29. RECREATIONAL OCEAN SALMON AND PACIFIC HALIBUT REGULATIONS

Today's Item **Information ☒** **Action ☐**

Receive and discuss an update on Pacific Fishery Management Council (PFMC) process and timeline, and automatic conformance to federal regulations.

Summary of Previous/Future Actions

- **Today's update** **Dec 11-12, 2019; Sacramento**
- Next update Feb 5-6, 2020; Sacramento
- Final update Apr 15-16, 2020; Sacramento

Background

This agenda item is to inform the public that FGC intends for ocean salmon and Pacific halibut recreational fishing regulations to auto-conform to federal regulations recommended by PFMC and adopted by the National Marine Fisheries Service (NMFS) in 2020.

At its Aug 16, 2017 meeting, FGC adopted regulations that allow a process to auto-conform state ocean salmon and Pacific halibut recreational fishing regulations to federal regulations. The auto-conformance regulations went into effect Jan 1, 2018; Exhibit 1 provides an outline of the auto-conformance process.

Exhibits 2 and 3 provide an overview of the PFMC process for developing annual recommendations for salmon and Pacific halibut federal regulations. If deemed necessary, FGC may adopt ocean salmon and/or Pacific halibut recreational fishing regulations that are different from federal regulations. However, since FGC is not initiating the regular rulemaking process at this meeting, if it decides to adopt regulations different from federal regulations, it may need to take emergency action at a future meeting in order to have the regulations effective by the beginning of the ocean salmon and Pacific halibut seasons.

At this time, there is no indication that the state may need to consider regulations different from federal regulations. Therefore, regular rulemakings for ocean salmon and Pacific halibut are not proposed for 2020.

Significant Public Comments (N/A)

Recommendation

FGC staff: Use the auto-conformance process for ocean salmon and Pacific halibut recreational fishing regulations for 2020.

Exhibits

1. Staff summary for Agenda Item 17, Aug 16, 2017 FGC meeting (for background only)
2. PFMC salmon fact sheet, updated Jan 31, 2019
3. PFMC Pacific halibut fact sheet, updated Jan 29, 2019

Motion/Direction (N/A)

STAFF SUMMARY FOR AUGUST 16, 2017
(FOR BACKGROUND ONLY)

17. FISHERIES AUTOMATIC CONFORMANCE PROCESS

Today's Item **Information ☐** **Action ☒**

Adopt proposed regulation for a process to automatically conform state recreational fishing regulations to federal regulations.

Summary of Previous/Future Actions

- Notice hearing — Apr 26-27, 2017; Van Nuys
- Discussion hearing — Jun 21-22, 2017; Smith River
- **Today's adoption hearing** — **Aug 16, 2017; Sacramento**

Background

For species managed under federal fishery management plans or regulation, FGC usually takes concurrent action to conform State recreational regulations to federal regulations adopted by the National Marine Fisheries Services (NMFS); this dual process is redundant and inefficient. The proposed regulation, Section 1.95, Title 14, will establish a process through which State recreational fishing regulations for salmon and Pacific halibut will automatically conform to federal regulations, unless FGC adopts regulations for said species using the regular rulemaking process.

For annual regulations or corrections to annual regulations for salmon and Pacific halibut, the proposed regulation would require, no later than 10 days after federal regulations are published in the Federal Register, that:

- FGC submit amended State regulations to the Office of Administrative Law for publication in the California Code of Regulations, and file the amended State regulations with the Secretary of State;
- DFW issue a news release announcing the Federal Register in which the federal regulations are published and the effective date of the conformed State regulations;
- FGC mail or email the news release to interested parties;
- To the extent practicable, DFW provide information on any changes to the State regulations via public contact, electronic notification, and online and printed publications.

The proposed regulation would also require that an update on the conformed State regulations be included on the agenda of the next regularly-scheduled FGC meeting.

For in-season changes to regulations for salmon and Pacific halibut, the proposed regulation indicates that State regulations shall conform to the applicable federal regulations publicly noticed through the NMFS ocean salmon hotline and NMFS Area 2A Pacific halibut hotline, respectively.

STAFF SUMMARY FOR AUGUST 16, 2017
(FOR BACKGROUND ONLY)

Significant Public Comments

1. One oral comment in support of the proposed regulation was received at the Jun 22, 2017 FGC meeting.

Recommendation

FGC staff: Adopt the regulation as proposed.

Exhibits

1. DFW memo, received Apr 11, 2017
2. Initial statement of reasons
3. Draft notice of exemption

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts proposed Section 1.95, related to a process to conform State recreational fishing regulations to federal regulations and that the Commission has determined, based on the record, this approval is exempt from the California Environmental Quality Act pursuant to the guidelines in Title 14 sections 15307 and 15308.

FACT SHEET: SALMON

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SALMON SPECIES

The Council manages Chinook and coho salmon. In odd-numbered years, the Council may manage pink salmon near the Canadian border. Sockeye, chum, and steelhead are rarely caught in the Council's ocean fisheries.

Chinook salmon (*Oncorhynchus tshawytscha*) ("king" or "tyee") are the largest and most highly prized of the Pacific salmon. Like all salmon, Chinook are anadromous, which means they hatch in freshwater streams and rivers, migrate to the ocean for feeding and growth, and return to their natal waters to spawn. Chinook salmon can live up to seven years. They return to their natal waters after 1-5 years in the ocean.

Chinook from Washington, Oregon, and California range widely throughout the Pacific Ocean and the Bering Sea, and as far south as the U.S. border with Mexico.

ADVISORY BODIES:

- SALMON ADVISORY SUBPANEL
- SALMON MANAGEMENT TEAM
- MODEL EVALUATION WORKGROUP
- HABITAT COMMITTEE

Some wild Chinook populations have disappeared from areas where they once flourished, and several "evolutionarily significant units" (distinct populations) have been listed as at risk for extinction under the Endangered Species Act.

Coho or "silver" salmon (*Oncorhynchus kisutch*) are found in streams and rivers throughout much of the Pacific Rim. Coho have a life history similar to Chinook. Coho in Council-managed waters typically spend only one year in the ocean. North of central British Columbia, they tend to spend two years in the ocean.

Coho generally use smaller streams and tributaries than Chinook. They are most abundant in coastal areas from central Oregon to southeast Alaska.

MANAGEMENT

Because salmon migrate so far in the ocean, managing ocean salmon fisheries is extremely complex.

Salmon are affected by many factors in the ocean and on land, including ocean and climate conditions, dams, habitat loss, urbanization, agricultural and logging practices, water diversion, and predators (other fish, birds, marine mammals, and humans).

Several different regions and groups are involved in the salmon fishery:

Recreational fisheries take place in the ocean, Puget Sound, the Strait of Juan de Fuca, coastal bays, and in freshwater (including Columbia River Buoy 10). The Council manages recreational catches in the ocean but works closely with states on management in other areas.

Commercial fisheries include treaty Indian and non-Indian ocean troll and various treaty Indian and non-Indian net fisheries in Puget Sound, Washington coastal bays, and the lower and mid-Columbia River. The tribes manage tribal fisheries in coordination with the Council. The Council manages fisheries in Federal (ocean) waters, but works closely with states and tribes on fisheries in other areas.

Tribal Ceremonial and Subsistence fisheries occur in Puget Sound, Washington coastal rivers and bays, Columbia River and tributaries, and in the Klamath and Trinity Rivers. The tribes manage these fisheries in coordination with the Council.

COUNCIL PROCESS

The Council's Salmon Fishery Management Plan guides the management of commercial and recreational salmon fisheries

PACIFIC FISHERY MANAGEMENT COUNCIL
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FACT SHEET: SALMON

off the coasts of Washington, Oregon, and California. The Council works with treaty tribes and its member states (Washington, Idaho, Oregon and California) on salmon management issues.

Management tools such as season length, quotas, and bag limits vary depending on how many salmon are present. There are two central parts of the fishery management plan: *conservation objectives*, which are annual goals for the number of spawners of the major salmon stocks ("spawner escapement goals"), and *allocation provisions* of the harvest among different groups of fishers (commercial, recreational, tribal, various ports, ocean, and inland). The Council must also comply with laws such as the Endangered Species Act.

Every year the Council follows a preseason process to develop recommendations for management of the ocean fisheries (below).

HOW ARE SALMON COUNTED?

Correctly judging the size of salmon populations is a constant challenge. Salmon are affected by many natural and human-caused factors, so their numbers can vary widely. Estimating the effects of changes in ocean conditions, weather, and freshwater habitat on salmon is difficult. Most models rely on the age structure of a given brood (the various ages of fish

Date	Salmon management action
January	Salmon Technical Team and Council documents become available. Dates and locations of the two Council meetings, public hearings announced. Detailed schedule published. Salmon Technical Team meets to draft the review of ocean salmon fisheries for the previous year.
February through early March	Salmon Technical Team meets in February to draft preseason report with stock abundance forecasts, harvest and escapement estimates. State and Tribal management meetings take place. Salmon Technical Team reports summarizing the previous salmon season (Review), and projections of expected salmon stock abundance for the coming season (Preseason I) are posted online.
First or second full week of March	Council meeting. Typically, three alternatives are adopted for review at public hearings. These alternatives are initially developed by the Salmon Advisory Subpanel, refined by the Salmon Technical Team, then considered along with public comment by the Council. Council also considers any emergency actions needed.
Week following March Council meeting	Public hearings announcement released. Preseason Report II released, outlining Council-adopted alternatives.
Prior to April Council Meeting	Agencies, tribes, and public meet to agree on allowable ocean and inside waters harvest levels north of Cape Falcon. The Council's ocean fishery options are refined.
Last week of March and first week of April	General time frame for formal public hearings on the proposed salmon management alternatives.
First or second full week of April	Council meeting. Final management measures recommended to National Marine Fisheries Service for adoption.
First week of May	Final notice of Commerce decision. Final management measures published in Federal Register.

that make up the population) in combination with knowledge about environmental conditions over time.

Various methods are used to estimate salmon abundance. For adult salmon, fish trapped in weirs or passing dams are counted as they migrate upstream. Biologists count salmon carcasses and redds (nests) while doing stream surveys. Creel surveys help estimate catch in sport fisheries. As juvenile fish move downstream and migrate to the ocean, smolts are counted in rotary screw traps, snorkel surveys, and electrofishing (using electric current to temporarily stun young fish, which are then captured in a net).

Juvenile salmon may be marked with an internal tag, either a coded wire tag (CWT) or a passive integrated transponder (PIT) tag. CWTs are placed in the snout of the fish and are used mainly in hatchery fish. They are recovered from dead adult salmon. PIT tags are usually placed in the body cavity of the fish and are recovered from dead adults, but they can also be tracked electronically when a fish passes a receiver (for example at a bridge or dam) as it migrates. Both types of tags provide population and distribution data.

Research continues to explore genetic stock identification (DNA analysis) as a way to study the relationship between environmental conditions and salmon abundance to help improve population estimates and management of salmon stocks.

ADVISORY BODIES

The Salmon Technical Team (STT) helps the Council by summarizing data from the previous season, estimating the number of salmon in the coming season, and analyzing the effects of the Council's recommendations and amendments. The STT is made up of eight people drawn from state, Federal, and tribal fisheries management agencies, all of whom have technical expertise in salmon management. STT meetings, like all Council advisory body meetings, are open to the public.

The Salmon Advisory Subpanel is made up of 16 members who represent commercial, recreational, and tribal interests, as well as a conservation representative. These advisors play a large role in developing the Council's annual salmon management options in March and April.

The Model Evaluation Workgroup (MEW) reviews and modifies models used to predict the effects of harvest on conservation objectives and allocation provisions. The MEW is made up of scientists from state, tribal, and Federal management agencies.

The Habitat Committee tracks habitat issues for the Council. Many (though not all) of these issues involve salmon habitat. For example, the Habitat Committee has developed several Council comment letters on Klamath and Columbia River dam and habitat issues.

HOW TO GET INVOLVED

There are a few ways to get involved in the Federal salmon management process. First, read up on how salmon are managed and become aware of current salmon fishery issues. Listen in on the salmon agenda items during the March and April Council meetings (see our website, www.pcouncil.org, for details). Provide public comment by using our e-Portal (see the Council website for link and comment deadlines). Attend a salmon season hearing in a coastal community (usually held in March), or sit in on a Salmon Advisory Subpanel, Salmon Technical Team, or Habitat Committee meeting. If you have time, volunteer to serve on an advisory body.

CHALLENGES IN SALMON MANAGEMENT

Besides counting the fish, challenges include coordinating with international, regional, and local agencies and groups; judging the effects of regional fisheries on salmon stocks; recovering salmon under the Endangered Species Act; dividing the harvest fairly; and restoring freshwater habitat.

Farmed salmon, genetically modified salmon, bycatch, hatcheries, the differences between wild and hatchery salmon, and the role salmon play as forage for predators such as killer whales are other hot topics relating to salmon.

COUNCIL STAFF

Robin Ehlke is the Council staff officer responsible for salmon (robin.ehlke@noaa.gov, 503-820-2280 or toll free 866-806-7204)

Updated January 31, 2019

FACT SHEET: PACIFIC HALIBUT

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THE FISH

Pacific halibut (*Hippoglossus stenolepis*) are large flatfish found on the continental shelf from California to the Bering Sea. Pacific halibut have flat, diamond-shaped bodies, can weigh up to 500 pounds, and can grow to eight feet long. Larvae begin life in an upright position with eyes on both sides of their head. When they are about an inch long, the left eye migrates over the snout to the right side of the head, and the color of the left side fades.

Eggs and larvae drift passively in ocean currents, generally to the north and west. To counter this drift, young Pacific halibut migrate long distances to the east and south. By the time they are large enough to be caught in the commercial fishery, much of this counter-migration has taken place, but many adult Pacific halibut continue to migrate along the continental shelf. The stock also tends to move to deeper depths in winter for spawning and to shallower waters in summer for feeding.

Female Pacific halibut mature at around 12 years, while males mature at around eight years. The oldest Pacific halibut on record, both male and female, is 55 years old.

WHERE TO FIND REGULATIONS

Commercial catch information from the International Pacific Halibut Commission (IPHC): https://iphc.int/management/fisheries/directed-commercial-fisheries/directed-iphc-regulatory-area-2a

Recreational catch information from IPHC: https://iphc.int/management/fisheries/sport-recreational-fisheries/sport-iphc-regulatory-area-2a

NMFS Area 2A Halibut Hotline (for sport fishing): 1-800-662-9825, press 5

Sport halibut fishery regulations:

regon: tinyurl.com/pkv5jzr
Washington: tinyurl.com/nc69g69
alifornia: tinyurl.com/yb2x96dm

Adult Pacific halibut are sometimes eaten by marine mammals and sharks, but are rarely preyed upon by other fish.

THE FISHERY

Pacific halibut are one of the most valuable fish species in the northern Pacific. Longlining is the main commercial gear used to target halibut, although there is some allowance for incidental catch in the commercial salmon troll and the primary sablefish fisheries. In 2018, just under 39 million pounds of Pacific halibut were removed from the population coastwide from all removals.

Pacific halibut fishing is an important part of several tribal cultures, and many tribal members participate in commercial, ceremonial and subsistence fisheries.

HOW TO GET INVOLVED

To propose or comment on a change to the Catch Sharing Plan, please submit comments to Robin Ehlke(robin.ehlke@noaa.gov), Pacific halibut staff officer, or send a letter to the address below. To comment on Council agenda items, see our e-Portal (https://pfmc.psmfc.org/)

MANAGEMENT

Total catch is set by the International Pacific Halibut Com ssion (iphc.int), and the Council then allocates that total among the following sectors: treaty Indian commercial and ceremonial & subsistence, sport, commercial non-Indian, directed longline, incidental salmon troll, and incidental longline in the primary sablefish fishery, north of Point Chehalis, W shington.

Each year the IPHC conducts a stock assessment to estimate the abundance of Pacific halibut using scientific surveys and commercial fishery data.

The IPHC uses a decision table to report the results of this stock assessment, effectively separating the science from policy. The decision table presents the IPHC Commissioners with a range of coastwide harvest levels, each with estimates of risk in terms of stock and fishery trend and status metrics.

The stock assessment is performed at a coastwide scale, but IPHC sets catch limits based on regulatory areas. Area-

FACT SHEET: HALIBUT

Date	Halibut management action
January	International Pacific Halibut Commission sets the total allowable catch.
September Council meeting	Council solicits proposed changes to the Catch Sharing Plan.
Between Sept. & Nov. meetings	Council takes comments on proposed changes to Catch Sharing Plan.
November meeting	Council makes final recommendations for changes.

specific biomass estimates are derived by dividing up the coastwide estimate using the observed survey catch rates and bottom area, and accounting for hook competition from other species, and the timing of the survey and fishery removals. The Commissioners consider this data and the current harvest policy in determining the final catch targets for each year.

The catch level set by the Commission for each IPHC Regulatory Area is expressed as "total constant exploitation yield" (TCEY). For IPHC Regulatory Area 2A (California, Oregon, and Washington), non-directed removals for commercial fishery discards and bycatch in non-target fisheries are then subtracted from the TCEY to produce the "fishery constant exploitation yield" (FCEY), which is the amount available for harvest by the directed fisheries. The FCEY is then used by the PFMC Catch Sharing Plan to determine allocations and specific quotas.

CATCH SHARING PLAN

The Halibut Catch Sharing Plan dictates how the IPHC and National Marine Fisheries Service will divide the total allowable catch (TAC) for Washington, Oregon, and California Pacific halibut fisheries (Area 2A). The TAC is set each January by the IPHC, noting the Catch Sharing Plan allocations set by the Council. Allocations between some recreational areas are subject to in-season and other changes. For a description of how the Pacific halibut harvest is shared, see the Pacific Halibut Catch Sharing Plan for Area 2A.

Updated January 29, 2019

HALIBUT HISTORY

Halibut have been fished for hundreds or thousands of years by native Americans on the West Coast. The U.S. commercial fishery started in 1888, when halibut were first landed in Tacoma, Washington. Many of these fishermen had fished halibut in Norway. Nova Scotians and Newfoundlanders are also found in the West Coast halibut fishery.

Because halibut can be kept for long periods of time without spoiling, they were a popular target. In the 1890s, a fleet of sailing vessels with two-man dories fished for halibut from the West Coast. Large steam-powered vessels soon entered the industry, and by the 1910s it became clear that halibut stocks were suffering from overfishing.

In 1923 the U.S. and Canada signed a convention on halibut, creating what was eventually called the International Pacific Halibut Commission. In 1924 the Commission implemented a three-month winter closure – the first management action to affect halibut.

The convention was revised several times over the years. The most recent change occurred in 1979, when each government was allowed to establish more restrictive regulations. Canada created a limited entry system in 1979 and an individual vessel quota system in 1991. Alaska created an individual fishing quota system in 1995, similar to the Canadian program, except that shares were issued to individuals instead of vessels. Also in 1995, non-tribal commercial fishers in Oregon, Washington, and California had to make a choice: participate in the sport charter industry for halibut, the commercial directed fishery, or the halibut incidental fishery in the salmon troll fishery.