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OREGON DEPARTMENT OF FISH AND WILDLIFE PROPOSALS FOR MODIFYING THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2004 OREGON FISHERY

The Oregon Department of Fish and Wildlife (ODFW) held three public meetings in October 2003 to discuss Pacific Fishery Management Council (PFMC) approved proposed changes to the Pacific Halibut Catch Sharing Plan for the 2004 Oregon recreational fishery. These meetings occurred in Tillamook, Newport, and North Bend. Based on the meeting comments, the ODFW recommends the PFMC adopt the following changes to the Catch Sharing Plan for 2004.

1. Increased flexibility in adopting the Spring and Summer all-depth open dates from Cape Falcon to Humbug Mountain.

The Spring fishery (May through July) would continue to be managed under the "fixed day" concept. The "fixed" days will continue to occur on Thursdays, Fridays and Saturdays. The fixed season dates will be established pre-season and will occur in consecutive weeks starting the second Thursday in May, 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 Friday and Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays and Saturdays will be identified pre-season. The fishery will continue until there is insufficient quota for an additional day of fishing. Any remaining quota will be added to the Summer quota.

The Summer fishery (August through October) would no longer be managed under the "fixed day" concept. The fishery will continue to be structured for Friday and Saturday openers, and will open on the first Friday in August. The fishery will be open every other week on Friday and Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays and Saturdays will be identified pre-season. The fishery will continue until there is insufficient quota for an additional day of fishing. Any remaining quota will be transferred to the nearshore fishery (presently inside the 30-fathom curve).

Rationale: During both 2002 and 2003 insufficient "back-up" dates were established pre-season and quota was left unharvested. Many factors contributed to this situation, including improved salmon fishing opportunity and adverse weather during the Spring "fixed day" fishery. This proposal adds potential open days to avoid this situation in 2004. Adopting every other weekend (Friday-Saturday) was unanimously supported by the public. Avoiding adverse tidal conditions was mostly supported as was dropping the "fixed day" concept for the Summer fishery.

2. Combine central coast subareas during the Spring all-depth fishery.

Combine the two sub-areas in the Cape Falcon to Humbug Mountain area during the Spring all-depth fishery.

Rationale: If the proposal to increase flexibility to the central coast all-depth fisheries is adopted (proposal 1), participants at the Newport and North Bend public meetings indicated having a separate sub-area from the Florence north jetty to Humbug Mountain was not necessary as the fishery should last into late May or early June when ocean conditions improve on the south central coast. Participants at the Tillamook meeting were in opposition to combining the two sub-areas. They mentioned that the south-central coast area wanted their own sub-area in the past and that should not be changed now. The two sub-areas are combined in the Summer fishery.

3. Nearshore fishery depth limit.

If the recreational groundfish fishery is constrained to depths within the 40-fathom curve or shallower, the outside depth of the nearshore Pacific halibut fishery, open only inside the 30-fathom curve in recent years, would be adjusted to match the outside depth closure of the groundfish fishery. For 2004, the nearshore fishery would be open inside the 40-fathom curve as the groundfish fishery is open inside the 40-fathom curve during the summer.

Rationale: Enforcement. Participants at the public meetings recommended the fishery be open inside the 40-fathom curve the entire season (May through October or quota attainment) in 2004 to reduce angler confusion even though the groundfish fishery is only constrained inside the 40-fathom curve during June through September.

4. Nearshore fishery retention of Pacific halibut.

It would be illegal to have Pacific halibut taken in the nearshore fishery (constrained to inside the 30-fathom curve in recent years) on board a vessel that is outside the open area. If proposal 3 is adopted, the 2004 nearshore fishery would be open inside the 40-fathom curve.

Rationale: Enforcement. Most participants at the public meetings supported this proposal. One individual expressed the desire to catch nearshore halibut and then troll offshore for salmon, which would be prevented under this regulation.

5. Extend duration of South of Humbug Mountain fishery.

Last year the Council adopted an October 31 ending date for the fisheries south of Cape Falcon. In the Federal Register, the area south of Humbug Mountain was not included in the season extension.

Rationale: Housekeeping. Participants at the public meetings supported this proposal.

6. Washington's proposal to allow remaining quota in the Columbia River subarea to be transferred to another Washington subarea.

Oregon recommends that if there is insufficient quota remaining in the Columbia River subarea for another fishing day and quota is to be transferred to other subareas, the Washington proportion as set preseason be transferred to another Washington subarea, and the Oregon proportion as set preseason be transferred to another Oregon subarea. This authority to transfer Columbia River quota to other Oregon sport fisheries already exists in the Catch Sharing Plan at (f) (5) (i) (D). Oregon simply wants to ensure that if quota is transferred out of the Columbia River area, that quota is transferred back to the state that made the original quota contribution.

2004 PACIFIC HALIBUT CATCH SHARING PLAN FOR OREGON SOUTH OF CAPE FALCON

(v) Oregon north central coast subarea.

If the Area 2A TAC is 388,350 lb (176.2 mt) and greater, this subarea extends from Cape Falcon to the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) and is allocated 88.03 percent of the Oregon/California sport allocation, which is approximately 18.13 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea extends from Cape Falcon to the Humbug Mountain, Oregon (42°40'30" N. lat.) and is allocated 95.0 percent of the Oregon/California sport allocation. 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 preseason for the Spring and Summer openings and will not be modified inseason except that the Summer-Spring openings 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 and Summer fisheries 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 subquotas. ODFW will monitor landings and provide a post-season estimate of catch within 12 weeks of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season or the Summer season, openings will be provided if possible in May - July and August - October respectively. Potential additional open dates for both the Spring (*May - July*) and Summer (*August - October*) seasons will be announced preseason. 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. If pre-season catch and effort estimates determine catch rates and quotas allocated to the Oregon North Coast and South Coast subareas will result in Spring seasons of differing durations, quota may be shifted pre-season to ensure that the two subareas have the same number of fixed season days. Any poundage remaining unharvested in the Spring all-depth subquota will be added to the Summer all-depth subquota. Any poundage that is not needed to extend the inside 40-30-fathom 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 40-30-fathom fishery subquotas. The daily bag limit for all seasons is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length. 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~~ 30-fathom curve, and continues daily until the *subquota* (8% of subarea quota) ~~combined subquotas for the north central and south central inside 30 fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota)~~ are 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~~ 30-fathom curve fishery.

B. The second season is an all-depth fishery *with two potential openings*. ~~The first opening that~~ begins on the second Thursday in May and is allocated ~~69~~ 68 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 fishery* 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 Friday and Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays and 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 if the combined Oregon all-depth Spring and Summer season total subquotas are estimated to be achieved., except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested.*

C. The last season is an ~~eastwide (Cape Falcon, Oregon to Humbug Mountain, Oregon)~~ all-depth fishery that begins on the first Friday in August and is allocated ~~23~~ 25 percent of the subarea quota. ~~Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon all depth quotas for the Central and South Oregon Coast subareas.~~ The fishery will be structured for 2 days per week (Friday and ~~Saturday~~). *to be open every other week on Friday and Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays and Saturdays will be identified preseason. The fishery will continue until there is insufficient quota for an additional day of fishing or October 31, whichever occurs first. No inseason adjustments will be made (unless the*

combined Oregon all depth quotas are estimated to be achieved), except that additional opening days may be allowed if quota remains unharvested. If quota remains unharvested, but is insufficient for one day of an all depth fishery, that *Any remaining* additional quota will be transferred to the fisheryies inside the 40 30 fathom (55 m) curve.

(vi) Oregon south central coast subarea.

If the Area 2A TAC is 388,350 lb (176.2 mt) and greater, this subarea extends from the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) to Humbug Mountain, Oregon (42°40'30" N. lat.) and is allocated 6.97 percent of the Oregon/California sport allocation, which is approximately 1.43 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea will be included in the Oregon Central Coast subarea. The structuring objective for this subarea is to create a south coast management zone that has the same objectives as the Oregon central coast subarea and is designed to accommodate the needs of both charterboat and private boat anglers in the south coast subarea where weather and bar crossing conditions very often do not allow scheduled fishing trips. Fixed season dates will be established preseason for the Spring and Summer openings and will not be modified inseason except that the Summer openings may be modified inseason if the combined Oregon all depth quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring and Summer 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 subquotas. ODFW will monitor landings and provide a post season estimate of catch within 2 weeks of the end of the fixed season. If sufficient quota remains for an additional day of fishing after the Spring season or the Summer season, openings will be provided if possible in May July and August October respectively. Potential additional open dates for both the Spring and Summer seasons will be announced preseason. 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. If pre season catch and effort estimates determine catch rates and quotas allocated to the Oregon North Coast and South Coast subareas will result in Spring seasons of differing durations, quota may be shifted pre season to ensure that the two subareas have the same number of fixed season days. 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 30 fathom 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 August all depth fishery will be added to the inside 30 fathom fishery subquotas. The daily bag limit for all seasons is the first halibut taken, per person, of 32

inches (81.3 cm) or greater in length. 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 30 fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30 fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are 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 utilized. Any overage in the all depth fisheries would not affect achievement of allocation set aside for the inside 30 fathom curve fishery.~~

B. ~~The second season is an all depth fishery that begins on the second Thursday in May and is allocated 80 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the subquota for this season. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested. The fishery 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.~~

C. ~~The last season is a coastwide (Cape Falcon, OR to Humbug Mountain, OR) all depth fishery that begins on the first Friday in August. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon all depth quotas for the Central and South Oregon Coast subareas. The fishery will be structured for 2 days per week (Friday and Saturday). No inseason adjustments will be made (unless the combined Oregon all depth quotas are estimated to be achieved), except that additional opening days may be allowed if quota remains unharvested. If quota remains unharvested, but is insufficient for one day of an all depth fishery, that additional quota will be transferred to the fisheries inside the 30 fathom (55 m) curve.~~

(vi)(vii) 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°40'30" 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 September 30. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

Due to inability to monitor the catch in this area inseason, a fixed season will be established pre-season 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.

