

the Halibut Convention between the United States and Canada, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. Section 773c(c) also authorizes the regional fishery management council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Accordingly, the Council has developed Catch Sharing Plans since 1988 to allocate the TAC of Pacific halibut between treaty Indian, non-Indian commercial, and non-Indian sport fisheries in Area 2A off Washington, Oregon, and California.

At its September 1993 public meeting, the Council decided to consider all aspects of the halibut allocation issue and to develop a multiyear Plan for 1995 and beyond. The Council requested that the Halibut Managers Group (HMG) and the Halibut Advisory Subpanel (HAS) develop a complete list of allocation issues for Council consideration. At its November 1993 public meeting, the Council adopted a number of issues identified by the HMG and HAS that would be considered in development of a Plan for 1995 and beyond. The issues adopted for public comment were: (1) Timeframe for the Plan (i.e., 2-5 years), (2) treaty Indian entitlement, (3) bycatch, (4) biomass-based or geographic allocation, (5) individual transferable quotas, (6) allocations within the commercial fishery (i.e., troll allocation), (7) geographic restrictions on the commercial fishery, (8) minimizing quota overages in non-Indian commercial fishery, (9) shifting the commercial fishery to a non-directed (incidental catch) fishery at lower quotas, (10) varying allocation shares based on varying TAC levels (i.e., sliding scale), (11) fixed timeframes for sport seasons based on expected catch (rather than quotas requiring monitoring), and (12) state shaping of sport fisheries. At its March 1994 public meeting, after receiving comments from the HMG, HAS, and the public on the issues and possible options for addressing the issues, the Council adopted a complex of options/alternatives for analysis. The Council also requested an analysis of the profile of the Area 2A halibut fisheries and how they have changed in recent years. This analysis is provided in the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared on the proposed Plan for 1995 and beyond.

A description and analysis of the options/alternatives, along with a description of the fisheries in Area 2A, were presented to the Council at its August 1994 public meeting. After review of the analysis and consideration of public comments, the Council developed four allocation options, three management measures, a tribal fishery structuring, and two sport fishery structuring framework alternatives (one for Washington and one for Oregon/California) for public comment. At its October 1994 public meeting, the Council received comments from the HAS and the public on the options and alternatives and took final action in selecting one allocation option and approving management measures and sport structuring that were combined into a proposed Plan for 1995 and beyond.

The Council considered four options for allocating Pacific halibut among non-Indian fisheries in Area 2A beginning in 1995. The options considered apply only to the non-Indian share of 65 percent of the Area 2A TAC after removing the treaty tribal share of 35 percent. The options, which are described in detail in the EA/RIR, were: (1) To maintain status quo allocation of 50 percent each to commercial and sport fisheries and allocate the sport fishery share 61 percent to areas north of Cape Falcon and 39 percent south, (2) to allocate evenly (one-third each) between the sport fisheries north and south of the Columbia River and the commercial fishery (the commercial fishery would be limited to the area south of the Columbia River), (3) to allocate 50 percent north and south of the Columbia River with differing sliding-scale sharing between sport/commercial fisheries in each area, and (4) to allocate 60 percent to the commercial fisheries and 40 percent to the sport fisheries, with a status quo sharing among the sport fisheries.

The Council adopted a modified Option 2 that divides the non-Indian harvest into three shares with the sport fishery north of the Columbia River receiving 36.6 percent, the sport fishery south of the Columbia River receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery would be confined to the area south of Subarea 2A-1 (south of the treaty Indian tribes' usual and accustomed fishing area). The rationale was to increase the allocation to the sport fisheries off Oregon to provide a better balance in sharing of the harvests between sport fisheries off Oregon and Washington. The commercial fishery allocation was reduced over status quo

by about 12 percent to provide for the increases in the sport fisheries.

The Council took this action to allocate the harvestable resources among the states in a manner that responds to the dynamics and growth in a sport fishery and growth in a tribal fishery. Sport fisheries in both Washington and Oregon have been compressed due to reduced quotas for Area 2A and restrictive allocations that have not provided sufficient access and fishing opportunity for sport users. Sport fisheries consist primarily of small boats and charterboats that are tied to coastal communities. Many of the coastal communities in Washington and Oregon are dependent on revenues generated from sport fisheries. As such, these sport fisheries are not mobile (in contrast to commercial fishing vessels) and cannot move into other areas to conduct fishing operations. The dependence of these coastal communities, in contrast to the mobility of the vessels operating in the commercial fishery, was considered by the Council in reducing the commercial allocation in order to increase and better balance the sport allocations between Washington and Oregon.

The EA/RIR prepared for the Council indicates that the commercial halibut fishery in Area 2A is a small part of the average annual revenues for commercial fishers that have been involved in this fishery and that halibut fishers in Area 2A consist of a highly mobile fleet of vessels that have moved in and out of the Area 2A halibut fishery (of 1,153 commercial vessels that operated in the fishery between 1987 and 1993, only 2.5 percent landed halibut in each of those years), and that relatively few vessels account for most of the catch each year. The commercial fishery was restricted in the northern area to shift harvests to the south to provide a broader distribution of harvests in Area 2A and prevent the higher removals that were occurring in the northern area of Area 2A. In 1994, about 80 percent of the Area 2A harvest occurred off Washington. Commercial fishers that have been active in the Pacific halibut fishery are highly mobile and would have the option of fishing south of Area 2A-1. This shift in the open area for the commercial fishery would also have the effect of providing better control of a reduced harvest level by constraining the fishery to a smaller area. This geographic shifting of non-tribal catch is not intended to prejudice the treaty Indian share. The increased allocation to Oregon sport fisheries and the restriction of the commercial fishery to more southern areas of Area 2A is intended to shift the non-Indian