

**Comments of Jim Harp on Proposed Changes to the Halibut
Catch Sharing Plan**

Mr. Chairman, I would like to offer a brief comment on the proposed changes to the catch sharing plan for Pacific halibut.

The tribes propose no changes be made to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2002. That allocation would remain at 35% of the Area 2A TAC, plus the 25,000 lb. adjustment be transferred from the nonTreaty Area 2A halibut allocation, as specified in the Stipulation and Order of the U.S. District Court, Subproceeding No. 92-1.

10/29/01

REPORT ON THE 2001 PACIFIC HALIBUT FISHERIES IN AREA 2A

The 2001 Area 2A total allowable catch (TAC) of 1,140,000 lb set by the International Pacific Halibut Commission (IPHC) was allocated as sub-TACs as follows:

Treaty Indian		424,000 lb (35.0% +
	25,000 lb)	
Non-Treaty Total		716,000 lb (65.0% - 25,000 lb)
Non-Treaty Commercial	274,918 lb	
Washington Sport	214,110 lb	
Oregon/California Sport		226,972 lb

The structure of each fishery and the resulting harvests are described below.

NON-TREATY COMMERCIAL FISHERY

A sub-TAC of 226,972 lb (31.7% of the non-treaty share) was allocated to this fishery. The commercial fishery was divided into two components: 1) a directed longline fishery targeting on halibut south of Point Chehalis, WA; and 2) an incidental catch fishery during the salmon troll fisheries off Washington, Oregon, and California.

For the first time in 2001, the overall Area 2A TAC was high enough to allow incidental halibut retention in the primary, limited entry, fixed gear sablefish fishery. Although this is a non-treaty commercial fishery, the allocation for this fishery comes from the Washington sport fishery allocation. If the Area 2A TAC is greater than 900,000 lb, the primary sablefish fishery north of Pt. Chehalis is allocated the Washington sport allocation that is in excess of 214,110 lb, provided that at least 10,000 lb is available to the fishery. If the amount above 214,110 lb is less than 10,000 lb, then the excess is allocated to the Washington sport fisheries.

Incidental halibut catch in the salmon troll fishery A quota of 34,046 lb (15% of the non-Indian commercial fishery allocation) was allocated to the salmon troll fishery in Area 2A as an incidental catch during chinook fisheries. According to the Catch Sharing Plan, the primary management objective for this fishery is to harvest the troll quota as an incidental catch during the May/June salmon troll fishery. If any of the allocation for this fishery remains after June 30, the fishery may continue to retain incidentally caught halibut in the July through September salmon troll fisheries until the quota is taken, or until the overall non-treaty commercial catch limit is taken. The final catch ratio established pre-season by the Council at the April meeting was one halibut (minimum 32") per 3 chinook landed by a salmon troller, except that one halibut could be landed without meeting the ratio requirement, and no more than 35 halibut could be landed per trip.

- The salmon troll season opened May 1 and the halibut quota for this fishery lasted through July 11. A total of 34,324 lb (278 lb over quota) of halibut was landed from the salmon troll fishery. Of the total, 21,538 lb were landed in Oregon and 12,786 lb were landed in Washington.

Directed fishery targeting on halibut A quota of 192,926 lb (85% of the non-treaty commercial fishery allocation) was allocated to the directed longline fishery targeting on halibut in southern Washington, Oregon, and California. The fishery was confined to the area south of Subarea 2A-1 (south of Point Chehalis, WA; 46° 53'18" N. lat.). One-day fishing periods of 10 hours in duration were scheduled by the IPHC for June 27, July 11, July 25, August 8, August 22, and September 5. A 32" minimum size limit was in effect for all openings. Vessel landing limits per fishing period based on vessel length were imposed by IPHC during all openings as shown in the following table. Vessels choosing to operate in this fishery could not land halibut in the incidental catch salmon troll fishery, nor operate in the recreational fishery.

Fishing period limits (dressed weight, head-off in pounds) by vessel size.

Vessel Class/Size	6/27/01 Opening	7/11/01 Opening	7/25/01 Opening	8/8/01 Opening	8/22/01 Opening	9/5/01 Opening
A 0 - 25 ft.	335 lb	295 lb	225 lb	200 lb	200 lb	200 lb
B 26 - 30 ft.	420 lb	370 lb	285 lb	200 lb	200 lb	200 lb
C 31 - 35 ft.	670 lb	590 lb	455 lb	200 lb	200 lb	200 lb
D 36 - 40 ft.	1,850 lb	1,620 lb	1,250 lb	280 lb	415 lb	415 lb
E 41 - 45 ft.	1,990 lb	1,745 lb	1,345 lb	300 lb	450 lb	450 lb
F 46 - 50 ft.	2,385 lb	2,085 lb	1,610 lb	360 lb	535 lb	535 lb
G 51 - 55 ft.	2,660 lb	2,330 lb	1,795 lb	400 lb	600 lb	600 lb
H 56+ ft.	4,000 lb	3,500 lb	2,700 lb	600 lb	900 lb	900 lb

- The June 27 directed commercial fishery resulted in a catch of about 42,000 lb, leaving 150,926 lb for later openings.
- The July 11 directed commercial fishery resulted in a catch of about 80,000 lb, leaving 70,926 lb for later openings.
- The July 25 directed commercial fishery resulted in a catch of about 56,000 lb, leaving 14,926 lb for later openings.
- Bad weather for the August 8 directed commercial fishery resulted in a catch of under 1,000 lb, leaving 13,926 for later openings.
- The August 22 fishery resulted in catch of about 1,000 lb, also due to bad weather, leaving 12,926 for later openings.
- The September 5 directed commercial fishery resulted in a catch of about 11,500 pounds, closing the directed commercial fishery for 2001.

Incidental halibut catch in the primary sablefish longline fishery north of Point Chehalis A quota of 47,946 lb was allocated to the limited entry primary sablefish fishery in Area 2A as an incidental catch during longline sablefish operations north of Point Chehalis, WA. The primary sablefish season began on August 15, 2001, and closes October 31. Properly licensed vessels could retain up to 80 lb of (headed-and gutted) halibut per 1,000 lb of (round weight) sablefish, plus up to two additional halibut per fishing trip. Each vessel was allowed to retain up to a total cumulative limit of halibut that was based on the tier of the limited entry permit registered for use with the vessel when that vessel applied for a 2001 IPHC license. For 2001, the following halibut limits were in effect: Tier 1, 2,850 lb; Tier 2, 1,300 lb; Tier 3, 750 lb. Regardless of the number of limited entry permits registered for use with a vessel, no vessel could take more than one cumulative limit of halibut. The final landings from this fishery are not yet available.

SPORT FISHERIES (Non-treaty).

A sub-TAC of 441,082 lb (68.3% of non-treaty share) was allocated between sport fisheries in the Washington area (48.5%) and Oregon/California (51.5%). The allocations were further subdivided as quotas among seven geographic subareas as described below.

Washington Inside Waters Subarea (Puget Sound and Straits of Juan de Fuca). This area was allocated 57,393 lb (26.1% of the Washington sport allocation). Due to inability to monitor the catch in this area inseason, a fixed season was established preseason based on projected catch per day and number of days to achieve the sub-quota. The season was open 5 days per week (closed Tuesday and Wednesday) from May 17 through July 22. The daily bag limit was one halibut of any size per person.

- Catch totals from this sub-area are not yet available.

Northern Washington Coastal Waters Subarea (landings in Neah Bay and La Push). The coastal area off Cape Flattery to Queets River was allocated 108,030 lb (53.0% of the Washington sport allocation). The fishery was divided into two seasons with 20,000 lb set aside for the second season. The fishery was to open May 1 and continue 5 days per week (closed Sunday and Monday) until 88,030 lb were estimated to have been taken. The second season was to open July 1- 4, and to reopen after July 4 if quota were available. A portion of this subarea, located about 19 miles southwest of Cape Flattery, was closed to halibut fishing. The daily bag limit was one halibut of any size per person.

- The fishery opened May 1 and continued 5 days a week, until June 1, when 71,131 lb was estimated to have been taken. The fishery re-opened on Saturday, June 16, when an additional 3,924 lb were taken, leaving 32,975 lb for the July 1-4 fishery.
- The season re-opened for July 1-4, during which 34,716 lb were taken, for a total of 109,771 lb, approximately 1,741 lb over quota.

Washington South Coast Subarea (landings in Westport). The area from the Queets River to Leadbetter Point was allocated 42,739lb (18.3% of the Washington sport allocation). The fishery was to open on May 1 and continue 5 days per week (closed Friday and Saturday) offshore, until the quota was taken. An inshore fishery was also to open May 1 and continue 7 days per week in waters between the Queets River and 47° 00'00" N. lat., and east of 124°40'00" W. long. through the closure of the offshore fishery until either the subarea quota were estimated to have been taken, or until September 30, whichever occurred first. The daily bag limit was one halibut of any size per person.

- The 5 day per week fishery offshore fishery and the 7 day per week inshore fishery opened on May 1 and continued until June 6, when WDFW estimated that not enough halibut remained in the quota to allow another day of offshore fishing. By June 17, WDFW had estimated that 41,792 lb had been taken, leaving approximately 947 lb for the inshore fishery through September 30. Between June 17 and September 30, the inshore fishery took no halibut. The combined offshore and inshore fisheries take of 41,792 lb is 2.2% under quota.

Columbia River Subarea (Leadbetter Point to Cape Falcon). This sport fishery subarea was allocated 10,487 lb, consisting of 2.7% of the Washington sport allocation plus 2.0% of the Oregon/California sport allocation. The fishery was to open May 1 and continue 7 days per week until September 30 or until the quota has been taken. The daily bag limit is the first halibut taken of 32 inches or greater in length.

- This 7 day per week fishery began on May 1 and continued through to June 14, with a total of 8,808 lb landed, 1,679 lb under quota.

Oregon North Central Coast Subarea (Cape Falcon to the Siuslaw River). This sport fishery subarea was allocated 199,803 (88.03% of the Oregon/California sport allocation). Three seasons were set: 1) a restricted depth (inside 30 fathoms) fishery to commence on May 1 and continue every day until the combined North Central and South Central nearshore sub-quota of 17,150 lb was estimated to have been taken; 2) a fixed May season in all depths that was to open on May 11, 12, 18, and 19, with a projected catch of 135,866 lb and; 3) a fixed August season in all depths from Cape Falcon to Humbug Mountain on August 3 and 4, or until the combined all-depth subquotas for Oregon south of Cape Falcon totaling 198,473 lb were estimated to have been taken. The daily bag limit was the first halibut taken of 32 inches or greater in length.

- The restricted 30-fathom fishery opened on May 1 and closed September 30. The initial sub-quota of 17,150 lb was reduced to 5,150 lb in August, when 12,000 lb were moved from the inside 30-fathom fishery to the all-depth fishery. The combined 30-fathom fishery took 2,387 lb of halibut during the 2001 season.
- The first fixed season in May with 4 fishing days ending May 19 had a total catch of 117,499 lb, which was beneath the 135,866 lb quota, but not by enough to hold another all-depth fishing day during the May-June period.
- The August all-depth season draws on the combined quotas of the Oregon north central and south central fisheries. The initial 49,951 lb available to this fishery was supplemented by the 18,367 lb underage from the north central coast May-June fishery and by 12,000 lb from the nearshore fishery, but reduced by a 1,872 lb overage in the May-June south central coast all-depth fishery. As a result of these revisions, 78,446 lb was available to the August 3 and 4 all-depth fishery. In any brief fishery, weather has a significant effect on harvest rates and the weather for August 3 and 4 was poor. The combined central coast fisheries took 36,434 lb on August 3 and 4. Because the underage of 42,012 lb was great enough to hold another day of all-depth fishing, a third all-depth fishing day was held on August 17. On August 17, the all-depth fishery took 17,051 lb, which left 24,961 lb for two more all-depth fishing days in September. On September 21 and 22, the all-depth fishery took 31,654 lb, which was 6,693 lb over the all-depth quota. However, since the inside 30-fathom fishery came in 2,763 lb under its quota, the overall Oregon central coast fisheries landings were just 3,930 lb over quota.

Oregon South Central Coast Subarea (Siuslaw River to Humbug Mountain) This sport fishery subarea was allocated 15,820 lb (6.97% of the Oregon/California sport allocation). Three seasons were set: 1) a restricted depth (inside 30 fathoms) fishery to commence on May 1 and continue every day until the combined North Central and South Central nearshore sub-quota of 17,150 lb was estimated to have been taken; 2) a fixed May season in all depths that was to open on May 11, 12, 18, and 19, with a projected catch of 12,656 lb and; 3) a fixed August season in all depths from Cape Falcon to Humbug Mountain, described above. The daily bag limit was the first halibut taken of 32 inches or greater in length.

- The restricted 30-fathom fishery opened on May 1 and closed September 30. The initial sub-quota of 17,150 lb was reduced to 5,150 lb in August, when 12,000 lb were moved from the inside 30-fathom fishery to the all-depth fishery. The combined 30-fathom fishery took 2,387 lb of halibut during the 2001 season.
- The first fixed season in May with 4 fishing days ending May 19 had a total catch of 8,902 lb, which was 3,754 lb under quota. With this underage, a third May-June all-depth fishing day was scheduled for the south central coast on June 8. On the June 8 fishery, 5,626 lb were landed, for an overage of 1,872 lb.
- The final combined fixed season (Oregon central and south coast subareas) opened on August 3, 4, and 17, and on September 21 and 22, as described above.

South of Humbug Mountain, Oregon and off the California Coast Subarea This sport fishery was allocated 6,809 lb (3.0% of the Oregon/California quota). This area had a pre-set season of 7 days per week from May 1 to September 30 and a bag limit of the first halibut taken of 32 inches or greater in length.

- This season continued through September 30. No catch estimates are available for this fishery, but it is very unlikely that this subarea quota will be taken.

TRIBAL FISHERIES

A sub-TAC of 424,000 lb (35% + 25,000 lb of the Area 2A TAC) was allocated to Tribal fisheries. The tribes estimated that 17,500 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 406,500 lb was allocated to the commercial fishery. The tribal commercial fishery was

scheduled to open on March 15, 2001 pursuant to regulations adopted by the IPHC and continue until the tribal commercial subquota was reached. The tribal C&S fishery was scheduled to run throughout the year.

The first restricted fishery (500 lb/vessel/day) was held from March 15 to April 15, and resulted in 62,323 lb being taken. The first 60-hr unrestricted (no per-vessel limits) fishery was held March 21-23, and resulted in 204,005 lb being taken. The tribes held a 24-hr mop up fishery on April 19 and 20, which took an additional 116,280 lb, leaving 23,892 lb in the tribal commercial quota. The tribes targeted this remainder in another restricted fishery (500 lb/vessel/day,) held April 25 through May 11. This final restricted fishery resulted in 29,042 lb, for a total of 411,650 lb taken in the 2001 commercial fishery (5,150 lb over quota).

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2001.

2001 Area 2A TAC and Catch (in pounds)				
	Quota	Inseason Revised Quota	Catch	Over/Under
TREATY INDIAN	424,000		429,150	1.2%
Commercial	406,500		411,650	1.3%
Ceremonial & Subsistence	17,500		17,500 ‡	0.0%
NON-INDIAN	716,000		717,936	0.3%
COMMERCIAL	274,918		273,770	-0.4%
Troll	34,046		34,324	0.8%
Directed	192,926		191,500	-0.7%
Sablefish Incidental	47,946		47,946 ‡	0.0%
SPORT	441,802		444,166	0.5%
WA Sport	214,110		213,951	-0.1%
OR/CA Sport	226,972		230,175	1.4%
WA Inside Waters	57,393		57,393 ‡	0.0%
WA North Coast	108,030		109,771	1.6%
WA South Coast	42,739		41,792	-2.2%
Col River Area	10,487		8,808	-16.0%
OR Central Coast	215,623	215,623	219,553	1.8%
Inside 30 fathoms (all areas)	17,150	5,150 ●	2,387	-53.7%
May (North Central Coast)	135,866	135,866	117,499	-13.5%
May (South Central Coast)	12,656	12,656	14,528	14.8%
August/September (all areas)	49,951	78,446 ●	85,139	8.5%
OR S. of Humbug/CA	6,809		6,809 ‡	0.0%
TOTAL	1,140,000		1,147,086	0.6%

*** = Total catch not yet determined

‡ = Assumed for purposes of calculating overall catch amounts.

● = Although the initial allocation to the August all-depth fisheries was 49,951, the quota was adjusted by the North Central Coast underage in May and by the South Central Coast overage in May, resulting in 16,495 lb being added to the August all-depth. In accordance with the Catch Sharing plan, an additional 12,000 lb were transferred from the inside-30-fathom fishery to the August all-depth fishery, making the total quota available in August-September 78,446 lb.

**RECOMMENDED MODIFICATIONS TO THE PACIFIC HALIBUT CATCH
SHARING PLAN FOR THE 2002 OREGON RECREATIONAL FISHERY**

At their September 2001 meeting, the Pacific Fisheries Management Council adopted three issues for public review that could change the way the Oregon recreational fishery for Pacific halibut is conducted in 2002. The Oregon Department of Fish and Wildlife conducted public meetings in North Bend, Newport, and Tillamook. In addition, a web survey was utilized to gather public opinion. The results of the survey and meetings were presented to the Oregon Fish and Wildlife Commission at their October 19, 2001 meeting. A description of the proposal, summary of public comment, and Oregon recommendation are presented below for each issue.

1. Possession Limit

Proposal

Increase the possession limit on land to two daily bags, but only one daily bag may be possessed on the vessel. This would allow the angler to transport up to two fish on land.

Public Comment

Widespread support was expressed for increasing the possession limit on land to two daily bags.

Recommendation

Oregon recommends increasing the possession limit on land to two daily bags, but only one daily bag may be possessed on the vessel.

2. Management of the Cape Falcon, Oregon to Leadbetter Point, Washington sub-area fishery.

Proposal

Either open the Cape Falcon, Oregon to Leadbetter Point, Washington fishery annually on June 15 or split the quota for this sub-area into two quotas, one for Washington and one for Oregon.

For 2001, the fishery opened May 1 and closed June 14. The short season was due to charter boats out of Ilwaco, Washington targeting halibut. Oregon contributed over forty percent of the sub-area quota, while Washington contributed the remaining portion. Yet landings into Oregon were estimated to have been slightly more than ten percent of the total landings for this sub-area.

Public Comment

The June 15 opening date was not supported by the public. Although a separate Oregon quota was supported on the web survey, it was not supported at the public meetings. At the public meetings it was learned that additional charter operators from Oregon plan to participate in the 2002 directed halibut fishery.

Recommendation

Oregon recommends status quo management of a May 1 opener and not establishing separate quotas for Oregon and Washington at this time. Oregon will further evaluate this issue after sampling the fishery in 2002.

3. Management of the central Oregon sub-area fishery.

Proposal

Reallocate the Cape Falcon to Humbug Mountain all-depth quota by allocating fifty to sixty-five percent of the all-depth quota to the May fishery for vessels that hold International Pacific Halibut Commission (IPHC) licenses. The remaining thirty-five to fifty percent of the all-depth quota would be allocated to private vessel owners who do not have IPHC licenses. This fishery would occur in August when the weather is generally more favorable for smaller vessels. IPHC license holders will not be allowed to fish in the August all-depth fishery.

Because the IPHC only licenses charter vessels, this proposal would shift allocation from the private boat fishery to the charter boat fishery, as anglers fishing off private vessels are presently landing 60% of the quota. The advantage to private boat anglers is that their fishery would occur later in the season when weather conditions are generally more favorable.

Public Comment

Public input from both private and charter boat anglers slightly favored status quo management. Concern was expressed at the public meetings over the precedent of fracturing the recreational fishery.

Recommendation

Oregon recommends status quo management of not setting separate fisheries for charter versus private boat anglers.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED CHANGES TO
THE PACIFIC HALIBUT CATCH SHARING PLAN FOR AREA 2A FOR 2002

The Washington Department of Fish and Wildlife recommends that the following changes to the Pacific Halibut Catch Sharing Plan for Area 2A to be distributed for public review:

(f) SPORT FISHERIES

(1) Subarea management

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

“...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, ~~a~~ fixed **seasons, which may vary and apply to different regions within the subarea,** will be established preseason based on projected catch per day and number of days to achievement of the quota. ~~No~~ inseason adjustments ~~will~~ **may** be made, and estimates of actual catch will be made postseason. The fishery will open in **April or** May and continue ~~at least through July 4, or~~ until ~~a~~ **dates** established preseason (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier....”

SALMON ADVISORY PANEL COMMENTS ON PROPOSED CHANGES TO THE RECREATIONAL CATCH SHARING PLAN AND ANNUAL REGULATIONS FOR 2002.

In the absence of a functioning Halibut Advisory Subpanel, the SAS was asked to discuss and comment on Halibut proposals for 2002. The SAS met via conference call on Friday, October 26, 2001. 10 of the 16 members of the SAS were on the call. (Ron Lethin, Oregon charterboat representative was not on the call.)

Referring to Exhibit B.1, Attachment 2, November 2001, the SAS has no comment on Proposed Changes 1, 2, or 4. Our comments on Proposed Changes 3 and 5 are as follows:

3) With the understanding that ODF&W will monitor the Oregon landings in this fishery starting May 1, we support the status quo – keep the opening date of May 1st for the Columbia River recreational halibut fishery.

5) We oppose the subdividing of quotas within a management area between the states and/or within the same class of users (i.e., recreational fishers).

**2001 PACIFIC HALIBUT CATCH SHARING PLAN FOR AREA 2A
(Proposed at November 2000 Pacific Fishery Management Council Meeting)**

(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 National Marine Fisheries Service [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 pounds (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 pounds (90.7 mt). To accelerate the total transfer, more than 25,000 pounds (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 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, Washington (46°53'18" N latitude) and east of 125°44'00" W longitude. 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, Washington will be authorized if the Washington sport allocation exceeds 224,110 pounds (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 Chair, as necessary, to assure 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 Subpanel, 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, Washington; 46°53'18" N latitude). The commercial fishery opening date(s), duration, and vessel trip limits, as necessary to ensure 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 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 pounds (408.2 mt), the primary directed sablefish fishery north of Point Chehalis will be allocated to the Washington sport allocation that is in excess of 214,110 pounds (97.1 mt), provided a minimum of 10,000 pounds (4.5 mt) is available (i.e., the Washington sport allocation is 224,110 pounds [101.7 mt] or greater). If the amount above 214,110 pounds (97.1 mt) is less than 10,000 pounds (4.5 mt), then the excess will be allocated to the Washington sport subareas according to section (f) of this Plan.

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, Washington 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 pounds (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845

pounds (59.4 mt) and 224,110 pounds (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 latitude, 124°23'70" W longitude north to 48°24'10" N latitude, 124°23'70" W longitude, including Puget Sound. The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. Due to inability to monitor the catch in this area inseason, a fixed season will be established preseason based on projected catch per day and number of days to achievement of the quota. No inseason adjustments will be made, and estimates of actual catch will be made postseason. The fishery will open in May and continue at least through July 4, or until a date established preseason (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 sponsor a public workshop shortly after the IPHC annual meeting to 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 pounds (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 pounds (59.4 mt) and 224,110 pounds (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°31'42" N latitude). The structuring objective for this subarea is to maximize the season length for viable fishing opportunity and, if possible, stagger the seasons to spread out this opportunity to anglers who utilize these remote grounds. The fishery opens on May 1, and continues 5 days per week (Tuesday through Saturday). If May 1 falls on a Sunday or Monday, the fishery will open on the following Tuesday. The highest priority is for the season to last through the month of May. If sufficient quota remains, the second priority is to establish a fishery that will be open July 1, through at least July 4. If the preseason prediction indicates these two goals can be met without using the quota for this subarea, then the next priority is to extend the fishery into June and continue for 5 days per week (Tuesday through Saturday) for as long a period as possible. No sport fishing for halibut is allowed after September 30. The daily-bag-limit in all fisheries is one halibut per person with no size limit. A closure to sport fishing for halibut will be established in an area that is approximately 19.5 nm (36.1 km) southwest of Cape Flattery. The size of this closed area may be modified preseason by NMFS to maximize the season length. The closed area is defined as the area within a rectangle defined by these four corners: 48°18'00" N latitude, 125°11'00" W longitude; 48°18'00" N latitude, 124°59'00" W longitude; 48°04'00" N latitude, 125°11'00" W longitude; 48°04'00" N latitude, 124°59'00" W longitude.

(iii) Washington South Coast Subarea

This sport fishery is allocated 12.3 percent of the first 130,845 pounds (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 pounds (59.4 mt) and 224,110 pounds (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°31'42" N latitude) and north of Leadbetter Point (46°38'10" N latitude). 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 latitude and east of 124°40'00" W longitude. The fishery will continue until September 30, or until the quota is achieved, whichever occurs first. Subsequent to this closure, if any remaining quota is insufficient for an offshore fishery, but is sufficient for a nearshore fishery, the area from the Queets River south to 47°00'00" N latitude and east of 124°40'00" W longitude will reopen for 7 days per week until either the remaining subarea quota is estimated to have been taken and the season is closed by the IPHC, or until September 30, whichever occurs first. 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 pounds (59.4 mt) allocated to the Washington sport fishery, and 4 percent of the Washington sport allocation between 130,845 pounds (59.4 mt) and 224,110 pounds (101.7 mt), except as provided in section (e)(3) of this Plan. This subarea also is allocated 2.0 percent of the Oregon/California sport allocation. This subarea is defined as waters south of Leadbetter Point, Washington (46°38'10" N latitude) and north of Cape Falcon, Oregon (45°46'00" N latitude). 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. The daily-bag-limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

(v) Oregon North Central Coast Subarea

If the Area 2A TAC is 388,350 pounds (176.2 mt) and greater, this subarea extends from Cape Falcon to the Siuslaw River at the Florence north jetty (44°01'08" N latitude) 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 pounds (176.2 mt), this subarea extends from Cape Falcon to the Humbug Mountain, Oregon (42°40'30" N latitude) 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 May and in August 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 May and August openings and will not be modified inseason except that the August 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 May and August 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. Oregon Department of Fish and Wildlife (ODFW) will monitor landings and provide a postseason estimate of catch within 2 weeks of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the May season or the August season, openings will be provided if possible in May and August respectively. Potential additional open dates for both the May and August 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. Any poundage remaining unharvested in the May all-depth subquota will be added to the August all-depth sub-quota. Any poundage that is not needed to extend the inside 30-fathom fishery through to September 30 will be added to the August all-depth season if it can be utilized, 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 September 30, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through September 30 will be transferred to the August 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 68 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, Oregon to Humbug Mountain, Oregon) all-depth fishery that begins on the first Friday in August and is allocated 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). 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) Oregon South Central Coast Subarea

If the Area 2A TAC is 388,350 pounds (176.2 mt) and greater, this subarea extends from the Siuslaw River at the Florence north jetty (44°01'08" N latitude) to Humbug Mountain, Oregon (42°40'30" N latitude) 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 pounds (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 May and August openings and will not be modified inseason except that the August 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 May and August 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 postseason 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 May season or the August season, openings will be provided if possible in May and August respectively. Potential additional open dates for both the May and August 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. Any poundage remaining unharvested in the May all-depth subquota will be added to the August all-depth sub-quota. Any poundage that is not needed to extend the inside 30-fathom fishery through to September 30 will be added to the August all-depth season if it can be utilized, 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 September 30, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through September 30

will be transferred to the August 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, Oregon to Humbug Mountain, Oregon) 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 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.

(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, Oregon (42°40'30" N latitude), 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 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 postseason.

(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 north of Leadbetter Point, Washington is two daily-bag-limits, regardless of condition, but only one daily-bag-limit may be possessed on the vessel. The possession limit on land south of Leadbetter Point, Washington is the same as the bag limit.

(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 Chair 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, Oregon are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to a Washington sport subarea projected to have the fewest number of sport fishing days in the calendar year.
- (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, Oregon consistent with the standards in section (f)(5)(i)(C) of this Plan.
- (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 (800) 662-9825 (May through September) 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 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, Washington.

(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 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 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: 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)

Sources: 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 EXCERPT

Proposed Changes to the Pacific Halibut Catch Sharing Plan

At its September meeting, the Council moved to collect public comment on five proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan for 2002 addressing **recreational** fisheries:

- 1) Separate the Puget Sound sub-area into two regions and provide different season dates for the two regions. Halibut in Puget Sound migrate from the eastern Sound to the western Sound and Straits of Juan de Fuca in April. The current opening date in May precludes access to halibut by East Sound anglers. By dividing the Puget Sound sub-area into an east and west region and providing an earlier opening date for the East Sound region, East Sound anglers would have increased opportunity to harvest a portion of the sub-area allocation.
- 2) Change the Oregon on-land possession limit from one halibut to two halibut. This would be consistent with possession limits for most other species in Oregon and with the Pacific halibut possession limit in Washington.
- 3) Change the opening date from May 1 to June 15 for the Cape Falcon to Leadbetter Point sub-area. The delay is intended to shift the character of the fishery from a target halibut fishery to an incidental take associated with the salmon fishery. The shift would also increase the proportion of landings in Oregon ports, which only received 10% of the landings in 2001.
- 1) Reallocate the Cape Falcon to Humbug Mountain sub-area all-depth quota by allocating 50% to 65% of the all-depth quota in May for charter vessels with International Pacific Halibut Commission (IPHC) licenses and 35% to 50% in August for privately owned vessels without IPHC licenses. Because the IPHC only licenses charter vessels, this proposal is intended to shift allocation from the private boat fishery to the charter boat fishery as anglers fishing off private vessels are presently landing over 50% of the quota. The advantage to private boat anglers is their fishery would occur later in the season when weather conditions are generally more favorable.
- 5) Divide the Cape Falcon to Leadbetter Point sub-area quota into separate Washington and Oregon sub-quotas. The intent is to distribute landings more equitably between ports in the two states, based on contributions to the quota. In 2001, Oregon contributed over 40% of the poundage to the sub-area quota, but only accounted for about 10% of the landings.

Written comments on the proposed changes received at the Council office by October 23, 2001 will be included in the materials distributed to the Council for consideration at the November Council meeting. **Comments received by October 12** will be mailed to Council members prior to the meeting. After October 23 it is the submitter's responsibility to provide Council staff with an adequate number of copies to assure coverage of the Council (a minimum of 40 copies). Each copy must include the Agenda Item Topic Number in the upper right hand corner of the front page. The Council will adopt final recommendations to the IPHC for changes to the Pacific Halibut Catch Sharing Plan at that meeting.

ENVIRONMENTAL ASSESSMENT

AND

REGULATORY IMPACT REVIEW

OF

CHANGES TO THE CATCH SHARING
PLAN FOR PACIFIC HALIBUT
IN AREA 2A

Prepared by
National Marine Fisheries Service

October 2001

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1.0 INTRODUCTION

The Northern Pacific Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Halibut Convention between the United States and Canada and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the regional fishery management council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). Accordingly, catch sharing plans to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California) have been developed each year since 1988 by the Pacific Fishery Management Council (Council) in accordance with the Halibut Act. In 1995, NMFS implemented a Council-recommended long-term Catch Sharing Plan (Plan) [60 FR 14651, March 20, 1995]. In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-treaty 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. The commercial fishery is further divided into two sectors: a directed (traditional longline) commercial fishery that is allocated 85 percent of the 31.7 percent (26.95 percent of the non-treaty harvest), and an incidental (troll salmon) commercial fishery that is allocated 15 percent of the 31.7 percent (4.75 percent of the non-treaty harvest). The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon, and California. The Plan also divides the sport fisheries into seven geographic areas, each with separate allocations, seasons, and bag limits.

At its September 2001 meeting, the Council adopted, for public comment, proposed changes to the plan on: (1) Allowing the Washington Inside Waters sport fishery sub-quota to be taken in two separate seasons for two different regions within that sport fishery subarea; (2) Allocating 50-65% of the North Central and South Central all-depth sport fishery sub-quotas to the May-June fishery and allowing only vessels carrying IPHC charter licenses to participate in the all-depth fishery during these months, and allocating 35-50% of the North Central and South Central all-depth sport fishery sub-quotas to the August-September fishery and allowing only vessels that do not have IPHC charter licenses to participate in the all-depth fishery during these months;(3) Changing the season start date for the Columbia River subarea from May 1 to June 15; (4) Allowing Oregon sport fishers to retain and transport up to two halibut on land. The Council will take final action at its November 2001 meeting.

This document combines the environmental assessment (EA) and the regulatory impact review (RIR) and provides background information, analysis and assessments necessary for the Council and subsequently the Secretary of Commerce to determine that the proposed changes to the Plan are consistent with the Northern Pacific Halibut Act, and other applicable federal law, such as the National Environmental Policy Act (NEPA) and the Regulatory Flexibility Act. The specific purpose of the EA is to analyze the potential effects of the proposed action and reasonable alternatives on the quality of the human environment. If the action is determined not to be significant, then the EA will result in a finding of no significant impact (FONSI) and the EA will be the final environmental document required by NEPA. If, however, a FONSI cannot be made, then a more detailed environmental impact statement (EIS) must be prepared. The purpose of a RIR is to analyze socioeconomic aspects of proposed actions to assure that such actions enhance the public welfare in an efficient and cost-effective manner. The RIR also serves as a basis for determining whether the proposed action will have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

2.0 PURPOSE AND NEED FOR ACTION

The Council is considering modifications to the Pacific halibut sport fisheries in Area 2A in 2001 and beyond pursuant to recommendations from the Washington Department of Fish and Wildlife (WDFW) and the Oregon Department of Fish and Wildlife (ODFW). Tribal treaty fishery managers did not recommend changes to the Plan in 2002.

For the Washington sport fisheries, the Council is considering changes to the management of the Inside Waters (Puget Sound) subarea fishery that would allow the subarea's quota to be taken in two separate seasons set for separate zones within the subarea. The intention of this proposal is to better match halibut seasons within Puget Sound to halibut migration and availability to different parts of the Sound.

An ODFW proposal under Council consideration would change the season start date for the Columbia River subarea from May 1 to June 15, a change that is intended to allow incidental halibut retention during recreational salmon fisheries. This proposal would affect anglers from both states.

For the Oregon sport fisheries, the Council is considering changes to the all-depth sport fisheries in the North Central and South Central Coast subareas to restrict participation in the May all-depth fishery to vessels holding charterboat licenses from IPHC and participation in the August all-depth fishery to vessels that do *not* hold IPHC charterboat licenses. ODFW forwarded this proposal from members of its charterboat fleet, some of whom wish to have a more clear allocation of halibut sport fishing opportunities between the charterboat and private sport fleets. ODFW has also proposed allowing Oregon sport fishers to retain and transport up to two halibut on land. Oregon's daily bag limit is one halibut, so this provision would allow an angler to transport two days worth of halibut catch. This last proposal is similar to provisions already in place for Washington anglers and is inconsequential in terms of effects on the environment, so will not be considered in the EA/RIR analysis.

3.0 ALTERNATIVES

3.1 Issue 1 – Setting two separate sub-seasons within the Washington State Inside Waters subarea.

Alternative 1 - Status Quo

Under the status quo alternative, the Plan's structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. Each year, halibut managers set a fixed season for this subarea based on projected catch per day and number of days to achievement of the quota. No inseason adjustments will be made, and estimates of actual catch will be made postseason. The season begins in May and the Plan has a goal of continuing the fishery at least through July 4, as allowed by expected effort within the fishery and available quota.

Alternative 2 – Separate the subarea into an east zone and a west zone, with season dates differing for the two zones.

Under this alternative, the Inside Waters subarea would be divided at Lowe Point and the season in the east zone would be set to begin possibly two weeks before the start date for the west zone. This change is expected to allow anglers in the each zone to have better access to halibut when halibut is found in each of the respective zones.

3.2 Issue 2 – Revising the season start date in the Columbia River subarea from May 1 to June 15. Alternative 1 – Status Quo, May 1 Start Date,

Under the current Plan, the sport fishery in this subarea is managed to open on May 1, and continue 7 days per week until the subquota is estimated to have been taken, or September 30. Since 1999, the

fishery in this subarea has reached its quota before September 30.

Alternative 2 – June 15 Start Date

Under this alternative, the sport fishery in the Columbia River subarea would begin on June 15. Beginning the fishery on June 15 would give Oregon anglers a better opportunity to access this subarea's quota, which is derived from both Washington and Oregon/California allocations. A June 15 start date would also allow salmon anglers to retain halibut incidentally taken during salmon-directed fishing trips.

3.3 Issue 3 – Splitting the Oregon all-depth fishing opportunities between the charterboat and private boat sport fleet in the North Central and South Central subareas.

Alternative 1 – Status Quo

Under status quo, both the North Central and South Central Coast subareas open to all sport anglers for brief seasons in May/June and in August/September.

Alternative 2 – Provide all-depth fishing opportunities only to charterboats in May and only to private boats in August

Under this alternative, vessels wishing to participate in the May all-depth sport season for halibut would have to acquire charterboat licenses from the IPHC. Between 50-65% of the quota for these subareas would be reserved for the May all-depth season. Only vessels without IPHC charterboat licenses could participate in the August all-depth season, and between 35-50% of the quota would be reserved for the August all-depth season.

4.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT - THE AREA 2A HALIBUT FISHERIES

The Area 2A halibut fisheries occur in marine waters off Washington, Oregon and California. The biology, fishery and overall management of Pacific halibut is described in IPHC (1998). A detailed description of the Area 2A fisheries as influenced by past Catch Sharing Plans is presented in the 1994 EA/RIR on the Catch Sharing Plan (NMFS 1995). The Area 2A fisheries also have been described by IPHC in Trumble et al. (1991) and Hoag et al. (1983 and 1993). Additional information on recent harvests and the status of the stocks in Area 2A can be found in the stock assessment documents prepared by IPHC staff in preparation for each annual meeting and in IPHC Annual Reports (available from IPHC).

4.1 Area 2A Fisheries

The allocations to the four fishery groups (tribal fishery, non-Indian commercial fishery, Washington sport fishery, and Oregon/California sport fishery) since 1988 (first year of annual Catch Sharing Plans) are shown in Table 1. Catches by group are shown in Table 2.

Table 1. Area 2A quotas and allocations (dressed weight in pounds).

Year	Total Quota	Treaty Indian	Tribal Reserve	Non-Indian Commercial	Non-Indian Sport	Washington Sport	Oregon Sport
1989	650,000	130,000	22,000	274,000	224,000	167,000	57,000
1990	520,000	130,000	--	195,000	195,000	118,950	76,050
1991	450,000	112,500	--	168,750	168,750	102,938	65,812

1992	650,000	162,500	--	243,750	243,750	148,687	95,063
1993	600,000	150,000	--	225,000	225,000	137,250	87,750
1994	550,000	192,500	--	178,750	178,750	109,037	69,713
1995	520,000	182,000	--	107,120	230,880	123,760	107,120
1996	520,000	182,000	--	107,120	230,880	123,760	107,120
1997	700,000	245,000	--	144,235	310,765	166,530	144,235
1998	820,000	287,000	--	168,961	364,039	195,078	168,961
1999	760,000	266,000	--	156,598	337,402	180,804	156,598
2000	830,000	315,500	--	163,097	351,403	188,307	163,097
2001	1,140,000	424,000	--	274,918 ^{1/}	441,802	214,110	226,972

1/ Includes 47,946 lb taken as incidental catch in the limited entry longline primary sablefish fishery.

Table 2. Total catches of halibut in Area 2A (dressed weight in pounds).

	TOTAL CATCH	TRIBAL TOTAL	COMMERCIAL TOTAL	SPORT TOTAL
1988	746,676	105,800	392,000	248,876
1989	809,429	152,400	330,000	327,029
1990	542,866	131,400	203,000	208,466 ^{1/}
1991	518,962	127,500	233,000	158,462 ^{1/}
1992	700,077	168,400	282,000	249,677 ^{1/}
1993	764,484	152,031	366,000	246,453 ^{1/}
1994	566,978	198,639	182,000	186,339 ^{1/}
1995	547,892	190,569	121,125	236,198 ^{1/}
1996	537,562	181,184	127,521	228,857 ^{1/}
1997	750,700	243,258	152,570	354,872 ^{1/}
1998	856,560	307,145	166,424	382,991 ^{1/}
1999	769,812	272,018	160,955	337,339 ^{1/}
2000	816,337	317,630	159,350	344,038
2001	2 ^{2/}	2 ^{2/}	2 ^{2/}	2 ^{2/}

^{1/} Sport catch estimates from California are not available; this estimate assumes that the CA allocation was harvested.

^{2/} 2001 catch estimates not yet available

4.2 Tribal Fishery

Twelve western Washington tribes possess and exercise treaty fishing rights to halibut. Specific allocations for the treaty Indian tribes commenced in 1986. The tribes did not harvest their full allocation until 1989 when the tribal fleet had developed to the point that it could harvest the entire Area 2A TAC. In 1993, judicial confirmation of treaty halibut rights occurred and treaty entitlement was established at 50 percent of the harvestable surplus of halibut in the tribes' combined U&A fishing grounds. In 2000, the courts ordered an adjustment to the halibut allocation for 2000-2007, to account for reductions in the tribal halibut allocation from 1989-1993. For 2000 through 2007, the non-tribal fisheries will be transferring at least 25,000 lb per year to the tribal fisheries, for a total of 200,000 lb to be transferred. Tribal allocations are divided into a tribal commercial component and the year-round ceremonial and

subsistence (C&S) component. Tribal allocations and catches are shown in Table 3.

Table 3. Tribal Catch Statistics (dressed weight in thousands of pounds)

Year	Commercial Allocation	Commercial Catch	C&S Allocation	C&S Catch
1992	152.5	154.2	10.0	14.2
1993	136.0	136.2	14.0	15.8
1994	176.5	187.7	16.0	10.9
1995	171.0	176.4	11.0	14.2
1996	168.0	166.2	14.0	15.0
1997	230.0	228.5	15.0	14.8
1998	272.0	296.6	15.0	10.5
1999				266.0
				10.0
2000				305.0
				10.5
2001				17.5
				406.5
				411.7
				17.5

1/

1/ 2001 catch estimates not yet available

4.3 Non-Indian Commercial Fishery

The commercial fishery has been divided into two components since 1995: a directed commercial fishery (e.g., the traditional longline fishery) and an incidental halibut catch in the salmon troll fishery. The directed commercial fishery is restricted to the area south of Pont Chehalis, WA. Table 4 shows the quotas (allocations after 1987) and catches. In 2001, the overall Area 2A TAC was high enough to allow incidental halibut retention in the limited entry, longline primary sablefish fishery north of Point Chehalis, WA. Incidental halibut retention in the sablefish fishery is only available in years when the TAC is above 900,000 lb.

Table 4. Commercial fishery catch statistics.

Year	Quota	Catch	Days Open
1981	200,000	202,000	56
1982	200,000	211,000	49
1983	200,000	265,000	26
1984	300,000	431,000	35
1985	500,000	493,000	31
1986	550,000	564,000	19
1987	550,000	548,000	12
1988	330,000	392,000	5
1989	274,000	330,000	2
1990	195,000	203,000	2
1991	168,750	233,000	1 ^{1/}
1992	243,750	282,000	2 ^{1/}
1993	225,000	366,000	1 ^{1/}
1994	178,750	182,000	3 ^{1/}
1995 Directed	91,052	119,000	7 ^{1/}
1995 Incidental	16,068	2,125	60
1996 Directed	91,052	118,000	2 ^{1/}
1996 Incidental	16,068	9,521	60
1997 Directed	122,600	135,000	1 ^{1/}
1997 Incidental	21,635	17,570	60
1998 Directed	143,617	166,424	4 ^{1/}
1998 Incidental	25,344	13,416	153
1999 Directed	133,108	151,000	2 ^{1/}
1999 Incidental	23,490	9,955	60

2000 Directed	138,632	137,000	3
2000 Incidental	24,464	22,350	76
2001 Directed	192,926	191,500	6
2001 Incidental - Salmon	34,046	34,324	72
2001 Incidental - Sable	47,946	2/	78

1/ Since 1991, directed commercial halibut fishing has been restricted to 10-hour per day openings

2/ Data not yet available

4.4 Sport Fishery in Washington

Sport fishing for halibut in Washington is divided into four subareas for management and catch allocation purposes: WA Inside Waters (Puget Sound) subarea, WA North Coast subarea, WA South Coast subarea, and Columbia River subarea (which is shared with Oregon). The WA Inside Waters Subarea includes all waters east of the Sekiu River mouth and includes Puget Sound, most of the Strait of Juan De Fuca, the San Juan Islands area, Hood Canal and Admiralty Inlet. The WA North Coast Subarea is the area west of the Sekiu River mouth and north of the Queets River. The WA South Coast Subarea lies to the south of Queets River and north of Cape Falcon. The Columbia River subarea lies between Leadbetter Point and Cape Falcon, Oregon, and is shared with Oregon. The allocations for this subarea are derived from both the Washington and Oregon sport allocations.

4.4.1 WA Inside Waters (Puget Sound) Subarea

A free halibut catch record card is required to catch halibut in Washington inside waters. The number of catch record cards issued is used as the estimate of the number of individuals who fish for halibut in this area. Most halibut fishing is done in conjunction with fishing for other species such as salmon or lingcod. The estimated catch of halibut in this area is shown in Table 5. The vast majority of the halibut catch in inside waters is taken by private boat anglers. Most of the Washington inside waters sport catch of halibut is taken in the Strait of Juan de Fuca. In 2000, the western boundary of this sub-area was moved from the Bonilla-Tatoosh line eastward to the mouth of the Sekiu River, with a corresponding quota transfer from this sub-area to the North Coast sub-area.

Table 5. Seasons, restrictions and catches of halibut in Washington Inside waters.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1987	2/1 - 9/30	2	30"	242	none	184,259
1988	3/1 - 6/15	2	none	107	207,000 ^{L/}	37,083
1989	4/8 - 6/15 6/16 - 8/11 (Fri only)	2	none	78	78,000	37,809
1990	4/16 - 6/15	2	none	61	39,355	57,698
1991	5/4 - 6/16 (closed Tues) 6/22 - 6/30 (Sat, Sun)	2	none	42	34,021	33,789
1992	5/9 - 7/15	2	none	68	48,323	51,068
1993	5/13 - 7/18 (closed Wed)	2	none	58	44,606	34,753
1994	5/2 - 7/5 (closed Wed)	1	none	56	35,328	37,260
1995	5/25 - 7/29 (Thur - Mon)	1	none	48	34,653	38,500
1996	5/23 - 7/27 (Thur - Mon)	1	none	48	34,653	40,489

1997	5/22 - 8/10 (Thur-Mon)	1	none	59	46,628	86,733
1998	5/22 - 8/3 (Thur - Mon)	1	none	54	57,191	73,279
1999	5/27 - 7/12 (Thur - Mon)	1	none	35	52,623	56,375
2000	5/27 - 7/27 (Thur - Mon)	1	none	46	49,136	53,817
2001	5/17 - 7/22 (Thur - Mon)	1	none	39	57,393	^{2/}

^{1/} Quota was for north coast and inside waters.

^{2/} Season estimate not yet available

4.4.2. WA North Coast Subarea

Sport fishing for halibut along the north coast was at a low level until the mid-1980s when catches increased. Prior to 1983, annual catches were less than 10,000 lb (4.5 mt). In 1983, catches began to increase and peaked in 1987 at approximately 190,000 lb (86.2 mt). Subsequent annual catches have changed as a result of the catch sharing plan. In 2000, the eastern boundary of this sub-area was moved from the Bonilla-Tatoosh line eastward to the mouth of the Sekiu River, with a corresponding quota transfer from the Puget Sound sub-area to this sub-area. Most of the anglers operating in this subarea are out of Neah Bay.

Table 6. Seasons, restrictions and catches of halibut in the Washington North Coast area.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1987	2/1 - 9/30	2	30"	242	none	181,195
1988	5/1 - 6/30	2	none	61	207,000 ^{1/}	134,316
1989	5/6 - 6/27 (Tue-Sat) 6/30 - 7/29 (Fri-Sat) 9/1 - 9/10 (7 days/week)	2	none	58	87,000	148,986
1990	5/1 to quota (Tue-Sat) 7/6 to quota (Fri-Sat) 8/31-quota (Tue-Sat)	1	none	74	74,595	73,588
1991	5/1 - 6/25 (7 days/week) 7/5 - 8/29 (Fri-Sat) 8/30 - 9/22 (7 days/week)	1	none	96	64,590	62,748
1992	5/1 - 5/25 (7 days/week) 7/3 - 9/30 (Fri only)	2	1 fish of any size plus 1 fish 40" or greater.	38	92,664	91,373
1993	5/1 - 6/25 (7 days/week) 7/2 - 7/17 (Fri-Sat)	1	none	68	85,507	104,860
1994	5/3 - 5/28 (Tue-Sat) 6/9 - 6/11	1	none	28	68,039	65,298
1995	5/2 - 5/27 (Tue-Sat) 7/1, 7/29, 9/3, 9/4	1	none	24	71,410	69,374
1996	5/1 - 7/20 (Tue-Sat)	1	none	59	71,410	71,803
1997	5/1 - 8/1 (Tue-Sat)	1	none	67	96,088	98,330
1998	5/1 - 7/25 (Tues-Sat)	1	none	62	96,052	97,176
1999	5/1 - 7/9 (Tues - Sat)	1	none	50	91,484	88,298
2000	5/2 - 6/16 (Tues - Sat) 7/1 & 7/4 (Sat & Tues)	1	none	36	99,773	101,114
2001	5/1 - 6/1, 6/16 (Tues - Sat) 7/1 - 7/4	1	none	29	108,030	109,771

^{1/} Quota was for WA North Coast and WA Inside Waters (Puget Sound) subareas.

4.4.3. WA South Coast Subarea

By 1996 charterboats operating in this area had a strong enough presence for the Council to establish two seasons for the area: a May opening that accounted for all but 1,000 lb of the subarea quota with fishing open in the entire area; and a subsequent restricted nearshore fishery for the last 1,000 lb to allow for incidental catch in other sport fisheries. During the offshore fishery period, fishers operating in the nearshore area were allowed to land halibut only in the five open days per week (Sunday through Thursday). From 1999 onward, the nearshore fishery was open 7 days per week to allow incidental landings of halibut for as long as possible, with the larger directed fishery keeping the 5 day per week season. In 2001, the Council changed the nearshore fishery allowance from 1,000 lb to the amount remaining in the quota after the fishery could no longer operate for an entire day without exceeding the quota.

Table 7. Seasons, restrictions and catches of halibut in the Washington South Coast subarea.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1987	2/1 - 9/30	2	30"	242	none	2,102
1988	4/1 - 9/30	2	none	183	3,000	3,150
1989	4/1 - 9/30	2	none	183	2,000	4,821
1990	5/1 - 9/30	1	none	153	5,000	5,096
1991	5/1 - 9/30	1	none	153	4,327	5,759
1992	5/1 - 9/30	1	none	153	7,700	23,143
1993	5/20 - 6/3 (Thurs-Fri)	1	none	5	7,137	10,072
1994	6/2 and 6/9	1	none	2	5,670	14,149
1995	5/1 - 7/4	1	none	65	15,222	15,610
1996	5/1 - 5/26	1	none	26	14,222	12,989
	5/27 - 9/30 (inshore)			<u>127</u>	<u>1,000</u>	<u>1,949</u>
	Total			153	15,222	14,983
1997	5/1 - 5/17	1	none	17	19,483	20,324
	5/18 - 5/20 (inshore)			<u>3</u>	<u>1,000</u>	<u>236</u>
	Total			20	20,483	20,560
1998	5/3 - 7/9 (Sun-Thurs)	1	none	50	35,648	**
	6/26 - 7/9 (inshore)			<u>14</u>	<u>1,000</u>	
	Total			50	36,648	37,030
1999	5/2 - 5/31 (Sun-Thurs)	1	none	22	31,081	29,729
	5/2 - 9/30 (inshore)			<u>152</u>	<u>1,000</u>	<u>1,850</u>
	Total			152	32,081	31,579
2000	5/2 - 5/29 (Sun-Thurs)	1	none	20	33,482	35,734
	5/2 - 6/2 (inshore)			<u>32</u>	<u>1,000</u>	<u>0</u>
	Total			32	34,482	35,734
2001	5/1 - 6/6 (Sun - Thurs)	1	none	25	42,739	41,792
	5/1 - 9/30 (inshore)			<u>153</u>	<u>available amt.</u>	<u>0</u>
				153	42,739	41,792

4.5 Sport Fishery in Columbia River Subarea

In 1995, a new subarea was established for the area from Leadbetter Point, WA to Cape Falcon, OR. This subarea had previously been part of the southern Washington subarea. Table 8 shows the catches in this subarea. To date, most of the sport catch in this subarea has been landed in Ilwaco, WA. Oregon sport fishers also land an undetermined amount of halibut into ports on the Oregon side of the Columbia River. In 1999, the fishery in this sub-area closed before September 30 for the first time.

Table 8. Seasons, restrictions and catches of halibut in the Columbia River subarea.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1995	5/1 - 9/30	1	none	153	4,617	1,426
1996	5/1 - 9/30	1	none	153	4,617	1,190
1997	5/1 - 9/30	1	none	153	6,215	1,326
1998	5/1 - 9/30	1	none	153	8,565	5,185
1999	5/1 - 8/29	1	none	121	7,474	7,423
2000	5/1 - 7/29	1	none	90	8,177	7,728
2001	5/1 - 6/14	1	none	45	10,487	8,808

4.6 Sport Fishery in Oregon

ODFW has been monitoring the sport halibut fishery since 1987. The data from the ODFW sampling program and history of regulations are shown in Table 9. Up until 1989, the entire Oregon coast was managed as a single unit. Beginning in 1989 (and continuing to date), the area north of Cape Falcon was included in the Washington coast subarea south of the Queets River. In 1991, the Council established a subarea extending from Cape Falcon south to the Nestucca River and managed it with a separate sub-quota. This area was created principally at the request of anglers from Pacific City who wanted the opportunity to pursue their historical small-boat fishery for a longer time period each summer. Also in 1991, the Council created a mid-summer season that was open only inside 30 fathoms which was designed to favor small-boat anglers. The 1994 long-term revisions of the Plan removed the Nestucca River division and defined the major Oregon sport fishery management areas as the Oregon central coast area from Cape Falcon south to the Siuslaw River, and the south coast area from the Siuslaw River to the California border. In 1999, the Council moved halibut fisheries south of Humbug Mountain into what was previously the California halibut fisheries. Today, the two major Oregon sub-areas are the North Central Coast from Cape Falcon to the Siuslaw River and the South Central Coast from the Siuslaw River to Humbug Mountain.

Table 9. Oregon sport seasons, days open, and catch.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA ^{1/}	ACTUAL CATCH
1987 ^{2/}	2/1 - 9/30 (7 days/wk)	2	30	242	none	78,195
1988 ^{2/}	4/1 - 7/6 (7 days/wk)	2	3 ^{3/}	97	60,000	74,327
1989	4/1 - 6/28 (Wed-Sat)	2	32	50	57,000 ^{5/}	135,413
	8/1 - 9/30 (7 days/wk) Total	2	32+50 ^{4/}	<u>61</u> 111		
1990	4/4 - 6/21 (Wed-Sat)	2	32+50 ^{4/}	46	51,800	
	8/18 - 8/22 (7 days/wk)	2	32+50 ^{4/}	<u>5</u>	<u>22,250</u>	

	Total			51	74,050	70,084
1991	5/1 - 7/7 (7 days/wk) ^{6/} 4/3 - 6/1 (Wed-Sat) ^{7/} 7/15 - 8/26 (7 days/wk) ^{8/} 8/27 - 9/30 (7 days/wk) ^{9/} Total	1 2 2 2	32 32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	68 36 43 <u>35</u> 146 ^{10/}	1,000 40,000 8,100 <u>15,012</u> 64,112	1,267 38,787 834 <u>13,578</u> 54,466
1992 ^{11/}	5/1 - 7/10 (7 days/wk) ^{6/} 5/1 - 7/10 (Wed-Sat) ^{7/} 7/11- 8/4 (7 days/wk) ^{8/} 8/5 - 9/30 (Wed-Sun) ^{9/} Total	2 2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	71 41 25 <u>41</u> 137 ^{10/}	2,911 60,131 8,333 <u>21,215</u> 92,590	1,738 57,164 706 <u>22,012</u> 81,620
1993 ^{11/}	5/1 - 7/2 (7 days/wk) ^{6/} 5/1 - 6/18 (Wed-Sat) ^{7/} 7/12- 8/3 (7 days/wk) ^{8/} 8/4 - 8/8 (Wed-Sun) ^{9/} Total	2 2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	63 35 23 <u>5</u> 91 ^{10/}	2,564 65,811 2,564 <u>14,530</u> 85,469	5,191 66,429 569 <u>22,298</u> 94,487
1994 ^{11/}	5/4 - 5/20 (Wed-Sun) ^{9/} 5/21- 9/30 (7 days/wk) ^{13/} 8/6 - ^{12/} Total	2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	13 133 <u>0</u> ^{12/} 146	53,641 2,716 <u>11,543</u> 67,900	63,013 4,806 <u>0</u> ^{12/} 67,819
1995	Central Coast 5/4 - 5/27 (Thur-Sat) 5/28-7/4 (7 days/wk) ^{13/} 8/3, 8/4 ^{9/}	2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	12 38 2	67,706 3,314 23,674	76,177 4,953 21,835
	South Coast 5/4-6/2 (Thur-Sat) 6/3-8/2 (7 days/wk) ^{13/} Total	2 2	32+50 ^{4/} 32+50 ^{4/}	14 60	5,999 <u>1,500</u> 104,335	5,526 <u>12</u> 108,503
1996	Central Coast 5/16-5/25(Thur-Sat) 5/26-8/1 (7 days/wk) ^{13/} 8/2, 8/3, 8/9 ^{9/}	2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	6 67 3	64,392 6,629 23,673	49,920 3,491 35,267
	South Coast 5/16-6/1 (Thur-Sat) 6/2-8/1 (7 days/wk) ^{13/} Total	2 2	32+50 ^{4/} 32+50 ^{4/}	9 60	5,999 <u>1,500</u> 104,335	8,522 <u>407</u> 97,607
1997	Central Coast 5/8-10, 5/15-17,5/23-24 5/25-7/31 (7 days/wk) ^{13/} 8/1 ^{9/} 8/2-8/8 ^{13/}	2 2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	8 68 1 7	86,703 8,925 31,876 ---	110,806 4,428 20,968 ---
	South Coast 5/8-5/17(Thur-Sat) 5/18-7/31 (7 days/wk) ^{13/} Total	2 2	32+50 ^{4/} 32+50 ^{4/}	6 74	8,077 <u>2,019</u> 140,475	7,295 <u>676</u> 144,173
1998	Central Coast 5/14-16, 5/21-23 5/24 - 8/23 (7 days/wk) ^{13/} 8/7, 8/8, 8/14 ^{9/}	2 2 2	32+50 ^{4/} 32+50 ^{4/} 32+50 ^{4/}	6 92 3	101,566 10,455 37,341	82,311 1,852 72,599
	South Coast 5/14-16, 5/21-23 5/24 - 8/23 (7 days/wk) ^{13/} Total	2 2	32+50 ^{4/} 32+50 ^{4/}	6 92	9,462 <u>2,365</u> 161,189	8,773 <u>393</u> 165,928
1999	Central Coast 5/1 - 9/30 (7days/wk) ^{13/} 5/13-15, 5/20-22	1 1	32 ^{14/} 32 ^{14/}	153 6	9,650 93,746	2,353 106,560

	8/6	1	32 ^{14/}	1	34,463	28,329
South Coast	5/1 - 8/15 (7 days/wk) ^{13/}	1	32 ^{14/}	107	2,183	1,069
	5/13-15, 5/20-22	1	32 ^{14/}	6	<u>8,732</u>	<u>11,277</u>
	Total				148,774	149,588
2000						
Central Coast	5/1 - 9/30 (7days/wk) ^{13/}	1	32 ^{14/}	153	12,324	5,632
	5/11-13, 5/18-19	1	32 ^{14/}	5	97,630	112,953
	9/22	1	32 ^{14/}	1	35,893	7,203
South Coast	5/11-13, 5/18-19 ^{15/}	1	32 ^{14/}	153	<u>9,094</u>	<u>15,620</u>
	Total				154,941	141,408
2001						
Central Coast	5/1 - 9/30 (7days/wk) ^{13/}	1	32 ^{14/}	153	17,150	2,387
	5/11-12, 5/18-19	1	32 ^{14/}	4	135,866	117,499
	8/3-4, 8/17, 9/21-22	1	32 ^{14/}	5	49,951	85,139
South Coast	5/11-12, 5/18-19, 6/8 ^{15/}	1	32 ^{14/}	153	<u>12,656</u>	<u>14,568</u>
	Total				215,623	219,593

- ^{1/} Quotas in 1988 and 1989 applied to both CA and OR; CA had a separate sub-quota in subsequent years.
- ^{2/} Season applies to entire state; there were no subareas.
- ^{3/} In 1988, there were no size limits from 4/1 to 6/15. From 6/16 to 7/6, a 32 inch minimum size was in effect.
- ^{4/} The size limit was minimum 32" for the first fish and minimum 50" for the second fish.
- ^{5/} There was not a specific quota in 1989, instead there were fixed seasons designed to harvest 57,000 lbs.
- ^{6/} This season applies to the subarea from Cape Falcon to the Nestucca River.
- ^{7/} This season applies to the subarea from the Nestucca River to the OR/CA border.
- ^{8/} This season applies to the area inside 30 fathoms from Cape Falcon to the OR/CA border.
- ^{9/} This season applies to the area from Cape Falcon to the OR/CA border (all depths).
- ^{10/} The fishing days are not additive since some represent concurrent seasons. The total is the number of separate days.
- ^{11/} Oregon halibut tag required; annual limit of six halibut.
- ^{12/} This season was canceled inseason (in May) due to insufficient quota remaining to allow for one-day of fishing.
- ^{13/} This season applies to the area inside 30 fathoms.
- ^{14/} First fish taken of 32" or greater in length
- ^{15/} Beginning in 2000, the inside-30-fathom fishery was combined for the Central and South Coast sub-areas.

4.7 Sport Fishery Southern Oregon (south of Humbug Mountain) and in California

The sport fishery for Pacific halibut in the area south of Humbug Mountain, Oregon and in California is a non-target fishery with incidental catches of Pacific halibut primarily occurring in the Shelter Cove area. Because of the incidental nature of this sport fishery and small catch of halibut, the catch has not been monitored and no estimates of catch are available. IPHC catch statistics have assumed that the allocation was caught.

Table 10. California sport seasons, days open, and catch.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA	ACTUAL CATCH
1986	2/1 - 12/31 (7 days/wk)	2	none	334	none	?
1987	2/1 - 9/30 (7 days/wk)	2	30	242	none	?
1988	4/1 - 9/30 (7 days/wk)	2	none	183	^{1/}	?
1989	4/1 - 9/30 (7 days/wk)	1	32	183	^{1/}	?
1990	4/1 - 9/30 (7 days/wk)	1	32	183	2,000	?
1991	5/15 - 9/15 (7 days/wk)	1	32	123	1,700	?
1992	5/1 - 9/30 (7 days/wk)	1	32	153	2,473	?
1993	5/1 - 9/30 (7 days/wk)	1	32	153	2,281	?
1994	5/1 - 9/30 (7 days/wk)	1	32	153	1,813	?
1995	5/1 - 9/30 (7 days/wk)	1	32	153	2,785	?
1996	5/1 - 9/30 (7 days/wk)	1	32	153	2,785	?
1997	5/1 - 9/30 (7 days/wk)	1	32	153	3,750	?
1998	5/1 - 9/30 (7 days/wk)	1	32	153	4,393	?
1999	5/1 - 9/30 (7 days/wk)	1	32	153	4,698	?
2000	5/1 - 9/30 (7 days/wk)	1	32	153	4,893	?
2001	5/1 - 9/30 (7 days/wk)	1	32	153	6,809	?

^{1/} Included with Oregon quota

4.8 Area 2A Licenses

Effective in 1995, three types of IPHC licenses were issued for Area 2A fisheries: a directed commercial license, a license to land halibut caught incidentally in the salmon troll fishery, and a charter license. No vessel may participate in more than one of these three fisheries per year. The numbers of IPHC licenses issued for Area 2A in recent years are shown in Table 11. Directed commercial licenses also allow longline vessels to retain halibut caught incidentally north of Point Chehalis during the primary sablefish season.

Commercial fishers must obtain an IPHC license to harvest halibut commercially in Area 2A. Since 1994, commercial fishers have had to choose between a license for the directed fishery or a license for retaining halibut incidentally in the salmon troll fishery. Fishers licensed to fish for halibut in the commercial halibut fishery could not obtain an IPHC charterboat (sport) license nor operate the vessel in the sport fisheries in Area 2A. Conversely, fishers participating in the Area 2A sport fisheries could not participate in either of the commercial fisheries for halibut. In the sport fishery, only charterboat owners/operators must obtain an IPHC license; IPHC licenses are not required for individual anglers nor private boats.

Table 11 . IPHC Licenses issued for Area 2A.

Year	Directed Fishery	Incidental Catch in Salmon Troll	Charterboat
1995	350	124	132
1996	403	123	135
1997	428	275	139
1998	363	264	141
1999	286	284	126
2000	268	235	130
2001	320 ^{1/}	345	133

1/ Includes licenses for vessels retaining halibut caught incidentally in the primary sablefish fishery north of Pt. Chehalis, WA.

5.0 ENVIRONMENTAL CONSEQUENCES AND ANALYSIS OF THE PROPOSED ACTION AND ALTERNATIVE

This analysis compares the proposed action with status quo management for non-treaty recreational halibut fisheries. Treaty halibut fishery managers have proposed no changes to the Plan for 2002.

5.1 Setting two separate sub-seasons within the Washington State Inside Waters subarea

The Washington State Inside Waters subarea includes all waters inside Puget Sound and east of the mouth of the Sekiu River, on the Strait of Juan de Fuca. Under the Plan, this fishery is scheduled to open in May and to continue at least through July 4, or until a date when the quota is predicted to be taken. WDFW does not monitor Puget Sound halibut catches inseason, but hindcasts expected season harvest based on post-season interviews with Washington anglers. This post-season catch estimation has been controversial for all involved because anglers believe that the method over-estimates their halibut catch and managers are frustrated with the widely varied results of the estimation. Because of the number of small ports scattered throughout Puget Sound, however, the agency has not been able to craft an economically feasible and efficient at-dock survey similar to the surveys they use on the outer Washington coast.

In addition to concerns that the Inside Waters season may be unnecessarily shortened due to inaccurate catch estimation, anglers in eastern Puget Sound believe that they are less successful in their halibut fishing efforts than they could be with an earlier season. Nontribal halibut anglers point to the commercial halibut fishing success of treaty tribes within Puget Sound in the months of March and April as evidence of the availability of halibut in the eastern Puget Sound during early spring months.

To begin to resolve some of these issues, WDFW has proposed an experiment to split the 2002 Inside Waters subarea season between eastern and western Puget Sound, with the division at Lowe Point. (Lowe Point is situated between Sekiu and Port Angeles. If the Council adopts this proposal, a precise longitudinal boundary will be provided in the final EA/RIR.) In the eastern Puget Sound, the fishery would begin in April, when anglers believe halibut are more available in their waters. Halibut fishing in western Puget Sound would be lagged by two weeks, so that the season in this area would open two weeks after the season

in eastern Puget Sound and close two weeks after the eastern Puget Sound closure. WDFW would take advantage of this early opening in eastern Puget Sound to enhance their catch accounting in that area through more direct catch accounting than is possible with the telephone surveys.

Because of the lack of data about Puget Sound anglers and their halibut catch, it is difficult to assess the effects of this proposal on the halibut resource and on fishery participants. According to WDFW records, there were 18,212, 13,056 and 21,036 halibut catch record card holders for Puget Sound in 1997, 1998 and 1999, respectively. The number of catch record card holders should indicate the number of active halibut anglers. Looking at the halibut catch estimates for the Inside Waters subarea shown in Table 5, however, it is unlikely that each catch record card holder caught a halibut in the year he was issued a catch record card. Estimated catches for 1997, 1998, and 1999 are 86,773 lb, 73, 279 lb, and 56, 375 lb, respectively. Halibut caught off the Washington coast have an average weight of 15-20 lb. Given these weights, comparing the number of Puget Sound catch record card holders against the amount of halibut landings indicates that either anglers are all landing extraordinarily small halibut or that a significant portion of catch record card holders are not landing any halibut at all.

If the WDFW proposal leads to a more accurate assessment of sport halibut landings in Puget Sound, this proposal should benefit both the halibut resource and halibut anglers. The halibut resource in Area 2A is healthy and IPHC generally sets conservative harvest levels, so no harm to the resource is expected from allowing anglers to access their full quota within the Inside Waters subarea. More accurate catch monitoring would ensure that sport halibut harvest in Puget Sound meets but does not exceed that subarea's quota. If, as anglers suspect, their catch levels are overestimated, anglers would benefit from a longer fishing season based on a more accurate assessment of their catch levels and rates. This proposal does not appear to cause harm to the resource and if it results in more and better information about the Inside Waters sport fishery, could be of benefit to the resource. Lagging the western Puget Sound season by two weeks should not alter the fishing opportunity for anglers operating in that area, while still acknowledging the later availability of halibut in the Strait of Juan de Fuca.

5.2 Revising the season start date in the Columbia River subarea from May 1 to June 15

The Columbia River subarea includes waters off both Washington and Oregon, bordered on the north at Leadbetter Point, WA and on the south at Cape Falcon, OR. Under the Plan, the Columbia River subarea halibut quota is derived from contributions from both Washington and Oregon/California recreational fisheries allocations. This subarea is allocated 2.0 percent of the first 130,845 lb allocated to the Washington sport fishery, and 4 percent of the Washington sport allocation between 130,845 lb and 224,110 lb, plus 2.0 percent of the Oregon/California sport allocation. In 2001, this formula resulted in about 57% of the subarea quota coming from the Washington sport allocation and 43% coming from the Oregon/California sport allocation.

Until 1999, the fishery in this subarea stayed open for its entire May 1 through September 30 season without harvesting the entire quota (See Table 8). Effort in the fishery had increased by 1999, and in that and each subsequent year, the fishery has ended with the quota being taken before September 30. In 2001, the season in this subarea lasted from May 1 through June 14.

Washington State monitors its landings in this subarea as part of its coastal at-dock sampling program. Landings from this subarea into Oregon ports have gone largely unmonitored. Washington anglers and halibut managers have expressed concern that Oregon anglers may be taking more halibut from this subarea than is reported from anecdotal angler accounts. Oregon anglers and halibut managers have expressed

concern that Washington anglers may be taking more halibut from annual quotas than the amount of halibut that the Washington State sport allocation contributes to this subarea. Many of these concerns could be allayed or resolved if Oregon State had a better opportunity to monitor its sport halibut landings from this subarea.

For 2002 and beyond, ODFW has proposed beginning the fishery in this subarea on June 15, rather than on May 1. A June 15 start date would ensure that the fishery in this subarea coincides with sport fishing seasons for salmon. Halibut are commonly caught incidentally in hook-and-line fisheries targeting chinook salmon. (The Plan currently authorizes an incidental halibut retention allowance in the nontribal commercial salmon troll fishery to recognize this halibut-chinook relationship.) Recreational salmon fisheries in waters near the Columbia River commonly occur July through September.

The primary resource benefit of shifting the start date to June 15 would be that anglers would be able to retain halibut caught incidentally to their salmon-directed operations. With careful handling, halibut can be released alive; however, allowing incidental retention ensures that fish possibly harmed through the fishing process count against the applicable halibut quota. The primary management benefit from shifting the start date in this subarea to June 15 would be that Oregon State could then monitor its halibut landings with effort already dedicated to monitoring recreational salmon landings. ODFW does not have the funds to monitor its relatively minor halibut landings in the May through early June period. The state expects that it would be better able to monitor its landings if it could combine those efforts with already-funded salmon landings monitoring efforts.

Revising the Plan to set a Columbia River subarea start date of June 15 is not expected to have any negative effect on the resource. A June 15 start date could have a positive effect on the halibut resource in that it would ensure better halibut landings monitoring for keeping the fisheries within quota. If revising the start date improves Oregon angler access to Columbia River subarea halibut, Washington anglers operating in the Columbia River subarea could lose some access to halibut quota contributed from the Oregon/California sport allocation. Similarly, Oregon anglers could lose some access to halibut they may have historically taken unbeknownst to halibut managers. However, all parties concerned would benefit from the management clarity associated with better quota monitoring. One of the reasons the fishery was closed this year on June 14 at 1,679 lb below quota is that halibut managers were concerned that closing the fishery when monitored landings reached the full quota would allow total landings (monitored + unmonitored) to actually exceed the quota.

5.3 Splitting the Oregon all-depth fishing opportunities between the charterboat and private boat sport fleet in the North Central and South Central subareas

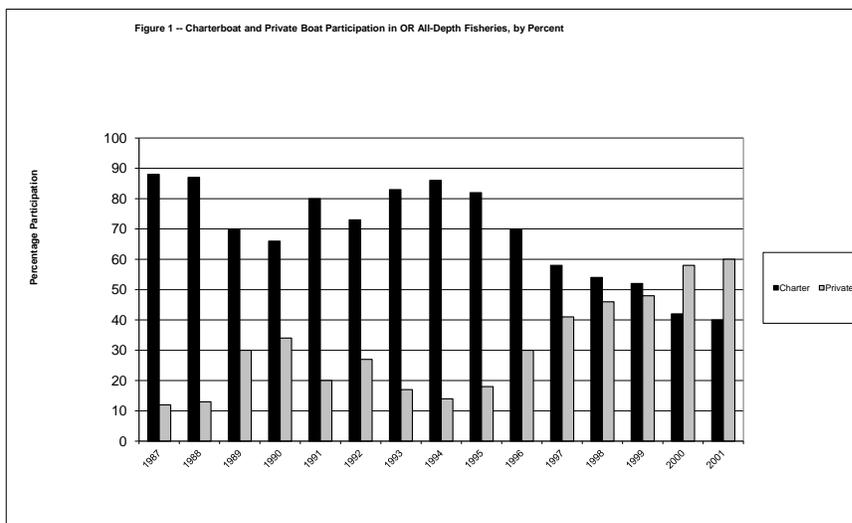
Sport fisheries in the Oregon North Central and South Central Coast subareas are managed in a linked fashion. There is a single Cape Falcon to Humbug Mountain nearshore fishery that occurs shoreward of the 30-fathom depth contour that allows anglers operating in these waters to retain halibut caught incidentally in fisheries directed on other species. Nearshore halibut landings tend to come in slowly over the season, allowing the season to stretch from May 1 through September 30. Outside 30 fathoms, the subareas are managed with two separate subquotas for a May/June fishery and a combined quota for an August/September fishery. The North Central Coast subarea is allocated 88.03%, and the South Central Coast subarea is allocated 6.97%, of the Oregon/California sport quota.

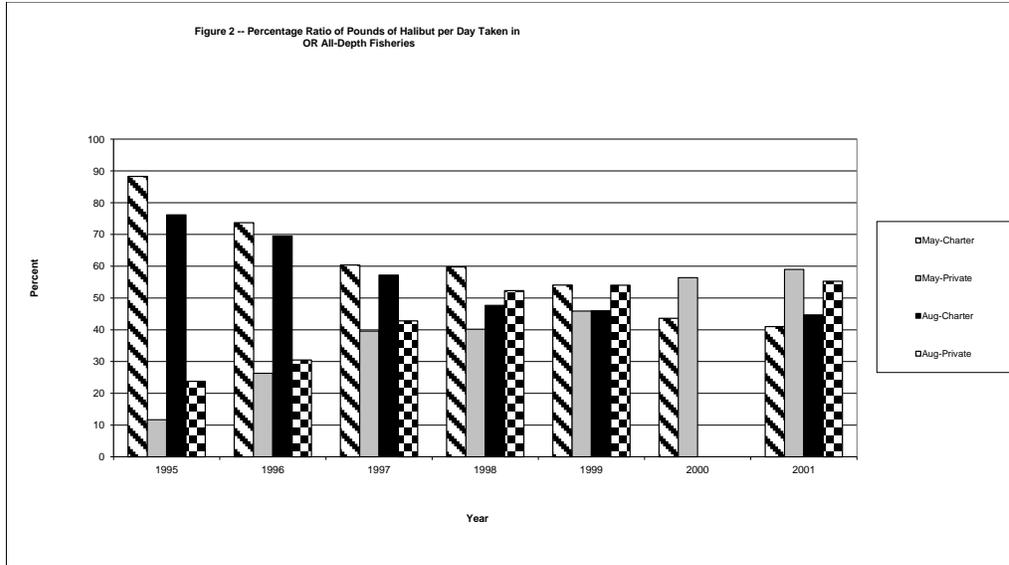
Under the Plan, the quotas for these subareas are divided so that the combined inside 30-fathom fishery receives 7% of the North Central subarea quota plus 20% of the South Central subarea quota. In the North Central subarea, the May all-depth season receives 68% of the subarea quota; in the South Central subarea,

the May all-depth season receives 80% of that subarea's quota. The combined August all-depth fishery sub-quota is 25% of the North Central Coast's subarea quota. Given these divisions, 74.8% of the halibut allocated to the combined May and August all-depth fisheries is reserved for the May fisheries and 25.2% for the August fisheries. These divisions are not firm, however, as the August fishery's quota may be reduced by overages in the May fisheries or conversely increased by underages in the May fisheries.

ODFW has proposed amending the Plan so that only vessels with IPHC charterboat licenses may participate in the May/June all-depth season. The May/June season would have access to 50-65% of the all-depth quota, with the August/September season having access to 35-50% of the all-depth quota. If the Council chooses to adopt this ODFW proposal, the exact allocation between the two seasons would be set at the November 2001 Council meeting. The August-September season would be reserved for vessels that do not have IPHC charterboat licenses. This proposal would not change the amount of halibut taken or ODFW's ability to monitor the halibut fisheries, thus the proposal would have no effect on the natural environment or on the halibut resource. However, the proposal would affect fishery participants by formalizing an allocation between the charterboat sport fleet and the private boat sport fleet.

Historically, the Oregon charterboat industry has had strong participation in the halibut sport fisheries and influence over sport halibut management. In more recent years, however, private boat angler participation has increased and private anglers have taken an growing percent of the halibut available to the Oregon all-depth sport fisheries.

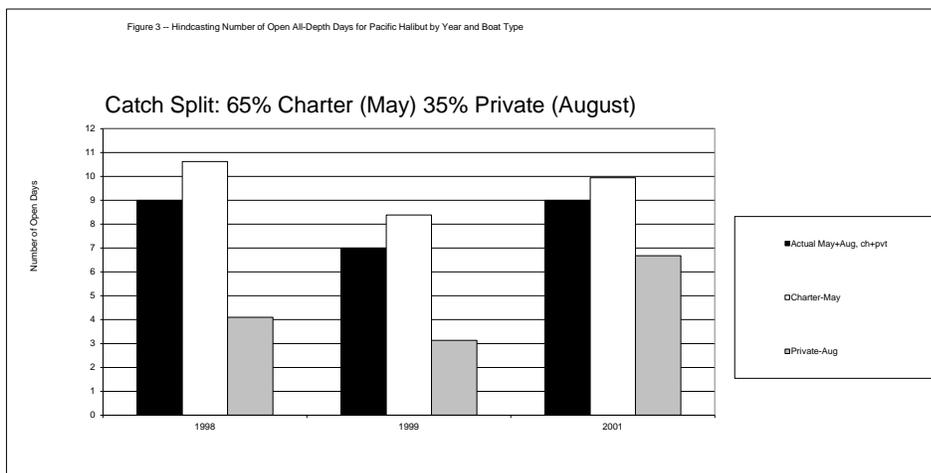




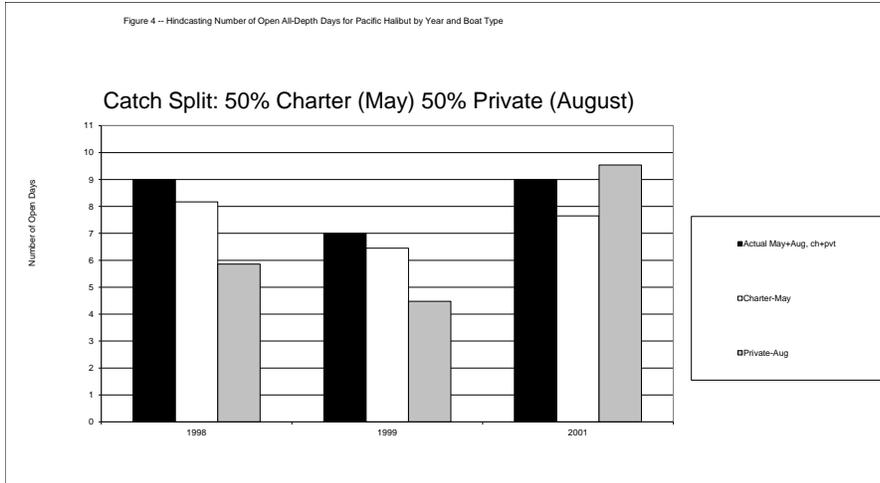
The ODFW proposal for 2002 amendments to the Plan would allocate the halibut available to the all-depth fisheries between the charterboat fleet and the private boat fleet. Only vessels with IPHC charter licenses could participate in the May all-depth fisheries and only vessels without IPHC charter licenses could participate in the August all-depth fisheries. IPHC does not have a way of controlling the type or number of vessels that apply for and receive a charter licenses, so there could be some private boat participation in May by those vessels wishing to forgo August halibut fishing opportunities.

If The Council were to adopt the ODFW proposal with an allocation of 65% of the all-depth quota to the May charterboat season, charterboats would likely gain fishing days over what would otherwise be available to them under a combined participation scenario. However, if The Council were to adopt the ODFW proposal with an allocation of 50% of the all depth quota to the May charterboat season, charterboats would likely lose fishing days over what would otherwise be available to them under a combined participation scenario.

Figures 3 and 4 show the number of fishing days each sector could have had in the years 1998, 1999, and 2001 if the proposed allocation scenario had been in place at that time, assuming no new charter license holders. Figure 3 shows the allocation at 65% in May for the charter fleet and 35% in August for the private fleet. Figure 4 shows the allocation at 50% per sector.

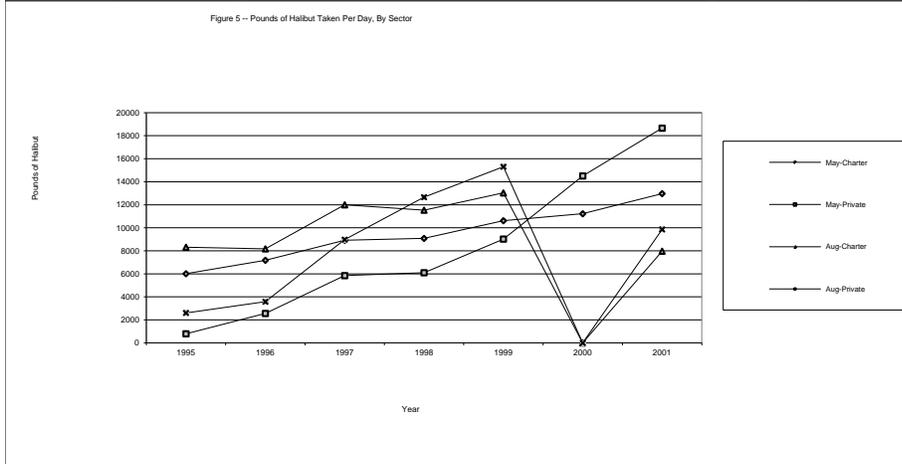


Landings results from 2000 were not used because the May 2000 fishery exceeded its quota by an amount that resulted in the cancellation of the August all-depth fishery.



As these figures show, the effects on fishery participants of separating charter and private fleet allocations will depend on the catch split between the two seasons. Given the trends shown in Figures 1 and 2, it is clear that the charter fleet could benefit from a more fixed allocation. Private fleet participation in the halibut all-depth fisheries has increased over time and will likely continue to increase. A fixed allocation between the charter and private fleets would prevent private boat catches from inching into traditional charter harvest. However, splitting the catch between the two fleets would not solve one of the fundamental problems in the Oregon sport all depth fisheries, which is the ever-shortening fishing season.

As shown previously in Table 9, the number of open fishing days for both the May and August fisheries has decreased rapidly over time. This trend is primarily due to increasing effort (measured in pounds of halibut landed per day) in both fishery sectors. Figure 5 shows the increasing rate at which halibut is taken by both the charter and private fleet boats in the all-depth halibut fisheries. As with Figures 1 and 2, the cancellation of the August all-depth season in 2000 shows a take of zero pounds per day.



These figures show that allocating the all-depth halibut opportunities between the charter and private sport fleets would provide the charter fleet some small relief from private fleet pressure on the overall halibut quota. Nonetheless, the allocation would not do anything to slow the catch rate in the charter fleet, which means that the charter fleet could expect to see a continuing trend of ever fewer

all-depth fishing days regardless of whether the Council sets a firm allocation between the two fleets.

Summary: The proposed actions will not have significant effects on the halibut resource, the fishers involved in the halibut fishery, other fisheries, or other marine resources that interact with the halibut

resource. The proposed actions will not affect any threatened or endangered species or their habitats within the meaning of the regulations implementing Section 7 of the Endangered Species Act. They also will not affect other marine mammals or marine birds as these species do not interact directly or indirectly with the halibut fishery. The proposed actions would not redistribute halibut quota to an extent greater than annual variations in quota attainment. The proposed action will have no effect on the Area 2A TAC, which is set by IPHC, so the proposed action will not affect the Pacific halibut resource in Area 2A.

6.0 EFFECTS ON ENDANGERED SPECIES AND THE COASTAL ZONE

The proposed changes to the Plan do not constitute an action that may affect endangered/threatened species listed under the Endangered Species Act (ESA) or their habitat within the meaning of the regulations implementing Section 7 of the ESA. The proposed changes also are unlikely to affect non-listed marine mammals or marine birds as these species do not interact directly or indirectly with the halibut fishery in Area 2A.

The proposed action is consistent to the maximum extent practicable with applicable State coastal zone management programs. NMFS has corresponded with the responsible state agencies under Section 307 of the Coastal Zone Management Act to obtain their concurrence in this finding.

7.0 EXECUTIVE ORDERS 12866 AND 13132

The proposed changes to the Plan are not a significant action according to E.O. 12866. This action will not have a cumulative effect on the economy of \$100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises. The gross revenues generated from halibut fisheries coastwide are not expected to differ substantially as a result of the proposed changes to the Plan.

None of the proposed changes to the Plan would have federalism implications subject to E.O. 13132.

8.0 REGULATORY FLEXIBILITY ACT

** This portion of the EA/RIR would be completed after Council decision on these issues. **

9.0 PAPERWORK REDUCTION ACT

There is no collection of information requirement subject at the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

10.0 FINDING OF NO SIGNIFICANT IMPACT

The proposed action ensures that catch limits on Pacific halibut set by the International Pacific Halibut Commission are not exceeded while concurrently allowing for harvests of exploitable yield among various users in Area 2A in accordance with the Catch Sharing Plan. Besides the harvest removals, which will not adversely affect the halibut stock, this action will have no appreciable effect on the other species or the ocean environment. For these reasons and those described in more detail herein, it is hereby determined that implementation of the proposed changes to the Plan and sport management measures will not significantly affect the quality of the human environment, and the preparation of an environmental impact statement on the final action is not required by Section 102 (2)(C) of the National Environmental Policy Act or its

implementing regulations.

Asst. Administrator for Fisheries, NOAA

Date

11.0 COORDINATION AND CONSULTATION

This EA/RIR was prepared in coordination and consultation with the Pacific Fishery Management Council, the Washington Department of Fish and Wildlife, the Oregon Department of Fish and Wildlife, the Northwest Indian Fisheries Commission, and the International Pacific Halibut Commission.

12.0 LIST OF PREPARERS

Yvonne deReynier, NMFS, with fishery-specific data and background information provided by Greg Bargman (WDFW), Calvin Blood (IPHC), Don Bodenmiller (ODFW), Brian Culver (WDFW), Heather Gilroy (IPHC), Robert Jones (NWIFC) and Michele Robinson (WDFW).

13.0 REFERENCES

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APPENDIX

2001 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), thirty-five 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°53'18" 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°53'18" N. lat.). 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 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. Due to inability to monitor the catch in this area inseason, a fixed season will be established preseason based on projected catch per day and number of days to achievement of the quota. No inseason adjustments will be made, and estimates of actual catch will be made postseason. The fishery will open in May and continue at least through July 4, or until a date established preseason (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 sponsor a public workshop shortly after the IPHC annual meeting to 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°31'42" N. lat.). The structuring objective for this subarea is to maximize the season length for viable fishing opportunity and, if possible, stagger the seasons to spread out this opportunity to anglers who utilize these remote grounds. The fishery opens on May 1, and continues 5 days per week (Tuesday through Saturday). If May 1 falls on a Sunday or Monday, the fishery will open on the following Tuesday. The highest priority is for the season to last through the month of May. If sufficient quota remains, the second priority is to establish a fishery that will be open July 1, through at least July 4. If the preseason prediction indicates that these two goals can be met without using the quota for this subarea, then the next priority is to extend the fishery into June and continue for 5 days per week (Tuesday through Saturday) for as long a period as possible. No sport fishing for halibut is allowed after September 30. The daily bag limit in all fisheries is one halibut per person with no size limit. A closure to sport fishing for halibut will be established in an area that is approximately 19.5 nm (36.1 km) southwest of Cape Flattery. The size of this closed area may be modified preseason by NMFS to maximize the season length. The closed area is defined as the area within a rectangle defined by these four corners: 48°18'00" N. lat., 125°11'00" W. long.; 48°18'00" N. lat., 124°59'00" W. long.; 48°04'00" N. lat., 125°11'00" W. long.; 48°04'00" N. lat., 124°59'00" 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°31'42" N. lat.) and north of Leadbetter Point (46°38'10" 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". The fishery will continue until September 30, or until the quota is achieved, whichever occurs first. Subsequent to this closure, if any remaining quota is insufficient for an offshore fishery, but is sufficient for a nearshore fishery, the area from the Queets River south to 47°00'00" N. lat. and east of 124°40'00" W. long. will reopen for 7 days per week until either the remaining subarea quota is estimated to have been taken and the season is closed by the IPHC, or until September 30, whichever occurs first. 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 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 2.0 percent of the Oregon/California sport allocation. This subarea is defined as waters south of Leadbetter Point, WA (46°38'10" 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. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

(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 May and in August 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 May and August openings and will not be modified in-season except that the August openings may be modified in-season 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 May and August 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 catch remains for an additional day of fishing after the May season or the August season, openings will be provided if possible in May and August respectively. Potential additional open dates for both the May and August 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. Any poundage remaining unharvested in the May all-depth subquota will be added to the August all-depth sub-quota. Any poundage that is not needed to extend the inside 30-fathom fishery through to September 30 will be added to the August all-depth season if it can be utilized, 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 September 30, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through September 30 will be transferred to the August 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 68 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, Oregon to Humbug Mountain, Oregon) all-depth fishery that begins on the first Friday in August and is allocated 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). 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) 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 May and August openings and will not be modified inseason except that the August 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 May and August 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 May season or the August season, openings will be provided if possible in May and August respectively. Potential additional open dates for both the May and August 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. Any poundage remaining unharvested in the May all-depth subquota will be added to the August all-depth sub-quota. Any poundage that is not needed to extend the inside 30-fathom fishery through to September 30 will be added to the August all-depth season if it can be utilized, 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 September 30, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through September 30 will be transferred to the August 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.

(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 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 north of Leadbetter Point, WA is two daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel. The possession limit on land south of Leadbetter Point, WA is the same as the bag limit.
- (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 a Washington sport subarea projected to have the fewest number of sport fishing days in the calendar year.
- (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 consistent with the standards in section (f)(5)(i)(C) of this Plan
- (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 800-662-9825 (May through September) 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: 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)

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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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ESTABLISHED BY A CONVENTION BETWEEN CANADA
AND THE UNITED STATES OF AMERICA

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September 26, 2001

Mr. Don Bodenmiller
Oregon Department of Fish and Wildlife
2040 SE Marine Science Dr.
Newport, Oregon 97365

Dear Don:

Thank you for providing us with a copy of the Oregon Sport Charter Proposal. A summary of our response is attached. Heather Gilroy, Gregg Williams and I reviewed the proposal. Contrary to what you and I previously discussed, Heather, Gregg, and I concluded that private, unguided vessels cannot legally obtain IPHC sport charter licenses. We also believe that the IPHC sport charter license is not an appropriate management tool to use as a basis for allocation measures.

Please feel free to call or email me if you have any questions.

Sincerely,



Calvin L. Blood
Biologist

CLB/cc

encl

cc: Commissioners
Yvonne deReynier, NMFS
Chuck Tracy, PFMC

Oregon Sport Charter Proposal:

Reallocate the Cape Falcon to Humbug Mountain all-depth quota as follows:

Allocate fifty to sixty-five percent of the all-depth quota to the May-June fishery for vessels that hold International Pacific Halibut Commission (IPHC) licenses.

Allocate the remaining thirty-five to fifty percent of the all-depth quota to private vessel owners who do not have IPHC licenses. This fishery would occur in August-September when the weather is generally more favorable for smaller vessels. IPHC license holders will not be allowed to fish in the August-September all-depth fishery.

IPHC Response:

Background

The IPHC charter license was designed primarily for communicative rather than management purposes. No cross-checks are performed to verify whether the applicants are in fact legitimate charter operators. Commercial fishery license holders are verified through landings and fish tickets. Commercial licenses are used for management purposes in Area 2A to project expected catch through a tiered vessel fishing period limit.

In 1997, phone interviews were conducted of state, federal, and charter industry representatives by the IPHC to gather information on how dropping the IPHC sport charter license requirement might affect their ability to manage their sport halibut fishery. Managers from Alaska and British Columbia concurred that dropping the license requirement would reduce duplication of effort and those agencies would provide the IPHC with contact lists of sport charter vessels. Many managers from agencies or interested parties in Area 2A were unaware of the requirement. However, there was a general sentiment the license requirement should continue to exist until proven it was not needed. Currently, the list is used to determine recipients of several IPHC mailings, including regulation booklets and Annual Reports.

Comment

The IPHC sport charter license is for guided sport vessels only. **Section 2. Interpretation, paragraph (b)** states a "charter vessel" means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator. **Section 3. Licensing Vessels, subsection (2)** states that "A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both. Therefore, we conclude that a private, non-charter sport vessel cannot obtain any IPHC license without being in violation of the licensing regulations. Enforcement of all IPHC regulations, including license requirements, is done by the USCG, State and Federal agents.

We suggest the public and Council consider other management tools or explicitly allocate the available catch limit between the private and sport charter fleets along the Oregon coast, rather than using the IPHC license to separate the fleets. The lack of sport charter license applicant verification weakens the use of the license for allocative purposes. Additionally, we also have concerns about the manner in which the proposal seeks to split the catch limit by season but not by fishery. Procedures for managing catch limit overages or underages between seasons are lacking from this proposal. Such procedures should be developed for the sake of all involved.

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October 5, 2001

PFMC

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220

RE: Halibut and Bottom fish Recreational Fisheries

Dear Council:

I am an avid off-shore sports fisherman who has been fishing the Oregon Central Coast (Florence and Winchester Bay) for the past 12 years. I also represent the majority of bottom sports fishermen in our area.

My beginning comment is that this past season of bottom fishing has been the worst I have seen in 12 years.

PACIFIC HALIBUT:

Item #1: This item does not make sense. It must have been proposed so charter boats can make two halibut trips a day. This does not sound like a good idea.

Item #2: We would favor splitting the quota and a later opener of Oregon's fishery.

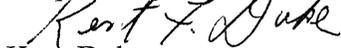
Item #3: We do not favor splitting the quota and an August fishery time is too late in the season. If you continue to allow the commercial industry to retain one halibut bycatch for each three salmon caught, there will be no more halibut fishing in the northwest.

BOTTOM FISH:

We would favor option #1. The only problem with our area (Florence and Winchester Bay) is there is no bottom fishing inside the 20 fathom curve. All of our fishing areas are 4 to 10 miles off shore. We would ask for an exclusion for our area on the 20 fathom curve area.

Thank you for the opportunity to have input.

Respectfully,



Kent Duke

87827 Sandrift Street
Florence, OR 97439

Cc: Don Bodenmiller, Marine Recreational Fisheries

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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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October 22, 2001

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OCT 22 2001

PFMC

Dr. Donald O. McIsaac, Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220-1384

RE: October/November meeting, Pacific Halibut Management

Dear Dr. Don:

The IPHC staff has reviewed the proposed changes to the Pacific Halibut Catch Sharing Plan. We have the following comments on the issues under consideration by Council in October:

First, two proposals seek to divide existing quotas or sub-areas into smaller units. In effect, these proposals create new quotas that will require additional catch monitoring on the part of the states to prevent quota over-runs. If these changes were adopted by the Council, the IPHC staff would like to review the subsequent monitoring plans developed by the states to ensure that conservation needs are met.

Second, a proposal seeks to use the IPHC charter vessel license as a vehicle for shifting allocation from the private boat fishery to the charter boat fishery in the Cape Flacon to Humbug Mountain all-depth fishery. We have serious concerns about the rationale for using the IPHC license for this purpose. The lack of sport charter license applicant verification compromises the use of the license for allocative purposes. Additionally, we have concerns about the manner in which the proposal seeks to split the catch limit by season but not by fishery. Procedures for managing catch limit overages or underages between seasons are also lacking. If the Council supports additional allocation among private and sport charter sectors, we suggest it consider other management tools or explicitly allocate the available catch limit between the sectors along the Oregon coast, rather than trying to use the unverified IPHC license to separate the fleets.

The IPHC charter license was designed primarily for informational rather than management purposes. No cross-checks are performed to verify whether the applicants are in fact legitimate or active charter operators. Commercial fishery license holders are verified through landings and fish tickets. Commercial licenses are used for management purposes in Area 2A to project expected catch through a tiered, vessel fishing-period limit.

The IPHC sport charter license is for guided sport vessels only. The IPHC regulations include the following definitions:

Section 2. Interpretation, paragraph (b) states a "charter vessel" means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

Section 3. Licensing Vessels, subsection (2) states that "A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both." Therefore, a private, non-charter sport vessel cannot currently obtain any IPHC license without being in violation of the licensing regulations.

In summary, the IPHC staff does not believe the IPHC licensing system of sport users is an appropriate vehicle to allocate between the charter and private-operator sport user groups.

We have no comments on the change for the on-land possession limit for Oregon or the change in the opening date for Cape Falcon to Leadbetter Point sub-area.

Heather Gilroy from our staff will be attending the October meeting and can address any questions the Council may have about these comments.

Sincerely,



Bruce M. Leaman
Executive Director

cc: Commissioners
D. Bodenmiller, ODFW
M. Robinson, WDFW
Y. DeReynier, NMFS/NWR

PROPOSED CHANGES TO THE RECREATIONAL CATCH SHARING PLAN
AND ANNUAL REGULATIONS FOR 2002

Situation: 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.

For the 2002 season, the Council is considering minor changes to the management of the recreational fisheries in the Puget Sound, Columbia River, and Oregon North Central Coast subareas. Attachment 1 is a copy of the 2001 Catch Sharing Plan. 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 public testimony received at the September 2001 Council Meeting. The Council solicited public input on the changes in the Council News Brief released September 28, 2001 (Attachment 2). The National Marine Fisheries Service has prepared an Environmental Assessment (EA) of the proposed changes to the Catch Sharing Plan to provide the Council with additional information on the likely effects or the proposals (Attachment 3).

Based on the input received since the September Council meeting, the states will present their final proposals for regulatory changes in the halibut fishery at this meeting. Exhibit B.1.f contains written public comment, including comments of the International Pacific Halibut Commission staff, that was received at the Council office in time to be mailed with the briefing book.

Exhibit B.1.b provides a preliminary report summarizing the harvest in the 2001 Pacific halibut fisheries in Area 2A to date.

Council Action:

- 1. Within the scope of the September proposals (Attachment 2), the EA (Attachment 3), and public input, adopt Council recommendations for implementation of proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan for 2002.**

Reference Materials:

1. Exhibit B.1, Attachment 1, *2001 Pacific Halibut Catch Sharing Plan for Area 2A*.
2. Exhibit B.1, Attachment 2, *Council News Brief Excerpt*.
3. Exhibit B.1, Attachment 3, *Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A*.
4. Exhibit B.1.b, Halibut Report, *Preliminary Report on the 2001 Pacific Halibut Fisheries in Area 2A*.
5. Exhibit B.1.f, Public Comment.

PFMC
10/11/01