

ENDANGERED SPECIES ACT MITIGATION MEASURES FOR SALMON

In December of 2017, the National Marine Fisheries Service (NMFS) completed the most recent [biological opinion](#) (BiOp) on the continued implementation of the Pacific Coast Groundfish Management Plan (FMP), entitled *Reinitiation of Section 7 Consultation Regarding the Pacific Fisheries Management Council's Groundfish Fishery Management Plan*. The BiOp assessed the continued impact of FMP implementation on seven listed Chinook salmon and four coho salmon evolutionary significant units (ESU) and concluded the FMP was not likely to jeopardize the continued existence of these ESUs. Reasonable and prudent measures (RPM), and associated terms and conditions (T&C), were required as part of the BiOp to minimize the impacts of incidental take that is anticipated to result from implementing the action. In the BiOp's incidental take statement (ITS), NMFS issued six nondiscretionary RPMs and 19 associated T&Cs that the Council and/or NMFS must comply with within three years of the BiOp's issuance order to avoid reinitiation of the ESA section 7 consultation on these salmonids (Agenda Item G.8, Attachment 1).

As noted in [November 2018 NMFS Report 1 on salmon mitigation](#), the Council successfully addressed a number of these measures as part of the 2019-2020 groundfish biennial harvest specifications and management measures process; however, T&Cs 2.b. and 3.a. remain outstanding and require Council action. This agenda item is an opportunity for the Council to develop the mitigation measures necessary to comply with the remaining provisions of the BiOp in which their role is specified.

At their November 2018 meeting, the Council [tasked](#) the GMT with reviewing and analyzing the mitigation measures the GMT recommended in [G.8.a, Supplemental GMT Report 1, November 2018](#) that would address the requirements of T&C 2.b. T&C 2.b. specifies “*If the Council determines that additional management measures are needed to allow for timely inseason management to keep the sectors from exceeding their bycatch guidelines, the Council will develop such measures and recommend them to NMFS.*” At their January 2019 meeting, the GMT discussed mitigation tools that would maximize regulatory flexibility and measures that could be implemented in a stepwise fashion. The GMT has provided a report (Agenda Item G.3.a, GMT Report 1) to the Council of their findings and a range of possible alternatives.

The Council also [tasked](#) the GMT with developing a draft process for accessing the Reserve (T&C 3.a.) at the same meeting. T&C 3.a. states, in part: “*The Council and NMFS shall develop and implement initial regulations governing the Reserve of 3,500 Chinook.*” As reference to this provision, in BiOp's ITS, NMFS stated the Reserve would be available only as an emergency measure in case of unexpected high bycatch levels and is not meant to be accessed as a normal matter of course, allowing sectors to exceed their Chinook bycatch guidelines annually. T&C 3.a further describes Reserve rules requirements by stating they must “*allow for inseason action to prevent any exceedance of a sector guideline plus the full amount of the Reserve and minimize the potential for access of the Reserve in three out of any consecutive five years.*” The ITS makes clear that if the Reserve is accessed in three of any consecutive five years, consultation will be reinitiated. The GMT is expected to report on their progress to date detailing the process to access the Reserve at this meeting.

At this meeting, the Council is scheduled to adopt a range of alternatives (ROA), and may adopt a preliminary preferred alternative (PPA), for this agenda item. In considering the ROA, the Council may provide guidance to the proposed alternatives, recommend new alternatives for consideration, and request analyses of alternatives, as necessary. The Council should additionally provide guidance on the purpose and need of this action.

Council Action:

- 1. Review Salmon 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 and Adopt a Range of Alternatives and Preliminary Preferred Alternative, as Appropriate.**
- 2. Consider a Purpose and Need for the Action.**

Reference Materials:

1. Agenda Item G.3, 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.3.a, GMT Report 1: Salmon Mitigation Measures for the Groundfish Fishery and Discussion of Potential Range of Alternatives
3. If Received, Public Comments are Electronic Only ([see e-portal](#)).

Agenda Order:

- G.3 Endangered Species Act Mitigation Measures for Salmon Todd Phillips
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Review Salmon 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 and Adopt a Range of Alternatives and Preliminary Preferred Alternative, As Appropriate

PFMC
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