

PROPOSED CHANGES TO THE CATCH SHARING PLAN
AND ANNUAL REGULATIONS

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 2004 Catch Sharing Plan.

For the 2005 season, the Council is considering 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 2004 Council meeting. The Council solicited public input on the changes on its website and in the Council Newsletter article released October 2004 (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:

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 2005.

Reference Materials:

1. Agenda Item C.1.a, Attachment 1: *2004 Pacific Halibut Catch Sharing Plan for Area 2A.*
2. Agenda Item C.1.a, Attachment 2: *Council Newsletter Article on Proposed Changes to the Area 2A Pacific Halibut Catch Sharing Plan.*
3. Agenda Item C.1.e, Public comment.

Agenda Order:

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|--|-------------|
| a. Agenda Item Overview | Chuck Tracy |
| b. State Proposals | WDFW/ODFW |
| c. Tribal Comments | Jim Harp |
| d. Reports and Comments of Advisory Bodies | |
| e. Public Comment | |
| f. Council Action: Adopt Proposed Regulatory Changes for Implementation in 2005 | |

PFMC
10/19/04

2004 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 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. The fishery will then reopen during the third 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" W. long. 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 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 in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. The Washington proportion as set preseason would be transferred to another Washington subarea, and the Oregon proportion as set preseason would be transferred to another Oregon subarea. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46'00" N. lat.) to 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 opening and will not be modified inseason except that the Spring opening 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 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 quota. ODFW will monitor landings and provide a post-season estimate of catch within 1 week of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season, openings will be provided if possible in May - July. Potential 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. 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 40-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-fathom fishery subquota. 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-fathom (73 m) curve, and continues daily until the subquota (8 percent of the subarea quota) 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-fathom curve fishery.

B. The second season is an all-depth fishery with two potential openings. The first opening begins on the second Thursday in May (if the season is 5 or more fishing days) or the second Friday in May (if the season is 4 or fewer fishing days) and is allocated 69 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 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 the combined Oregon all-depth Spring and Summer season total subquotas are estimated to be achieved.

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured 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. Any remaining quota will be transferred to the fishery inside the 40-fathom (73 m) curve.

(vi) 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 October 31. 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 206-526-6667 or 800-662-9825 (May through October) 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: 69 FR ##### (March #, 2004)
 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 Portland, Oregon, November 1-5, 2004. Comments 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:

1. Change the opening date of the Washington north coast subarea from the first Tuesday between May 9-15 to May 1 of each year. If May 1 falls on a Sunday or Monday, then the fishery would open on the first Tuesday after May 1. This proposal would reinstate the traditional May 1 opening date.
2. Close the Washington south coast subarea fishery when 2,000 pounds are projected to remain in the subarea quota. Subsequent to this closure, the nearshore area (northern [east of 124°40'00"] and southern [east of 124°27'00"] subareas) would reopen on Friday and Saturday only, until the remaining quota is projected to be taken. This proposal would reinstate some nearshore opportunity that could be used by small vessels.
3. Set an annual bag limit of five halibut per person, per calendar year for the combined Washington north coast and south coast subareas. The Washington Department of Fish and Wildlife (WDFW) would require its catch record card (currently required in Puget Sound) to apply to the coastal marine areas for halibut as well. Recreational fishers would be required to record their catches on the catch record card, which can be inspected by enforcement staff during the season and is turned in to WDFW at the end of the season.
4. In addition to the annual limit of five halibut per person, per calendar year for the combined Washington north coast and south coast subareas, include a weekly limit of two halibut per person, per calendar week. Proposals 3 and 4 are intended to provide opportunity to more individuals and lengthen the season.
5. For the Oregon Cape Falcon to Humbug Mt. all depth recreational spring fishery (May through July), add Thursdays to all openings.
6. For the Oregon Cape Falcon to Humbug Mt. all depth recreational summer fishery (August to October) add Sundays to all openings.

Proposals 5 and 6 would add a third day to scheduled openers to lessen the likelihood that poor weather and ocean conditions would prevent fishing opportunity during scheduled open periods.

7. For the Oregon Cape Falcon to Humbug Mt. all depth recreational summer fishery, increase the daily bag limit to two halibut with a 32-inch minimum length. The summer fishery quota has not been harvested recently, and a second fish in the bag limit may generate additional interest in the fishery.
8. For the Oregon Cape Falcon to Humbug Mt. all depth recreational summer fishery, fishery openings will be scheduled to provide more angler opportunity to harvest the entire season subarea quota.
 - (A) If a two fish bag limit is not adopted: (1) if after the first scheduled open period of the summer fishery (the first period starts the first Friday in August), the remaining Cape Falcon to Humbug Mt. season quota (combined all-depth and inside 40-fathom quotas) is 60,000 pounds or more, the fishery automatically reopens on every Friday through Sunday (versus every other weekend); and (2) if after the third scheduled open period of the summer fishery (the third period starts Friday of Labor Day weekend) the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40 fathom quotas) is 30,000 pounds or more, the fishery will reopen on every Friday through Sunday with a bag limit of two fish at least 32 inches in length. Any excess quota projected to remain after the needs of the inside 40 fathom fishery (scheduled May through October) are met would be transferred into the remaining all-depth quota.
 - (B) If a two fish bag limit is adopted: if after the third scheduled open period of the summer fishery (the third period starts Friday of Labor Day weekend) the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40 fathom quotas) is 30,000 pounds or more, the fishery will reopen on every Friday through Sunday. Any excess quota projected to remain after the needs of the inside 40 fathom fishery (scheduled May through October) are met would be transferred into the remaining all-depth quota.
9. Adopt a “yelloweye rockfish conservation” closure area located on Stonewall Banks. The designated area would be closed to halibut fishing on all-depth halibut days to reduce impacts on species of concern, especially yelloweye and canary rockfishes, while allowing access to productive halibut areas around Stonewall Banks. No groundfish retention would be allowed on halibut trips. The closed areas would be identified by latitude/longitude waypoints.
10. For the Leadbetter Point, Washington to Cape Falcon, Oregon subarea recreational fishery, split the subarea quota at the Washington/Oregon border, with halibut landed in each state’s ports attributed to its share of the quota. The allocation to the Oregon ports quota would increase from 2% to 4% of the total Oregon/California recreational allocation. This would reduce the quota in the Central Oregon subarea from 95% to 93%. There would be no change in the Washington allocation to its ports quota. When a state’s share of the subarea quota was attained, halibut landings into that state’s ports would be prohibited. The purpose of the proposal is to provide additional opportunity to Oregon anglers in the Columbia River subarea.

11. For all subareas south of Leadbetter Point, Washington, eliminate the minimum length requirement. This would reduce the length of time required to catch the daily limit and allow anglers a quicker return to port, which would improve safety of the fishery. It may also reduce mortality on species of concern, especially canary and yelloweye rockfishes.
12. For all-depth fisheries south of Leadbetter Point, Washington, prohibit retention of groundfish. This would help reduce incidental take on prohibited species such as canary and yelloweye rockfishes.

For additional information on the proposals, contact Ms. Michele Culver (WDFW) for Washington proposals (culvemkc@dfw.wa.gov or 360-249-4628); Mr. Don Bodenmiller (ODFW) for Oregon proposals (Don.Bodenmiller@state.or.us or 541-867-0300) x223; or Chuck Tracy at the Council office (Chuck.Tracy@noaa.gov or 503-820-2280).

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

Prepared by
National Marine Fisheries Service

November 2004

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1.0 PURPOSE AND NEED FOR ACTION

1.1 How this document is organized

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

- Section 1 provides the “Purpose and Need” for the Pacific Fishery Management Council’s (Council’s) action and is intended to provide the public with an explanation of why the Council and NMFS are considering revisions to the Plan.
- Section 2 describes the alternatives that the Council and NMFS are considering for revising the Plan.
- Section 3 describes the physical, biological, and socio-economic environment of Pacific halibut and of West Coast halibut fisheries that could be affected by revisions to the Plan.
- Section 4 is an analysis of the potential effects of the alternatives considered on the human environment.
- Section 5 addresses the consistency of the proposed Plan revisions with laws other than the National Environmental Policy Act.
- Section 6 contains the RIR/IRFA.
- Section 7 provides a bibliographic reference for this document and lists the document’s preparers.
- Appendix A is a memorandum determining certain proposed revisions to the Plan to be eligible for a categorical exclusion from the requirement to prepare an EA or an Environmental Impact Statement (EIS).
- Appendix B provides, with strikeouts and insertion indicating where proposed changes would be made for 2005.
- Appendix C is a report on the 2004 Pacific halibut fisheries in Area 2A

1.2 Purpose and Need

The Northern Pacific Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Halibut Convention between the United States and Canada and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the regional fishery management council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). Accordingly, catch sharing plans to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A (off Washington, Oregon, and California) have been developed each year since 1988 by the Council in accordance with the Halibut Act. In 1995, NMFS implemented a Council-recommended long-term Catch Sharing Plan (Plan) [60 FR 14651, March 20, 1995]. In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries.

Each year, the states of Washington and Oregon and the halibut treaty tribes meet with their fishery participants to review halibut management under the Plan. If either the states or the tribes wish to propose changes to the Plan, their representatives bring those proposed changes to the Council at its September meeting. This year, the tribes determined that they had no recommendations for changing the Plan. Both Washington and Oregon, however, brought constituent proposals to the September Council

meeting. Following the September Council meeting, the states reviewed those proposals with the public in state-sponsored meetings. The Council will further consider state proposals at its November 1-5, 2004 meeting in Portland, OR and whether to forward those proposals as recommended revisions to the Plan.

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

- Determine whether there are revisions to the Plan that would ensure that halibut fishery management measures for sport fisheries off Oregon better account for the conservation needs of overfished groundfish stocks.
- Allow Oregon's Central Coast anglers easier access to the annual halibut quota for that sub-area.

Additional actions considered by the Council but eligible for a categorical exclusion from the requirement to prepare an EA or EIS are discussed in Appendix A.

1.3 Public Participation

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

Prior to the September Council meeting, the State of Oregon held a public hearing on halibut management issues on August 30, 2004. The State of Washington met with its halibut fisheries constituents on August 26, 2004. None of the halibut tribes expressed a desire to recommend Plan revisions to the Council, thus no inter-tribal consultations were held to discuss changes to the Plan. Following those constituent meetings, the states and tribes reported to the Council at its September 13-17, 2004 meeting in San Diego, CA on their proposed Plan revisions for 2005. Once proposed Plan revisions were aired by the states and considered by the public and the Council at the Council's September meeting, the Council sent those proposals back to the states for additional public review and to NMFS for analysis.

Oregon met again with its halibut constituents on October 19, 25 and 26, 2004 so that the public could have an additional chance to review its proposals for changes to the sections of the CSP affecting Oregon fisheries. Washington had similar meetings for its sport fishing constituents on October 6 and 13, 2004. At its November 1-5, 2004, meeting, the Council will consider state-proposed revisions to the Plan and any public comments made on those proposals. The public will have an additional opportunity to review and comment on proposed changes to the Plan when NMFS publishes those proposals for review in the Federal Register prior

National Environmental Policy Act (NEPA) Documents Related to this Action

EIS for the 2005-2006 Pacific Groundfish Fishery Harvest Specifications and Management Measures – Final, October 2004 . This EIS analyzes the 2005-2006 specifications and management measures for over 80 Pacific coast groundfish species. Some management measures proposed for protection of overfished groundfish species apply to Pacific halibut fisheries.

Memorandum Determining a Categorical Exclusion Under NEPA and NOAA NEPA Implementing Regulations for Certain Proposed Revisions to the Plan, December ##, 2004 – details to be added when complete

to the IPHC's annual meeting in January 2005.

2.0 ALTERNATIVES, INCLUDING THE PROPOSED ACTION

As discussed above in Section 1.3, the states of Oregon and Washington managed the process for developing proposed revisions to the Plan in 2005, with the Council forwarding state proposals for public review at its September 2003 meeting. Of the proposed revisions forwarded for public review, NMFS determined that the following proposals qualified for a categorical exclusion from NEPA analysis via an EA or an EIS:

1. Language in the CSP's section on Sport Fisheries (Section (f),) related to the sport fisheries off the coast of Washington is amended to: change the opening date of the North Coast subarea from the first Tuesday between May 9-15 to May 1 of each year; close the South Coast subarea to fishing in the offshore area when 2,000 lb are projected to remain in the quota and retain that quota for a nearshore fishery; for the North Coast and South Coast subareas, **set an annual bag limit of five halibut per person, with an additional weekly limit of two halibut per person, per calendar year.**
2. Language in the CSP's section on Sport Fisheries (Section (f),) related to the sport fisheries off the coast of Oregon is amended to: add Thursdays to the Friday-Saturday pre-set open dates for the Central Coast Spring fishery; add Sundays to the Friday-Saturday open dates for the Central Coast Summer fishery; allow the Central Coast Summer fishery to be opened for additional dates if ##,000 lb remains in the quota after the ## scheduled Summer fishery opening; split the Columbia River subarea at the Oregon/Washington border (46°16.00' N. lat.) and increase the allocation to the Oregon portion of the Columbia River subarea from 0.18% to 0.35% of the Area 2A TAC.

In addition to the proposed revisions excluded from further analysis, the Council discussed revisions to the Plan that would set a Yelloweye Rockfish Conservation Area off the Oregon coast, prohibit groundfish retention in the all-depth halibut fishery, and eliminate the minimum length requirement for Oregon sport fisheries. These issues are the focus of this EA.

2.1 Issue 1 – Overfished Groundfish Species Protection in Oregon's Central Coast Sport Fisheries

Alternative 1 – No Action/Status Quo, the current management regime (hereafter referred to as the "No Action," or "Status Quo" alternative)

Under the no action alternative, the Plan keeps the Central Coast all-depth halibut fishery offshore of a boundary line approximating the 40 fm depth contour. This closed area is intended in part to provide some protection for nearshore rockfish from incidental catch within the sport halibut fisheries. Participants in the Central Coast halibut fisheries are also required to comply with all groundfish sport fishing regulations, including bag limits and species prohibitions.

Alternative 2 – Adopt a Yelloweye Rockfish Conservation Area (YRCA) on Stonewall Bank.

Pacific halibut sport fishing off the central Oregon coast is currently restricted to waters deeper than a boundary line approximating the 40-fm depth contour. This alternative would add another area restriction, a YRCA within which sport fishing for halibut would be prohibited. This closed area would

be primarily intended to protect yelloweye rockfish, although it could be expected to also provide some protection from incidental catch for other groundfish species found on Stonewall Bank.

Alternative 3 – Prohibit all groundfish retention during the Central Coast all-depth sport halibut fisheries.

Groundfish retention is currently only permitted in the all-depth halibut fisheries in May and October, within the bag limits and prohibitions established under recreational groundfish regulations. Groundfish retention offshore of 40 fm, where the all-depth halibut fishery operates, is prohibited June-September.

This alternative would prohibit all groundfish retention during the May-October all-depth halibut fisheries occurring within Oregon's Central Coast sub-area.

Alternative 4 – Adopt a YRCA on Stonewall Bank and prohibit groundfish retention during the Central Coast all-depth sport fisheries for halibut.

This alternative would combine Alternatives 2 and 3 to require both the adoption of a new YRCA on Stonewall Bank and a prohibition of groundfish retention during the May-October Central Coast all-depth sport fisheries for halibut. These requirements would be specific to the all-depth halibut fisheries and would not affect other sport fisheries off the Oregon coast.

2.2 Issue 2 – Eliminate or Retain Minimum Length Requirement in Oregon's Sport Fisheries for Halibut

Alternative 1 - No Action/Status Quo. Maintain the minimum length requirement of 32 inches (81 cm) for the sport fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas.

Alternative 2 - No Minimum Length Requirement. Under this alternative and similar to the sport halibut fisheries off Washington, there would be no minimum length requirement for the Oregon sport halibut fisheries.

2.3 Alternatives Eliminated from Detailed Study

In addition to addressing the issues listed above in Section 2.2 and those eligible for categorical exclusion from further NEPA analysis, the states of Oregon and Washington also requested that the Council forward the following issues for public review following the Council's September meeting:

Here, discuss any issues that either of the States wanted to send out for public review in September, but declined to recommend for 2005 implementation at the November meeting. ##

3.0 AFFECTED ENVIRONMENT - THE AREA 2A HALIBUT FISHERIES

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

The Area 2A halibut fisheries occur in marine waters off Washington, Oregon and California (Figure 3.1). The biology, fishery and overall management of Pacific halibut is described in IPHC (1998). A detailed description of the Area 2A fisheries as influenced by past Catch Sharing Plans is presented in the 1994 EA/RIR on the Catch Sharing Plan (NMFS 1995). The Area 2A fisheries also have been described by IPHC in Trumble et al. (1991) and Hoag et al. (1983 and 1993). Additional information on recent harvests and the status of the stocks in Area 2A can be found in the stock assessment documents prepared by IPHC staff in preparation for each annual meeting and in IPHC Annual Reports (available from IPHC).

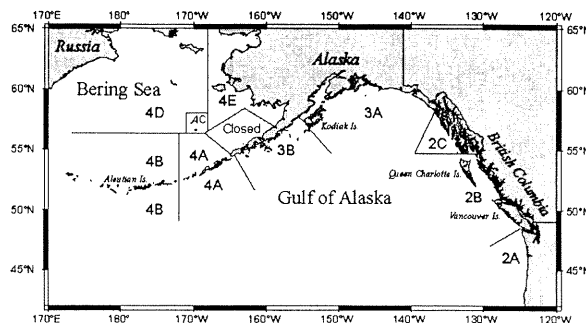


Figure 3.1 IPHC regulatory areas. Source: IPHC

3.1 Physical Environment

California Current System. In the North Pacific Ocean, the large, clockwise-moving North Pacific Gyre circulates cold, sub-arctic surface water eastward across the North Pacific, splitting at the North American continent into the northward-moving Alaska Current and the southward-moving California Current (Figure 3.2). Along the U.S. West Coast, the surface California Current flows southward through the U.S. West Coast EEZ, management Area 2A for Pacific halibut. The California Current is known as an eastern boundary current, meaning that it draws ocean water along the eastern edge of an oceanic current gyre.

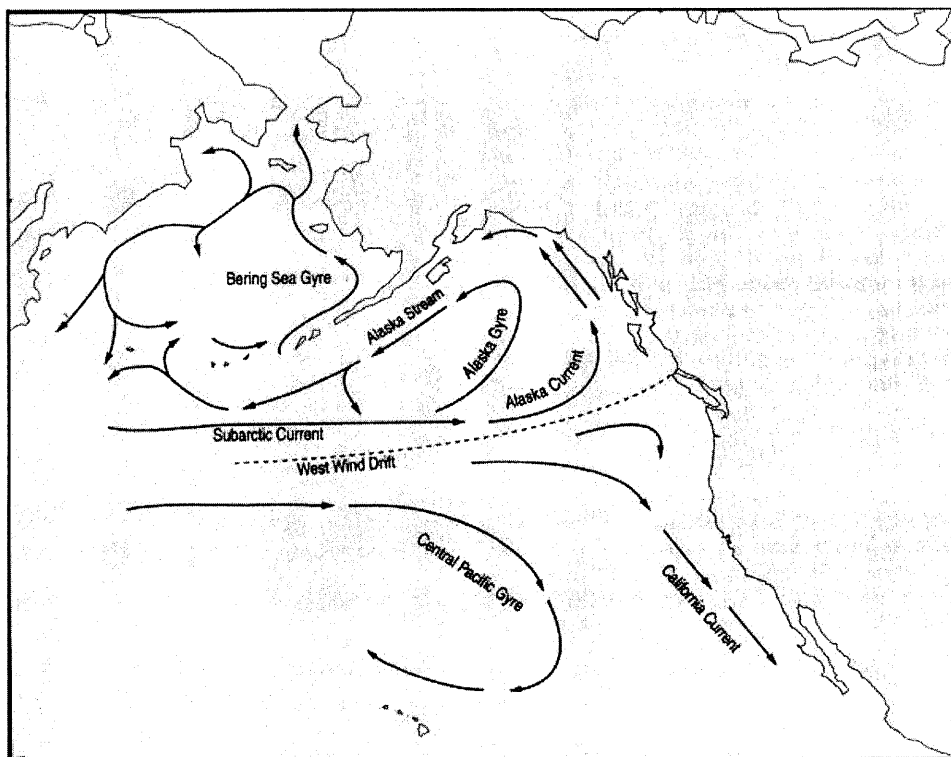


Figure 3.2 General circulation and major current systems of the North Pacific Ocean. Source: NMFS

Along the continental margin and beneath the California Current flows the northward-moving California Undercurrent. Influenced by the California Current system and coastal winds, waters off the U.S. West Coast are subject to major nutrient upwelling, particularly off Cape Mendocino (Bakun, 1996). Shoreline topographic features such as Cape Blanco, Point Conception and bathymetric features such as banks, canyons, and other submerged features, often create large-scale current patterns like eddies, jets, and squirts. Currents off Cape Blanco, for example, are known for a current “jet” that drives surface water offshore to be replaced by upwelling sub-surface water (Barth, et al, 2000). One of the better-

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

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

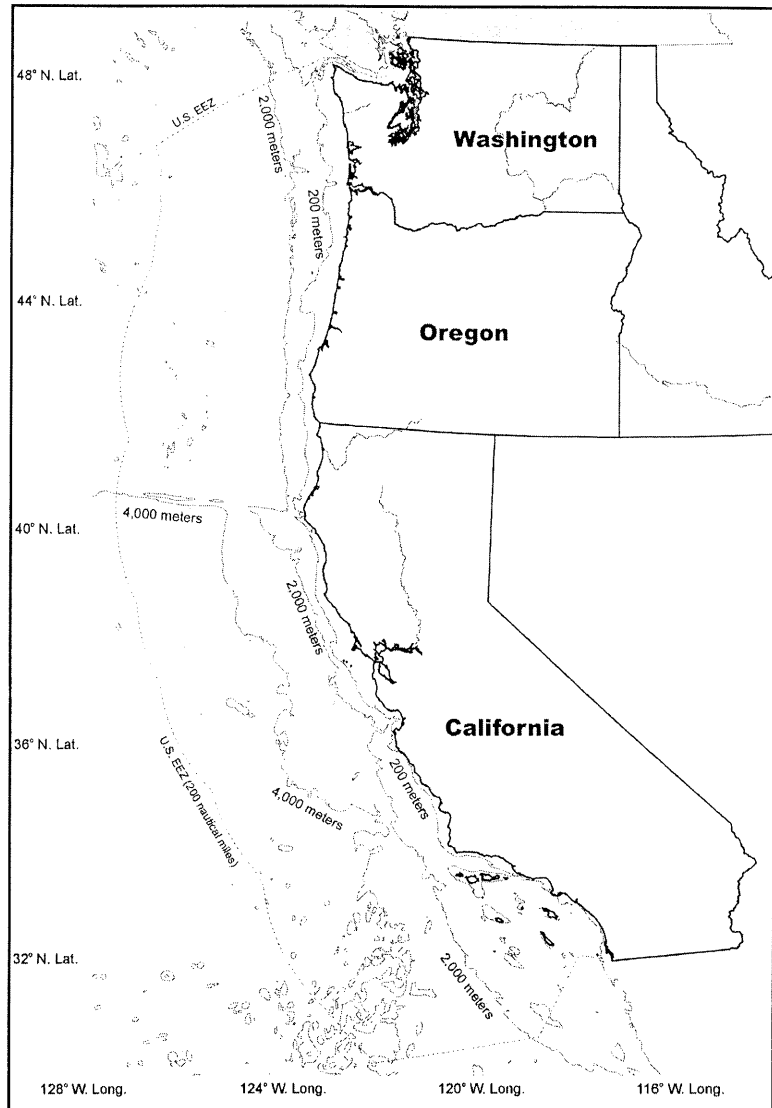


Figure 3.3 Bathymetric map of the US West Coast EEZ; 200 m, 2,000 m, and 4,000 m contours shown.

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

Periods of warmer or cooler ocean conditions and the event of shifting from warm to cool or vice versa

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

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

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

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

within 20 meters (11 fathoms) overlying the substrates of the continental slope and basin below the shelf break (~200 meters or 109 fathoms) and extending to the westward boundary of the EEZ.

6. Neritic Zone - Those waters and biological communities living in the water column more than ten meters (5.5 fathoms) above the continental shelf.

7. Oceanic Zone - Those waters and biological communities living in the water column more than 20 meters (11 fathoms) above the continental slope and abyssal plain, extending to the westward boundary of the EEZ.

3.2 Biological Environment

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

Pacific Halibut

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

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

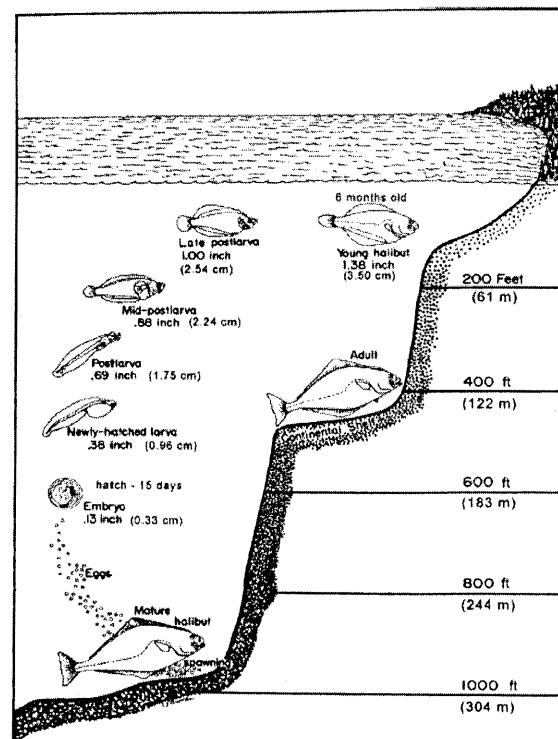


Figure 3.4 Life cycle of Pacific halibut. Source: IPHC

years for females. The average age of Pacific halibut in the commercial fishery in Area 2A was 9.6 in 1996 (IPHC 1998.)

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

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

Other Affected Species

Sablefish

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

Sablefish (*Anoplopoma fimbria*) are abundant in the north Pacific, from Honshu Island, Japan, north to the Bering Sea, and southeast to Cedros Island, Baja California. There are at least three genetically distinct populations off the West Coast of North America: one south of Monterey characterized by slower growth rates and smaller average size, one that ranges from Monterey to the U.S./Canada border that is characterized by moderate growth rates and size, and one ranging off British Columbia and Alaska characterized by fast growth rates and large size. Large adults are uncommon south of Point Conception (Hart 1973, Love 1991, McFarlane & Beamish 1983a, McFarlane & Beamish 1983b, NOAA 1990). Adults are found as deep as 1,900 m, but are most abundant between 200 and 1,000 m (Beamish & McFarlane 1988, Kendall & Matarese 1987, Mason et al. 1983). Off southern California, sablefish were abundant to depths of 1,500 m (MBC 1987). Adults and large juveniles commonly occur over sand and mud (McFarlane & Beamish 1983a, NOAA 1990) in deep marine waters. They were also reported on hard-packed mud and clay bottoms in the vicinity of submarine canyons (MBC 1987).

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

Sablefish larvae prey on copepods and copepod nauplii. Pelagic juveniles feed on small fishes and cephalopods, mainly squids (Hart 1973, Mason et al. 1983). Demersal juveniles eat small demersal fishes, amphipods and krill (NOAA 1990). Adult sablefish feed on fishes like rockfishes and octopus

(Hart 1973, McFarlane & Beamish 1983a). Larvae and pelagic juvenile sablefish are heavily preyed upon by sea birds and pelagic fishes. Juveniles are eaten by Pacific cod, Pacific halibut, lingcod, spiny dogfish, and marine mammals, such as Orca whales (Cailliet et al. 1988, Hart 1973, Love 1991, Mason et al. 1983, NOAA 1990). Sablefish compete with many other co-occurring species for food, mainly Pacific cod and spiny dogfish (Allen 1982).

Salmon

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

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

In recent years, many naturally spawning salmonid populations have declined as a result of reduced freshwater productivity from drought conditions; habitat loss and degradation; inadequate riverine passage and flows because of hydropower, agriculture, logging, and other developments; overfishing; increased predation and competition with hatchery fish; declines in freshwater productivity related to drought; and declines in marine productivity related to climate conditions. While naturally spawning salmon comprise a minority of the harvest, these declines have necessitated reduced harvests throughout the Council management area. Chinook or king salmon (*Oncorhynchus tshawytscha*) and coho or silver salmon (*O. kisutch*) are the main species caught in Council-managed ocean salmon fisheries. In odd-numbered years, catches of pink salmon (*O. gorbuscha*) can also be significant, primarily off Washington and Oregon. Chum and sockeye are rarely caught in Council management areas, although these stocks pass through Pacific Coast waters off Washington on their way to inshore areas where they support major fisheries. Chinook and coho caught in Council fisheries originate from rivers ranging from the United States/Canada border to the south near Point Conception, California, with rare occurrences as far south as Los Angeles. California usually records the largest chinook landings for both commercial and recreational fisheries, although in 2001, Oregon recorded chinook landings greater than those of California. Coho are a prohibited species in California fisheries, and Washington usually records the greatest coho landings for both recreational and commercial fisheries (PFMC, 2002a).

Off the North Washington coast, two of the Council's salmon management groups may be found in the same waters as Pacific halibut, Washington coastal salmon runs and Puget Sound salmon runs. Washington coastal salmon runs consist of all fall, summer, and spring stocks from coastal streams north

of the Columbia River through the western Strait of Juan de Fuca. Puget Sound salmon runs consist of all fall, summer, and spring stocks originating from U.S. tributaries to Puget Sound and the eastern Strait of Juan de Fuca. These two management groups include both natural and hatchery stocks. And, salmon originating from both Washington coastal and Puget Sound streams tend to contribute primarily to British Columbia and Southeast Alaska salmon fisheries, with only minor effects on the stocks from U.S. West Coast salmon fisheries. (PFMC, 2000)

Yelloweye Rockfish

The Pacific halibut fishery commonly intercepts rockfish, as they are found in similar habitat to Pacific halibut and are easily caught with longline gear. Yelloweye rockfish is managed as an overfished species with a Groundfish FMP rebuilding plan. It is commonly caught with Pacific halibut and has caused the Council some concern about the effects of Pacific halibut fisheries on overfished rockfish species. Past management measures to reduce the incidental catch of yelloweye rockfish in halibut fisheries are discussed in Section 3.3 Human Environment.

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

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

Canary Rockfish

The Pacific halibut fishery commonly intercepts rockfish, as they are found in similar habitat to Pacific halibut and are easily caught with longline gear. Canary rockfish is managed as an overfished species with a Groundfish FMP rebuilding plan. It is commonly caught with Pacific halibut and has caused the Council some concern about the effects of Pacific halibut fisheries on overfished rockfish species.

Canary rockfish (*Sebastes pinniger*) are found between Cape Colnett, Baja California, and southeastern Alaska (Boehlert 1980, Boehlert & Kappenman 1980, Hart 1973, Love 1991, Miller & Lea 1972, Richardson & Laroche 1979). There is a major population concentration of canary rockfish off Oregon (Richardson & Laroche 1979). Canary primarily inhabit waters 91-183 m deep (Boehlert & Kappenman 1980). In general, canary rockfish inhabit shallow water when they are young and deep water as adults

(Mason 1995). Adult canary rockfish are associated with pinnacles and sharp drop-offs (Love 1991). Canary rockfish tend to be more mobile than yelloweye rockfish and have been known to congregate in schools. Canary rockfish are most abundant above hard bottoms (Boehlert & Kappenman 1980). In the southern part of its range, the canary rockfish appears to be a reef-associated species (Boehlert 1980). In central California, newly settled canary rockfish are first observed at the seaward, sand-rock interface and farther seaward in deeper water (18-24 m).

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

Protected Species

Protected species fall under four mandates: the ESA of 1973 (ESA), the Marine Mammal Protection Act of 1972 (MMPA), the Migratory Bird Treaty Act (MBTA), and Executive Order 13186.

West Coast marine species listed as endangered or threatened under the Endangered Species Act (ESA) are listed in Table 3.1 and discussed below in the sections on Marine Mammals, Seabirds, Sea Turtles, and Salmon. The ESA protects species in danger of extinction throughout all or a significant part of their range and mandates the conservation of the ecosystems on which they depend. "Species" is defined by the ESA to mean a species, a subspecies, or—for vertebrates only—a distinct population. Under the ESA, a species is listed as "endangered" if it is in danger of extinction throughout a significant portion of its range and "threatened" if it is likely to become an endangered species within the foreseeable future throughout all, or a significant part, of its range. The following species are subject to the conservation and management requirements of the ESA:

Table 3.1. West Coast Endangered Species	
Marine Mammals	
Endangered:	
•	Sperm whale (<i>Physeter macrocephalus</i>),
•	Humpback whale (<i>Megaptera novaeangliae</i>),
•	Blue whale (<i>Balaenoptera musculus</i>), and
•	Fin whale (<i>Balaenoptera physalus</i>).
Threatened:	
•	Steller sea lion (<i>Eumetopias jubatus</i>) Eastern Stock,
•	Guadalupe fur seal (<i>Arctocephalus townsendi</i>), and
•	Southern sea otter (<i>Enhydra lutris</i>) California Stock.
Seabirds	

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

In addition to the ESA, the federal MMPA guides marine mammal species protection and conservation policy. Under the MMPA, on the West Coast NMFS is responsible for the management of cetaceans and pinnipeds, while the USFWS manages sea otters. Stock assessment reports review new information every year for strategic stocks and every three years for non-strategic stocks. (Strategic stocks are those whose human-caused mortality and injury exceeds the potential biological removal.) Marine mammals, whose abundance falls below the optimum sustainable population, are listed as “depleted” according to the MMPA. The following species are listed as depleted under the MMPA: Northern fur seal (*Callorhinus ursinus*) Eastern Pacific Stock, and Killer whale (*Orcinus orca*) Eastern North Pacific

Southern Resident Stock.

Fisheries that interact with species listed as depleted, threatened, or endangered may be subject to management restrictions under the MMPA and ESA. NMFS publishes an annual list of fisheries in the *Federal Register* separating commercial fisheries into one of three categories based on the level of serious injury and mortality of marine mammals occurring incidentally in that fishery. The categorization of a fishery in the list of fisheries determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. Pacific halibut fisheries are in Category III, denoting a remote likelihood of, or no known, serious injuries or mortalities to marine mammals.

The USFWS is the primary federal agency responsible for seabird conservation and management. Four species found off the West Coast are listed under the ESA. In 2002, the USFWS classified several seabird species that occur off the Pacific Coast as “Species of Conservation Concern.” These species include: black-footed albatross (*Phoebastria nigripes*), ashly storm-petrel (*Oceanodroma homochroa*), gull-billed tern (*Sterna nilotica*), elegant tern (*Sterna elegans*), arctic tern (*Sterna paradisaea*), black skimmer (*Rynchops niger*), and Xantus’s murrelet (*Synthliboramphus hypoleucus*).

The MBTA implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. In addition to the MBTA, an Executive Order, Responsibilities of Federal Agencies to Protect Migratory Birds, (EO 13186) directs federal agencies to negotiate Memoranda of Understanding with the USFWS that would obligate agencies to evaluate the impact on migratory birds as part of any NEPA process. The USFWS and NMFS are working on a Memorandum of Understanding concerning seabirds.

In February 2001, NMFS adopted a National Plan of Action (NPOA) to Reduce the Incidental Take of Seabirds in Longline Fisheries. This NPOA contains guidelines applicable to relevant Pacific halibut fisheries and would require seabird incidental catch mitigation if a significant problem is found to exist.

Marine Mammals

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

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

Seabirds

Over a hundred species of seabirds occur in waters off the West coast within the EEZ. These species

include: loons, grebes, albatross, fulmars, petrels, shearwaters, storm-petrels, pelicans, cormorants, frigate birds, phalaropes, skuas, jaegers, gulls, kittiwakes, skimmers, terns, guillemots, murrelets, auklets, and puffins. The migratory range of these species includes commercial fishing areas; fishing also occurs near the breeding colonies of many of these species.

Interactions between seabirds and fishing operations are wide-spread and have led to conservation concerns in many fisheries throughout the world. Abundant food in the form of offal (discarded fish and fish processing waste) and bait attract birds to fishing vessels. Seabirds are often taken by longline gear, like the kind used in Pacific halibut fisheries. Around longline vessels, seabirds forage for offal and bait that has fallen off hooks at or near the water's surface and are attracted to baited hooks near the water's surface during the setting of gear. If a bird becomes hooked while feeding on bait or offal, it can be dragged underwater and drowned. Of the incidental catch of seabirds by longline groundfish fisheries in Alaska, northern fulmars represented about 66% of the total estimated catch of all bird species, gulls contributed 18%, Laysan albatross 5%, and black-footed albatross about 4% (Stehn *et al.* 2001). Longline gear and fishing strategies for groundfish in Alaska are similar to Pacific halibut longline fisheries off the West coast.

In response to the NPOA, NMFS NWR released a report titled "Assessment of Seabird Bycatch in the Pacific Coast Groundfish and Pacific Halibut Longline Fisheries of the Northwest Region," May 2003. In the report, NMFS noted that the incidental take of seabirds in the Area 2A halibut fishery has currently not been assessed. Vessel operators are not required to document the incidental take of seabirds in logbooks, but sightings forms are provided by port samplers when requested. In lieu of an assessment of the commercial longline halibut fleet, IPHC has conducted seabird research on their stock assessment surveys in Area 2A which charter commercial longline vessels and use similar gear and deployment methods. During IPHC's 2002 surveys, Laysan albatross, black-footed albatross, northern fulmars, shearwaters, and gulls were all sighted off Washington and Oregon within a 50 meters radius of the vessel's stern after hauling longline gear ("The Distribution of Seabirds on Alaskan Longline Fishing Grounds: 2002 Data Report" Melvin *et al.*).

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

Sea Turtles

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

Sea turtles may be also indirectly affected by commercial fisheries. Sea turtles are vulnerable to collisions with vessels and can be killed or injured when struck, especially if struck with an engaged propeller. Entanglement in abandoned fishing gear can also cause death or injury to sea turtles by

drowning or loss of a limb. The discard of garbage at sea can be harmful for sea turtles, because the ingestion of such garbage may choke or poison them. Sea turtles have ingested plastic bags, beverage six-pack rings, styrofoam, and other items commonly found aboard fishing vessels. The accidental discharge of diesel and oil from fishing vessels may also put sea turtles at risk, as they are sensitive to chemical contaminants in the water.

Salmon

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

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

3.3 Human Environment

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

3.3.1 Pacific Halibut Fishery Overview

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

Area 2A Fisheries

The Pacific halibut fisheries in Area 2A are allocated a small percentage, less than 2%, of the overall TAC (Table 3.2). The Plan details allocations within the Area 2A TAC. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian tribes in Subarea 2A-1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-treaty fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial

fishery is further divided into two sectors: a directed (traditional longline) commercial fishery that is allocated 85 percent of the 31.7 percent (26.95 percent of the non-treaty harvest), and an incidental (troll salmon) commercial fishery that is allocated 15 percent of the 31.7 percent (4.75 percent of the non-treaty harvest). The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53'18" N. lat.), Oregon, and California. When the Area 2A TAC is above 900,000 lb, longline vessels participating in the primary sablefish season north of 46°53'18" N. lat. are permitted to retain some amounts of halibut taken incidentally in that fishery. The Plan also divides the sport fisheries into seven geographic areas, each with separate allocations, seasons, and bag limits. A license from the IPHC is required to participate in the non-treaty commercial Pacific halibut fishery.

The non-treaty directed commercial fishery in Area 2A is confined to south of Point Chehalis, Washington (46°53'18" N. lat.), Oregon, and California. Area 2A licenses, issued for the directed commercial fishery, have decreased from 428 in 1997 to 215 in 2004 (Table 3.5). For 2001 through 2004, the directed commercial licenses have also allowed longline vessels to retain halibut caught incidentally north of Point Chehalis during the primary sablefish season because the TAC in Area 2A was above 900,000 lbs in those years. Area 2A licenses issued for the incidental salmon troll fishery increased from 275 in 1997 to 344 in 2004. In Area 2A, 2004 federal regulations permitted the incidental salmon troll fishery to retain 1 halibut (minimum 32" total length) per 3 chinook, plus 1 extra halibut, with a maximum of 35 incidental halibut landed per trip.

Table 3.2. IPHC TAC for all management areas and Area 2A TAC.			
Year	TAC for all IPHC areas (lb)	Area 2A TAC (lb)	% of Total TAC
1998	71,820,000	820,000	1.14%
1999	74,060,000	760,000	1.03%
2000	67,500,000	830,000	1.23%
2001	73,180,000	1,140,000	1.56%
2002	74,920,000	1,310,000	1.75%
2003	74,920,000	1,310,000	1.75%
2004	76,505,000	1,148,000	1.50%

The allocations to the four fishery groups (tribal fishery, non-Indian commercial fishery, Washington sport fishery, and Oregon/California sport fishery) since 1988 (first year of annual Catch Sharing Plans) are shown in Table 3.3. Catches by group are shown in Table 3.4.

Table 3.3. Area 2A quotas and allocations (dressed weight in pounds).							
Year	Total Area 2A Quota	Treaty Indian	Tribal Reserve	Non-Indian Commercial	Non-Indian Sport	Washington Sport	Oregon Sport
1989	650,000	130,000	22,000	274,000	224,000	167,000	57,000

1990	520,000	130,000	--	195,000	195,000	118,950	76,050
1991	450,000	112,500	--	168,750	168,750	102,938	65,812
1992	650,000	162,500	--	243,750	243,750	148,687	95,063
1993	600,000	150,000	--	225,000	225,000	137,250	87,750
1994	550,000	192,500	--	178,750	178,750	109,037	69,713
1995	520,000	182,000	--	107,120	230,880	123,760	107,120
1996	520,000	182,000	--	107,120	230,880	123,760	107,120
1997	700,000	245,000	--	144,235	310,765	166,530	144,235
1998	820,000	287,000	--	168,961	364,039	195,078	168,961
1999	760,000	266,000	--	156,598	337,402	180,804	156,598
2000	830,000	315,500	--	163,097	351,403	188,307	163,097
2001	1,140,000	424,000	--	274,918 ^{1/}	441,082	214,110	226,972
2002	1,310,000	483,500	--	350,390 ^{2/}	476,111	214,110	262,001
2003	1,310,000	483,500	--	332,000 ^{3/}	494,500	232,499	262,001
2004	1,148,000	543,000	--	322,475 ^{3/}	569,971	272,942	297,029

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

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

3/ Includes 70,000 lb provided for incidental catch in the limited entry longline primary sablefish fishery; 2003 was the first year a specific allocation amount was provided to the primary sablefish fishery.

Table 3.4. Total catches of halibut in Area 2A (dressed weight in pounds).				
YEAR	TOTAL CATCH	TRIBAL TOTAL	COMMERCIAL TOTAL	SPORT TOTAL
1988	746,676	105,800	392,000	248,876
1989	809,429	152,400	330,000	327,029
1990	542,866	131,400	203,000	208,466 ^{1/}
1991	518,962	127,500	233,000	158,462 ^{1/}
1992	700,077	168,400	282,000	249,677 ^{1/}
1993	764,484	152,031	366,000	246,453 ^{1/}
1994	566,978	198,639	182,000	186,339 ^{1/}
1995	547,892	190,569	121,125	236,198 ^{1/}
1996	537,562	181,184	127,521	228,857 ^{1/}
1997	750,700	243,258	152,570	354,872 ^{1/}
1998	856,560	307,145	166,424	382,991 ^{1/}
1999	769,812	272,018	160,955	337,339 ^{1/}
2000	816,337	317,630	159,350	344,038
2001	1,125,493	429,150	250,900	445,443 ^{1/}
2002	1,251,875	486,644	366,000	399,231 ^{1/}
2003	1,234,327	491,776	338,242	404,309 ^{1/}
2004				

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

Area 2A Licenses

Effective in 1995, three types of IPHC licenses were issued for Area 2A fisheries: a directed commercial license, a license to land halibut caught incidentally in the salmon troll fishery, and a charter license. No vessel may participate in more than one of these three fisheries per year. The numbers of IPHC licenses issued for Area 2A in recent years are shown in Table 3.5. Directed commercial licenses also allow longline vessels to retain halibut caught incidentally north of Point Chehalis during the primary sablefish season.

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

Table 3.5. IPHC Licenses issued for Area 2A.			
Year	Directed Fishery	Incidental Catch in Salmon Troll	Charterboat
1995	350	124	132
1996	403	123	135
1997	428	275	139
1998	363	264	141
1999	286	284	126
2000	268	235	130
2001	320 ^{1/}	345	133
2002	252 ^{1/}	331	130
2003	260 ^{1/}	323	127
2004	215 ^{1/}	344	138

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

3.3.2 Tribal Fisheries

Twelve western Washington tribes possess and exercise treaty fishing rights to halibut, including the four tribes that possess treaty fishing rights to groundfish. Specific halibut allocations for the treaty Indian tribes began in 1986. The tribes did not harvest their full allocation until 1989, when the tribal fleet had developed to the point that it could harvest the entire Area 2A TAC. In 1993, judicial confirmation of treaty halibut rights occurred and treaty entitlement was established at 50 percent of the harvestable surplus of halibut in the tribes' combined U&A fishing grounds. In 2000, the courts ordered an adjustment to the halibut allocation for 2000-2007, to account for reductions in the tribal halibut allocation from 1989-1993. For 2000 through 2007, the non-tribal fisheries will be transferring at least 25,000 lb per year to the tribal fisheries, for a total of 200,000 lb to be transferred to the tribal fisheries over that period. Tribal allocations are divided into a tribal commercial component and the year-round ceremonial and subsistence (C&S) component. Tribal allocations and catches are shown in Table 3.6.

In 2004, a sub-TAC of 543,000 lb (35% + 25,000 lb of the Area 2A TAC) was allocated to Tribal fisheries. The tribes estimated that 19,400 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 523,600 lb was allocated to the commercial fishery. The tribes agreed on a new management plan for the 2004 fisheries. The new plan divided the commercial fisheries into "separately managed" fisheries and "joint restricted" fisheries.

For the "separately managed" fisheries, a tribe or group of tribes was allocated a certain percentage of the TAC that could be harvested any time between noon on February 29 and noon on July 30. Collectively, the separately managed fisheries accounted for 75% of the Tribal Commercial TAC. The separately managed fisheries landed 376,421 lbs in 427 landings (out of 392,700 lbs expected).

The remaining 25% of the TAC was open to all parties in the "joint restricted" fishery that was managed

to last at least 40 days. The joint restricted fishery opened at noon March 21 with a 500-lb/vessel/day limit. The limit was reduced to 250 lbs/vessel/day from noon on April 9 to 11:59 pm on April 19 when the limit returned to 500 lbs/vessel/day. The joint restricted fishery ended at noon on April 30 with a total catch of 127,304 lbs in 417 landings (out of 130,900 lbs expected).

The remainder of the TAC was targeted in series of short mop-up fisheries with 500-lbs/vessel/day limits. There were four mop-up fisheries in 2004: (1) noon on August 11 – noon on August 12, (2) noon on August 17 – noon on August 20, (3) noon on August 30 – noon on September 1, and (4) noon on September 6 to noon September 8. The total catch for all mop-up fisheries combined was 16,403 lbs in 58 landings. There were 3,473 lbs left in the TAC after the close of the 2004 treaty commercial fishery.

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2005.

Table 3.6. Treaty Tribe Halibut Allocations and Catches, Dressed Weight				
Year	Commercial Allocation	Commercial Catch	C&S Allocation	C&S Catch
1992	152,500	155,000	10,000	14,200
1993	136,000	138,000	14,000	15,800
1994	176,500	187,700	16,000	10,900
1995	171,000	176,400	11,000	14,200
1996	168,000	168,000	14,000	15,000
1997	230,000	228,500	15,000	14,800
1998	272,000	295,600	15,000	10,500
1999	256,000	264,000	10,000	10,500
2000	305,000	312,000	10,500	17,500
2001	406,500	413,200	17,500	16,000
2002	467,500	472,000	16,000	27,000
2003	456,500	464,776	27,000	19,400
2004	523,600	520,128	19,400	^{1/}

^{1/} 2004 catch estimates not yet available.

3.3.3 Non-Tribal Commercial Fisheries

The commercial fishery has been divided into two components since 1995: a directed commercial fishery (e.g., the traditional longline fishery) and an incidental halibut catch in the salmon troll fishery. The directed commercial fishery is restricted to the area south of Point Chehalis, WA. Table 3.4 shows the quotas (allocations after 1987) and catches. In 2001 through 2004, the overall Area 2A TAC was high enough to allow incidental halibut retention in the limited entry, longline primary sablefish fishery north of Point Chehalis, WA. Incidental halibut retention in the sablefish fishery is only available in years when the TAC is above 900,000 lb.

In 2002 through 2004, participants in the commercial fishery have been subject to a voluntary closure off

the northern coast of Washington to protect yelloweye rockfish, known as the Yelloweye Rockfish Conservation Area (YRCA). The boundary for the YRCA changed between 2002 and 2003 from a rectangle to a "C"-shaped area (see the sport fishery description in Washington's North coast subarea for more details).

Beginning in 2003, non-tribal commercial vessels operating in the directed commercial fishery for halibut in Area 2A, including retention of incidental halibut during the primary sablefish fishery north of Point Chehalis, WA, are required to fish outside of a mandatory closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10' N. lat. The large depth-based RCA was implemented to protect certain overfished groundfish species. The RCA boundaries are eastern and western boundary lines created by drawing straight lines between a series of latitude/longitude coordinates. Coordinates for the boundaries approximate specific depth contours. The RCA boundaries for 2004 were as follows: between the U.S./Canada border and 46°16' N. lat. (Washington/Oregon border), the eastern boundary of the RCA extends to the shoreline; between 46°16' N. lat. and 40°10' N. lat., the RCA is defined along an eastern boundary approximating 30 fm; and between the U.S./Canada border and 40°10' N. lat., the RCA is defined along a western boundary approximating 100 fm. Salmon trollers may fish within the RCA and retain halibut caught incidentally, but may not retain most groundfish species caught within the RCA.

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

Table 3.7. Commercial fishery catch statistics.				
Year	Fishery	Quota	Catch	Days Open
1981		200,000	202,000	56
1982		200,000	211,000	49
1983		200,000	265,000	26
1984		300,000	431,000	35
1985		500,000	493,000	31
1986		550,000	564,000	19
1987		550,000	548,000	12
1988		330,000	392,000	5
1989		274,000	330,000	2
1990		195,000	203,000	2
1991		168,750	233,000	1 ^{1/2}

1992		243,750	282,000	2 ^{1/}
1993		225,000	366,000	1 ^{1/}
1994		178,750	182,000	3 ^{1/}
1995	Directed	91,052	119,000	7 ^{1/}
	Incidental	16,068	2,125	60
1996	Directed	91,052	118,000	2 ^{1/}
	Incidental	16,068	9,521	60
1997	Directed	122,600	148,000	1 ^{1/}
	Incidental	21,635	19,000	60
1998	Directed	143,617	151,500	4 ^{1/}
	Incidental	25,344	13,416	153
1999	Directed	133,108	157,000	2 ^{1/}
	Incidental	23,490	9,955	60
2000	Directed	138,632	149,000	3 ^{1/}
	Incidental	24,464	22,350	76
2001	Directed	192,926	193,600	6 ^{1/}
	Incidental - Salmon	34,046	34,100	72
	Incidental - Sable	47,946	23,200	78
2002	Directed	222,700	260,000	3 ^{1/}
	Incidental - Salmon	39,300	41,000	112
	Incidental - Sable	88,389	65,000	214
2003	Directed	222,700	231,000	4 ^{1/}
	Incidental - Salmon	39,300	41,917	98
	Incidental - Sable	70,000 ^{2/}	65,325	184
2004	Directed	252,475	246,000	4 ^{1/}
	Incidental - Salmon	44,554	42,798	90
	Incidental - Sable	70,000 ^{2/}		

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

2/ beginning in 2003, a cap of 70,000 lb was placed on this fishery to maintain it as an incidental fishery.

3.3.4 Sport Fishery in Washington

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

WA Inside Waters (Puget Sound) Subarea

A free halibut catch record card is required to catch halibut in Washington inside waters. The number of catch record cards issued is used as the estimate of the number of individuals who fish for halibut in this area. Most halibut fishing is done in conjunction with fishing for other species such as salmon or lingcod. The estimated catch of halibut in this area is shown in Table 3.8. The vast majority of the halibut catch in inside waters is taken by private boat anglers. Most of the Washington inside waters sport catch of halibut is taken in the Strait of Juan de Fuca. In 2000, the western boundary of this subarea was moved from the Bonilla-Tatoosh line eastward to the mouth of the Sekiu River, with a corresponding quota transfer from this subarea to the North Coast subarea. In 2002, this subarea was further divided into two regions with two seasons, the Eastern Region (East of Low Point) and the Western Region.

Table 3.8. Seasons, restrictions and catches of halibut in Washington Inside waters.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1987	2/1 - 9/30	2	30"	242	none	184,259
1988	3/1 - 6/15	2	none	107	207,000 ^{1/}	37,083
1989	4/8 - 6/15 6/16 - 8/11 (Fri only)	2	none	78	78,000	37,809
1990	4/16 - 6/15	2	none	61	39,355	57,698
1991	5/4 - 6/16 (closed Tues) 6/22 - 6/30 (Sat, Sun)	2	none	42	34,021	33,789
1992	5/9 - 7/15	2	none	68	48,323	51,068
1993	5/13 - 7/18 (closed Wed)	2	none	58	44,606	34,753
1994	5/2 - 7/5 (closed Wed)	1	none	56	35,328	37,260
1995	5/25 - 7/29 (Thur - Mon)	1	none	48	34,653	38,500
1996	5/23 - 7/27 (Thur - Mon)	1	none	48	34,653	40,489
1997	5/22 - 8/10 (Thur-Mon)	1	none	59	46,628	86,733
1998	5/22 - 8/3 (Thur - Mon)	1	none	54	57,191	73,279
1999	5/27 - 7/12 (Thur - Mon)	1	none	35	52,623	56,375
2000	5/27 - 7/27 (Thur - Mon)	1	none	46	49,136	53,817
2001	5/17 - 7/22 (Thur - Mon)	1	none	49	57,393	58,710
2002	Eastern Region: 5/9 - 7/12 (Thur - Mon)	1	none	47	57,393	39,915

	Western Region: 5/23 - 7/26 (Thur - Mon)	1	none	47		
2003	Eastern Region: 5/8 - 7/18 (Thur - Mon)	1	none	52	63,278	68,300
	Western Region: 5/22 - 8/1 (Thur - Mon)	1	none	52		
2004	Eastern Region: 5/6 - 7/14 (Thur - Mon)	1	none	50	76,220	
	Western Region: 5/27 - 8/14 (Thur - Mon)	1	none	58		

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

WA North Coast Subarea

Sport fishing for halibut along the north coast was at a low level until the mid-1980s when catches increased. Prior to 1983, annual catches were less than 10,000 lb (4.5 mt). In 1983, catches began to increase and peaked in 1987 at approximately 190,000 lb (86.2 mt). Subsequent annual catches have changed as a result of the catch sharing plan. In 2000, the eastern boundary of this subarea was moved from the Bonilla-Tatoosh line eastward to the mouth of the Sekiu River, with a corresponding quota transfer from the Puget Sound subarea to this subarea. Most of the anglers operating in this subarea are out of Neah Bay. In 2002, the halibut "hotspot," an area with high interception of halibut in the sport fishery, was extended roughly 4 miles south. Participants in the halibut sport fishery in IPHC Area 2A reported that waters south of the historic halibut hotspot had a high incidence of yelloweye rockfish interception. Because yelloweye rockfish is an overfished species and its retention was prohibited in WA recreational fisheries since 2002, the mandatory closure for the halibut sport fishery in Area 2A was extended to protect yelloweye rockfish. In 2002, the mandatory closure for the halibut sport fishery was defined by the following coordinates: 48° 18' N. lat., 125° 11' W. long.; 48° 18' N. lat., 124° 59' W. long.; 48° 00' N. lat., 125° 11' W. long.; and 48° 00' N. lat., 124° 59' W. long. In 2003, this area was adjusted from a rectangular shaped area to an L-shaped area during January and February and to a C-shaped area for the remainder of the year to further protect yelloweye rockfish. Called the Yelloweye Rockfish

Conservation Area, or YRCA, this C-shaped area off the northern Washington coast is designated as a mandatory closed area to recreational halibut and groundfish fishing and is designated as a voluntary closure for the limited entry fixed gear sablefish fleet and salmon trollers (Figure 3.5). Since 2003, the YRCA is defined by straight lines connecting the following specific latitude and longitude 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.

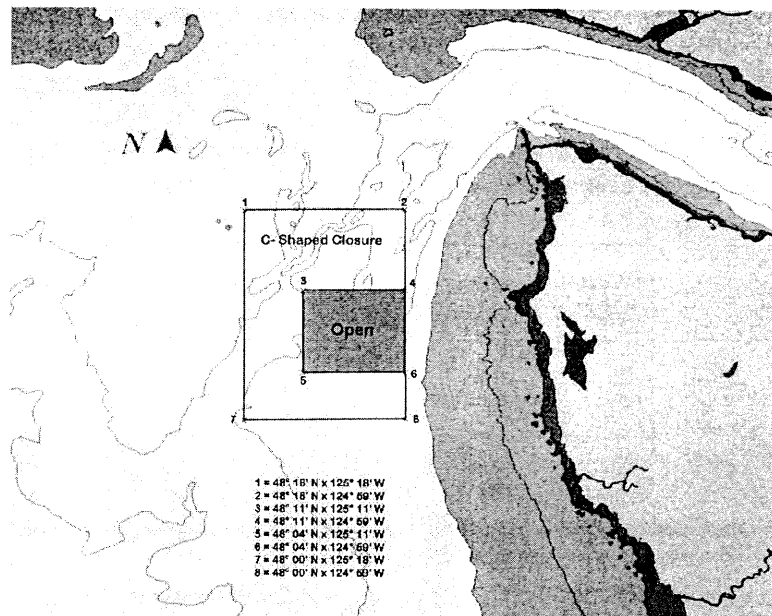


Figure 3.5. The Yelloweye Rockfish Conservation Area (YRCA) is a “C”-shaped area closed to recreational halibut and groundfish fishing off Washington’s North Coast.

Table 3.9. Seasons, restrictions and catches of halibut in the Washington North Coast area.						
YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1987	2/1 - 9/30	2	30"	242	none	181,195
1988	5/1 - 6/30	2	none	61	207,000 ^{1/}	134,316
1989	5/6 - 6/27 (Tue-Sat) 6/30 - 7/29 (Fri-Sat) 9/1 - 9/10 (7 days/week)	2	none	58	87,000	148,986
1990	5/1 to quota (Tue-Sat) 7/6 to quota (Fri-Sat) 8/31-quota (Tue-Sat)	1	none	74	74,595	73,588
1991	5/1 - 6/25 (7 days/week) 7/5 - 8/29 (Fri-Sat) 8/30 - 9/22 (7 days/week)	1	none	96	64,590	62,748
1992	5/1 - 5/25 (7 days/week) 7/3 - 9/30 (Fri only)	2	1 fish of any size plus 1 fish 40" or greater.	38	92,664	91,373
1993	5/1 - 6/25 (7 days/week) 7/2 - 7/17 (Fri-Sat)	1	none	68	85,507	104,860

1994	5/3 - 5/28 (Tue-Sat) 6/9 - 6/11	1	none	28	68,039	65,298
1995	5/2 - 5/27 (Tue-Sat) 7/1, 7/29, 9/3, 9/4	1	none	24	71,410	69,374
1996	5/1 - 7/20 (Tue-Sat)	1	none	59	71,410	71,803
1997	5/1 - 8/1 (Tue-Sat)	1	none	67	96,088	98,330
1998	5/1 - 7/25 (Tue-Sat)	1	none	62	96,052	97,176
1999	5/1 - 7/9 (Tue - Sat)	1	none	50	91,484	88,298
2000	5/2 - 6/16 (Tue - Sat) 7/1 & 7/4 (Sat & Tues)	1	none	36	99,773	101,114
2001	5/1 - 6/1, 6/16 (Tue - Sat) 7/1 - 7/4	1	none	29	108,030	109,771
2002	5/1 - 5/28 (Tue - Sat) 7/3 - 7/4 8/3	1	none	23	108,030	104,423
2003	5/1 - 5/17 (Tue - Sat) 5/23 - 5/24 6/18 - 6/21 8/9	1	none	20	113,915	109,738
2004	5/11 - 5/20 (Tue - Sat) 5/29 6/15 - 6/19	1	none	14	126,857	124,229

^{1/2} Quota was for WA North Coast and WA Inside Waters (Puget Sound) subareas.

WA South Coast Subarea

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

Table 3.10. Seasons, restrictions and catches of halibut in the Washington South Coast subarea.						
YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1987	2/1 - 9/30	2	30"	242	none	2,102
1988	4/1 - 9/30	2	none	183	3,000	3,150
1989	4/1 - 9/30	2	none	183	2,000	4,821
1990	5/1 - 9/30	1	none	153	5,000	5,096

1991	5/1 - 9/30	1	none	153	4,327	5,759
1992	5/1 - 9/30	1	none	153	7,700	23,143
1993	5/20 - 6/3 (Thurs-Fri)	1	none	5	7,137	10,072
1994	6/2 and 6/9	1	none	2	5,670	14,149
1995	5/1 - 7/4	1	none	65	15,222	15,610
1996	5/1 - 5/26	1	none	26	14,222	12,989
	5/27 - 9/30 (inshore)			<u>127</u>	<u>1,000</u>	<u>1,949</u>
	Total			153	15,222	14,983
1997	5/1 - 5/17	1	none	17	19,483	20,324
	5/18 - 5/20 (inshore)			<u>3</u>	<u>1,000</u>	<u>236</u>
	Total			20	20,483	20,560
1998	5/3 - 7/9 (Sun-Thurs)	1	none	50	35,648	**
	6/26 - 7/9 (inshore)			<u>14</u>	<u>1,000</u>	
	Total			50	36,648	37,030
1999	5/2 - 5/31 (Sun-Thurs)	1	none	22	31,081	29,729
	5/2 - 9/30 (inshore)			<u>152</u>	<u>1,000</u>	<u>1,850</u>
	Total			152	32,081	31,579
2000	5/2 - 5/29 (Sun-Thurs)	1	none	20	33,482	35,734
	5/2 - 6/2 (inshore)			<u>32</u>	<u>1,000</u>	<u>0</u>
	Total			32	34,482	35,734
2001	5/1 - 5/24, 6/6 (Sun-Thurs)	1	none	19	42,739	41,792
	5/1 - 5/24, 6/6 - 9/30 (inshore)			<u>131</u>	<u>available amt.</u>	<u>0</u>
	Total			131	42,739	41,792
2002	5/1 - 7/11 (Sun-Thurs), 7/12 - 9/30 (Fri-Sat) ^{1/}	1	none	52	42,739	
	5/1 - 9/30 (inshore)			24		
	Total			<u>153</u>	<u>available amt.</u>	
				153	42,739	38,518
2003	5/1 - 6/26 (Sun-Thurs), 6/27 - 9/30 ^{2/}	1	none	41	48,623	
	5/1 - 9/30 (inshore) ^{2/}			97		
	Total			<u>153</u>	<u>available amt.</u>	
				153	48,623	43,253
2004	5/2 - 7/3 (Sun-Thurs), 5/2 - 7/3 (inshore) ^{2/}	1	none	45	61,565	
				<u>63</u>	<u>available amt.</u>	
				63	61,565	62,823

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

2/ In this subarea, there is an inshore and offshore fishery. The inshore fishery occurs between the Queets River and 47°00'00" N. lat., and east of 124°40'00" W. long.

3.3.5 Sport Fishery in Columbia River Subarea

In 1995, a new subarea was established for the area from Leadbetter Point, WA to Cape Falcon, OR. This subarea had previously been part of the southern Washington subarea. Table 3.11 shows the catches in this subarea. To date, most of the sport catch in this subarea has been landed in Ilwaco, WA. Oregon sport fishers also land an undetermined amount of halibut into ports on the Oregon side of the Columbia River. In 1999, the fishery in this subarea closed before September 30 for the first time. Since 1999, the days that this fishery remains open has shortened drastically despite increasing quotas. In 2003, however, the fishery again remained open during the entire season until September 30. In 2002, a

minimum size restriction was imposed of 32 in. or greater in length to make the size restriction for this area compatible with those in other subareas used by Oregon anglers.

Table 3.11. Seasons, restrictions and catches of halibut in the Columbia River subarea.						
YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA	ACTUAL CATCH
1995	5/1 - 9/30	1	none	153	4,617	1,426
1996	5/1 - 9/30	1	none	153	4,617	1,190
1997	5/1 - 9/30	1	none	153	6,215	1,326
1998	5/1 - 9/30	1	none	153	8,565	5,185
1999	5/1 - 8/29	1	none	121	7,474	7,423
2000	5/1 - 7/29	1	none	90	8,177	7,728
2001	5/1 - 6/14	1	none	45	10,487	8,808
2002	5/1 - 5/25	1	32" ^{1/}	25	11,188	9,764
2003	5/1 - 9/30	1	32" ^{1/}	153	11,923	10,008
2004	5/1 - 7/25	1	32" ^{1/}	86	14,241	14,761

^{1/} First halibut taken of 32" or greater in length.

3.3.6 Sport Fishery in Oregon

ODFW has been monitoring the sport halibut fishery since 1987. The data from the ODFW sampling program and history of regulations are shown in Table 3.12. Up until 1989, the entire Oregon coast was managed as a single unit. Beginning in 1989 (and continuing to date), the area north of Cape Falcon was included in the Washington coast subarea south of Leadbetter Point, WA (i.e., the Columbia River subarea). In 1991, the Council established a subarea extending from Cape Falcon south to the Nestucca River and managed it with a separate sub-quota. This area was created principally at the request of anglers from Pacific City who wanted the opportunity to pursue their small-boat fishery for a longer time period each summer. Also in 1991, the Council created a mid-summer season that was open only inside 30 fathoms which was designed to favor small-boat anglers. The 1994 long-term revisions of the Plan removed the Nestucca River division and defined the major Oregon sport fishery management areas as the Oregon central coast area from Cape Falcon south to the Siuslaw River, and the south coast area from the Siuslaw River to the California border. In 1999, the Council moved halibut fisheries south of Humbug Mountain into what were previously the California fisheries for Pacific halibut. From 1999 to 2003, the two major Oregon sub-areas were the North Central Coast from Cape Falcon to the Siuslaw River and the South Central Coast from the Siuslaw River to Humbug Mountain. Today, there is one Oregon sub-area, the Central Coast, from Cape Falcon to the Humbug Mountain.

Table 3.12. Oregon sport seasons, days open, and catch.						
YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA ^{1/}	ACTUAL CATCH
1987 ^{2/}	2/1 - 9/30 (7 days/wk)	2	30	242	none	78,195

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

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

YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA ^{1/}	ACTUAL CATCH
2002 ^{11/}						
<i>North</i>	5/1 - 9/30 (7days/wk) ^{13/}	1	32 ^{14/}	153	19,797	2,207
<i>Central</i>	5/10-11, 5/17-18, 6/7-8,	1	32 ^{14/}	8	156,835	113,851
<i>Coast</i>	6/21-22					
	8/2-3, 8/23-24, 9/18-21 ^{9/}	1	32 ^{14/}	8	57,660	70,019
<i>South</i>	5/10-11, 5/17-18, 6/7-8,	1	32 ^{14/}	8	<u>14,609</u>	<u>12,674</u>
<i>Central</i>	6/21-22 ^{15/}					
<i>Coast</i>	Total				248,901	198,751
2003 ^{11/}						
<i>North</i>	5/1 - 10/31 (7days/wk) ^{13/}	1	32 ^{14/}	184	19,797	1,110
<i>Central</i>	5/8-10, 5/15-17, 6/19-21	1	32 ^{14/}	9	156,835	88,385
<i>Coast</i>	8/1-2, 8/8-9 ^{9/}					
	8/22-10/18 (Fri-Sat) ^{9/}	1	32 ^{14/}	22	57,660 (125,815) ^{16/}	60,751
<i>South</i>						
<i>Central</i>	5/8-10, 5/15-17, 6/19-21 ^{15/}	1	32 ^{14/}	9	<u>14,609</u>	<u>14,904</u>
<i>Coast</i>	Total				248,901	165,150
2004 ^{11/}	5/1 - 10/31 (7days/wk) ^{17/}	1(2) ^{18/}	32 ^{14/}	xx	22,574	xx,xxx
<i>Central</i>	5/13-15, 5/20-22, 5/27-29,					
<i>Coast</i>	6/10-12, 6/25-26, 7/10,	1	32 ^{14/}	16	194,703	186,209
	7/24 ^{9/}					
	8/6-7, 8/20-21, 9/3-4, 9/17-18 (Fri-Sat), 9/24-26, 10/1-3, 10/8-10, 10/15-17, 10/22-24, 10/29-31 (Fri-Sun) ^{9/}	1(2) ^{18/}	32 ^{14/}	xx	(73,395) ^{19/}	xx,xxx
	Total				282,178	xx,xxx

1/ Quotas in 1988 and 1989 applied to both CA and OR; CA had a separate sub-quota in subsequent years.

2/ Season applies to entire state; there were no subareas.

3/ In 1988, there were no size limits from 4/1 to 6/15. From 6/16 to 7/6, a 32 inch minimum size was in effect.

4/ The size limit was minimum 32" for the first fish and minimum 50" for the second fish.

5/ There was not a specific quota in 1989, instead there were fixed seasons designed to harvest 57,000 lbs.

6/ This season applies to the subarea from Cape Falcon to the Nestucca River.

7/ This season applies to the subarea from the Nestucca River to the OR/CA border.

8/ This season applies to the area inside 30 fathoms from Cape Falcon to the OR/CA border.

9/ This season applies to the area from Cape Falcon to the OR/CA border through 1998, and from Cape Falcon to Humbug Mountain in 1999 and beyond (all depths - North Central and South Central Coast subareas combined.)

10/ The fishing days are not additive since some represent concurrent seasons. The total is the number of separate days.

11/ Oregon halibut tag required; annual limit of six halibut.

12/ This season was canceled inseason (in May) due to insufficient quota remaining to allow for one-day of fishing.

13/ This season applies to the area inside 30 fathoms.

14/ First halibut taken of 32" or greater in length

15/ Beginning in 2000, the inside-30-fathom fishery was combined for the North Central and South Central Coast subareas. Catch and number of open days reported under North Central subarea.

16/ The balance of halibut remaining from the May all-depth fishery in the North Central and South Central subareas, 68,155 lbs, was added to the August all-depth fishery quota of 57,660 lbs to get a revised quota of 125,815 lbs.

17/ This season applies to the area inside 40 fathoms.

18/ The bag limit changed from 1 fish to 2 fish per person on 9/22/04.

19/ The balance of halibut remaining from the Spring all-depth fishery, 8,494 lbs, was added to the Summer all-depth fishery quota of 64,901 lbs to get a revised quota of 73,395 lbs.

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

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

Table 3.13. California sport seasons, days open, and catch.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA	ACTUAL CATCH
1986	2/1 - 12/31 (7 days/wk)	2	none	334	none	?
1987	2/1 - 9/30 (7 days/wk)	2	30	242	none	?
1988	4/1 - 9/30 (7 days/wk)	2	none	183	^{1/}	?
1989	4/1 - 9/30 (7 days/wk)	1	32	183	^{1/}	?
1990	4/1 - 9/30 (7 days/wk)	1	32	183	2,000	?
1991	5/15 - 9/15 (7 days/wk)	1	32	123	1,700	?
1992	5/1 - 9/30 (7 days/wk)	1	32	153	2,473	?
1993	5/1 - 9/30 (7 days/wk)	1	32	153	2,281	?
1994	5/1 - 9/30 (7 days/wk)	1	32	153	1,813	?
1995	5/1 - 9/30 (7 days/wk)	1	32	153	2,785	?
1996	5/1 - 9/30 (7 days/wk)	1	32	153	2,785	?
1997	5/1 - 9/30 (7 days/wk)	1	32	153	3,750	?
1998	5/1 - 9/30 (7 days/wk)	1	32	153	4,393	?
1999	5/1 - 9/30 (7 days/wk)	1	32	153	4,698	?
2000	5/1 - 9/30 (7 days/wk)	1	32	153	4,893	?
2001	5/1 - 9/30 (7 days/wk)	1	32	153	6,809	?
2002	5/1 - 9/30 (7 days/wk)	1	32	153	7,860	?
2003	5/1 - 9/30 (7 days/wk)	1	32	153	7,860	?
2004	5/1 - 10/31 (7 days/wk)	1	32	184	8,911	?

^{1/} Included with Oregon quota.

4.0 ENVIRONMENTAL CONSEQUENCES OF THE ALTERNATIVES

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

- Determine whether there are revisions to the Plan that would ensure that halibut fishery management measures for sport fisheries off Oregon better account for the conservation needs of overfished groundfish stocks.
- Allow Oregon's Central Coast anglers easier access to the annual halibut quota for that sub-area.

Therefore, this section will consider the environmental effects of setting a YRCA off Oregon and/or prohibiting all groundfish retention in Oregon's sport halibut fisheries, and the effects of eliminating the minimum halibut size limit.

This section forms the analytic basis for the comparison of issues across the alternatives to each of the three issues detailed in Section 2.0. The potential of each alternative to affect one or more components of the human environment is discussed in this section; direct and indirect effects of the alternatives are discussed in this analysis. Direct effects are caused by an action and occur at the same time and place as the action, while indirect effects occur later in time and/or further removed in distance from the direct effects (40 CFR 1508.8). Examples of direct effects of some of the alternatives to the issues analyzed in this EA might include the effects of prohibiting recreational halibut fishing within a YRCA, or prohibiting groundfish retention during the all-depth recreational halibut fisheries. Examples of indirect effects of some of the alternatives to the issues analyzed in this EA might include increased discard of groundfish species as a result of a prohibition on groundfish retention, or decreased undersized halibut discard due to the removal of the minimum size limit.

4.1 Physical Impacts of the Alternatives

Physical impacts generally associated with fishery management actions are effects resulting from changes in the physical structure of the benthic environment as a result of fishing practices (e.g. gear effects and fish processing discards). Although halibut fishing activity affects the physical environment, none of the alternatives to any of the issues detailed in this EA are expected to have notable or measurable effects on the physical environment, either individually or cumulatively. Neither prohibiting all groundfish retention in the sport halibut fisheries (Issue 1, Alternative 3), nor altering the minimum halibut length requirement (Issue 2, Alternative 2,) is expected to have any effect on the physical environment. Fishing for halibut is only permissible with hook-and-line gear, which may affect habitat by snagging on rocks, corals and other objects during gear retrieval. Line retrieval may upend smaller rocks and break hard corals, while leaving soft corals unaffected. Invertebrates and other lightweight objects may also be dislodged during fishing for halibut. (Johnson, 2002). Any effects on the physical environment resulting from implementing a YRCA off the coast of Oregon (Issue 1, Alternatives 2 and 4) are expected to be minor. If a closed area is implemented, the effects of hook-and-line gear on habitat within the newly closed area will decrease. Although the effects of gear on habitat outside of the closed area should increase, the shift in fishing effort will be dispersed throughout the remaining open areas.

4.2 Biological Impacts of the Alternatives

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

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

Table 4.2 Effects of the Alternatives on the Biological Environment				
	Effects on Area 2A Pacific Halibut	Effects on Yelloweye and/or Canary Rockfish	Effects on Threatened and Endangered Salmon Stocks	Effects on Seabirds
Issue 1 – Overfished Groundfish Species Protection in Oregon’s Central Coast Sport Fisheries				
Alternative 1 (Status quo/No Action) Maintain groundfish bag limits and do not implement an offshore closed area in the all-depth fisheries.	Status quo protection for overfished groundfish species would not alter the overall amount of halibut taken or the effect of the fishery on the halibut resource.	Recreational fishing for groundfish would continue to be prohibited offshore of the 40-fm depth contour, June-Sept. Retention of yelloweye and canary rockfish would continue to be prohibited. Effects neutral from those identified in implementing the 2005-2006 groundfish regulations.	Status quo protection for overfished groundfish species would not alter the overall amount of salmon taken or the effect of the fishery on salmon resources	Status quo protection for overfished groundfish species would not alter the intensity of halibut fishing or the effects of the halibut fishery on seabirds.
Alternative 2 Implement a YRCA in the central Oregon coast subarea, over Stonewall Bank.	Conservation area to protect yelloweye rockfish is not expected to have any effect on halibut population, which is broadly dispersed and not site-loyal.	Location of conservation area on Stonewall bank is expected to have beneficial effects for both yelloweye and canary rockfish. Positive effects should be greater for yelloweye than for canary rockfish, because yelloweye are more site-loyal than canary rockfish.	Conservation area to protect yelloweye rockfish is not expected to have any effect on any salmon stocks, which are highly migratory.	Protection for seabirds from fishing gear interaction when they are within YRCA. Most seabird species are highly migratory, but are also attracted to feeding areas like Stonewall Bank.

Table 4.2 Effects of the Alternatives on the Biological Environment				
	Effects on Area 2A Pacific Halibut	Effects on Yelloweye and/or Canary Rockfish	Effects on Threatened and Endangered Salmon Stocks	Effects on Seabirds
Alternative 3 Prohibit all groundfish retention during central Oregon coast all-depth sport fishery	No measurable difference from Alternative 1.	Groundfish discard in the all-depth halibut fisheries would increase over Alternative 1 in the months of May and October, when groundfish retention would otherwise be permitted. Canary and yelloweye rockfish retention would be prohibited under all alternatives, thus the effects on those species are not measurably different from Alternative 1.	No measurable difference from Alternative 1.	No measurable difference from Alternative 1.
Alternative 4 Adopt both a Stonewall Bank YRCA and a groundfish retention prohibition	No measurable difference from Alternative 1 or 2.	Conservation area benefits to yelloweye and canary rockfish will be the same as Alternative 2. However, the effects of the groundfish retention prohibition would be similar to Alternative 3.	No measurable difference from Alternative 2.	No measurable difference from Alternative 2.
Issue 2 – Eliminate or Retain Minimum Length Requirement in Oregon’s Sport Fisheries for Halibut				
Alternative 1 (Status quo/No action) Minimum size limit of 32 inches for Oregon sport halibut fisheries, including Columbia River subarea.	No effect on the quantity of halibut taken by the Oregon sport fisheries.	Status quo size limit would not affect overfished groundfish species beyond the general effects of the sport fisheries already considered by NMFS and the Council in setting the 2005-2006 groundfish specifications and management measures.	No measurable effect.	No measurable effect.
Alternative 2 No minimum size limit for Oregon sport halibut fisheries.	Could affect number of fish taken in fishery, although overall quota would not be affected.	If eliminating minimum size limit allows halibut anglers to attain their quota at a faster rate, then halibut anglers will be spending less time in waters where overfished groundfish are vulnerable to incidental catch.	No measurable effect.	No measurable effect.

4.2.1 Issue 1 – Overfished Groundfish Species Protection in Oregon’s Central Coast Sport Fisheries

As discussed above in Section 3, halibut occur in similar depths and habitats to several groundfish species, some of which are overfished. Canary and yelloweye rockfish in particular tend to co-occur with halibut. For halibut sport fisheries in 2005 and beyond, ODFW has proposed two management measures that could individually or in combination affect overfished groundfish. The first proposal is to close a portion of Stonewall Bank, off the central Oregon coast, to sport fishing for halibut. This closed area is primarily intended to protect yelloweye rockfish, which are site-specific, bottom-dwelling, and tend to co-occur with halibut. Canary rockfish occupy similar habitat to yelloweye rockfish, although they are a schooling species frequently found off-bottom. The second proposal is to prohibit the retention of groundfish caught on halibut fishing trips during the all-depth halibut fisheries held May-October off the central Oregon coast.

- *Alternative 1* for this issue is to maintain bag limits established under groundfish regulations for participants in the all-depth halibut fisheries and to leave the all-depth fisheries without a YRCA.
- *Alternative 2* for this issue is establish a YRCA over a portion of Stonewall Bank, within which sport fishing for halibut would be prohibited.
- *Alternative 3* for this issue is to prohibit groundfish retention during the May-October central Oregon all-depth halibut fisheries, but to leave the all-depth fisheries without a YRCA.
- *Alternative 4* for this issue is to combine both proposals, prohibiting groundfish retention during the May-October central Oregon all-depth fisheries and to establish a YRCA over a portion of Stonewall Bank.

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

The halibut population in Area 2A is a small portion of the overall halibut stock off northern North America. Annual halibut harvest amounts are set by the IPHC, which has a long history of conservative halibut management. None of the alternatives to this issue will have any effect on the amount of halibut taken in Area 2A. Alternatives 2 and 4 would shift halibut fishing effort away from Stonewall Bank. Area 2A halibut are thought to be adults who have migrated from more northern spawning and nursery grounds. Fishery area closures are most effective at protecting species that are site-loyal. Because halibut have much greater migration patterns than rockfish, closing Stonewall Bank to fishing for halibut is unlikely to have any effect on the halibut resource. For the short period when particular halibut are migrating over or feeding on Stonewall Bank, they will be protected from the sport fisheries, but those same individuals will again be available for harvest once they leave Stonewall Bank.

Effects of the Alternatives on Yelloweye and Canary Rockfish Stocks

On September 21, 2004 (69 FR 56550), NMFS published a proposed rule to implement the Pacific coast groundfish harvest specifications and management measures for 2005-2006. If implemented, this rule would prohibit recreational fishing for groundfish offshore of a boundary line approximating the 40 fm (73 m) depth contour from June 1 through September 30. If implemented, this rule would also prohibit the taking and retaining of canary and yelloweye rockfish in the recreational fisheries off Oregon.

Under Alternative 1, recreational fishing for groundfish would continue to be prohibited offshore of the 40 fm (73 m) depth contour from June through September. Because the all-depth halibut fisheries occur offshore of that same boundary line approximating the 40 fm (73 m) depth contour, all depth halibut fisheries in June through September are prohibited from taking and retaining groundfish when they are operating offshore. However, when these same vessels finish their halibut trips, they are permitting to move inshore of the 40 fm (73 m) depth contour and retain any groundfish within bag limits and except canary and yelloweye rockfish taken in the inshore area. Alternative 1 would neither increase nor decrease opportunities for canary and/or yelloweye rockfish interception and discard over interception rates expected from implementing the groundfish regulations. The area offshore of the 40 fm (73 m) depth contour is closed to recreational fishing for groundfish during the June through September period in order to protect canary and yelloweye rockfish, as well as other overfished groundfish species, from recreational fisheries interception in depths where they commonly occur.

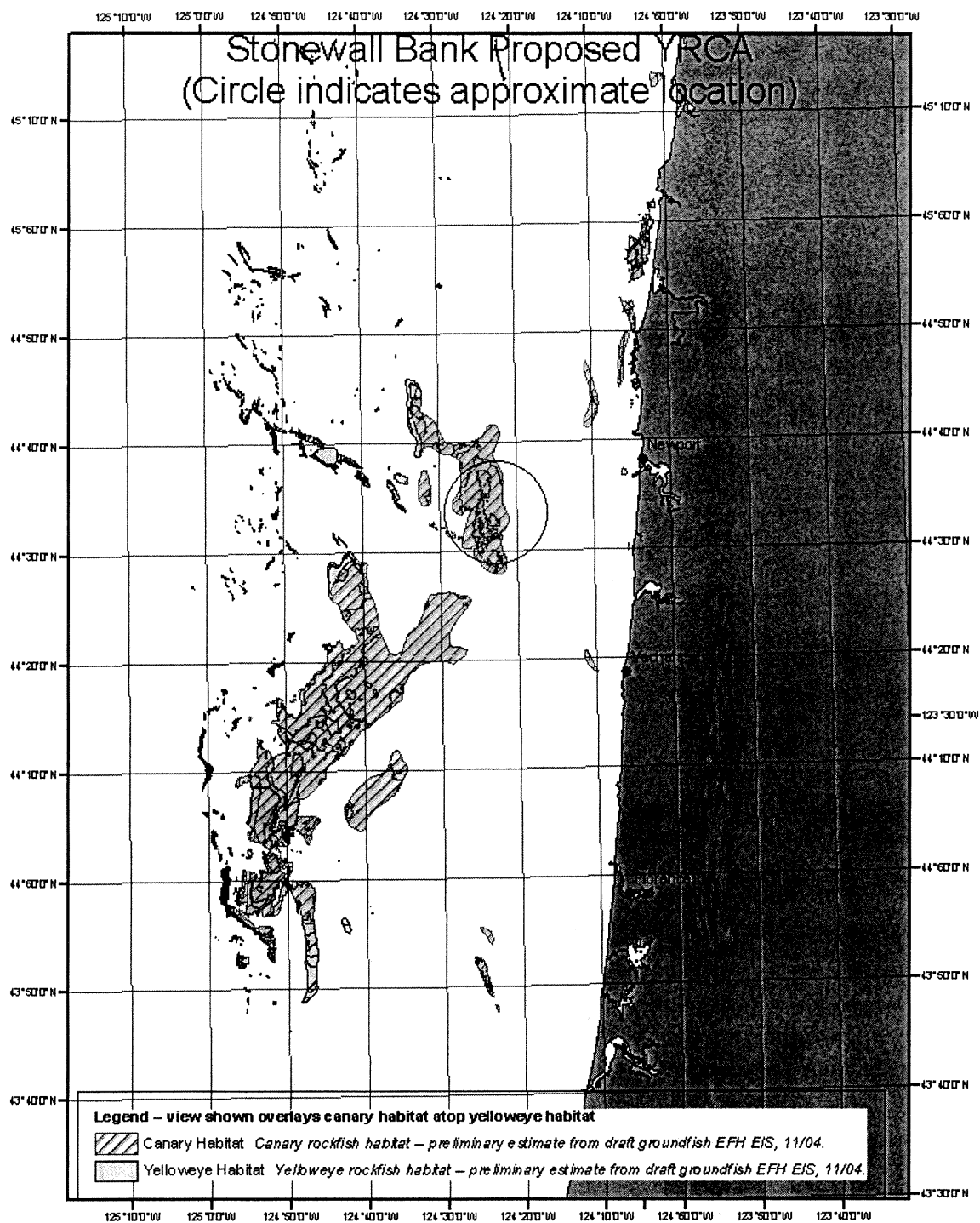
Under Alternative 2, recreational fishing for groundfish would be as described for Alternative 1. Recreational fishing for halibut, however, would be modified to prohibit fishing within a new YRCA off the central Oregon coast. At the Council's September meeting, ODFW proposed implementing a YRCA over Stonewall Bank. ODFW has indicated that it would provide final boundary coordinates for the proposed YRCA at the Council's November 1-5, 2004 meeting. The YRCA's approximate location is shown in

Figure 4.2.1. This figure shows approximate canary and yelloweye rockfish habitat, based on preliminary data from the Pacific Coast Groundfish Preliminary Draft EIS. The approximate canary and yelloweye rockfish habitat shown in Figure 4.2.1 is based on the EIS's "habitat suitability probability" index. A habitat suitability probability (HSP) is a measure of the likelihood that a habitat with given characteristics is suitable for a given fish species/life stage or species/life stage assemblage. It represents a link between habitat characteristics (habitat type, depth, and latitude) and the probability of a species' occurrence in association with those characteristics (PSMFC, April 2004). The approximate area where ODFW has proposed implementing a YRCA has a 1%-40% HSP for adult life stage canary rockfish and a 40%-80% HSP for adult life stage yelloweye rockfish. NMFS anticipates making a formal Draft EIS available for public review in February 2005. Habitat data in Figure 4.2.1 should be viewed as preliminary at this time. Based on this preliminary data, however, ODFW's proposal for a Stonewall Bank YRCA should result in increased protection for yelloweye and canary rockfish from incidental interception in the recreational halibut fishery. Because yelloweye rockfish are more site-loyal than canary rockfish, and because canary rockfish are a schooling and migrating species, the YRCA will likely provide greater protection for yelloweye rockfish than for canary rockfish.

Under Alternative 3, retention of groundfish would be prohibited in the all-depth halibut fisheries. Since the all-depth halibut fisheries occur offshore of the 40 fm (73 m) depth contour, this prohibition would primarily affect halibut fishing in May and October. Participants in the all-depth halibut fisheries would also be prohibited from retaining groundfish taken inshore of the 40 fm (73 m) depth contour on all-depth halibut fishing days. Because this alternative would prevent halibut fishery participants from fishing for groundfish inshore of the 40 fm (73 m) depth contour on halibut fishing trips, it could modestly decrease the interception of groundfish on halibut trips. However, the prohibition on groundfish retention in this alternative could also increase the offshore discard of groundfish in May and October, when retention would otherwise be allowed. This alternative would neither increase nor decrease opportunities for canary and/or yelloweye rockfish interception and discard, because it would not change the area in which the fishery operates and because yelloweye and canary rockfish retention would be prohibited regardless of whether groundfish retention is allowed.

Alternative 4 would combine Alternatives 2 and 3 to implement a new YRCA and to prohibit groundfish retention during the all-depth halibut fisheries. Protections provided by the YRCA for yelloweye and canary rockfish would be the same under Alternatives 2 and 4. As with Alternative 3, the effects of the groundfish retention prohibition in Alternative 4 would be essentially neutral because canary and yelloweye rockfish retention is prohibited under all alternatives.

Figure 4.2.1 – Stonewall Bank Proposed YRCA.



Effects of the Alternatives on Threatened and Endangered Salmon Stocks

None of the alternatives to Issue 1 are expected to have any measurable effects on threatened or endangered salmon stocks. Salmon are found feeding off the central Oregon coast during the May through October sport fishery. Salmon are much more far-ranging than rockfish, thus are less likely to be affected by minor shifts in areas of fishing effort concentration. Similar to halibut, salmon will be protected from harvest while they are migrating through the proposed YRCA, but will become available to harvest as soon as they leave that area. Because none of the alternatives would notably alter the timing or intensity of the central Oregon coast sport halibut fishery, the difference between the four alternatives in their effects on salmon is not measurable and is expected to be negligible.

Effects of the Alternatives on Seabirds

None of the alternatives to this issue would alter the intensity of sport halibut fishing, nor the number of vessels participating in this fishery off the central Oregon coast. However, Alternatives 2 and 4 would introduce a YRCA over Stonewall Bank. Seabirds and other marine animals tend to gather in or above areas of ocean upwelling, where nutrients and organisms rise toward the water's surface. Offshore banks such as Stonewall Bank are ocean-bottom features that disturb the local currents and cause upwelling from the interaction between the currents and the hard-bottom features. Recreational bird-watchers interested in viewing seabirds will often travel to offshore banks to see concentrations of seabirds. Thus, although many seabirds tend to range over vast distances, they are abundant off the U.S. West Coast and seek out feeding areas where natural upwelling occurs. To the extent that Stonewall Bank is an attractive feeding area for seabirds, Alternatives 2 and 4 will provide greater protection for seabirds from interaction with fishing gear while they are within the area designated as a YRCA.

4.2.2 Issue 2 – Eliminate or Retain Minimum Size Limit for Halibut in Oregon's Sport Fisheries

Sport fishing for halibut off the Oregon coast has been managed with a 32 inch (81 cm) minimum size limit since 1989, see Section 3.3.6. Alternative 1 for this issue is to retain the current size limit, requiring fishery participants to release any undersized halibut. Alternative 2 for this issue is to eliminate the minimum size limit for the Oregon sport fisheries. Sport fisheries off Washington and north of Leadbetter Point do not have a minimum size limit.

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

The halibut population in Area 2A is a small portion of the overall halibut stock off northern North America. Annual halibut harvest amounts are set by the IPHC, which has a long history of conservative halibut management. Neither of the alternatives to this issue will have any effect on the amount of halibut taken in Area 2A. Alternative 2, however, could have an effect on the number of halibut taken in the Oregon sport fisheries, and on the sex composition of the local halibut catch. Because Alternative 2 would allow the retention of smaller-size halibut, more halibut would be taken in the fishery before the quota is reached than under a larger size limit. Female halibut grow at a faster rate and achieve greater lengths at younger ages than male halibut (Clark, 2003). Thus, a size-limited fishery may catch a greater proportion of female halibut and/or younger female than male halibut. The Oregon/California sport fishery allocation, however, is 0.36% of the overall North American halibut harvest, and variations in the size and sex of fish harvested in this fishery are unlikely to affect the abundance of Pacific halibut.

In the South Washington Coast subarea sport fishery, averages halibut lengths in each year for 2001, 2002, and 2003 have been 93 cm, 98 cm, and 92 cm, respectively. Average weights for these same years have

been 20.26 lb (## kg), 20.62 lb (##kg), and 17.42 lb (## kg), respectively (Culver, 2004). In the central Oregon subarea sport fishery, average halibut lengths in each year for 2001, 2002, and 2003 have been ###. Average weights for these same years have been 23.1 lb (## kg), 22.1 lb (## kg) and 20.6 lb (## kg) (Bodenmiller, 2004.) Fish taken off southern Washington are slightly smaller than those taken in the size-limited Oregon coast fishery. However, the average sizes for both subareas are well over the 81 cm (32 inch) Oregon minimum size limit. Thus, although removing the minimum size limit from the Oregon sport fisheries may have some effect on the size composition of retained halibut, that effect will likely be minimal.

Effects of the Alternatives on Yelloweye and Canary Rockfish Stocks

Neither alternative is expected to have much, if any, effect on groundfish species, including yelloweye and canary rockfish. Eliminating the minimum size limit for halibut (Alternative 2) could allow halibut anglers to achieve their halibut quota at a faster rate, although it would not decrease the intensity of fishing for halibut. If the halibut quota is attained at a faster rate, anglers may spend less time operating in waters where overfished groundfish species are vulnerable to incidental catch in the halibut fishery. Thus, there may be some modest reduction in incidental yelloweye and canary rockfish catch under Alternative 2.

Effects of the Alternatives on Threatened and Endangered Salmon Stocks; Effects of the Alternatives on Seabirds

Neither alternative is expected to have any measurable effects on threatened or endangered salmon stocks or on seabirds. Neither alternative would alter the number of vessels fishing off the coast, although Alternative 2 could shorten the fishing season. To the extent that the halibut sport fishery is shortened, salmon and seabirds may be subject to fewer interactions with halibut anglers. This issue, however, does not affect the salmon sport fisheries, which are much longer in duration than the halibut sport fisheries. Thus, any positive effects on salmon and seabirds from reduced halibut angler interactions will likely be neutralized by status quo management in other ocean sport fisheries.

4.3 Socio-Economic Impacts of the Alternatives

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

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

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

	Effects on Harvest and Income Opportunities	Effects on Cost of Participating in Fishery	Effects on Management and Enforcement
Issue 1 – Overfished Groundfish Species Protection in Oregon’s Sport Halibut Fisheries			
Alternative 1 (Status quo/No Action) Maintain groundfish bag limits and do not implement an offshore closed area in the all-depth halibut fisheries.	None. This alternative has been in place since 2004; harvest and income opportunities would not change.	None. This alternative has been in place since 2004; cost to participants would not change.	None. This alternative has been in place since 2004; effects on management and enforcement would not change.
Alternative 2 Implement a YRCA in the central Oregon coast subarea, over Stonewall Bank.	Slightly reduced area available to harvest halibut than Alt. 1, however, likely no impact on harvest and income opportunity because halibut are dispersed throughout the central coast subarea.	Cost to fishery participants of materials, fuel etc. would not change. May be marginally more costly than Alt. 1 because boats would have to avoid the closed area.	More difficult to enforce than Alt. 1, due to new area to patrol increasing enforcement effort and costs. No management issues, aside from new regulations increasing complexity.
Alternative 3 Prohibit all groundfish retention during central Oregon coast (all-depth and nearshore) sport halibut fishery.	Slightly increased impact to harvest and income opportunities compared to Alt. 1 and Alt. 2 due to lost opportunity for other groundfish species. No change on halibut harvest and income opportunities.	Cost to fishery participants of materials, fuel etc. would not change. May be marginally more costly than Alt. 1 because boats would have separate sport groundfish and halibut trips.	Less difficult to enforce than Alt. 1, because groundfish retention would not change during the halibut season. Management would be less complex than Alt. 1, Alt. 2, and Alt. 4.
Alternative 4 Adopt both a Stonewall Bank YRCA and a groundfish retention prohibition.	Same impact to harvest and income opportunities as Alt. 3 due to lost opportunity for other groundfish species. Likely no impact on harvest and income opportunity for halibut from closed area because they are dispersed throughout the central coast subarea.	Cost to fishery participants of materials, fuel etc. would not change. May be marginally more costly than Alt. 1, Alt. 2, and Alt. 3 because boats would have to avoid the closed area and would have separate sport groundfish and halibut trips.	Enforcement effects likely neutral because Alt. 4 is combination of Alt. 2 and Alt. 3, with Alt. 2 more difficult to enforce than Alt. 1, due to new area to patrol increasing enforcement effort and costs and Alt. 3 less difficult to enforce than Alt. 1, because groundfish retention would not change during the halibut season.. Management would be less complex than Alt. 1 and Alt. 2 and more complex than Alt. 3.
Issue 2 – Eliminate or Retain Minimum Length Requirement in Oregon’s Sport Fisheries for Halibut			
Alternative 1 (Status quo/No action) Minimum size limit of 32 inches for Oregon sport halibut fisheries, including Columbia River subarea.	None. Size limit has been in place since 1999; harvest and income opportunities would not change.	None. Size limit has been in place since 1999; cost to participants would not change.	None. Size limit has been in place since 1999; effects on management and enforcement would not change.

Table 4.3 Effects of the Alternatives on the Socio-Economic Environment			
	Effects on Harvest and Income Opportunities	Effects on Cost of Participating in Fishery	Effects on Management and Enforcement
Alternative 2 No minimum size limit for Oregon sport halibut fisheries.	Harvest and income opportunities would not differ from Alt. 1; however, may result in reduced time on the water.	Cost to fishery participants of materials, fuel etc. may be lower than Alt. 1 because of reduced time on the water to attain bag limits.	Less difficult to enforce than Alt. 1, because no size limit to enforce. No management issues, aside from new regulations reducing complexity.

4.3.1 Issue 1 – Overfished Groundfish Species Protection in Oregon’s Central Coast Sport Fisheries

Issue 1 considers protecting overfished groundfish species in Oregon’s sport halibut fisheries through area closures and prohibiting the retention of groundfish. For halibut sport fisheries in 2005 and beyond, ODFW has proposed two management measures that could individually or in combination affect overfished groundfish. The first proposal is to close a portion of Stonewall Bank, off the central Oregon coast, to sport fishing for halibut. The second proposal is to prohibit the retention of groundfish caught on halibut fishing trips during the sport halibut fisheries held May-October off the central Oregon coast. The alternatives for these two proposals are as follows:

- *Alternative 1* for this issue is to maintain bag limits established under groundfish regulations for participants in the central Oregon coast (all-depth and nearshore) sport halibut fisheries and to leave the all-depth fisheries without a YRCA.
- *Alternative 2* for this issue is establish a YRCA over a portion of Stonewall Bank, within which sport fishing for halibut would be prohibited.
- *Alternative 3* for this issue is to prohibit groundfish retention during the May-October central Oregon coast (all-depth and nearshore) sport halibut fisheries.
- *Alternative 4* for this issue is to combine both proposals, prohibiting groundfish retention during the May-October central Oregon coast (all-depth and nearshore) sport halibut fisheries and to establish a YRCA over a portion of Stonewall Bank.

Effects on Fishery Participant Harvest and Income Opportunities

Under Alternative 1 (status quo,) no offshore areas would be closed to sport halibut fishing in the all-depth fishery, which is restricted to offshore of a boundary line approximating the 40-fm depth contour, and groundfish could be retained during the sport halibut fishery in Oregon’s central coast (all-depth and nearshore) during May and October. Groundfish retention is prohibited in the all-depth sport groundfish fishery outside of a boundary line approximating the 40-fm depth contour during June through September via Pacific Coast groundfish fishery regulations. Groundfish may be retained in the nearshore halibut fishery (also called the “inside 40-fm fishery”), which is restricted to shoreward of a boundary line approximating the 40-fm depth contour, during the entire halibut season from May through October. Alternative 1 has been in place since 2004. Therefore, there would be no change in the effects on fishery participant harvest or income opportunities.

Under Alternative 2, a YRCA would be established, closing a portion of Stonewall Banks off Oregon to sport fishing for halibut. Alternative 2 would slightly reduce the area available to harvest halibut in the all-depth fishery. However, this slight reduction in area available to be fished is not expected to reduce harvest or income opportunities because halibut are dispersed throughout the central coast subarea.

Under Alternative 3, groundfish retention would be prohibited during Oregon's central coast (all-depth and nearshore) sport halibut fishery which occurs from May through October. As mentioned under Alternative 1 in this section, retention of groundfish will continue to be prohibited by the Pacific Coast groundfish fishery regulations during June through September offshore of a boundary line approximating the 40-fm depth contour. Alternative 3 would effectively extend this prohibition on groundfish retention for May and October in Oregon's all-depth sport halibut fishery and during the entire nearshore sport halibut fishery from May through October. Thus, Alternative 3 is expected to have a slightly increased effect on the harvest and income opportunities for fishery participants from groundfish compared to Alternative 1 and Alternative 2 due to lost opportunity to retain other groundfish species caught while sport fishing for halibut. However, the actual change in harvest and income opportunity from halibut is not expected to change as compared to Alternative 1 and Alternative 2 because access to the halibut resource and allocation will not change.

Under Alternative 4, groundfish retention would be prohibited in Oregon's central coast (all-depth and nearshore) sport halibut fisheries from May-October and a YRCA would be established prohibiting sport halibut fishing. Alternative 4 is expected to have the same effects on harvest and income opportunities from groundfish as Alternative 3 due to the lost opportunity to retain groundfish species caught while fishing for halibut. Similar to Alternatives 1 through 3, there is likely to be no change in harvest or income opportunities from halibut for Alternative 4 because halibut are dispersed throughout the central area and not localized within the YRCA.

Effects on Cost of Participating in the Fishery

Under Alternative 1 (status quo,) no areas would be closed to sport halibut fishing in the all-depth fishery, which is restricted to outside of a boundary line approximating the 40-fm depth contour, and groundfish could be retained during the sport halibut fishery in Oregon's central coast (all-depth and nearshore) during May and October. Alternative 1 has been in place since 2004. Therefore, there would be no change in the effects on cost of participating in the fishery.

Under Alternative 2, a YRCA would be established, closing a portion of Stonewall Banks off Oregon to sport fishing for halibut. The cost to fishery participants of fuel, materials, etc. is not expected to change with Alternative 2, except that there may be a marginal increase over Alternative 1 because boats would have to avoid fishing in the closed area.

Under Alternative 3, groundfish retention would be prohibited during Oregon's central coast (all-depth and nearshore) sport halibut fishery which occurs from May through October. Thus groundfish and halibut could not be onboard a vessel at the same time. The cost to fishery participants of Alternative 3 is not expected to change from the costs in Alternative 1 and 2, except that there may be a marginal increase over Alternative 1 because boats would have separate groundfish and halibut trips. Boats that wanted to fish for groundfish would have to abide by the federal and state groundfish sport fishery regulations and fish for groundfish either shoreward of a boundary line approximating the 40-fm depth contour all year or seaward of a boundary line approximating the 40-fm depth contour during January through May and October through December.

Under Alternative 4, groundfish retention would be prohibited in Oregon's central coast (all-depth and nearshore) sport halibut fisheries from May-October and a YRCA would be established prohibiting sport halibut fishing. The cost to fishery participants of Alternative 4 is not expected to be a measurable change from the costs in Alternatives 1 through 3, except that Alternative 4 may be marginally more costly because boats would have to avoid the closed area and would have separate sport groundfish and halibut trips.

Effects on Management and Enforcement

Under Alternative 1 (status quo,) no areas would be closed to sport halibut fishing in the all-depth fishery, which is restricted to outside of a boundary line approximating the 40-fm depth contour, and groundfish could be retained during the sport halibut fishery in Oregon's central coast (all-depth and nearshore) during May and October. Alternative 1 has been in place since 2004. Therefore, there would be no change in the effects on management or enforcement.

Under Alternative 2, a YRCA would be established, closing a portion of Stonewall Banks off Oregon to sport fishing for halibut. Closed areas increase enforcement effort and costs by increasing the level of monitoring for compliance. When a new closed area is implemented, it incrementally increases enforcement effort and costs. Therefore, Alternative 2 would be more difficult to enforce than Alternative 1, due to adding a new area to patrol which increases enforcement effort and costs. There are no management issues with Alternative 2 aside from new regulations that might increase regulatory complexity.

Under Alternative 3, groundfish retention would be prohibited during Oregon's central coast (all-depth and nearshore) sport halibut fishery which occurs from May through October. Alternative 3 is expected to be less difficult to enforce than Alternative 1 because groundfish retention requirements would not change during part of the halibut season. Management would be less complex than Alternatives 1, 2, and 4.

Under Alternative 4, groundfish retention would be prohibited in Oregon's central coast (all-depth and nearshore) sport halibut fisheries from May-October and a YRCA would be established prohibiting sport halibut fishing. The effects of Alternative 4 on enforcement are likely to be neutral because Alternative 4 is a combination of Alternatives 2 and 3, with Alternative 2 being more difficult to enforce than Alternative 1 and Alternative 3 being less difficult to enforce than Alternative 1. Management would be less complex than Alternatives 1 and 2 but more complex than Alternative 3.

4.3.2 Issue 2 – Eliminate or Retain Minimum Length Requirement in Oregon's Sport Fisheries for Halibut

Issue 2 considers whether or not to eliminate the minimum length requirement for halibut in the sport fisheries from Columbia River, Oregon Central Coast, and South of Humbug Mountain subareas. ODFW has proposed eliminating the minimum length requirement. The alternatives for this proposal are as follows:

- *Alternative 1* for this issue is to maintain the minimum length requirement of 32 inches (81 cm) for the sport halibut fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas.
- *Alternative 2* for this issue is to remove the minimum length requirement for the sport fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas.

Effects on Fishery Participant Harvest and Income Opportunities

Under Alternative 1 (status quo,) the minimum length requirement of 32 inches (81 cm) would remain in effect for sport halibut fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas. Alternative 1 has been in place since 1999. Therefore, there would be no change in the effects on fishery participant harvest or income opportunities.

Under Alternative 2, there would not be a minimum length requirement for the sport halibut fisheries in the

Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas. Removing the minimum length requirement may reduce time on the water if fishermen catch their bag limits earlier than they would have under the 32 inch size limit. Under the 32 inch size limit, if fishermen catch halibut under 32 inches (81 cm), they would have to discard those fish and continue fishing until they catch their bag limit with halibut 32 inches (81 cm) or greater in length. However, even if Alternative 2 reduces time on the water, it, like Alternative 1, is not expected to have any effects on the harvest and income opportunities for fishery participants because the available allocation of halibut to be harvested would not change.

Effects on Cost of Participating in the Fishery

Under Alternative 1 (status quo,) the minimum length requirement of 32 inches (81 cm) would remain in effect for sport halibut fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas. Alternative 1 has been in place since 1999. Therefore, there would be no change in the effects on the cost of participating in the fishery.

Under Alternative 2, there would not be a minimum length requirement for the sport halibut fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas. The cost to fishery participants of materials, fuel, etc. of Alternative 2 may be lower than Alternative 1 if fishermen experience reduced time on the water to attain their daily bag limits. As mentioned under the effects on harvest and income opportunities, if fishermen catch halibut under 32 inches (81 cm), they would not have to discard those fish and continue fishing until they catch their bag limit as they have to with the 32 inch minimum size limit.

Effects on Management and Enforcement

Under Alternative 1 (status quo,) the minimum length requirement of 32 inches (81 cm) would remain in effect for sport halibut fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas. Alternative 1 has been in place since 1999. Therefore, there would be no change in the effects on management and enforcement.

Under Alternative 2, there would not be a minimum length requirement for the sport halibut fisheries in the Columbia River, Oregon Central Coast, and South of Humbug Mountain sub-areas. Alternative 2 is less difficult to enforce than Alternative 1 because there is no size limit to enforce. Alternative 2 would not have any effects on management except by making new regulations slightly less complex.

4.4 Cumulative Effects

Cumulative effects must be considered when evaluating the alternatives to the issues considered in the EA. Cumulative impacts are those combined effects on quality of the human environment that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what Federal or non-Federal agency or person undertakes such other actions (40 CFR 1508.7, 1508.25(a), and 1508.25(c)).

For the issues considered in this document, the area that would be affected by this action is the Oregon central coast sport fishery subarea. This sport fishery subarea is defined as all U.S. waters between Cape Falcon (45°46'00" N. lat.) and Humbug Mountain, Oregon (42°40'30" N. lat.). Potential direct and indirect effects of the preferred and other alternatives considered under each issue are detailed above and summarized in Tables 4.2 and 4.3.

Of the past, proposed, and reasonably foreseeable future actions that are expected to also affect these same waters, the most notable is the action to implement Pacific Coast groundfish fishery management measures for 2005-2006. Halibut is a flatfish that feeds and lives on the ocean floor. Although it is not included in the Pacific Coast groundfish complex for management purposes, it has a life history similar to other large flatfish managed within this complex. Fishing for halibut, both commercial and recreational, occurs in the same waters and affects the same habitats as fishing for Pacific Coast groundfish. The effects of the 2005-2006 groundfish specifications and management measures have been described and analyzed by Council staff in an Environmental Impact Statement, October 2004 (copies of this EIS are available from the Council.) Actions considered in this EA on Pacific halibut management are not expected to have effects on the environment that, when considered in combination with groundfish specifications and management measures, measurably alter the effects of the groundfish specifications and management measures. The preferred alternatives ## discuss post-November ## are intended to ##. Closed area and depth-based restrictions considered in this document are primarily intended to protect yelloweye rockfish, an overfished groundfish species.

Table 4.7, Expected effects of preferred alternatives if effects accumulate over time	
Issue/Alternative	Expected effects
<i>Issue 1, Alternative ## (preferred):</i> (describe)	Preferred alternative would ##
<i>Issue 2, Alternative ## (preferred):</i> (describe)	Preferred alternative would ##

5.0 OTHER APPLICABLE LAW

5.1 Endangered Species Act

Section 7(a)(2) of the Endangered Species Act, as amended, requires that federal agencies “shall, in consultation with and with the assistance of the Secretary [of Commerce or Interior], insure that any action authorized, funded, or carried out by such agency ... is not likely to jeopardize the continued existence of any endangered species, or result in the destruction or adverse modification of habitat of such species....” Based on this section of the law (Section 7), action agencies consult with NMFS (for marine species) or FWS (for terrestrial and freshwater species) in cases where a “major construction activity” (which is considered equivalent to the “major federal action” standard under NEPA) could “jeopardize the continued existence” of an endangered species. For fishery management actions in federal waters, NMFS is both the action and consulting agency (although different divisions fulfill these two roles.) Consultations can begin informally, through “phone contacts, meetings, conversations, letters , project modifications and concurrences...” {USFWS and NMFS, 1998 #557}. During consultations, if the lead agency is informed that listed species or critical habitat may be present in the action area, it prepares a biological assessment to disclose the likely adverse effects. This EA contains the information necessary for a biological assessment of the effects of the proposed action on ESA-listed species occurring in the action area. If the action agency determines that the proposed action may affect listed species or designated critical habitat, formal consultation is required. The consulting agency (in this case, NMFS) must issue a Biological Opinion (or BiOp) within 135 days of the initiation of formal consultation. The BiOp may contain “reasonable and prudent measures” that the action agency must implement (in addition to any proposed mitigation) to ensure the proposed action does not jeopardize the continued existence of the species in question. (These may be referred to as “no jeopardy standards.” The Council manages ocean salmon fisheries in part based on such standards for listed salmon species.)

The proposed changes to the Plan do not constitute an action that may affect endangered/threatened species listed under the Endangered Species Act (ESA) or their habitat within the meaning of the regulations implementing Section 7 of the ESA. Protected species listed under the ESA are discussed at section 3.2 of this document, with the effects of the alternatives to the actions considered in this document discussed at 4.2.3.

5.2 Marine Mammal Protection Act

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

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

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

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

5.3 Migratory Bird Treaty Act and EO 13186

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

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

5.4 Paperwork Reduction Act

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

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

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

5.5 Coastal Zone Management Act

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

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

5.6 EO 12898 (Environmental Justice)

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

The environmental justice analysis must first identify minority and low-income groups that live in the project area and may be affected by the action. Typically, census data are used to document the occurrence and distribution of these groups. Agencies should be cognizant of distinct cultural, social, economic or occupational factor that could amplify the adverse effects of the proposed action. (For example, if a particular kind of fish is an important dietary component, fishery management actions affecting the availability or price of that fish could have a disproportionate effect.) In the case of Indian tribes, pertinent treaty or other special rights should be considered. Once communities have been identified and

characterized and potential adverse impacts of the alternatives are identified, the analysis must determine whether these impacts are disproportionate. Because of the context in which environmental justice developed, health effects are usually considered and three factors may be used in an evaluation: whether the effects are deemed significant, as the term is employed by NEPA; whether the rate or risk of exposure to the effect appreciably exceeds the rate for the general population or some other comparison group; and whether the group in question may be affected by cumulative or multiple sources of exposure. If disproportionately high adverse effects are identified, mitigation measures should be proposed. Community input into appropriate mitigation is encouraged.

The proposed changes to the Plan are not expected to affect minority and low-income communities. West Coast halibut tribes are part of the Council's decision-making process on halibut management issues and tribes with treaty rights to salmon, groundfish, or halibut have a seat on the Council. For 2005, the treaty tribes made no proposed revisions to the Plan. None of the proposed revisions to the plan affect the treaty tribal halibut allocation or the timing or management flexibility of any of the tribal fisheries for halibut.

5.7 EO 13132 (Federalism)

Executive Order 13132 enumerates eight "fundamental federalism principles." The first of these principles states "Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people." In this spirit, the Executive Order directs agencies to consider the implications of policies that may limit the scope of or preempt states' legal authority. Preemptive action having such "federalism implications" is subject to a consultation process with the states; such actions should not create unfunded mandates for the states; and any final rule published must be accompanied by a "federalism summary impact statement."

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

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

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

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

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

The U.S. government formally recognizes that twelve Washington Coastal Tribes have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the tribes' usual and accustomed (U and A) fishing areas (described at 50 CFR 300.64). Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including

the proposed changes to the Plan, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

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

In order to comply with Executive Order (EO) 12866 and the Regulatory Flexibility Act (RFA), this document also serves as a Regulatory Impact Review (RIR). The RIR and Initial Regulatory Flexibility Analysis (IRFA) have many aspects in common with each other and with Eas. Much of the information required for the RIR and IRFA analyses has been provided above in the EA. Table 6.1 identifies where previous discussions relevant to the EA and IRFA/RIR may be found in this document.

Table 6.1 Regulatory Impact Review and Regulatory Flexibility Analysis

RIR Elements of Analysis	Corresponding Sections in EA	IRFA Elements of Analysis	Corresponding Sections in EA
Description of management objectives	#####	Description of why actions are being considered	#####
Description of the Fishery		Statement of the objectives of, and legal basis for actions	
Statement of the Problem		Description of projected reporting, recordkeeping and other compliance requirements of the proposed action	
Description of each selected alternative		Identification of all relevant Federal rules	
An economic analysis of the expected effects of each selected alternative relative to status quo			

6.1 Regulatory Impact Review

The RIR is designed to determine whether the proposed action could be considered a "significant regulatory action" according to E.O. 12866. E.O. 12866 tests requirements used to assess whether or not an action would be a "significant regulatory action", and identifies the expected outcomes of the proposed management alternatives. An action may be considered "significant" if it is expected to: 1) Have a annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; 2) Create a serious inconsistency or otherwise interfere with action taken or planned by another agency; 3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients

NMFS Guidance on RFA

NMFS has provided guidance as to how the regulatory flexibility analysis relates to other analyses and other applicable law. (source: "Operational Guidelines, Fishery Management Plan Process" National Marine Fisheries Service, Silver Spring MD, March 1, 1995, Appendix I.2.d.)

"The RFA requires that the agency identify and consider alternatives that minimize the impacts of a regulation on small entities, but it does not require that the agency select the alternative with the least net cost. Section 606 of the RFA clearly states that the requirements of a regulatory flexibility analysis do not alter standards otherwise applicable by law. Executive Order 12866 requires that agencies provide an assessment of the potential costs and benefits of a "significant" action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate and, to the extent permitted by law, promotes the President's priorities and avoids undue interference with State, local, and tribal governments in the exercise of their governmental function (section 6(a)(3)(B)(ii)). However, the Executive Order also requires agencies to adhere to the requirements of the RFA and other applicable law (section 6(a)(3)). In short, when either the regulatory flexibility analysis or the RIR conflict with a statutory mandate (e.g., the Magnuson Act), the resulting decision must conform to the statute."

thereof; or 4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this executive Order. Based on the economic analyses found in Sections 4.2 and 4.3##, this action is not significant under E.O. 12866.

6.2 Initial Regulatory Flexibility Analysis

When an agency proposes regulations, the RFA requires the agency to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact on small businesses, non-profit enterprises, local governments, and other small entities. The IRFA is to aid the agency in considering all reasonable regulatory alternatives that would minimize the economic impact on affected small entities. To ensure a broad consideration of impacts on small entities, NMFS has prepared this IRFA without first making the threshold determination whether this proposed action could be certified as not having a significant economic impact on a substantial number of small entities. NMFS must determine such certification to be appropriate if established by information received in the public comment period.

1) A description of the reasons why the action by the agency is being considered.

Since 1995, the Council has annually reviewed its Pacific halibut CSP to determine whether there are changes needed to the CSP's fishery management directives for the upcoming fishing year. As described above in Section 1.##, options for revising the CSP are developed in public meetings conducted by the states of Washington and Oregon, and then reviewed and finalized as recommended changes from the Council. The Council first considers changes to the CSP at its September meeting, then finalizes those changes at its November meeting. Council recommendations are reviewed and aired by NMFS in the Federal Register, making them available for public review and comment. The actions considered in this EA/RIR/IRFA are being considered as part of the Council's annual review of its Pacific halibut CSP. The preferred alternatives for each issue are intended to increase protection for overfished groundfish within the recreational halibut fisheries off Oregon and to allow Oregon anglers easier access to their halibut quota.

2) A succinct statement of the objectives of, and legal basis for, the proposed rule.

The Northern Pacific Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary shall have general responsibility to carry out the Halibut Convention between the United States and Canada and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the regional fishery management council

Requirements of an IRFA

The Regulatory Flexibility Act (5 U.S.C. 603) states that:

(b) Each initial regulatory flexibility analysis required under this section shall contain--

- (1) a description of the reasons why action by the agency is being considered;
- (2) a succinct statement of the objectives of, and legal basis for, the proposed rule;
- (3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;
- (4) a description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;
- (5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

(c) Each initial regulatory flexibility analysis shall also contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the proposed rule on small entities. Consistent with the stated objectives of applicable statutes, the analysis shall discuss significant alternatives such as--

- (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
- (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;
- (3) the use of performance rather than design standards; and
- (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Accordingly, catch sharing plans to allocate the TAC of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in IPHC statistical Area 2A have been developed each year since 1988 by the Council in accordance with the Halibut Act. In 1995, NMFS implemented a Council-recommended long-term Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries.

3) A description of and, where feasible, and estimate of the number of small entities to which the proposed rule will apply;

Under the RFA, the term “small entities” includes small businesses, small organizations, and small governmental jurisdictions.

Small businesses. The SBA has established size criteria for all major industry sectors in the US including fish harvesting and fish processing businesses. A business involved in fish harvesting is a small business if it is independently owned and operated and not dominant in its field of operation (including its affiliates) and if it has combined annual receipts not in excess of \$3.5 million for all its affiliated operations worldwide. A seafood processor is a small business if it is independently owned and operated, not dominant in its field of operation, and employs 500 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. A business involved in both the harvesting and processing of seafood products is a small business if it meets the \$3.5 million criterion for fish harvesting operations. A wholesale business servicing the fishing industry is a small businesses if it employs 100 or fewer persons on a full-time, part-time, temporary, or other basis, at all its affiliated operations worldwide. For marinas and charter/party boats, a small business is one with annual receipts not in excess of \$6.0 million.

Small organizations. The RFA defines “small organizations” as any nonprofit enterprise that is independently owned and operated and is not dominant in its field.

Small governmental jurisdictions. The RFA defines small governmental jurisdictions as governments of cities, counties, towns, townships, villages, school districts, or special districts with populations of less than 50,000.

In determining the potential universe of entities subject to this rule, we must consider those entities to which this rule applies. Although many small and large nonprofit enterprises track fisheries management issues on the West Coast, the proposed changes to the Plan and annual management measures will not directly affect those enterprises. Similarly, although many fishing communities are small governmental jurisdictions, no direct regulations for those governmental jurisdictions will result from this proposed rule. However, charterboat operations working off the coast of Oregon are small businesses that are directly regulated by this rule.

The IHPC issued ### licenses to the charterboat fleet in 2004, approximately ### of which were issued to Oregon charterboat operators. Specific data on the economics of halibut charter operations is unavailable. However, in January 2004 the Pacific States Marine Fisheries Commission (Commission) reported that there were about 150 charterboat vessels operating in waters off Oregon in 2000 (PSMFC, 2004). Compared with the ### IPHC charter licenses issued to Oregon addresses in 2004, this estimate suggests

that approximately ## percent of the Oregon charterboat fleet participates in the halibut fishery. The Commission has developed preliminary estimates of the annual revenues earned by this fleet and they vary by size class of the vessels and home state. In 2000, small Oregon charterboat vessels had an average annual revenue of about \$7,000, an average length of 23.4 feet, and typically carried six passengers. In 2000, medium Oregon charterboat vessels had an average annual revenue of \$85,000, an average length of 41.4 feet and typically carried 19 to 20 passengers. These data confirm that Oregon charterboat vessels qualify as small entities under the Regulatory Flexibility Act.

4) A description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

There are no projected reporting, recordkeeping or other compliance requirements associated with this proposed rule.

5) An identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

No duplicative requirements have been identified.

6) A description of any alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimizes the significant economic impacts of the proposed rule on small entities.

The objectives of this action are, for Oregon sport fisheries, to protect overfished groundfish species from incidental catch in the Oregon sport fisheries and to provide anglers with an improved opportunity to access their available quota and to provide consistency between Federal groundfish and halibut regulations.

For each of the revisions proposed for 2005, the Council recommended a Plan or regulatory revision intended to either improve flexibility for anglers or ensure consistency between Federal groundfish and halibut regulations. NMFS does not expect any significant economic impacts for small entities from this proposed rule. There were no alternatives that could have similarly improved angler enjoyment of and participation in the fisheries while simultaneously protecting halibut and co-occurring groundfish species from overharvest.

7.0 LIST OF PREPARERS AND BIBLIOGRAPHY

List of Preparers

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

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

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MEMORANDUM FOR: The Record

FROM: D. Robert Lohn
Regional Administrator

SUBJECT: Categorical Exclusion Determination Under National Environmental Policy Act (NEPA) for Revisions and Additions to the Proposed Pacific Halibut Catch Sharing Plan and Annual Domestic Area 2A Management Measures

This memorandum provides the rationale on how the Pacific Fishery Management Council's (Council's) proposal for revisions and additions to the Pacific Halibut Catch Sharing Plan and annual domestic Area 2A management measures meets the requirements of CEQ regulations at 40 CFR Part 1500-1508 and NOAA Administrative Order NAO 216-6 for categorical exclusion from detailed environmental review.

Background Information

The Area 2A Catch Sharing Plan (CSP) is intended to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters, and among non-Indian commercial and sport fisheries in International Pacific Halibut Commission (IPHC) regulatory Area 2A (off Washington, Oregon, and California). The IPHC is responsible for setting the Area 2A Pacific halibut TAC; halibut harvest levels may not be altered or exceeded by Area 2A fishery participants or managers. Each year, the states of Washington and Oregon, and the halibut treaty tribes review the CSP and annual domestic Area 2A halibut management measures to determine whether they wish to see revisions to the CSP and annual domestic Area 2A management measures for the upcoming fishing year. Proposed revisions are aired through the Pacific Fishery Management Council (Council) process at its September meeting and the Council makes final recommendations to NMFS on revisions to the CSP and annual domestic Area 2A management measures at its November meeting.

For 2005, the Council has recommended a series of minor revisions to the CSP, as initially proposed by the states of Washington and Oregon. This memorandum discusses how the Council's recommendations for minor regulatory changes to halibut fisheries management meet the requirements delineated by CEQ and NOAA Fisheries NEPA implementing regulations for categorical exclusion from detailed environmental review. The minor changes to the CSP proposed by the Council for which NOAA Fisheries has reviewed and approved a categorical exclusion

include:

0. Language in the CSP's section on Sport Fisheries (Section (f),) related to the sport fisheries off the coast of Washington is amended to: change the opening date of the North Coast subarea from the first Tuesday between May 9-15 to May 1 of each year; close the South Coast subarea to fishing in the offshore area when 2,000 lb are projected to remain in the quota and retain that quota for a nearshore fishery; **for the North Coast and South Coast subareas, set an annual bag limit of five halibut per person, with an additional weekly limit of two halibut per person, per calendar year.**
0. Language in the CSP's section on Sport Fisheries (Section (f),) related to the sport fisheries off the coast of Oregon is amended to: add Thursdays to the Friday-Saturday pre-set open dates for the Central Coast Spring fishery; add Sundays to the Friday-Saturday open dates for the Central Coast Summer fishery; allow the Central Coast Summer fishery to be opened for additional dates if ##,000 lb remains in the quota after the ## scheduled Summer fishery opening; split the Columbia River subarea at the Oregon/Washington border (46°16.00' N. lat.) and increase the allocation to the Oregon portion of the Columbia River subarea from 0.18% to 0.35% of the Area 2A TAC.

Categorical Exclusion Determination Based on CEQ Regulations and NOAA Administrative Order - NAO 216-6

In analyzing the appropriateness of a categorical exclusion (CE) determination for 2005 proposed revisions and additions to the Pacific Halibut Catch Sharing Plan and annual domestic Area 2A management measures listed herein, factors at section 5.05b NAO 216-6 and the specific guidance on significance at sections 6.01 and 6.02 were considered. Further, these CSP revisions were evaluated on whether they could be categorically excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) in accordance with NAO 216-6 Section 6.03a.3(b), 6.03c.3, and 6.03d regarding fishery management actions under the Magnuson-Stevens Act. Specifically, 6.03d.4(a) states that fishery management actions that are ongoing or recurring fisheries actions of a routine administrative nature" may qualify for a CE if the actions do not have an impact beyond what was already considered. The actions listed above are minor revisions to annual Pacific halibut management guidelines. They do not affect the overall amount of halibut taken in Area 2A, nor do they affect the type of fishing gear used or species taken incidentally in halibut fisheries.

As a an action that can qualify for a CE, the 2005 proposed revisions and additions to the Pacific Halibut Catch Sharing Plan and annual domestic Area 2A management measures listed herein were further evaluated for the factors on significance to ensure it meets all criteria for a CE. In determining significance, the action was evaluated against the CE criteria at 40 CFR Part 1508.27 and NAO 216-6 section 6.01 and 6.02. Specifically, the NOAA significance factors and the relevance of the action to each are as follows.

- (1) Are the actions reasonably expected to jeopardize the sustainability of any target or non-target

species that may be affected by the action?

These actions are not expected to jeopardize the sustainability of Pacific halibut or any non-target species associated with Pacific halibut. They are minor revisions to the Plan and will not affect the overall amount of Pacific halibut taken in Area 2A, the effects of Pacific halibut fisheries on other species, the areas where fishing occurs, or the gear types used in the fisheries.

(2) Are the actions reasonably expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitats defined under the MSA and identified in FMPs?

These actions are not expected to have any effect on ocean and coastal habitats or essential fish habitats. They are minor revisions to the Plan and will not affect the overall amount of Pacific halibut taken in Area 2A, the areas where fishing occurs, or the gear types used in the fisheries.

(3) Are the actions reasonably expected to have a substantial adverse impact on public health or safety?

These actions are not expected to have an adverse impact on public health or safety. The recommendations to add fishing days to the Oregon Spring and Summer Central Coast fisheries may provide marginal safety improvements for fishery participants. If fishery participants know that they will have a greater number of potential fishing days, they will be less likely to try to fish during adverse weather conditions. Otherwise, the actions are not expected to have any impact, positive or negative on public health or safety.

(4) Are the actions reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

These actions are not expected to adversely affect endangered or threatened species, marine mammals, or critical habitat. Pacific halibut fisheries are hook-and-line fisheries with minimal to no effects on endangered or threatened species or their critical habitat. Further, Area 2A Pacific halibut fisheries are considered Category III fisheries under the MMPA, meaning that annual mortality and serious injury to marine mammals in those fisheries is less than or equal to 1 percent of the Potential Biological Removal level of regional marine mammal stocks.

(5) Are the actions reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

These actions are not expected to result in either individually or cumulatively significant adverse effects on either Pacific halibut or on non-target species associated with halibut. The actions are minor revisions to the Plan and will not affect the overall amount of Pacific halibut taken in Area 2A, the effects of the Pacific halibut fisheries on other species, the areas where fishing occurs, or the gear types used in the halibut fisheries.

(6) Are the actions expected to have a substantial impact on biodiversity and ecosystem function

within the affected area (e.g. benthic productivity, predator-prey relationships, etc.)?

The actions are not expected to have any impact on biodiversity and ecosystem function. The actions are minor revisions to the Plan and will not affect the overall amount of Pacific halibut taken in Area 2A, the effects of the Pacific halibut fisheries on other species, the areas where fishing occurs, or the gear types used in the halibut fisheries.

(7) Are the actions expected to have significant social or economic impacts that are interrelated with significant natural or physical environmental effects?

The actions are not expected to have either significant social or economic impacts, or significant natural or physical environmental effects. These actions are minor revisions to the Plan and will not affect the overall amount of Pacific halibut taken in Area 2A, the effects of the Pacific halibut fisheries on other species or fisheries for those species, or the areas where fishing occurs.

(8) Is the degree to which the effects on the quality of the human environment likely to be highly controversial?

The proposed changes the Plan listed in this memorandum are non-controversial. These proposals were aired before the public in state-sponsored meetings in Oregon and Washington, as well as discussed and finalized in the public forum of the September and November 2004 PFMC meetings.

NAO 216-6 Section 6.01 and 6.02 states that when adverse impacts are possible, the factors listed here should aid the responsible program manager (RPM) in determining the appropriate course of action. If none of these situations may be reasonably expected to occur, NAO 216-6 states that the RPM should prepare an EA or determine, in accordance with section 5.05, the applicability of a CE. Accordingly, NOAA Fisheries finds that the 2005 proposed revisions and additions to the Pacific Halibut Catch Sharing Plan and annual domestic Area 2A management measures, as listed herein, are applicable for a CE, as they will not result in any potential significant impact under these factors.

In summary, NOAA Fisheries finds that the 2005 proposed revisions and additions to the Pacific Halibut Catch Sharing Plan and annual domestic Area 2A management measures listed herein do not have the potential to individually or cumulatively pose significant effects to the quality of the human environment, either under the tests of NAO 216-6 sections 6.01 and 6.02 or under 40 CFR 1508.27. Based on the above determination, the 2005 proposed revisions and additions to the Pacific Halibut Catch Sharing Plan and annual domestic Area 2A management measures listed herein are categorically excluded under NAO 216-6 and NEPA from both further analysis and requirements to prepare detailed environmental documents.

APPENDIX B

2004 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 be 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 dates established preseason (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier. The Washington Department of Fish and Wildlife will 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. The fishery will then reopen during the third 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" W. long. 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 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 in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. The Washington proportion as set preseason would be

transferred to another Washington subarea, and the Oregon proportion as set preseason would be transferred to another Oregon subarea. The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in length.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46'00" N. lat.) to 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 opening and will not be modified inseason except that the Spring opening 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 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 quota. ODFW will monitor landings and provide a post-season estimate of catch within 1 week of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season, openings will be provided if possible in May - July. Potential 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. 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 40-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-fathom fishery subquota. 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-fathom (73 m) curve, and continues daily until the subquota (8 percent of the subarea quota) 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-fathom curve fishery.

B. The second season is an all-depth fishery with two potential openings. The first

opening begins on the second Thursday in May (if the season is 5 or more fishing days) or the second Friday in May (if the season is 4 or fewer fishing days) and is allocated 69 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 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 the combined Oregon all-depth Spring and Summer season total subquotas are estimated to be achieved.

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured 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. Any remaining quota will be transferred to the fishery inside the 40-fathom (73 m) curve.

(vi) 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 October 31. 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 206-526-6667 or 800-662-9825 (May through October) 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: 69 FR 24524 (May 4, 2004)
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)

APPENDIX C – REPORT ON THE 2004 PACIFIC HALIBUT FISHERIES IN AREA 2A

The 2004 Area 2A total allowable catch (TAC) of 1,480,000 lb set by the International Pacific Halibut Commission (IPHC) was allocated as sub-TACs as follows:

Treaty Indian	543,000 lb (35.0% + 25,000 lb)
Non-Treaty Total	937,000 lb (65.0% - 25,000 lb)
Non-Treaty Commercial	322,475 lb (includes incidental sablefish)
Washington Sport	272,942 lb
Oregon/California Sport	297,029 lb

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

NON-TREATY COMMERCIAL FISHERIES

A sub-TAC of 297,029 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 44,554 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 fisheries from May 1 through July 28/29, 2004. Of the halibut taken in the salmon troll fisheries, 18,200 lb were landed in Oregon and 24,598 lb were landed in Washington for a total of 42,798 lb (4% under quota.) Of the halibut taken in the salmon troll fisheries, 14,125 lb were landed in May, 15,049 lb were landed in June, and 13,624 lb were landed in July.

Directed fishery targeting on halibut A quota of 252,475 lb (85% of the non-treaty commercial fishery allocation) was allocated to the directed longline fishery targeting on halibut in southern Washington, Oregon, and California. The fishery was confined to the area south of Subarea 2A-1 (south of Point Chehalis, WA; 46° 53'18" N. lat.). One-day fishing periods of 10 hours in duration

were scheduled by the IPHC for June 23, July 14, July 28, August 11, August 25, September 15, and September 29. 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	6/23/04 Opening	7/14/04 Opening	7/28/04 Opening	8/11/04 Opening
A 0 - 25 ft.	590 lb	590 lb	210 lb	200 lb
B 26 - 30 ft.	735 lb	735 lb	265 lb	210 lb
C 31 - 35 ft.	1,175 lb	1,175 lb	420 lb	335 lb
D 36 - 40 ft.	3,240 lb	3,240 lb	1,160 lb	925 lb
E 41 - 45 ft.	3,485 lb	3,485 lb	1,245 lb	995 lb
F 46 - 50 ft.	4,170 lb	4,170 lb	1,490 lb	1,190 lb
G 51 - 55 ft.	4,655 lb	4,655 lb	1,665 lb	1,330 lb
H 56+ ft.	7,000 lb	7,000 lb	2,500 lb	2,000 lb

- The June 23 directed commercial fishery resulted in a catch of about 110,000 lb, leaving 142,475 lb for later openings.
- The July 14 directed commercial fishery resulted in a catch of about 95,000 lb, leaving 47,475 lb for later openings.
- The July 28 directed commercial fishery resulted in a catch of about 27,000 lb, leaving 20,475 lb for later openings.
- The August 11 directed commercial fishery resulted in a catch of about 14,000 lb, leaving 6,475 lb in the quota, which was not enough fish for an additional opening.

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, 2004, and closes October 31, 2004, although incidental halibut retention was not available until May 1. Properly licensed vessels could retain up to 100 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 2004 IPHC license. Incidental halibut landings in the primary sablefish fishery through October 6, 2004 were 58,752 lb.

SPORT FISHERIES (Non-treaty).

A sub-TAC of 569,971 lb (68.3% of non-treaty share) was allocated between sport fisheries in the Washington area (48.5%) and Oregon/California (51.5%). The allocations were further subdivided as quotas among seven geographic subareas as described below.

Washington Inside Waters Subarea (Puget Sound and Straits of Juan de Fuca). This area was allocated 76,220 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 6 and continued through July 14, 5 days per week (closed Tuesday and Wednesday). The Western Region opened on May 27 and continued through August 14, 5 days per week. 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 126,857 lb (49.0% of the Washington sport allocation). The fishery was divided into two seasons with 35,520 lb set aside for the second season. The fishery was to open May 11 and continue 5 days per week (closed Sunday and Monday) until 91,337 lb were estimated to have been taken. The second season was to open on June 15 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 11 and continued 5 days a week, until May 20, when 74,081 lb were estimated to have been taken. The remaining quota for the May season, 17,256 lb, was not enough to continue the 5 day per week fishery, but did allow another opening on Saturday, May 29th. The total halibut taken from these openings was 80,567 lb.
- The season re-opened June 15-19, during which 43,662 lb were taken, for a total of 124,229 lb, leaving approximately 2,628 lb in the subarea quota.

Washington South Coast Subarea (landings in Westport). The area from the Queets River to Leadbetter Point was allocated 61,565 lb (21% of the Washington sport allocation). The fishery

was to open on May 2 and continue 5 days per week (closed Friday and Saturday) offshore, until the quota was taken. An inshore fishery was also to open May 2 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 2nd and remained open until July 3rd. The total catch for this subarea was 62,823 lb, exceeding the quota by 1,258 lb (2% overage.)

Columbia River Subarea (Leadbetter Point to Cape Falcon). This sport fishery subarea was allocated 14,241 lb, consisting of 2.7% of the Washington sport allocation plus 2.0% of the Oregon/California sport allocation. The fishery was to open May 1 and continue 7 days per week until September 30 or until the quota has been taken. The daily bag limit is the first halibut taken of 32 inches or greater in length.

- This 7 day per week fishery began on May 1st and closed on July 25th with a total catch of 14,761 lb (3.7% over quota).

Oregon Central Coast Subarea (Cape Falcon to Humbug Mountain). This sport fishery subarea was allocated 282,178 lb (95% of the Oregon/California sport allocation).

Three seasons were set for this subarea: 1) a restricted depth (inside 40 fathoms) fishery to commence on May 1 and continue every day until the nearshore sub-quota of 22,574 lb were estimated to have been taken; 2) a fixed Spring season in all depths that was to open on May 13-15, 20-22, and 27-29, and June 10-12 with a catch allocation of 194,703 lb, and; 3) a Summer season in all depths that began on August 6-7 and which continues every other weekend until the total Spring-Summer quotas of 259,603 lb have been taken or until October 31, whichever is earlier. The daily bag limit was the first halibut taken of 32 inches or greater in length.

- The inside 40-fathom fishery opened on May 1 and is scheduled to close October 31. As of October 3rd, 2,022 lb of halibut had been taken in the inside 40-fathom fishery.
- The first fixed all-depth season in May-June, held May 13-15, 20-22, and 27-29, and June 10-12, had a total catch of 131,842 lb, which left enough halibut in the quota to allow openings on June 25-26 and July 10th and 24th. During these four additional all-depth fishery days, an additional 54,367 lb were taken, leaving 8,494 lb in the Spring quota. This remaining poundage was made available to the Summer all-depth fishery.
- The initial Summer all-depth season quota of 64,901 lb was supplemented by the 8,494 lb remaining from the Spring fishery. As a result of this additional poundage, 73,395 lb was available to the Summer all-depth fishery. The Summer all-depth fishery opened on August 6-7 as a two-day (Friday-Saturday) per week fishery with openings on alternate weekends, in

accordance with the CSP. NMFS, ODFW, and IPHC conferred inseason and took action to provide more fishing opportunity in this sub-area beginning September 22nd, when the fishery became a three-day (Friday-Sunday) per week fishery, open each week, with a two-fish bag limit. Through October 3rd, the fishery has taken 37,355 lb.

South of Humbug Mountain, Oregon and off the California Coast Subarea This sport fishery was allocated 8,911 lb (3.0% of the Oregon/California quota). This area had a pre-set season of 7 days per week from May 1 to October 31 and a bag limit of the first halibut taken of 32 inches or greater in length.

- This season is scheduled to remain open through October 31. 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 543,000 lb (35% + 25,000 lb of the Area 2A TAC) was allocated to Tribal fisheries. The tribes estimated that 19,400 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 523,600 lb was allocated to the commercial fishery. The tribes agreed on a new management plan for the 2004 fisheries. The new plan divided the fisheries into “separately managed” fisheries and restricted fisheries.

For the separately managed fisheries, a tribe or group of tribes was allocated a certain percentage of the TAC that could be harvested any time between noon on February 29 and noon on July 30. Collectively, the separately managed fisheries accounted for 75% of the Tribal Commercial TAC. The separately managed fisheries landed 376,421 lbs in 427 landings (out of 392,700 lbs expected).

The remaining 25% of the TAC was open to all parties in the “joint restricted” fishery that was managed to last at least 40 days. The joint restricted fishery opened at noon March 21 with a 500-lb/vessel/day limit. The limit was reduced to 250 lbs/vessel/day from noon on April 9 to 11:59 pm on April 19 when the limit returned to 500 lbs/vessel/day. The joint restricted fishery ended at noon on April 30 with a total catch of 127,304 lbs in 417 landings (out of 130,900 lbs expected).

The remainder of the TAC was targeted in series of short mop-up fisheries with 500-lbs/vessel/day limits. There were four mop-up fisheries in 2004: (1) noon on August 11 – noon on August 12, (2) noon on August 17 – noon on August 20, (3) noon on August 30 – noon on September 1, and (4) noon on September 6 to noon September 8. The total catch for all mop-up fisheries combined was 16,403 lbs in 58 landings. There were 3,473 lbs left in the TAC after the close of the 2004 treaty commercial fishery.

Fishery	Dates Held	Pounds Landed	# of Landings
Separately Managed	February 29 - July 30	376,421 lb	427 landings

Restricted, 250-500 lb/vessel/day	March 21 - April 30	127,304 lb	417 landings
Mop-Up (4 fisheries)	Between August 11 and September 8	16,403	58 landings
Total		520,128 lb	902 landings

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2005.

2004 Area 2A TAC and Catch (in pounds)				
	Quota	Inseason Revised Quota	Catch	Over/Under
TREATY INDIAN	543,000		539,528	-0.6%
Commercial	523,600		520,128	-0.7%
Ceremonial & Subsistence	19,400		19,400 *	
NON-TREATY	937,000		853,880	-8.9%
COMMERCIAL	367,029		347,550	-5.3%
Troll	44,554		42,798	-4.0%
Directed	252,475		246,000	-2.6%
Sablefish Incidental	70,000		58,752 ♦	-16%
SPORT	569,971		506,330	-11.2%
WA Sport	272,942		271,833	-0.4%
OR/CA Sport	297,029		234,497	
WA Inside Waters	76,220		76,220 ♦	
WA North Coast	126,857		124,229	-2.1%
WA South Coast	61,565		62,823	2.0%
Col River Area	14,241		14,761	3.7%
OR Central Coast	282,178		225,586	-20.0%
Inside 40 fathoms	22,574		2,022 ♦	
Spring (May-July)	194,703		186,209	-4.4%
Summer (August-October)	64,901	73,395 ★	37,355 ♦	
OR S. of Humbug/CA	8,911		8,911	
TOTAL	1,480,000		1,393,408	-5.9%

*Assumed. Estimate of amount of halibut taken in ceremonial and subsistence fisheries is not available until after December 31.

★ Although the initial allocation to the August all-depth fisheries was 64,901, the quota was augmented by the underage from the May all-depth fisheries, resulting in 8,494 lb being added to the August all-depth.

♦ Data from these fisheries not complete at the time of the briefing book deadline. Updates will be provided at the Council meeting, if available.

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2005 FISHERY

The Oregon Department of Fish and Wildlife (ODFW) held three public meetings in October 2004 to discuss proposed changes to the Pacific Halibut Catch Sharing Plan (CSP) for the 2005 Oregon recreational fishery approved by the Pacific Fishery Management Council (PFMC). The meetings occurred in Astoria, Newport and North Bend. Based on the meeting comments, and other public input, the ODFW recommendations are presented below for each issue.

Cape Falcon to Humbug Mt. All-Depth Recreational Fishery

Spring Fishery (May-July)

1. Add Thursdays to all openings during the Spring fishery

Presently the fishery opens as a Thursday-Saturday fishery during the "fixed dates" and then reopens every other week as a Friday-Saturday fishery until the quota is taken (with exceptions to avoid adverse low tidal conditions). Adding a third day (Thursday) to scheduled openers (Friday-Saturday) will lessen the likelihood that poor weather and ocean conditions would prevent fishing opportunity during scheduled open periods. This proposal was widely supported at all meetings.

Summer Fishery (August-October)

2. Add Sundays to all openings during the Summer fishery

Adding a third day to scheduled openers (Friday-Sunday) will lessen the likelihood that poor weather and ocean conditions would prevent fishing opportunity during scheduled open periods. Presently the fishery open periods are Friday-Saturday. This proposal was widely supported at all meetings.

3. Do not add a second halibut to the daily bag limit

Meeting participants indicated concern that a one-fish bag limit during the Spring fishery and a two-fish bag limit during the Summer fishery would result in a substantial effort shift from the Spring fishery to the Summer fishery.

4. Adopt an automatic inseason action process to add more angler opportunity to harvest entire season sub-area quota

Meetings participants at both the Newport and North Bend meetings, both located in the affected area, widely supported the following actions:

- a) If after the first scheduled open period of the Summer fishery (the first period starts the first Friday in August) the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40-fathom quotas) is 60,000 pounds or more, the fishery automatically re-opens

on every Friday-Sunday (versus every other weekend). Any excess quota projected to remain after the needs of the inside 40-fathom fishery (scheduled May-October) are met would be transferred into the remaining all-depth quota. This assumes a 2-fish bag limit is not adopted for the Summer fishery.

b) If after the third scheduled open period of the Summer fishery (the third period starts Friday of Labor Day weekend) the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40-fathom quotas) is 30,000 pounds or more, the fishery automatically re-opens on every Friday-Sunday. Under this provision, the bag limit would be 2 fish with no minimum length. Any excess quota projected to remain after the needs of the inside 40-fathom fishery (scheduled May-October) are met would be transferred into the remaining all-depth quota.

Actions under 4a and 4b will be announced by the National Marine Fishery Service (NMFS) via an update to the recreational halibut hotline.

Spring Fishery (May-July) and Summer Fishery (August-October)

5. Adopt a “yelloweye rockfish conservation” closure area located on Stonewall Banks

Support for the adoption of the Stonewall Banks “yelloweye rockfish conservation” area were mixed at both the Astoria and Newport meetings and supported at the North Bend meeting.

The incidental catch of yelloweye rockfish in the all-depth halibut fishery was a concern in 2004 and higher than expected preseason. Much of the impact is reported to have occurred in the area designated at Stonewall Banks, encompassing the “high spots” (such as shown on the attached map). Stonewall Banks is an area approximately 15 miles offshore of Newport and is a popular halibut area for private boat anglers with small to mid-size boats.

This designated area would be closed to halibut fishing on all-depth halibut days to reduce impacts on species of concern, especially yelloweye and canary rockfishes, while allowing access to productive halibut areas around Stonewall Banks. The yelloweye rockfish conservation area is defined by the following coordinates in the order listed:

W. Longitude	N. Latitude
1. -124.41536485300	44.62426583040
2. -124.39379068200	44.62426583040
3. -124.36332320644	44.47853525271
4. -124.40169956970	44.47853525271
5. -124.42456903100	44.52374533330

Leadbetter Pt., Washington to Cape Falcon, OR Sub-Area Recreational Fishery

6. Split the subarea quota at the Washington/Oregon border and Increase allocation to the Oregon side of the Columbia River sub-area

This proposal was supported by participants at both the Astoria and Newport meetings, and not supported at the North Bend meeting.

The Columbia River sub-area quota would be split at the Oregon/Washington border. Halibut landed into each state’s ports will be attributed to that state’s quota. When a state’s quota was attained, halibut landings will be prohibited into that state’s ports. The allocation to the Oregon ports quota will increase from 2 percent to 4 percent of the total Oregon/California recreational allocation. This will reduce the quota in the Central Oregon sub-area from 95 to 93 percent. The

purpose of the increase is to provide additional opportunity to anglers on the Oregon side of the Columbia River sub-area.

Sub-areas south of Leadbetter Pt., Washington

7. No minimum length requirement

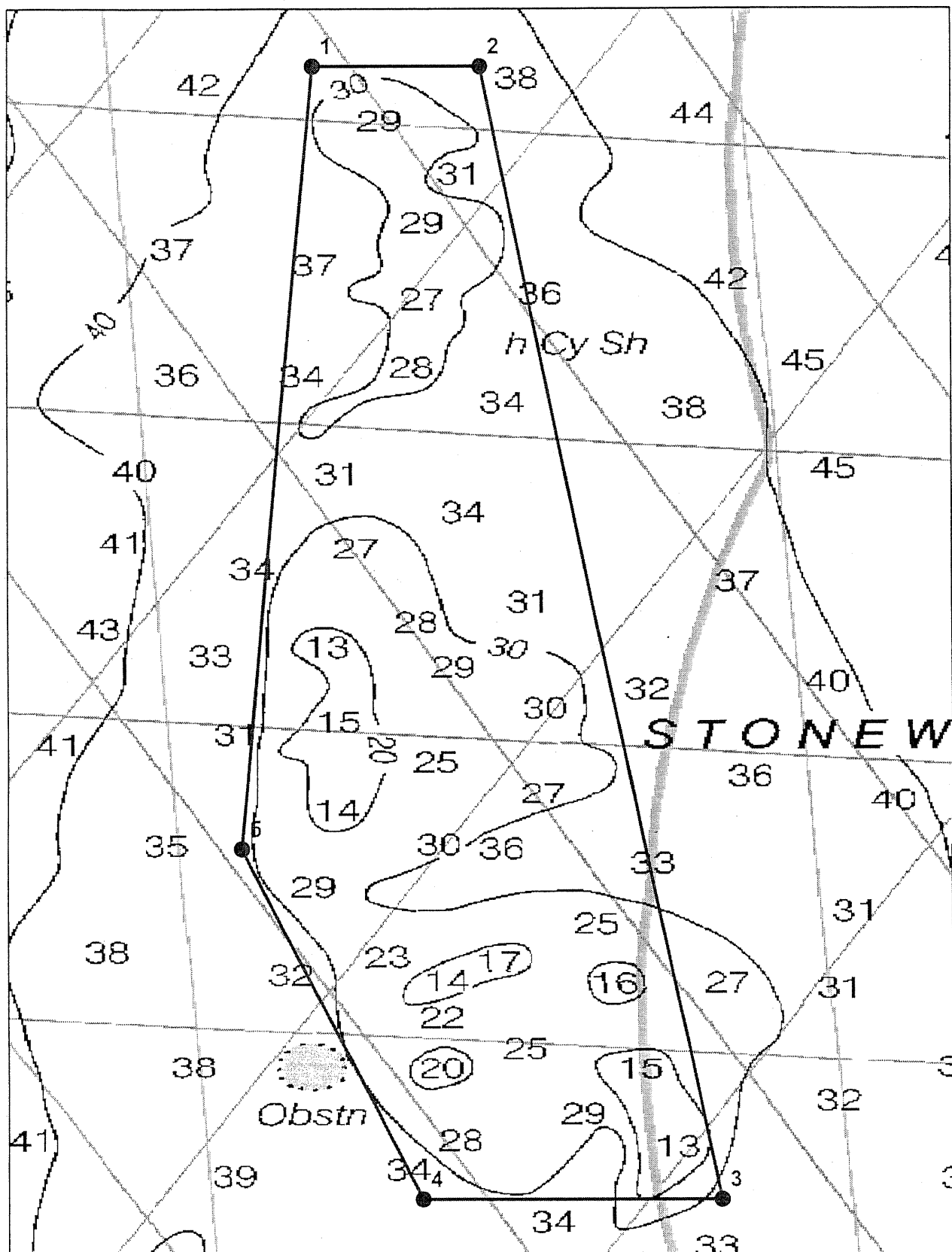
Meeting participants from south of Cape Falcon recommended retaining the status quo minimum length requirement, while participants north of Cape Falcon preferred requiring no minimum length. Eliminating the minimum length requirement should reduce the number of halibut released and time on the water thus reducing bycatch of groundfish species.

8. No groundfish retention except sablefish allowed during the all-depth fishery if halibut are on-board the vessel except south of Humbug Mt.

There was mixed support for this proposal at the public meetings. Requiring non-retention of groundfish species during the all-depth Pacific halibut fishery would discourage targeting of overfished species and other species with harvest limitations (e.g., black rockfish). Sablefish are taken incidentally while targeting halibut. Eliminating groundfish retention, other than sablefish, would also allow dockside enforcement during June through September when groundfish is closed outside of 40-fathoms. Allowing sablefish retention during the July through September period would require an inseason change to the groundfish regulations.

9. Simplify inseason actions to transfer unused quota between subareas

This issue reflects a technical change to implement a previously adopted procedure. Add the following language to the CSP in the Cape Falcon to Humbug Mt. subarea section (f)(v): If inseason it is determined that the combined all-depth and inside 40-fathom fisheries will not harvest the entire annual allocation to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point by NMFS via an update to the recreational halibut hotline. Under this proposal filing of a federal register notice will not be required. This proposal results from a failed attempt in mid-September 2004 to transfer quota to the Columbia River subarea to reopen the sport fishery inseason when it was determined that the entire allocation to the Oregon central coast subarea would not be harvested before the scheduled fishery closure. NMFS determined that the language in the CSP under Flexible inseason management provisions (f)(5)(i)(D) was not sufficient, without additional language under the (f)(v) Oregon central coast subarea section, to transfer quota without first filing under the federal register process. At that time there was not sufficient time to file prior to the scheduled closing date of the Columbia River subarea fishery.



2005 PACIFIC HALIBUT CATCH SHARING PLAN FOR SOUTH OF LEADBETTER POINT

(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~~ 4.0 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.). *Halibut landed into each state's ports will be attributed to that state's quota. When a state's quota is attained, halibut landings will be prohibited into that state's ports.* The fishery will open on May 1, and continue 7 days per week until ~~the subquota~~ *each state's quota* is estimated to have been taken, or September 30, whichever is earlier. Subsequent to this a closure in either state, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. *Any remaining state's quota would be transferred to that state. The Washington proportion as set preseason would be transferred to another Washington subarea, and the Oregon proportion as set preseason would be transferred to another Oregon subarea.* The daily bag limit is the first halibut taken, per person, of 32 inches (81.3 cm) or greater in one halibut with no minimum length.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46'00" N. lat.) to Humbug Mountain, Oregon (42°40'30" N. lat.) and is allocated ~~95.0~~ 93.0 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 opening and will not be modified inseason except that the Spring opening 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 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 quota. ODFW will monitor landings and provide a post-season estimate of catch within one week of the end of the fixed season. If sufficient catch remains for an additional day of fishing after the Spring season, openings will be provided if possible in May - July. Potential 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. 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 40-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-fathom fishery subquota *if it can be used*. The daily bag limit for all seasons is ~~the first halibut taken, per person, of 32 inches (81.3 cm) or greater in one halibut with no minimum 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-fathom (73 m) curve, and continues daily until the subquota (8 percent of the subarea quota) 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-fathom curve fishery. *No groundfish retention except sablefish allowed if halibut are on-board the vessel during days open to all-depth fishing.*

B. The second season is an all-depth fishery with two potential openings. The first opening begins on the second Thursday in May (if the season is 5 or more fishing days) or the second Friday in May (if the season is 4 or fewer fishing days) and is allocated 69 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 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 Thursday~~ *through Saturday* except that week(s) could be skipped to avoid adverse tidal conditions. The potential open ~~Fridays and Thursdays~~ *through 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 the combined Oregon all-depth Spring and Summer season total subquotas are estimated to be achieved. *No groundfish retention allowed except sablefish if halibut are on-board the vessel. A yelloweye rockfish conservation area that is closed to recreational halibut fishing is defined by the following coordinates in the order listed:*

W. Longitude	N. Latitude
1. -124.41536485300	44.62426583040
2. -124.39379068200	44.62426583040
3. -124.36332320644	44.47853525271
4. -124.40169956970	44.47853525271
5. -124.42456903100	44.52374533330

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured to be open every other week on Friday ~~and Saturday~~ *through Sunday* except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays ~~and Saturdays~~ *through Sundays* will be identified preseason. *If after the first scheduled open period the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40-fathom quotas) is 60,000 pounds or more, the fishery automatically re-opens on every Friday-Sunday (versus every other weekend). Any excess quota projected to remain after the needs of the inside 40-fathom fishery (scheduled May-October) are met would be transferred into the remaining all-depth quota. The inseason action will be announced by the National Marine Fishery Service via an update to the recreational halibut hotline. If after the third scheduled open period the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40-fathom quotas) is 30,000 pounds or more, the fishery automatically re-opens on every Friday-Sunday. Under this provision, the bag limit would be 2 fish no minimum length. Any excess quota projected to remain after the needs of the inside 40-fathom fishery (scheduled May-October) are met would be transferred into the remaining all-depth quota. The inseason action will be announced by the National Marine Fishery Service via an update to the recreational halibut hotline. The fishery will continue until there is insufficient quota for an additional day of fishing or October 31, whichever occurs first. Any remaining quota will be transferred to the fishery inside the 40-fathom (73 m) curve if needed. If inseason it is determined that the combined all-depth and inside 40-fathom fisheries will not harvest the entire annual allocation to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point by NMFS via an update to the recreational halibut hotline. No groundfish retention allowed except sablefish if halibut are on-board the vessel. A yelloweye rockfish conservation area that is closed to recreational halibut fishing is defined by the following coordinates in the order listed:*

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(vi) 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 October 31. The daily bag limit is ~~the first halibut taken, per person, of 32 inches (81.3 cm) or greater~~ *is one fish with no minimum 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.

Patty Burke

<this report was a technical correction>

on the additional dates unless the opening date has been announced on the NMFS hotline. 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 40-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-fathom fishery subquota *if it can be used*. The daily bag limit for all seasons is ~~the first halibut taken, per person, of 32 inches (81.3 cm) or greater in one halibut with no minimum 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-fathom (73 m) curve, and continues daily until the subquota (8 percent of the subarea quota) 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-fathom curve fishery. *No groundfish retention except sablefish, allowed if halibut are on-board the vessel during days open to all-depth fishing.* **When Allowed by Groundfish**

B. The second season is an all-depth fishery with two potential openings. The **Regulation** first opening begins on the second Thursday in May (if the season is 5 or more fishing days) or the second Friday in May (if the season is 4 or fewer fishing days) and is allocated 69 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 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 Thursday through Saturday~~ except that week(s) could be skipped to avoid adverse tidal conditions. The potential open ~~Fridays and Thursdays through 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 the combined Oregon all-depth Spring and Summer season total subquotas are estimated to be achieved. *No groundfish retention allowed except sablefish if halibut are on-board the vessel. A yelloweye rockfish conservation area that is closed to recreational halibut fishing is defined by the following coordinates in the order listed:*

when allowed by groundfish regulation

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IF determined
to be
Appropriate
Through
Joint
CONSULTATION
Between
IPHC
NMFS AND
ODFW

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured to be open every other week on Friday ~~and Saturday~~ through Sunday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays ~~and Saturdays~~ through Sundays will be identified preseason. *If after the first scheduled open period the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40-fathom quotas) is 60,000 pounds or more, the fishery automatically re-opens on every Friday-Sunday (versus every other weekend).* Any excess quota projected to remain after the needs of the inside 40-fathom fishery (scheduled May-October) are met would be transferred into the remaining all-depth quota. The inseason action will be announced by the National Marine Fishery Service via an update to the recreational halibut hotline. *If after the third scheduled open period the remaining Cape Falcon to Humbug Mt. entire season quota (combined all-depth and inside 40-fathom quotas) is 30,000 pounds or more, the fishery automatically re-opens on every Friday-Sunday.* Under this provision, the bag limit would be 2 fish no minimum length. Any excess quota projected to remain after the needs of the inside 40-fathom fishery (scheduled May-October) are met would be transferred into the remaining all-depth quota. The inseason action will be announced by the National Marine Fishery Service via an update to the recreational halibut hotline. The fishery will continue until there is insufficient quota for an additional day of fishing or October 31, whichever occurs first. Any remaining quota will be transferred to the fishery inside the 40-fathom (73 m) curve if needed. If inseason it is determined that the combined all-depth and inside 40-fathom fisheries will not harvest the entire annual allocation to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point by NMFS via an update to the recreational halibut hotline. No groundfish retention allowed except sablefish if halibut are on-board the vessel. A yelloweye rockfish conservation area that is closed to recreational halibut fishing is defined by the following coordinates in the order listed:

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WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE 2005 PACIFIC HALIBUT CATCH SHARING PLAN

As a result of the input we received during our public meeting process, the Washington Department of Fish and Wildlife (WDFW) is not supporting any of the changes to the Catch Sharing Plan that we proposed in September. The proposed changes and our rationale for not supporting them, are:

1. Changing the opening date of the north coast subarea from the first Tuesday between May 9-15 to May 1 of each year. If May 1 falls on a Sunday or Monday, then the fishery will open on the first Tuesday after May 1.

Rationale: The current language in the plan refers to opening on the first Tuesday between May 9 and 15; in 2005, this fishery would open on May 10. If the start date were changed to May 1, the fishery would, in effect, open on May 3 (as the fishery is closed on Sunday and Monday in this area). Given that under either of the start date proposals there is little chance of the season extending through the Memorial Day weekend, and the diverse opinions on this issue, the Department does not believe changing the start date is warranted.

2. In the south coast subarea, close the fishery when 2,000 lbs are projected to remain in the subarea quota. Subsequent to this closure, the nearshore area (northern and southern) would reopen on Friday and Saturday only, until the remaining quota is projected to be taken.

Rationale: From 1996-2000, there was a provision in the catch sharing plan that set aside 1,000 lbs of halibut for the northern nearshore area for the purpose of accommodating incidental halibut catches while fishers were targeting bottomfish. This set aside was feasible as there are not targetable halibut areas within the northern nearshore area; however, there are targetable areas in the southern nearshore area which makes attainment of the set aside difficult to monitor and predict with the accuracy required by state, federal, and international management entities. Under this proposal, the subarea (offshore and nearshore) would close when 2,000 lbs were projected to remain in the quota. The nearshore areas (northern and southern) would then reopen on Fridays and Saturdays only until the remaining quota was taken. With targetable halibut areas in the southern nearshore area, this small set aside amount could easily be exceeded on the first weekend it reopened. Therefore, the Department does not favor the proposal to expand the nearshore area fishery. We continue to support the seven days per week nearshore opportunity provided under the current plan north of Grays Harbor, and we believe we can accommodate the incidental catches for the northern nearshore area as an inseason measure under the current language in the plan. The southern nearshore area will again be open five days per week consistent with the other offshore target areas.

3. Add a statement to the north coast and south coast subareas that sets an annual bag limit of five halibut per person, per calendar year. The Department would require its Catch Record Card (currently required in Puget Sound) to apply to the coastal marine areas for halibut as well. Recreational fishers would be required to record their catches on the Catch Record Card, which can be inspected by enforcement staff during the season and is turned in to the Department at the end of the season.

Rationale: The Department recognizes the significant increase in effort in the north coast area over the past few years and believes that the issue of the short season needs to be addressed. However, there are issues, such as enforcement of the Department's current Catch Record Card, that still need to be thoroughly discussed, and other management tools which may be available for the Department to use. To that end, the Department plans to hold additional public meetings dedicated to identifying and discussing the management tools available to the Department to lengthen the north coast halibut season, which may include a weekly and/or annual bag limit. Following that discussion, if there are management tools that we would like to use, then the Department could pursue changing the state recreational halibut regulations through our Fish and Wildlife Commission process for implementation in 2005 or 2006.

4. Add a statement to the north coast and south coast subareas that sets an annual bag limit of five halibut per person, per calendar year, with an additional weekly limit of two halibut per person, per calendar week. Again, the Department would require anglers to complete a Catch Record Card to record their halibut catch.

Rationale: Again, the Department plans to have additional public meetings to develop management tools to address lengthening the north coast halibut season and this proposal could be considered through our Fish and Wildlife Commission process for implementation in 2005 or 2006.

Regarding the changes proposed by the Oregon Department of Fish and Wildlife for the Columbia River area: 1) splitting the subarea quota between the two states; and 2) removing the 32-inch minimum size limit, the Washington Department of Fish and Wildlife received comments against both of these proposals.

In reviewing the quota contributions for the past five years, it appears that Washington has consistently contributed a greater proportion to the subarea quota than Oregon, and it was expressed that equitable contributions to this shared quota should be pursued.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED
CHANGES TO THE 2005 PACIFIC HALIBUT CATCH SHARING PLAN
ADDITIONAL PROPOSED REVISION

Washington South Coast Subarea

As described in the Supplemental WDFW Report on this agenda item, we would support using remaining subarea quota to provide an incidental catch allowance in the northern nearshore area subsequent to a closure (if there is not quota sufficient to reopen the offshore area). To ensure this can be accomplished in a timely manner inseason, the Washington Department of Fish and Wildlife proposes the following language be revised in the catch sharing plan:

(f) SPORT FISHERIES

(1)(iii) Washington south coast subarea

“...Subsequent to this closure, if there is insufficient quota remaining to reopen the entire this subarea for another fishing day, then any remaining quota may be used to accommodate incidental catch in the northern nearshore area or be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational hotline....”

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

Mr. Chairman, I would just like to offer a very brief comment on the catch-sharing plan for halibut.

The tribes propose no changes to the catch-sharing plan as it relates to the Treaty Indian allocation of halibut for 2005. That allocation would remain at 35% of the Area 2A TAC, plus the 25,000 lb. Adjustment, as specified in the Stipulation and Order of the U.S. District Court.

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

The Groundfish Advisory Subpanel (GAP) examined the proposed alternatives for recreational halibut catch sharing. For the purposes of discussion, and this report, the GAP used the list found in Agenda Item C.1.a - Attachment 2 (Council Newsletter Article). The GAP also asked representatives of the Oregon Department of Fish and Wildlife (ODFW) and the Washington Department of Fish and Wildlife (WDFW) to provide their positions on the proposed alternatives.

The GAP recommends the Council reject items 1 through 4, which are being withdrawn by WDFW in favor of maintaining the status quo. Action will be taken on the state level to accomplish the same objectives.

The GAP recommends the Council accept items 5 and 6, which will enable Oregon fishermen to attain their share of the available halibut resource.

The GAP recommends the Council reject item 7. This effectively re-allocates fish from the spring fishery to the summer fishery, with no clear gains in conservation or economic benefit.

The GAP recommends the Council accept item 8(a), but reject item 8(b), which is consistent with the GAP's position on item 7. In regard to part 8(a)(2), a majority of the GAP recommends the language on a 32-inch minimum size be deleted. The majority believes coastwide consistency in minimum sizes will enhance enforcement. A minority of the GAP suggests that the 32-inch minimum size be retained to prevent high-grading.

The GAP recommends the Council accept item 9, but delete the reference to "no groundfish retention" in order to be consistent with the GAP recommendation on item 12 (below).

The majority of the GAP was unable to reach consensus on item 10. One minority group of the GAP supported this proposal; another minority group opposed it. Conflicting public testimony was also presented.

A majority of the GAP recommends the Council accept item 11 in order to provide coastwide consistency on regulations. A minority of the GAP opposed item 11 due to concerns with potential high-grading.

The GAP recommends the Council accept item 12 with the proviso that the prohibition on retaining groundfish not apply to incidentally-caught sablefish with state bag limits. The GAP notes that this additional modification may require inseason action by the Council in 2005.

Finally, the GAP discussed how trawl mortality impacts are applied to set the allowable harvest for halibut in Area 2A. Several GAP members are concerned the requirement to discard dead

halibut creates additional unnecessary waste, when these fish are already accounted for in setting allowable harvests. Others expressed the concern that allowable harvest is based on prior year mortality levels and that allowing retention of halibut, which otherwise would be discarded, could have the unintended effect of re-allocating from other fisheries. While the GAP reached no resolution on the issue, there was general agreement the Council needed to address how to fairly deal with the whole issue of prohibited species retention, especially given the current discussions on individual bycatch quotas in the context of trawl individual quota proposals.

PPMC

11/02/04

jSept. 25, 2004

Subject: Halibut retention limits

From: David Sargeant

Gentalman;

This is about the worst idea I have heard so far coming from the fisheries a limit on the number of Halibut of 2 halibut a week and 5 for the year. It makes as much sence as only letting the charter boats using one pole at a time. Do you know how many more regulations can be put on to the voteing public. We should close down the fisheries and give the money spent, to the Education system, at least we would get something useful for our money. I would be glad to start and tell all my friend to do just that.

It is about time for the fishery management to start charging the Commercial fishing boats a fee for each type of fish they intend to fish for. All commercial boats, Charter boats, and Guide boats should start paying for the right to harvest fish by either selling or charging for hire a charter and guideing boat to the public. Also all commercial boats should be charged for each species they harvest.

I think a fee of \$5,000 per boat for each species of fish would help fun the hatcheries needed for these types of operation. The public has had to fund their operations by paying taxes and the cost of fishing liciences for many years, and it is time for them to give back to the fish stocks they are taking.

The other option I see is to stop charging a licience fee for sports fishing and let the general public harvest the few fish that they are allowed by the quota and limits you want with this change. This has been one of the worst years for fishing I have had for all the regulations brought to the general public. We were allowed to harvest only 5 Sturgeon this year but the fisheries has allowed the gillnetters their own quota. Then the Coho quota was only the hatchery fish. When fishing we threw back, twenty three native wild fish for every hatchery fish. Well if there are so few natives and on the nations dieing breed of salmon, why do we have so many fish out their.

This leads me to beleave that you people have not done your job. We need some answer, why you are listening to the people who are killing the runs of fish. And not to the general public that have put you in that job. I am infavor of stop all fishing liciences for the general public

As for Enforcement with all the time I spend on the ocean and in the Columbia River you can never find one of those officer that work for you when you need them. And calling the Hot line is just as bad. Yes getting rid of the Fishery is looking better to me all the time.

Sincerly a concerned public
David Sargeant
Email - pamda@pacifier.com

Subject: Proposed Halibut revision fo Washington Sport Anglers
From: Randy Pfriem <randykevin@yahoo.com>
Date: Thu, 7 Oct 2004 09:11:08 -0700 (PDT)
To: culvemkc@dfw.wa.gov
CC: RGarner755@aol.com, Chuck.Tracy@noaa.gov

Michele Culver
WDFW

I always feel that we get no say when these issues are presented by the PFMC or the WDFW. We need to get something in return besides an empty hope of longer seasons. We currently have a one fish bag limit per day, now they want to make it a one fish per day, 2 fish per week and 5 fish per season. Why don't they just change the regulation to "Enjoy the hospitality of BC fishing where you can keep 2 Halibut per day, enjoy the favorable exchange rate and help Washington lose your hard earned dollars to another foreign country! "

If this proposal is adopted, and it most surely will be, we get nothing other than more limits more reasons to vacation elsewhere. At the least we should have the bag limit raised to 2 while limiting the annual catch to 10 and limit the days fishing and not have a weekly limit. This would not send Washington sport fishing dollars to Canada.

What we never see in these proposals are the data that supports these proposed new limits. How many anglers are taking more than 2 fish per week? How many anglers are taking more than 5 fish per season, (10 fish per season).

Why would my friends and relatives from outside of Washington come to fish here instead of BC? This is just more of the same pressure being put on the Sport Fishing groups to solve miss-management of the resource. Go back to the drawing board on this one ASAP!

Randy Pfriem
Edmonds WA

1

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

Portland, OR, November 1-5, 2004. 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:

1. Change the opening date of the Washington north coast subarea from the first Tuesday between May 9-15

to May 1 of each year. If May 1 falls on a Sunday or Monday, then the fishery would open on the first

Tuesday after May 1. This proposal would reinstate the traditional May 1 opening date.

2. Close the Washington south coast subarea fishery when 2,000 lbs are projected to remain in the subarea

quota. Subsequent to this closure, the nearshore area (northern [east of 124°40'00"] and southern [east of

124°27'00"] subareas) would reopen on Friday and Saturday only, until the remaining quota is projected to

be taken. This proposal would reinstate some nearshore opportunity that could be used by small vessels.

3. Set an annual bag limit of five halibut per person, per calendar year for the combined Washington north

coast and south coast subareas. The Department would require its catch record card (currently required in

Puget Sound) to apply to the coastal marine areas for halibut as well. Recreational fishers would be required

to record their catches on the catch record card, which can be inspected by enforcement staff during the

season and is turned in to the Department at the end of the season.

4. In addition to the annual limit of five halibut per person, per calendar year for the combined Washington

north coast and south coast subareas, include a weekly limit of two halibut per person, per calendar week.

Proposals 3 and 4 are intended to provide opportunity to more individuals and lengthen the season.

For additional information on the proposals, contact:

Michele culver (WDFW) for Washington proposals
(culvemkc@dfw.wa.gov or 360-249-4628);

Don Bodenmiller (ODFW) for Oregon proposals
(Don.Bodenmiller@state.or.us or 541-867-0300) x223;

or Chuck Tracy at the Council office (Chuck.Tracy@noaa.gov or 503-820-2280).

Do you Yahoo!?

Yahoo! Mail Address AutoComplete - You start. We finish.

Subject: Proposed 2A catch changes

From: "john herrling" <jherrling@msn.com>

Date: Thu, 7 Oct 2004 12:12:11 -0700

To: <culvemkc@dfw.wa.gov>, <chuck.tracy@noaa.gov>

My name is John Herrling, I started fishing for Halibut out of Neah Bay in 1985 and have fished there extensively every year since. I read the proposed changes for 2A that would only allow recreational anglers two halibut per week and five per year, I have since talked to other friends that fish for halibut out of Neah Bay and La Push and none of us think this is a good idea. The consensus is that this is nothing but a greedy attempt by a few individuals out of Neah Bay to help their pocket books and does nothing for the recreational angler. I have not spoken to one recreational angler that is in favor of this, all have been adamantly against it. My experience at Neah Bay over the last few years has led me to believe that the recreational angler is seen as nothing more than a cash cow to be exploited when ever possible and that their needs and desires are really not important, the situation got to the point last year that I did something I never thought I would do and that was to leave Neah Bay and start fishing out of La Push. My friends and I firmly believe that this proposal is not in the best interests of the recreational angler and that any attempt to say it is is nothing but deceitful.

Thank you for your time and consideration,

John Herrling

Subject: Halibut limits Neah bay and LaPush

From: FISHNG1@aol.com

Date: Fri, 8 Oct 2004 12:45:35 EDT

To: culvemkc@dfw.wa.gov, chuck.tracy@noaa.gov

Hello my name is Steve Ng and I am an active member of Gig Harbor Puget Sound Anglers. I do not claim to make judgement for this group, but do have a consensus (sp) of our members. I believe that this limit would be a bad thing for us in that most of us do not have an unlimited time to fish and have to spend a few days at it a month. The bag limit would make most of us leave in two days. And why the five per year. I believe this is being pushed by a few people in Neah bay that would like to have all the business to themselves, like the charters who run out of Neah bay.

I am against this measure.

Thanks for your time
Steve Ng
7816 61st Ave NW
Gig Harbor, WA 98335

Subject: Halibut Changes

From: "cdpeevey" <cdpeevey@olypen.com>

Date: Tue, 12 Oct 2004 08:53:38 -0700

To: <culvemke@dfw.wa.gov>

CC: <chuck.Tracy@noaa.gov>

I strongly REJECT changes to our existing system the P F M C & WDFW are considering. You are making it way to hard for the average Joe" to get his or her fair share of Halibut with such restrictions. We can never get our sports allotment which will then go to the commercials.

C. D. Peevey

Subject: halibut regulation proposals

From: "Steve Blenk" <blenk1@olympus.net>

Date: Tue, 12 Oct 2004 08:57:15 -0700

To: <culvemkc@dfw.wa.gov>, <Chuck.Tracy@noaa.gov>

Hello, Fisheries Bureaucrats

I would like to go on the record as VEHEMENTLY opposing the proposed 2 per week, 5 per season (!) halibut restrictions. I will further state that should the WDFW adopt such restrictive measure I will personally work to organize the largest, loudest possible protest violations of such restrictions. I live on the Peninsula and have fished salmon and halibut here all my life. If you want to restrict someone and make a real impact, stop punishing the sports fishermen and go after the commercial and tribal fisheries.

This is patently an attempt to extend the charter season in the Neah Bay area at the expense of the sports fishing public. WHEN are you people going to stop hammering on US????? I think it is HIGH TIME we block up the entire Olympia area for a week or so with boats on trailers, perhaps until you 'people' get the message that we want to have a decent and equitable share of the fishery.....SO START LISTENING!!!!!!

STEVE BLENK
360-683-2328

proposed 2A catch changes

Subject: proposed 2A catch changes

From: "Jim Herrling" <jandbherrling@verizon.net>

Date: Fri, 8 Oct 2004 16:41:38 -0700

To: <chuck.tracy@noaa.gov>

I was just made aware of the proposed changes of the halibut catch limits. Two fish per week? Five total fish per year? Please don't let this become the law. We sport fisherman have taken it on the chin on salmon, bottom fish and now you are thinking of curtailing Halibut even more. I am all for conservation of the saltwater species. I would be all in favor if all of fisherman, sport, commercial, and Indian were treated on an even basis. But they aren't. The sport fisherman is really coming out with the short end of the stick. Unless you even things out I don't think that it will pay me to buy a license for the coming year. Please wake up. You aren't saving any fish unless you cut everyone back on an equal basis. And you are driving the sport fisherman away forever.

James A. Herrling
Kirkland 98034

Subject: Halibut Proposal for 2005

From: "Dave Croonquist" <dcroonquist@worldnet.att.net>

Date: Mon, 11 Oct 2004 21:33:57 -0700

To: "Anderson, Phil" <anderpma@dfw.wa.gov>, "Tracy, Chuck" <Chuck.Tracy@mercury.akctr.noaa.gov>

CC: "Cenci, Mike" <cencimac@dfw.wa.gov>, "Jarmon, Bill" <jarmowaj@dfw.wa.gov>, "Bjork, Bruce" <bjorkbb@dfw.wa.gov>

Good morning

I'd like to voice my concerns about the proposed PFMC to the sport halibut season for 2005 as were outlined in an August 30, 2004 resulting from a WDFW workshop held on August 26. It is my understanding that there might be subsequent meetings with a final decision to be made by the PFMC/NOAA in early November, 2004.

It appears that the sport fishing community will face additional restrictions on their ability to fish for halibut. One area of concern is the potential loss of a Memorial Day fishery if the catch rates continue at about the same levels as previous years. A May 1 opener would probably preclude any kind of a Memorial Day fishery for the private boat angler. I would like the opener to continue to be based on the first Tuesday of the month (May). I have heard that some of the charter operators want the earlier opener so that they can take some clients out before they head to Alaska for the summer season. I don't feel that that reason justifies an earlier opener. I would think that the charters that stick around through the summer would like a better opportunity to be able to offer a halibut/salmon combined trip IF the quotas aren't reached and the seasons could overlap.

I'm not sure about an annual limit on halibut. How that number is controlled is problematical given the current CRC set-up. At the same time, limiting a person to two fish per week can impact family vacation plans especially if the weather turns bad. While this might not be as much a factor for those who choose charter trips, it is a problem for the private/small boat angler. People plan vacations up to a year or more in advance. They invest a lot of money/time to go on an extended fishing trip. They need to have the flexibility to adjust their trips off-shore to meet water conditions.

Enforcement concerns should not drive the biological issues. Enforcement is a tool in wildlife management, but there has to be a trust level within the WDFW that recognizes that most sportspersons are going to follow the rules and regulations. People will understand biological reasons that drive season structure if properly documented and presented. They don't want to be told that they can't fish because enforcement can't be there to supervise them. You'll never get 100% compliance, but I think you should expect that the violation rates are, in general, going to be fairly low. I think if you review the Marine Area salmon reports for the past couple of years, you'll see that the majority of folks are doing things right. IF there is a LE problem, then LE can step in and address it in a variety of ways, but don't insult the fishing community by implying that they won't follow the regulations.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions.

Dave Croonquist
43 E Emerald Forest Lane
Sequim, WA 98382
360-582-1370

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Subject: Area 2A halibut sharing plan change proposal

From: "eileen herrling" <eherrling@msn.com>

Date: Fri, 8 Oct 2004 16:48:46 -0700

To: <culvemkc@dfw.wa.gov>, <chuck.tracy@noaa.gov>

My name is Eileen Herrling. I have enjoyed fishing for halibut off the Washington coast for quite a few years with my husband, family and friends. I have been made aware of the proposed rule changes where sports anglers in areas 3 and 4 would only be allowed two halibut per week and a total of five per year. After giving this much thought it seems obvious to me that this is nothing more than a very thinly veiled attempt to get the Charter Boat fleet more days on the water and really do nothing for the private boat owner angler. I am incredulous that the Commission would actually consider something like this. I, and my other angler friends, are very much against this and strongly believe that it is not in the best interests of the recreational anglers.

Sincerely,

Eileen Herrling
Port Angeles, WA.

Subject: Halibut

From: SlimeyLimey2@aol.com

Date: Fri, 8 Oct 2004 20:49:08 EDT

To: Don.Bodenmiller@state.or.us, anderpma@dfw.wa.gov, Chuck.Tracy@noaa.gov

Hi Don,

I believe I spoke to you earlier in September about getting rid of Halibut carcasses, I also praised the way the Oregon Halibut season was set and well managed.

If I am reading what has been sent to me about changes to Pacific Halibut regs, then I am totally amazed if you guys get support with some of these proposals, and who has come up with them, and for what reasons!!!!

I assume the top part of the proposals refer to the Washington coast line and the middle and lower page to the Oregon coast.

Why would you want to reduce the Oregon season Halibut bag limit down to " 5"?????and then give us a 2 day limit???? I can't equate to that.

I would propose staying at 6 and allow the offshore fisherman to purchase 1 additional Halibut tag, at an inflated cost, which would be extra revenue for your department and also ensure that our quotas are met, and still have an all season fishery without increasing additional days in the week.

If we go to a 5 fish limit and the daily limit is 2, do you expect the offshore fisherman, if he is successful, to fish for 2 1/2 days

Increasing days per week is a short term fix and one which will only generate minimal interest from anglers that do not already fish 24 miles offshore.

I agree with increasing the bag limit to 2 fish, so that the quotas are met.

With the projected days we have left this year, and the increased bag limit, it still looks like we will never get them, due to the weather, and so late in the year.

The minimum size limit of 32inches guarantees a very harvestable fish, and eliminating the size limit holds no justification.

Regards, Preston Gibson.

Subject: Proposed Changes To Halibut Plan

From: Rich Baker <ohwell@pacifier.com>

Date: Wed, 13 Oct 2004 10:20:41 -0700

To: anderpma@dfw.pacifier.net, wa@smtp2.pacifier.net, gov@smtp2.pacifier.net

CC: Chuck.Tracy@noaa.gov

10/12/04

Phil Anderson WDFW

anderpma@dfw.wa.gov

Chuck Tracy

Chuck.Tracy@noaa.gov

Re:Proposed changes to Area 2A Halibut Plan

As a sport fisherman with my own boat along with the the costs of fuel, maintenance, moorage, etc, etc, and I have the following objections to this plan.

1. While changing the opening date is not a major issue, this can have an impact on the smaller sport boat due to less reliable weather conditions which would not affect the larger commercial "sport" boats.
2. Setting a bag limit of five halibut/person/year is a major issue. What kind of logic could possibly suggest this proposal when just over 53% of the Columbia River (Area 1) '04 quota was harvested when the season was closed on 7/25 for the year? Need I remind you that there was 6693 pounds left in the quota!
3. Setting a bag limit of two halibut/person/week is another major issue. Again you are penalizing the boat owning sportsman who, in many cases, don't live in the immediate area and who's only chance at halibut was to be the week or

so of a fishing vacation.

4. I would recommend that the daily limit be raised to two halibut for the following reasons. Given that the halibut grounds are aprox. 28 miles out from Ilwaco or Chinook, it a pretty expensive trip for one fish and, as mentioned above, the area was nowhere near its quota.

In conclusion, while I do not intend this as an attack on the commercial "sport" interests, many of us are concerned that more and more actions are being put in place which cause severe restrictions on the boat owning sportsman to protect the fisheries yet these same rules have no effect on the harvest by the commercial "sport" interests. You have already done the same thing with the five/person/year sturgeon limit. I doubt that that limit had any effect on the number of sturgeon harvested by the commercial "sport" boats. And isn't it an interesting coincidence that the sport sturgeon fishery doesn't get closed until salmon opens. I seriously doubt that this is done for the benefit of the individual sport fisherman. I would suggest that a study be done of the economic benefits to the local port communities by the boat owning sportsmen before regulating us out of existence!

Sincerely,

R. P Baker

COMMISSIONERS:

CLIFF ATLEO
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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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

DIRECTOR
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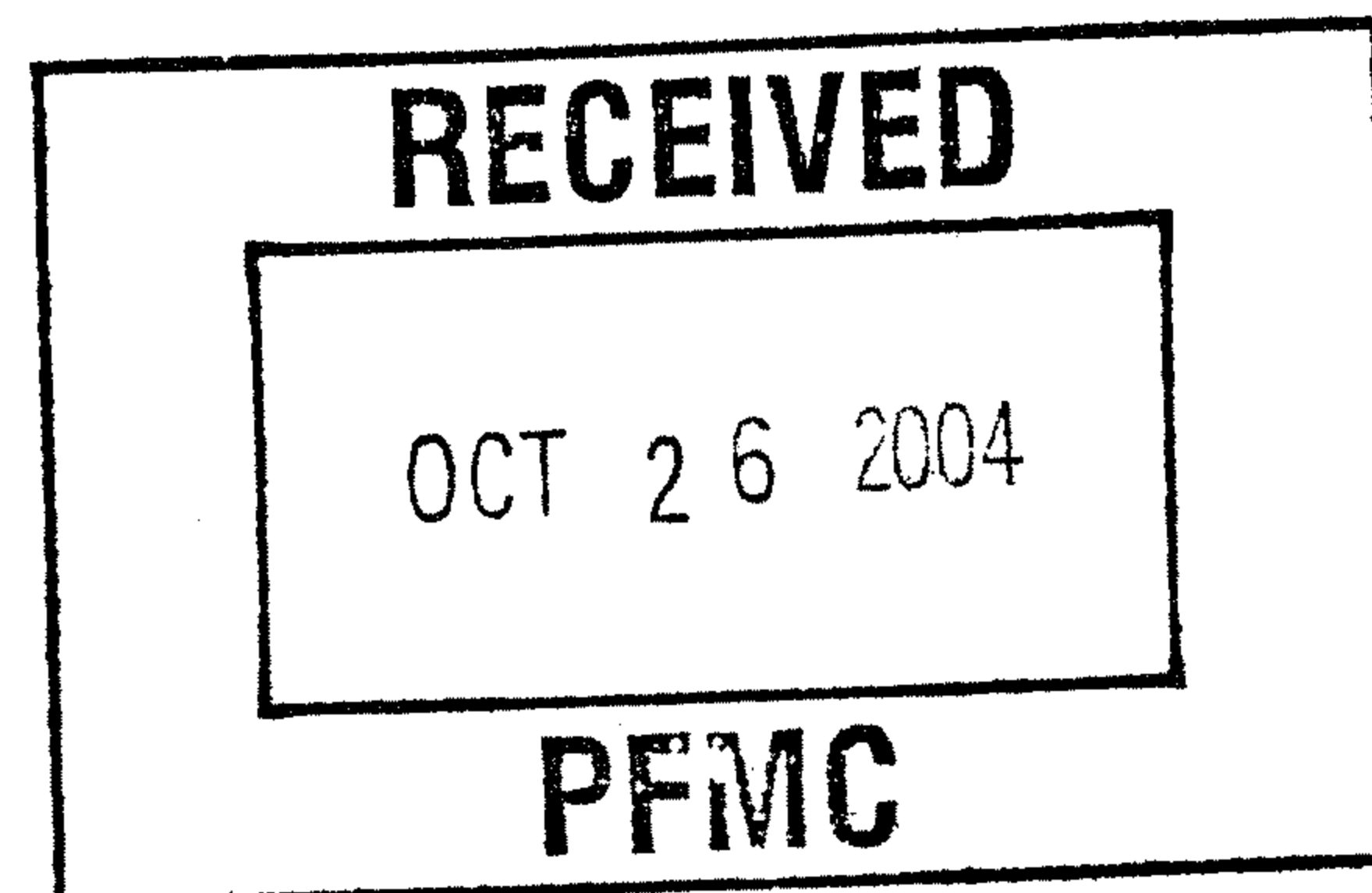
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(206) 832-2983

October 26, 2004

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



Dear Don:

The staff of the International Pacific Halibut Commission has reviewed the proposed changes to the Pacific halibut Catch Sharing Plan (CSP). Most of the proposals consist of minor changes to the allocation framework of the CSP, and we have no comment on those. However, we do have a comment on Proposal 10.

Proposal 10, which seeks to split the Columbia River subarea at the Washington/Oregon border and increase the Oregon allocation from 2 percent to 4 percent and then having the respective states manage each quota exclusively, presents no conservation problems. Since its creation in 1995, the Columbia River fishery has evolved from a slow-paced incidental fishery to a directed fishery. This now presents unique monitoring problems, as catches are unpredictable and quotas can be achieved very quickly. Accurate, timely reporting of the catch early in a week will be critical in avoiding disruption to fishers' plans as well as staying within quotas. We expect this change may require Oregon and Washington to revise their monitoring and reporting, and will work with them to ensure catch limits are not exceeded.

A member of the Commission staff will be attending your November meeting and will be available to answer any questions the Council may have.

Sincerely,

Bruce M. Leaman
Executive Director

cc: Commissioners

WDFW Motion

(iv) Columbia River subarea

“...This subarea also is allocated an amount equal to the Washington contribution ~~2.0 percent of the from 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.). ~~Halibut landed into each state's ports will be attributed to that state's quota. When a state's quota is attained, halibut landings will be prohibited into that state's ports.~~ The fishery will open on May 1, and continue 7 days per week until the subquota ~~each state's quota~~ is estimated to have been taken, or September 30, whichever is earlier. Subsequent to this closure, ~~in either state,~~ if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining state's quota would be transferred to that state. The daily bag limit is one halibut with no minimum length.”