

GROUND FISH MANAGEMENT TEAM REPORT ON SEABIRD AVOIDANCE REGULATIONS

The Groundfish Management Team (GMT) reviewed the preliminary draft Environmental Assessment (EA) on measures to minimize take of short-tailed albatross in the Pacific coast groundfish fisheries (Agenda Item H.1.b, Preliminary Draft EA) and offers the following comments for Council consideration.

Comments Relating to Council Action to Adopt Regulations

Weather Safety Exception - Alternative 2 contains a weather safety exception whereby streamer line requirements are modified (e.g., single streamer line) or are not required in winds greater than 45 knots (Beaufort 9). Alternative 4 contains a weather safety exception whereby streamer line requirements are modified (e.g., single streamer line) or are not required but is requesting public input on the most appropriate metrics and threshold.

In June the Council requested that the National Marine Fisheries Service (NMFS) add an alternative that removed the weather safety exception to streamer line requirements; the new alternative (Alternative 3) would require streamer lines to be used when fishing longline gear, regardless of weather conditions.

The GMT notes that National Standard Guideline 10 tells us, to the extent practicable, to promote safety of human life at-sea. It is the GMT's understanding that the rationale for a rough-weather exception is that deployment of streamer lines creates additional potential for safety hazards compared to fishing without streamer lines, and that the level of risk increases in rougher weather. However, it is unclear whether vessels would even be fishing in weather conditions in which the exception would apply. If the fleet does not fish in those conditions anyhow, a rough weather exception would not improve safety, and might be unnecessary. The GMT is looking to industry representatives to comment on whether it is a possibility that requiring streamer lines in all conditions might actually discourage fishing in rough weather and therefore increase safety at sea. The GMT also notes inclusion of a weather safety exception may be risk-neutral to short-tail albatross given the seasonal patterns of albatross migration paired with seasonal weather patterns. The EA could give more detailed analysis on this issue by considering the seasonality of the albatross' presence in our area and the wind patterns during those times. We would expect gale and storm force winds to be infrequent during the spring and summer months when the albatross are most likely to be feeding off the west coast.

It is unclear exactly what data source would be used to enforce a weather safety exception. One example could be to use the forecasts from the NOAA Weather Service, which are available to mariners as well as enforcement.

Process for Alternative 4 - The GMT acknowledges the desire for additional public input under Alternative 4 for setting the criteria for the weather safety exception. To have the regulations effective by April 1, 2014, the start of the limited entry fixed gear primary sablefish fishery, NMFS will likely finish drafting the final rule in February for publication in the Federal Register by March 1, 2014. There would not be a Council meeting between the proposed rule and the

final rule stage, so the Council would not have an opportunity to formally consider and comment on the final regulations. The Council could consider providing guidance to NMFS, Council staff, or both, regarding review of the regulations prior to their publication in the final rule.

The GMT is looking to industry and enforcement to provide feedback on appropriate thresholds and to provide additional information on the metrics (e.g. wind speed, gale warnings, small craft advisories, etc.) that are readily and reliably available, if a weather safety exemption is included in the Council’s final preferred alternative.

Comments on the Draft Environmental Assessment

Section 3.3 Protected Species (other than seabirds) - On page 22 under the section “Green Sturgeon”, the EA states that “[t]he majority of green sturgeons encountered by the west coast groundfish fishery are believed to be from the southern DPS (Al-Humaidhi et al. 2011).” The GMT would like to note that another interpretation could be drawn from the data referred to in this study. For example, the direct evidence supporting this statement was mostly collected from the California halibut trawl fishery, and not the groundfish trawl fishery. The GMT would like to work with NMFS on this and other minor clarifications and comments prior to publication of the Draft EA.

For quick reference, the draft regulations in Appendix A state:

iii. Weather Safety Exception (NOTE: This Weather Safety Exception applies to Alternative 2 and is removed for Alternative 3. Alternative 4 maintains the Weather Safety Exception but leaves the technical threshold To Be Determined through the Proposed Rule process).

A. The use of streamer lines is discretionary for vessels using snap gear when wind speeds exceed 45 knots (storm or Beaufort 9 conditions).

B. When wind speeds exceed 30 knots (near gale or Beaufort 7 conditions) but are less than or equal to 45 knots, vessels not using snap gear must deploy from the windward side of the vessel a single streamer line meeting the standards of paragraphs (c)(3)(i) and (c)(3)(iii)(A)-(C) of this section. The use of streamer lines by such vessels is discretionary when wind speeds exceed 45 knots.

PFMC
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