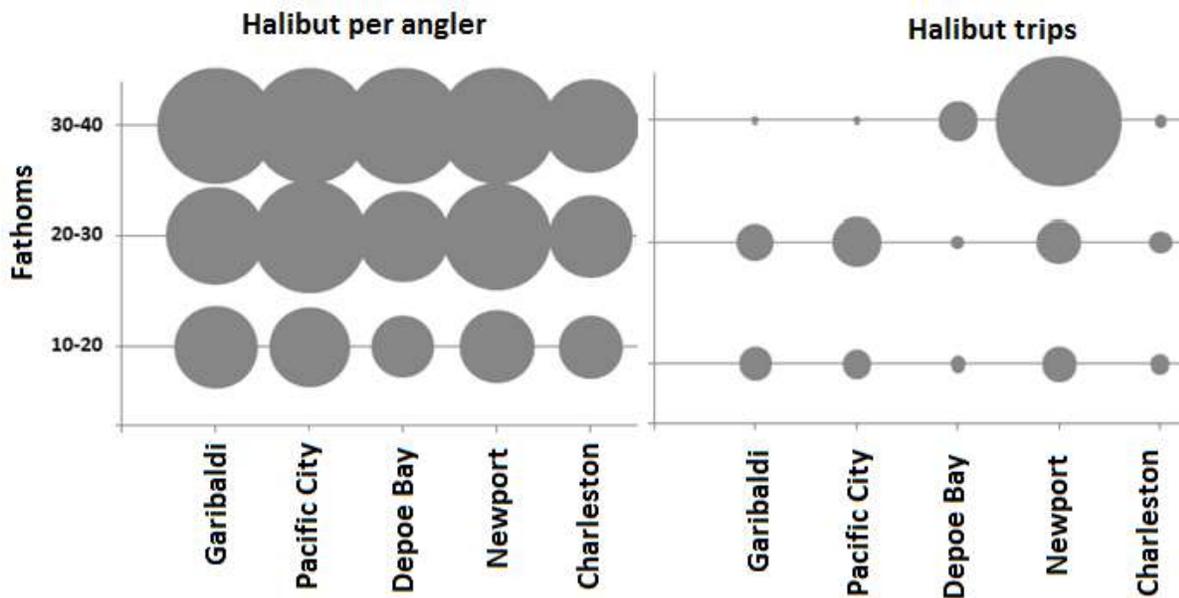


Figure 2. Relative nearshore halibut catch rates and effort by port and depth.

### Spring and summer all-depth seasons

**Status Quo:** if the Area 2A TAC is less than 700,000 pounds, the combined all-depth season begins on the second Thursday in May

**Proposal:** If the Area 2A TAC is less than 700,000 pounds, the combined all-depth season begins on the first Thursday in June

ODFW recommends maintaining the status quo start date for the combined all-depth if the 2A TAC is less than 700,000 pounds. Anglers stated that is better to have all-depth fishing occur during May (Status Quo; Table 2) than July (Proposal) because there are fewer other fishing opportunities in May (“nothing but groundfish” Table 2). Further, charter operators have stated that they are financially dependent on selling May all-depth halibut trips (July tuna and salmon easy to book). Additionally, port representatives stated that other fishing associated businesses have come to depend on halibut starting in May.

**Table 2. Projected seasons for each of the all-depth (AD) combined season start alternatives (grey shading). Chinook salmon and tuna seasons are based on when the fish generally arrive and the other seasons are based on regulations. SQ=status quo; P=proposal.**

Expected seasons	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bottomfish												
Tuna												
Chinook S.												
Coho S.												
SQ (AD mid-May)												
P (AD early-June)												

### South of Humbug Mountain Subarea

#### Managing the area between Humbug Mountain and the Oregon/California Border

**Status quo:** managed as part of the South of Humbug Mountain Subarea, includes all of California

**Proposal 1:** move the current South of Humbug Mountain Subarea quota to the area south of the Oregon/California border; subsume the Oregon portion of that former area into the Oregon Central Coast Subarea

**Proposal 2a:** move the current South of Humbug Mountain Subarea quota to the area south of the Oregon/California border: create a new Southern Oregon Subarea with its own allocation of 2 percent of the Oregon recreational allocation. This would eliminate the Central Coast summer all-depth fishery; the remaining 23 percent would be allocated to the nearshore fishery.

**Proposal 2b:** move the current South of Humbug Mountain Subarea quota to the area south of the Oregon/California border: create a new Southern Oregon Subarea with its own allocation equivalent to 2 percent of the Central Coast Subarea allocation, being deducted from the spring all-depth fishery. This

**would reduce the Central Coast spring all-depth fishery to 61 percent of the subarea allocation.**

**ODFW recommends Proposal 2b.** Splitting the South of Humbug Subarea at the Oregon/California border would eliminate logistical issues associated with aligning incompatible state regulatory processes (e.g., to change regulations inseason) and harvest estimation timeframes among the state marine creels (e.g., data available faster in Oregon). Further, splitting at the border would allow each state greater flexibility to manage their fishery to best fulfill the needs of their constituents.

The general consensus among anglers from both the Central Coast (100 percent at public meeting) and South of Humbug (100 percent at public meeting; 82 percent from online survey) Subareas was to keep that area separate (i.e., new Southern Oregon Subarea). To summarize the input from South of Humbug halibut anglers, they would “prefer to have their own small quota (2 percent of Central Coast) and be able to control the fishery to best suit their needs (by adjusting future seasons and regulations) than to have to compete with the Central Coast ports that have a competitive advantage due to generally calmer weather and high volume charter fleets”.

South of Humbug anglers were cautioned that the halibut season length would be highly uncertain if they remained separate, due to huge variation in weekly catches in past years (Figure 3). Additionally, that is possible that the fishery could close in one week; entire proposed quota (~4,000 pounds) was caught in one week in August 2013. To summarize their response, they are willing to live with that risk for next year, and if early closure does occur, then they will help craft regulations to prevent early closures in future years or seek additional quota from other Oregon subareas.

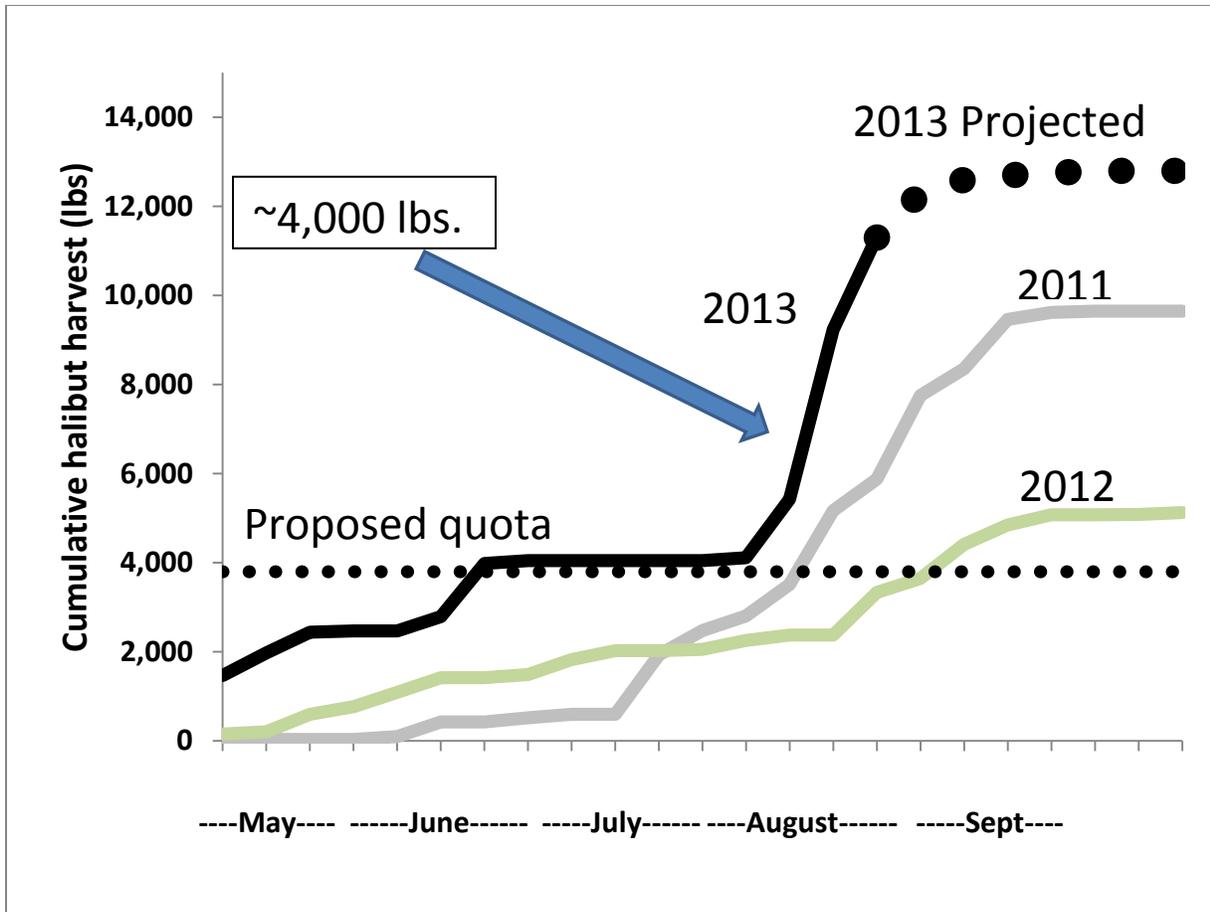


Figure 3. Cumulative halibut catches for the Oregon portion of the South of Humbug Subarea, 2011-2013. Prior to June 2011, annual catches were less than 500 lbs. and often times zero lbs.

### Minor Language Change

ODFW recommends changing the language that “ODFW will sponsor a public workshop” to “ODFW will sponsor a public input process” after the IPHC annual meeting to set the Central Coast Subarea all-depth dates. Given recent low attendance at public meetings, and with the advancement of technology, ODFW would like the opportunity to use methods other than a public meeting or workshop to gather input.

## Proposed Language Modifications for the CSP are as follows:

### (b) ALLOCATIONS

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 ~~four~~ ~~three~~-shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/~~California~~ sport fishery receiving ~~31.7~~ 30.7 percent, the California sport fishery receiving 1.0 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*.

### (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.

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### (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~~ six geographic subareas.

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

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- .

#### (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 is also allocated an amount equal to the contribution from the Washington sport allocation from the Oregon/~~California~~ sport

allocation. **The Columbia River subarea quota will be allocated as follows: 10 percent or 1,500 pounds, whichever is less, will be set aside to allow incidental halibut retention on bottomfish trips in the area shoreward of the 40 (or 30) fathom curve (73 m), with the remaining amount allocated such that 80 percent is reserved for an early season beginning in May.** 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 the first **Thursday Friday** in May or May 1 if it is a **Friday**, Saturday or Sunday, **3 4** days per week, **Thursday Friday** through Sunday until 80 percent of the subarea allocation is taken. The fishery will reopen on the first **Thursday Friday** in August and continue **3 4** days per week, **Thursday Friday**-Sunday until the remainder of the subarea quota has been taken, or until 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 quota would be transferred to each state in proportion to its contribution. The daily bag limit is one halibut per person, with no size limit. No groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod 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 **92.0 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. If the overall 2A TAC is 700,000 pounds (317.5 mt) or greater, 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, and provide a period of fishing opportunity in the summer for nearshore waters. If the overall 2A TAC is less than 700,000 pounds (317.5 mt), the structuring objectives for this subarea are to provide a period of fishing opportunity beginning in Spring in productive deeper water areas along the coast, and provide a period of fishing opportunity in nearshore waters. Any poundage remaining unharvested in the Spring all-depth subquota will be added to either the Summer all-depth sub-quota or the nearshore subquota based on need, determined via joint consultation between IPHC, NMFS and ODFW. If the 2A TAC exceeds 700,000 pounds, any poundage that is not needed to extend the inside 40-fathom (73 m) fishery through 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. If inseason it is determined via joint consultation between IPHC, NMFS and ODFW, 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. 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 taken and retained,

possessed or landed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Stonewall Bank YRCA are specified in groundfish regulations at 50 CFR 660.70 (f) and will be described annually in federal halibut regulations published in the *Federal Register*.

ODFW will sponsor a public **input process 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 ~~second~~ **first** season (Spring fishery) is an all-depth fishery with two potential openings and is allocated 63 percent of the subarea quota if the TAC is 700,000 pounds (317.5 mt) or greater, or 75 percent of the subarea quota if the subarea if the 2A TAC is less than 700,000 pounds (317.5 mt). **Two percent of the allocation for this fishery is allocated to the Southern Oregon Subarea under either scenario.** Fixed season dates will be established preseason for the first Spring opening and will not be modified inseason except 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 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 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 possible exceptions to avoid adverse tidal conditions. If, following the “fixed” dates, quota for this season remains unharvested, a second opening will be held. If it is determined appropriate through joint consultation between IPHC, NMFS and ODFW, fishing may be allowed on one or more additional days. Notice of the opening(s) will be announced by NMFS via an update to the recreational halibut hotline. The fishery will be open every other week on Thursday through Saturday except that week(s) may 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 is earlier if the 2A TAC is 700,000 pounds (317.5 mt) or greater. If the 2A TAC is less than 700,000 pounds (317.5 mt) the fishery will continue until there is insufficient quota for an additional day of fishing or October 31, whichever is earlier.

B. The ~~first~~ **second** season (nearshore fishery) opens ~~the first Thursday in May or on May 1 if it is a Friday or Saturday,~~ **3 7 days per week the day Thursday through Saturday**, only in waters inside the 40-fathom (73 m) curve. **This fishery will begin when not enough quota remains in the spring all-depth fishery for additional back-up dates.** The fishery continues until the subquota is taken, or until October 31, whichever is earlier and is allocated 12 percent of the subarea quota if the 2A TAC is above 700,000 pounds (317.5 mt) or greater or 25 percent of the subarea quota if the 2A TAC is less than 700,000 pounds (317.5 mt). Any overage in the all-depth fisheries would not affect achievement of allocation set aside for the inside 40-fathom (73 m) curve fishery. ~~On or after August 15, the IPHC, NMFS, and ODFW will consult to determine whether increasing the inside of 40-fathom fishery open days per week is warranted, with the intent that the subquota for the inside 40-fathom fishery is taken by October 31.~~

C. The third season (summer fishery) is an all-depth fishery that begins on the first Friday in August and is allocated 25 percent of the subarea quota if the 2A TAC is 700,000 pounds (317.5 mt) or greater. If the 2A TAC is less than 700,000 pounds (317.5 mt) then 0 percent of the subarea quota will be allocated to this season. The fishery will be structured to be open every other week on Friday and Saturday except that week(s) may be skipped to avoid adverse tidal conditions. The fishery will continue until there is insufficient quota remaining to reopen for another fishing day or October 31, whichever is earlier. The potential open Fridays and Saturdays 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 and Saturday (versus every other Friday and Saturday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. The inseason action will be announced by NMFS via an update to the recreational halibut hotline. If after the Labor Day weekend, 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 and the fishery is not already open every Friday and Saturday, the fishery will re-open on every Friday and Saturday (versus every other Friday and Saturday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. After the Labor Day weekend, the IPHC, NMFS, and ODFW will consult to determine whether increasing the Oregon Central Coast bag limit to two fish is warranted with the intent that the quota for the subarea is taken by September 30. If the quota is not taken by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever is earlier. The inseason action will be announced by NMFS via an update to the recreational halibut hotline.

**(vi) Southern Oregon Subarea**

**This sport fishery is allocated 2.0 percent of the Oregon Central Coast Subarea spring all-depth allocation. This area is defined as the area south of Humbug Mountain, OR (42° 40.50' N. lat.) to the Oregon/California Border (42° 00.00' N. lat.). This fishery will open May 1, seven days per week until the subquota is taken, or October 31, whichever is earlier. The daily bag limit is one halibut per person, with no size limit.**

**(vii vi) South of Humbug Mountain California subarea.**

This sport fishery subarea is allocated ~~1.0~~ **3.0** percent of ~~the non-Indian allocation. the Oregon/California subquota which is approximately 0.62 percent of the Area 2A TAC.~~ This area is defined as the area south ~~of the Oregon/California Border (42° 00.00' N. lat.) 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.