

GROUND FISH MANAGEMENT TEAM REPORT ON
AMENDMENT 19 (ESSENTIAL FISH HABITAT)

The Groundfish Management Team (GMT) met jointly with representatives from Enforcement Consultants (EC) in August, and received an update from Mr. Steve Copps, National Marine Fisheries Service, on the draft regulatory strategy to implement the Council's action for the protection of groundfish Essential Fish Habitat (EFH). The group collectively reviewed the action taken by the Council and noted that there are varying degrees of prohibited activity, depending on the area. For example, most of the areas were closed specifically to bottom trawl gear, while four specific areas were closed to all bottom contact gear (President Jackson and Thompson Seamounts off Oregon, and Davidson Seamount and Cordell Bank off California). For the closures only pertaining to bottom trawl gear, there is also a difference coastwide in that Scottish seine gear was specifically exempted from the bottom trawl closures off California. Also, the specific areas within the Channel Islands National Marine Sanctuary (CINMS) were closed to all fishing.

Through our discussion, enforcement representatives strongly encouraged that regulatory language reflect that all activity would be prohibited, unless otherwise allowed. While the GMT recognizes the merits behind this approach, we struggled with applying it in regulatory language, given that most of the areas only prohibit one or a few gear types. If we were to follow the advice from enforcement, we would have to list a multitude of gear types (recreational and commercial) that would be allowed vs. only listing one or a few that would be prohibited. Again, we do recognize the merits of the concept and, over the long-term, would like to work with EC to evaluate how this approach can be used in the future.

It is our understanding that regulatory language addressing areas closed to all fishing, such as the areas within the CINMS, is fairly easy to craft. However, given the different regulatory levels of the other areas, the GMT recommends creating categories to which differing regulations would apply:

1. Bottom Trawl Closed Areas (BTCAs) – These areas would be closed to bottom trawl gear as currently defined (which includes Scottish seine gear). Regulations would be drafted which refer to prohibited gear (and all other legal gears would be allowed). For those areas exempting Scottish seine gear, it is recommended that California Department of Fish and Game work with Enforcement Consultants to provide an enforceable definition of Scottish seine gear, which may be excluded from specific areas off California (while not changing the current federal definition of bottom trawl gear).
2. Bottom Contact Closed Areas (BCCAs) – These areas would be closed to legal gears that routinely contact the bottom through normal fishing practices. Regulations would be drafted which refer to prohibited gear (and all other gears would be allowed). The GMT understands that the following legal gears listed in the fishery management plan (FMP) would be included in the list of prohibited gear types: bottom trawl, longline, pots, and traps, and for these areas, Scottish seine gear would

not be exempted. The GMT notes that these gears may need to be clarified in regulatory language to specify which types of gear and equipment under Section 660.302 would be prohibited. There may be additional gears not specified in the FMP that the states may wish to prohibit.

It is the GMT's understanding that under both categories listed above, midwater trawl gear would continue to be allowed. However, given the current definition of midwater trawl gear, which refers to trawl gear with "unprotected footrope," the GMT recommends that a more specific definition be developed with representatives of EC and the Groundfish Advisory Subpanel (GAP) as part of the 2007-2008 specifications and management process.

It is anticipated that draft regulatory language will be ready for our review at the GMT's October meeting in Seattle. The GMT also recommends a review of the regulatory language by EC and GAP representatives as well.

GMT Recommendations:

1. Develop area categories for BTCAs and BCCAs with different regulations, as described above.
2. Keep Scottish seine gear included in the definition of bottom trawl gear, but add a separate definition of Scottish seine gear to specifically exempt that gear type from BTCAs off California.
3. GMT requests guidance on revising the definition of midwater trawl gear for 2007-2008 management (i.e., this can be done by creating gear specifications, which could be very difficult, and/or by using catch limits of species found on the bottom—e.g., crab).

PFMC
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