

## GROUND FISH MANAGEMENT TEAM REPORT ON ESSENTIAL FISH HABITAT ENVIRONMENTAL IMPACT STATEMENT

At the May Groundfish Management Team (GMT) meeting, the GMT had conversations with Eileen Cooney and Steve Copps from NOAA Fisheries regarding the timeline for Essential Fish Habitat (EFH) implementation and clarification of joint state/federal management; and received presentations from the trawl industry and Oceana regarding their new and revised alternatives to C.12. The GMT believes the current Draft Environmental Impact Statement (DEIS) contains sufficient information for the Council to take final action at this meeting. This is a preliminary GMT report on the EFH EIS. The GMT anticipates having further discussions and presenting a supplemental report at the June Council meeting.

To facilitate the development of regulations for implementing EFH, the GMT believes Council action in June should be as specific as possible relative to the action that will be taken, provided there is flexibility to address overlaps and gaps with existing regulations (e.g., Rockfish Conservation Areas [RCAs]) for management and the ease of enforcement. The GMT cautions the Council against selecting alternatives that are difficult to translate into regulations, such as selecting depth contours instead of coordinates to define areas.

The GMT recommends the results of Council action in June (i.e., the impacts of the preferred alternative) be presented at the September Council meeting to facilitate Council action on the draft plan amendment and implementing regulations. The GMT requests that the resulting habitat protection, trawl impact, and economic impacts of the preferred action be included. Additionally, the GMT recommends NMFS dedicate resources to conduct Geographic Information System (GIS) analyses of the preferred alternative and implementing regulations and that development and review of implementing regulations would be jointly developed by the GMT, Groundfish Advisory Subpanel, and Enforcement Consultants at the September and November Council meetings.

The GMT also recommends that EFH and Habitat Areas of Particular Concern (HAPC) designations be included in the Groundfish Fishery Management Plan (FMP) and then be specified in regulations.

### Alternatives for Designation of EFH

The GMT understands that designating EFH results in a definition of the area in which consultation requirements would apply (i.e., consultation on fishing and non-fishing activities which may adversely affect EFH). The GMT notes that, while the DEIS is a thorough compilation of existing groundfish habitat data, the quantity of data in many instances is sparse and the level of resolution is coarse. The GMT believes that habitat for all groundfish species in the FMP needs to be protected, regardless of status (i.e., overfished and non-overfished stocks); therefore the GMT supports the Council's preferred alternatives (Alt. A.2 and Alt. A.3) for the designation of EFH.

## Alternatives to Designate Habitat Areas of Particular Concern

The GMT supports the Council's preferred alternatives (Alts. B.2, B.3, B.4, and B.6) for designation of HAPC (estuaries, canopy kelp, seagrass, and rocky reefs). The habitat areas which have been determined to need the most protection at this time are covered within the current suite of preferred alternatives. The GMT understands the need for the Council to have maximum flexibility in regards to HAPC designation, as habitat and stock information becomes available that may guide future designations as well as adjustments to current HAPC areas.

The GMT recommends that the Council consider selecting a combination of HAPC alternatives, even if the resulting maps of the areas overlap one another. This is because, as more stock information becomes available and species move in and out of the overfished and/or precautionary categories, the additional designation of nearshore rocky reef areas would still afford protection to the current area of overlap.

As stated previously in November 2004, the GMT also recommends that a consistent approach be applied to HAPC alternatives. Specifically, with regard to HAPC alternative B.7 (designating certain areas of interest as HAPCs), the criteria for these areas is not apparent, and their selection appears random. It appears these areas were not selected by a pre-determined set of criteria, but were chosen and then justified based on the results.

The GMT understands that the process to adjust EFH designations and components such as HAPCs would require an amendment to the Groundfish FMP. The GMT recommends a four-year review period that aligns with the biennial management and specifications process. This gives the Council flexibility to adjust EFH and HAPC designations as new and improved habitat data become available. However, it is unclear as to whether the maps depicting the areas designated as HAPCs would automatically be updated as more habitat data become available. If the maps are automatically revised with new data, then the GMT does not believe that alternative B.9 (a process to consider proposals for HAPC designation outside the review period) would be necessary.

## Alternatives to Minimize Adverse Impacts to EFH

In November 2004, the GMT clarified that the commercial and most of the recreational area closures that are currently in place are for the purposes of protecting overfished species. In recommending those area closures, the GMT did not consciously propose them as habitat protection measures. The depth contours chosen for RCA boundaries—both trawl and non-trawl—are proxies for the areas in which specific rockfish species occur and are most abundant in their adult life stage (based on fishing and survey data), and are used in conjunction with available NMFS observer data (stratified by depth of fishing activity) to assist the Council in estimating impacts to overfished species. As new stock status information becomes available and/or as more information becomes available to further refine the closed area (e.g., through the use of "hotspots" or "coldspots"), areas which were previously closed may become accessible in the future. Therefore, the GMT does not believe the RCA boundaries should form the bases for habitat protection measures, such as those specified in C.2.

However, the GMT does note that, until sufficient information is collected to manage the groundfish fisheries through the use of hotspots, the current RCAs (or some form of them) will

likely remain in place to achieve rebuilding strategies for overfished rockfish. In order to adequately manage fisheries by strictly using hotspots (as a replacement for RCAs), the GMT would need spatial data on habitat types and information on the relationship between different habitat types and groundfish stocks. It is anticipated that, given the long-lived nature of most of the overfished species and the length of time needed for those stocks to rebuild, and the lack of data needed for hotspot management, the RCAs will likely remain in place for an extended period of time, and the cumulative economic impact of these trawl closures should be considered in conjunction with any additional measures related to habitat protection.

In reviewing the draft EIS, there was little to no discussion about how proposed measures to mitigate fishing impacts on EFH would be implemented in conjunction with current management. The GMT recommends that a discussion of how the proposed closed areas would mesh with current closed areas, such as RCAs, from a management (and enforcement) perspective be included in the final EIS.

Also, the GMT does not support alternative C.3 (close 25% of representative habitat to all fishing) as the GMT does not believe that sufficient data are available to demonstrate that areas need to be closed to all fishing for the purposes of habitat protection; this alternative would be better addressed in the Council's discussions on marine reserves.

With regard to "hotspots" (alternative C.6), as described above, the GMT believes this management tool should be used to address species-and-gear-specific areas based on fishing and/or research data (such as those data collected through exempted fishing permits). The use of "hotspots" is currently available to the Council and should be considered as part of the broader biennial management process. However, the GMT notes that the use of the term "hotspots" in alternative C.6, and in the EFH EIS in general, is different because it refers to areas of high biodiversity.

The GMT does not support alternative C.7 as it is linked with HAPC alternative B.7 for the reasons described above.

With regard to alternative C.8 (zoning), the GMT recommends that fishing restriction alternatives be limited to the area within the HAPC-designated area (i.e., not be broader than the HAPC area). This alternative would require zoning to be considered within the entire EFH-designated area. Secondly, the zoning and evaluation criteria are undefined making it difficult to predict (and subsequently analyze) the possible outcomes of this effort. As with alternative C.3, this alternative may be better addressed as part of the Council's consideration of marine reserve initiatives.

The GMT understands that legally the Council does have the ability to take mitigation measures outside of whatever is designated as EFH and that re-evaluation is for designation of EFH as well as the management measures associated.

The GMT anticipates having further discussions in June on alternatives to minimize adverse impacts to EFH and may include further recommendations in a supplemental statement.

The GMT believes that the preferred alternatives to minimize adverse impacts to EFH all have merit from a habitat perspective; however, the GMT does not support alternative C.11 (relax gear

endorsements) in its present form, but we would support a modification to alternative C.11 which only permits fishers with a trawl gear endorsement to switch to fixed gear. The GMT believes alternative C.14 (close ecologically important areas to all fishing) is better addressed through the Council's marine reserves initiatives.

#### Alternatives for Research and Monitoring

The GMT believes that alternatives D.2 (expanded logbook program), D.3 (expanded Vessel Monitoring System [VMS]), and D.4 (research reserve system) all have merit and would enhance the understanding of spatial fishing effort, habitat condition, and the relationship of habitat to stock productivity.

Spatial data on fisheries other than Limited Entry (LE) trawl are currently not collected or are not made available in a database to managers. Given that non-trawl fisheries occur in locations that often differ from trawl fisheries and given a lack of information on the location of other fisheries, it is difficult to identify the non-trawl footprint, and to identify areas that are economically critical to the continued survival of fisheries other than LE trawl. While systems like VMS are necessary for enforcement and would certainly enhance the understanding of spatial effort, the GMT believes that spatial data systems linking catch to fishing location – such as logbooks – would prove more useful for research as these systems could be used to a) establish the current footprint for those fisheries, b) enhance knowledge regarding fishing within certain areas by collecting information such as catch per unit of effort, and c) identify areas that are economically critical for those fisheries to better address practicability considerations under EFH management. However, it is the GMT's understanding that current agency resources may not be adequate to expand logbook systems. Therefore, the GMT recommends that logbook systems be expanded to the extent feasible as resources become available. In addition, in order to adequately analyze existing and future spatial information, the GMT requests that NMFS increase its GIS capabilities for use in groundfish management.

The current understanding of habitat recovery and habitat's relationship to groundfish management is not well understood. A system of research reserves would prove valuable in furthering this understanding. The GMT believes that a well designed research reserve system would take into account existing reserves, encompass a variety of habitat types across depths and latitudes, and would exclude certain bottom impacting gear types from those areas—to varying degrees—in order to assess the impact specific gears have on habitat. Some of those reserves may prohibit all gears that interact with groundfish, others may exclude all bottom-tending gear, and some may exclude or include individual gear types. In addition, any research system should correspond to fishing impact mitigation measures in order to assess the success of those measures.

Finally, the GMT believes that existing programs would prove valuable in increasing the understanding of habitat and location of fishing effort. The GMT believes that VMS and observer data should be made readily available so that managers are better able to assess issues such as coral catch and location of fishing effort to assist in meeting the multiple mandates of the groundfish FMP and Magnuson-Stevens Act.