

PRELIMINARY SUMMARY OF PUBLIC COMMENTS ON THE NOTICE OF INTENT TO
PREPARE AN ENVIRONMENTAL IMPACT STATEMENT ON AMENDMENT 28
TO THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

The National Marine Fisheries Service (NMFS) published a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for Amendment 28 to the groundfish fishery management plan (FMP) on February 1, 2016, seeking comments from the public on the scope of issues to be addressed in the EIS, the range of alternatives to include in the EIS, and the types of habitats that should be prioritized for protection from the adverse effects of fishing gear. The comment period closed on March 2, 2016.

NMFS received ten unique comment letters. Of these, Oceana submitted a letter signed by 20,175 members of the public along with a separate, more detailed, letter. The Pew Charitable Trust organized 6727 members of the public to individually submit standardized letters and also submitted a separate, more detailed, letter. The remaining letters came from the following: the California Department of Fish and Wildlife; Earthjustice; the Environmental Protection Agency; one individual; and a group of 137 concerned scientists.

A preliminary review shows the comments fall into seven basic topics that address:

1. The range of alternatives
2. Habitats to prioritize for protection
3. The analytical approach
4. General issues related to EFH
5. EFH closures
6. EFH openings
7. Rockfish conservation areas (RCAs)
8. General NEPA, Environmental Justice, and Tribal Consultation requirements

The Project Team requests that the Council pay special attention to comments on the range of alternatives, priority habitats, and the analytical approach. The comments, grouped by topic, are shown below. See Appendix A for the preliminary breakdown of the comments by letter.

1. The Range of alternatives.

All ten letters commented on the range of alternatives. Those comments, in no particular order, are:

- a. Do not establish EFH Conservation Areas (EFHCAs) in state waters (two letters).
- b. Eliminate the alternative to open areas with no additional closures (three letters).
- c. Support for full adoption of the proposal submitted by Oceana, National Resource Defense Council, and Ocean Conservancy with changes (two letters).
- d. Consider mid-water trawl changes (one letter).
- e. Close the fishery for three to five years to allow the habitat to recover (one letter).
- f. Some proposals are attempts to condemn bottom trawling (one letter).

- g. Support for alternative to close waters deeper than 3,500 meters to bottom-contact gear (seven letters).
- h. Retain the existing EFHCAs and state water closures in the RCA (one letter).
- i. Conditional support for the proposal submitted by the collaborative group, pending the results of the analysis (one letter).
- j. Analyze all of the proposals because they each contain discrete closures or openings that may be of value when developing the preliminary preferred alternative (two letters).
- k. Identify major prey species as part of alternative to update Appendix B (two letters).

2. Habitats to prioritize for protection

- a. Protect a diversity of habitat types by biogeography, depth, substrate type (four letters).
- b. Chemosynthetic ecosystems (e.g., hydrothermal vents and methane seeps) (two letters).
- c. Biogenic habitat, including known and modeled deep-sea corals and sponge habitat (five letters).
- d. Areas that have not been fished recently or have never been fished, including areas beyond 3,500 m and in the Southern California Bight (two letters).
- e. Maintain RCA where it overlaps with submarine canyons and canyon heads (one letter).

3. Analytical approach

- a. Use best available science (two letters).
- b. Comparable analysis for all alternatives (one letter).
- c. Include analysis of impacts to biogenic habitat (one letter).
- d. Analyze all metrics at three scales - coastwide, by biogeographic region, and depth strata (one letter).
- e. Analyze total area closed to bottom trawling (one letter).
- f. Analyze proportion of substrate type (hard, mixed, soft) (one letter).
- g. Analyze total number and proportion of coral and sponge observation using NOAA Deep-Sea Coral Research and Technology Program data (one letter).
- h. Analyze area of predicted coral habitat using Guinotte and Davis (2012) data (one letter).
- i. Analyze the occurrence and abundance of overfished groundfish species and representative groundfish species using NOAA NWFSC models (one letter).
- j. Observed coral and sponge bycatch inside and outside closed areas (one letter).
- k. Bottom trawl effort and groundfish landings displaced/restored (one letter).
- l. Address cumulative effects (two letters).
- m. Consider adverse impacts on water quality (one letter).
- n. Consider adverse impacts on air quality (one letter).
- o. Suggested metrics to use in analysis (two letters).
- p. Analyze effects of trawling in areas of RCA that are reopened (one letter).

- q. Cross-link analysis of EFHCAs and RCAs (one letter).

4. General EFH comments

- a. Take precautionary, risk-averse approach to habitat protection (five letters).
- b. Association of groundfishes with deep-sea corals and sponges is level 1 information and must be used when identifying EFH (one letter).
- c. Apply core tenets of EFH identification and protection (one letter).
- d. Use ecosystem-based management approach/species contribution to a healthy ecosystem (five letters).
- e. Achieve a net gain in habitat protection (three letters).
- f. Take actions to enhance EFH (one letter).
- g. Monitor to ensure adverse impacts are identified and adaptively manage to minimize those effects (one letter).
- h. Balance habitat protection with impacts on fishery (one letter).
- i. Do not burden fishery with set asides that are not explicitly necessary to meet habitat protection goals (one letter).
- j. Make changes to EFHCAs where desired outcome from amendment 19 has not been achieved (one letter).

5. EFHCA openings

- a. Reopen areas only after detailed surveys of the habitat and species and fishing impacts ensure that there are no vulnerable features (one letter).
- b. Protect biogenic habitat (three letters).
- c. Support increased fishing opportunity through targeted reopenings (one letter).

6. EFHCA closures

- a. The current closures are practicable (one letter).
- b. Protect diversity of habitat types by biogeography, depth, substrate type (three letters).
- c. Protect chemosynthetic ecosystems (e.g., hydrothermal vents and methane seeps) (two letters).
- d. Establish large habitat closures to form a corridor Shelf-upper slope-lower slope (two letters).
- e. Protect biogenic habitat, including known and modeled deep-sea coral and sponge habitat (three letters).
- f. In absence of information on associations of deep-sea corals and sponges with groundfish species, all natural structures must be considered as EFH (one letter).
- g. Designate new EFHCAs if RCA lifted (one letter).

7. RCA

- a. Reopening RCA would benefit fishing industry (one letter).
- b. RCAs were originally needed, but no longer necessary with catch share program and stock rebuilding (one letter).

- c. Designate new EFHCAs if RCA is lifted (one letter).
- d. Maintain RCA where it overlaps with submarine canyons and canyon heads (one letter).

8. NEPA comments

- a. Document justification if NMFS makes Finding of No Significant Impact (FONSI) (one letter).
- b. Disclose efforts to ensure meaningful public and stakeholder participation (one letter).
- c. Disclose efforts to meet environmental justice requirements (one letter).
- d. Consult with Tribes in accordance with E.O. 12175 (one letter).

Appendix A. Summary of public comments on the Notice of Intent to prepare and environmental impact statement on the effects of Amendment 28 to the Pacific Coast Groundfish Fishery Management Plan. X indicates that the letters that provided the comment.

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
Range of Alternatives	Do not establish EFH Conservation Areas in state waters	X				X					
	Eliminate alternative to open areas with no additional closures		X						X	X	
	Support full adoption of the proposal submitted by Oceana, NRDC, and OC with changes					X	X				
	Consider midwater gear changes					X					
	Close fishery for 3-5 years to allow habitat to recover				X						
	Some proposals are attempts to condemn bottom trawling							X			
	Support for alternative to close waters deeper than 3,500 meters to bottom-contact gear		X	X		X	X		X	X	X
	Retain existing EFHCs and state water closures in RCA					X					
	Conditional support for the collaborative proposal, pending on the results of the analysis								X		

Topic	Comment	Comment Letter										
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists	
	Analyze all of the proposals because they each contain discrete closures or openings that may be of value when developing the preliminary preferred alternative									X	X	
	Identify major prey species as part of alternative to update Appendix B					X				X		
Habitats to prioritize for protection	Protect a diversity of habitat types by biogeography, depth, substrate type			X		X				X	X	
	Chemosynthetic ecosystems (e.g., hydrothermal vents and methane seeps)									X	X	
	Biogenic habitat, including known and modeled deep-sea corals and sponge habitat			X		X	X			X	X	
	Areas that have not been fished recently or have never been fished, including areas beyond 3,500 m and in the Southern California Bight									X	X	
	Maintain RCA where it overlaps with submarine canyons and canyon heads						X					

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
Analytical Approach	Use best available science			X					X		
	Comparable analysis for all alternatives			X							
	Include analysis of impacts to biogenic habitat								X		
	Analyze all metrics at three scales - coastwide, by biogeographic region, and depth strata					X					
	Analyze total area closed to bottom trawling					X					
	Analyze proportion of substrate type (hard, mixed, soft)					X					
	Analyze total number and proportion of coral and sponge observation using NOAA Deep-Sea Coral Research and Technology Program data					X					
	Analyze area of predicted coral habitat using Guinotte and Davis (2012) data					X					

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
	Analyze the occurrence and abundance of overfished groundfish species and representative groundfish species using NOAA NWFSC models					X					
	Observed coral and sponge bycatch inside and outside closed areas					X					
	Bottom trawl effort and groundfish landings displaced/restored					X					
	Address cumulative effects		X			X					
	Consider adverse impacts on water quality			X							
	Consider adverse impacts on air quality			X							
	Suggested metrics to use in analysis					X			X		
	Analyze effects of trawling in areas of RCA that are reopened					X					
	Cross-link analysis of EFHCAs and RCAs								X		
General EFH Comments	Take precautionary, risk-averse approach to habitat protection		X	X		X			X		X

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
	Association of groundfishes with deep-sea corals and sponges is level 1 information and must be used when identifying EFH					X					
	Apply core tenets of EFH identification and protection								X		
	Use ecosystem-based management approach/species contribution to a healthy ecosystem					X	X		X	X	X
	Achieve a net gain in habitat protection		X						X	X	
	Take actions to enhance EFH		X								
	Monitor to ensure adverse impacts are identified and adaptively manage to minimize those effects			X							
	Balance habitat protection with impacts on fishery							X			
	Do not burden fishery with set asides that are not explicitly necessary to meet habitat protection goals							X			

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
	Make changes to EFHCAs where desired outcome from amendment 19 has not been achieved			X							
EFH Openings	Reopen areas only after detailed surveys of the habitat and species and fishing impacts ensure that there are no vulnerable features					X					
	protect biogenic habitat					X			X	X	
	Support increased fishing opportunity through targeted openings								X		
EFH Closures	The current closures are practicable					X					
	Protect diversity of habitat types by biogeography, depth, substrate type					X			X	X	
	protect chemosynthetic ecosystems (e.g., hydrothermal vents and methane seeps)								X	X	
	Establish large habitat closures to form a corridor Shelf-upper slope-lower slope								X	X	
	Protect biogenic habitat, including known and modeled deep-sea corals and sponge habitat					X	X		X		

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
	In absence of information on associations of deep-sea corals and sponges with groundfish species, all natural structures must be considered as EFH					X					
	Designate new EFHCAs if RCA lifted					X					
RCA	Reopening RCA would benefit fishing industry							X			
	RCAs were originally needed, but no are no longer necessary with catch share program and stock rebuilding							X			
	Designate new EFHCAs if RCA lifted					X					
	Maintain RCA where it overlaps with submarine canyons and canyon heads					X					
NEPA, Environmental Justice, Tribal Consultation	Document justification for FONSI			X							
	Disclose efforts to ensure meaningful public and stakeholder participation			X							
	Disclose efforts to meet environmental justice requirements			X							

Topic	Comment	Comment Letter									
		CDFG	Earth-justice	EPA	Keenan-Whitmore	Oceana	Oceana Form Letter	Pacific Seafood	Pew Trust	Pew Trust Form Letter	Scientists
	Consult with Tribes in accordance with E.O. 12175			X							