

GROUND FISH ADVISORY SUBPANEL REPORT ON NON-TRAWL AREA MANAGEMENT

The Groundfish Advisory Subpanel (GAP) held a work session on Aug. 25, 2022, to discuss this topic. Mr. Brett Wiedoff and Ms. Jessi Doerpinghaus, Pacific Fishery Management Council (PFMC) staff officers; and Ms. Lynn Massey, National Marine Fisheries Service (NMFS), presented an overview of the current status of the Non-trawl Area Management Package and how to use the public mapping portal online at <https://arcg.is/4GP19>.

Overarching comments

The GAP appreciates the Council moving this package forward, especially considering potential changes in stock status to some species. Additionally, we appreciate the time and effort on behalf of Council and NMFS staff to create the mapping portal, with the addition of nautical charts as a separate layer. This has been useful for visualizing some of the changes and how they relate to existing fishing practices.

Regarding the concern for some stocks, specifically yelloweye, which is still rebuilding, the draft [Environmental Analysis/Regulatory Impact Review](#) notes, “overall, there is no significant impact on the stocks under any of the alternatives, as all stocks would continue to be managed within their respective catch limits.” Therefore, the GAP believes this should give the Council some comfort in allowing the non-trawl sector access to previously closed areas. Yelloweye impacts are discussed in greater detail below.

Purpose and Need

Regarding the draft Purpose and Need statement (reprinted below, from the draft [Environmental Analysis/Regulatory Impact Review](#)), the GAP suggests removing the Essential Fish Habitat (EFH) aspect from the Purpose and Need and narrowing this action specifically to protection of overfished species. This follows the original need for rockfish conservation areas (RCAs), in general. Habitat protection is a separate, but frequently related, issue.

“The purpose of the proposed actions is to provide access to additional areas that are currently closed to groundfish fishing inside the Non-Trawl Rockfish Conservation Area (RCA) and Cowcod Conservation Area (CCA). In addition, the proposed actions minimize adverse effects on designated Essential Fish Habitat (EFH) and sensitive benthic habitats exposed to fishing activity, mitigate bycatch of groundfish and protected and prohibited species, and continue to protect fishery resources and their habitats.”

The non-trawl sector is presently unable to access many target species where they are most abundant. The actions are needed to provide increased access to non-overfished shelf rockfish stocks and other important target stocks that can be found in the existing non-trawl groundfish conservation areas (GCAs), thereby increasing the overall potential economic value of the groundfish and non-tribal directed commercial Pacific

halibut fishery. The actions are also needed to help diversify fishing strategies in light of restrictive opportunities in other groundfish and non-groundfish fisheries, and to provide more stable, year-round fishing opportunity, expand opportunities to supply

seafood, and increase potential financial benefit to fishermen, communities, and the infrastructures they support. The proposed actions include moving or modifying the existing NT_RCA, allowing groundfish fishing inside the NT_RCA using only select gears that minimize bottom contact, removal of the CCAs, the development of new closed areas that may restrict some fishing activity, and the development of a block area closure tool for preseason or inseason bycatch management. The discretionary authorities under Section 303(b)(2)(A)&(B) of the Magnuson/Stevens Act may be used to protect species and habitats, including deep-sea corals and overfished species.”

As the GAP stated in April 2022 in our [Agenda Item F.6.a, Supplemental GAP Report 1](#), considering the holistic nature of including habitat areas in the package is thoughtful but “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* (emphasis added).”

Furthermore, other pathways exist to accommodate and protect EFH areas, for the following reasons:

- The areas potentially opened to non-trawl gears are comparatively small;
- The EFH Review is coming up soon, only a year after expected implementation of this package. Non-trawl gears will have little to no impact on EFH.

For these reasons, the GAP suggests removing the EFH aspect from the Purpose and Need statement and combining EFH considerations into the comprehensive review of these EFH areas in 2025.

Comments specific to the alternatives

Overall, the GAP recommends selecting Alternatives 1, 2, 3, and 5 as the final range of alternatives and as preliminary preferred alternatives (PPA). Regarding specific alternatives and suboptions, the GAP has the following comments.

Alternative 1 (PPA)

Allow non-trawl fishery vessels (directed open access and limited entry fixed gear) and vessels that use non-trawl gear in the individual fishing quota program (“IFQ gear switchers”) to use approved non-bottom contact hook-and-line gear in the Non-Trawl Rockfish Conservation Area between 46°16’ and the border of Mexico.

The GAP supports this alternative. Furthermore, we understand that consultation with the U.S. Fish and Wildlife Services (USFWS) to enable use of natural bait on troll gears would delay the whole package.

The priority remains getting some part of the RCA open immediately to provide fishermen the flexibility to fish in deeper waters and take some of the pressure off the nearshore stocks. The GAP notes that troll gear, also called Vietnamese gear or shrimp fly gear, has typically used lures as opposed to bait. Therefore, it seems reasonable to implement the provision for using natural bait with vertical jig gear at this time and move the natural bait with troll gear forward on a separate timeline.

The GAP requests analysis of an option where the non-bottom contact hook-and-line gear be suspended no less than 30 feet from the bottom (as opposed to the current 50-foot requirement). Rationale: A 30-foot leader would allow better access to deeper dwelling shelf rockfish species such as bocaccio rockfish, widow rockfish, canary rockfish, and chilipepper rockfish, species that tend to hang a bit closer to the bottom. Maintaining at least a 30-foot leader is in the fisherman's best interest to keep the fishing gear well off the bottom to avoid any snags that would threaten loss of very expensive fishing gear. The GAP notes this 30-foot leader would be consistent with the Oregon recreational longleader vertical hook-and-line gear; thus, there may be available catch data to analyze.

Suboption 1 (PPA)

Limited Entry Fixed Gear (LEFG) vessels targeting groundfish to fish in the NT_RCA using approved hook-and-line gear may fish up to LEFG trip limits.

The GAP supported this option in April and continues to do so. We appreciate and support this alternative and suboption being extended to the California/Mexico border.

Alternative 2 (PPA)

Adjust the seaward boundary of the NT_RCA to 75 fathoms from 46° 16' North Latitude to 34° 27' North Latitude for both commercial groundfish and directed halibut fishing activity.

While the GAP appreciates the development of the suboptions for this alternative, the GAP does not support suboptions 1a, 1b, and 1c at this time. All of the suboptions add or create new closure areas. The whole point of initiating this package was to gain access to previously closed areas, not add new layers of closed areas. However, the GAP acknowledges that some habitat areas may warrant additional discussion and/or protections. Therefore, the GAP encourages the Council to utilize the EFH review process in 2025 to take a holistic look at new or modified EFH protections.

The draft EA/RIR notes additional yelloweye impacts could be expected. The GAP acknowledges this should be monitored as closely as possible and managed through inseason actions. The EA/RIR also indicates those additional impacts are expected to remain within the boundaries established in the 2023-2024 Biennial Harvest Specifications and Management Measures EA. The GAP expects that as more fishermen transition to using midwater gear, yelloweye impacts should remain low.

The GAP also discussed whether the EFHCAs should apply to the directed halibut fishery. The GAP could not come to any consensus opinion about how best to handle this situation and recommends further discussion on the topic.

Suboption 2 (Modified to apply south of 44° N. lat - PPA)

Prohibit groundfish bottom contact gear in the area west of the Heceta Bank EFHCA.

The GAP is supportive of preserving the Oregon Department of Fish and Wildlife research area to the West of the Heceta Bank EFHCA, however, we propose modifying the closed area to being south of 44° N. lat. The area to the north is fishing grounds of significant interest to the fleet, but we recognize the importance of maintaining the research areas.

Suboption 3 (PPA)

Identify potential new Yelloweye Rockfish Conservation Areas that could be used to mitigate impacts to yelloweye rockfish resulting from this action, which could be implemented in biennial management measures or inseason action.

The GAP continues to support YRCAs as a tool in the toolbox for managing interactions with yelloweye rockfish.

Alternative 3 (PPA)

Repeal the Cowcod Conservation Areas (CCA) for Commercial and Recreational Fisheries.

- Include development of new NT_RCA lines around islands and banks for management within the current boundaries of the CCA
- Include analysis of new proposed area restrictions for a) Hidden Reef, b) West of Santa Barbara Island c) Potato Bank, d) 107/118 Bank, e) Cherry Bank, f) Seamount 109, g) Northeast Bank, and h) the 43-Fathom Spot.

The GAP supports the stakeholder-driven process and recommends supporting the workgroup recommendations. The GAP thanks all of the participants involved in the workgroup, in particular those from the non-profit conservation organization Oceana and California Department of Fish and Wildlife. The GAP is impressed at how well all the user groups worked together to produce a proposal that reopens the Cowcod Conservation Area yet still offers protections for conserving vitally important bottom habitats containing species such as sponges and corals.

The GAP discussed the [CDFW Supplemental Report 1](#) and potential regulatory restrictions that may be implemented under this alternative. The GAP engaged in the Enforcements Consultants virtual meeting to clarify what restrictions may be imposed in the new closed areas. The GAP agrees with the Enforcement Consultants (EC) statement regarding the continuous transit requirements with groundfish aboard the vessel. In addition, the GAP agrees with the EC statement regarding the ability to fish for non-groundfish species in these closed areas without groundfish aboard the vessel. We recommend these requirements be included under Alternative 3.

Alternative 4 (Remove Alternative)

NT_RCA adjustments off WA for pot gear

Based on the [WDFW Report 1](#), the GAP suggests this alternative be removed from further consideration in this package and, instead, be included on groundfish new management measures and workload list.

Alternative 5 (PPA)

Develop Block Area Closure Management Tool

The GAP supports this as an additional tool in the toolbox (we recommended it in April as well).

PFMC
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