

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

The Groundfish Advisory Subpanel (GAP) received an overview of this from Mr. Brett Wiedoff, Pacific Fishery Management Council (Council) staff and Jessi Doerpinghaus, and has the following recommendations.

Non-trawl fishermen on the GAP said that while the intent is to open or modify the Rockfish Conservation Area (RCA) for all non-trawl gears, complete removal of the RCA is unlikely due to concerns related to habitat and yelloweye rockfish, which is continuing to rebuild.

However, the GAP believes now may be the most opportune time to use gear that has been tested through exempted fishing permits to access midwater shelf stocks, thereby taking pressure off the nearshore stocks, without affecting habitat or yelloweye rockfish.

Therefore, the GAP would like:

1. The Council to continue to move forward with allowing the following gear types to fish within the non-trawl RCA in California and Oregon. Per staff guidance, the GAP further refined the gear description as: Non-bottom contact hook-and-line gear that is attached to the vessel and not anchored to the bottom, including (but not limited to) the gear used in the three 2021-2022 EFPs targeting shelf rockfish. Gear that would not be allowed includes bottom longline, pot and trap gear, bottom gillnet gear, vertical set-lines (Portuguese longline gear) and dinglebar gear. The GAP notes that bottom gillnet gear and vertical set-lines are gears that were not identified in Alternative 1 in [Agenda Item E.6, Non-trawl Sector Area Management ROA analysis](#).
2. Fisheries that are currently permitted to fish in the non-trawl RCA be allowed to continue (for example, some fisheries such as spot prawns or hagfish that use traps and are permitted to fish them within the RCA should be allowed to keep using that gear);
3. Fishermen to declare into the fishery and be allowed to carry only one type of approved gear on the boat while fishing within the RCA; and
4. That this issue be scheduled as soon as possible to enable movement of fishing operations to the shelf and slope.

Other considerations

Cowcod Conservation Areas (CCAs)

The GAP would like to see changes to the CCAs as soon as possible to move effort to the slope. If repealing the CCAs will progress on a faster timeline in this action, then the GAP would support removing it from the biennial harvest specifications discussion and place it here. Reopening the CCA has become even more critical due to copper rockfish and vermilion rockfish catch reductions coming forward in the next management cycle. The status of copper and vermilion will force both

recreational and commercial fishermen further offshore to pursue other species, such as chilipepper and widow rockfish. The CCA contains several areas of known chilipepper hotspots as well as bocaccio, widow and bank rockfish in plentiful amounts.

As noted in [public comment from Oceana](#), it has "...committed to working with the Council and fishing industry stakeholders toward the goal of repealing the Cowcod Conservation Area to increase fixed gear fishing opportunities while simultaneously establishing new protections for priority habitat features likes coldwater corals and sponges. Because cowcod rockfish have rebuilt, the California Department of Fish and Wildlife recommended the Council repeal the CCA while also taking steps to protect the most sensitive habitats."

We understand that, in the future, California Department of Fish and Wildlife may want to provide the GAP and the Council with additional CCA changes, not just a full repeal. We expect to engage in scoping those ideas at some point. At a minimum, full repeal could be part of the ROA and, in the future, other actions that are less than a full repeal could be placed within the ROA. Further, we understand the Purpose and Need for this action may need to be slightly revised to accommodate the inclusion of the CCA actions.

Accountability measures

Non-trawl fishermen noted it will be necessary for vessels fishing groundfish outside of state waters to have vessel monitoring systems (VMS). They also will be eligible for observer coverage. Lastly, fishermen will be subject to the use of logbooks as well. All these measures will enable fisheries managers to ensure compliance while fishing within the RCA and to manage stocks to their annual catch limits.

Incremental process

Overarching thoughts regarding moving forward with accessing the non-trawl RCA include the forthcoming reductions in ACLs for copper, quillback, and vermilion rockfish, particularly in California. It is imperative non-trawl fishermen access the midwater stocks as soon as possible; the non-trawl RCA process is just one mechanism to achieve that.

However, the GAP recognizes an implementation date of January 1, 2024, may be too late for many fishing operations. Fishermen on smaller vessels who also fish salmon and crab have been constrained by regulations for those fisheries due to stock declines, changing ocean environment, etc. Adding more time to this process will be problematic.

GAP members therefore suggest consideration of an incremental process that may allow access to the RCA sooner. That is:

1. Allow access to the RCA using hook-and-line gears only (currently authorized and new EFP gear authorizations). This action could be implemented much more quickly and provide almost immediate relief. We ask that the Council consider implementing this as either a new management measure under the 2023-2024 specifications process or remain as an action through this Non-Trawl RCA package. We think implementation of just the hook-and-line gear alternatives may be the most expedient way to gain access to the RCA

in the shortest timeframe, with minimal analysis and without reinitiating any biological opinions.

2. Make changes to RCA lines. The GAP would like to work through more RCA line changes in the future as this package moves forward. For example, given the likely reduction in catch for copper and quillback rockfish in California, the GAP believes it is unwise to consider changing the shoreward boundary of the RCA at this time. The Council may want to consider repackaging CCA and RCA changes as one agenda item in the future with the development of a new purpose and need, further scoping, analysis, and discussion as appropriate. The WDFW proposal could be added, but it also pertains to a different gear type and fishery.
3. Completely remove the RCA for non-trawl gear. This action will require a multi-year analysis and the GAP recognizes it may be necessary to create small RCA block area closures. That kind of information would come out through upcoming analyses.

An incremental process could allow the most expedient access to the RCA and keep many small businesses operating. Additionally, portions of this package – using EFP gears to access the RCA, for example – may be expedited through the biennial harvest specifications and management measures process. This would immediately decrease fishing pressure on the nearshore stocks of concern while affording additional fishing opportunity and flexibility.

Washington Department of Fish and Wildlife proposal

The GAP had limited time to vet [WDFW Report 1](#) but generally supports this proposal moving forward. The GAP is concerned this could unnecessarily delay the non-trawl RCA package at a time when fishermen need to emphasize shelf rockfish species simply to remain economically viable. The Purpose and Need would have to be modified to accommodate this action.

Range of Alternatives

Referencing [E.6, Attachment 1](#), the range of alternatives analysis, the GAP sees the current range as sufficient to move forward. However, regarding allowing multiple gears on board, the GAP believes this is not worth pursuing at this time. The GAP suggests removing both Alternative 1, sub-option B2 and Alternative 2, sub-option B2 from the range of alternatives.

The GAP also supports removing Alternative 1, sub-option A1, and Alternative 2, sub-option A1. Under this package, one of the goals is to use the gear types as described in the EFPs. Currently, those gear types can be used to fish both shoreward and seaward of the RCA; adding the use of those gear types *within* the RCA negates the need for this sub-option.

Regarding the boundary lines of the RCA referenced in Alternative 3, sub-options 1 and 2, the GAP recommends keeping the shoreward boundary at the existing line, 40 fathoms, but changing the seaward boundary to 75 fathoms. Keeping the shoreward boundary will decrease the pressure on nearshore stocks like copper and quillback rockfish. The 75-fathom line is currently described in regulations, the 80-fathom line is not. Changing it to 75 fathoms will decrease some analytical workload while also opening the deeper areas to midwater rockfish and some areas to access lingcod.

A summary of our recommendations for the alternatives begins on the next page.

Summary of GAP recommendations on alternatives, from [Agenda Item E.6, Non-trawl Sector Area Management ROA analysis](#). GAP recommendations to remove are in ~~strike through~~; additions are in ***bold italics***:

Alternative 1: Allow OA Vessels to Operate in the NT_RCA when using Approved Hook-and-line Gear

Prioritize analysis of opening the existing non-trawl RCA to open access fisheries using approved hook-and-line gear, and excluding longline, dinglebar and pot/trap gear (Option 1 in the table at the end of [Supplemental GAP Report F.3.a](#)).

No Action: OA vessels, except where and when allowed in regulation, are not allowed to operate within the NT_RCA.

Alternative: Allow OA vessels to operate inside NT_RCA to target groundfish with approved hook-and-line gear only. Vessels must declare their intent to fish within the NT_RCA prior to departure.

Fishing Area Sub-Options:

~~**Sub-option A1:** OA vessels may fish in either inside the NT_RCA or outside the NT_RCA on a trip, not both.~~

Sub-option A2: OA vessels may fish inside and outside the NT_RCA on a trip.

Gear On-Board Sub-Options

Sub-option B1: OA vessels shall only carry approved hook-and-line gear on-board vessel when fishing occurs in the NT_RCA. Vessels shall not switch gears during a fishing trip.

~~**Sub-option B2:** OA vessels shall be allowed to carry multiple gears onboard vessels when fishing in the NT_RCA. Only approved hook and line gear may be used inside the NT_RCA. Any OA gear may be used outside the NT_RCA.~~

Alternative 2: Allow LEFG Vessels to Operate within the NT_RCA when using Approved hook-and-line Gear to Fish to LEFG Trip Limits

Conduct a complementary analysis that considers how the LEFG fishermen can access their higher trip limits within the RCA, using approved hook-and-line gears.

No Action: LEFG vessels, except where and when allowed in regulation, are not allowed to operate within the NT_RCA.

Alternative: Allow LEFG vessels to operate inside the NT_RCA with approved hook-and-line gear and fish up to the LEFG trip limits. Vessels must declare their intent to fish within the NT_RCA prior to departure.

Fishing Area Sub-Options

~~**Sub-option A1:** LEFG vessels may fish in either inside the NT_RCA or outside the NT_RCA on a trip, not both.~~

Sub-option A2: LEFG vessels may fish inside and outside the NT_RCA on a trip.

Gear On-Board Sub-Options

Sub-option B1: LEFG vessels can only carry approved hook-and-line gear on-board a vessel. Vessels shall not switch gears during a fishing trip.

~~**Sub-option B2:** LEFG vessels may carry multiple gears on board. LEFG vessels may fish with approved gears both inside and outside the NT_RCA on the same trip. Only approved hook-and-line gear may be used inside the NT_RCA.~~

Alternative 3: Reconfiguration of NT_RCA Boundaries

Conduct a complementary analysis regarding RCA line modifications (Table 1, Options 2 and 3) to allow LEFG access to areas of the RCA. In addition to GAP options described in Table 1, RCA line modifications may also include discrete changes to the 100 fm RCA boundary in Washington north of 46° 16' N. lat.

No Action: The NT_RCA boundaries shall not be changed under this Action.

Alternative: NT_RCA boundaries shall be set at:

Sub-option 1: 40 fm shoreward (current boundary) ~~and 80 fm~~ **75 fm** seaward between 40° 10' N. lat. and 34° 27' N. lat.

Sub-Option 2: 40 fm-shoreward (current boundary) ~~and 80 fm~~ **75 fm** seaward between 46° 16' and 40° 10' N. lat.

Sub-Option 3: The NT_RCA boundaries off of Washington will be to [depths]