

GROUND FISH ADVISORY SUBPANEL STATEMENT ON
GROUND FISH ESSENTIAL FISH HABITAT ENVIRONMENTAL IMPACT STATEMENT -
PREFERRED ALTERNATIVE

The Groundfish Advisory Subpanel (GAP) spent several hours over the course of two days reviewing the available material on groundfish essential fish habitat (EFH). We appreciate the time taken by Mr. Steve Cops of NMFS, the staff of Oceana, Mr. Pete Leipzig of Fishermen's Marketing Association, and Ms. Michele Culver of the Washington Department of Fish and Wildlife (WDFW) to provide us with information on the various options.

Because there are numerous options and alternatives to consider, the GAP used Agenda Item C.3, Attachment 1 - "Summary of the Alternatives in the Groundfish Essential Fish Habitat EIS" - as a checklist to work through decisions. Our comments will follow the list laid out in that document.

Alternatives to identify and describe EFH

The GAP recommends Alternative A.2 - depths less than 3,500 meters - as the preferred alternative, with the understanding that this area includes both bottom habitat and the water column. The GAP rejected alternatives based on habitat suitability potential (HSP) because the data on habitat is extremely uncertain in much of the area on the West Coast. By using a depth-based line that covers all known observations of Pacific groundfish, we are better assured that we include sufficient area. The GAP notes that the area included in this alternative is larger than in all other proposed alternatives except "no action."

Alternatives to designate habitat areas of particular concern (HAPC)

The GAP recommends that four habitat types - Estuaries (Alternative B.2), Canopy Kelp (Alternative B.3), Seagrass (Alternative B.4), and Rocky Reefs (Alternative B.6) - generally be considered for inclusion as HAPCs. However, because the exact locations of these types are uncertain (two GAP members from two states noted that well-known rocky reefs were missing from the maps provided in the draft environmental impact statement [EIS]), because there may be additional types or areas that should be included based on future scientific research, and because there might be areas that should be de-designated based on future research, the GAP recommends a designation process, such as the one described in Alternative B.9, be included in the FMP amendment. The GAP believes that the EFH Technical Review Group established by NMFS and the Council would be an excellent body to review areas and make specific site determinations. The GAP urges the Council and NMFS to maintain the Technical Review Group for this purpose.

A majority of the GAP also recommended including certain oil production platforms (Alternative B.8) in HAPC designation. The majority believes that scientific studies have demonstrated the value of existing platforms to increasing availability of habitat and productivity of various rockfish species.

A minority of the GAP believes that oil production platforms should not be included at this time, but should be candidates for future designation under the process available under Alternative B.9.

A sub-minority of the GAP believes it is inappropriate to include oil production platforms or other man-made structures in HAPC designation.

Finally, the GAP notes that it had recommended, in March 2005, that certain specific areas in Channel Islands, Cordell Banks, and Monterey Bay National Marine Sanctuaries be included as HAPCs.

The GAP rejected alternative B.5 because it is based on the uncertain data used to develop HSP. The GAP rejected Alternative B.7 because it has a long and not well-defined list of areas to be designated without regard as to what habitat types may or may not be present in those areas.

Alternatives to minimize adverse impacts to EFH

As a way of narrowing the process, the GAP rejected all alternatives that had not been identified by the Council as “preliminary preferred” alternatives (Alternatives C.1, C.2, C.3, C.5, C.6, C.7, C.8) based on the reasoning they had been given sufficient discussion by the Council at the November 2004 meeting, and the remaining alternatives provided a sufficient range for consideration.

The GAP rejected Alternative C.4 because the alternative for prohibiting the expansion of bottom trawl fishing is included as part of the GAP recommendations under Alternative C.12.

The GAP recommends inclusion of a modified Alternative C.9 that would have individual gear type decisions made after a review by Council advisory bodies and approval by the Council. The GAP notes that several of the specific gear type recommendations made under this alternative do not necessarily provide additional protection for habitat, but do result in economic losses. For example, roller gear larger than 15 inches can safely be used in many bottom habitats, and there is little difference in protection between 15 inch and 14 inch roller gear. One experienced trawler noted that extremely small diameter footropes, if used in some habitat, could actually cause more damage than larger roller gear. Similar arguments could be made about flat trawl doors, longline groundlines, and depth restrictions on gillnets. The GAP strongly believes that any gear restrictions of this type need to be carefully and expertly examined on a case-by-case basis through a formal process.

The GAP believes Alternative C.10 should be examined in the overall context of the GAP recommendation on Alternative C.12. There was no way the GAP could correlate this alternative with other closed areas under Alternative C.12. The GAP reserves final comment on this alternative until it can be examined comprehensively with other proposed areas.

The GAP rejected Alternative C.11 because it is a management measure that should be examined in the context of the ongoing groundfish management process, including the development of trawl individual quotas (IQs). Although there might be some ancillary habitat benefits to this alternative, the GAP believes it should more properly be examined as a management option.

The GAP rejected Alternatives C.13 and C.14 because the ecologically important areas where closures would occur were designed specifically under Alternative C.12 to apply to bottom trawl impacts. If the Council at a later date wishes to close areas to other gear types, those areas should be identified in relation to those gears using the same processes (identification of ecological features, examination of fishing history, extensive consultation with users, and

utilization of fishermen's knowledge and experience) as were used in developing the GAP recommendations for Alternative C.12.

In examining Alternative C.12, the GAP looked at two comprehensive options (Oceana and the Trawl Industry) and two sub-options (WDFW and tribal usual and accustomed (U&A) areas), as well as potentially combining elements of Alternatives C.4 and C.10. Both of the comprehensive options were based on the same general premise: balancing the protection of physical and biogenic habitat features with the economic livelihood of the bottom-trawl fishery. How this balance was accomplished, and what resources were utilized to achieve the balance, were the main differences between the proposals.

All but one member of the GAP recommended using the Trawl Industry option as the base model for identifying closed areas and the depth line beyond which no future bottom trawling may occur. In rejecting the Oceana option, the majority of the GAP noted that one of the studies used to identify sensitive habitat was used improperly (the Zimmermann paper cited was written to demonstrate why swept area trawl surveys are of questionable value in surveying rockfish abundance, not as a means of identifying specific habitat features), that the trawl track data used was not ground-truthed with working trawlers, but instead, relied on logbook start and stop points, that the consultation with industry did not involve a significant coastwide sampling of working trawl fishermen, and that the Oceana option would prevent any modification to existing trawl location or practices, regardless of whether any essential habitat protection occurred. In contrast, the Trawl Industry option - while using the same identification of ecological features, with the same possible incorrect results - did look at actual trawl tow data from working bottom trawl fishermen and resulted from a series of meetings with working trawl fishermen all along the coast.

Regarding the depth beyond which no bottom trawling should expand, the GAP believes the 1,000 fathom contour in the Trawl Industry option better reflects the depth beyond which no trawling presently occurs. The GAP also notes that fathom lines plotted on a chart do not necessarily represent the limits of fishing areas. As a practical matter, most vessels allow themselves a buffer to avoid drifting over a line while fishing or retrieving gear. Thus, a 650 fathom line becomes a 550 fathom line in terms of actual operations. Using the 1,000 fathom contour will still provide substantial protection.

Regarding the WDFW sub-option for areas of the coast of Washington, the GAP believes the proposed refinements should be examined in the context of the base option of the Trawl Industry proposal. Unfortunately, the GAP had no means readily available to overlay the coordinates of the WDFW proposal with other options.

In regard to closed areas within the tribal U&A areas, the GAP recommends that none be established unless they have the concurrence of the appropriate tribal government. The GAP encourages treaty tribes to examine habitat within their U&A areas for habitat protection.

Although the GAP is recommending the Trawl Industry option as the basis for this alternative, the GAP notes that there may be time for the Trawl Industry, Oceana, WDFW, and proponents of Alternative C.10 to meet and potentially develop a combined option in time for final Council action in September. Regardless of whether or not this occurs, the GAP strongly encourages

NMFS to develop a single chart which can be used to accurately delineate and compare the various options prior to final Council action.

Although the Trawl Industry proposal is silent on the subject, there no doubt will be an effort to consider modifications to closed areas or to establish new areas, perhaps based on other gear types. At such time as these changes are considered, the GAP believes that they need to be reviewed by Council advisory bodies and that meaningful consultation occur with states and affected fishermen who possess local knowledge.

Alternatives for research and monitoring

A majority of the GAP supports Alternative D.2 requiring an expanded logbook program to cover all commercial and charterboat fisheries. While logbooks have their limitations, the majority believes that they can be a useful secondary source of data for future management and habitat protection measures.

A minority of the GAP rejected this alternative, suggesting that in the absence of ample observer coverage and shore-side sampling, logbooks can be helpful, but in areas where sampling and observer programs are strong logbook data becomes redundant.

The GAP rejected Alternatives D.3 and D.4. Both vessel monitoring systems and marine reserves are already being considered by the Council under separate management actions. Since these efforts are on-going and involve a wide range of affected parties, the GAP believes these alternatives should be considered under more appropriate processes.

Finally, the GAP notes that whatever set of alternatives is adopted by the Council, significant additional research will need to be conducted. The GAP urges NMFS to send money in order to fully carry out the final Council recommendations.

SUMMARY OF GAP RECOMMENDATIONS ON EFH PREFERRED ALTERNATIVE

Identify and describe EFH - **Alternative A.2**

Designate HAPC - **Alternatives B.2, B.3, B.4, B.6, B.8 (majority); B.9 to create a designation and review process**

Minimize impacts - **Revised Alternative C.9 (process for examining future gear restrictions on a case-by-case basis); Alternative C.12 using the Trawl Industry proposal with potential modifications based on WDFW concerns and Alternative C.10; no closed areas in tribal U&A areas without the concurrence of the affected tribal governments**

Research and Monitoring - **Alternative D.2 applying to all commercial fishing vessels and charterboats.**

In general - **NMFS: send money!**

PFMC
06/15/05