

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

The Groundfish Advisory Subpanel (GAP) received an update and further information on this item from Mr. Brett Wiedoff and Ms. Jessi Doerpringhaus of Pacific Fishery Management Council (Council) staff and appreciate their leadership in identifying alternatives and potential changes that might affect implementation of this package. The GAP offers the following recommendations for Council consideration.

General comments

Referencing [F.6, Attachment 1](#), the analysis of the range of alternatives for this agenda item, the GAP discussed the pros and cons of each alternative.

The Non-Trawl Area Management Measures item was expanded in November to include potential changes to essential fish habitat conservation areas (EFHCAs) and Cowcod Conservation Areas (CCAs). While we appreciate considering the holistic nature of including all these areas into one package, the GAP is concerned that the impetus for the original request will be lost and that combining areas deemed for management with areas created for habitat protection will unnecessarily conflate the primary problem, which is finding a path forward to enable non-trawl fishermen access to healthy stocks on the shelf and slope (primarily midwater species) and decrease pressure on nearshore stocks.

The GAP reminds the Council that fishermen would like to see this process move forward in an incremental fashion. As the GAP noted in our F.4, Management Measures, Report 1, we consider the actions taken under management action 12e as only the first step to allowing non-trawl commercial fishermen access to some midwater stocks within the Non-Trawl Rockfish Conservation Area (Non-Trawl RCA) and CCAs with exempted fishing permit gears to fish midwater species. The second step is to consider additional actions under this agenda item. The ultimate goal is to enable non-trawl fishermen using midwater or bottom-contact gear access to the certain areas of the Non-Trawl RCA and CCA. However, the GAP realizes this may take more time and analysis since there are several new proposals being considered regarding new area restrictions.

Furthermore, the GAP understands that Block Area Closures (BAC) may be one solution to opening up as much of the Non-Trawl RCA as possible to provide groundfish fishing opportunities while avoiding potential bycatch hotspots. We recommend adding this tool to allow it to be used coast wide, as needed, to control catch of groundfish or protected species.

Alternatives

Specifically, regarding the alternatives outlined in [F.6, Attachment 1](#), the GAP supports moving both alternatives 1 and 2 forward for analysis and recommends the following:

Alternative 1, Allow Open Access (OA) vessels targeting groundfish to fish in the non-trawl RCA (NT_RCA) using approved hook & line gear; and

Alternative 2, Allow Limited Entry Fixed Gear (LEFG) vessels targeting groundfish to fish in the NT_RCA using approved hook & line gear up to LEFG trip limits

The GAP supports both of these alternatives and to extend them to the U.S. Mexico border. This extension would align with action included in Agenda Item F.4, Management Measures, under Action Item 12e. It would also make it easier to apply to multiple fleets, although the GAP recognizes some fleets may not take advantage of these alternatives.

The GAP appreciate the inclusion of exploring the use of natural bait, other gear configurations, and the allowance of limited entry fixed gear vessels to fish up to their trip limits as part of these alternatives.

Furthermore, the GAP thinks it may be beneficial to fishermen in the limited entry trawl fishery using fixed gear (i.e., gear-switchers) to fish in the NT-RCA using their quota pounds. Therefore, we support inclusion of this option in the analysis.

Alternative 3, Reconfiguration of NT_RCA boundaries:

The GAP fully supports moving the seaward boundary of the Non-trawl RCA line to 75 fathoms. Additionally, it is important to include the Pacific halibut directed commercial fishery access to those areas.

Sub Option 1, Prohibit all bottom contact groundfish gear in groundfish EFHCAs that would otherwise be reopened under this action

The GAP has concerns with this option, which prohibits all bottom-contact fishing gears in groundfish EFH that would otherwise be reopened under this alternative. The GAP does not support changing the designation of any bottom trawl EFHCAs into bottom contact EFHCAs. There are very large bottom trawl EFHCAs such as the Eel River Canyon that have been open to bottom contact gear for many years. Non-trawl fishermen reiterate the goal of this action is to open more fishing opportunities, not take more away.

The GAP also reviewed the Oregon Department of Fish and Wildlife (ODFW) report under this agenda item. This approach seems reasonable for analysis but encourage potential inclusion of other industry-developed options for the west side of Heceta Bank, Rogue River Canyon and Cape Blanco off southern Oregon for future analysis.

The GAP understands we will be able to provide additional input for this alternative as the process moves forward. We expect a detailed analysis of each bottom trawl EFHCA that could be affected by reconfiguration of the Non-Trawl RCA. We suggest the analysis include a closer look and discussion of the type and extent of closures that could be developed and may be most appropriate for each bottom trawl EFHCA (i.e., should the area in question include a new bottom contact groundfish EFHCA, preserve the Non-trawl RCA similar to ODFW proposal, create or “turn on” Yelloweye Rockfish Conservation Areas, or create some other type of closure that is unique to the area).

Alternative 4, Remove the NT_RCA:

The GAP does not support this alternative at this time but would like to move toward this action at a later date. As we noted above, it is important to move this action forward incrementally.

Alternative 5, Repeal the Cowcod Conservation Areas For Commercial and Recreational Fisheries.

The GAP supports the repeal of the Cowcod Conservation Areas as outlined in Agenda Item [F.6.a, CDFW Report 1](#).

The GAP applauds the collaborative efforts of industry, the environmental community and California Department of Fish and Wildlife (CDFW) staff to produce protections to key benthic habitat while also opening up important groundfish areas that have been closed to groundfish fishing for the past 21 years. The GAP strongly supports moving forward with the CDFW report to include it in the range of alternatives for the non-trawl sector areas management measures process as it progresses.

As pointed out, cowcod has been declared rebuilt and this closure has served its purpose. The proposal includes areas to remain closed to groundfish take and possession, with the goal of providing long-term protection from damage by fishing gears for deep sea corals and sponges.

Nevertheless, the GAP would favor a more refined approach, one that prohibits the use of fishing gears and methods that might damage some of these benthic organisms yet allow fisheries access otherwise. Therefore, a more defined purpose of the closed areas with clear connections to the fisheries affected would help staff analyze the action appropriately.

As a practical matter and for future consideration when developing implementing regulations, groundfish closures have, to date, always included language that not only prohibits take of groundfish, but possession of groundfish therein, if fishing gear of any type or target were deployed. This includes trolling tackle for tunas and fishing with unweighted lines.

In practice this has resulted in forgoing opportunities to fish for pelagic species in these areas once rockfish have been taken, no matter where. It's equally resulted in forgone opportunity to fish groundfish in order to preserve the ability to fish tunas and other surface fish, should they appear in areas closed to groundfish.

Alternative 6: Open Limited Areas of the Non-trawl RCA to Pot Gear Only

The GAP recognizes some concerns related to gear conflicts and access to the area between 75 and 100 fathoms exist between fixed gear and recreational fishermen in Washington will need to be resolved as this alternative progresses.

Fixed gear representatives identify changes to the Non-Trawl RCA in Washington will be very discrete in nature and are unlikely to overlap with some of the species related to concerns voiced by sport fishermen.

However, the GAP realizes the sport industry in Washington have very limited access to areas outside of 50 fathom to pursue “deepwater lingcod trips;” during these times, in June and September, weather is always a factor. Both charter and private sport fishermen depend on access to these grounds for fishing opportunity.

In conclusion, the GAP recommends additional analysis of the areas off Washington, both spatially and temporally, need to be considered and discussed. Outreach to both groups regarding potential changes should also be conducted so a complete vetting of concerns and issues can be had, while focusing on solutions and reducing gear and fisheries conflicts.

PFMC
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