

GROUND FISH ESSENTIAL FISH HABITAT AMENDMENT SCOPING, INCLUDING ROCK FISH CONSERVATION AREA (RCA) AND AREA ADJUSTMENTS

In December 2010, the Pacific Fishery Management Council (Council) initiated a review of Pacific Coast groundfish essential fish habitat (EFH). Groundfish EFH was most recently designated in 2005, as part of Amendment 19 to the Groundfish Fishery Management Plan (FMP). The current EFH review was completed in March 2014, at which time the Council determined that new and newly-available information warranted consideration of changes to the existing components of groundfish EFH.

In September 2014, under the Omnibus Regulation Change Priorities agenda item, the Council recommended: 1) consideration of modifying or removing certain area management restrictions for vessels participating in the shorebased individual fishing quota program, and 2) creating an area closure around 60 Mile Bank (items #47 and #66, respectively, in [Agenda Item J.1.a, Attachment 1, September 2014](#)). These items were later recommended to be packaged with the EFH amendment scoping ([Agenda Item I.6.a, Supplemental Joint Council/NMFS Staff Report, September 2014](#)).

Given that a likely outcome of both proposed actions will be to modify areas closed or open to fishing, it makes sense to include both EFH and area modifications in a broader scope of action under this agenda item. Simultaneously considering the similar habitat benefits and impacts of modifying area closures, regardless of the pathway, will result a more efficient NEPA analyses. In addition, there are likely regulatory and procedural efficiencies to considering the actions together.

There are several procedural pathways the Council should consider for implementing both EFH and area modifications. These include an FMP amendment, regulatory actions, and the relatively uncomplicated process of updating FMP appendices (which in most cases do not require a full FMP amendment). Agenda Item E.5, Attachment 1 provides information on the procedural pathway for each individual component under consideration for inclusion in the scope of action.

The timing of the various procedural pathways may influence the Council's decision. There is the possibility of splitting actions off to their own regulatory pathway, in the interest of getting certain actions done on a faster timeline. However, given that the environmental effects of closing and/or opening areas to specific fishing activities are identical regardless of whether the closure is EFH-related or otherwise, there are likely efficiencies to considering the effects together.

While there are likely benefits to merging the actions, there are also potential risks in terms of timing and analyses. For example, certain proposed actions could possibly be accomplished on a faster timeline if separated out from the rest of the package. However, because of the overlapping outcomes and related environmental impacts, an action that is put on a separate timeline may be delayed until the other similar actions are also analyzed.

The information and analyses developed during the EFH review include several primary documents and reports that together provide supporting information for considering changes to groundfish EFH. Council and NMFS staff will consider all of the following sources of information, analysis, and recommendations in developing alternatives and conducting analyses to accomplish the Council's selected scope of action. With regard to the public proposals (listed below), they do not necessarily need to be considered as stand-alone alternatives. Rather, reasonable elements of the proposals will be considered and incorporated into alternatives designed to provide meaningful updates to groundfish EFH. The primary library of information includes the following:

- Phase 1 EFHRC Report (September 2012 Agenda Item H.6.b, EFHRC Report 1)
- National Marine Fisheries Service (NMFS) Synthesis Report (April 2013 Agenda Item D.6.b, NMFS Synthesis Report)
- National Marine Fisheries Service (NMFS) Synthesis Report Appendices (April 2013 Agenda Item D.6.b, Supplemental NMFS Synthesis Report 2)
- Phase 2 EFHRC Report (March 2014 Agenda Item D.2.b, EFHRC Report)
- NMFS Report on the Effectiveness, Accuracy, and Completeness of Pacific Coast Groundfish EFH (September 2014 Supplemental Informational Report 7)
- NMFS Report on Midwater Trawl Gear Bottom Contact (April 2015 Informational Report 4)

In addition, there has been substantial public comment submitted at each Council meeting at which groundfish EFH was included as an agenda item, and there are two Informational Reports (Informational Reports 5 and 6) in this Briefing Book that provide background information related to this issue. These may be helpful in developing alternatives and analyses subsequent to the April 2015 Council meeting.

Finally, in response to a request for proposals issue in 2013, there were eight public proposals submitted to the Council for consideration of changes to elements of groundfish EFH. These are posted on the Council's website (November 2013 Council meeting Briefing Book, <http://www.pcouncil.org/resources/archives/briefing-books/november-2013-briefing-book/>), and include proposals from the following organizations:

- Oceana, Natural Resources Defense Council, and Ocean Conservancy
- Marine Conservation Institute
- Greenpeace
- Fishermen's Marketing Association
- Gulf of the Farallones National Marine Sanctuary
- Monterey Bay National Marine Sanctuary
- Environmental Defense Fund (subsequently withdrawn)
- Olympic Coast National Marine Sanctuary/Washington Department of Fish and Wildlife (subsequently withdrawn)

The Council's task at the April meeting is to determine which of the issues described in the scoping document should be considered for further action. This includes decisions on the specific pathway(s) to be used (FMP amendment, appendices, or regulatory action), and if more than one pathway, the combination of issues within each pathway chosen. The Council may also provide

direction for potentially delaying or dismissing certain issues, removing one or more public proposals from further consideration, limiting the geographic scope, or other ways to establish the scope of action.

Council Action:

- 1. Establish scope of issues to be advanced.**
- 2. Determine appropriate process pathway for various issues.**
- 3. Provide guidance on development of a range of alternatives for the various issues, as appropriate.**

Reference Materials:

1. Agenda Item E.5, Attachment 1: Scoping for Essential Fish Habitat and Area Modification Actions.
2. Agenda Item E.5.a, National Marine Sanctuaries Report.
3. Agenda Item E.5.b, Public Comment.

Agenda Order:

- E.5 Groundfish Essential Fish Habitat Amendment Scoping, Including Rockfish Conservation Area (RCA) and Area Adjustments Kerry Griffin and Kelly Ames
- a. Reports and Comments of Advisory Bodies and Management Entities
 - b. Public Comment
 - c. **Council Action:** Determine Scope of Issues to be Addressed in a Fishery Management Plan (FMP) Amendment or Other Actions; Provide Guidance on Development and Analysis of Alternatives as Appropriate

PFMC
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