

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

The Groundfish Management Team (GMT) received a joint briefing with the Groundfish Advisory Subpanel (GAP) from Mr. Todd Phillips of the Pacific Fishery Management Council (Council) staff and reviewed the documents and public comments in the advanced briefing book. Below we offer some thoughts for Council consideration.

Background

The non-trawl rockfish conservation area (NT-RCA) is a contiguous area closure specific to the commercial groundfish non-trawl sector that extends the length of the West Coast, and is bounded by specific latitudes and longitudes that approximate depth contours. The NT-RCA was implemented in 2002, with boundaries “set primarily to minimize incidental catch of overfished rockfish, by eliminating fishing in areas at locations and at times when those overfished species are likely to co-occur with more healthy target stocks of groundfish”¹. As of 2021, all but one groundfish species has been rebuilt (yelloweye rockfish being the exception). Though these stocks have rebuilt, the areas of target species abundance remain closed. The GAP, as well as other industry members, have noted in statements and public comment that one of the major impediments to utilizing non-trawl allocations for shelf species is inability to access the NT-RCA.

Additional access to these areas was provided as part of the 2021-22 biennial harvest specifications and management measures. During the June 2020 meeting, the Council adopted multiple NT-RCA boundary changes in California and allowed for the use of hook and line gear between 30 and 40 fathoms in the area between 40° 10' N. lat. and 46° 16' N. lat. Pots/traps, bottom longline, and dinglebar gear were excluded north of 40° 10' N. lat., due to potential habitat impacts in areas primarily accessed using hook and line gear (see [Agenda Item F.1.a, Supplemental GMT Report 4, June 2020](#) for further details). Additionally, the Council allowed for retention of incidentally caught yellowtail rockfish in the salmon troll fishery by adopting limits south of 40° 10' N. lat. and increasing limits north of 40° 10' N. lat. while fishing in the NT-RCA.

In 2019, the Council selected NT-RCA management measures as a priority for action and tasked the GAP to develop proposals that would address industry concerns. The GAP produced [Informational Report 4](#) (June 2020), which provided several NT-RCA modification proposals and initial scoping for Council consideration. In general, these proposals use boundary modifications and gear allowances to increase access to the NT-RCA.

Specifically, the GAP requested the Council explore four items to create additional targeting opportunities:

- Modify or eliminate the NT-RCA by changing depth restrictions
- Implement the San Francisco Fishing Association midwater rockfish exempted fishing permit in regulations
- Adjust the groundfish landing limits in the salmon troll fishery

¹ <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/west-coast-groundfish-closed-areas#rockfish-conservation-areas>

- Modify or eliminate the Cowcod Conservation Areas. *This item was removed by the Council from this action in March 2021 and will be a future standalone item. Therefore, this component will not be discussed further in this report.*

Purpose and Need Statement(s)

The GMT offers some high-level thoughts for the Council to consider when writing the purpose and need statement (Table 1). These items are numbered for reference purposes only and are not ranked or prioritized in any way.

Table 1. At-a-glance summary of some of the considerations for scoping topics the GMT is aware of. This is intended to be a quick-reference companion to the more detailed description in the outline and discussion below.

	(1.) Access to the NT-RCA	(2.) Access for Certain Gears	(3.) Rockfish in Salmon Troll	(4.) Habitat Protection ²
Summary of benefits:	Economic; Equitable	Economic; Less potential for habitat impacts than (1.)	Economic	Habitat protection that may offset additional gear impacts. Analysis of habitat impacts could be less complex than (1.)
Summary of challenges:	Lack of effort controls for OA; Complexity of analysis of habitat impacts; Assessing risk to yelloweye rockfish	Complexity of gear definitions and equity analysis; Lack of effort controls for OA; Assessing risk to yelloweye rockfish	Definition of incidental; Lack of monitoring; Complexity of equity analysis; State-specific considerations; Assessing risk to yelloweye rockfish	Analysis of habitat impacts will still be required.

1. Access to NT-RCA (e.g. boundary adjustments or reopening to Limited Entry Fixed Gear [LEFG] and Open Access [OA] fishing)
 - a. **Benefits:** economic benefits; relief for fishermen experiencing constraints in other parts of their fishing portfolios (e.g. salmon, crab); additional product for new and existing processors; recognition of rebuilt stocks.
 - b. **Challenges:** indirect effort controls for OA make effort changes difficult to quantitatively predict; potential adverse impacts to benthic habitat from longline and pot/trap gear (perhaps less so than bottom trawl, but more than zero); difficulty in assessing the risk to yelloweye rockfish.
2. Access to the NT-RCA for certain types of fixed gear (e.g. EFP-tested gears, vertical hook and line gear, etc.)
 - a. **Benefits:** potential for lower economic and habitat impacts than full access to the non-trawl RCA as described in number (1.) above.

² Recommendation from the Habitat Committee, per [F.3.a, Supplemental HC Report 1](#), April 2021

- b. Challenges: potential equity issues, because LEFG quotas/allocations/trip limits cannot be harvested with gears other than longline and pot/trap gear ([660.60\(h\)\(7\)\(ii\)\(A\)](#) and [660.230\(b\)\(2\)](#)); need for explicit and enforceable gear descriptions/definitions in regulation may make enforcement difficult and may limit flexibility or innovation; difficulty in assessing the risk to yelloweye rockfish.
- 3. Rockfish retention in the salmon troll fishery
 - a. Benefits: potential economic relief for salmon troll fishermen experiencing constraints in other parts of their fishing portfolios; reduction in regulatory discarding.
 - b. Challenges: reduction in allocations to the directed groundfish fishery (i.e. trawl and non-trawl allocation) due to increased off-the-top deductions for incidental open access; associated discussion of fairness and equity; difficulty in modeling impacts in an unobserved fishery with unknown discards that has unknown seasons at time of modeling for biennial management measures; defining the line between incidental and targeted fishing for groundfish; state-specific considerations; difficulty in assessing the risk to yelloweye rockfish.
- 4. Minimization of adverse effects of non-trawl fishing on sensitive habitats and structure forming inverts (e.g. essential fish habitat [EFH]) ([Habitat Committee \(HC\) recommendation](#)).
 - a. Benefits: mitigation of potential habitat impacts associated with reopening the NT-RCA to all fixed gears (1.).
 - b. Challenges: may expand the scope of the action beyond the NT-RCA; varying amounts of habitat data in the action area.

Regarding Items 1, 2, and 3 on the outline above: If the Council allows any increased access to the NT-RCA, impacts to yelloweye rockfish will need to be considered. Impacts to yelloweye rockfish will be uncertain due to a lack of widespread fishery-dependent data for the last 20 years. However, fishery-independent data sources could inform assumptions around species composition and abundance.

Regarding Item 2.b on the outline above: The GMT suggests any gear-specific allowances include clear definitions beyond “bottom contact gear”. Bottom contact gear was defined in [Amendment 19](#) (2006) of the Groundfish Fishery Management Plan (FMP) specifically for use in EFH Conservation Area (EFHCA) restrictions. The very specific definition in the FMP and regulations³ applies outside the non-trawl fishery (e.g., bottom trawl fisheries)⁴. The GMT also notes that any gear definitions will need to be reviewed by the Enforcement Consultants.

Regarding Item 4 on the outline above: The HC recommends that “each of the purpose and need statements include minimizing impacts to structure-forming invertebrates and sensitive habitats” ([F.3.a, Supplemental HC Report 1, April 2021](#)). The GMT notes that this would expand the scope

³ [50 CFR 660.11(1) *Bottom contact gear* means fishing gear designed or modified to make contact with the bottom. This includes, but is not limited to, beam trawl, bottom trawl, dredge, fixed gear, set net, demersal seine, dinglebar gear, and other gear (including experimental gear) designed or modified to make contact with the bottom. Gear used to harvest bottom dwelling organisms (e.g., by hand, rakes, and knives) are also considered bottom contact gear for purposes of this subpart.

⁴ See also Table 2-2 and Figure 2-2 in the [Amendment 28 Environmental Impact Statement](#)

of the draft purpose and need statements outlined in Attachment 1 ([Agenda Item F.3, Attachment 1, April 2021](#)) to include habitat protection. Additionally, if the proposed action included closures to bottom contact gears, as currently defined, it would expand the scope of the action beyond the non-trawl fishery. The GMT also notes that consideration of the impacts of a proposed action on habitat is required for every fishery management action taken under the Magnuson-Steven Act, regardless of whether it is part of the purpose of the proposed action.

Analytics and Metrics

The GMT sees merit in considering the following under any proposed Council action related to this topic. The items below are not prioritized or exhaustive but may be useful to keep in mind during scoping.

The types and amount of fishing and non-fishing activities occurring in any areas proposed to be reopened should be included when considering the habitat impacts of all action alternatives. This information gathering would further develop the work begun in the GMT's [June 2020 report](#) (Agenda Item F.1.a, Supplemental GMT Report 4).

Similar to the HC's recommendation, the GMT sees merit in an impact analysis that considers spatial overlap of the NT-RCA with habitats regarded as particularly sensitive to impacts of fishing ([F.3.a, Supplemental HC Report 1, April 2021](#)). Spatial overlap of the NT-RCA with other aspects of the affected environment will also be important to consider.

Regardless of the scope and range of alternatives, changes to spatial management measures will require support from staff with training in Geospatial Information Systems (GIS). GIS will allow for analysis and exploration of interactions between the NT-RCA, other area closures, fishing effort, habitat characteristics, and other related information over space and time. The quantitative and qualitative outputs from GIS, including maps, will improve our understanding and inform analyses of both the No Action alternative (baseline conditions) and potential impacts of action alternatives.

PFMC
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