

PORT ORFORD OCEAN RESOURCES TEAM REPORT ON PROPOSED CHANGES  
TO CATCH SHARING PLAN AND 2007 ANNUAL REGULATIONS

The Port Orford Ocean Resources Team (POORT) held two meetings in Port Orford to develop a southern Oregon proposal for a bycatch fishery for Pacific halibut taken in the sablefish longline fishery. In addition, POORT presented its proposal to commercial stakeholders at an ODFW sponsored meeting on halibut management in August 2006.

Based on public comment we received and the apparent need to clarify our proposal in Agenda Item G1.d Public Comment, we support the following proposal, with modifications, to the 2007 Pacific Halibut Catch Sharing Plan for Area 2A, section (f) NON-INDIAN COMMERCIAL FISHERIES. We would be happy to work with staff to craft suggested changes to Catch Sharing Plan language.

**Non-Indian Commercial Fisheries Area 2A (South of Point Chehalis, WA)**

**The allocation for the directed fishery is approximately 17.5% of the Area 2A TAC. For the 2007 season, implement the following changes:**

**a) Reduce the non-Indian Commercial allocation for 2A by 5% and re-allocate for incidental catch in the sablefish longline fishery south of 43° N. lat. to the Oregon/California border.**

Rationale: Recent changes in the management of groundfish and earlier changes in halibut management have severely constrained the ability of Port Orford to catch Pacific halibut. Rockfish conservation areas (RCAs) preclude access to grounds used in the directed fishery. Sablefish is an important component of the southern Oregon fishery, yet halibut caught incidental to sablefish must be discarded. POORT requests a small reallocation of the 2A TAC to allow retention of halibut taken incidentally to sablefish in the commercial longline fisheries south of 43° N. lat. to the Oregon/California border. The amount requested is less the recent historical average for the southern Oregon ports. In 2006, it would have amounted to 11,748 pounds. South coast fishermen feel that an incidental fishery south of 43° N. lat. would be better use of limited resources by preserving and enhancing the economic base and employment opportunities for small communities (National Standard 8), and by reducing bycatch (National Standard 9).

**b) Define the southern Oregon incidental fishery area within Area 2A as the area between 43° N. lat. and the Oregon/California Border.**

Rationale: There is strong support among fishermen within the area south of 43° N. lat. to the Oregon/California border for a fishery allowing the retention of halibut taken in the longline fishery for sablefish. Support for such a fishery coastwide in lieu of a directed fishery is less clear. Thus, the balance of Area 2A would remain available for commercial fishers participating in the directed fishery.

**c) Add a forth option for commercial fishers allowing them to elect to participate in the directed commercial fishery in Area 2A, and the incidental fishery south of 43° N. lat. to the Oregon/California border. Currently, there are three options on the halibut permit application. Commercial fishers may elect to fish halibut incidental to the salmon troll fishery or participate in the directed fishery for halibut, or participate in the both the directed fishery for halibut south of Pt Chehalis and the incidental fishery north of Point Chehalis.**

Rationale: We wish to parallel, somewhat, the existing rule structure. North of Point Chehalis, commercial fishermen can participate in the directed and incidental fishery, or retain halibut in the salmon troll fishery. We advocate allowing the same in the proposed incidental fishery south of 43° N. lat. to the Oregon/California border.

**d) Limited entry and open access fishers may retain halibut caught incidentally in the longline sablefish fishery south of 43° N. lat. to the Oregon/California border.**

Rationale: Both longline and open access commercial fishermen make significant contributions to the sablefish landed into southern Oregon ports. Both classes of fishermen have participated in the directed fishery for halibut. Halibut is also taken by both limited entry and open access fishermen incidental to sablefish, and discarded at present.

**e) Those commercial fishers electing to participate in the directed fishery targeting halibut in Area 2A must declare in writing and must notify NMFS or designee 24 hrs before by phone their intent to deliver south of 43° N. lat. Halibut taken incidental to sablefish south of 43° N. lat. must be delivered into ports south of 43° N. lat. to the Oregon/California border.**

Rationale: All vessels participating in the halibut fishery must be identified and registered with the IPHC, and have a permit from the IPHC. Declaration procedures are necessary to identify and account for halibut taken from the allocation of the Area 2A non-Indian commercial quota, and from the proposed incidental fishery. Far off shore fisheries declarations have been used in the past to make notification of fish taken outside of the management area and transport them to ports within the management area. We suggest using a similar procedure for those commercial fishers electing to participate in the Area 2A directed fishery and bring fish (see attached example). In practice, few boats north of Point Chehalis fish the directed fishery in Area 2A. We also anticipate that few boats south of 43° N. lat. will elect to participate in the directed fishery to the north due to vessel size limit restrictions and limited access to grounds.

**f) Initially, set the retention rate for Pacific halibut in the sablefish fishery south of 43° N. lat. to the Oregon/California border the same as for the incidental catch ration used north of Point Chehalis, WA. – 100 lbs of halibut for every 1,000 lbs of sablefish (dressed weight) landed, and up to 2 halibut in excess of the 100 lb per 1,000 ratio per landing.**

Rationale: Some concern was expressed that a sub-allocation for an incidental fishery south of 43° N. lat. to the Oregon/California border might be left on the table and be lost from the overall commercial allocation. We've addressed this in two ways: 1) reducing the allocation amount to 5%, and 2) keeping the incidental catch ratio fairly liberal to start with. With the ratio at 100 lb of halibut per 1,000 lb sablefish, there is more likelihood that the allocation would be used. Either could be adjusted at some future date.

**g) Constrain the incidental catch fishery south of 43° N. lat. to the Oregon/California border to the period May 1, to October 31 of each year, or until the 5% allocation is taken.**

Rationale: It is hoped that the incidental allocation and ratio limits would permit an incidental allowance that would last throughout the season. Either way, the allocation would not be exceeded and the incidental fishery would take place during the time period of peak activity for the sablefish fishery.

**Example Pacific Halibut Directed Fishery Declaration**

(patterned after OAR 635-04-135)

635-04-xxx (1) The vessel operator of any vessel participating in the Pacific halibut non-Indian 2A commercial fishery north of 43° N. lat. intending to land halibut south of 43° N. lat. shall notify the Department of any such fishing trip at least 48 hours prior to leaving port by writing to the Oregon Department of Fish and Wildlife, 2040 SE Marine Science Drive, Newport, Oregon 97365, or by calling 503-867-4741 during regular business hours Monday through Friday. Such a declaration shall include the area to be fished and the intended port of landing, including the identification of the processor to whom delivery will be made.

(2) In addition, 24 hours or more prior to landing, the vessel operator shall notify the Department at the telephone number listed above, during regular business hours, or the Oregon State Police at other times, telephone number 541-247-6641, 541-776-6111, or 503-378-3720, of the following:

- (a) Vessel name and documentation number;
- (b) Estimated time of arrival;
- (c) Port of landing;
- (d) Processor's location; and
- (e) Estimated weight of fish on board.

(3) Any vessel participating in the directed fishery for Pacific halibut north of 43° N. lat. shall not, at the same time, participate in the incidental fishery for Pacific halibut in the sablefish fishery south of 43° N. lat. to the Oregon/California border.

**Example Draft Rule Wording**

***Retention of Incidental Halibut Catch in the Sablefish Fishery South of 43° N. lat. to the Oregon/California Border (with provision to land Pacific halibut taken north of 43° N. lat. in the directed halibut fishery, south of 43° N. lat.)***

The Pacific halibut CSP and implementing regulations at 50 CFR 300.63 (b)(3) provide for retention of halibut landed incidentally in the sablefish fishery south of 43° N. lat. to the Oregon/California border. The amount sub-allocated to this bycatch fishery shall not exceed 5% of area 2A non-Indian commercial allocation. The non-tribal commercial allocation for 2006 was 234,960 lbs south of Pt. Chehalis, thus the bycatch quota for the southern fishery is set at 11,748 lbs.

According to IPHC and Federal regulations, Pacific halibut may not be taken by other than hook-and-line gear. Only vessels 1) registered for use with appropriate Federal sablefish-endorsed limited entry permits, or 2) open access vessels participating in the hook-and-line groundfish fishery for sablefish may participate retain incidental Pacific halibut. Vessels must also carry IPHC commercial halibut licenses in order to retain and land halibut. Incidental halibut retention in the primary and open access sablefish fishery is only available to vessels operating south of 43° N. lat. to the Oregon/California border. Under Pacific halibut regulations at 50 CFR 300.63, halibut taken and retained in the primary and open access sablefish fishery south of 43° N. lat. may not be possessed or landed in the area north of 43° 00' N. lat. or south of the Oregon/California border. Pacific halibut taken north of 43° N. lat. directed fishery targeting halibut may not be possessed or landed south of 43° N. lat. without the vessel operator first making a declaration by providing 48 hrs written notice and 24 hrs notice by telephone to the National Marine Fisheries Service or designee, of intent to land halibut taken north and landed south of 43° N. lat.

In 2007, 5% of the non-Indian commercial allocation for Area 2A was re-allocated under the catch sharing plan to create a cap on the amount of incidental halibut retained in the primary and open access sablefish fishery south of 43° N. lat. to the Oregon/California border. The cap was established to ensure that the fishery is maintained as an incidental and not as a directed fishery. The objective for setting annual landing restrictions is to reach the halibut quota for this fishery at about the same time as the sablefish season ends, to ensure an equitable sharing of halibut landings among fishers. To achieve this objective, incidental halibut retention in the sablefish fishery over the past few years has been structured as a ratio of halibut landings permitted in relation to sablefish landings.

Therefore, the Pacific Council recommended, and NMFS is implementing the following: Beginning May 1, 2007, and continuing until the halibut quota (the amount specified in the CSP in Area 2A south of 43° N. lat.) is taken or until October 31, 2007, longliners eligible to participate in the primary and open access sablefish fishery south of 43° N. lat. to the Oregon/California border (see also 50 CFR 660.372(a)) with appropriate IPHC licenses may retain incidental halibut landings up to 100 lbs (45 kg) (dressed weight) of halibut for every 1,000 lbs (454 kg) (dressed weight) of sablefish landed and up to two additional halibut in excess of the 100 lb (45 kg) per 1,000 lb (454 kg) ratio per

landing. Halibut may not be on board a vessel that has any gear other than longline gear on board (e.g., pot or trawl gear).

POORT SUGGESTED CATCH SHARING PLAN LANGUAGE CHANGES

Add the following language to Section (e) NON-INDIAN COMMERCIAL FISHERIES

**(4) Incidental catch in the sablefish fishery south of 43° N. lat. to the Oregon/California border.**

**The allocation of the non-Indian commercial directed fishery is approximately 17.5 percent of the Area 2A TAC. Of this amount, 5% is sub-allocated for retention of incidental halibut catch in the sablefish fishery south of 43° N. lat. to the Oregon/California border. Initially, the amount of halibut retained is set at 100 lbs of halibut per 1,000 pounds of sablefish landed (dressed weight), and up to two additional halibut in excess of the 100 lb (45 kg) per 1,000 lb (454 kg) ratio per landing. Halibut may not be on board a vessel that has any gear other than longline gear on board (e.g., pot or trawl gear).**

**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 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)(5) Commercial license restrictions/declarations.**

Commercial fishers must choose either **of the following three options:** (1) to operate in the directed fishery in Area 2A and/or retain halibut caught incidentally in the primary directed sablefish fishery north of Point Chehalis, WA, **or (2) to operate in the directed fishery Area 2A and/or retain halibut caught incidentally in the primary and open access sablefish fishery south of 43° N. lat. to the Oregon/California border or (2) (3) 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 **or commercial fishers operating in the directed halibut fishery and/or retaining halibut caught incidentally in the primary and open access fishery south of 43° N. lat. to the Oregon/California border** 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. **Commercial fishermen who elect option (2) above and choose to participate**

**in the directed fishery for halibut and the incidental fishery south of 43° N. lat. to the Oregon/California border are prohibited from doing so at the same time, and must provide 48 hrs written notice and phone 24 hours NMFS or its designee in advance their intent to participate in the directed halibut fishery north of 43° N. lat. and deliver south of 43° N. lat.**

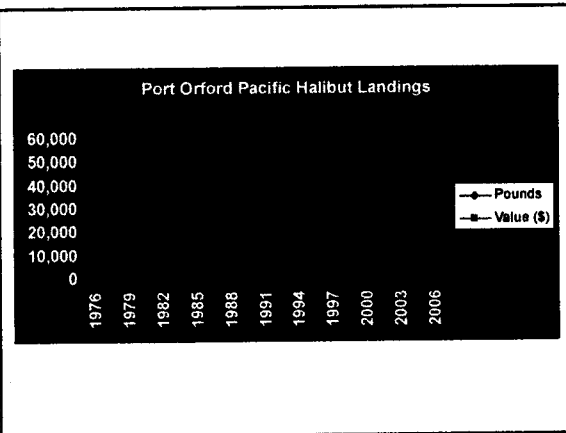
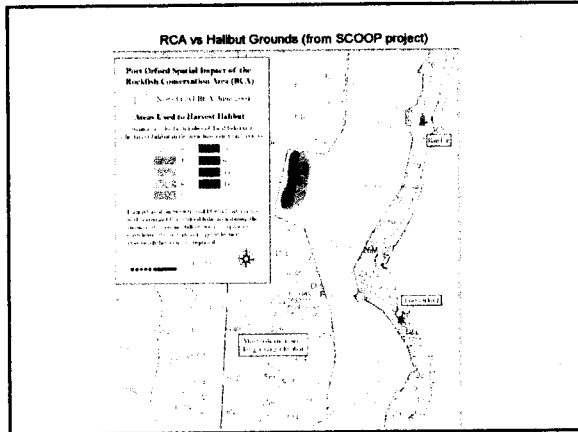


## Proposed Changes to Halibut Catch Sharing Plan and 2007 Regulations

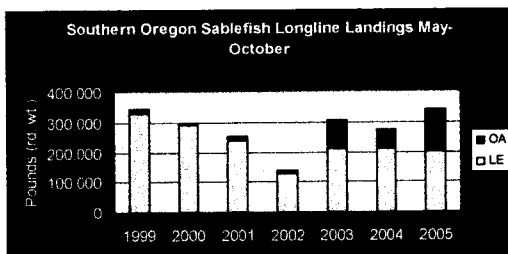
Non-Indian Commercial 2A

## Southern Oregon Fishery Issues

- ◆ Historically southern Oregon has had higher catches of halibut.
- ◆ IPHC vessel size based trip limits – affects smaller boats.
- ◆ RCAs in 2002 restrict fishing areas.
- ◆ A derby fishery which is difficult for the southern Oregon fleet to fish.
- ◆ Sablefish fishery an important component.



## Southern Oregon Longline Landings



## Additional Factors in Analysis

- ◆ Both LE and OA sectors are important to Port Orford economy.
- ◆ WCGOP halibut to sablefish catch ratio in fixed gear fishery sablefish fishery ranges from 8.4% to 23.2%.
- ◆ Bycatch of halibut likely occurs in both LE and OA sectors.
- ◆ Proposal would reduce bycatch mortality.

### Proposed Changes

- ◆ A) Reduce non-Indian commercial 2A allocation by 5%, re-allocate to the southern Oregon incidental fishery (in 2006, about 11,748 lbs).
- ◆ B) Define incidental halibut fishery area from 43° N. lat. to the OR/CA border.
- ◆ C) Add 4<sup>th</sup> option to allow participation in 2A directed fishery and incidental fishery south of 43° N. lat. to the OR/CA border.

### Proposed Changes (cont.)

- ◆ D) Limited entry and open access fleet may retain halibut in southern Oregon incidental fishery.
- ◆ E) Those electing to fish in Area 2A directed fishery must use declaration procedure (similar to Far Offshore) to land halibut south of 43° N. lat.
- ◆ F) Set retention ratio the same as for the north of Point Chehalis fishery (100 lbs per 1,000 lbs sable).
- ◆ G) May 1- October 31, or until allocation is reached.

*End of Presentation – Thank You!*

