

<Administrative Record>

<10-30-02>

**DRAFT**

Agenda E.1.d  
Tribal Comments  
November 2002

## **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 and annual regulations for 2003.

The 2002 Pacific halibut catch sharing plan for Area 2A includes the description for the Treaty Indian fisheries.

The tribes propose no changes be made to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2003. 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.

The tribes continue to support the efforts in the non-Indian fisheries that allow retention in non-directed fisheries as this will reduce discards and thus wastage of a valuable resource.

10/28/02

## REPORT ON THE 2002 PACIFIC HALIBUT FISHERIES IN AREA 2A

The 2002 Area 2A total allowable catch (TAC) of 1,310,000 lb set by the International Pacific Halibut Commission (IPHC) was allocated as sub-TACs as follows:

Treaty Indian	483,500 lb	(35.0% + 25,000 lb)
Non-Treaty Total	826,500 lb	(65.0% - 25,000 lb)
Non-Treaty Commercial	350,390 lb	(includes incidental sablefish)
Washington Sport	214,110 lb	
Oregon/California Sport	262,001 lb	

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

### **NON-TREATY COMMERCIAL FISHERY**

A sub-TAC of 262,001 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.

In 2002, 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. The 2002 allocation to this fishery was 88,389 lb.

**Incidental halibut catch in the salmon troll fishery** A quota of 39,300 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 preseason by the Council at the April meeting was one halibut (minimum 32") per three 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.

- Halibut retention was permitted in the salmon troll fishery from May 1 through August 21, 2002. Of the halibut taken in the salmon troll fisheries 9,686 lb were landed in

Oregon and 28,281 lb were landed in Washington, for a total of 37, 967 lb (3.3% under quota.)

**Directed fishery targeting on halibut** A quota of 222,270 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 26, July 10, July 24, August 7, August 21, and September 4. 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	6/26/01 Opening	7/10/01 Opening	7/24/01 Opening
A 0 - 25 ft.	405 lb	335 lb	335 lb
B 26 - 30 ft.	505 lb	420 lb	420 lb
C 31 - 35 ft.	805 lb	670 lb	670 lb
D 36 - 40 ft.	2,220 lb	1,850 lb	1,850 lb
E 41 - 45 ft.	2,390 lb	1,990 lb	1,990 lb
F 46 - 50 ft.	2,860 lb	2,385 lb	2,385 lb
G 51 - 55 ft.	3,190 lb	2,660 lb	2,660 lb
H 56+ ft.	4,800 lb	4,000 lb	4,000 lb

- The June 26 directed commercial fishery resulted in a catch of about 129,000 lb, leaving 93,700 lb for later openings.
- The July 10 directed commercial fishery resulted in a catch of about 46,000 lb, leaving 47,700 lb for later openings.
- The July 24 directed commercial fishery resulted in a catch of about 48,000 lb, closing the directed commercial fishery for 2002 with an approximate 300 lb (0.13%) overage.

### **Incidental halibut catch in the primary sablefish longline fishery north of Point Chehalis**

A quota of 88,389 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 April 1, 2002, and closes October 31, 2002, although incidental halibut retention was not available until May 1. Properly licensed vessels could retain up to 150 lb of dressed weight (headed-and gutted) halibut per 1,000 lb of dressed 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 amount of primary season sablefish available to that vessel when the vessel applied for a 2002 IPHC license. Incidental halibut landings in the primary sablefish fishery through October 22, 2002 were 60,096 lb, 32% under quota.

### **SPORT FISHERIES (Non-treaty).**

A sub-TAC of 476,111 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. For the first time, this subarea was divided into two regions with two seasons. The Eastern Region (East of Low Point) opened on May 9 and continued through July 12, 5 days per week (closed Tuesday and Wednesday). The Western Region opened on May 23 and continued through July 26, 5 days per week. The daily bag limit was one halibut of any size per person. Approximately 39,915 lb of halibut were estimated to have been taken in this sub-area fishery during the 2002 season, 30.5% under quota.

**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 38,000 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 70,030 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 May 28, when 80,094 lb was estimated to have been taken. This left 27,936 lb remaining for the July 4<sup>th</sup> weekend, not enough to open for the entire July 1-4 period.
- The season re-opened for July 3-4, during which 17,456 lb were taken, for a total of 97,550 lb, leaving approximately 10,480 lb in the quota.
- The halibut remaining in the quota was estimated to be enough for another day of North Coast fishing. The season re-opened on August 3, when an additional 6,873 lb was taken. The fishery was closed with 3,607 lb remaining in the quota (3.3% under quota.)

**Washington South Coast Subarea** (landings in Westport). The area from the Queets River to Leadbetter Point was allocated 42,739 lb (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 offshore fishery and the 7 day per week inshore fishery opened on May 1 and continued until July 11, when an estimated 35,549 lb of halibut had been taken.
- To reduce incidental catch of rockfish taken in the sport halibut fisheries, particularly yelloweye rockfish, available fishing zones within the South Coast subarea were restricted to a halibut hotspot approximately 34 miles offshore of Westport, Washington, and to the nearshore area between 47° N. lat., south to 46°38'10" N. lat., and east of 124°27' W. long. Fishing in this area was restricted to 2 days per week (Friday and Saturday). Approximately 38,815 lb were taken in this sub-area in 2002, 9.9% under quota.

**Columbia River Subarea** (Leadbetter Point to Cape Falcon). This sport fishery subarea was allocated 11,188 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 May 25, with a total of 9,764 lb landed, 1,424 lb under quota.

**Oregon North Central and South Central Coast Subareas** (Cape Falcon to the Siuslaw River and the Siuslaw River to Humbug Mountain). These two sport fishery subareas have traditionally been managed as a single unit with separate allocations for the May all-depth fishery. The North Central Coast subarea was allocated 230,639 (88.03% of the Oregon/California sport allocation) and the South Central Subarea was allocated 18,261 lb (6.97% of the Oregon/California sport allocation).

Three seasons were set for these combined subareas: 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 19,797 lb was estimated to have been taken; 2) a fixed May season in all depths that was to open on May 10, 11, 17, and 18, with catch allocations of 156,835 lb in the North Central Subarea and 14,609 lb in the South Central Subarea, and; 3) a fixed August season in all depths from Cape Falcon to Humbug Mountain on August 2 and/or 3, or until the combined all-depth subquotas for Oregon south of Cape Falcon totaling 229,103 lb

were estimated to have been taken. The daily bag limit was the first halibut taken of 32 inches or greater in length.

- The inside 30-fathom fishery opened on May 1 and is scheduled to close September 30. As of September 30, 2,207 lb of halibut had been taken in the inside 30-fathom fishery, 54% under the revised inside 30-fathom quota of 4,797 lb.
- The first fixed all-depth season in May, held May 10, 11, 17 and 18, had a total catch of 75,434 lb in the North and 8,123 in the South, which was far enough below the 156,835 lb North and 14,609 lb South quotas to allow openings on additional days during the May-June period. The all-depth season re-opened on the following pre-scheduled days: June 7, 8, 21, and 22. During these four all-depth days in June, the combined North Central and South Central fisheries took an additional 42,698 lb, leaving 45,189 lb in the May-June all-depth quota. This remaining poundage was made available to the August-September all-depth fishery .
- The August all-depth season draws on the combined quotas of the Oregon north central and south central fisheries. The initial 57,660 lb available to this fishery was supplemented by the 45,189 lb underage from the May-June all-depth fisheries. As a result of this revision, 102,849 lb was available to the August 2 and 3 all-depth fishery. In any brief fishery, weather has a significant effect on harvest rates and the weather for August 2 and 3 was poor. The combined central coast fisheries took 38,425 lb on August 2 and 3, which was far enough below the available quota amount to allow additional opening days in August and September. The all-depth season had been scheduled to re-open on August 23 and 24. On those dates, the fishery took 24,692 lb, leaving 39,732 lb remaining in the available quota. At the end of August, ODFW, NMFS and IPHC discussed providing additional opening dates in late September. That discussion resulted in a shift of 15,000 lb of halibut quota from the underharvested nearshore quota to the all-depth fisheries, making 54,732 lb available for all-depth harvest. The fishery re-opened September 18-21, taking just 6,902 lb. The combined August-September landings in this fishery were 70, 019 lb, which was 40.6% under the inseason revised quota of 117,849.

**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 is scheduled to remain open 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 483,500 lb (35% + 25,000 lb of the Area 2A TAC) was allocated to Tribal fisheries. The tribes estimated that 16,000 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 467,500 lb was allocated to the commercial fishery. The tribal commercial fishery was scheduled to open on March 18, 2002 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 tribal commercial halibut allocation is divided so that approximately 80-85% of the allocation is taken in brief, open competition derbies, in which vessels from all halibut tribes compete against each other for landings. In addition to these unrestricted openings, 15-20% of the commercial allocation is reserved for “restricted” fisheries, in which participating vessels from all halibut tribes are restricted to a per vessel and per day poundage limit for halibut (500 lb per vessel/day for 2002 restricted fisheries.)

Fishery	Dates Held	Pounds Landed	# of Landings
Unrestricted, 48-hour	March 18-20	80,867 lb	33 landings
Restricted, 500 lb/vessel/day	March 20 - April 19	69,105 lb	196 landings
Unrestricted, 24-hour	April 2	106,064 lb	34 landings
Restricted, 500 lb/vessel/day	May 5-9	11,746 lb	33 landings
Unrestricted, 36-hour	April 30	202,862 lb	41 landings
Total		470,644 lb	337 landings

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2003.

**2002 Area 2A TAC and Catch (in pounds)**

	Quota	Inseason Revised Quota	Catch	Over/Under
TREATY INDIAN	483,500		486,644	0.7%
Commercial	467,500		470,644	0.7%
Ceremonial & Subsistence	16,000		16,000 (est.)	
NON-TREATY	826,500		720,294	-12.9%
COMMERCIAL	350,389		321,063	-8.4%
Troll	39,300		37,967	-3.3%
Directed	222,700		223,000	0.1%
Sablefish Incidental	88,389		60,096	-32.0%
SPORT	476,111		399,231	-16.1%
WA Sport	214,110		187,738	-12.3%
OR/CA Sport	262,001		211,493	-19.3%
WA Inside Waters	57,393		39,915	-30.5%
WA North Coast	108,030		104,423	-3.3%
WA South Coast	42,739		38,518	-9.9%
Col River Area	11,188		9,764	-12.7%
OR Central Coast	248,901			
Inside 30 fathoms (all areas)	19,797	4,797	2,207	-54.0%
May (North Central Coast)	156,835	113,851	113,851 ★	0.0%
May (South Central Coast)	14,609	12,674	12,674 ★	0.0%
August/September (all areas)	57,660	117,849	70,019	-40.6%
OR S. of Humbug/CA	7,860		7,860 (est.)	
<b>TOTAL</b>	<b>1,310,000</b>		<b>1,206,938</b>	<b>-7.7%</b>

★ Although the initial allocation to the August all-depth fisheries was 57,660, the quota was augmented by the underage from the May all-depth fisheries, resulting in 45,189 lb being added to the August all-depth. In accordance with the Catch Sharing plan, an additional 15,000 lb were transferred from the inside-30-fathom fishery inseason to the August all-depth fishery, making the total quota available in August-September 117,849 lb.

## **RECOMMENDED MODIFICATIONS TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2003 OREGON RECREATIONAL FISHERY**

At their September 2002 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 2003. The Oregon Department of Fish and Wildlife held a public meeting in Newport on October 17, 2002 to discuss the proposals. A description of the proposal, summary of public comment, and Oregon's recommendation are presented below for each issue.

### **1. Flexible Inseason Management Provision**

#### Proposal

If either the Columbia River or central Oregon coast sport fishery subareas are not projected to utilize their respective quotas by the season ending date, NMFS may take inseason action to transfer any projected unused quota from one subarea to the other. Additionally before the spring fishery, NMFS may transfer quota between the north central and south central Oregon sport fishery subareas to meet the objective of setting equal number of fixed fishing days for the spring fishery.

#### Public Comment

This proposal was not supported. Concern was expressed that political pressures from the area north of Cape Falcon might be used to take pounds from other areas south of Cape Falcon when there are not extenuating circumstances such as occurred in 2002.

#### Recommendation

Oregon recommends no change to the present flexible inseason management provision.

### **2. Extend the Pacific Halibut recreational fishery season south of Cape Falcon.**

#### Proposal

Extend the recreational fishery season for all subareas south of Cape Falcon, both the all-depth and 30-fathom fishery, through October 31.

#### Public Comment

The extension of the fishery was strongly supported by the public.

#### Recommendation

Oregon recommends extending the recreational season for all sub-areas south of Cape Falcon through October 31.

3. Change the wording in the catch sharing plan to clarify the description of the Spring and Summer all-depth fishery along the central Oregon coast.

### Proposal

Change the wording in the Catch Sharing Plan for the Oregon north central and south central subareas from “May” to “Spring” and from “August” to “Summer”. Furthermore, define the Spring season to cover the May through July period and Summer season to cover the period August through October period (or through September if proposal 2 is not adopted).

### Public Comment

This proposal was strongly supported by the public.

### Recommendation

Oregon recommends changing the description of the Spring and Summer all-depth fishery along the central Oregon coast in the Catch Sharing Plan.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
REVISED PROPOSED CHANGES TO THE 2003 HALIBUT CATCH SHARING PLAN

(f) SPORT FISHERIES

(1)(ii) Washington north coast subarea.

....The ~~structuring~~ **management** objective for this subarea is to **provide a quality recreational** ~~maximize the season length for viable~~ fishing opportunity **during May and the latter part of June.** ~~and, if possible, stagger the seasons to spread out this opportunity to anglers who utilize these remote grounds.~~ **To meet this objective, the north coast subarea quota will be allocated as follows: 72% for the month of May and 28% for the latter part of June.** The fishery **will** open on May 1, and continue 5 days per week (Tuesday through Saturday) **until the May allocation is projected to be taken. The fishery will then reopen on the third Wednesday in June and continue until the remaining quota is projected to be taken, 5 days per week (Tuesday through Saturday).**~~...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. 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: A~~ **"C-shaped" yelloweye rockfish conservation area which is closed to recreational groundfish and halibut fishing is described by the following coordinates:**

<u>48°18'00"</u>	<u>125°18'00"</u>
<u>48°18'00"</u>	<u>124°59'00"</u>
<u>48°11'00"</u>	<u>125°11'00"</u>
<u>48°11'00"</u>	<u>124°59'00"</u>
<u>48°04'00"</u>	<u>125°11'00"</u>
<u>48°04'00"</u>	<u>124°59'00"</u>
<u>48°00'00"</u>	<u>125°18'00"</u>
<u>48°00'00"</u>	<u>124°59'00"</u>

GROUND FISH ADVISORY SUBPANEL STATEMENT ON  
PACIFIC HALIBUT MANAGEMENT

The Groundfish Advisory Subpanel (GAP) reviewed the proposals for halibut catch sharing for 2003. The GAP generally accepted the proposals as described in the situation paper, however; the GAP did express concern as to whether the closed areas proposed could be enforced any better than closed areas for fixed and trawl gear groundfish fishing. Since the groundfish closed areas need to be enforced through an extensive process including the Vessel Monitoring System, should not similar measures be contemplated for the halibut closed areas?

The GAP also discussed how to treat bycatch that had already been accounted for in setting halibut catch limits. A majority of the GAP believed that such bycatch should be able to be landed by vessels in the user group against which such bycatch is charged. Several GAP members suggested further that this should be done if observers were on board to ensure that no further bycatch occurs.

A minority of the GAP disagreed with this statement, believing the proposal would adversely affect traditional fisheries, could cause a precedent for fisheries in other states, and could lead to a new directed fishery.

PFMC  
10/29/02

**CAPT. THOMAS YOUNG  
NEAH BAY CHARTER ASSOC. REP.**

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P.O. Box 170  
Neah Bay, Wa. 98357-0170  
(360) 963-2111

October 16, 2002

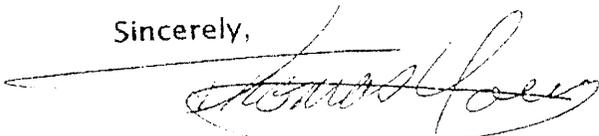
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

Re: WDFW 2003 halibut catch sharing plan proposal

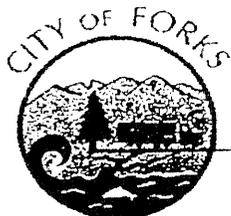
Dear Council Members,

The Neah Bay Charter Assoc. along with the undersigned support the Dept. of Fish and Wildlife's latest revised draft of the 2003 halibut catch sharing plan for the Washington north coast sub area. I am including a copy of the proposal for your convenience.

Sincerely,



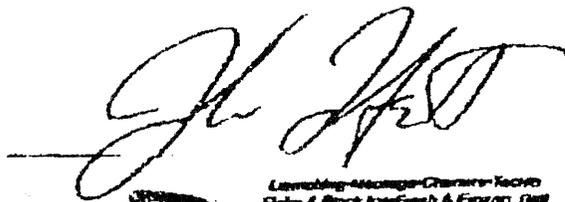
Capt. Thomas Young



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WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
PROPOSED CHANGES TO THE 2003 HALIBUT CATCH SHARING PLAN

(f) SPORT FISHERIES

(1)(ii) Washington north coast subarea.

...The structuring management objective for this subarea is to provide a quality recreational maximize the season length for viable fishing opportunity during May and the latter part of June, and, if possible, stagger the seasons to spread out this opportunity to anglers who utilize these remote grounds. To meet this objective, the north coast subarea quota will be allocated as follows: 72% for the month of May and 28% for the latter part of June. The fishery will open on May 1, and continue 5 days per week (Tuesday through Saturday) until the May allocation is projected to be taken. The fishery will then reopen on the third Wednesday in June and continue until the remaining quota is projected to be taken, 5 days per week (Tuesday through Saturday)... 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. 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: A "C-shaped" yelloweye rockfish conservation area which is closed to recreational groundfish and halibut fishing is described by the following coordinates:

<u>48°00'00"</u>	<u>124°59'00"</u>
<u>48°00'00"</u>	<u>125°18'00"</u>
<u>48°04'00"</u>	<u>124°59'00"</u>
<u>48°04'00"</u>	<u>125°18'00"</u>
<u>48°04'00"</u>	<u>125°11'00"</u>
<u>48°04'00"</u>	<u>125°18'00"</u>
<u>48°18'00"</u>	<u>125°11'00"</u>
<u>48°18'00"</u>	<u>125°18'00"</u>

\* NOTE: This list of coordinates currently describes the "L-shaped" yelloweye rockfish conservation area that was adopted by the Pacific Fishery Management Council at its September 2002 meeting. WDFW will propose a modified conservation area that includes the northern portion of the halibut "hotspot" (to make a "C-shape") at the Council's October meeting.



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October 21, 2002

Dr. Hans Radke, Chairman  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Dr. Radke,

We represent the citizens of Forks, Washington and the west end of Clallam County. Our comments pertain to the 2003 halibut catch sharing plan and more specifically to the Washington North Coast sub area.

Our community supports the WDF&W position as outlined in the enclosed letter to Recreational Halibut Fishers from Michele K. Robinson, dated October 7, 2002. Although the positions outlined in the letter are not as beneficial to our community as the actions taken by the council in your September 2002 meeting, it does represent a fairly negotiated compromise position. We do support the process and appreciate the opportunity to participate.

I am enclosing a copy of the above-referenced letter for your review. Thanks for your kind consideration of our comments

Sincerely,

Nedra Reed  
Mayor  
City of Forks

R. Daniel Leinan  
Clerk-Treasurer  
City of Forks

cc: Dr. Donald McIsaac – PFMC  
Dr. John Coon – PFMC  
Phil Anderson – WDF&W  
Michele Robinson – WDF&W  
Brian Culver



STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE

48 Devonshire Road • Montesano, Washington 98563-9618 • (360) 249-4628 FAX (360) 664-3689

OCT 17 2002

October 7, 2002

CITY OF FORKS

Dear Recreational Halibut Fisher:

The Washington Department of Fish and Wildlife held a public meeting on October 4, to solicit input on our proposed changes to the Pacific Fishery Management Council's Pacific Halibut Catch Sharing Plan. All of the changes the Department is proposing affect the North Coast (Neah Bay/La Push) subarea.

There were three proposed changes that were discussed at the meeting:

1. Whether to include the flexibility to open on a date between May 1 and 15, or to keep the traditional opening date of May 1 in the plan
2. How best to accommodate a halibut fishery in the month of May as well as a later summer fishery in the June/July time period
3. The appropriate size and shape of the yelloweye rockfish conservation closure

With regard to the opening date, there was consensus among the group to keep the traditional opening date of May 1 in the Catch Sharing Plan. This would provide predictability to fishers who have traditionally fished this area in early May and allows for consistency among coastal subareas.

There was a considerable amount of discussion relative to providing fishing opportunities in May and later in the season—end of June or beginning of July. In recent years, there has been concern expressed by a group of private boat anglers who like to fish in the month of July when the weather is calmer and kids are out of school. However, the harvest rates in May and July have escalated to the point that providing a fishery that lasts the entire month of May as well as four days in July is not feasible. Further, if the harvest rate continues to increase, while the opening date remains the 1<sup>st</sup> of May, then the amount of time available at the end of May becomes less reliable. Some fishers and coastal community representatives thought that having a fishery in June would be more economically beneficial than a fishery during the 4<sup>th</sup> of July, as families have holiday celebrations and/or the recreational salmon season may be open.

Therefore, in order to address all of these concerns, it was decided that a portion of the subarea quota would be set aside for the latter part of June. Based on the current quota of 108,030 pounds (which is the highest quota available for this subarea), and using the amount of halibut

## Recreational Halibut Fishery

October 7, 2002

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caught in late May this year (1,500 halibut) multiplied by an average weight of 20 pounds, it is estimated that about 28% of the quota is needed to accommodate a four-day fishery toward the end of June. The remaining 72% would be allocated to the month of May. Fishers thought that the opening date of the third Wednesday in June would also accommodate fishing after school was out for the summer, as well as provide for a weekend fishery (Wednesday through Saturday).

The last change that was discussed was the "L-shaped" yelloweye rockfish conservation closure adopted by the Pacific Fishery Management Council at its September meeting. Some fishers believed that this area needed to be expanded to include the halibut "hotspot" which has been closed to recreational halibut fishing for two primary reasons: 1) there has historically been catches of larger halibut in the "hotspot" area which may decrease the season length; and 2) there were also catches of yelloweye rockfish in the northern portion of the halibut "hotspot." Other fishers believed that closing such a large area off the port of LaPush would force local boats to fish in areas that were further away, and may be less productive for halibut.

After much discussion, it was decided that the yelloweye rockfish conservation closure would be modified to a "C-shape" which includes the northern portion of the "hotspot." This would provide protection for yelloweye rockfish which may be encountered there as well as provide LaPush fishers with the southern portion of the "hotspot" to fish. Department staff will develop coordinates that define the proposed "C-shaped" closure and will present those to the Pacific Council in late October.

Enclosed is a draft modified Department proposal for changes to the Pacific Halibut Catch Sharing Plan.

If you have any questions, please feel free to contact me at (360) 249-1211.

Sincerely,



Michele K. Robinson  
Marine Resources Policy Coordinator  
Intergovernmental Resource Management

Enclosure

cc: Phil Anderson  
Brian Culver  
Rich Lincoln

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WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
PROPOSED CHANGES TO THE 2003 HALIBUT CATCH SHARING PLAN

(f) SPORT FISHERIES

(1)(ii) Washington north coast subarea.

...The structuring management objective for this subarea is to provide a quality recreational maximize the season length for viable fishing opportunity during May and the latter part of June. and, if possible, stagger the seasons to spread out this opportunity to anglers who utilize these remote grounds. To meet this objective, the north coast subarea quota will be allocated as follows: 72% for the month of May and 28% for the latter part of June. The fishery will open on May 1, and continue 5 days per week (Tuesday through Saturday) until the May allocation is projected to be taken. The fishery will then reopen on the third Wednesday in June and continue until the remaining quota is projected to be taken, 5 days per week (Tuesday through Saturday).... 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. 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: A "C-shaped" yelloweye rockfish conservation area which is closed to recreational groundfish and halibut fishing is described by the following coordinates:

<u>48°00'00"</u>	<u>124°59'00"</u>
<u>48°00'00"</u>	<u>125°18'00"</u>
<u>48°04'00"</u>	<u>124°59'00"</u>
<u>48°04'00"</u>	<u>125°18'00"</u>
<u>48°04'00"</u>	<u>125°11'00"</u>
<u>48°04'00"</u>	<u>125°18'00"</u>
<u>48°18'00"</u>	<u>125°11'00"</u>
<u>48°18'00"</u>	<u>125°18'00"</u>

\* NOTE: This list of coordinates currently describes the "L-shaped" yelloweye rockfish conservation area that was adopted by the Pacific Fishery Management Council at its September 2002 meeting. WDFW will propose a modified conservation area that includes the northern portion of the halibut "hotspot" (to make a "C-shape") at the Council's October meeting.

PROPOSED CHANGE TO THE CATCH SHARING PLAN REGARDING  
INCIDENTAL HALIBUT LANDINGS IN THE SABLEFISH FISHERY

i move that the Council adopt the following change:

Insert the following language in Section (e) (3) Incidental Catch in the Sablefish Fishery North of Point Chehalis, 1st paragraph after the 1st sentence:

The amount of halibut allocated to the sablefish fishery will be shared as follows: up to 70,000 lbs of halibut to the primary sablefish fishery north of Pt. Chehalis. Any remaining allocation will be distributed to the Washington sport fishery among the four subareas according to the sharing described in the Catch Sharing Plan Section (f) (1).

*motion 11*  
Alverson/Anderson

## 2002 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 in season 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. To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea. Due to inability to monitor the catch in this area inseason, fixed seasons, which may vary and apply to different regions within the subarea, will be established preseason based on projected catch per day and number of days to achievement of the quota. Inseason adjustments may be made, and estimates of actual catch will be made postseason. The fishery will open in April or May and continue 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 is two daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel.
- (4) Ban on sport vessels in the commercial fishery. Vessels operating in the sport fishery for halibut in Area 2A are prohibited from operating in the commercial halibut fishery in Area 2A. Sport fishers and charterboat operators must determine, prior to May 1 of each year, whether they will operate in the commercial halibut fisheries in Area 2A which requires a commercial fishing license from the IPHC. Sport fishing for halibut in Area 2A is prohibited from a vessel licensed to fish commercially for halibut in Area 2A.
- (5) Flexible inseason management provisions.
  - (i) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the IPHC Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations.
    - (A) The action is necessary to allow allocation objectives to be met.
    - (B) The action will not result in exceeding the catch limit for the area.
    - (C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to 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.

## COUNCIL NEWSLETTER ARTICLE ON PROPOSED CHANGES TO THE AREA 2A PACIFIC HALIBUT CATCH SHARING PLAN

At the September meeting, the Council adopted several proposed changes to the Area 2A Pacific halibut catch-sharing plan for public review. Final adoption of the plan will take place at the Council's meeting in Foster City, CA, October 28 to November 1. Comments on the proposals can be sent or emailed to the Council office, and comments will also be taken at the October Council meeting.

The following proposals affect Oregon and Washington sport fisheries and the Washington commercial directed fixed gear sablefish fishery.

1. Develop framework language allowing inseason action to transfer quotas between the Columbia River and Central Oregon Coast sport subareas.
2. Develop framework language allowing preseason transfer of quotas between the North Central and South Central Oregon coast sport subarea May (spring) seasons to meet the plan's objective of setting equal number of fixed fishing days for the two subareas.

Flexibility to transfer the unused sport quota between subareas already exists for areas north of Cape Falcon, but not south of Cape Falcon. The 2002 catch limit for the central Oregon subarea will probably not be entirely taken. At the same time, the Columbia River subarea, which closed May 25, could have used the leftover central Oregon quota to access the remaining 1,400 pounds of its allocation.

Another example of the need for flexibility to move poundage between subareas occurred during the spring all-depth fishery between the north-central and south-central subareas off Oregon. These fisheries are managed under the fixed day approach, which [explain]. Sometimes during the preseason process to set the number of fixed days, the projected quota for one sub-area is not enough to allow the same number of fixed days as the other subarea. At the same time the second subarea appears to have excess poundage. These subareas are combined for the summer fishery in order to have an equal number of season days for both subareas. The central coast area is split into two subareas during the spring fishery because often the north central subarea is able to fish when the south central area is not due to adverse weather and/or bar conditions.

3. Extend the recreational season for all subareas south of Cape Falcon from September 30 to October 31.

As noted above, it appears that the 2002 catch limit for the central Oregon area will not be entirely taken. If the fishery ending date were October 31, it would allow opening additional days to take the available poundage remaining after the May through September fishery.

4. Change language defining the central Oregon recreational fisheries to spring and summer seasons rather than May and August seasons, and include the months of May to July in the spring season and the months of August to September (or October) in the summer season.
5. Redefine the Washington North Coast recreational season dates to allow a flexible opening dates in May.

Allowing flexible opening dates for the Washington north coast recreational season will allow openings later in the month when weather is more likely to be favorable. This will probably only

be done in years when allocations are low and unlikely to last the entire month of May.

6. Allocate 65% of the Washington North Coast recreational subarea quota to the season opening in May and 35% to the season opening in July.

Dividing the subarea allocation into May/June and July seasons guarantees fishing opportunities around the popular July 4<sup>th</sup> time, when weather is usually milder than in May.

7. Expand the closed Yelloweye Conservation Area in the recreational Washington North Coast sub-area to provide additional protection for yelloweye rockfish. The proposal is for an “L” shaped area defined by the following coordinates:

48°00'00" 124°59'00"  
48°00'00" 125°18'00"  
48°18'00" 125°18'00"  
48°18'00" 125°11'00"  
48°04'00" 125°11'00"  
48°04'00" 124°59'00" and back to  
48°00'00" 124°59'00"

In 2002 the Council added a yelloweye conservation area to the existing Halibut Hotspot closure. The new area enlarges and includes the area west of the Halibut Hotspot closure. The primary purpose of this closure is to reduce incidental yelloweye rockfish take during halibut fisheries.

8. Remove the existing Halibut Hotspot closure from the recreational Washington North Coast subarea.

Allowing halibut fishing in the Hotspot area may provide anglers a chance to target halibut directly while avoiding incidental catches of yelloweye rockfish. The Hotspot closure area was originally intended to control halibut catch as a means to extend the season.

9. Specify a cap on the landing restriction in the directed fixed gear sablefish fishery north of Pt. Chehalis of no more than 150 pounds (dressed weight) of halibut per 1,000 pounds (dressed weight) of sablefish plus an additional two halibut in excess of the ratio.
10. Allow unused halibut allocation in the directed fixed gear sablefish fishery to be returned to the Washington sport allocation.

If the total Area 2A halibut quota is large enough (over 900,000 pounds) to provide for an incidental halibut harvest in the commercial sablefish fishery north of Point Chehalis, this fishery is allocated that portion of the Washington sport allocation in excess of 214,110 pounds, provided a minimum of 10,000 pounds is available. The Council recommends annual landing restrictions in such years, and for 2002 the restriction was no more than 150 lbs dressed weight of halibut for every 1,000 lbs dressed weight of sablefish, plus two halibut not subject to the ratio. Landings through August 22 were only about 34,000 lbs of the more than 88,000 lbs allocated in 2002. Having a cap on the landing restriction would allow a projection of landings in future years so that any unused allocation could be returned to the Washington sport allocation for ongoing fisheries.

PROPOSED CHANGES TO THE RECREATIONAL CATCH SHARING PLAN  
AND ANNUAL REGULATIONS FOR 2003

**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 2003 season, the Council is considering minor changes to the management of the recreational fisheries in the Washington Coast, Columbia River, and Oregon Central Coast subareas, and the commercial sablefish fishery north of Point Chehalis, Washington. Attachment 1 is a copy of the 2002 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 Council discussion and public testimony received at the September 2002 Council Meeting. The Council solicited public input on the changes in the Council Newsletter Article released October, 2002 (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 (Supplemental 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.

A brief summary of 2002 Area 2A halibut fisheries to date will be provided.

**Council Action:**

1. **Within the scope of the September proposals (Attachment 2), the EA (Supplemental Attachment 3), and public input; adopt Council recommendations for implementation of proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan for 2003.**

**Reference Materials:**

1. Exhibit E.1, Attachment 1, *2002 Pacific Halibut Catch Sharing Plan for Area 2A.*
2. Exhibit E.1, Attachment 2, *Council Newsletter Article on Proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan.*
3. Exhibit E.1, Supplemental Attachment 3, *Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A.*

**Agenda Order:**

- a. Agendum Overview
- b. Fishery Report for 2002
- c. State Proposals
- d. Tribal Proposal and Comments
- e. Reports and Comments of Advisory Bodies
- f. Public Comment
- g. **Council Action:** Adopt Proposed Regulation Changes for 2003

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PFMC  
8/7/12

**ENVIRONMENTAL ASSESSMENT**  
**AND**  
**REGULATORY IMPACT REVIEW**  
**OF**  
**CHANGES TO THE CATCH SHARING**  
**PLAN FOR PACIFIC HALIBUT**  
**IN AREA 2A**

**DRAFT**

Prepared by  
National Marine Fisheries Service

November 2002

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## **1.0 PURPOSE AND NEED FOR ACTION**

### **1.1 How this document is organized**

This document is an Environmental Assessment and Regulatory Impact Review (EA/RIR) for proposed revisions to the Pacific Halibut Catch Sharing Plan (Plan) for halibut fishing off the U.S. West Coast.

- Section 1 provides the “Purpose and Need” for the Pacific Fishery Management Council’s (Council’s) action and is intended to provide the public with an explanation of why the Council is considering revisions to the Plan.
- Section 2 describes the alternatives that the Council is considering for revising the Plan.
- Section 3 describes the physical, biological, and socio-economic environment of Pacific halibut and of West Coast halibut fisheries that could be affected by revisions to the Plan.
- Section 4 is an analysis of the potential effects of the alternatives considered on the human environment.
- Section 5 addresses the consistency of the proposed Plan revisions with laws other than the National Environmental Policy Act.
- Section 6 contains the RIR.
- Section 7 provides a bibliographic reference for this document and lists the document’s preparers.
- Appendix A is a memorandum determining certain proposed revisions to the Plan to be eligible for a categorical exclusion from the requirement to prepare an EA or an Environmental Impact Statement (EIS).
- Appendix B provides the Plan as amended through 2002.

### **1.2 Purpose and Need**

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 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.

Each year, the states of Washington and Oregon and the halibut treaty tribes meet with their fishery participants to review halibut management under the Plan. If either the states or the tribes wish to propose changes to the Plan, their representatives bring those proposed changes to the Council at its September meeting. This year, the tribes determined that they had no recommendations for changing the Plan. Both Washington and Oregon states, however, brought constituent proposals to the September Council meeting. Following the September Council meeting, the states reviewed those proposals with the public in state-sponsored meetings. The Council will consider state proposals at its October 29 through November 1, 2002 meeting in Foster City, CA and determine whether to forward any of those

proposals as recommended revisions to the Plan.

The Council's purposes in and needs for considering the actions analyzed in this document are to:

- Determine whether there are revisions to the Plan that would ensure that halibut fishery management measures better account for the conservation needs of overfished groundfish stocks.
- Ensure that the Plan's management provisions for small area fisheries reflect the current and anticipated future scheduling needs of fishing communities in those areas.

### **1.3 Public Participation**

Pacific halibut management off the U.S. West Coast is organized largely by the states and tribes with directed halibut fisheries. Thus, much of the scoping for proposed revisions to the Plan occurs in state or tribal meetings, with NMFS and the Council essentially acting as intermediaries between the states and/or tribes and the IPHC. Ultimately, the IPHC approves the Plan, but such approval is largely a formality by the time the Plan arrives in its revised format at the IPHC's annual meeting in January.

Prior to the September Council meeting, State of Oregon met with its halibut constituents on ##, and the State of Washington met with its halibut constituents on ##. Tribal consultations? Following those constituent meetings, the states and tribes reported the Council at its September 9-13, 2002 meeting in Portland OR on their proposed Plan revisions for 2003. As stated earlier, the tribes did not propose any Plan revisions for 2003. Once proposed Plan revisions were aired by the states and considered by the public and the Council at the Council's September meeting, the Council sent those proposals back to the states for additional public review and to NMFS for analysis.

Oregon met again with its halibut constituents on October 17 so that the public could have an additional chance to review its proposals for changes to the sections of the CSP affecting Oregon fisheries. Washington had a similar meeting for its halibut constituents on October 8. At its October 29-November 1, 2002, meeting, the Council will consider state-proposed revisions to the Plan, any public comments made on those proposals, and whether to forward those proposal to NMFS and the IPHC. The public will have an additional opportunity to review and comment on proposed changes to the Plan when NMFS publishes those proposals for review in the Federal Register prior to the IPHC's annual meeting in January 2003.

Revisions to the Plan related to protection for overfished groundfish stocks underwent scoping through the Council's annual management process for groundfish, which began at the June 2002 meeting of its Ad-Hoc Allocation Committee meeting and continued through subsequent Council, Allocation Committee, Groundfish Management Team meetings and state-sponsored meetings to the Council's September meeting. At its September meeting, the Council made final recommendations for 2003 groundfish management and recommendations for management of fisheries targeting non-groundfish species that have the potential to incidentally harvest overfished groundfish species. A full description of the Council's scoping process, alternatives considered, and analyses of those alternatives is provided in the Council's October 2002 draft EIS for groundfish specifications and management measures.

### **1.4 Related National Environmental Policy Act (NEPA) Documents**

*Draft EIS for the Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures – 2003 Groundfish Fishery, October 2002.* This EIS for the 2003 specifications and management measures discusses the full suite of regulatory measures proposed to protect overfished groundfish species from directed and incidental harvest. Management measures for hook-and-line halibut fisheries discussed in this draft EIS mirror those proposed for hook-and-line groundfish management.

*Memorandum Determining a Categorical Exclusion Under NEPA and NOAA NEPA Implementing Regulations for Certain Proposed Revisions to the Plan, October ##, 2002.* NEPA and NOAA NEPA implementing regulations allow the agency to categorically exclude proposed actions from analysis if those actions have either had a prior NEPA analysis or if they are not likely to result in significant impacts on the human environment. A full description of how the agency should determine whether an action has been previously analyzed and if the action needs to be analyzed for possible significance is provided in NOAA Administrative Order 216-6 and in NEPA implementing regulations at 40 CFR 1500-1508. Of the State- and Council-proposed revisions to the CSP for 2003, NMFS has determined that the following revisions qualify for categorical exclusion: (1) If halibut quota is available to the primary longline sablefish fishery north of Point Chehalis, Washington (46°53'18" N. lat.), any quota that would not be used above an amount that would provide an incidental catch allowance of 150 lb of halibut per 1,000 lb of sablefish landed in the primary sablefish fishery would revert to the Washington recreational fisheries quota; (2) The season end date of the sport halibut fishery occurring inshore of 30 fm in the North Central and South Central Oregon sport fishery sub-areas would extend from September 30 to October 31; (3) Where the CSP refers to Oregon North Central and South Central fishing seasons as “May” or “May-June” and “August” or “August-September,” the CSP would be amended to refer to those seasons as “Spring” and “Summer,” respectively. A copy of this memorandum is provided as Appendix A to this document.

*Environmental Assessment and Regulatory Impact Review of Regulations to Allow Retention of Halibut Caught with Longline Gear in the Primary Directed Sablefish Fishery, April 2001.* Incidental halibut retention is permitted in the primary sablefish fishery north of Point Chehalis, WA (46°53'18" N. lat.) when the overall Total Allowable Catch (TAC) for halibut in Area 2A is above 900,000 lb. The Area 2A TAC rose above that level for the first time in 2001, which triggered a need for the Council to examine regulatory measures to allow participants in the primary sablefish fishery to retain incidentally taken halibut. This EA discussed a regulatory framework that would provide a process for setting incidental halibut harvest levels in the primary sablefish fishery.

*Environmental Assessment and Regulatory Impact Review of Changes to the Catch Sharing Plan for Pacific Halibut in Area 2A, October 1997.* This EA first implemented changes to the Plan that set an incidental halibut allowance for participants in the primary sablefish fishery when the Area 2A TAC exceeds 900,000 lb. Both this EA and the April 2001 EA listed above discuss issues related to the categorical exclusion for one of the proposed revisions to the Plan for 2003.

## 2.0 ALTERNATIVES, INCLUDING THE PROPOSED ACTION

As discussed above in Section 1.3, the states of Oregon and Washington managed the process for developing proposed revisions to the Plan in 2003, with the Council forwarding state proposals for public review at its September 2002 meeting. Of the proposed revisions forwarded for public review, NMFS determined that the following proposals qualified for a categorical exclusion from NEPA analysis via an EA or an EIS: (1) If halibut quota is available to the primary longline sablefish fishery north of Point Chehalis, Washington (46°53'18" N. lat.), any quota that would not be used above an amount that would provide an incidental catch allowance of 150 lb of halibut per 1,000 lb of sablefish landed in the primary sablefish fishery would revert to the Washington recreational fisheries quota; (2) The season end date of the sport halibut fishery occurring inshore of 30 fm in the North Central and South Central Oregon sport fishery sub-areas would extend from September 30 to October 31; (3) Where the CSP refers to Oregon North Central and South Central fishing seasons as "May" or "May-June" and "August" or "August-September," the CSP would be amended to refer to those seasons as "Spring" and "Summer," respectively. In addition to the proposed revisions excluded from further analysis, the Council discussed revisions the Plan that would set a quota allocation between different fishing periods in the Washington North Coast sport halibut fishery, setting a sport fishing closed area in the Washington North Coast sport halibut fishery to protect yelloweye rockfish, and requiring that participants in the directed non-tribal commercial fishery operate shoreward of the 100 fm depth contour to protect yelloweye and canary rockfish.

### 2.1 Issue 1 – Catch Division and Season Dates in the Washington North Coast Sport Halibut Fishery

#### Alternative 1 – No Action/Status Quo.

Under the no action alternative, the Plan calls for the sport fishery in the Washington North Coast subarea to open on May 1, and continue 5 days per week (Tuesday through Saturday) until the amount of halibut taken allows enough quota remaining so that a second fishery may occur in the July 1 through 4 period. The quota division between the May and July fisheries is not quantified in the Plan, but is estimated pre-season and published in annual federal regulations implementing the Plan.

#### **Alternative 2 (Preferred) – Move the July fishery to late June and quantify an allocation between the May and June fisheries such that 72% of the Washington sport fishery allocation for this sub-area is set aside for the May fishery and 28% of the allocation is set aside for a late June fishery.**

This alternative would shift fishing away from the July 4<sup>th</sup> holiday weekend to the late June period, when families are often starting their summer vacations. The 72:28 allocation between the May and June fisheries under this alternative is based on the amount of halibut taken in the 2002 North Coast fishery in May, with the expectation that 28% of this sub-area's quota would allow four fishing days in late June.

#### **Alternative 3 – Retain the July fishery and quantify an allocation between the May and July fisheries such that 50% of the Washington sport fishery allocation for this sub-area is set aside for the May fishery and 50% of the allocation is set aside for a July 1-4 fishery.**

This alternative would retain the July 4<sup>th</sup> holiday fishery, but would acknowledge the higher catch rates during this period by shifting quota away from the May fisheries. Washington State did not propose this alternative as a solution to its management concerns for the North Coast sub-area; it is provided in this EA to better illustrate values that would or would not be preserved through the Council's preferred

alternative.

## **2.2 Issue 2 – Yelloweye Rockfish Conservation Area in the Washington North Coast Sport Halibut Fishery**

**Alternative 1 - No Action/Status Quo.** Maintain the mandatory, rectangular closed area set in 2002 to protect yelloweye rockfish from incidental catch in the Washington North Coast sport halibut fishery. This closed area is defined by the following coordinates:

48°18'00" N. lat., 125°11'00" W. long.;  
48°18'00" N. lat., 124°59'00" W. long.;  
48°00'00" N. lat., 125°11'00" W. long.; and,  
48°00'00" N. lat., 124°59'00" W. long.

**Alternative 2 - Set an “L-shaped” Yelloweye Rockfish Conservation Area (mandatory closed area) within the Washington North Coast subarea.** Under this alternative, the current rectangular closed area would be revised to match the “L-shaped” Yelloweye Rockfish Conservation Area recommended by the Council for both halibut and groundfish sport fisheries. This closed area would be defined by the following coordinates:

48°00' N. lat.; 124°59' W. long.;  
48°00' N. lat.; 125°18' W. long.;  
48°04' N. lat.; 124°59' W. long.;  
48°04' N. lat.; 125°18' W. long.;  
48°04' N. lat.; 125°11' W. long.;  
48°04' N. lat.; 125°18' W. long.;  
48°18' N. lat.; 125°11' W. long.;  
48°18' N. lat.; 125°18' W. long.;  
and connecting back to 48°00' N. lat.; 124°59' W. long.

**Alternative 3 (Preferred) – Set a “C-shaped” Yelloweye Rockfish Conservation Area (mandatory closed area) within the Washington North Coast subarea.** Under this alternative, the current rectangular closed area would be revised into a “C-shaped” Yelloweye Rockfish Conservation Area that would both provide yelloweye rockfish protection and allow vessels operating in this sub-area to target halibut in waters of known halibut abundance.

## **2.3 Issue 3 – Depth-Based Management for the Directed Nontribal Commercial Fishery for Halibut**

**Alternative 1 - No Action/Status Quo.** Under this alternative, participants in the directed halibut fishery would continue to operate at whichever depths they wished.

**Alternative 2 (Preferred) – Require that vessels operating in the nontribal directed commercial halibut fishery fish for halibut either offshore of 100 fm when operating south of 46°53'18" N. lat. and north of 46°16' N. lat., and inshore of 27 fm or offshore of 100 fm when operating south of 46°16' N. lat.** Under this alternative, the Groundfish Closed Area that the Council has recommended for commercial groundfish hook-and-line fisheries would also apply to the commercial directed fishery for halibut. The Council recommended this closure for groundfish at its September 2002 meeting and recommended similar measures for the directed commercial halibut fishery at that time. The EIS for the

2003 groundfish specifications and management measures speaks to depth-based management in the both the groundfish and halibut hook-and-line fisheries, but the primary focus of the analysis is on the groundfish fisheries. To implement the Council's preferred option for the halibut fisheries, the depth-based closure would have to be specified in annual halibut regulations.

## 2.4 Alternatives Eliminated from Detailed Study

In addition to addressing the issues listed above in Section 2.2 and those eligible for categorical exclusion from further NEPA analysis, the states of Oregon and Washington also aired the following issues at their public meetings held prior to the September Council meeting:

*Flexible Inseason Management Provision for Oregon Sport Fisheries.* Oregon considered whether to allow flexibility in shifting quota between its sport fishing sub-areas such that if either the Columbia River or central Oregon coast sport fishery subareas were not projected to use their respective quotas by the season ending date, NMFS could take inseason action to transfer any projected unused quota from one subarea to the another. Oregon also considered whether to amend the plan to allow NMFS to make a preseason quota transfer between the north central and south central Oregon sport fishery subareas to meet the objective of setting equal number of fixed fishing days for the spring fishery. During October discussions with its constituents, the state found that this proposal did not have adequate public support to include it in recommendations for the Council's revisions to the Plan.

*Flexibility in the Season Opening Date for the Washington North Coast Sport Fishery.* Under the Plan, the North Coast sport fishery is scheduled to open on May 1, or the earliest Tuesday following May 1 if that date is a Sunday or Monday. Washington considered whether to have some flexibility in that start date so that it could be set preseason on any date between May 1 and May 15. During October discussions with its constituents, the state found that this proposal did not have adequate public support to include it in recommendations for the Council's revisions to the Plan.

## 3.0 AFFECTED ENVIRONMENT - THE AREA 2A HALIBUT FISHERIES

This section of the document describes the existing fishery and the resources that would be affected by the alternatives. The physical environment is discussed in Section 3.1, the biological characteristics of Pacific halibut and stocks interacting with the Area 2A halibut fishery are discussed in Section 3.2, and the socio-economic or human environment is discussed in Section 3.3.

The Area 2A halibut fisheries occur in marine waters off Washington, Oregon and California (Figure 3.1). 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

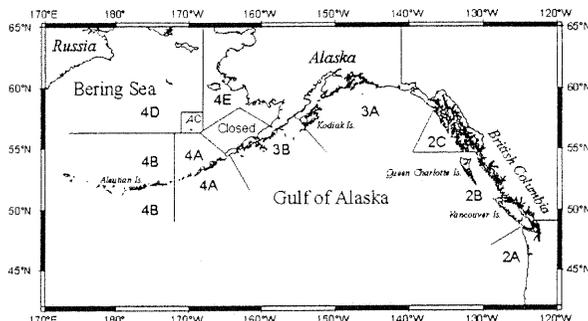


Figure 3.1 IPHC regulatory areas. Source: IPHC

meeting and in IPHC Annual Reports (available from IPHC).

### 3.1 Physical Environment

**California Current System.** In the North Pacific Ocean, the large, clockwise-moving North Pacific Gyre circulates cold, sub-arctic surface water eastward across the North Pacific, splitting at the North American continent into the northward-moving Alaska Current and the southward-moving California Current. Along the U.S. West Coast, the surface California Current flows southward through the U.S. West Coast EEZ, management Area 2A for Pacific halibut. The California Current is known as an eastern boundary current, meaning that it draws ocean water along the eastern edge of an oceanic current gyre. Along the continental margin and beneath the California Current flows the northward-moving California Undercurrent. Influenced by the California Current system and coastal winds, waters off the U.S. West Coast are subject to major nutrient upwelling, particularly off Cape Mendocino (Bakun, 1996). Shoreline topographic features such as Cape Blanco, Point Conception and bathymetric features such as banks, canyons, and other submerged features, often create large-scale current patterns like eddies, jets, and squirts. Currents off Cape Blanco, for example, are known for a current “jet” that drives surface water offshore to be replaced by upwelling sub-surface water (Barth, et al, 2000). One of the better-known current

eddies off the West Coast occurs in the Southern California Bight, between Point Conception and Baja California (Longhurst, 1998), wherein the current circles back on itself by moving in a northward and counterclockwise direction just within the Bight. The influence of these lesser current patterns and of the California Current on the physical and biological environment varies seasonally (Lynn, 1987) and through larger-scale climate variation, such as El Niño-La Niña or Pacific Decadal Oscillation (Longhurst, 1998).

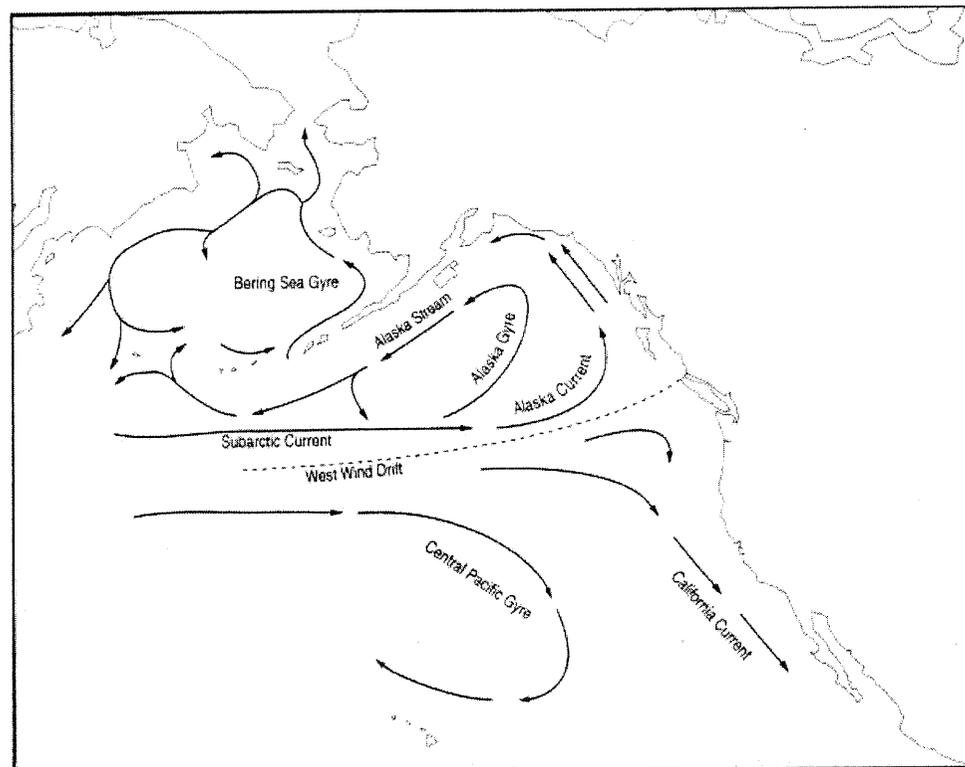
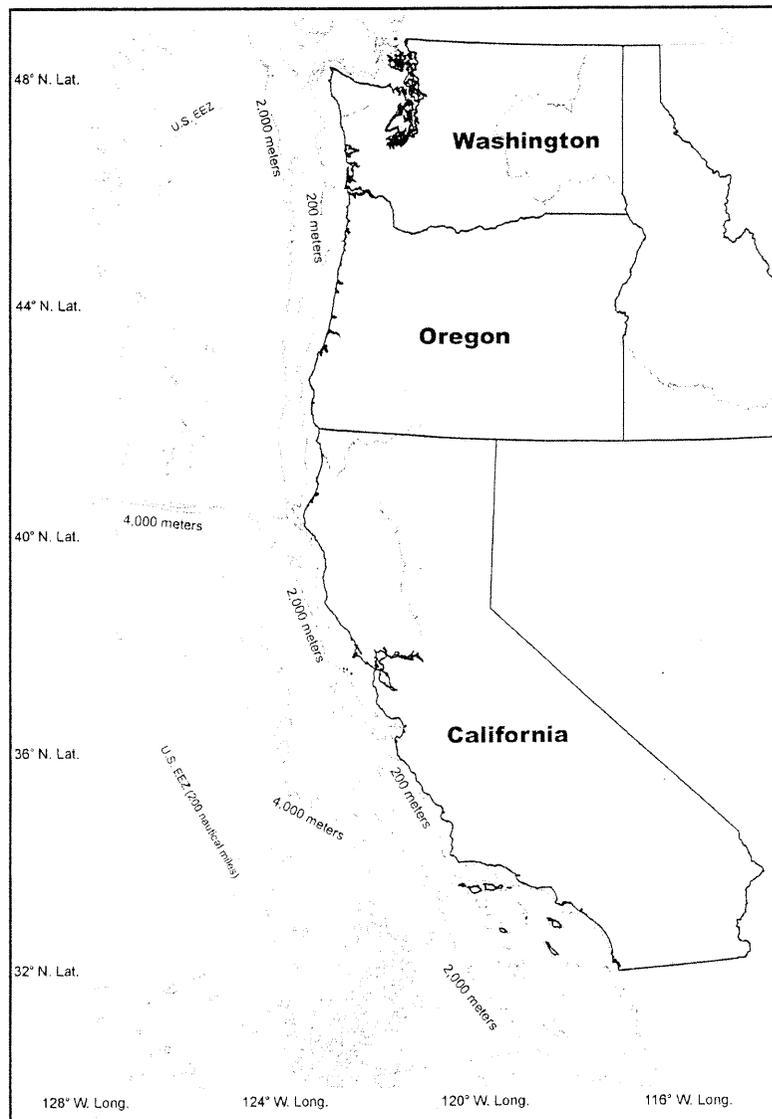


Figure 3.2 General circulation and major current systems of the North Pacific Ocean. Source: NMFS

**Topography.** Physical topography off the U.S. West Coast is characterized by a relatively narrow continental shelf. The 200 m depth contour shows a shelf break closest to the shoreline off Cape Mendocino, Point Sur, and in the Southern California Bight and widest from central Oregon north to the Canadian border as well as off Monterey Bay. Deep submarine canyons pocket the EEZ, with depths greater than 4,000 m common south of Cape Mendocino. See Figure 3.3.

**Climate Shifts.** The physical dynamics and biological productivity of the California Current ecosystem have shown a variety of responses to both short- and long-scale changes in climate. These climate shifts may affect recruitment and abundance of Pacific halibut. El Niños and La Niñas are examples of short-scale climate change, six-month to two-year disruptions in oceanic and atmospheric conditions in the Pacific region. An El Niño is a climate event with trends like a slowing in Pacific Ocean equatorial circulation, resulting in warmer sea surface conditions and decreased coastal upwelling. Conversely, La Niñas are short-scale climate events characterized by cooler ocean temperatures (NOAA, 2002.) Long-scale Pacific Ocean climate shifts of two to three decades in duration are often called “Pacific (inter)Decadal Oscillation” or “PDO” in scientific literature. These long-scale climate shift events tend to show relatively cooler ocean temperatures in the Gulf of Alaska and Bering Sea ecosystems and relatively warmer temperatures in the California Current ecosystem, or a reverse trend of relatively warm temperatures in the north and cooler temperatures in the south (Mantua et al., 1997.)



**Figure 3.2** Bathymetric map of the US West Coast EEZ; 200 m, 2,000 m, and 4,000 m contours shown.

Periods of warmer or cooler ocean conditions and the event of shifting from warm to cool or vice versa can all have a wide array of effects on marine species abundance. Ocean circulation varies during these different climate events, affecting the degree to which nutrients from the ocean floor mix with surface waters. Periods of higher nutrient mixing tend to have higher phytoplankton (primary) productivity, which can have positive ripple effects throughout the food web. In addition to changes in primary production, climate shifts may affect zooplankton (secondary) production in terms of increasing or decreasing abundance of the zooplankton biomass as a whole or of particular zooplankton species. Again, these changes in secondary production ripple in effect through the food web (Francis et al., 1998.) Upper trophic level species depend on different lower order species for their diets, so a shift in abundance of one type of prey species will often result in a similar shift in an associated predator species. This shifting interdependency affects higher order species, like Pacific halibut, in different ways at different life stages. In other words, some climate conditions may be beneficial to the survival of larvae of a particular species but may have no effect on an adult of that same species.

Most of the scientific analysis on long-scale climate shift events has taken place within the past ten years. Recent public awareness of climate events like PDO, coupled with the relatively dramatic El Niño of 1997-1998 may create the perception that climate is the most significant contributor to marine species abundance. In an analysis of marine fish productivity in the Northeast Pacific Ocean, Hollowed, Hare, and Wooster found that links between marine fish recruitment and climate shifts were more clear for conservatively managed species (Hollowed, et al., 2001). For example, population data on Pacific halibut seems to show a link between climate and recruitment. Climatic regimes and weather strongly influence Pacific halibut recruitment in the year of spawning, with recruitment tending to be higher during positive PDO events (Clark and Hare, 2002.)

**Habitat.** Habitat in management Area 2A has been categorized in the Pacific Coast Groundfish Fishery Management Plan (FMP) into seven major habitat types. These habitat categories include all waters from the mean higher high water line, and the upriver extent of saltwater intrusion in river mouths, along the coasts of Washington, Oregon, and California seaward to the boundary of the U.S. EEZ. This approach focuses on ecological relationships among species and between the species and their habitat, reflecting an ecosystem approach in defining habitat. The seven habitat categories are as follows:

1. Estuarine - Those waters, substrates and associated biological communities within bays and estuaries of the EEZ, from mean higher high water level (MHHW, which is the high tide line) or extent of upriver saltwater intrusion to the respective outer boundaries for each bay or estuary as defined in 33 CFR 80.1 (Coast Guard lines of demarcation).
2. Rocky Shelf - Those waters, substrates, and associated biological communities living on or within ten meters (5.5 fathoms) overlying rocky areas, including reefs, pinnacles, boulders and cobble, along the continental shelf, excluding canyons, from the high tide line MHHW to the shelf break (~200 meters or 109 fathoms).
3. Nonrocky Shelf - Those waters, substrates, and associated biological communities living on or within ten meters (5.5 fathoms) overlying the substrates of the continental shelf, excluding the rocky shelf and canyon composites, from the high tide line MHHW to the shelf break (~200 meters or 109 fathoms).
4. Canyon - Those waters, substrates, and associated biological communities living within submarine canyons, including the walls, beds, seafloor, and any outcrops or landslide morphology, such as slump scarps and debris fields.
5. Continental Slope/Basin - Those waters, substrates, and biological communities living on or within 20 meters (11 fathoms) overlying the substrates of the continental slope and basin below the shelf break (~200 meters or 109 fathoms) and extending to the westward boundary of the EEZ.
6. Neritic Zone - Those waters and biological communities living in the water column more than ten meters (5.5 fathoms) above the continental shelf.
7. Oceanic Zone - Those waters and biological communities living in the water column more than 20 meters (11 fathoms) above the continental slope and abyssal plain, extending to the westward boundary of the EEZ.

### 3.2 Biological Environment

This section describes the species that may be directly or indirectly affected by the alternatives. They are

divided into three groups. Section 3.2.1 describes Pacific halibut, the species directly subject to the alternatives evaluated in this EA. Section 3.2.2 reviews species that may be incidentally affected, because they are caught incidentally in Pacific halibut fisheries, or conversely because the fisheries has an incidental catch allowance of Pacific halibut. Section 3.2.3 describes various legally protected species covered by the Endangered Species Act, Marine Mammal Protection Act, and the Migratory Bird Treaty Act.

**Pacific Halibut**

Pacific halibut (*Hippoglossus stenolepis*) range from the Hokkaido, Japan to the Gulf of Anadyr, Russia on the Asiatic Coast and from Nome, Alaska to Santa Barbara, California on the North American (Pacific) Coast. They are among the largest teleost fishes in the world, measuring up to 8 ft (2.4 m). With flat, diamond-shaped bodies, Pacific halibut are able to migrate long distances. However, most adults tend to remain on the same grounds year after year, making only a seasonal migration from the more shallow feeding grounds in summer to deeper spawning grounds in winter (IPHC 1998.)

The major spawning grounds for Pacific halibut are in the north Pacific Ocean within the Gulf of Alaska and Bering Sea (IPHC 1998.) During spawning, which generally occurs from November to March, halibut move into deep water, where the eggs are fertilized. As shown in Figure 3.4, the eggs develop into larvae and grow, drifting slowly upward in the water column. During development, the larvae drift great distances with the ocean currents around the northeast Pacific Ocean in a counterclockwise direction (IPHC 1998.) Young fish then settle to the bottom in the shallow feeding areas. Following two to three years in the nursery areas, young halibut generally countermigrate, moving into more southerly and easterly waters, including Area 2A. Because Area 2A includes the southern most range of Pacific halibut and the major spawning grounds are north and west of Area 2A, the population of halibut in Area 2A is significantly smaller than in other areas of its range. Pacific halibut reach maturity at approximately 8 years for males and 12 years for females. The average age of Pacific halibut in the commercial fishery in Area 2A was 9.6 lb in 1996 (IPHC 1998.)

Adult halibut are demersal, living on or near the bottom. They prefer water temperatures ranging from 3 to 8 degrees Celsius and are generally caught between 90 and 900 feet (27 and 274 m), but have been caught as deep as 1,800 ft (549 m) (IPHC 1998.) Adult halibut prey on cod, sablefish, pollock, rockfish, sculpins, flatfish, sand lance, herring, octopus, crab, and clams (IPHC 1998.) Adult halibut are not generally preyed upon by other species due to their size, active nature and bottom dwelling habits.

The Pacific halibut fishery commonly intercepts rockfish and sablefish, as they are found in similar habitat to Pacific halibut and are easily caught with longline gear. Under the Sustainable Fisheries Act, the recent overfished species designation of yelloweye rockfish, which is commonly caught with Pacific halibut, and canary rockfish have caused the Council some concern about the effects of Pacific halibut

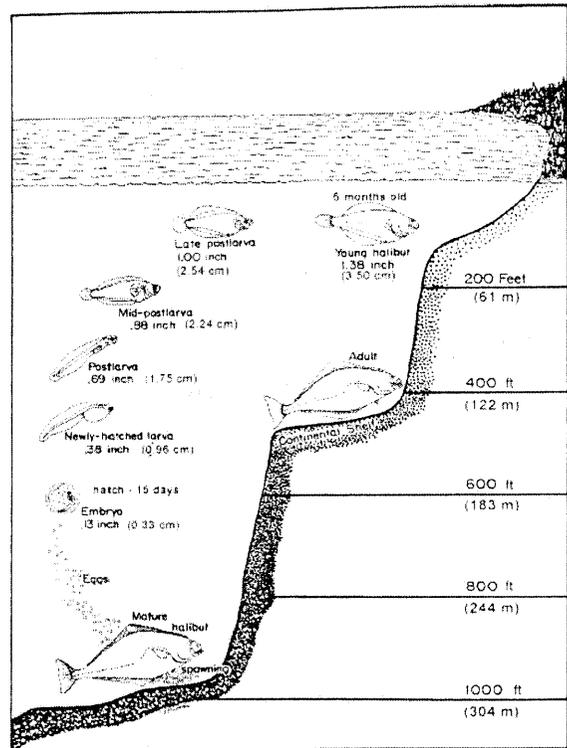


Figure 3.4 Life cycle of Pacific halibut. Source: IPHC

fisheries on overfished rockfish species.

## **Other Affected Species**

### ***Sablefish***

Sablefish tend to co-occur with Pacific halibut, favoring similar depths and bottom habitat. The Pacific halibut fishery commonly intercepts rockfish and sablefish because they co-occur and are easily caught with longline gear. To account for incidental catch of Pacific halibut in management Area 2A, the primary sablefish fishery has a catch allowance for Pacific halibut during certain years, as described in section 3.3 Human Environment.

Sablefish (*Anoplopoma fimbria*) are abundant in the north Pacific, from Honshu Island, Japan, north to the Bering Sea, and southeast to Cedros Island, Baja California. There are at least three genetically distinct populations off the West Coast of North America: one south of Monterey characterized by slower growth rates and smaller average size, one that ranges from Monterey to the U.S./Canada border that is characterized by moderate growth rates and size, and one ranging off British Columbia and Alaska characterized by fast growth rates and large size. Large adults are uncommon south of Point Conception (Hart 1973, Love 1991, McFarlane & Beamish 1983a, McFarlane & Beamish 1983b, NOAA 1990). Adults are found as deep as 1,900 m, but are most abundant between 200 and 1,000 m (Beamish & McFarlane 1988, Kendall & Matarese 1987, Mason et al. 1983). Off southern California, sablefish were abundant to depths of 1500 m (MBC 1987). Adults and large juveniles commonly occur over sand and mud (McFarlane & Beamish 1983a, NOAA 1990) in deep marine waters. They were also reported on hard-packed mud and clay bottoms in the vicinity of submarine canyons (MBC 1987).

Spawning occurs annually in the late fall through winter in waters greater than 300 m (Hart 1973, NOAA 1990). Sablefish are oviparous with external fertilization (NOAA 1990). Eggs hatch in about 15 days (Mason et al. 1983, NOAA 1990) and are demersal until the yolk sac is absorbed (Mason et al. 1983). After yolk sac is absorbed, the age-0 juveniles become pelagic. Older juveniles and adults are benthopelagic. Larvae and small juveniles move inshore after spawning and may rear for up to four years (Boehlert & Yoklavich 1985, Mason et al. 1983). Older juveniles and adults inhabit progressively deeper waters. The best estimates indicate that 50% of females are mature at 5-6 years (24 inches), and 50% of males are mature at 5 years (20 inches).

Sablefish larvae prey on copepods and copepod nauplii. Pelagic juveniles feed on small fishes and cephalopods, mainly squids (Hart 1973, Mason et al. 1983). Demersal juveniles eat small demersal fishes, amphipods and krill (NOAA 1990). Adult sablefish feed on fishes like rockfishes and octopus (Hart 1973, McFarlane & Beamish 1983a). Larvae and pelagic juvenile sablefish are heavily preyed upon by sea birds and pelagic fishes. Juveniles are eaten by Pacific cod, Pacific halibut, lingcod, spiny dogfish, and marine mammals, such as Orca whales (Cailliet et al. 1988, Hart 1973, Love 1991, Mason et al. 1983, NOAA 1990). Sablefish compete with many other co-occurring species for food, mainly Pacific cod and spiny dogfish (Allen 1982).

### ***Salmon***

Salmon are targeted with troll gear off all three West Coast states. The salmon troll fishery does have an incidental catch of Pacific halibut and other groundfish, including yellowtail rockfish, canary rockfish, lingcod, and sablefish. Pacific halibut are caught incidentally off Washington and Oregon, while groundfish are caught off all three states. In the commercial troll fishery, Pacific halibut and rockfish may be retained in accordance with annual landing restrictions.

There are 5 species of salmon off the Pacific coast, chinook, coho, chum, pink, and sockeye. Salmon are anadromous, spending from one to several years (depending on the species) in the ocean before returning to the freshwater stream where they were born to spawn. After spawning, Pacific salmon species die, except for some yearling chinook males. While in the ocean, salmon may migrate hundreds to thousands of miles, but generally stay within 20 miles of shore. Most juvenile salmon whose natal streams lie north of Cape Blanco in southern Oregon migrate northward to British Columbia, the Gulf of Alaska, or Bering Sea. Many Puget Sound chinook and some coho spend a majority of their ocean phase in or near Puget Sound. Juvenile salmon from drainages south of Cape Blanco tend to migrate in a southwesterly direction. Timing of chinook returning to coastal waters depends on the runs (winter, spring, summer, and fall) inhabiting the area. Few sockeye salmon runs occur in the western United States and little is known about their ocean migration, including listed Snake River and Lake Ozette runs. Migration patterns of Hood Canal summer chum and lower Columbia River chum are largely unknown. Most pink salmon adults return to streams between mid-July and late September and are rarely observed in or south of the Columbia River.

In recent years, many naturally spawning salmonid populations have declined as a result of habitat loss and degradation; inadequate riverine passage and flows because of hydropower, agriculture, logging, and other developments; overfishing; increased predation and competition with hatchery fish; declines in freshwater productivity related to drought; and declines in marine productivity related to climate conditions (El Niño). While naturally spawning salmon comprise a minority of the harvest, these declines have necessitated reduced harvests throughout the Council management area. Chinook or king salmon (*Oncorhynchus tshawytscha*) and coho or silver salmon (*O. kisutch*) are the main species caught in Council-managed ocean salmon fisheries. In odd-numbered years, catches of pink salmon (*O. gorbuscha*) can also be significant, primarily off Washington and Oregon. Fisheries for chum or sockeye occur only rarely in Council management areas, although these stocks pass through Pacific Coast waters off Washington on their way to inshore areas where they support major fisheries. Chinook and coho caught in Council fisheries originate from rivers ranging from the United States/Canada border to the south near Point Conception, California, with rare occurrences as far south as Los Angeles. The majority of chinook and coho were landed in California in 1999 with Washington and Oregon both having significantly fewer landings.

### ***Yelloweye Rockfish***

The Pacific halibut fishery commonly intercepts rockfish, as they are found in similar habitat to Pacific halibut and are easily caught with longline gear. Under the Sustainable Fisheries Act, the recent overfished species designation of yelloweye rockfish, which is commonly caught with Pacific halibut, and canary rockfish have caused the Council some concern about the effects of Pacific halibut fisheries on overfished rockfish species. Past management measures to reduce the incidental catch of yelloweye rockfish in halibut fisheries are discussed in section 3.3 Human Environment.

Yelloweye rockfish (*Sebastes ruberrimus*) range from the Aleutian Islands, Alaska to northern Baja California; they are common from central California northward to the Gulf of Alaska (Eschmeyer et al. 1983, Hart 1973, Love 1991, Miller & Lea 1972, O'Connell & Funk 1986). Yelloweye rockfish occur in water 25-550 m deep; 95% of survey catches occurred from 50 to 400 m (Allen & Smith 1988). Yelloweye rockfish are bottom dwelling, generally solitary and sedentary, rocky reef fish, found either on or just over reefs (Eschmeyer et al. 1983, Love 1991, O'Connell & Funk 1986). Boulder areas in deep water (>180 m) are the most densely-populated habitat type and juveniles prefer shallow-zone broken-rock habitat (O'Connell & Carlile 1993). They also reportedly occur around steep cliffs and offshore pinnacles (Rosenthal et al. 1982). The presence of refuge spaces is an important factor affecting their occurrence (O'Connell & Carlile 1993).

Yelloweye rockfish are ovoviviparous and give birth to live young in June off Washington (Hart 1973). The age of first maturity is estimated at 6 years and all are estimated to be mature by 8 years (Echeverria 1987). Yelloweye rockfish can grow to 91 cm (Eschmeyer et al. 1983, Hart 1973). Males and females probably grow at the same rates (Love 1991, O'Connell & Funk 1986). The growth rate of yelloweye rockfish levels off at approximately 30 years of age (O'Connell & Funk 1986). Yelloweye rockfish can live to be 114 years old (Love 1991, O'Connell & Funk 1986). Yelloweye rockfish are a large predatory reef fish that usually feeds close to the bottom (Rosenthal et al. 1988). They have a widely varied diet, including fish, crabs, shrimps and snails, rockfish, cods, sand lances and herring (Love 1991). Yelloweyes have been observed underwater capturing smaller rockfish with rapid bursts of speed and agility. Off Oregon the major food items of the yelloweye rockfish include cancrroid crabs, cottids, righteye flounders, adult rockfishes, and pandalid shrimps (Steiner 1978).

### ***Canary Rockfish***

The Pacific halibut fishery commonly intercepts rockfish, as they are found in similar habitat to Pacific halibut and are easily caught with longline gear. Under the Sustainable Fisheries Act, the recent overfished species designation of yelloweye rockfish and canary rockfish have caused the Council some concern about the effects of Pacific halibut fisheries on overfished rockfish species.

Canary rockfish (*Sebastes pinniger*) are found between Cape Colnett, Baja California, and southeastern Alaska (Boehlert 1980, Boehlert & Kappenman 1980, Hart 1973, Love 1991, Miller & Lea 1972, Richardson & Laroche 1979). There is a major population concentration of canary rockfish off Oregon (Richardson & Laroche 1979). Canary primarily inhabit waters 91-183 m deep (Boehlert & Kappenman 1980). In general, canary rockfish inhabit shallow water when they are young and deep water as adults (Mason 1995). Adult canary rockfish are associated with pinnacles and sharp drop-offs (Love 1991). Canary rockfish tend to be more mobile than yelloweye rockfish and have been known to congregate in schools. Canary rockfish are most abundant above hard bottoms (Boehlert & Kappenman 1980). In the southern part of its range, the canary rockfish appears to be a reef-associated species (Boehlert 1980). In central California, newly settled canary rockfish are first observed at the seaward, sand-rock interface and farther seaward in deeper water (18-24 m).

Canary rockfish are ovoviviparous and have internal fertilization (Boehlert & Kappenman 1980, Richardson & Laroche 1979). Off California, canary rockfish spawn from November-March and from January-March off Oregon and, Washington, (Hart 1973, Love 1991, Richardson & Laroche 1979). The age of 50% maturity of canary rockfish is 9 years; nearly all are mature by age 13. The maximum length canary rockfish grow to is 76 cm (Boehlert & Kappenman 1980, Hart 1973, Love 1991). Canary rockfish primarily prey on planktonic creatures, such as krill, and occasionally on fish (Love 1991). Canary rockfish feeding increases during the spring-summer upwelling period when euphausiids are the dominant prey and the frequency of empty stomachs is lower (Boehlert et al. 1989).

## **Protected Species**

### ***Endangered Species***

West Coast marine species listed as endangered or threatened under the Endangered Species Act (ESA) are listed in Table 3.1 and discussed below in the sections on Marine Mammals, Seabirds, Sea Turtles, and Salmon. Under the ESA, a species is listed as "endangered" if it is in danger of extinction throughout a significant portion of its range and "threatened" if it is likely to become an endangered species within the foreseeable future throughout all, or a significant portion, of its range. The following species are subject to the conservation and management requirements of the ESA:

Table 3.1. West Coast Endangered Species
Marine Mammals
Threatened: <ul style="list-style-type: none"> <li>• Steller sea lion (<i>Eumetopias jubatus</i>) Eastern Stock,</li> <li>• Guadalupe fur seal (<i>Arctocephalus townsendi</i>), and</li> <li>• Southern sea otter (<i>Enhydra lutris</i>) California Stock.</li> </ul>
Seabirds
Endangered: <ul style="list-style-type: none"> <li>• Short-tail albatross (<i>Phoebastria (=Diomedea) albatrus</i>),</li> <li>• California brown pelican (<i>Pelecanus occidentalis</i>), and</li> <li>• California least tern (<i>Sterna antillarum browni</i>).</li> </ul> Threatened: <ul style="list-style-type: none"> <li>• Marbled murrelet (<i>Brachyramphs marmoratus</i>).</li> </ul>
Sea Turtles
Endangered: <ul style="list-style-type: none"> <li>• Green turtle (<i>Chelonia mydas</i>)</li> <li>• Leatherback turtle (<i>Dermochelys coriacea</i>)</li> <li>• Olive ridly turtle (<i>Lepidochelys olivacea</i>)</li> </ul> Threatened: <ul style="list-style-type: none"> <li>• Loggerhead turtle (<i>Caretta caretta</i>)</li> </ul>
Salmon
Endangered: <ul style="list-style-type: none"> <li>• Chinook salmon (<i>Oncorhynchus tshawytscha</i>) Sacramento River Winter; Upper Columbia Spring</li> <li>• Sockeye salmon (<i>Oncorhynchus nerka</i>) Snake River</li> <li>• Steelhead trout (<i>Oncorhynchus mykiss</i>) Southern California; Upper Columbia</li> </ul> Threatened: <ul style="list-style-type: none"> <li>• Coho salmon (<i>Oncorhynchus kisutch</i>) Central California, Southern Oregon, and Northern California Coasts</li> <li>• Chinook salmon (<i>Oncorhynchus tshawytscha</i>) Snake River Fall, Spring, and Summer; Puget Sound; Lower Columbia; Upper Willamette; Central Valley Spring; California Coastal</li> <li>• Chum salmon (<i>Oncorhynchus keta</i>) Hood Canal Summer; Columbia River</li> <li>• Sockeye salmon (<i>Oncorhynchus nerka</i>) Ozette Lake</li> <li>• Steelhead trout (<i>Oncorhynchus mykiss</i>) South-Central California, Central California Coast, Snake River Basin, Lower Columbia, California Central Valley, Upper Willamette, Middle Columbia, Northern California</li> </ul>

### ***Marine Mammals***

The waters off Washington, Oregon, and California (WOC) support a wide variety of marine mammals. Approximately thirty species, including seals and sea lions, sea otters, and whales, dolphins, and porpoise, occur within the EEZ. Many marine mammal species seasonally migrate through West Coast waters, while others are year round residents.

There is limited information documenting the interactions of Pacific halibut fisheries and marine mammals in Area 2A, but marine mammals are probably affected by halibut fisheries. The incidental take of marine mammals, defined as any serious injury or mortality resulting from commercial fishing operations, is reported to NMFS by vessel operators. In the Pacific halibut fisheries, incidental take off the West coast is infrequent. Indirect effects of Pacific halibut fisheries on marine mammals are more difficult to quantify due to a lack of behavioral and ecological information about marine mammals. However, marine mammals may be affected by increased noise in the oceans, change in prey availability, habitat changes due to fishing gear, vessel traffic in and around important habitat (i.e., areas used for foraging, breeding, raising offspring, or hauling-out), at-sea garbage dumping, and diesel or oil discharged into the water associated with commercial fisheries.

The Marine Mammal Protection Act (MMPA) and the ESA are the federal legislation that guide marine mammal species protection and conservation policy. Under the MMPA on the West Coast, NMFS is responsible for the management of cetaceans and pinnipeds, while the U.S. Fish and Wildlife Service (FWS) manages sea otters. Stock assessment reports review new information every year for strategic stocks (those whose human-caused mortality and injury exceeds the potential biological removal [PBR]) and every three years for non-strategic stocks. Marine mammals whose abundance falls below the optimum sustainable population are listed as “depleted” according to the MMPA.

Fisheries that interact with species listed as depleted, threatened, or endangered may be subject to management restrictions under the MMPA and ESA. NMFS publishes an annual list of fisheries in the Federal Register separating commercial fisheries into one of three categories, based on the level of serious injury and mortality of marine mammals occurring incidentally in that fishery. The categorization of a fishery in the list of fisheries determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. The Pacific halibut fisheries off Washington and Oregon are in Category III, indicating a remote likelihood of, or no known serious injuries or mortalities, to marine mammals. Based on its Category III status, the incidental take of marine mammals in Pacific halibut fisheries in Area 2A does not have a large impact on marine mammal stocks.

### ***Seabirds***

Over sixty species of seabirds occur in waters off the West coast within the EEZ. These species include: loons, grebes, albatross, fulmars, petrels, shearwaters, storm-petrels, pelicans, cormorants, frigate birds, phalaropes, skuas, jaegers, gulls, kittiwakes, skimmers, terns, guillemots, murrelets, auklets, and puffins. The migratory range of these species includes commercial fishing areas; fishing also occurs near the breeding colonies of many of these species.

Interactions between seabirds and fishing operations are wide-spread and have led to conservation concerns in many fisheries throughout the world. Abundant food in the form of offal (discarded fish and fish processing waste) and bait attract birds to fishing vessels. Seabirds are often taken by longline gear, like the kind used in Pacific halibut fisheries. Around longline vessels, seabirds forage for offal and bait that has fallen off hooks at or near the water’s surface and are attracted to baited hooks near the water’s surface during the setting of gear. If a bird becomes hooked while feeding on bait or offal, it can be

dragged underwater and drowned. Of the incidental catch of seabirds by longline groundfish fisheries in Alaska, northern fulmars represented about 66% of the total estimated catch of all bird species, gulls contributed 18%, Laysan albatross 5%, and black-footed albatross about 4% (Stehn *et al.* 2001). Longline gear and fishing strategies for groundfish in Alaska are similar to Pacific halibut longline fisheries off the West coast.

Besides entanglement in fishing gear, seabirds may be indirectly affected by commercial fisheries in various ways. Change in prey availability may be linked to directed fishing and the discarding of fish and offal. Vessel traffic may affect seabirds when it occurs in and around important foraging and breeding habitat and increases the likelihood of bird storms. In addition, seabirds may be exposed to at-sea garbage dumping and the diesel and oil discharged into the water associated with commercial fisheries.

The FWS is the primary federal agency responsible for seabird conservation and management. NMFS is also required to consult with FWS if fishery management actions may affect seabird species listed as endangered or threatened.

### ***Sea Turtles***

Sea turtles are highly migratory; four of the six species found in U.S. waters have been sighted off the West Coast. Little is known about the interactions between sea turtles and Pacific halibut fisheries. The directed fishing for sea turtles in Pacific halibut fisheries is prohibited, because of their ESA listings, but the incidental take of sea turtles by longline gear may occur. Sea turtles are known to be taken incidentally by the California-based pelagic longline fleet and the California halibut gillnet fishery. Because of differences in gear and fishing strategies between those fisheries and the Pacific halibut fisheries, the expected take of sea turtles by Pacific halibut longline gear is minimal. The management and conservation of sea turtles is shared between NMFS and FWS.

Sea turtles may be also indirectly affected by commercial fisheries. Sea turtles are vulnerable to collisions with vessels and can be killed or injured when struck, especially if struck with an engaged propeller. Entanglement in abandoned fishing gear can also cause death or injury to sea turtles by drowning or loss of a limb. The discard of garbage at sea can be harmful for sea turtles, because the ingestion of such garbage may choke or poison them. Sea turtles have ingested plastic bags, beverage six-pack rings, styrofoam, and other items commonly found aboard fishing vessels. The accidental discharge of diesel and oil from fishing vessels may also put sea turtles at risk, as they are sensitive to chemical contaminants in the water.

### ***Salmon***

Many Pacific coast salmon species have been listed as endangered or threatened under the ESA (Table 3.1). As mentioned in section 3.2.2, Salmon caught in the U.S. West Coast fishery have life cycle ranges that include coastal streams and river systems from central California to Alaska and oceanic waters along the U.S. and Canada seaward into the north central Pacific Ocean, including Canadian territorial waters and the high seas. Some of the more critical portions of these ranges are the freshwater spawning grounds and migration routes.

Chinook or king salmon (*Oncorhynchus tshawytscha*) and coho or silver salmon (*O. kisutch*) are the main species caught in Council-managed ocean salmon fisheries. In odd-numbered years, catches of pink salmon (*O. gorbuscha*) can also be significant, primarily off Washington and Oregon. Ocean salmon are caught with commercial and recreational troll gear. No other gears are allowed to take and retain salmon in the ocean fisheries. Small amounts of rockfish and other groundfish, including Pacific halibut, are

taken as incidental catch in salmon troll fisheries.

### **3.3 Human Environment**

The human environment section is subdivided into sub-sections, describing fishery management and fishery sectors for Pacific halibut. Section 3.3.1 provides an overview of fisheries that catch Pacific halibut as either a target species or incidentally. The subsequent sub-sections, 3.3.2 through 3.3.7, describe, respectively, the tribal fishery, the non-tribal commercial fishery, and the sport fisheries along the West coast.

#### **Pacific Halibut Fishery Overview**

The Pacific halibut fishery is managed by the IPHC with implementing regulations set by the federal governments of Canada and the United States (US) in their respective waters. The IPHC, responsible for the health of the Pacific halibut resource, conducts extensive stock assessments to ensure that the health and size of the population is correctly estimated. The IPHC then decides on total removals of Pacific halibut in all management areas off the US and Canada at their annual meeting. All allocative responsibility and consequent management measures are the responsibility of the individual federal governments. For the US in Area 2A, NMFS Northwest Region is responsible for allocation and management with close coordination with Washington and Oregon's state agencies (Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife).

#### ***Area 2A Fisheries***

A license from the IPHC is required to participate in the non-treaty commercial Pacific halibut fishery. The commercial sector off the Pacific Coast, IPHC Area 2A, has both a treaty and non-treaty sector. For the non-treaty commercial sector, harvest is divided between the directed halibut fishery and the incidental catch of halibut in the salmon troll fishery. In years when the Area 2A total allowable catch (TAC) is above 900,000 lbs, as it has been in recent years, halibut may be retained in the limited entry primary sablefish fishery north of Point Chehalis, Washington (46°53'18" N. lat.).

The non-treaty directed commercial fishery in Area 2A is confined to south of Point Chehalis, Washington, Oregon, and California. Area 2A licenses, issued for the directed commercial fishery, have decreased from 428 in 1997 to 252 in 2002 (Table 3.5). For 2001 and 2002, the directed commercial licenses also allow longline vessels to retain halibut caught incidentally north of Point Chehalis during the primary sablefish season because the TAC in Area 2A was above 900,000 lbs. Area 2A licenses issued for the incidental salmon troll fishery increased from 275 in 1997 to 331 in 2002. In Area 2A, the incidental salmon troll fishery was allowed to retain 1 halibut per 5 chinook, plus 1 extra halibut, with a maximum of 35 incidental halibut landed.

The Pacific halibut fisheries in Area 2A are allocated a small percentage, less than 2%, of the overall TAC (Table 3.2). The Plan details allocations within the Area 2A TAC. 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.

Year	TAC for all IPHC areas (lb)	Area 2A TAC (lb)	% of Total TAC
1998	71,820,000	820,000	1.14%
1999	74,060,000	760,000	1.03%
2000	67,500,000	830,000	1.23%
2001	73,180,000	1,140,000	1.56%
2002	74,920,000	1,310,000	1.75%

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 3.3. Catches by group are shown in Table 3.4.

Year	Total Area 2A 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 <sup>1/</sup>	441,082	214,110	226,972
2002	1,310,000	483,500	--	350,390 <sup>2/</sup>	476,111	214,110	262,001

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

2/ Includes 88,389 lb taken as incidental catch in the limited entry longline primary sablefish fishery.

Table 3.4. Total catches of halibut in Area 2A (dressed weight in pounds).				
YEAR	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 <sup>1/</sup>
1991	518,962	127,500	233,000	158,462 <sup>1/</sup>
1992	700,077	168,400	282,000	249,677 <sup>1/</sup>
1993	764,484	152,031	366,000	246,453 <sup>1/</sup>
1994	566,978	198,639	182,000	186,339 <sup>1/</sup>
1995	547,892	190,569	121,125	236,198 <sup>1/</sup>
1996	537,562	181,184	127,521	228,857 <sup>1/</sup>
1997	750,700	243,258	152,570	354,872 <sup>1/</sup>
1998	856,560	307,145	166,424	382,991 <sup>1/</sup>
1999	769,812	272,018	160,955	337,339 <sup>1/</sup>
2000	816,337	317,630	159,350	344,038
2001	1,127,362	429,150	252,769	445,443 <sup>1/</sup>
2002	<sup>2/</sup>	<sup>2/</sup>	<sup>2/</sup>	<sup>2/</sup>

<sup>1/</sup> Sport catch estimates from California are not available; this estimate assumes the CA allocation was harvested.

<sup>2/</sup> 2002 catch estimates not yet available

### 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 3.5. 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.

<b>Year</b>	<b>Directed Fishery</b>	<b>Incidental Catch in Salmon Troll</b>	<b>Charterboat</b>
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 <sup>1/</sup>	345	133
2002	252 <sup>1/</sup>	331	130

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

### **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 3.6.

Twelve western Washington tribes possess and exercise treaty fishing rights to halibut, including the four tribes that possess treaty fishing rights to groundfish. Specific halibut allocations for the treaty Indian tribes began 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 to the tribal fisheries over that period. Tribal allocations are divided into a tribal commercial component and the year-round ceremonial and subsistence (C&S) component.

Tribal commercial halibut fisheries have historically started at the same time as Alaskan and Canadian commercial halibut fisheries, generally in mid-March. The tribal halibut allocation is divided so that approximately 80–85% of allocation is taken in brief open competition derbies, in which vessels from all halibut tribes compete against each other for landings. In 2002, three of these “unrestricted” openings

were held in the spring: a 48-hour opening on March 18<sup>th</sup>, a 24-hour opening on April 2<sup>nd</sup>, and a 36-hour opening on April 30<sup>th</sup>. In addition to these unrestricted openings, 15-20% of the tribal halibut allocation is reserved for “restricted” fisheries, in which participating vessels are restricted to a per trip and per day poundage limit for halibut. Two restricted opening opportunities were available in 2002, from March 20<sup>th</sup> through April 19<sup>th</sup> and from May 5<sup>th</sup> through 9<sup>th</sup>. Similar to the unrestricted openings, these restricted openings are available for vessels from all halibut tribes.

Year	Commercial Allocation	Commercial Catch	C&S Allocation	C&S Catch
1992	152,500	154,200	10,000	14,200
1993	136,000	136,200	14,000	15,800
1994	176,500	187,700	16,000	10,900
1995	171,000	176,400	11,000	14,200
1996	168,000	166,200	14,000	15,000
1997	230,000	228,500	15,000	14,800
1998	272,000	296,600	15,000	10,500
1999	256,000	271,500	10,000	10,500
2000	305,000	300,100	10,500	17,500
2001	406,500	411,600	17,500	16,000
2002	467,500	470,600	16,000	<sup>1/</sup>

<sup>1/</sup> 2002 catch estimates not yet available.

### **Non-Tribal 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 Point Chehalis, WA. Table 3.4 shows the quotas (allocations after 1987) and catches. In 2001 & 2002, 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.

Salmon are targeted with troll gear off all three West Coast states. The ocean commercial salmon fishery, both non-treaty and treaty, is under federal management with a suite of seasons and total allowable harvest. The Council manages commercial fisheries in the Exclusive Economic Zone (3-200 miles offshore), while the states manage commercial fisheries in state waters (0-3 miles). Beside troll gear, salmon are also targeted with gillnets and/or tanglenets in the mouths of rivers. Although the gillnet/tanglenet fishery does not technically occur in Council-managed waters, it may have some impact on groundfish that migrate through that area during part of their life cycle. The majority of chinook and coho were landed in California in 1999 with Washington and Oregon both having significantly fewer landings. The salmon troll fishery does have an incidental catch of Pacific halibut and groundfish, including yellowtail rockfish. Halibut are caught incidentally off Washington and Oregon, while

groundfish are caught off all three states. The California salmon fisheries primarily harvest chinook or king salmon. Coho or silver salmon are observed in small numbers but are presently under a no-retention catch policy. Occasionally in odd-numbered years, pink salmon are landed. In 1983, California implemented a limited entry program that capped the fishery at just over 4,600 commercial salmon vessels.

<b>Table 3.7. Commercial fishery catch statistics.</b>				
<b>Year</b>	<b>Fishery</b>	<b>Quota</b>	<b>Catch</b>	<b>Days Open</b>
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 <sup>1/2</sup>
1992		243,750	282,000	2 <sup>1/2</sup>
1993		225,000	366,000	1 <sup>1/2</sup>
1994		178,750	182,000	3 <sup>1/2</sup>
1995	Directed	91,052	119,000	7 <sup>1/2</sup>
	Incidental	16,068	2,125	60
1996	Directed	91,052	118,000	2 <sup>1/2</sup>
	Incidental	16,068	9,521	60
1997	Directed	122,600	135,000	1 <sup>1/2</sup>
	Incidental	21,635	17,570	60
1998	Directed	143,617	166,424	4 <sup>1/2</sup>
	Incidental	25,344	13,416	153
1999	Directed	133,108	151,000	2 <sup>1/2</sup>
	Incidental	23,490	9,955	60
2000	Directed	138,632	137,000	3

	Incidental	24,464	22,350	76
2001	Directed	192,926	191,500	6
	Incidental - Salmon	34,046	34,324	72
	Incidental - Sable	47,946	26,945	78
2002	Directed	222,700	223,000	3
	Incidental - Salmon	39,300	37,967	## 5/1 thru 8/21
	Incidental - Sable	88,389	<sup>2/</sup>	214

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

2/ Data not yet available.

### 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.

#### *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 3.8. 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 subarea 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. In 2002, this subarea was further divided into two regions with two seasons, the Eastern Region (East of Low Point) and the Western Region.

**Table 3.8. 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 <sup>1/2</sup>	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	49	57,393	58,710
2002	Eastern Region: 5/9 - 7/12 (Thur - Mon)	1	none	47	57,393	39,915
	Western Region: 5/23 - 7/26 (Thur - Mon)	1	none	47		

<sup>1/2</sup> Quota was for north coast and inside waters.

### 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. In 2002, the halibut "hotspot," an area with high interception of yelloweye rockfish in the halibut sport fishery, was extended roughly 4 miles south (Figure 3.5). Participants in the halibut sport fishery in IPHC Area 2A reported that waters south of the halibut hotspot also had a high incidence of yelloweye rockfish interception. Because yelloweye rockfish is an overfished species and its retention is prohibited in WA recreational fisheries in 2002, the mandatory closure for the halibut sport fishery in Area 2A was extended to protect yelloweye rockfish. The mandatory closure for the halibut sport fishery is defined by the following coordinates: 48° 18' N. lat., 125° 11' W. long.; 48° 18' N. lat., 124° 59' W. long.; 48° 00' N. lat., 125° 11' W. long.; and 48° 00' N. lat., 124° 59' W. long.

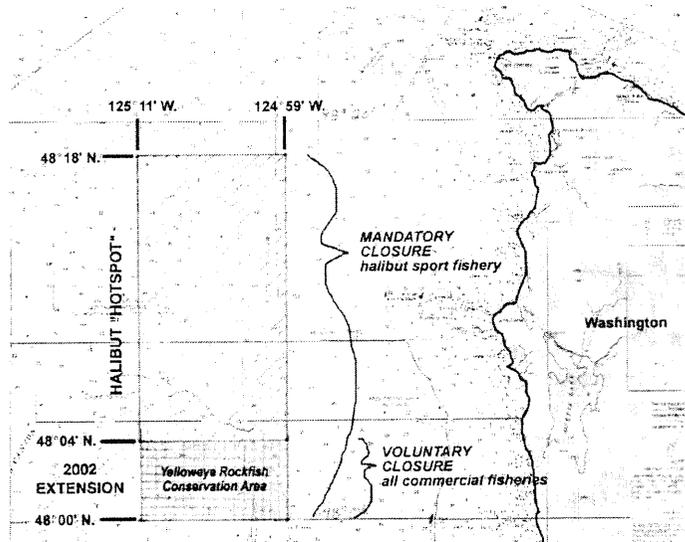


Figure 3.5 Area of mandatory closure for the halibut sport fishery in 2002 to protect yelloweye rockfish.

Table 3.9. 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 <sup>1/</sup>	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 (Tue-Sat)	1	none	62	96,052	97,176
1999	5/1 - 7/9 (Tue - Sat)	1	none	50	91,484	88,298
2000	5/2 - 6/16 (Tue - Sat) 7/1 & 7/4 (Sat & Tues)	1	none	36	99,773	101,114
2001	5/1 - 6/1, 6/16 (Tue - Sat) 7/1 - 7/4	1	none	29	108,030	109,771
2002	5/1 - 5/28 (Tue - Sat) 7/3 - 7/4 8/3	1	none	23	108,030	104,423

<sup>1/</sup> Quota was for WA North Coast and WA Inside Waters (Puget Sound) subareas.

### ***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 3.10. 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 - 5/24, 6/6 (Sun-Thurs)	1	none	19	42,739	41,792
	5/1 - 5/24, 6/6 - 9/30 (inshore)			<u>131</u>	<u>available amt.</u>	<u>0</u>
	Total			131	42,739	41,792
2002	5/1 - 7/11 (Sun-Thurs),	1	none	52	42,739	
	7/12 - 9/30 (Fri-Sat) <sup>1/</sup>			24		
	5/1 - 9/30 (inshore)			<u>153</u>	<u>available amt.</u>	
	Total			153	42,739	38,518

1/ Available fishing zones within the South Coast offshore subarea were restricted to a halibut hotspot approximately 34 miles offshore of Westport, Washington, and to the nearshore area between 47° N. lat., south to 46°38'10" N. lat., and east of 124°27' W. long. for the remainder of the 2002 season. Fishing in this area was restricted to 2 days per week.

## 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 3.11 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. Since 1999, the days that this fishery remains open has shortened drastically despite increasing quotas. In 2002, a minimum size restriction was imposed of 32 in. or greater in length.

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
2002	5/1 - 5/25	1	32" <sup>1/</sup>	25	11,188	9,764

<sup>1/</sup> First halibut taken of 32" or greater in length.

## 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 3.12. 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.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA <sup>1/</sup>	ACTUAL CATCH
1987 <sup>2/</sup>	2/1 - 9/30 (7 days/wk)	2	30	242	none	78,195

1988 <sup>2/</sup>	4/1 - 7/6 (7 days/wk)	2	<sup>3/</sup>	97	60,000	74,327
1989	4/1 - 6/28 (Wed-Sat)	2	32	50		
	8/1 - 9/30 (7 days/wk)	2	32+50 <sup>4/</sup>	<u>61</u>		
	Total			111	57,000 <sup>5/</sup>	135,413
1990	4/4 - 6/21 (Wed-Sat)	2	32+50 <sup>4/</sup>	46	51,800	
	8/18 - 8/22 (7 days/wk)	2	32+50 <sup>4/</sup>	<u>5</u>	<u>22,250</u>	
	Total			51	74,050	70,084
1991	5/1 - 7/7 (7 days/wk) <sup>6/</sup>	1	32	68	1,000	1,267
	4/3 - 6/1 (Wed-Sat) <sup>7/</sup>	2	32+50 <sup>4/</sup>	36	40,000	38,787
	7/15 - 8/26 (7 days/wk) <sup>8/</sup>	2	32+50 <sup>4/</sup>	43	8,100	834
	8/27 - 9/30 (7 days/wk) <sup>9/</sup>	2	32+50 <sup>4/</sup>	<u>35</u>	<u>15,012</u>	<u>13,578</u>
	Total			146 <sup>10/</sup>	64,112	54,466
1992 <sup>11/</sup>	5/1 - 7/10 (7 days/wk) <sup>6/</sup>	2	32+50 <sup>4/</sup>	71	2,911	1,738
	5/1 - 7/10 (Wed-Sat) <sup>7/</sup>	2	32+50 <sup>4/</sup>	41	60,131	57,164
	7/11 - 8/4 (7 days/wk) <sup>8/</sup>	2	32+50 <sup>4/</sup>	25	8,333	706
	8/5 - 9/30 (Wed-Sun) <sup>9/</sup>	2	32+50 <sup>4/</sup>	<u>41</u>	<u>21,215</u>	<u>22,012</u>
	Total			137 <sup>10/</sup>	92,590	81,620
1993 <sup>11/</sup>	5/1 - 7/2 (7 days/wk) <sup>6/</sup>	2	32+50 <sup>4/</sup>	63	2,564	5,191
	5/1 - 6/18 (Wed-Sat) <sup>7/</sup>	2	32+50 <sup>4/</sup>	35	65,811	66,429
	7/12 - 8/3 (7 days/wk) <sup>8/</sup>	2	32+50 <sup>4/</sup>	23	2,564	569
	8/4 - 8/8 (Wed-Sun) <sup>9/</sup>	2	32+50 <sup>4/</sup>	<u>5</u>	<u>14,530</u>	<u>22,298</u>
	Total			91 <sup>10/</sup>	85,469	94,487
1994 <sup>11/</sup>	5/4 - 5/20 (Wed-Sun) <sup>9/</sup>	2	32+50 <sup>4/</sup>	13	53,641	63,013
	5/21 - 9/30 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	133	2,716	4,806
	8/6 - <sup>12/</sup>	2	32+50 <sup>4/</sup>	<u>0<sup>12/</sup></u>	<u>11,543</u>	<u>0<sup>12/</sup></u>
	Total			146	67,900	67,819
1995 <sup>11/</sup>	5/4 - 5/27 (Thur-Sat)	2	32+50 <sup>4/</sup>	12	67,706	76,177
	<i>Central Coast</i> 5/28-7/4 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	38	3,314	4,953
	8/3, 8/4 <sup>2/</sup>	2	32+50 <sup>4/</sup>	2	23,674	21,835
	<i>South Coast</i> 5/4-6/2 (Thur-Sat)	2	32+50 <sup>4/</sup>	14	5,999	5,526
	6/3-8/2 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	60	<u>1,500</u>	<u>12</u>
	Total				104,335	108,503
1996 <sup>11/</sup>	5/16-5/25(Thur-Sat)	2	32+50 <sup>4/</sup>	6	64,392	49,920
	<i>Central Coast</i> 5/26-8/1 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	67	6,629	3,491
	8/2, 8/3, 8/9 <sup>2/</sup>	2	32+50 <sup>4/</sup>	3	23,673	35,267
	<i>South Coast</i> 5/16-6/1 (Thur-Sat)	2	32+50 <sup>4/</sup>	9	5,999	8,522
	6/2-8/1 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	60	<u>1,500</u>	<u>407</u>
	Total				104,335	97,607

1997 <sup>11/</sup>						
<i>Central Coast</i>	5/8-10, 5/15-17, 5/23-24	2	32+50 <sup>4/</sup>	8	86,703	110,806
	5/25-7/31 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	68	8,925	4,428
	8/1 <sup>2/</sup>	2	32+50 <sup>4/</sup>	1	31,876	20,968
	8/2-8/8 <sup>13/</sup>	2	32+50 <sup>4/</sup>	7	---	
<i>South Coast</i>	5/8-5/17(Thur-Sat)	2	32+50 <sup>4/</sup>	6	8,077	7,295
	5/18-7/31 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	74	<u>2,019</u>	<u>676</u>
	Total				140,475	144,173
1998 <sup>11/</sup>						
<i>Central Coast</i>	5/14-16, 5/21-23	2	32+50 <sup>4/</sup>	6	101,566	82,311
	5/24 - 8/23 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	92	10,455	1,852
	8/7, 8/8, 8/14 <sup>2/</sup>	2	32+50 <sup>4/</sup>	3	37,341	72,599
<i>South Coast</i>	5/14-16, 5/21-23	2	32+50 <sup>4/</sup>	6	9,462	8,773
	5/24 - 8/23 (7 days/wk) <sup>13/</sup>	2	32+50 <sup>4/</sup>	92	<u>2,365</u>	<u>393</u>
	Total				161,189	165,928
1999 <sup>11/</sup>						
<i>North Coast</i>	5/1 - 9/30 (7days/wk) <sup>13/</sup>	1	32 <sup>14/</sup>	153	9,650	2,353
<i>Central Coast</i>	5/13-15, 5/20-22	1	32 <sup>14/</sup>	6	93,746	106,560
	8/6 <sup>2/</sup>	1	32 <sup>14/</sup>	1	34,463	28,329
<i>South Coast</i>	5/1 - 8/15 (7 days/wk) <sup>13/</sup>	1	32 <sup>14/</sup>	107	2,183	1,069
	5/13-15, 5/20-22	1	32 <sup>14/</sup>	6	<u>8,732</u>	<u>11,277</u>
	Total				148,774	149,588
2000 <sup>11/</sup>						
<i>North Coast</i>	5/1 - 9/30 (7days/wk) <sup>13/</sup>	1	32 <sup>14/</sup>	153	12,324	5,632
<i>Central Coast</i>	5/11-13, 5/18-19	1	32 <sup>14/</sup>	5	97,630	112,892
	9/22 <sup>2/</sup>	1	32 <sup>14/</sup>	1	35,893	7,203
<i>South Coast</i>	5/11-13, 5/18-19 <sup>15/</sup>	1	32 <sup>14/</sup>	5	<u>9,094</u>	<u>15,620</u>
	Total				154,941	141,347
2001 <sup>11/</sup>						
<i>North Coast</i>	5/1 - 9/30 (7days/wk) <sup>13/</sup>	1	32 <sup>14/</sup>	153	17,150	2,387
<i>Central Coast</i>	5/11-12, 5/18-19	1	32 <sup>14/</sup>	4	135,866	117,499
	8/3-4, 8/17, 9/21-22 <sup>2/</sup>	1	32 <sup>14/</sup>	5	49,951	85,139
<i>South Coast</i>	5/11-12, 5/18-19, 6/8 <sup>15/</sup>	1	32 <sup>14/</sup>	5	<u>12,656</u>	<u>14,568</u>
	Total				215,623	219,593

2002 <sup>11/</sup>						
<i>North</i>	5/1 - 9/30 (7days/wk) <sup>13/</sup>	1	32 <sup>14/</sup>	153	19,797	2,207
<i>Central</i>	5/10-11, 5/17-18, 6/7-8,	1	32 <sup>14/</sup>	8	156,835	113,851
<i>Coast</i>	6/21-22					
	8/2-3, 8/23-24, 9/18-21 <sup>9/</sup>	1	32 <sup>14/</sup>	8	57,660	70,019
<i>South</i>	5/10-11, 5/17-18, 6/7-8,	1	32 <sup>14/</sup>	8	<u>14,609</u>	<u>12,674</u>
<i>Central</i>	6/21-22 <sup>15/</sup>					
<i>Coast</i>	Total				248,901	198,751

- 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 through 1998, and from Cape Falcon to Humbug Mountain in 1999 and beyond (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 halibut taken of 32" or greater in length
- 15/ Beginning in 2000, the inside-30-fathom fishery was combined for the North Central and South Central Coast sub-areas. Catch and number of open days reported under North Central subarea.

## 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.

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	<sup>1/2</sup>	?
1989	4/1 - 9/30 (7 days/wk)	1	32	183	<sup>1/2</sup>	?
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	?
2002	5/1 - 9/30 (7 days/wk)	1	32	153	7,860	?

<sup>1/2</sup> Included with Oregon quota.

## 4.0 ENVIRONMENTAL CONSEQUENCES OF THE ALTERNATIVES

This Section examines the environmental consequences that could be expected to result from adoption of each of the alternatives to the three different issues. As discussed in Section 1.0, Purpose and Need for Action, the purposes in and needs for considering the actions analyzed in this document are to:

- Determine whether there are revisions to the Plan that would ensure that halibut fishery management measures better account for the conservation needs of overfished groundfish stocks.

- Ensure that the Plan's management provisions for small area fisheries reflect the current and anticipated future scheduling needs of fishing communities in those areas.

Therefore, this section will consider the environmental effects of re-structuring the Washington North Coast sub-area sport fishery, of closing a portion of that sub-area to sport halibut fishing in order to protect yelloweye rockfish, and of closing directed commercial halibut fishing inshore of 100 fm and offshore of 27 fm in order to protect yelloweye rockfish and canary rockfish.

This section forms the analytic basis for the comparison of issues across the alternatives to each of the three issues detailed in Section 2.0. The potential of each alternative to affect one or more components of the human environment is discussed in this section; direct and indirect effects of the alternatives are discussed in this analysis. Direct effects are caused by an action and occur at the same time and place as the action, while indirect effects occur later in time and/or further removed in distance from the direct effects (40 CFR 1508.27). Examples of direct effects of some of the alternatives to the issues analyzed in this EA might include the effects of a change season dates of the North Coast sport fishery, or a change in the shape of the North Coast closed area. Examples of indirect effects of some of the alternatives to the issues analyzed in this EA might include increased or decreased fishing pressure on halibut stocks outside of the North Coast sport closed area or outside of the commercial fishing closed area.

#### **4.1 Physical Impacts of the Alternatives**

Physical impacts generally associated with fishery management actions are effects resulting from changes in the physical structure of the benthic environment as a result of fishing practices (e.g. gear effects and fish processing discards). Although halibut fishing activity affects the physical environment, none of the alternatives to any of the issues detailed in this EA are expected to have notable or measurable effects on the physical environment, either individually or cumulatively. Quantifying catch allocation and shifting season dates in the Washington North Coast halibut fishery is not expected to have any effects on the physical environment. Fishing for halibut is only permissible with hook-and-line gear, which ##effects on habitat## The effects on the physical environment of alternative revisions to the North Coast closed area are expected to be minor. If the closed area is expanded, the effects of hook-and-line gear on habitat within the newly closed area will decrease. Although the effects of gear on habitat outside of the closed area should increase, the shift in fishing effort will be dispersed throughout the remaining open areas. The effects of the nontribal directed commercial halibut fishery, regardless of where it fishes, are minimal. This fishery is held 2-5 days per year, in 10-hour increments. If the fishery is moved outside or 100 fm, then all of the effects on the physical environment from this fishery are expected to occur outside of 100 fm. Although commercial fishing would also be permitted inshore of 27 fm off the coast of Oregon, those nearshore waters have not historically yielded much halibut catch, so are unlikely to be targeted in the commercial fishery.

#### **4.2 Biological Impacts of the Alternatives**

#### **4.2 Biological Impacts of the Alternatives**

The biological impacts generally associated with fishery management actions are effects resulting from: 1) harvest of fish stocks that may result in changes in food availability to predators, changes in population structure of target fish stocks, and changes in community structure; 2) entanglement and/or entrapment of non-target organisms in active or inactive fishing gear; 3) major shifts in the abundance and composition of the marine community as a result of fishing pressure.

In this section, the alternatives to each of the three issues detailed in this EA are examined for their potential effects on the biological environment. The primary areas where changes to the Plan and to halibut fishery management regulations could affect the environment are the effects of shifting allowable halibut fishing times and areas on: 1) the portion of the Pacific halibut stock occurring in Area 2A; 2) overfished groundfish stocks, particularly yelloweye and canary rockfish; 3) threatened and endangered salmon stocks; and 4) seabirds.

<b>Table 4.2 Effects of the Alternatives on the Biological Environment</b>				
	<b>Effects on Area 2A Pacific Halibut</b>	<b>Effects on Yelloweye and/or Canary Rockfish</b>	<b>Effects on Threatened and Endangered Salmon Stocks</b>	<b>Effects on Seabirds</b>
<b>Issue 1 – Catch Division and Season Dates in the Washington North Coast Sport Halibut Fishery</b>				
<b>Alternative 1</b> (Status quo/No Action) May & early July fisheries with no quantified allocation between seasons	Neither timing of fishery nor division of sub-area quota between May and July fisheries are expected to have any effects on halibut population.	Neither timing of fishery nor division of sub-area quota between May and July fisheries are expected to have any effects on yelloweye or canary rockfish.	##??##	##??##
<b>Alternative 2</b> May (72% of sub-area quota) and late June (28% of sub-area quota) fisheries	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.
<b>Alternative 3</b> May (50% of sub-area quota) and early July (50% of sub-area quota) fisheries	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.
<b>Issue 2 – Yelloweye Rockfish Conservation Area in the Washington North Coast Sport Halibut Fishery</b>				
<b>Alternative 1</b> (Status quo/No action) Rectangular closure	Size and shape of closed area to protect yelloweye rockfish are not expected to have any effect on halibut population.	Size and shape of closed area to protect yelloweye rockfish are expected to have positive effects on yelloweye rockfish and either positive or no effects on canary rockfish.	Size and shape of closed area to protect yelloweye rockfish are not expected to have any effect on any salmon stocks.	Size and shape of closed area to protect yelloweye rockfish are not likely to have any effect on seabirds.
<b>Alternative 2</b> “L-shaped” closure matching groundfish sport fishery closed area	No measurable difference from Alternative 1.	This closed area has been designed with more recent information on yelloweye rockfish “hot spots,” so is expected to have more positive effects than Alt. 1 and similar effects to Alt. 3 on yelloweye rockfish. No measurable difference in effects on canary rockfish from Alt. 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.

<b>Table 4.2 Effects of the Alternatives on the Biological Environment</b>				
	<b>Effects on Area 2A Pacific Halibut</b>	<b>Effects on Yelloweye and/or Canary Rockfish</b>	<b>Effects on Threatened and Endangered Salmon Stocks</b>	<b>Effects on Seabirds</b>
<b>Alternative 3</b> "C-shaped" closure to allow	No measurable difference from Alternative 1.	This closed area has been designed with more recent information on yelloweye rockfish "hot spots," so is expected to have more positive effects than Alt. 1 and similar effects to Alt. 2 on yelloweye rockfish. No measurable difference in effects on canary rockfish from Alt. 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.
<b>Issue 3 – Depth-Based Management for the Directed Nontribal Commercial Fishery for Halibut</b>				
<b>Alternative 1</b> (Status Quo/ No Action) Nontribal directed commercial halibut fishing not area limited	Area of fishing is not expected to have any measurable effect on halibut population.	Potential negative effects for both yelloweye and canary rockfish, which are taken with hook-and-line gear. Yelloweye rockfish is particularly taken in line gear halibut fisheries.	##?##	##?##
<b>Alternative 2</b> Nontribal directed commercial halibut fishery to operate offshore of 100 fm north of 46°16' N. lat. and either inshore of 27 fm or offshore of 100 fm south of 46°16' N. lat.	No measurable difference from Alternative 1.	Depth closure is specifically designed to protect yelloweye rockfish, which are found in depths shallower than 100 fm, notable positive effects expected. Canary rockfish are found in 20-200 fm depths, but aggregate in the shallow end of that range during summer months when directed commercial fishery occurs, so some positive effects for canary rockfish.	##?##	##?##

#### 4.2.1 Effects of the Alternatives on the Halibut Population Within Area 2A

As discussed above in Section 3.0, the halibut population in Area 2A is a small portion of the overall halibut stock off northern North America. Annual halibut harvest amounts are set by the IPHC, which has a long history of conservative halibut management. None of the alternatives to any of the issues considered within this EA will have any effect on the amount of halibut taken in Area 2A.

Alternatives to Issue 1 consider the timing of the Washington North Coast sport fishery for halibut and the distribution of the sub-area's quota between the May season and the June or July season. The sport fishery in this sub-area has been held during the May through July period since 1989, with shorter season in recent years resulting from effort increases (see Table ##). Continuing the May fishery into the future is not expected to have any effect on the halibut stock, nor is continuing an either late June or early July fishery.

There are no measurable differences in the effects of the alternatives to this issue from allowing more or less of the sub-area quota to be taken in May versus June/July (Alternatives 1 and 2 versus Alternative 3.) Neither are there any measureable differences in the effects of the alternatives to this issue from holding a late June fishery versus an early July fishery (Alternative 2 versus Alternatives 1 and 3).

Alternatives to Issues 2 and 3 would shift the areas of fishery operation for the Washington North Coast sport fishery and the nontribal directed commercial fishery, respectively. The Area 2A halibut population is only a minor portion of the overall North American halibut population. Additionally, Area 2A halibut are thought to be adults who have migrated from more northern spawning and nursery grounds. Thus, alternatives to Issues 2 and 3 that would either shift allowable fishing grounds or close nearshore fishing areas would not have any effect on the halibut resource. It is possible that shifting the nontribal directed commercial fishery offshore of 100 fm (Issue 3, Alternative 2) could force the fishery to operate in the deeper waters where larger halibut predominate. Halibut landings in this fishery are constrained by per vessel poundage limits set by the IPHC. If these vessels are required to fish farther offshore, the weight of their catch would not be affected by the shift in fishing area, but the number of fish taken could be affected by that shift. (Larger fish means fewer fish per 100 lb of quota.) One possible result of requiring a shift in fishing area could be a smaller number of halibut taken annually in the directed commercial fishery without a change in the poundage taken. Over time, therefore, Alternative 2 to Issue 3 could have a marginally positive effect on the halibut population in Area 2A.

#### **4.2.2 Effects of the Alternatives on Yelloweye and Canary Rockfish Stocks**

None of the alternatives to Issue 1 are expected to have any measurable effects on yelloweye or canary rockfish. Both rockfish species are slow-growing, long-lived fish, thus the difference between fishing days that vary by a few weeks in the spring will have little effect on the populations of either species. Both stocks are also widely distributed off the West Coast of North America, with yelloweye rockfish occurring from the Aleutian Islands to Baja California and canary rockfish occurring from southeastern Alaska to Baja California. Thus, a modest shift in the timing of halibut fishing activities within a small portion of the ranges of both of these rockfish species should have little to no effect on the populations of either species.

The proposed closed areas examined in Issue 2 could each have positive effects on yelloweye rockfish, by preventing fishing for halibut in an areas of known yelloweye rockfish abundance. The closed area in Alternative 1 is a revision of a closed area intended to eliminate halibut fishing in a halibut "hot spot." Halibut and yelloweye rockfish are known to co-occur, thus Washington State and the Council have taken a new look at the location of the historic North Coast closed area for yelloweye occurrence. Alternatives 2 and 3 are expected to have somewhat greater positive effects on yelloweye rockfish because these alternative closed areas were more specifically designed to encompass yelloweye rockfish habitat. Because these alternative closed areas are relatively small and because canary rockfish tend to be more mobile than yelloweye rockfish with schooling tendencies, each of the alternatives to Issue 2 is unlikely to have only minimal positive effects for the canary rockfish population. However, no negative effects on the canary rockfish population are expected from any of the alternatives to Issue 2.

Under Issue 3, the Council is considering a large closed area for the nontribal, directed commercial fishery (Alternative 2) or continued open-depth fishing opportunities (Alternative 1 – no action). Halibut in Area 2A are found from shore to 500 fm depths, with the majority taken in 50-200 fm depths. Yelloweye rockfish are found from shore to 100 fm depths and canary rockfish are found in 20-200 fm depths with more shoreward aggregations common in the summer months. Alternative 1 is expected to have negative

effects on both yelloweye and canary rockfish, which would likely be taken in common with halibut in depths shallower than 100 fm. The nontribal directed commercial halibut fishery that would be restricted by depth-based management in Alternative 2 is held for a few days each summer. Thus, restricting the fishery to operating offshore of 100 fm is expected to benefit yelloweye rockfish by keeping the fishery outside of yelloweye habitat and to benefit canary rockfish schooling in more shallow depths during the summer months.

#### **4.2.3 Effects of the Alternatives on Threatened and Endangered Salmon Stocks**

##to be completed##

#### **4.2.4 Effects of the Alternatives on Seabirds**

##to be completed##

### **4.3 Socio-Economic Impacts of the Alternatives**

The socio-economic impacts generally associated with fishery management actions are effects resulting from: 1) changes in harvest availability and processing opportunities that may result in unstable income opportunities; 2) changes to access privileges associated with license limitation and individual quota systems; 3) fishing season timing or structure restrictions that may improve or reduce the safety of fishing activity; 4) fishing season timing or structure restrictions that may or may not take into account the social and cultural needs of fishery participants. Of these elements, proposed revisions to the Plan and implementing halibut regulations would not affect access privileges.

In this section, alternative revisions to the Plan and to implementing halibut regulations are examined for their potential socio-economic effects. The primary areas where Plan revisions could affect fishing industries and communities are: 1) on fishery participant safety; 2) on harvest and income opportunities; and, 3) on the costs to vessels of participating in the fisher. In addition to these industry and community effects, alternative Plan revisions could affect the management of the fishery and enforcement of regulatory measures. Table 4.3 details these effects in a matrix format.

**Table 4.3 Effects of the Alternatives on the Socio-Economic Environment**

	<b>Effects on Fishery Participant Safety</b>	<b>Effects on Harvest and Income Opportunities</b>	<b>Effects on Cost of Participating in Fishery</b>	<b>Effects on Management and Enforcement</b>
<b>Issue 1 – Catch Division and Season Dates in the Washington North Coast Sport Halibut Fishery</b>				
<b>Alternative 1</b> (Status quo/No Action) May & early July fisheries with no quantified allocation between seasons	May be marginally less safe than Alt. 3, which concentrates more fishing activity in July, when weather is more mild.	Charterboat operators and their customers are accustomed to an early May season, thus status quo would ensure that participants could continue to rely on opportunities to participate in halibut trips and/or halibut-related charter income in May.	Cost to fishery participants of materials, fuel etc. expected to be neutral across alternatives. May be marginally less costly than Alt. 3 because charter-boat operators would not have to develop new halibut markets to match July quota shift.	More difficult to manage than Alts. 2 & 3 because there is no clear quota division between May and July fisheries, leaving open inseason quota division debates. No enforcement issues.
<b>Alternative 2</b> May (72% of sub-area quota) and late June (28% of sub-area quota) fisheries	May be marginally less safe than Alt. 3, which concentrates more fishing activity in July, when weather is more mild.	Like Alt. 1, fishery participants could continue to rely on halibut-related opportunities and income in May. Alt. 2 would set a more stable quota division between the May and June fisheries, which may be reassuring to charter operators planning future business years.	Cost to fishery participants of materials, fuel etc. expected to be neutral across alternatives. May be marginally less costly than Alt. 3 because charter-boat operators would not have to develop new halibut markets to match July quota shift.	Less difficult to manage than Alt. 1 because quota division between May and June is clear. No enforcement issues.
<b>Alternative 3</b> May (50% of sub-area quota) and early July (50% of sub-area quota) fisheries	May be marginally more safe than Alts. 1 or 2, which concentrate more fishing activity in May, when weather may be more rough.	Alt. 3 would dramatically reduce May halibut fishing and income opportunities. By July, many charterboat operators are concentrating on salmon trips, which would mean forgoing halibut-related opportunities to continue that July salmon fishing.	Cost to fishery participants of materials, fuel etc. expected to be neutral across . May be marginally more costly than Alts. 1 or 2 because charter-boat operators would have to develop new halibut markets to match July quota shift.	Less difficult to manage than Alt. 1 because quota division between May and June is clear. No enforcement issues.

**Table 4.3 Effects of the Alternatives on the Socio-Economic Environment**

	<b>Effects on Fishery Participant Safety</b>	<b>Effects on Harvest and Income Opportunities</b>	<b>Effects on Cost of Participating in Fishery</b>	<b>Effects on Management and Enforcement</b>
<b>Issue 2 – Yelloweye Rockfish Conservation Area in the Washington North Coast Sport Halibut Fishery</b>				
<b>Alternative 1</b> (Status quo/No action) Rectangular closure	None. Closed area has been in place for a decade and fishery participants are accustomed to working around closure.	None. Closed area has been in place for a decade; harvest and income opportunities would not be reduced by retaining historic closed area.	None. Closed area has been in place for a decade and cost would not change for participants transiting through or around closure.	Possibly simpler to manage and enforce because rectangle shape is more clear and simpler to understand than “L” or “C” shapes.
<b>Alternative 2</b> “L-shaped” closure matching groundfish sport fishery closed area	None. Alternative 2 closed area is not different enough in size and shape from historic closed area to affect safety.	Marginally fewer harvest and income opportunities than Alternatives 1 or 3, because halibut hot spot may be less accessible.	None. Alternative 2 closed area is not different enough in size and shape from historic closed area to affect operational costs.	Possibly more difficult to manage and enforce than Alt. 1 because “L” shape is less simple and clear than rectangle.
<b>Alternative 3</b> “C-shaped” closure to allow	None. Alternative 3 closed area is not different enough in size and shape from historic closed area to affect safety.	Marginally greater harvest and income opportunities than Alternative 2 because halibut hot spot may be more accessible.	None. Alternative 3 closed area is not different enough in size and shape from historic closed area to affect operational costs.	Possibly more difficult to manage and enforce than Alt. 1 because “C” shape is less simple and clear than rectangle.

Table 4.3 Effects of the Alternatives on the Socio-Economic Environment				
	Effects on Fishery Participant Safety	Effects on Harvest and Income Opportunities	Effects on Cost of Participating in Fishery	Effects on Management and Enforcement
<b>Issue 3 – Depth-Based Management for the Directed Nontribal Commercial Fishery for Halibut</b>				
<b>Alternative 1</b> (Status Quo/ No Action) Nontribal directed commercial halibut fishing not area limited	Alternative 1 has no depth-based fishing restrictions, so fishery participants would not be forced to fish in offshore areas. This alternative would offer greater safety to fishery participants because they could time their fishing efforts without needing to account for transit time through the closed area.	None. Harvest and income opportunities are based on available halibut quota and halibut market. Quota available to fishery participants would not be affected by depth at which participants fish.	Likely to have lower fuel costs than Alternative 2 because vessels could choose to fish in more shallow depths. Gear costs and time cost in setting gear may also be lower under this alternative if halibut are more abundant in nearshore area and less gear or gear set time is needed to achieve quotas.	Less difficult to manage and less costly to enforce because fishing would be open at all depths.
<b>Alternative 2</b> Nontribal directed commercial halibut fishery to operate offshore of 100 fm north of 46°16' N. lat. and either inshore of 27 fm or offshore of 100 fm south of 46°16' N. lat.	Because this fishery is managed in 10-hour derbies, safety could be compromised for participants who wish to fish for as long as possible during the derby before transiting through the closed area to their home ports. Thus, this alternative is expected to be less safe than Alternative 1.	Same as Alternative 1.	Likely to have higher fuel costs than Alternative 1 because vessels would be required to transit closed area to fish beyond 100 fm. Gear costs and time cost in setting gear may also be higher under this alternative if halibut are more abundant in nearshore area and more gear or gear set time is needed to achieve quotas. Vessel Monitoring System may be required for future participation.	More difficult to manage and more costly to enforce because depth-based closures require more careful enforcement attention to complex depth contours. Depth-based management in limited entry groundfish fishery will likely require vessels to carry Vessel Monitoring Systems. If a similar system is required in this fishery, enforcement may be simpler but more costly.

##Further discussion needed for each socio-economic factor##

## 5.0 OTHER APPLICABLE LAW

### 5.1 Endangered Species Act

Section 7(a)(2) of the Endangered Species Act, as amended, requires that federal agencies “shall, in consultation with and with the assistance of the Secretary [of Commerce or Interior], insure that any action

authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species, or result in the destruction or adverse modification of habitat of such species....” Based on this section of the law (Section 7), action agencies consult with NMFS (for marine species) or FWS (for terrestrial and freshwater species) in cases where a “major construction activity” (which is considered equivalent to the “major federal action” standard under NEPA) could “jeopardize the continued existence” of an endangered species. For fishery management actions in federal waters, NMFS is both the action and consulting agency (although different divisions fulfill these two roles.) Consultations can begin informally, through “phone contacts, meetings, conversations, letters, project modifications and concurrences...” {USFWS and NMFS, 1998 #557}. During consultations, if the lead agency is informed that listed species or critical habitat may be present in the action area, it prepares a biological assessment to disclose the likely adverse effects. This EA contains the information necessary for a biological assessment of the effects of the proposed action on ESA-listed species occurring in the action area. If the action agency determines that the proposed action may affect listed species or designated critical habitat, formal consultation is required. The consulting agency (in this case, NMFS) must issue a Biological Opinion (or BiOp) within 135 days of the initiation of formal consultation. The BiOp may contain “reasonable and prudent measures” that the action agency must implement (in addition to any proposed mitigation) to ensure the proposed action does not jeopardize the continued existence of the species in question. (These may be referred to as “no jeopardy standards.” The Council manages ocean salmon fisheries in part based on such standards for listed salmon species.)

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.

## **5.2 Marine Mammal Protection Act**

The Marine Mammal Protection Act (MMPA) of 1972 and the ESA are the principle federal legislations guiding marine mammal species protection and conservation policy in the United States. Under the MMPA, NMFS is responsible for the management and conservation of 153 stocks of whales, dolphins, porpoise, seals, sea lions, and fur seals while the FWS is responsible for walrus, sea otters, and the West Indian manatee.

Section 118 of the MMPA requires that NMFS publish, at least annually, a list of fisheries placing all U.S. commercial fisheries into one of three categories describing the level of incidental serious injury and mortality of marine mammals in each fishery, with Category I having the highest level of injury and mortality. Definitions of the fishery classification criteria for Categories I, II, and III fisheries are found in the implementing regulations for section 118 of the MMPA (50 CFR part 229.) Pacific halibut fisheries in Area 2A are considered Category III fisheries, where the annual mortality and serious injury of a stock by the fishery is less than or equal to 1% of the PBR level.

Under the MMPA, marine mammals whose abundance falls below the optimum sustainable population level (usually regarded as 60% of carrying capacity or maximum population size) can be listed as “depleted.” Populations listed as threatened or endangered under the ESA are automatically depleted under the terms of the MMPA. Currently off the West coast of the United States, the Stellar sea lion (*Eumetopias jubatus*) Eastern stock, Guadalupe fur seal (*Arctocephalus townsendi*), and the Southern sea otter (*Enhydra lutris*) California stock are listed as threatened under the ESA and the sperm whale (*Physeter macrocephalus*) WOC stock, humpback whale (*Megaptera novaeangliae*) WOC-Mexico stock, blue whale (*Balaenoptera*

*musculus*) Eastern north Pacific stock, and Fin whale (*Balaenoptera physalus*) WOC stock are listed as depleted under the MMPA. Any species listed as endangered or threatened under the ESA is automatically considered depleted under the MMPA.

Based on its Category III status, incidental takes of these protected species in the Pacific halibut fisheries in Area 2A are well under their annual PBR levels. None of the proposed changes to the Plan, discussed above, are likely to affect the incidental mortality levels of species protected under the MMPA.

### **5.3 Migratory Bird Treaty Act and EO 13186**

The Migratory Bird Treaty Act (MBTA) of 1918 was enacted to end the commercial trade of migratory birds and their feathers that, by the early years of the 20th century, had diminished populations of many native bird species. The Act states that it is unlawful to take, kill, or possess migratory birds and their parts (including eggs, nests, and feathers) and is a shared agreement between the United States, Canada, Japan, Mexico, and Russia to protect a common migratory bird resource. The Migratory Bird Treaty Act prohibits the directed take of seabirds, but the incidental take of seabirds in the Pacific halibut fishery does occur.

Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds) supplements the MBTA by requiring Federal agencies to work with the U.S. Fish and Wildlife Service to develop memoranda of understanding (MOU) to conserve migratory birds. NMFS is scheduled to implement its MOU by January 2003. The protocols developed by this consultation will guide agency regulatory actions and policy decisions in order to address this conservation goal. EO 13186 also directs agencies to evaluate the effects of their actions on migratory birds in environmental documents prepared pursuant to the National Environmental Policy Act.

The proposed changes to the Plan are not expected to increase the incidental take of seabirds in Area 2A Pacific halibut fisheries.

### **5.4 Paperwork Reduction Act**

In response to public complaints about the burden of federal paperwork, the Paperwork Reduction Act (PRA) and its implementing regulations require federal agencies to obtain clearance from the OMB if they plan to collect information from the public. Collecting facts and opinions from ten or more people, by means of a survey for example; requiring individuals to provide information to the general public or to some third party; requiring items (e.g., boxes of fish, fishing gear) or vessels to be labeled or marked; or using technological methods to monitor public compliance with government requirements, including automated collection techniques such as VMS, are all covered by the law and regulations.

The PRA requires agencies to compile an Information Collection Budget (ICB), the total burden the agency will be placing on the public, and to obtain OMB clearance by submitting an OMB-83I form (Paperwork Reduction Act Submission) and a supporting statement. The ICB is submitted annually and lists all new information collecting the agency plans for the upcoming fiscal year. As part of the ICB, for each planned collection the agency must describe the purpose of the collection, the approximate number of respondents, and the estimated time taken per respondent. If a proposed rule contains an information collection requirement needing clearance under the PRA, a clearance request needs to be submitted to OMB on or before the date the proposed rule is published in the Federal Register. Once OMB receives the request, it has 60 days to review and act on it.

None of the proposed changes to the Plan contain a collection of information and are, therefore, not subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

### **5.5 Coastal Zone Management Act**

Section 307(c)(1) of the Federal Coastal Zone Management Act (CZMA) of 1972 requires all federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable.

The proposed action is consistent to the maximum extent practicable with applicable State coastal zone management programs. This determination has been submitted to the responsible state agencies for review under section 307(c)(1) of the CZMA by forwarding a copy of this EA to each of the relevant state agencies.

### **5.6 EO 12898 (Environmental Justice)**

Executive Order 12898 obligates federal agencies to identify and address “disproportionately high adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations in the United States” as part of any overall environmental analysis associated with an action. NOAA guidance, NAO 216-6, at §7.02, states that “consideration of E.O. 12898 should be specifically included in the NEPA documentation for decisionmaking purposes.” Agencies should also encourage public participation—especially by affected communities—as part of a broader strategy to address environmental justice issues.

The environmental justice analysis must first identify minority and low-income groups that live in the project area and may be affected by the action. Typically, census data are used to document the occurrence and distribution of these groups. Agencies should be cognizant of distinct cultural, social, economic or occupational factor that could amplify the adverse effects of the proposed action. (For example, if a particular kind of fish is an important dietary component, fishery management actions affecting the availability or price of that fish could have a disproportionate effect.) In the case of Indian tribes, pertinent treaty or other special rights should be considered. Once communities have been identified and characterized and potential adverse impacts of the alternatives are identified, the analysis must determine whether these impacts are disproportionate. Because of the context in which environmental justice developed, health effects are usually considered and three factors may be used in an evaluation: whether the effects are deemed significant, as the term is employed by NEPA; whether the rate or risk of exposure to the effect appreciably exceeds the rate for the general population or some other comparison group; and whether the group in question may be affected by cumulative or multiple sources of exposure. If disproportionately high adverse effects are identified, mitigation measures should be proposed. Community input into appropriate mitigation is encouraged.

The proposed changes to the Plan are not expected to affect minority and low-income communities.

### **5.7 EO 13132 (Federalism)**

Executive Order 13132 enumerates eight “fundamental federalism principles.” The first of these principles states “Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people.” In this spirit, the Executive Order directs agencies to consider the implications of policies that may limit the scope of or preempt states’ legal

authority. Preemptive action having such “federalism implications” is subject to a consultation process with the states; such actions should not create unfunded mandates for the states; and any final rule published must be accompanied by a “federalism summary impact statement.”

The Council and IPHC processes offer many opportunities for states (through their agencies, Council appointees, consultations, and meetings) to participate in the formulation of management measures. This process encourages states to institute complementary measures to manage fisheries under their jurisdiction that may affect federally managed stocks.

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

## **5.8 EO 13175 (Consultation and Coordination with Indian Tribal Governments)**

Executive Order 13175 is intended to ensure regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates on Indian tribes.

The Secretary of Commerce recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. At §302(b)(5), the Magnuson-Stevens Fishery Conservation and Management Act reserves a seat on the Council for a representative of an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. government formally recognizes that the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the tribes' usual and accustomed (U and A) fishing areas (described at 50 CFR 660.324). Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including the proposed changes to the Plan, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

## **6.0 REGULATORY FLEXIBILITY ACT AND EO 12866 (Regulatory Impact Review)**

In order to comply with Executive Order (EO) 12866 and the Regulatory Flexibility Act (RFA), this document also serves as a Regulatory Impact Review (RIR).

### **6.1 EO 12866 (Regulatory Impact Review)**

EO 12866, Regulatory Planning and Review, was signed on September 30, 1993, and established guidelines for promulgating new regulations and reviewing existing regulations. The EO covers a variety of regulatory policy considerations and establishes procedural requirements for analysis of the benefits and costs of regulatory actions. Section 1 of the Order deals with the regulatory philosophy and principles that are to guide agency development of regulations. It stresses that in deciding whether and how to regulate, agencies should assess all of the costs and benefits across all regulatory alternatives. Based on this analysis, they should choose those approaches that maximize net benefits to society.

The regulatory principles in EO 12866 emphasize careful identification of the problem to be addressed. The agency is to identify and assess alternatives to direct regulation, including economic incentives such as user fees or marketable permits, to encourage the desired behavior. Each agency is to assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only after reasoned determination that the benefits of the intended regulation justify the costs. In reaching its decision, the agency must use the best reasonably obtainable information, including scientific, technical and economic data, about the need for and consequences of the intended regulation.

NMFS requires the preparation of an RIR for all regulatory actions of public interest, including any changes to Pacific halibut management in Area 2A. The RIR provides a comprehensive review of the changes in net economic benefits to society associated with proposed regulatory actions. The analysis also provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problems. The purpose of the analysis is to ensure the regulatory agency systematically and comprehensively considers all available alternatives, so the public welfare can be enhanced in the most efficient and cost-effective way. The RIR addresses many of the items in the regulatory philosophy and principles of EO 12866.

The RIR analysis and an environmental analyses required by NEPA have many common elements, including a description of the management objectives, description of the fishery, statement of the problem, description of the alternatives and economic analysis, and have, therefore, been combined in this document.

The proposed changes to the Plan are not a significant action according to EO 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.

## **6.2 Regulatory Flexibility Act**

The RIR is also designed to determine whether the proposed rule has a “significant economic impact on a substantial number of small entities” under the Regulatory Flexibility Act. The Regulatory Flexibility Act (RFA), 5 U.S.C. 603 *et seq.*, requires government agencies to assess the effects that various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those effects. A fish-harvesting business is considered a “small” business by the Small Business Administration (SBA) if it has annual receipts not in excess of \$3.0 million. For related fish-processing businesses, a small business is one that employs 500 or fewer persons. For marinas and charter/party boats, a small business is one with annual receipts not in excess of \$5.0 million. All of the businesses that would be affected by this action are considered small businesses under SBA guidance.

The purpose of the RFA is to relieve small businesses, small organizations, and small governmental entities of burdensome regulations and record-keeping requirements. Major goals of the RFA are: (1) to increase agency awareness and understanding of the impact of their regulations on small business, (2) to require that agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and the consideration of alternatives that may minimize

the impacts while still achieving the stated objective of the action. An initial regulatory flexibility analysis (IRFA) is conducted unless it is determined that an action will not have a "significant economic impact on a substantial number of small entities."

These changes are authorized under the Pacific Halibut Act, implementing regulations at 50 CFR 300.60 - .65, and the Council process of annually evaluating the utility and effectiveness of Area 2A Pacific halibut management under the Plan.

Proposed changes to the Plan will affect charter fishing operations and anglers off the coast of Washington and directed nontribal commercial fisheries off the coast of Washington and Oregon. The proposed changes to the Plan are insignificant and are expected to result in either no impact at all, or a modest decrease in fishing convenience for commercial and sport halibut fishermen and operators. These changes do not include any reporting or recordkeeping requirements. These changes will also not duplicate, overlap or conflict with other laws or regulations. Consequently, these changes to the Plan are not expected to meet any of the RFA tests of having a "significant" economic effect on a "substantial number" of small entities. Therefore, a regulatory flexibility analysis was not prepared.

## **7.0 LIST OF PREPARERS AND BIBLIOGRAPHY**

### **List of Preparers**

Yvonne deReynier and Jamie Goen, 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).

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.

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## APPENDIX A

[Signed October 23, 2002. Signed copy on file with NOAA Fisheries, Northwest Region, Seattle.]



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

MEMORANDUM FOR: The File

FROM: William L. Robinson  
Assistant Regional Administrator for Sustainable Fisheries

SUBJECT: Proposed Pacific Halibut Catch Sharing Plan revisions Categorical Exclusion  
Determination Under National Environmental Policy Act (NEPA) and NOAA  
NEPA Implementing Regulations *procedure*

Catch Sharing Plans (CSPs) 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 International Pacific Halibut Commission (IPHC) regulatory Area 2A (off Washington, Oregon, and California) have been developed since 1988 by the Pacific Fishery Management Council (Council) in accordance with the Northern Pacific 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.

For 2003, Washington and Oregon state have proposed several changes to the CSP that will be considered by the Council at its October 29 - November 1, 2002 meeting. Of the CSP revisions proposed by the states, some are new and have not been previously analyzed, while others have either been analyzed in an Environmental Assessment (EA) or are expected to have negligible to no effect on the human environment. Those proposed revisions that are new, not yet analyzed, and not clearly insignificant are being reviewed in an EA, a draft of which will be available at the Council meeting.

I have determined that preparation of a categorical exclusion (CE) pursuant to NAO 216-6 is appropriate for the following proposed 2003 revisions to the Pacific Halibut Area 2A CSP: (1) If halibut quota is available to the primary longline sablefish fishery north of Point Chehalis, Washington (46°53'18" N. lat.), any quota that would not be used above an amount that would provide an incidental catch allowance of 150 lb of halibut per 1,000 lb of sablefish landed in the primary sablefish fishery would revert to the Washington recreational fisheries quota; (2) The season end date of the sport halibut fishery occurring inshore of 30 fm in the North Central and South Central Oregon sport fishery sub-areas would extend from September 30 to October 31; (3) Where the CSP refers to Oregon North Central and South Central fishing seasons as "May" or "May-June" and "August" or "August-September," the CSP would be amended to refer to those seasons as "Spring" and "Summer," respectively. I have considered the factors at section 5.05b NAO 216-6 as to the appropriateness of a CE relevant to the activity and also the specific guidance on significance at section 6.02. Further, we have determined that the proposed action is categorically excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) in accordance with Section 6.03a.3b of the NOAA Administrative Order 216-6.

Section 5.05b of NAO 216-6 states that, in determining the appropriateness of a CE, an action should be evaluated to determine if (1) a prior NEPA analysis for the “same” action demonstrated that the action will not have significant impacts on the quality of the human environment (considerations in determining whether the action is the “same” as a prior action may include, among other things, the nature of the action, the geographic area of the action, the species affected, the season, the size of the area, etc.) or (2) the action is likely to result in significant impacts as defined in 40 C.F.R. 1508.27.

In addition to the factors contained at 40 CFR 1508.27, the factors for consideration when determining significance at section 6.02 are: (1) the action may be reasonably expected to jeopardize the sustainability of any target or non-target species that may be affected by the action; (2) the action may be reasonably expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitats defined under the MSA and identified in FMPs; (3) the action may be reasonably expected to have a substantial adverse impact on public health or safety; (4) the action may be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species; (5) the action may be reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species; (6) the action may be expected to have a substantial impact on biodiversity and ecosystem function within the affected area (e.g. benthic productivity, predator-prey relationships, etc.); (7) if significant social or economic impacts are interrelated with significant natural or physical environmental effects then an EIS should discuss all of the effects on the human environment; and (8) the degree to which the effects on the quality of the human environment are likely to be highly controversial. Section 6.02 states that when adverse impacts are possible, the factors listed here should aid the responsible program manager (RPM) in determining the appropriate course of action. If none of these situations may be reasonably expected to occur, the RPM should prepare an EA or determine, in accordance with section 5.05, the applicability of a CE.

Incidental halibut retention in the primary sablefish fishery. According to Section (e)(3) of the CSP, “If the Area 2A TAC is greater than 900,000 lb, the primary directed sablefish fishery north of Point Chehalis will be allocated the Washington sport allocation that is in excess of 214,110 lb, provided a minimum of 10,000 lb is available (i.e., the Washington sport allocation is 224,110 lb or greater). If the amount above 214,110 lb is less than 10,000 lb, then the excess will be allocated to the Washington sport subareas according to section (f) of this Plan.” This provision was first analyzed in an October 1997 draft EA to implement proposed changes to the CSP for 1998 fisheries. From 1998-2000, the Area 2A TAC remained below 900,000 lb, making this provision of the CSP moot for both Washington sport fishery participants and for primary sablefish fishery longliners. For the first time in 2001, the Area 2A TAC rose over 900,000 lb to 1,140,000 lb and the Council had to consider measures to allow incidental halibut retention in the primary sablefish fishery for longliners operating north of Point Chehalis. (Incidental halibut retention is allowed only to vessels fishing with longline gear because all halibut retention with gear other than longline or setline gear is prohibited under IPHC regulations.) In April 2001, the Council prepared an EA to analyze alternative regulatory frameworks that would provide participants in the primary sablefish fishery with access to their incidental halibut retention allowance.

For 2003 and beyond, the Council has proposed restricting total halibut retention in the primary sablefish fishery north of Point Chehalis to no more than the amount that could be taken at a rate of 150 lb of halibut per 1,000 lb of sablefish landed. This provision is consistent with the incidental halibut landings restrictions implemented for 2002. Both the October 1997 EA addressing revisions to the CSP to allow incidental halibut retention in the primary sablefish fishery and the April 2001 EA considering regulatory revisions to implement that halibut retention through sablefish regulations resulted in findings of no significant impact.

Specifically, this is an action of limited size or magnitude “that does not result in a significant change” in the original environmental action and involves only minor changes to the regulations. Additionally, the proposed revision does not have the potential to pose significant effects to the quality of the human environment, either under the tests of significance detailed above or under 40 CFR 1508.27.

Extension of the North Central and South Central Oregon Inside-30-Fathom Season End Date. Under the CSP at (f)(1)(v) and (v), the Oregon North Central and South Central sub-areas divide their seasons into a May-September fishery inshore of 30 fathoms, a May-June all-depth fishery, and an August-September all-depth fishery. Separate quota is provided for the nearshore fishery to ensure that halibut are available to the sport fishers who catch halibut incidentally while targeting species other than halibut inshore of 30 fathoms. Catch rates in this fishery tend to be quite low. In 2002, for example, the nearshore fishery took 2,207 lb out of the 19,797 lb allocated to the fishery. The sub-quota allocation for the North Central and South Central areas combined represents 1.5% of the annual Area 2A TAC.

The Oregon North Central and South Central nearshore fishery is currently scheduled to be open from May 1 through September 30 or until the quota is achieved, whichever is earlier. Oregon has proposed extending the season end date to October 31. This proposed season end date change does not have the potential to pose significant effects to the quality of the human environment, either under the tests of significance detailed above or under 40 CFR 1508.27.

Editorial Revisions to the CSP for Oregon All-Depth Fisheries. Oregon has proposed changing the names of the “May” or “May-June” and “August” or “August-September” all-depth fisheries to the “Spring” and “Summer” all-depth fisheries, respectively. This is merely a nomenclature change and will not affect season dates, halibut allocation, halibut quota attainment or any other aspect of the human environment.

None of the 2003 proposed changes to the CSP detailed above have the potential to individually or cumulatively pose significant effects to the quality of the human environment, either under the tests of NAO 216-6 section 6.02 or under 40 CFR 1508.27. Further, the effects of these proposed changes will not change in any way the effects of the proposed CSP revisions for 2003 that will be analyzed in an EA. Based on the above discussion, the three proposed CSP revisions detailed herein are categorically excluded under NAO 216-6 and the National Environmental Policy Act from both further analysis and requirements to prepare detailed environmental documents.

## APPENDIX B

### 2002 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. To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea. Due to inability to monitor the catch in this area inseason, fixed seasons, which may vary and apply to different regions within the subarea, will be established preseason based on projected catch per day and number of days to achievement of the quota. Inseason adjustments may be made, and estimates of actual catch will be made postseason. The fishery will open in April or May and continue 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 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 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 is two daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel.
- (4) Ban on sport vessels in the commercial fishery. Vessels operating in the sport fishery for halibut in Area 2A are prohibited from operating in the commercial halibut fishery in Area 2A. Sport fishers and charterboat operators must determine, prior to May 1 of each year, whether they will operate in the commercial halibut fisheries in Area 2A which requires a commercial fishing license from the IPHC. Sport fishing for halibut in Area 2A is prohibited from a vessel licensed to fish commercially for halibut in Area 2A.
- (5) Flexible inseason management provisions.
  - (i) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the IPHC Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations.
    - (A) The action is necessary to allow allocation objectives to be met.
    - (B) The action will not result in exceeding the catch limit for the area.
    - (C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to 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.

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*Sources:* 67 FR 12885 (March 20, 2002)  
66 FR 15801 (March 21, 2001)  
65 FR 14909 (March 20, 2000)  
64 FR 13519 (March 19, 1999)  
63 FR 13000 (March 17, 1998)  
62 FR 12759 (March 18, 1997)  
61 FR 11337 (March 20, 1996)  
60 FR 14651 (March 20, 1995)  
59 FR 22522 (May 2, 1994)  
58 FR 17791 (April 6, 1993)

