

GROUND FISH MANAGEMENT TEAM REPORT ON ENDANGERED SPECIES ACT MITIGATION MEASURES FOR SALMON

The Groundfish Management Team (GMT) provided a range of alternatives (ROA) and supporting analyses for a suite of salmon mitigation measures for the Pacific Fishery Management Council (Council) to review in [GMT Report 1](#) and [Supplemental GMT Report 2](#). The issues to consider are:

1. Block Area Closures (BACs) for All Trawl Gear
2. Selective Flatfish Trawls (SFFT) for the Bottom Trawl Sector
3. Salmon Excluders in the Whiting Sectors
4. Whiting Cooperative Actions
5. Development of an Automatic Authority to Close the Groundfish Trawl Fisheries to Keep Recreational and Commercial Fixed Gear Fisheries Open
6. Development of Reserve Rule Provision

This report provides our final ROA recommendations on each of these issues for further analysis in support of selecting a Preliminary Preferred Alternative (PPA) in June. Additionally, the GMT provides a proposed Purpose and Need for the Council to consider.

Purpose and Need

The GMT proposes the following Purpose and Need for Council consideration:

The purpose of the proposed action is to develop mitigation tools to reduce bycatch of Chinook salmon in the groundfish fisheries and establish a process for accessing the Reserve.

The proposed action is needed to comply with the 2017 Biological Opinion, notably Term and Condition 2.b and 3.a, and to prevent sectors from exceeding their bycatch guidelines and minimize the risk of accessing the Reserve.

Final ROA

For the final ROA, the GMT recommends the Council consider the following:

BACs for All Trawl Gear

No Action- The Council would not create a new management tool for managing salmon bycatch in the midwater trawl fisheries. BACs would continue to be unavailable as a mitigation tool for midwater trawl gear and only available for bottom trawl gear through routine inseason action

Alternative 1(a)- Develop BACs as a routine inseason mitigation tool for salmon bycatch in the midwater trawl fisheries (whiting and non-whiting).

After considering the mitigation tools available for managing salmon bycatch in the midwater trawl fisheries, the GMT recommends that the Council include in their ROA an action alternative to make BACs available as a routine inseason mitigation tool for salmon

bycatch for all midwater trawl sectors. The GMT does not recommend developing automatic authorities for BACs at this time.

The GMT extensively discussed whether to develop automatic action authorities to minimize the risk of exceeding the thresholds. As shown in [Agenda Item G.8.a, Supplemental GMT Report 1, November 2018](#), salmon bycatch varies by year, sector (i.e., whiting and non-whiting), and sub-sector (e.g., bottom trawl or CP). Given that, these trawl sectors are the largest source of Chinook salmon bycatch, and bycatch estimates are available within 24 hours or less, the GMT believes the most responsive mitigation tool for the Council would be to use BACs through inseason management. This would allow action to be tailored to the situation, rather than using automatic actions that are set in regulation and do not provide the flexibility to address the specific situation at hand. To inform any potential inseason actions, the GMT would provide updates for the Council to consider at each meeting and the Council could move forward in one of two ways. The Council could either recommend that the National Marine Fisheries Service (NMFS) implement a specific BAC as soon as possible or recommend that NMFS automatically implement a BAC for a given sector between meetings, if a specific salmon threshold is reached. For example, at the September Council meeting, if Chinook salmon bycatch in the whiting sector was high, the Council could recommend that NMFS implement sector-specific BACs for Catcher Processors (CP), Mothership (MS), and shoreside whiting sectors if 85 percent of the Chinook salmon threshold for non-whiting is taken; this could also be done for a single sector or sub-sector.

If the Council would like to include an automatic action authority alternative (Alternative 1(b)) in the ROA, the GMT suggests the Council consider the following:

Threshold: 90 percent of sector threshold taken

Timing: Until next Council meeting OR if after November Council meeting, until the end of the year.

Sector and Potential BACs: The GMT discussed that the options for trawl BACs are a policy call best addressed by the Council which is why we did not provide specific recommendations on how expansive the BACs should be if automatic authorities were desired. The GMT therefore directs the Council to [GMT Report 1](#) which contains options for BACs that would reduce Chinook salmon bycatch but would have differential impacts to fishing opportunity.

SFFT for the Bottom Trawl Sector

No Action: The Council would not create a new SFFT mitigation tool for salmon bycatch in the groundfish bottom trawl fishery. Vessels could still use SFFT on a voluntary basis.

Alternative 1(a)- SFFTs would be available as a routine inseason mitigation tool to address salmon bycatch in the groundfish bottom trawl fisheries.

As discussed in [Agenda Item G.3.a, GMT Report 1, April 2019](#), various studies suggest that SFFT could reduce salmon impacts in the bottom trawl fishery. However, the GMT has also heard concerns that SFFT gear is costly and not always readily available for those vessels without this

gear. **The GMT recommends that the Council include this action alternative in their final ROA for further analysis and consideration.** Alternative 1(a) would allow the Council to consider the location of high bycatch and potentially implement a BAC in conjunction with an SFFT requirement. This would mitigate bycatch concerns while allowing options for vessels without SFFT gear to continue to fish.

During discussions for SFFT, members of industry suggested providing an additional alternative to include salmon excluders for groundfish bottom trawl fisheries. The GMT supports voluntary use, but does not recommend including salmon excluders for ground bottom trawl fisheries under this action alternative. At this time, there does not appear to be enough data collected via exempted fishing permit or research testing.

Salmon Excluders in the Whiting Sectors

The GMT had considerable discussion internally and with industry on whether to recommend the Council include salmon excluders in their final ROA. The GMT was informed that salmon excluders and their efficacy can vary greatly, and academia and industry continue to research the best mitigation options under a range of fishing conditions. Identifying the best excluder types for certain conditions, defining these rules in regulations, and enforcing them on the water is difficult given the variability in types and efficacy of excluders. For these reasons, **the GMT recommend that the Council does not include salmon excluders in the whiting sectors in the ROA.** The GMT recognizes and appreciates the work that industry has already done with excluders and encourages them to continue voluntarily testing and utilizing salmon excluders to manage bycatch.

Whiting Cooperative Actions

The GMT recommends that the Council adopt the entire ROA presented in Supplemental GMT Report 2 for whiting cooperative actions. The whiting cooperatives all have the ability to respond to bycatch issues inseason at a much faster rate and on a finer scale than NMFS or the Council. These proposed action alternatives could allow NMFS and the Council to recognize this management and take conforming action. As discussed in our second report, the GMT still needs to further investigate how these alternatives may work with National Oceanic and Atmospheric Administration General Counsel, Office of Law Enforcement, North Pacific Fishery Management Council, NMFS Alaska Region staff, and industry and would bring back more details in June.

Development of an Automatic Authority to Close the Groundfish Trawl Fisheries to Keep Recreational and Commercial Fixed Gear Fisheries Open

During discussions of salmon mitigation measures, concerns were voiced about the potential for the groundfish trawl fisheries to take a substantial amount of salmon that could potentially result in the closure of all groundfish fisheries, including the recreational and fixed gear fisheries. Therefore, the GMT discussed a process for preserving 500 Chinook salmon to ensure that the recreational and fixed fisheries remain open if there was a very high bycatch in the groundfish trawl fisheries.

When the ITS and hard-cap closures were first introduced, there was across-the-board concern that there would be a race to fish which could result in some sectors closing down other sectors. As a result, there was discussion about creating several options to prevent this from happening such as separate caps for each whiting sector, for the California trawl fisheries as a whole, for the tribal fisheries, and also the 500 for the recreational and fixed gear fisheries. In November, the GMT provided retrospective catch histories relative to the caps and concluded that there was a low risk of closures and that the multitude of sector-specific caps would not be necessary, especially if the Council adopted new salmon mitigation tools to limit bycatch inseason. After much discussion and reviewing the historical catch, most sectors agreed that sector-specific caps would not be necessary.

Despite this, the Salmon Advisory Subpanel (SAS), Groundfish Advisory Subpanel (GAP), and Council still wanted the GMT to further evaluate the 500 Chinook salmon preserve for select recreational and fixed gear fisheries with the intent of insuring that these fisheries remain open even if trawl bycatch is high. After extensive discussions with the SAS and the GAP, **does not include in the ROA the creation of three new automatic closure points for the trawl fisheries outlined in GMT Report 2 that would preserve 500 for the select recreational and fixed gear fisheries.**

As we also discussed in [Supplemental GMT Report 2](#), there are three main reasons why the GMT does not believe the automatic closure is necessary to ensure the intent of the proposal, which is to ensure the select recreational and fixed gear fisheries remain open:

- (1) Retrospective bycatch has been low compared to the closure points that would close the recreational and fixed gear fisheries, even in the high bycatch year of 2014
- (2) Since 2014, there has been a strong focus by the trawl industry to voluntarily minimize their bycatch. Specifically, the whiting sector uses salmon excluders, and whiting and mid-water non-whiting fisheries have implemented avoidance procedures
- (3) If these voluntary efforts are not successful in maintaining low Chinook salmon bycatch, the Council is considering adding new salmon mitigation tools at this meeting that could be used inseason to minimize trawl bycatch and ensure that the select recreational and fixed gear fisheries remain open. For example, the Council could use a 250+ fathom BAC to greatly reduce salmon bycatch by pushing trawlers into deep waters where bycatch rates are low.

Development of Reserve Rule Provision

T&C 3.c. requires the Council and NMFS take action before allowing a sector access into the Reserve amount (3,500 salmon). **In order to meet this T&C, the GMT recommends the Council adopt the following actions in their final ROA for further analysis:**

No Action: The Council does not recommend a process for accessing the reserve be developed in regulation.

Alternative 1: The Council will take inseason action to address salmon bycatch when informed that salmon bycatch has reached the following levels:

1. Whiting: If the whiting sector takes or is expected to take between 80-99 percent Chinook salmon sector specific threshold, the Council will take inseason action to minimize the risk of exceeding the sector specific threshold and allowing any sector to access the reserve amount.
2. Non-Whiting: If the non-whiting sector takes or is expected to take between 80-99 percent Chinook salmon sector specific threshold, the Council will take inseason action to minimize the risk of exceeding the sector specific threshold and allowing any sector to access the reserve amount.

The GMT notes that this does not preclude the Council from taking any actions prior to these levels of bycatch.

The GMT recommends that the Council:

- **consider the provided Purpose and Need statement;**
- **include in the ROA an action alternative to make BACs available as a routine inseason mitigation tool for salmon bycatch for all midwater trawl sectors;**
- **include SFFTs for bottom trawl gear in their final ROA for further analysis and consideration;**
- **does not include salmon excluders in the whiting sectors in the ROA;**
- **adopt the entire ROA presented in Supplemental GMT Report 2 for whiting co-op action;**
- **does not include in the ROA the creation of three new automatic closure points for the trawl fisheries outlined in GMT Report 2 that would preserve 500 for the select recreational and fixed gear fisheries, and**
- **include in the ROA the alternatives to develop regulations around Reserve access.**

PFMC
04/14/19