

GROUND FISH ADVISORY SUBPANEL REPORT ON
ESSENTIAL FISH HABITAT AND ROCKFISH CONSERVATION AREA
AMENDMENT 28 – FINAL ACTION

The Groundfish Advisory Subpanel (GAP) received an overview of the essential fish habitat (EFH) and rockfish conservation area (RCA) agenda item from Ms. Gretchen Hanshew, Dr. John Stadler, Mr. Kerry Griffin, Dr. Jim Seger, and Mr. Brett Wiedoff. The GAP thanks the project team for its work, and offers the following comments and recommendations.

General comments:

- The GAP believes it is imperative that modifications to EFH and RCA areas not only protect important habitat, but also provide additional opportunity and economic benefit to the trawl fishing industry.
- The conservation benefits of the Catch Share program for the trawl fishery are indisputable, but the economic benefits are only starting to be realized for most of the fleet and processors.
- There are many costs for participating in the trawl catch share program (monitoring & observers, cost recovery, buyback loan payments and state landings taxes) and some of these costs continue to increase.
- It is critical that the fleet increase annual catch limit (ACL) attainments and generate additional economic value from the non-whiting groundfish fishery, and removal of the RCA in particular will facilitate those opportunities.
- There are already significant habitat protections in place. These include the obvious regulatory area closures (both state and federal), gear restrictions like the eight inch footrope, and the strong incentives inherent in the catch share program to avoid high relief habitat often associated with overfished species catch.
- The number of participants in the fishery has declined from a high of over 500 in the early 1990s to fewer than 80 active bottom trawlers today leading to significantly reduced bottom contact.

GAP Recommendations:

The GAP believes that the following combination of closures, openings, and management tools creates additional fishing opportunity, protects priority habitats, and provides tools necessary for flexible and responsive management.

- Open the trawl RCA coastwide
- Adopt collaborative proposal (with modification to coordinates for the “Brush Patch”)
- Adopt Midwater Trawlers Cooperative (MTC) proposal
- Adopt stand-alone proposal 1E (Rittenburg Bank)
- Adopt stand-alone proposal 1F (Potato Bank correction)
- Adopt Oceana closure for “SoCal Bight”
- Adopt 3,500 meter deepwater closure under NMFS discretionary authority
- Drop EFH “clippings” in CA at St. George Reef
- Retain EFH “clipping” at Rogue River reef to facilitate potential future action by the Oregon Fish and Wildlife Commission to close the state water portion of the feature
- Adopt block area closures (including retaining the existing RCA lines for management purposes)

Rationale:

As we have noted in previous statements, the GAP appreciates the process employed by the collaborative and notes that in many instances the combination of plotter and logbook information with the information in the EFH data catalog provides a much more complete picture of both the habitat and potential impacts to industry than the data catalog alone. That being the case, the GAP notes that the project team's analysis likely underestimates the actual value of both increases in protection of priority habitat and value to the industry of reopening currently closed areas as proposed by the collaborative. There are two reasons for this. First, much of the data in the EFH data catalog, particularly substrate and bathymetric data in offshore areas, is of low confidence. The reality is that much presumed hard substrate is not in fact hard, and much presumed soft substrate data is not in fact soft. The collaborative relied on groundfish and particularly shrimp trawl plotter data shared by the fleet to gain a better understanding of actual substrate than is present in the data catalog alone. The GAP is persuaded that although the quantitative assessment shows the collaborative proposal opening hard substrate areas, most of those areas are in fact soft substrate. The reverse is also true. Many of the new proposed collaborative closures include more priority habitat than indicated. The collaborative openings and closures were vetted over multiple meetings with the fleet and surgically crafted to enhance both ecological and industry benefit. Because of that, other than the minor modifications to the collaborative recommended by the GAP below, we request that the Council not alter the collaborative shapes.

Collaborative modifications –

- Include new coordinates for the “Brush Patch” – The initial collaborative shape for the brush patch impacted several tows and also failed to fully capture the important habitat features in the area. The GAP supports the new collaborative shape that is very similar in size and location. ** Figure 1 provides a new map for the refined shape.*
- For the two areas at St. George Reef, the GAP supports removal of the remnants (“clippings”) left over after state water areas were dropped from Council consideration. State waters in California are already subject to a trawl closure and the small proposed closures in federal waters could create enforcement challenges.
- In contrast, the GAP supports retaining the EFH “clipping” at Rogue River Reef. The collaborative shape in the area was designed to create a shallow-deep corridor and initially included a state water closure. Retaining the clipping there preserves the opportunity for potential future action by the Oregon Fish and Wildlife Commission to create a state trawl closure in the area to completely protect the feature and create the shallow-deep corridor.

The GAP supports the MTC proposal for the same reasons described above. Most importantly, the MTC package creates significant additional protection for priority habitat in the Central Oregon Coast area, without undue closure of soft spots and important fishing grounds.

The GAP supports proposal 1E. The small addition at Rittenburg Bank will more fully capture the entire feature (i.e. priority habitats and coral and sponge records) without impacting the fleet.

The GAP supports proposal 1F. This proposal corrects an error to a prior EFH designation under Amendment 19 at Potato Bank to more accurately capture the feature.

The GAP supports the Oceana proposal for the Southern California Bight with the understanding it does not impact current trawl fishing in the area, and that areas identified in the future (through

enhanced mapping or other means) as possibly valuable trawl areas could be opened through an EFP or a future EFH review process.

The GAP also supports the discretionary closure for waters deeper than 3,500 meters. This will not impact current fishing effort and is unlikely to impact future activity.

All of the areas recommended above are predicated on coastwide removal of the RCA. RCAs were initially implemented as a mortality closure to protect overfished species (OFS). With the advent of the catch share program and 100% accountability, we now have much more direct means of ensuring that mortality of OFS remains within limits, and in recent years, many formerly overfished species have been rebuilt. At the same time, attainment of trawl quota remains unacceptably low, in part due to area restrictions imposed by RCA boundaries. Given the high likelihood that RCA removal could substantially improve attainment, and therefore revenue, the GAP strongly supports removal of the RCA.

Additional comments:

The GAP supports the block area closure (BAC) concept. As the GAP understands them, BACs could be used as a routine in-season management tool to respond to new bycatch information. The GAP believes BACs might facilitate more flexible, surgical management measures in response to high bycatch events than if no similar tool were available. Implementation of the BAC concept should be preceded by a careful development process that considers, *inter alia*, appropriate triggers and spatial and temporal scale of the BACs. Relatedly, the GAP recommends retaining the definition of RCAs in regulation, but simply deactivating them at this time.

The GAP also recommends a clarification that the 8-inch footrope requirement be defined as required shoreward of 100 fathoms. Presently, it is the GAP's understanding that the 8-inch footrope regulations require use "shoreward of the RCA". If the RCAs are removed or deactivated this change may be needed to make clear that the 8-inch footrope is still required inside 100 fathoms.

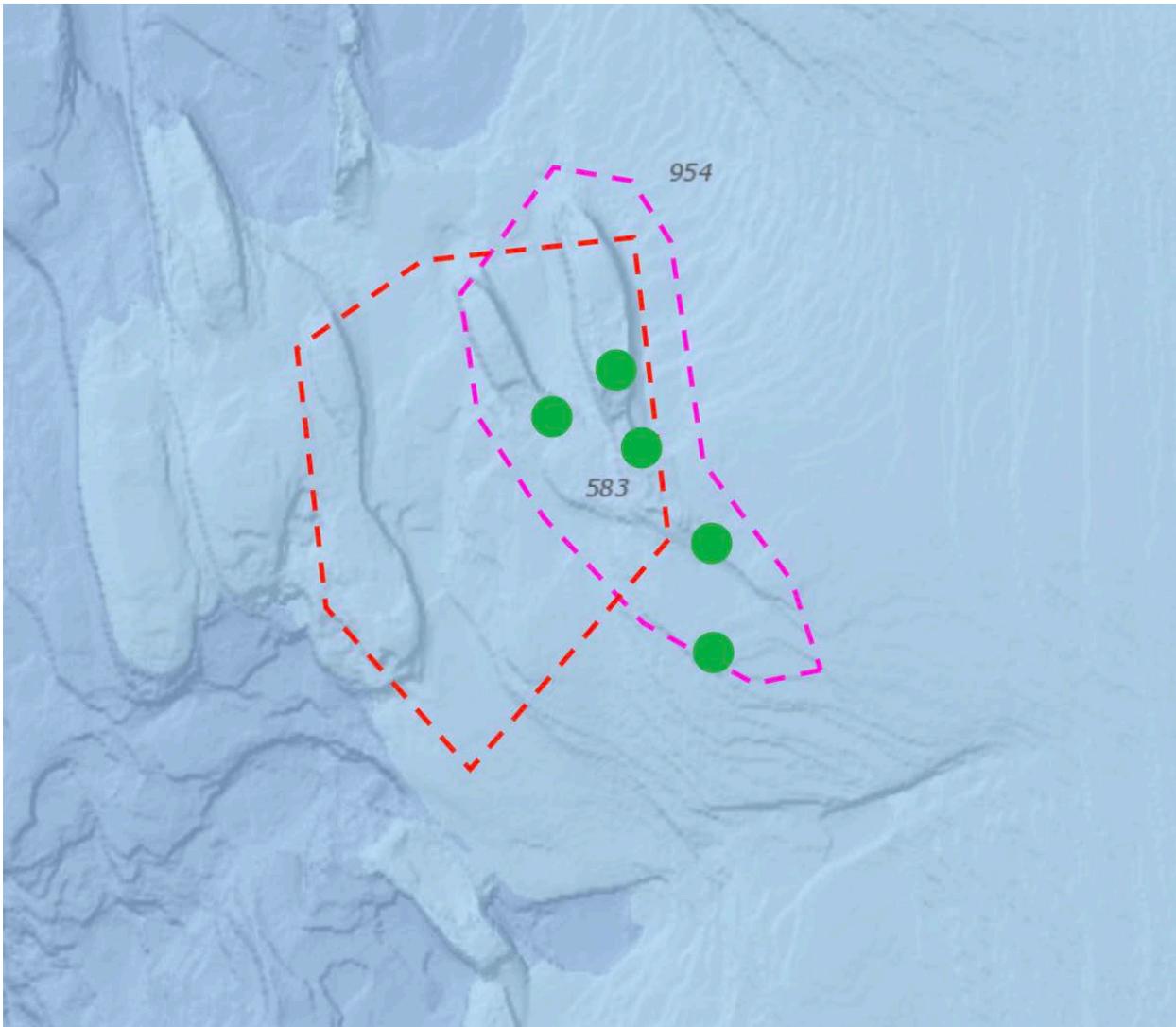


Figure 1. Refined Brush Patch shape. Old shape is shown in red (positioned to the left), newly proposed shape is in pink (positioned to the right). Dots represent coral observations from NOAA dive transects.

PFMC
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