

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON NON-TRAWL
ROCKFISH CONSERVATION AREA MANAGEMENT – FINAL PREFERRED
ALTERNATIVE**

The California Department of Fish and Wildlife (CDFW) provides this report to assist the Council in its selection of the Final Preferred Alternative. Specifically, CDFW proposes waypoint modifications that would address enforcement concerns in the area near Cordell Bank should the seaward Non-Trawl Rockfish Conservation (NT-RCA) boundary line be moved to 75 fathoms. At the September 2022 meeting, the Council selected its Preliminary Preferred Alternative (PPA), including Alternative 2, which would move the seaward boundary of the NT-RCA to the 75-fathom boundary line between 46° 16' and 34° 27' N lat. for both the commercial groundfish and non-tribal directed Pacific halibut fisheries ([September 2022 Decision Summary Document](#)). Various sub-options were included which would establish protections to certain areas exposed by this action.

However, the Enforcement Consultants (EC) noted in their April 2022 ([Agenda Item F.6.a, Supplemental EC Report 1, April 2022](#)) and September 2022 ([Agenda Item G.6.a, Supplemental EC Report 1, September 2022](#)) reports that creating small areas with varying restrictions would be difficult to enforce and create enforcement complexity. This is particularly evident in the area around Cordell Bank where overlapping conservation areas exist, each with varying restrictions defined in regulation. However, these complexities do not present challenges under the status quo, given the entire area is contained within the NT-RCA when the seaward boundary line approximates 125 fathoms (*Figure 1*).

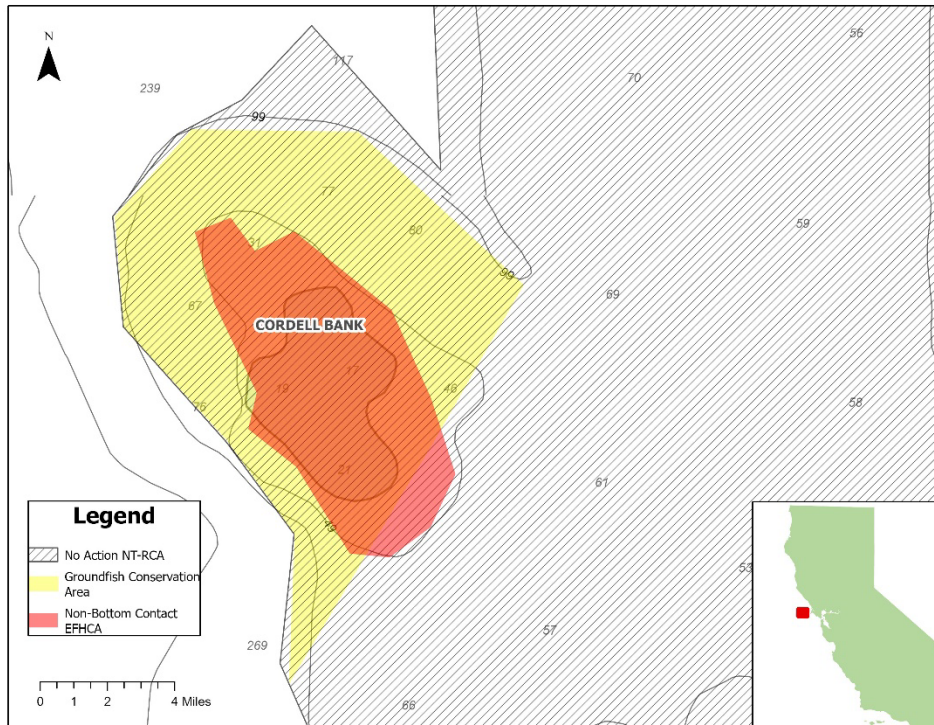


Figure 1. No Action NT-RCA, which is defined by the 125-fathom seaward and 50-fathom shoreward boundary lines, with the Cordell Bank Groundfish and non-bottom contact Essential Fish Habitat Conservation Areas near Cordell Bank, off San Francisco, CA.

As depicted in *Figure 1*, there are two overlapping conservation areas around Cordell Bank. The Cordell Bank Groundfish Conservation Area (GCA), which prohibits groundfish fishing for commercial (except for other flatfish¹) and recreational (except for other flatfish, petrale sole and starry flounder) fisheries; and the Cordell Bank non-bottom contact Essential Fish Habitat Conservation Area (EFHCA), which prohibits the use of bottom contact gear of any type, including both commercial and recreational groundfish and non-groundfish gears. However, over the past two decades, the regulations governing these two conservation areas have not been problematic for industry or enforcement, given overlaying recreational and commercial NT-RCA, which have effectively closed these areas to groundfish fishing.

Both the GCA and the EFHCA are defined by waypoints, and portions of each would become “exposed” to commercial groundfish fishing under the PPA Alternative 2 NT-RCA seaward line adjustment from 125 to 75 fathoms. As a result, should the Council move forward with modifying the seaward NT-RCA in this region, existing regulations would become “active” in several small areas once the NT-RCA line is moved (*Figure 2*). For example, a vessel transiting from west to east may cross the Cordell Bank non-bottom contact EFHCA, followed by the Cordell Bank GCA, then enter an otherwise unrestricted area seaward of the proposed NT-RCA, prior to entering the proposed NT-RCA, where only non-bottom contact groundfish gear may be used. It is possible these areas may all be traversed within a distance of approximately two miles, depending on the vessel’s bearing.

¹ “Other flatfish”, as defined in §660.11(8) include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

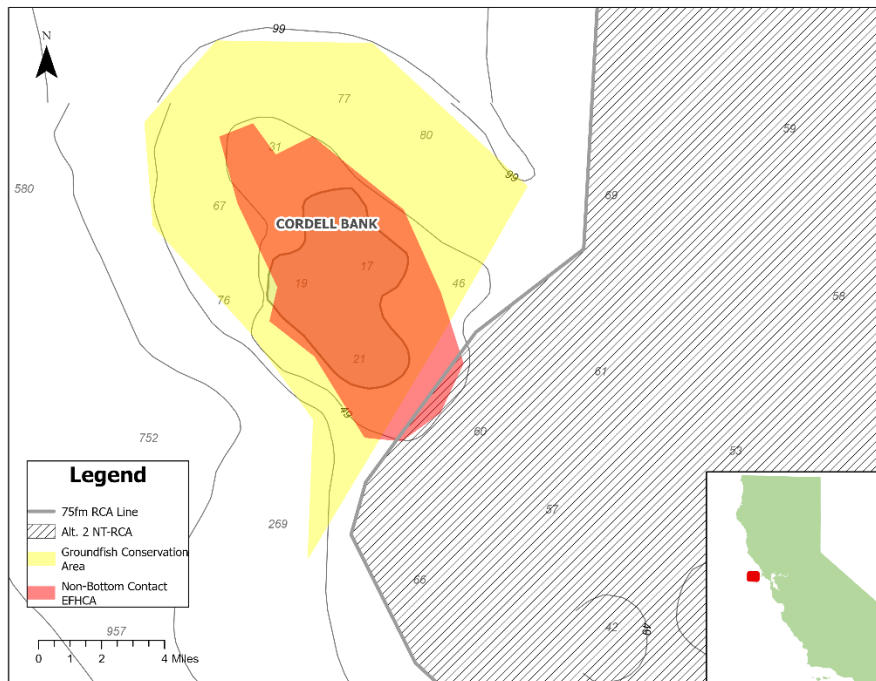


Figure 2. Cordell Bank Groundfish and non-bottom contact Cordell Bank Essential Fish Habitat Conservation Areas and the Alternative 2 NT-RCA, which would move the seaward boundary line to 75 fathoms near Cordell Bank, off San Francisco, CA. Compare to Figure 1, which depicts the No Action commercial NT-RCA boundary line at 125 fathoms.

Over winter, CDFW met with California enforcement staff and industry members to propose modifications to the 75-fathom boundary line waypoints which would help address enforcement concerns in the area near Cordell Bank should the seaward NT-RCA boundary be moved. As a result of these discussions, CDFW proposes modifying coordinates of four waypoints on the 75-fathom boundary line as part of the final action taken under this agenda item, which would slightly expand the seaward extent of the commercial NT-RCA in the area near Cordell Bank. This would prevent the exposure of small areas with varying restrictions, while also generally better aligning with the depth contour (*Figure 3 and Table 1*).

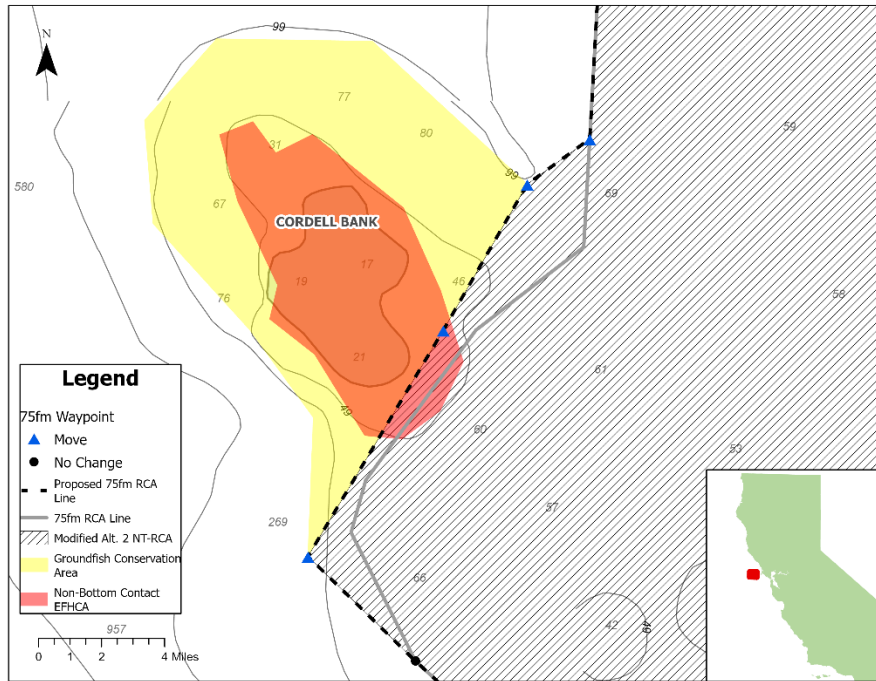


Figure 3. Proposed modifications to the 75-fathom boundary line and resultant NT-RCA under the Council's PPA Alternative 2, including the Cordell Bank Groundfish and Essential Fish Habitat Conservation Areas near Cordell Bank, off San Francisco, CA.

Table 1. Proposed waypoint modifications to the 75-fathom Rockfish Conservation Area boundary line near Cordell Bank, off San Francisco, CA .

Fathom Line	Waypoint Number	Action	Old Lat Deg	Old Lat Min	Old Long Deg	Old Long Min	New Lat Deg	New Lat Min	New Long Deg	New Long Min
75	139	Move	38	1.81	123	19.22	38	4.16	123	19.05
75	140	Move	38	0.00	123	22.19	38	3.18	123	20.77
75	141	Move	37	56.73	123	25.22	38	0.00	123	23.08
75	142	Move	37	55.59	123	25.62	37	55.07	123	26.81

Additional Needs

The proposed NT-RCA waypoint modifications described above and shown in *Figure 3*, would offer a partial and imperfect fix to the issues surrounding these newly exposed conservation areas. As mentioned above, over-winter analysis undertaken by CDFW, Council and NMFS staff, coupled with insightful questions about implementation posed by industry, have made clear that existing regulations defining the Cordell Bank GCA may warrant further consideration by the Council under future agenda items.