

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES TO THE PACIFIC HALIBUT CATCH SHARING PLAN FOR THE 2022 FISHERY

The Oregon Department of Fish and Wildlife (ODFW) solicited public input via e-mail, phone, an online survey, and a webinar on October 27 to discuss proposed changes to the Pacific halibut (halibut in remainder of report) Catch Sharing Plan (CSP) for fisheries off of Oregon in 2022. Normally ODFW holds a series of in-person public meetings in several coastal ports and Salem. However, due to continued restrictions on gatherings and staff travel due to COVID, it was necessary to conduct the meeting online only. Approximately 30 members of the public participated in the webinar, 61 people participated in the online survey, additionally six e-mails, and four phone calls were received. ODFW considered the public input and provides the following information for consideration by the Pacific Fishery Management Council (Council) in determining which alternatives to adopt for the 2022 fishery.

Proposed Changes for the 2022 Catch Sharing Plan

Allow Groundfish Retention on All All-Depth Dates in the Central Oregon Coast and Columbia River Subareas

Anglers have requested allowing groundfish retention (rockfish, lingcod, greenlings, etc.) on all all-depth halibut trips, regardless of whether a depth restriction is in place for bottomfish. The Southern Oregon Subarea halibut fishery is currently open to all-depths seven days per week, and groundfish may be retained on the same trip in areas (depths) open to groundfish fishing.

Alternatives

Status quo: during periods when the groundfish fishery is depth restricted, only sablefish, Pacific cod, and other flatfish species or longleader gear species are allowed with all-depth halibut.

Alternative 1: all groundfish (within bottomfish bag limits) would be allowed with halibut; this would include lingcod, greenlings, rockfish species, etc.

The proposal to allow bottomfish with all-depth halibut regardless of the bottomfish depth restriction is intended to provide additional opportunities for halibut anglers when fishing offshore, and possibly reduce regulatory discards. However, upon further discussions, ODFW staff are concerned that this proposal would make bottomfish regulations for many non-halibut anglers, creel samplers, and enforcement more confusing due to changing the days each week open to all depth for bottomfish. Additionally, ODFW is planning to add the month of June as all depth for bottomfish for 2022 in state rule. With bottomfish open to all depths in June, on all-depth halibut days bottomfish could be legally retained with halibut. This is intended to provide some of that additional opportunity. Therefore, **ODFW recommends maintaining the status quo.**

Central Oregon Coast All-Depth Open Days

Anglers have expressed a desire to have the all-depth fishery open seven days per week. The longer opening is desired to spread effort and allow opportunity that better accommodates a variety of work schedules and the ability to take advantage of the weather. Two ideas that have been expressed by anglers are to open the spring all-depth fishery seven days per week in May and

possibly Jun, and/or the summer all-depth fishery after Labor Day (September and October) depending on how much quota remains.

The recreational bottomfish fishery has been open at all-depths in May, September and October in recent years, and June may be opened to all-depth bottomfish fishing in 2022 (pending decision by the Oregon Fish and Wildlife Commission in December 2021). Since bottomfish and halibut are allowed on the same trip when both are open to all-depth fishing (CSP section 6.11.1.g) opening the Central Coast all-depth halibut fishery 7 days per week in May, June, and/or September would provide more all-depth halibut fishing without reducing anglers' opportunity to retain incidentally caught halibut when bottomfish fishing, as it would when bottomfish is not open at all depths. Additionally, opening seven days per week during the early and late season will provide fisheries managers with information on how much effort might occur on Sundays through Wednesday, compared to Thursdays through Saturdays. This could be useful for future discussions around modifying the days per week open in the remainder of the summer all-depth season or the spring all-depth season. This proposal does not include the Columbia River Subarea, due to co-management with Washington and trying to align openings in that subarea with other open Washington subareas. The Southern Oregon Subarea is already open to all depths seven days per week with bottomfish retention allowed in areas open to bottomfish.

Alternatives (alternatives may be combined)

Status quo: the Central Oregon Coast Subarea Summer All-Depth season is open Thursdays through Saturdays

Alternative 1: if the Central Oregon Coast Subarea Spring All-Depth allocation is greater than 100,000 pounds, the season may open up to seven days per week starting the 2nd Thursday in May through June 30; then open every Thursday through Saturday, except weeks can be skipped to avoid adverse tides

Alternative 2: If after the first summer all-depth opening (first Thurs-Sat in August), it is estimated that there will be 60,000 pounds or more remaining on the Central Oregon Coast combined nearshore and all-depth quotas remaining, the all-depth fishery may open up to seven days per week beginning September 1.

Under all alternatives, the spring all-depth season would still open the second Thursday in May, the traditional start date. ODFW would still meet with anglers after the International Pacific Halibut Commission (IPHC) annual meeting which announces the quota to determine which weeks/dates would be open, and if any should be skipped due to large morning low tides, as has been done in the past. Additional fixed openings would be identified, as well as potential back-up dates. Due to a lack of data on potential effort on Sundays through Wednesdays for all-depth fishing, precaution will be needed when setting the total number of fixed dates, so as to not exceed the spring quota and eat into the summer and nearshore quotas. With the 1.5-million-pound Area 2A allocation the last three years, and the resulting fishery allocations, the spring all-depth season has left 60,000-100,000 pounds unharvested. At the recent allocation and effort levels combined with harvest rates, being open seven days per week for one or more weeks in May would have been accommodated without exceeding the spring allocation. There would have been quota for additional openings in June beyond those specified preseason, and likely July as well. ODFW is recommending a trigger at 100,000 pounds for the spring all-depth season, so that at lower allocation levels, the season would retain the current three-day openings, spreading opportunity out through May, June, and potentially July.

For the summer all-depth season, after the initial summer all-depth opening, ODFW would consult with the National Marine Fisheries Service (NMFS) and IPHC to determine how much quota remains in the Central Oregon Coast Subarea (all-depth and nearshore combined) and other Oregon subareas, how fisheries have progressed to date, and bycatch impacts on key species such as yelloweye rockfish. Based on that consultation, it could then be announced in mid-August whether the fishery will be open up to seven days per week beginning September 1. This schedule should allow for anglers, charter operators, and fishing related businesses to prepare for the additional opportunity.

ODFW recommends both Alternative 1 and Alternative 2 be adopted by the Council for inclusion in the CSP.

Central Oregon Coast Subarea Daily Bag Limit

The Catch Sharing Plan currently states that “After the Labor Day weekend, the IPHC, NMFS, PFMC, 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.” Based on the progress of the fishery in recent years and the amount of allocation left unharvested, anglers have been requesting the two fish bag limit earlier in the season.

Alternatives

Status quo: the bag limit can be increased to two fish after Labor Day

Alternative 1: At the conclusion of the spring all-depth season, IPHC, NMFS, PFMC, and ODFW will consult to determine whether increasing the bag limit to two fish is warranted with the intent of taking the subarea quota by September 30.

Modifying the bag limit earlier in the summer season would provide additional opportunity for anglers to harvest the allocation. Often by early September many outdoors people are switching from angling to hunting, reducing the number of anglers who could take advantage of the additional opportunity provided by an increased bag limit after Labor Day. One area of concern, is the potential that raising the bag limit in August could result in additional effort, possibly exacerbating overcrowding which already occurs at some ports and times. However, crowding on certain days can result from good salmon, albacore, and/or halibut fishing conditions. As an example, ODFW sampling data show that extremely high ocean sportfishing effort on some days in 2021 came from trips targeting salmon, with excellent coho salmon catch rates this year. ODFW believes that a potential crowding concern should not be a basis for rejecting the possibility of raising the bag limit to two fish earlier in the summer season. Additional effort could also result in higher yelloweye rockfish impacts, and ODFW will track yelloweye rockfish bycatch and mortality carefully, to ensure that it does not become too high and potentially impact the recreational groundfish fishery (e.g., with a need for further depth restrictions or closures).

ODFW recommends Alternative 1 be adopted by the Council for inclusion in the CSP. This alternative provides for additional flexibility when managing this fishery, potentially allowing for additional opportunity for anglers to harvest the Oregon recreational allocation.

Draft Catch Sharing Plan Language

ODFW provides draft language for the CSP to reflect the above recommendations below. ODFW staff have also gone through the Oregon section of the CSP (Section 6.11) carefully and provide proposed edits that help with clarity and consistency. ODFW staff will work with NMFS and Council staff after the November Council meeting to refine and finalize CSP language to meet the intent of Council discussion and decisions.

Additionally, ODFW staff would like to work with NMFS and Council staff to ensure the language in the Catch Sharing Plan continues to allow for flexible inseason management of the recreational halibut fisheries in a responsive and timely manner. As CSP language is developed, we support the development of provisions that can streamline the process and reduce delays or other challenges in the federal rulemaking process and timeline.

6.11 Oregon Coast Subarea

Oregon sport fisheries are allocated 29.7 percent of the total non-tribal FCEY. This allocation is distributed to two subareas within the state, plus the Columbia River subarea. **Management objectives for the Oregon sport fisheries are to establish season structures for each subarea that maximize fishing opportunity and achieve but not exceed subarea allocations. Flexibility through timely inseason action, such as opening additional fishing days or shifting allocation between subareas, may be needed to achieve the overall Oregon sport allocation and fishery objectives.**

6.11.1. Oregon central coast subarea

a. Subarea allocation

This sport fishery subarea is allocated 93.79 percent of the Oregon sport allocation.

Portions (subquotas) of this subarea allocation are distributed to certain fisheries within this subarea based on the amount of the overall Area 2A FCEY as described in sections 6.11.1.c and 6.11.1.d.

b. Geographic location

This subarea extends from Cape Falcon (45°46.00' N. lat.) to Humbug Mountain, Oregon (42°40.50' N. lat.).

Nearshore waters are inside the 40-fathom (73 m) curve.

c. Management objectives

If the overall 2A FCEY is 700,000 **lbs pounds (317.5 mt)** or greater, 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, and provide a period of fishing opportunity in the summer for nearshore waters.

If the overall 2A FCEY is less than 700,000 **lbs pounds**, the structuring objectives for this subarea are to provide a period of fishing opportunity beginning in Spring in productive deeper water areas along the coast and provide a period of fishing opportunity in nearshore waters.

If the 2A FCEY ~~exceeds is~~ **700,000 lbs pounds or greater**, any **poundage amount** that is not needed to extend the inside 40-fathom (73 m) fishery (**nearshore season**) 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 **season fishery** will be added to the ~~inside 40-fathom (73 m) fishery~~ **nearshore season** subquota, if it can be used.

d. Season structure

There **are** three general seasons for this subarea - nearshore, spring all-depth and summer all-depth.

i. Nearshore

The ~~first season~~ (nearshore **season fishery**) opens June 1, 7 days per week, only in waters inside the 40-fathom (73 m) curve, unless the subquota is 25,000 lbs (**11.34 mt**) or greater, then it opens May 1. The fishery continues until the subquota is taken, or until October 31, whichever is earlier and is allocated 12 percent of the **Central Oregon Coast** subarea quota if the 2A FCEY is 700,000 **lbs pounds** or greater, or 25 percent of the **Central Oregon Coast** subarea quota if the 2A FCEY is less than 700,000 **lbs pounds**.

~~Any overage in the all-depth would not affect achievement of allocation set aside for the inside 40-fathom (73 m) curve fishery. If either all-depth season subquota is exceeded, the overage will not be deducted from the nearshore season subquota~~

ii. Spring all-depth

The ~~second season~~ (Spring **season fishery**) is an all-depth fishery with two potential openings (**“fixed” and “back-up”**) and is allocated 63 percent of the subarea quota if the FCEY is 700,000 **lbs pounds** or greater, or 75 percent of the subarea quota if the 2A FCEY is less than 700,000 **lbs pounds**.

ODFW will sponsor a public input process shortly after the IPHC annual meeting to develop recommendations to NMFS on the open dates for **the “fixed” and “back up” dates each season** each year.

“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, **then any remaining “fixed” dates will be closed. 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. **Recent year catch rates will be used as a guideline for estimating the catch rate for the Spring fishery season each year.**

If the Central Oregon Coast Subarea Spring All-Depth allocation is greater than 100,000 pounds (45.36 mt), the season may open up to seven days per week every week starting the 2nd Thursday in May through June 30, except weeks can be skipped to avoid adverse tides, then open every other week. If

the Central Oregon Coast Subarea all-depth Spring season allocation allows for 4 or fewer fishing days, the first “fixed” opening will be structured for 2 days per week (Friday and Saturday) if the season is for 4 or fewer fishing days. If the allocation allows for opening 5 or more “fixed” days, then 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~~ **occur on one or more “back-up” dates. ODFW will consult with** ~~If it is determined appropriate through joint consultation~~ between IPHC, NMFS, ~~and~~ PFMC, ~~and ODFW, fishing may be allowed on one or more additional days to determine whether any “back-up” dates may be opened.~~ Notice of the opening(s) will be announced by NMFS via an update to the recreational halibut hotline.

~~The fishery will then be open~~ **“Back-up” dates may be established** every other week ~~on Thursday through Saturday~~ except that week(s) may be skipped to avoid adverse tidal conditions. The potential open dates ~~Thursdays through Saturdays~~ will be identified preseason.

If the 2A FCEY is 700,000 lbs or greater, the fishery will continue until there is insufficient quota for an additional day of fishing or July 31, whichever is earlier ~~if the 2A FCEY is 700,000 pounds (317.5 mt) or greater.~~ **The summer all-depth season will then open in August (6.11.1.d.iii).**

If the 2A FCEY is less than 700,000 ~~lbs pounds (317.5 mt)~~ the fishery will continue until there is insufficient quota for an additional day of fishing or October 31, whichever is earlier.

iii. Summer all-depth

The ~~last season~~ (Summer season fishery) is an all-depth fishery that begins on the first Friday in August and is allocated 25 percent of the Central Oregon Coast subarea quota if the 2A FCEY is 700,000 ~~lbs pounds (317.5 mt)~~ or greater. If the 2A FCEY is less than 700,000 ~~lbs pounds (317.5 mt)~~ then zero percent of the subarea quota will be allocated to this season, **and the summer season will not open.**

If the subquota is less than 60,000 lbs (27.2 mt), 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, ~~if the subquota is less than 60,000 lbs.~~ If the subquota is 60,000 lbs or greater, the fishery will ~~be structured to~~ be open every other week on Thursday, 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 ~~(Thursdays if quota), Fridays and Saturdays~~ will be identified pre-season.

If after the first scheduled open period, the entire remaining quota for the Central Oregon Coast Subarea (Cape Falcon to Humbug Mountain, ~~entire season quota~~ (combined all-depth and nearshore inside 40-fathom (73-m) subquotas) is 60,000 lbs ~~(27.2 mt)~~ or more, the fishery will re-open on every ~~(Thursday if quota) Friday and Saturday~~ every week on Friday and Saturday (and Thursday if quota) (versus every other week Friday and Saturday), and/or the fishery may be open up to seven days per week beginning September 1, if determined to be appropriate through joint consultation between IPHC, NMFS, PFMC, and ODFW.

If after the Labor Day weekend the entire remaining quota for the Central Oregon Coast Subarea ~~Cape Falcon to Humbug Mountain entire season quota~~ (combined all-depth and nearshore inside 40-fathom (73-m) quotas) is 30,000 lbs (13.6 mt) or more and the fishery is not already open every (Thursday if quota) Friday and Saturday, the fishery will re-open on every (Thursday if quota) Friday and Saturday (versus every other Friday and Saturday), if determined to be appropriate through joint consultation between IPHC, NMFS, PFMC, and ODFW.

After the Labor Day weekend, At the conclusion of the spring all-depth season, the IPHC, NMFS, PFMC, 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.~~

All inseason actions will be announced by NMFS via an update to the recreational halibut hotline.

e. Landing restrictions

The daily bag limit is one halibut per person, unless otherwise specified, with no size limit.

f. Inseason adjustments

Consistent with sections 6.8, 6.11.1.c, and 6.11.1.d.

If inseason it is determined via joint consultation between IPHC, NMFS, PFMC, and ODFW, that the combined all-depth and nearshore inside 40-fathom (73-m) fisheries seasons will not harvest the entire quota allocated to the subarea, quota may be transferred inseason to another subarea between Leadbetter Point, WA and the OR/CA border by NMFS via an update to the recreational halibut hotline.

g. Groundfish regulations

During the recreational halibut all-depth fishery, when the groundfish fishery is restricted by depth and halibut are on board the vessel, only sablefish, Pacific cod and flatfish species may be taken and retained, possessed, or landed. ~~During days open to all-depth halibut fishing when the groundfish fishery is restricted by depth and when halibut are on board the vessel, except that~~ yellowtail rockfish, widow rockfish, canary rockfish, redstriped rockfish, greenstriped rockfish, silvergray rockfish, chilipepper, bocaccio, and blue/deacon rockfish may be retained possessed or landed when caught with longleader

gear (as defined at § 660.351). During days open to all-depth halibut fishing when the groundfish fishery is open to all depths, any groundfish species permitted under the groundfish regulations may be retained, possessed, or landed ~~if halibut are on board the vessel, regardless of whether halibut are onboard the vessel.~~ During days **only** open to nearshore halibut fishing (**all-depth halibut fishing closed**), flatfish species may **not** be taken and retained seaward of the **40-fathom regulatory line seasonal groundfish depths restrictions**, if halibut are on board the vessel.

h. Closed conservation areas

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 660.70 (h) and will be described annually in federal halibut regulations published in the *Federal Register*.

6.11.2. Southern Oregon subarea

a. Subarea allocation

This sport fishery is allocated 3.91 percent of the Oregon sport allocation, up to a maximum of 8,000 **lbs (3.63 mt) pounds**. Any allocation over that amount will be re-allocated to the Columbia River Subarea.

b. Geographic location

This area is defined as the area south of Humbug Mountain, OR (42° 40.50' N. lat.) to the OR/CA Border (42° 00.00' N. lat.).

c. Management objectives

~~None identified in this document.~~ **Provide the opportunity to achieve but not exceed the Southern Oregon Subarea allocation.**

d. Season structure

This fishery will open May 1, seven days per week until **the Southern Oregon Subarea** subquota is taken or October 31, whichever is earlier.

e. Landing restrictions

The daily bag limit is one halibut per person with no size limit, **unless the Central Oregon Coast Subarea bag limit is increased to two halibut, then this subarea will increase to two halibut at the same time.**

f. Inseason adjustments

Consistent with section 6.8.

g. Groundfish regulations

No groundfish may be taken and retained, possessed, or landed, in areas closed to groundfish, except sablefish, Pacific cod, and flatfish species, if halibut are on board the vessel. When allowed by groundfish regulations, yellowtail rockfish, widow rockfish, canary rockfish, redstriped rockfish, greenstriped rockfish, silvergray rockfish, chilipepper, bocaccio, and blue/deacon rockfish may be retained possessed or landed when caught with longleader gear (as defined at § 660.351).

h. Closed conservation areas

None identified in this document.