

PACIFIC HALIBUT CATCH SHARING PLAN: PROPOSED CHANGES TO INSEASON FLEXIBILITY PROVISIONS FOR SPORT FISHERIES

1. Introduction

At their June 2023 meeting, the Pacific Fishery Management Council (Council or PFMC) discussed the [scoping report](#) on Pacific halibut (halibut) topics identified for potential change which included inseason flexibility provisions in the Pacific Halibut Catch Sharing Plan (CSP) to allow transfer of projected unused quota between all Washington (WA), Oregon (OR), and California (CA) recreational sub-areas and commercial sectors after August 15.

At their September 2023 meeting, a [report](#) was provided to the Council that included edits to the CSP to improve flexibility. Some were intended to improve flexibility in general, and other edits were intended to address inseason flexibility of shifting quota through use of a trigger date. The Council adopted for public review the proposed edits intended to improve flexibility in general (which are included in Attachment 3 under this Agenda Item). The Council also adopted for public review a proposal for Area 2A sport fisheries to develop a process similar to what the non-treaty Pacific whiting fishery uses to transfer any projected unused sport halibut quota inseason to another sport quota as needed. Such a process could require a state with a projected balance to notify National Marine Fisheries Service (NMFS) of the remaining balance, and NMFS would then discuss with the other fishery managers how to best reapportion the projected unutilized quota. This scenario would include an August 15 ‘trigger date’ where if no notification has occurred Council staff would facilitate a discussion between all the parties to receive catch updates and other inseason matters as needed.

2. Area 2A non-tribal allocation and inseason quota sharing in the current CSP

The Area 2A non-tribal allocation is distributed to commercial, WA, OR and CA sport fisheries. A certain portion of the commercial allocation is further distributed to specific commercial fisheries, and certain portions of the WA and OR sport allocations are further distributed to specific subareas within each state, and the Columbia River subarea, which both OR and WA contribute to. The California sport allocation is distributed to the entire California coast, as there are currently no defined subareas.

The CSP includes a section on flexible inseason management provisions (Section 6.8), which has subsections that describe the protocol for inseason modifications, notice procedures, and flexible inseason management provisions. In addition, some of the subarea fishery descriptions describe specific inseason action that may be considered. Clear and precise language is used in the CSP and/or regulations to help guide the inseason transfer process at the policy level and to inform the public of the process.

Inseason transfer of sport quota between subareas can occur if it is projected that a particular subarea will not harvest its entire quota. For the most part, these transfers are state-specific, where WA may transfer quota inseason to and from its subareas, and OR may do the same. The Columbia River subarea quota is derived from both the WA and the OR allocation, so the language describing that transfer is a little more complicated but follows the same general rule.

3. Proposed inseason flexibility protocol for Area 2A sport fisheries

The overarching goal is to provide more access to the overall Area 2A sport allocation by having more inseason flexibility in how, when, and where halibut sport quota can be transferred to other state or subarea quotas to provide more fishery opportunity. The idea is to allow the inseason transfer of a projected unutilized balance of quota from a state sport quota to another state. At the September Council meeting, the Council adopted for public review a proposal for Area 2A sport fisheries to:

“Develop a process similar to what is used in the non-treaty whiting fishery to transfer any projected unused sport quota inseason to another sport quota as needed.”

Such a process could require a state with a projected balance to notify NMFS of the remaining balance, and NMFS would then discuss with the other fishery managers how to best reapportion the unutilized quota. This scenario would include an August 15 ‘trigger date’ where if no notification has occurred Council staff would facilitate a discussion between all the parties to receive catch updates, season end catch projections, and other inseason matters as needed.

4. Range of Options for inseason flexibility protocol in Area 2A sport fisheries

Status quo: maintain the current level of flexibility to move sport quota inseason between subareas as described in Section 6, specifically subsections 6.8.1.c, 6.8.1.d, 6.9, 6.10, 6.11, and 6.12 as described in the 2023 CSP.

Option 1: Annually August 15, each coastal state will provide a catch report via email to NMFS, PFMC, Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish Wildlife and California Department of Fish and Wildlife (CDFW). The catch report would include actual and projected catch (in net pounds) for each subarea and the total projected amount of unused quota for the state sport allocation. If one or more state report projects an excess of quota that is available for transfer to another state(s), then NMFS will reapportion the pounds available to the other state(s) using the percentages initially prescribed in the CSP to WA, OR and CA sport fisheries, as appropriate. NMFS will announce any such reapportionment in the Federal Register and concurrent publication on the hotline, consistent with language described in Section 6.8 of the CSP.

In addition, if excess quota is available for transfer through reapportionment, the receiving state could accept the additional pounds in whole or in part. If a receiving state determined only a portion of the additional pounds were needed to conduct their season, then after communication with NMFS the ‘declined’ portion could be made available to the other receiving state, as appropriate.

Option 1 would make unused quota from one state available to another state(s) when all other inseason flexibility actions described in the CSP and for each subarea have been exhausted. The current provisions in the CSP do allow for the transfer of projected unused quota between subareas within each state, and between OR and WA for the shared Columbia River subarea and these would not change. Option 1 would allow for a state(s) to receive additional quota inseason if a state(s) has indicated they will have an excess of quota at the end of their season, and another state(s) indicate a deficit. If the amount of excess quota is enough to provide more opportunity, then NMFS will move forward with the transfer process.

Option 1 also includes a caveat where if re-apportioned excess quota becomes available to a state, but the state may not need any or all of the re-apportioned amount. If this occurs, then that state would accept only the amount needed, and the ‘declined’ balance would go to another state if needed. If another state (or any) did not want or need more quota, then the ‘declined’ balance would remain with the originating state. This caveat, if it occurs, will help to move quota to where it needs to be quickly and efficiently.

Example: On August 15, WA provides a halibut catch report (actual and projected) to NMFS, PFMC, ODFW, and CDFW. The report includes catch summaries for all subarea fisheries and accounts for subarea quota transfers, liberalization of seasons and bag limits, catch uncertainty, etc. WA projects that there will be quota remaining at the end of the season and reports the amount (in pounds) of quota deemed available. The OR and CA reports show a deficit in quota to complete their seasons as planned.

Let’s say WA projects 10,000 lbs available. The 10,000 lbs available will be re-apportioned based on the CSP non-tribal allocation of 29.7 percent to OR and 4.0 percent to CA. The following calculations will be made:

1. Sum of OR plus CA initial allocation
 $29.7\% + 4.0\% = 33.7\%$
2. OR allocation divided by total sum,
 $29.7\% / 33.7\% = 88\%$
3. CA allocation divided by total sum,
 $4.0\% / 33.7\% = 12\%$
4. Additional quota for OR to use,
 $88\% \text{ of } 10,000 \text{ lbs} = 8,813 \text{ lbs}$
5. Additional quota for CA to use,
 $12\% \text{ of } 10,000 \text{ lbs} = 1,187 \text{ lbs}$

NMFS reports via email the additional re-apportioned quota available to OR and CA. OR and CA respond to NMFS via email in agreement to receive the additional quota. .

| State | excess amount CPS allocation | WA re-apportioned | 10,000 additional amount |
|-------|---------------------------------|----------------------|-----------------------------|
| OR | 29.70% | 88% | 8,813 |
| CA | 4% | 12% | 1,187 |
| | 33.70% | 100% | 10,000 |

Caveat – OR requires only a portion (5,000 lbs) of the re-apportioned quota to conduct their fishery. OR would notify NMFS via email, and NMFS would offer the ‘declined’ balance (3,813 lbs) available to CA. If CA did not require the ‘declined’ balance from OR, then that balance would remain with WA.

PFMC
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