

STAFF WHITE PAPER ON POTENTIAL FISHERIES OVERLAP WITH PROPOSED CORAL RESTORATION AND RESEARCH AREAS

Agenda Item H.2, ONMS Report 1 is a scoping document that provides an overview of the Office of National Marine Sanctuaries (ONMS) proposal for coral restoration and research areas. While Attachment 1 acknowledges groundfish fixed gears as potentially overlapping with some of the proposed coral restoration and research sites, other fisheries- Federal, state, and international- are also preliminarily assessed in this document for potential overlap. The goal of this exercise is to help the Pacific Fishery Management Council (Council) to determine which fisheries could be impacted by establishing closed areas under this proposed action. Council staff seeks input from each of the Council advisory bodies for further information on whether vessels in their respective fisheries operate in the proposed coral restoration and research areas. For each fishery (Council-managed and state-managed), a brief discussion of the fisheries, including types of gear used and whether there is potential overlap with the sites, is provided. Additionally, for each fishery, there is a description of if there is currently a mechanism available for implementing a closure for coral restoration and research and any enforcement concerns.

Council-managed Fisheries

Groundfish

Fisheries by Gear

As described in ONMS Report 1, all of the proposed locations are within bottom trawl essential fish habitat conservation areas (BT EFHCAs) and therefore all groundfish bottom trawl vessels are prohibited from fishing in the areas. However, midwater trawl vessels are permitted to fish in BT EFHCAs noting that south of 40° 10' N. lat., midwater trawl vessels are prohibited from fishing seaward of 150 fm (unless fishing under the trawl gear exempted fishing permit). Vessels using bottom contact gear in the commercial non-trawl sectors (directed open access, limited entry fixed gear, or gear switching vessels in the individual fishing quota sector) have historically, and recently, operated in some of the proposed areas that are outside of the current non-trawl rockfish conservation area (NT_RCA) boundary and therefore would likely be impacted by this action. Based on the ONMS scoping document, commercial groundfish vessels using non-bottom contact gears (stationary vertical jig gear or groundfish troll gear) and some recreational vessels could continue to operate in the areas.

Mechanism available

During the development of the Non-Trawl Area Management Measures/Amendment 32 action, groundfish exclusion areas (GEAs) were developed as a mitigation tool to protect sensitive environments, such as coral. While the initial suite of GEAs proposed for implementation in 2024 are within the boundaries of the Cowcod Conservation Area, staff's initial assessment of the

proposed fishery management plan and regulatory definition believe that this tool could be used to create any of the closures under this action for groundfish.

Enforcement Consideration

While commercial groundfish vessels are subject to vessel monitoring system (VMS) requirements, recreational vessels are not and therefore any enforcement of these restrictions would be based on on-the-water enforcement. During the development of the GEAs, the final action included a recommendation for recreational vessels that recreational fishing gear for targeting groundfish may not be deployed while transiting through a GEA. A similar approach could possibly be used in this action if recreational fisheries were included in the scope.

Highly Migratory Species

Fisheries by Gear

Vessels targeting highly migratory species or HMS (tunas, sharks, billfish, swordfish, and dorado) utilize a variety of different gear types including troll gear, drift gillnet¹, deep-set buoy gear, purse seine, harpoons, pelagic longline, and hook and line gears. None of these gear types are considered bottom contact gears and therefore any interaction with benthic habitat would likely be minimal.

California Department of Fish and Wildlife (CDFW) staff provided Council staff with a preliminary analysis of fishing effort from 2017-2022 utilizing CDFW commercial blocks overlaid with the general coral restoration and research areas being proposed by ONMS (hereafter “CDFW preliminary analysis”). Due to the size of the fishing blocks (10 x 10 nautical miles) relative to the restoration areas and the limitations of these areas (e.g., only one block permitted to be recorded per fish ticket, may encompass only some of the vessel’s activity on that ticket), no direct conclusion should be made that fishing activity occurred within the proposed restoration or research area. It can be inferred that some level of commercial activity could be indirectly or directly impacted by the location sites with additional public scoping to understand the full extent of gear/fishery interactions. Based on the analysis, there could be some HMS fishery activity in the Point Arena or Football locations.

Mechanism available

There currently exists no mechanism in the HMS FMP to close areas for coral restoration and research.

Enforcement Consideration

Vessels participating in the HMS fisheries are not subject to VMS requirements and therefore any area closures would be required to be monitored by on-the-water enforcement efforts.

¹ The Driftnet Modernization and Bycatch Reduction Act mandates a phase out of the drift gillnet fishery by 2027

Salmon

Fisheries by Gear

The Council manages Chinook, coho, and Puget Sound pink salmon. Sockeye, chum, and steelhead are rarely caught in the Council's ocean fisheries, and are not managed by the Council. Vessels targeting salmon utilize troll and hook and line gears.

Based on the CDFW preliminary analysis, commercial salmon troll vessels may be operating in the Point Arena, Football, Cochrane Bank, and Ascension Canyon restoration areas. In terms of recreational fisheries, Council staff previously worked with CDFW staff on the Non-Trawl Area Management Measures package to assess whether any fisheries may occur in the areas proposed to be closed ([Table 11 on page 62](#)). Based on that assessment, it is likely that there could be some overlap with Cochrane Bank restoration areas- and potentially others.

Mechanism Available

No current mechanism exists within the Salmon FMP to close areas for coral restoration and research.

Enforcement Consideration

While commercial salmon troll vessels retaining groundfish are required to use VMS, all other salmon vessels (recreational or commercial) do not have the same requirement and any enforcement of the closed areas would be required to be on the water.

Coastal Pelagic Species

Fisheries by Gear

Vessels participating in coastal pelagic species (CPS) fisheries for sardine, anchovy, mackerel, and squid typically harvest their catch using roundhaul gear (i.e., purse seine or lampara nets). Based on the CDFW preliminary analysis, there may be some fishing activity by CPS vessels in the Ascension Canyon area.

Mechanism Available

No current mechanism exists within the CPS FMP to close areas for coral restoration and research.

Enforcement Consideration

CPS vessels are not required to use VMS and therefore any enforcement of the area closure would need to be done via on-the-water enforcement.

Non-Tribal Commercial-Directed Pacific Halibut

Fisheries by Gear

The non-tribal commercial-directed Pacific halibut fishery utilizes longline gear and the southern extent of current operations extends down to Point Arena (38 57.5 N. lat; see [Table 11 on page 62](#) of the Non-Trawl Area Management Measures Document). Given this, it is likely that the directed halibut fishery would not overlap with any of the potential restoration areas.

Mechanism Available

No current mechanism exists within the halibut regulations or catch sharing plan to close areas to coral restoration and research.

Enforcement Concerns

While it is likely that none of the areas would currently overlap with the proposed closures, if in the future halibut vessels were restricted from fishing in the area, there are a high proportion of halibut vessels that retain groundfish ([Agenda Item E.1, Attachment 1, June 2023](#)) and would be subject to VMS. Additionally, the Council is considering requiring VMS for all directed halibut vessels along with other regulatory proposals under Agenda Item D.1 at this meeting.

State Fisheries

In consultation with CDFW staff, Council staff utilized previous analysis from the Non-Trawl Area Management Measures package ([Table 11 on page 62](#)) to assess whether any state bottom contact fisheries may occur in the areas proposed to be closed. CDFW also provided the same preliminary analysis using commercial fishing blocks for state fisheries.

Based on the depths of the proposed closures at Sur Ridge, it is likely that any potential closure in these areas is too deep for where state fisheries occur and therefore no impact or overlap is anticipated.

Based on the preliminary CDFW analysis, commercial Dungeness crab vessels that use pot gear have recently operated in the general vicinity of all of the proposed areas, with the exception of Sur Ridge. For commercial hagfish vessels (which also use pot/trap gear), there are recent landings attributed to the areas around the Point Arena and Football restoration sites.

Commercial spot prawn and recreational Dungeness crab (pot/trap gears) were also described as potentially operating within the depths and areas of the proposed coral restoration areas based on the Amendment 32 analysis. Both fisheries may operate in the area around Cochrane Bank based on usual fishing depths and area.

PFMC
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