

## CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON WORKLOAD AND NEW MANAGEMENT MEASURE PRIORITIES

The California Department of Fish and Wildlife (CDFW) is recommending adding a new workload and management measure priority titled “Cordell Bank and Associated Conservation Area(s) Revisions” during this agenda item and for it to be prioritized in the near-term.

In recent months, CDFW has developed growing awareness of a need to comprehensively review and revise conservation areas and prohibitions that exist in the area on and adjacent to Cordell Bank, located offshore of San Francisco. During development of the Non-Trawl Area Management agenda item, the RCA viewer tool offered new spatial perspective by displaying the overlay of the various conservation areas that have come into being over the past few decades.

Additionally, in the process of California recreational groundfish fishery participants making plans for 2023 fishing activities, questions were raised to CDFW about what closures or prohibitions were in place in and around Cordell Bank during the “all-depth” fishing months. Action taken during the 2023-2024 biennial specification process removes the recreational Rockfish Conservation Areas (RCA) during some months, meaning different types of conservation areas are or may be exposed in the area near Cordell Bank. These areas have varying degrees of overlap (*Figure 1*) and differing regulatory prohibitions and allowances (*Table 1*).

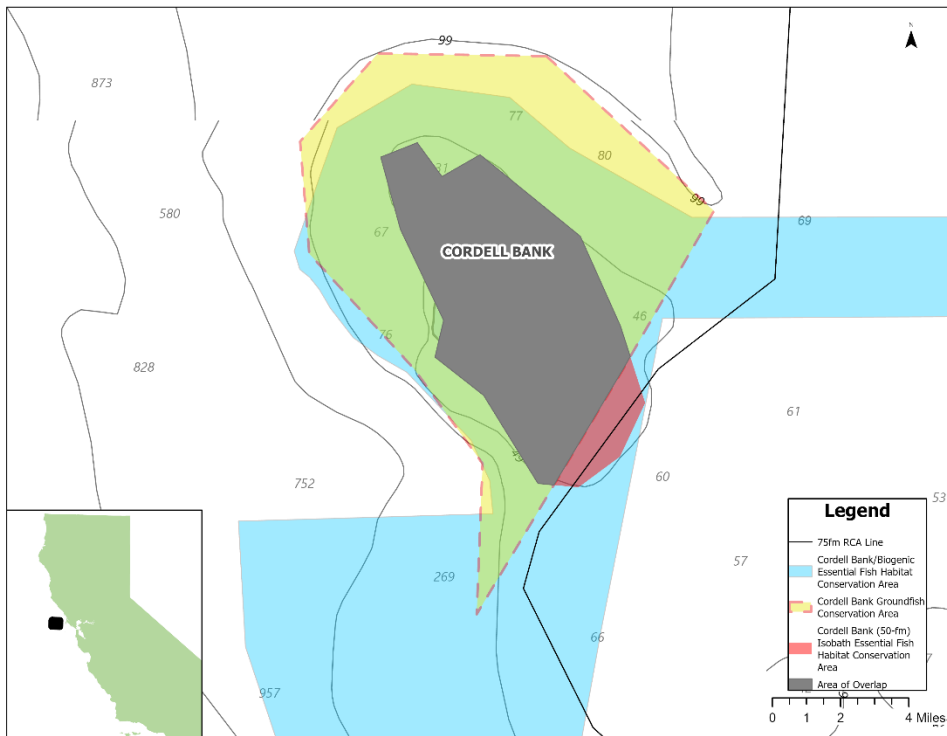


Figure 1. Map of the conservation areas near Cordell Bank, including the 75 fathom Rockfish Conservation Area boundary line. The image depicts the Cordell Bank/Biogenic Essential Fish Habitat Conservation Area, the Cordell Bank Groundfish Conservation Area, and the Cordell Bank (50-fm (98m) isobath) Essential Fish Habitat Conservation Area, as well as their overlap, off San Francisco, CA.

Table 1. Summary table of conservation areas around Cordell Bank, including fisheries to which they apply, prohibitions, how they are defined and section of federal regulation specifying the conservation area.

Conservation Area	Defined By	Applicable Fisheries	Prohibition	Federal Regulatory Section Defining Area
Rockfish Conservation Area	Waypoints which approximate a depth contour	Non-trawl commercial, recreational and incidental open access groundfish fisheries	Generally, all groundfish, except non-bottom contact gear (non-trawl comm.); petrale sole, starry flounder and other flatfish (rec.); and yellowtail rockfish (incidental salmon troll)	<a href="#">660.71</a> through <a href="#">660.74</a>
Cordell Bank/Biogenic Essential Fish Habitat Conservation Area	Waypoints defining a polygon	All fisheries, including non-groundfish	Fish with bottom trawl gear, other than demersal seine	<a href="#">660.79(q)</a>
Cordell Bank Groundfish Conservation Area	Waypoints defining a polygon	Non-trawl commercial and recreational groundfish	Generally, all groundfish, except for non-trawl comm. take of other flatfish and rec. take of petrale sole, starry flounder, and other flatfish	<a href="#">660.70(q)</a>
Cordell Bank (50-fm (91m) isobath) Essential Fish Habitat Conservation Area	Waypoints defining a polygon	All fisheries, including non-groundfish	Fish with bottom contact gear of any type	<a href="#">660.79(r)</a>

CDFW has been in consultation with National Marine Fisheries Service (NMFS) West Coast Region staff on various interim fixes which could provide increased clarity to the regulatory text defining these areas without making substantive changes to the intent of the management purpose. For example, the regulatory text defining the Cordell Bank Groundfish Conservation Area (GCA) resides in a separate section of regulation and states “...*Generally, fishing for groundfish is prohibited in waters less than 100-fm...*”. Referencing the depth in this manner has caused confusion among some recreational anglers, who have conflated it with the 100 fathom RCA boundary line which uses similar language despite the GCA having no formal waypoints specified as such. In the discussions with NMFS staff, they have suggested it may be possible

that an informal or administrative process could be used to amend this language. CDFW appreciates NMFS' willingness to pursue amendments using these means.

However, while some administrative revisions to the regulatory text may help clarify definitions in the short term, it does not address issues created by the multitude of overlapping conservation areas around Cordell Bank. These areas create confounding regulations and are likely not meeting all intended conservation goals as efficiently as possible. Further, the differential regulations by gear, sector and fisheries create significant regulatory complexity for fishers and complicates enforceability in the area. To appropriately address these complexities, CDFW recommends the Council review and recommend amending regulations surrounding the conservation areas in this area holistically under a new and separate management measure, with the goal of reducing regulatory duplicity and complexity, and improving clarity and enforceability. Therefore, CDFW recommends the Council prioritize "Cordell Bank and Associated Conservation Area(s) Revisions" as a new management measure under the priority "A" list,