




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
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June 9, 2014

MEMORANDUM FOR: The Record

FROM:

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SUBJECT:

Categorical Exclusion for Amendment 105 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area for Flatfish Harvest Specifications Flexibility (RIN 0648-BD23)

NAO 216-6, Environmental Review Procedures, requires all proposed actions to be reviewed with respect to environmental consequences on the human environment. This memorandum summarizes the determination that Amendment 105 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP), and its proposed implementing regulations (RIN 0648-BD23), qualify to be categorically excluded from further NEPA review.

Background

The groundfish fisheries in federal waters of the Bering Sea and Aleutian Islands (BSAI) are managed under the FMP. In the 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 approves the harvest specifications based on the recommendations of the North Pacific Fishery Management Council (Council).

The Council's groundfish harvest strategy prescribes setting total allowable catches (TACs) for groundfish species and species groups 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. The annual catch limit (ACL) is set equal to the ABC. Overfishing levels and ABC/ACLs provide the foundation for the Council and NMFS to develop the TACs.



Each catch limit established as a harvest specification reflects fishery science, applied in light of the requirements of the FMPs. Harvest specifications include seasonal apportionments and allocations of TAC and PSC among seasons and areas, and allocations of the limits among fishing sectors. The TACs recommended by the Council are either at or below the ABCs to establish an upper limit on total catch (retained and discarded) for a fishing year. TACs are set for each "target species" and "other species" category defined in the FMPs or harvest specifications. The sum of the annual limits for each species, or of each group of species, that may be taken is constrained by an aggregate catch limit (i.e., optimum yield) established for the BSAI groundfish fisheries. Groundfish harvests are controlled by the enforcement of TAC and PSC limits.

Amendment 80 to the FMP authorized the allocation of specified BSAI groundfish species to harvesting cooperatives and established the Amendment 80 catch share program (Amendment 80 Program) for trawl catcher/processors that are not authorized to conduct directed fishing for pollock under the American Fisheries Act of 1998 (AFA), or non-AFA trawl catcher/processors. Non-AFA trawl catcher/processors are also referred to as Amendment 80 vessels or the Amendment 80 sector. Under the Amendment 80 Program, NMFS issues a quota share (QS) permit to a person holding the catch history of an original qualifying non-AFA trawl catcher/processor. QS are an exclusive, revocable privilege allowing the holder to harvest a specific percentage of the annual TAC for each of the six defined Amendment 80 species. In addition, NMFS allocates a specific portion of the allowable PSC and participants are prohibited from harvesting more than their PSC allocation. PSC species are incidentally taken in BSAI trawl fisheries and may not be retained.

The Amendment 80 Program was intended to meet a number of policy objectives that included improving retention and utilization of fishery resources by the Amendment 80 sector, reducing potential bycatch reduction costs, encouraging fishing practices with lower discard rates, and promoting opportunities for the sector to increase the value of harvested species. Cooperative management promotes the goals and objectives of the FMP by allowing vessel operators to make operational choices to improve fishing practices and reduce discards of fish. Cooperatives fishing under an exclusive harvest privilege can tailor their operations to maximize catch rates of target species, avoid areas with undesirable bycatch, and improve the quality of products produced.

The regulations implementing the Amendment 80 Program also established a fixed allocation to the CDQ Program for Amendment 80 and PSC species. Each of these allocations may not be exceeded, which is consistent with current CDQ management practices for these groundfish species.

In 2007, the Council and NMFS prepared the Environmental Assessment (EA) for the Amendment 80 Program.¹ The EA for Amendment 80 examined the environmental impacts of proposed alternatives to allocate non-pollock groundfish and PSC in the BSAI to non-AFA trawl C/Ps. The EA analyzed the environmental, social, and economic effects of the Amendment 80 Program. The Amendment 80 EA found that none of the alternatives considered was likely to have significant impacts on the human environment.

The alternatives analyzed in the EA for Amendment 80 included the annual determination of harvest specifications for all BSAI groundfish species, including species allocated under the Amendment 80 Program, in the annual harvest specifications process. NMFS prepared the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement² (Harvest Specifications EIS) in January 2007 for the harvest strategy used to set the annual harvest specifications. The Harvest Specifications EIS examines alternative harvest strategies for the federally managed groundfish fisheries in the Gulf of Alaska 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 Harvest 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 Gulf of Alaska 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.

Description of the Action

The proposed action would change the method for allocating to the Amendment 80 sector and CDQ groups the TAC for three of the six Amendment 80 groundfish species: flathead sole, rock sole, and yellowfin sole. Under the proposed action, the Amendment 80 sector and CDQ groups would receive their allocated portion of the flathead sole, rock sole, and yellowfin sole TAC early in each fishing year through the harvest specifications process. During the rest of the fishing year, these groups could request that NMFS increase their allocation of one of three species in exchange for decreasing their allocation of one of the other two species by an equivalent amount. For example, an Amendment 80 cooperative could increase their allocation of yellowfin sole by 100 metric tons (mt) in exchange for reducing their allocation of rock sole by 100 mt. The maximum amount of the exchange would be the “ABC reserve,” which is the difference between ABC and TAC for the subject species.

Effects of the Action

The primary effect of this action is to remove current artificial constraints on the Amendment 80 sector’s and the CDQ group’s ability to fully harvest their flatfish TACs. In other words, this action would make it more feasible for the Amendment 80 sector and CDQ groups to harvest the

¹NMFS 2007. Final Environmental Assessment for Amendment 80 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area. July 20, 2007. <http://www.alaskafisheries.noaa.gov/sustainablefisheries/amds/80/earirfifa0907.pdf>²

<http://alaskafisheries.noaa.gov/analyses/specs/eis/default.htm>

² <http://alaskafisheries.noaa.gov/analyses/specs/eis/default.htm>

fish that they are already allocated under status quo. If approved, this action would further the objectives of the Amendment 80 Program by providing Amendment 80 and CDQ fishery participants with increased flexibility in their fishing operations to maximize harvest of yellowfin sole, flathead sole, and rock sole TACs. Under the status quo, the Amendment 80 sector and CDQ groups are unable to fully harvest the TACs for these three species due to market limitations and limitations associated with the current way NMFS allocates TACs for these flatfish species, which are harvested both as incidental catch and as target fisheries. In both the Amendment 80 EA and the Harvest Specifications EIS, the impacts of the fisheries were analyzed assuming that the fishery fully harvests the TAC for each species and that the annual TAC can be set so that total catch is less than or equal to the ACL. Since this action only removes constraints to allow the fishery to more fully harvest the TACs, the impacts of this flexibility were previously analyzed in the prior NEPA documents.

This action would increase the opportunity for achieving optimum yield in the BSAI groundfish fisheries by providing Amendment 80 cooperatives and CDQ groups with inseason flexibility to shift fishing target species in response to changing environmental and/or market conditions. The proposed action would allow affected entities to exchange their allocation of yellowfin sole, flathead sole, and/or rock sole for an equivalent amount of their allocation of the ABC reserve for another species. This increased flexibility could result in economic benefits for the Amendment 80 sector and CDQ groups from greater TAC utilization of yellowfin sole, flathead sole, and/or rock sole.

The proposed action qualifies to be categorically excluded from further NEPA review because this action is a minor change to the Amendment 80 Program. This proposed action would have no effect on the natural or physical environment that was not already considered in the EA prepared for the Amendment 80 Program because the analysis assumed that the Amendment 80 sector and CDQ groups would fully harvest their allocations.

The proposed action would not change the harvest specifications process included in the alternatives in the Amendment 80 EA and analyzed in the Harvest Specifications EIS. The proposed action would have no effect on stock assessments or on annual catch limit accounting, and associated accountability measures. In some years, the flexibility may allow the fisheries to catch more flatfish overall, but not more than the ABCs established through the stock assessment and annual harvest specifications process for the groundfish complex. These flatfish species are at a sustainable population level and are managed with annual catch limits that are based on the carrying capacity of the species. Effective monitoring and enforcement measures are in place to ensure catch limits are not exceeded. The fisheries are limited by the same combined TAC for yellowfin sole, flathead sole, and/or rock sole; the proposed action would merely provide the flexibility to exchange allocations of one species for another, within each species' ABCs. The Council and NMFS would continue to use the harvest strategy established for all BSAI groundfish fisheries, in which harvest specifications are within the optimum yield established for the BSAI, and do not exceed the ABC for any single species or species group.

Under the proposed action, some change in fishing patterns may affect particular groundfish target or incidental catch species; however, all of the flatfish target fisheries have a fairly similar range of incidental catch species, and any change would continue to be accounted for in the harvest strategy and future stock assessments. Flatfish fishing already occurs throughout the year; the proposed action would provide the flexibility for the fishery to continue to target valuable flatfish species, when conditions change inseason.

The Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) found no indication that the current rate and intensity of fishing would alter the capacity of EFH to support healthy populations of managed species over the long term (NMFS 2005³). This action will have no additional impacts to EFH beyond those considered in the EFH EIS.

Prohibited species in the FMP are Pacific halibut, Pacific herring, Pacific salmon and steelhead, king crab, and Tanner crab. Participants in the BSAI flatfish fisheries catch prohibited species incidentally, and for these fisheries the interaction is primarily with halibut and crab. The Amendment 80 sector and the CDQ groups are capped in their use of prohibited species, including specific PSC limits for the sector's use of halibut and crab. The PSC limits for Amendment 80 sector and the CDQ groups would remain unchanged by this action. Therefore, this action will have no additional impacts to PSC species beyond those considered when the PSC limits were established by Amendment 80.⁴

Categorical Exclusion

This action would not result in any changes to the human environment. As defined in Sections 5.05b and 6.03d.4(a) of NAO 216-6, the proposed action is a recurring fisheries action (reallocation of yield within the scope of a previously published FMP) of a routine administrative nature and the action will not have any impacts not already assessed in a previous NEPA document. Additionally, this action does not have the potential to pose significant effects to the quality of the human environment. As such, it is categorically excluded from the need to prepare an Environmental Assessment or Environmental Impact Statement.

³ NMFS 2005. Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska. April 2005. <http://www.alaskafisheries.noaa.gov/habitat/seis/efheis.htm>

⁴ NMFS 2007. Final Environmental Assessment for Amendment 80 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area. July 20, 2007. <http://www.alaskafisheries.noaa.gov/sustainablefisheries/amds/80/earirfrfa0907.pdf>