

COMMENTS ON BYCATCH STRATEGY AND BYCATCH REDUCTION PLANS

NMFS released its Draft National Bycatch Reduction Strategy (Agenda Item C.2, Attachment 1) on February 25, 2016, and is accepting comments until June 3, 2016. Bycatch is defined in the Magnuson-Stevens Act (MSA) as “fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards.” Fish are defined as “finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.” However, the National Strategy encompasses legal mandates stemming from the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA), thus broadening the range of species considered. The Draft Strategy notes that the ESA and MMPA defines “take,” which is a kind of bycatch, but the two laws have different definitions of take. Nonetheless, in general terms, take encompasses a wide range of interactions between humans and subject species.

The goal of the Strategy is “to guide and coordinate NOAA Fisheries’ efforts under the MSA, MMPA, ESA, and other relevant mandates to reduce bycatch and bycatch mortality and encourage utilization of discards to maintain sustainable fisheries while conserving and recovering protected species.” The Draft Strategy describes six objectives to guide Strategy implementation. Once the National Strategy is finalized, it will form the basis for the development of national and regional action plans.

NMFS also published a proposed rule in the *Federal Register* on February 25, 2016 (81 FR 9413) that provides guidance on Standardized Bycatch Reporting Methodologies (SBRMs) (Agenda Item C.2, Attachment 2). SBRMs are a required element in fishery management plans (FMPs) per MSA section 303(a)(11). Comments on the proposed rule are due by April 25, 2016. The rule, once finalized, would require councils to review their FMPs to determine whether the SBRMs described in them are consistent with the guidelines in the rule. If not, the FMP would need to be amended. Councils would have five years from the effective date of the rule to review and, as necessary, amend their FMPs.

Agenda Item C.2, Attachment 3 extracts the sections of the Council’s Groundfish, Highly Migratory Species, and Salmon FMPs describing SBRMs. The Coastal Pelagic Species FMP does not contain a description of the SBRM for these fisheries.

The Council is scheduled to consider the language in these two NMFS initiatives in the context of existing Council policy decision-making. The Council may wish to consider the effects on existing mark-selective catch and release salmon recreational fisheries, existing commercial fishery discard policies, and existing FMP language about standardized reporting methodologies.

Council Action:

Discussion and Guidance on Submitting Comments on the Draft National Bycatch Reduction Strategy and the Proposed Rule to Establish Guidelines for Standardized Bycatch Reporting Methodologies.

Reference Materials:

1. Agenda Item C.2, Attachment 1: NMFS Draft National Bycatch Reduction Strategy.
2. Agenda Item C.2, Attachment 2: Proposed Rule, Standardized Bycatch Reporting Methodology (81 FR 9413).
3. Agenda Item C.2, Attachment 3: FMP description of SBRMs.

Agenda Order:

- C.2 Comments on Bycatch Strategy and Bycatch Reduction Plans Kit Dahl
NMFS Staff
- a. National Marine Fisheries Service Report
 - b. Reports and Comments of Advisory Bodies and Management Entities
 - c. Public Comment
 - d. **Council Action:** Discussion and Guidance on Submitting Comments on the Draft National Bycatch Reduction Strategy and the Proposed Rule to Establish Guidelines for Standardized Bycatch Reporting Methodologies.

PFMC
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