

## GROUND FISH MANAGEMENT TEAM REPORT ON AMENDMENT 28- ESSENTIAL FISH HABITAT AND ROCKFISH CONSERVATION AREA FINAL IMPLEMENTATION

The Groundfish Management Team (GMT) reviewed the materials in the advanced briefing book and received an overview from Mr. Kerry Griffin of Pacific Fishery Management Council (Council) staff and Ms. Gretchen Hanshaw of the National Marine Fisheries Service. We offer comments on the proposed Fishery Management Plan (FMP) language and the draft of Council Operating Procedure (COP) 22 below. We did not have the time to review the appendices.

### Proposed FMP Language

Overall, the GMT is supportive of the Project Team's plan to continue updating the FMP language, including incorporating GMT suggestions from September 2018, with subject matter experts in order to get the rule into place by January 1, 2020. The GMT offers our expertise to the Project Team on reviewing regulations and FMP language surrounding the management measures (e.g., Block Area Closures) that are a part of the essential fish habitat (EFH) package.

The GMT suggests that the language in section 7.4 of the FMP be edited to emphasize that bottom contact gear includes more than bottom trawl gear. Specifically, we suggest the following edits, based on the language in [Agenda Item G.2.a, Project Team Report 1](#) (edits in strikethrough/underline):

Federal regulatory guidance on EFH requires consideration of adverse effects and minimization measures for non-MSA fishing activities that use bottom trawl gear, such as the pink shrimp and ridgeback prawn fisheries, or bottom contact gear, such as pot gear and dinglebar fisheries ~~such as the pink shrimp, ridgeback prawn, and California halibut trawl fisheries~~. Because bottom trawl and other bottom contact fishing gear have similar adverse habitat effects regardless of the target stock, all bottom trawl and bottom contact gear closures apply to both MSA and non-MSA fisheries. For example, bottom trawling for pink shrimp (a state-managed species) in EFHCAs is prohibited, and pot gear fishing is prohibited in the EFHCAs closed to bottom contact gear. (The prohibition on non-MSA bottom trawling does not apply to RCAs, which are designed for species conservation rather than habitat protection.)

### Draft COP-22

The GMT reviewed the proposed COP-22 in the advanced briefing book and discussed the purpose of COP-22. Previously COP-22 was specific to groundfish EFH and included details on the modification process. The version in the briefing book has much of the specificity removed, so that it can apply to all FMPs, not just groundfish. Overall, the GMT does not see issues with having a broader COP; however, the team recommends that all management teams and advisory bodies be provided time to comment on the proposed COP changes. We do provide some suggested edits below for the Council to consider for public review. These edits are intended to re-incorporate some minor details that were removed, including the need for public input and the procedures for Habitat Areas of Particular Concern (HAPCs). One of the more substantial edits

we suggest to the COP is the requirement that the Council identify measurable objectives for assessing EFH changes. Similar to recent discussions about the Fishery Ecosystem Plan ([Agenda Item E.3.a, EWG Report 1](#)), the EFH process would benefit greatly from shifting from procedural goals (i.e., the review was completed) to clear, actionable objectives that are measurable and quantitative (i.e., the proportion of habitat protected was increased while the projected landings remained constant). The GMT has repeatedly spoken to this ([Agenda Item F.3.b, Supplemental GMT Report 1, April 2018](#); [Agenda Item. F.5.b, Supplemental GMT Report, April 2016](#); [Agenda Item H.7.c. Supplemental GMT Report, November 2013](#); [Agenda Item D.2.c. Supplemental GMT Report, March 2014](#); [Agenda Item E.5.a., Supplemental GMT Report, April 2015](#); and [Agenda Item H.8.a. Supplemental GMT Report, September 2015](#)) and believes that many of the hurdles encountered during the EFH process could be avoided if the Council identified outcomes against which to measure modifications.

## Proposed COP-22 language

### PURPOSE

To guide the Council's review and modification of essential fish habitat (EFH) provisions in FMPs, including identification and description of EFH, fishing and non-fishing impacts, recommended conservation measures, habitat areas of particular concern, and other provisions of EFH.

### OBJECTIVES

1. To ensure that the EFH provisions in the Council's FMPs are consistent with the best scientific information available.
2. To ensure a meaningful, efficient, and transparent process for review of new information, and consideration of any potential changes to EFH provisions.

### EFH PERIODIC REVIEW PROCESS

No more than five years after completing a review and any modifications of an FMP's EFH provisions, the Council ~~may~~ should initiate a new review and evaluation of published and unpublished scientific literature and reports, information from interested parties, and previously unavailable or inaccessible data. The Council will identify the appropriate Council and/or National Marine Fisheries Service staff lead(s) to coordinate the review, working with subject area experts, Council Advisory Bodies, and others to complete a review consistent with Federal regulatory guidance at 50 CFR 600, Subpart J.

In determining the scope and schedule of the review, the Council should consider recommendations from prior reviews, clearly identify the purpose and measurable objectives for both the review and potential modifications of EFH, and solicit input from its Advisory Bodies and the public.

As appropriate, the review may be scoped in two phases. In the first phase, the project lead(s), the relevant management team, and any subject matter experts will conduct a thorough review of the best available scientific information, including any new information since the last review, on the

EFH provisions contained in a particular FMP. Based on this review, the Council may embark on a second phase in which changes to EFH provisions for that FMP, including but not limited to HAPCs and as well as commensurate minimization measures are considered for Council adoption. The Council should adopt a schedule and timeline for both the review phase, and if necessary, the second phase in which changes to EFH provisions are considered.

PFMC

03/08/19\*