

ENDANGERED SPECIES ACT MITIGATION MEASURES FOR SALMON

Under this agenda item, the Council is scheduled to consider the preliminary preferred alternatives (PPA) from the range of alternatives (ROA) developed in April 2019 to address the Terms and Conditions (T&C) of the National Marine Fisheries Service (NMFS) biological opinion (BiOp) *Reinitiation of Section 7 Consultation Regarding the Pacific Fisheries Management Council's Groundfish Fishery Management Plan*.

In December 2017, NMFS completed the 2017 BiOp regarding the continued impact of the Pacific Coast Groundfish Fishery Management Plan (FMP) on seven listed Chinook and coho salmon evolutionary significant units. The Incidental Take Statement (ITS) specified six nondiscretionary Reasonable and Prudent Measures and 19 associated T&Cs. The Council must comply with the findings of the BiOp and must address all items for which its role is required within three years of its issuance to avoid reinitiation of the Endangered Species Act Section 7 consultation on these salmonids.

The Council successfully addressed a number of the required 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. T&C 2.b provides the opportunity to the Council to develop salmon bycatch mitigation measures that can be implemented inseason. These measures are to be employed to reduce the risk of a sector exceeding its bycatch guideline. Under 3.a, the Council was required to develop and implement governing rules that would allow access of the Reserve 3,500 Chinook salmon. This amount is to be accessed only in the instance of unexpectedly high bycatch events that result in a sector exceeding its bycatch guideline.

In April 2019, the Council heard from recommendations from its groundfish advisory bodies and the public regarding a range of alternatives (ROA). The Council adopted the ROA developed by the Groundfish Management Team, as detailed in [Agenda Item G.3.a, Supplemental GMT Report 3](#) with two modifications and one additional Alternative provided by Council [Motion](#). The ROA is summarized below:

1. **Block Area Closure (BAC) for Midwater Trawl Gear** –consider developing BACs for the whiting sector and non-whiting midwater trawl fisheries as a routine inseason mitigation measure.
2. **Extension of Block Areas Closures for all Trawl Gear to the Western Boundary of the Exclusive Economic Zone (EEZ)** –consider extending any implemented BAC, for any trawl fishery for which BACs have been developed, to the western boundary edge of the EEZ.
3. **Selective Flatfish Trawl (SFFT) Net Requirement** – consider the requirement of SFFT net gear as a routine inseason mitigation measure for bottom trawl vessels operating in areas of high salmonid bycatch or, potentially, in conjunction with a BAC, to reduce incidental take of salmon.

4. **Pacific Whiting Cooperative Rules:**
 - Alternative 1 is to consider the development of automatic authority for NMFS to implement conforming closures of areas of high salmon bycatch as recommended to NMFS by the Pacific whiting cooperatives (co-ops).
 - Alternative 2 is to consider developing salmon mitigation plans for the whiting co-ops.
5. **Automatic Authority for NMFS to Close Trawl Sectors and Preserve 500 Chinook salmon for Fixed Gear and Recreational Fisheries** – consider adjusting the total Chinook salmon closure points for the whiting and non-whiting trawl sectors that would preserve 500 Chinook salmon for the fixed gear and recreational fishery.
6. **Reserve Access Rule** – consider that in order for a sector(s) to access the Reserve of 3,500 Chinook salmon, the Council or NMFS must apply a mitigation measure to that sector.

As stated above, the Council is scheduled to select a PPA from the ROA at this meeting. The ROA with Regulatory Impact Review and a preliminary analyses of economic effects of the mitigation measures in trawl fisheries are detailed in Agenda Item H.4, Attachment 1 and Agenda Item H.4, Attachment 2, respectively. At this stage, the Council has the flexibility to modify elements of the alternatives by incorporating other measures. Currently, final action on this agenda item is scheduled for November 2019.

Council Action:

Adopt Preliminary Preferred Alternatives for Mitigation Measures for Salmon Interactions in Groundfish Fisheries Pursuant to the 2017 NMFS Biological Opinion.

Reference Materials:

1. Agenda Item H.4, Attachment 1: Initial Review Draft, Regulatory Impact Review for Proposed Endangered Species Act Salmon Bycatch Mitigation Measures under the Pacific Coast Groundfish Fishery Management Plan.
2. Agenda Item H.4, Attachment 2: Summary of Data for Preliminary Analysis of Economic Effects of Salmon Bycatch Mitigation Measures in the West Coast Trawl Fisheries.
3. If Received, Public Comments are Electronic Only ([see e-portal](#)).

Agenda Order:

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| <ol style="list-style-type: none"> H.4 Endangered Species Act Mitigation Measures for Salmon <ol style="list-style-type: none"> a. Reports and Comments of Management Entities and Advisory Bodies b. Public Comment c. Council Action: Adopt Preliminary Preferred Alternatives for Mitigation Measures for Salmon Interactions in Groundfish Fisheries Pursuant to the 2017 NMFS Biological Opinion | <p>Todd Phillips</p> |
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PFMC
08/20/19