

## NATIONAL MARINE FISHERIES SERVICE REPORT ON PACIFIC COAST GROUNDFISH ENDANGERED SPECIES WORKGROUP PROCESS

This report provides: a background on the Groundfish Endangered Species Workgroup (Workgroup); a schedule for Workgroup tasks and a timeline for when any recommendations from the Workgroup may be integrated into the groundfish harvest specifications and management measures process; and a summary of the bycatch results relative to the Incidental Take Statement from the 2012 biological opinion on the continuing implementation of the Pacific Coast Groundfish Fishery.

### Background:

On December 7, 2012, NMFS completed a biological opinion (BiOp) that consulted on the continuing operation of the Pacific Coast groundfish fishery and its effects on eulachon, green sturgeon, humpback whales, Steller sea lions, and leatherback sea turtles. On November 21, 2012, the U.S. Fish and Wildlife Service (USFWS) completed a BiOp that consulted on the continuing operation of the Pacific Coast Groundfish Fishery and its effects on short-tailed albatross, marbled murrelet, California least tern, southern sea otter, and bull trout.

The NMFS BiOp concluded that the action was likely to adversely affect eulachon, green sturgeon, humpback whales, Steller sea lions, and leatherback sea turtles or their critical habitat, but was not likely to jeopardize those species. Further, the BiOp concluded the action was not likely to destroy or adversely modify critical habitat, for green sturgeon, eulachon, Steller sea lions, and leatherback sea turtles. Finally, the NMFS BiOp did not address critical habitat for humpback whales because critical habitat has not been designated for this species. Since the NMFS BiOp was completed, Steller sea lions have been delisted. Therefore, the Workgroup will not be addressing Steller sea lions.

The USFWS BiOp concluded that the action would not jeopardize the continued existence of short-tailed albatross, and concurred with the NMFS Biological Assessment which concluded that the action is not likely to adversely affect marbled murrelet, California least tern, southern sea otter, butt trout, and not effect bull trout critical habitat.

The BiOp specified that NMFS should “develop a Pacific Coast Groundfish and Endangered Species Workgroup.” and the Council formed the Workgroup as an Ad Hoc Council Committee. Since that time the Council has adopted Terms of Reference (TOR) for the Workgroup (see Agenda item C.6.a, June 2013) and the Workgroup has met once in 2013 and once in 2015.

The Workgroup consist of representatives from the West Coast Groundfish Observer Program, NMFS West Coast Region, USFWS, representatives of State management agencies, and a tribal representative.

The TOR describes the objectives and duties of the Workgroup as follows:

1. The Work Group shall at a minimum convene on a biennial basis or more frequently as directed by the Council.
2. The Work Group 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 Work Group will meet jointly with the Groundfish Management Team, Groundfish Advisory Panel, or other Council advisory bodies, to incorporate stakeholder perspectives in the development of management measures.

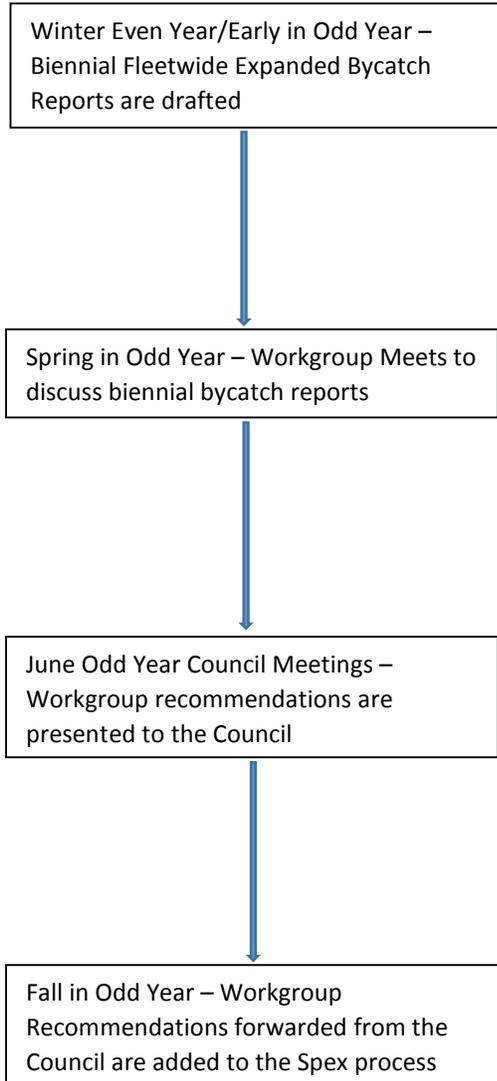
### Process – How It All Fits Together:

The BiOp requires annual and biennial reports from the bycatch teams. The annual reports will be available after data from the previous year has gone through agency quality assurance and quality control reviews. The biennial reports will include more years of data and will feed into the biennial Workgroup evaluation of the reports and methods. The Workgroup received bycatch reports from the NMFS Northwest Fisheries Science Center at their May meeting and recommendations from the ESA Workgroup are described in a separate document under this agenda item (see Agenda item D.4.a, Supplemental ESA Workgroup report).

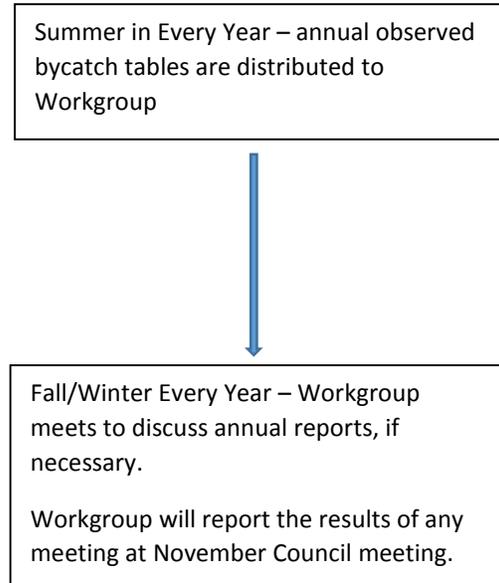
Recommendations from the workgroup that are adopted by the Council, could be addressed through the following biennial harvest specifications and management measures process, if appropriate. For example, any recommendations from the Workgroup adopted by the Council at this meeting could be addressed through the 2017-2018 harvest specifications and management measures process, if appropriate. The Workgroup may also make recommendations regarding sampling, coverage, and other items that would not be addressed through the harvest specifications. Rather, recommendations from the Workgroup not addressed through the groundfish spec could be considered and addressed by NMFS through a separate process.

The figure below shows the timing of the annual and biennial bycatch reports and the timing of when those reports would fit into the Council process.

## BIENNIAL REPORTS



## ANNUAL REPORTS



Finally, this report provides a summary from each bycatch report (available in the briefing book for this meeting) of the catch of eulachon, green sturgeon, humpback whales, leatherback sea turtles, and short-tailed albatross.

As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action on listed species or designated critical habitat in a manner or to an extent not considered in this opinion, (3) the agency action is subsequently modified in a manner that causes an effect on the listed species or critical habitat not considered in this opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action.

Detailed bycatch reports are presented in the briefing book for this meeting. The table below shows the listed species covered in the NMFS and USFWS BiOp, the incidental take allowances, and the estimated catch from the bycatch reports.

Species	Incidental Take Amount or Extent of Take from Groundfish and USFWS BiOps	Estimated Catch
Eulachon	<b>Lethal bycatch</b> – 1,004 fish/year	2010 – 22 2011 – 1,624 2012 – 191 2013 – 5,115
Green Sturgeon	<b>Non-lethal bycatch/handling in the fishery</b> - 28 fish/year expected and up to 86 fish/year in no more than 2 years within a period of 9 consecutive years; <b>Lethal bycatch in the fishery</b> - 2 fish/year expected and up to 7 fish/year in no more than 2 years within a period of 9 consecutive years; <b>Observer Program handling</b> - 375 fish/year	2010 – 4.4 2011 – 20.9 2012 – 12.1 2013 – 5.5
Humpback Whales	<b>Injury or mortality from entanglement</b> - 5-year average of 1 whale/year and up to 3 whales/year in a single year	2010-2013 - 0
Leatherback Sea Turtles	<b>Injury or mortality from entanglement</b> - 5-year average of 0.38 turtle/year and up to 1 turtle/year in a single year	2010-2013 - 0

Short-tailed albatross <sup>1/</sup>	<b>Yearly average of one short-tailed albatross.</b> – Average take should not exceed two over a two-year period. A floating two year period beginning in November 2012 will be used.	2010 – 0 2011 – 1 2012 – 0 2013 – 0
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1/ Only one short-tailed albatross was caught in a Groundfish fishery 2011. However, the most recent (2012-2013) two-year averages, using expanded annual estimates of black-footed albatross as a proxy (as required in the USFWS BiOp) ranged from 1.35 to 2.0 for the lower short-tailed albatross population estimate to 1.45 to 2.15 for the higher population estimates. See Tables 4a and 4b in the short-tailed albatross report in this briefing book.