

## ENDANGERED SPECIES ACT MITIGATION MEASURES FOR SEABIRDS– PRELIMINARY ACTION

On May 2, 2017 United States Fish and Wildlife Service published its Biological Opinion (B.O.) addressing observed take of endangered short-tailed albatross in commercial groundfish longline fisheries managed under the Pacific Coast Groundfish Fishery Management Plan. The Incidental Take Statement in the B.O. 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](#)). Attachment 1 is a preliminary draft of the Regulatory Impact Review/Initial Regulatory Flexibility Analysis evaluating this proposed regulatory amendment. (Based on internal scoping, National Marine Fisheries Service determined that the proposed action is categorically excluded from requirements under the National Environmental Policy Act to prepare an environmental assessment.) The range of alternatives analyzed in Attachment 1 is:

- No Action: Commercial groundfish longline vessels 26-55 feet LOA are not required to use seabird bycatch mitigation measures.
- Alternative 1: Require commercial groundfish longline vessels 26-55 feet LOA to use streamer lines. all commercial groundfish longline vessels 26 feet LOA and longer would have the option to set at night instead of using streamer lines. Any or all of the following options may be selected as part of this alternative:
  - Option A, 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.
  - Option B, when fishing shoreward of the 250 fathom depth contour, vessels 26 feet and longer would be exempted from the requirement to deploy streamer lines or night set.
  - Option C, vessels 26 feet and longer using floated mainline gear would be required to set gear at night (i.e., the streamer line option would not be available to vessels when using this gear).
  - Option D, a weather safety exemption different than the one currently established for vessels 55 feet and longer would be established for vessels 26-55 feet.

If the Council chooses Option D as part of its preliminary preferred alternative it should identify the specific weather safety exemption threshold that would be applied, which was not part of the Council's action in November 2018 when adopting the range of alternatives. Attachment 1 includes information to support the identification of a different weather safety exemption for small vessels.

At this meeting the Council should choose its preliminary preferred alternative by identifying the options it wishes to include. In adopting its preliminary preferred alternative, at this stage the Council has the flexibility to modify elements of the proposal by incorporating other measures, as long as the proposal remains consistent with the requirements of the United States Fish and Wildlife Service B.O. Currently final action on this proposal is scheduled for the June 2019 meeting, which will allow NMFS 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 Preliminary Preferred Alternative.**

Reference Materials:

1. Agenda Item G.2, Attachment 1: Initial Review Draft, Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Regulatory Amendment under the Pacific Coast Groundfish Fishery Management Plan.
2. If received, Public Comments are electronic only ([see e-portal](#)).

Agenda Order:

- G.2 Endangered Species Act Mitigation Measures for Seabirds– Preliminary 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 Preliminary Preferred Alternative

PFMC  
03/20/19