

GROUND FISH MANAGEMENT TEAM REPORT ON
ESSENTIAL FISH HABITAT AND ROCKFISH CONSERVATION AREA
AMENDMENT 28 – FINAL ACTION

The Groundfish Management Team (GMT) was briefed by Ms. Gretchen Hanshew and Mr. John Stadler (National Marine Fisheries Service [NMFS] staff) and Mr. Kerry Griffin, Mr. Brett Wiedoff, and Dr. Jim Seger (Pacific Fishery Management Council [Council] staff) on proposed changes to Essential Fish Habitat Conservation Areas (EFH) and the Groundfish Trawl Rockfish Conservation Area (RCA). In addition to reviewing the materials in the briefing book under this Agenda Item, members of the GMT also participated in an informational overview from the project team at the March 2018 meeting, and offer the following thoughts for the Council’s consideration.

Final Preferred Alternative

Per the Magnuson–Stevens Fishery Conservation and Management Act (MSA): ‘In determining whether it is practicable to minimize an adverse effect from fishing, Councils should consider the nature and extent of the adverse effect on EFH and the long and short-term costs and benefits of potential management measures to EFH, associated fisheries, and the nation, consistent with National Standard 7’ ([EFH guidelines](#) at 50 CFR 600.815 (a)(2)(iii)). To the extent practicable, fishery managers should take both ecological and socioeconomic costs of measures into consideration in determining whether it is appropriate to adopt particular management measures ([67 FR 2343](#)). The GMT defers to the Habitat Committee to provide the Council with guidance on specific sites that would best minimize adverse effects of fishing on EFH, including habitat inside the RCA, but notes below that some site closures could have a higher negative impact than others for the bottom trawl fishery. We do not offer recommendations for closing or opening particular sites, deferring to the Council to weigh all available information on potential benefits and costs in support of their Final Preferred Alternative (FPA) decision making.

Subject Area 1: Changes to EFHs

Tables 4-30 through 4-33 in the [Preliminary Draft Environmental Impact Statement \(PDEIS\)](#) (pg. 4-109 through 111) and Table 4-36 (pg. 4-122) summarize the effects of EFH closures and openings under each of the two main alternatives (1.a Collaborative and 1.b Oceana et al.). The GMT notes that, while impacts of EFH closures and re-openings are generally minimal on a coastwide scale, each alternative’s site-specific spatial management changes are likely to have the greatest relative impact on the nearest ports. Per MSA National Standard 8, ‘Conservation and management measures shall...take into account the importance of fishery resources to fishing communities ...in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts on such communities’ ([§600.345](#)). The GMT therefore highlights the following community-level impacts presented in the PDEIS for the Council’s consideration when selecting its FPA.

Seven of the top ten sites coastwide, in terms of potential current revenue displacement from the [areas proposed for closure](#), are closest to the port of Eureka. The Samoa Deepwater, N. and S. Eel River Canyon, Mendocino Ridge Expansion, Samoa Reef, South Delgada Canyonheads, and Noyo Canyonhead account for about 70 percent of the displaced revenue of the coastwide 2011-2014 bottom trawl fleet under 1b, while representing about 17 percent of all groundfish landings in

Eureka in the same time period. No areas proposed for reopening under Subject Area 1 would provide noticeable benefits to Eureka; benefits under Subject Area 2 are uncertain.

The [Trawl Catch Share Program Five-year Review Report \(Review Report\)](#) found that Eureka has experienced a 48 percent reduction in landings following the implementation of the catch share program ([Table 3-93, pg. 3-217](#)). Additionally, the Review Report found that, at negative three percent, Eureka's decline in share of coastwide revenue is one of the largest of any port in the 2011-2015 period and second only to declines in Coos Bay. The Individual Fishing Quota (IFQ) fishery participants from the adjacent trawl ports of Fort Bragg and Brookings also experienced declines, and have a larger share of revenue in the closures proposed under 1b compared to closures around other port areas ([Table 3-97, pg. 3-223](#)). Fort Bragg, Brookings, and Eureka rate higher on social vulnerability indices than most other IFQ ports ([Table 3-121, pg. 3-262](#)). They may be less adaptable to potential large scale impacts considered under some of the alternatives in 1b than ports that have had generally positive outcomes after catch shares implementation, namely Astoria and Newport.

The 1a Eel River Canyon Modifications #2 and #4 would close off some of the same area as included in the 1a N. Eel River Canyon closure. The 1b proposal for the N. Eel River Canyon would displace a significant portion of revenue from the Eureka port area in comparison to the 1a Modification #2 and #4. Similarly, the Mendocino Ridge Expansion in 1b would displace a significant portion of revenue from the Eureka port area compared to the 1a Mendocino Ridge Modification #1, and the 1b Samoa Reef would displace more revenue than the overlapping Mad River Rough Patch. The Council may wish to consider whether these alternate, overlapping site proposals offer sufficient habitat benefits while minimizing costs to the bottom trawl fishery in the particularly vulnerable Eureka area.

Subject Area 2: Adjustments to the Groundfish Trawl RCA

The Council's stated purpose for Subject Area 2 is to 'reconsider the purpose of RCAs as long-term closures to reduce catch of overfished species in the bottom trawl sector in light of the [IFQ Program] and the individual catch accountability that it provides' ([PDEIS](#), pg. 1-4). The original purpose of the RCA was to protect a complex of species and promote rebuilding of overfished species. The GMT defers to the Council as to whether or not the RCA is still needed to meet this purpose, but notes that if the RCA is removed, IFQ for groundfish and trip limits for non-IFQ groundfish species may be sufficient to keep catch within trawl allocations and keep catches within specified annual catch limits (ACLs).

However, the GMT also recognizes that the RCA has had habitat protection benefits, as noted in the [NMFS 2014 disapproval](#) of a previous Council action to modify the RCA. While the IFQ Program management regime provides individual catch accountability for IFQ species through one hundred percent monitoring, this mechanism may not discourage fishing behavior that would affect resources other than IFQ species. As a result, the impacts to benthic organisms such as deep-sea corals and sponges from reopening an area could be a concern. Again, the GMT looks to the subject area experts on the Habitat Committee on the potential habitat impacts from opening all, or portions, of the RCA. As with EFH (Subject Area 1), the GMT encourages the Council to weigh the costs and benefits for both conservation and communities in its decision of whether or not to remove the RCA, in particular the evidence in the PDEIS indicating the potential for substantial economic benefits from reopening the RCA for ports in California and Oregon ([Table 4-40, pg. 4-128](#)).

Below we offer comments and recommendations regarding the decision between block area closures (BACs) and discrete area closures (DACs) as alternative mitigation measures, should the trawl RCA be removed.

Block Area Closures

If the Council elects to remove the RCA, partially or in total, the GMT recommends that BACs be selected for inclusion in the FPA (Alternative 2.c). Specifically, the GMT recommends that BACs be developed for routine action for all groundfish and protected species. The GMT does not see a need to develop automatic action BACs for groundfish species or protected species at this time. If high bycatch of groundfish species occur in future, the GMT could use the most current data to evaluate the situation during the inseason agenda item at a Council meeting to provide BAC recommendations. The GMT understands that the Regional Administrator of NMFS could implement area restrictions, such as BACs, to prevent the trawl sector from exceeding the trawl allocation or ACL at any time: ‘As determined necessary by the Regional Administrator, area restrictions, season closures, or other measures will be used to prevent the trawl sector in aggregate or the individual trawl sectors (Shorebased IFQ, MS Coop, or C/P Coop) from exceeding an ACL, OY, ACT or formal allocation’ 50 CFR 660.140 (3). If high bycatch of protected species occurred, the Council could use inseason data to consider BACs for salmon or pre-season BACs for non-salmon protected species in the following year when final West Coast Groundfish Observer Program estimates are available. This process could be re-evaluated and adjusted (i.e., develop automatic authorities) as needed in the 2021-2022, or other future, biennial harvest specifications and management measures cycles as needed.

BACs for Salmon: Process and Analysis

While the 2019-2020 harvest specifications and management measures are proposed to be implemented by January 1, 2019, the EFH/RCA final rule will likely be published at a later date. Therefore, the GMT discussed the relationship and analytical processes between the 2017 salmon ITS, the possible removal of the trawl RCA, and the need to address salmon bycatch through BACs for the groundfish bottom trawl sector. Until alternative measures are implemented, the trawl RCA and ability to modify the lines inseason to mitigate bycatch if needed, would remain in place and therefore no additional mitigation measures for bottom trawl would need to be developed as part of the 2019-2020 biennial process. In order to consider mitigation measures for the non-whiting trawl sector holistically, **the GMT recommends that the Council consider any additional bottom trawl mitigation measures for salmon (e.g., automatic authorities) in November 2018 at the scheduled salmon ITS agenda item.**

The GMT notes that the salmon biological opinion (BiOp) analyzed the Council’s preliminary preferred alternative (PPA), which included the RCA remaining in place off Washington. Although the Council could recommend that NMFS open the RCA off Washington in its FPA, this would likely be outside of the analysis for the proposed action from the BiOp and could result in re-initiation of the consultation.

Discrete Area Closures

For reasons outlined in our November 2016 statement ([Agenda Item F.4.b, Supplemental GMT Report, November 2016](#)), the GMT recommends the Council not select DACs as part of the FPA. DACs, as proposed, would be limited to darkblotched rockfish, Pacific ocean perch (POP), bocaccio, cowcod, and yelloweye rockfish. At the time of the proposed action, all five species were overfished; however, the first three are all currently rebuilt and will have higher ACLs

in 2019-2020 than in 2017-2018. Additionally, these “hotspots” may not reflect the current fishery’s operational characteristics or the latest data, and may require a substantial amount of workload to be updated.

Regulatory References

If the Council chooses to remove the trawl RCA, the GMT notes that the Council would need to provide guidance to NMFS on how to clarify references in the groundfish regulations for those clauses that utilize the trawl RCA as a reference but are not necessarily addressed through the EFH/RCA action. For example, regulations at 50 CFR 660.130 state:

(3) *Fishing with midwater groundfish trawl gear.* (i) North of 40° 10' N. lat., midwater groundfish trawl gear is required for Pacific whiting fishery vessels; midwater groundfish trawl gear is allowed for vessels targeting non-whiting species during the Pacific whiting primary season for the Pacific whiting IFQ fishery. Also see restrictions on the use of midwater groundfish trawl gear within the RCAs north of 40° 10' N. lat. at §660.130(e)(4)(i).

(ii) South of 40° 10' N. lat., midwater groundfish trawl gear is prohibited shoreward of the RCA boundaries and permitted seaward of the RCA boundaries.

If the RCA is removed on any part of the coast through this action, NMFS would need to modify the above regulations to reference specific depth contour lines (e.g., 100 fathoms) rather than the RCA. The GMT has only taken a cursory look at which regulations would need to be amended due to this change and **recommends the Council recommend that NMFS staff work with the GMT, Enforcement Consultants, and Council staff over the summer to identify all regulations that need to be updated to reflect the Council’s FPA.**

Analysis and Future Evaluation of Regulatory Action Impacts

Due to the limited data available and the high level of spatial precision needed, analysts were required to make a number of untested assumptions. Of particular concern, the quantification of the potential impacts of small-scale spatial openings and closures assume a level of precision in the data that does not exist. The GMT underscores the resulting high levels of uncertainty, and the potential for unintended consequences from management actions founded on this analysis.

In providing guidance for this agenda item, the Council should determine what can be done with available resources prior to the next iteration of the EFH 5-year review that could help reduce uncertainty, refine analyses to better inform management, and improve the process overall. As the Council considers alternative spatial management options under this Agenda Item, it should prioritize monitoring to inform future decision making and evaluation of the biological impacts of the changes. **The GMT recommends that the Council prioritize quantitative monitoring to track the impacts of changes to the RCA footprints on fish abundances.** The monitoring strategy should utilize a before-after, control-impact paired series design, such that sampling locations are located within and outside of the impacted areas with similar habitat between control and impact locations. Monitoring should take place prior to the changes and continue after implementation of the actions. Sampling locations need to be chosen specifically to evaluate the proposed actions. Appropriate sampling techniques and statistical/modeling methods need be explored to reduce uncertainty in future analyses. Resulting data will be invaluable to the next EFH 5-year review, and subsequent spatial management decisions. The GMT will discuss these,

and other management research priorities, in more detail when reviewing the 2018 Research and Data Needs document for June.

Recommendations

GMT recommendations:

- 1. If the Council elects to remove the RCA, partially or in total, the GMT recommends that BACs be selected for inclusion in the FPA (Alternative 2.c). Specifically, the GMT recommends that BACs be developed for routine action for all groundfish and protected species.**
- 2. In order to consider mitigation measures for the non-whiting trawl sector holistically, the GMT recommends that the Council consider any additional bottom trawl mitigation measures for salmon (e.g., automatic authorities) in November 2018 at the scheduled salmon ITS agenda item.**
- 3. The Council not select DACs as part of the FPA.**
- 4. The Council recommend that NMFS staff work with the GMT, Enforcement Consultants, and Council staff over the summer to identify all regulations that need to be updated.**
- 5. The Council prioritize quantitative monitoring to track the impacts of changes to the RCA footprints on fish abundances.**

PFMC
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