

Non-Trawl RCA and Recreational Fisheries South of 34°27' N. Lat.

Beginning in 2003, the limited entry fixed gear and open access non-trawl fleet in California has been severely constrained by low trip limits and limited nearshore fishing opportunities, with the non-trawl RCA (the area closed to most fishing with non-trawl gear) extending from the 20-fm (37-m) depth contour to latitude and longitude coordinates approximating the 150-fm (274-m) depth contour. These management measures were designed to limit the incidental take of bocaccio rockfish and keep the catch of bocaccio within its 2003 OY of no more than 20 mt. The recreational fishing fleet in California has also been similarly constrained, by a reduced season length (July - December) and has generally been restricted to fishing inshore of the 20-fm (37-m) depth contour, to minimize the incidental take of bocaccio. Prior to 2000, the recreational fishery has been year round. Since 2000, the recreational fishery has been closed for part of the year. Between 2000 and 2002, the California recreational fishery seasons have been from 8 to 10 months long. Beginning in 2001, some area restrictions were implemented. In 2003, the recreational fishery has been restricted to a 6 month season and it has only been allowed mainly inside of the 20-fm (37-m) depth contour.

Taking into account the most recent bocaccio stock assessment information discussed above and the economic hardship resulting from restrictive management measures necessary to keep the incidental catch of bocaccio within its 2003 OY, the CDFG proposed to the Pacific Council that the 2003 bocaccio OY be flexible enough to allow for a modest increase in nearshore fishing opportunity. Specifically, CDFG proposed that during the months of September-December the eastern boundary for the non-trawl RCA and recreational fisheries closed area between 34°27' N. lat. and the U.S. border with Mexico be moved from the 20-fm (37-m) depth contour out to the 30-fm (55-m) depth contour, except in the CCA where the inshore boundary will remain at 20 fm (37 m). [Note: The CCA is a distinct closed area separate from the non-trawl RCA.] This boundary change was recommended by the Pacific Council because it would provide much needed harvest opportunity and economic relief for commercial non-trawl fishermen (limited entry fixed gear and open access non-trawl gear) and recreational fishers with an expected incidental take of an additional 2.22 mt of bocaccio. This proposal would allow

commercial non-trawl and recreational fishermen some access to harvest species of groundfish that occur mainly on the continental shelf (in waters deeper than 20-fm (37-m)) and have OYs that remain largely unharvested in 2003, such as vermillion rockfish.

Development of Coordinates Approximating the 30-fm (55-m) Depth Contour

Unlike the 20-fm (37-m) depth contour which does not have latitude and longitude coordinates approximating the line, CDFG has developed a series of coordinates approximating the 30-fm (55-m) depth contour. All other depth-based boundaries for the groundfish fishery, except the 20-fm (37-m) depth contour, are defined by lines connecting specific latitude and longitude coordinates. The 20-fm (37-m) depth contour does not have a series of coordinates approximating the boundary line because it existed in management before depth-based management was implemented in the fall of 2002 and because it is primarily within State waters. Managers and enforcement officers from CDFG, along with a commercial fixed gear fisherman, met on July 2, 2003, at the GIS Lab in Monterey, CA to develop the coordinates for the 30-fm (55-m) boundary. With this emergency rule, recreational fisheries in southern California will be subject to closed areas defined by a line connecting latitude and longitude coordinates approximating a fathom contour similar to how commercial groundfish fishery participants have been managed since January 1, 2003.

The State of California has, under state law implemented on April 9, 2003, established some Marine Protected Areas (MPAs) in State waters in some areas around the Channel Islands off California. These MPAs are described as Richardson Rock, Harris Point, and Judith Rock off San Miguel, Carrington Point, and South Point off Santa Rosa Island, Painted Cave, Gulf Island, and Scorpion off Santa Cruz Island, and Anacapa Island off Anacapa Island. Fishing is prohibited in these MPAs under California law. NMFS believes it would be too confusing to the public to draw the 30-fm (55-m) area boundary through areas in State waters that will remain closed under State law. Therefore, where the 30-fm (55-m) boundary line would go through the State water area that is closed under State law, the entire area will remain closed and this is so indicated by the coordinates in this rule.

Because the effects of this new boundary line were not previously analyzed, it is not considered a routine management measure under the Groundfish FMP that can be changed through inseason action. Therefore, NMFS has analyzed this management measures in an EA. Because this is not a routine management measure, the Pacific Council recommends and NMFS is implementing an emergency rule to move the boundary line from 20-fm (37-m) to 30-fm (55-m) south of 34°27' N. lat. (except in the CCA where the inshore boundary will remain at 20-fm (37-m) for the commercial non-trawl and recreational fleets. This action is projected to cause the 2003 OY for bocaccio to be exceeded by approximately 1.72 mt. The purpose is to relieve some of the economic pressure on the fishing industry in southern California without risk to the status of the southern stock of bocaccio.

Corrections

In addition to creating new 30-fm (55-m) RCA boundaries along the mainland coast, around the Channel Islands, and around seamounts off the State of California, this emergency rule also contains corrections to existing RCA boundaries. The first correction pertains to the 200-fm (366-m) coastwide RCA boundary. In an areas off the State of California, the 200-fm (366-m) RCA boundary was found to extend into waters as deep as 300-fm (549-m). This resulted in the groundfish trawl fleet being prohibited from fishing in areas where fishing with trawl gear should be permitted. Therefore, to better align the 200-fm (366-m) RCA boundary with the 200-fm (366-m) depth contour and allow the groundfish trawl fleet access to areas where fishing with trawl gear should be permitted, several of the coordinates for the 200-fm (366-m) RCA boundary were corrected. Throughout 2003, NMFS has clearly specified trawl RCA boundaries around islands and seamounts off California, however, we have not clearly specified the non-trawl RCA boundaries around those same islands and seamounts. This emergency rule corrects that oversight by clearly specifying the non-trawl RCA boundaries around islands and seamounts off California.

With the creation of the new 30-fm (55-m) RCA boundaries off California, coordinates were generated for additional islands (i.e., the northern Channel Islands) off California as well as the southern California islands that previously had trawl RCA boundaries. Through the process of reviewing maps of and bathymetry data for these islands,