

GROUND FISH ADVISORY SUBPANEL REPORT ON PRELIMINARY CATCH SHARING PLAN AND REGULATIONS FOR IMPLEMENTATION IN 2024 OR LATER

The Groundfish Advisory Subpanel (GAP) understands this is a complex subject and only some changes may be made to the catch sharing plan (CSP) for 2024. Others will require more discussion for changes beyond 2024.

2024 CSP and Into the Future

One of the reasons halibut CSP changes are so difficult is due to the allocative nature of some of the decisions, whether those decisions are direct (simple re-allocation between sectors or states) or as a consequence of related regulations designed to meet management objectives or achieve greater flexibility for all sectors (re-allocation on a specified date, dependent on fish abundance).

California fishermen, particularly sport fishermen in this case, are feeling the pinch of limited fisheries: salmon fishing was closed in California this year; the status of some nearshore rockfish is forcing charter vessels to fish in deeper water and re-configure their business plans; recreational crabbing can be limited due to potential whale entanglements; and new regulatory changes related to engine emissions are costing commercial passenger fishing vessels additional expense. Halibut provided the opportunity to afford some fishing trips and keep businesses afloat. Therefore, California fishermen are suggesting a change in allocation.

Fishermen in Washington and Oregon remain concerned they retain enough halibut to support seasons that have been in place for multiple years. The Oregon Department of Fish and Wildlife (ODFW) held public meetings and documented in [ODFW Report 2](#) that Oregon anglers do not wish to change any allocations between Oregon and California for 2024. Similarly, Washington sport fishermen do not wish to change the allocations for 2024.

However, after further discussion, the GAP agreed that the proposed allocation changes, as modified below, should go out for public review. “No action” is always part of the analysis and one of the options for ongoing consideration.

Regardless of the immediate decisions, the GAP agreed that allowing more fisheries to take advantage of the Area 2A fishery constant exploitable yield (FCEY) would send a signal to the International Pacific Halibut Commission (IPHC) that Area 2A fisheries are important. Furthermore, overall allocation for Area 2A should continue to be set in a year-to-year stable manner.

Management objectives

Regarding management objectives for Pacific halibut, the GAP supports the proposals as reflected in [Attachment 3](#) move forward for public review.

Flexibility

With respect to [Attachment 4](#), the proposal to introduce flexibility to all sectors by allowing inseason transfer of projected unused quota between all Washington, Oregon and California recreational and commercial sub-areas after August 15, GAP members agree with the need for flexibility. For the specific proposed text as outlined in Attachment 4, the GAP recommends the language go out for public review with some proposed new options for a trigger date for the inseason flexibility changes described in Option 2.

Attachment 4 provides proposed text to the current CSP to create a new section detailing the process for an inseason management flexibility protocol to move quota around. However, the actual process for that protocol was a major discussion point in the GAP.

The GAP discussed how an inseason flexibility process could work to meet the needs of the recreational fisheries. The Pacific Fishery Management Council (Council) could consider modeling the process similar to two processes that have been used in the Pacific whiting fishery – one for the reapportionment of non-whiting groundfish in the at-sea whiting fishery and the other for reapportioning whiting from the tribal allocation to the non-tribal whiting sectors which are both briefly described below. If a similar process were developed by the Council for halibut, each state could identify an amount (if available) that could be transferred to another state by a certain date and consider projected attainment to ensure fall fisheries seasons could be prosecuted.

Re-apportionment of non-whiting in at-sea sectors

In short, this process was set up as an automatic action in which one at-sea sector could notify the National Marine Fisheries Service (NMFS) about the amount of select non-whiting groundfish (managed as allocations at the time) that could be made available to the other sector and that amount would be transferred to the other sector for the remainder of the calendar year. There were two trigger points included in this regulation: 1. by notification of one sector at any time or 2. after 80 percent of the whiting was harvested. This process was used in October 2014 when the catcher-processor (CP) sector notified NMFS ([Agenda Item B.1.a, Attachment 4, October 2014](#)) that 3 mt of darkblotched rockfish would go unused by the sector and should be reallocated to the mothership (MS) sector for the remainder of the year in order to re-open the fishery (which had closed based on attainment of the MS darkblotched allocation). The CP sector would then cease fishing at the time the whiting allocation was attained or the new darkblotched allocation was reached.

Tribal reapportionment of whiting allocation

A similar process to look at is the reapportionment process for Pacific whiting from the tribal to non-tribal sectors. As described in 50 CFR 660.131(h), participating tribes in the whiting fishery can notify NMFS they do not intend to use a portion of the whiting allocation and after notifying other treaty tribes with rights to whiting, reapportion it to each of the non-tribal whiting sectors. The regulations also include a trigger date of September 15, where if a notification had not occurred by that time, discussions between NMFS and the tribes participating in whiting could occur to assess the amount of the tribal allocation that will not be used and can therefore be reapportioned to the non-tribal sectors. There is also language allowing for subsequent reapportionments to “ensure full utilization of the resource.”

To be clear, the GAP is *not* suggesting reapportioning tribal halibut; however, the intent is to identify a *process* by which halibut could be transferred amongst the non-tribal recreational fisheries.

Potential Dates for Inclusion

After additional discussion, the GAP recommends including the following dates as options for when a reapportionment via inseason protocol could be considered amongst the three state recreational sectors:

- Option A: July 15
- Option B: August 1
- Option C: August 15

The GAP generally agreed that the August 15 date for consideration of reapportionment is too late, since we understand it could take roughly two weeks for NMFS to implement (thereby creating an effective fishing date of September 1). Sport fishermen in California, particularly charter fishermen, would need more advance time to notify customers of sport fishing opportunities in the fall, thus, an earlier date would be preferred.

Sport fishermen in Washington and Oregon agree that earlier dates of July 15 and August 1 should be considered only if projected attainment was used for identifying halibut available for reapportionment so seasons in late August and September would still have fish available.

California Department of Fish and Wildlife (CDFW) Inseason Proposal

California members of the GAP support the inclusion of an inseason process for public review applying a trigger date (using the options described above) after which time all recreational fisheries would be open seven days per week and fish against a combined recreational quota for all three states as described in [Supplemental CDFW Report 1](#).

Allocation

Regarding allocations, the GAP used the summary of proposal considerations for analysis from [Attachment 5](#) to guide our discussion. In the interest of time and making the analysis easier, the GAP suggests Option 4 can be eliminated. The resulting reallocation from Option 4 is insufficient to provide relief for California fishermen and retaining Option 3 will provide enough information for the analysis to enable a range of options for future consideration. Regardless of the action taken by the Council, the GAP recommends reviewing the allocation for a minimum of five years. The CSP currently states that allocations may be changed if new information becomes available; however, the GAP believes that having a more defined timeframe for review would be advantageous.

In addition, the GAP suggests refining the options to use only Method 1 (application at the non-tribal level) in the calculations and convert Option 3 accordingly (see page 16 of [D.1 Supplemental Presentation 1](#)). Therefore, Method 2 could be eliminated. The range of options recommended by the GAP for public review would be as follows:

- Method 1: apply the change in allocation to the Area 2A non-tribal level,
- ~~Method 2: apply the change in allocation at the state fishery level (after the non-tribal distributions)~~

Option 1: Move 1 percent from the non-tribal WA sport allocation and 2 percent from the non-tribal OR sport allocation to the non-tribal CA sport sector (uses Method 1)

Option 2: Move 0.5 percent from the non-tribal WA sport allocation and 1 percent from the non-tribal OR sport allocation to the non-tribal CA sport sector (uses Method 1).

Modified Option 3: Apply Method 1 to current Option 3 (Move 0.4 percent of the WA sport allocation and 0.6 percent of the OR sport allocation to the CA sport sector ~~(uses Method 2)~~).

~~Option 4: Move 0.5 percent of the WA sport allocation and 1.0 percent of the OR sport allocation to the CA sport sector (uses Method 2).~~

The GAP also considered options proposing to use the Area 2A FCEY as a trigger for reallocation for that year would occur. FCEYs of 1.5 million pounds or 1.3 million pounds are proposed in the attachments. Some members of the GAP suggested both FCEY triggers could be eliminated in the interest of simplifying the analysis for implementation in 2024. Additionally, California recreational fishermen on the GAP suggested that retaining any FCEY trigger would unfairly penalize California sport fisheries. Others on the GAP suggested removing only the 1.5 million pound trigger and the GAP did not reach consensus at this time.

The GAP suggests that any allocation changes consider the distribution of the halibut stock in Area 2A, recognizing the distribution may change over time.

Regulatory

Referencing the regulatory items contained in [Attachment 6](#), commercial fishery changes to 1) vessel monitoring systems (VMS), 2) fish receiving ticket forms, and 3) seabird avoidance measures, the GAP agrees with these changes. As noted in our [June 2023 GAP Report 1 on halibut catch sharing plan and regulatory changes](#), we specifically supported the VMS and seabird avoidance measures. We did not address the fish receiving ticket forms at that time, but now also agree that requiring both the pounds of halibut landed and number of halibut landed will provide additional information to inform fishery managers in the future.

Future consideration for commercial directed fishery

The GAP also reviewed this year's directed commercial fishery, the first year of management NMFS. Generally, the season's existing three-day openers, similar to what was established under IPHC management, worked well. However, it remains a derby fishery and there is support for eventually moving into another management regime that would afford longer seasons.

Additionally, the GAP appreciates NMFS retaining the two-week separation between openers. This year, the third opener was separated by three weeks, which led to frustration by some fishermen accustomed to making business plans around an opener every two weeks. The GAP understands it is difficult for NMFS to obtain landings data quick enough to notify the industry about the quota available for subsequent openers. This year was complicated by the July 4 holiday. Therefore, the GAP suggests options for 2024 to include an option that the first two openers separated by two weeks (as in 2023) with a third opener four weeks later. Regardless of the structure, the GAP recommends that NMFS notice all three dates for planning purposes. The key here is the certainty for subsequent three-day openers, enabling better planning for fishermen, processors and enforcement.

Summary

Overall, the GAP recommends the following:

1. **Management objective:** Adopt the proposed management objective changes proposed in Attachment 3 for public review.
2. **Flexibility:** Adopt the proposal described in Attachment 4 to introduce flexibility and to use a protocol similar to those used inseason for the whiting fishery to better access the overall Area 2a FCEY. This would include three dates (July 15, August 1 and August 15) for consideration of reapportionment based on *projected* attainments. California representatives also recommend including the CDFW inseason protocol proposal for public review as described in [Supplemental CDFW Report 1](#).
3. **Allocation:** Adopt for public review the options provided in Attachment 5, removing Option 4 and using Method 1 to configure Option 3. This would negate the need to include Method 2.
4. **Regulatory:** Adopt for public review the three regulatory changes described in Attachment 6.
5. **Directed commercial fishery future:** Maintain two week separation between openers for 2024 and include an option for the 2024 season for the first two openers separated by two weeks with a third opener four weeks later. Notice the dates of the three openers prior to the start of the season.
6. **State CSP proposals for seasons/etc.:**
 - a. *Washington:* Adopt the proposed season structures presented in [WDFW Report 2](#) for public review.
 - b. *Oregon:* Adopt for public review the proposed central coast all depth open day alternatives and the proposed CSP change to remove the word “other” related to back-up dates as outlined in [ODFW Report 2](#)
 - c. *California:* Adopt for public review the following proposals:
 - i. One fish bag limit for all recreational fisheries in Area 2A through inseason trigger date (*using above trigger dates discussed above under inseason protocol*), after which the bag limit could be increased to two fish coastwide

- ii.* Add a provision to CSP to authorize use of Rockfish Conservation Area lines to limit catch of groundfish either preseason or inseason
- iii.* Implement a new recreational management line at Pt. Arena, with the area south receiving a set amount (up to 1,000 net pounds per year) to accommodate de-minimis incidental catch.

PFMC
09/09/23