

**GROUNDFISH ADVISORY PANEL REPORT ON ENDANGERED SPECIES ACT
BIOLOGICAL OPINION ON THE TAKE OF LISTED SALMON IN GROUND FISH
FISHERIES**

The Groundfish Advisory Panel (GAP) received a report from Ms. Susan Bishop summarizing the analysis, Incidental Take Statement (ITS), and Reasonable and Prudent Measures (RPMs) in the recently completed Biological Opinion (BiOp). The BiOp establishes guideline amounts of Chinook and coho salmon for the whiting and non-whiting sectors of the groundfish fishery, as well as a reserve amount for Chinook salmon. To maintain incidental take of Chinook and coho salmon below the established amounts, the BiOp specifies requirements for monitoring salmon bycatch in the groundfish fishery and for developing measures to keep bycatch within guidelines.

While the remainder of the GAP report attempts to be responsive to the scheduled action, that is, consideration of measures that could be included in the 2019-2020 groundfish harvest specifications and management measures (spex) process, the GAP requests clarification about whether the BiOp is consistent with the direction and guidance provided by the Pacific Fishery Management Council (Council). Specifically, the previous BiOp required re-consultation if threshold amounts were exceeded. In contrast, the new BiOp explicitly requires fishery closure if thresholds are exceeded or projected to be exceeded. Did the Council intend the amounts specified in guidance to become hard caps? In addition, is the BiOp's treatment of the reserve concept consistent with Council intent? Moreover, the GAP does not recall Council direction related to coho salmon, but the BiOp contains a threshold for the whiting and non-whiting groundfish sectors that, if exceeded by either sector, triggers re-consultation. For example, if the combined whiting sectors exceeded the 474 coho threshold, National Marine Fisheries Service would initiate re-consultation on the BiOp. Is this consistent with the expectations and intent of the Council because of the fishery-wide implications of setting a small threshold for a species that can be very hard to avoid (e.g., abundant hatchery-released coho)? Did the Council intend for the Preliminary Preferred Alternative for the Essential Fish/Rockfish Conservation Area (EFH/RCA) action become the de facto footprint for the bottom trawl sector even though the Council has not yet taken final action and significant changes to those areas may be adopted as soon as April 2018? Finally, the new BiOp requires re-consultation if any sector accesses the reserve in 3 out of any 5 years. The GAP does not recall this provision in Council direction and guidance, and requests clarification of its consistency with Council intent.

Turning back toward the action in front of the Council, the Council is considering how, and to what extent, to address the new BiOp's requirements as part of the 2019-2020 spex process. To help inform this Council consideration, the Groundfish Management Team (GMT) developed GMT Report 1 ([Agenda Item H.5.a, GMT Report 1, March 2018](#)). Ms. Jessi Doerpinghaus briefed the GAP about the GMT Report. The report details current monitoring approaches, timeliness of data, and potential mitigation measures available to the Council as they consider development of alternatives for 2019-2020 spex.

As an overarching comment, all GAP members and the sectors we represent, recognize and acknowledge the need to minimize incidental takes of salmon. To ease impacts on species of concern (i.e., overfished rockfish and salmon), the groundfish fishery as a whole has evolved our fishing behavior to improve our ability to harvest target species while minimizing impacts, to the extent practicable, on incidental species. The GAP strongly believes that voluntary measures developed and used by the groundfish sectors should be the first line of defense to meet the requirements of the BiOp. The GAP cautions against the use of overly prescriptive rules that hinder the flexibility of the groundfish fishery to react to what is demonstrably a variable issue. That is, incidental catch of salmon in the groundfish fishery varies widely by year, season, depth, latitude, and other variables. Voluntary measures have a demonstrated history of success. Regulations that hinder flexibility will diminish the effectiveness of voluntary measures.

Specific to the measures outlined in GMT Report 1, the GAP generally believes that the range of options outlined by GMT are sufficient for formal consideration at the April 2018 Council meeting. Relative to impacts from non-whiting commercial fixed gear and “select recreational fisheries,” the GMT report appears to anticipate negligible impacts from these sectors and, other than potentially accounting for the incidental amounts envisaged in the BiOp, suggests no new measures are needed. For bottom trawl, the GMT suggests that Council action related to Groundfish EFH/RCAAs might be the appropriate vehicle to consider mitigation of potential salmon incidental takes. For non-whiting midwater trawl, the GMT outlines how Bycatch Reduction Areas (BRAs) could be designed and implemented to address the requirements of the BiOp. Similarly, the GMT describes how BRAs and the current Ocean Salmon Conservation Zones could be used for the whiting fishery.

In conclusion, the GAP reiterates our strong belief that voluntary measures should be integral to meeting the requirements of the BiOp. The GAP also thinks that GMT Report 1 provides sufficient information for the Council to consider alternative potential mitigation measures that could be included in the 2019-2020 spex process at the April 2018 Council meeting.

PFMC
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