

Don Bodenmiller

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

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

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

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

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

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

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

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

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

3. Nearshore fishery depth limit.

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

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

4. Nearshore fishery retention of Pacific halibut.

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

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

5. Extend duration of South of Humbug Mountain fishery.

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

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

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

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

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

(v) Oregon north central coast subarea.

If the Area 2A TAC is 388,350 lb (176.2 mt) and greater, this subarea extends from Cape Falcon to the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) and is allocated 88.03 percent of the Oregon/California sport allocation, which is approximately 18.13 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea extends from Cape Falcon to the Humbug Mountain, Oregon (42°40'30" N. lat.) and is allocated 95.0 percent of the Oregon/California sport allocation. The structuring objectives for this subarea are to provide two periods of fishing opportunity in Spring and in Summer in productive deeper water areas along the coast, principally for charterboat and larger private boat anglers, and provide a period of fishing opportunity in the Summer for nearshore waters for small boat anglers. Fixed season dates will be established preseason for the Spring and Summer openings and will not be modified inseason except that the Summer-Spring openings may be modified inseason if the combined Oregon all-depth *Spring and Summer season total* quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring and Summer fisheries each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. ODFW will monitor landings and provide a post-season estimate of catch within 12 weeks of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season or the Summer season, openings will be provided if possible in May - July and August - October respectively. Potential additional open dates for both the Spring (*May - July*) and Summer (*August - October*) seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more additional days, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No all-depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. If pre-season catch and effort estimates determine catch rates and quotas allocated to the Oregon North Coast and South Coast subareas will result in Spring seasons of differing durations, quota may be shifted pre-season to ensure that the two subareas have the same number of fixed season days. Any poundage remaining unharvested in the Spring all-depth subquota will be added to the Summer all-depth subquota. Any poundage that is not needed to extend the inside 40-30 fathom fishery through to October 31 will be added to the Summer all-depth season if it can be used, and any poundage remaining unharvested from the Summer all-depth fishery will be added to the inside 40-30 fathom fishery subquotas. The daily bag limit for all seasons is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows.

A. The first season opens on May 1, only in waters inside the 40 ~~30~~-fathom curve, and continues daily until the *subquota* (8% of *subarea quota*) ~~combined subquotas for the north central and south central inside 30 fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota)~~ *are* is taken, or until October 31, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through October 31 will be transferred to the Summer all-depth fishery if it can be used. Any overage in the all-depth fisheries would not affect achievement of allocation set aside for the inside 40 ~~30~~-fathom curve fishery.

B. The second season is an all-depth fishery *with two potential openings*. ~~The first opening that~~ begins on the second Thursday in May and is allocated 69 ~~68~~ percent of the subarea quota. Fixed season dates ~~for the first opening~~ will be established preseason based on projected catch per day and number of days to achievement of the subquota for this season. *The first opening fishery* will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days. *The fixed season dates will be established preseason and will occur in consecutive weeks starting the second Thursday in May (if the season is 5 or more fishing days) or second Friday in May (if the season is 4 or fewer fishing days), with exceptions to avoid adverse tidal conditions. If, following the "fixed" dates, quota for this season remains unharvested, a second opening will be held. The fishery will be open every other week on Friday and Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays and Saturdays will be identified preseason. The fishery will continue until there is insufficient quota for an additional day of fishing or July 31, whichever occurs first. Any remaining quota will be added to the Summer quota. No inseason adjustments will be made to the established fixed season unless if the combined Oregon all-depth Spring and Summer season total subquotas are estimated to be achieved., except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested.*

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

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

(vi) Oregon south central coast subarea.

If the Area 2A TAC is 388,350 lb (176.2 mt) and greater, this subarea extends from the Siuslaw River at the Florence north jetty (44°01'08" N. lat.) to Humbug Mountain, Oregon (42°40'30" N. lat.) and is allocated 6.97 percent of the Oregon/California sport allocation, which is approximately 1.43 percent of the Area 2A TAC. If the Area 2A TAC is less than 388,350 lb (176.2 mt), this subarea will be included in the Oregon Central Coast subarea. The structuring objective for this subarea is to create a south coast management zone that has the same objectives as the Oregon central coast subarea and is designed to accommodate the needs of both charterboat and private boat anglers in the south coast subarea where weather and bar crossing conditions very often do not allow scheduled fishing trips. Fixed season dates will be established preseason for the Spring and Summer openings and will not be modified inseason except that the Summer openings may be modified inseason if the combined Oregon all depth quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring and Summer fishery each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. ODFW will monitor landings and provide a post season estimate of catch within 2 weeks of the end of the fixed season. If sufficient quota remains for an additional day of fishing after the Spring season or the Summer season, openings will be provided if possible in May July and August October respectively. Potential additional open dates for both the Spring and Summer seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more additional days, notice of the opening will be announced on the NMFS hotline (206) 526 6667 or (800) 662 9825. No all depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. If pre season catch and effort estimates determine catch rates and quotas allocated to the Oregon North Coast and South Coast subareas will result in Spring seasons of differing durations, quota may be shifted pre season to ensure that the two subareas have the same number of fixed season days. Any poundage remaining unharvested in the Spring all depth subquota will be added to the Summer all depth sub quota. Any poundage that is not needed to extend the inside 30 fathom fishery through to October 31 will be added to the Summer all depth season if it can be used, and any poundage remaining unharvested from the August all depth fishery will be added to the inside 30 fathom fishery subquotas. The daily bag limit for all seasons is the first halibut taken, per person, of 32

inches (81.3 cm) or greater in length. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows:

A. The first season opens on May 1, only in waters inside the 30 fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30 fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until October 31, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through October 31 will be transferred to the Summer all depth fishery if it can be utilized. Any overage in the all depth fisheries would not affect achievement of allocation set aside for the inside 30 fathom curve fishery.

B. The second season is an all depth fishery that begins on the second Thursday in May and is allocated 80 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the subquota for this season. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested. The fishery will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days.

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

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

This sport fishery subarea is allocated 3.0 percent of the Oregon/California subquota, which is approximately 0.62 percent of the Area 2A TAC. This area is defined as the area south of Humbug Mountain, OR (42°40'30" N. lat.), including California waters. The structuring objective for this subarea is to provide anglers the opportunity to fish in a continuous, fixed season that is open from May 1 through September 30. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

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

TRIBAL COMMENTS ON
PROPOSED CHANGES TO THE CATCH SHARING PLAN AND ANNUAL
REGULATIONS

Mr. Chairman,

The Tribes support adopting the changes to the Area 2A recreational halibut fishery for 2004 in the Catch Sharing Plan based on the proposed changes adopted in September.

The Tribes propose no changes to the catch sharing plan as it relates to the Treaty Indian allocation of halibut for 2004. That allocation would remain at 35% of the Area 2A total allowable catch, plus the 25,000 pound adjustment, as specified in the Stipulation and Order of the U.S. District Court.

PPMC
11/04/03

GROUND FISH ADVISORY SUBPANEL STATEMENT ON
PROPOSED CHANGES TO THE CATCH SHARING PLAN AND ANNUAL
REGULATIONS

The Groundfish Advisory Subpanel (GAP) received reports on halibut catch sharing proposals being forwarded by Oregon and Washington.

In general, the GAP supports the proposals that are being presented to the Council, but believes two issues need to be clarified to avoid future management problems.

First, Washington's proposal to move unharvested fish among management areas should not affect the sharing of fish between Washington and Oregon in the Columbia River. The GAP believes that any such effects are not intended, but clarification would be helpful.

Second, the GAP wants to make clear its understanding the Oregon all-depth halibut fishery in the summer is not subject to restrictions under Rockfish Conservation Area boundaries, as this fishery is not targeted on groundfish.

PFMC
11/04/03



Exhibit F.2.e
Supplemental Public Comment 2
November 2003

**FORKS
CHAMBER OF COMMERCE, INC.**

P.O. Box 1249 ♦ 1411 South Forks Avenue ♦ Forks, WA 98331
Phone (360) 374-2531 ♦ Fax (360) 374-9253

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OCT 20 2003

PFMC

October 8, 2003

Mr. Don Hansen, Chairman
Pacific Fisher Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

Dear Mr. Hansen:

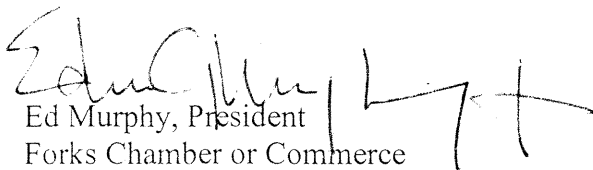
We are writing in support of the proposed changes to the Pacific Halibut Catch Sharing Plan that are included in the WDF&W report on this subject approved for public comment by the Council on September 11, 2003.

The Forks Chamber of Commerce is in support of moving the opening day of the halibut season from May 1 to May 15. Historically, weather conditions have been better after May 15, and better weather conditions will mean that more, and smaller, craft can fish. Naturally, a later opening will make a closure in mid-May far less likely. Overall, we feel that the later opening will create a more consistent season that will be better for fishers and business alike.

The Forks Chamber of Commerce represents a broad base of businesses in an area extending from Kalaloch to LaPush. Our region has been struggling with a shifting economic base for the past decade, and maintaining a strong tourism and sport fishing industry is especially important to our community.

The Forks Chamber of Commerce recommends that the Management Council adopt the changes to the 2004 Pacific Halibut Catch Sharing Plan proposed by the Washington State Department of Fish & Wildlife, particularly the change that would move the opening day to May 15. We feel that these changes would greatly benefit Forks and many other northwest coast communities.

Sincerely,


Ed Murphy, President
Forks Chamber of Commerce



The **REST** of the Olympic Peninsula

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WESTPORT CHARTERBOAT ASSOCIATION

P. O. BOX 654 • WESTPORT, WASHINGTON 98595

October 21, 2003

Dr. Donald McIsaac, Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place
Suite 200
Portland, OR 97220-1384

Re: Pacific Halibut / Agenda Item F.2e

Dear Dr. McIsaac and Council members;

The Westport Charterboat Association fully supports the proposals regarding 2004 regulations in the Washington South Coast area. Specifically, we support programming in, pre-season, a change from a five-day to a seven-day week on July 1st. Our past experience with federal procedure has been frustrating and we agree that this is the most expeditious way to manage. We also favor any pre-season regulation that would allow the transfer of a portion of halibut quota within Washington sub-areas. We support this in order to assure full utilization of the Washington recreational quota.

We do have a concern about a delayed start date in the North Coast area. We believe this would have the potential for effort shift between the coastal areas. We support the traditional May 1st start date for all coastal areas.

Thank you for the opportunity to comment.

Respectfully yours,



Steve Westrick, President
Westport Charterboat Association

Phil

**WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON
PROPOSED CHANGES TO THE 2004 PACIFIC HALIBUT CATCH SHARING PLAN**

The Washington Department of Fish and Wildlife (WDFW) has modified two of its proposed changes (# 2 and # 5) to the 2004 Pacific Halibut Catch Sharing Plan for Area 2A after receiving public input. Attached is a revised strikeout/underlined version of the proposed changes to the current Catch Sharing Plan language.

1. Removing the requirement to "sponsor a public workshop shortly after the IPHC annual meeting" to develop the season structure for the Puget Sound recreational fishery.

Rationale: In the past, we have held public meetings to discuss the Puget Sound season structure (e.g., opening dates, season length) following the IPHC annual meeting. However, we reached agreement with our constituents who participate in the Puget Sound sport halibut fishery to keep the current regulations in place for a few years to evaluate their effectiveness. As such, there have not been any proposed changes to the season structure in recent years, nor any issues identified for discussion. Therefore, we wanted to remove the requirement to have an annual meeting in the absence of issues for discussion. We set the seasons following the IPHC annual meeting, using the approach that has been agreed upon, and communicate with our Puget Sound sport anglers via mail and e-mail. We then provide a public comment period following this notification prior to adopting the regulations for the seasons. If there are issues that need to be discussed prior to setting the annual seasons, then we would schedule a public meeting at that time. We also have an annual public process to review all Department sportfishing rules and consider regulatory changes at the end of every calendar year.

2. Change the opening date of the north coast subarea fishery from May 1 to the first Tuesday between May 9 and May 15.

Rationale: Harvest rates in the north coast subarea fishery has increased significantly over the past few years such that the May quota can be achieved within a few weeks. We have received information from participants that the weather tends to be more favorable toward the end of May, and that some people would like to have the opportunity to fish during Memorial Day weekend (an opportunity that has not been available recently). By moving the opening day to the 2nd or 3rd week of May, it would increase the likelihood that the fishery could last through the end of May.

The previous proposal that was approved for public review had a date-certain opening date of May 15, which is supported by some north coast fishery participants. Other fishing representatives, however, would like to retain the original opening date of May 1. All participants share the objective of having as long and productive a halibut season as possible. The resulting proposal is viewed as a compromise between the two positions.

3. Change the opening date of the north coast area June fishery from the third Wednesday in June to “during the third week of June.”

Rationale: The north coast subarea was open June 18-21 this year, and harvest rates were less-than-expected as the result of poor tide conditions. Keeping the June opening to the third week of June would be consistent with the original intent of having a June fishery, while removing the requirement to open on Wednesday would allow us the flexibility to choose a date inseason. This would allow us to review tidal information prior to setting a date.

4. Add a statement to the north coast, south coast, and Columbia River subareas that, subsequent to a closure prior to September 30, if there is insufficient quota remaining to reopen that given subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by National Marine Fisheries Service via an update to the recreational halibut hotline.

Rationale: Subarea fisheries are closed in advance when quotas are projected to be attained. While we try to achieve each subarea’s respective quota without exceeding it, we are often off the mark with harvest projections as a result of poor weather conditions or changes in effort. Additionally, depending on the subarea, there may be some quota remaining, but it is not sufficient to reopen the fishery for a another day. By allowing the transfer of the quota remaining from a subarea that has closed to another subarea, we can better achieve the overall recreational quota without impacting the subarea we would be transferring from.

5. For the south coast subarea, have an automatic switch from a five-day/week fishery to a seven-day/week fishery beginning on July 1 to capture most of the coastal recreational salmon season.

Rationale: There have been significant coastal salmon recreational fishing opportunities over the past few years during the latter portion of the halibut season. Typically, the south coast halibut season is a five-day/week fishery (closed Fridays and Saturdays); however, the salmon season in the south coast area is also a five-day/week fishery (closed Fridays and Saturdays). Once the salmon season is open, most charter operations choose to target salmon, rather than halibut, during the weekdays. This change would allow anglers to take halibut trips on weekends (when the salmon fishery is closed), which would help the subarea to achieve its halibut quota. Keeping the halibut fishery open during the weekdays just adds more fishing opportunity, even though the catch during the week is relatively small. The halibut sport fishery in this subarea begins on May 1, while the sport salmon season generally begins on or about July 1. (Note: In 2003, it opened in mid-June, but in other recent years, it has opened as late as mid-July.) Therefore, fishery participants in this area may expect a five-day/week fishery for the first two months of the halibut season, followed by a seven-day/week fishery through the remainder of the season.

The previous proposal that was approved for public review had the switch from five to seven days occurring on the opening day of the salmon season, which is set during the annual North of Falcon process and finalized in April. The date-certain switch date of July 1 would accomplish the same objective while giving anglers more scheduling predictability (prior to April).

(f) SPORT FISHERIES

(1) (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 management objective for this subarea is to provide a quality recreational fishing opportunity during May and the latter part of June. 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 **the first Tuesday between May 9 and 15**, and continue 5 days per week (Tuesday through Saturday) until the May allocation is projected to be taken. ~~If May 15 falls on a Sunday or Monday, the fishery will open on the following Tuesday.~~ The fishery will then reopen **on during the third Wednesday week** in June and continue until the remaining quota is projected to be taken, 5 days per week (Tuesday through Saturday.) No sport fishing for halibut is allowed after September 30. **If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen this subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.** The daily bag limit in all fisheries is one halibut per person with no size limit. A "C-shaped" yelloweye rockfish conservation area that is closed to recreational groundfish and halibut fishing is defined by the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long.;
48°18' N. lat.; 124°59' W. long.;

48°11' N. lat.; 124°59' W. long.;
48°11' N. lat.; 125°11' W. long.;
48°04' N. lat.; 125°11' W. long.;
48°04' N. lat.; 124°59' W. long.;
48°00' N. lat.; 124°59' W. long.;
48°00' N. lat.; 125°18' W. long.;
and connecting back to 48°18' N. lat.; 125°18' 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". **Beginning July 1, the halibut fishery will be open 7 days per week.** 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.~~ **if there is insufficient quota remaining to reopen this subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.** 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. **Subsequent to this closure, if there is insufficient quota remaining to reopen this subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.** The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

REPORT ON THE 2003 PACIFIC HALIBUT FISHERIES IN AREA 2A

The 2003 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	332,000 lb (includes incidental sablefish)
Washington Sport	232,499 lb
Oregon/California Sport	262,001 lb

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

NON-TREATY COMMERCIAL FISHERIES

A sub-TAC of 262,001 lb (31.7% of the non-treaty share) was allocated to two fishery 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. An additional 70,000 lb was allocated to an incidental catch fishery for limited entry, sablefish-endorsed vessels operating with longline gear north of Pt. Chehalis, WA. This allowance for the tiered sablefish fishery is only available in years when the overall Area 2A TAC exceeds 900,000 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 6, 2003. Of the halibut taken in the salmon troll fisheries 3,325 lb were landed in Oregon (3,100 in May/June and 225 in July/August) and 38,592 lb were landed in Washington (20,196 in May/June and 18,392 in July/August,) for a total of 41,917 lb (6.7% over quota.)

Directed fishery targeting on halibut A quota of 222,700 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.) and seaward of a rockfish conservation area boundary line approximating the 100 fm depth contour. One-day fishing periods of 10 hours in duration were scheduled by the IPHC for June 25, July 9, July 23, August 6, August 20, and September 3. 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	6/25/03 Opening	7/9/03 Opening	7/23/03 Opening	8/6/03 Opening
A 0 - 25 ft.	405 lb	445 lb	295 lb	210 lb
B 26 - 30 ft.	505 lb	555 lb	370 lb	265 lb
C 31 - 35 ft.	805 lb	890 lb	590 lb	420 lb
D 36 - 40 ft.	2,220 lb	2,455 lb	1,620 lb	1,160 lb
E 41 - 45 ft.	2,390 lb	2,640 lb	1,745 lb	1,245 lb
F 46 - 50 ft.	2,860 lb	3,160 lb	2,085 lb	1,490 lb
G 51 - 55 ft.	3,190 lb	3,525 lb	2,330 lb	1,665 lb
H 56+ ft.	4,800 lb	5,300 lb	3,500 lb	2,500 lb

- The June 25 directed commercial fishery resulted in a catch of about 80,000 lb, leaving 142,700 lb for later openings.
- The July 9 directed commercial fishery resulted in a catch of about 85,000 lb, leaving 57,700 lb for later openings.
- The July 23 directed commercial fishery resulted in a catch of about 35,000 lb, leaving 22,700 lb for later openings.

- The August 6 directed commercial fishery resulted in a catch of about 31,000 lb, exceeding the fishery's quota by 3.7%. The directed fishery is closed for the remainder of 2003.

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

A quota of 70,000 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, 2003, and closes October 31, 2003, 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 2003 IPHC license. Incidental halibut landings in the primary sablefish fishery through October 6, 2003 were 60,356 lb.

SPORT FISHERIES (Non-treaty).

A sub-TAC of 494,500 lb (59.8% 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 63,278 lb (27.2% of the Washington sport allocation). Due to inability to monitor the catch in this area inseason, a fixed season was established preseason based on projected catch per day and number of days to achieve the sub-quota. The Eastern Region (East of Low Point) opened on May 8 and continued through July 18, 5 days per week (closed Tuesday and Wednesday). The Western Region opened on May 22 and continued through August 1, 5 days per week (closed Tues-Wed) The daily bag limit was one halibut of any size per person. Catch totals from this sub-area are not yet available.

Northern Washington Coastal Waters Subarea (landings in Neah Bay and La Push). The coastal area off Cape Flattery to Queets River was allocated 113,915 lb (49.0% of the Washington sport allocation). The fishery was divided into two seasons with 31,896 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 82,019 lb were estimated to have been taken. The second season was to open on June 18 and continue 5 days per week (closed Sunday and Monday) until the entire quota for this subarea was estimated to be taken. The Yelloweye Rockfish Conservation Area is located within this subarea, southwest of Cape Flattery, and 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 17, when 67,704 lb was estimated to have been taken. The remaining quota for the May season, 14,315 lb, was not enough to continue the 5 day per week fishery, but did allow another May

opening on May 23 and 24 (Friday-Saturday). The total halibut taken from these two openings was 82,061 lb.

- The season re-opened June 18-21, during which 20,200 lb were taken, for a total of 102,261 lb, leaving approximately 11,654 lb in the subarea 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 9, when an additional 7,477 lb was taken. The fishery was closed with 4,177 lb remaining in the quota (3.7% under quota.)

Washington South Coast Subarea (landings in Westport). The area from the Queets River to Leadbetter Point was allocated 48,623 lb (21% 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. This fishery was modified inseason to provide a 7 day per week fishery in all areas, beginning June 27, responding to greater angler interest in salmon fishing and low halibut catch rates. The subarea closed on September 30th with 5,370 lb remaining in the quota (11% under quota).

Columbia River Subarea (Leadbetter Point to Cape Falcon). This sport fishery subarea was allocated 11,923 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 closed on September 30th with 1,915 lb remaining in the quota (16% 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 8, 9, 10, 15, 16, and 17, 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 October 31. As of October 4, 1,110 lb of halibut had been taken in the inside 30-fathom fishery.
- The first fixed all-depth season in May, held May 8, 9, 10, 15, 16, and 17, had a total catch of 51,377 lb in the North and 14,904 in the South (295 lb overage,) which left enough halibut in the North Central Coast quota to allow openings on additional days during the May-June period. The all-depth season re-opened on the following pre-scheduled days: June 19, 20, and 21. During these three all-depth days in June, the North Central fisheries took an additional 37,008 lb, leaving 68,450 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 68,155 lb underage from the May-June all-depth fisheries. As a result of this revision, 125,815 lb was available to the August 1, 2, 8 and 9 all-depth fishery. The combined central coast fisheries took 38,928 lb during those open days, which was far enough below the available quota amount to allow additional opening days in August and September. ODFW requested that NMFS take action inseason to allow the Oregon all-depth fisheries to re-open every Friday and Saturday from August 22nd through October 18th until the quota was estimated to be taken. Upon consideration of the slow pace of the 2003 recreational halibut fisheries and the 86,887 lb remaining in the quota, NMFS and the IPHC agreed that this revision would be reasonable in light of ODFW's inseason monitoring program. As of October 15th, 60,751 lb of halibut had been taken in the all-depth fishery. This report was submitted to Council staff on October 15th and the all-depth season will close on October 19th. Final catch numbers will be provided in a verbal report at the November 2003 Council meeting.

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 remained 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 27,000 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 456,500 lb was allocated to the commercial fishery. The tribal commercial fishery was scheduled to open on March 1, 2003 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 2003 restricted fisheries.)

Fishery	Dates Held	Pounds Landed	# of Landings
Unrestricted, 48-hour	March 1-3	150,199 lb	47 landings
Restricted, 500 lb/vessel/day	March 1- March 31, April 2-6	88,160 lb	252 landings
Unrestricted, 36-hour	April 15-16	166,442 lb	39 landings
Restricted, 500 lb/vessel/day	April 23-April 30	59,975 lb	157 landings
Total		464,776 lb	495 landings

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2004.

2003 Area 2A TAC and Catch (in pounds)				
	Quota	Inseason Revised Quota	Catch	Over/Under
TREATY INDIAN	483,500		491,776	1.7%
Commercial	456,500		464,776	1.8%
Cereimonial & Subsistence	27,000		27,000 ♣	0.0%
NON-TREATY	826,500			
COMMERCIAL	332,000		333,273	0.4%
Troll	39,300		41,917	6.7%
Directed	222,700		231,000	3.7%
Sablefish Incidental	70,000		60,356 ♣	-13.8%
SPORT	494,500		399,287	-19.3%
WA Sport	232,499		222,014	-4.5%
OR/CA Sport	262,001		177,273	-32.3%
WA Inside Waters	63,278		63,278 ♣	0.0%
WA North Coast	113,915		109,738	-3.7%
WA South Coast	48,623		43,253	-11.0%
Col River Area	11,923		10,008	-16.0%
OR Central Coast	248,901			
Inside 30 fathoms (all areas)	19,797		1,110 ♣	-94.4%
Spring (North Central Coast)	156,835	156,835	88,385	-43.6%
Spring (South Central Coast)	14,609	14,609	14,904	2.0%
Summer (all areas)	57,660	125,815 ★	60,751 ♣	-51.7%
OR S. of Humbug/CA	7,860		7,860 (est.)	0.0%
TOTAL	1,310,000		1,224,336	-6.5%

★ 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 68,155 lb being added to the August all-depth.

♣ Estimate tentative as of October 15, 2003.

STATUS OF 2003 PACIFIC HALIBUT FISHERIES

Situation: The 2003 Pacific halibut fisheries in the Council management area are nearly over. After October 31, 2003, only the tribal Ceremonial and Subsistence fishery remains open.

The NMFS Report (Exhibit F.1.a) provides a preliminary report summarizing the harvest in the 2003 Pacific halibut fisheries in Area 2A to date.

Council Task:

1. Receive and discuss information.

Reference Materials:

1. Exhibit F.1.a, NMFS Report: Preliminary Report on the 2003 Pacific Halibut Fisheries in Area 2A.

Agenda Order:

- a. NMFS Report
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion

Yvonne de Reynier

PFMC
10/20/03

2003 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.). This fishery may also managed with closed areas designed to protect overfished groundfish species. Any such closed areas will be described annually in federal halibut regulations and published in the *Federal Register*. 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 amount of halibut allocated to the sablefish fishery will be shared as follows: up to 70,000 lb 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 Plan, Section (f)(1).

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 management objective for this subarea is to provide a quality recreational fishing opportunity during May and the latter part of June. 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. If May 1 falls on a Sunday or Monday, the fishery will open on the following Tuesday. 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.) 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 "C-shaped" yelloweye rockfish conservation area that is closed to recreational groundfish and halibut fishing is defined by the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long.;
48°18' N. lat.; 124°59' W. long.;
48°11' N. lat.; 124°59' W. long.;
48°11' N. lat.; 125°11' W. long.;
48°04' N. lat.; 125°11' W. long.;
48°04' N. lat.; 124°59' W. long.;
48°00' N. lat.; 124°59' W. long.;
48°00' N. lat.; 125°18' W. long.;
and connecting back to 48°18' N. lat.; 125°18' 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 Spring and in Summer in productive deeper water areas along the coast, principally for charterboat and larger private boat anglers, and provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers. Fixed season dates will be established preseason for the Spring and Summer openings and will not be modified inseason except that the Summer openings may be modified inseason if the combined Oregon all-depth quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring and Summer fisheries each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. ODFW will monitor landings and provide a post-season estimate of catch within 2 weeks of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season or the Summer season, openings will be provided if possible in May - July and August -October respectively. Potential additional open dates for both the Spring and Summer seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more additional days, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No all-depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. If pre-season catch and effort estimates determine catch rates and quotas allocated to the Oregon North Coast and South Coast subareas will result in Spring seasons of differing durations, quota may be shifted pre-season to ensure that the two subareas have the same number of fixed season days. Any poundage remaining unharvested in the Spring all-depth subquota will be added to the Summer all-depth sub-quota. Any poundage that is not needed to extend the inside 30-fathom fishery through to October 31 will be added to the Summer all-depth season if it can be used, and any poundage remaining unharvested from the Summer all-depth fishery will be added to the inside 30-fathom fishery subquotas. The daily bag limit for all seasons is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows.

- A. The first season opens on May 1, only in waters inside the 30-fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30-fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until October 31, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through October 31 will be transferred to the Summer all-depth fishery if it can be used. 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 Spring and Summer openings and will not be modified inseason except that the Summer openings may be modified inseason if the combined Oregon all-depth quotas are estimated to be achieved. Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring and Summer fishery each year. The number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. ODFW will monitor landings and provide a post-season estimate of catch within 2 weeks of the end of the fixed season. If sufficient quota remains for an additional day of fishing after the Spring season or the Summer season, openings will be provided if possible in May -

July and August -October respectively. Potential additional open dates for both the Spring and Summer seasons will be announced preseason. If a decision is made inseason to allow fishing on one or more additional days, notice of the opening will be announced on the NMFS hotline (206) 526-6667 or (800) 662-9825. No all-depth halibut fishing will be allowed on the additional dates unless the opening date has been announced on the NMFS hotline. If pre-season catch and effort estimates determine catch rates and quotas allocated to the Oregon North Coast and South Coast subareas will result in Spring seasons of differing durations, quota may be shifted pre- season to ensure that the two subareas have the same number of fixed season days. Any poundage remaining unharvested in the Spring all-depth subquota will be added to the Summer all-depth sub-quota. Any poundage that is not needed to extend the inside 30-fathom fishery through to October 31 will be added to the Summer all-depth season if it can be used, and any poundage remaining unharvested from the August all-depth fishery will be added to the inside 30-fathom fishery subquotas. The daily bag limit for all seasons is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length. ODFW will sponsor a public workshop shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for each season each year. The three seasons for this subarea are as follows.

A. The first season opens on May 1, only in waters inside the 30-fathom (55 m) curve, and continues daily until the combined subquotas for the north central and south central inside 30-fathom fisheries (7 percent of the north central subarea quota plus 20 percent of the south central subarea quota) are taken, or until October 31, whichever is earlier. Poundage that is estimated to be above the amount needed to keep this season open through October 31 will be transferred to the Summer all-depth fishery if it can be utilized. Any overage in the all-depth fisheries would not affect achievement of allocation set aside for the inside 30-fathom curve fishery.

B. The second season is an all-depth fishery that begins on the second Thursday in May and is allocated 80 percent of the subarea quota. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the subquota for this season. No inseason adjustments will be made, except that additional opening days (established preseason) may be allowed if any quota for this season remains unharvested. The fishery will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the season is for 5 or more fishing days.

C. The last season is a coastwide (Cape Falcon, OR to Humbug Mountain, OR) all-depth fishery that begins on the first Friday in August. Fixed season dates will be established preseason based on projected catch per day and number of days to achievement of the combined Oregon all-depth quotas for the Central and South Oregon Coast subareas. The fishery will be structured for 2 days per week (Friday

and Saturday). No inseason adjustments will be made (unless the combined Oregon all-depth quotas are estimated to be achieved), except that additional opening days may be allowed if quota remains unharvested. If quota remains unharvested, but is insufficient for one day of an all-depth fishery, that additional quota will be transferred to the fisheries inside the 30 fathom (55 m) curve.

(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 another Washington sport subarea.
 - (D) If any of the sport fishery subareas south of Leadbetter Point, WA are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.
- (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.
- (iii) Notice procedures.
 - (A) Inseason actions taken by NMFS will be published in the *Federal Register*.
 - (B) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 800-662-9825 (May through September) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishermen should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.
- (iv) Effective dates.
 - (A) Inseason actions will be effective on the date specified in the Federal Register notice or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.
 - (B) If time allows, NMFS will invite public comment prior to the effective date of

any inseason action filed with the *Federal Register*. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after of the action in the *Federal Register*.

(C) Inseason actions will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(v) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA.

(6) Sport fishery closure provisions.

The IPHC shall determine and announce closing dates to the public for any subarea in which a subquota is estimated to have been taken. When the IPHC has determined that a subquota has been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled by NMFS as an inseason action, or announced by the IPHC.

(g) PROCEDURES FOR IMPLEMENTATION

Each year, NMFS will publish a proposed rule with any regulatory modifications necessary to implement the Plan for the following year, with a request for public comments. The comment period will extend until after the IPHC annual meeting, so that the public will have the opportunity to consider the final Area 2A TAC before submitting comments. After the Area 2A TAC is known, and after NMFS reviews public comments, NMFS will implement final rules governing the sport fisheries. The final ratio of halibut to chinook to be allowed as incidental catch in the salmon troll fishery will be published with the annual salmon management measures.

Sources: 68 FR 10989 (March 7, 2003)
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)

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 Del Mar, California, November 3-7, 2003. Comments on the proposals can be sent or emailed to the Council office, and comments will also be taken at the November Council meeting.

The following proposals affect Oregon and Washington sport fisheries:

Remove the requirement to “sponsor a public workshop shortly after the International Pacific Halibut Commission annual meeting” to develop the season structure for the Puget Sound recreational fishery. Washington Department of Fish and Wildlife (WDFW) already has an annual public process to review all sportfishing rules and consider regulatory changes at the end of every calendar year. The season structure for the Puget Sound fishery is not expected to change in the next few years, so another meeting is probably unnecessary.

Change the opening date of the Washington north coast subarea fishery from May 1 to May 15. This would increase the likelihood of favorable weather and of the fishery lasting through Memorial Day.

Change the opening date of the Washington north coast area June fishery from the third Wednesday in June to “during the third week of June.” This would allow flexibility in setting an opening date that accounts for variation in tides.

Add a statement to the Washington north coast, Washington south coast, and Columbia River subareas that, subsequent to a closure prior to September 30, if there is insufficient quota remaining to reopen that given subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by National Marine Fisheries Service (NMFS) via an update to the recreational halibut hotline. Allowing the transfer of remaining quota from a closed subarea provides more opportunity for anglers to achieve the overall recreational quota without impacting the closed subarea.

For the Washington south coast subarea, have an automatic switch from a five-day/week fishery to a seven-day/week fishery beginning on the opening day of the coastal recreational salmon season. The salmon season in the south coast area generally opens around the beginning of July for five-days/week (closed Fridays and Saturdays). Once the salmon season is open, most charter operations choose to target salmon, rather than halibut, during the weekdays. This change would allow anglers to take halibut trips when the salmon fishery is closed, which would help the subarea to achieve its halibut quota. The opening day of the salmon season is set at the Council's April meeting. The seven-day/week fishery would be announced on the NMFS halibut hotline.

Open the spring Cape Falcon to Humbug Mt. all-depth recreational fishery Thursday through Saturday beginning the second Thursday in May, based on dates set preseason. Allow any remaining quota to be used by opening every other Friday and Saturday, but allow some weeks to be closed to avoid adverse tidal conditions.

Open the all-depth recreational fishery between Cape Falcon and Humbug Mt. summer fishery on every other Friday and Saturday beginning with the first Friday in August, but allow some weeks to be closed to avoid adverse tidal conditions. Unused quota could be transferred to the nearshore fishery. These last two proposals are intended to add potential open days to the fishery. During both 2002 and 2003, insufficient “back-up” dates were established preseason and quota was left unharvested. These proposals would help avoid that situation in the future.

Change the depth restriction in the Cape Falcon to Humbug Mt. nearshore recreational fishery from 30 fathoms to 40 fathoms during June through September 2004 for consistency with the 2004 recreational groundfish fishery regulations.

Prohibit possession of Pacific halibut taken in the Cape Falcon to Humbug Mt. nearshore recreational fishery in other areas to ease enforcement of closed areas.

Extend the closing date for the South of Humbug Mt. recreational fishery to October 31 for consistency with other Oregon halibut fisheries south of Cape Falcon.

For additional information on the proposals, contact Ms. Michele Robinson (WDFW) for Washington proposals (robinmkr@dfw.wa.gov or 360-249-4628); Mr. Don Bodenmiller (ODFW) for Oregon proposals (Don.Bodenmiller@state.or.us or 541-867-0300); or Mr. Chuck Tracy at the Council office (Chuck.Tracy@noaa.gov or 503-820-2280).

PROPOSED CHANGES TO THE CATCH SHARING PLAN
AND ANNUAL REGULATIONS

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. Attachment 1 is a copy of the 2003 Catch Sharing Plan.

For the 2004 season, the Council is considering minor changes to the management of the recreational fisheries in Washington and Oregon. 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 2003 Council meeting. The Council solicited public input on the changes in the Council Newsletter article released October 2003 (Attachment 2).

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.

Council Action:

- 1. Within the scope of the September proposals (Attachment 2) and public input; adopt Council recommendations for implementation of proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan for 2004.**

Reference Materials:

1. Exhibit F.2, Attachment 1: *2003 Pacific Halibut Catch Sharing Plan for Area 2A.*
2. Exhibit F.2, Attachment 2: *Council Newsletter Article on Proposed Changes to the Area 2A Pacific Halibut Catch Sharing Plan.*
3. Exhibit F.2.e, Public comment.

Agenda Order:

- a. Agendum Overview
- b. State Proposals
- c. Tribal Comments
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. **Council Action:** Adopt Proposed Regulation Changes for 2004

Chuck Tracy
WDFW/ODFW
Jim Harp

PFMC
10/20/03



Exhibit F.2.e
Public Comment
November 2003

500 East Division Street • Forks, Washington 98331-8618

(360) 374-5412 • Fax: (360) 374-9430 • Web: www.forkswashington.org

October 2, 2003

Mr. Don Hansen, Chairman
Pacific Fishery Management Council
7700 N.E. Ambassador Place, Suite 200
Portland, OR 97220-1384

RECEIVED
OCT 10 2003
PFMC

RE: WDF&W report on proposed changes to the 2004 Pacific Halibut Catch Sharing Plan.

Dear Mr. Hansen:

We are writing on behalf of the City of Forks, Washington, a municipal corporation with a population of 3,125 citizens. We are writing to support the proposed changes to the Pacific Halibut Catch Sharing Plan, that are included in the WDF&W report on this subject, that was approved for public comment by the council on September 11, 2003.

Our community has been struggling with a declining economy for the past fifteen years. We have been actively pursuing methods to improve all aspects of local commerce, including recreational fishing impacts.

As stated in the WDF&W report, 2. Rational: "By moving the opening day to May 15, it would increase the likelihood that the fishery could last through the end of May." We feel that this is a very important goal, as a strong Memorial Day weekend serves as a sound platform for a successful summer tourism season.

Also of importance are the weather trends mentioned in the Rationale. These better weather trends offer greater opportunity to fish, for a much broader range of boat sizes, with safer weather conditions.

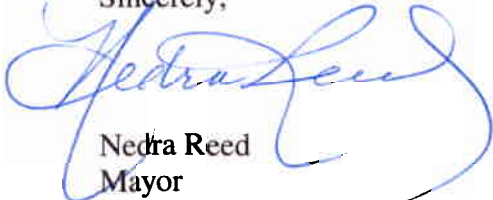
The City of Forks has sponsored numerous local halibut issue meetings over the past few years. The current May 1st opening date has been one of the highest concerns at all of these meetings. Attached is a petition of support for the proposed changes that was circulated at our most recent meeting on October 1, 2003.

Again we would like to draw your attention to the three main reasons for the May 15th opening day and how they address goals set out in the Magnuson-Stevens Act. Those issues are safety, opportunity and economy.

In closing the City of Forks would like to respectfully recommend that the council adopt the changes to the 2004 Pacific Halibut Catch Sharing Plan as proposed by the Washington Department of Fish and Wildlife. These changes would greatly benefit the Washington North Coast communities.

We appreciate the opportunity to comment. If you any questions about these important matters, please contact us at (360) 374-5412 ext 240.

Sincerely,



Nedra Reed
Mayor
City of Forks



R. Daniel Leinan
Clerk-Treasurer
City of Forks

Cc: US Senator Patty Murray
US Senator Maria Cantwell
US Representative Norm Dicks
Washington State Senator Jim Hargrove
Washington State Representative Lynn Kessler
Washington State Representative Jim Buck
WDF&W Director Jeff Koenings
Fish and Wildlife Commission

I support all of the proposed changes to the Pacific Halibut Catch Sharing Plan for area 2A as included in the “Washington Department of Fish and Wildlife report on proposed changes to the 2004 Pacific Halibut catch sharing plan”.

NAME	ADDRESS	SIGNATURE
Elden D. Klein	1090 Dogway Forks wa 98331	Elden D. Klein
Ronny Loto	P.O. Box 184 Forks WA	Ronny Loto
Don Nordstrom	1172 Whitcomb Dimmel Rd	Don Nordstrom
WAYNE V HAAG	131 BUNKER RD	Wayne V Haag
Roland G. Lewis	PO Box 237 Forks WA 98331	Roland G. Lewis
Nedra Reed	371 Flown Place Forks	Nedra Reed
Jamie Leiman	PO Box 656 Forks	Jamie Leiman
Phil Reed	371 Flown Place	Phil Reed
DON Grafstrom	884 Bear Creek Rd, Port Angeles, 98363	DON Grafstrom
Lloyd A. Johnston	P.O. Box 206 Beaver, WA 98305	Lloyd A. Johnston
Michael J. Rogers	1631 Ozette St. Forks wa 98331	Michael J. Rogers
Dan Leiman	P.O. Box 656, Forks, wa. 98331	Dan Leiman

Subject: Changes Proposed to Area 2A Pacific Halibut Plan

Date: Thu, 16 Oct 2003 11:31:26 -0700

From: "GAZ" <zumachg@tscnet.com>

To: <Chuck.Tracy@noaa.gov>

Hello Mr. Tracey,

I'm a halibut sport fisherman living in Sequim Washington and I fish the straits around Pt. Angeles and Sequim for halibut.

I'm very concerned about the proposal by WDFW to remove the requirement to "sponser a public workshop shortly after the IPHC annual meeting" as adopted at your September meeting.

WDFW states that seeing as how they already have annual public meetings for all sportfishing, none is needed for halibut. What they don't say is that these meetings have been restricted to lake and stream fishing, not halibut issues. Also, I believe these meetings take place before the IPHC meetings so how can IPHC issues be considered?

WDFW states they have a plan in place and have no intention of changing it for several years so why have meetings?

This plan has obvious flaws. For instance, in 2002, the sport quota for inside waters was 57,393 lbs. The estimated take was 39,915 lbs. 30.5% BELOW quota!

As far as I know, results for 2003 have not been published but I guess it will be worse as the 2003 quota was raised by 10%.

Common sense says when your plan is this far off track, there is a problem and yet WDFW wants to cut the public out of the process completely!

To sum up, I would ask IHPC to review the WFDF plan as to its effectiveness and to direct WDFW to involve the public as to ways to improve sport catch.

A few ideas may be longer and/or earlier seasons, 7 day per week fishery, and lifting of barbless hook restrictions.

Thank You

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360-681-2457



QUILEUTE TRIBAL COUNCIL

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PFMC



October 13, 2003

Mr. Don Hansen, Chairman
Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220 -- 1384

re: W. D. F. and W. Report on Proposed Changes to the 2004 Pacific Halibut Catch Sharing Plan.

Dear Mr. Hansen,

The Quileute Tribe at LaPush, Washington is writing in support of the letter you have received from the City of Forks and the Forks Chamber of Commerce in support of the proposed changes to the Pacific Halibut Catch Sharing Plan that was approved for public comment on September 11, 2003.

Like Forks, our community has been struggling financially for many years. Having the only major recreational harbor for many miles, recreational fishing is extremely important to us as well.

We enthusiastically support moving the opening-day to May 15th with the likelihood that the fishery could last through the end of May and serve as an added incentive for a strong Memorial Day weekend.

Ours is a small boat harbor. It serves the needs of the recreational fleet quite well. Unfortunately, the weather in the early part of May frequently does not share our sympathies with the small boat fishermen. In our considered opinion, the three controlling goals in the Magnuson-Stevens Act being safety, opportunity and economy are all furthered by this date change. We respectfully endorse it.

We also appreciate the opportunity to comment on an interest of strong economic concern to our tribe. Should you have any further questions, please don't hesitate to contact us.

Most Sincerely,

Russell Woodruff, Chairman

cc: City of Forks,
Forks Chamber Of Commerce.