

NON-SALMON ENDANGERED SPECIES ACT REPORT

On December 7, 2012, National Marine Fisheries Service (NMFS) published a Biological Opinion (Opinion) prepared pursuant to section 7(a)(2) of the Endangered Species Act (ESA) on the continuing operation of the Pacific coast groundfish fishery. The Opinion analyzed the effects of the fishery on green sturgeon (*Acipenser medirostris*), eulachon (*Thaleichthys pacificus*), humpback whales (*Megaptera novaeangliae*), Steller sea lions (*Eumetopias jubatus*), and leatherback sea turtles (*Dermochelys coriacea*). The Opinion concluded that the action is not likely to jeopardize the continued existence and is not likely to destroy or adversely modify designated critical habitat of green sturgeon, eulachon, and leatherback sea turtles, and is not likely to jeopardize humpback whales. (Note that the eastern distinct population segment [DPS] of Steller sea lions was subsequently de-listed.)

As a reasonable and prudent measure, the Opinion directed NMFS to establish the “Pacific Coast Groundfish and Endangered Species Workgroup.” (Reasonable and prudent measures are alternative actions that would avoid the likelihood of jeopardy to the species or adverse modification of critical habitat. Terms and conditions implement the reasonable and prudent measures). This Workgroup has been established as a standing Council Committee. According to the terms and conditions, the Workgroup will meet at least biennially and develop recommendations on listed species take monitoring and mitigation, and the need to reinstate consultation under Section 7. The Terms of Reference adopted by the Council define the Workgroup’s tasks as follows:

1. The Workgroup shall at a minimum convene on a biennial basis or more frequently as directed by the Council.
2. The Workgroup shall review NMFS reports on annual tracking of observed take, fleet-wide take reporting, spatial and temporal characteristics of fisheries by gear type, observer coverage analysis and implementation plans, and other reports as outlined in the biological opinions or generated under 3.a, below.
3. Based on review of the NMFS reports, the Work Group shall:
 - a. Recommend new analyses, reports, or changes to sampling protocols to improve bycatch estimates of the aforementioned species.
 - b. Consider whether the amount or extent of incidental take stipulated in the biological opinions is exceeded.
 - c. Consider whether new information reveals effects in a manner or to an extent not previously considered in the biological opinions.
 - d. Propose, for Council consideration, conservation and management measures to minimize bycatch of the aforementioned species. If directed by the Council, the Workgroup will meet jointly with the Groundfish Management Team, Groundfish Advisory Subpanel, or other Council advisory bodies, to incorporate stakeholder perspectives in the development of management measures.

The Workgroup met May 19-21, 2015, to review information on the bycatch of listed species in the groundfish fishery and develop recommendations. Because of the timing of its meeting, any Workgroup recommendations will be provided in a supplemental report. Recommendations

requiring Council action could be implemented as part of the harvest specifications and management measures process for the 2017-2018 biennial management period.

The attached NMFS Report (Agenda Item D.4.a, NMFS Report) describes the responsibilities and activities of the Workgroup. NMFS will provide supplemental reports on ESA-listed species bycatch reviewed by the Work Group (Agenda Item D.4.a, Supplemental NIFS Report 2). Because of the size of the documents they will only be available in electronic form on the Council's website (<http://www.pcouncil.org/council-operations/briefing-books/>).

Council Action:

Review Pacific Coast Groundfish Endangered Species Workgroup Recommendations and Identify Measures to be Evaluated for the 2017-18 Biennial Management Period or Other Appropriate Actions.

Reference Materials:

1. Agenda Item D.4.a, NMFS Report 1: National Marine Fisheries Service Report on Pacific Coast Groundfish Endangered Species Act Workgroup Process
2. Agenda Item D.4.a, Supplemental NMFS Report 2 (ESA Species Bycatch Reports, *Electronic Only*)

Agenda Order:

- D.4 Non-Salmon ESA Report
 - a. Reports and Comments of Advisory Bodies and Management Entities
 - b. Public Comment
 - c. **Council Action:** Review Pacific Coast Groundfish Endangered Species Workgroup Recommendations and Identify Measures to be Evaluated for the 2017-18 Biennial Management Period or Other Appropriate Actions.

PFMC
5/22/2015