

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON 2017-2018
MANAGEMENT MEASURES - PART II

The California Department of Fish and Wildlife (CDFW) offers the following recommendations for Council consideration on management measures for 2017-18.

Non-Trawl RCAs

CDFW supports non-trawl RCA boundaries as follows:

- 42° N lat. to 40° 10' N lat. - maintain status quo (30 fm to 100 fm)
- 40° 10' N lat. to 34° 27' N lat. - modify the shoreward RCA boundary from 30 fm to 40 fm; modify the seaward RCA boundary from 150 fm to 125 fm
- South of 34° 27' N lat. - modify the shoreward RCA boundary from 60 fm to 75 fm; modify the seaward RCA boundary from 150 fm to 125 fm

CDFW received considerable input from commercial stakeholders requesting modification to the non-trawl RCAs to allow greater access to target species. Modifying the shoreward and seaward boundaries in the area between 40° 10' N lat. to 34° 27' N lat. would provide greater access to many important target species - specifically chilipepper and other healthy shelf rockfish and lingcod stocks. Chilipepper are a healthy stock and cannot be accessed due to the current RCA depth restrictions that were originally implemented to protect overfished species (bocaccio and canary rockfish). Now that canary rockfish has been declared rebuilt and bocaccio is expected to have rebuilt as of January 1, 2016, allowing some access back inside the RCA is appropriate to access abundant healthy stocks like chilipepper.

While the proposed non-trawl RCA changes would still close off the area of highest canary abundance (50 to 100 fm), some increase in bycatch could occur, particularly in areas shoreward of the RCA. Projected mortality in the California nearshore fishery is expected to increase by 12.9 mt to 20.2 mt as a result of modifying the shoreward non-trawl RCA. Because canary rockfish is now rebuilt and two year allocations are expected to be higher, any increase is expected to remain will within allowable limits.

The Council is also evaluating a range of commercial trip limits¹ which are designed to accommodate recent levels of bycatch without encouraging targeting. Cumulative trip limits will limit the amount of canary rockfish that can be legally landed and once a trip limit is reached, fisherman will likely avoid encountering canary rockfish. While there is some uncertainty in fleet behavior projected impacts from increased trip limits in the nearshore fishery are expected to be 13.4 mt (Table 4-47, Agenda Item F.3, Attachment 1). Assuming both management measures are implemented (trip limit increases and RCA changes), the projected canary rockfish impacts (~36 mt)² would still remain within the nearshore allocation. Canary rockfish landings can be easily tracked by the GMT using state fish tickets and action can be taken inseason if needed to slow or reduce catches.

¹ Trip limits under consideration are 300 lb per two months for limited entry and 100 lb per two months for open access.

² Includes projected impacts from Oregon nearshore fishery (1.9 mt; Table 4-43 in EIS).

Encounters of bocaccio may increase under the proposed action. Bocaccio is currently managed in the non-trawl fixed gear fisheries using cumulative trip limits, which limit the amount of fish that can be legally landed. Modifying the non-trawl RCA will provide greater access to this stock, but landings will be limited under cumulative trip limits. In a separate action, the Council is also considering increasing trip limits because the stock is rebuilding more quickly than anticipated resulting in increased discarding. Even under the highest trip limits contemplated, there is an extremely low risk of exceeding the non-nearshore HG (182.1 in 2017; 170.7 in 2018) for bocaccio as a result of this management measure. Landings can be easily tracked inseason and action can be taken if needed to slow or reduce catches.

This management measure may have a small likelihood of increasing encounters of yelloweye rockfish and cowcod. Yelloweye rockfish is encountered primarily in northern California, north of 40°10' N lat. Few encounters occur south of 40°10' N lat., and no encounters occur south of 34°27' N lat. Some increase in yelloweye rockfish encounters may occur from modifying the shoreward RCA, but it is expected to be small³. Cowcod is encountered primarily south of 34°27' N lat. Observer data from 2014 indicate that bycatch in the non-nearshore fishery was very low (0.01 mt). Cowcod bycatch is not expected to increase as a result of modifying either the shoreward or seaward non-trawl RCA. Although RCAs do provide some added protection for cowcod, Cowcod Conservation Areas provide the majority of protection by closing 4,300 square miles of prime cowcod habitat. Because both of these stocks are still overfished, it is likely that fisherman will actively try to avoid and/or minimize interactions with these stocks.

See Appendix A for more discussion and information on the impacts of this proposed action.

Management Measures

Limited Entry and Open Access Canary Rockfish Trip Limits

CDFW supports allowing retention of canary rockfish at levels that accommodate current levels of discards and are set low enough to discourage targeting. The trip limits analyzed by the GMT of 300 lb per 2 months (limited entry) and 100 lb per two months (open access) seem to meet that objective and will allow vessels to retain most of their canary bycatch.

Limited Entry and Open Access Black Rockfish Trip Limits (42° N lat. to 40° 10' N lat.)

CDFW supports Option 2 for the limited entry and open access sectors between 42° N lat. to 40° 10' N lat. (Table 4). Option 2 is expected to keep projected mortality within allowable overfished species impacts and the ACL.

Table 4. Summary of black rockfish bi-monthly trip limits (lbs) for limited entry and open access north of 40°10' N. lat. Bold text indicates CDFW preferred option.

	Trip Limits (pounds)					
	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	8,500 lb /2 mo			6,000 lb /2 mo		
Option 1	8,000 lb /2 mo					
Option 2	7,000 lb /2 mo					
Option 3	6,000 lb /2 mo					

Limited Entry and Open Access Yellowtail Rockfish Trip Limits (north of 40° 10' N lat.)

³ CDFW estimates an additional 0.2 mt of yelloweye rockfish will result from this action (see Agenda Item F.3.b, Supplemental CDFW Report, April 2016).

CDFW supports Option 3 for both limited entry and open access sectors north of 40° 10' N lat. (Table 5 and 6). This option is expected to allow for additional opportunities while keeping projected mortality well within the non-trawl allocation.

Table 5. Summary of limited entry monthly trip limits (lbs) for yellowtail rockfish north of 40°10' N lat. Bold text indicates CDFW preferred option.

Option	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	200 lb / month					
Option 1	400 lb / month					
Option 2	500 lb / month					
Option 3	1,000 lb/ month					

Table 6. Summary of open access monthly trip limits (lbs) for yellowtail rockfish north of 40°10' N lat. Bold text indicates CDFW preferred option.

Option	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	200 lb / month					
Option 1	300 lb / month					
Option 2	400 lb / month					
Option 3	500 lb / month					

Limited Entry and Open Access Blackgill Rockfish South of 40°10' N lat.

CDFW supports apportioning blackgill rockfish 70 percent (limited entry) and 30 percent (open access) and implementing Option 2b for trip limit increases in both sectors (Tables 7 and 8). These trip limits are expected to keep projected impacts of both sectors within the non-trawl allocation for 2018.

Table 7. Blackgill rockfish trip limits (lbs) for limited entry south of 40°10' N lat. Bold text indicates CDFW preferred option.

	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	1,375 lb / 2 mo			1,600 lb / 2 mo		
Option 2b	3,000 lb / 2 mo					
Option 2c	3,250 lb / 2 mo					

Table 8. Blackgill rockfish trip limits (lbs) for open access south of 40°10' N lat. Bold text indicates CDFW preferred option.

	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	475 lb / 2 mo			550 lb / 2 mo		
Option 2b	900 lb / 2 mo					
Option 2c	1,200 lb / 2 mo					

Limited Entry and Open Access Bocaccio South of 40°10' N lat.

For the limited entry sector, CDFW supports Option 1 for the area between 40°10' N lat. and 34°27' N lat. and Option 2 for the area south of 34°27' N lat. (Table 9). For the open access sector, CDFW supports option 1 (500 lb per two months; Table 10) for the area between 40°10' N lat. and 34°27' N lat. and 600 lb per two months for the south of 34°27' N lat.

CDFW also supports removing bocaccio from the aggregate trip limit between 40°10' N lat. and 34°27' N lat. to reduce discarding as the stock continues to rebuild and encounters increase.

Table 9. Bocaccio bi-monthly trip limits (lbs) for limited entry south of 40°10' N lat. Bold text indicates CDFW preferred option.

40°10' – 34°27'	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	500 lb / 2 mo					
Option 1	1,000 lb / 2 mo					
South of 34°27'						
No Action	750 lb	CLOSED	750 lb / 2 mo			
Option 1	1,250 lb	CLOSED	1,250 lb / 2 mo			
Option 2	1,500 lb	CLOSED	1,500 lb / 2 mo			

Table 10. Bocaccio bi-monthly trip limits (lbs) for open access south of 40°10' N lat. Bold text indicates CDFW preferred option.

40°10' – 34°27'	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	200 lb	CLOSED	100 lb / 2 mo		200 lb/2 mo	
Option 1	500 lb	CLOSED	500 lb / 2 mo			
Option 2	800 lb	CLOSED	800 lb / 2 mo			
South of 34°27'						
No Action	250 lb	CLOSED	250 lb / 2 mo			
Option 1	400 lb	CLOSED	400 lb / 2 mo			
	500 lb	CLOSED	500 lb / 2 mo			
Option 2	800 lb	CLOSED	800 lb / 2 mo			

Open Access Shelf Rockfish Between 40°10' N lat. and 34°27' N lat.

CDFW supports Option 1 (Table 11) for the open access sector between 40°10' N lat. and 34°27' N lat. This trip limit is expected to keep projected impacts within allowable limits.

Table 11. Summary of bi-monthly trip limits (lbs) for open access between 40°10' N lat. and 34°27' N lat. Bold text indicates CDFW preferred option.

	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
No Action	300 lb	CLOSED	200 lb / 2 mo		300 lb / 2 mo	
Option 1	400 lb	CLOSED	400 lb / 2 mo			
Option 2	500 lb	CLOSED	500 lb / 2 mo			

Limited Entry and Open Access California scorpionfish south of 34°27' N lat.

CDFW supports Option 2 (Table 12) for the limited entry and open access sectors south of 34°27' N lat. The commercial fishery was unexpectedly closed early in 2014 due to an overage in recreational sector. Since that time the recreational season has been restricted and has remained within allowable limits. Although few commercial fishermen target California scorpionfish, the few that do indicate that this target opportunity is extremely important especially around the holidays.

Table 12. Summary of limited entry and open access bi-monthly trip limits (lbs) for California scorpionfish. Bold text indicates CDFW preferred option.

	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6
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No Action	1,200 lb	Closed	1,200 lb / 2 mo
Option 1	1,500 lb	Closed	1,500 lb / 2 mo
Option 2	1,700 lb	Closed	1,700 lb / 2 mo

Sablefish south of 36° N lat.

CDFW supports apportioning sablefish 70 percent (limited entry) and 30 percent (open access). This sharing gives deference to the limited entry sector and recognizes significant financial investments.

APPENDIX A: MODIFYING THE NON-TRAWL ROCKFISH CONSERVATION AREA (RCA)
SOUTH OF 40°10' N LATITUDE

1. Describe the new management measure. What stocks will it affect? What fisheries will it affect? What is the geographic scope?

This management measure would modify the non-trawl Rockfish Conservation Area (RCA) from Cape Mendocino (40°10' N lat.) to the U.S./Mexico Border. The non-trawl RCAs are currently 30 fm to 150 fm between 40°10' N lat. and 34°27' N lat. and 60 fm to 150 fm south of 34°27' N lat., which is also applicable around islands. This management measure would modify the shoreward RCA between 40°10' N lat. and 34°27' N lat. from 30 fm to 40 fm and south of 34°27' N lat. from 60 fm to 75 fm. This action would also modify the seaward RCA for the entire area south of 40°10' N latitude to the U.S./Mexico border from 150 fm to 125 fm. These modifications would only apply to non-trawl commercial fisheries. Modifications to depth restrictions in the recreational fishery are being proposed (see Chapter 4 of EIS), but this proposed action will have no effect on those actions.

Modifications to RCAs are designated as a routine management measure in the groundfish FMP. The National Marine Fisheries Service (NMFS) has routinely made modifications to RCAs via inseason action for commercial trawl, commercial fixed gear, and recreational fisheries. Because the non-trawl RCA in the proposed area has not been modified since 2007, additional analysis is provided here to help inform potential impacts of this action.

RCAs were originally established in the early 2000s to protect bocaccio and canary rockfish which, at the time, had recently been declared overfished. These area closures were intended to close off areas to fishing in the main portion of the species' depth range to reduce encounters and mortality, allowing the stocks to rebuild more quickly. At that same time reduced trip limits (including no retention) were implemented to reduce catches (and overall mortality) which would also help the stocks rebuild more quickly. Unfortunately implementing RCAs also greatly reduced access to many healthy target stocks which were found in similar depths. As a result, an important shelf rockfish fishery which used to operate south of 40°10' N lat. was severely impacted. Although individuals still tried to target shelf rockfish species, they were unsuccessful because they could no longer find them in economically viable quantities in the areas that were open to fishing.

In 2015, canary rockfish was declared rebuilt and the newest bocaccio stock assessment indicated that the stock is expected to be rebuilt by January 1, 2016. Given that both of these stocks are rebuilt or rebuilding more quickly than anticipated, it is appropriate to consider modifications to the non-trawl RCA. Modifications to RCAs have been implemented by NMFS to allow access to healthy stocks as long as impacts of overfished species remain within allowable limits. This action will still maintain the "core" of the non-trawl RCA and provide protections to overfished species, but will allow access to healthy target stocks which are currently inaccessible due to the configuration of the current non-trawl RCAs.

This management measure will affect nearshore and shelf rockfish species in California south of 40°10' N lat. Modifications to the shoreward RCA will allow access to deeper nearshore rockfish (blue, brown, copper, olive) and shelf rockfish species (chilipepper, greenblotched, Mexican, vermilion). Modifications to the seaward RCA will allow access to shelf rockfish species and

sablefish. It is unlikely that blackgill rockfish will be affected by this modification because it tends to be found in deeper depths which are currently open to fishing.

This management measure will likely affect bocaccio and canary rockfish. Currently, bocaccio can be retained and commercial trip limits and have been implemented to limit harvest amounts. Canary rockfish is currently prohibited in commercial fixed gear fisheries because it has been overfished; however, the Council is contemplating allowing retention of canary rockfish now that it has been declared rebuilt.

This management measure may have a small likelihood of increasing encounters of cowcod (south of 34°27' N lat.) and yelloweye rockfish (between 40°10' N lat. and 34°27' N lat.). Because both of these stocks are still overfished and are not allowed to be retained in the non-trawl commercial fixed gear fishery, it is likely that fisherman will actively try to avoid and/or minimize interactions with these stocks. Individuals who participate in the Trawl Individual Fishing Quota program and utilize gear switching would also be affected by this management measure, but because individuals are fully accountable for both retained and discarded catch no increased in impacts is expected for these species as a result of this management measure.

2. What is the objective of this management measure? Does it have a conservation purpose? (e.g., managing catch within ACLs? mitigating impacts to habitat or protected species?) Does it have a socioeconomic purpose? (e.g., allowing increased opportunity to catch target species? making fishing opportunity among different user groups more equitable?)

The objective of this management measure is to allow increased opportunity to catch target species which are inaccessible due to the current RCAs. This management measure will also restore historical fishing opportunity to fleets in California whose fisheries were severely curtailed due to implementation of the RCAs in the early 2000s while still maintaining protection for the core distribution of cowcod and yelloweye rockfish.

It should be noted that modifications to RCAs in the trawl fishery have been implemented routinely to allow access to target species (e.g. petrale sole) and this management measure would afford the commercial fixed gear fisheries in California that same opportunity.

3. What was considered in order to optimize the performance of this measure?

The original intent of the RCAs and the need to further restrict access to these areas given the more optimistic outlooks on overfished stocks was considered to optimize performance of this measure.

Because many stocks have been declared rebuilt (canary rockfish, widow rockfish, and petrale sole), or are rebuilding much quicker than anticipated (bocaccio and cowcod), it is appropriate to revisit the non-trawl RCA and modify them to allow access to healthy target stocks while still maintaining the “core” depth which will provide protections as stocks continue to rebuild.

4. Why might the Council wish to consider this measure?

The latest stock assessment indicates that the canary rockfish stock has rebuilt and is no longer overfished. The latest assessment for bocaccio suggests that as of January 1, 2016 the stock has also rebuilt to healthy levels, although the stock has not yet been declared rebuilt. Cowcod was last assessed in 2013 and at that time it was rebuilding much faster than anticipated and was expected to rebuild by 2020 (48 years ahead of schedule). Yelloweye rockfish is rebuilding as expected and no change to rebuilding progress is expected as a result of this action.

5. Is there any other background information that was important to the Council's decision? As appropriate, summarize Council discussion of this measure, and any conclusions reached, during the biennial process. Is there any background information that may help inform a Council decision? Summarize any past discussions, and any conclusions, which may be applicable here.

The Council has routinely modified RCAs for both the trawl and non-trawl fisheries through inseason actions and biennial specifications. In 2014, NMFS recommended liberalizations to the trawl RCA north of 40°10' N lat.⁴ to allow increased access to target species, mainly petrale sole. In 2013 and again in 2015, NMFS implemented changes to the shoreward boundary of the non-trawl RCA north of 42° N lat. and between 42° N lat. and 40°10' N lat. respectively to allow access to target stocks, mainly nearshore rockfish and lingcod.

6. Will this management measure change catch of groundfish stocks compared to past catches and management reference points? If no, describe in a few sentences why not. If yes, what stocks would be substantially affected? How does any change in catch relate to harvest specifications and the risk that overfishing will occur?

This management measure is expected to increase catch of chilipepper and other healthy shelf rockfish species by allowing access to depths in which they are more prevalent. The non-trawl fisheries are currently managed with cumulative trip limits, and any increases in catch are expected to remain within allowable harvest limits.

Table 1 summarizes the No Action projected impacts for groundfish stocks expected to be affected by this measure compared to their respective non-trawl allocations. All are far below their respective non-trawl allocations.

Table 1. Summary of projected impacts under No Action compared to Non-trawl allocations (excerpted from Table 4-36)

Stock	Management Area	Projected Mortality (mt)	Non-Trawl Allocation (mt)
Chilipepper	South of 40°10' N lat.	0.3	647.8
Lingcod	South of 40°10' N lat.	5.1	683.7
Minor nearshore rockfish	South of 40°10' N lat.	0.1	1,159.9
Minor shelf rockfish	South of 40°10' N lat.	0.1	1,409.9
Widow	Coastwide	0	161.2

⁴ http://www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/misc_ea/rca_ea_3_4_14.pdf

In a separate decision, the Council is also considering increasing trip limits for shelf rockfish in the open access fishery between 40°10' N lat. and 34°27' N lat. Even under a higher trip limits minimal increase in projected impacts is expected to occur and there is no risk to exceeding the non-trawl allocation.

The Council is also considering allowing canary rockfish retention in non-trawl fixed gear commercial fisheries. While the exact trip limit has yet to be decided, some increase in canary rockfish mortality is expected, but should remain well within the non-trawl allocations given the expected increase in the ACL now that the stock has rebuilt. Modifying the RCAs may increase encounters of canary rockfish, but cumulative trip limits will limit the amount of canary rockfish that can be legally landed. As a result, once a trip limit is reached, fisherman will likely avoid encountering canary rockfish, as it becomes financially burdensome spending extra time sorting and discarding any additional canary rockfish.

Bocaccio is currently managed in the non-trawl fixed gear fisheries using cumulative trip limits, which limit the amount of fish that can be legally landed. In a separate action, the Council is also considering increasing trip limits because the stock is rebuilding more quickly than anticipated (and is likely already rebuilt as of January 1, 2016), resulting in increased discarding. Modifying the non-trawl RCA will provide greater access to this stock, but landings will be limited under cumulative trip limits. Even under the higher trip limits contemplated, there is a very low (if any) risk to exceeding the non-nearshore HG (182.1 in 2017; 170.7 in 2018) for bocaccio as a result of this management measure.

Yelloweye rockfish is an overfished stock that is encountered primarily in northern California, north of 40°10' N lat. Few encounters occur south of 40°10' N lat., and no encounters occur south of 34°27' N lat. Yelloweye rockfish predominantly occur over high relief pinnacles, outside the area contemplated under this action. While some encounters may occur, they are expected to be rare. For perspective, yelloweye rockfish mortality under No Action the California nearshore fishery south of 40°10' N lat. is projected to be 0.1 mt, compared to 0.5 mt in northern California and 1.4 mt in Oregon. The Council has not yet finalized two-year allocations for yelloweye rockfish and it is possible that additional yelloweye rockfish could be allocated to the California nearshore fishery. If this occurs, allowing access to deeper depths could likely be accommodated within the allowable allocation.

Cowcod is also an overfished rockfish which is encountered primarily south of 34°27' N lat. It cannot be retained in the non-trawl fixed gear fishery. Cowcod is currently managed under a non-trawl allocation which is shared by both the commercial and recreational fisheries. The non-trawl allocation for 2017 and 2018 is 2.6 mt, of which the recreational fishery is projected to take 2.2 mt. This leaves 0.4 mt as a buffer to account for any increased encounters with cowcod as a result of this action. Given that the "core" RCA will still be intact, this will provide protection for those depths in which cowcod are most frequently encountered. As discussed previously, RCAs were not implemented to protect cowcod. While they do provide some added protection, the primary cowcod habitat has already been closed by two Cowcod Conservation Areas (CCA) - which encompass 4,300 square miles specifically to protect cowcod.

Cowcod is rebuilding faster than anticipated and in 2015 NMFS implemented an ACL of 10 mt and an ACT of 4 mt. In the event that cowcod encounters exceed the ACT, there is plenty of residual between the ACT and ACL to accommodate any overage.

7. Will this management measure change the distribution of catch opportunity among user groups, fishing communities, states, or regions? If no, describe in a few sentences why not. If yes, is the magnitude of the change substantial? Why is it substantial? For example, which user groups are likely to see increased catch opportunity? Which may lose catch opportunity?

This measure is expected to increase catch opportunities in California ports south of 40°10' N lat., particularly in ports like Bolinas which used to have a very strong historical fishery for chilipepper. As highlighted in the EIS, California's groundfish fleet is unique and is comprised of many more non-trawl fixed gear fishermen compared to the other states and many of these fishermen relied on chilipepper as a staple in their fishery portfolios. When the RCAs went into effect, some ports lost these fisheries and suffered financial losses. Restoring access to areas where chilipepper rockfish are accessible to non-trawl fishermen will have a positive effect on these ports although the exact amount cannot be quantified.

This measure is not expected to negatively impact any user groups. In some portions of the state, the recreational fishery is already allowed to operate in shoreward depths being contemplated in this management measure. This measure would also not have any effect on allocations (taking fish from one sector and giving it to another) so it would not affect any other sector's allowable harvest levels or ability to harvest those fish.

Further, this management measure would likely have a positive benefit on local ports to help maintain a constant supply of product to processors, helping to support local infrastructure (ice houses, fuel docks, etc.), which would ultimately benefit all sectors in the groundfish fishery.

8. Will this management measure affect catch of non-groundfish species? If no, describe in a few sentences why not. If yes, is the magnitude of the change substantial and to what stocks? How is this catch monitored? Are the affected stocks managed under another federal FMP or by a state? Do other management plans include harvest specifications? Is it possible to assess the contribution of the measure, if any, to overfishing risk of a non-groundfish stock?

Non-trawl fixed gear fisheries are subject to federal observer coverage by the West Coast Groundfish Observer Program (WGCOP). WGCOP documents and calculates both landings and discards annually. According to the 2014 WCGOP Total Mortality Report, few non-groundfish species are encountered in the fixed gear fisheries coastwide⁵. California halibut, Dungeness crab, California sheephead, and deep sea sole are non-groundfish species that have been observed in this fishery at very low levels. Catch of these non-groundfish species is not expected to change as a result of this management measure. Deep sea sole are found in very deep depths already accessible and modifying the depth restrictions will have no effect. California halibut tend to be found in shallower waters and are already accessible under the No Action depth restrictions. California sheephead is a shallower dwelling species found primary in southern California and are also already accessible under the No Action depth restrictions. Therefore, simply modifying allowable depths is not expected to increase catches of these species as they all reside in depths in which fishing is already permitted.

⁵ Data are summarized coastwide and are not stratified north and south of 40°10' N lat.

9. Will this management measure change fishing activity so as to adversely affect to essential fish habitat compared to current or baseline effects? If no, describe in a few sentences why not. If yes, is the magnitude of the change substantial and why? Describe the mechanism linking the management measure to adverse impacts. For example, changes in fishing gear or methods; changes in the temporal and/or geographic distribution fishing effort.

This measure is not expected to change fishing activity as to adversely affect Essential Fish Habitat (EFH) compared to the current or baseline as analyzed in the 2015-2016 FEIS. EFH which prohibits fishing with bottom contact gear is currently designated in some areas that are already open to fishing under No Action. Any EFH closures currently in effect will remain in place and will not be affected by this action. In a separate decision the Council is contemplating modifying EFH and/or adding additional EFH areas, however, these closures will only be applicable to bottom contact with trawl gear, not fixed gear, and would therefore have no effect or bearing on this action.

10. Will this management measure result in effects to ESA-listed species and/or non-listed marine mammals and seabirds? If no, describe in a few sentences why not. If yes, is the magnitude of change substantial and why? Describe the mechanism linking the management measure to adverse impacts. For example, changes in fishing gear or methods; changes in the temporal and/or geographic distribution fishing effort.

This management measure is not expected to affect ESA-listed species and/or non-listed marine mammals and seabirds. While salmon do occur in the area south of 40°10' N lat., they are predominantly encountered with trawl gear, not fixed gear. As outlined in the current Salmon Biological Opinion, the majority of bycatch in the non-trawl groundfish fisheries occurs between Cape Falcon and Cape Blanco (85 percent), with 15 percent taken between Cape Blanco and 40°10' N lat. between 2009 and 2013⁶. So while there have been some bycatch in the non-trawl groundfish fishery south of 40°10' N lat. , the amount has been comparatively insignificant and this management measure is not expected to change this. Salmon are predominantly encountered by the mid-water whiting fishery and bottom trawl fisheries which operate in different areas than those contemplated under this action.

11. Describe how the management measure is consistent with the 10 MSA National Standards.

Modifying the non-trawl RCAs is consistent with the following National Standards: (1) result in more optimal yield without overfishing; (2) based on the best scientific information; and (8) take into account/benefit fishing communities. This action is consistent with National Standard 1 by providing the greatest overall benefit to the nation by allowing harvest of healthy stocks which are currently being underutilized (e.g., chilipepper). Prior to bocaccio and canary rockfish being declared overfished, the non-trawl fixed gear fisheries used to support a vibrant chilipepper fishery which was eliminated when the RCAs were implemented. This action is also consistent with National Standard 2 by utilizing the best available scientific information which indicates that canary rockfish is no longer overfished and has rebuilt to healthy levels and that bocaccio is

⁶ http://www.pcouncil.org/wp-content/uploads/2015/05/D3a_NMFS_Rpt1_SalmonBycatch_JUN2015BB.pdf

expected to have rebuilt as of January 1, 2016. Further, this management measure leaves in place the 'core' RCA, which would continue to provide protection to cowcod and yelloweye rockfish in the species' known adult common depth distribution. This action is also consistent with conservation requirements and takes into account the importance of fishery resources to fishing communities. Many coastal communities in California are comprised with non-trawl fishermen who depend on income from fixed gear fisheries. This measure will re-establish access to many important healthy shelf rockfish stocks which will benefit local economies.