

ENDANGERED SPECIES ACT (ESA) MITIGATION MEASURES FOR SALMON – SCOPING

On December 12, 2017, National Marine Fisheries Service (NMFS) published a biological opinion (B.O.) on *Reinitiation of Section 7 Consultation Regarding the Pacific Fisheries Management Council's Groundfish Fishery Management Plan* (PCGMP). This B.O. addresses the requirement in section 7 of the Endangered Species Act to ensure that any Federal agency action “is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species.” Mitigation measures, described as reasonable and prudent measures and associated terms and conditions, in the Incidental Take Statement (ITS) (excerpted as Attachment 1) address this requirement. Terms and conditions are nondiscretionary, meaning there is an obligation that they be implemented. As specified in the ITS, some of these terms and conditions were addressed as part of the 2019-2020 groundfish biennial harvest specifications and management measures process at the March, April, and June 2018 meetings. These include: (1) Review existing mechanisms in the PCGFMP and regulations for avoiding and reducing salmon bycatch to determine if these measures are adequate to allow for timely inseason management to keep the sectors from exceeding their bycatch guidelines (term and condition 2.a) and (2) develop automatic closure mechanisms if sectors exceed their bycatch guideline and/or the reserve (term and condition 3.c). Other measures, in which a Council role is specified, are to be accomplished outside of the biennial process.

Since the meetings during which the Council addressed the above terms and conditions are over, this agenda item is an opportunity for the Council to determine what other measures in the terms and conditions need to be addressed and identify a schedule and process for completing the action. The Council did not fully address term and condition 3.a, *develop and implement initial regulations governing the reserve of 3,500 Chinook salmon*, as part of the biennial process, as specified in the ITS. Addressing this term and condition must now be within the scope of the current proposed action.

NMFS provides the attached report to provide guidance on those terms and conditions it should address through this process.

Council Action:

Scope Mitigation Measures for Salmon Interactions in Groundfish Fisheries Pursuant to the 2017 NMFS Biological Opinion That Were Not Addressed Through the 2019-2020 Biennial Management Process.

Reference Materials:

1. Agenda Item G.8, Attachment 1: Incidental Take Statement Excerpted From Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion; Reinitiation of Section 7 Consultation Regarding the Pacific Fisheries Management Council's Groundfish Fishery Management Plan; December 11, 2017.
2. Agenda Item G.8.a, NMFS Report 1.

Agenda Order:

G.8 ESA Mitigation Measures for Salmon– Scoping

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- a. Reports and Comments of Management Entities and Advisory Bodies
- b. Public Comment
- c. **Council Action:** Scope Mitigation Measures for Salmon Interactions in Groundfish Fisheries Pursuant to the 2017 NMFS Biological Opinion That Were Not Addressed Through the 2019-2020 Biennial Management Process

PFMC

10/09/18