

GROUND FISH MANAGEMENT TEAM REPORT ON SALMON MITIGATION MEASURES FOR THE GROUND FISH FISHERY

As described in Groundfish Management Team (GMT) Report 1 ([Agenda Item G.3.a, GMT Report 1](#)), this report will describe the analysis and Range of Alternatives (ROA) for whiting sector actions (previously known as “Whiting Co-Op Rules”) and the Development of Automatic Authority to Close the Trawl Sectors and Preserve 500 Chinook Salmon for Fixed Gear and Recreational Fisheries. Supplemental GMT Report 3 will provide the GMT’s recommendations on a final ROA for the Pacific Fishery Management Council (Council) to consider prior to selecting a Preliminary Preferred Alternative (PPA) in June.

Whiting Sector Actions

Both the at-sea and shoreside whiting cooperatives (“co-ops”) use a variety of tools (e.g., move-along rules, as described for the Mothership sector in [Supplemental Information Report 6](#)) to self-manage their fishery and reduce Chinook salmon bycatch. During the November 2018 Council meeting, the GMT discussed developing conforming actions for National Marine Fisheries Service (NMFS) and the Council to take through a non-discretionary automatic action authority, alongside actions already being taken by the whiting cooperatives. This conforming action would allow NMFS and the Council would address Terms and Conditions 3.a and 3.c ([Agenda Item G.3, Attachment 1, April 2019](#)), which require action by NMFS and the Council, by mirroring the efforts already underway by the cooperatives. The GMT and NMFS staff discussed a variety of ways to structure these rules and will need to further investigate these proposed alternatives, with input from members of industry, National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement, and NOAA General Counsel.

Small, Temporary Area Closures

One proposal is to develop an alternative for an automatic authority action which could mirror action already taken by the at-sea and shoreside co-ops to mitigate salmon take. The trigger for the automatic authority could be official written or electronic notification from the co-op manager, or other designee, to the NMFS’s West Coast Regional Administrator, or designee, that they have voluntarily closed an area due to high salmon bycatch and request for an automatic action to conform to the closure. The request will need to specify the area to be closed, the impacted whiting sector, and the effective time period. Closures would need to be in place for a minimum amount of time (to be determined) to ensure reduction of salmon bycatch. If smaller areas are identified and can be enforced, any impacts from the closure would be limited and would likely be much less restrictive to industry than if the Council were to suggest a larger area closure, such as a block area closure (BAC). The automatic action closure and re-opening could be announced through a public notice. Council action would not be required and NMFS would have no discretion to alter the closed area suggested by the co-ops.

One consideration that the GMT will further investigate before the Council selects their preferred alternative is the impact of one of these closures on shoreside whiting vessels that are not currently part of the shoreside whiting co-op. The GMT was made aware that approximately six or seven catcher vessels are not members of the shoreside whiting co-op. These vessels would likely still

be subject to any closures that apply to shoreside vessels even if they are not part of the co-op. However, these vessels would likely not have input on these closures.

Incentive Plan Agreements

Another idea is modeled after the basic approach of the North Pacific Incentive Plan Agreements (IPAs). In the North Pacific, the Bering Sea pollock sectors (Inshore, Mothership, and Catcher Processor) have been required to have Chinook salmon IPAs since 2011. IPAs were implemented as a part of Amendment 91 and are

“a private contract among vessel owners, cooperatives, or Community Development Quota (CDQ) groups that establishes incentives for participants to reduce Chinook salmon bycatch... Each IPA would be required to be submitted and approved by NMFS prior to fishing under the IPA... To accomplish reductions in Chinook salmon bycatch, the IPA concept includes two components (1) the NMFS-approved IPA contract that contains the elements of the incentive program that all vessel owners and CDQ groups agree to follow, and (2) the annual report to the Council on performance under the IPA in the previous year” ([Final EA/RIR for Amendment 110](#)).

While the IPAs provide “credits” to allow access to more bycatch of the specified Chinook salmon bycatch cap, the GMT believes that the central premise of the IPAs may work for whiting sectors. Each of the IPAs have similar components, such as hot-spot closures and bycatch rates. Additionally, “IPAs can be revised by submitting amendments to NMFS for approval at any time; however, participants in an IPA must be specified by December 1, prior to the following fishing year. Thus, the specific features of the IPAs can change at any point.” If NMFS and the Council could adopt IPA-type agreements with the three West Coast co-ops, access to the Reserve could be allowed if certain measures were taken by each of the co-ops. If the Council chooses to move forward with this concept, the GMT would also speak with North Pacific Council staff members and Alaska NMFS staff to gain further insight on IPAs.

Range of Alternatives:

No Action: Council is limited to current mitigation measures.

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 Regional Administrator, or designee, by the executive director of each whiting cooperative.

Alternative 2: Develop regulations to allow the whiting sector co-ops to develop salmon mitigation plans in the form of incentive plan agreements (IPAs).

Development of Automatic Authority to Close the Trawl Sectors and Preserve 500 Chinook Salmon for Fixed Gear and Recreational Fisheries

There has been considerable interest by the Council, Groundfish Advisory Subpanel (GAP), and Salmon Advisory Subpanel (SAS) to preserve a fixed amount of 500 Chinook salmon to help ensure that, should the trawl fishery take 19,500 salmon, select recreational and fixed gear fisheries remain open ([Agenda Item G.8.a., Council Motion, November 2018](#); [Agenda Item G.8.a., Supplemental GAP Report, November 2018](#); [Agenda Item G.8.a Supplemental SAS Report 1 November 2018](#)). In other words, the Council would be developing a new automatic authority that would close all trawl fisheries before the current “hard cap” closures in regulation would be enforced. The main focus of GMT discussion was whether or not the development of this new

automatic authority was the best way to meet the intent of the proposal to help ensure the fixed gear and recreational fisheries remain open.

Originally, the 500 Chinook salmon amount was proposed by the GMT to provide a large cushion for the commercial fixed gear and select recreational fisheries. As a reminder, the select recreational fisheries that could be subject to a closure due to salmon bycatch in the groundfish fisheries are only the Oregon recreational longleader fishery and the recreational groundfish fisheries when the recreational salmon fisheries are closed. These fisheries would close if the 5,500 non-whiting guideline plus the 3,500 Reserve were taken, or if 20,000 were taken in all groundfish fisheries. The projected maximum total for all these fisheries combined throughout the entire West Coast is only 173, which means the 500 is more than double the maximum projected take. However, the 2017 Biological Opinion (BiOp) included a 250 fish buffer for uncertainty, and there were additional concerns that salmon impacts could increase if the recreational salmon seasons were closed year-round off California, the GMT selected a cushion of 500 Chinook salmon to cover the worst case scenario.

The GMT concludes that the fixed gear and select recreational fisheries would have a very low risk of closing even if they did not have a set-aside of 500 Chinook salmon for multiple reasons. First, historical salmon bycatch has been low relative to the 20,000 total that would close all groundfish fisheries (Figure 1). In addition, bycatch in the non-whiting fisheries has been relatively low compared to the 5,500 guideline or the 9,000 that would close the fixed gear and select recreational fisheries, which is the guideline plus the 3,500 Reserve (Figure 2).

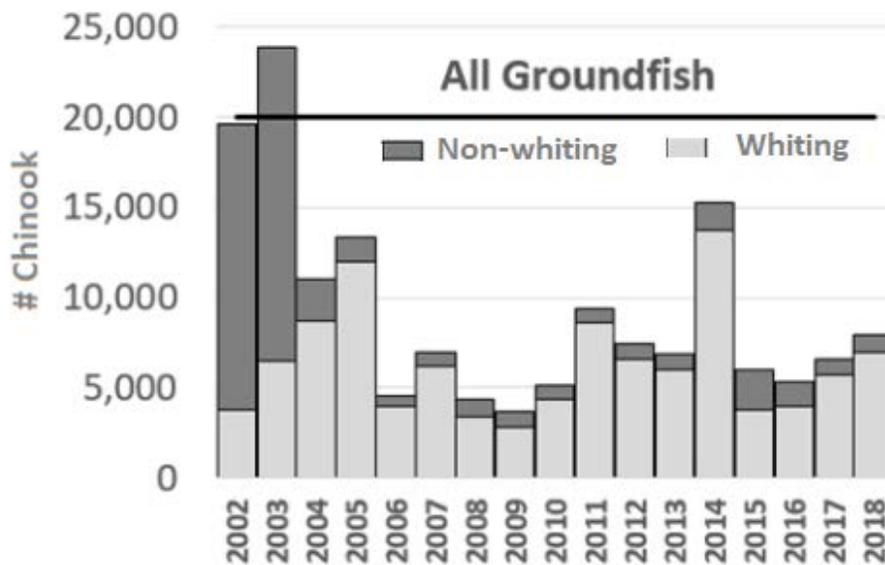


Figure 1. Retrospective groundfish bycatch relative to the 20,000 guideline that would close all groundfish fisheries including fixed gear and select recreational.

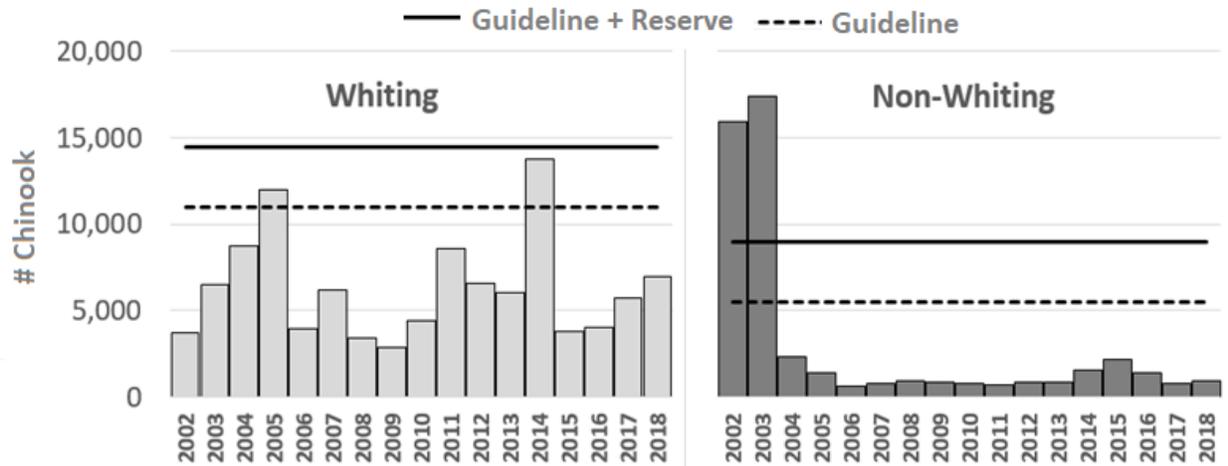


Figure 2. Retrospective non-whiting bycatch compared to closure point (guideline + Reserve) that would close the fixed gear and recreational fisheries. *Whiting is shown for reference since any takes from them above their threshold would count toward the Reserve and thus potentially impact non-whiting.*

There has also been a strong focus by trawlers to voluntarily reduce their salmon bycatch since the high bycatch in 2014 resulted in re-consultation. For instance, the mothership and shoreside whiting co-ops have required the use of salmon excluders since 2014, and the catcher-processors routinely use them, but sometimes switch to rockfish excluders depending on their location. There have also been several informal agreements between the salmon trollers and trawlers to support the mid-water rockfish trawl fishery and the whiting trawl fisheries to increase benefits to coastal communities, while trawlers continue to do everything they can to avoid salmon bycatch.

Finally, the GMT concludes that this action may not be needed because the Council is considering adoption of new salmon mitigation tools that could be used inseason to limit high bycatch if voluntary actions were not successful at reducing risk to the fixed gear and select recreational fisheries. For instance, if trawl bycatch was posing a risk, which would be monitored very closely inseason, then the Council could impose the most restrictive BAC (i.e., shore-250 fathoms) that would be expected to greatly reduce bycatch.

If the Council was concerned that the potential range of mitigation measures being considered at this meeting would not be sufficient to ensure the fixed gear and select recreational fisheries remain open, then it could still consider development of this automatic action authority.

Range of Alternatives:

No Action: The Council would not develop an action which would preserve 500 Chinook salmon for the fixed gear and recreational sectors. Instead, the only automatic action authority in regulation would be the one which would close. One or both of the whiting or non-whiting sectors of the groundfish fishery would close upon that sector having exceeded its annual Chinook salmon bycatch guideline and the reserve.

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

1. Close bottom and mid-water trawl upon attainment of 8,500 Chinook salmon
2. Close the whiting upon attainment of 14,000 Chinook salmon
3. Close all trawl fisheries 19,500 Chinook salmon

Rationale for these three new closure points are as follows. Since the ITS specifies that all the non-whiting fisheries would close if the 5,500 non-whiting threshold plus the 3,500 Reserve were taken, the first automatic closure would close the bottom and mid-water non-whiting fisheries at 8,500 to ensure that 500 would remain for fixed gear and recreational fisheries. A second automatic closure would be needed to close the whiting fisheries at 14,000 to ensure they leave at least 500 of the Reserve; if they took the full Reserve and non-whiting trawl took the full non-whiting guideline then the fixed gear and select recreational fisheries would close. These first two closures points would prevent closures from either trawl fishery, but a third automatic closure would be needed to prevent both the whiting and non-whiting trawl sectors both combining to take the full Reserve. This would result in a closure of all groundfish fisheries since non-whiting would be above their guideline and the full Reserve would be taken. To prevent this from happening, all trawl fisheries would have to be closed at 19,500.

PFMC

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