

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

The Groundfish Management Team (GMT) received an overview of this agenda item from Mr. Todd Phillips, Pacific Fishery Management Council (Council) staff, and Mr. Brian Hooper, National Marine Fisheries Service (NMFS) staff. The consultation on the continued implementation of the Pacific Coast Groundfish Fishery Management Plan (FMP) resulted in a number of requirements outlined in an incidental take statement (ITS). At this meeting, the Council must adopt their list of preliminary preferred alternatives (PPA) for these mitigation measures necessary to meet the requirements of the ITS. Rationale for our PPA recommendations are provided below.

Mitigation measures to address salmon bycatch inseason

The GMT recommends Alternative 1 for each of the following items, which would add these new salmon mitigation tools for potential inseason use:

- **Block area closures (BACs) for mid-water trawl gear,**
- **Extension of BACs for all groundfish trawl gears beyond 250 fathoms, to the exclusive economic zone (EEZ) for mid-water trawl and to the 700 fathom bottom trawl essential fish habitat conservation area (EFHCA) closure for bottom trawl, and**
- **Selective flatfish trawl use for the groundfish bottom trawl sector.**

All of these new salmon mitigation measures could be effective for reducing bycatch, keeping sectors within their guidelines (“thresholds”), and providing potential access to the Reserve. The Council decided in April to make these new salmon tools available for inseason use only and not via automatic authority triggers. The Council also decided not to incorporate salmon excluders in management guidelines, because most whiting vessels already use them and regulating them could hinder innovation.

Extension of Block Area Closures

The GMT agrees with the Council’s April 2019 indication that a BAC extending beyond 250 fathoms could provide the tools needed to respond to lightning strikes in deep water. By allowing for the extension of BACs beyond 250 fathoms, the Council will have the maximum flexibility needed to design the appropriate size, shape, and scope of the BACs to mitigate salmon bycatch while minimizing fishery disruptions. The GMT believes the main function of BACs that extend beyond 250 fathoms, where bycatch rates are lowest, would be to completely close trawl fisheries in a discrete latitudinal range if salmon bycatch was very high.

BACs could extend, at maximum to the EEZ for mid-water trawl fisheries and the 700 fathom bottom trawl EFHCA closure for the bottom trawl fishery. Although 700 fathoms is not listed in the Regulatory Impact Review / Initial Regulatory Flexibility Analysis (RIR/IRFA; [Agenda Item H.4., Attachment 1](#)), additional analysis is not needed to support adding the 700 fathom line as a potential option, because its function and impacts would be no greater than the previously analyzed option of extending BACs to the EEZ (i.e., the deepest closure possible). If any BACs are implemented through inseason action, the Council, at a minimum, will need to specify the geographic scope (e.g., closing blocks between X-Y fathoms or closing shallower than X fathoms) and the time period of the BAC.

Pacific whiting cooperative agreements

The GMT recommends Alternative 2, which would involve the whiting cooperative (co-op) developing and submitting pre-season salmon mitigation plans (SMP) to NMFS and the Council. These plans would describe the tools and strategies employed by the co-op to reduce salmon bycatch and would be subject to approval by NMFS. SMPs would allow the whiting sectors (i.e., catcher-processor, mothership, and shoreside) to use their own mitigation measures, rather than the Council needing to take action, to minimize salmon bycatch. An approved co-op's SMP would be considered a mitigation measure and would, therefore, allow the entire whiting sector (catcher-processors, motherships, and shoreside, which are considered a single group under the Biological Opinion) access to the Reserve (see "Development of Reserve rule provision" section). NMFS and the Council would retain the ability to implement mitigation measures for a sector or sectors, even if a co-op's SMP had been approved.

The GMT continues to support Alternative 2 for this item for the same reasons we described in April 2019: "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" ([Agenda Item G.3.a, Supplemental GMT Report 3, April 2019](#)). Alternative 2 is preferable to Alternative 1 for the reasons listed in the RIR/IRFA ([Agenda Item H.4, Attachment 1, September 2019](#)). Specifically, Alternative 2 would result in "Little to no additional administrative costs to industry or government, and less impact to industry as they would be able to access the Reserve without more blunt mitigation measures being implemented (e.g., broad BACs)." The GMT recognizes that these actions would have other costs for industry, such as leaving potentially bountiful fishing areas to avoid salmon bycatch, but believes these impacts would have a lesser negative impact than the measures available under No Action or Alternative 1. The GMT further notes that BACs could be applied to specific sectors or multiple sectors; for example, if voluntary actions were unsuccessful, closures would apply to all vessels in those sectors regardless of their co-op membership.

If the Council selects either Alternative 1 or 2, **the GMT recommends that annual season summary reports describing high-salmon catch incident information and avoidance measures taken be provided to NMFS and the Council. These reports could be combined with the annual co-op reports already provided by the catcher-processor and mothership sectors.**

Development of Reserve rule provision

The GMT recommends Alternative 1, which would provide Reserve access if the Council or NMFS has taken action to minimize bycatch before reaching its Chinook salmon guideline. Action for the whiting sectors would again include any of the inseason tools available for salmon mitigation and, if Alternative 1 or 2 is adopted for Pacific whiting cooperative agreements as described above, an approved co-op SMP. Defining these actions to provide Reserve access would provide compliance with the ITS requirements and reduce negative economic impacts to industry.

Automatic authority to close the trawl sectors and preserve 500 Chinook salmon for fixed gear and recreational fisheries

In April 2019, the GMT provided rationale that the fixed gear and recreational fisheries would remain open without having to preserve 500 Chinook salmon (see Appendix). The Council then

considered removing this option for the ROA in June 2019, but ultimately included it to allow for potential re-consideration in the future, regardless of the final preferred alternative (FPA). For similar reasons as those stated in April 2019, the GMT does not have a recommendation for the PPA, as this is a policy call, which should be decided by the Council.

Recommendations:

The GMT recommends that the Council select the following for PPA:

- **Alternative 1 for each of the new inseason salmon mitigation tools:**
 - **BACs for mid-water trawl gear,**
 - **Extension of BACs for all trawl gear beyond 250 fathoms, and**
 - **Selective flatfish trawl for bottom trawl sector**
- **Alternative 2 for whiting cooperatives, which would provide Reserve access if they submit SMPs to Council and NMFS (for approval by NMFS)**
- **that annual season summary reports describing high-salmon catch incident information and avoidance measures taken be provided to NMFS and the Council. These reports could be combined with the annual co-op reports already provided by the catcher-processor and mothership sectors**
- **Alternative 1 for Reserve access, which would provide access to the Reserve if the Council/NMFS has taken action to minimize bycatch before reaching Chinook salmon guidelines**

APPENDIX 1: RATIONALE FOR NOT NEEDING TO PRESERVE 500 CHINOOK SALMON FOR FIXED GEAR AND RECREATIONAL

(from [Agenda Item G.3.a, Supplemental GMT Report 3, April 2019](#))

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.