



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 260615-0144]

RIN 0648-BN95

Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast

Groundfish Fishery; Cordell Bank Groundfish Conservation Area Revisions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is issuing final regulations to remove the Cordell Bank Groundfish Conservation Area off central California for all groundfish fisheries and implement a new Groundfish Exclusion Area for all groundfish fisheries to protect sensitive habitat. The purpose of this action is to simplify regulatory complexity associated with overlapping fishery closures in the Cordell Bank area, and to increase fishing opportunities while still protecting the Cordell Bank ecosystem.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Information relevant to this action, including the integrated analysis that addresses the National Environmental Policy Act (NEPA), Presidential Executive Order 12866, the Regulatory Flexibility Act, and the statutory requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) (collectively referred to as “the Analysis”), may be obtained from the NMFS West Coast Region Groundfish website at: <https://www.fisheries.noaa.gov/action/cordell-bank-area-revisions>.

FOR FURTHER INFORMATION CONTACT: Lynn Massey, phone: 562-900-2060, or e-mail: *Lynn.Massey@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Pacific Coast groundfish fishery in the U.S. exclusive economic zone (EEZ) seaward of Washington, Oregon, and California is managed under the Pacific Coast Groundfish Fishery Management Plan (hereafter, Groundfish FMP). The Pacific Fishery Management Council (Council) developed the Groundfish FMP pursuant to the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* The Secretary of Commerce approved the Groundfish FMP and implemented the provisions of the plan at 50 CFR part 660, subparts C through G. Species managed under the Groundfish FMP include roundfish, flatfish, rockfish, sharks, and skates.

This final rule (also referred to as the “action”) includes regulations that remove the Cordell Bank Groundfish Conservation Area (GCA) off central California for all groundfish fisheries and implement a new Groundfish Exclusion Area (GEA) for all groundfish fisheries to protect sensitive habitat. GEAs are authorized as an area closure type under section 6.8.10 of the Groundfish FMP; therefore no further changes to the Groundfish FMP are necessary to designate a new GEA.

For information on the development of this action, refer to the “Background” section of the proposed rule (91 FR 4485; February 2, 2026).

Removal of the Cordell Bank GCA

This final rule removes the Cordell Bank GCA closure from the Federal regulations at § 660.70, as well as the associated groundfish prohibitions for the trawl, limited entry fixed gear, open access, and recreational fishery sectors specified at §§ 660.130, 660.230, 660.330, and 660.360, respectively. Although the former GCA was 64 square miles (sq mi) (165.8 square kilometers (sq km)), only 40.1 sq mi (104 sq km) is being opened, including 10.2 sq mi (26.4 sq km) to almost all trawl gear and the full 40.1 sq mi (104 sq km) to non-trawl gear. The former GCA overlapped with two other

closures: 1) the Cordell Bank Biogenic Essential Fish Habitat Conservation Area (EFHCA), which prohibits fishing with bottom trawl gear (except for demersal seine) by all fisheries (hereafter referred to as the “bottom trawl EFHCA”); and 2) the Cordell Bank (50-fm isobath) EFHCA, which prohibits fishing with bottom contact gear by all fisheries (hereafter referred to as the “bottom contact EFHCA”). The former GCA bordered a third closure at the 100 fathom (fm) line – the Non-Trawl Rockfish Conservation Area (Non-Trawl RCA), which prohibits commercial groundfish fishing with most types of non-trawl gear. These closures can be viewed on figure 1 of the Analysis (see **ADDRESSES**). These three closures and their associated prohibitions remain in place, and a GEA now overlays the exact geographic footprint of the bottom contact EFHCA (see next section).

The coordinates for the former Cordell Bank GCA include coordinates commonly referred to as the “100-fm ring.” These coordinates are distinct from the 100 fm (183 meter (m)) depth contour line defined at § 660.73. Per the trawl management measure regulations at § 660.130(c)(1)(ii), trawling with large footrope gear is prohibited in the area south of 46°16’ North latitude (N lat.) and shoreward of 100 fm (183 m). Removing the Cordell Bank GCA coordinates from Federal regulations entirely would default to allow trawling with large footrope gear in the 10.2 sq mi (26.4 sq km) opened to trawl gear. In order to maintain this prohibition, the coordinates for the 100 fm ring have been transferred to § 660.73, which is where the coordinates for the coastwide 100 fm (183 m) line and other lines around islands and banks are defined.

Creation of the Cordell Bank GEA

GEAs were first created by and used via Amendment 32 (88 FR 83830, December 1, 2023), which implemented eight GEAs in the Southern California Bight to protect sensitive coral ecosystems from groundfish fishing impacts when the Cowcod Conservation Areas were removed for non-trawl commercial and recreational groundfish

fisheries. The Groundfish FMP authorizes the creation of additional GEAs via rulemaking (see section 6.8.10). GEAs are a different type of closure from GCAs in that their primary purpose is not to protect groundfish species, but to protect habitat. GEAs are different from EFHCAs in that GEAs do not necessarily protect groundfish-specific essential fish habitat (EFH). Rather, a GEA may be established to protect other types of oceanic and seafloor habitats.

As described in the prior section, there are currently a number of overlapping or bordering fishery closures in the Cordell Bank area, including the bottom contact and bottom trawl EFHCAs, and the Non-Trawl RCA. Each closure has different regulations that prohibit different fisheries from operating and different gear types from being used (see table 1 of the Analysis), consequently creating confusion among fishermen and challenges for enforcement officers. The purpose of this action is to reduce regulatory complexity and increase fishing opportunities, while protecting the Cordell Bank ecosystem. Amendment 19 to the Groundfish FMP designated the Cordell Bank as a habitat area of particular concern (HAPC) in 2006, because it contains a substantive amount of rocky reef habitat. The Cordell Bank GCA was initially implemented in 2004, to reduce catch of several overfished groundfish stocks, which are all now rebuilt. Therefore, although there is no longer a need for the Cordell Bank GCA to protect overfished groundfish species, there remains a need to protect sensitive habitat in the area (see next section).

This final rule establishes the Cordell Bank GEA at § 660.70. All groundfish fishing is prohibited within the Cordell Bank GEA. Groundfish vessels are allowed to continuously transit through the Cordell Bank GEA as long as all groundfish gear is stowed. The Cordell Bank GEA is 26.4 sq mi (68.4 sq km), of which 23.9 sq mi (61.9 sq km) is inside the former Cordell Bank GCA and the remaining 2.5 sq mi (6.5 sq km) is outside of the former GCA. The 2.5 sq mi (6.5 sq km) that is outside of the

former GCA overlaps with the bottom contact EFHCA and Non-Trawl RCA, meaning groundfish fishing with non-bottom contact gear (*e.g.*, troll gear) used to be allowed in this area. The new GEA now prohibits all groundfish fishing, thereby taking away the ability to use non-bottom contact gear in this 2.5 sq mi (6.5 sq km). With the addition of the GEA, approximately 37 percent of the former Cordell Bank GCA footprint remains closed to all groundfish fishing, and most of the remaining area still has restrictions in place from the bottom contact and bottom trawl EFHCAs. Only 10.2 sq mi (26.4 sq km) or 16 percent of the former GCA is now open to trawl gear, as there are no other overlapping closures in this area. Overall, this final action opens a net area of 40.1 sq mi (103.9 sq km). Of this area, 10.2 sq mi (26.4 sq km) is open to trawl gear and the full 40.1 sq mi (103.9 sq km) is open to non-trawl commercial and recreational gear. The Cordell Bank GEA coordinates are the same as the coordinates for the existing bottom contact EFHCA (listed at § 660.79(r)), which is expected to substantively reduce regulatory complexity and enforcement challenges in the area.

This final rule also revises the regulations at § 660.10 to remove the definition of GEA from the list of defined GCAs and categorize it as its own type of conservation area. This change better reflects the regulatory purpose of GEAs, which is to protect sensitive habitats from groundfish fishing as opposed to overfished groundfish species from groundfish fishing. The definition of “Continuous transiting or transiting through” has been accordingly revised to no longer specify that continuous transit is allowed in a GCA or EFCHA, but rather, all defined conservation areas, which includes GCAs, EFHCAs, and GEAs.

Summary of Habitat Impacts

Known for its extensive rocky reef habitat, the Cordell Bank area is designated as groundfish EFH and a HAPC via Amendment 19 to the Pacific Coast Groundfish FMP (71 FR 27408, May 11, 2006). It is also located within the Cordell Bank National Marine

Sanctuary (NMS). The Analysis for this action (see **ADDRESSES**) discloses potential impacts to habitat that may result from the opening of the Cordell Bank GCA.

Specifically, the Analysis includes maps of varying benthic substrates (*e.g.*, sandy bottom vs. hard substrate) as well as corals, sponges, and sea pens that occur in the areas opened to groundfish trawl and non-trawl gear types. The Analysis also discusses potential shifts in fishery effort by each relevant fishery sector.

Trawl Gear Impacts

Under this action, approximately 10.2 sq mi (26.4 sq km) of new area will be exposed to trawl gear. As described in the Analysis, available data show that approximately 3.3 percent (0.54 sq mi or 1.4 sq km) of that area is rocky reef habitat, with limited coral, sponge, and sea pen observations. The remaining area is primarily made up of sand substrate with some unconsolidated mineral substrate. The Analysis also explains that significant fishing effort with trawl gear is not anticipated in the newly opened area, as the area is only 10.2 sq mi (26.4 sq km), and there has been limited to no trawl effort in the vicinity of the Cordell Bank GCA since 2018. Bottom trawl vessels typically avoid high relief rocky habitat to avoid gear damage; therefore, even if trawl vessels came to the newly opened area, they would likely fish over the areas with a flatter bottom. Additionally, trawl regulations at § 660.130(c)(1)(ii) prohibit the use of large footrope gear in the area south of 46°16' N lat. and shoreward of the 100-fm (183-m) depth contour; therefore, only small footrope gear (generally considered to be less damaging than large footrope gear) would be permitted in the 10.2 sq mi (26.4 sq km) area opened. As the name implies, small footrope gear - in contrast to large footrope gear - has smaller diameter footrope, including rollers, bobbins, and other material, which is designed for lower relief seafloor types and may reduce seafloor impact and bycatch. Overall, the Analysis concludes that a minimal amount of rocky reef habitat will be exposed to trawl gear, and minimal impact from fishing is expected to occur if trawl

effort shifts into that area. For a more detailed analysis on potential habitat impacts from trawl gear, see section 3.1.2 the Analysis.

Non-Trawl Gear Impacts

Under the action, approximately 40.1 sq mi (103.9 sq km) of new area will be exposed to non-trawl gear (*e.g.*, pots, bottom longline, hook-and-line), which is generally considered to be less impactful than trawl gear (see appendix C to the Pacific Coast Groundfish FMP). As described in the Analysis, available data shows that approximately 8.9 percent (3.6 sq mi or 9.3 sq km) of the 40.1 sq mi (103.9 sq km) newly opened area is rocky substrate with an additional 43.2 percent (17.3 sq mi or 44.8 sq km) categorized as unconsolidated mineral substrate. The remaining half of the newly opened area is categorized as sand. Additionally, there are limited coral, sponge, and sea pen observations in the area.

The Analysis also predicts some effort shift into the 40.1 sq mi (103.9 sq km) newly opened area from the non-trawl catch share sector fisheries, as effort data since 2021 indicates those vessels have been fishing in the vicinity of the Cordell Bank GCA. However, these vessels would likely use hook-and-line gear, which is generally considered to be less impactful on benthic habitat than non-trawl gear types that are actively fished on the bottom (*e.g.*, pot or longline). In their November 2024 statement (see Agenda Item I.5.a, Supplemental GAP Report 1 at <https://pcouncil.org>), the Council's Groundfish Advisory Subpanel discussed that limited pot gear activity is likely to occur in the area due to the high relief habitat features and the fact that the area is too shallow for sablefish (the primary target species for pot gear). Hook-and-line gear for midwater stocks will likely be the targeted fishery occurring in the action area.

Effort shift from the recreational sector is also anticipated, as the Cordell Bank area has historically been a recreational fishing ground, and public comments from the November 2024 Council meeting (see <https://pcouncil.org>) and on the proposed rule

indicate interest in adding the Cordell Bank area to a rotation of recreational fishing locations to spread out effort on other nearby fishing locations. Overall, the Analysis anticipates some, but not significant, potential impact in the newly opened area from non-trawl gear due to anticipated effort shift from the commercial and recreational non-trawl sectors. For a more detailed analysis on potential habitat impacts from non-trawl gear, see section 3.1.2 the Analysis.

In addition to opening the 40.1 sq mi (103.9 sq km) of area discussed above, NMFS is closing approximately 2.5 sq mi (6.5 sq km) in the Cordell Bank area that is currently open to non-trawl non-bottom contact gear. This 2.5 sq mi (6.5 sq km) area is currently within the bottom contact EFHCA, and therefore, non-bottom contact gears are permitted. However, the proposed GEA would close this small 2.5 sq mi (6.5 sq km) area to all groundfish fishing.

Essential Fish Habitat

The Magnuson-Stevens Act and its implementing regulations require that FMPs describe and identify EFH and minimize to the extent practicable adverse effects on EFH caused by fishing. As such, EFH along the U.S. West Coast is described in appendices B and C to the Pacific Coast Groundfish FMP and includes the Cordell Bank area. The Pacific Coast Groundfish FMP authorizes the use of EFHCAs to protect groundfish EFH from specific types of fishing activity. As a result of the Council's 2006 EFH review process, a bottom trawl EFHCA and a bottom contact EFHCA were implemented in the Cordell Bank area via Amendment 19 to the Pacific Coast Groundfish FMP (71 FR 27408, May 11, 2006). The coordinates for these EFHCAs are listed at § 660.79(q) and (r), respectively. As a result of the 2014-2020 EFH process, which included review of the Cordell Bank area, the bottom trawl EFHCA was later expanded via Amendment 28 (84 FR 63966, November 19, 2019). The bottom contact EFHCA was not changed at that time because there was not new, definitive information on the benthic habitat effects of

non-trawl bottom contact gear that compelled revisions. During the development of this action, the Council and its Habitat Committee reviewed new information on the potential impact to EFH in the Cordell Bank area from opening the newly opened areas to both trawl and non-trawl fishing. This evaluation is documented in the Analysis (see section 3.1.2). Overall, the Analysis concludes that there will not be new significant impacts to EFH from this action that would require additional mitigative measures.

Conclusion

As described in the Analysis, significant habitat impact from this action (including to designated EFH) is not anticipated. Although there is some expected effort shift from the commercial and recreational non-trawl sectors, the primary gear type used would be hook-and-line, as fishermen tend to avoid high relief rocky habitat with bottom gear to avoid gear damage. Additionally, the newly opened area is too shallow for sablefish, which is the primary target for non-trawl bottom gear types. The vast majority of coral, sponge, and sea pen observations occur within the new GEA and, therefore, will remain protected from groundfish fishing impacts.

Public Comments

The 30-day public comment period on the proposed rule (91 FR 4485) occurred from February 2, 2026, through March 4, 2026. NMFS received 80 comments supporting the proposed rule, 47 comments opposing the proposed rule, and five neutral comments that either indicated a mix of support and opposition, or provided general commentary with no clear stance on the proposed rule. No changes were made to the proposed rule in response to public comments.

The majority of the supportive comments were from industry stakeholders, including fishing association representatives and individual fishermen. These comments generally expressed enthusiasm for gaining back access to historical fishing grounds and the positive socio-economic effects that are anticipated to result for California coastal

communities. Several of the comments also expressed support for the ability to use the newly opened area as a rotational fishing location for recreational fisheries, which is expected to take partial pressure off other nearby recreational fishing locations, including Rittenburg Bank.

NMFS received 47 comments opposing the proposed rule. The majority of these comments expressed concern over potential adverse environmental impacts from opening the 10.2 sq mi (26.4 sq. km) portion of the former GCA to bottom trawl gear. Four of the comments, which were all from environmental nongovernmental organizations (NGOs), included this issue, as well as other concerns. NMFS responds to these four comments below. NMFS' response to these four comments also addresses the general concerns about bottom trawl gear expressed in the other comments.

The environmental NGOs, which include Oceana, Turtle Island Restoration Network (TIRN), Fish On, and Earth Island Institute submitted letters that, in summary, claim the proposed rule is inconsistent with the mandates of the MSA in regard to EFH protection and with NMFS' obligations related to National Marine Sanctuary protections. Oceana and TIRN brought forward six primary claims, which are responded to in Comments 1 through 6 below. The responses to Comments 1 through 5 address the claims in the Fish On letter. The response to Comment 5 addresses the claim made in the Earth Island Institute letter.

Comment 1: Oceana, TIRN, and Fish On commented that the proposed rule should have been evaluated alongside the Council's routine groundfish EFH review process, and that proceeding with opening portions of the Cordell Bank area to fishing before this process undermines EFH protections. Additionally, Oceana comments that evaluating this action outside of a formal EFH review process precludes a coherent, science-based evaluation of cumulative and long-term impacts.

Response 1: The MSA and its implementing regulations require that FMPs describe and identify EFH and minimize, to the extent practicable, adverse effects on EFH caused by fishing (16 U.S.C. 1853(a)(7); 50 CFR 600.815(a)(2)(i)-(ii)). There is no requirement in the MSA or its implementing regulations to conduct an updated EFH review prior to implementing a fishery action. However, because amendments to the FMP or its implementing regulations must ensure that the FMP continues to minimize, to the extent practicable, adverse effects on EFH caused by fishing (50 CFR 600.815(a)(2)(ii)), it is appropriate to identify and evaluate new information relevant to EFH prior to implementing a fishery action. The development of this action included a thorough review of the best scientific information available (BSIA) on habitat and benthic substrate in the action area, including new information available since the last Pacific Coast groundfish review, which occurred from 2014-2020. The Council's Habitat Committee vetted that scientific information, alongside information on fishing gear impacts to benthic habitats that is provided in the Fishing Gear Effects on Marine Habitats Database. This rule therefore complies with the MSA and its implementing regulations. The Analysis prepared for the rule is based on the most up-to-date scientific information available (see additional explanation under the Response 4 below) and discloses and evaluates potential impacts from fishing to groundfish EFH in the Cordell Bank area. Additionally, the Groundfish FMP (which is incorporated by reference in the Analysis) describes groundfish EFH, including fishing impacts, in appendices B and C.

Comment 2: Oceana, TIRN, and Fish On commented that opening up the 10.2 sq mi (26.4 sq km) area to bottom trawling is inconsistent with the Council's and NMFS' precautionary approach of "freezing the footprint" of bottom trawling unless and until there is area-specific data indicating the absence of sensitive habitats.

Response 2: Neither the Council nor NMFS has codified a policy of "freezing the footprint" of bottom trawling off the U.S. West Coast as contended in the comment

letters. As part of Amendment 19 to the Groundfish FMP, the Council and NMFS established the Seaward of 700 fm (1,280 m) contour closure, which was intended to preemptively close waters beyond the depths where bottom trawling has historically occurred. This closure is intended to prevent the expansion of bottom trawling into areas where groundfish EFH has not historically been adversely affected by bottom trawling. The closure is listed in Section 6.8.7 of the Groundfish FMP and is described as the “bottom trawl footprint closure”. This closure appears to be what commenters refer to as “freezing the footprint” of bottom trawling; however, Amendment 19 instituted a depth closure as opposed to a policy generally freezing the footprint of bottom trawling. Additionally, as part of Amendment 28 to the Groundfish FMP, the Council and NMFS established the Deep-Water Ecosystem Conservation Area (DECA) closure (>3,500 m), which was intended to close waters deeper than designated groundfish EFH to protect deep sea corals from exploratory fishing, and may have been mistakenly referred to as a “footprint closure”. This action does not modify either of these depth closures. In summary, the Council and NMFS do not have a specific policy or requirement to freeze the footprint of bottom trawling on the West Coast, as described by the NGOs. Rather, when considering the exposure of seafloor habitat to bottom trawling, the Council and NMFS adhere to the mandates of the MSA, with regard to EFH protections and BSIA, on an action-by-action basis. As such, bottom trawling is prohibited in the expansive coastwide network of existing bottom trawl EFHCAs, which includes 152,355 sq mi (394,598 sq km) of area that has been reviewed through the Council’s EFH process and specifically designated as in need of protection from bottom trawling. The existing bottom trawl EFHCA in the Cordell Bank area covers all but 10.2 sq mi (26.4 sq km) of the former Cordell Bank GCA footprint. This EFHCA was reviewed during the 2014 EFH review process and appropriately expanded via Amendment 28 to the Groundfish FMP (84 FR 63966, November 19, 2019). When considering this action, the Council

used the most updated information available on habitat in the Cordell Bank area to evaluate potential EFH impacts, and this information indicates that the small area newly opened to bottom trawling is predominantly sandy bottom (see Sections 3.1.1 and 3.1.2 of the Analysis). Accordingly, this action is consistent with the MSA, implementing regulations, and Council and NMFS policies. If new information is presented at the next EFH review that warrants further expansion of the bottom trawl EFHCA in the Cordell Bank area, or other West Coast EFHCAs, then the Council may recommend that approach to NMFS at that time.

Comment 3: Three NGOs, including Oceana, Turtle Island Restoration Network, and Fish On, claimed that NMFS violated NEPA's requirement to evaluate a reasonable range of alternatives. Specifically, Oceana comments that NMFS' range of alternatives was insufficient because it lacked an alternative that maintained prohibitions on all bottom contacting fishing gear. Similarly, TIRN comments that NMFS did not meaningfully evaluate an alternative that would keep all existing bottom-trawl closures in place and limit the reopening to non-trawl gear; or an alternative with different boundaries for the new GEA that would avoid more sensitive habitats or that would delay reopening until additional habitat mapping is completed.

Response 3: NEPA requires Federal agencies to take a hard look at the environmental consequences of their actions. To meet its NEPA obligations for this action, NMFS completed an Environmental Assessment (EA). NEPA does not specify a minimum requirement for the number of alternatives to be evaluated; NEPA requires that the range simply be reasonable (42 U.S.C. 4331(2)(H)). NOAA's Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities define reasonable alternatives as those that are technically and economically feasible and meet the purpose and need of the proposed action. An EA may include only the preferred and no action alternatives (Companion Manual for NOAA Administrative Order 216-6A,

Section XIV (U)). This guidance is supported by Federal case law. See, e.g., *Earth Island Institute v. U.S. Forest Service*, 87 F.4th 1054 (9th Cir. 2023) (an agency satisfies NEPA when it considers only two alternatives); *City of Los Angeles v. Federal Aviation Administration*, 63 F.4th 835 (9th Cir. 2023) (a court determines whether an agency considered a reasonable range of alternatives based on its purpose and need). The stated purpose and need for this action is: *The purpose of this action is to provide fishing access to previously closed areas surrounding Cordell Bank while protecting sensitive habitats. The Cordell Bank GCA was initially implemented to reduce catch of several overfished groundfish stocks, which are all now rebuilt or rebuilding ahead of schedule. This action is needed to remove unnecessary regulations and to reduce regulatory complexity.* The EA for this action evaluated two alternatives: keeping the prior Cordell Bank GCA regulations in place (No Action), or removing the Cordell Bank GCA and replacing it with a new GEA over the Cordell Bank bottom contact EFHCA that would be applicable to all groundfish fisheries (the Preferred Alternative). No additional alternatives were necessary to complete a reasonable range. As stated in the purpose and need, the primary groundfish stocks of concern that motivated the implementation of the GCA are now rebuilt. Thus, the Cordell Bank GCA met its purpose and is no longer necessary for the management of overfished stocks. The action alternative meets the need of reducing regulatory complexity in the Cordell Bank area, and the EA evaluated potential impacts resulting from the action on sensitive habitat, including EFH. Accordingly, the two alternatives evaluated were sufficient under NEPA; particularly in this case where NMFS determined in its EA that the action would not have a significant impact on the environment.

Comment 4: Fourth, Oceana, TIRN, and Fish On commented that NMFS violated the MSA's National Standard 2 (*i.e.*, the requirement that fishery conservation and management measures be based on BSIA) because NMFS did not adequately consider

recent data from the Office of National Marine Sanctuaries documenting extensive hard and mixed substrates, as well as coral and sponge communities, on and around Cordell Bank.

Response 4: The Analysis for this action used and evaluated the BSIA on habitat and benthic substrate. The data specifically referenced by Oceana and TIRN was not publicly available during the development of the Analysis, nor had it been peer-reviewed. However, once aware of the new data, the Council and NMFS coordinated with the Office of National Marine Sanctuaries to incorporate the information into the Analysis. All new data from the Office of National Marine Sanctuaries, which includes predictive habitat classification and additional coral and sea sponge observations, is displayed in the Analysis in Figures 8 through 13. This information was considered by the Council prior to making their final recommendation to NMFS. As stated in the Analysis (see Section 3.2.1), and as supported by the BSIA, the majority of hard substrate and coral and sponge observations in the Cordell Bank area will remain inside the new Cordell Bank GEA.

Comment 5: Oceana, TIRN, Fish On, and Earth Island Institute either specifically or generally commented that NMFS failed to follow the directive and mandates of the National Marine Sanctuaries Act (NMSA) to protect sanctuary resources and the Cordell Bank NMS designation because the rule reopens areas to bottom contact fishing in Cordell Bank and because the rule reopens these areas without adequate safeguards in place. Relatedly, Oceana and TIRN also claim that NMFS lacks a monitoring framework sufficient to detect and assess impacts to benthic habitats, EFH, or protected species.

Response 5: NMFS finds that the fishing area being opened has adequate safeguards in place to minimize, to the extent practicable, the effects of fishing on EFH and protect sanctuary resources consistent with both the MSA and the NMSA. The NMSA provides the authority for the Secretary of Commerce to designate a discrete area of the marine environment as a national marine sanctuary and to promulgate regulations

implementing such designation, if the area is determined to be of special national significance due to (1) its conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or esthetic qualities; (2) the communities of living marine resources it harbors; or (3) its resource or human-use values (16 U.S.C. 1433(a)).

The Cordell Bank NMS was designated in 1989 to protect an approximately 400 sq mi (1,036 sq km) area consisting of a nutrient-rich, offshore rocky bank off the coast of California. The designation explained that, “Cordell Bank and its surrounding waters, because of a rare combination of oceanic conditions and undersea topography, provide a highly productive marine environment in a discrete, well defined area” (54 FR 22417, May 24, 1989). Under the NMSA, the terms of a sanctuary designation include the types of activities that will be subject to regulation by the Secretary to protect a specific sanctuary’s characteristics (16 U.S.C. 1433(a)). The Cordell Bank NMS designation specifically authorizes the regulation of five types of activities within the sanctuary, not including fishing (54 FR 22417, May 24, 1989). With respect to fishing, the designation “reaffirms that no regulation of fishing, other than by existing State and Federal statutes, will occur” and that “[a]ll State and Federal regulatory programs pertaining to fishing, including Fishery Management Plans promulgated under the Magnuson Fishery Conservation and Management Act, remain in effect”. Stated differently, the Cordell Bank NMS designation provides that fishing within the area will continue to be regulated through Council and NMFS action, consistent with this rulemaking. Of the 64 sq mi (165.8 sq km) footprint of the former Cordell Bank GCA, all but 10.2 sq mi (26.4 sq km) will remain inside of a protective closure – either an EFHCA, the new GEA, or both. For the fishing activity that does take place in the newly opened area, participating vessels will remain subject to their sector’s respective management measures, including but not limited to carrying a vessel monitoring system that tracks fishing location (commercial trawl and non-trawl sectors), species-specific catch limits/bag limits/quotas (all sectors),

gear limitations (varies across all sectors; *e.g.*, maximum hook requirements in the recreational sector), logbook reporting (commercial trawl and non-trawl sectors), seasonal depth restrictions (recreational sector), partial observer coverage (non-trawl commercial sector), 100 percent observer coverage or electronic monitoring (trawl sector), and the requirement to carry and use a descending device when returning discarded fish to depth (recreational sector). Even in the 10.2 sq mi (26.4 sq km) that is now open to all bottom contact gear, NMFS is adjusting the regulations such that the prohibition on using large footrope trawl gear shallower than 100 fm (183 m) is maintained to mitigate seafloor damage (see Removal of the Cordell Bank GCA above and in the same section of the proposed rule). NMFS finds these protections and required monitoring measures in the newly opened areas, including within the limited area newly opened to bottom trawl, to be adequate to detect and assess impacts to benthic habitats, EFH, or protected species within the sanctuary, and thus to protect sanctuary resources and minimize to the extent practicable, the effects of fishing on EFH.

Comment 6: Last, Oceana and TIRN comment that the removal of spatial protections under the Cordell Bank GCA is particularly concerning when considered together with other recent actions recommended by the Council, including the removal or reclassification of select stocks in the Groundfish FMP. The NGOs argue that cumulatively the actions diminish safeguards for ecologically important habitats and sensitive species.

Response 6: NMFS disagrees with this comment. The removal of stocks from, or reclassification of stocks as Ecosystem Component (EC) species within, the Groundfish FMP does not adversely (or otherwise) impact spatial protections in the Cordell Bank area, including those protections provided by the EFHCAs or the new GEA, or otherwise diminish safeguards for habitats or sensitive species. In a separate action, subject to full evaluation under the MSA and its implementing regulations, NEPA, and other applicable

law, the Council and NMFS, consistent with their jurisdiction, have evaluated those stocks currently managed in the Groundfish FMP to determine if they are in need of conservation and management within the EEZ. This is a robust, stock- and fact-specific analysis. See 50 CFR 300.605(c). Following this evaluation, certain stocks will be proposed to be removed from the Groundfish FMP or re-classified as EC species. Any related future rulemakings will be subject to MSA and NEPA review and public notice and comment. Potential reasonably foreseeable effects of these future actions will appropriately be considered at that time. For the purposes of this final rule, even if a target species in the Cordell Bank area is taken out of the FMP at a future time and no longer Federally-managed, participating fishing vessels would still be subject to catch limits and any other management measures dictated by the State of California.

Classification

Pursuant to sections 303(c) and 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this rule is consistent with the Pacific Coast Groundfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

Administrative Procedures Act

There is good cause under 5 U.S.C. 553(d)(3) to make the rule effective immediately upon filing with the Office of the Federal Register as delaying the effectiveness of this rule would be contrary to the public interest. This rule effectuates the long-awaited opening of the Cordell Bank GCA, which will restore access to historical fishing grounds to groundfish fishermen in Central California. This rule will primarily benefit recreational fishermen in the San Francisco Management Area; specifically, fishermen running charter boats out of San Francisco and Bodega Bay. The rule is also likely to benefit non-trawl commercial fishermen fishing off Central California. A delayed effective date for this rule would be contrary to the public interest as it could

have a substantial adverse economic impact on fishery participants and fishing communities.

The 2026 recreational fishery in the San Francisco Management Area opened on April 1, 2026, and will close on December 31, 2026. Though the season is 9 months long, the summer (June through August) is by far the fishery's busiest season. This busy season aligns with the summer tourist season, and with good weather conditions for fishing, in and off Central California. In recent years, participants in the California recreational fishery have struggled economically due to decreased fishing opportunities along the coast, including the lack of salmon fishing opportunity. For these fishery participants, the opening of the Cordell Bank GCA creates an important new fishing and economic opportunity and business plans and decisions for 2026 were likely made surrounding the anticipated opening of the GCA prior to the fishery's busy summer season. The Cordell Bank GCA was one of many fishery closures implemented along the U.S. West Coast in the early 2000s to protect overfished groundfish species. These closures resulted in significant adverse socio-economic impacts for fishermen and fishing communities. All of the once-overfished species are now rebuilt or rebuilding ahead of schedule and, in 2019, NMFS began restoring access to previously closed areas. The Council recommended this action to open the Cordell Bank GCA in March 2025. Accordingly, the relevant fishery stakeholders initially anticipated that this rule would be effective by January 1, 2026. NMFS has received feedback from fishery participants that business plans were made with the expectation that the GCA would be open for fishing before the recreational fishery opened on April 1, 2026. A delay in the effectiveness of this rule would result in further delay in the opening of the Cordell Bank GCA, beyond the date that the affected public was expecting; therefore, it would result in economic harm to fishery participants and fishing communities by continuing to constrain recreational

fishing opportunity off the Central California coast during the fishery's busy summer season.

Making this rule effective upon filing with the Office of Federal Register is also in the public interest because it will benefit the public by providing additional opportunity for recreational fishermen in 2026 to fully utilize the California recreational fishery's annual groundfish allocations. According to information provided by the California Department of Fish and Wildlife (CDFW), the groundfish species targeted in and around the Cordell Bank GCA are generally underattained. Specifically, based on available data, CDFW has indicated that species that would likely be targeted by the recreational sector at Cordell Bank are highly underattained, with most species tracking at 40% or less attainment of their fishery harvest guideline or the overall non-trawl allocation. Opening the Cordell Bank GCA to fishing immediately, and particularly during the busy summer season, would therefore increase the likelihood of full utilization of the 2026 groundfish allocations. As such, making this rule effective immediately upon filing with the Office of the Federal Register would be consistent with the public interest, as it would support the Magnuson-Stevens Act's goal of promoting optimal yield within the fishery.

Finally, a delayed effective date is not necessary to provide sufficient notice to the fishing community. The purpose of the 30-day delayed effectiveness provision of the APA is generally to give the regulated community time to adjust to new regulations. The opening of historical fishing grounds creates no new restriction or requirement that warrants such time for adjustment. The only fishing area being newly closed as part of the GEA is the 2.5 sq mi (6.5 sq km) that prior allowed the use of non-bottom contact gear. Otherwise, the rest of the GEA includes area that is already closed, as it is within the geographic footprint of the former GCA. Moreover, the Cordell Bank GCA is no longer needed for its original purpose – to protect groundfish species. Therefore, it is in

the public interest to increase fishing access on the California coast as soon as possible and good cause exists to waive the 30-day delay in effectiveness under 5 U.S.C.

553(d)(3). Increasing fishing access in the Cordell Bank area immediately upon the filing of this rule with the Office of Federal Register will provide additional opportunity for groundfish fishermen in 2026, which will increase the likelihood of full utilization of annual groundfish allocations.

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

Executive Order 14192

This final rule is not an E.O. 14192 regulatory action because this rule is not significant under E.O. 12866.

Executive Order 13175

A Tribal summary impact statement under section (5)(b)(2)(B) and (c)(2) of E.O. 13175 was not required for this final rule because this action does not impose substantial direct compliance costs on Indian Tribal Governments, as the action area is outside of the Usual and Accustomed fishing areas for tribes with Federally-recognized treaties to fish for groundfish. Therefore, a Tribal summary impact statement is not required and has not been prepared.

Regulatory Impact Review (RIR)

An RIR was prepared to assess all costs and benefits of available regulatory alternatives. A copy of this Analysis is available from NMFS (see **ADDRESSES** section). NMFS is recommending this final rule based on its assessment of the net benefits of these measures.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action will not have a significant economic impact on a substantial number of small entities. The factual basis for this certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a final regulatory flexibility analysis was not required and none was prepared.

Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Fishing vessels.

Dated: June 16, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

2. Amend § 660.11 by:

a. In the definition for “Conservation area(s)”:

- i. Revising introductory text and paragraph (1) introductory text;
- ii. Removing paragraphs (1)(iii) and (1)(v);
- iii. Redesignating paragraph (1)(iv) as paragraph (1)(iii) and paragraphs (1)(vi) and (1)(vii) as paragraphs (1)(iv) and (1)(v);
- iv. Adding paragraph (4); and

b. Revising the definition of “Continuous transiting or transit through”.

The revisions and addition read as follows:

§ 660.11 General definitions.

* * * * *

Conservation area(s) means an enclosed geographic area defined by coordinates expressed in degrees of latitude and longitude where NMFS may prohibit fishing with particular gear types. Conservation areas include Groundfish Conservation Areas (GCA), Essential Fish Habitat Conservation Areas (EFHCA), Deep-sea Ecosystem Conservation Areas (DECA) and Groundfish Exclusion Areas (GEA).

(1) *Groundfish Conservation Area* or *GCA* means a conservation area created or modified and enforced to control catch of groundfish or protected species. Regulations at § 660.60(c)(3) describe the various purposes for which NMFS may implement certain types of GCAs through routine management measures. Regulations at § 660.70 further describe and define coordinates for certain GCAs, including Yelloweye Rockfish Conservation Areas and Cowcod Conservation Areas. GCAs also include closures bounded by the EEZ or depth-based lines approximating depth contours, including Bycatch Reduction Areas or BRAs, or bounded by depth contours and lines of latitude, including Block Area Closures, or BACs, and Rockfish Conservation Areas, or RCAs, which may be closed to fishing with particular gear types. BRA, BAC, and RCA boundaries may change seasonally according to conservation needs. Regulations at §§ 660.71 through 660.74, and 660.76 define depth-based boundary lines with latitude/longitude coordinates that may be used to enact depth-based closures. Regulations in this section describe commonly used geographic coordinates that define lines of latitude. Fishing prohibitions associated with GCAs are in addition to those associated with other conservation areas.

* * * * *

(4) *Groundfish Exclusion Areas* or *GEAs* are closed areas intended to mitigate potential impacts to sensitive environments from certain groundfish fishing activity. GEAs may prohibit fishing by certain groundfish sectors or certain groundfish gear types. Geographic coordinates for GEAs are defined at § 660.70.

* * * * *

Continuous transiting or transit through means that a vessel crosses a conservation area on a heading as nearly as practicable to a direct route, consistent with navigational safety, while maintaining expeditious headway throughout the transit without loitering or delay.

* * * * *

3. Amend § 660.70 by:

- a. Revising the section heading, paragraph (a), paragraph (t) introductory text;
- b. Adding paragraph (t)(10); and
- c. Removing paragraph (u).

The revisions and addition read as follows:

§ 660.70 Groundfish Conservation Areas and Groundfish Exclusion Areas.

(a) *General.* Groundfish conservation area (GCA) and groundfish exclusion area (GEA) are defined in § 660.11. This section defines GCAs and GEAs whose shapes are not exclusively defined by boundary lines approximating depth contours found in §§ 660.71 through 660.74 or commonly used geographic coordinates at § 660.11. Fishing activity that is prohibited or permitted within a particular GCA or GEA is detailed at subparts C through G of part 660.

* * * * *

(t) *Groundfish Exclusion Areas.* The Groundfish Exclusion Areas (GEAs) are closed areas intended to protect sensitive areas, including areas with coral and sea pens. GEAs are closed to both commercial and recreational groundfish fisheries unless otherwise noted.

* * * * *

(10) *Cordell Bank.* The Cordell Bank GEA is defined by the straight lines connecting the following specific latitude and longitude coordinates in the order listed and connecting back to 37°57.62' N lat., 123°24.22' W long.:

- (i) 37°57.62' N lat., 123°24.22' W long.;
- (ii) 37°57.70' N lat., 123°25.25' W long.;
- (iii) 37°59.47' N lat., 123°26.63' W long.;
- (iv) 38°00.24' N lat., 123°27.87' W long.;

- (v) 38°00.98' N lat., 123°27.65' W long.;
- (vi) 38°02.81' N lat., 123°28.75' W long.;
- (vii) 38°04.26' N lat., 123°29.25' W long.;
- (viii) 38°04.55' N lat., 123°28.32' W long.;
- (ix) 38°03.87' N lat., 123°27.69' W long.;
- (x) 38°04.27' N lat., 123°26.68' W long.;
- (xi) 38°02.67' N lat., 123°24.17' W long.;
- (xii) 38°00.87' N lat., 123°23.15' W long.;
- (xiii) 37°59.32' N lat., 123°22.52' W long.; and
- (xvi) 37°58.24' N lat., 123°23.16' W long.

4. Amend § 660.73 by redesignating paragraphs (b) through (y) as paragraphs (c) through (z), and adding new paragraph (b) to read as follows:

§ 660.73 Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.

* * * * *

(b) *Cordell Bank 100 fm ring.* The 100-fm (183-m) depth contour around Cordell Bank off the State of California is defined by straight lines connecting all of the following points in the order stated:

- (1) 38°03.18' N lat., 123°20.77' W long.;
- (2) 38°06.29' N lat., 123°25.03' W long.;
- (3) 38°06.34' N lat., 123°29.32' W long.;
- (4) 38°04.57' N lat., 123°31.30' W long.;
- (5) 38°02.32' N lat., 123°31.07' W long.;
- (6) 38°00.00' N lat., 123°28.40' W long.;
- (7) 37°58.10' N lat., 123°26.66' W long.;
- (8) 37°55.07' N lat., 123°26.81' W long.;

(9) 38°00.00' N lat., 123°23.08' W long.; and connecting back to 38°03.18' N lat., 123°20.77' W long.

* * * * *

5. Amend § 660.130 by:

- a. Removing paragraph (e)(2);
- b. Redesignating paragraph (e)(3) through (e)(7) as (e)(2) through (e)(6); and
- c. Adding paragraph (h)

The addition reads as follows:

§ 660.130 Trawl fishery—management measures.

* * * * *

(h) *Groundfish Exclusion Areas (GEAs)*. GEAs are closed areas defined by specific latitude and longitude coordinates (specified at § 660.70) where recreational and/or commercial fishing for groundfish is prohibited unless otherwise noted at § 660.70(t). It is unlawful to fish for, take and retain, possess (except for the purpose of continuous transit) or land groundfish within the GEAs unless otherwise specified at § 660.70(t). All prohibited fishing gear for targeting groundfish, as specified at § 660.70(t), must be stowed while transiting through a GEA. If fishing for non-groundfish species within a GEA, where all groundfish fishing is prohibited, then no groundfish may be on board the vessel.

6. Amend § 660.230 by removing paragraphs (d)(15) and (16) and adding paragraph (h) to read as follows:

§ 660.230 Fixed gear fishery—management measures.

* * * * *

(h) *Groundfish exclusion areas (GEAs)*. GEAs are closed areas defined by specific latitude and longitude coordinates (specified at § 660.70) where recreational and/or commercial fishing for groundfish is prohibited unless otherwise noted at §

660.70(t). It is unlawful to fish for, take and retain, possess (except for the purpose of continuous transit) or land groundfish within the GEAs unless otherwise specified at § 660.70(t). All prohibited fishing gear for targeting groundfish, as specified at § 660.70(t), must be stowed while transiting through a GEA. If fishing for non-groundfish species within a GEA, where all groundfish fishing is prohibited, then no groundfish may be on board the vessel.

7. Amend § 660.330 by removing paragraphs (d)(17) and (18), and adding paragraph (h) to read as follows:

§ 660.330 Open access fishery—management measures.

* * * * *

(h) *Groundfish exclusion areas (GEAs)*. GEAs are closed areas defined by specific latitude and longitude coordinates (specified at § 660.70) where recreational and/or commercial fishing for groundfish is prohibited unless otherwise noted at § 660.70(t). It is unlawful to fish for, take and retain, possess (except for the purpose of continuous transit) or land groundfish within the GEAs unless otherwise specified at § 660.70(t). All prohibited fishing gear for targeting groundfish, as specified at § 660.70(t), must be stowed while transiting through a GEA. If fishing for non-groundfish species within a GEA, where all groundfish fishing is prohibited, then no groundfish may be on board the vessel.

8. Amend § 660.360 by:

- a. Revising paragraphs (c)(3)(i)(A)(3) and (B);
- b. Removing paragraph (c)(3)(i)(C); and
- c. Redesignating paragraphs (c)(3)(i)(D) through (I) as paragraphs (c)(3)(i)(C) through (H).

The revisions read as follows:

§ 660.360 Recreational fishery—management measures.

* * * * *

(c) * * *

(3) * * *

(i) * * *

(A) * * *

(3) Between 38°57.50' N lat. and 37°11' N lat. (San Francisco Management Area), recreational fishing for the RCG Complex and lingcod is closed in the EEZ from January 1 through March 31, is prohibited in the EEZ shoreward of the boundary line approximating the 50-fm (91-m) depth contour along the mainland coast and along islands and offshore seamounts from April 1 through April 30, is closed in the EEZ from May 1 to September 30, is prohibited in the EEZ shoreward of the boundary line approximating the 50-fm (91-m) depth contour along the mainland coast and along islands and offshore seamounts from October 1 through October 31, is closed in the EEZ from November 1 through November 30, and is prohibited in the EEZ shoreward of the boundary line approximating the 50-fm (91-m) depth contour along the mainland coast and along islands and offshore seamounts from December 1 through December 31.

* * * * *

(B) *Groundfish exclusion areas (GEAs)*. GEAs are closed areas defined by specific latitude and longitude coordinates (specified at § 660.70) where recreational and/or commercial fishing for groundfish is prohibited unless otherwise noted at § 660.70(t). It is unlawful to fish for, take and retain, possess (except for the purpose of continuous transit) or land groundfish within the GEAs unless otherwise specified at § 660.70(t). Recreational fishing gear for targeting groundfish may not be deployed while transiting through a GEA. If fishing for non-groundfish species within a GEA, then no groundfish may be on board the vessel.

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