

INSEASON CHINOOK BYCATCH TRIGGER FOR THE PACIFIC WHITING FISHERY  
AND TECHNICAL CORRECTION TO THE ACCEPTABLE BIOLOGICAL CATCH FOR  
PETRALE SOLE IN THE 2007-2008 HARVEST SPECIFICATIONS AND MANAGEMENT  
MEASURES

In finalizing the documents analyzing and implementing the Council's recommendations for the 2007-2008 Pacific Coast Groundfish Fishery and Amendment 16-4, the need for a Council decision on one management measure and a correction of one harvest specification was discovered. The management measure the Council needs to consider is adopting an inseason trigger to give NMFS the authority to implement the Ocean Salmon Conservation Zone for 2007 and 2008 Pacific whiting fisheries if needed to reduce the bycatch of Chinook salmon. There is also the need for a technical correction of the Council-recommended 2007 acceptable biological catch (ABC) for petrale sole. Both of these actions were considered in the draft environmental impact statement (DEIS) for the 2007-2008 groundfish harvest specifications and management measures. These two proposed actions are the only 2007 and 2008 refinements to be considered under this agenda item.

Ocean Salmon Conservation Zone in 2007-2008 Pacific Whiting Fisheries

During the 2005 fishery, when it became apparent to NMFS that the whiting fishery could exceed the 11,000 Chinook level (a critical level identified in the Biological Opinion), the agency took emergency action to close the fishery shoreward of a boundary line approximating the 100 fm depth contour, an area referred to as the Ocean Salmon Conservation Zone (70 FR 51682, August 31, 2005). This was a valuable mitigation measure and the 2006 exempted fishing permit for the shore-based whiting sector allowed NMFS to invoke a similar closure if bycatch had threatened to exceed the 11,000 Chinook threshold. Having the Ocean Salmon Conservation Zone in effect throughout the whiting season was not recommended by the Council because such a closure could shift effort into offshore waters between 100 fm and 150 fm where historical data indicates there are higher catch rates for canary and darkblotched rockfish. Maintaining the ability to close the whiting fishery in the nearshore area inseason provides the fishery participants with flexibility to avoid overfished species, but maintains a mechanism for reducing the incidental take of Chinook salmon. The more flexible approach of applying this mitigation measure in response to conditions in the fishery allows industry and NMFS to tradeoff the impacts of salmon bycatch (more prevalent in inshore waters) and bycatch of the three depleted rockfish species (which occur more often in offshore waters).

While this action was contemplated in the DEIS for all sectors of the 2007 and 2008 whiting fisheries, it was not explicitly addressed by the Council in June when the Council-preferred management measures were decided. To correct this oversight, NMFS is asking the Council to consider adopting the Ocean Salmon Conservation Zone as part of the Council-preferred alternative to give NMFS the authority to implement a nearshore closure for all sectors of the whiting fishery if Chinook take exceeds acceptable levels. If the Council recommends this action, the final EIS (FEIS) and the proposed rule for 2007 and 2008 groundfish fisheries will be changed accordingly to represent this as part of the Council-preferred alternative. The Council and NMFS will still have the authority to make routine inseason changes for 2007 and 2008

whiting fisheries in the next two years. The incidental take level for Chinook salmon can also change through the Endangered Species Act consultation process if needed.

### Petrale Sole ABC

The Council recommended a 2007 petrale sole ABC of 2,917 mt on the advice of the Council's Groundfish Management Team (GMT). However, subsequent to that June Council decision, it was discovered that the GMT calculation of the 2007 ABC specification was slightly incorrect. The Council should have specified an ABC of 3,025 mt for 2007, which is the sum of the northern ABC of 1,397 mt and the southern ABC of 1,628 mt from the recent assessment. Instead, the 2007 ABC of 2,917 mt chosen by the Council in June was incorrectly calculated by summing the northern 40-10 adjusted OY of 1,289 mt and the southern ABC of 1,628 mt. Therefore, the Council needs to consider a technical correction to the 2007 petrale sole ABC originally recommended by the Council by specifying an ABC of 3,025 mt. The 2008 ABC value of 2,919 mt recommended by the Council is calculated correctly as the sum of the northern ABC of 1,475 mt and the southern ABC of 1,444 mt and therefore does not need to be changed. Pending Council action on this technical correction, the FEIS and the proposed rule for 2007 and 2008 groundfish fisheries will be changed accordingly.

### Council Action:

1. **Consider adopting the inseason trigger to implement the Ocean Salmon Conservation Zone for 2007 and 2008 Pacific whiting fisheries if needed to reduce Chinook salmon take.**
2. **Specify the correct 2007 ABC for petrale sole.**

Reference Materials: None

### Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider Adopting an Inseason Chinook Bycatch Trigger to Implement an Ocean Salmon Conservation Zone in the 2007 and 2008 Pacific Whiting Fishery, and a Technical Correction to the 2007 Petrale Sole ABC.

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