

## ENDANGERED SPECIES ACT SEABIRD MITIGATION MEASURES – FINAL ACTION

On May 2, 2017, U.S. Fish and Wildlife Service (USFWS) published its Biological Opinion (BiOp) addressing observed take of endangered short-tailed albatross in commercial groundfish longline fisheries managed under the Pacific Coast Groundfish Fishery Management Plan (FMP). The Incidental Take Statement in the BiOp. lists nondiscretionary term and conditions, one of which mandates that the Council develop recommendations to extend the requirement for larger commercial groundfish longline vessels to use streamer lines (which deter seabirds from diving on baited hooks as they are deployed) to vessels 26-55 feet length overall (LOA). (Currently vessels 55 feet and longer must use streamer lines). This term and condition would also allow vessels to set the gear at night (when albatrosses are not active) as an alternative to deploying streamer lines. These requirements apply when fishing in Federal waters (3-200 nautical miles).

At its November 2018 meeting, the Council adopted a range of alternatives for this action based on recommendations from the Groundfish Management Team (see [Agenda Item G.5.a, Supplemental GMT Report 1](#)). At its April 2019, meeting the Council adopted a preliminary preferred alternative, which combines elements of the action alternative presented at that time and is analyzed in Attachment 1 (Regulatory Impact Review/Initial Regulatory Flexibility Analysis) as Alternative 2. Alternative 2 incorporates these measures:

- Require that vessels 26 feet to 55 feet LOA using longline gear either use streamer lines or begin setting gear only after civil dusk and before civil dawn (approximated by one hour after local sunset/before local sunrise) when fishing in Federal waters. Alternative 2 also includes these additional measures:
- When fishing south of 36° N. latitude, vessels 26 feet and longer would be exempted from the requirement to deploy streamer lines or night set.
- Vessels using floated mainline gear would be restricted to setting gear between 1 hour after local sunset and 1 hour before local sunrise if not using a streamer line at least 300 feet in length.
- For vessels 26-55 feet LOA, deploying streamer lines would be discretionary when a small craft wind advisory is declared, or higher wind speeds, in the area where the vessel is fishing.

The Council did not adopt an element of Alternative 1 that would exempt vessels fishing shoreward of the 250 fathom depth contour from these mitigation measures, because information indicated that areas deeper than 100 fathoms are in the shelf break region where albatrosses are more abundant. However, the Council was interested in revisiting a depth-based exemption at a shallower depth contour when taking final action. Attachment 2 contains a series of maps showing the lines described in Federal regulations approximating the 100, 75, and 50 fathom depth contour north of 36° N. latitude (the Council's preliminary preferred alternative would exempt vessels fishing south of this meridian from the mitigation requirements). These maps also display the non-trawl Rockfish Conservation Area, an area where the affected vessels are prohibited from fishing. This closed area occupies much of the Federal waters shoreward of 100 fathoms.

For reference, Attachment 3 presents the current and proposed streamer line requirements by vessel size class and gear configuration.

Council final action at this meeting will allow National Marine Fisheries Service to implement the regulations at the beginning of calendar year 2020.

**Council Action:**

**Review Mitigation Measures for Seabird Interactions in Groundfish Fisheries Pursuant to the 2017 United States Fish and Wildlife Service Biological Opinion and Adopt a Final Preferred Alternative.**

**Reference Materials:**

1. Agenda Item I.5, Attachment 1: Final Review Draft Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Regulatory Amendment under the Pacific Groundfish FMP.
2. Agenda Item I.5, Attachment 2: Maps Showing Alternative Depth Contours.
3. Agenda Item I.5, Attachment 3: Proposed Seabird Steamer Line Requirements.
4. If received, Public Comments are electronic only ([see e-portal](#)).

**Agenda Order:**

- I.5 Endangered Species Act Seabird Mitigation Measures – Final Action Kit Dahl
- a. Reports and Comments of Management Entities and Advisory Bodies
  - b. Public Comment
  - c. **Council Action:** Review Mitigation Measures for Seabird Interactions in Groundfish Fisheries Pursuant to the 2017 United States Fish and Wildlife Service Biological Opinion and Adopt a Final Preferred Alternative

PFMC  
05/24/19