

2011 PACIFIC HALIBUT REGULATIONS

Under its standard process, the Council solicits proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan (CSP) (Agenda Item G.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 (NMFS) has prepared an inseason update on 2010 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 G.1.b, NMFS Report).

For the 2011 season, the Council is considering changes to the management of recreational fisheries in Oregon, and some minor regulatory language for the non-Indian directed commercial fishery. The proposed changes resulted from recommendations provided by the Oregon Department of Fish and Wildlife (ODFW) after holding public meetings, from NMFS, and from Council discussion and public testimony received at the September 2010 Council meeting.

The Council solicited public input on the changes on its website and in the Council Newsletter article from October 2010 (Agenda Item G.1.a, Attachment 2). ODFW also solicited public input, including a public hearing on October 6, and subsequently prepared agency recommendations for regulatory changes in 2011 (Agenda Item G.1.b, ODFW Report).

Based on the input received since the September 2010 Council meeting, the states, NMFS, and tribes will present their final proposals for regulatory changes in the halibut fishery at this meeting.

Council Action:

- 1. Within the scope of the September 2010 proposals (G.1.a, 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 2011.**

Reference Materials:

1. Agenda Item G.1.a, Attachment 1: 2010 Pacific Halibut Catch Sharing Plan For Area 2A.
2. Agenda Item G.1.a, Attachment 2: Fall 2010 Newsletter Excerpt.
3. Agenda Item G.1.b, NMFS Report: Report on the 2010 Pacific Halibut Fisheries in Area 2A.
4. Agenda Item G.1.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Proposed Changes to the Pacific Halibut Catch Sharing Plan for the 2011 Fishery.

Agenda Order:

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

PFMC
10/18/09

2010 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. During days open to the primary fishery and seaward of the 30-fm line lingcod may be taken, retained and possessed, when allowed by groundfish regulations. 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. During the fourth week in May, the primary fishery will be open on Sundays only. Beginning the following week, the fishery would continue two days per week, Sunday and Tuesday, 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°31.70' N. lat. south to 46°58.00' N. lat. and east of a boundary line approximating the 30 fathom depth contour as defined by the following coordinates:

47°31.70' N.lat, 124°37.03' W. long;
47°25.67' N. lat, 124°34.79' W. long;
47°12.82' N. lat, 124°29.12' W. long;
46°58.00' N. lat, 124°24.24' W. long.

During the primary season the nearshore fishery will be open seven days per week. Subsequent to the closure of the primary fishery, the nearshore fishery will continue seven days per week 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 and Saturday 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 and Saturdays 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 (versus every other Friday and Saturday), 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, the fishery will re-open on every Friday and Saturday (versus every other Friday and Saturday), 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.

Sources: 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 2010 NEWSLETTER EXCERPT

Proposed Changes to Halibut Catch Sharing Plan

Each September, the Council considers proposed changes to the halibut regulations in order to adjust regulations (primarily for the recreational fishery) for the Area 2A Catch Sharing Plan (CSP). The Council may also make changes in catch allocation among areas or gear groups.

Both Washington's and Oregon's Departments of Fish and Wildlife (WDFW and ODFW, respectively) held public meetings in August to solicit proposed changes to the CSP. Recommendations resulting from the ODFW meeting were presented for review at the September Council meeting. There were no recommendations following the WDFW meeting.

The Council adopted the following proposed changes to the Catch Sharing Plan and 2011 regulations for public review. The Council will take final action on this matter at its November meeting:

- Specify that closed areas that will apply to the non-Indian directed commercial fishery will be defined within groundfish regulations at 50 CFR 660.70.

Oregon Central Coast Subarea:

- Adjust the number of open days per week in the spring all-depth fishery from three to two days, if the number of fixed days will be nine days or less, otherwise remain at three days per week.
- Adjust the number of open days per week in the nearshore (inside 40 fathoms) fishery from seven days per week to less than seven days per week. If, after some point mid-season, effort and harvest are tracking slowly, the nearshore fishery could then be expanded to seven days per week to more fully utilize the allocation.
- Adjust the allocation to the three central coast subarea seasons (spring all-depth, summer all-depth, and nearshore). The following alternatives have been suggested:
 - Maintain status quo with 69% to the spring all-depth, 23% to the summer all-depth, and 8% to the nearshore.
 - Maintain 8% to the nearshore, then divide the remainder equally between the spring and summer all-depth seasons.
 - Maintain 8% to the nearshore, then divide the remainder 60% to the spring and 40% to the summer all-depth seasons.
 - Change the allocations to 45% to the spring all-depth, 45% to the summer all-depth, and 10% to the nearshore.

PFMC
10/18/10

REPORT ON THE 2010 PACIFIC HALIBUT FISHERIES IN AREA 2A
(10/14/2010)

The 2010 Area 2A total allowable catch (TAC) of 810,000 lbs set by the International Pacific Halibut Commission (IPHC) was allocated as sub-TACs as follows:

Treaty Tribes	283,500 lbs (35%)
Non-Tribal Total	526,500 lbs (65%)
Non-Tribal Commercial	166,900 lbs
Washington Sport	192,699 lbs
Oregon/California Sport	166,901 lbs

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 catches by the tribal, commercial and recreational fisheries.

NON-TRIBAL COMMERCIAL FISHERIES

A sub-TAC of 166,900 lbs (31.7% of the non-tribal share) was allocated to two fishery components: 1) a directed longline fishery targeting on halibut south of Point Chehalis, WA; and 2) an incidental catch fishery during the salmon troll fisheries off Washington, Oregon, and California. According to the Area 2A Catch Sharing Plan (CSP), incidental halibut retention is allowed in the primary directed sablefish fishery north of Pt. Chehalis, WA when the 2A TAC is above 900,000 lbs and the Washington sport allocation is above 224,110 lbs. Because the overall TAC was 810,000 lbs in 2010 no halibut retention was allowed in the primary directed sablefish fishery.

Incidental halibut catch in the salmon troll fishery

A quota of 25,035 lbs of Pacific halibut (15% of the non-tribal commercial fishery allocation) was allocated to the non-tribal 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 three Chinook landed by a salmon troller, except that one halibut could be landed without meeting the ratio requirement, and no more than 35 halibut could be landed per 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. The fishery closed on June 16 with 28,627 lbs landed.

Directed fishery targeting on halibut

A quota of 141,865 lbs (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 every other week by the IPHC starting June 30, 2010. 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.

2010 fishing period limits (dressed weight, head-off without ice and slime in pounds) by vessel size.

Vessel Class/Size	June 30 Opening
A 0 - 25 ft.	755 lbs
B 26 - 30 ft.	945 lbs
C 31 - 35 ft.	1,510 lbs
D 36 - 40 ft.	4,165 lbs
E 41 - 45 ft.	4,480 lbs
F 46 - 50 ft.	5,365 lbs
G 51 - 55 ft.	5,985 lbs
H 56+ ft.	9,000 lbs

- The June 30 directed commercial fishery resulted in a catch of about 132,560 lbs, leaving only 9,305 lbs. This amount was not enough to permit any further openings and the fishery was closed on July 7, 2010.

SPORT FISHERIES (Non-tribal)

A sub-TAC of 359,600 (68.3% of non-tribal share) 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 50,542 lbs (23.5% of the first 130,845 lbs allocated to the Washington sport fishery, and 32% of the Washington sport allocation between 130,845 and 224,110 lbs). Due to inability to monitor the catch in this area inseason, a fixed season was established pre-season based on projected catch per day and number of days to achieve the sub-quota. The Puget Sound eastern sub-area, east of Low Point, was open May 1-22, 3 days per week (Thursday-Saturday) and open May 28-30, 3 days per week (Friday-Sunday). The Puget Sound western sub-area, west of Low Point, was open May 28-30, 3 days per week (Friday-Sunday) and open June 3-19, 3 days per week (Thursday-Saturday). The daily-bag-limit was 1 halibut of any size per day per person.

- Landings for 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 101,179 lbs (62.2% of the first 130,845 lbs allocated to the Washington sport fishery, and 32% of the Washington sport allocation between 130,945 lbs and 224,110 lbs). The fishery opened May 13 and continued 2 days per week (Thursday, and Saturday) through May 22, then reopened on June 3, 5 and 19, 2010. 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 13 through 22 and again June 3, 5 and 19, with an estimated total catch of 95,014 lbs.

Washington South Coast Subarea (landings in Westport)

The area from the Queets River to Leadbetter Point was allocated 35,887 lbs (12.3 % of the first 130,845 lbs allocated to the Washington sport fishery and 32% of the Washington sport allocation between 130,845 and 224,110 lbs). The fishery opened May 2, 2 days per week (Sunday and Tuesday). During the fourth week in May the fishery was open Sunday only (May 23).

The fishery was also open 7 days per week 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 lbs to the nearshore fishery and the remaining lbs (33,887 lbs) to the primary fishery. The primary fishery closed on May 23, 2010. Following this closure, the remaining 2,079 lbs were added to the nearshore quota. The daily-bag-limit was one halibut of any size per person.

- The primary season was open from May 2 through May 23 with an estimated catch of 31,808 lbs.
- The northern nearshore area was open May 3 through September 30 with an estimated total catch of 2,746 lbs

Columbia River Subarea (Leadbetter Point to Cape Falcon)

This sport fishery subarea was allocated 13,436 lbs, consisting of 2.0% of the first 130,845 lbs allocated to the Washington sport fishery, and 4.0% of the Washington sport allocation between 130,845 lbs and 224,110 lbs (minus the pounds needed for the incidental sablefish fishery, which

did not occur in 2010), and 5.0% 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 June 19, 2010. The fishery was reopened on June 24 and 25. The fishery then reopened on August 6 and continued 3 days per week (Friday through Sunday) until September 26. The daily-bag-limit was one halibut of any size per person.

- The early fishery was open May 1 to June 25 with an estimated catch of 8,552 lbs.
- Catch during the early season resulted in underage of 853 lbs, which was added to the late season quota.
- The late season fishery was open 3 days per week, August 6 to September 26 and resulted in a catch of 2,259 lbs.
- The cumulative catch for this area was 10,811 lbs leaving 2,625 lbs when the fishery closed on September 26.

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

This sport fishery subarea was allocated 153,548 lbs (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 October 31 or until the allocation was reached; 2) a fixed Spring season in all depths that was open on May 13, 14, 15, 20, 21, 22 and June 3, 4, 5 with a catch allocation of 105,948 lbs (the Spring season was to reopen for additional days if quota remains), and; 3) a Summer season in all depths that was scheduled to be open on August 6, 7, 20, 21, and September 3, 4, 17, 18, and October 1, 2, 15, 16, 29, 30. The daily-bag-limit was one halibut of any size per person, unless otherwise specified.

- The inside 40-fathom fishery was open May 1 through July 17 and is estimated to have taken 12,927 lbs.
- The fixed Spring all-depth season was open May 13 through July 2, and is estimated to have taken 105,948 lbs. The overage of 6,552 lbs was subtracted from the pounds available to the Summer all-depth fishery.
- The initial Summer all-depth season quota of 35,316 lbs was revised by the 6,552 lbs overage from the Spring fishery. As a result, 28,765 lbs was initially available to the Summer all-depth fishery. The Summer all-depth fishery was open August 6-7 (Friday-Saturday) and resulted in an estimated catch of 30,140. The fishery was closed on August 7.

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

This sport fishery was allocated 5,007 lbs (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 283,500 lbs (35% of the Area 2A TAC) was allocated to tribal fisheries. The tribes estimated that 30,428 lbs would be used for ceremonial and subsistence (C&S) fisheries and the remaining 253,072 lbs were allocated to the commercial fishery. The 2010 management plan was based on a previous court-ordered plan, originally in place during the 2000 season, updated to reflect the current allocation. It contains provisions for both unrestricted fisheries with no landing limits and restricted fisheries with limits¹.

The first unrestricted fishery began at noon on March 6 and lasted 48 hours. A second unrestricted opener on March 20 lasted 12 hours. There were a total of 164,933 lbs taken in 221 landings during unrestricted fisheries.

There were also a number of restricted fisheries openers between March 6 and April 8. These were managed with limits ranging from 500 and 250 lbs/vessel/day. The sum of all restricted fisheries landings was 86,157 lbs and 344 landings.

In all, treaty tribal fisheries harvested 251,090 lbs in 565 landings or 1,982 lbs below the commercial allocation. The C&S fishery will continue through December 31 and tribal estimates of catch will be reported by the tribes in January 2011.

Fishery	Dates Held	Pounds Landed	# of Landings
Unrestricted	March 6 – March 20	164,933 lbs	221 landings
Restricted, 250-500 lbs/vessel/day	March 6 – April 8	86,157 lbs	344 landings
Total		251,090 lbs	565 landings

¹ The terms restricted and unrestricted refer to whether limits were in place for a given set of landings. Mop-up fisheries as specified in tribal regulations were attributed to one or the other based on limits in place for that fishery.

2010 Area 2A TAC and Catch (in pounds)

	Quota	Inseason Revised Quota		Catch		% of Quota Taken
TRIBAL INDIAN	283,500			281,518	%	99.3
Commercial	253,072			251,090		99.2
Ceremonial and Subsistence	30,428			30,428	\$ ^	100.0
NON-TRIBAL	526,500			451,329		85.7
COMMERCIAL	166,900			161,187		96.6
Troll	25,035			28,627		114.3
Directed	141,865			132,560		93.4
SPORT	359,600			290,142		80.7
WA Sport	192,699			129,568		67.2
OR/CA Sport	166,901			160,574		96.2
WA Inside Waters	50,542				^	0.0
WA North Coast	101,179			95,014		93.9
WA South Coast	35,887			34,554		96.3
Columbia River	13,436			10,811		80.5
Early Season	9,405			8,552		90.9
Late Season	4,031	4,884	#	2,259		46.3
OR Central Coast	166,901			155,567		93.2
Inside 40 fathoms	12,284			12,927		105.2
Spring (May-June)	105,948			112,500		106.2
Summer (August- October)	36,316	28,765	*	30,140		104.8
OR S. of Humbug/CA	5,007			5,007	\$	100.0
TOTAL	810,000			732,847		90.5
\$ Assumed						
# The Columbia River late season quota was revised inseason with 853 lbs from the early season, resulting a late season quota of 4,884 lbs.						
* The summer all depth quota was revised inseason with 6,552 lbs overage from the Spring quota underage, resulting in a summer quota of 28,765 lbs.						
^ Landings for this fishery are not yet available.						

PFMC
10/18/10

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2011 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 2011. ODFW published a news release on September 27, 2010 asking the public to provide comments by October 8, 2010.

Public input was somewhat less than expected and consisted of 12 e-mails, 14 phone calls, and comments from five recreational halibut fishermen at a public meeting. Much of the public input was directed to issues other than the three possible changes to the catch sharing plan, such as gross area allocation, the development of a lottery based tag system or a reduction in bag limits.

Proposed Changes to the CSP:

Columbia River Subarea – *No proposed changes*

Central Coast Subarea –

Adjust the nearshore fishery from seven days per week to four days per week, if on July 15 (August 1) effort and harvest are low, the fishery can then re-open to seven days per week.

Adjust the number of open days per week in the nearshore fishery from seven to four to begin the season. If harvest and effort have been low, after July 15 the nearshore fishery can be expanded to seven days per week. The number of open days will remain at four per week if harvest and effort are high.

In 2010 the effort and harvest in the nearshore halibut fishery was much greater than in previous years. The quota was fully attained for the first time and the fishery was closed in mid-July. Reducing the nearshore fishery from seven days to four days per week to begin the season is intended to extend the duration of the nearshore fishery and help prevent the same situation from occurring in the future. Adding an examination of the fishery after July 15 allows for inseason flexibility if the fishery is progressing slowly.

The majority of people who commented on the nearshore fishery are in favor of reducing the open days per week in order to extend the season, as long as the open number of days per week is not less than four and as long as at least one weekend day is open. The nearshore fishery appears to be very popular, especially among locals, despite having lower catch rates than the spring all-depth and summer all-depth fisheries. There were a minority of people who expressed concerns that this proposal seemed reactionary to what happened last year, and was not looking at the recent past performance of this fishery. There was also concern about making regulations complicated with a possible change to days of the week open inseason.

Those anglers who favor a reduction in nearshore open days per week also expressed a desire for greater allocation of total quota to the nearshore fishery under the belief that the total number of days fished would increase. This would consequently benefit the coastal economy. They also believe that interactions with yelloweye rockfish would be reduced because the yelloweye rockfish are caught less frequently in the nearshore fishery than in the all-depth fisheries.

Adjust the spring all-depth fishery from three days per week to two days per week if there are nine or fewer “fixed days”

The total number of open days and the number of “fixed days” in the spring all-depth halibut fishery have been decreasing due to decreases in the overall 2A total allowable halibut catch and due to increases in angler effort. The length of the spring all-depth halibut season in past years has consequently decreased because the number of open days per week has remained at three. To prevent future reductions to the length of spring all-depth seasons, a reduction in the number of open days from three to two days per week has been proposed, if there are projected to be fewer than nine “fixed days”. Although this proposal would not increase the total number of open days per season it will extend the season further into the summer months, which may benefit anglers because ocean conditions are generally calmer and more favorable for fishing later in the season.

This proposal has been favored by the majority of respondents with the hope a reduction in open days per week will allow the spring all-depth season to continue into June and possibly July, when the ocean is generally calmer. Of those who opposed this proposal, one private angler lives far from the coast and does not believe that two open days per week is enough to justify a long drive when there is a possibility that the ocean could be too rough to fish on one of the two open days; a charter operator expressed similar concerns that with three open days, there are more chances for the weather to be calm enough to allow for fishing.

Adjust the quota allocation percentages between the spring all-depth, summer all-depth, and nearshore fisheries

The total number of open days in the summer all-depth halibut season has also been decreasing due to reductions in the overall 2A total allowable catch and due to increases in angler effort. The fishery was only open for three days in 2009, two days in 2010, and could be open for as little as one day in future years if the quota continues to decrease and effort continues to increase. Short summer all-depth halibut seasons are problematic because they create “derby fisheries” with great numbers of boaters. “Derby fisheries” can overrun the infrastructure of port facilities and can be dangerous due to crowding of boats on the halibut grounds. Short seasons can also be dangerous to anglers if the ocean is rough during an opening because anglers may fish in conditions in which they normally would not because they do not want to miss out on the fishery. A short summer all-depth halibut season is also unfavorable to halibut fishery managers because catches can be highly variable, which can lead to substantial underages or overages in quota. In order to increase the number of summer all-depth halibut open days, a shift of quota from the spring all-depth fishery to the summer all-depth fishery has been proposed.

The proposal to redistribute the percentage of total quota allocated to the spring all-depth, summer all-depth, and nearshore fisheries was initially favored by most private anglers. These anglers supported a reduction in the spring all-depth quota from 69% of the total quota to 45%, an increase in the summer all-depth quota from 23% of the total quota to 45%, and an increase in the nearshore quota from 8% of the total quota to 10%. However, those anglers who supported this change and attended the public meeting switched their support back to the status quo after learning that a shift in summer quota from 23% to 45% would likely increase catches of yelloweye rockfish resulting in early closures of bottomfish fisheries. It is unknown whether other supporters who did not attend the public meeting would continue to favor a shift of spring all-depth quota to the summer all-depth quota if they were presented with the same yelloweye rockfish information that was supplied to the anglers who attended the meeting. All charter operators that provided input were in favor of status quo allocations. They noted that the spring fishery harvest was primarily by charter anglers in the early years of the fishery. In recent years, the level of harvest by private anglers in the spring fishery has increased greatly, accounting for 65% or more of the harvest. They believe that this increase in harvest by private anglers in the spring all-depth fishery demonstrates that the weather in the spring does not prevent private anglers from being able to fish.

Support for a shift of quota to the summer all-depth fishery occurred because anglers were upset that the season was limited to three days in 2009 and two days in 2010, because anglers prefer the generally calmer ocean conditions during summer months, and because they believe more summer all-depth quota would increase the number of fishable days alleviating the “derby fisheries” that have occurred during the previous two years.

South of Humbug Subarea—*no proposed changes*

ODFW proposed changes to the Catch Sharing Plan (CSP) language

(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 four days per week (Sunday through Wednesday)** 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. **If after July 15, 50 percent or more of the subquota remains, and if determined to be appropriate through joint consultation between IPHC, NMFS, and ODFW, the fishery can open seven days per week, until the subquota is taken or October 31, whichever is earlier. Notice of the change in open dates will be announced by NMFS via an update to the recreational halibut hotline.**

B. The second season is an all-depth fishery with two potential openings and is allocated ~~67~~⁹ 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 season** will be structured for 2 days per week (Friday and Saturday) if the ~~season~~ **the number of fixed season days** is for ~~4~~⁹ or fewer fishing days. The fishery will be structured for 3 days per week (Thursday through Saturday) if the ~~season~~ **the number of fixed season days** is for ~~5~~¹⁰ or more fishing days. The fixed season dates will occur in consecutive weeks starting the second Thursday in May (if the season is ~~5~~¹⁰ or more fishing days) or second Friday in May (if the season is ~~4~~⁹ 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~~ dates 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 25~~3~~ percent of the subarea quota. The fishery will be structured to be open every other week on Friday and Saturday 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 and Saturdays 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 (versus every other Friday and Saturday), 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, the fishery will re-open on every Friday and Saturday (versus every other Friday and Saturday), 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.

GROUND FISH ADVISORY SUBPANEL REPORT ON
2011 PACIFIC HALIBUT REGULATIONS

The Groundfish Advisory Subpanel (GAP) considered proposed changes to the Pacific halibut catch sharing plan and 2011 regulations affecting the Oregon recreational sector of the halibut fishery in International Pacific Halibut Commission (IPHC) area 2A contained in Agenda Item G.1.b, ODFW Report.

A presentation was given by Lynn Mattes of Oregon Department of Fish and Wildlife (ODFW). Three changes were proposed: 1) a change in the number of consecutive open days for the spring all depth fishery, 2) a shift of quota from the spring all depth to the summer all depth fishery, and 3) a change in the number of weekly open days with a trigger for the nearshore fishery.

GAP recommendations:

1) The GAP supports status quo of three consecutive open days instead of two for the spring all-depth fishery. Possible economic impacts are the rationale for this opinion. Three days allows for greater flexibility with charter bookings and private angler travel plans. Due to possible weather constraints, three consecutive days would provide a higher probability that at least one fishing day could be realized during any given open period.

2) The GAP supports moving 2 percent of the spring to the summer all-depth quota. This would increase the probability that another full fishing day could be realized when prosecuting this summer fishery.

3) The GAP supports the concept of reducing the number of open days per week if necessary regarding the nearshore fishery. The GAP recommendation to the Council is to reverse what is proposed by ODFW. The nearshore fishery would start with seven days per week opening and thereafter be subject to reductions in number of days per week inseason. The reductions would be made based on catch rate and projected catch exceeding quota. The number of days and the timing of constraints would be at the discretion of ODFW in consultation with National Marine Fisheries Service (NMFS) and IPHC. The GAP would like to see at least another year of history with the catch in the nearshore fishery before instituting constraints at the beginning of a season.

NMFS PROPOSED CHANGES TO FEDERAL REGULATIONS AND THE
2011 PACIFIC HALIBUT CATCH SHARING PLAN FOR AREA 2A

NMFS submitted proposed changes to the 2011 Pacific halibut Catching Sharing Plan (CSP) and the codified regulations at §300.63 at the September 2010 Council meeting. NMFS is submitting those same changes for final action.

The proposed changes to the catch sharing plan are as follows:

- 1) In section (e)(2), specify that closed areas that will apply to the non-Indian directed commercial fishery will be defined within groundfish regulations.

The proposed changes to the codified regulations at 50 CFR 300.63 are as follows:

- 1) In paragraph (e) replace the description of the groundfish RCA with specific reference to the closed areas and depth contours in groundfish regulations.
- 2) Remove paragraphs (f) and (g), these paragraphs simply list the coordinates for the 30-fm and 100-fm lines, this information will now all be found in the groundfish regulations. The halibut regulations will direct users to the groundfish regulations for this information.
- 3) Update all references to current groundfish regulations with updated references as a result of the groundfish regulation restructure occurring through the TIQ program.