

## GROUND FISH MANAGEMENT TEAM REPORT ON SALMON ENDANGERED SPECIES ACT REINITIATION OF CONSULTATION WORKSHOP REPORT

The Groundfish Management Team (GMT) would like to thank Ms. Susan Bishop of the National Marine Fisheries Service (NMFS) West Coast Region (WCR) for her presentation. The GMT also reviewed the briefing book documents and offers the following comments for Council consideration.

### Overall Framework and Reinitiation Thresholds

#### Framework

The GMT thinks the NMFS proposed Chinook salmon (salmon in the remainder of the document) bycatch framework is a good first step that seems to reflect the input from the GMT and other advisory bodies provided in June, as well as input provided during the Public Work Session in July, and achieves the intent of triggering discussion. The GMT has not had enough time to sufficiently explore the information to provide additional alternatives, but we think that the public review process and future discussions would be improved with a broader range of alternatives. The GMT discussed the value in exploring how this process works in other regions. This exploration could provide insight not only on what works well, but also on lessons learned from other fisheries. In the meantime, the GMT provides the following for consideration.

NMFS' draft proposal framework ([H.6.a, NMFS Report 2](#); a.k.a. Strawman 2) seems representative of the feedback the public and GMT have given, thus far. The proposed framework provides a good starting point for further conversation of alternative frameworks, and is also a quality alternative in and of itself. In evaluating some of the pros and cons of the Strawman 2 framework, the GMT offers the following thoughts:

1. *Pros:* A reserve, if it works as intended, could prevent reinitiation by keeping total bycatch levels below the reinitiation threshold;
2. *Cons:* An overwhelming number of options for how to structure and utilize "the reserve," increase complexity of analysis and policy decisions. Concerns that without careful consideration there could be: a race for fish, given the seasonal timing of fishing operations; a perception of inequity if the sector that gets access to the reserve is the sector that has not been able to successfully keep bycatch within their sectors' threshold.

#### Reinitiation Thresholds:

NMFS is seeking guidance on how to develop the salmon reinitiation threshold. NMFS is also looking for suggestions on methods to estimate salmon bycatch for each sector into the future in the event that a framework with sector-specific intermediate threshold is desired. The GMT believes that a significant number of approaches can be explored to set the reinitiation threshold. Such methods could include looking at historic salmon impacts (pre-buyback and pre-RCA, historical take of salmon by sector), identifiable hotspots where salmon were frequently encountered as bycatch by each sector, and correlation between the bycatch trends of each sector and oceanographic indices (e.g., Pacific decadal oscillation).

The various methods that the GMT has discussed all share a commonality; **salmon impacts should first be considered at the sector level, rather than starting with a reinitiation threshold and apportioning that amount across the sectors.** This is because each sector has distinct patterns of salmon bycatch (which can vary greatly among years), with a differing ability to monitor and respond to salmon bycatch inseason. Therefore, **management measures that can be used as bycatch mitigation tools can, and probably should, be sector specific.** Analyzing each sector's needs based on how we think the fishery will evolve and accounting for new/improved bycatch reduction measures will help develop sound rationale for the reinitiation threshold, regardless of the type of consultation framework that is adopted. Additional discussion of sector-specific thresholds can be found below, in the discussion of NMFS' draft proposal (Strawman 2).

## Considerations under NMFS' Draft Proposal (aka Strawman 2)

### Sector-Specific Intermediate Thresholds

Regardless of whether or not sector-specific thresholds are part of the reinitiation framework, the **GMT recommends that any analysis needs to start with an evaluation of how much salmon each sector may harvest during prosecution of the fishing opportunities that we see coming in the foreseeable future.** However, this will likely prove exceedingly difficult to predict. Based on the available information, salmon bycatch has huge variability, particularly in commercial trawl sectors of the groundfish fishery, where the majority of salmon impacts occur. For some sectors (e.g. non-IFQ commercial longline, nearshore recreational) it seems logical that past bycatch patterns could be used as a starting point to better inform potential bycatch needs by fishery into the near future, until fundamental changes are made regarding how, when, and where the fishery is prosecuted. For other sectors (e.g. IFQ) it seems apparent that changes to management measures that are being contemplated for the foreseeable future could have direct effects on salmon bycatch.

The Council could consider alternative methods for establishing sector-specific intermediate thresholds. One way would be to set the thresholds at an "average" or median amount, anticipating that approximately half the time the sector would go over and half the time the sector would stay under the threshold. However, it should be noted that using averages with highly variable historic bycatch patterns could result in considerable overages or underages relative to the desired threshold from year-to-year. Additional thoughts about possible ways to augment the data/analysis are provided below under "Comments/Feedback on the Data/Analysis."

### The Reserve

A key component of the Strawman 2 proposal is the setting-aside of a portion of the allowable salmon take as a "reserve." As explained above, since salmon bycatch can fluctuate greatly from factors such as changing environmental conditions, the reserve would serve as a buffer against uncertainties and reduce the likelihood of reinitiation due to variability in salmon bycatch. The GMT recognizes that the reserve can be structured in a number of different ways, and attempting to provide NMFS with every possible approach may not be practical or helpful at the moment. However, the GMT notes that an effective reserve framework should account for several factors related directly to the characteristics of the groundfish fishery. In no particular order:

1. The reserve should account for the structure of the groundfish fishery's season since the structure of the season can often dictate when the reserve would need to be utilized and by whom.
2. When a sector can request access to the reserve also carries significant implications. A sector that operates earlier in the calendar year could be allowed or disallowed to access the reserve when other sectors' seasons are just beginning.
3. NMFS to consider the proportions of salmon bycatch that different groundfish sectors experience. In years with abnormally high salmon bycatch, sectors such as the whiting sectors may need a higher proportion of the untapped reserve than the rest of the fishery.

**The GMT recommends that NMFS also consider upcoming regulatory changes that can significantly affect salmon bycatch when designing a reserve framework.** The proposal to amend the rockfish conservation areas (RCAs) pending in front of the Council is one such example. If new RCAs are implemented and fishing effort shifts, fishing effort may shift with sectors that have previously experienced very low salmon bycatch may fish in areas with higher salmon bycatch. Assessing the merit of the sector's request to access the reserve based on its past performance may not be appropriate in this case.

### **Mechanisms**

The Council should also consider the mechanism by which the reserve would be utilized, if necessary. The GMT offers up the following questions:

- Would utilization require action by NMFS or the Council? Would it require a Council meeting?
- Or would it be set up as an automatic action, foreseeing and having already analyzed impacts such that the regulatory change is non-discretionary?
- Would the Council consider a distribution under inseason, followed by a NMFS rulemaking?

### **Comments/Feedback on the Data/Analysis**

Instead of using averages or historic ranges of bycatch to set thresholds (mentioned as a possible management strategy above), a better approach would be to utilize the historic variability to better define probabilities of exceeding potential thresholds in the future. Since historic bycatches have been highly variable, future bycatches will be highly uncertain (and could very likely exceed the ranges that were observed in the past). Utilizing said probability analysis could be extremely helpful for decision makers crafting measures to meet specified bycatch objectives. For instance, if the probability of exceeding a specified bycatch objective exceeds X percent (to be determined by the Council, relative to their policy objectives) with current regulations, then actions could be taken to reduce the probability of undesired bycatches to occur. This would allow greater management capabilities than using averages, wherein there would be a 50 percent chance of exceeding a bycatch objective (and by possibly a large degree).

The original Trawl Rationalization Program Environmental Impact Statement (EIS) postulated that by allowing trawl vessels to switch to more selective gear, bycatch would decrease. It may be helpful for NMFS to look at the catch/bycatch history of the vessels that have been switching gears versus the history of the vessels that have continued using only trawls. Based on a very superficial review of the commercial landings data so far, it appears, however, that the number of vessels and the number of trips where gear switching has been utilized have been relatively low

in number. This low number may affect an analytical approach because not enough data may be available over an extensive enough fishing range to yield meaningful results.

## Bycatch Reduction Methods

Due to potential changes in the groundfish fisheries, all sectors may need to be analyzed for new or revised mitigation measures. The GMT discussed current Ocean Salmon Conservation Zones (OSCZ) and potential changes that could be made to provide more effective reduction in bycatch events. If the framework includes sector-specific thresholds, then mitigation measures will likely be sector-specific.

With the uncertain future of both the salmon and groundfish fisheries in terms of where bycatch rates might be highest and the questionable effectiveness in recent years, OSCZs could potentially be created to be more flexible to adjust for varying bycatch rate. For example, several OSCZs could be mapped out along the coast that align with historical salmon hot spots. If inseason tracking of fishing location is available, particular area could be closed off or rolling zones could be implemented with adjacent areas being progressively closed off until bycatch rates are reduced to an acceptable level. Alternatively, the inseason tracking data can be used as an information tool that can be provided to the fishery to help it avoid areas with high salmon concentration and thus avoid exceeding any hard cap. Regardless of how spatial data is used, there needs to be exploration by the analytical team on the speed at which these zones could be put into effect, and whether the affected sector can be informed in real time to avoid a potentially changing closure.

The GMT suggests that **further analysis could explore why, or why not, mandatory bycatch reduction devices (e.g. fish excluders) could be an effective bycatch reduction tool for groundfish fisheries.**

## Timeline

The GMT has some questions and concerns in regards to the timeline. Questions include:

- Will the bycatch reduction measures need to be in place in regulations before, during, or soon after the Biological Opinion is completed by NMFS?
- Is it NMFS intent for this to be folded into the 2017-2018 biennial analysis, or in a separate analytical process?

The GMT also has concerns regarding the schedule for completion of this analysis. The timeline shown to the GMT essentially mirrors that for the 2017-2018 biennial harvest specifications and management measures process. The GMT believes that, given our expertise on groundfish data and analysis, we should be involved in this analysis. However, due to the GMT's time and workload commitments with the 2017-2018 biennial process, the GMT will not be able to be fully involved in this analysis in the timeline that was depicted in Ms. Bishop's presentation to the GMT.

### **GMT Recommendations**

- 1. Reviewing different approaches undertaken by other Councils to see what has worked and what has not worked.**
- 2. Salmon impacts and management measures and bycatch mitigation tools should be considered at the sector level.**
- 3. Any analysis needs to start with an evaluation of how much salmon each sector may harvest during prosecution of the fishing opportunities that we see coming in the foreseeable future.**
- 4. Further analysis explore why, or why not, mandatory bycatch reduction devices (fish excluders) could be an effective bycatch reduction tool for groundfish fisheries.**

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