

ENVIRONMENTAL ASSESSMENT
OF AN EMERGENCY INTERIM RULE
THAT IMPLEMENTS 1992 BYCATCH MANAGEMENT MEASURES
IN THE ALASKA GROUND FISH FISHERIES

SUMMARY

This environmental assessment summarizes potential impacts of an emergency rule implementation of certain prohibited species bycatch management measures that have been proposed for the Alaska groundfish fisheries under Amendment 19 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 24 to the FMP for Groundfish of the Gulf of Alaska (GOA). This environmental assessment summarizes and incorporates by reference the draft environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) that has been prepared for Amendment 19 and 24 (attached).

1.0 PURPOSE AND NEED FOR THE EMERGENCY ACTION

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the BSAI and the GOA are managed by the Secretary of Commerce under FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and are implemented by regulations governing the foreign fishery at 50 CFR part 611 and by regulations governing the U.S. fishery at 50 CFR parts 672 and 675. Additional regulations applicable to the U.S. fishery are codified at 50 CFR part 620.

At times, amendments to the FMPs and their implementing regulations are necessary to respond to fishery conservation and management problems that cannot be addressed within the time frame of the normal procedures provided for by the Magnuson Act. Section 305(c) of the Magnuson Act, 16 U.S.C. 1855(c), authorizes the Secretary to promulgate emergency regulations necessary to address these emergencies. These emergency regulations may remain in effect for not more than 90 days after publication in the Federal Register, with a possible 90-day repromulgation.

At its December 3-9, 1991, meeting, the Council adopted revised prohibited species bycatch management measures under Amendment 19

to the BSAI FMP, Amendment 24 to the GOA FMP, and associated regulatory amendments. A proposed rule to implement the Council's actions will be published for public review and comment in the Federal Register. Pending Secretarial approval, a final rule implementing these measures would not be effective before July, 1992.

Several of the measures adopted by the Council must be implemented under an emergency interim rule to respond to new information that developed from the Council's December 1991 meeting. This action will avoid serious problems pertinent to the management of monitoring of prohibited species and minimize foregone groundfish harvests and associated revenues that occur under existing prohibited species catch (PSC) limits. As such, the Council recommended that the following measures be implemented by emergency interim rulemaking during the period that Amendments 19 and 24 are being reviewed by the Secretary.

1. Revise target fishery definitions for purposes of monitoring prohibited species bycatch allowances specified for BSAI trawl fisheries and assigning vessels to fisheries for purposes of the vessel incentive program;
2. For 1992, reduce the Pacific halibut PSC limit established for BSAI trawl gear from 5,333 mt to 5,033 mt;
3. Revise the management of the BSAI trawl fishery categories that are eligible to receive prohibited species bycatch allowances;
4. Delay the GOA rockfish trawl fishery to June 29, 1992, and revise directed fishing standards for GOA rockfish to support the season delay; and
5. Revise GOA and BSAI directed fishing standards to more effectively limit bycatch amounts of groundfish species for which directed fishing closures have been implemented.

2.0 DESCRIPTION OF THE ALTERNATIVES

Alternative 1 - Status quo: Do not implement the bycatch management measures listed under Alternative 2. A full description of the status quo alternative is found in Section 2 of the attached EA/RIR/IRFA prepared for Amendment 19 and 24.

Alternative 2 - Implement the following management measures under an emergency interim rule during the period that Amendments 19 and 24 are being reviewed by the Secretary of Commerce.

1. Revise target fishery definitions. Under the emergency rule, a revised set of fishery definitions is implemented for purposes of monitoring BSAI fishery bycatch allowances of prohibited species. These target fishery definitions are as follows:

- a. Mid-water pollock fishery - A fishery in which the pollock catch is equal to or greater than 95 percent of the total catch of groundfish for which a total allowable catch (TAC) has been specified under 672.20 and 675.20.
- b. BSAI rock sole, yellowfin sole, or 'other flatfish' fishery - A BSAI flatfish fishery is first determined by an aggregate retained amount of yellowfin sole, rock sole, and other flatfish that is greater than the retained amount of any other groundfish species or species group, in round weight equivalents. The BSAI flatfish fishery is then subdivided into either the (1) yellowfin sole fishery if this species comprises 70 percent or more of the retained flatfish catch, or (2) the rock sole/'other flatfish' fishery category.
- c. Other BSAI and GOA target groundfish fisheries are determined by the retained amounts of the groundfish species or species group that is greater than the retained amounts of any other groundfish species or species group, in round weight equivalents.

2. Reduce the Pacific halibut PSC limit for BSAI trawl gear. The Council's action under Amendment 19 to the BSAI FMP reduced the halibut PSC limit established for trawl gear from 5,333 mt to 5,033 mt for the 1992 fishing year. This action must be implemented by emergency interim rulemaking to assure that the revised halibut PSC limit and associated fishery bycatch allowances (discussed below) are not exceeded and are monitored and managed in an orderly manner from the start of the 1992 fishing year.

3. Revise the management of BSAI prohibited species bycatch allowances. Under the emergency rule, regulations that authorize the allocation of PSC limits to fishery categories

are revised. Emergency rule implementation of this action is necessary to allow for more complete accountability of fishery bycatch amounts of prohibited species and to maintain overall bycatch amounts at levels consistent with the PSC limits established for these species. Specific revisions under the emergency rule are as follows:

a. 675.21(b) is revised so that the following trawl fishery categories are eligible to receive separate halibut, crab, and herring bycatch allowances: (1) Greenland turbot, arrowtooth flounder, and sablefish; (2) yellowfin sole; (3) rock sole and other flatfish; (4) rockfish; (5) Pacific cod; and (6) pollock, Atka mackerel, and 'other species.' The midwater pollock fishery will continue to receive a separate herring bycatch allowance.

b. When a fishery category attains a bycatch allowance, directed fishery categories are closed under 675.21(c) to limit further bycatch of the applicable prohibited species. When a halibut or crab bycatch allowance specified for the pollock/Atka mackerel/'other species' category is reached, only directed fishing for pollock with other than pelagic trawl gear is prohibited.

4. Delay the 1992 GOA rockfish trawl fishery, and revise associated directed fishing standards.

a. Directed fishing for GOA rockfish with trawl gear is prohibited until June 29, 1992, to reduce the high bycatch of chinook salmon and halibut that occurred in this fishery during the first half of 1991 and 1990.

b. Regulations at 672.20(h) are revised to reduce the directed fishing standards for GOA rockfish species of the genera *Sebastes* and *Sebastolobus* to 15 percent of the aggregate amounts of deepwater flatfish, flathead sole, arrowtooth flounder, and sablefish, plus 5 percent of the aggregate amount of all other fish species retained at the same time by a vessel during the same fishing trip.

c. The definition of fishing trip for purposes of directed fishing standards specified for GOA and BSAI groundfish at 672.20(h)(2) and 675.20(i)(2),

respectively, is revised so that a trip terminates at the end of a weekly reporting period. Furthermore, GOA and BSAI directed fishing standards are revised to more effectively limit bycatch amounts of groundfish species for which directed fishing closures have been implemented.

The justification and analyses for each of these management measures is set forth in the preamble to the FEDERAL REGISTER notice of emergency interim rulemaking and in section 3.0 of the attached EA/RIR/IRFA.

4.0 SUMMARY OF BIOLOGICAL AND ECONOMIC DIFFERENCES AMONG THE ALTERNATIVES.

Biological and socioeconomic implications of bycatch management measures implemented under Alternative two are described in section 4.0 of the attached draft EA/RIR/IRFA prepared for Amendments 19 and 24. Based on a bycatch simulation model used to analyze the effects of alternatives considered under Amendments 19 and 24, the effects of the emergency rule described under Alternative 2 would fall within the following parameters.

- Halibut mortality could be reduced by 14 percent;
- Herring bycatch would not change;
- Red king crab bycatch could decrease by 20 percent;
- There would not be a significant change in *C. bairdi* bycatch;
- Chinook bycatch could be reduced by 55 percent;
- Groundfish catch could be reduced by 3.2 percent, which probably is not a statistically significant change;
- Both the gross and net wholesale value of the groundfish catch could be reduced by 5.4 percent, although these may not be statistically significant changes; and
- Both the gross and net wholesale value of the bycatch could decrease by about 14.2 percent.

Under the emergency rule, halibut bycatch mortality would be reduced through a fuller accounting of fishery specific bycatch amounts and associated fishery closures that more fully limit further bycatch of halibut. The savings in halibut mortality are not expected to affect the condition of the halibut resource because of the procedures used by the International Pacific Halibut Commission to account for bycatch mortality in the groundfish fisheries. The difference will, however, benefit

halibut fishermen through increased halibut quotas.

The season delay of the GOA trawl rockfish fishery could reduce chinook salmon bycatch in the GOA by 64 percent. This reduction could result in benefits in terms of the condition of some salmon stocks and an increased harvest in the salmon fisheries.

Furthermore, an immediate reduction of salmon bycatch in the groundfish trawl fisheries would help address this divisive and contentious issue, that will only be aggravated if high bycatch amounts continue in the 1992 rockfish fishery.

The actions implemented under the emergency rule are not expected to have an adverse impact on Steller sea lions, other marine mammals, or sea birds.

FINDING OF NO SIGNIFICANT IMPACT

For the reasons discussed, the implementation of the emergency rule would not significantly affect the quality of the human environment, and the preparation of an environmental impact statement on the preferred action (Alternative 2) is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

Date

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