

GROUNDFISH MANAGEMENT TEAM REPORT ON ENDANGERED SPECIES ACT MITIGATION MEASURES FOR SEABIRDS - PRELIMINARY ACTION

The Groundfish Management Team (GMT) reviewed the Initial Review Draft ([Agenda Item G.2, Attachment 1](#)) in the briefing book, and received a presentation on our April 3 webinar from Dr. Kit Dahl of Pacific Fishery Management Council (Council) staff, and offers the following comments.

Preliminary Preferred Alternative

The GMT recommends the Council adopt Alternative 1 as the Preliminary Preferred Alternative, which would require that vessels 26-55 feet in length overall (LOA) to either deploy streamer lines, according to the configuration required in the Alaska regulations, or be restricted to night setting, as a seabird bycatch mitigation measure, with the following options and considerations. As a reminder, these options are not mutually exclusive.

The GMT recommends defining “night setting” as deployment of gear between one hour after local sunset and one hour before local sunrise.

The GMT also recommends the next version of the analysis clarify that Alternative 1 encompasses actions applicable to all vessels of length 26 feet or more.

Option A: Exemption South of 36° N. lat.

The GMT recommends the Council consider allowing an exemption for vessels fishing south of 36° N. lat. for all vessels, including those greater than 55 feet LOA or greater. Telemetry and observer data in the area are limited, but they indicate tagged birds seldom travel south of 36° N. lat. and do not seem to congregate in this area. This data suggests that abundance is higher north of 36° N. lat. Further, West Coast Groundfish Observer Program (WCGOP) data showed that only 19 percent of observed groundfish longline fishing effort across all vessel size classes occurred south of 36° N. lat. It is the GMT’s understanding that the National Marine Fisheries Service (NMFS) is comfortable with the Council moving forward with this option based on the available data, with the potential to revisit the issue in the future as new data becomes available. The GMT notes that reconsidering this exemption in the future could be important, as abundance of short tailed albatross (STAL) increase, resulting in higher likelihood of encounters.

Option B: 250 fathom exemption

The 250 fathom exemption was proposed by the GMT after we determined that the original proposal to exempt vessels fishing in state waters would create confusion and be difficult to enforce. For instance, the state water line crisscrosses the deeper areas where the nearshore fishery is allowed to fish (i.e., <30 fathoms) off Oregon and Northern California, which would result in numerous small pockets where nearshore boats would be required to use streamers. We therefore suggested using regulatory depth contours that would be less confusing and easier to enforce, especially if the selected contour matches current fishery boundaries, like the non-trawl rockfish conservation area (RCA). We had proposed 250 fathoms based on discussions with Sea Grant, who suggested this option could provide sufficient protection for (STAL). However,

[Agenda Item G.2, Attachment 1](#) concludes that a shallower line would be necessary, as a 250 fathom line would exempt pockets of continental shelf break where STAL congregate. During the GMT webinar on April 3, we suggested 100 fathoms instead, as it would provide more protections for birds and be consistent with outer non-trawl RCAs.

However, NMFS informed the GMT at this meeting that it is not possible to have an exemption that extends beyond state waters, and into Federal waters, such as 250 fathoms or 100 fathoms based on the terms and conditions of the [2017 ITS](#) :

T&C 1 for RPM 1 To ensure the effectiveness of the existing regulations (50 CFR Part 660.61; NMFS 2015a), NMFS shall:

a. Amend or refine regulations to mandate vessels that use the longline gear to: i) Employ streamer lines in the commercial longline fishery of the PCGF consistent with the Alaska streamer line regulations for Federal waters, including the use of single streamer lines on boats 26-55 feet in length, OR

ii) Set longlines after civil sunset

Therefore, longliners will have to abide by the current Federal waters requirements (e.g., vessel monitoring system declarations), and now be subjected to the steamer line requirement if 26 feet or longer (and not falling under potential area, night, or weather exemptions). This will include the small pockets of nearshore grounds outside of state waters, in which fishermen are already required to abide by the Federal waters requirements, which should limit confusion.

Option C: Night Setting for Floated Mainline Gear

Under this option, vessels (including those greater than 55 feet LOA) using floated mainline gear would not be eligible for the streamer line option, and would only be able to set their gear at night. Floated mainline gear remains on the surface of the water beyond the aerial extent of the streamer line, making the streamer line ineffective at reducing seabird interactions with the gear. The analysis ([Agenda Item G.2, Attachment 1](#)) notes that in 2016-2017, 34 percent of observed vessels 26-55 feet LOA and 56 percent of observed vessels 55 feet LOA and larger used floated mainline gear. Additionally, 8 percent of observed small vessels and 12 percent of observed large vessels used both floated mainline and mainline without floats on different sets. While not explicitly required under the Biological Opinion, because streamer lines will be ineffective for a significant proportion of the fleet, **the GMT recommends requiring vessels to set at night when using floated mainline gear for all vessels, including those greater than 55 feet LOA or greater.** The Biological Opinion requires NMFS to research the effect of floating gear on albatross bycatch and investigate methods to minimize risk of bycatch. The GMT also notes that this option would require NMFS to define floated mainline gear in regulations, and suggests that possible definitions should be included for analysis at the June meeting.

Option D: Weather Safety Exemption

The GMT recommends the Council consider a different weather safety exemption than what is currently in place for vessels 55 feet LOA or greater. At-sea safety for smaller vessels (26-55 feet LOA) may be better insured by providing a weather rating that is commensurate with their

size. Alaska regulations for smaller vessels have a provision that if the winds are 34-47 knots, the vessel has discretion in regards to the use of streamer lines. Enforcement may be easier if a threshold is more explicitly defined, similar to the National Weather Service's small craft advisories. The GMT defers to the Enforcement Consultants (EC) and Groundfish Advisory Subpanel (GAP) to suggest the most appropriate rating, as they have more firsthand knowledge about enforceability and the type of weather conditions that would make deploying streamer lines difficult and/or dangerous, respectively.

Recommendations

The GMT recommends the Council:

- **adopt Alternative 1 as the Preliminary Preferred Alternative, which would require that vessels 26-55 feet in LOA either deploy streamer lines, according to the configuration required in the Alaska regulations, or be restricted to night setting, as a seabird bycatch mitigation measure, with the following options and considerations**
- **define "night setting" as deployment of gear between one hour after local sunset and one hour before local sunrise**
- **consider allowing an exemption for vessels fishing south of 36° N. lat. for all vessels, including those greater than 55 feet LOA or greater**
- **require vessels to set at night when using floated mainline gear for all vessels, including those greater than 55 feet LOA or greater**
- **consider a different weather safety exemption than what is currently in place for vessels 55 feet LOA or greater**

PFMC
04/12/19