

## UPDATE ON THE ONGOING DEVELOPMENT OF A NEW BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT FOR SALMON TAKEN IN THE GROUND FISH FISHERY

### **Status of Consultation**

- The National Marine Fisheries Service (NMFS) is on schedule to complete the biological opinion in December of 2017. The draft is under review and the Incidental Take Statement is under development.
- The biological opinion is based on the Pacific Fishery Management Council's (Council) Proposed Action as recommended at its April 2017 meeting (see attached).

### **Considerations**

- The proposed action includes the concept of a Reserve, which is included in the analysis. However, rules to access and use the Reserve among the different sectors still need to be developed.
- A process for accounting for the bycatch in the non-trawl sector, which will be counted against the 5,500 Chinook bycatch guideline, also needs to be developed.
- Although the biological opinion only considers effects on listed species, impacts to unlisted stocks are also important to keep in mind.

### **Conclusions**

- The fishery is evolving in significant ways (i.e., possible expansion of the midwater trawl fishery south of 40°10 North latitude, removing the rockfish conservation area [RCA], permitting midwater trawlers outside the Primary whiting season, modifying or eliminating requirements for more selective gear configurations) for which we have very limited information to inform the impacts of these changes.
- Some scenarios in the analysis indicate a high probability of exceeding both thresholds and the Reserve.
- NMFS' analysis of effects on the listed evolutionary significant units (ESUs) takes into account the intent of the Council to recommend management measures to keep bycatch within the thresholds and Reserve.
- NMFS expects that the Council will take some action to address management of salmon bycatch through the 2019-2020 harvest specification process, including development of additional bycatch reduction measures. These are key components of the proposed action and in NMFS's analysis.
- NMFS expects the Council will continue to focus on ways to mitigate against salmon impacts as it makes recommendations on future actions.
- Furthermore, NMFS suggests the Council be cautious when expanding fisheries in times and areas where data are limited and fisheries have not occurred in recent times.
- NMFS supports Council actions, including the use of EFPs, to obtain additional information on how the changing fishery may impact salmon.

**Pacific Fisheries Management Council Proposed Action:**

**Provide Final Recommendations to NMFS on Chinook Bycatch  
Thresholds and Other Measures for the Endangered Species  
Act Section 7 Consultation**

**(Agenda Item F.3, April 2017)**

Description of Fisheries

With regard to the scenario that best represents the future conditions in fisheries management under the Pacific Coast Groundfish Fishery Management Plan (FMP), use Scenario 1A for the whiting fishery, and the distribution and bycatch rate assumptions in Scenario 2B(1) for bottom trawl, limited entry and open access fixed gear, non-whiting midwater trawl, and recreational fisheries, as updated by the Groundfish Management Team (GMT) in F.3.a, Supplemental GMT Reports 1 and 2 and Agenda Item I.1.a., NMFS Report 1, March 2017.

Also, in recognition of the Council's ongoing process to consider revisions to groundfish essential fish habitat and rockfish conservation areas (RCAs), consider the preliminary preferred alternatives as the projected RCA configurations.

Estimated Harvest Levels

In determining the expected amounts of groundfish that would be harvested, include the following assumptions in the analysis:

1. The U.S. share of the Pacific whiting total allowable catch will be achieved and, for the purposes of the analysis, estimate that amount to be up to 500,000 mt in the future;
2. The at-sea trawl whiting groundfish allocations and set asides will be fully harvested by the at-sea sectors;
3. For the individual fishing quota (IFQ) fishery (i.e., shoreside whiting, bottom trawl, and midwater non-whiting trawl), allocations for the following species will be fully harvested: sablefish, petrale sole, lingcod, shortspine and longspine thornyheads, and overfished rockfish species (i.e., bocaccio, cowcod, darkblotched, and yelloweye rockfish, and Pacific ocean perch);
4. For the IFQ fishery, allocations for other groundfish stocks, for which it has harvested 75% or more of its allocations in 2014-2016, will be achieved;
5. For the IFQ fishery, the harvest levels in 2014-2016 for canary, widow, yellowtail, and chilipepper rockfish will be taken in the shoreside whiting and bottom trawl fisheries, and the balance of the IFQ allocations will be harvested in the midwater non-whiting trawl fishery;
6. For all other groundfish stocks, harvest levels for 2014-2016 for trawl fisheries will likely continue; and
7. Limited entry and open access fixed gear and recreational fishery allocations, harvest guidelines, and harvest levels will likely continue.

## Chinook Management Thresholds for Analysis

For the Chinook management thresholds, assess the following:

| Fishery   | Chinook Bycatch Guideline       |
|---|---------------------------------|
| Whiting fishery   | <i>11,000 Chinook guideline</i> |
| Bottom trawl, midwater non-whiting trawl, limited entry and open access fixed gear, and recreational fisheries combined | <i>5,500 Chinook guideline</i>  |
| Bycatch Reserve:  | <i>3,500 Chinook</i>            |

With regard to the Bycatch Reserve, this would not be an entitlement or *de facto* increase in the bycatch threshold, but rather a safety net to minimize disruption to the fishery where actions that were already actively being taken to reduce bycatch were insufficient.

In the analysis of the Reserve, analyze three scenarios such that the entire Reserve is taken in the following fisheries in their status quo times and areas: (1) whiting, (2) bottom trawl, and (3) midwater non-whiting trawl. For each scenario, if it is determined that accessing the full amount of the Reserve may result in jeopardy then identify appropriate sub-thresholds, as needed, for each of these sectors.

### Future Management Measures

Taking the results of the Reserve analysis described above into consideration, through the Biennial Groundfish Harvest Specifications and Management Process, the Council could consider maintaining the concept of a Reserve and limiting portions of the Reserve to specific sectors, or eliminating the Reserve.

For 2017, it is our understanding that NMFS plans to:

- Retain the selective flatfish trawl gear requirement shoreward of the RCA;
- Provide a midwater non-whiting trawl fishery through an exempted fishing permit (EFP) that includes the following conditions:
  - Fishing to occur north of the California/Oregon border (42° N. latitude) only,
  - EFP Chinook bycatch cap of 3,500 Chinook (which is a subset of the 5,500 Chinook management threshold described above),
  - Upon projected attainment of the cap, NMFS would terminate the EFP (i.e., participating vessels would need to comply with the selective flatfish trawl gear requirement).

For 2018, the Council would recommend that NMFS consider the discussions, reports, and recommendations under this agenda item when considering issuance of a potential subsequent midwater non-whiting trawl EFP.

For 2019 and 2020, and beyond, through the Biennial Groundfish Harvest Specifications and Management Process, the Council intends to develop and consider a range of alternatives for management measures to address the bycatch of salmon in groundfish fisheries. Such measures may include: sector-specific catch limits, bycatch thresholds, harvest guidelines, time and area closures, and gear restrictions. These measures may be implemented pre-season or in-season, and may be described as NMFS automatic actions or Council actions.