

SALMON ENDANGERED SPECIES ACT RECONSULTATION UPDATE

Federal agencies are directed, under section 7(a)(1) of the Endangered Species Act (ESA), to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Federal agencies must also consult with National Marine Fisheries Service (NMFS), under section 7(a)(2) of the ESA, on activities that may affect a listed species. These interagency consultations, or section 7 consultations, are designed to assist Federal agencies in fulfilling their duty to ensure Federal actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat. Should an action be determined by NMFS to jeopardize a species or adversely modify critical habitat, NMFS will suggest Reasonable and Prudent Alternatives (RPAs).

For Federal fishery management actions affecting listed species under NMFS authority, NMFS is both the action agency (usually the Sustainable Fisheries Division, SFD) and the consulting Service (either the SFD or Protected Resources Division).

Biological opinions document NMFS' opinion as to whether the Federal action is likely to jeopardize the continued existence of listed species, or result in the destruction or adverse modification of critical habitat. Where appropriate, biological opinions provide an exemption for the take of listed species while specifying the extent of take allowed, the Reasonable and Prudent Measures (RPMs) necessary to minimize impacts from the Federal action, and the Terms and Conditions with which the action agency must comply.

NMFS first issued a biological opinion for the take of listed salmonids in the groundfish fishery on August 10, 1990. Since then, NMFS has reinitiated section 7 consultation and produced a biological opinion seven times for this action. A biological opinion published December 15, 1999 includes an incidental take statement and threshold for reinitiating consultation of 11,000 Chinook and 0.05 Chinook salmon/mt whiting in the sectors of the groundfish fishery targeting Pacific whiting. An August 28, 1992 biological opinion includes an incidental take statement of 6,000-9,000 Chinook salmon for the groundfish bottom trawl fishery. (Exceeding amounts in an incidental take statement is one condition triggering reinitiation of a section 7 consultation.) The most recent biological opinion for listed salmonids was published on March 11, 2006, and responded to both the whiting fishery exceeding the reinitiation triggers and estimates that the bottom trawl fishery had exceeded the incidental take levels in the 1992 biological opinion.

On January 22, 2013, NMFS SFD requested to reinitiate section 7 consultation for listed salmonids to address changes in the groundfish fishery, including the trawl rationalization program and the emerging midwater trawl fishery targeting species other than Pacific whiting. In October 2014, before the consultation was complete, the whiting fishery again exceeded the reinitiation triggers. In response, NMFS expanded the scope of the January 22, 2013 reinitiation request, to address the effects on listed salmonids of all fishing under the Pacific Coast Groundfish Fishery Management Plan, including the Pacific whiting and non-whiting fisheries and all gears.

Agenda Item E.3.a, NMFS Report, describes alternative reinitiation triggers (or as termed in the Report, thresholds) and management measures that could be invoked in response to fishery bycatch exceeding the threshold. NMFS is seeking input from the Council on these potential measures.

Council Action:

Recommend Preliminary Options for Potential Thresholds for Reinitiating Section 7 Consultation and Associated Management Responses in Groundfish Fisheries

Reference Materials:

1. Agenda Item E.3.a: NMFS Report.

Agenda Order:

- E.3. Salmon Endangered Species Act Reconsultation Update Kit Dahl
- a. Reports and Comments of Advisory Bodies and Management Entities
 - b. Public Comment
 - c. **Council Action:** Recommend Preliminary Options for ESA Salmon Consultation Standards for Groundfish Fisheries

PFMC
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