

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON PROPOSED PROTECTION AREAS WITHIN THE COWCOD CONSERVATION AREAS

Last November, the California Department of Fish and Wildlife (CDFW) proposed repealing the Cowcod Conservation Areas (CCAs) and managing fishery impacts using Rockfish Conservation Area (RCA) boundary lines ([Agenda Item E.6.a, Supplemental CDFW Report 1, November 2021](#)). Meanwhile, last September, the Habitat Committee identified the need and framework of considerations for protection of areas that may be sensitive to bottom contact gears ([Agenda Item C.8.a, Supplemental HC Report 1, September 2021](#)). In response to the suggestions of the Habitat Committee, recommendations were developed by an ad-hoc workgroup comprised of key stakeholders, as described below. Based on these recommendations, CDFW provides the following report proposing closed areas that would be established with a goal of protecting corals, sponges and sea pens from contact with groundfish fishing gear, should the Cowcod Conservation Areas (CCAs) be repealed.

Mechanism for Protections

In total, the two CCAs encompass 4,300 square miles of the Southern California Bight in which groundfish fishing is only permitted shoreward of the 40-fathom RCA boundary line, significantly limiting groundfish opportunity in southern California for both recreational anglers and commercial fishermen. CDFW has proposed repealing the CCAs, recognizing the areas are no longer needed to protect cowcod which is now rebuilt. Concurrent with the repeal, CDFW supports establishing new “discrete area closures” which would prohibit groundfish fishing in certain sensitive areas to mitigate effects to bottom habitat that might come with resumption of groundfish fishing activities in the CCAs. Following the advice of the ad-hoc CCA workgroup (described below) to advance the proposal as a core element of the proposal to repeal the CCAs, CDFW has considered the Socioeconomic Framework outlined in the [groundfish Fishery Management Plan \(FMP\)](#). In using the Socioeconomic Framework, the following criteria must be addressed:

- a. *How the action is expected to promote achievement of the goals and objectives of the FMP* – this action would further Goals 2 and 3, as well as Objectives 6 and 9 of the FMP, increasing the value and utilization of the groundfish fishery by allowing for increased access while ensuring protections are established.
- b. *Likely impacts on other management measures, other fisheries, and bycatch* – this action is not anticipated to affect other management measures. Other fisheries would not be impacted by the discrete area closures as only groundfish fishing would be prohibited. Recreational bycatch would continue to be accounted for using established sampling methods and the non-trawl logbook currently being developed by the Council could provide additional bycatch data to augment instances of low observer coverage for commercial fisheries.
- c. *Biological impacts* – CDFW conducts extensive inseason catch tracking and monitoring to ensure commercial and recreational fishing mortality stays within harvest limits and, if needed, inseason action can be taken to slow or stop additional mortality from occurring.
- d. *Economic impacts, particularly the cost to the fishing industry* – this action is anticipated to have a net positive economic impact on industry by increasing commercial landings of healthy and underutilized stocks. Offering new open areas to recreational fisheries is likely to attract participants, with possible increases in fishing effort and activity overall. It also may increase the efficiency of recreational trips that may not have had success participating in other fisheries offshore by providing opportunities for groundfish in locations where none previously existed.

- e. *Impacts on fishing communities* – the action is expected to have a positive impact on fishing communities by restoring access to fishing grounds in southern California.
- f. *How the action is expected to accomplish at least one of 14 items listed under (f), including:*
 - 1. *Enable an allocation to be achieved* – while this action may not achieve allocation of underutilized stocks, increased utilization of stocks such as chilipepper rockfish south of 40° 10' N lat., sablefish south of 36° N lat. and thornyheads south of 34° 27' N lat. is expected.
 - 2. *Avoid exceeding an allocation* – it is expected that by opening the CCAs, both commercial and recreational effort might shift offshore and away from nearshore stocks by distributing some of the effort to deeper depths.
 - 3. *Increase economic yield* – by repealing the CCAs, greater access to underutilized stocks will be afforded, potentially increasing economic opportunity to individuals and fishing communities.
 - 4. *Maintain or improve the recreational fishery* – this action will improve the recreational fishery, allowing additional opportunity and restoring historic fishing grounds. Notably, representatives of the Southern California Commercial Passenger Fishing Vessel fleet have requested many times in recent years that they be able to access more of the offshore banks to target deeper water groundfish stocks.

While at this time, CDFW does not support using Essential Fish Habitat (EFH) designations for these new area closures, the identified areas may warrant such consideration during the next EFH review. The EFH pathway would allow evaluation of any new information, and input from a wider range of stakeholders beyond the federal groundfish industries and participants in the Non-Trawl RCA agenda item. As an example, EFH closures proposed in the future would require consultation with agency and industry representatives of state-managed fisheries or other federal fisheries that may be affected.

CCA Workgroup Process

Following the November 2021 Council meeting, an ad-hoc CCA workgroup met, comprised of CDFW staff, industry (including both commercial and recreational representatives) and Oceana. The stated goal of the workgroup was, “*Repeal the CCAs given the rebuilt status of cowcod, to increase fixed gear and recreational opportunity while establishing new protections for coral, sponges and other living habitat*”. Over the course of several meetings, the workgroup used data from the [National Oceanic and Atmospheric Administration’s Deep-Sea Coral Data Portal](#)¹ (hereafter referred to as NOAA Data Portal) and industry knowledge to identify discrete areas within the CCAs suitable for protection. The workgroup identified eight proposed protection areas that were generally agreeable to all. The proposed areas encompass approximately 44 and 35 percent, respectively, of the observed corals and sponges inside the CCAs. The proposed closures would encompass roughly 12 percent of the total 4,300 square-mile areas currently off-limits to groundfish fishing in the CCAs (*Figure 1*).

CDFW would like to acknowledge and thank the members of the ad-hoc workgroup for their leadership and collaborative and constructive approach. Representatives brought the necessary expertise to the table and worked together toward common goals, leading to the formation of this proposal in only a few short months. Members included California Groundfish Advisory Subpanel representatives Mr. Harrison Ibach, Mr. Merit McCrea, Mr. Dan Platt, Mr. Gerry Richter and Mr. Louie Zimm; recreational fisher and Executive Director of Coastal Conservation Association of California Mr. Wayne Kotow; Ms. Tara Brock, Mr. Ben Enticknap and Dr. Geoff Shester of Oceana; and Mr. Andre Klein, CDFW staff.

¹ Version: 20211110-0

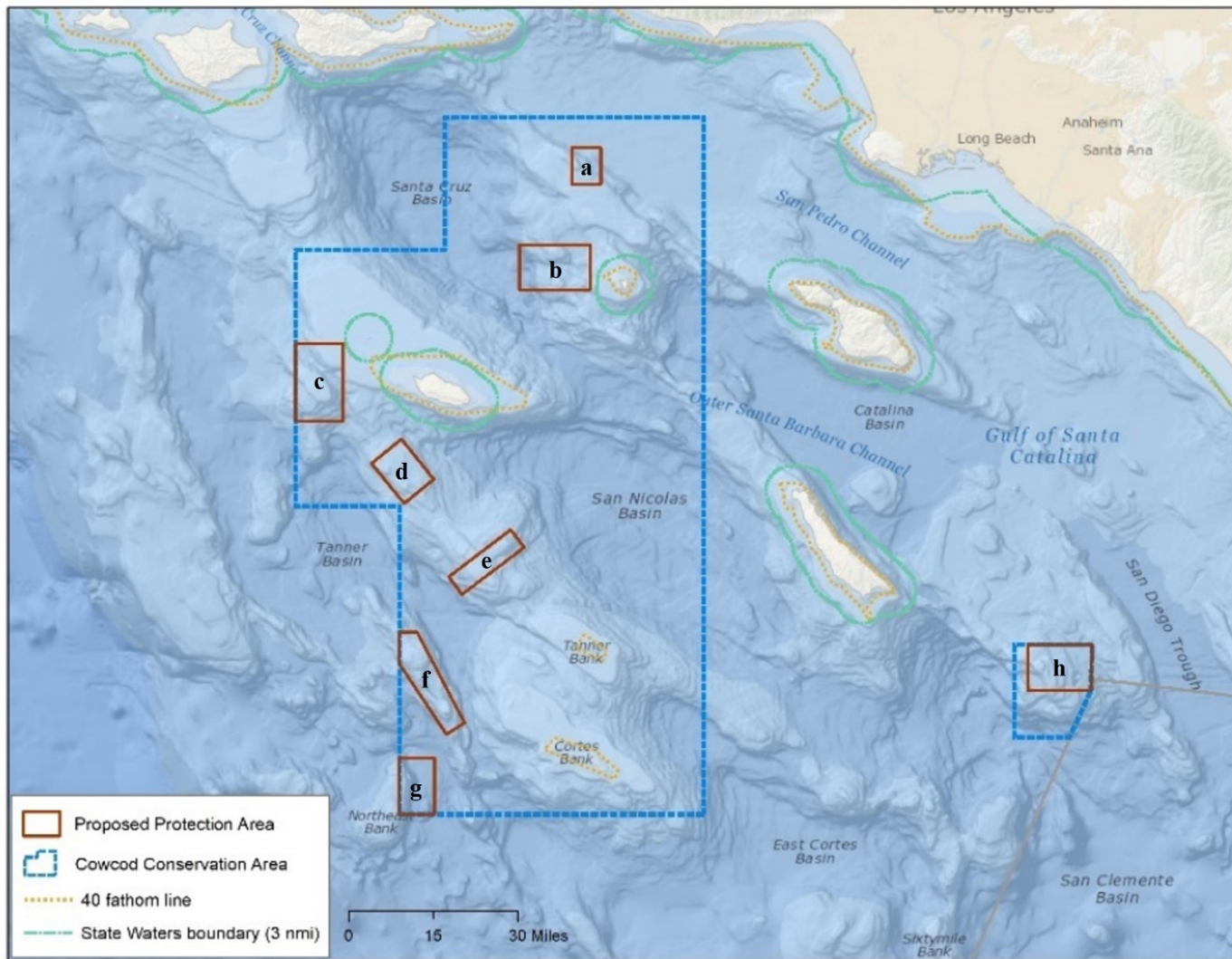


Figure 1. Overview of the CCAs within the Southern California Bight and Proposed Protection Areas **a**) Hidden Reef [see *Figure 2*], **b**) West of Santa Barbara Island [see *Figure 3*], **c**) Potato Bank [see *Figure 4*], **d**) 107/118 Bank [see *Figure 5*], **e**) Cherry Bank [see *Figure 5*], **f**) Seamount 109 [see *Figure 6*], **g**) Northeast Bank [see *Figure 7*], and **h**) the 43-Fathom Spot [see *Figure 8*].

The proposed protection area at Hidden Reef measures 5.7 by 6.6 miles and includes 471 coral and 1,493 sponge observations (*Figure 2* and *Table 1*). Modeling from the NOAA Data Portal shows areas of high habitat suitability for *Acanthrogorgia*, *Antipathes*, *Eugorgia*, *Paragorgia* and *Plumarella* in the proposed protection area.

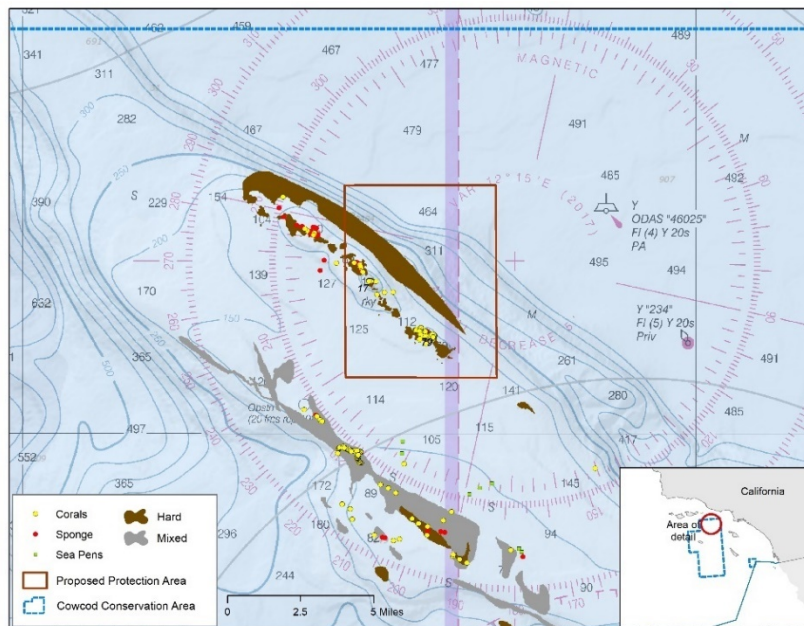


Figure 2. Proposed protection area at Hidden Reef displaying substrate, coral, sponge and sea pen observations.

Table 1. Coordinates for the proposed protection area at Hidden Reef.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	33	46.14	119	10.45
2	33	46.14	119	5.96
3	33	41.40	119	5.96
4	33	41.40	119	10.45
5	33	46.14	119	10.45

West of Santa Barbara Island, the proposed protection area measures 12.6 by 7.9 miles and includes 665 coral and 1,102 sponge observations (*Figure 3* and *Table 2*). Modeling from the NOAA Data Portal shows areas of high habitat suitability for *Acanthrogorgia*, *Adelogorgia*, *Antipathes*, *Paragorgia* and *Plumarella*.

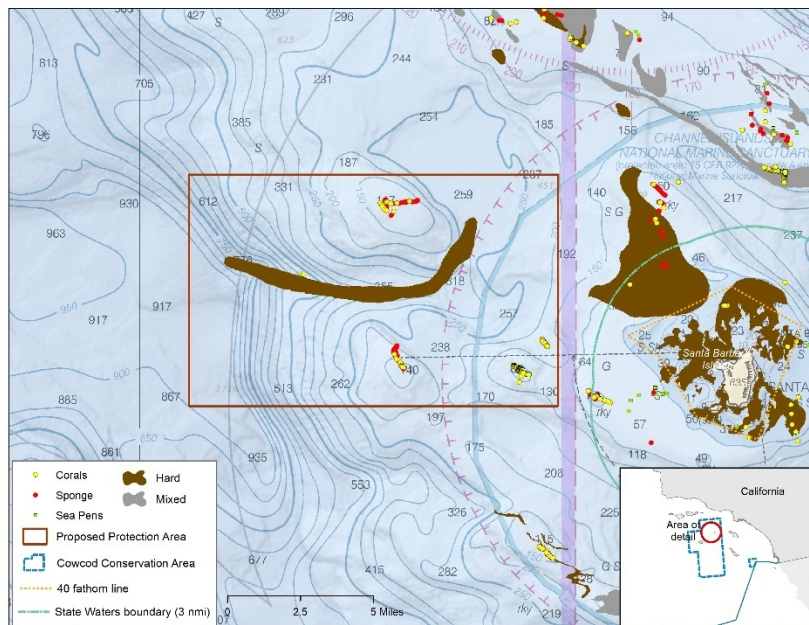


Figure 3 Proposed protection area west of Santa Barbara Island displaying substrate, coral, sponge and sea pen observations.

Table 2. Coordinates for the proposed protection area at west of Santa Barbara Island.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	33	33.64	119	18.54
2	33	33.64	119	7.57
3	33	27.90	119	7.57
4	33	27.90	119	18.54
5	33	33.64	119	18.54

The proposed protection area at Potato Bank measures 8.5 by 13.8 miles and includes 26 coral and 1,018 sponge observations (*Figure 4* and *Table 3*). Modeling from the NOAA Data Portal shows areas of high habitat suitability for *Acanthrogorgia*, *Adelogorgia*, *Antipathes*, *Paragorgia* and *Plumarella* in the proposed protection area.

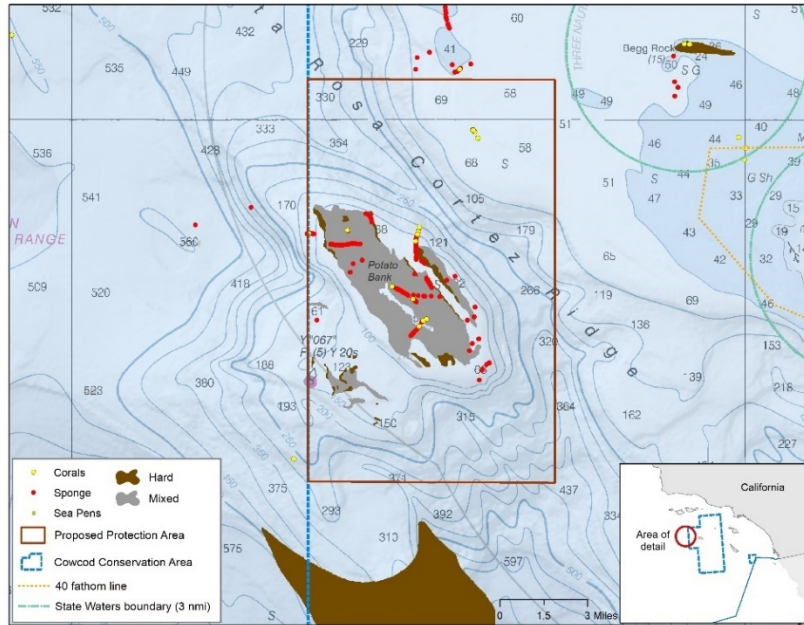


Figure 4. Proposed protection area at Potato Bank displaying substrate, coral, sponge and sea pen observations.

Table 3. Coordinates for the proposed protection area at Potato Bank.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	33	21.00	119	53.00
2	33	21.00	119	45.67
3	33	11.00	119	45.67
4	33	11.00	119	53.00
5	33	21.00	119	53.00

The proposed protection at 107/118 Bank measures 9.1 by 6.8 miles and includes 37 coral and 353 sponge observations (Figure 5 and Table 4). Modeling from the NOAA Data Portal indicate areas of high habitat suitability for *Acanthrogorgia* and *Paragorgia* within this proposed protection area.

At Cherry Bank, the proposed protection area measures 13.9 by 3.9 miles and includes 143 coral and 337 sponge observations (Figure 5 and Table 5). In this proposed protection area, modeling from the NOAA Data Portal shows areas of high habitat suitability for *Antipathes*, *Paragorgia* and *Plumarella*.

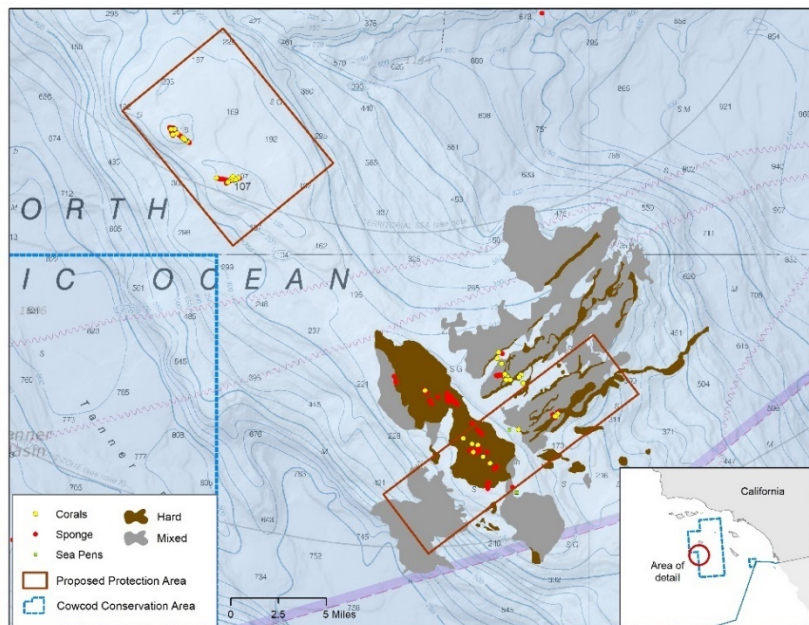


Figure 5. Proposed protection areas at the 107/118 (upper left) and Cherry Banks (bottom right) displaying substrate, coral, sponge and sea pen observations.

Table 4. Coordinates for the proposed protection area at 107/118 Bank.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	33	5.51	119	41.29
2	33	8.64	119	36.71
3	33	3.50	119	31.69
4	33	0.36	119	36.27
5	33	5.51	119	41.29

Table 5. Coordinates for the proposed protection area at Cherry Bank.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	32	50.86	119	29.40
2	32	56.96	119	19.82
3	32	54.69	119	17.78
4	32	48.59	119	27.35
5	32	50.86	119	29.40

The proposed protection at Seamount 109 measures 19.8 by 3.7 miles (on the southern end) and includes 88 coral and 139 sponge observations (Figure 6 and Table 6). In this proposed protection area, modeling from the NOAA Data Portal shows areas of high habitat suitability for *Antipathes* and *Paragorgia*.

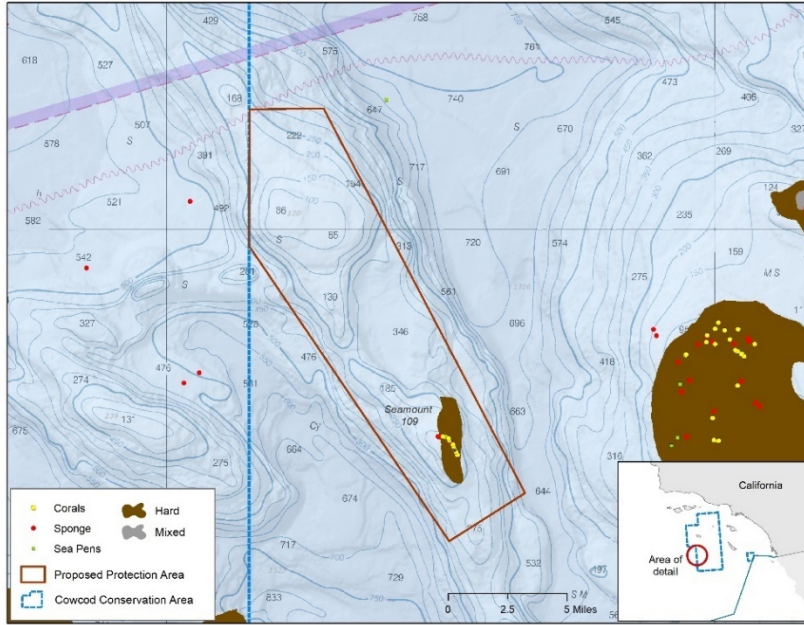


Figure 6. Proposed protection area at Seamount 109 displaying substrate, coral, sponge and sea pen observations.

Table 6. Coordinates for the proposed protection area at Seamount 109.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	32	43.75	119	37.00
2	32	43.75	119	34.29
3	32	31.95	119	26.94
4	32	30.47	119	29.71
5	32	39.54	119	37.00
6	32	43.75	119	37.00

The proposed protection area at Northeast Bank measures 6.3 by 10.1 miles (*Figure 7 and Table 7*). Currently the NOAA Data Portal does not show coral or sponge observations within the proposed protection area and the area has not been modeled for habitat suitability. However, some on the workgroup felt it was important to include this proposed protection area at Northeast Bank due to a likelihood of similar features observed on the bank outside of the CCA being present on the portion of the bank which is currently protected by the CCA.

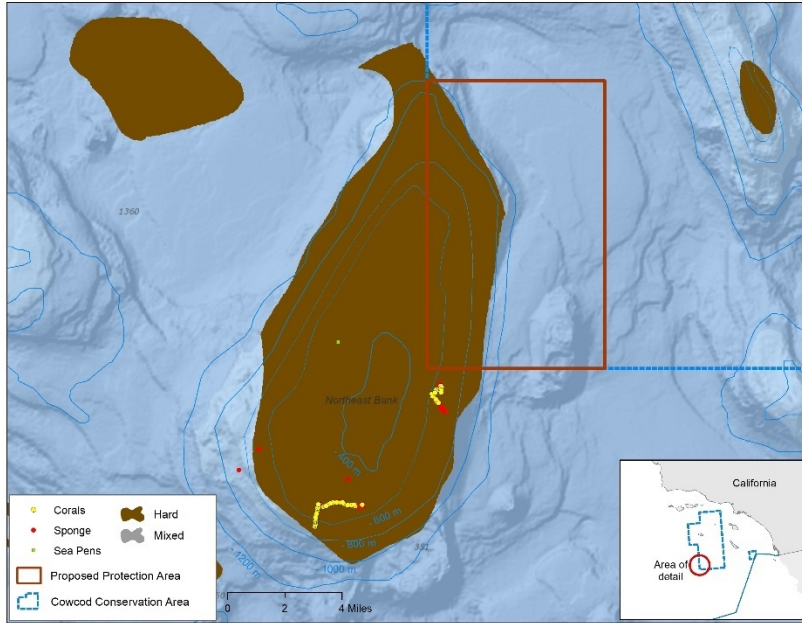


Figure 7. Proposed protection area at Northeast Bank displaying substrate, coral, sponge and sea pen observations.

Table 7. Coordinates for the proposed protection area at Northeast Bank.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	32	27.39	119	37.00
2	32	27.39	119	31.60
3	32	20.00	119	31.60
4	32	20.00	119	37.00
5	32	27.39	119	37.00

The proposed protection area at the 43-Fathom Spot measures 8.0 by 11.2 miles and includes 74 coral and 67 sponges observations (*Figure 8* and *Table 8*). Modeling from the NOAA Data Portal indicate areas of high habitat suitability for *Acanthrogorgia*, *Adelogorgia*, *Antipathes*, *Eugorgia* and *Plumarella* within the proposed protection area.

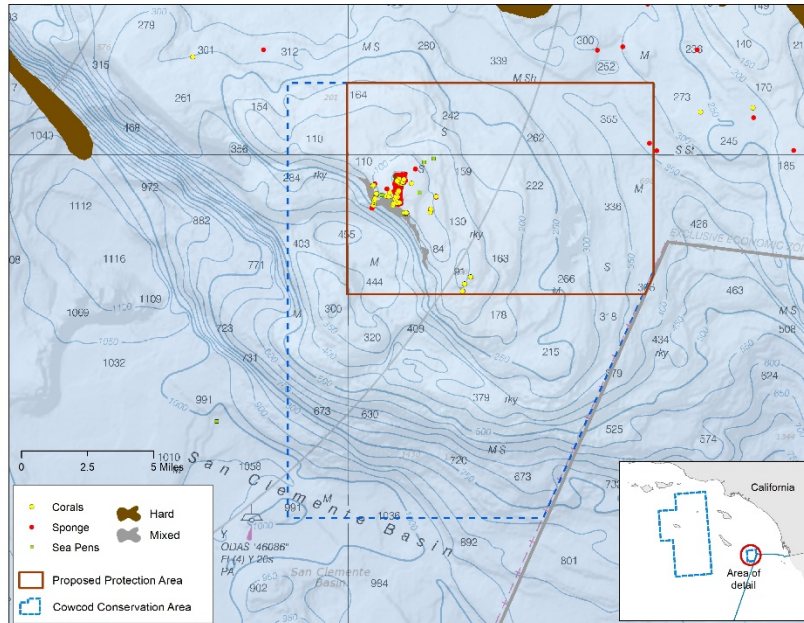


Figure 8. Proposed protection area at the 43-Fathom Spot displaying substrate, coral, sponge and sea pen observations.

Table 8. Coordinates for the proposed protection area at the 43-Fathom Spot.

Waypoint	Lat. Deg.	Lat. Min.	Long. Deg.	Long. Min.
1	32	42.00	118	0.05
2	32	42.00	117	50.00
3	32	36.70	117	50.00
4	32	36.18	117	50.27
5	32	36.18	118	0.05
6	32	42.00	118	0.05