

GROUND FISH ADVISORY SUBPANEL REPORT ON SALMON ENDANGERED SPECIES ACT (ESA) CONSULTATION ANALYSIS

The Groundfish Advisory Subpanel (GAP), in joint session with the Salmon Advisory Subpanel (SAS), received a presentation from Ms. Susan Bishop about the National Marine Fisheries Service (NMFS) efforts related to the reinitiated section 7 consultation for listed salmonids caught in Pacific Coast groundfish fisheries. Ms. Bishop reviewed information developed in response to Pacific Fishery Management Council (Council) guidance at the September 2015 meeting. Following Ms. Bishop's presentation, the GAP and SAS engaged in a productive discussion about concerns held by the salmon stakeholders regarding salmon bycatch in groundfish fisheries and steps currently taken by groundfish trawl fishery participants to monitor and minimize impacts to non-target species, including salmon. The GAP welcomes the opportunity to continue these exchanges with the SAS because it is critical that those with the most knowledge about their respective fisheries talk to and learn from each other.

As stated in previous GAP reports, NMFS and the Council family are engaged in an ESA consultation process. The goal of this process is to ensure that the incidental take of salmonids in the groundfish fishery does not cause jeopardy to any population listed under the ESA. The current Biological Opinion (BiOp) indicates that an overall threshold of 20,000 Chinook (a combination of 11,000 for the whiting fishery and 9,000 for the non-whiting groundfish fishery) achieves this goal. Information provided by NMFS at previous Council meetings indicated that the groundfish fishery, as a whole, has stayed below 20,000 Chinook in most years. Moreover, in previous reports, NMFS noted that actual impacts to ESA-listed salmonids are low.

It is clear that the current groundfish fishery is performing well relative to impacts on listed salmonids. NMFS has requested information about how the fishery might change over time and how that change might affect incidental catch of ESA-listed salmonids. The GAP thinks that the whiting fishery is relatively stable and, therefore, potential impacts analyzed in the current BiOp should be consistent with any new analysis performed under the re-consultation. Regarding non-whiting trawl, the Council is aware that there is a strong desire to evolve this fishery such that participants can realize the economic benefits of trawl rationalization and the rebuilt and/or improved stock status of previously constraining rockfish stocks. Increased attainment of target species will require changes to how the non-whiting trawl fishery is managed. The Council understands this and has committed to making these changes, including modifications to gear regulations and spatial management provisions.

NMFS appears to be struggling to understand how these changes will affect ESA-listed salmon bycatch in the non-whiting trawl fishery. Most notably, NMFS seems to be concerned that what appears to have been high salmon bycatch in 2002 and 2003 will be the new norm in the non-whiting trawl fishery. The GAP respectfully disagrees. The GAP is not confident that the 2002 and 2003 bycatch estimates, presumably derived from extrapolations of limited observed data, are accurate. These high numbers do not match with the experiences recalled by fishermen on the water in those years. More importantly, the trawl fishery is now dramatically different. It is fully rationalized; individual accountability is paramount. Comprehensive at-sea and shoreside

monitoring provides accurate and timely information about catch and bycatch. Fishery participants are keenly aware of their requirement to minimize bycatch to the extent practicable, including avoidance of known salmon hot spot areas. For these reasons, the GAP thinks the Chinook threshold amount in the current BiOp relative to the non-whiting trawl fishery is appropriate for use in the re-consultation.

Relative to understanding the true nature of potential future impacts, it is unfortunate that the non-whiting trawl Exempted Fishing Permit (EFP) was delayed and modified by NMFS. Had the EFP fishery gotten underway in a timely manner there would already be information available to inform the new BiOp. Moreover, constraints placed on the EFP by NMFS have further hobbled the information that could have been garnered from fishing under the EFP, for example, salmon impacts south of 42 degrees north latitude.

Specific to the two NMFS reports, the GAP asks, “Where’s the beef?” That is, information previously provided by NMFS appears to indicate that the groundfish fishery poses no significant risk to ESA-listed salmon. The current reports provide projected salmon impacts under various scenarios, but there is no analysis of the effect of these amounts on listed salmon. Nor do the reports examine groundfish fishery salmon impacts as adult equivalents. That is, the groundfish fishery generally encounters 2- and 3-year-old Chinook, some of which, because of natural mortality, would not have been available to the salmon fishery. Apples to apples comparisons are generally most useful.

To reiterate, the goal of this process is to ensure that the incidental take of salmonids in the groundfish fishery does not cause jeopardy to any population listed under the ESA. The GAP has received no information that would lead them to conclude that the Chinook amounts in the current BiOp are no longer appropriate. Therefore, the GAP recommends NMFS move forward with developing a new BiOp that hews closely to the current BiOp, including the threshold Chinook amounts. In making this recommendation, the GAP notes that, while the current regime protects listed salmonids, the annual Chinook threshold requirement has triggered re-consultation when it is likely that no jeopardy occurred and there was no need for re-consultation. Therefore, the GAP further recommends use of fishery thresholds that are based on a multi-year running average of total Chinook because it would be more consistent with the multi-year life history of Chinook and provide a less volatile re-consultation requirement. Finally, a new BiOp that is similar to the current BiOp should facilitate completion in a timely manner because major changes are not necessary. Meeting deadlines and moving forward are important.

PFMC
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