2005 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), 35 percent of the Area 2A TAC is allocated to 12 treaty Indian tribes in subarea 2A-1, which includes that portion of Area 2A north of Point Chehalis, WA (46°53.30' 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) <u>Incidental halibut catch in the salmon troll fishery</u>.

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°53.30' 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°31.70' 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° 18.00' N. lat.; 125° 18.00' W. long.;
48° 18.00' N. lat.; 124° 59.00' W. long.;
48° 11.00' N. lat.; 124°59.00' W. long.;
48° 11.00' N. lat.; 125° 11.00' W. long.;
48° 04.00' N. lat.; 125° 11.00' W. long.;
48° 04.00' N. lat.; 124° 59.00' W. long.;
48° 00.00' N. lat.; 124° 59.00' W. long.;
48° 00.00' N. lat.; 125° 18.00' W. long.;
and connecting back to 48° 18.00' N. lat.; 125° 18.00' W.long.

(iii) Washington south coast subarea.

This sport fishery is allocated 12.3 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as waters south of the Queets River (47°31.70' N. lat.) and north of Leadbetter Point (46°38.17' 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 the entire subarea for another fishing day, then any remaining quota may be used to accommodate incidental catch in the nearshore area from Queets River south to 47°00.00' N. lat. and east of 124°40.00' W. long. or 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 4.0 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 from the Oregon/California sport allocation the number of pounds equal to the Washington contribution. Oregon's

contribution will be 2.0 percent of the total Oregon/California sport allocation. Any additional pounds needed to equal the number of pounds contributed to the Columbia River subarea from the Washington allocation will come from the Oregon Central Coast subarea allocation. This subarea is defined as waters south of Leadbetter Point, WA (46°38.17' 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. Any remaining state's quota would be transferred to that state. The daily bag limit is one halibut per person, with no size limit. No groundfish may be landed, except sablefish when allowed by groundfish regulations, if halibut are on board the vessel.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46.00' N. lat.) to Humbug Mountain, Oregon (42°40.50' N. lat.) and is allocated 95.0 percent of the Oregon/California sport allocation minus any amount of pounds needed to contribute to the Oregon portion of the Columbia River subarea quota. 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 (73 m) 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 (73 m) fishery subquota, if it can be used. The daily bag limit is one halibut per person, unless otherwise specified, with no size limit. During days open to all-depth halibut fishing, no groundfish may be retained,

except sablefish when allowed by groundfish regulations, 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:

44° 37.46 N. lat.; 124° 24.92 W. long.;
44° 37.46 N. lat.; 124° 23.63 W. long.;
44° 28.71 N. lat.; 124° 21.80 W. long.;
44° 28.71 N. lat.; 124° 24.10 W. long.;
44° 31.42 N. lat.; 124° 25.47 W. long.;
and connecting back to 44° 37.46 N. lat.; 124° 24.92 W. long.

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 (73 m) 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 Thursday through Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open 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.

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 through Sunday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open Fridays through Sundays will be identified preseason. If after the first scheduled open period, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 60,000 lb (27.2 mt) or more, the fishery will re-open on every Friday through Sunday (versus every other weekend), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. Any excess quota projected to remain after the needs of the inside 40-fathom (73 m) fishery are met would be transferred into the remaining all-depth quota. The inseason action will be announced by NMFS via an update to the recreational halibut hotline. If after the third scheduled open period, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 30,000 lb (13.6 mt) or more, the fishery will re-open on every Friday through Sunday (versus every other weekend), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. Under this provision, after the third scheduled open period, the bag limit would be 2 fish per person, with no size limit. Any excess quota projected to remain after the needs of the inside 40-fathom (73 m) fishery are met would be transferred into the remaining all-depth quota. The inseason action will be announced by NMFS 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 (73 m) fisheries will not harvest the entire quota to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point, WA by NMFS via an update to the recreational halibut hotline.

(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°40.50' 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 one halibut per person, with no size limit. 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: *70 FR 20304 (April 19, 2005)*
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)

COUNCIL NEWS BRIEF 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 (CSP) for public review. The proposals affect Oregon and Washington sport fisheries. Final adoption of the proposed changes to the CSP will take place at the Council's meeting in San Diego, California, October 31-November 4, 2005. Comments on the proposals can be emailed (pfmc.comments@noaa.gov), faxed (503-820-2299) or mailed to the Council office (7700 NE Ambassador Place, Ste 200, Portland, Oregon, 97220-1384). Comments will also be taken at the Council meeting in San Diego.

Additional detail on the substance and rationale for the following proposals is available on the following web sites:

WDFW: http://www.wdfw.wa.gov/fish/creel/halibut/
ODFW: www.dfw.state.or.us/MRP

Washington Statewide

1. Implement an annual bag limit of five halibut per angler, which would apply to halibut caught in U.S. waters only.

Rationale – The annual bag limit would provide an opportunity for more anglers to participate in halibut fisheries. Additionally, selecting an annual bag limit less than the number of days open to fishing could extend the season. This requirement will also be considered through the Washington sport fishing rule making process, which requires approval by the Washington Fish and Wildlife Commission.

Washington North Coast Subarea

2. For the May fishery, reduce the number of days open per week from five consecutive days (Tuesday through Saturday) to three staggered days (Tuesday, Thursday, Saturday).

Rationale – The objective of this proposal is to lengthen the north coast halibut season by reducing the incentive for anglers who fish several days in a row to not stay over, reducing effort and allowing other anglers the opportunity to fish.

3. For the June fishery, specify the opening date as the 1st Thursday after June 17.

Rationale – To provide a fishing opportunity after school has ended for the year and to reduce confusion with the current wording of "opening the third week in June".

4. For the June fishery, reduce the number of days open per week from five to two staggered days (Thursday and Saturday).

Rationale – To extend the number of days open in June, similar to the May fishery.

Washington South Coast Subarea

5. Remove the reference to the automatic seven days per week season beginning July 1, and specify that the northern nearshore area will reopen to accommodate incidental halibut catch on Fridays and Saturdays only.

Rationale – To extend nearshore opportunity into the salmon fishery time frame, and facilitate monitoring of the relative small quota.

6. Modify the definition of the northern nearshore area to: from 47º 25.00' N. Latitude south to 46º 58.00' N. Latitude, and east of 124º 35.00' W. Longitude

Rationale – To include a few areas south of the currently defined northern nearshore area (which ends at 47º 00.00' N. Latitude) where halibut are caught incidentally on targeted groundfish trips, while excluding "targetable" halibut areas to maintain the integrity of the offshore fishery, and to facilitate monitoring of the relative small quota.

Washington and Oregon Columbia River Subarea

7. Prohibit the retention of rockfish with a halibut onboard a vessel in the Columbia River subarea (from Leadbetter Pt., WA to Cape Falcon, OR).

Rationale – To reduce impacts on depressed canary and yelloweye rockfish stocks while allowing anglers to retain healthier groundfish species such as arrowtooth flounder, Pacific cod, and lingcod.

8. Increase the allocation to the Columbia River subarea from 2.6 percent to five percent of the total Oregon/California sport allocation. This would reduce the allocation in the Central Oregon subarea from 94.4% to 92%.

Rationale - To provide additional angler opportunity in the Columbia River subarea.

9. Provide for the possibility of a split season, with the primary (early) season having the traditional structure, and the secondary (late) season(s) (if any) managed under separate quotas in the Washington and Oregon portions of the subarea.

Description – The initial allocation for this subarea is 2.0 percent of the first 130,845 lbs (59.4 mt) allocated to the Washington sport fishery, and 4.0 percent of the Washington sport allocation between 130,845 lbs (59.4 mt) and 224,110 lbs (101.7 mt) (except for that provided to the fixed gear sablefish fishery), and 5.0 percent of the Oregon/California sport allocation. The primary season is allocated the full amount of the Washington contribution and, from the Oregon-California sport allocation, the number of pounds equal to the Washington contribution. The primary season would

open May 1 and continue seven days per week until the allocation for the primary season has been taken, or July 20, whichever is earlier. The secondary season(s) (if any) will reopen the first Friday in August, by NMFS via an update to the recreational halibut hotline. The secondary seasons will be managed under separate quotas for Oregon ports and Washington ports. The Oregon ports in the area from Cape Falcon north to the Washington/Oregon border would be allocated 50% of the remaining allocation from the primary season, plus the difference between the Oregon contribution to the primary season and 5.0 percent of the Oregon/California sport allocation, plus any additional quota transferred from other Oregon subareas. The Oregon ports north of Cape Falcon will remain open three days per week (Friday, Saturday, and Sunday) until the Oregon secondary season allocation has been taken, or September 30, whichever is earlier. The Washington ports between the Oregon/Washington border and Leadbetter Point, WA would be allocated the remaining 50% of the primary season allocation, plus any additional quota transferred from other Washington subareas. The Washington ports south of Leadbetter Point would remain open three days per week (Friday, Saturday, and Sunday) until the Washington secondary season allocation has been taken, or September 30, whichever is earlier. Subsequent to the closure of a secondary season~~,~~ if there was insufficient quota remaining for another fishing day, then any remaining quota could be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

Rationale – To provide additional opportunity in the Columbia River subarea and maintaining benefits proportional to the respective states' quota contribution to the subarea quota.

Oregon Statewide

10. Increase the possession limit on land in Oregon from two daily limits to three daily limits.

Rationale – To allow anglers to fish all three open days during all-depth weeks in the central coast and legally transport the fish on land.

Oregon Central Coast Subarea

<u>All-Depth Fisheries</u>

11. All open periods to occur on consecutive weeks rather than every other week.

12. Change allocation between Spring and Summer seasons from 75%/25% to 80%/20%

Rationale – The above proposals (10 and 11) are intended to increase the number of angler days to provide sufficient opportunity to harvest the entire allocation, which has not been taken in recent years.

13. If after the Labor Day weekend 25,000 pounds or more remain available for harvest on the combined all-depth and nearshore fishery catch limit, the daily-bag-limit increases to two fish.

14. After the Labor Day weekend the IPHC, NMFS, and ODFW will consult to determine whether increasing the central Oregon coast Pacific halibut bag limit is warranted.

Rationale – The above proposals (13 and 14) are alternative ways to increase the bag limit to two fish to allow the quota for the subarea to be taken by September 30, before bad weather precludes opportunity. If the quota is not attained by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever occurs first.

15. Prohibit the retention of rockfish with a halibut onboard the vessel during all-depth openings (see exception for the Nearshore Fishery Central Coast Subarea as discussed below).

Rationale – To reduce impacts on depressed canary and yelloweye rockfish stocks while allowing anglers to retain healthier groundfish species such as flatfish and lingcod.

Nearshore Fishery

16. Allow no more than 1 halibut per vessel on all-depth days if rockfish are onboard vessel.

Rationale – Presently on all-depth days no groundfish, except sablefish, are allowed if a halibut is on the vessel no matter what depth the fishing occurs. The purpose of the groundfish retention prohibition on all-depth dates is to reduce yelloweye and canary rockfish impacts in the offshore fishery. The existing provision prevents the incidental take of halibut in nearshore fisheries on all-depth dates, which is contrary to the objective of the nearshore fishery.

PFMC
10/13/05

ENVIRONMENTAL ASSESSMENT AND REGULATORY IMPACT REVIEW OF PROPOSED 2006 CHANGES TO THE CATCH SHARING PLAN FOR PACIFIC HALIBUT IN AREA 2A

Lead Agency	National Oceanic and Atmospheric Administration National Marine Fisheries Service Northwest Regional Office Seattle, Washington
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NOVEMBER 2005 (DRAFT)

NOTE: As of the Pacific Fishery Management Council's (Council's) supplemental briefing book deadline of October 25th, only one of the state proposals for 2006 CSP revisions has the potential to need analysis via an Environmental Assessment. Depending on the Council's final recommendations, NMFS may prepare a Categorical Exclusion from further analysis under the National Environmental Policy Act, in lieu of an Environmental Assessment for this action. Regardless of which document is prepared, NMFS will provide updates to the affected environment section (Chapter 3) and will complete an Initial Regulatory Flexibility Analysis and Regulatory Impact Review (Chapter 6) for this action. Shaded text indicates information from 2005 that would need to be updated for 2006.

Abstract: The Northern Pacific Halibut Act of 1982 at 16 U.S.C. 773c provides that the Secretary of Commerce 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, NMFS adopted in 1995 a long-term catch sharing plan 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). 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.

This EA analyzes the effects on the environment of some of those changes to the catch sharing plan recommended by the Pacific Fishery Management Council for halibut fisheries in 2006 and beyond. These recommended changes may affect the halibut resource and other marine animals and birds that associate with halibut, as well as anglers participating in the sport halibut fisheries off Washington and Oregon. The treaty tribes proposed no 2005 changes to the catch sharing plan, nor did the states propose 2005 changes to the non-tribal commercial fisheries for halibut.

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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 the Plan, with strikeouts and insertion indicating where proposed changes would be made for 2006.
- Appendix C is a report on the 2005 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. For 2006, 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 October 31 –

November 4, 2005 meeting in San Diego, CA and whether to forward those proposals as recommended revisions to the Plan.

The Council's purpose in and need for considering the actions analyzed in this document is to constrain directed and incidental take of overfished groundfish species in the sport fisheries for halibut while still allowing anglers in those fisheries to retain incidentally-caught groundfish from healthier stocks.

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.

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, to be drafted – list of items dependent on alternatives adopted at 11/05 PFMC meeting.

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, NMFS approves the Plan. In addition, 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 public hearing on halibut management issues on August 18, 2005 in Astoria and September 6, 2005 in Newport. The State of Washington met with its halibut fisheries constituents in Olympia on August 12, 2005. None of the halibut tribes recommended 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 19-23, 2005 meeting in Portland, OR on their proposed Plan revisions for 2006. Once proposed Plan revisions were aired by the states and considered by the public and the Council at the Council's September meeting, the Council sent those proposals back to the states for additional public review and to NMFS for analysis.

Oregon met again with its halibut constituents on October 17, 18, and 19, 2005 so that the public could have an additional chance to review its proposals for changes to the sections of the CSP affecting Oregon fisheries. Washington had a similar meeting for its sport fishing constituents on October 8, 2005. At its October 31 through November 4, 2005, meeting, the Council considered 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 to the IPHC's annual meeting in January 2006.

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 2006 with the Council forwarding state proposals for public review following its September 2005meeting. Of the proposed revisions forwarded for public review, NMFS determined that the following proposals qualify for a categorical exclusion from NEPA analysis via an EA or an EIS:

To be determined, but from pre-Council state proposals, will include: Washington's North Coast subarea proposals to reduce the number of days per week in May and June and to specify the June fishery opening date as the first Thursday after June 17th; Washington's South Coast subarea proposals to remove the automatic 7-day per week season opening following July 1st and to modify the northern nearshore area's boundaries; Oregon's Central Coast subarea process for setting a 2-fish bag limit; Oregon's Columbia River subarea split season; Oregon's statewide possession limit on land.

2.1 Alternatives to be Analyzed

In addition to the above proposed revisions excluded from further analysis, the Council discussed revisions to the Plan that do require analysis under NEPA. These revisions to the Plan would: establish a Yelloweye Rockfish Conservation Area off the Oregon coast, prohibit groundfish retention in some of Oregon's and possibly some of Washington's sport fisheries for halibut, and eliminate the minimum length requirement for Oregon sport fisheries south of Leadbetter Point, Washington. These issues are the focus of this EA.

To be determined, but from pre-Council state proposals, may include allowing the retention of bottomfish, except rockfish, with halibut onboard in the Columbia River subarea. If the Council adopts this proposal, NMFS will work with the states to assess the amount and species of groundfish landed incidentally to the Columbia River subarea halibut fisheries to determine whether it is a significant enough portion of the groundfish allowable harvest levels to warrant an Environmental Assessment on this action.

2.2 Alternatives Eliminated from Detailed Study

In addition to addressing the issues listed above in Sections 2.1 and 2.2, and those eligible for categorical exclusion from further NEPA analysis, the states of Oregon and Washington also requested that the Council forward a suite of issues for public review following the Council's September meeting. The issues that were aired for public review between the September and November 2005Council meeting, but which were not recommended by the Council for final adoption were:

To Be Determined

The state aired these proposals and those discussed within this EA and in a Categorical Exclusion attached as Appendix A to this EA in their public hearings between the Council's September and November meetings. Based on comments heard from the public at those meetings and on recreational fisheries data, the states decided to not forward the four issues in this Section 2.3 for Council consideration for the 2006 fisheries.

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.

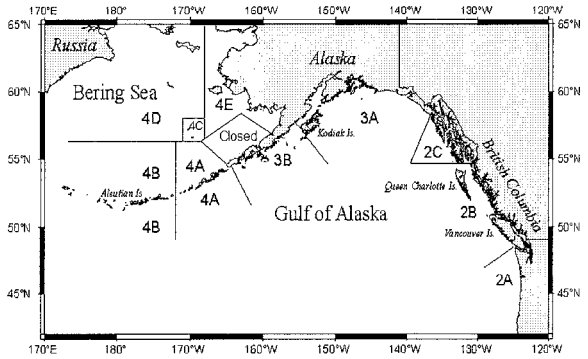


Figure 3.1 IPHC regulatory areas. Source: IPHC

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).

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. 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

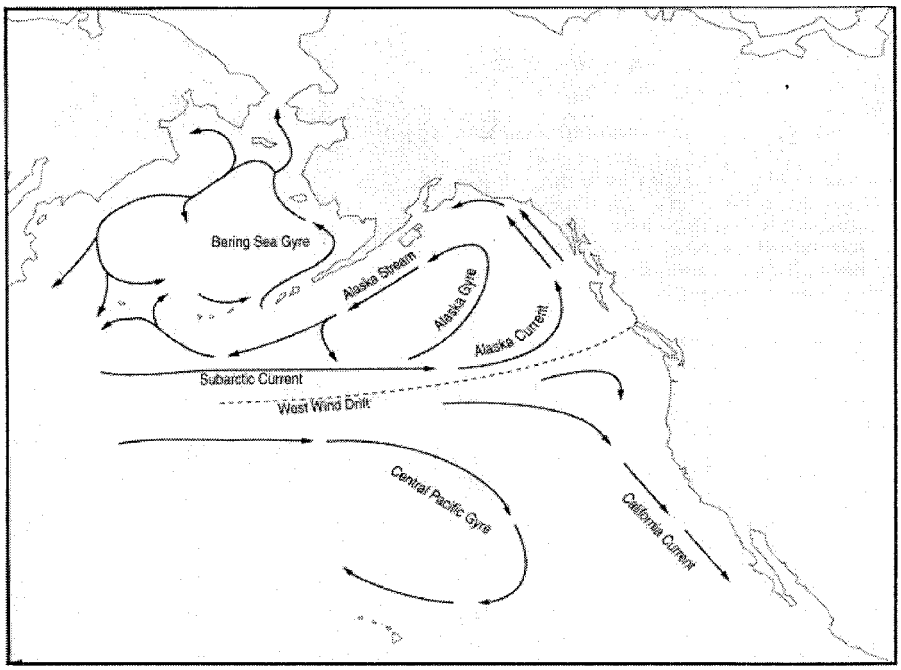


Figure 3.1.1 General circulation and major current systems of the North Pacific Ocean. Source: NMFS

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).

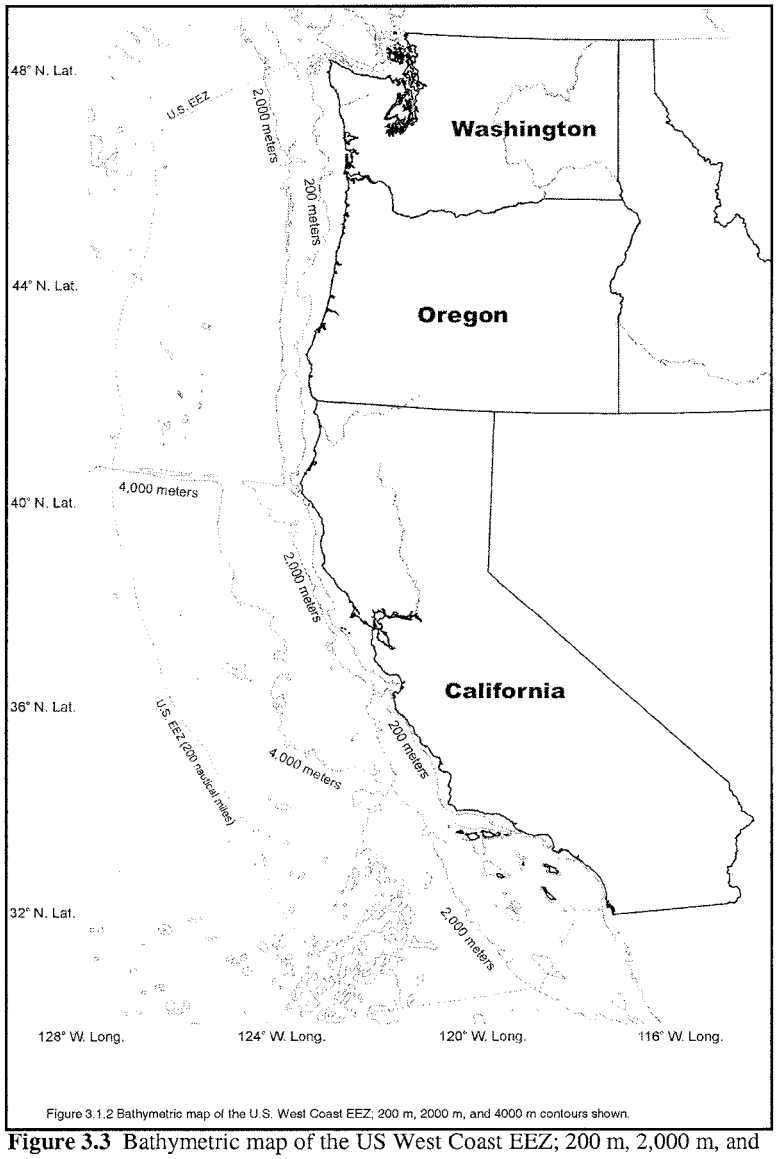


Figure 3.3 Bathymetric map of the US West Coast EEZ; 200 m, 2,000 m, and 4,000 m contours shown.

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

Climate Shifts. The physical dynamics and biological productivity of the California Current ecosystem have shown a variety of responses to both short- and long-scale changes in climate. These climate shifts may affect recruitment and abundance of Pacific halibut. El Niños and La Niñas are examples of short-scale climate change, six-month to two-year disruptions in oceanic and atmospheric conditions in the Pacific region. An El Niño is a climate event with trends like a slowing in Pacific Ocean equatorial circulation, resulting in warmer sea surface conditions and decreased coastal upwelling. Conversely, La Niñas are short-scale climate events characterized by cooler ocean temperatures (NOAA, 2002.) Long-scale Pacific Ocean climate shifts of two to three decades in duration are often called "Pacific (inter)Decadal Oscillation" or "PDO" in scientific literature. These long-scale climate shift events tend to show relatively cooler ocean temperatures in the Gulf of Alaska and Bering Sea ecosystems and relatively warmer temperatures in the California Current ecosystem, or a reverse trend of relatively warm temperatures in the north and cooler temperatures in the south (Mantua et al., 1997.)
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 years for females. The average age of Pacific halibut in the commercial fishery in Area 2A was 9.6 in 1996 (IPHC 1998.)

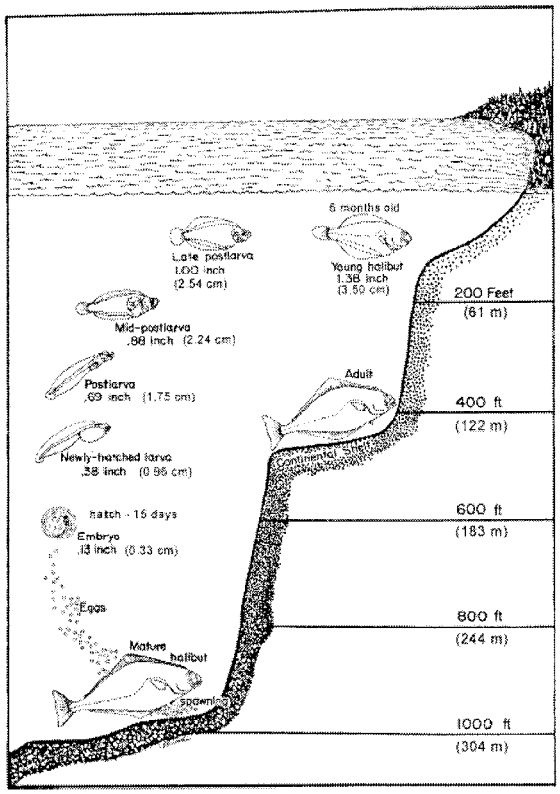


Figure 3.4 Life cycle of Pacific halibut. Source: IPHC

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. For example, in 2004, 70,000 lbs were provided to longliners in the primary sablefish fishery out of a total Area 2A quota of 1,480,000 lbs (see Table 3.7).

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 the 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 rebuilding plan in the Groundfish FMP. 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 cancroid 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 rebuilding plan in the Groundfish FMP. 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 legal mandates: the Endangered Species Act of 1973 (ESA), the Marine Mammal Protection Act of 1972 (MMPA), the Migratory Bird Treaty Act (MBTA), and Executive Order 13186. These applicable laws are explained further in Chapter 5.0.

West Coast marine species listed as endangered or threatened under the 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 (*Physeter macrocephalus*) Humpback whale (*Megaptera novaeangliae*) Blue whale (*Balaenoptera musculus*) Fin whale (*Balaenoptera physalus*)
Threatened:	Steller sea lion (*Eumetopias jubatus*) Eastern Stock Guadalupe fur seal (*Arctocephalus townsendi*) Southern sea otter (*Enhydra lutris*) California Stock
SEABIRDS	
Endangered:	Short-tail albatross (*Phoebastria (=Diomedea) albatrus*) California brown pelican (*Pelecanus occidentalis*) California least tern (*Sterna antillarum browni*)
Threatened:	Marbled murrelet (*Brachyramphs marmoratus*)
SEA TURTLES	
Endangered:	Green turtle (*Chelonia mydas*) Leatherback turtle (*Dermochelys coriacea*) Olive ridly turtle (*Lepidochelys olivacea*)
Threatened:	Loggerhead turtle (*Caretta caretta*)
SALMON	
Endangered:	Chinook salmon (*Oncorhynchus tshawytscha*) Sacramento River Winter; Upper Columbia Spring Sockeye salmon (*Oncorhynchus nerka*) Snake River Steelhead trout (*Oncorhynchus mykiss*) Southern California; Upper Columbia

Threatened:	Coho salmon (*Oncorhynchus kisutch)* Central California; Southern Oregon/Northern California; Oregon Coast Chinook salmon (*Oncorhynchus tshawytscha)* Snake River Fall, Spring, and Summer; Puget Sound; Lower Columbia; Upper Willamette; Central Valley Spring; California Coastal Chum salmon (*Oncorhynchus keta)* Hood Canal Summer; Columbia River Sockeye salmon (*Oncorhynchus nerka)* Ozette Lake Steelhead trout (*Oncorhynchus mykiss)* 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*), ashy 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 meter 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 contaminates 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 is divided 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.

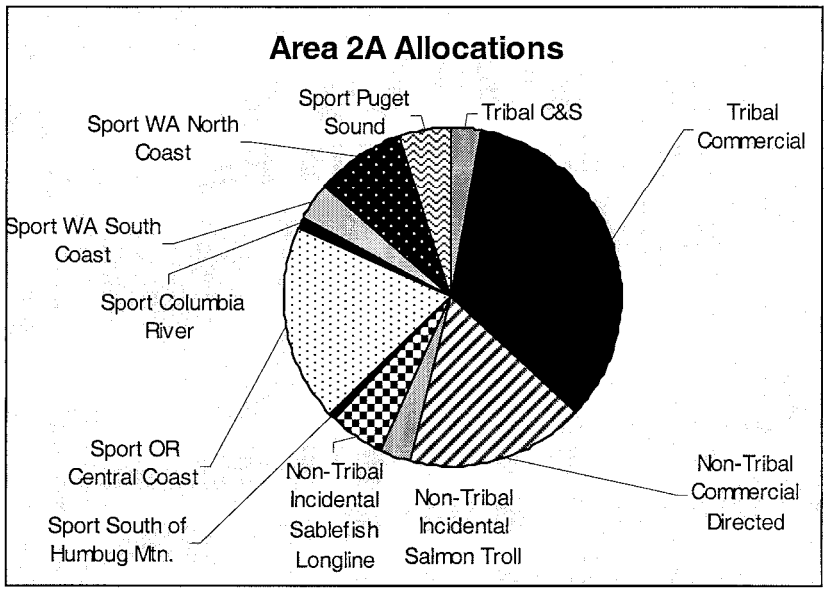
3.3.1 Pacific Halibut Fishery Overview

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). While the far southern range of Pacific halibut are as far south as Santa Barbara, fisheries in this area are believed to be limited. Thus, California Department of Fish and Wildlife does not actively manage this fishery.

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. There are two types of commercial halibut licenses in Area 2A: 1) a direct commercial license and/or incidental commercial license during the primary longline sablefish fishery north of Pt. Chehalis, WA and 2) an incidental commercial salmon troll license.



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 2005, 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, 2004-2005 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	1,480,000	1.93%
2005	73,820,000	1,330,000	1.80%

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	Area 2A TAC	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	1,480,000	543,000	--	367,029[3/]	569,971	272,942	297,029
2005	1,330,000	490,500	--	336,122[3/]	503,379	237,257	266,122

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	1,382,839	539,528	356,635	486,676[1/]
2005				

[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
2005	216[1/]	392	148

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 2005, a sub-TAC of 490,500 lb (35% + 25,000 lb of the Area 2A TAC) was allocated to Tribal fisheries. The tribes estimated that 38,000 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 452,500 lb was allocated to the commercial fishery. Since 2004, the tribes have 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 27 and noon on July 30. Collectively, the separately managed fisheries accounted for 75% of the Tribal Commercial TAC. The separately managed fisheries landed 343,238 lbs in 462 landings (out of 339,375 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. Due to lower than expected effort, the fishery was extended after the scheduled closure on April 30th at noon. The first extension was from noon May 4th to midnight May 24th. A second extension to harvest the remaining available poundage lasted from noon May 31st to noon June 6th. The joint restricted fishery landed 109,474 lb in 434 landings (out of 113,125 lb expected). The total commercial catch in 2005 was 452,712 lb – an overage of 212 lb for the Tribal Commercial TAC.

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2006.

Table 3.6. Treaty Tribe Halibut Allocations and Catches (dressed weight in pounds).

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	38,000
2005	452,500	452,712	38,000	[1/]

[1/] 2005 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 Pont Chehalis, WA. Table 3.4 shows the quotas (allocations after 1987) and catches. In 2001through 2005, 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 2005, 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 2005 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. Non-tribal commercial fishery catch statistics (dressed weight in pounds).

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/]
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/]	67,837	184
2005	Directed	226,203	236,000	4[1/]
	Incidental - Salmon	39,918	42,110	99
	Incidental - Sable	70,000[2/]		176

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 sub-area 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 (lb)	ACTUAL CATCH (lb)
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

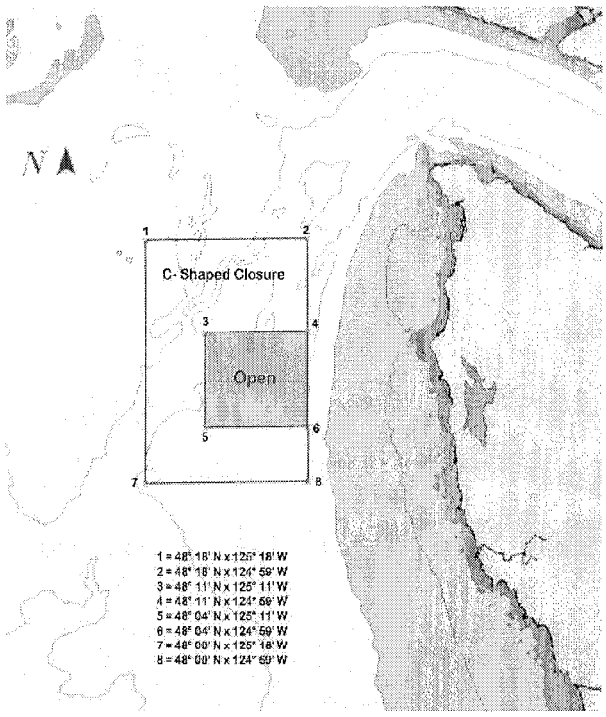


Figure 3.5. The Yelloweye Rockfish Conservation Area (YRCA) is a "C"-shaped area closed to recreational halibut and groundfish fishing off Washington's North Coast.

	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	49,577
	Western Region: 5/27 - 8/14 (Thur - Mon)	1	none	58		
2005	Eastern Region: 4/14 – 6/20 (Thur - Mon)	1	none	50	64,800	
	Western Region: 5/26 – 7/31 (Thur - Mon)	1	none	49		

[17] 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 a 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.

Table 3.9. Seasons, restrictions and catches of halibut in the Washington North Coast area.						
YEAR	**SEASON**	**BAG LIMIT**	**SIZE LIMIT**	**DAYS OPEN**	**QUOTA (lb)**	**ACTUAL CATCH (lb)**
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
2005	5/10 - 5/18 (Tue - Sat) 6/16, 6/18	1	none	9	(108,149)[2/]	108,149

1/ Quota was for WA North Coast and WA Inside Waters (Puget Sound) subareas.
2/ 7,288 lb was transferred to the WA South Coast from the remaining WA North Coast quota 115,437 lb, to get a revised quota of 108,149 lb.

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 (lb)	ACTUAL CATCH (lb)
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 5/27 - 9/30 (inshore) Total	1	none	26 127 153	14,222 1,000 15,222	12,989 1,949 14,983
1997	5/1 - 5/17 5/18 - 5/20 (inshore) Total	1	none	17 3 20	19,483 1,000 20,483	20,324 236 20,560
1998	5/3 - 7/9 (Sun-Thurs) 6/26 - 7/9 (inshore) Total	1	none	50 14 50	35,648 1,000 36,648	** 37,030
1999	5/2 - 5/31 (Sun-Thurs) 5/2 - 9/30 (inshore) Total	1	none	22 152 152	31,081 1,000 32,081	29,729 1,850 31,579
2000	5/2 - 5/29 (Sun-Thurs) 5/2 - 6/2 (inshore) Total	1	none	20 32 32	33,482 1,000 34,482	35,734 0 35,734
2001	5/1 - 5/24, 6/6 (Sun-Thurs) 5/1 - 5/24, 6/6 - 9/30 (inshore) Total	1	none	19 131 131	42,739 available amt. 42,739	41,792 0 41,792

2002	5/1 - 7/11 (Sun-Thurs), 7/12 - 9/30 (Fri-Sat)[1/] 5/1 - 9/30 (inshore) Total	1	none	52 24 153 153	42,739 available amt. 42,739	 38,518
2003	5/1 - 6/26 (Sun-Thurs), 6/27 - 9/30 [2/] 5/1 - 9/30 (inshore) [2/] Total	1	none	41 97 153 153	48,623 available amt. 48,623	 43,253
2004	5/2 - 7/3 (Sun-Thurs), 5/2 - 7/3 (inshore) [2/] Total	1	none	45 63 63	61,565 available amt. 61,565	 62,823
2005	5/1 – 5/30 (Sun-Thurs), 5/1 – 5/30, 7/15-9/30 (inshore) [2/, 4/] Total	1	none	30 108 108	50,146 available amt. (57,034)[3/]	 55,546

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/ 7,288 lb was transferred from the WA North Coast quota to the WA south Coast quota of 50,146, and 400 lb was transferred from WA South Coast to the Columbia River subarea quota, to get a revised quota of 57,034 lb.

4/ Effective 8/5, sport fishing prohibited seaward of a boundary line approximating 30-fm.

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. In 2005, the minimum size restriction was removed.

Table 3.11. Seasons, restrictions and catches of halibut in the Columbia River subarea.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT	DAYS OPEN	QUOTA (lb)	ACTUAL CATCH (lb)
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

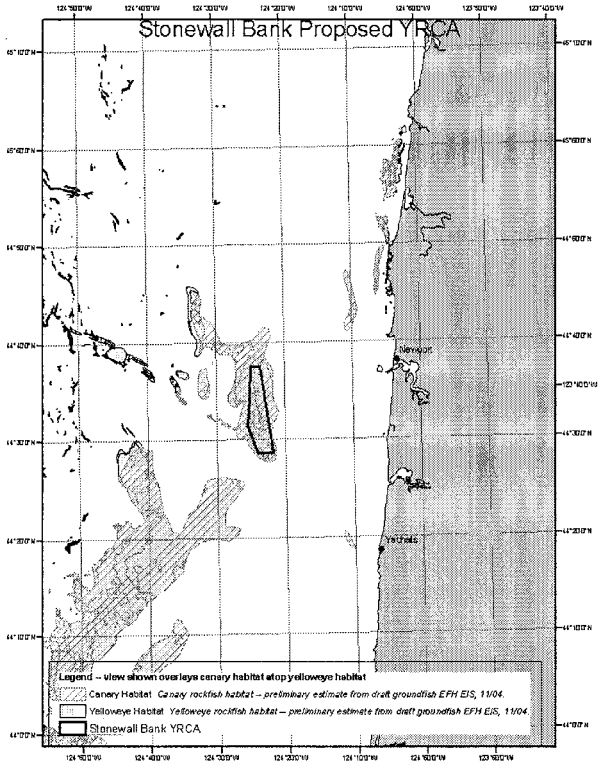
2003	5/1 - 9/30	1	32" [1/]	153	11,923	10,008
2004	5/1 - 7/25	1	32" [1/]	86	14,241	14,761
2005	5/1 - 6/12, 9/15-30	1	none	59	(20,147)[2/]	15,031

1/ First halibut taken of 32" or greater in length.
2/ 6,000 lb was transferred from the OR Central Coast quota and 400 lb from WA South Coast to the Columbia River subarea quota of 13,747, to get a revised quota of 20,147 lb.

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. Since 2004, there is one Oregon sub-area, the Central Coast, from Cape Falcon to the Humbug Mountain. Beginning in 2005, a yelloweye rockfish conservation area (YRCA) near Stonewall Banks was established as an area closed to sport halibut fishing. This area was closed to sport halibut fishing to protect yelloweye rockfish, an overfished groundfish species, which is commonly caught with longline gear. Since 2005, the YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

Figure 3.6. The Yelloweye Rockfish Conservation Area (YRCA) is closed to recreational halibut fishing off Oregon's Central Coast.



(1) 44°37.46' N. lat.; 124°24.92' W. long.;
(2) 44°37.46' N. lat.; 124°23.63' W. long.;
(3) 44°28.71' N. lat.; 124°21.80' W. long.;
(4) 44°28.71' N. lat.; 124°24.10' W. long.;
(5) 44°31.42' N. lat.; 124°25.47' W. long.;
(6) and connecting back to 44°37.46' N. lat.; 124°24.92' W. long.

Table 3.12. Oregon sport seasons, days open, and catch.

YEAR	SEASON	BAG LIMIT	SIZE LIMIT (inches)	TOTAL DAYS OPEN	QUOTA[1] (lb)	ACTUAL CATCH (lb)
1987[2]	2/1 - 9/30 (7 days/wk)	2	30	242	none	78,195
1988[2]	4/1 - 7/6 (7 days/wk)	2	[3]	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]	61		
	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]	5	22,250	
	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]	35	15,012	13,578
	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]	4 1	21,215	22,012
	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]	5	14,530	22,298
	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]	0[12]	11,543	0[12]
	Total			146	67,900	67,819
1995[11]						
	5/4 - 5/27 (Thur-Sat)	2	32+50[4]	12	67,706	76,177
Central Coast	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
	6/3-8/2 (7 days/wk)[13]	2	32+50[4]	60	1,500	12
	Total				104,335	108,503
1996[11]						
	5/16-5/25(Thur-Sat)	2	32+50[4]	6	64,392	49,920
Central Coast	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
South Coast	5/16-6/1 (Thur-Sat)	2	32+50[4]	9	5,999	8,522
	6/2-8/1 (7 days/wk)[13]	2	32+50[4]	60	1,500	407
	Total				104,335	97,607

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 [9/]	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	2,019	676
	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 [9/]	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	2,365	393
	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[9/]	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	8,732	11,277
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 [9/]	1	32[14/]	1	35,893	7,203
South	5/11-13, 5/18-19[15/]	1	32[14/]	5	9,094	15,620
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 [9/]	1	32[14/]	5	49,951	85,139
South	5/11-12, 5/18-19, 6/8[15/]	1	32[14/]	5	12,656	14,568
Central	Total				215,623	219,593
Coast						

2002[11/]						
North Central Coast	5/1 - 9/30 (7days/wk)[13/]	1	32[14/]	153	19,797	2,207
	5/10-11, 5/17-18, 6/7-8, 6/21-22	1	32[14/]	8	156,835	113,851
	8/2-3, 8/23-24, 9/18-21[9/]	1	32[14/]	8	57,660	70,019
South Central Coast	5/10-11, 5/17-18, 6/7-8, 6/21-22[15/]	1	32[14/]	8	14,609	12,674
	Total				248,901	198,751
2003[11/]						
North Central Coast	5/1 - 10/31 (7days/wk)[13/]	1	32[14/]	184	19,797	1,110
	5/8-10, 5/15-17, 6/19-21	1	32[14/]	9	156,835	88,385
	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
South Central Coast	5/8-10, 5/15-17, 6/19-21 [15/]	1	32[14/]	9	14,609	14,904
	Total				248,901	165,150
2004[11/]	5/1 - 10/31 (7days/wk)[17/]	1(2)[18/]	32[14/]	184	22,574	2,022
Central Coast	5/13-15, 5/20-22, 5/27-29, 6/10-12, 6/25-26, 7/10, 7/24 [9/]	1	32[14/]	16	194,703	186,209
	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/]	26	(73,395)[19/]	38,144
	Total				282,178	226,375
2005[11/]	5/1 - 10/17 (7days/wk)[17/]	1	none	170	(10,101)[21/]	????
Central Coast	5/12-14, 5/19-21, 6/2-4, 6/9-11, 6/30-7/2, 7/14-16, 7/28-30 (Thu-Sat) [9/]	1	none	21	(165,239)[22/]	165,239
	8/5-7, 8/12-14, 8/19-21, 8/26-28, 9/2-4, 9/9-11, 9/16-18, 9/23-25, 9/30-10/2, 10/7-9, 10/14-16, 10/21-23, 10/28-30 (Fri-Sun) [9/]	1	none	39	(69,924) [20/]	?????
	Total				(245,264)[20/]	??????

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, and, after 2004, Central Coast subareas.)
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 lb, was added to the Summer all-depth fishery quota of 64,901 lb to get a revised quota of 73,395 lb.
20/ The balance of halibut remaining from the Spring all-depth fishery, 8,133 lb, plus 10,000 lb from the inside 40-fm fishery, was added to the Summer all-depth fishery quota of 57,791 lb, and then 6,000 lb was transferred to the Columbia River subarea to get a revised Summer all-depth fishery quota of 69,924 lb. Because 6,000 lb was transferred to the Columbia River subarea, the Central Coast subarea quota is reduced from 251,264 lb to 245,264 lb.
21/ 10,000 lb of halibut quota was transferred from the original 20,101 lb inside 40-fm fishery quota to the Summer all-depth fishery quota to get a revised quota of 10,101 lb.
22/ 8,133 lb of halibut quota was transferred from the original 173,372 lb Spring all-depth fishery quota to the Summer all-depth fishery quota to get a revised quota of 165,239 lb.

3.3.7 Sport Fishery in 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 (lb)	ACTUAL CATCH (lb)
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	?
2005	5/1 - 10/31 (7 days/wk)	1	none	184	7,984	?

1/ Included with Oregon quota.

4.0 ENVIRONMENTAL CONSEQUENCES OF THE ALTERNATIVES

To be Determined – Depends on whether Council recommends any revisions to the CSP that need to be analyzed within an EA.

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.

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 potential biological removal (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 or species listed as threatened or

endangered under the ESA are automatically considered depleted under the MMPA. Species listed as threatened or endangered under the ESA are listed in Table 3.1 and discussed in Section 3.2; species listed as depleted under the MMPA are discussed in Section 3.2. .

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. Seabirds are discussed in more detail in Section 3.2, with the effects of the alternatives on seabirds discussed in Section 4.

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 and continued 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 decisionmakng 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 factors 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 2006, 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	1.2	Description of why actions are being considered	1.2
Description of the Fishery	3.0	Statement of the objectives of, and legal basis for actions	1.2
Statement of the Problem	1.2	Description of projected reporting, recordkeeping and other compliance requirements of the proposed action	4.3, 5.4
Description of each selected alternative	2.0	Identification of all relevant Federal rules	5.0, 6.0
An economic analysis of the expected effects of each selected alternative relative to status quo	4.3		

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 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 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 Section 4.3, this action is not significant under E.O. 12866.

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."*

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 Area 2A Catch Sharing Plan (Plan) to determine whether there are changes needed to the Plan's fishery management directives for the upcoming fishing year. As described above in Sections 1.2 and 1.3, options for revising the Plan 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 Plan 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 Plan. The preferred alternatives for each issue are intended to increase protection for overfished groundfish within the recreational halibut fisheries and to allow Oregon anglers easier access to their halibut quota.

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, and 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.

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 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 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 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 U.S. 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 business 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 IPHC issued 138 licenses to the charterboat fleet in 2004, approximately 52 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 52 IPHC charter licenses issued to Oregon addresses in 2004, this estimate suggests that approximately 35% 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

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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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OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2006 FISHERY

The Oregon Department of Fish and Wildlife (ODFW) held three public meetings to discuss proposed changes to the 2006 Pacific Halibut Catch Sharing Plan (CSP) for fisheries off Oregon. The meetings occurred on October 17, 18, and 19 in Salem, Newport and Brookings, respectively. The ODFW also met with their Sport Advisory Committee on October 20 to discuss the results of the public meetings and solicit their recommendations. Based on the comments from these meetings, and other public input, the ODFW recommends the Pacific Fishery Management Council (PFMC) approve the following proposed changes to the CSP for the 2006 fishery.

Recommended Changes

Central Coast Subarea (Cape Falcon to Humbug Mt.)

2nd fish in daily bag limit

After the Labor Day weekend the IPHC, NMFS, and ODFW will consult to determine whether increasing the daily bag limit in the central Oregon coast subarea is warranted with the goal of harvesting the entire season quota by September 30. If the quota is not attained by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever occurs first.

Rationale – The 2nd fish in the daily bag limit after Labor Day weekend is intended to help assure the entire catch limit is harvested, which has not occurred in recent years.

Columbia River Subarea (Leadbetter Pt. to Cape Falcon)

Allocation and split season structuring

Increase the allocation to this subarea to 5.0% of the Oregon/California sport allocation. Provide for the possibility of a split season, with the primary (early) season having the traditional structure, and the secondary (late) season(s) (if any) managed under separate quotas in the Washington and Oregon portions of the subarea.

Description – The initial allocation for this subarea is 2.0 percent of the first 130,845 lbs (59.4 mt) allocated to the Washington sport fishery, and 4.0 percent of the Washington sport allocation between 130,845 lbs (59.4 mt) and 224,110 lbs (101.7 mt) (except for that provided to the fixed gear sablefish fishery), and 5.0 percent of the Oregon/California sport allocation. The primary season is allocated the full amount of the Washington contribution and, from the Oregon-California sport allocation, the number of pounds equal to the Washington contribution. The primary season would open May 1 and continue 7 days per week until the allocation for the primary season has been taken, or July 20, whichever is earlier. The secondary season(s) (if any) will reopen the first Friday in August, by NMFS via an update to the recreational halibut hotline.

The secondary seasons will be managed under separate quotas for Oregon ports and Washington ports. The Oregon ports in the area from Cape Falcon north to the Washington/Oregon border would be allocated 50 percent of the remaining allocation from the primary season, plus the difference between the Oregon contribution to the primary season and 5.0 percent of the Oregon/California sport allocation, plus any additional quota transferred from other Oregon subareas. The Oregon ports north of Cape Falcon will remain open three days per week (Friday, Saturday, and Sunday) until the Oregon secondary season allocation has been taken, or September 30, whichever is earlier. The Washington ports between the Oregon/Washington border and Leadbetter Point, WA would be allocated the remaining 50 percent of the primary season allocation, plus any additional quota transferred from other Washington subareas. The Washington ports south of Leadbetter Point would remain open three days per week (Friday, Saturday, and Sunday) until the Washington secondary season allocation has been taken, or September 30, whichever is earlier. Subsequent to the closure of a secondary season, if there was insufficient quota remaining for another fishing day, then any remaining quota could be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

Rationale – To provide additional opportunity in the Columbia River subarea and maintaining benefits proportional to the respective states' quota contribution to the subarea quota.

Oregon Statewide

Increase the possession limit on land in Oregon from two daily limits to three daily limits.

Rationale: Allowing a possession limit on land of three daily limits allows the angler to fish all three open days during all-depth weeks in the central coast subarea and legally transport the fish on land.

Proposals not Supported

Central Coast Subarea consecutive week fisheries and all-depth allocation change

The proposals to structure all open periods on consecutive weeks and change the allocation between the Spring and Summer all-depth fisheries is not recommended. Public reaction was mixed on these issues. Several participants commented that they liked the way the 2005 fishery progressed providing opportunity from May through October and would not make these changes at this time. Some proposed the alternative of not closing weeks during low tide series, which is optional in the existing CSP.

Groundfish retention on directed Pacific halibut trips

Both the public and ODFW are concerned over the incidence of both yelloweye rockfish and canary rockfish bycatch on halibut directed trips. Considering the limited available bycatch impacts of these two species to the recreational fishery the ODFW recommends continuing the prohibition to groundfish retention, except sablefish, in Pacific halibut fishery north of Humbug Mt.

OREGON DEPARTMENT OF FISH AND WILDLIFE PROPOSED LANGUAGE CHANGE TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR 2006 FISHERIES

(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 4.0 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 ~~from the Oregon/California sport allocation the number of pounds equal to the Washington contribution. Oregon's contribution will be 2.0 percent of the total Oregon/California sport allocation. Any additional pounds needed to equal the number of pounds contributed to the Columbia River subarea from the Washington allocation will come from the Oregon Central Coast subarea allocation.~~ **5.0 percent of the Oregon/California sport allocation or an amount equal to the contribution from the Washington sport allocation, whichever is greater.** This subarea is defined as waters south of Leadbetter Point, WA (46°38.17' 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.~~ **70 percent of the subarea allocation is taken or until the third Sunday in July, whichever occurs first. The fishery will reopen on the first Friday in August and continue 3 days per week, Friday-Sunday until the remainder of the subarea quota has been taken.** 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. Any remaining ~~state's quota would be transferred to that state~~ **quota would be transferred to each state in proportion to its contribution.** The daily bag limit is one halibut per person, with no size limit. No groundfish may be ~~landed~~ **taken or possessed,** except sablefish **and Pacific cod** when allowed by groundfish regulations, if halibut are on board the vessel.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45°46.00' N. lat.) to Humbug Mountain, Oregon (42°40.50' N. lat.) and is allocated ~~95.0~~ **92.0** percent of the Oregon/California sport allocation ~~minus any amount of pounds needed to contribute to the Oregon portion of the Columbia River subarea quota~~. 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 (73 m) 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 (73 m) fishery subquota, if it can be used. **If inseason it is determined via joint consultation between IPHC, NMFS and ODFW, that the combined all-depth and inside 40-fathom (73 m) fisheries will not harvest the entire quota to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point, WA by NMFS via an update to the recreational halibut hotline.** The daily bag limit is one halibut per person, unless otherwise specified, with no size limit. During days open to all-depth halibut fishing, no groundfish may be retained, except sablefish when allowed by groundfish regulations, 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:

44° 37.46 N. lat.; 124° 24.92 W. long.;
44° 37.46 N. lat.; 124° 23.63 W. long.;
44° 28.71 N. lat.; 124° 21.80 W. long.;
44° 28.71 N. lat.; 124° 24.10 W. long.;
44° 31.42 N. lat.; 124° 25.47 W. long.;
and connecting back to 44° 37.46 N. lat.; 124° 24.92 W. long.

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 (73 m) 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 will be established preseason for the first Spring opening and will not be modified inseason except 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 subquota for this season.** ~~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 **possible** exceptions to avoid adverse tidal conditions. If, following the "fixed" dates, quota for this season remains unharvested, a second opening will be held. **If it is determined appropriate through joint consultation between IPHC, NMFS and ODFW, fishing could be allowed on one or more additional days. Notice of the opening(s) will be announced by NMFS via an update to the recreational halibut hotline.** The fishery will be open every other week on Thursday through Saturday except that week(s) could be skipped to avoid adverse tidal conditions. The potential open 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.~~

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 through Sunday, except that week(s) could be skipped to avoid adverse tidal conditions. **The fishery will continue until there is insufficient quota for an additional day of fishery or October 31, whichever occurs first**. The potential open Fridays through Sundays will be identified preseason. If after the first scheduled open period, the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 60,000 lb (27.2 mt) or more, the fishery will re-

open on every Friday through Sunday (versus every other weekend), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. ~~Any excess quota projected to remain after the needs of the inside 40-fathom (73 m) fishery are met would be transferred into the remaining all-depth quota.~~ The inseason action will be announced by NMFS via an update to the recreational halibut hotline. If after the ~~third scheduled open period~~ **Labor Day weekend** the remaining Cape Falcon to Humbug Mountain entire season quota (combined all-depth and inside 40-fathom (73 m) quotas) is 30,000 lb (13.6 mt) or more, the fishery will re-open on every Friday through Sunday **if not already operating on a weekly basis** (versus every other weekend), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. The inseason action will be announced by NMFS via an update to the recreational halibut hotline. **After the Labor Day weekend the IPHC, NMFS, and ODFW will consult to determine whether increasing the central Oregon coast bag limit to two fish is warranted with the intent that the quota for the subarea is taken by September 30. If the quota is not attained by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever occurs first. The inseason action will be announced by NMFS via an update to the recreational halibut hotline**. ~~Under this provision, after the third scheduled open period, the bag limit would be 2 fish per person, with no size limit. Any excess quota projected to remain after the needs of the inside 40-fathom (73 m) fishery are met would be transferred into the remaining all-depth quota.~~ . ~~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 (73 m) fisheries will not harvest the entire quota to the subarea, quota may be transferred inseason to another subarea south of Leadbetter Point, WA by NMFS via an update to the recreational halibut hotline~~.

(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°40.50' 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 one halibut per person, with no size limit. 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.

(3) Possession limits. The sport possession limit on land **in Washington and California** is two daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel. **The sport possession limit on land in Oregon is three daily bag limits, regardless of condition, but only one daily bag limit may be possessed on the vessel.**

JOINT OREGON DEPARTMENT OF FISH AND WILDLIFE and WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN IN THE COLUMBIA RIVER SUBAREA FOR THE 2006 FISHERY

The Oregon Department of Fish and Wildlife (ODFW) and Washington Department of Fish and Wildlife (WDFW) submit the following revised proposed change to the Pacific Halibut Catch Sharing Plan (CSP) for the Columbia River sport subarea for the 2006 fishery. ODFW and WDFW recommend the Pacific Fishery Management Council (PFMC) approve the following proposed change to the CSP for the 2006 fishery.

(iv.) Columbia River Subarea

This sport fishery is allocated 2.0 percent of the first 130,845 lbs (59.4 mt) allocated to the Washington sport fishery, and 4.0 percent of the Washington sport allocation between 130,845 lbs (59.4 mt) and 224,110 lbs (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is also allocated 5.0 percent of the Oregon/California sport allocation or an amount equal to the contribution from the Washington sport allocation, whichever is greater. This subarea is defined as waters south of Leadbetter point, Washington, (46°38.17' N. lat.) and north of Cape Falcon, Oregon (45°46.00' N. lat.). The fishery will open on May 1, and continue 7 days per week until 70 percent of the subarea allocation is taken or until the third Sunday in July, whichever occurs first. The fishery will reopen on the first Friday in August and continue 3 days per week, Friday-Sunday until the remainder of the subarea quota has been taken. 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. Any remaining quota would be transferred to each state in proportion to its contribution. The daily bag limit is one halibut per person, with no size limit. No groundfish may be taken or possessed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE HALIBUT CATCH SHARING PLAN FOR 2006

The Washington Department of Fish and Wildlife (WDFW) briefed the Washington Fish and Wildlife Commission on October 8 on the proposed changes to the Pacific Fishery Management Council's catch sharing plan for 2006. Following the briefing, WDFW also sponsored another public recreational halibut meeting to further discuss these proposed changes on October 10.

At this time, we do not support the proposed annual bag limit of five halibut per angler. WDFW has annual bag limits in place for other species, such as sturgeon and steelhead. We would like to consider, in conjunction with the fishery managers and participants of these other fisheries, a comprehensive approach to how catches are recorded and annual limits are enforced. Following those discussions, we may propose an annual bag limit for halibut in the future. However, beginning in 2006, we would still like to require the WDFW catch record card for statewide halibut catches as a means of collecting data on the amounts of halibut individual anglers currently harvest each year. The Washington Fish and Wildlife Commission will consider requiring the WDFW catch record card for statewide halibut catches at their November meeting as part of a sportfishing rule proposal package.

WDFW continues to support the consideration of the following proposals by the Council. Proposed changes to the catch sharing plan language are presented in Attachment 1.

North Coast

1. **For the May fishery, reduce the number of days open per week from five consecutive days (Tue-Sat) to three staggered days (Tue, Thur, Sat).**
   Rationale – The Department held a series of meetings focused on identifying and exploring options with the objective of lengthening the north coast halibut season over a longer period of time, and the attendees at those meetings favored this option. The idea is that some anglers, who used to fish several days in a row when the season was open for five consecutive days per week, may decide to not stay over if the season days were staggered. This potential reduction in effort may allow other anglers the opportunity to fish and/or may lengthen the season. The Department plans to post calendars on our website, which identify the dates (based on available quota and pre-season catch projections) that we believe will be open to halibut fishing; there will also be tentative dates listed, which may be open if sufficient quota remains.

2. **For the June fishery, specify the opening date as the 1st Thursday after June 17.**
   Rationale – The primary purpose of scheduling a fishery in late June is to provide a fishing opportunity after school has ended for the year. This change would result in the fishery opening as early as June 18, and as late as June 24, which encompasses the majority of the public school ending dates in Washington. Also, there was some confusion with the current wording of "opening the third week in June"—whether this meant the third full week, or the third week occurring in the month—this proposed modification should alleviate this confusion.**In June, reduce the number of days open per week from five to two staggered days (Thur, Sat).**

Rationale – If the overall quota remains around the current level, following the quota division for the May and June fisheries, there would likely be sufficient quota to open for only two days in June, and, in 2005, the Department implemented a staggered Thursday/Saturday fishery in June, which seemed to work well. If sufficient quota remains, we could continue to keep the fishery open on the Thursday/Saturday schedule.

South Coast

3. **Remove the reference to the automatic 7 days per week season, beginning July 1, and specify that the northern nearshore area will reopen to accommodate incidental halibut catch on Fridays and Saturdays only.**
   Rationale – In recent years, the south coast fishery has not been able to remain open (much) past July 1. The initial purpose of this provision was to have an automatic action, so as to not require an inseason conference call to provide halibut fishing opportunity on Fridays and Saturdays, after the salmon season has started (which is usually around the first of July). However, upon further consideration, it would be easier to monitor the fishery if it were only open on Fridays and Saturdays. In order for this provision to apply, there could not be sufficient quota to reopen the offshore fishery (i.e., there would have to be less than 4,000 lbs). Therefore, it would be easier to monitor the attainment of this small amount if the nearshore area were open only on these two days. (Note: It is anticipated that the reopening of the nearshore fishery would occur the week following the closure after the total catch has been tallied.)

4. **Modify the definition of the northern nearshore area to: from 47°25.00' N. lat. south to 46°58.00' N. lat., and east of 124°30.00' W. long. (Note: In September, the proposal was a longitudinal line at 124°35.00' W. long.)**
   Rationale – Includes a few spots south of the currently defined northern nearshore area (which ends at 47°00.00' N. lat.) where halibut are caught incidentally on targeted bottomfish trips, while excluding "targetable" halibut areas. By excluding areas known to produce halibut, the integrity of the five-day targeted fishery is maintained, and monitoring of incidental catches (post-offshore season) against a relatively small quota is much easier.

Columbia River

5. **Allow the retention of bottomfish, except rockfish, with a halibut onboard in the Columbia River subarea (from Leadbetter Pt., WA to Cape Falcon, OR).**
   Rationale – Current language specifies that all bottomfish, except sablefish, cannot be retained with a halibut onboard, which was originally proposed as a measure to discourage targeting of rockfish. This has led anglers to discard species such as arrowtooth flounder, Pacific cod, and lingcod, which are caught incidentally while targeting halibut. Changing the regulation to still prohibit the retention of rockfish will allow anglers to retain these healthier species, while still discouraging targeting of rockfish.

Attachment 1

(f) SPORT FISHERIES

(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°31.70' 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~~ **3** days per week (Tuesday, **Thursday, and** ~~through~~ Saturday) until the May allocation is projected to be taken. The fishery will then reopen ~~during the third week~~ in June **on the first Thursday following June 17,** and continue until the remaining quota is projected to be taken, ~~5~~ **2** days per week (**Thursday and** ~~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° 18.00' N. lat.; 125° 18.00' W. long.;
48° 18.00' N. lat.; 124° 59.00' W. long.;
48° 11.00' N. lat.; 124°59.00' W. long.;
48° 11.00' N. lat.; 125° 11.00' W. long.;
48° 04.00' N. lat.; 125° 11.00' W. long.;
48° 04.00' N. lat.; 124° 59.00' W. long.;
48° 00.00' N. lat.; 124° 59.00' W. long.;
48° 00.00' N. lat.; 125° 18.00' W. long.;
and connecting back to 48° 18.00' N. lat.; 125° 18.00' W.long.

(iii) Washington south coast subarea.
This sport fishery is allocated 12.3 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as waters south of the Queets River (47°31.70' N. lat.) and north of Leadbetter Point (46°38.17' 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~~ **47°25.00' N. lat.** south to ~~47°00.00'~~ **46°58.00'**N. lat. and east of ~~124°40.00'~~ **124°30.00'**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 the entire subarea for another fishing day, then any remaining quota may be used to accommodate incidental catch in the nearshore area from ~~Queets River~~ **47°25.00' N. lat.** south to ~~47°00.00'~~ **46°58.00'**N. lat. and east of ~~124°40.00'~~ **124°30.00'**W. long. **on Fridays and Saturdays only,** or 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 4.0 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 from the Oregon/California sport allocation the number of pounds equal to the Washington contribution. Oregon's contribution will be 2.0 percent of the total Oregon/California sport allocation. Any additional pounds needed to equal the number of pounds contributed to the Columbia River subarea from the Washington allocation will come from the Oregon Central Coast subarea allocation. This subarea is defined as waters south of Leadbetter Point, WA (46°38.17' 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. Any remaining state's quota would be transferred to that state. The daily bag limit is one halibut per person, with no size limit. No ~~groundfish~~ **rockfish** may be landed, ~~except sablefish when allowed by groundfish regulations~~, if halibut are on board the vessel.

TRIBAL 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 2006. 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.

PFMC
10/31/05

GROUNDFISH ADVISORY SUBPANEL REPORT ON PROPOSED CHANGES TO THE CATCH SHARING PLAN AND ANNUAL REGULATIONS

The Groundfish Advisory Subpanel (GAP) heard from representatives of Oregon Department of Fish and Wildlife (ODFW) and Washington Department of Fish and Wildlife (WDFW). Each detailed their state position on this issue. After lengthy debate, consensus could not be reached with respect to the Columbia River subarea. Consensus was achieved with respect to approval of the individual state proposals for all areas outside of the aforementioned subarea.

A majority of the GAP favored a status quo for the Columbia River subarea. This would be to retain the 2005 plan for 2006: equal poundage contributions of quota from Oregon and Washington, 7 day/week fishery, and no retention of groundfish except sablefish when halibut is on board the vessel. The majority felt that maintaining equal state shares was preferred. They felt that a contribution from Oregon for Oregon port landing only was potentially unfair to Washington port fishermen. It was felt that any contribution should be shared by all. They cited the example of Washington unilaterally contributing salmon for take in both states in this same subarea as an example of their position. It was felt that retention of groundfish except rockfish was preferred, but due to concerns about the shale pile area on the Oregon side, (where canary and yelloweye are encountered) and a greater desire to maintain status quo, no groundfish retention, except sablefish was preferred. Keeping this subarea as a single managed entity was of paramount importance.

A minority of the GAP supported the Oregon proposal for the Columbia River subarea. They favored the two-season approach with a contribution from the Oregon central coast for the second season. This contribution from the Central Coast would be for landing in Oregon ports only. It was felt that the more conservative Central Coast season structure was the primary reason there was any quota to transfer at all. The minority did not believe that the conservation of quota for a full season of fishing should result in loss of the savings to another state where a derby style fishery is conducted.

The GAP members felt that remedies potentially exist to resolve future disputes involving this Columbia River subarea. It was suggested that for future plan proposals the following examples could be acceptable to both states representatives if an increased quota were offered from Oregon.

1. A more conservative season structure similar to or the same as Oregon Central Coast.
2. No groundfish retention, except sablefish, the same as or similar to the Oregon proposal.

The GAP felt that a general compromise was needed leaning toward the concerns of the area users who are contributing the additional quota. The GAP also felt that Oregon and Washington should resolve their differences before this issue is brought to the Council.

PFMC
10/31/05

SALMON ADVISORY SUBPANEL REPORT ON PROPOSED CHANGES TO THE CATCH SHARING PLAN AND ANNUAL REGULATIONS

The Salmon Advisory Subpanel (SAS) has reviewed the proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan and annual regulations and offers the following comments.

The majority of the SAS favors *status quo* for the Columbia River subarea, and retaining the subarea as one management zone for halibut and all fisheries. Washington and Oregon have placed a high priority on maintaining concurrent fishery regulations on the Columbia River and in Area 1 ocean fisheries. Exempting one fishery could set a dangerous precedent. Problems with enforcement would be only one of the problems with non concurrent regulations.

A minority of the SAS recommends adopting the split season proposal for the Columbia River subarea.

Although SAS favors attempts to lengthen the halibut season, annual bag limits in other Washington fisheries have proven ineffective, difficult to enforce, and highly unpopular. Evidence also suggests that it fosters conflict between user groups. Without new information indicating that the stated goal would be achieved, the SAS opposes this proposal.

The SAS has spent significant meeting time on halibut issues in recent years, and because the issues are generally unrelated to the salmon fishery and the process is currently driven primarily by the state sponsored hearings, the SAS feels their time could be better spent on other issues.

PFMC
10/31/05

Subject: [Fwd: Proposed Changes to Catch Area 2A Pacific Halibut Catch Sharing Plan]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 03 Oct 2005 08:55:02 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Proposed Changes to Catch Area 2A Pacific Halibut Catch Sharing Plan
Date: Fri, 30 Sep 2005 13:59:45 -0700
From: Tom Merriman <tmerriman@masco.net>
To: <pfmc.comments@noaa.gov>

Pacific Fish Management Council
7700 NE Ambassador Place
Suite 200
Portland, Oregon 97220

Council

As a private fisherman I would wish to comment on the "Proposed Changes to Catch Area 2 Halibut 2006".

Washington Statewide
1. No Problem.

Washington North Coast Subarea
,2,3, and 4 -- No Problem

Washington South Coast Subarea
5-6-- No Problem

Washington and Oregon Columbia River Subarea
7. No Problem
I would like to see the C.R.S. open to ground fish > 40 fathom June 1 thru Sept. 30 as this Subarea has no real potential (near shore) rockfish harvest areas as available in other

Oregon Waters. Also the waters off the Colombia River (Astoria Canyon) have a extremely low incidental Yellow Eye/Canary by- catch. The waters are very rich in Yellowtail

Rockfish and Black Cod.

8. Increase the allocation of the Columbia River subarea from the proposed 5% to 10%. This would reduce the allocation in the Central Oregon subarea from the proposed

92% to 87% which is a greater representation of the average of fish not harvested in this catch area for the last 4 years. Why let this allocation go unharvested year after year.

9. Increase Oregon and Washington's contribution to the Subarea by a factor of 100%. Split season is fine.

Oregon Statewide
10. No Problem

Oregon Central Coast Subarea
All Depth Fisheries
11. No Problem
12. No Problem
13. This proposal is unfair to all other Catch Areas in Washington and Oregon. If after the Labor Day weekend 25,000 pounds or more remain available to harvest than

the Central Oregon Coast subarea will transfer 30% of the uncaught quota to other Oregon subareas. The legal daily limit will remain at one fish.

Rationale-- This proposal to up the daily limit from 1 to 2 fish is an unfair economic advantage to one or more ports in the Central Oregon subarea that will direct

much needed tourist dollars away from the economically depressed areas of the Northern Oregon and Southwest Washington Coasts. The bulk of pressure on the Columbia

River subareas on halibut is on the charter boats on the weekdays and weekend sports boats. These tourist dollars are spent equally between out of state and local

(Oregon/Washington) residents. The ports of Ilwaco and Chinook (Wa. C.R.S. ports) service a predominantly Oregon and local S.W. WA. resident client base traveling

predominantly on Oregon Highways and servicing local Oregon Business and infrastructure. To gift only one area within Oregon extra fishing potential and fish is most certainly

unfair and possibly not legal.

14. see above #13

15. No Problem

Nearshore Fishery

16. Do not allow any Halibut on all-depth days if rockfish are onboard vessel.

Rationale-- Avoid any chance of mistakes by enforcement officials.

ALSO

I would wish to see the Nearshore Halibut Fishery opened to include all areas within Oregon Territorial

Waters. There is a near shore *incidental* N. Coast halibut

harvest area that is centered around the Tillamook Head near shore waters, although these waters are out of the Normal transit area of fishers off the Columbia River, these areas are targeted on full day bottom fish charters operating from Columbia River ports. These full day charters were once a mainstay of survival back in the mid 80's when the salmon fishing was non-existent. Again these near shore fisheries would be available to Columbia River fishers to also develop the Sand Dab and other flatfish potential possibly taking pressure off ground fish and rockfish because the C.R.S. lacks rocky structure as is prevalent in the Central Oregon Coast subareas. These are vast areas of flat sand and gravel areas that not only hold halibut but also other flatfish and codfish.

Thank you for your consideration,

Tom Merriman
2504 Sahalee Dr East
Sammamish, Wa. 98074
425-487-6161

Pacific Fishery Management Council

Subject: [Fwd: Halibut annual limit]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 03 Oct 2005 08:55:37 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Halibut annual limit
Date: Sun, 2 Oct 2005 22:18:54 -0700
From: Ronald McDougall <JORONMCD@peoplepc.com>
To: <pfmc.comments@noaa.gov>

I am against having an annual limit on halibut.
There is already a 2 fish possession limit in any form. I feel that this is more than adequate.
Ronald McDougall
1110 Olympic View Way
Aberdeen Wa. 98520
joronmcd@peoplepc.com

Pacific Fishery Management Council

Subject: Sport Halibut quota Columbia River
From: "Butch & Terri Smith" <coho@willapabay.org>
Date: Tue, 4 Oct 2005 21:32:11 -0700
To: "Chuck Tracy" <Chuck.Tracy@noaa.gov>
CC: "Mark Cedergreen" <mcedergreen@olynet.com>

PFMC
7900 N.E. 82nd Ave.
Portland, OR. 97220

Re: Halibut

Dear Councilmembers;

I would like to take this time to give you my written testimony on the Columbia River Sports Halibut. I've testified before this council on the importance of not splitting the Columbia river on any fisheries. I attended a large users meeting in Astoria, Oregon on August 18, 2005 and to my surprise and the surprise of some of the state officials at this meeting every person except one was not in favor of spitting the rivers halibut quota. The thinking of the user groups was that there would be some years that Oregon would be able to give some additional fish and some years that Washington would be able to give some additional fish to the river. We still believe that splitting the river is a very dangerous path to take and an enforcement nightmare. If all the users can agree that it is a bad idea, I think we should agree to maintain the Columbia River as one management zone, when one state fishes we all fish. We would urge your consideration to leave the Columbia River one management zone for halibut, and all fisheries. Thank you for your time.

Sincerely Yours,

Butch Smith
Pres. Ilwaco Charter Assoc.
SAS Vice Chair.

Subject: [Fwd: halibut]
From: PFMC Comments <pfmc.comments@noaa.gov>
Date: Tue, 04 Oct 2005 13:28:00 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject:halibut
Date: Tue, 04 Oct 2005 13:14:11 -0700
From: Rick Andersen <rvprorick@hotmail.com>
To:pfmc.comments@noaa.gov

Concerning the halibut limit. I am totally opposed to the yearly limit proposal. This has not worked for sturgeon and the columbia. This is simply a way to discriminate against user groups. The private boater ,who obvisily puts more money into state and local econimmes than any other, would take the hit on this. Please do not pass this proposal. thanks, Rick Andersen pres. RVPROINC.

Pacific Fishery Management Council

Subject: [Fwd: Halibut fishing]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Tue, 04 Oct 2005 11:48:23 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Halibut fishing
Date: Tue, 04 Oct 2005 11:33:19 -0700
From: Rick Migliacio <rick.migliacio@alaskaair.com>
To: <pfmc.comments@noaa.gov> <pfmc.comments@noaa.gov>

Hi
I was reading on your web site about the proposed changes for Washington. I am opposed to the 5 annual bag limit. How is this going to extend the season. Last year I caught 1 Halibut maybe next year I will be luckier. Also Having staggard days to extend the season makes no sense when people plan vacations like myself I usally plan fo a week and pay good money to stay at local hotels or resorts to stay and fish this would have me paying for nights in hotels and days of no fishing.
Rick Migliacio
2532739013

Pacific Fishery Management Council

Subject: Halibut
From: BRANCHOFIC@aol.com
Date: Tue, 4 Oct 2005 12:28:33 EDT
To: Chuck.Tracy@noaa.gov, culvemkc@dfw.wa.gov, anderpma@dfw.wa.gov
CC: mcedergreen@olynet.com, coho@willapabay.org, spirit.spirit@verizon.net, curt.melcher@coho2.dfw.state.or.us

October 1, 2005

PFMC
7900 NE 82nd Ave.
Portland, Oregon 97220

Re: Halibut

Dear Sirs:

I am writing to express my opposition to WDFW's proposal to institute a yearly limit on Halibut. Although this proposed regulation is well intentioned, and appears on the surface to be logical, it is fatally flawed and has been proven to be ineffective and counter productive.

In 1989 WDFW implemented a 15 fish annual bag limit (it is currently 5) for Sturgeon on the Columbia River with the intent of maintaining a year round fishery. The rationale for this regulation was the same as stated in the *"WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE HALIBUT CATCH SHARING PLAN FOR 2006"* that was presented to the council at the September meeting. In this report WDFW states that "The annual bag limit would accomplish the objective of providing an opportunity for more individuals to participate in the recreational fisheries" while admitting that "selecting a limit amount, which is less than the amount of days open to fishing could ***POTENTIALLY*** (emphasis added) extend the season".

What we learn from 16 years of experimentation on Sturgeon annual bag limits is that it has been a complete failure with unintended negative consequences. Not only did it not achieve the objective of extending the season it resulted in widespread non-compliance of catch record recording. Individuals regularly buy both a Washington and an Oregon license with the intent of recording 5 fish on each license and then "losing" one of the catch record cards. The same thing would happen in Neah Bay with anglers buying Canadian licenses and claiming their Washington caught fish were caught in Canadian waters. Anglers obtain a second catch record card using an alias, second address, or a phony social security number. These same anglers consistently refuse to record their catch unless enforcement is present and many fish go unrecorded. Catch record card data is corrupted and as a result is worthless for catch monitoring and enforcement purposes. This is the exact opposite of what WDFW states is another goal to be achieved by implementing this measure.

The ethics of these widespread actions are the subject of another discussion but will not change reality. Even more unfortunate is that catch record non-compliance is not restricted to the anglers that catch more than 5 fish per year. If WDFW wants to "require all anglers to complete a catch record card for Halibut caught in all marine areas" it does not require implementation of an annual limit. And if the department wants to use the catch record card "for catch monitoring and

enforcement purposes" it is best that an annual limit is not implemented to ensure catch record card accuracy.

The driving force behind this problem is the perception that the regulation does not achieve it's objective, that it discriminates against the individual, and that annual bag limits reallocate catch from the private boat fleet to the charter fleet. This is the opposite of WDFW's assertion that "Placing an annual limit on all anglers would treat everyone in the same fashion, and would be more likely to accomplish the objective". And again, it results in an additional negative consequence. The perception of reallocation creates unwanted user group conflict. When the council imposed a weekly limit (4 fish in 7 days) in the recreational ocean fishery it created just such a conflict. The hard feelings between the two user groups was so intense that it was 15 years before they could work together again. The weekly limit has been eliminated from the fishery because it didn't achieve the objective of extending the season and was proven to be unenforceable. The annual bag limit is also unenforceable. In the 16 years that Sturgeon have had an annual limit not a single individual has been cited for violating this rule in spite of widespread noncompliance.

WDFW indicates that the annual bag limit was sent out for public comment due to "a considerable number of comments and suggestions". It is worth noting that during the three stakeholder meetings, where stakeholders actually attended, the issue was believed to have been put to rest. Sport fishing interests, representatives of LaPush, and Neah Bay advocated no yearly limit and were lead to believe the issue was no longer on the table.

Do we really need a regulation that doesn't work, is unenforceable, creates user group conflict, corrupts catch record card data, and furthers the misconception that WDFW favors one group over another?

Sincerely,

Steve Watrous
President
Columbia Pacific Anglers

Subject: [Fwd: annual bag for Halibut]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Wed, 05 Oct 2005 08:18:39 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: annual bag for Halibut
Date: Wed, 05 Oct 2005 02:14:31 +0000
From: frack26@comcast.net
To: culvemkc@dfw.wa.gov
CC: anderpma@dfw.wa.gov, pfmc.comments@noaa.gov

Gentlemen:

I am writing to express my opposition to WDFWâ€™s proposal to institute a yearly limit on Halibut. Although this proposed regulation is well intentioned, and appears on the surface to be logical, it is fatally flawed and has been proven to be ineffective and counter productive.

It is time that you quit giving all the fish tothe commercial and Indian fisheries, The sportsmen support your agency and all your programs with our moneys but end up getting nothing out of it Thank you.

Thanlk you

Thomas J Kula
Sprotsman.

Pacific Fishery Management Council

Subject: [Fwd: Halibut Yearly Catch Limit Proposal]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Wed, 05 Oct 2005 11:47:12 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Halibut Yearly Catch Limit Proposal
Date: Wed, 05 Oct 2005 18:33:16 +0000
From: Mike Gabrielson <mikegabrielson@hotmail.com>
To: pfmc.comments@noaa.gov

Dear Sirs:

I am writing to express my opposition to WDFW's proposal to institute a yearly limit on Halibut. Although this proposed regulation is well intentioned, and appears on the surface to be logical, it is fatally flawed and has been proven to be ineffective and counter productive.

In 1989 WDFW implemented a 15 fish annual bag limit (it is currently 5) for Sturgeon on the Columbia River with the intent of maintaining a year round fishery. The rationale for this regulation was the same as stated in the "WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE HALIBUT CATCH SHARING PLAN FOR 2006" that was presented to the council at the September meeting. In this report WDFW states that "The annual bag limit would accomplish the objective of providing an opportunity for more individuals to participate in the recreational fisheries" while admitting that "selecting a limit amount, which is less than the amount of days open to fishing could POTENTIALLY (emphasis added) extend the season".

What we learn from 16 years of experimentation on Sturgeon annual bag limits is that it has been a complete failure with unintended negative consequences. Not only did it not achieve the objective of extending the season it resulted in widespread non-compliance of catch record recording. Individuals regularly buy both a Washington and an Oregon license with the intent of recording 5 fish on each license and then "losing" one of the catch record cards. The same thing would happen in Neah Bay with anglers buying Canadian licenses and claiming their Washington caught fish were caught in Canadian waters. Anglers obtain a second catch record card using an alias, second address, or a phony social security number. These same anglers consistently refuse to record their catch unless enforcement is present and many fish go unrecorded. Catch record card data is corrupted and as a result is worthless for catch monitoring and enforcement purposes. This is the exact opposite of what WDFW states is another goal to be achieved by implementing this measure.

The ethics of these widespread actions are the subject of another discussion

but will not change reality. Even more unfortunate is that catch record non-compliance is not restricted to the anglers that catch more than 5 fish per year. If WDFW wants to "require all anglers to complete a catch record card for Halibut caught in all marine areas" it does not require implementation of an annual limit. And if the department wants to use the catch record card "for catch monitoring and enforcement purposes" it is best that an annual limit is not implemented to ensure catch record card accuracy.

The driving force behind this problem is the perception that the regulation does not achieve it's objective, that it discriminates against the individual, and that annual bag limits reallocate catch from the private boat fleet to the charter fleet. This is the opposite of WDFW's assertion that "Placing an annual limit on all anglers would treat everyone in the same fashion, and would be more likely to accomplish the objective". And again, it results in an additional negative consequence. The perception of reallocation creates unwanted user group conflict. When the council imposed a weekly limit (4 fish in 7 days) in the recreational ocean fishery it created just such a conflict. The hard feelings between the two user groups was so intense that it was 15 years before they could work together again. The weekly limit has been eliminated from the fishery because it didn't achieve the objective of extending the season and was proven to be unenforceable. The annual bag limit is also unenforceable. In the 16 years that Sturgeon have had an annual limit not a single individual has been cited for violating this rule in spite of widespread noncompliance.

WDFW indicates that the annual bag limit was sent out for public comment due to "a considerable number of comments and suggestions". It is worth noting that during the three stakeholder meetings, where stakeholders actually attended, the issue was believed to have been put to rest. Sport fishing interests, representatives of LaPush, and Neah Bay advocated no yearly limit and were lead to believe the issue was no longer on the table.

Do we really need a regulation that doesn't work, is unenforceable, creates user group conflict, corrupts catch record card data, and furthers the misconception that WDFW favors one group over another?

Sincerely,

Mike Gabrielson

Pacific Fishery Management Council

Subject: [Fwd: Halibut Issue]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Fri, 07 Oct 2005 08:08:55 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Halibut Issue
Date: Wed, 5 Oct 2005 14:10:09 -0700
From: john herrling <jherrling@msn.com>
To: <pfmc.comments@noaa.gov>, "M Culver" <culvemkc@dfw.wa.gov>, "p anderson" <anderspma@dfw.wa.gov>

To all concerned,

I am writing to express my opposal to the now once again proposed yearly limit of five halibut per angler. I attended the share holder meetings on these issues and this proposal was deleted from the list by majority agreement. It was obvious at the meetings that there were a few Charter Operators and Phil Anderson from WDFW interested in pursuing this agenda. It was finally agreed to by representatives at the meetings from PSA and other Sports Anglers, The Charter Boat Association, Forks/LaPush and Neah Bay that this was not something that was desirable or wanted and Phil Anderson finally deleted it from the list of proposals and told us it would not be presented as part of the halibut sharing plan. Now WDFW comes back and wants to do it again after telling us all they wouldn't claiming that it's what everyone wants. It appears to me that WDFW is operating in it's own little world and really doesn't care to honor what it agreeded to and really doesn't seem to care what the rest of us want.

Thank you for your time,
John Herrling

Pacific Fishery Management Council

Subject: [Fwd: halibut]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Fri, 07 Oct 2005 08:09:56 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: halibut
Date: Wed, 5 Oct 2005 19:22:41 -0700
From: Bob Reudink <pelagic@copper.net>
To: <pfmc.comments@noaa.gov>

I am as as a sport fisher diametically opposed to another catch limit as done on sturgeon . I feel this discriminates sport fishing ...is supportng commercial interests and decreases economic retuurn .

Pacific Fishery Management Council

Subject: [Fwd: Halibut]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 10 Oct 2005 10:54:56 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Halibut
Date: Sun, 9 Oct 2005 19:37:48 -0700
From: <manjendan@peoplepc.com>
To: DJ <WPackroom@bbafiberweb.com>, <anderpma@dfw.wa.gov>, <culvemkc@dfw.wa.gov>, <pfmc.comments@noaa.gov>

October 9, 2005

Dear PFMC;

Here we go again. It didn't work for sturgeon so now we're going to try the annual bag limit on the halibut fisheries.
I live in Washougal and fish the Columbia River for sturgeon as often as I can. Every year I see an increase in the number of guides and charter boats trying to make a living off of the sturgeon fishery. When sturgeon season closes, they switch to walleye. Will walleye be next for the annual bag limit?
Some fisheries, such as halibut, walleye and sturgeon, should not be used to help someone buy a $40,000 guideboat and an 'Outback" hat, just so ten executives can get on board and have their pictures taken with a fish they'll never eat. Not everything should be for sale.

Please reconsider the implementation of an annual limit on halibut.

Sincerely,

David P. Johnson
5503 SE Hans Nagel Rd.
Washougal, WA 98671

(360) 835-5724

manjendan@peoplepc.com

Pacific Fishery Management Council

Subject: (no subject)
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Tue, 11 Oct 2005 08:19:44 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Date: Mon, 10 Oct 2005 22:30:48 -0700
From: <Vern@cablespeed.com>
Reply-To: <Vern@cablespeed.com>
To: <pfmc.comments@noaa.gov>

No Annual limit on Halibut, Please. NO ANNUAL LIMIT ON HALIBUT, PLEASE. VERN GARRISON, 360-379-0548

Pacific Fishery Management Council

Subject: [Fwd: Halibut Limit]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Wed, 12 Oct 2005 17:27:08 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Halibut Limit
Date: Wed, 12 Oct 2005 17:32:50 EDT
From: Dhartman00@aol.com
To:pfmc.comments@noaa.gov

PFMC
7900 NE 82nd Ave.
Portland, Oregon 97220

SUBJECT: Annual Limit on Halibut:

I would like to express my opposition to WDFW's proposal to instituting a yearly limit on Halibut.

In talking to people who are familiar with the Sturgeon annul limit, it has not accomplished all what WDFW were after. If installed I am sure the Halibut catch record card data will not tell what was really caught. This may also create user group conflict.

It seams to me the two areas of concern are the Columbia Rivera Area, Oregon and Washington and the Canadian Area, Neha Bay Washington, And I don't believe this will solve this problem.

THANK YOU FOR HEARING ME OUT.
Sincerely,

Donald Hartman
914 Marshal Dr. SE
Olympia, Washington 98501

Pacific Fishery Management Council

Subject: [Fwd: Proposed Changes to 2A halibut catch sharing plan]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Mon, 24 Oct 2005 08:36:55 -0700
To: Chuck Tracy <Chuck.Tracy@noaa.gov>

-------- Original Message --------
Subject: Proposed Changes to 2A halibut catch sharing plan
Date: Mon, 24 Oct 2005 14:12:15 +0000
From: Ray Hartlerode <ray_hartlerode@hotmail.com>
To:pfmc.comments@noaa.gov

Hello

My name is Ray Hartlerode, I reside at 692 Fanny Court NE, Salem Oregon 97301

I would like to take this opportunity to comment on some of the Proposed Changes to the Area 2A Pacific Halibut Sharing Plan

For many years I have towed my boat to Neah Bay to participate in the May Halibut fishery. It has become a tradition that I look forward to every year. It is the main reason that a few years ago I invested in a new Arima. I realize the challenges in managing a fishery such as this, but I think that these changes are too drastic of a change and are being use to squeeze recreational fishers with their own boats out of the fishery in favor of the Charter Boat Operators.

I support the change to an annual bag limit of five halibut. I would support the change from five fishing days per week to three days, but I strongly oppose the staggered days.

As you know, the Neah Bay fishery is primarily used by sports fishermen from outside the local area. It is not the easiest place to get to. Also, the ability to fish from small boats is highly weather dependent. With your proposal of staggered days it would be very possible to spend $1000 for fuel, licenses, bait, camping, and moorage only to be weathered out on the open days and sitting on shore on the closed days when the weather may be good.

I request that you implement the annual 5 fish limit, reduce the number of open days per week, but do not stagger those days. If this does not provide the desired affect then you could move to the more drastic rule of staggered days in the future.

Thank you,

Ray Hartlerode
692 Fanny Court NE
Salem, Oregon 97301

rayh@uci.net

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 2005 Catch Sharing Plan.

For the 2006 season, the Council is considering changes to the management of 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 2005 Council meeting. The Council solicited public input on the changes on its website and in the Council News Brief article from October 2005 (Attachment 2).

Based on the input received since the September Council meeting, the states and tribes 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 implementing proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan for 2006.

Reference Materials:

1. Agenda Item E.1.a, Attachment 1: 2005 Pacific Halibut Catch Sharing Plan for Area 2A.
2. Agenda Item E.1.a, Attachment 2: Council News Brief Article on Proposed Changes to the Area 2A Pacific Halibut Catch Sharing Plan.
3. Agenda Item E.1.e, Public comment.

Agenda Order:

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 Changes for 2006	

PFMC
10/13/05