

GROUND FISH ADVISORY SUBPANEL REPORT ON SCOPING OF PRIORITIZED NON-TRAWL SECTOR AREA MANAGEMENT MEASURES

The Groundfish Advisory Subpanel (GAP) received an overview of this item from Pacific Fishery Management Council (Council) Staff Officer, Todd Phillips, and discussed this issue during a joint meeting with the Groundfish Management Team (GMT).

The GAP had a robust discussion about potentially modifying the non-trawl Rockfish Conservation Area (RCA) boundaries, how the gear used in the Yellowtail Rockfish Jig Fishing Off California/[Emley-Platt exempted fishing permit \(EFP\)](#) could move forward to access midwater rockfish within the RCA, and considered the purpose and need statements as proposed in Agenda Item F.3, Attachment 1, [Excerpts from the GAP's June 2020 Informational Report](#), and offers the following comments for consideration.

Overarching comments

The GAP recognized – and wrestled with – several options and issues related to gaining access to the non-trawl RCA or modifying its boundaries. Those issues included: allowing only some gear types within the RCA; equity issues related to open access (OA) fisheries and limited entry fixed gear (LEFG) sectors; the relationship between the RCA and essential fish habitat (EFH) and whether those should be disconnected; timing of allowing access to the RCA; and incidental rockfish catch in the salmon troll fishery.

GAP members agree this is a complex and difficult issue but want to be clear that this is an important issue to the commercial non-trawl sector. The original idea to open the non-trawl RCA was for non-trawl fishermen to use any gear to access the shelf stocks, since most of the stocks considered overfished have been rebuilt. The RCA was originally designed to protect sensitive stocks to enable rebuilding. The GAP recognizes yelloweye rockfish remains listed as overfished but is rebuilding faster than expected; therefore, it is likely some areas of the RCA may remain closed.

Exclusion of some gear types within the RCA

At this time the consensus of the GAP is to allow access to the entire RCA with hook-and-line gear, and excluding longline, dinglebar and pot/trap gear, as proposed in the [Pacific Coast Federation of Fishermen's Associations letter](#) under this agenda item.

The non-trawl fleet has been locked out from fishing in the non-trawl RCA for roughly two decades. Although there have been adjustments to the RCA in the last few years, there is still a large percentage of the area that is closed to the non-trawl fleet.

The current shelf rockfish and bocaccio open access quotas are largely inaccessible to the fishermen because most of these fish live in the closed area. Changes and reductions to the traditional fisheries of Dungeness crab and salmon have put the small boat fleet at risk, as the GAP noted in our [June 2020 statement under Agenda Item F.1, Final Action to Adopt Management Measures and EPFs](#) and in [Informational Report 4](#), also from June 2020. While the open access

allocations for shelf rockfish are not enough for a stand-alone fishery, they could provide some much-needed relief to coastal communities and small-boat fleet.

Fishermen on the GAP indicated current prices for fresh hook-and-line rockfish are between \$1.50 and \$2.00 a pound and significantly higher for fishermen selling direct to the public. Allowing this fleet access to the RCA and the abundant shelf rockfish stocks is something the Council can do to keep these communities from losing the last of the small-boat fleet as well as giving the public the ability to purchase fresh, local, sustainably caught rockfish.

Therefore, the GAP requests the Council prioritize analysis of the following: Open the existing non-trawl RCA to open access hook-and-line fisheries, excluding longline, dinglebar and pot/trap gear (Option 1 in the table at the end of this statement).

Equity issues related to gear types in the RCA

The GAP acknowledges that prioritizing access to the RCA for gear types that target midwater rockfish does bring up an equity issue related to the LEFG sector, which is limited to primarily bottom longline and pots or trap gear.

LEFG representatives on the GAP made it clear they want to move ahead quickly with allowing open access vessels using hook-and-line gear to access the RCA. LEFG fishermen understand that if they want to access the RCA, they would be held to the lower open access trip limits. However, the GAP is unsure whether the LEFG vessels would have to abide by the open access trip limits for the entire two-month period. The GAP requests clarity on this issue moving forward. They also would likely have to declare into the OA fishery for that time. LEFG fishermen would like to access the RCA using their higher bimonthly trip limits.

Recognizing this may take time, the GAP would like to request a complementary analysis move forward that considers how the LEFG fishermen can access their higher trip limits within the RCA using hook-and-line gears.

RCA and essential fish habitat (EFH)

It seems clear that considerations for EFH will be part of the longer-term analysis. The GAP has commented on this in the past, identifying the difference between the goals of the RCA, designed to allow specific fish stocks to rebuild, and EFH, to protect habitat.

This has been a particularly frustrating issue for the GAP. As we noted in [June 2020](#):

“The biennial harvest specifications process considers routine line changes; it should not affect gear types as it is independent from essential fish habitat (EFH) issues.

“Adding an EFH ‘overlay’ to the RCA line issue further complicates the matter and, the GAP feels, is unnecessary. The RCAs implemented several years ago, worked as intended: they helped protect sensitive rockfish stocks and increased the opportunity for those rockfish stocks to rebuild. All these changes would allow additional options for fishermen to target stocks that have been rebuilt.”

Furthermore, as part of the Amendment 28 action that opened the RCA to trawl effort, some of the areas closed to LEFG is currently open to trawling. Therefore, as part of the complementary

analysis information for the allowance of LEFG sectors into the RCA, **the GAP requests the Council direct the appropriate staff and advisory body to:**

1. **Do a literature review of bottom longline and pot/trap gear on benthic habitats (some concerns about effects of these gear types on habitat may not be as concerning as once thought; a review would provide at least some information on which to base decisions and indicate how best to move forward); and**
2. **Identify the portions of the non-trawl RCA that are currently open to trawl and being used by trawl vessels, then expedite a process and timeline for opening those areas to LEFG.**

Retention of rockfish caught incidentally in the salmon troll fishery

The GAP also discussed the proposal to allow rockfish caught incidentally to the salmon troll fishery while fishing within the RCA.

Prioritizing the allowance of all hook-and-line gears except bottom longline, dinglebar and pot/trap gears would automatically include the salmon troll gear and fishery in the RCA proposal. Salmon trollers already are allowed to fish within the RCA and are constrained to OA groundfish limits but must also have vessel monitoring systems (VMS) on the vessels. However, VMS will not necessarily indicate in which fishery the vessel is participating and the salmon troll fishery is not observed. The GAP is cognizant of this but relies on the Council to propose a path or process to move this option forward as part of the GAP's priority request.

Exempted fishing permits

As part of the GAP's priority request to include all hook-and-line gear within the RCA, this request includes the Yellowtail Rockfish Jig Fishing Off California/[Emley-Platt EFP](#) and consideration of including other currently approved hook-and-line EFPs. Those other EFPs include, if appropriate, the [Commercial Midwater Hook & Line Rockfish Fishing in the RCA off the Oregon Coast/Scott Cook EFP](#) and the [Monterey Bay Regional Exempted Fishing Permit Targeting Chilipepper Rockfish/Real Good Fish EFP](#). The GAP requests these hook-and-line EFPs that target fish higher in the water column be part of the priority request as approved gears types for use within the RCA. Allowing these EFPs would reduce regulatory discards while providing benefits to the fishery. **The GAP requests the Council include an analysis to consider all approved hook-and-line gear EFPs as part of the priority access to the RCA.**

Non-trawl RCA boundary modifications

As part of the complementary analysis for accessing the RCA using LEFG (longlines, pot/trap gear), the GAP requests the range of options for narrowing the RCA boundaries, as listed in Options 2 and 3 in Table 1 at the end of this statement, be analyzed. These options would allow LEFG fishermen more fishing opportunity for them to access healthy fish stocks that have been rebuilt. Again, this is complementary to the priority work discussed above.

As a complementary analysis that will likely move forward on a longer timeline, the GAP requests these RCA line modifications (Table 1, Options 2 and 3) be analyzed and moved forward for LEFG access to areas of the RCA.

Draft Purpose and Need statements

At this time, the GAP has no comments on the draft purpose and need statements as excerpted in [Attachment 1](#) under this agenda item but will likely comment on these after further direction from the Council.

Future work/timeline

Accessing the RCA with different gears and across sectors is a complicated process and the GAP understands some work on this issue should proceed as quickly as possible (i.e., prioritize OA access to the RCA), with complementary work and analyses be completed on a longer time schedule. This issue is not on the current year-at-a-glance schedule; the GAP requests this be included on the September Council agenda.

Summary

In summary, the GAP requests the Council consider the following:

- 1. The GAP requests the Council prioritize analysis of opening the existing non-trawl RCA to open access fisheries using hook-and-line gear, and excluding longline, dinglebar and pot/trap gear (Option 1 in the table at the end of this statement).**
- 2. The GAP would like to request a complementary analysis move forward that considers how the LEFG fishermen can access their higher trip limits within the RCA, using hook-and-line gears.**
- 3. The GAP requests the Council direct the appropriate staff and advisory body to:**
 - a. Do a literature review of bottom longline and pot/trap gear on benthic habitats (some concerns about effects of these gear types on habitat may not be as concerning as once thought; a review would provide at least some information on which to base decisions and indicate how best to move forward); and**
 - b. Identify the portions of the non-trawl RCA that are currently open to trawl and being used by trawl vessels, then expedite a process and timeline for opening those areas to LEFG.**
- 4. The GAP requests the Council include an analysis to consider all approved hook-and-line gear EFPs access to the RCA.**
- 5. As a complementary analysis that will likely move forward on a longer timeline, the GAP requests these RCA line modifications (Table 1, Options 2 and 3) be analyzed and moved forward for LEFG access to areas of the RCA.**

Table 1. Non-trawl RCA GAP options proposed for analysis

Proposal #	GAP April 2021 proposed NT-RCA boundaries	Current 2021 Shoreward/Seaward Boundaries ^{a/}	Gear type
1	Keep the existing NT-RCA boundaries.	Current NT-RCA Boundaries : <ul style="list-style-type: none"> ● 46°16' N. lat. to 40°10' N. lat.: ^{b/, c/} <ul style="list-style-type: none"> ○ 40 fm and 100 fm ● 40°10' N. lat. - 34°57.5' N. lat.: <ul style="list-style-type: none"> ○ 40 fm and 125 fm ● 38°57.5' N. lat. to 34°27' N. lat.: <ul style="list-style-type: none"> ○ 50 fm and 125 fm ● South of 34°27' N. lat.: ^{d/} <ul style="list-style-type: none"> ○ 100 fm and 150 fm 	Allow hook-and-line gear to be used within existing NT-RCA; exclude bottom longline, pots/traps and dinglebar gear. Allow all non-trawl gear outside of existing NT-RCA boundaries.
2	Narrowing the RCA: Set new NT-RCA boundaries at 60 fm shoreward and 80 fm seaward between 40°10' N. lat. and 34°27' N. lat. (from IR4)	<ul style="list-style-type: none"> ● 40°10 N. lat. - 38°57.5 N. lat. <ul style="list-style-type: none"> ○ 40 fm and 125 fm ● 38°57.5 N. lat. 34°27 N. lat. <ul style="list-style-type: none"> ○ 50 fm and 125 fm 	Allow hook-and-line gear to be used within the new NT-RCA boundaries; <i>exclude</i> longline, pot/trap and dinglebar. Allow all non-trawl gear outside of new NT-RCA boundaries.
3	Narrowing the RCA: Set new NT-RCA boundaries at 40 fm shoreward and 80 fm seaward between 46°16' and 40°10' N. lat. (from IR4)	<ul style="list-style-type: none"> ● 46°16' N. lat. to 40°10' N. lat. <ul style="list-style-type: none"> ○ 40 fm and 100 fm ^{b/} 	Allow hook-and-line gear to be used within the new NT-RCA boundaries; <i>exclude</i> longline, pot/trap and dinglebar. Allow all non-trawl gear outside of new NT-RCA boundaries.

a/ Current NT-RCA boundaries at [86 FR 14379](#), Tables 2 & 3 -coordinates at [§§ 660.71-660.74](#)

b/ between 46°16 N. lat. and 40°10' N. lat., 30 to 40 fm fishing is only allowed with hook and line gear except bottom longline and dinglebar ([§660.11](#))

c/this geographic range includes Oregon

d/ also applies around islands