

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED CHANGES
TO THE CATCH SHARING PLAN FOR THE 2024 FISHERY

At the June 2023 meeting, the Pacific Fishery Management Council (Council) conducted scoping for changes to the Area 2A Catch Sharing Plan (CSP) for 2024 and beyond. Over the summer months Council staff, the National Marine Fisheries Service (NMFS), Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW) and California Department of Fish and Wildlife (CDFW) worked to complete the scoping tasks for discussion and consideration at this September meeting. CDFW provides the following recommendations for inclusion in the range of alternatives to be adopted for public review by the Council at this September 2023 meeting.

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Management Objectives

CDFW supports the proposed management objective changes for the California sport fishery as described in [Agenda Item D.1.a. Attachment 3](#). No management objective for the California sport fishery is currently stated in the CSP. This change would result in increased consistency in the CSP between fishery sectors.

Inseason Flexibility Provisions

CDFW supports inclusion of a trigger date within the CSP after which time all recreational fisheries would be open seven days per week and fish against a combined recreational quota for all three states. The trigger date currently proposed in [Agenda Item D.1.a. Attachment 4, Section](#)

[6.8.5 \(e\)](#) is August 15, however CDFW would prefer an earlier trigger date of August 1, or July 15. Setting an earlier trigger date would encourage the recreational fisheries in each state to structure fishing opportunities for the spring months as desired.

Non-Tribal Sport Allocations

Several options to shift some portion of the non-tribal sport allocation from WA and/or OR to the CA sport allocation were discussed at the June Council meeting and further developed over summer and are described in [Agenda Item D.1.a. Attachment 5](#). CDFW is not supportive of Options 3 or 4, or the requirement of a minimum FCEY for any of the options proposed. Options 3 and 4 would result in a negligible increase to the California sport allocation. If a meaningful shift in allocation to the California sport fishery as proposed in Options 1 or 2 cannot be accommodated as part of the 2024 CSP modifications, CDFW suggests abandoning the allocation change proposals at this meeting so as to not waste Council and NMFS staff resources on analysis and rulemaking to complete an illusory allocation shift.

While the options forwarded for further consideration at the June Council meeting included two minimum FCEY trigger amounts (at least 1.3 Mlb or at least 1.5 Mlb) for any movement of allocation to occur between sectors, CDFW does not support the allocation move being contingent on the FCEY amount. As discussed in Section 2 of [Agenda Item. D.1.a. Attachment 5](#), the Area 2A FCEY has been at least 1.3 Mlb only 50 percent of the time in the last twenty years, and at least 1.5 Mlb only four years in the last twenty years. If the Area 2A FCEY does not continue to be at least 1.3Mlb or 1.5 Mlb, which might be likely in light of recent stock biomass declines, no benefit would be realized to the California sport fishery.

Regarding the minimum FCEY requirement language, the proposal suggests that an allocation move to California is only necessary in times when the FCEY in Area 2A is high. CDFW is not aware of any such need or justification; the need for an allocation increase to California exists now, and is unrelated to the Area 2A FCEY itself. CDFW continues to be concerned there is a sense that recreational allocations to state-specific recreational fisheries are owned by the respective state, rather than shared between west coast recreational fisheries to best meet the needs of these fisheries holistically.

CDFW supports Method 1 and Option 1 or 2 without scenarios a) or b) requiring an FCEY minimum. This Method and these Options would provide the greatest movement of quota and benefit to California, and coupled with the inseason flexibility provision to combine the remaining sport quotas on a specified date, allow all sport fisheries to fish until the full quota is taken, and would increase fairness and equity in the CSP allocation scheme per §773c.(c) of the Halibut Act:

(c) Regional Fishery Management Council involvement

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate

between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges...

Bag Limits

CDFW does not support the continuation of a 2-fish daily bag limit option for Pacific halibut being available and/or implemented in some states or areas but not others. In June 2023, NMFS announced an inseason increase in the daily bag limit for some Oregon sport sub-areas, beginning in the middle of June. The timing of this change was very early in the fishing season and suggested there was awareness that unless regulations were loosened, the Oregon sport allocation would not be taken by the end of the fishing season, which was still months away. CDFW submitted a comment letter (attached as Appendix 1) to NMFS on the inseason rule to discuss how this provides an unfair advantage for the anglers in Oregon compared to Washington and California where the daily bag limit remained 1-fish. CDFW proposes a 1-fish bag limit be implemented for all recreational fisheries in Area 2A from the start of the fishing season through the inseason trigger date. Once the inseason trigger date is reached, the bag limit could be increased to 2-fish but would be applied coast-wide.

California Subarea Management

Since 2014, the CSP for the California sport fishery has been managed as one subarea from the OR/CA border to the US/Mexico border. The area receives an allocation in the CSP, and one set of season dates and bag limits applies for the entire area. Fishery dates are determined pre-season following the International Pacific Halibut Commission (IPHC) Annual Meeting once the Area 2A TCEY is adopted, with the fishery being open seven days per week from May 1 through November 15, but may include closed time periods between those dates. Inseason quota tracking occurs on a weekly and sometimes daily basis by CDFW, and once the quota is projected to be attained, inseason action is taken concurrently by NMFS and CDFW to close the fishery.

Days of the Week

Recreational Pacific halibut fisheries in some areas of Washington and Oregon are open for fewer than seven days per week, which may allow fishing effort to be spread over a longer period of time throughout the season and can temper high catch events so that multiple high-catch days don't occur sequentially. CDFW examined catch per day from its field sampling data (Table 1) and determined that high-catch days occurred randomly throughout the open season on multiple days of the week and in multiple months, and are likely dependent upon the prevailing weather conditions and fish availability. These high-catch days do not appear to align with weekends, tides, or a pattern that is predictable pre-season during the season date setting process. CDFW does not view closing days of the week as a measure that necessarily reduces or slows overall catch in the season, particularly if a fishery is closed three or fewer days in the week and

is open four or more days, though this management strategy may work to concentrate effort (and catch) into only those days of the week that are open.

Table 1. Calendar for 2023 Pacific halibut open season (May 1-Aug 4) showing daily “success” category by color; the fishery was closed as of Aug 5. Grey shaded cells denote zero fish sampled (no catch). Red shaded cells denote one to four fish sampled (poor catch). Yellow shaded cells denote five to 19 fish sampled (moderate catch). Green shaded cells denote 20 to 49 fish sampled (high catch). Blue shaded cells denote 50 or more sampled fish (extreme catch event); no days in 2023 met the conditions for blue shading.

S	M	T	W	T	F	S	S	M	T	W	T	F	S
May							June						
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	
July							August						
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

Unfavorable weather conditions are a reality in many Council fisheries, and favorable weather windows may not align with open fishing periods when days of the week are closed. Day of the week closures are disruptive, difficult to enforce, are subject to error/forgetfulness, and add unnecessary complexity for the fishing communities as well as for CDFW’s monitoring programs. Allowing season dates to run continuously from beginning to end, or with a lengthy planned closure period (“split season”) provides stability for the fleet, flexibility for anglers in selecting when to conduct fishing activity and ultimately, maximizes available opportunities.

Therefore, CDFW recommends continuing to set California sport fishing opportunities seven-days per week in California.

Depth Limits

Quillback rockfish (*Sebastes maliger*) is expected to receive a formal Overfished Status declaration by NMFS within the next year with a rebuilding plan to be implemented on a similar timeline. With the expected extremely low mortality limits for quillback rockfish, CDFW does

have some concern that encounters of quillback rockfish in the Pacific halibut fishery could contribute to exceeding the future statewide harvest limit. In anticipation, CDFW proposes adding additional depth-based management options to allow the sport Pacific halibut fishery to continue to operate while minimizing encounters with quillback rockfish.

While quillback rockfish is a deeper nearshore species, its depth range and that of Pacific halibut can overlap. Rockfish Conservation Areas (RCAs) are depth-based closure areas utilized in the groundfish fishery off California to limit encounters with species of concern. CDFW proposes authorizing use of the groundfish RCAs, as defined in Federal Regulations (50 CFR Part 660), in the California recreational Pacific halibut fishery off California to limit catch of groundfish species of concern (including but not limited to quillback rockfish), either through pre-season or inseason implementation by NMFS.

Usage of the federal groundfish RCA lines in Pacific halibut fisheries is not something new in Area 2A. ODFW has implemented depth-based restrictions in the sport Pacific halibut fishery to limit encounters and mortality of groundfish. Similarly, the coastwide Directed Commercial Pacific halibut fishery has long been subject to the commercial RCA lines and utilization of this management tool is expected to continue.

New California Subarea

CDFW proposes modifications to the CSP language to create two California sport fishery subareas, utilizing a new Pacific halibut management line at Point Arena (38° 57.5' N. lat.), and to provide a de-minimis incidental allowance for the southern area. The boundary change and formation of a new management area would facilitate greater management of the resource and better meet needs in different areas of the state. The subarea south of Pt. Arena would be structured to accommodate de-minimis catch that occurs in other fisheries; Pacific halibut are not directly targeted in this area and are a rare and insignificant contributor to total mortality. The area would be open year-round with a 1-fish daily bag and possession limit. The quota for the area south of Pt. Arena would be a set poundage (up to a maximum of 1,000 net pounds annually) to be subtracted from the California area quota, with the remainder available for the directed recreational fishery that is well established north of Pt. Arena.

Prior to 2014, the area South of Humbug Mountain in Oregon, including all waters off California, were managed as one subarea and received a small set-aside each year to accommodate catch of Pacific halibut, and catch was not tracked inseason. The area south of Humbug Mountain is at the southern extent of the range for the Pacific halibut stock where encounters were infrequent and unpredictable. The IPHC had not conducted its annual Fishery Independent Setline Survey (FISS) in waters off California and no direct California information was incorporated in the process to set the Area 2A FCEY. Following development of the recreational Pacific halibut fishery in the area south of Humbug Mountain, the IPHC surveyed California waters in 2013, 2014, and again in 2017. The 2017 survey reached as far south as waters off San Francisco, however, for the area between Cape Mendocino and San Francisco only trace amounts of Pacific halibut were caught.

CDFW's California Recreational Fishery Survey (CRFS) documents kept and released fish from anglers; each year a few reports of released Pacific halibut occur in the area south of Pt. Arena, but often during August or September which is after the Pacific halibut fishery in California has attained its quota and is closed for the year. Anecdotal information from anglers in the area south of Pt. Arena indicate there may be some seasonal movement of Pacific halibut into shallower waters off Bodega Bay and San Francisco, which is why fish in this area tend to be encountered in the late summer and early fall months.

By creating a new California management subarea south of Pt. Arena, with a set annual quota to accommodate any de-minimis catch that occurs in that area, year-round retention at the southern end of its population range can occur with zero conservation risk. This may also allow for novel collections of biological data from these fish. Additional underline/strikeout language would be required throughout the CSP to update references to the California Coast subareas and the California Coast subarea sport allocation.

California's 2023 Recreational Fishery

The 2023 sport Pacific halibut fishery in California was open May 1-August 4, with a daily bag limit of one fish per person per day. The fishery closed for the year on August 4, due to projected attainment of the 39,520 net-pound quota. CDFW tracked sport Pacific halibut catches daily during the season, and consulted with the NMFS, IPHC, and Council staff on fishery progress throughout the season.

Monthly catch is estimated by CDFW's CRFS program at a five-to-eight-week lag time between when data are collected to when estimates are available. To allow for more real-time catch tracking and monitoring, a catch projection method is used weekly or daily depending on fishery reports. The projection uses the relationship between the number of sampled fish by CRFS in a month, compared to the resulting CRFS estimates in that month over recent years.

The preliminary projected 2023 season catch for the California recreational sector is 39,858 net pounds, or 100.9 percent of the quota (Table 2). This total is comprised of CRFS estimates from May and June, and CDFW projected catch values from July 1-August 4. CRFS estimates through July and August are expected to be available by mid-September and October respectively, and CDFW will provide an updated fishery catch total at the November Council meeting.

Table 2. 2023 Pacific halibut catch estimates (net pounds) in California by month. CDFW projection values are used in real-time as a temporary monitoring tool. They are provided in strikeout to illustrate the process of replacing the projections with CRFS catch estimates as they become available approximately six weeks following the end of each month. Data are from CRFS and are considered preliminary and subject to change.

Month	Net Pounds Accrued	
	CDFW Projection	Preliminary CRFS Estimate
May	7,249	6,178
June	13,911	12,030
July	17,340	
August	4,310	
Total	39,858	

Size of Fish

CRFS samplers measured lengths of 389 Pacific halibut during the 2023 recreational season. The smallest fish measured was 520 mm (calculated weight of 2.4 net pounds) and was caught in July. The largest fish measured was 1,303 mm (calculated weight of 48.8 net pounds), and was caught on August 4, the last day of the season. Compared to the length distribution for 2022, length distribution of sampled fish in 2023 was more evenly distributed across a greater number of length bins (Figure 1), including more smaller (<700 mm) and larger (>1,100 mm) fish. While CDFW uses the inseason length data to inform how well the catch projection may perform, the monthly estimation procedures use average size across multiple parameters including years, months, districts, trip types and fishing modes.

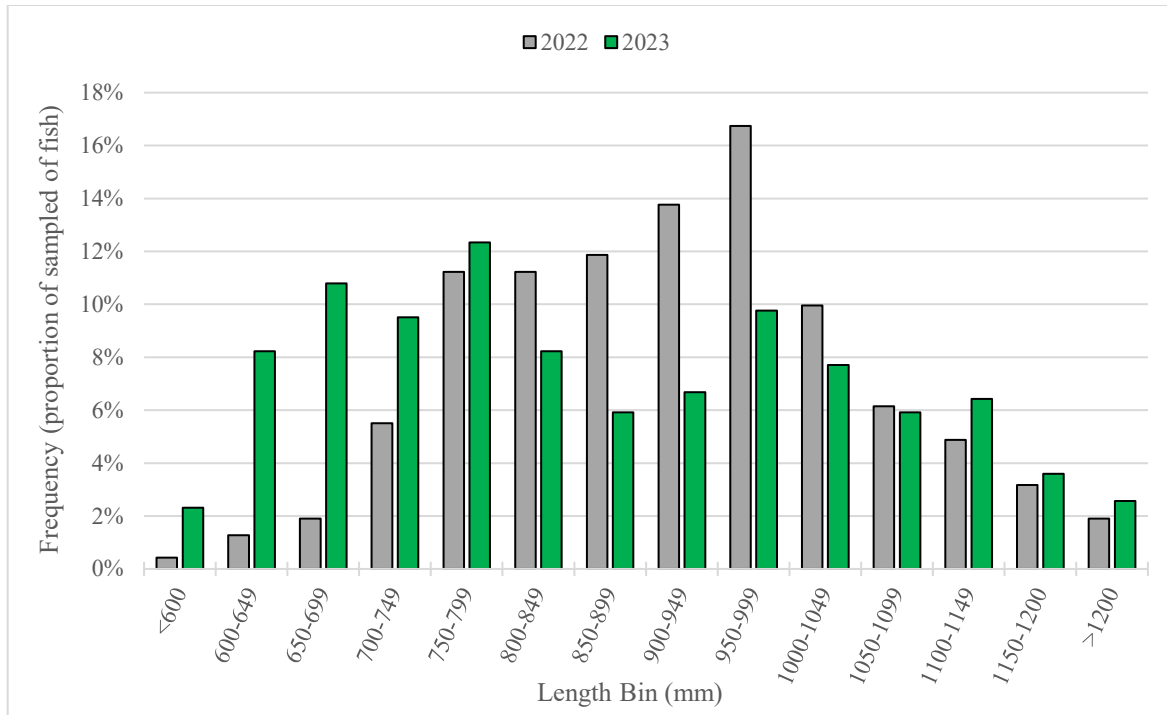


Figure 1. Length frequency chart for recreational Pacific halibut examined by CRFS samplers during the 2022 and 2023 seasons. Length bins are in 50 mm increments. Data are from CRFS/CDFW.

CDFW Recommendations:

- **Increase inseason flexibility provisions for the Area 2A non-tribal recreational fisheries by including a trigger date of August 15, or preferably earlier, within the CSP after which time all recreational fisheries would be open seven days per week and fish against a combined recreational quota for all three states.**
- **Support allocation movement calculation Method 1 (moving of Non-Tribal percentages from OR and WA to CA) and Options 1 or 2 with no minimum FCEY requirement.**
- **A 1-fish bag limit be implemented for all recreational fisheries in Area 2A from the start of the fishing season through the inseason trigger date. Once the inseason trigger date is reached, the bag limit could be increased to 2-fish but would be applied coast-wide.**
- **Add a provision to the CSP to authorize use of the RCAs lines, as defined in Federal Regulations (50 CFR Part 660), in the recreational Pacific halibut fishery off California to limit catch of groundfish species of concern (including but not limited to quillback rockfish), either through pre-season or inseason implementation by NMFS.**
- **Implementation of a new recreational management line at Pt. Arena to form two California subareas north and south of Pt. Arena. The California recreational allocation would be shared between the two areas with the area south of Pt. Arena receiving a set amount (up to 1,000 net pounds per year) to accommodate de-minimis incidental catch in that area.**

Appendix 1: CDFW Comment on NOAA-NMFS-2023-0128 on Inseason Bag Limit Increases in the Oregon Sport Pacific Halibut Fishery



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DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

Marine Region
CDFW Monterey Field Office and Laboratory
20 Lower Ragsdale Dr., Suite 100
Monterey, CA 93940
AskMarine@wildlife.ca.gov

June 20, 2023

Jennifer Quan, Regional Administrator
c/o Katie Davis, West Coast Region, NMFS
500 W Ocean Blvd., Long Beach, CA 90802

Dear Ms. Quan:

The California Department of Fish and Wildlife (CDFW) offers the following remarks in response to the request for comments included in the temporary rule announcing inseason adjustments to the West Coast recreational Pacific halibut fishery (NOAA-NMFS-2023-0128).

As described in the notice, NMFS has made a determination that, due to lower than expected catch accrued to date in the Central Oregon Coast and Southern Oregon subareas, the Washington North Coast subarea, and the Columbia River subarea, actions to increase the recreational bag limit in Oregon and add fishing days on the Washington coast are warranted and necessary to meet management objectives for these respective subareas. CDFW wishes to point out that the situation is the opposite in the California recreational fishery. Projected 2023 catch for the month of May is the highest on record, and the California recreational fishery is expected to quickly catch what remains of its four percent of the non-tribal allocation as soon as local weather conditions are favorable.

CDFW acknowledges the inseason actions described in the temporary rule are included in the scope of the 2023 Catch Sharing Plan (CSP). The text explains the measures are intended to provide additional opportunities to anglers in Oregon and Washington's recreational fisheries, in efforts to achieve the quota allocations for these respective subareas. However, most Area 2A recreational Pacific halibut fisheries historically have been limited to a 1-fish per person daily bag limit. CDFW wishes to highlight public comments received by our agency suggesting a 2-fish recreational bag limit only for Oregon fisheries is not equitable between West Coast recreational anglers.

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DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

Marine Region
CDFW Monterey Field Office and Laboratory
20 Lower Ragsdale Dr., Suite 100
Monterey, CA 93940
AskMarine@wildlife.ca.gov

CDFW further notes the management objective of the Area 2A Fishery Constant Exploitable Yield (FCEY) is for fisheries to utilize this allocation in its entirety, and in recent years, the CSP has failed to effectuate that goal. The Area 2A FCEY has been underutilized, with total catches falling considerably below allowable levels ([13 percent below the TAC in 2022, and 19 percent below the TAC in 2021](#)). Fish have been left unharvested in a number of non-tribal sectors, including the Oregon and Washington recreational sectors, while at the same time the CSP has required other sectors like the California recreational fishery to close inseason unnecessarily due to sector quota attainment.

CDFW encourages NMFS to consider additional regulatory action in 2023, in the event it appears the Area 2A FCEY again will not be achieved by the year's end. Existing sectors in the CSP, including the California recreational sector, have communities that are heavily dependent on Pacific halibut harvesting opportunities. In addition to the very small quota amount allocated to the California recreational fishery, the CSP is devoid of mechanisms to allow access to fish that will otherwise be stranded in other sectors. This has resulted in foregone opportunities in Area 2A in past recent years for no good reason. As catches to date in the Oregon and Washington recreational fisheries once again are lower than expected, it appears fish may be left on the table in Area 2A by the year's end. Additional regulatory action can and should be taken by NMFS inseason to avoid this situation.

CDFW continues to be concerned with the foundation and complexity of the 2023 CSP and encourages NMFS to implement a better suite of management mechanisms that ensure full and equitable utilization of the Area 2A FCEY in the future. The current framework amounts to an initial allocation plan, yet a 'catch sharing plan' that functions to share catch between sectors inseason in order to achieve the goal of full utilization would allow for the greatest overall good for Area 2A fisheries and communities and would provide for management flexibility that is responsive to regular variations in local conditions and availability.

Sincerely,

Marci Yaremko, California Department of Fish and Wildlife
Primary CDFW Designee to the Pacific Fishery Management Council

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