Estimated Bycatch of Marine Mammals, Seabirds, and Sea Turtles in the 2002-2008 U.S. West Coast Commercial Groundfish Fishery

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INTRODUCTION

The marine ecosystem on the United States (US) west coast supports a diversity of marine mammals, seabirds, and sea turtles. For conservation and management purposes, it is important that various sources of mortality for these organisms be identified and their severity be evaluated. The distributions of marine mammals, seabirds, and sea turtles overlap with commercial fisheries operating within the US Exclusive Economic Zone (EEZ). One source of mortality that must therefore be considered is bycatch in commercial fisheries, commonly referred to as incidental takes. This report summarizes interactions between the US west coast groundfish fishery and marine mammals, seabirds, and sea turtles, and presents estimates of fleet-wide bycatch for these species based on data from federal observer programs and from the fishery as a whole from 2002 through 2008.

Currently, there are three key environmental laws in the US that federally regulate actions concerning marine mammals, seabirds, and sea turtles: the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), and the Migratory Bird Treaty Act (MBTA). The MMPA is explicitly for the protection of marine mammal taxon and the MBTA addresses seabird bycatch specifically. The ESA is relevant to those species identified as threatened or endangered on a species by species basis and offers additional measures for protection of ESAlisted marine mammals and seabirds beyond the MMPA and MBTA. All sea turtles found in US waters are listed as threatened or endangered, and the ESA requires that bycatch of these species be minimized. Sea turtle bycatch is also addressed in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which governs federal commercial fisheries. Further details of the federal acts relating to marine mammal, seabird, and sea turtle bycatch are described below.

Marine Mammal Protection Act

The MMPA was passed in 1972 and amended in 1994. The Act states that marine mammal species and population stocks should not be permitted to diminish below their optimum sustainable population level and that measures must be taken to replenish depleted species or population stocks. Measures include reduction in the taking of marine mammals in US waters, by US citizens on the high seas, and through the importation of marine mammals and marine mammal products in the US. The MMPA contains specific provisions for reducing marine mammal bycatch in US commercial fisheries.

Effects of US commercial fisheries on marine mammal populations are determined annually and reported in the List of Fisheries (LOF), which is published by the National Marine Fisheries Service (NMFS) as required by section 118 of the MMPA (16 USC 1387 (c) (1)). Each fishery is placed into one of three categories based on the level of marine mammal serious injury and mortality in the fishery, with Category 1 as the highest and Category III the lowest level. The categorization process often relies on Marine Mammal Stock Assessment Reports (SAR) to provide the allowable biological removal of the stock that ensures a sustainable population is maintained. The categorization level of a fishery determines if compliance is required with particular provisions of the MMPA, including registration, observer coverage, and take reduction plans. Category I and Category II commercial fisheries are required to comply with MMPA provisions, while Category III commercial fisheries are not.

The US west coast groundfish fisheries included in this report are all classified as Category III commercial fisheries in the context of the MMPA, with the exception of the sablefish pot sector, which is designated as Category II (74 FR 58859). All US west coast groundfish fisheries are included in the LOF, however, fisheries are grouped differently for management purposes and for the purposes of observer coverage.

Endangered Species Act

The ESA was passed in 1973 to protect and recover imperiled species and the ecosystems upon which they depend. Once a species is listed under the ESA, protective measures are authorized, which may include restrictions on taking, transporting, or selling specimens. NOAA fisheries has jurisdiction over approximately 60 marine and anadromous species that are listed as either threatened or endangered under the ESA (www.nmfs.noaa.gov/pr/species/esa/). These include 9 marine mammal species and 4 sea turtle species known to occur along on the west coast. The US Fish and Wildlife Service (USFWS) manages the protection of seabird species listed under the ESA (www.fws.gov/endangered/). Table 1 presents a list of all marine mammal, sea turtle, and seabird species observed in the US west coast groundfish fishery, along with their ESA status as of December 2009.

Migratory Bird Treaty Act

The MBTA, passed in 1918, is the domestic law that affirms, or implements, the US's commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. The MBTA decreed that all migratory birds and their parts (including eggs, nests, and feathers) are fully protected. Violation of the Act carries criminal penalties and to date, the Act has been applied to the area in US coastal waters extending 3 miles from shore.

West Coast Groundfish Fishery

Although there are many commercial fisheries that operate along the west coast of the US, this report focuses exclusively on marine mammal, seabird, and sea turtle bycatch in the west coast groundfish fishery. The west coast groundfish fishery is a multi-species fishery that utilizes a variety of gear types. The fishery harvests species under the Pacific Coast Groundfish Fishery Management Plan (PFMC 2008) managed by the Pacific Fishery Management Council (PFMC). Over 80 species are designated as groundfish in the FMP, including a variety of rockfish, flatfish, roundfish, skates, and sharks (see Appendix A). These species are found in both federal and state waters. Groundfish are targeted and caught incidentally by trawl nets, hook-and-line gears, and fish pots.

Sectors within the groundfish fishery may be defined based on gear type, target species, permits, or other regulatory factors. Under the FMP, the groundfish fishery is defined as consisting of four management components:

• Limited Entry (LE) – The LE component includes all commercial fishers who hold a federal limited entry permit. The total number of limited entry permits available is

capped and permitted vessels are allotted a larger portion of the total allowable catch for commercially desirable species than non-permitted vessels.

- Open Access (OA) The OA component includes commercial fishers who are not federally permitted. However, state agencies (California Department of Fish and Game and Oregon Department of Fish and Wildlife) have instituted permit programs for certain OA sectors.
- Recreational This component includes recreational anglers who target or catch groundfish species.
- Tribal This component includes native tribal commercial fishers in Washington state that have treaty rights to fish groundfish.

These four components can then be further subdivided into sectors based on gear type, target species, and various regulatory factors. Commercial LE and OA sectors have traditionally caught the largest quantities of groundfish and are observed by federal at-sea observer programs.

Groundfish Observer Programs

There are two federal observer programs that collect information aboard groundfish vessels on the US west coast. These are separate programs because they deal with distinctly different components of the groundfish fishery: the federally permitted sector targeting Pacific hake using mid-water trawl gear which processes catch at-sea, and federal and state permitted sectors targeting non-hake species that deliver shoreside.

Observers were first deployed in the at-sea hake sector in the late 1970s under the management of the North Pacific Groundfish Observer Program at NOAA's Alaska Fishery Science Center. The At-Sea Hake Observer Program (A-SHOP), now at NOAA's Northwest Fisheries Science Center, places fishery observers on all vessels that process Pacific hake at-sea. The at-sea hake sector consists of eight to fourteen catcher-processor vessels and motherships that begin fishing in mid-May of each year and continue until the hake quota is reached or until bycatch caps are met. All at-sea hake vessels (catcher-processors and motherships) over 125 feet are required to carry two observers, while vessels under 125 feet carry only one. At-sea hake observers monitor and record catch data in accordance with protocols detailed in the A-SHOP manual (NWFSC 2008a).

Non-hake groundfish sectors are observed by the West Coast Groundfish Observer Program (WCGOP), which was established in May 2001 by NOAA Fisheries (NMFS) in accordance with the Pacific Fishery Management Plan (50 CFR Part 660) (50 FR 20609). This regulation requires that all vessels that catch groundfish in the US EEZ from 3-200 miles offshore to carry an observer when notified to do so by NMFS or its designated agent. Subsequent state rulemaking has extended NMFS's ability to require that California and Oregon vessels, which only fish in the 0-3 mile state territorial zone, also carry observers. WCGOP observers are stationed along the US west coast from Bellingham, Washington to San Diego, California.

The WCGOP's goal is to improve estimates of total catch and discard by observing shoreside groundfish sectors along the US west coast. Originally, the WCGOP focused observer effort in the LE bottom trawl and LE fixed gear sectors. In 2002, the WCGOP began deploying observers in open access sectors while increasing its coverage of the LE bottom trawl sector. In 2005, the WCGOP increased its coverage of the LE fixed gear sector, and in 2006, the WCGOP improved coverage of the nearshore sector. Currently, the WCGOP coverage goal is to maintain, at a minimum, 20% coverage in the LE bottom trawl and LE fixed gear fisheries by landings, while continuing to improve coverage in the open access sectors of the groundfish fishery. An observer coverage plan from the WCGOP is available at: www.nwfsc.noaa.gov/ research/divisions/fram/ observer/observersamplingplan.pdf.

The A-SHOP and WCGOP programs provide coverage for the following fishery sectors:

- At-sea Pacific hake catcher-processor
- At-sea Pacific hake mothership
- At-sea Pacific hake tribal
- Commercial LE non-midwater trawl
- Commercial LE non-midwater trawl targeting California halibut
- Commercial OA non-midwater trawl targeting California halibut
- Commercial fixed gear state-permitted nearshore (Oregon/California)
- Commercial fixed gear LE sablefish primary (endorsed)
- Commercial fixed gear LE non-primary sablefish (non-endorsed and daily trip limit sectors)
- Commercial fixed gear OA daily trip limit
- Commercial state-permitted shrimp trawl

More information on each of these sectors is available in annual reports produced by the A-SHOP and WCGOP (www.nwfsc.noaa.gov/research/divisions/fram/observer/). Furthermore, for a list of groundfish sectors that are not covered by either program, see the description of observer coverage provided by Bellman et al. (2009) in the annual report on estimated total mortality of groundfish species.

The data collected by A-SHOP and WCGOP on marine mammals, seabirds and sea turtles is described in further detail in the Methods section below. Although interactions between the groundfish fleet and protected resource species appear to be infrequent, the data collected by observers represent the primary source of information available on fishery-induced marine mammal, seabird, and sea turtle mortality. Bycatch estimates derived from at-sea observations provide insight into the level of human-induced mortality that may be influencing marine mammal, seabird, and sea turtle populations. As such, they are important for both management and stock assessment purposes.

The purpose of this report is to provide estimates of bycatch for marine mammals, seabirds, and sea turtles in the US west coast groundfish fishery from 2002 through 2008. In addition, it presents a summary of observed incidental takes by year and fishery, and attempts to demonstrate some of the temporal and spatial characteristics of the data. A previous report on the bycatch of marine mammals and seabirds in the groundfish fishery was published, which utilized A-SHOP data from 2002-2006 and WCGOP data from 2002-2005 (NWFSC 2008c).

METHODS

We used a deterministic approach to estimate bycatch of marine mammals, seabirds, and sea turtles in all west coast groundfish fisheries for which observer data are available. Using this approach, the total number of observed takes for each species was stratified temporally and spatially, and then summarized in relation to observed catch. For fishery sectors in which there was less than 100% observer coverage or in which not all observed hauls were monitored for protected resources, observed takes were then expanded to the fleet-wide level based on total fleet catch or landings. Bycatch estimates were only provided when the coinciding coefficient of variation (CV) was less than 80%. These techniques and the information used in their development and implementation are described in further detail below.

Designation of 'take' versus 'non-take' interactions

At-sea hake observer data from 2002-2008 recorded all seabird and marine mammal specimens as mortalities. However, WCGOP observers recorded a variety of fishery interactions with marine mammals, seabirds, and turtles. A standard system for recording interactions is used by both observer programs and includes the following interaction categories; a) killed by gear, b) killed by propeller, c) previously dead, d) lethal removal (trailing gear), e) lethal removal (not trailing gear), f) entangled in gear (trailing gear), g) entangled in gear (not trailing gear), h) feeding on catch, i) deterrence used, j) boarded vessel, k) other, l) unknown.

Based on observer notes, some of these interactions quite obviously resulted in the mortality of the animal and were thus designated as 'takes' prior to further analysis. In other cases, however, the outcome of the interaction was not as clear. In order to designate each of these interactions as a 'take' or 'non-take', we relied upon the legal definitions for a 'take' whenever possible. In some cases, further technical guidance was available to inform this designation. Although the protocol for designating a 'take' differed for different species, the most conservative possible scenario was assumed in all cases.

Under the Marine Mammal Protection Act, a 'take' is defined as any act that harasses, hunts, captures, or kills, or attempts to harass, hunt, capture, or kill a marine mammal. While commercial fisheries are granted an exemption on the prohibition of 'takes' under the MMPA, the Act tasks NMFS with managing serious injuries and mortalities of marine mammals from bycatch in commercial fishing operations. We therefore defined 'takes' of marine mammals to include all interactions that resulted in a mortality or serious injury. Explicit detail of what constitutes a serious injury is not provided in the MMPA, but further guidance was developed by Andersen et al. (2008) during a 2007 workshop. Table 2 presents their recommendations for the designation of serious injuries for large cetaceans, small cetaceans, and pinnipeds under 33 different scenarios. These guidelines were applied directly to WCGOP data to resolve cases in which the animal was injured, but it was unclear whether the animal suffered a mortality as a result of its injury.

When the recommendations from Andersen et al. (2008) were applied, results included serious injury designations for 6 California sea lions, 2 harbor seals, 1 sperm whale and 1 stellar sea lion. While events recorded by the observer were related to recommendations in Table 2 to the greatest extent possible, uncertainty remains for some of these designations. In particular, the

sperm whale recorded by the observer was struck by a limited entry fixed gear vessel moving at idle speed. The observer reported that the whale did not appear injured, nor did it exhibit unusual behavior. Andersen et al. (2008) recommend that a collision with a vessel should be considered a serious injury if the vessel is above a certain size and traveling above a certain speed. However, workshop participants did not specify values for these two thresholds, noting that they should be determined based on further veterinary and technical input (Andersen et al. 2008). This interaction was therefore designated to be a take, but it remains uncertain whether it in fact resulted in a serious injury.

For seabirds, take designations differed for species listed under the ESA as threatened or endangered and for species that are not ESA listed. Section 3 of the ESA specifies the term 'take' to mean 'harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct' (16 USC 1532). Any interaction encompassing the ESA definition with an ESA-listed seabird species (Table 1) was identified as a take. For seabirds that are not listed under the ESA, takes were designated for all interactions that were documented as a mortality or were anticipated to have resulted in a mortality. This process was admittedly subjective, but it was informed by specific details in the observer's notes, which are recorded at the time of the interaction. Observers typically detail the nature of the injury and changes in the animal's behavior following its release. Birds documented to have exhibited bleeding, broken bones, or lost feathers were identified as takes. Also, birds that did not fly away or return to normal behavior within a few minutes of the interaction were considered to be takes.

For all species, any specimen that was noted by the observer to have been killed by fishing gear or killed by means of a 'lethal removal' was designated as a take. Lethal removals included any scenario in which the animal was killed by vessel personnel. Only one sea turtle-fishery interaction has been documented by west coast observers from 2002 through 2008. In this case, the turtle was killed by fishing gear and a more involved take designation was not required. Specific criteria for designating sea turtle takes will be defined in the future if additional sea turtles are encountered by observed west coast groundfish vessels.

Designation of strata

Stratification was determined for each species based on a qualitative evaluation of life history traits, population structure, and spatial and temporal differences in abundance. In the sections below, life history characteristics and the selected analyses stratification is provided for each species with observed 'takes'. The introduction of strata is intended to reduce uncertainty in bycatch estimates, but changes in variability associated with different stratification schemes have not been formally tested, primarily due to insufficient sample size to produce informative results.

Marine mammals

Cetaceans

Harbor porpoise (*Phocoena phocoena*) – Harbor porpoises inhabit temperate waters from Cape Flattery, WA to Point Conception, CA (Barlow 1988). Carretta et al. (2001) found that abundance of harbor porpoises declined considerably in depths greater than 60 meters, however, variation in their use of deeper habitats may vary from year to year (Forney 1999).

Concentrations of toxins such as polychlorinated biphenyls (PCBs),

dicholordiphenyldichloroethylene (DDE, and hexachlorobenzene (HCB) in blubber samples of harbor porpoises have been shown to differ regionally on the west coast, suggesting their movements are restricted (Calambokidis and Barlow 1991). Initially, stock assessments were conducted for four separate stocks: a Central California stock, Northern California – Southern Oregon stock, Washington - Oregon stock, and Washington Inland Waters stock (Carretta et al. 2009). However, subsequent findings from genetic studies and aerial surveys supported the revision of stock boundaries. Stock assessments are currently conducted for six different stocks on the west coast, including a Morro Bay stock, Monterey Bay Stock, San Francisco – Russian River stock, Northern California - Southern Oregon stock, Oregon - Washington stock, and Washington Inland waters stock (Carretta et al. 2009).

Unfortunately, the quantity of observer data in this analysis does not support such a fine level of stratification. Instead, we employed three latitudinal strata to estimate the bycatch of harbor porpoises in the west coast groundfish fishery: (1) North of Cape Blanco, OR; (2) Between Cape Blanco, OR & Point Arena, CA; and (3) South of Point Arena, CA. Cape Blanco, OR is the latitudinal break used to separate the Oregon - Washington stock from the Northern California - Southern Oregon stock in stock assessments for this species. Point Arena California is used to separate the Northern California -Southern Oregon stock from more finely distributed harbor porpoise stocks in Central California (Carretta et al. 2009). Although the distribution of harbor porpoises does appear to vary by depth (Green et al. 1992), there is no comprehensive information available regarding the depth distribution of the west coast groundfish fishery as a whole. Depth therefore could not be used as a means for stratification, as this variable was not available for data sources used in the expansion of observed bycatch to the fleet-wide level.

Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) – Pacific white-sided dolphins are found throughout the North Pacific Ocean and inhabit the continental shelf and slope areas on the US west coast. Geographic distributions for this species are not well understood, and the population along the entire coast is managed as a single unit (Carretta et al. 2009). Pacific whitesided dolphins are thought to move seasonally in a north-south direction along the US west coast. Forney and Barlow (1998) found that this species was rare off of southern California in the summer, but was present in the winter. Aerial surveys conducted by Green et al. (1992) off the coast of Oregon and Washington indicate that Pacific white-sided dolphins are most abundant in these areas in late spring and early summer. Although these findings suggest seasonal movement, the exact timing of this movement is not clear and may vary from year to year depending on variable water temperatures along the coast or other factors (Forney and Barlow 1998).

We employed latitudinal stratification to attempt to capture seasonal movements of Pacific white-sided dolphins. Two latitudinal strata were used: (1) North of 40° 10' N latitude and (2) South of 40˚ 10' N latitude. This line is consistent with distinct characteristics in the target species, regulatory characteristics, and fishing behavior observed in the groundfish fishery. It is also intended to correspond with the study areas of surveys conducted by Green et al. (1992) and Forney and Barlow (1998).

Risso's dolphin (*Grampus griseus*) – Risso's dolphins inhabit tropical and warmer temperate waters around the world. They generally favor deeper habitats over the continental shelf but may move inshore in response to seasonal changes in water temperature (Leatherwood et al. 1980). On the US west coast, this species is most abundant off of Southern California (Forney and Barlow 1998). Although Forney and Barlow (1998) found no significant differences in the latitudinal distribution of Risso's dolphins by season, observation of this species off of Oregon and Washington in the late spring and summer suggest that they may move northward in response to warming water temperatures (Green et al. 1992).

We used three latitudinal strata to estimate bycatch of Risso's dolphins in the west coast groundfish fishery: (1) North of 40˚ 10' N latitude; (2) 40˚ 10' N latitude to Point Conception, CA; and (3) South of Point Conception, CA. These were designated to be as consistent as possible with aerial and shipboard survey findings for this species. Data presented by Forney and Barlow (1998) indicated that Risso's dolphin abundance and density was highest in the Southern California Bight, the area south of Point Conception. This additional latitudinal line is intended to address potential seasonal shifts in their distribution, while also coinciding well with logistical and regulatory characteristics in the groundfish fishery, as mentioned previously.

Sperm whale (*Physeter macrocephalus*) – Sperm whales were the only large whale observed to have interacted with commercial groundfish vessels on the west coast. These animals are widely distributed in tropical and temperate waters of the Pacific Ocean. Sperm whales hunt in deepwater habitats and were encountered by observed vessels in deeper areas 50 km or more offshore. While their distribution may fluctuate in relation to prey abundance (Jaquet et al. 2002, Jaquet et al. 2003), there do seem to be some consistent patterns with respect to their seasonal abundance along the US west coast. In California, sperm whales are found year round, but are most abundant in spring and fall. They appear to inhabit waters off of Oregon and Washington only in non-winter months, from April through November (Carretta et al. 2009).

In order to incorporate these patterns into bycatch estimates for sperm whales, the data were stratified seasonally and spatially. Two seasonal strata were used: winter (Dec – Mar) and nonwinter (Apr – Nov). In addition, data were stratified into two areas: (1) North of 40° 10' N and (2) South of 40˚ 10' N latitude. This latitudinal line was selected because it is consistent with differences in fishing activity and behavior noted previously and because 40˚ N latitude was indicated by Carretta et al. (2009) as the latitudinal line below which sperm whale abundance was thought to be much greater.

Pinnipeds

California sea lion (*Zalophus californianus*) – Stock assessments for California sea lions identify the population as consisting of three distinct stocks that breed at different locations in southern California and Mexico. The US stock, which breeds on islands in southern California and is distributed as far north as Canada, is genetically distinct from breeding populations in western Baja California and in the Gulf of California, Mexico (Carretta et al. 2009). Breeding takes place between May and August (Odell 1975, Garcia-Aguilar and Aurioles-Gamboa 2003). Following the breeding season, males and juveniles migrate north (Aurioles et al. 1983) while females remain in the area (Lowry et al. 1990).

We employed seasonal stratification to estimate the bycatch of California sea lions, with the breeding season defined as May through August, and the non-breeding season defined as September through April. In addition, latitudinal strata north and south of 40˚ 10' N latitude were also employed in the LE bottom trawl sector because this line represented a clear break in the observed bycatch of California sea lions in this sector. In addition, fishing in the LE bottom trawl sector is generally considered to differ north and south of 40˚ 10' N latitude with respect to target species, trip duration, and other factors.

Harbor seal (*Phoca vitulina*) – Harbor seals are commonly found in estuarine and nearshore habitats along the west coast of North America (Brown and Mate 1983). Although they exhibit some localized movement, radio and satellite tagging studies have demonstrated strong site fidelity at particular haul-out locations (Pitcher and McAllister 1981, Brown and Mate 1983, Lowry et al. 2001). There is considerable evidence indicating geographic structuring among harbor seal populations on the west coast (LaMont et al. 1996). However, it is difficult to identify the exact strata that should be used to separate subpopulations most appropriately. Three separate stocks have been designated for the purposes of stock assessment: a California stock, an outer Oregon - Washington coast stock, and an inland Washington stock (Carretta et al. 2009).

The stratification scheme we employed for estimating bycatch for this species was consistent with that designated for stock assessment, with a latitudinal break applied to the data at the Oregon - California border (42˚ N latitude). Since harbor seals are found in nearshore waters, and commercial nearshore fishing in Washington is prohibited, estimates produced for the area north of the Oregon/California border represent bycatch associated with Oregon nearshore fishing only. Carretta et al. (2009) note that the stock designations they employed were to some extent selected because of "political/jurisdictional convenience." However, we observe clear differences in fishing behavior, target species, catch amounts, gear type, and seasonality between commercial nearshore vessels in Oregon and California, and employ a similar stratification scheme to estimate bycatch for a variety of species in the commercial nearshore sector.

Northern elephant seal (*Mirounga angustirostris*) – Northern elephant seals breed on peninsulas and islands from Baja California to Oregon, but can be found in coastal waters as far north as Alaska (Le Boeuf et al. 2000). The current population of Northern elephant seals is derived from a small group of individuals that survived a significant decline in population abundance due to hunting, and genetic distinctions within the population are not evident (Hoelzel et al. 1993). Breeding takes place during the winter months from December through March (Stewart and Huber 1993). During non-breeding months, Northern elephant seals undergo two annual migrations (Stewart and DeLong 1995). The first of these occurs in early spring, as Northern elephant seals travel north from breeding sites to forage. Considerable dimorphism in the migration route and foraging site of males and females has been observed, with males traveling longer distances to feeding grounds as far as the western Aleutian Islands (Le Boeuf et al. 2000). Males return to shore in the southern part of their range after approximately four months to molt. They then undertake a second migration in late summer to early fall to again reach northern foraging grounds, before returning to rookeries for the start of the next breeding season (Stewart and DeLong 1995, Le Boeuf et al. 2000). Although the migratory route of Northern elephant

seals has been tracked using a number of techniques (Brillinger and Stewart 1998, Le Boeuf et al. 2000), it is unclear whether there are specific periods during migratory periods when encounters with fishing gear are more probable.

Only two temporal strata were applied to observer data: (1) the breeding period (December through May); and (2) the non-breeding period (April through November). Migratory routes of individual Northern elephant seals appear to vary considerably (Le Boeuf et al. 2000), complicating the designation of appropriate latitudinal strata for this species.

Steller sea lion (*Eumetopias jubatus*) – This species is primarily found in the North Pacific region and is most abundant in Alaska and the Aleutian Islands. Steller sea lions congregate year-round at haul-out sites on land, and although individuals exhibit large-scale dispersal throughout their range, they are not known to migrate (Raum-Suryan et al. 2002, Carretta et al. 2009). Genetic evidence and other factors suggest that the Steller sea lion population in the North Pacific consists of two stocks: a western stock and an eastern stock (Loughlin 1997). The geographic boundary dividing these two stocks was identified by Loughlin (1997) as Cape Suckling, Alaska (144˚ W longtitude). Raum-Suryan et al. (2002) documented a maximum individual dispersal distance for this species of 1,785 km and bycatch estimates for Steller sea lions on the west coast may thus relate primarily to the eastern stock. Individuals disperse to a lesser extent during the breeding season, which takes place from May through July (Pitcher and Calkins 1981).

We used two seasonal strata to estimate the bycatch of Steller sea lions in the west coast groundfish fishery: (1) the breeding season (May through July) and (2) the non-breeding season (August through April). Given their wide-ranging dispersal behavior, latitudinal stratification was not deemed appropriate for this species.

Seabirds

The US west coast supports of a diversity of seabird species, which exhibit a wide range of life history characteristics. Seabirds for which takes were documented in the west coast groundfish fishery include species that breed locally (termed 'breeding species' below), as well as those that pass through the California Current system during migration or foraging periods (termed 'visiting species' below).

While these species differ in many ways, they share the characteristics of being highly mobile and having high metabolic rates that require an abundant food source (Ainley et al. 2005). Because of these shared characteristics, patterns of abundance for multiple seabird species are influenced by the same physical and biological factors, such as oceanic productivity and prey abundance (Tyler et al. 1993, Ainley et al. 2005). Specifically, the seasonal and latitudinal

distribution of seabirds is in many ways defined by the intensity of coastal upwelling, which delivers nutrient rich water and supports higher prey biomass in surface waters accessible to seabirds (Tyler et al. 1983). On the US west coast, upwelling is most intense south of Cape Blanco, OR (Bakun et al. 1974, Barth et al. 2000), and this area supports a large percentage of the nesting sites of locally breeding seabirds on the US west coast (Tyler et al. 1993). Tyler et al. (1993) note that the location of stable nesting sites reflects oceanographic conditions that support long-term food availability. Visiting species to the California Current system are also most abundant in areas of strong upwelling intensity and high productivity (Briggs and Chu 1986, Hyrenbach et al. 2002).

In addition to varying by latitude, both coastal upwelling and the distribution of seabirds also vary by season. Three distinct oceanic seasons have traditionally been defined for the US west coast: the Upwelling, Oceanic, and Davidson Current seasons (Ford et al. 2004). The Upwelling season coincides with late spring and summer, when northerly winds transport surface waters southward and away from the coast. The distribution of breeding species in summer largely reflects the location of nesting colonies, which are most prevalent adjacent to the central and northern portion of the California Current system (Tyler et al. 1993, Ford et al. 2004). However, during this time, breeders are outnumbered by visiting species, which are attracted by greater oceanic productivity and prey abundance associated with upwelling. Commonly observed visiting species in summer include the sooty shearwater (*Puffinus griseus*), Northern fulmar (*Fulmarus glacialis*), and black-footed albatross (*Phoebastria nigripes*) (Tyler et al. 1993). In the fall (Oceanic season), northerly winds and upwelling intensity decrease, and sea surface temperature reaches its annual maximum. Several species that nest further south in Mexico and southern California move northward, including the brown pelican (*Pelecanus occidentalis*) and storm-petrels. As winter approaches, these species again return south and breeders from boreal nesting colonies become more abundant, particularly off of California (Tyler et al. 1993). The winter months along the west coast are characterized by warmer water delivered by the Davidson current and reduced levels of primary production (Davidson Current season). Seabird abundance during this time is generally low (Tyler et al. 1993).

We maintained a consistent stratification scheme for all seabird species that was based on findings from aerial and boat surveys synthesized by Tyler et al. (1993). Latitudinal strata were defined in accordance with the gradient in upwelling intensity north and south of Cape Blanco, OR (Bakun et al. 1974, Barth et al. 2000). Three seasonal strata were also defined to coincide with the seasonal trends in upwelling and seabird abudance: (1) winter (January through April); (2) summer (May through August); and (3) fall (September through December).

Sea turtles

Leatherback turtle (*Dermochelys coriacea*) – Leatherback turtles have an extensive geographic distribution, inhabiting tropical and temperate waters in all major oceans. Recent studies in the Atlantic Ocean have demonstrated that leatherbacks are highly migratory, with individuals traveling up to 1,000 km or greater in a single migration (Hays et al. 2004). Off the west coast of North America, leatherback sea turtles have been sited as far north as Alaska (Forney et al. 2007) but are more common off of central California (Benson et al. 2007a). Genetic evidence presented by Dutton et al. (2000) indicates that specimens found on the west coast are actually part of a distinct population originating in the western Pacific. These animals nest on beaches in

Indonesia, Papua New Guinea, and the Solomon Islands during the austral summer, and then migrate across the Pacific to forage in coastal waters off of North America (Benson et al. 2007b). Sightings data from Monterey Bay, California indicate that leatherback turtles are most abundant in late summer and early fall (Starbird et al. 1995). This finding was confirmed by aerial surveys along five transects on the California coast from 1990 to 2003 (Benson et al. 2007a). Benson et al. (2007a) showed a link between leatherback turtle density off of California and the average annual Northern Oscillation Index. Their findings suggest that leatherbacks are more abundant during periods of intense coastal upwelling, which may create favorable foraging conditions (Benson et al. 2007a).

The methodology employed in this analysis did not allow for the incorporation of environmental indicators such as the Northern Oscillation Index. In order to attempt to capture the spatial and temporal variability noted in aerial surveys and sightings data, we employed both seasonal and spatial stratification. Two seasonal strata were specified to reflect periods of presence and absence of leatherback turtles on the US west coast. Summer-fall was defined as June through November, and represented the period during which leatherbacks were present and potentially vulnerable as bycatch in the west coast groundfish fishery. Winter-spring was defined as December through May, coinciding with the migration of leatherbacks returning to the western Pacific. Spatial strata were developed using two latitudinal breaks at Cape Blanco, Oregon (42˚ 50' N latitude) and Point Conception, California (34˚ 27' N latitude). These latitudinal strata were selected because of their relevance to coastal upwelling intensity. Upwelling associated with the California Current system is most intense north of Point Conception, CA (Bakun et al. 1974), but decreases considerably north of Cape Blanco, OR due to inconsistent wind patterns and changes in localized surface currents (Barth et al. 2000).

While these strata were designed with the intention of representing variability in leatherback densities on the west coast most appropriately, the extent to which they achieve this goal is uncertain. A more comprehensive evaluation of the stratification appropriate for this species is inhibited by the paucity of data on leatherback turtles. One leatherback turtle has been recorded by west coast observers from 2002-2008, and this data point alone would not be sufficient to support such an analysis. Given uncertainties in the effectiveness of stratification in isolating variability in leatherback bycatch, we re-computed base estimates of bycatch for this species in three different ways: (1) using seasonal strata only; (2) using latitudinal strata only; and (3) using both seasonal and latitudinal strata (Table 3). None of these approaches resulted in estimates with a CV less than 80%.

Ratio estimator and bycatch estimates

Once the data had been stratified for each species as described above, a ratio estimator was used (Cochran 1977) to expand observed bycatch amounts to the fleet-wide level. This method has been widely used in discard estimation (Stratoudakis et al. 1999, Borges et al. 2005, Walmsley et al. 2007). It relies heavily on the assumption that bycatch is proportional to some metric or proxy of fishing effort, such as fishery landings (Rochet and Trenkel 2005). Rochet and Trenkel (2005) note that this assumption is often not supported by the data, and that in some cases, bycatch may vary nonlinearly or even be unrelated to the ratio estimator denominator. The species of concern in this report are encountered so rarely by the groundfish fishery that it is difficult to assess whether the number of bycatch events is indeed linked to levels of fishing

effort. The assumption that bycatch is proportional to fishing effort has not therefore been tested and may bias results if invalid. Certainly, for extremely rare species, particularly those that have been recorded only once during all the years of observer data collection, bycatch estimates produced using ratio estimators should be considered with caution. When the CV for bycatch estimates exceeded 80%, estimates were not included in final summary tables. This threshold was designated based on the frequency distribution of CVs produced for all species under various stratification schemes. This evaluation revealed a definitive break in the distribution of bycatch estimate CVs at 80%. CVs between 10% and 80% are still extremely high and exceed the level of variance that is typically considered acceptable. CVs were large because of a variety of factors, including the excess of zero-valued observations in the data and observer coverage rates in some fishery sectors. Of the variables used in to estimate bycatch, CVs were most closely tied to the level of variance in the number of observed takes, the numerator of bycatch ratios.

For each species, bycatch ratios were computed by sector, year, and selected strata as the number of takes divided by the catch weight recorded in observer data. Bycatch ratios were then expanded to the fleet-wide level based on the total catch or landings from each sector. The denominator used in bycatch ratios differed considerably by fishery sector because of differences in target species and fishing behavior. In addition, variation in sampling protocols by the A-SHOP and WCGOP require that this general approach is applied in slightly different ways during bycatch estimation. The sections below provide more specific details regarding bycatch estimation methodology for each program and fishery sector.

At-sea hake sector bycatch estimates

Observers on at-sea hake vessels take a random sample of the total catch, including both the component that will be retained and that which will be discarded. With one or two observers onboard each vessel, nearly 100% of tows are sampled. However, because of the large volume of catch from each tow, it is only possible to sample 30 to 60% of the total tow catch. When a sample is collected, the various species within it are weighed and recorded (NWFSC 2008a). The resulting data are expanded to the tow level and used to summarize catch by species in the fleet as a whole.

A-SHOP observers monitor for marine mammals and seabirds in two distinct ways. First, if a marine mammal or seabird was caught and is present in the observer's species composition sample, the appropriate information (including weight, length, etc.) is documented. Secondly, observers monitor the dumping of catch from some tows at the deck level to detect the presence of marine mammals, as marine mammals are often too large to make it below deck where the observer normally conducts sampling on these vessels. As sampling total catch for species composition is an observer's highest priority, only approximately 50 to 70% of hauls are monitored on deck during dumping. Observers also record information on all interactions seen between fishing operations and marine mammals and seabirds, and as time allows, document sightings as well. It should be recognized that some incidental marine mammal and seabird interactions resulting in mortality could occur when this fishery's trawl gear is being set or due to collision with the trawl door warp wires while the vessel is fishing. These interactions would be unobserved, as observers do not monitor the setting or fishing of the gear.

Marine mammals – To estimate total bycatch of marine mammal species in the at-sea hake fleet, only those tows that were monitored (on deck) for marine mammals were used. For each marine mammal species, bycatch ratios were computed from monitored tows by strata *i* and year *j*:

$$
R_{ij} = \frac{\sum_{t} y_{ijt}}{\sum_{t} x_{ijt}}
$$

where:

 y_{ijt} = the number of takes in stratum *i* and year *j* in tow *t*

 x_{ijt} = metric tons of total catch in stratum *i* and year *j* in tow *t*

The variance of R_{ij} was approximated by using the following equation (Cochran 1977):

$$
Var(R_{ij}) = \frac{1 - f_{ij}}{n_{ij}} \left(\frac{\overline{y}_{ij}}{\overline{x}_{ij}} \right)^2 \left(\frac{s^2(y_{ij})}{\overline{y}^2_{ij}} + \frac{s^2(x_{ij})}{\overline{x}^2_{ij}} - 2 \left(\frac{\sum (y_{ijt} - \overline{y}_{ij})(x_{ijt} - \overline{x}_{ij})}{\overline{y}_{ij} \overline{x}_{ij}} \right) \right)
$$

where:

 \overline{y}_{ij} and \overline{x}_{ij} = the means of y_{ijt} and x_{ijt} $s^2(y_{ij})$ and $s^2(x_{ij})$ = the variances of y_{ijt} and x_{ijt} f_{ij} = the finite population correction factor, defined as the total catch on all observed tows that were monitored for marine mammals divided by the total catch from the entire fishery in stratum *i* and year *j* n_{ij} = the number of tows in stratum *i* and year *j*

When the sampling fraction in a survey is greater than 5%, variance estimates can be adjusted to account for the added precision associated with sampling a larger portion of the population (Arkin and Colton 1970). The finite population correction factor, f_{ii} , was used here because the number of tows monitored for marine mammals represented a large sample from the total number of tows in the at-sea hake sector. The percentage of tows monitored for marine mammals ranged from 62 to 94% during the study period (2002-2008).

Note that *Var(R_{ij})* could not be calculated when $\bar{y}_{ij} = 0$ or $\bar{x}_{ij} = 0$ for all tows and should be used with extreme caution when R_{ij} is equal to one. One advantage in using this estimator is that it does not assume independence of the numerator and denominator.

Once a bycatch rate was calculated from monitored tows, it was then expanded to the entire fleet using the total fishery catch weight. The fleet-wide bycatch estimate and the variance of the bycatch estimate were calculated as follows:

$$
B_{ij} = T_{ij} R_{ij}
$$

$$
Var(B_{ij}) = T_{ij}^{2} \cdot Var(R_{ij})
$$

where:

 B_{ii} = the bycatch estimates in stratum *i* and year *j*

 T_{ij} = the weight of the total catch in stratum *i* and year *j*

A lognormal approximation (Burnham et al. 1987) was then used to calculate confidence intervals using the following formulas:

$$
C_{ij} = \exp\left(z_{\alpha/2} \sqrt{\ln(1 + c v(B_{ij})^2)}\right)
$$

$$
L_{lower_{ij}} = \frac{B_{ij}}{C_{ij}}
$$

$$
L_{upper_{ij}} = B_{ij} \cdot C_{ij}
$$

where:

 $z_{\alpha/2}$ = the wantile from the standard normal distribution corresponding to significance of α $cv(B_{ij})$ = the coefficient of variation of B_{ij}

 L_{ij} = the lower and upper bounds of the confidence interval in stratum *i* and year *j*

The advantage in using this approximation is that it captures the skewed nature of the distribution and avoids calculating lower bounds less than zero. The CV for B_{ij} was quite large in most cases and regularly exceeding 10%.

In addition, observers also record data opportunistically when they are informed of a marine mammal interaction on a tow that has not been monitored. The collection protocol for these data is not random, and therefore the opportunistic data was excluded from our analysis. However, a summary of all marine mammal records from unmonitored tows from 2002-2008 is provided in Table 6 for full disclosure and to provide perspective on all marine mammal bycatch observed in this fishery.

Seabirds – Bycatch data for seabirds is primarily recorded during species composition sampling. Seabirds are small enough to make it below deck where the observer samples the catch and are recorded only if they happen to be included in the observer's random species composition sample of a particular tow. Any bycatch of seabirds recorded in a species composition sample must be expanded to the haul level. Often, this results in the observation of one seabird expanding to two seabirds, depending on the observed sample size for that haul. However, since every vessel is observed and close to 100% of the fleet's tows are sampled, the bycatch expansion to the entire at-sea sector is quite small. Note that bycatch of marine mammals, which are not missed due to their large size, do not have to be expanded to the haul level, but were instead expanded to include unmonitored hauls.

To estimate total seabird bycatch in the at-sea hake fishery, all of the sampled tows were used in our analysis. Once the bycatch estimate of seabirds was expanded within each sampled tow, the estimate was then expanded up to the entire fleet. This method for calculating seabird bycatch is the same as the method used to calculate fish bycatch in the at-sea hake sector.

For each seabird species, the total number of takes during each tow was calculated using the following formula:

$$
Y_t = y_t \cdot \frac{W_t}{W_t}
$$

where:

 Y_t = the total number of takes in tow *t*

 y_t = the number of observed takes in the species composition sample of tow *t*

 W_t = the weight of the total catch in tow *t*

 w_t = the weight of the sampled catch in tow *t*

The total number of takes of each seabird species in the at-sea hake fleet was then calculated using the following formula:

$$
B = \sum_{t} Y_{t} \left(\frac{C_{\text{total}}}{C_{\text{obs}}} \right)
$$

where:

 $B =$ the total estimated bycatch for that species C_{total} = the total catch from the at-sea hake sector C_{obs} = the catch all at-sea hake tows that were observed

Seabird bycatch data do not contain the necessary replicates for calculating within tow variation. The only source of uncertainty that could have been evaluated for fleet-wide seabird bycatch estimates was that associated with the variance between tows. Since nearly 100% of tows were sampled, this variation was quite small and not useful for uncertainty.

In addition to seabird data compiled during species composition sampling, observers also record opportunistic data on seabird interactions whenever possible. These are essentially records of seabird takes that were noted by the observer on occasions when they were either informed of an interaction by the crew or happened to observe an interaction while on deck. The collection protocol for these data is not random, and therefore it was not appropriate to include in this analysis. However, a summary of opportunistic seabird data from 2007 - 2008 is presented in Table 6 for full disclosure and to provide perspective on all seabird bycatch observed in this fishery. Additional years of observer data were not provided because the information is currently only available in paper form.

Non-hake sector bycatch estimates

Observer coverage in the non-hake fishery sectors differs considerably than that in the at-sea hake sector. Permits are selected for observation by the WCGOP using a random sampling design without replacement. First, the WCGOP determines the amount of time (based on available resources) it will take to observe the entire fleet; this is termed the selection cycle. Next, the WCGOP aggregates locations along the US west coast into port groups. The permits/vessels in each fishery sector are assigned to a port group based on the location of their previous year's landings. Within each port group, the permits/vessels are randomly selected for coverage. The LE bottom trawl, LE sablefish fixed gear non-endorsed (non-primary), OA fixed gear, Oregon/California nearshore, California halibut, and pink shrimp sectors are selected for one or two month periods, which coincide with cumulative trip limit periods used in management. LE fixed gear sablefish endorsed (primary) permits are selected for the entire

sablefish season (April 1 through October 31) until their quota is caught. This selection process is designed to produce a logistically feasible sampling plan with a distribution of observations throughout the entire geographic and temporal range of each fishery sector. Once a permit/vessel has been selected for coverage, the WCGOP attempts to observe all trips and tows/sets that vessel makes during the coverage time period.

The rate of observer coverage in non-hake fishery sectors ranges from 0 to 30%, as defined by the proportion of fishery landings that are observed. These rates vary from one sector to the next, with higher priority sectors receiving the highest observer coverage. A list of fishery sectors in order of coverage priority can be found in the WCGOP manual (NWFSC 2008b).

Fisheries observers monitor and record catch data on commercial fishing vessels by following protocols in the WCGOP manual (NWFSC 2008b). Observer sampling focuses on discarded catch and supplements existing fish ticket landing receipt data to inform weights of retained catch. Observers generally sample 100% of tows/sets made during a trip. On trawlers, the total weight of discarded catch is estimated, and the discarded catch is then sampled for species composition. The species composition sample may be a census or a subsample of all discarded catch. On fixed gear vessels (hook-and-line and pot gears), observers sample total catch (similar to at-sea hake observer sampling methodology) and sample anywhere from 30 to 100% of the catch from each set.

The only available proxy of total fishing effort in the non-hake fishery sectors is landed catch. Logbooks are only available in the LE bottom trawl fleet and only record retained (landed) catch, not total catch. Bycatch rates are therefore computed as the number of observed takes divided by the total weight of retained catch in metric tons. Bycatch rates are computed from all observed tows/sets, and this rate is then expanded up to the fleet-wide level using landed catch weight from fish tickets.

Since marine mammals and sea turtles are large and unlikely to be missed by the observer, the number of takes recorded for these species on each tow/set is used directly to produce the numerator of the bycatch ratio. Seabirds, on the other hand, are smaller and blend more easily with fish catch. Seabirds are often encountered while the observer is conducting species composition sampling, and thus may not be fully accounted for in the sampled portion of the catch alone. It is therefore necessary to expand the bycatch of seabirds within a tow/set prior to computing bycatch rates.

For data from trawl trips, the seabird bycatch is expanded to the tow level using the following equations. First, the total weight of the subsample is computed as:

$$
v_k = \sum_s u_{ks}
$$

where:

 u_{ks} = the observed weight of species *s* in the subsample of catch category *k* v_k = the weight of the subsample from catch category k

A sampling ratio (S_k) is then calculated to determine the proportion of the catch category that was sampled:

$$
S_k = v_k / w_k
$$

where:

 w_k = the total weight of catch category *k*

The tow-level expanded weight of species *s* in catch category *k* is calculated by dividing the species weight in the subsample by the sampling ratio:

$$
U_{\mathit{ks}} = u_{\mathit{ks}} \mathbin{/} S_{\mathit{k}}
$$

where:

 U_{ks} = the weight of species s in catch category k

Tallying the weight (U_{ks}) of species *s* across all catch categories *k* within a tow provides the total weight of the species discarded.

For data from fixed-gear trips, the following equation is used to calculate the weight of retained and discarded catch of each species in a set:

$$
U_s = u_s \frac{H}{h}
$$

where:

 U_s = the calculated weight of species *s* in the set u_s = the observed weight species *s* in the subsample

 $H =$ the total number of hooks in a set

 $h =$ the number of hooks sampled in a set

As an example, suppose an observer monitors 1,400 hooks of a longline set of 2,812 hooks. From the 1,400 sampled hooks, the observer records the take of one Western gull. That one seabird take is expanded to the entire set according to the equations above and the total bycatch of gulls in this set is two. These steps are applied only to seabirds sampled in a species composition sample. If a seabird falls outside of the sampled portion of the catch, that seabird is observed and noted; however, it is not included when calculating bycatch estimates. A summary of seabird takes recorded outside of the species composition sample in non-hake fishery sectors is included in Table 6 for full disclosure and to provide perspective on all seabird bycatch observed.

For the purpose of computing the numerator of a bycatch ratio (the observed landed weight), the weight of all retained species must be further adjusted so that the observed total trip pounds of retained fish in a catch category (as recorded by the observer) matches the total trip pounds on the fish ticket. Doing so ensures that the observed landings are comparable to unobserved landings when expanding bycatch estimates to the entire fleet. To match the total trip pounds, the weight of each observer retained catch category is scaled up or down by the ratio of fish ticket and observer trip weight for that category. The following equation is used to calculate the adjustment factor for this process:

$$
A_{mtk} = \frac{r_{mtk}}{\sum_{k} r_{mtk}}
$$

where:

 r_{mtk} = the observed retained lbs in catch category *k* in tow/set *t* on trip *m* A_{mtk} = the adjustment factor used for catch category *k* in tow/set *t* on trip *m*.

The equation used to adjust the retained weight recorded by the observer is:

$$
r'_{\text{mtk}} = A_{\text{mtk}} \cdot L_{\text{mkt}}
$$

where:

 r'_{mtk} = the adjusted retained weight (lbs) in catch category k in tow/set t on trip m

 L_{mk} = the retained weight (lbs) in catch category *k* for trip *m* recorded on the fish ticket.

When a catch category in the WCGOP data cannot be matched to a fish ticket catch category, the WCGOP data are not adjusted. Catch categories found only on the fish tickets are distributed across the observed tows using the proportion of the observed catch per tow divided by the total observed catch per trip using the following equation:

$$
P_{mt} = \frac{\sum_{k} \sum_{s} r_{mtks}}{L_{mtk}} \sum_{t} \sum_{k} \sum_{s} r_{mtks}
$$

$$
L_{mtk} = P_{mt} \cdot L_{mk}
$$

where:

 P_{mt} = the proportion of the observed retained catch in tow *t* in trip *m* L_{mtk} = the total retained weight in catch category *k* for tow *t* in trip *m* recorded on the fish ticket

Once this adjustment has been completed and seabird takes have been expanded to the tow/set level, bycatch ratios for each marine mammal, seabird and sea turtle species are computed from all observed trips within stratum *i* and year *j* as:

$$
R_{ij} = \frac{\sum_{t} y_{ijt}}{\sum_{t} x_{ijt}}
$$

where:

 y_{ijt} = the number of takes in stratum *i* and year *j* in trip *t*

 x_{ijt} = metric tons of retained catch in stratum *i* and year *j* in trip *t*

The variance of R_{ij} was approximated by using the following equation (Cochran 1977):

$$
Var(R_{ij}) = \frac{1 - f_{ij}}{n_{ij}} \left(\frac{\overline{y}_{ij}}{\overline{x}_{ij}} \right)^2 \left(\frac{s^2 (y_{ij})}{\overline{y}^2}_{ij} + \frac{s^2 (x_{ij})}{\overline{x}^2}_{ij} - 2 \left(\frac{\sum (y_{ijt} - \overline{y}_{ij})(x_{ijt} - \overline{x}_{ij})}{\overline{y}_{ij} \overline{x}_{ij}} \right) \right)
$$

where:

 \bar{y}_{ij} and \bar{x}_{ij} = the means of y_{ijt} and x_{ijt} $s^2(y_{ij})$ and $s^2(x_{ij})$ = the variances of y_{ijt} and x_{ijt} f_{ij} = the finite population correction factor, defined as the proportion of the retained (landed) catch that is observed n_{ij} = the number of trips in stratum *i* and year *j*

Note that *Var(R_{ij})* could not be calculated when $\bar{y}_{ij} = 0$ or $\bar{x}_{ij} = 0$ for all trips and should be used with extreme caution when R_{ij} is equal to one. One advantage in using this estimator is that it does not assume independence of the numerator and denominator. The finite population correction factor, *fij*, was used to account for the added precision associated with sampling a relatively large portion of the groundfish fleet (Arkin and Colton 1970).

Marine mammal, seabird, and turtle bycatch data from all groundfish sectors contained a large number of zeroes. However, in sectors with low observer coverage, there was greater uncertainty as to whether zero-valued bycatch rates in some years were truly representative of the fleet. Observer coverage rates from 2002 to 2008 were particularly low (less than 5%) for three non-hake fishery sectors: the LE fixed gear non-endorsed sablefish (non-primary) sector, the OA fixed gear daily trip limit sector, and the state-permitted commercial nearshore sector (Oregon/California). We considered using a pooling approach to avoid zero-valued estimates in low coverage sectors, but decided against this because of the potential to artificially reduce the variance of final bycatch estimates by making the sample size appear larger than it was in actuality.

Once a bycatch rate was calculated from the data for observed trips, it was then expanded to the entire fleet using the total landed catch weight from fish tickets. The fleet-wide bycatch estimate and the variance of the bycatch estimate were calculated as follows:

$$
B_{ij} = T_{ij} R_{ij}
$$

$$
Var(B_{ij}) = T_{ij}^{2} \cdot Var(R_{ij})
$$

where:

 B_{ij} = the bycatch estimates in stratum *i* and year *j* T_{ij} = the weight of the landed catch in stratum *i* and year *j*

A lognormal approximation (Burnham et al. 1987) was then used to calculate confidence intervals using the following formulas:

$$
C_{ij} = \exp\left(z_{\alpha/2} \sqrt{\ln(1 + cv(B_{ij})^2)}\right)
$$

$$
L_{lower_{ij}} = \frac{B_{ij}}{C_{ij}}
$$

$$
L_{upper_{ij}} = B_{ij} \cdot C_{ij}
$$

where:

 $z_{\alpha/2}$ = the quantile from the standard normal distribution corresponding to a significance of *α*

 $cv(B_{ij})$ = the coefficient of variation of B_{ij}

 L_{ij} = the lower and upper bounds of the confidence interval in stratum *i* and year *j*

The advantage in using this approximation is that it captures the skewed nature of the distribution and avoids calculating lower bounds less than zero. The CV for B_{ii} was quite large in most cases and regularly exceeding 10%. Bycatch estimates with a CV of more than 80% were excluded from our evaluation and are not provided in summary tables in this report. Uncertainty in these estimates was too great to be considered useful in bycatch quantification. All other summary information is included for these estimates, including the level of observer coverage, number of takes, bycatch ratio, and bycatch ratio standard error (Table 7-9 and Appendix F-H). CVs between 10 and 80% are still considered to be extremely large and underscore that bycatch estimates produced using the current methodology should be considered with caution.

For each species, the total number of takes in each year was calculated by summing bycatch estimates from all strata with a CV of less than 80%. The variance for each year was also calculated by summing the variance estimates from all strata with a CV less than 80%. This assumed independence of strata-specific bycatch and variance estimates.

The specific species included in landed catch weight used in the bycatch ratio denominator and fleet-wide expansion factor differed depending on the targeting behavior in each sector. For the limited entry trawl fleet, this auxiliary variable was defined as the weight of all groundfish listed in the FMP except for Pacific hake (see Appendix B). Pacific hake was excluded because it is inappropriate to include retained hake as a metric of effort in the LE bottom trawl fishery. Vessels that land this species are considered to be targeting Pacific hake exclusively and are thus part of the hake fishery. For the LE and OA fixed gear sectors, retained sablefish weight was used as the auxiliary variable. Retained weights of California halibut and pink shrimp were used in analyses of the California halibut and pink shrimp sectors, respectively. For the statepermitted commercial nearshore sector, bycatch rates and bycatch estimates were computed using the retained weight of nearshore target species as a proxy of fishing effort. A list of species included as target species in the nearshore fishery is provided in Appendix C.

In all cases where multiple species where included in the auxiliary variable, any retained weights that were recorded by the observer but that did not appear on fish tickets were excluded when computing the bycatch ratio. This was necessary to prevent double-counting associated with differences in the species codes used by observers and processors. For instance, while observers may record rockfish catch at the species level, various species of rockfish are often grouped, weighted, and recorded together by the processor under a grouped species code such as NUSP – northern unspecified slope rockfish. In some cases, this difference in species coding prevents observer and fish ticket weights from matching and adjusting properly. Species coding on fish tickets varies considerably between processors and over time, and it is not possible to make assumptions regarding which individual observer-recorded species likely coincide with species grouping codes on fish tickets. Instead, by using only the retained groundfish weight from fish tickets in bycatch ratio denominators, we prevent double-counting of retained weights. This is not a factor when using a single species in the denominator, such as sablefish in the fixed gear fisheries, as any retained weights in observer and fish ticket data that share the same species code will match and adjust properly.

Note that unmatched retained observer data were used during previous analyses of bycatch for marine mammals, seabirds, and sea turtles in non-hake groundfish sectors (NWFSC 2008c). This step and the alternative stratification approach described earlier represent changes in methodology, and may result in slight differences between bycatch estimates provided in this report and those supplied previously. In addition to providing base estimates of marine mammal, seabird and sea turtle bycatch, two subsequent analyses were also conducted to evaluate the potential impact of underestimated bycatch ratios and of alternative stratification schemes on final bycatch estimates. These analyses are described in further detail below.

Sensitivity Analyses

Once base estimates had been computed, a sensitivity analysis was conducted to evaluate how bycatch might differ from base estimates if the observed bycatch rate from the observer data were smaller than the actual rate in the unobserved or unmonitored fleet. In other words, if bycatch of marine mammals, seabirds and sea turtles was somehow minimized while the observer was onboard and monitoring the vessel, to what extent would our bycatch estimates have been underestimated? To evaluate this question, we considered four sensitivity alternatives in which bycatch rates applied to the unobserved portion of the fleet were increased by 10, 50, 100 and 300%. For the WCGOP data, this meant increasing bycatch rates applied to landings from entire trips that were not observed but not to tows or samples within a trip, as all marine mammal, seabird, and sea turtle interactions were assumed known from observed trips. For the A-SHOP data, sensitivities were only conducted for marine mammals and it involved increasing the observed marine mammal bycatch rate that was applied to hauls that were not monitored for marine mammals. Sensitivity analyses were only conducted for species and strata for which base bycatch estimates were already provided. When CVs in base estimates exceeded 80%, neither base estimates nor the results from sensitivity runs were summarized, as they were considered to be too uncertain to be useful. A similar analysis was not conducted for seabirds in the at-sea hake sector because there are no obvious reasons why the unsampled portion of the catch would contain a disproportionately larger quantity of seabirds, given that the acquisition of a random sample is the responsibility of the observer.

Evaluation of Alternative Stratification

The stratification employed in initial estimation was based solely on the life history characteristics, population structure and geographic distribution of marine mammal, seabird, and sea turtle species. It was not based on more extensive modeling of the factors that influence bycatch events. Such an analysis is limited by the large number of zeros in the data, but perhaps may become possible as more data are collected and available. Although these strata are based on the best available information for each species, it is not clear whether they are the most effective stratification schemes with respect to isolating variance of bycatch events in relation to fishing effort.

A myriad of stratification options might be employed. However, we were primarily interested in considering whether the current stratification approach minimizes variance in bycatch estimates and comparing current bycatch estimates with those produced previously under an alternative stratification scheme. For these reasons, we re-ran the analysis with two alternative stratification schemes: (1) when data were stratified into 5 commonly used management areas, and (2) when bycatch was estimated without the use of any spatial or temporal stratification.

The first of these was employed by Perez (2006) and by the WCGOP (NWFSC 2008c) in a previous publication on marine mammal and seabird bycatch. The five latitudinal areas employed in this alternative were originally developed by the International North Pacific Fisheries Commission (INPFC) and evolved into the management areas defined as the following:

Vancouver: Latitude $> 47^{\circ}$ 30' N Columbia: Latitude between 43° N and 47° 30' N Eureka: Latitude between 40° 30' N and 43° N Monterey: Latitude between 36° N and 40° 30' N Conception: Latitude $<$ 36 \degree N

The second alternative, estimation without spatial or temporal strata, allowed us to evaluate the benefit gained by employing spatial and/or temporal stratification with respect to reducing variance in final estimates.

RESULTS & DISCUSSION

Overall, 21 marine mammal, seabird, and sea turtle species were caught incidentally, killed, or seriously injured through interactions with fishing vessels, gear, or vessel personnel in the US west coast groundfish fishery. Of these, we produced bycatch estimates for all species for which randomly collected observer data were available (Table 7, 8, and 9). This included 8 marine mammal species, 8 seabird species, and 1 species of turtle. Bycatch estimates with a CV greater than 80% were not provided in summary tables, as these were too uncertain to be considered useful for the evaluation of fleet-wide bycatch. In addition, bycatch estimates were not produced for species that were recorded opportunistically, meaning outside of standard observer sampling protocol (NWFSC 2008a, 2008b), however, these data are provided in Table 6. Bycatch events observed in the at-sea hake fishery sector were all situations in which marine mammals and seabirds were killed by gear. In the non-hake fishery sectors, recorded takes of marine mammals, seabirds, and turtles resulted from a variety of different interaction types, including gear entanglement and lethal removals (Table 1).

From 2002-2008, incidental takes of marine mammals, seabirds, and turtles occurred on less than 2% of observed trips. Although bycatch events for marine mammals, seabirds, and turtles are rare, they remain important from a population dynamics standpoint, particularly for longer-lived species and for highly endangered species, whose populations may be heavily impacted by human-induced sources of mortality.

A sea turtle take was first observed in the US west coast groundfish fishery in 2008. This was a leatherback turtle observed on an open access fixed gear vessel fishing with pot off California in late September 2008. The leatherback was found just below the surface with its flippers entangled in a buoy line, which was connected to a sablefish fish-pot. Although leatherback turtles are known to inhabit waters off of Oregon and California in summer and fall, they have been sighted only twice by west coast observers since September 2001. Leatherbacks travel to North America from their breeding grounds in the western Pacific (Dutton et al. 2000), and are

most abundant in this area from June through November (Starbird et al. 1995). Benson et al. (2007a) suggest that leatherback density may be positively correlated with the intensity of coastal upwelling. Although upwelling began earlier than usual in 2008, its intensity was not particularly strong. The lack of atypical findings in environmental data from that year suggests that this rare event was not necessarily driven by a greater abundance of leatherback turtles in the area. With only one data point, it is not possible to evaluate which environmental or fishingrelated factors might be most closely linked to leatherback turtle bycatch in the west coast groundfish fishery. It was also not possible to provide bycatch estimates for this species, as CVs surrounding these estimates exceeded 98% regardless of the method of stratification employed. With so much uncertainty, bycatch estimates for leatherback turtles were not considered to be reliable or useful.

Takes were recorded for four different cetacean species during the study period. During 2007, a potentially harmful interaction was recorded with a sperm whale. In this interaction, the vessel collided with the animal while moving at idle speed. The collision took place in August of 2007, near the northern limit of the US EEZ, off the coast of Washington. The vessel was a limited entry fixed gear vessel, fishing with longline gear participating in the sablefish primary fishery. As described further in the methods section, this interaction may not have resulted in the mortality of the sperm whale, as the boat was under 60 feet and moving slowly. However, it was designated as a take because the thresholds for boat size and speed have not yet been specified in the criteria for designating takes of marine mammals that was presented by Andersen et al. (2008).

All other cetacean species recorded by groundfish observers had been killed by fishing gear, and therefore did not require further evaluation to be designated as takes. This included one Pacific white-sided dolphin, which was caught in April 2003 by a limited entry bottom trawl vessel fishing at a mean depth of 300 fathoms off California. In 2008, a harbor porpoise was caught by a federally-permitted California halibut trawl vessel fishing off California at a mean depth of 8 fathoms. A Risso's dolphin was also caught by a federally-permitted bottom trawler fishing in this vicinity in 2008, but at a mean depth of approximately 160 fathoms, where the vessel was targeting thornyheads and flatfish. Bycatch estimates could not be provided for any of these species because of excessively high estimated CVs (Appendix F). The remaining two cetacean specimens recorded by observers were a Pacific white-sided dolphin and a Dall's porpoise caught by at-sea hake vessels off of Washington in 2002. These takes occurred during tows that were not monitored for marine mammals. Since data for these two specimens were collected opportunistically, they were not included in bycatch estimation and are instead summarized in Table 6.

For species with only one non-zero data point available, it is quite difficult to provide an accurate and precise estimate of bycatch. Although considerable effort has gone into developing methods that accommodate an excess of zero-valued observations, even the most advanced modeling techniques have limited predictive capacity with only one non-zero data record, as is the case for leatherback turtles and cetaceans. In this analysis, we employed a ratio estimator (Cochran 1977), which assumes that the bycatch of each species is proportional to some proxy of effort (Rochet and Trenkel 2005), in this case fishery landings. For these particularly rare events, it is not possible to test this assumption, as there are not sufficient data. However, it seems quite

plausible that any relationship between these events and the amount of landings retained by the fishery would be poor, or even absent entirely.

The 80% CV threshold we applied to determine which bycatch estimates to report was based on an evaluation of the distribution of estimated CVs for all marine mammal, seabird, and turtle species observed. CVs produced under each stratification scheme (original strata based on life history characteristics, IPHC management areas, and no stratification) were plotted as a histogram. Their distribution exhibited a definitive break around 80%. This break was particularly pronounced in the distribution of CVs produced from no stratification. CVs greater than 80% tended to occur when the data included only one non-zero observation and when the observer coverage rate was low. Although we do not provide bycatch estimates in these cases, all other observer data on rare species bycatch events, including the number of takes, observer coverage rate, observed bycatch ratio and bycatch ratio standard error, are provided in Appendices D-H.

In sectors where observer coverage was extremely low, it was extremely difficult to evaluate bycatch even qualitatively. For instance, the leatherback turtle recorded in 2008 was observed in the open access fixed gear sector on a vessel using pot gear. The open access fixed gear sector has an annual coverage rate of between 1 and 3% (Table 5) and observer data from open access pot vessels are particularly sparse. We have no information regarding leatherback turtle bycatch in the unobserved portion of the open access fixed gear sector. No such bycatch events have occurred in other fixed gear sablefish sectors that receive a much greater level of observer coverage and fish with the same gear type. It is unclear whether the bycatch ratio presented for leatherback turtles in Appendix H accurately reflects patterns in the OA open access sector rather than just the small subset of that sector that happened to be observed.

When observer coverage rates are relatively large (greater than 20%), systematic errors in bycatch rates are not anticipated as a result of small sample size, but could occur if observer coverage was not representative of the fleet. This concern is not relevant for the at-sea hake sector, which receives 100% coverage by the A-SHOP. The WCGOP, which observers up to 40% of target species landings depending on the sector, conducts regular evaluations of its sampling design to ensure that observer coverage is representative of the fleet. This includes annual analyses of spatial coverage in relation to fishery logbook information, comparisons of observed and unobserved landings by port, and external reviews to identify sources of bias. To date, these evaluations have not shown significant deviations between the observed and unobserved portions of the non-hake fleet.

Larger observer coverage rates and a larger number of non-zero observations resulted in lower variance estimates for other marine mammals species and several seabirds. Among marine mammals, the highest estimates of bycatch in this study were those generated for the California sea lion. The majority of California sea lions observed in the groundfish fishery were caught by the limited entry bottom trawl and California halibut bottom trawl sectors. Bycatch rates during the breeding and non-breeding season were comparable (Appendix F), indicating that this species is susceptible to bycatch throughout the year. Observed bycatch was greatest south of 40˚ 10' N latitude, which is consistent with their southerly distribution, particularly during the breeding season (Carretta et al. 2009). Bycatch estimates for this species were highest in 2003,

even though bycatch estimates in several strata from that year could not be reported because of their high CV (Table 7 and Appendix F).

Other pinnipeds taken incidentally in the US west coast groundfish fishery included harbor seals, Northern elephant seals, and Steller sea lions. Most of these takes were the result of interactions between pinnipeds and bottom trawl nets, however, there were some instances in which observers recorded California sea lions and harbor seals being hooked or entangled by longline gear. Pinnipeds that were not killed by fishing gear were often released alive and were considered unharmed if they showed no obvious sign of injury and if they were not entangled in fishing gear (see previous section on designation of 'takes'). In two cases, California sea lions were killed by means of lethal removal while an observer was onboard the vessel. These events occurred on limited entry bottom trawl vessels where the animals had been caught and brought onboard alive in the trawl net. Vessel captains cited safety as their reason for shooting these animals.

Among seabirds, bycatch estimates were greatest for the black-footed albatross, which was primarily caught by longlines in the limited entry sablefish endorsed (primary) sector from May through October. Black-footed albatross bycatch ratios exhibited an increasing trend from 2002 to 2007, followed by a slight reduction in 2008 (Appendix G). Takes for this species occur on approximately 2.6% of observed sablefish longline trips, with 1-2 birds typically caught at a time. Bycatch estimates could not be provided for several strata in 2006 and 2007 because of high CVs. Coverage in the limited entry sablefish primary sector was close to 24% in both of these years (Table 5) and the total number of takes in this sector was 13 and 48, respectively (Table 8). However, bycatch events of black-footed albatross in 2006 and 2007 were unusual in that they were concentrated on consecutive sets within the same trip. For instance, one observed vessel caught 32 individuals across several sets off the coast of southern Oregon, representing 2/3 of the total number of observed takes for that year. This resulted in high variance among takes from one trip to the next and produced bycatch estimates with CVs as high as 96% in some strata.

black footed albatross and other seabird species in future years. The ESA listing status of black-footed albatrosses is currently under review by the US Fish and Wildlife Service. This species is caught as bycatch in a variety of different longline fisheries and projections indicate a decreasing population trend (Hyrenbach and Dotson 2003). Some longline vessels in the groundfish fishery use streamer lines and other seabird avoidance gear voluntarily. WCGOP observers began documenting the use and characteristics of seabird avoidance gear on fixed gear vessels in 2009, and this information should be available for analyses of bycatch for

Following black-footed albatrosses, the next most common seabirds caught as bycatch in the US west coast groundfish fishery were shearwaters, gulls, and cormorants (Table 8). Seabird bycatch was most common from April through October. Although bycatch rates for most species were highest in association with longline gear, common murres, cormorants, and stormpetrels were also caught by trawl gear.

None of the seabird species caught incidentally in the US west coast groundfish fishery are currently listed as endangered or threatened under the ESA. Although the brown pelican was listed for many years following population declines associated with DDT, this species was delisted in November 2009. One brown pelican take was observed in the groundfish fishery during our study period. This specimen was caught in the limited entry non-sablefish endorsed (non-primary) sector, which has a low level of observer coverage. The specimen was caught off of southern California by a longline vessel targeting shortspine thornyheads at a depth of about 300 fathoms. The bycatch estimate produced by expanding this single event to the fleet-wide level had a CV of 111% (Appendix G). An estimate for brown pelican bycatch was therefore not reported.

With respect to results for seabirds, it is important to emphasize that bycatch estimates were only produced from seabirds that were recorded during species composition sampling. In accordance with WCGOP sampling protocol, all seabirds that are killed by gear and pulled on deck during gear retrieval are included in species composition sampling of that tow or set. Similarly, A-SHOP observers only include seabirds in their species composition sample if the birds are carried below deck with the rest of the catch. In both programs, data on seabirds are collected during regular catch processing procedures in order to ensure that they are sampled randomly, as some individuals could be missed because of their small size using census sampling. Seabirds that are injured but that are not included in the catch are excluded from this sampling process and recorded opportunistically. Opportunistic data from seabirds are presented in Table 6.

Results from the sensitivity analysis are included adjacent to base bycatch estimates in the summary tables provided for each species (Tables 7, 8, and 9). The sensitivity analysis was intended to evaluate how mean bycatch estimates might be affected if the bycatch ratios in the observed portion of the fleet were negatively biased. Although the WCGOP and A-SHOP programs have found no evidence to suggest that bycatch of marine mammals, seabirds, and turtles is reduced when an observer is onboard, negatively biased bycatch rates might be anticipated if fishermen are able to alter fishing practices when they are observed in a way that reduces the probability of encountering these species. The sensitivity analysis was performed for marine mammals in all sectors, and in the non-hake sectors for seabirds only. Since close to 100% of tows are observed in the at-sea hake sector, and seabirds in that sector are sampled in the species composition sample, there was no comparable unobserved portion of the fleet to which the application of higher bycatch ratios would be appropriate. Results of the sensitivity analysis indicate that bycatch of marine mammals and seabirds on unobserved vessels would have to be considerably larger than that on observed vessels (typically by more than 300%) for the actual bycatch amount to fall outside of estimated 90% confidence intervals.

Plots of the distribution of CVs under each alternative stratification scheme are also provided in Tables 7, 8, and 9. These plots are only included for species for which bycatch estimates were reported, as they are intended for comparison purposes. Results of this evaluation indicate that bycatch estimate CVs tended to be comparable and were consistently large regardless of the stratification scheme employed. The distributions of CVs had a similar range and central tendency when data were post-stratified based on biological characteristics of the species, IPHC management areas, or not at all (Tables 7-9). In some cases, differences in the median CV value were noted. For California sea lions, the median CV was actually highest when strata were determined based on breeding season and lowest when no strata were applied to the data. For the steller sea lion and for unidentified gulls, the use of IPHC management areas appeared to lower

bycatch estimate CVs to some extent. Beyond these exceptions, stratification used in base estimates generally produced comparable or slightly lower median CV values than the other two techniques and no particular stratification approach could be identified as superior.

We would like to emphasize that estimates of uncertainty provided in this report relate to variation in observer data only. Several sources of uncertainty were not accounted for in this analysis that could influence final bycatch estimates. These include uncertainty in fishery landings, the appropriateness of 'take' designations, the assignment of fish ticket landings to latitudinal and temporal strata, and others. Currently, it is not possible to quantify the variability in bycatch estimates that are associated with these types of uncertainty.

Future work

This analysis employed a design-based approach to produce bycatch estimates for marine mammals and seabirds in the US west coast groundfish fishery. Design-based estimation techniques are imprecise in the presence of many zeros, thus limiting their utility for rarely encountered species. Although design-based estimates are theoretically unbiased, we poststratified the data in such a way that deviated from the stratification in the observer program sampling design. This is particularly important to recognize when considering estimates presented for the non-hake sectors, for which observer coverage is well below 100%. The WCGOP program, which observes non-hake sectors, selects vessels within each port group for all trips and sets within a 2 month period or the primary season (sablefish only). However, the sample size in many port groups is insufficient to allow for estimates of uncertainty. Furthermore, some port groups may cover a geographic range that is inconsistent with the distribution and variability of marine mammal and seabird fishery interactions. Poststratification was therefore deemed more useful than true design-based estimates in the current analysis. However, this approach may introduce bias into variance estimates.

In the future, a model-based approach could be used to evaluate bycatch of marine mammals, seabirds, and turtles in the groundfish fishery. Such an approach would be used to address a variety of different questions, including which factors (gear type, location, sea condition, etc.) are most closely related to bycatch events, and whether the relationship between bycatch and fishery landings is sufficient to warrant the continued use of a ratio estimator. If a ratio estimator is supported by future findings, model-based techniques could also help inform the designation of appropriate stratification. Alternatively, model-based techniques might be adapted to estimate bycatch directly in relation to a series of selected factors. Ideally, future work would also include simulations that identify whether such an approach is more effective than the existing use of ratio estimators, and if so, to what extent.

SUMMARY AND CONCLUSIONS

In this report, we summarized bycatch data for marine mammals, seabirds, and sea turtles provided by onboard federal fisheries observers in the 2002-2008 US west coast groundfish fishery. Bycatch estimates were computed for all fishery sectors with available observer data. However, estimates were only provided when coinciding coefficient of variation (CV) estimates were less than 80%.

- • Incidental takes were recorded for 4 cetacean species 4 pinniped species, 8 seabird species, and 1 turtle species.
- Among marine mammals, bycatch estimates were highest for the California sea lion, which was caught primarily in trawl nets in the limited entry trawl and California halibut trawl sectors.
- Among seabirds, bycatch estimates were highest for the black-footed albatross, which was caught primarily by longline gears in the limited entry sablefish primary (endorsed) sector.
- One leatherback turtle was killed by gear on an observed open access pot vessel in 2008. The bycatch estimate based on this data point was extremely uncertain and was excluded from final results due to its high CV.
- Bycatch estimates for all species included in this report were highly uncertain because of the excess number of zero-valued observations in the data and should be considered cautiously.

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FIGURES

Figure 1. Geographic distribution of observed seabird takes by the West Coast Groundfish Observer Program from 2002 through 2008.

(M. Bellman, Projection: WGS_1984_UTM_Zone_10N, 11/09).

Figure 2. Geographic distribution of observed cetacean takes by the West Coast Groundfish Observer Program from 2002 through 2008.

(M. Bellman, Projection: WGS_1984_UTM_Zone_10N, 11/09).

(M. Bellman, Projection: WGS_1984_UTM_Zone_10N, 11/09).

Figure 4. Geographic distribution of one observed turtle take by the West Coast Groundfish Observer Program from 2002 through 2008. Observed fixed gear fishing effort is represented from 2002 through April 2009, based upon total groundfish catch.

(M. Bellman, Projection: WGS_1984_UTM_Zone_10N, 11/09).

TABLES

Table 1. Species for which takes were observed in the US west coast groundfish fishery. The species listed first are those that were recorded under normal random sampling procedures and included in bycatch estimation. Takes of 4 additional species (shown under 'Other species recorded') were recorded opportunistically and are summarized in Table 6.

Interaction types

 $1 =$ Killed by gear

 $2 =$ Gear entanglement

 $3 =$ Lethal removal

 $4 = V$ essel collision

 $5 =$ Boarded vessel only

 6 = Feeding on catch only

Table 2. Recommended criteria from Andersen et al. (2008) for designating marine mammal serious injuries. Only criteria relevant to interactions in the US west coast groundfish fishery are included. For further detail and explanation, see Andersen et al. (2008).

Table 3. Stratification system used to estimate bycatch for marine mammal, seabird, and turtle species. Strata were selected based on the population structure, geographic distribution, and seasonal abundance of each species, and incorporated certain latitudinal lines relating to the fishery when appropriate. Primary literature used as the foundation for selecting strata is noted on the far right, with a more comprehensive explanation detailed in the Methods.

Table 4. Summary of observer coverage in the at-sea hake fishery sector by the At-Sea Hake Observer Program (A-SHOP). The total catch (mt), number of cruises, number of vessels, and number of tows for the entire at-sea sector is summarized on the far left. Columns to the right present the number and percentage of tows that were observed, followed by the average sampled weight (mt) and total catch weight (mt) on sampled tows, as well as the average percent of total catch on sampled tows.

	Total fleet				Observed hauls		Observer sampling		
Year	Total catch (mt)	Number of cruises	Number of vessels	Number of tows	Number of sampled tows observed	% of tows observed	catch weight per tow (mt)	Avg sampled Avg total catch weight per tow catch sampled (mt)	Avg $%$ of per tow
2002	86408	10	9	1766	1754	99%	18	49	37%
2003	88157	11	10	1844	1825	99%	18	48	38%
2004	122738	17	10	2700	2689	100%	17	45	38%
2005	152857	18	12	3007	2999	100%	24	51	46%
2006	141184	22	15	2938	2883	98%	23	48	49%
2007	127564	23	15	2880	2857	99%	22	44	53%
2008	184631	28	13	3617	3590	99%	25	51	49%

Table 5. Summary of observer coverage in non-hake groundfish sectors by the West Coast Groundfish Observer Program. Total fleet landings (mt) are summarized in the left-hand column, followed by a general description of the geographic area in which the fleet operates, and the geographic area that has been included in observer sampling from 2002 through 2008. In the columns to the right, the observed number of trips, tows/sets, and vessels are reported along with total observed landings of target species (mt) and the percentage of target species landings that was observed in each year and fishery sector. The target species for each sector is listed in italics below the name of that fishery sector.

Table 5 continued.

Table 6. Summary of opportunistic (non-randomly collected) data recorded by A-SHOP and WCGOP observers on marine mammal, seabird and sea turtle interactions, which were *not* included in bycatch estimation. A-SHOP opportunistic data for mammals occur when the observer is alerted of a marine mammal take on an at-sea hake tow that was not monitored for marine mammals. WCGOP observers take a complete census of marine mammal takes, and all data records for marine mammals from non-hake sectors were thus included in bycatch analysis. Seabirds are normally observed as part of the species composition sample in both the A-SHOP and WCGOP programs. Opportunistic data on seabirds result when takes are recorded outside of regular species composition sampling and non-randomly. On at-sea hake vessels, this occurs when the observer notes an interaction that took place on deck. On non-hake vessels, this occurs when there is an interaction that does not result in an immediate mortality or the seabird departs injured. Seabirds that are killed by gear on observed non-hake vessels are always included in species composition sampling under WCGOP protocol.

Table 7. Summary of observed and estimated bycatch for marine mammals. The 'Observed bycatch' table presents the number of takes observed in each fishery sector and the total number of observed takes by year, followed by the number of takes that contributed to final bycatch estimates (produced a CV of 80% or less) and the number that did not contribute to final bycatch estimates (produced a CV greater than 80%). When it was possible to report bycatch estimates, a lower 'Estimated bycatch' table was also included to present (1) base bycatch estimates and 90% confidence intervals summed from all strata with a CV less than 80% (left), (2) bycatch estimates from sensitivity analyses in which the bycatch ratio applied to the unobserved portion of the fleet was increased by X%, and (3) a graph of the range of CV values produced by each alternative stratification scheme. Cetaceans are reported first, followed by pinnipeds.

7a. Harbor porpoise (*Phocoena phocoena***)**

7b. Pacific white-sided dolphin (*Lagenorhynchus obliquidens***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

7c. Risso's dolphin (*Grampus griseus***)**

7d. Sperm whale (*Physeter macrocephalus***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

7e. Unspecified sea lions

7f. California sea lions (*Zalophus californianus***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

7g. Harbor seal (*Phoca vitulina***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

7h. Northern elephant seal (*Mirounga angustirostris***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

7i. Steller sea lion (*Eumetopias jubatus***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

Table 8. Summary of observed and estimated bycatch for seabirds. The 'Observed bycatch' table presents the number of takes observed in each fishery sector and the total number of observed takes by year, followed by the number of takes that contributed to final bycatch estimates (produced a CV of 80% or less) and the number that did not contribute to final bycatch estimates (produced a CV greater than 80%). When it was possible to report bycatch estimates, a lower 'Estimated bycatch' table was also included to present (1) base bycatch estimates and 90% confidence intervals summed from all strata with a CV less than 80% (left), (2) bycatch estimates from sensitivity analyses in which the bycatch ratio applied to the unobserved portion of the fleet was increased by X%, and (3) a graph of the range of CV values produced by each alternative stratification scheme. Species with bycatch estimates that could not be reported (8a) are presented first, followed by species for which expanded bycatch estimates could be reported (8b-8h). The last three species groups were recorded in the at-sea hake sector, which has close to 100% observer coverage, and therefore were not expanded to the fleet-wide level. Species for which bycatch estimates could not be reported are presented first, followed by species with reported bycatch estimates. The last four species groups presented where primarily observed in the at-sea hake sector, and there are not sufficient replicates in at-sea hake data to comute uncertainty. Bycatch estimates for these species are therefore equivalent to the observed number of takes in the at-sea hake sector.

8a. Brown pelican (*Pelecanus occidentalis***)**

8b. Black-footed albatross (*Phoebastria nigripes***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

8c. Brandt's cormorant (*Phalacrocorax penicillatus***) and unspecified cormorant species**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

8d. Common murre (*Uria aalge***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

8e. Western gull (*Larus occidentalis***) and unspecified gull species**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

8f. Northern fulmar (*Fulmarus glacialis***)**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

8g. Leach's storm petrel (*Oceanodroma leucorhoa***) and unspecified storm petrel species**

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

** Includes observations that produced bycatch estimates with a coefficient of variation greater than 80%.*

8i. Unspecified tubenose species

8j. Unspecified alcid species

8k. Unidentified seabird

Table 9. Summary of observed bycatch for the leatherback turtle (*Dermochelys coriacea*). The 'Observed bycatch' table presents the number of takes observed in each fishery sector and the total number of observed takes by year, followed by the number of takes that contributed to final bycatch estimates (produced a CV of 80% or less) and the number that did not contribute to final bycatch estimates (produced a CV greater than 80%).

APPENDIX A

Common and scientific names of species included in the Pacific Coast Groundfish Fishery Management Plan, as amended through Amendment 19 (PFMC 2008).

SHARKS

Big skate, *Raja binoculata* California skate, *R. inornata* Leopard shark, *Triakis semifasciata* Longnose skate, *R. rhina* Soupfin shark, *Galeorhinus zyopterus* Spiny dogfish, *Squalus acanthias*

RATFISH

Ratfish, *Hydrolagus colliei*

MORIDS Finescale codling, *Antimora microlepis*

GRENADIERS Pacific rattail, *Coryphaenoides acrolepis*

ROUNDFISH

Cabezon, *Scorpaenichthys marmoratus* Kelp greenling, *Hexagrammos decagrammus* Lingcod, *Ophiodon elongatus* Pacific cod, *Gadus macrocephalus* Pacific whiting, (hake) *Merluccius productus* Sablefish, *Anoplopoma fimbria*

FLATFISH

Arrowtooth flounder, (turbot) *Atheresthes stomias* Butter sole, *Isopsetta isolepis* Curlfin sole, *Pleuronichthys decurrens* Dover sole, *Microstomus pacificus* English sole, *Parophrys vetulus* Flathead sole, *Hippoglossoides elassodon* Pacific sanddab, *Citharichthys sordidus* Petrale sole, *Eopsetta jordani* Rex sole, *Glyptocephalus zachirus* Rock sole, *Lepidopsetta bilineata* Sand sole, *Psettichthys melanostictus* Starry flounder, *Platichthys stellatus*

ROCKFISH

Includes all genera and species of the family Scopaenidae, even if not listed, that occur in the Washington, Oregon, and California area. The Scopaenidae genera are *Sebastes*, *Scorpaena*, *Sebastolobus*, and *Scorpaenodes*.

 Black-and-yellow, *S. chrysolmelas.* Brown, *S. auriculatus* Dusky, *S. ciliatus* Dwarf-red, *S. rufianus* Greenspotted, *S. chlorostictus* Greenstriped, *S. elongatus* Harlequin, *S. variegatus* Quillback, *S. maliger* Sharpchin, *S. zacentrus* Aurora, *Sebastes. aurora* Bank, *S. rufus* Black, *S. melanops* Blackgill, *S. melanostomus* Blue, *S. mystinus* Bocaccio, *S. paucispinis* Bronzespotted, *S. gilli* Calico, *S. dalli* California scorpionfish, *Scorpaena guttata* Canary, *Sebastes pinniger* Chameleon, *S. phillipsi* Chilipepper, *S. goodei* China, *S. nebulosus* Copper, *S. caurinus* Cowcod, *S. levis* Darkblotched, *S. crameri* Flag, *S. rubrivinctus* Freckled, *S. lentiginosus* Gopher, *S. carnatus* Grass, *S. rastrelliger* Greenblotched, *S. rosenblatti* Halfbanded, *S. semicinctus* Honeycomb, *S. umbrosus* Kelp, *S. atrovirens* Longspine thornyhead, *Sebastolobus altivelis* Mexican, *Sebastes. macdonaldi* Olive, *S. serranoides* Pink, *S. eos* Pinkrose, *S. simulator* Pygmy, *S. wilsoni* Pacific ocean perch, *S. alutus* Redbanded, *S. babcocki* Redstripe, *S. proriger* Rosethorn, *S. helvomaculatus* Rosy, *S. rosaceus* Rougheye, *S. aleutianus*

 Stripetail, *S. saxicola* Shortbelly, *S. jordani* Shortraker, *S. borealis* Shortspine thornyhead, *Sebastolobus alascanus* Silvergray, *Sebastes. brevispinus* Speckled, *S. ovalis* Splitnose rockfish, *S. diploproa* Squarespot, *S. hopkinsi* Starry, *S. constellatus* Swordspine, *S. ensifer* Tiger, *S. nigorcinctus* Treefish, *S. serriceps* Vermilion, *S. miniatus* Widow, *S. entomelas* Yelloweye, *S. ruberrimus* Yellowmouth, *S. reedi* Yellowtail, *S. flavidus*

APPENDIX B

Species indentification codes used in the Pacific Coast Fisheries Information Network (PacFIN) database and assigned to WCGOP observer data, with aggregated species groups used in this report for the non-nearshore sectors of the groundfish fishery.

APPENDIX C

Species identification codes used in the Pacific Coast Fisheries Information Network (PacFIN) database and assigned to WCGOP observer data, with aggregated species groups used in this report for the nearshore fixed gear sector of the groundfish fishery.

APPENDIX D

Bycatch calculations and estimates by strata for marine mammals in the at-sea hake sector, observed by the At-Sea Hake Observer Program.

APPENDIX E

Bycatch calculations and estimates by strata for seabirds in the at-sea hake sector, observed by the At-Sea Hake Observer Program.

APPENDIX F

Bycatch calculations and estimates by strata for marine mammals in non-hake groundfish fishery sectors observed by the West Coast Groundfish Observer Program.

APPENDIX G

Bycatch calculations and estimates by strata for seabirds in non-hake groundfish fishery sectors observed by the West Coast Groundfish Observer Program.

APPENDIX H

Bycatch calculations for sea turtles using a variety of stratification alternatives.

