

GROUND FISH ADVISORY SUBPANEL REPORT ON GROUND FISH NON-SALMON ENDANGERED SPECIES WORKGROUP REPORT

The Groundfish Advisory Subpanel (GAP) received a report from Mr. Kevin Duffy of the National Marine Fisheries Service (NMFS) describing non-salmon Endangered Species Act (ESA) issues and the recommendations of the Pacific Coast Groundfish Endangered Species Workgroup (Workgroup). The GAP offers the following comments and recommendations.

As an overarching comment, and as the Workgroup report notes, groundfish fisheries have minimal interactions with Endangered Species Act- (ESA) listed marine mammals, sea turtles, eulachon, green sturgeon, and seabirds. There haven't been any major changes in the fishery, and in general, groundfish take of ESA-listed species remains within the levels identified in the various incidental take statement (ITS) limits. To reiterate previous GAP statements on this issue, the GAP continues to believe that it would be extremely beneficial to have industry representation on the workgroup for both transparency and to better inform the substantive recommendations.

In addition to the overarching comments above, the GAP offers the following specific comments pertaining to the workgroup report.

Short-tailed albatross

With regard to short-tailed albatross, the GAP supports the Workgroup recommendation to move away from assessing impacts using black-footed albatross impacts as a proxy. While the GAP may not fully understand the Bayesian approach described in the report, the GAP believes the current proxy-based approach is inaccurate and supports a more direct impact assessment.

The GAP also notes that in addition to regulatory requirements to reduce take of short-tailed albatross imposed in 2015, many vessels under 55' have voluntarily decided to use streamer lines to further reduce impacts.

Finally, the GAP supports the Workgroup recommendation that Fish and Wildlife Service (FWS) provide an update on the consultation at an upcoming Council meeting.

Eulachon

The GAP supports the Workgroup report which notes that, given the increase in eulachon biomass since 2011, the ITS bycatch level may no longer be appropriate. In fact, again as stated by the report, impacts to the eulachon resource from bycatch in the groundfish fishery are "inconsequential," especially when compared to bycatch in other fisheries which take tens of millions of eulachon per year. The GAP believes a new eulachon biological opinion should take into account the overall size of population and annual variability, and any changes in the size, gear, structure, and area fished by the fleet.

Humpback

The GAP believes there were several process failures, as well as substantive problems with the whale entanglement issue and recommendations. First, there are misstatements of fact in the report. For example, on the West Coast, fixed gear sablefish fishermen do not store gear in the ocean.

Second, there was a complete failure to include fishermen which could have helped produce more meaningful recommendations. For example, many of the recommendations are either already required in some of the fixed gear fleets, or are already widely employed by the fleet (i.e. gear, identification, logbooks).

Third, it appears the meeting may not have been properly noticed. The Federal Advisory Committee Act requires 15 days of notice prior to committee meetings. This meeting was noticed in the Federal Register on February 2, 2017 (<https://www.gpo.gov/fdsys/pkg/FR-2017-02-02/pdf/2017-02196.pdf>), and the meeting began on February 15. More troubling than the technical deficiencies, there was insufficient outreach to the fleet through normal fleet notification procedures.

Finally, it's not clear what the recommendations of the Workgroup actually are, as there are inconsistencies between the Workgroup report (Groundfish Endangered Species Act Workgroup Report, http://www.pcouncil.org/wp-content/uploads/2017/03/F5a_ESA_Workgroup_Rpt_3-17-2017_Apr2017BB.pdf) and the humpback report (Humpback whale bycatch in 2014 – 2015 in the U.S. West Coast Groundfish Fisheries, http://www.pcouncil.org/wp-content/uploads/2017/03/F5a_NMFS_Rpt2_ElectricOnly_Humpback_bycatch_rpt_2017_Apr2017BB.pdf). On page 2, the Workgroup report states that “Because the ITS [for humpback whales] was not exceeded, there were no further management recommendations.” However, the humpback report document includes seven specific conservation recommendations. It's not clear to the GAP which document we should be responding to.

It's important to note that fixed gear is used by multiple segments of the fleet, including open access, fixed gear limited entry (FG LE), and trawl permitted vessels using fixed gear and regulations among these fleets are not always consistent. This adds to the complexity of management and emphasizes the need for in-depth fleet participation.

Based on those flaws, the GAP strongly recommends that the Workgroup revisit recommendations for whale entanglement at a future meeting that **1) notices the fixed gear participants (including trawl gear switchers, FG LE, and open access participants) of the meeting; and 2) formally includes fleet participation as members of the Workgroup.**

PFMC
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