

GROUND FISH ADVISORY SUBPANEL STATEMENT ON
GROUND FISH ESSENTIAL FISH HABITAT ENVIRONMENTAL IMPACT STATEMENT-
PRELIMINARY ALTERNATIVES

The Groundfish Advisory Subpanel (GAP) spent several hours in a joint meeting and in advisory body discussions reviewing the essential fish habitat (EFH) preliminary alternatives. We appreciate the participation of Mr. Steve Copps of National Marine Fisheries Service (NMFS), who helped clarify some of the more complex issues.

In making recommendations, the GAP utilized the report of the Council's Ad Hoc EFH/Environmental Impact Statement (EIS) Oversight Committee, found in the briefing book as Agendum C.6.b - EFH EISOC Report 1. Before presenting our detailed recommendations, however, the GAP would like to make some general comments.

The GAP recognizes that NMFS is constrained by a court settlement and thus must follow a certain time schedule. Unfortunately, adherence to a rigid schedule results in a diminution in quantity and quality of the data used to prepare the EIS. Among the worst offenses are:

- lack of discussion of impacts on tribal fisheries;
- extrapolating from sparse data to assume fishery impacts;
- a bias against certain gear types;
- an assumption that degradation of certain fish habitats is the cause of stock decline; and
- * the application of EFH principles to predator-prey relationships and not just to water and substrate as specified by law.

With that background, our specific recommendations are as follows:

Alternatives for Designation - we recommend moving all of the alternatives forward for analysis, as they cover the complete range.

Alternatives to Designate Habitat Areas of Particular Concern (HAPC) - again, we recommend moving all alternatives forward because they cover the complete range.

Alternatives to Minimize Adverse Impacts - the GAP concentrated most of its time on this issue, as it more fully encompasses the expertise available among members of the GAP.

1. Alternative 2 - We recommend that in both options the analysis of fixed gear should be made shoreward of 60 fathoms. This better tracks traditional fixed gear fishing areas that were in place prior to the imposition of the Rockfish Conservation Area. In Option 1, we recommend that the analysis on trawl gear should involve the use of all trawl gear shoreward of 150 fathoms. Depending on the substrate include as EFH, small footrope trawl gear could cause larger impacts than large footrope trawl gear in some cases.

2. Alternative 4 - We recommend deleting the second sentence in the beginning paragraph as it is inconsistent with Option 2.
3. Alternative 6 - It was unclear whether or not this was an alternative recommended by the plaintiffs in the lawsuit which was required to be included. If not, we recommend that it be deleted as it is arbitrary and capricious. There is no scientific justification for any particular percentage of habitat to be closed to fishing.
4. Alternative 8 - An examination of the map delineating “areas of interest” showed considerable data problems relating to how those areas were chosen. We recommend rejecting this alternative until more complete data are available.
5. Alternative 9 - The numerous references to “bottom tending mobile gear” in the introductory paragraphs should be removed as they are inconsistent with Option 2.
6. Alternative 10
 - A) In the introductory language, add at the end of the second sentence “nor are they entirely inclusive.” in order to reflect the fact that other gear modifications might be better able to achieve the legal requirement of minimizing adverse impacts from fishing to the extent practicable.
 - B) Add a new Option 1A to prohibit roller gear larger than 24 inches; this is a more realistic standard.
 - C) Delete Option 6 as it will have no practical effect on minimizing impacts.
 - D) In Option 7, add “non-sablefish, non-halibut” before “longline groundline.” Requiring floats on sablefish groundline results in elimination of sablefish catch and is therefore not practicable.
 - E) Add new Options 12A and 12B that would prohibit set-gillnets in waters deeper than 60 fm and 80 fm respectively. Again, these are more realistic standards that recognize how fisheries are actually conducted.
 - F) Modify Option 13 to prohibit weights with hooks on the ocean bottom. This better encompasses the range of hook gear that might have an adverse impact on habitat.
 - G) In Options 4, 8, and 9, delete “analyze” and “assess” where those terms appear and substitute “phase in.” This Alternative is a non-inclusive list of particular gear modifications and prohibitions. We are presuming that all of the options on this list would be assessed or analyzed prior to their being included in regulations so these particular options should not be singled out for analysis.
7. Alternative 11 - This is an irrational and nonsensical request from a single special interest group that is discriminatory in nature and thus violates National Standard 4. It should be deleted.
8. Add a new Alternative 12 that would allow fish to be harvested by any legal gear without regard to gear endorsements in order to continue allowing harvests while minimizing impacts.

Research and Monitoring Alternatives - we recommend that all alternatives be moved forward with the exception that in Alternative 2 the words “commercial and charter” be deleted. This change will provide a more-encompassing range of alternatives.

Finally, given the controversies over marine protected areas (MPAs) and marine reserves, we should consider meshing the MPA and EFH processes, as we may find that protecting habitat is a sufficient means of conserving fish.

In conclusion, if it were not for the court deadline, we would recommend applying the Paperwork Reduction Act to most of the document.

PFMC
09/15/04