

GROUND FISH ADVISORY SUBPANEL REPORT ON ENDANGERED SPECIES ACT
MITIGATION MEASURES FOR SALMON

The Groundfish Advisory Subpanel (GAP) received a presentation from Mr. Todd Phillips (Pacific Fishery Management Council [Council] staff) with background about this agenda item and description of the potential Council actions. The GAP also benefited from the presence and perspectives of Mr. Brian Hooper, National Marine Fisheries Service (NMFS) and Ms. Karen Palmigiano, Groundfish Management Team (GMT). In general, the GAP is pleased with the work products developed since the June 2019 Council meeting and appreciates the inclusive process used by the GMT and NMFS in reaching out and listening to fishery participants.

The Council action under this agenda item is to consider adoption of Preliminary Preferred Alternatives (PPAs) related to two specific Terms and Conditions (T&Cs) from the 2017 Endangered Species Act (ESA) Biological Opinion (BiOp) related to salmon interactions with the Pacific Coast groundfish fishery. Under T&C 2b, the Council is to consider whether new mitigation measures are necessary. Under T&C 3a, the Council is to consider alternatives to develop and implement regulations for accessing the 3,500 Chinook reserve defined by the BiOp.

Using the Range of Alternatives identified in Mr. Phillips' presentation, the GAP offers the following recommended PPAs:

Block Area Closures (BAC) – Midwater Trawl.

The GAP recommends adoption of Alternative 1 for midwater trawl, but only for the non-whiting segment of this fishery. Including the routine (inseason) authority for BACs in the non-whiting midwater trawl fishery would provide the Council the discretion to develop discrete closure areas if there is a need to control Chinook bycatch in this sector, which satisfies T&C 2b. Including this routine action also satisfies T&C 3a such that the non-whiting midwater trawl fishery would be able to access the Chinook reserve, if necessary. Absent BACs for the non-whiting midwater fishery, the GAP's understanding is that the only tool available to satisfy T&C 3a would be use of the more the blunt Bycatch Reduction Area provisions.

The GAP does not recommend including BACs for the whiting fishery in the PPA because all sectors of the whiting fishery have demonstrated the ability to self-manage salmon bycatch, including the use of spatial management, and are better equipped to respond in a timely and effective manner to address bycatch events in near real time.

Extension of BAC for all trawl gear to the western boundary of the Exclusive Economic Zone (EEZ)

The GAP recommends adoption of No Action as the PPA. The Council has (or will have) authority to develop spatial closures in depths where salmon bycatch is most prevalent, generally inside of 200 fathoms. Extending closure areas out to the EEZ will not add any value to the Council's salmon mitigation measures. However, extending spatial closures out to areas where salmon are generally not found would be a punitive action on fishery participants without conservation benefits.

Selective Flatfish Trawl Net (SFFT) Requirement

The GAP recommends adoption of Alternative 1 as the PPA. BACs for the bottom trawl fishery are already in regulation as part of the Council's recent Amendment 28 action. Alternative 1 provides the opportunity for bottom trawl fishery participants to fish within BACs when using SFFT. Adding this management action, satisfying T&C 2b, would also provide a nexus to T&C 3a and, therefore, provide bottom trawl fishery participants access to the Chinook reserve.

Pacific Whiting Cooperative Agreements

For the Catcher-Processor and Mothership whiting sectors, the GAP recommends Alternative 2 as the PPA. The at-sea sectors currently submit annual applications for their respective Cooperative Permits, which are necessary for participation in the whiting fishery. The GAP supports inclusion of the opportunity for the Cooperatives to develop Salmon Management Plans (SMP) as part of their annual permit applications. As noted in the staff presentation, "[a]pproval of the SMP by NMFS would be the 'action' taken to allow access into the Reserve if needed," which provides the necessary nexus to T&C 3a.

Similarly, for the shoreside whiting fishery the GAP also recommends Alternative 2 as the PPA. Development of an opportunity for the Shoreside Whiting Cooperative to submit an annual SMP, reviewed and approved by NMFS, would provide the necessary nexus to T&C 3a such that the shoreside whiting fishery could access the Chinook reserve. The Shoreside Whiting Cooperative provided a [public comment](#) under this agenda item, the GAP supports the sentiments and recommendations provided in that public comment. As previously stated to the Council by shoreside fishery participants, while all shoreside catcher vessels might not be members of the Shoreside Whiting Cooperative, shoreside whiting fishery participants actively self-manage and are members of trade associations (e.g., Midwater Trawlers Cooperative and/or West Coast Seafood Processors), the Mothership sector cooperative, and/or participating in the Exempted Fishing Permit fishery.

Create an Automatic Authority for NMFS to Close Trawl Sectors

The GAP recommends a PPA that is a modification of the Alternative 1 presented. The GAP supports setting aside 500 Chinook to prevent closure of fixed gear and recreational fisheries. However, the GAP recommends that Routine (Inseason) Management be the tool to ensure these 500 Chinook are available to these sectors. The GAP is concerned that Alternative 1 Automatic Authority to close the whiting (at 14,000 Chinook) or non-whiting fishery (at 8,500 Chinook) is too blunt an instrument. Routine (Inseason) Action would provide the ability to accomplish the same objective in a more refined manner. As an additional backstop, the GAP recommends including Automatic Closure Authority of both the whiting and non-whiting sectors at 19,500 Chinook to provide assurance to the fixed gear and recreational sectors that 500 Chinook would be available to them.

Reserve Rule Access

The GAP's recommended PPAs would satisfy the requirement for NMFS action prior to accessing the 3,500 Chinook reserve for each of the fishery sectors. In some cases, it is the development and implementation of new mitigation measures (i.e., BACs for non-whiting midwater trawl and SSFT

requirements for bottom trawl). In other cases, it is the opportunity for annual SMPs submitted by whiting fishery participants to NMFS for review and approval. Each of these satisfies the requirement highlighted on the staff presentation – “A sector could only access the Reserve if the Council or NMFS has taken action to minimize Chinook salmon bycatch in that sector prior to reaching its Chinook salmon bycatch guideline.”

PFMC
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