

GROUND FISH ADVISORY SUBPANEL REPORT ON AMENDMENT TO MODIFY GROUND FISH ESSENTIAL FISH HABITAT

The Groundfish Advisory Subpanel (GAP) received a report from Mr. Kerry Griffin and Mr. Colby Brady on the range of alternatives and supporting information in consideration of an amendment to modify groundfish essential fish habitat (EFH) and to adjust rockfish conservation areas (RCAs). The GAP offers the following comments and recommendations.

As we highlighted in our April statement on this issue, we again wish to underscore that any modifications to essential fish habitat (EFH) and Rockfish Conservation Area (RCA) areas not only protect important habitat, but also provide additional opportunity and economic benefit to the fishing industry. The conservation benefits of the Individual Fishing Quota program for the trawl fishery are indisputable, but the economic benefits have yet to be realized for most of the fleet. Further, significant habitat protections already exist in the form of regulatory closures (both state and federal) and strong new incentives to avoid high relief habitat because of concern about overfished species catch. In addition, as the number of participants in the fishery has declined from a high of over 500 in early 1990s to fewer than 80 active bottom trawlers today the bottom impact has also declined significantly. In essence, the GAP believes that sensitive habitats should be protected, notes that many are already protected through a variety of means, and urges the Council to adopt a range of alternatives with the twin goals of economic opportunity and habitat protection in mind.

Recommendations for Priority Habitats

With regard to priority habitats for protection, the GAP supports the Council's Amendment 19 approach focusing on rocky reef and biogenic habitats. Those habitats may be more sensitive, and many of those areas are not viable fishing areas in any event, so may be strong candidates for protected areas that don't have significant impacts on industry.

The GAP recognizes and emphasizes that these recommendations are intended for bottom trawl only.

Recommendations for Range of EFH Alternatives

The GAP recommends two changes to alternative 1 found in Appendix A, Table 1 in the Draft Range of Alternatives for Modifying Pacific Coast Groundfish Essential Fish Habitat (Agenda Item H.8, Attachment 1, September 2015).

With respect to alternative 1d, the GAP recommends that the language be modified to read "Adopt a combination of EFHCA changes with no ~~net~~ significant change in spatial extent." As presently drafted, the alternative would require no net change which may be difficult to achieve. The GAP supports the intent of the alternative and believes the modification better captures that intent.

The GAP also recommends that an additional alternative be added. Presently, the alternatives focus on the total area of protection. The GAP recommends an alternative that would focus on adding priority habitat to protection, even if the overall area under protection remains stable or decreases. The GAP believes such an alternative is a middle ground alternative between most and least

protective, and appropriately focuses on high priority habitats, rather than simply total acreage under protection.

With those two changes, the GAP supports the Habitat Committee (HC) statement which recommends merging alternatives 1, 2, and 3. As the HC stated, “the rationale is that those three alternatives all address EFH closed areas, and keeping them separate is confusing. The project team will be responsible for developing detailed sub-alternatives that reflect the public proposals, the collaborative proposal, updated seafloor maps, and priority habitats. This approach accommodates the collaborative proposal as well.” The GAP agrees and believes it will streamline the analysis to merge those three alternatives.

Recommendations for Range of RCA Alternatives

The GAP recommends reducing the number of suboptions for alternative 4 (RCA Changes) to streamline the analysis. Specifically, the GAP recommends striking 4b, 4c, and 4d. Retaining 4a (no action), 4f (full RCA opening), and 4e (closures for overfished species) provides an adequate range of alternatives for analysis.

The GAP also wishes to reiterate the importance of keeping the purpose for RCA and EFH protections distinct. With the catch share program now in place, including individual accountability and effective monitoring, the rationale for RCA protection is no longer compelling. We now have much better tools for ensuring catch limits for overfished species (OFS) are not exceeded, and catch over the last four years demonstrates just how effective those tools have been.

Deepwater Closure

The GAP does not support a closure outside of 3,500 meters as an EFH item. NMFS states that “[t]hese waters are beyond the depth range of any species currently managed under the groundfish FMP” (Agenda Item H.8.a, Supplemental NMFS Report, September 2015). The GAP notes several public comment letters asking the Council to include a deepwater (that is, deeper than 3,500 meters) closure in this action. A deepwater closure is not a high priority for the GAP, but it was acknowledged in our discussion that the Council asked for this to be accomplished in Amendment 19. If a deepwater closure is included in this action, the appropriate source of authority would not be EFH but rather the discretionary authority in Sections 303(b)(12) and 303(b)(2a) of the Magnuson-Stevens Act.

Collaborative Package

The GAP praises the collaborative on the goals of their proposal and their diligent efforts to get input from as many industry participants as possible. The GAP supports the collaborative package for inclusion as a stand-alone alternative in the range of alternatives. Further, the GAP supports continued collaborative discussions between now and April 2016, when the Council will select its preliminary preferred alternative, to continue to refine the package and try to reach consensus on areas that are not yet fully supported by all stakeholders.

The GAP wishes to reiterate the need for timely and meaningful consultation with the Treaty Tribes prior to any modifications to EFH in or near the tribal U&As.