

## 2010 PACIFIC HALIBUT FISHERY REGULATIONS

Under its standard process, the Council solicits proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan (CSP; Agenda Item C.1.a, Attachment 1) 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 CSP. The National Marine Fisheries Service has prepared an inseason update on 2009 halibut catch in Area 2A with the assistance of state and tribal managers to provide perspective on the performance of the current CSP (Agenda Item C.1.b, NMFS Report).

For the 2010 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 (WDFW) and Oregon Department of Fish and Wildlife (ODFW) after holding public meetings, and from Council discussion and public testimony received at the September 2009 Council meeting.

The Council solicited public input on the changes on its website and in the Council Newsletter article from October 2009 (Agenda Item C.1.a, Attachment 2). WDFW and ODFW also solicited public input, including public hearings by WDFW, and subsequently prepared agency recommendations for regulatory changes in 2010 (Agenda Item C.1.b, ODFW Report and Agenda Item C.1.b, Supplemental WDFW Report).

Based on the input received since the September 2009 Council meeting, the states, National Marine Fisheries Service, 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 2009 proposals (Attachment 2) and public input, adopt Council recommendations for implementing proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan and annual regulations for 2010.**

### **Reference Materials:**

1. Agenda Item C.1.a, Attachment 1: 2009 Pacific Halibut Catch Sharing Plan For Area 2A.
2. Agenda Item C.1.a, Attachment 2: Fall 2009 Newsletter Excerpt.
3. Agenda Item C.1.b, NMFS Report.
4. Agenda Item C.1.b, ODFW Report.
5. Agenda Item C.1.b, Supplemental WDFW Report.

### **Agenda Order:**

- a. Agenda Item Overview
- b. Reports and Comments of Management Entities and Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Final Changes to the 2010 Pacific Halibut Catch Sharing Plan and Annual Fishery Regulations.

Chuck Tracy

PFMC  
10/14/09

## 2009 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

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*.

### (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

Thirty-five percent of the Area 2A TAC is allocated to 13 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 season dates will be set within the season dates determined by the IPHC and implemented in IPHC regulations. The tribal commercial fishery will close when the subquota is taken. Any halibut sold by treaty Indians during the commercial fishing season must comply with IPHC regulations on size limits for the non-Indian fishery.

(e) NON-INDIAN COMMERCIAL FISHERIES

The non-Indian commercial fishery is allocated 31.7 percent of the non-Indian share of the Area 2A TAC for a directed halibut fishery and an incidental catch fishery during the salmon troll fishery. The non-Indian commercial allocation is approximately 20.6 percent of the Area 2A TAC. Incidental catch of halibut in the primary directed sablefish fishery north of Point Chehalis, WA will be authorized if the Washington sport allocation exceeds 224,110 lb (101.7 mt) as described in section (e)(3) of this Plan. The structuring and management of these three fisheries is as follows.

(1) Incidental halibut catch in the salmon troll fishery.

Fifteen percent of the non-Indian commercial fishery allocation is allocated to the salmon troll fishery in Area 2A as an incidental catch during salmon fisheries. The quota for this incidental catch fishery is approximately 3.1 percent of the Area 2A TAC. The primary management objective for this fishery is to harvest the troll quota as an incidental catch during the May/June salmon troll fishery. The secondary management objective is to harvest the remaining troll quota as an incidental catch during the remainder of the 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 until the end of the season date for commercial halibut fishing determined by the IPHC and implemented in IPHC regulation. 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. Halibut retention in the salmon troll fishery will be allowed after June only if the 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.
- (v) Under the Pacific Coast groundfish regulations at 50 CFR 660.383, fishing with salmon troll gear is prohibited within the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA). The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.390 and in salmon regulations at 50 CFR 660.405.

(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 published in the *Federal Register* and

specifically defined at 50 CFR 300.63(e). 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.

Under Pacific Coast groundfish regulations at 50 CFR 660.382, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) and the Non-Trawl Rockfish Conservation Area (RCA). The North Coast Commercial Yelloweye Rockfish Conservation Area YRCA is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA. The Non-Trawl RCA is an area off the Washington coast. These closed areas are defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.390. Coordinates for the Non-Trawl RCA are specified in groundfish regulations at 50 CFR 660.393.

(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 six geographic subareas.

- (1) Subarea management. The sport fishery is divided into six sport fishery subareas, each having separate allocations and management measures as follows.

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

This sport fishery subarea is allocated 23.5 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as all U.S. waters east of the mouth of the Sekiu River, as defined by a line extending from 48°17.30' N. lat., 124°23.70' W. long. north to 48°24.10' N. lat., 124°23.70' W. long., including Puget Sound. The structuring objective for this subarea is to provide a stable sport fishing opportunity and maximize the season length. To that end, the Puget Sound subarea may be divided into two regions with separate seasons to achieve a fair harvest opportunity within the subarea. Due to inability to monitor the catch in this area inseason, fixed seasons, which may vary and apply to different regions within the subarea, will be established preseason based on projected catch per day and number of days to achievement of the quota. Inseason adjustments may be made, and estimates of actual catch will be made postseason. The fishery will open in April or May and continue until a date established preseason (and published in the sport fishery regulations) when the quota is predicted to be taken, or until September 30, whichever is earlier. The Washington Department of Fish and Wildlife will develop recommendations to NMFS on the opening date and weekly structure of the fishery each year. The daily bag limit is one fish per person, with no size limit.

(ii) Washington north coast subarea.

This sport fishery subarea is allocated 62.2 percent of the first 130,845 lb (59.4 mt) allocated to the Washington sport fishery, and 32 percent of the Washington sport allocation between 130,845 lb (59.4 mt) and 224,110 lb (101.7 mt) (except as provided in section (e)(3) of this Plan). This subarea is defined as all U.S. waters west of the mouth of the Sekiu River, as defined above in paragraph (f)(1)(i), and north of the Queets River (47°31.70' N. lat.). The management objective for this subarea is to provide a quality recreational fishing opportunity during May and June. The fishery will open on the first Thursday between May 9 and 15, and continue 2 days per week (Thursday and Saturday) in May as scheduled pre-season, unless there is a quota management closure. If there is no quota management closure in May, the fishery will reopen on the first Thursday in June as an all depth fishery on Thursdays and Saturdays as long as sufficient quota remains. This schedule allows adequate public notice of any inseason action before each Thursday opening. If there is not sufficient quota for an all-depth day, the fishery would reopen in the nearshore areas described below:

- A. WDFW Marine Catch Area 4B, which is all waters west of the Sekiu River mouth, 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., to the Bonilla-Tatoosh line, as defined by a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73' N. lat., 124°43.00' W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62' N. lat., 124°43.55' W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.
- B. Shoreward of the recreational halibut 30-fm boundary line, a modified line approximating the 30 fm depth contour from the Bonilla-Tatoosh line south to the Queets River. Coordinates for the closed area will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

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 the nearshore areas 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.

Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Recreational YRCA are specified in groundfish

regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

(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 south coast subarea quota will be allocated as follows: 10% or 2,000 pounds, whichever is less, will be set aside for the nearshore fishery with the remaining amount allocated to the primary fishery. The fishery will open on the first Sunday in May. The primary fishery will be open two days per week, Sunday and Tuesday, in all areas, except where prohibited. Starting the third week in May, the primary fishery will be open on Sundays only, until the quota for the primary fishery season is reached or September 30, whichever is earlier. If there is insufficient quota remaining to reopen the primary fishery for another fishing day, the remaining primary fishery quota will be added to the nearshore quota. The nearshore fishery takes place, in the area from 47°25.00' N. lat. south to 46°58.00' N. lat. and east of 124°30.00' W. long. During the primary season the nearshore fishery will be open three days per week, Thursday, Friday and Saturday, in addition to any days on which the primary fishery is open. Subsequent to the closure of the primary fishery, the nearshore fishery will continue on Thursdays, Friday, Saturdays and Sundays until the remaining quota is projected to be taken. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the nearshore areas for another fishing day, then any remaining quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline. The daily bag limit is one halibut per person, with no size limit.

Recreational fishing for groundfish and halibut is prohibited within two YRCA's off Washington's southern coast. The South Coast Recreational YRCA and the Westport Offshore YRCA are defined by straight lines connecting latitude and longitude coordinates. Coordinates for these Recreational YRCAs are specified in groundfish regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

(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 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, WA (46°38.17' N. lat.) and north of Cape Falcon, OR (45°46.00' N. lat.). The fishery will open on the first Thursday in May or May 1 if it is a Friday or Saturday, 3 days per week, Thursday through Saturday until 70 percent of the subarea allocation is taken or until the third Sunday in July, whichever is earlier. 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, or until 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 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 and retained, possessed or landed, 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 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. 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 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 taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. The Stonewall Bank YRCA is an area off central Oregon, near

Stonewall Bank, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Stonewall Bank YRCA are specified in groundfish regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

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. 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 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. 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 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 may 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) may 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 is earlier.

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) may be skipped to avoid adverse tidal conditions. The

fishery will continue until there is insufficient quota remaining to reopen for another fishing day or October 31, whichever is earlier. 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 Friday through Sunday), 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. If after the 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 and the fishery is not already open every Friday through Sunday, the fishery will re-open on every Friday through Sunday (versus every other Friday through Sunday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. After the Labor Day weekend, the IPHC, NMFS, and ODFW will consult to determine whether increasing the Oregon Central 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 taken by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever is earlier. The inseason action will be announced 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 in Washington 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. The sport possession limit on land in California and on the vessel is one daily bag limit, regardless of condition.

- (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.

- (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.

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<i>Sources</i>	73 FR 12280 (March 7, 2008)
	72 FR 11792 (March 14, 2007)
	71 FR 10850 (March 3, 2006)
	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)

## FALL 2009 NEWSLETTER EXCERPT

### **Proposed Changes to 2010 Annual Regulations**

At its September 2009 meeting, the Council adopted several proposed changes to the Area 2A Pacific halibut catch sharing plan for public review. The proposals affect Washington and Oregon sport fisheries. Final adoption of the proposed changes will take place at the Council's November 2009 meeting in Costa Mesa, California. Comments on the proposals should be received by October 14, 2009, and can be emailed to [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov), faxed (503-820-2299), or mailed to the Council office (7700 NE Ambassador Place, Ste 101, Portland, Oregon, 97220-1384). Comments will also be taken at the Council meeting in Costa Mesa. Additional detail on the substance and rationale for the following proposals are available on the following web sites:

WDFW: [www.wdfw.wa.gov/fish/creel/halibut/](http://www.wdfw.wa.gov/fish/creel/halibut/).

ODFW: [www.dfw.state.or.us/MRP/finfish/halibut/management/index.asp](http://www.dfw.state.or.us/MRP/finfish/halibut/management/index.asp)

Proposals include:

#### **Washington South Coast Sub-area**

- Continue the Sunday, Tuesday primary season structure through the third week in May. For the fourth week in May, the primary fishery will be open on Sunday only. Beginning the following week, the fishery would resume the Sunday, Tuesday structure until the primary season quota is attained.

Revising the days open per week would balance the harvest opportunity between those who like to fish on weekends and those who like to fish weekdays. Having the fourth week open only on Sunday would allow WDFW to tally the catch and provide sufficient notice of a reopener the following week, if quota is available.

- Specify that the season will be open in the nearshore area seven days per week.

Increasing the number of days that the nearshore fishery is open during the primary season and after the offshore quota is reached would allow better access to the set aside quota and reduce the amount of incidentally caught halibut that would otherwise be discarded.

- Revise the nearshore area to align the northern and western boundaries with the line approximating the 30-fm depth restriction.

Currently, the nearshore boundary and the 30-fm line overlap. Aligning the nearshore boundary with the 30-fm line would promote ease of compliance and enforcement. There don't appear to be target areas for halibut within the revised boundaries, so this area would remain an incidental retention opportunity for halibut.

- On days that the primary halibut season is open, allow the retention of lingcod seaward of the 30-fm line.

The 30-fm restriction is in place primarily for the protection of yelloweye rockfish; however, during days that the primary halibut season is open, anglers are required to discard lingcod caught while targeting halibut offshore without encountering yelloweye rockfish. Those same anglers then moved shoreward of 30 fms only to catch smaller lingcod or no lingcod at all. WDFW accounts for incidental yelloweye catches associated with the halibut fishery under current management and this change is not expected to increase yelloweye harvest above current estimates. In any event, WDFW will monitor Washington's yelloweye harvest, and will take inseason action as appropriate to ensure our harvest target is not exceeded.

### **Oregon Central Coast Subarea**

- Adjust the number of open days per week in the summer all-depth fishery from three to two days.

In 2009 the harvest during the August 7-9 three day all-depth opening exceeded the remaining sub-area quota, requiring closure of both the all-depth fishery and the inside 40-fathom fishery. Reducing the summer all-depth fishery from three to two day openers is intended to extend the duration of the all-depth fishery and help prevent the same situation from occurring in 2010.



**REPORT ON THE 2009 PACIFIC HALIBUT FISHERIES IN AREA 2A**  
(10/15/09)

The 2009 Area 2A total allowable catch (TAC) of 950,000 lb set by the International Pacific Halibut Commission (IPHC) was allocated as sub-TACs as follows:

Treaty Tribes	332,500 lb (35%)
Non-Tribal Total	617,500 lb (65%)
Non-Tribal Commercial	207,642 lb (includes incidental sablefish)
Washington Sport	214,110 lb
Oregon/California Sport	195,745 lb

All weights in this report are net weight (gutted, head-off, and without ice and slime.) The structure of each fishery and the resulting harvests are described below. Refer to the table at the end of this report for the total catch numbers across the tribal, commercial and recreational fisheries.

**NON-TRIBAL COMMERCIAL FISHERIES**

A sub-TAC of 207,642 lb (31.7% of the non-tribal share plus 11,895 lb for the incidental sablefish fishery) was allocated to two fishery components: 1) a directed longline fishery targeting on halibut south of Point Chehalis, WA; and 2) an incidental catch fishery during the salmon troll fisheries off Washington, Oregon, and California. An additional 11,895 lb was allocated to an incidental catch fishery for limited entry, sablefish-endorsed vessels operating with longline gear north of Pt. Chehalis, WA. This allowance for the tiered sablefish fishery is only available in years when the overall Area 2A TAC exceeds 900,000 lb and the Washington sport allocation exceeds 224,110 lb. This year the Washington sport allocation did not exceed 224,110 so the allocation for the incidental catch fishery for limited entry sablefish was significantly lower than in past years.

**Incidental halibut catch in the salmon troll fishery**

A quota of 29,362 lb of Pacific halibut (15% of the non-Indian commercial fishery allocation) was allocated to the non-Indian commercial salmon troll fishery in Area 2A as incidental catch during salmon fisheries. According to the Catch Sharing Plan, the primary management objective for this fishery is to harvest the troll quota as an incidental catch during the May/June salmon troll fishery. If any of the allocation for this fishery remains after June 30, the fishery may continue to retain incidentally caught halibut in the salmon troll fisheries until the quota is taken. The final catch ratio established preseason by the Council at the April meeting was one halibut (minimum 32") per two Chinook landed by a salmon troller, except that one halibut could be landed without meeting the ratio requirement, and no more than 35 halibut could be landed per open period. Fishing with salmon troll gear is prohibited within the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA) off the northern Washington Coast. Additionally, the "C-shaped" North Coast Recreational YRCA off Washington is designated as an area to be avoided (a voluntary closure) by salmon trollers.

- Halibut retention was permitted in the salmon troll fisheries beginning May 1. Of the halibut taken in the salmon troll fisheries through the end of August, 11,250 lb were landed. This fishery closed on September 15, 2009.

#### **Directed fishery targeting on halibut**

A quota of 166,385 lb (85% of the non-tribal commercial fishery allocation) was allocated to the directed longline fishery targeting on halibut in southern Washington, Oregon, and California. The fishery was confined to the area south of Subarea 2A-1 (south of Point Chehalis, WA; 46E53.30' N. lat.). In addition, between 46E53.30' N. lat. and 46E16' N. lat., the fishery was confined to an area seaward of a boundary line approximating the 100-fm depth contour and, between 46E16' N. lat. and 40E10' N. lat., to an area shoreward of a boundary line approximating the 30-fm depth contour and seaward of a boundary line approximating the 100-fm depth contour. One-day fishing periods of 10 hours in duration were scheduled by the IPHC for June 24 and July 8, 2009. A 32" minimum size limit with the head on was in effect for all openings. Vessel landing limits per fishing period based on vessel length were imposed by IPHC during all openings as shown in the following table. Vessels choosing to operate in this fishery could not land halibut in the incidental catch salmon troll fishery, nor operate in the recreational fishery.

#### **2009 fishing period limits (dressed weight, head-off without ice and slime in pounds) by vessel size.**

Vessel Class/Size	6/24 Openings	7/8 Opening
A 0 - 25 ft.	755 lb	590 lb
B 26 - 30 ft.	945 lb	735 lb
C 31 - 35 ft.	1,510 lb	1,175 lb
D 36 - 40 ft.	4,165 lb	3,240 lb
E 41 - 45 ft.	4,480 lb	3,485 lb
F 46 - 50 ft.	5,365 lb	4,170 lb
G 51 - 55 ft.	5,985 lb	4,655 lb
H 56+ ft.	9,000 lb	7,000 lb

- The June 24 directed commercial fishery resulted in a catch of about 84,000 lb, leaving 82,385 lb for later openings.
- The July 8 directed commercial fishery resulted in a catch of 83,000 lb, closing the fishery.

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

A quota of 11,895 lb was allocated to the limited entry primary sablefish fishery in Area 2A as an incidental catch during longline sablefish operations north of Point Chehalis, WA. The primary sablefish season is open from April 1 to October 31, although incidental halibut retention was not permitted until May 1. Properly licensed vessels were permitted to retain up to 100 lb of dressed weight (headed-and gutted) halibut per fishing trip of dressed weight sablefish. The fishery is confined to an area seaward of a boundary line approximating the 100-fm depth contour. Fishing is also prohibited in the North Coast Commercial YRCA, an area off the northern Washington coast. In addition, the "C-shaped" North Coast Recreational YRCA off Washington is designated as an area to be avoided (a voluntary closure) by commercial longline sablefish fishermen.

- Through October 8, 2009, this fishery is estimated to have taken 4,800 lbs.

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

A sub-TAC of 409,858 lb (68.3% of non-tribal share minus 11,895 lb for the incidental sablefish fishery) was allocated between sport fisheries in the Washington area (36.6%) and Oregon/California (31.7%). The allocations were further subdivided as quotas among seven geographic subareas as described below.

#### **Washington Inside Waters Subarea** (Puget Sound and Straits of Juan de Fuca).

This area was allocated 57,393 lb (23.5% of the first 130,845 lb allocated to the Washington sport fishery, and 32% of the Washington sport allocation between 130,845 and 224,110 lb). Due to inability to monitor the catch in this area inseason, a fixed season was established preseason based on projected catch per day and number of days to achieve the sub-quota. The Eastern Region (East of Low Point) opened on April 23 and continued through June 5, 5 days per week (Thursday-Monday). The Western Region opened on May 21 and continued through July 3, 5 days per week (Thursday-Monday). The daily bag limit was one halibut of any size per person.

- Landings data from this fishery are not yet available.

#### **Northern Washington Coastal Waters Subarea** (landings in Neah Bay and La Push).

The coastal area off Cape Flattery to Queets River was allocated 108,030 lb (62.2% of the first 130,845 lb allocated to the Washington sport fishery, and 32% of the Washington sport allocation between 130,945 lb and 224,110 lb). The fishery opened May 14 and continued 2 days per week (Thursday, and Saturday) through May 23, then reopened on June 4 and 6, 2009. The "C-shaped" North Coast Recreational YRCA, southwest of Cape Flattery, was closed to sport halibut fishing. The daily bag limit was one halibut of any size per person.

- This two-day per week fishery opened May 14 through 23 and again June 4 and 6 with an estimated total catch of 102,782 pounds.

#### **Washington South Coast Subarea** (landings in Westport).

The area from the Queets River to Leadbetter Point was allocated 42,739 lb (12.3 % of the first 130,845 lb allocated to the Washington sport fishery and 32% of the Washington sport allocation

between 130,845 and 224,110). The fishery opened on May 3 and continued 2 days per week (Sunday and Thursday) in all waters (primary fishery) until May 17, at which time the primary fishery was then open on Sundays only. The fishery was also open 3 days per week (Thursday, Friday and Saturday) in addition to any days the primary season was open in waters between the Queets River and 47°25.00' N. lat. south to 46°58.00' N. lat., and east of 124°30.00' W. long. (northern nearshore fishery). The south coast subarea quota was allocated as follows: 2,000 lb to the nearshore fishery and the remaining pounds (40,739 lb) to the primary fishery. The primary fishery closed on June 28, 2009. Following this closure, the nearshore fishery was open 3 days per week (Thursday –Saturday) until September 26. The daily bag limit was one halibut of any size per person.

- The primary season opened May 3, two days per week (Sunday and Tuesday) through May 12, then Sundays only through June 28, 2009, with an estimated catch of 38,774 pounds.
- The northern nearshore area opened on May 7, three days per week (Thursday-Saturday) through June 27. The fishery reopened on July 2, four days per week (Thursday-Sunday), through September 27 with an estimated catch of 821 lb.

#### **Columbia River Subarea** (Leadbetter Point to Cape Falcon).

This sport fishery subarea was allocated 15,735 lb, consisting of 2.0% of the first 130,845 lb allocated to the Washington sport fishery, and 4.0% of the Washington sport allocation between 130,845 lb and 224,110 lb (minus the pounds needed for the incidental sablefish fishery), and 5.0 percent of the Oregon/California sport allocation or an amount equal to the contribution from the Washington sport allocation, whichever is greater. The fishery opened May 1 and continued 3 days per week until May 29, 2009. The fishery was reopened on August 7 and continued 3 days per week (Friday through Sunday) until September 27. The daily bag limit was one halibut of any size per person.

- This 3 day per week fishery began on May 1 and closed on May 29 with an estimated catch of 11,266 lb.
- Catch during the early season resulted in overage of 252 lb, which reduced the late season quota to 4,468 lb.
- The late season fishery was open 3 days per week and began on August 7 and closed on September 27 and resulted in a catch of 1,472.
- The cumulative catch for this area was 12,738 lb leaving 2,997 lbs when the fishery closed on September 27.

#### **Oregon Central Coast Subarea** (Cape Falcon to Humbug Mountain).

This sport fishery subarea was allocated 180,088 lb (92% of the Oregon/California sport allocation less any amount needed to contribute to the Oregon portion of the Columbia River subarea quota).

Three seasons were set for this subarea: 1) a restricted depth (inside 40-fm) fishery commenced on May 1 and continued 7 days a week until August 9; 2) a fixed Spring season in all depths that was open on May 14, 15, 16, 21, 22, 23, 28, 29, 30, June 4, 5, 6, 18, 19, 20 and July 2, 3, 4, with a

catch allocation of 124,261 lb (the Spring season was to reopen for additional days if quota remains), and; 3) a Summer season in all depths that was open on August 7, 8, 9. The daily bag limit was one halibut of any size per person, unless otherwise specified.

- The inside 40-fathom fishery opened May 1 and is estimated to have taken 8,227 lb through August 9, when the fishery was closed.
- The fixed Spring all-depth season was open May-July, and is estimated to have taken 122,403 lb. The remaining Spring quota of 1,858 lb was added to the pounds available to the Summer all-depth fishery.
- The initial Summer all-depth season quota of 41,420 lb was revised by the 1,858 lb remaining from the Spring fishery. As a result, 43,278 lb was initially available to the Summer all-depth fishery. The Summer all-depth fishery opened on August 7-9 (Friday-Sunday) and resulted in an estimated catch of 52,330 lb. The fishery was closed on August 9.

#### **South of Humbug Mountain, Oregon and off the California Coast Subarea**

This sport fishery was allocated 5,872 lb (3.0% of the Oregon/California quota). This area had a pre-set season of 7 days per week from May 1 to October 31 and a daily bag limit of one halibut of any size per person.

- This season is scheduled to remain open through October 31. No catch estimates are available for this fishery, but it is unlikely that this subarea quota will be taken.

#### **TRIBAL FISHERIES**

A sub-TAC of 332,500 lb (35% of the Area 2A TAC) was allocated to tribal fisheries. The tribes estimated that 29,000 lb would be used for ceremonial and subsistence (C&S) fisheries and the remaining 303,500 lb were allocated to the commercial fishery. The 2009 management plan was essentially identical to the management plan that the tribes have had in place since 2004. This plan divides the 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 March 21 and noon on July 30. Collectively, the separately managed fisheries were allocated 75% of the Tribal Commercial TAC. The fishery closed on July 15, as the separately managed fishery expected catch was attained. The separately managed fisheries landed 224,455 lbs in 331 landings (out of 227,625 lbs expected).

The remaining 25% of the TAC was open to all parties in the “joint restricted” fishery. The joint restricted fishery opened at noon March 21 with a 500-lb/vessel/day limit and to last for 40 days. The last landing in this fishery was on May 9, thus comprising of an overage in catch. The restricted fishery was closed by all parties on May 9. The joint restricted fishery had a total catch of 78,932 lbs in 317 landings (out of 75,875 lbs expected).

Fishery	Dates Held	Pounds Landed	# of Landings
Separately Managed	March 21 – July 30	224,455 lb	331 landings
Restricted, 200-500 lb/vessel/day	March 21 – May 9	78,932 lb	317 landings
Total		303,386 lb	648 landings

The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2010.

**2009 Area 2A TAC and Catch (in pounds)**

	Quota	Inseason Revised Quota		Catch		Over/Under
TRIBAL INDIAN	332,500			303,386	%	8.8
Commercial	303,500			303,386		0.04
Ceremonial and Subsistence	29,000				!	100.0
NON-TRIBAL	617,500			527,041	%	14.6
COMMERCIAL	207,642			183,050	%	11.8
Troll	29,362			11,250	%	61.7
Directed	166,385			167,000		-0.4
Sablefish Incidental	11,895			4,800	%	59.6
SPORT	409,858			343,991	%	16.1
WA Sport	214,110			151,917	%	29.0
OR/CA Sport	195,748			192,074		1.9
WA Inside Waters	57,393				%	100.0
WA North Coast	108,030			102,782		4.9
WA South Coast	42,739			39,595		7.4
Columbia River	15,735			12,738		19.0
Early Season	11,014			11,266		-2.3
Late Season	4,720	4,468	#	1,472	#	68.8
OR Central Coast	180,088			182,960		-1.6
Inside 40 fathoms	14,407			8,227	*	42.9
Spring (May-June)	124,261			122,403		1.5
Summer (August- October)	41,420	43,278		52,330		-26.3
OR S. of Humbug/CA	5,872			5,872	\$	0.0
<b>TOTAL</b>	<b>950,000</b>			<b>830,427</b>		<b>12.6</b>

\$ Assumed

# The Columbia River Early season exceeded the quota by 252 lb, which was deducted from the late season, decreasing the Late season quota to 4,468

% Data from these fisheries is not complete at this time.

\* The inside 40 fin fishery was closed because the Summer fishery landings made the total for the OR Cental Coast subarea exceed it's subarea quota.

! The C&S fishery will continue through December 31.

## OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2010 FISHERY

The Oregon Department of Fish and Wildlife (ODFW) solicited public comment on the Pacific Fishery Management Council (PFMC) approved proposals for changes to the Pacific Halibut Catch Sharing Plan (CSP) for sport fisheries off Oregon in 2010. ODFW published a news release on October 1, 2009 asking the public to provide comments by October 12, 2009 via phone, e-mail or fax.

### **Proposed Changes to the CSP:**

Columbia River Subarea – *No proposed changes*

Central Coast Subarea – *adjust the summer all-depth fishery from three days per week to two*

Adjust the number of open days per week in the summer all-depth fishery from three to two.

In 2009 the harvest during the August 7-9 three day all-depth opening exceeded the remaining sub-area quota, requiring closure of both the all-depth fishery and the inside 40-fathom fishery. Reducing the summer all-depth fishery from three to two day openers is intended to extend the duration of the all-depth fishery and help prevent the same situation from occurring in 2010.

Of the 26 comments received by ODFW, 36% preferred a status quo fishery, while 64% preferred a 2-day per week fishery. If the season were to be adjusted to a 2-day per week fishery, 45% preferred Friday and Saturday while 55% preferred a Saturday and Sunday opening.

South of Humbug Subarea—*no proposed changes*

### **ODFW proposed changes to the Catch Sharing Plan (CSP)**

If the Council chose to adjust the Central Oregon all-depth summer fishery to 2 days per week, and if those 2 days were Saturday and Sunday, the proposed changes to the CSP are below, shown in bold and are underlined.

(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 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 charter boat and larger private boat anglers, and provide a period of fishing



opportunity in the summer for nearshore waters for small boat anglers. 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 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 taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Stonewall Bank YRCA are specified in groundfish regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

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. 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 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. 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 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 may 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 week on Thursday through Saturday except that week(s) may 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 is earlier. 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 Saturday and through** Sunday except that week(s) may be skipped to avoid adverse tidal conditions. The fishery will continue until there is insufficient quota remaining to reopen for another fishing day or October 31, whichever is earlier. The potential open **Friday Saturday and through** Sunday 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 Saturday and through** Sunday (versus every other **Friday Saturday and through** Sunday), 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. If after the 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 and the fishery is not already open every **Friday Saturday and through** Sunday, the fishery will re-open on every **Friday Saturday and through** Sunday (versus every other **Friday Saturday and through** Sunday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. After the Labor Day weekend, the IPHC, NMFS, and ODFW will consult to determine whether increasing the Oregon Central 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 taken by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever is earlier. The inseason action will be announced by NMFS via an update to the recreational halibut hotline.

## OREGON DEPARTMENT OF FISH AND WILDLIFE RECOMMENDED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2010 FISHERY

The Oregon Department of Fish and Wildlife recommends the following changes to the Catch Sharing Plan (CSP). The recommended changes to the CSP are shown in bold and are underlined.

(v) Oregon central coast subarea.

This subarea extends from Cape Falcon (45E46.00' N. lat.) to Humbug Mountain, Oregon (42E40.50' N. lat.) and is allocated 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 charter boat and larger private boat anglers, and provide a period of fishing opportunity in the summer for nearshore waters for small boat anglers. 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 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 taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by groundfish regulations, if halibut are on board the vessel.

Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Stonewall Bank YRCA are specified in groundfish regulations at 50 CFR 660.390 and will be specifically defined annually in federal halibut regulations published in the *Federal Register*.

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. 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 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. 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 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 may 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 week on Thursday through Saturday except that week(s) may 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 is earlier.

C. The last season is an all-depth fishery that begins on the first Friday in August and is allocated 23 percent of the subarea quota. The fishery will be structured to be open every other week on Friday and Saturday through Sunday except that week(s) may be skipped to avoid adverse tidal conditions. The fishery will continue until there is insufficient quota remaining to reopen for another fishing day or October 31, whichever is earlier. The potential open Friday and Saturday through Sunday 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 and Saturday through Sunday (versus every other Friday and Saturday through Sunday), 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. If after the 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 and the fishery is not already open every Friday and Saturday through Sunday, the fishery will re-open on every Friday and Saturday through Sunday (versus every other Friday and Saturday through Sunday), if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW. After the Labor Day weekend, the IPHC, NMFS, and ODFW will consult to determine whether increasing the Oregon Central 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 taken by September 30, the season will remain open, maintaining the bag limit in effect at that time, through October 31 or quota attainment, whichever is earlier. The inseason action will be announced by NMFS via an update to the recreational halibut hotline.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED  
CHANGES TO CATCH SHARING PLAN  
AND 2010 ANNUAL REGULATIONS

The Washington Department of Fish and Wildlife (WDFW) held a recreational halibut meeting to discuss proposed changes to the Pacific Fishery Management Council's Catch Sharing Plan for 2010, in Montesano, on October 21, 2009.

Based on the public input we received, we would recommend the following changes to the 2010 Pacific Halibut Catch Sharing Plan for Area 2A, section (f) SPORT FISHERIES. These changes are consistent with those adopted by the Council for public review in September with one addition noted in italics.

**Washington South Coast Sub-area**

For this area, implement the following changes:

- a) Continue the Sunday, Tuesday primary season structure through the third week in May. For the fourth week in May, the primary fishery will be open on Sunday only. Beginning the following week, the fishery would resume the Sunday, Tuesday structure until the primary season quota is attained.
- b) Specify that the season will be open in the nearshore area seven days per week.
- c) Revise the nearshore area to align the northern and western boundaries with the line approximating the 30-fm depth restriction.
- d) On days that the primary halibut season is open, allow the retention of lingcod seaward of the 30-fm line. *Specify that once a boat has reached its limit of halibut, anglers onboard cannot fish for or retain any fish seaward of the 30-fm line.*

**Rationale:**

- a) Revising the days open per week balances the harvest opportunity between those who like to fish on weekends and those who like to fish weekdays. Having the fourth week open only on Sunday allows us to tally the catch and provide sufficient notice of a reopener the following week, if quota is available.
- b) Increasing the number of days that the nearshore fishery is open during the primary season and after the offshore quota is reached will allow better access to the set aside quota and reduce the amount of incidentally caught halibut that would otherwise be discarded.

- c) Currently, the nearshore boundary and the 30-fm line overlap (see Figure 1). Aligning the nearshore boundary with the 30-fm line (Figure 2) would promote ease of compliance and enforcement. In talking with charter operators who fish in the nearshore area targeting bottomfish, there are no “targetable” areas for halibut within the revised area, so this would remain an incidental retention opportunity.
- d) The 30-fm restriction is in place primarily for the protection of yelloweye rockfish; however, during days that the primary halibut season is open, anglers have been forced to discard lingcod caught while targeting halibut offshore without encountering yelloweye rockfish. Those same anglers then moved shoreward of 30 fms only to catch smaller lingcod or no lingcod at all. WDFW accounts for incidental yelloweye catches associated with the halibut fishery under current management and this change is not expected to increase yelloweye harvest above current estimates. In any event, WDFW will monitor Washington’s yelloweye harvest, and will take inseason action as appropriate to ensure our harvest target is not exceeded.

The additional language was proposed at the September meeting by members of the Groundfish Advisory Subpanel and vetted through WDFW enforcement. Essentially, through state regulations, WDFW will specify that once a boat has reached its limit of halibut, anglers onboard the boat must cease fishing until the boat is shoreward of the 30-fm line. This will allow anglers to retain lingcod caught incidentally while targeting halibut, but will help ensure that anglers do not target lingcod once they have caught their halibut.

Figure 1. Current configuration.

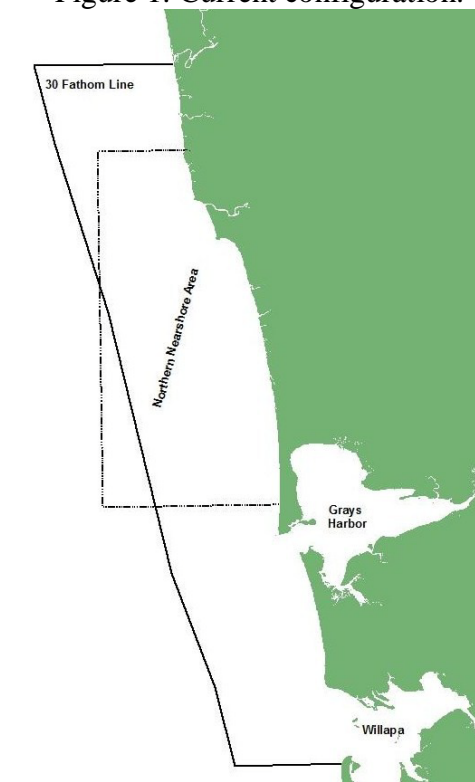


Figure 2. Proposed configuration.

