

ESA Mitigation Measures for Salmon Final Action Groundfish Agenda Item 9

Pacific Fishery Management Council
Hilton Orange County
Costa Mesa, CA
November 20, 2019



Overview

- **Background**
- **Preliminary Preferred Alternatives (PPA)**
 - Mitigation Tools to Manage Salmon Bycatch
 - Process to Access to the Reserve
- **Council Action**



Salmon Mitigation Background

- **Salmon Biological Opinion (BiOp) released 12/2017**
 - **Six Reasonable and Prudent Measures**
 - **19 Terms and Conditions**
- **Terms and Conditions Remaining**
 - **2.b – Develop new mitigation measures, if needed**
 - **3.a – Develop process to access the Reserve**
- **BiOp Key Points**
 - **Set bycatch guidelines for Chinook & Coho by sector**
 - **Required Reserve of 3,500 Chinook**



Alternatives

1. Block Area Closures (BAC)
2. Extension of BACs for Groundfish Vessels using Midwater Trawl Gear to the Western Boundary of the EEZ and to the 700 fm Curve for Vessels using Bottom Trawl Gear
3. Selective Flatfish Trawl Net Requirement
4. Pacific Whiting Cooperative Operational Agreements
5. Create an Automatic Authority for NMFS to Close Trawl Sectors and Preserve 500 Chinook Salmon for Fixed Gear and Recreational Fisheries
6. Development of a Reserve Access Rule Provision



Block Area Closures (BAC) Midwater Trawl:

No Action: BACs would not be developed for use as a mitigation tool in midwater trawl fisheries. The only routine inseason spatial tool available to the Council for groundfish vessels using midwater trawl gear would be the 200 fm BRA

PPA (Alternative 1): Develop BACs as routine inseason mitigation tool for salmon bycatch in the whiting and non-whiting midwater trawl sectors

- Available in CA, OR, and WA
- 250 fm is deepest boundary depth available

Extension of BACs for Groundfish Vessels using Midwater Trawl Gear to the Western Boundary of the EEZ and to the 700 fm Curve for Vessels using Bottom Trawl Gear:

No Action: The Council could not extend any BAC boundary beyond the 250fm depth contour, as defined at 50 CFR §660.71-74

PPA (Alternative 1): Develop regulations to allow for the extension of any BAC seaward of 250 fm south of 46° 16' 00" N. lat. (WA/OR border) for all trawl gears to the western boundary of the EEZ (for midwater trawl) or to the 700 fm EFH Conservation Area closure (for bottom trawl)



Selective Flatfish Trawl (SFFT) Net Requirement

No Action: SFFT nets would not be available as a mitigation tool to address salmon bycatch in the groundfish bottom trawl fishery except in areas already specified under regulation¹

PPA (Alternative 1): SFFT would be available for use as routine mitigation tool to address salmon bycatch in groundfish bottom trawl fisheries



1. §660.130(c)(i - iii)

Whiting Cooperatives Operational Agreements: No Action and Alternative 1

No Action: The Council would be limited to current mitigation measures available in regulation for the Pacific whiting fishery

Alternative 1: Develop automatic actions that requires NMFS to close a specific area to the whiting fishery, or a specific whiting sector, based on information provided to the RA, or designee, by the executive director/manager of each whiting cooperative.



Whiting Cooperative Operational Agreements: PPA

PPA (Alternative 2): Develop regulations to allow each whiting sector co-op to develop salmon mitigation plans (SMP) for approval by NMFS

- Include requirement for annual season summary reporting to the Council and NMFS describing high-salmon bycatch incident information and avoidance measures taken.

Whiting Cooperative Operational Agreements: New Information

- PPA is written to only allow co-ops to submit SMPs
- Shoreside sector is regulated differently than At-Sea
 - All needed is LE trawl endorsement permit and quota
- Based on guidance, groups or individual vessels should be eligible to submit SMPs
- If the Council wants any whiting participant to be able to submit an SMP, modification to the PPA language may be necessary.



Create an Automatic Authority for NMFS to Close Trawl Sectors and Preserve 500 Chinook Salmon for Fixed Gear and Recreational Fisheries:

No Action

The Council will not develop an action to preserve 500 Chinook salmon for the fixed gear and recreational sectors. Instead, the only automatic authority in regulation would be the one that would close, one or both, the whiting and non-whiting sectors of the groundfish fishery upon that sector having exceeded its annual Chinook salmon bycatch guideline and the Reserve.

- Whiting sector would close at 14,500 Chinook
- Non-whiting sector would close at 9,000 Chinook
- All fisheries would close at 20,000 Chinook



Create an Automatic Authority for NMFS to Close Trawl Sectors...

PPA

PPA (Alternative 1): Develop an automatic action authority that would close the trawl sectors as follows:

- Whiting sector would close at 14,000 Chinook
- Non-whiting sector trawl would close at 8,500 Chinook
- All trawl fisheries would close at 19,500 Chinook

Development of Reserve Rule Provision:

No Action: The Council does not recommend a process for accessing the Reserve be developed in regulations

PPA (Alternative 1): A sector may only access the Reserve if the Council or NMFS has taken action to minimize Chinook salmon bycatch in that sector prior to it reaching its Chinook salmon bycatch guideline.

Non-Whiting Sector Access to Reserve:

Based on the Council's PPA, measures that could allow for non-whiting sector* to access the Reserve include:

- 200 fm BRA for midwater trawl gear
- BAC
 - Midwater trawl –CA, OR, WA (*if adopted*)
 - Bottom trawl off of Oregon/California (Amendment 28)
- Extension of midwater and bottom trawl BACs off of Oregon/California (*if adopted*)
- SFFT for bottom trawl vessels (*if adopted; can be in conjunction with a BAC*)

Whiting Sector Access to the Reserve:

Based on the Council's PPA, measures that could allow for non-tribal whiting sectors to access the Reserve include:

- 200 fm BRA
- BAC –CA, OR, WA (*if adopted*)
- BAC Extensions –CA, OR (*if adopted*)
- SMP submitted by and approved for MS and CP Sectors
- For shoreside sector, staff developed new options for Council consideration, based on GC guidance, specific to the shoreside sector.

PPA Requirements – Whiting Sector:

- The requirement for Council or NMFS action to minimize Chinook salmon bycatch for access to the Reserve by the at-sea whiting sectors would be satisfied upon approval by NMFS of each of those sector's respective co-op salmon mitigation plans.
- The requirement for Council or NMFS action to minimize Chinook salmon bycatch for access to the Reserve by the shoreside whiting sector would be satisfied upon approval by NMFS of that sector's co-op salmon mitigation plans provided all participating vessels are members of a shoreside co-op with an approved salmon mitigation plan.
- If there are vessels participating in the shoreside whiting fishery that are not members of a shoreside whiting co-op, then additional actions by the Council or NMFS may be needed to minimize Chinook salmon bycatch (e.g., BACs) prior to allowing access to the reserve by that sector.



Option A for Shoreside Whiting Sector

- **Option A:** All shoreside whiting vessels must submit an SMP to NMFS (as a part of the co-op or individually) in order for the shoreside whiting sector as a whole to have access to the reserve.
- **Sub-Option:** At least 16 vessels must submit an SMP to NMFS for the shoreside sector to have access to the reserve.

Year	2012	2013	2014	2015	2016	2017	2018
Co-Op	16	16	17	15	16	16	16
Non-Co-Op	8	8	8	7	7	9	10
Total	24	24	25	22	23	25	26



Option B for Shoreside Whiting Sector

- **Option B:** Shoreside whiting vessels that submit an SMP to NMFS and are approved would be allowed access to the Reserve. The Council would specify in the FPA if vessels under an SMP may be exempted from additional measures applied to the shoreside whiting sector.

Council Action

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



Questions

