



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region, Sustainable Fisheries Division
7600 Sand Point Way NE, Building 1 Agenda Item B.1.a
Seattle, WA 98115 Supplemental NMFS Report 2

March 2017

March 2, 2017

Herb Pollard, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Herb:

I am writing regarding the exempted fishing permit (EFP) application to collect information on catch and bycatch in the Pacific Coast groundfish pelagic rockfish fishery in 2017 that the Pacific Fishery Management Council accepted at its November 2016 meeting. We have approved this application for fishing north of 42°N latitude and participating vessels have already begun fishing under this EFP. We continue to work with the applicants to evaluate a similar EFP south of 42°N latitude and have deferred a decision on this EFP pending final information on the status of Klamath River Fall-run Chinook (KRFC). Following the March Council meeting, we will reevaluate available information and may make a determination on this at that time.

As you are aware, the EFP application originally proposed a geographic scope encompassing the entire area north of 40°10'N latitude and inshore of the Rockfish Conservation Areas (RCAs), consistent with the existing scope of the gear restrictions. As a result, our initial review of the EFP examined the impacts of EFP fishing over this entire area. However, in early February, we received preliminary information regarding the 2017 salmon stock forecasts that indicates abundance of KRFC in 2017 may be one of the lowest on record. While the forecasts are not yet final, the preliminary information raises new questions about potential changes to the stock's status and what impact the EFP fishing could have in the area south of 42° N latitude, where KRFC are primarily caught. NMFS must consider this new information in its decision to issue the EFP. If KRFC are as depressed as initial information indicates, then the ocean salmon fishery could be constrained for the 2017 season to provide for the necessary escapement and conservation of the stock. Conservation measures for the salmon fisheries will be focused in the Klamath Management Zone and particularly around the mouth of the Klamath River. It will be important that EFP fishing in this same area does not undermine conservation measures implemented for this stock.

To prevent a delay in implementing the EFP, NMFS split the EFP into two geographic areas, one EFP for activities in unaffected areas north of 42°N latitude (northern EFP) and the other for EFP activities south of 42°N latitude (southern EFP). NMFS is deferring its decision on the southern EFP pending availability of final forecasts to evaluate the impacts of EFP fishing south



of 42°N latitude. NMFS approved the northern EFP program on February 17th and issued EFPs to 32 participating vessels on February 24th. The EFP program exempts participants from the requirement to use a selective flatfish trawl and a minimum mesh size of 4.5 inches when fishing inshore of the RCAs north of 42°N latitude. The EFP program also includes provisions for monitoring and minimizing bycatch. While the EFP program presents an opportunity to collect information about the likely effects of the Council's proposed changes to gear regulations, these exemptions have the potential to increase bycatch of non-target and protected species, including some listed under the Endangered Species Act (ESA). The exemptions would change gear configurations and mesh sizes that may reduce selectivity and potentially shift effort inshore and earlier in the year when listed species are present. As we emphasized at the November Council meeting, it is important for the EFP program to include provisions to minimize bycatch to the extent practicable, as required by the Magnuson-Stevens Act, and to ensure that the fishery as a whole remains compliant with incidental take statements (ITSs) for ESA-listed species. Therefore, NMFS included the following provisions in the EFP program to meet these objectives.

Salmon Conservation Zone

Under the EFP program, EFP fishing is prohibited in the Columbia River Salmon Conservation Zone. The Columbia River Salmon Conservation Zone is a known area of Chinook salmon bycatch that has been prohibited to whiting fishing specifically to reduce salmon bycatch in that sector of the fishery. This conservation zone is a discrete area of known salmon hotspots that has been incorporated into the EFP to minimize bycatch of Chinook salmon. The applicants, Council, and some public commenters, recommended keeping this area open to EFP fishing in order to collect bycatch information from this area. However, the Columbia River Salmon Conservation Zone is necessary not just to minimize overall bycatch in the EFP, but also to ensure that any redistribution of effort does not disproportionately impact listed populations of Chinook salmon, many of which migrate through the Columbia River. The need to minimize adverse effects to listed populations outweighs the benefits of obtaining information additional about bycatch rates in an area that is already known for high salmon bycatch. This measure would also be expected to reduce bycatch of listed eulachon that are more frequently encountered in estuaries.

Monitoring and Reporting

EFP trips will be subject to 100 percent monitoring at sea and shoreside, as is currently required in the Individual Fishing Quota fishery, but participating vessels will be able to use electronic monitoring (EM) in place of an observer at sea if also participating in the ongoing EM EFP Program. Observers, EM, catch monitors, and logbooks will be used to document bycatch of and collect biological data on all salmon, eulachon, and green sturgeon. This information will be used for both inseason monitoring and for analysis of the EFP results. NMFS will also collect information on gear configurations and the use of bycatch reduction devices (BRDs) and the location of effort to use in evaluating the results of the EFP.

Adaptive Bycatch Management

The EFP applicants had proposed, and NMFS and the Council considered, setting a bycatch limit for Chinook salmon caught in the EFP (2,500-4,500 Chinook salmon) as a portion of the total takes in the fishery. However, NMFS did not have sufficient information to determine an appropriate bycatch limit. Bycatch rates vary widely by depth, latitude, gear type, and the total amount of effort. In addition, the impact of any amount of bycatch depends on the composition of salmon populations caught, which also vary by location. A limit based on a more limiting salmon population would have unnecessarily constrained EFP fishing in other areas where this population is not encountered, whereas a limit based on a more abundant (i.e., less limiting population), would not have provided meaningful protection for more endangered populations. Therefore, in place of an overall bycatch limit for the EFP, NMFS will use an adaptive bycatch management approach to minimize bycatch in the EFP.

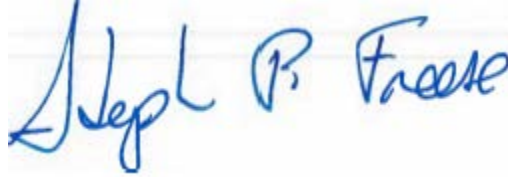
Under the adaptive approach, NMFS will monitor the catch of Chinook salmon, coho salmon, eulachon, and green sturgeon, inseason to ensure that bycatch in the trawl fishery, including catch in the EFP, is minimized and remains in compliance with the existing ITSs for ESA-listed species. We will use the monitoring and reporting program to track the total catch and catch rates of ESA-listed species in the EFP on a weekly basis. We will analyze the amount, rate, and location of bycatch of ESA-listed species and compare it to the amount of take authorized in existing ITSs, for indications that bycatch is increasing, may cause the fishery to exceed an authorized take level, or may otherwise have unintended impacts. NMFS would share this information with EFP participants and work with EFP participants to identify modifications to the EFP to address any issues. Possible modifications include, but are not limited to:

- Prohibiting EFP fishing in certain areas or depths and/or at certain times;
- Restrictions on gear configurations, such as mesh size or headrope height;
- Requiring the use of a bycatch reduction device; and,
- Trip or other catch limits.

As a starting point, we will use the recent bycatch rates and total numbers of Chinook salmon bycatch in the bottom trawl fishery as the benchmark for evaluating bycatch in the EFP. These bycatch rates may be lower than bycatch rates that could result from the gear configurations used in the EFP, as bycatch in the bottom trawl fishery is based on the use of the selective flatfish trawl. However, given the uncertainty about the location, time, and extent of expected effort in the EFP, it is important to be precautionary initially, and these rates would provide an early indicator of any increase in bycatch. In addition, they would provide incentives to minimize bycatch throughout the temporal and spatial scope of the EFP, and prevent the EFP from closing early. The participants have enacted voluntary bycatch avoidance measures (i.e., inseason monitoring and move-along rules) that we are confident will be effective at minimizing bycatch. NMFS's bycatch management is simply a back-stop for the EFP program and we may modify these benchmark rates as information becomes available from the EFP on effort and observed bycatch rates.

We look forward to sharing the preliminary results from the EFP with the Council at its June meeting. If you would like additional information about the project at this time, please contact Melissa Hooper (206-526-4357).

Sincerely,

A handwritten signature in blue ink that reads "Stephen P. Freese". The signature is written in a cursive style with a large initial 'S'.

Stephen P. Freese, Ph.D.
Assistant Regional Administrator (Acting)
For Sustainable Fisheries