Alaska Groundfish Harvest Specifications

Supplementary Information Report

January 2010

I. ALASKA GROUNDFISH HARVEST SPECIFICATIONS ENVIRONMENTAL IMPACT STATEMENT

The groundfish fisheries in federal waters off Alaska are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). In the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI), groundfish harvests are managed subject to annual limits on the amounts of each species of fish, or of each group of species, that may be taken. The annual limits are referred to as "harvest specifications," and the process of establishing them is referred to as the "harvest specifications process." The U.S. Secretary of Commerce (Secretary) approves the harvest specifications based on the recommendations of the North Pacific Fishery Management Council (Council).

NMFS prepared the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Specifications EIS)[1] in January 2007 for the harvest strategy used to set the annual harvest specifications. The Specifications EIS examines alternative harvest strategies for the federally managed groundfish fisheries in the GOA and the BSAI management areas that comply with federal regulations, the FMPs, and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Specifications EIS provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternative harvest strategies. The preferred alternative established a harvest strategy for the BSAI and GOA groundfish fisheries necessary for the management of the groundfish fisheries and the conservation of marine resources, as required by the Magnuson-Stevens Act and as described in the management policy, goals, and objectives in the FMPs.

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[1] National Marine Fisheries Service, Department of Commerce (Jan. 2007), Alaska Groundfish Harvest Specifications Final Environmental Impact Statement.
URL: http://www.alaskafisheries.noaa.gov/analyses/specs/eis/final.pdf

The harvest strategy prescribes setting total allowable catches (TACs) for groundfish species and species complexes through the Council's harvest specifications process. Annually, the harvest strategy is applied to the best available scientific information to derive annual harvest specifications, which include TACs and prohibited species catch (PSC) limits. The Council's Groundfish Plan Teams and Scientific and Statistical Committee use stock assessments to calculate biomass, overfishing levels, and acceptable biological catch (ABCs) limits for each species or species group for specified management areas. Overfishing levels and ABCs provide the foundation for the Council and NMFS to develop the TACs. Overfishing levels and ABC amounts reflect fishery science, applied in light of the requirements of the FMPs. The TACs recommended by the Council are either at or below the ABCs. The sum of the TACs for each area is constrained by the optimum yield established for that area.

The harvest strategy provides for orderly and controlled commercial fishing for groundfish (including Community Development Quota (CDQ) fishing); promotes sustainable incomes to the fishing, fish processing, and support industries; supports sustainable fishing communities; and provides a steady supply of fish products to consumers. The harvest strategy balances groundfish harvest in the fishing year with ecosystem needs such as non-target fish stocks, marine mammals, seabirds, and habitat.

II. PURPOSE OF THIS SUPPLEMENTAL INFORMATION REPORT

This supplemental information report evaluates the need to prepare a Supplemental EIS (SEIS) for the 2010/2011 groundfish harvest specifications. An SEIS should be prepared if –

1. the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or

2. significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)).

This report analyzes the information contained in the Council's 2009 Stock Assessment and Fishery Evaluation (SAFE) reports and information available to NMFS and the Council to determine whether an SEIS should be prepared. Appendices A and B contain the URLs for the SAFE reports, which represent the best available information for the harvest specifications. Appendix C contains the URL for the ecosystem considerations report for the SAFE reports. Appendix D contains the URL for the economic status report for the SAFE reports.

Not every change requires an SEIS; only those changes that cause effects which are significantly different from those already studied require supplementary consideration.[2] The Supreme Court explained that "an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render

[2] See *Davis v. Latschar*, 202 F.3d 359, 369 (D.C. Cir. 2000).

agency decision-making intractable."[3] On the other hand, if a subsequent related federal action occurs, and new information indicates that that subsequent action will affect the quality of the human environment in a significant manner or to a significant extent not already considered, an SEIS must be prepared.[4]

The following three sections discuss each of the considerations for an SEIS; changes to the action, new information, and new circumstances.

III. CHANGES TO THE PROPOSED ACTION

No changes to the proposed action have occurred. The 2010/2011 harvest specifications do not constitute a change in the proposed action. The proposed action was a harvest strategy that provides for the annual determination of the harvest specifications based on information developed through the harvest specifications process. The 2010/2011 harvest specifications are consistent with the preferred alternative harvest strategy analyzed in the Specifications EIS because they were set through the harvest specifications process, are within the optimum yield established for the BSAI or GOA, and do not exceed the ABC for any single species or species complex. The harvest specification process and the environmental consequences of the selected harvest strategy are fully described in the Specifications EIS.

The proposed 2010/2011 harvest specifications for the GOA were published in the *Federal Register* on November 30, 2009 (74 FR 62533). The proposed specifications for the BSAI were published on December 2, 2009 (74 FR 63100). The Council took final action to recommend final harvest specifications at its December 2009 meeting. NMFS is scheduled to publish the *Federal Register* notice announcing the final harvest specifications in mid-February, 2010.

IV. NEW INFORMATION RELEVANT TO ENVIRONMENTAL CONCERNS AND BEARING ON THE PROPOSED ACTION OR ITS IMPACTS

The second part of the inquiry to determine whether an SEIS is required involves a two-step process. First, one must identify new information or circumstances. Second, one must analyze whether these are significant to the analysis of the proposed action. The primary sources of new information directly related to the action and its impacts are the 2009 BSAI and GOA SAFE reports, which include NMFS's annual Eastern Bering Sea trawl survey results along with other resource surveys, information on previous fishery performance, and subsequent stock assessments. NMFS's Guidelines for Fishery Management Plans require that a SAFE report be prepared and reviewed annually for each FMP. The FMPs require that a draft of the SAFE report be produced each year in time for the December Council meeting.

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[3] See *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 373 (1989).
[4] See *Marsh*, 490 U.S. at 374.

The SAFE reports summarize the best available scientific information concerning the past, present, and possible future condition of the stocks, marine ecosystems, and fisheries that are managed under federal regulation. They provide information to the Council for determining annual harvest levels from each stock, documenting significant trends or changes in the resource, marine ecosystems, and fishery over time, and assessing the relative success of existing State of Alaska and federal fishery management programs.

The SAFE reports are published in three sections: "Stock Assessment," which comprises the bulk of the document; "Economic Status of Groundfish Fisheries off Alaska;" and "Ecosystem Considerations." The URLs for these documents are provided in Appendices A, B, C, and D.

Annually, the Council's BSAI Groundfish Plan Team compiles the stock assessment section of the SAFE report for the BSAI groundfish fisheries from chapters contributed by scientists at NMFS Alaska Fisheries Science Center (AFSC). The GOA groundfish Plan Team compiles the SAFE report for GOA groundfish fisheries from chapters contributed by scientists at AFSC and the Alaska Department of Fish and Game (ADF&G).

Each stock or stock complex is represented in the SAFE report by a chapter containing the latest stock assessment. New or revised stock assessment models are generally previewed at the September Plan Team meeting and considered again by the Plan Team at its November meeting for recommending final overfishing level and ABC specifications for the following two fishing years. The SAFE reports include recommendations by the author(s) and Plan Teams for an overfishing level and ABC for each stock and stock complex managed under the FMP.

The 2010/2011 harvest specifications are based on the information provided in the 2009 SAFE reports. The Plan Teams met in Seattle from November 16 to 20, 2009, to review the status of each species or species complex that is managed under each FMP. The Plan Team review was based on presentations by ADF&G and AFSC scientists with opportunity for public comment and input. The information presented at the Plan Team meetings was then compiled into the 2009 SAFE reports. The 2009 SAFE reports describe in detail the new information available since the 2008 SAFE reports, including new survey data and new fishery performance information. This new information resulted in new estimations of overfishing levels and ABCs for a number of stocks and stock complexes, as detailed in the SAFE reports.

The BSAI and GOA Plan Team recommendations were forwarded to the North Pacific Fishery Management Council and its Scientific and Statistical Committee (SSC) and Advisory Panel (AP) for consideration and final action in December. The status of the stocks continues to appear relatively favorable. Although many stocks are declining due to poor recruitment in recent years, no groundfish stocks are overfished or approaching an overfished condition.

Based on this information the Council recommended the 2010/2011 harvest specifications in December. The SSC reviewed the SAFE reports, the overfishing level, and the ABC recommendations and either confirmed the Plan Team recommendations or developed its own. The ABC recommendations, together with biological, social, and economic factors, were considered by the AP and the Council in determining TACs. The Council recommended TAC levels at or below ABC. Table 1 summarizes noteworthy SSC ABC recommendations for 2010 compared to the 2009 ABCs. NMFS is scheduled to publish the final specifications in the *Federal Register* in mid-February 2010.

Table 1 Scientific and Statistical Committee (SSC) Bering Sea and Aleutian Islands and Gulf of Alaska ABC recommendations for 2010 area total ABCs and ABCs for selected stocks compared to the final 2009 ABCs (in metric tons).

Species	Final 2009 ABC	SSC 2010 ABC
BSAI total ABC	**2,204,366**	**2,121,880**
Bering Sea pollock	815,000	813,000
BSAI Pacific cod	182,000	174,000
Bering Sea sablefish	2,720	2,790
AI sablefish	2,200	2,070
BSAI yellowfin sole	210,000	219,000
BSAI rock sole	296,000	240,000
GOA total ABC	**516,055**	**565,499**
GOA pollock	49,900	84,745
GOA Pacific cod	55,300	79,100
GOA sablefish	11,160	10,370

The preferred harvest strategy analyzed in the Specifications EIS anticipated that information on changes in species abundance would be used each year in the setting of the annual harvest specifications. It is a flexible process designed to adjust to new information on stock abundance. The information used to set the 2010/2011 harvest specifications is not significant relative to the environmental impacts of the harvest strategy analyzed in the Specifications EIS: it raises no new environmental concerns significantly different from those previously analyzed in the Specifications EIS. Thus, the new information available is not of a scale and scope that require an SEIS.

V. NEW CIRCUMSTANCES RELEVANT TO ENVIRONMENTAL CONCERNS AND BEARING ON THE PROPOSED ACTION OR ITS IMPACTS

Chapter 3 of the Specifications EIS identified reasonably foreseeable future actions that may affect the BSAI and GOA groundfish fisheries and the impacts of the fisheries on the environment. For this report, NMFS reviewed these actions to determine whether they occurred in 2007, 2008, and 2009, and, if they did occur, whether they would change the analysis in the Specifications EIS of the impacts of the harvest strategy on the human

environment. In addition, NMFS considered whether other actions not anticipated in the Specifications EIS occurred that have a bearing on the harvest strategy or its impacts.

The reasonably foreseeable future actions were grouped in the Specifications EIS into the following five categories:

- Ecosystem-sensitive management
- Fishery rationalization
- Traditional management tools
- Actions by other federal, state, and international agencies
- Private actions

Ecosystem-sensitive management

Ecosystem-sensitive management includes those measures designed to manage the impacts of fishing for target species on other parts of the environment. These may include impacts on non-target fish species, seabirds, marine mammals, and maritime habitat.

Ongoing research has increased our understanding of the interactions among ecosystem components. The effects of these interactions on stock assessments are incorporated into the process for setting the overfishing levels and ABCs for the 2010/2011 harvest specifications, as detailed in the ecosystem considerations report for the 2009 SAFE reports (Appendix C).

Since 2007, the role of ecosystem considerations in fisheries management has increased. The Council completed the Aleutian Islands Fishery Ecosystem Plan and Arctic Fishery Management Plan. The Council has recommended and NMFS has implemented, or is in the process of implementing, new seabird protection measures, new habitat protection measures, and new measures to minimize Chinook salmon bycatch. Additionally, NMFS and the Department of Interior have reviewed the status of a number of marine mammals.

During 2008 and 2009, considerable efforts were devoted to the development of a fishery management plan for Arctic marine resources. The first fisheries trawl survey of the Alaskan Arctic since 1977 was conducted by AFSC scientists in the Beaufort Sea.[5] The Council, NMFS Alaska Region, and AFSC staff prepared a draft fishery management plan for the Arctic and supporting analysis. In addition to these steps, scientists from the University of British Columbia have prepared baseline estimates of fisheries catches from Arctic Alaska for the period 1950 to 2006[6].

In 2009, the Council adopted, and NMFS approved, an Arctic fishery management plan that (1) closes the Arctic to commercial fishing until information improves so that fishing can be conducted sustainably and with due concern to other ecosystem components, (2)

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[5] See the web page for this research cruise, with a link to a preliminary cruise report, at http://www.afsc.noaa.gov/REFM/Stocks/fit/Beaufort.php.

[6] Booth, Shawn, Dirk Zeller, and Daniel Pauly. 2008. Baseline Study of Marine Fisheries Catches from Arctic Alaska: 1950-2006. UBC Fisheries Centre. Vancouver, B.C., November 2008.

determines the fishery management authorities in the Arctic and provides the Council with a vehicle for addressing future management issues, and (3) implements an ecosystem based management policy that recognizes the unique issues in the Alaskan Arctic. No significant fisheries exist in the Arctic Management Area, either historically or currently. However, the warming of the Arctic and seasonal shrinkage of the sea ice may be associated with increased opportunities for fishing in this region. The Arctic fishery management plan prevents commercial fisheries from developing in the Arctic without the required management framework and scientific information on the fish stocks, their characteristics, and the implications of fishing for the stocks and related components of the ecosystem. A number of Arctic fish, marine mammals, and seabird species migrate into the area covered by the BSAI FMP, so any additional protection from unregulated fishing in the Arctic may be beneficial to these migratory species. The regulations implementing the Arctic fishery management plan were effective December 3, 2009.

In 2009, NMFS implemented regulations to revise the seabird avoidance requirements for the hook-and-line groundfish and halibut fisheries in International Pacific Halibut Commission Area 4E. This action revises seabird avoidance measures based on the latest scientific information and reduces unnecessary regulatory burdens and associated costs by eliminating seabird avoidance requirements for hook-and-line vessels less than or equal to 55 ft (16.8 m) length overall in portions of Area 4E in the eastern Bering Sea (74 FR 13355, March 27, 2009). An environmental assessment (EA) determined that this action would not have significant environmental impacts.[7]

Amendment 89 to the BSAI FMP, which became effective on August 25, 2008, establishes Bering Sea habitat conservation measures prohibiting nonpelagic trawling in certain waters of the Bering Sea subarea and the Northern Bering Sea Research Area (73 FR 43362; July 25, 2008). This action was analyzed under an EA and resulted in no significant impacts on the human environment.[8] The action provides protection to bottom habitat from the potential effects of non-pelagic trawling.

In 2009, NMFS adopted final regulations removing the vessel monitoring system (VMS) requirements applied to vessels fishing dinglebar gear. These requirements were initially implemented to assist enforcement in protecting closed habitat areas in the GOA. They were removed to reduce the costs incurred by dinglebar fishermen in light of information indicating that these fishermen would not normally fish in the protected areas. An EA determined that this action would not have significant environmental impacts.[9]

The Council has taken action to address the increasing levels of salmon bycatch in the BSAI pollock fisheries. First, the Council recommended Amendment 84 to establish the salmon bycatch intercooperative agreement that allows vessels participating in the directed fisheries for pollock in the Bering Sea to use their internal cooperative structure to reduce salmon bycatch using a method called the voluntary rolling hotspot system (VRHS). In recommending Amendment 84, the Council recognized that current regula-

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[7] http://alaskafisheries.noaa.gov/analyses/seabirds/4E_earirfa_0109.pdf
[8] http://alaskafisheries.noaa.gov/analyses/amd89/earirfrfa_0508.pdf
[9] http://alaskafisheries.noaa.gov/analyses/groundfish/dbar_vms_earirfrfa_1208.pdf

tory management measures, including a bycatch cap that triggered closure of fixed salmon savings areas, have not been effective at reducing salmon bycatch. Amendment 84 provides an alternative approach to managing salmon bycatch which has the potential to be more effective than current regulations. In 2007, NMFS implemented Amendment 84 (72 FR 61070; October 29, 2007). The effects of Amendment 84 were analyzed in the an EA.[10]

The Specifications EIS describes and analyzes the impacts of the pollock fishery's salmon bycatch with the VRHS measures in place, which were in effect at the time pursuant to an exempted fishing permit. Accordingly, the adoption of Amendment 84 does not represent significant new circumstances necessitating an SEIS.

In 2009, the Council recommended a preferred alternative to minimize Chinook salmon bycatch to the extent practicable while achieving optimum yield. The impacts of the proposed action and its alternatives were analyzed in the Bering Sea Chinook Salmon Bycatch Management Final Environmental Impact Statement[11]. This analysis provides new and recent information on the Bering Sea pollock fishery and the impacts of that fishery on the human environment. NMFS proposes to implement the preferred alternative for the start of the 2011 fishing year.

Since the Specifications EIS, Endangered Species Act (ESA) activities regarding a number of marine mammals have occurred. These activities include the status review, designation of critical habitat, and the listing of certain animals. With these ESA activities, the impacts of the groundfish fisheries are considered and may result in ESA consultation where effects on ESA-listed species or designated critical habitat are identified. At this time, none of the new information or ESA activities would change the analysis in the Specifications EIS of the impacts of the harvest strategy on these marine mammals.

- In December 2007, NMFS received a petition to list ribbon seals as threatened or endangered species. On March 28, 2008, NMFS found that the petition presented substantial scientific or commercial information indicating that the petitioned action might be warranted. Therefore, NMFS initiated a status review of the ribbon seal to determine if listing under the ESA was warranted (73 FR 16617). After the review, NMFS concluded that listing was not warranted.[12]

- In February 2008, the Department of the Interior (DOI) received a petition requesting it to list Pacific walrus under the ESA. On September 10, 2009, DOI published a 90-day finding that the petition presents substantial scientific or commercial information indicating that listing this species may be warranted (74

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[10] North Pacific Fishery Management Council (Oct. 2007). Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Modifying existing Chinook and chum salmon savings areas: Final Rule Implementing Amendment 84 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. URL: http://www.alaskafisheries.noaa.gov/analyses/amd84/Am84_EARIRFRFAfr.pdf

[11] NMFS (Dec. 2009). Bering Sea Chinook Salmon Bycatch Management Final Environmental Impact Statement. URL: http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm.

[12] http://www.alaskafisheries.noaa.gov/newsreleases/2008/ribbonseals122308.htm

FR 46548). DOI has 12 months to make a listing determination. Listing Pacific walrus would result in ESA Section 7 formal consultation for the BSAI groundfish fisheries as Pacific walrus are incidentally taken in this fishery, these fisheries have the potential to impact walrus bottom habitat important to foraging, and walruses are particularly sensitive to disturbance from human activities, including fishing vessel activities. The effects conclusions in the Specifications EIS are not affected by this information.

- On March 6, 2008, the Northern Right Whale was listed under the ESA as endangered (73 FR 12024), and critical habitat was designated (73 FR 19000; April 8, 2008). This was necessary following the identification of separate Pacific and Atlantic stocks, and did not change the 2006 findings that the effects of the groundfish fisheries are not likely to adversely affect either the listed whales or their designated critical habitat.

- In May 2008, NMFS received a petition to list ringed, bearded, and spotted seals as threatened or endangered. On September 4, 2008, NMFS found that the petition also presented substantial information indicating that the action might be warranted (73 FR 51615) and initiated an additional status review. On October 15, 2009, NMFS announced that it proposed to list one of three populations of spotted seals. The other two populations were determined to be not currently in danger of extinction or likely to become endangered in the foreseeable future. The listed population occurs in Chinese and Russian waters, but not in U.S. waters (74 FR 53683). Because the listed stock occurs outside of Alaska waters, no effects of the Alaska groundfish fisheries on this portion of the spotted seal stock occur, and no ESA consultation is necessary.

- On May 15, 2008, DOI published a final rule listing polar bears as threatened under the ESA (73 FR 28212). Polar bears are not directly affected by BSAI and GOA groundfish fisheries. On October 22, 2009, DOI proposed critical habitat for the bear (74 FR 56058). Portions of the sea ice proposed as critical habitat are identified in the Bering Sea north of St. Matthew Island to the Chukchi Sea. Almost no groundfish fishing occurs in this area. This area is currently closed to nonpelagic trawling, which could have an impact on benthic prey species of ice seals (e.g., bearded seals) and Pacific walrus, which are prey species of polar bears. Because of the nonpelagic trawl closure, it is unlikely the groundfish fisheries would have any indirect effects on polar bears or their critical habitat.

- A program level Section 7 formal consultation on the Alaska groundfish fisheries effects on Steller sea lions, humpback whales, and sperm whales is ongoing, with a draft scheduled for release in the spring of 2010.

An increasing role for ecosystem considerations was analyzed in the Specifications EIS and does not change the findings in the Specifications EIS concerning the impacts of the harvest strategy on the human environment. No new significant information or developments relating to ecosystem considerations warrant a supplemental EIS.

Fishery rationalization

Fishery rationalization measures include those that implement or modify catch share programs.

Final rules to implement Amendment 80 and Amendment 85 to the BSAI FMP were published in the *Federal Register* on September 14, 2007 (72 FR 52668), and September 4, 2007 (72 FR 50788), respectively. Amendments 80 and 85 improved management for the species under those programs and modified the method of TAC allocations.

The Amendment 80 Program establishes a limited access privilege program for the non-American Fisheries Act (non-AFA) trawl catcher/processor sector by allocating TAC among several BSAI non-pollock trawl groundfish fishing sectors, and it facilitates the formation of harvesting cooperatives in the non-AFA trawl catcher/processor sector. The Amendment 80 species are Atka mackerel, flathead sole, Pacific cod, rock sole, yellowfin sole, and Aleutian Islands Pacific ocean perch. In order to limit the ability of participants eligible for the Amendment 80 Program to expand their harvest efforts in the GOA, the program established groundfish and prohibited species catch (PSC) limits as sideboard limits for Amendment 80 Program participants in the GOA.

Amendment 85 modifies the current allocations and seasonal apportionments of BSAI Pacific cod TAC among various harvest sectors. Amendment 85 reduces uncertainty about the availability of yearly harvests within sectors caused by reallocations and maintains stability among sectors in the BSAI Pacific cod fishery.

NMFS published a final rule to modify the 2008 harvest specifications under the provisions of Amendments 80 and 85 (72 FR 71802; December 19, 2007). This action was necessary to ensure that allocations were in effect for Amendment 80 and 85 participants at the beginning of the 2008 fishing year. The modifications were done under the auspices of the Specifications EIS. NMFS extended these allocations with the 2008 and 2009 proposed and final harvest specifications.

Additionally, Amendments 80 and 85 incorporate statutory mandates of the Magnuson-Stevens Act, as amended by the Coast Guard and Maritime Transportation Act of 2006 and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. These amendments to the Magnuson-Stevens Act required that Amendments 80 and 85 allocate to the CDQ Program 10.7 percent of the TAC of the species allocated under those programs. The Magnuson-Stevens Act requires that all catch of these species accrue against the CDQ allocations, including catch in both the directed fisheries for these species and any incidental catch or bycatch. Minor revisions were made to catch monitoring requirements for the CDQ fisheries to comply with the new Magnuson-Stevens Act requirement that the CDQ fisheries be managed no more restrictively than the cooperative fisheries for these same species.

The Magnuson-Stevens Act also requires that allocations to the CDQ Program be made only for species with directed fisheries in the BSAI. Under Amendment 80, allocations

to the CDQ Program of TAC categories without directed fisheries in the BSAI were discontinued. These species include pollock in the Bogoslof District, Greenland turbot in the Aleutian Islands, Alaska plaice, other flatfish, rockfish, and other species. Catch in the CDQ fisheries of these species will be managed under the regulations and according to the individual fishery's status for that TAC category. Retention of species closed to directed fishing will be limited to maximum retainable amounts, unless the species is on prohibited species status requiring discard. Notices of closure to directed fishing and of retention requirements for these species will apply to the CDQ and non-CDQ sectors. The catch of these species in the CDQ fisheries will not constrain the catch of other CDQ species unless catch by all sectors approached an overfishing level. These changes are discussed in detail in the 2007-2008 final harvest specifications for groundfish of the BSAI (72 FR 9451, March 2, 2007).

Regulations implementing Amendments 92/82 removes trawl gear endorsements on licenses issued under the license limitation program in specific management areas if those licenses have not been used on vessels that met minimum recent landing requirements using trawl gear (74 FR 41080; August 14, 2009). This action provides exemptions to this requirement for licenses that are used in trawl fisheries subject to certain limited access privilege programs. This action issues new area endorsements for trawl catcher vessel licenses in the Aleutian Islands if minimum recent landing requirements in the Aleutian Islands were met. The EA accompanying this action found that there were no significant environmental impacts.[13]

In 2009, NMFS implemented a number of actions to improve the functioning of existing catch share programs. Each EA referenced under the following elements is available from the NMFS, Alaska Region web site.[14]

- NMFS implemented regulations to provide harvesting cooperatives, crab processing quota share holders, and CDQ groups with the option to make inter-cooperative transfers, crab individual processing quota transfers, and inter-group transfers through an automated, web-based process (74 FR 51515; October 7, 2009). The EA accompanying this action found that there were no significant environmental impacts.

- Regulations implementing Amendments 90/78 amend the BSAI Amendment 80 Program and the Central GOA Rockfish Program to allow post-delivery transfers of cooperative quota to cover overages to mitigate potential overages, reduce enforcement costs, and provide for more precise total allowable catch management (74 FR 42178; August 21, 2009). The EA accompanying this action found that there were no significant environmental impacts.

- Regulations implementing Amendments 62/62 increase the number of times per year that a stationary floating processor (SFP) that is qualified under the American Fisheries Act (AFA) may move within State of Alaska waters in the Bering

[13] http://alaskafisheries.noaa.gov/analyses/amd82/amd92_82rireafrfa0509.pdf
[14] http://www.fakr.noaa.gov/index/analyses/analyses.asp

Sea subarea to process pollock (74 FR 34701; July 17, 2009). This action also requires AFA SFPs to process all GOA pollock and GOA Pacific cod where they processed these species in 2002. This action increases operational flexibility for AFA SFPs that process pollock while continuing to limit the competitive advantage of AFA SFPs in the GOA pollock and GOA Pacific cod fisheries. The EA accompanying this action found that there were no significant environmental impacts.

These fishery rationalization measures improve management of the fisheries but they do not alter the harvest specification process or change analysis in the Specifications EIS of impacts of the harvest strategy on the human environment. They therefore do not constitute "significant new circumstances" necessitating a supplemental EIS pursuant to 40 CFR 1502.9(c)(1)(ii).

Traditional management tools

Traditional management tools are those designed to define target species, and to determine, authorize, manage, or enforce limits on the harvest of target species. Since 2007, NMFS has implemented a number of management actions for the BSAI or GOA groundfish fisheries, however, none of these actions modify the harvest specifications process or change analysis in the Specifications EIS of impacts of the harvest strategy on the human environment.

Amendment 79 to the FMP for Groundfish of the Gulf of Alaska, which requires the Council to recommend an aggregate overfishing level and acceptable biological catch for the "other species" category in the Gulf of Alaska as part of the annual groundfish harvest specifications process, became effective in 2008 (73 FR 49963; August 25, 2008). The "other species" category in the Gulf of Alaska consists of sharks, sculpins, squid, and octopus. Amendment 79 does not alter the harvest specification process or change the analysis in the Specifications EIS concerning the impacts of the harvest strategy on the human environment.

Amendments 73/77, which became effective on January 30, 2009, remove dark rockfish (*Sebastes ciliatus*) from both groundfish FMPs (73 FR 80307; December 31, 2009). This action allows the State of Alaska to implement more responsive, regionally based management of dark rockfish than is currently possible under the FMPs and improves conservation and management of dark rockfish.

The GOA Pollock Trip Limit final rule prohibits a catcher vessel from landing more than 300,000 lb (136 mt) of unprocessed pollock during a calendar day, and from landing a cumulative amount of unprocessed pollock from any GOA reporting area that exceeds 300,000 lb multiplied by the number of calendar days the pollock fishery is open to directed fishing in a season (74 FR 18156; April 21, 2009). This rule prevents catcher vessels from circumventing the intent of current trip limit regulations when making deliveries of pollock. Amending the current trip limit regulation to limit a vessel to 300,000 lb of pollock caught in a day will continue to disperse catches of pollock in a manner that is consistent with the intent of Steller sea lion protection measures in the GOA. This action

is consistent with the Steller sea lion protection measures and results in no effects on Steller sea lions beyond those already analyzed in the 2001 Biological Opinion.

NMFS issues a final rule to revise the maximum retainable amounts (MRAs) of groundfish using arrowtooth flounder as a basis species in the GOA (74 FR 13348; March 27, 2009). This action increases the MRAs from 0 percent to 20 percent for deep-water flatfish, rex sole, flathead sole, shallow-water flatfish, Atka mackerel, and skates; from 0 percent to 5 percent for aggregated rockfish; and from 0 percent to 1 percent for sablefish. The intended effect of this action is to reduce regulatory discards of otherwise marketable groundfish in the arrowtooth flounder fishery. The EA accompanying this action found that there were no significant environmental impacts.[15]

NMFS published a final rule on May 6, 2009, to implement regulations to limit the harvest of Pacific halibut by guided sport charter vessel anglers in International Pacific Halibut Commission (IPHC) Regulatory Area 2C of Southeast Alaska to one halibut per day (74 FR 21194). This action is necessary to reduce the halibut harvest in the guided sport charter vessel (guided) sector. The intended effect of this action is to manage the harvest of halibut in Area 2C consistent with an allocation strategy recommended by the Council for the guided fishery and the commercial fishery. This final rule implements three restrictions for the guided fishery for halibut in Southeast Alaska: a one-fish daily bag limit, no harvest by the charter vessel guide and crew, and a line limit equal to the number of charter vessel anglers onboard, not to exceed six lines. An EA was prepared for this action that found that there were no significant environmental impacts from this action.[16]

NMFS published final rule on January 5, 2010, that establishes a limited access system for charter vessels in the guided sport fishery for halibut in Southeast Alaska and the Gulf of Alaska (75 FR 554). Implementation of the rule will start with a permit application and other administrative procedures and permits will be required to be onboard charter vessels fishing for halibut beginning February 1, 2011. An EA was prepared for this action that found that there were no significant environmental impacts from this action.[17]

These measures improve management of the fisheries but they do not alter the harvest specification process or change analysis in the Specifications EIS of impacts of the harvest strategy on the human environment. They therefore do not constitute "significant new circumstances" necessitating a supplemental EIS pursuant to 40 CFR 1502.9(c)(1)(ii).

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[15] http://www.fakr.noaa.gov/analyses/mra/goa_arrowtooth_mra_frea0309.pdf
[16] http://www.fakr.noaa.gov/analyses/halibut/area2c_charterhalibut_earirfrfa0309.pdf
[17] http://www.fakr.noaa.gov/analyses/halibut/earirfrfa_charter_vessel_moratorium110609.pdf

Actions by other federal, state, and international agencies and private actions

As noted in the ecosystem section, in May 2008, DOI listed polar bears as a threatened species under the ESA and proposed critical habitat in October 2009. In February 2008 it received a petition to list Pacific walrus under the ESA and in September 2009, it published a 90-day finding that the petition presented substantial information indicating that listing this species may be warranted. Polar bears do not interact with the BSAI and GOA groundfish fisheries, and the fisheries are unlikely to affect proposed designated critical habitat.

The International Pacific Halibut Commission analyzes the status of the halibut stocks and set the consent exploitation yield (CEY). The CEY is adjusted for removals that occur outside the commercial directed hook-and-line harvest (incidental catch in the groundfish fisheries, wastage in halibut fisheries, recreational harvest, subsistence use) to determine the commercial directed hook-and-line quota. The 2009 assessment revised last year's estimate of 325 million pounds at the start of 2009 downwards to 291 million pounds and projects an increase of 14% over that value to arrive at the 2010 value of 334 million pounds.[18]

No other additional actions by other federal, state, and international agencies and private actions beyond those identified in the Specifications EIS have occurred since January 2007 that would change the analysis in the Specifications EIS of the impacts of the harvest strategy on the human environment.

VI. DETERMINATION

After reviewing the information above and presented in the SAFE reports, I have determined that (1) the 2010/2011 harvest specifications, which were set according to the preferred harvest strategy, do not constitute a change in the action, and (2) the information presented does not indicate that there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Additionally, the 2010/2011 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental NEPA documentation is not necessary to implement the 2010/2011 harvest specifications.

Robert D. Mecum

Regional Administrator

2/4/10

Date

[18] http://www.iphc.washington.edu/halcom/research/sa/papers/sa09.pdf

VII. PREPARERS AND PERSONS CONSULTED

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Appendix A: BSAI Stock Assessment and Fishery Evaluation (SAFE) Reports

North Pacific Fishery Management Council, Stock Assessment and Fishery Evaluation Report for the Groundfish Resources of the Bering Sea/Aleutian Islands Regions.

This document is included by reference. The 2009 versions for each species or species group may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm

Appendix B: GOA Stock Assessment and Fishery Evaluation (SAFE) Reports

North Pacific Fishery Management Council, Stock Assessment and Fishery Evaluation Report for the Groundfish Resources of the Gulf of Alaska.

This document is included by reference. The 2009 versions for each species or species group may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm

Appendix C: Ecosystem Considerations

This document is included by reference. The 2009 version may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm

Appendix D: Economic Status Report

This document is included by reference. The 2009 version may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm