GROUNDFISH ADVISORY SUBPANEL REPORT ON ESSENTIAL FISH HABITAT AND ROCKFISH CONSERVATION AREA AMENDMENT

The Groundfish Advisory Subpanel (GAP) received an overview of the essential fish habitat (EFH) and rockfish conservation area (RCA) agenda item from Mr. Kerry Griffin and Ms. Kelly Ames. The GAP thanks the project team for its work, and offers the following comments and recommendations.

As we have highlighted in previous statements on this issue, we wish to underscore that any modifications to EFH and RCA areas not only protect important habitat, but also provide additional opportunity and economic benefit to the fishing industry. The conservation benefits of the Catch Share program for the trawl fishery are indisputable, but the economic benefits have yet to be realized for most of the fleet and processors. Furthermore, there are already significant habitat protections in place. These include the obvious regulatory area closures (both state and federal), gear restrictions like the eight inch footrope, and the strong incentives inherent in the catch share program to avoid high relief habitat often associated with overfished species catch. In addition, as the number of participants in the fishery has declined from a high of over 500 in the early 1990s to fewer than 80 active bottom trawlers today (with an average of fewer than 40 active vessels per month) the bottom impact has also declined significantly. At the same time, there are many costs for participating in the trawl catch share program (monitoring & observers, cost recovery, buyback loan payments and state landings taxes) and some of these costs continue to increase. It is imperative that the fleet increase ACL attainments and generate additional economic value from the non-whiting groundfish fishery, and removal of the RCA in particular will facilitate those opportunities.

Based on those general comments, the GAP recommends the following preliminary preferred alternatives:

1) EFHCA changes contained in public proposals

The GAP recommends alternative 1b (collaborative proposal) as a preliminary preferred alternative. For the Newport area, the GAP recommends adopting the shapes contained in the supplemental public comment from the Midwater Trawlers Cooperative as modified by the GAP as a preliminary preferred alternative for that area of the coast (Agenda Item F.4.c, Supplemental Public Comment 2, November 2016, plus GAP modifications for Daisy Bank and Heceta Bank, See Figure 1 and 2 below). For the Southern California bight which is not included in the collaborative proposal, the GAP does not recommend a preliminary preferred alternative, but rather recommends that more outreach be done with the fleet before selection of EFHCAs in the area.

Collaborative proposal – The GAP recommends the collaborative proposal because it achieves significant additional protections for priority habitat while minimizing impacts, and in some cases, improving opportunity for the fleet. The GAP appreciates the process employed by the collaborative, and notes that in many instances, the combination of plotter and logbook information with the information in the EFH data catalog, provides a much more complete picture of both the habitat and potential impacts to industry than the data catalog alone.

The GAP also notes that the project team's analysis likely underestimates the actual value of both increases in protection of priority habitat and value to the industry of reopening currently closed areas of the collaborative proposal. There are two reasons for this. First, much of the data in the EFH data catalog, particularly substrate and bathymetric data in offshore areas, is of low confidence. While the project team report treats all data equally regardless of confidence, the reality is that much presumed hard substrate is not in fact hard, and much presumed soft substrate data is not in fact soft. The collaborative relied on groundfish and particularly shrimp trawl plotter data shared by the fleet to gain a better understanding of actual substrate than is present in the data catalog alone. The GAP is persuaded that although the quantitative assessment shows the collaborative proposal opening hard substrate areas most of those areas are in fact soft substrate, and the reverse is also true. Many of the new proposed collaborative closures include more priority habitat than indicated. In addition, a unit of a particular size is not necessarily equal for priority habitat purposes or fleet opportunity compared to an equivalently sized unit in a different area. The collaborative openings and closures were vetted over multiple meetings with the fleet and surgically crafted to enhance both ecological and industry benefit.

In contrast, the Oceana proposal relies solely on information in the data catalog, and the closures are generally too large and indiscriminate. Significant areas of good fishing grounds would be closed. For example, looking at four Oceana polygons off of Newport, the EFH web tool shows those closures would protect 0%, >1%, 4%, and 15% of hard substrate. For the 15% closure, almost all of that area is shoreward of the 100 fathom line and subject to the 8" footrope limitation which serves to protect most of the hard substrate. And just one of the Oceana polygons alone, Cascadia Shelf Hotspot, is 152 square miles of 100% soft bottom. The justification given for many of the Oceana polygons does not meet the requirements of scientific rigor, necessity, or practicability; especially given positive stock status and other existing management measures.

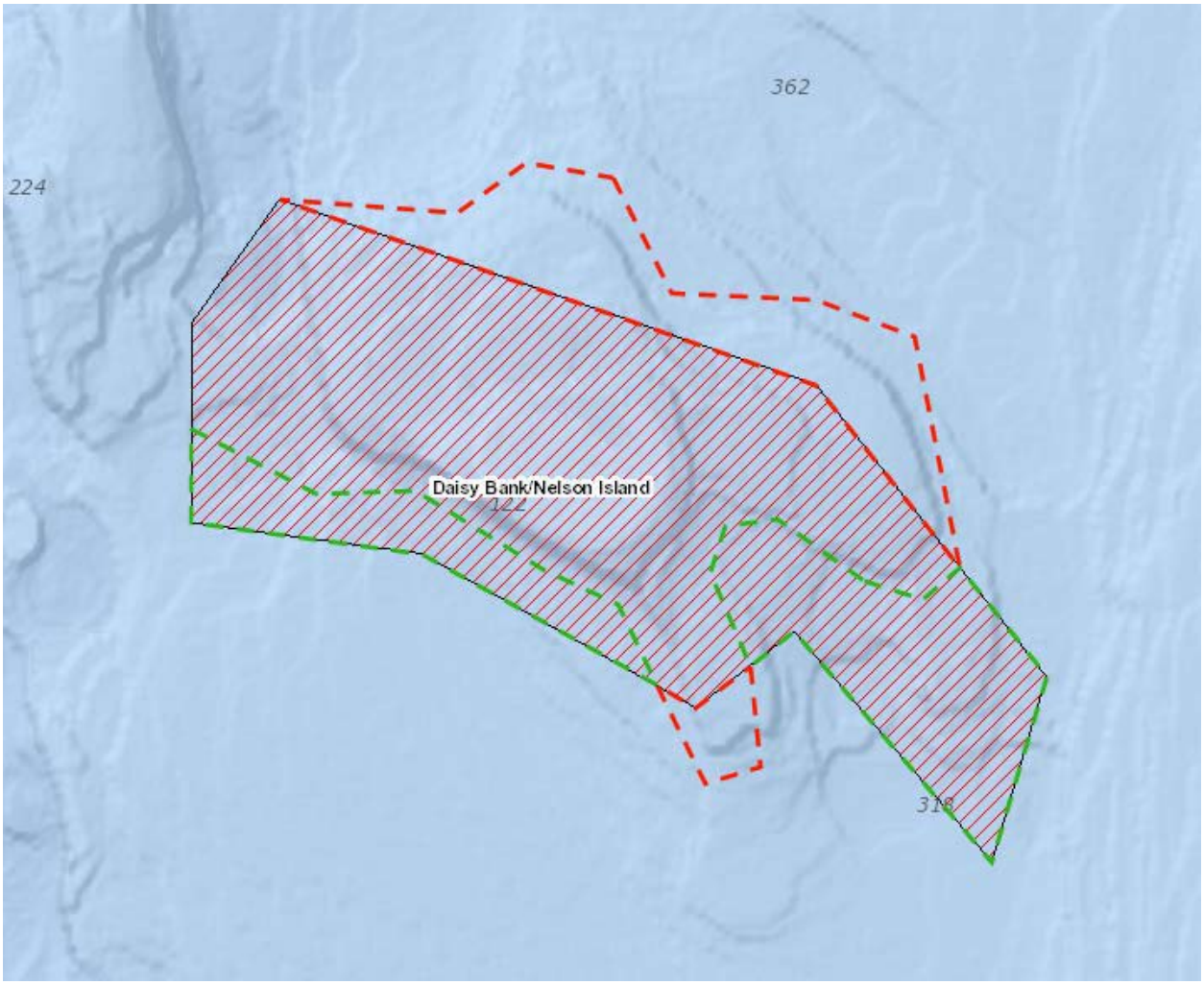
Ocean conditions, fleet characteristics, fisheries, choke species of concern; these are things that are far from static; but closed areas are static, and once enacted they are near permanent. This decreased flexibility in dynamic fisheries can have negative unintended consequences; that is why closed areas should be minimally used and why a high scientific bar should be required, which we clearly do not have in the Oceana proposal. We already have effective management measures that maintain sustainable fisheries, which is the ultimate goal of this EFH action.

Newport areas – The GAP recommends using the MTC proposed shapes with the modifications made by the GAP for many of the same reasons as it supports the collaborative proposal. Those areas result in a large net increase in EFHCA overall, capture important priority habitats, and restore trawl tows. The GAP believes the shapes in the MTC proposal, and as modified by the GAP, are fully contained within the Oceana proposal, and are therefore within the range of alternatives and appropriate for selection as the PPA at this time.

For all areas except Daisy Bank and Heceta Bank, the GAP recommends adopting the MTC areas as the PPA. For Daisy Bank and Heceta Bank, the GAP recommends modifications as displayed in the attached maps. It is important to note that MTC supports, and in fact proposed, these modifications in GAP discussion.

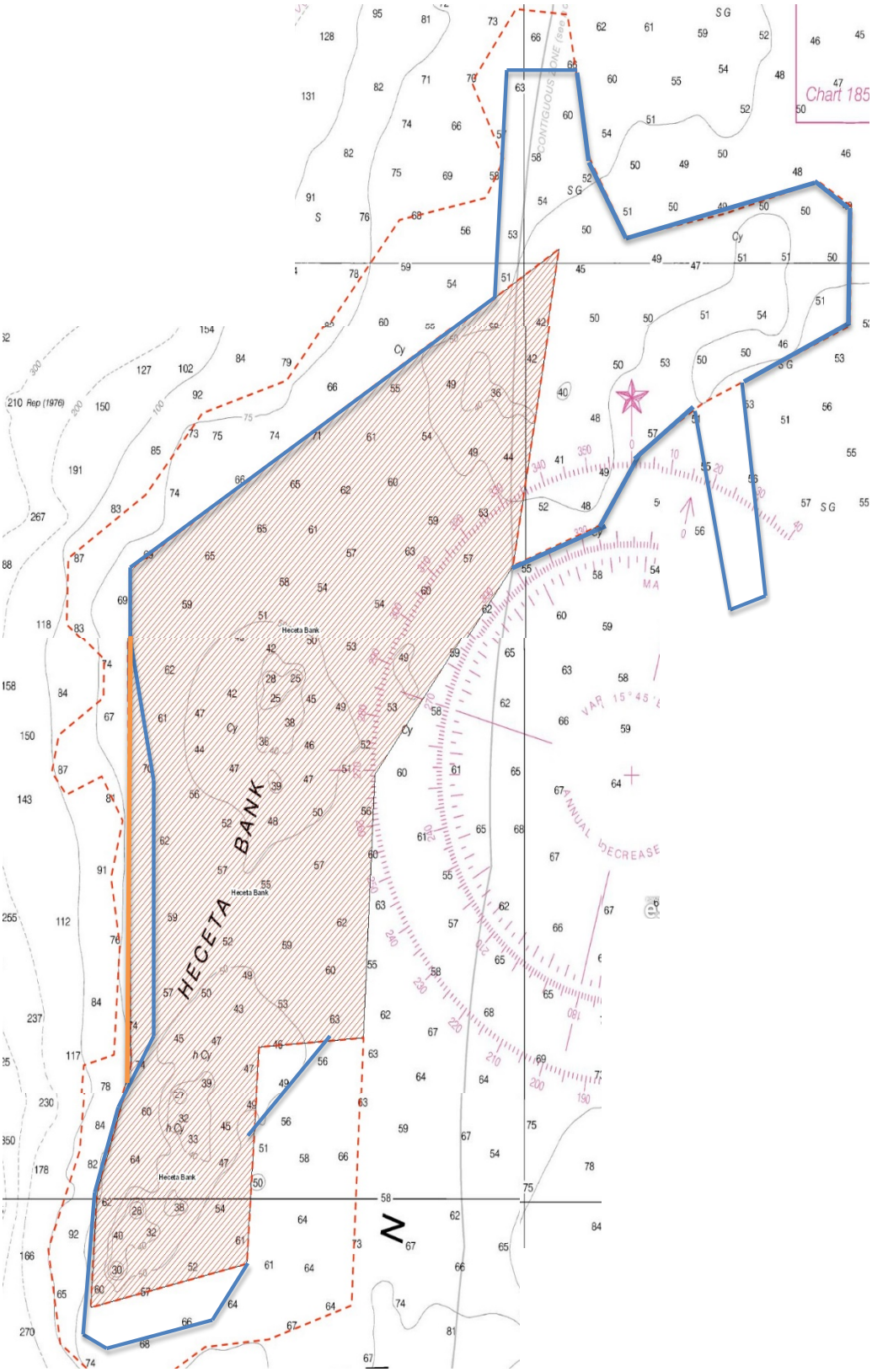
Daisy Bank (See Figure 1 below) – The GAP recommends reverting to the shape initially proposed by the collaborative in April (Updated Collaborative Proposal, Agenda Item F.5.c, April 2016, pg 31). This shape would more fully capture the bank feature to the north while reopening several important tows that were cut off when the area was closed. The red dashed line would be added to the existing closure and the green dashed line would reopen portions of the existing closure.

Figure 1. GAP recommended shape for Daisy Bank.



Heceta Bank (See Figure 2 below) – The GAP recommends adopting the shape from the MTC proposal, but modified to reinstate the current EFH closure boundary on the west side of the feature (MTC modifications in blue and reinstatement of western boundary in orange below). This would better protect sensitive habitat but not impede important grounds further west that are important to Newport trawl fishermen.

Figure 2. GAP recommended shape for Heceta Bank.



Southern California Bight – The GAP considered the Oceana proposal for the EFH in the Southern California Bight. This proposal is large and comprehensive in area coverage, encompassing the majority of the Bight. This has been touted as a way to gain conservation value without negative economic impact. However, we would like to point out that there is considerable history of bottom trawling in the federal waters of the Southern California Bight. Vessels from Ventura, Santa Barbara, Port San Luis and Morro Bay trawled in areas south of Point Conception for sablefish, shortspined channel rockfish, bocaccio, chillipepper and vermillion rockfish, as well as state managed species like California halibut and sea cucumber. While much of the historic groundfish bottom trawling has ceased for now, state managed fleets out of several Southern California ports continue to trawl for sea cucumbers and California halibut. Likewise, research trawling, including the NMFS Trawl survey and past research by Scripps Institution of Oceanography occurs and has occurred throughout the Southern California Bight. The area is not a "pristine area of untrawled habitat". The GAP urges CDFW, the council and NMFS to reach out to past, present and potential trawl industry stakeholders to get a detailed picture of the social/economic value of the Southern California Bight.

2) New EFHCAs within current RCAs

The GAP recommends alternative 2a (no new EFHCAs with current RCAs).

The GAP does not recommend additional EFHCAs within the current RCAs, except for those specifically recommended in the collaborative proposal. The GAP believes that the specific areas identified in the collaborative proposal already take in to account priority habitats, as well as fleet needs, which is not a consideration under alternative 2b.

3) Adjustments to Trawl RCA

The GAP recommends alternative 3b (remove the trawl RCA)

RCAs were initially implemented as a mortality closure to protect overfished species (OFS). With the advent of the catch share program and 100% accountability we now have much more direct means of ensuring that mortality of OFS remains within limits. At the same time, attainment of trawl quota remains unacceptably low, in part due to area restrictions imposed by RCA boundaries. Removing the RCA will not harm OFS, and RCAs themselves were never intended for habitat protection. Given the high potential that RCA removal could substantially improve attainment and therefore revenue, the GAP strongly supports removal of the RCA.

The GAP does not support alternatives 3c and 3d because they add unnecessary complexity and fail to recognize the strong measures in place to avoid exceeding quotas for both overfished and other species. The GAP understands that at least part of the rationale for these alternatives is to have measures that minimize harm to the fleet if a quota for an OFS (or other species) is nearly attained or is exceeded. Nevertheless, the GAP believes those measures are unnecessary, could have unintended consequences, and won't necessarily achieve their aims as fish move and ocean conditions change rapidly.

PFMC
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