

GROUND FISH ADVISORY SUBPANEL REPORT ON SALMON ENDANGERED SPECIES
ACT (ESA) RECONSULTATION UPDATE

The Groundfish Advisory Subpanel (GAP) received a presentation from Mr. Frank Lockhart about the National Marine Fisheries Service (NMFS) Groundfish Fishery Salmon Consultation Report (Agenda Item E.3.a, NMFS Report, April 2015). The GAP appreciates NMFS' efforts to engage the stakeholders during the development of the new biological opinion, most notably, in the development of reasonable and prudent measures. Mr. Lockhart indicated that the Pacific Fishery Management Council (Council) and GAP will receive a presentation about the draft biological opinion before it is finalized. It is unclear to the GAP if the draft biological opinion will be available for review at the June 2015 Council meeting or a later meeting. This is in direct contrast to the non-salmonid Endangered Species Act (ESA) groundfish fishery consultation process in 2012 where draft risk assessments and biological opinions were available for advisory body and Council comment during at least two Council meetings. In terms of schedule, NMFS has previously indicated an intent to finalize the reconsultation process and the new biological opinion by the end of 2015.

The GAP is concerned that, given the lack of clarity as to when the draft biological opinion will be available for review and comment, staying on the current schedule could hinder opportunities for meaningful input by the Council, GAP, and other stakeholders. The GAP is heartened to hear that NMFS takes seriously the role of the Council and fishery stakeholders in the reconsultation process, especially in providing opportunities for meaningful input to NMFS Protected Resources. However, at this time, the GAP does not think the NMFS report provides sufficient information to carry out the noticed Council action, that is, to "recommend preliminary options for potential thresholds for reinitiating Section 7 Consultation and associated management responses in groundfish fisheries."

The GAP notes that the subject areas and potential measures described in the NMFS report might be reasonable starting points for the Council to provide guidance to NMFS. However, without the benefit of the draft biological opinion, the GAP sees this as a cart before the horse situation. The GAP recommends the Council reiterate to NMFS that the Council expects to be fully and meaningfully engaged in the reconsultation process. Further, the GAP recommends the Council table action for recommendations about specific options for thresholds or measures until the draft biological opinion is available to the Council and fishery stakeholders. Finally, the GAP again expresses its gratitude to NMFS for reaching out to fishery participants and looks forward to receiving additional information from NMFS at the June 2015 Council meeting.