

Update to the Pacific Coast Groundfish Fishery Management Plan Regarding Block Area Closures.

In the course of the Groundfish Management Team’s (GMT) over-winter analysis on the 2023-2024 harvest specifications and management measure, a mismatch between the Pacific Coast Groundfish Fishery Management Plan (FMP) and current Federal regulations was discovered. The regulations articulate the Council’s intent to manage incidental salmon bycatch by vessels using groundfish midwater trawl gear in the Exclusive Economic Zone (EEZ) off of Washington, Oregon, and California with Block Area Closures (BACs); however, inadvertently, the FMP was not updated to sync with regulations. To avoid potential future implementation delays, updates should be made to the FMP that are consistent with Council intent described in the salmon bycatch mitigation rulemaking document ([86 FR 10857](#)).

BACs were developed by the Council for groundfish bottom trawl gear under [Amendment 28](#), and for groundfish midwater trawl gear under the salmon mitigation measure process ([Agenda Item H.9, Attachment 1, November 2019](#)). BACs can be applied to control harvest of groundfish and protected species for vessels using bottom trawl gear; whereas, for vessels using midwater trawl gear BACs can only be applied control incidental catch of salmon. BACs are flexible depth-dependent management measure that are “bounded on the north and south by commonly used geographic coordinates, defined at [§ 660.11](#), and on the east and west by the EEZ, and boundary lines approximating depth contours, defined with latitude and longitude coordinates at [§§ 660.71](#) through [660.74](#) (10 fm through 250 fm), and [§ 660.76](#) (700 fm)” ([§ 660.111](#)).

In the FMP, BACs are defined as (emphasis added):

“...groundfish bottom trawl-specific management tool introduced as part of Amendment 28. BAC boundary lines are latitudes and depth contour approximations described in Federal regulations at [50 CFR §660.11](#) and §§71-74. BACs (one or more) may be closed or reopened inseason via the routine management measures process (Section 6.2.1) using latitude and longitude boundary lines defined in regulation. One or more of those polygons, as necessary may be closed to groundfish bottom trawl gear to control harvest of groundfish species or to reduce the catch of protected species. **BACs are available off Oregon and California, and are intended as a catch control mechanism, not for habitat protection.**”

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In regulation BACs are noted in multiple sections¹, but the most relevant language related to the issue are found at [§ 660.111 “Block area closures or BACs”](#) and [§ 660.60\(c\)\(3\)\(i\)\(C\)](#). The language captured below is pulled from those sections to focus on the issue

“... BACs may be implemented in the EEZ off Oregon and California for vessels using limited entry bottom trawl and/or midwater trawl gear. BACs may be implemented in the EEZ off Washington shoreward of the boundary line approximating the 250-fm depth contour for midwater trawl vessels. BACs may close areas to specific trawl gear types (e.g., closed for midwater trawl, bottom trawl, or bottom trawl unless using selective flatfish trawl) and/or specific programs within the trawl fishery (e.g., Pacific whiting fishery or MS Coop Program).”

[§ 660.111 “Block area closures or BACs](#)

¹ Refer to [50 CFR § 660.11 Conservation area\(s\)](#); [§ 660.111 Block area closures](#); [§ 660.60\(c\)\(3\)\(i\)](#); etc.

“... BACs, as defined at [§ 660.111](#), may be closed or reopened, in the EEZ off Oregon and California, for vessels using limited entry bottom trawl gear, and in the EEZ off Washington, Oregon and California for vessels using midwater trawl gear, consistent with the purposes described in this [paragraph \(c\)\(3\)\(i\)](#).”[§ 660.60\(c\)\(3\)\(i\)\(C\)](#)

Discussion

The difference between the FMP and Federal regulation is the FMP does not specify that BACs can be used for groundfish midwater trawl in the EEZ off Washington, Oregon, and California; whereas, under 50 CFR 660.60(c)(3)(i)(C) –(and other sections)– it does

The Council’s intent to apply BACs for vessels using midwater gear for salmon was well documented through the salmon mitigation process (i.e., council discussion, motions, and rationale, and associated briefing book documents) which occurred at Council meetings in November 2018 (Agenda Item G.8), April 2019 (Agenda Item G.3), September 2019 (Agenda Item H.4); and November 2019 (Agenda Item H.9). Additionally, the use of BACs for groundfish midwater trawl gear as a mitigation measure to reduce incidental salmon catch was described in the proposed ([85 FR 66519](#)) and final rulemakings ([86 FR 10857](#)).

The Council has the opportunity to update the FMP as part of the current harvest specifications and management measures process. The Council could consider the following suggested language to update the FMP for it to be consistent with Federal regulation.

FMP language regarding BACs is corrected (**in red-line**) and updated with the following suggested language (**in bold**):

“BACs are groundfish bottom trawl-specific management tool introduced as part of Amendment 28. BAC boundary lines are latitudes and depth contour approximations described in Federal regulations at 50 CFR §660.11 and §§71-74. BACs (one or more) may be closed or reopened inseason via the routine management measures process (Section 6.2.1) using latitude and longitude boundary lines defined in regulation. One or more of those polygons, as necessary may be closed to groundfish bottom trawl to control harvest of groundfish species or to reduce the catch of protected species. **One or more of those polygons, as necessary, may be closed to groundfish midwater trawl to reduce the catch of protected species.** BACs are available in the EEZ off Oregon and California, ~~and are intended as a catch control mechanism, not for habitat protection.~~ **for vessels using groundfish bottom trawl gear and in the EEZ off Washington, Oregon and California for vessels using groundfish midwater trawl gear. BACs are intended as a catch control mechanism, not for habitat protection.**”

Conclusion

The FMP definition lacks the specificity that would allow the Council to use BACs for groundfish midwater gear, , the Council may not be able to implement them in a timely manner.. This could reduce flexibility of the Council to mitigate incidental salmon catch for vessels using groundfish midwater trawl gear

The suggested language would 1) be consistent with Council intent as expressed during the salmon mitigation measures process and 2) make the FMP consistent with current regulations. This correction would allow the Council to recommend use BACs for vessels using midwater groundfish gear to mitigate incidental salmon catch.