Alaska Groundfish Harvest Specifications

Supplementary Information Report

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1 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 (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). 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 approves the harvest specifications based on the recommendations of the North Pacific Fishery Management Council (Council).

The National Marine Fisheries Service (NMFS) prepared the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Harvest Specifications EIS)[1] 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 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 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 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.

Annually, the Council's harvest specifications process is to apply the harvest strategy to the best available scientific information to derive annual harvest specifications. The Council's Groundfish Plan Teams and Scientific and Statistical Committee (SSC) use stock assessments to calculate biomass, overfishing levels, and acceptable biological catch (ABC) 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 total allowable catch (TAC) for each species or species group. 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 annual harvest specifications also set or apportion the prohibited species catch (PSC) limits.

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 ground-

[1] National Marine Fisheries Service, Department of Commerce (Jan. 2007), Alaska Groundfish Harvest Specifications Final Environmental Impact Statement. https://alaskafisheries.noaa.gov/fisheries/groundfish-harvest-specs-eis.

fish harvest in the fishing year with ecosystem needs such as non-target fish stocks, marine mammals, seabirds, and habitat.

2 Purpose of this Supplementary Information Report

This supplementary information report evaluates the need to prepare a Supplemental EIS (SEIS) for the 2017 and 2018 groundfish harvest specifications. This supplementary information report also provides information to preliminarily determine whether an SEIS may be necessary for the 2017 and 2018 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 2016 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 websites for the SAFE reports, which represent the best available scientific information for the harvest specifications. Appendix C contains the website for the ecosystem considerations report for the SAFE reports. Appendix D contains the website for the economic status report for the SAFE reports.

Not every change requires an SEIS; only those changes that cause effects that are significantly different from those already studied require supplementary consideration.[2] The Supreme Court directs 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 agency decisionmaking intractable."[3] On the other hand, if a subsequent related Federal action occurs, and new information indicates that the 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. This Supplementary Information Report also looks at reasonably foreseeable future actions to gauge whether a future action, individually or cumulatively, could cause a substantial change in the harvest specification process or represent significant new circumstances or new information that would require an SEIS in the future.

3 Changes to the Proposed Action

The 2017 and 2018 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

[2] See *Davis v. Latschar*, 202 F.3d 359, 369 (D.C. Cir. 2000).
[3] See *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 373 (1989).
[4] See *Marsh*, 490 U.S. at 374.

specifications based on information developed through the harvest specifications process. The 2017 and 2018 harvest specifications are consistent with the preferred alternative harvest strategy analyzed in the Harvest 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 group. The harvest specification process and the environmental consequences of the selected harvest strategy are fully described in the Harvest Specifications EIS.

The proposed 2017 and 2018 harvest specifications for the GOA and BSAI were published in the *Federal Register* on December 6, 2016 (81 FR 87881 and 81 FR 87863, respectively). The Council took final action to recommend final harvest specifications at its December 2016 meeting. NMFS is scheduled to publish the *Federal Register* notice announcing the final harvest specifications in February 2017.

NMFS has made some changes to the harvest specifications process since 2007. None of these changes, individually or cumulatively, represent a substantial change in the proposed action relevant to environmental concerns. In brief, 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 ensured that allocations were in effect for Amendment 80 and 85 participants at the beginning of the 2008 fishing year. The modifications were done in accordance with the Harvest Specifications EIS. NMFS extended these allocations with the 2008/2009 and subsequent harvest specifications.

Additionally, Amendments 80 and 85 incorporated 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 are managed under the regulations and according to the individual fishery's status for that TAC category. Retention of species closed to directed fishing is 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 apply to the CDQ and non-CDQ sectors. The catch of these species in the CDQ fisheries does not constrain the catch of other CDQ species unless catch by all sectors approached an overfishing level. These changes are discussed in de-

tail in the 2007/2008 final harvest specifications for groundfish of the BSAI (72 FR 9451, March 2, 2007).

Amendments 73/77, which became effective on January 30, 2009, removed dark rockfish (*Sebastes ciliatus*) from both FMPs (73 FR 80307, December 31, 2008). 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 Environmental Assessment (EA) accompanying this action found that there were no significant environmental impacts.[5]

In 2010, NMFS made some minor changes with Amendments 95 and 96 to the BSAI FMP and Amendment 87 to the GOA FMP (75 FR 61639, October 6, 2010) that are reflected in the 2011/2012 and subsequent harvest specifications. Amendment 95 moved skates from the "other species" category to the "target species" category in the FMP. Amendments 96 and 87 revised the FMPs to meet the National Standard 1 guidelines for annual catch limits and accountability measures. These amendments moved all remaining species groups from the "other species" category to the "target species" category, removed the "other species" and "non-specified species" categories from the FMPs, established an "ecosystem component" category, and described the current practices for groundfish fisheries management in the FMPs. The final rule removed references to the "other species" category for purposes of the harvest specifications and added skate species to the reporting codes for the BSAI groundfish fisheries. An EA determined that this action would not have significant environmental impacts.[6]

In October 2013, the Council's SSC recommended separate Bering Sea subarea and Aleutian Islands subarea overfishing levels and ABCs for Pacific cod in the BSAI for the 2014 and 2015 harvest specifications cycle based on the best available data. Before, Pacific cod was managed as one stock in the BSAI with one overfishing level and ABC. The stock assessment for AI Pacific cod was evaluated at the September 2013 BSAI Groundfish Plan Team meeting and October 2013 Council meeting. This stock assessment provides extensive information on why separate ABCs are appropriate for Pacific cod and the impacts of these ABCs on Pacific cod.

In December 2013, the Council recommended separate subarea TACs based on those assessments. Since the Council recommended splitting the BSAI Pacific cod TAC into separate BS and AI TACs and did not recommend revising 50 CFR 679.20, NMFS interpreted that the sector allocations currently in effect will continue to apply at the BSAI-wide level. This interpretation is consistent with the Council's intent about the sector allocations under Amendment 85 (72 FR 50788, September 4, 2007). The Council also recognized the dynamic nature of the AI Pacific cod fishery and the difficulty in predicting the likely outcomes of a TAC split, given that (1) all gear sectors have varied the proportion of total Pacific cod harvest in the AI over time; (2) Steller sea lion protection measures reduce a large portion of the fishable area in the AI; and (3) it is unknown how sectors will change their fishing patterns and redeploy in response to the Steller sea lion protection measures. However, since the result of separate TACs is a reduction in the amount of AI Pacific cod available for harvest, then environmental effects are beneficial. The primary conservation effects concern Pacific cod fishery interactions with Steller sea lions.

[5] https://alaskafisheries.noaa.gov/sites/default/files/analyses/ea082008.pdf.
[6] https://alaskafisheries.noaa.gov/sites/default/files/analyses/rir_amd95-96-87_0210.pdf.

NMFS analyzed the impacts of separate TACs on the AI Pacific cod fishery and Steller sea lions in the EIS Steller sea lion protection measures for groundfish fisheries in the Bering Sea and Aleutian Islands Management Area.[7]

At its November 2013 meeting, the Council's GOA Groundfish Plan Team recommended combining the Western and Central GOA "other rockfish" ABCs and TACs. The "other rockfish" category in those areas include "other rockfish" (19 species) and demersal shelf rockfish (7 species). The Plan Team recommended combining these ABCs and TACs based on the challenges associated with conducting a comprehensive assessment of all of the species in the "other rockfish" category in the Western and Central GOA. In December 2013, the Council and its SSC considered this change and recommended combining these ABCs and TACs as recommended by the Plan Team. NMFS does not anticipate any adverse management or conservation effects from this change, as directed fishing for other rockfish would continue to be prohibited in the Western and Central GOA.

In 2015, NMFS implemented Amendment 105 to the BSAI FMP (79 FR 56671, September 23, 2014). This amendment establishes a process for Western Alaska CDQ groups and Amendment 80 cooperatives to exchange quota of three flatfish species (flathead sole, rock sole, and yellowfin sole) for an equal amount of another of these three flatfish species, while maintaining total catch below ABC limits. This action is necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and Amendment 80 cooperatives from achieving, on a continuing basis, the optimum yield in the BSAI groundfish fisheries.

4 New Information

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 and relevant to environmental concerns and bearing on the proposed action or its impacts. The primary sources of new information directly related to the action and its impacts are the 2016 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.

The SAFE reports provide information to the Council for determining annual harvest levels from each stock. The SAFE reports (1) 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 law; (2) document significant trends or changes in the resource, marine ecosystems, and the fishery over time; and (3) assess the relative success of existing State of Alaska and Federal fishery management programs.

[7] https://alaskafisheries.noaa.gov/fisheries/sslpm-feis.

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 websites 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 species or species group 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 species or species group managed under the FMP.

The 2017 and 2018 harvest specifications are based on the information provided in the 2016 SAFE reports. The Plan Teams met in Seattle from November 14 to 18, 2016, to review the status of each species or species group 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 2016 SAFE reports. The 2016 SAFE reports describe in detail the new information available since the 2015 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 species or species group, as detailed in the SAFE reports.

The BSAI and GOA Plan Team recommendations were forwarded to the Council and its SSC and Advisory Panel (AP) for consideration and final action in December.

Based on this information, the Council recommended the 2017 and 2018 harvest specifications in December. First, the SSC reviewed the SAFE reports, the overfishing level, and the ABC recommendations and either confirmed the Plan Team recommendations or developed its own. Second, the ABC recommendations, together with biological, social, and economic factors, were considered by the AP and the Council in determining TACs. Third, the Council recommended TAC levels at or below ABC. Table 1 summarizes noteworthy SSC ABC recommendations for 2017 compared to the 2016 ABCs. NMFS is scheduled to publish the final harvest specifications in the *Federal Register* in mid-February 2017.

Table 1 Scientific and Statistical Committee (SSC) Bering Sea and Aleutian Islands and Gulf of Alaska ABC recommendations for 2017 area total ABCs and ABCs for selected stocks compared to the final 2016 ABCs (in metric tons).

Species	Final 2016 ABC	SSC 2017 ABC	Percent change
BSAI total ABC	**3,236,662**	**4,013,933**	**+24**
BS pollock	2,090,000	2,800,000	+34
BSAI Pacific cod	272,600	260,500	-4
Bering Sea sablefish	1,151	1,274	+11
AI sablefish	1,557	1,735	+11
BSAI yellowfin sole	211,700	260,800	+23
BSAI rock sole	161,000	155,100	-4
GOA total ABC	**727,684**	**667,877**	**-8**
GOA pollock	264,230	213,869	-19
GOA Pacific cod	98,600	88,342	-10
GOA sablefish	9,087	10,074	+11

The preferred harvest strategy analyzed in the Harvest Specifications EIS anticipated that information on changes in species abundance would be used each year in setting the annual harvest specifications. It is a flexible process designed to adjust to new information on stock abundance. However, according to this new information, there has been no change in any stock's status relative to the established status determination criteria. The status of the stocks continues to appear relatively favorable, and no groundfish stocks are overfished or approaching an overfished condition. Therefore, the information used to set the 2017 and 2018 harvest specifications is not significant relative to the environmental impacts of the harvest strategy analyzed in the Harvest Specifications EIS: it raises no new environmental concerns significantly different from those previously analyzed in the Harvest Specifications EIS. Thus, the new information available is not of a scale and scope that require an SEIS.

5 New Circumstances

Chapter 3 of the Harvest 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 have occurred since 2007 and, if they did occur, whether they would change the analysis in the Harvest Specifications EIS of the impacts of the harvest strategy on the human environment. In addition, NMFS considered whether other actions not anticipated in the Harvest Specifications EIS occurred that have a bearing on the harvest strategy or its impacts.

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

- Catch share management
- Traditional management tools
- Ecosystem-sensitive management
- Actions by other Federal, state, and international agencies
- Private actions

In this section, actions by other agencies and private actions that have occurred since 2007 have been grouped for discussion.

5.1 *Catch Share Management*

These following actions improve fisheries management, but they do not alter the harvest specification process or change the analysis in the Harvest 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).

5.1.1 Bering Sea

Amendment 80 Program: In 2007, NMFS published a final rule to implement Amendment 80 to the BSAI FMP (72 FR 52668, September 14, 2007). Amendment 80 is a catch share program that improved management for the species under the program and modified the method of TAC allocations. The Amendment 80 Program established a limited access privilege program for the non-American Fisheries Act (non-AFA) trawl catcher/processor sector by allocating TAC among several BSAI 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 PSC limits as sideboard limits for Amendment 80 Program participants in the GOA.

In 2009, NMFS issued regulations implementing Amendment 90, which amended the Amendment 80 Program in the BSAI to allow post-delivery transfers of cooperative quota to cover overages to mitigate potential overages, reduce enforcement costs, and provide for more precise TAC management (74 FR 42178, August 21, 2009). This action was categorically excluded from the need to prepare an EA pursuant to the National Environmental Policy Act (NEPA).

In 2010, NMFS issued an emergency rule to exempt Amendment 80 cooperatives and trawl catcher/processor vessels that are not specified in regulation as AFA vessels from the groundfish retention standards (GRS) regulations that calculated compliance with annual GRS rates and required an unattainable and unenforceable level of retention (75 FR 78172, December 15, 2010). The emergency rule was extended through December 17, 2011 (76 FR 31881, June 2, 2011). The GRS program was implemented to increase the retention and utilization of groundfish; however, NMFS discovered that the regulatory methodology used to calculate compliance with the GRS required individual Amendment 80 vessels and Amendment 80 cooperatives to retain groundfish at rates well above the minimum retention rates recommended by the Council or im-

plemented by NMFS. As a result, the GRS imposed significantly higher than predicted compliance costs on vessel owners and operators due to the increased level of retention needed to meet the minimum retention rates. Additionally, NMFS discovered that enforcement of the GRS was far more complex, challenging, and potentially costly than anticipated by NMFS. This action had no effect on the human environment because groundfish bycatch and retention is more effectively and efficiently controlled through Amendment 80 cooperative agreements and civil contracts than through the GRS. This action was categorically excluded from the need to prepare an EA pursuant to NEPA.

On November 4, 2011, NMFS published a final rule to implement Amendment 93 to the BSAI FMP (76 FR 68354). These regulations amended the Amendment 80 Program to modify the criteria for forming and participating in a harvesting cooperative. This action encourages greater participation in harvesting cooperatives, which enables members to more efficiently target species, avoid areas with undesirable bycatch, and improve the quality of products produced. The EA accompanying this action found that there were no significant environmental impacts.[8]

On October 1, 2012, NMFS published a final rule to implement Amendment 97 to the BSAI FMP (77 FR 59852). These regulations amended the Amendment 80 Program to allow the owners of trawl catcher/processor vessels authorized to participate in the Amendment 80 Program to replace these vessels with vessels that meet certain requirements. This rule established a limit on the overall length of replacement vessels, measures to prevent replaced vessels from participating in Federal groundfish fisheries off Alaska that are not Amendment 80 fisheries, and specific catch limits known as Amendment 80 sideboards for replacement vessels. This action promotes safety-at-sea by allowing Amendment 80 vessel owners to replace their vessels for any reason at any time and by requiring replacement vessels to meet certain U.S. Coast Guard vessel safety standards. Also, this action facilitates an increase in the processing capabilities of the fleet to improve the retention and utilization of groundfish catch by these vessels. The EA accompanying this action found that there were no significant environmental impacts.[9]

On February 25, 2013, NMFS published a regulatory amendment to modify the GRS program in the BSAI by removing certain regulatory requirements that mandate minimum levels of groundfish retention by the owners and operators of Amendment 80 vessels and Amendment 80 cooperatives participating in the BSAI groundfish fisheries (78 FR 12627). This action relieved Amendment 80 vessels and Amendment 80 cooperatives from undue compliance costs stemming from the minimum retention rates while continuing to promote the GRS program goals of increased groundfish retention and utilization. This action maintained current monitoring requirements for the Amendment 80 fleet and established a new requirement for Amendment 80 cooperatives to annually report groundfish retention performance as part of the report submitted to NMFS. The EA accompanying this action found that there were no significant environmental impacts.[10]

Amendment 85 Program: In 2007, NMFS published a final rule to implement Amendment 85 to the BSAI FMP (72 FR 50788, September 4, 2007). Amendment 85 modified the allocations

[8] https://alaskafisheries.noaa.gov/sites/default/files/analyses/rireafrfa_amd93.pdf.
[9] https://alaskafisheries.noaa.gov/sites/default/files/analyses/earirirfa_bsaiamd97_0612.pdf.
[10] https://alaskafisheries.noaa.gov/sites/default/files/analyses/draftgrsririrfa.pdf.

and seasonal apportionments of 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 Pacific cod fishery. The EA accompanying this action found that there were no significant environmental impacts.[11]

Catch Share Program Improvements: Since 2007, NMFS has 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.[12]

- NMFS implemented regulations to provide harvesting cooperatives, crab processing quota share holders, and CDQ groups with the option to make intercooperative 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 62/62 increased 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 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.
- In 2014, NMFS approved and implemented Amendment 106 to the BSAI FMP to bring the BSAI FMP into conformity with the amendments to the AFA in the Coast Guard Authorization Act of 2010 (79 FR 54590, September 12, 2014). This action allows (1) the owner of an AFA vessel to rebuild or replace an AFA vessel without any limitation on the length, weight, or horsepower of the rebuilt or replacement vessel and (2) the owner of an AFA catcher vessel in an inshore cooperative to remove the vessel from the cooperative and assign the catch history to one or more vessels in the cooperative. This action improves vessel safety and operational efficiency in the AFA fleet.

5.1.2 Gulf of Alaska

Pacific Cod Sector Allocations: On December 1, 2011, NMFS published a final rule to implement Amendment 83 to the GOA FMP for the 2012 Pacific cod fishery (76 FR 74670). The final rule allocated Western and Central GOA Pacific cod TAC limits among various gear and operational sectors to limit the amount of Pacific cod that each sector is authorized to harvest. Sector allocations reduce competition among sectors and support stability in the Pacific cod fishery. This rule also limited access to the Federal Pacific cod TAC fisheries prosecuted in the parallel fishery, promoted community participation, and provided incentives for new entrants in the jig sector. The EA accompanying this action found that there were no significant environmental impacts.[13]

[11] https://alaskafisheries.noaa.gov/sites/default/files/analyses/bsa85final.pdf.
[12] https://alaskafisheries.noaa.gov/cm/analyses/search.
[13] https://alaskafisheries.noaa.gov/sites/default/files/analyses/earirfrfa0911.pdf.

Rockfish Program: On December 27, 2011, NMFS published a final rule to implement the Central GOA Rockfish Program, Amendment 88 to the GOA FMP (76 FR 81248). The Rockfish Program replaced Pilot Program regulations that expired at the end of 2011. These regulations allocated exclusive harvest privileges to a specific group of license limitation program license holders who used trawl gear to target Pacific ocean perch, pelagic shelf rockfish, and northern rockfish during particular qualifying years. The Rockfish Program retains the conservation, management, safety, and economic gains realized under the Central GOA Rockfish Pilot Program and resolves identified issues in the management and viability of the rockfish fisheries. The EA accompanying this action found that there were no significant environmental impacts.[14]

5.2 *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. These measures improve management of the fisheries, but they do not alter the harvest specification process or change the analysis in the Harvest Specifications EIS of impacts of the harvest strategy on the human environment. Therefore, the new management tools implemented since 2007 do not constitute "significant new circumstances" necessitating a supplemental EIS pursuant to 40 CFR 1502.9(c)(1)(ii).

Trawl Gear Endorsements: Regulations implementing Amendments 92/82 remove trawl gear endorsements on licenses issued under the license limitation program in specific management areas if those licenses had not been used on vessels that met minimum recent landing requirements using trawl gear (74 FR 41080, August 14, 2009). This action provided exemptions to this requirement for licenses that are used in trawl fisheries subject to certain limited access privilege programs. This action issued 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.

GOA Pollock Trip Limits: 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 and results in no effects on Steller sea lions beyond those already analyzed in the 2001 Biological Opinion. This action was categorically excluded from the need to prepare an EA pursuant to NEPA.

Maximum Retainable Amounts (MRAs): In 2009, NMFS issued a final rule to revise the MRAs of groundfish using arrowtooth flounder as a basis species in the GOA (74 FR 13348,

[14] https://alaskafisheries.noaa.gov/sites/default/files/analyses/rireairfa1011.pdf.

March 27, 2009). This action increased 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. As a result, this action reduced 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]

In 2013, NMFS issued a regulation to increase the MRAs of groundfish using arrowtooth flounder and Kamchatka flounder as basis species in the BSAI (78 FR 29248, May 20, 2013). This action allows the use of BSAI arrowtooth flounder and Kamchatka flounder as basis species for the retention of species closed to directed fishing and was necessary to improve retention of otherwise marketable groundfish in these BSAI fisheries. This action also included regulatory amendments related to harvest management of Kamchatka flounder to account for Kamchatka flounder in the same manner as arrowtooth flounder in the BSAI; to aid in the recordkeeping, reporting, and catch accounting of flatfish in the BSAI; and to provide NMFS the flexibility to allocate Kamchatka flounder (and other species in the future) to the CDQ Program in the annual harvest specifications. The EA accompanying this action found that there were no significant environmental impacts.[16]

GOA skate MRAs: On December 28, 2015, NMFS published a final rule to reduce the maximum retainable amount of skates using groundfish and halibut as basis species in the GOA from 20 percent to 5 percent (80 FR 80695). The purpose of this action is to slow the harvest rate of skates and decrease the incentive for vessels to top off on skates by reducing the MRA to levels that more accurately reflect the intrinsic rate of incidental catch of skates in the GOA. An EA was prepared for this action that found that there were no significant environmental impacts from this action.[17]

Pacific Cod Parallel Fishery: On November 29, 2011, NMFS published a final rule to limit access of federally permitted pot and hook-and-line catcher/processor vessels to the Pacific cod "parallel" fishery (76 FR 73513). The parallel fishery occurs in State of Alaska waters within 3 nautical miles of shore adjacent to the BSAI and is managed by the State of Alaska concurrent with the Federal pot and hook-and-line fishery. This rule limits access by federally permitted pot or hook-and-line catcher/processor vessels in the Pacific cod parallel fishery in three ways: (1) it requires an owner of a federally permitted vessel to fish under the same Federal fisheries permit (FFP) or license limitation program license endorsements in the parallel fishery as required in the Federal waters; (2) it provides that the owner of a vessel who surrenders an FFP will not be reissued a new FFP within the 3-year term of the permit; and (3) it requires an operator of any federally permitted vessel used in the parallel fishery to comply with the same seasonal closures that apply in the Federal fishery. The EA accompanying this action found that there were no significant environmental impacts.[18]

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[15] https://alaskafisheries.noaa.gov/sites/default/files/analyses/goa_arrowtooth_mra_frea0309.pdf.

[16] https://alaskafisheries.noaa.govsites/default/files/analyses/bsai_arrowtooth_MRA_EA_RIR_IRFA_2013.pdf.

[17] https://alaskafisheries.noaa.gov/sites/default/files/analyses/goaskateearirfa090215.pdf

[18] https://alaskafisheries.noaa.gov/sites/default/files/analyses/parallelwatersearirfrfa0211.pdf.

North Pacific Observer Program (Observer Program): In 2010, NMFS issued a final rule to amend regulations implementing the Observer Program to improve the operational efficiency of the Program, as well as to improve the catch, bycatch, and biological data collected by observers for conservation and management of the North Pacific groundfish fisheries, including those data collected through scientific research activities (75 FR 69016, November 10, 2010). This action was categorically excluded from the need to prepare an EA pursuant to NEPA.

On November 21, 2012, NMFS published a final rule to restructure the Observer Program and implement Amendment 86 to the BSAI FMP and Amendment 76 to the GOA FMP (77 FR 70062). The final rule added a funding and deployment system for observer coverage to the existing Observer Program and amended existing observer coverage requirements for vessels and processing plants. The new funding and deployment system allows NMFS to determine when and where to deploy observers according to management and conservation needs, with funds provided through a system of fees based on the ex-vessel value of groundfish and halibut in fisheries covered by the new system. This action resolves data quality and cost equity concerns with the previous Observer Program's funding and deployment structure. An EA was prepared for this action that found that there were no significant environmental impacts from this action.[19]

Observer Coverage for BSAI Trawl CVs: On September 30, 2016, NMFS published a final rule to allow catcher vessels (CVs) to choose to be in the full observer coverage category for all of their trawl activity in the BSAI (81 FR 67113). Any CV owner may select full coverage for the following year by notifying NMFS of their choice prior to an October 15 deadline. Owners must reaffirm this choice each year. Those who do not meet the notification deadline will remain in the partial observer coverage category, and will be required to log trips during the following year. This action was categorically excluded from the need to prepare an EA pursuant to NEPA.

Annual Deployment Plan (ADP): Since 2013, NMFS has used an ADP to assign observers to collect information from North Pacific fishing operations. The ADP is focused on science driven deployment to meet data needs. NMFS adjusts some aspects of observer deployment through the ADP, including the assignment of vessels to the selection pools or the allocation strategy used to deploy observers. The Council provides NMFS input on the priority of particular data collection goals, and NMFS considers adjustments to how observers are deployed in the partial coverage category to achieve those goals. Adjustments to future deployment plans are made after a scientific evaluation of data collected under the restructured observer program. NMFS evaluates the impact of changes in observer deployment and identifies areas where improvements are needed to collect the data necessary to conserve and manage the groundfish and halibut fisheries and maintain a scientifically rigorous data collection program.

The 2013 ADP focused on reporting changes to the timing, location, and magnitude of observer-derived information that are anticipated to occur as a result of NMFS deploying observers on vessels and in plants within the "restructured" portion of the fleet in 2013.

[19] https://alaskafisheries.noaa.gov/sites/default/files/analyses/amd86_amd76_earirirfa0311.pdf.

In the 2014 ADP, NMFS estimated it could afford 4,718 observer days in 2014 in the partial observer coverage category. This was an increase of an additional 596 observer days relative to the projected number of observer days in 2013. Based on these calculations, NMFS projected a deployment rate of 0.1370 (13.7 percent) of trips for trip-selection and 0.1019 (10.2 percent) of vessels for vessel-selection when averaged across the year. The anticipated deployment rate was projected to decrease slightly in 2014 compared to 2013 (anticipated deployment rate in 2013 was approximately 14-15 percent in trip-selection and 11 percent in vessel-selection). This change was due to the increase in anticipated effort from 2013 to 2014 since the effort calculations from 2011 (used in the 2013 ADP) to 2012 (used in this 2014 ADP) increased from 31,803 to 37,097.

In the 2015 ADP, NMFS estimated it could afford 5,518 observer days in 2015 in the partial observer coverage category. The 2015 ADP used an identified target budget of $5.5 million for the simulations. Based on these calculations, NMFS projected a deployment rate of 12 percent of trips for the small vessel trip-selection pool and 24 percent of vessels for the large vessel trip-selection pool. This represented an identical selection rate in the former vessel-selection stratum (small vessel pool) and a 50 percent increase in the selection rate in the large vessel trip-selection pool relative to the coverage rate in 2014. With this increased coverage in the large vessel trip-selection pool, NMFS anticipated more observer data would be collected.

In the 2016 ADP, NMFS estimates it can afford 5,107 observer days in 2016 in the partial observer coverage category. This represents a 7.4 percent decrease from 2014 and 2015 budgeted days (5,518). NMFS projects approximately $3.9M revenue will be generated from observer fees in 2015, and combined with additional funds from fees carried over from 2015 and federal funds, the total budget is estimated at $4.5M. After considering an analysis of alternative sample designs, NMFS recommended and the Council supported changing the observer deployment strata to a gear based sampling design. Based on the estimated budget, projected effort calculations, and new deployment strata for 2016, NMFS projects deployment rates will be 28 percent for trawl vessels, 15 percent for hook-and-line vessels, and 15 percent for pot vessels. These deployment rates represent a four percent increase for the deployment rate on trawl vessels formerly in the large vessel trip-selection pool and a three percent increase of the deployment rate on hook-and-line and pot vessels formerly in the small vessel trip-selection pool in 2015. For the large hook-and-line and pot vessels previously in the large vessel trip-selection pool the projected deployment rates for 2016 represent a nine percent decrease.

The final 2017 ADP sets a 2017 budget of 3,129 observer days based on observer fees that will be collected in January 2017. The allocated sea days, available budget, and amount of projected fishing effort form the basis for the deployment rates in the 2017 ADP. This represents a 32% decrease from the 4-year annual average of 4,581 sea-days from 2013 through 2016. The Council and industry participants have expressed concern about the decrease in Federal funding to supplement observer coverage and the impact on observer coverage rates. Based on the available budget and sample allocation, NMFS projects deployment rates to be 11 percent for hook-and-line, 25 percent for tender hook-and-line, 4 percent for pot, 4 percent for tender pot, 18 percent for trawl, and 14 percent for tender trawl. The allocated sea days, available budget, and amount of projected fishing effort form the basis for the deployment rates in the 2017 ADP.

Similar to 2016, NMFS will not grant conditional releases or temporary exemptions to vessels subject to observer coverage in 2017. Instead, NMFS proposes to mitigate the impact of human observation on vessels through the EM pre-implementation plan, which has no requirement to carry an observer.

Authorize Use of Longline Pot Gear in the GOA Sablefish IFQ Fishery: In December 2016, NMFS issued a final rule (81 FR 95435, December 28, 2016) that authorizes the use of longline pot gear in the GOA sablefish IFQ fishery. Prior to this action, the only authorized gear in this fishery was longline gear including hook-and-line, jig, troll, and handline gear. Sablefish caught on hook-and-line gear is subject to predation by whales. Authorizing the use of longline pot gear may reduce the adverse impacts of whale depredation of sablefish for those fishermen who choose to switch to using longline pot gear in the sablefish IFQ fishery. The EA prepared for this action found that there were no significant environmental impacts.[20]

5.3 *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: habitat, non-target fish species, seabirds, and marine mammals.

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 2016 and 2017 harvest specifications, as detailed in the ecosystem considerations report for the 2016 SAFE reports (Appendix C).

Since 2007, the role of ecosystem considerations in fisheries management has increased. The Council completed the Fishery Management Plan for Fish Resources of the Arctic Management Area, which includes a thorough description of the Arctic marine ecosystem (74 FR 56734, November 3, 2009). The Council has recommended and NMFS has implemented new seabird protection measures, new habitat protection measures, and new measures to minimize halibut and Chinook salmon bycatch. Additionally, NMFS and the Department of Interior have reviewed the status of a number of marine mammals. These actions are detailed in this section.

An increasing role for ecosystem considerations was analyzed in the Harvest Specifications EIS and does not change the findings in the Harvest Specifications EIS concerning the impacts of the harvest strategy on the human environment. None of the new information or developments relating to ecosystem considerations, detailed below, warrants a supplemental EIS.

5.3.1 Habitat

In 2008, NMFS implemented Amendment 89 to the BSAI FMP, which established habitat conservation measures that prohibit nonpelagic trawling in certain waters of the Bering Sea subarea and the Northern Bering Sea Research Area (73 FR 43362, July 25, 2008). The action provides protection to bottom habitat from the potential effects of nonpelagic trawling. An EA determined that this action would not have significant environmental impacts.[21]

[20] https://alaskafisheries.noaa.gov/sites/default/files/analyses/goa101earir.pdf
[21] https://alaskafisheries.noaa.gov/sites/default/files/analyses/earirfrfa_0508.pdf.

In 2009, NMFS adopted final regulations removing the vessel monitoring system requirements applied to vessels fishing dinglebar gear (74 FR 3446, January 21, 2009). 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 do not normally fish in the protected areas. An EA determined that this action would not have significant environmental impacts.[22]

In 2010, NMFS issued a final rule to implement Amendment 94 to the BSAI FMP (75 FR 61642, October 6, 2010). Amendment 94 (1) requires participants using nonpelagic trawl gear in the directed fishery for flatfish in the Bering Sea subarea to modify the trawl gear to raise portions of the gear off the ocean bottom, (2) changed the boundaries of the Northern Bering Sea Research Area to establish the Modified Gear Trawl Zone (MGTZ) and to expand the Saint Matthew Island Habitat Conservation Area, and (3) requires nonpelagic trawl gear to be modified to raise portions of the gear off the ocean bottom if used in any directed fishery for groundfish in the MGTZ. This action reduces potential adverse effects of nonpelagic trawl gear on bottom habitat, protects additional blue king crab habitat near St. Matthew Island, and allows for efficient flatfish harvest as the distribution of flatfish in the Bering Sea changes. An EA determined that this action would not have significant environmental impacts.[23]

On November 6, 2012, NMFS issued a final rule to implement Amendment 98 to the BSAI FMP and Amendment 90 to the GOA FMP (77 FR 66564). These amendments updated the existing essential fish habitat (EFH) provisions based on a 5-year EFH review. The FMP amendments revise the following FMP components: (1) the EFH provisions for 24 groundfish species or complexes; (2) EFH conservation recommendations for non-fishing activities; (3) the timeline for considering Habitat Areas of Particular Concern (HAPC) proposals from 3 years to 5 years; and (4) the EFH research objectives. The 5-year EFH review concluded that no change to the 2005 conclusions on the evaluation of fishing effects on EFH was warranted based on a review of information from 2005 through 2010. An EA determined that this action would not have significant environmental impacts.[24] During 2017, the Council will continue ongoing review of Essential Fish Habitat (EFH).

On January 16, 2014, NMFS issued regulations to implement Amendment 89 to the GOA FMP and to revise current regulations governing the configuration of modified nonpelagic trawl gear (79 FR 2794). This rule established a protection area in Marmot Bay, northeast of Kodiak Island, and closed that area to fishing with trawl gear except for directed fishing for pollock with pelagic trawl gear. The closure reduces bycatch of Tanner crab (*Chionoecetes bairdi*) in GOA groundfish fisheries. This rule also requires that nonpelagic trawl gear used in the directed flatfish fisheries in the Central Regulatory Area of the GOA be modified to raise portions of the gear off the sea floor. The modifications to nonpelagic trawl gear used in these fisheries reduce the unobserved injury and mortality of Tanner crab, and reduce the potential adverse impacts of nonpelagic trawl gear on bottom habitat. This rule also made a minor technical revision to the modified nonpelagic trawl gear construction regulations to facilitate gear construction for those

[22] https://alaskafisheries.noaa.gov/sites/default/files/analyses/dbar_vms_earirfrfa_1208.pdf.
[23] https://alaskafisheries.noaa.gov/sites/default/files/analyses/bsaiamd94_earirfrfa0910.pdf.
[24] https://alaskafisheries.noaa.gov/sites/default/files/analyses/FinalEFHOmniEA10012.pdf.

vessels required to use modified nonpelagic trawl gear in the GOA and Bering Sea groundfish fisheries.

On January 5, 2015, NMFS approved Amendment 104 to the BSAI FMP to designate six areas of skate egg concentration as Habitat Areas of Particular Concern (HAPC; 80 FR 1378, January 9, 2015). Designating the six areas of skate egg concentration as HAPC in the BSAI highlights the importance of this EFH for conservation. An EA determined that this action would not have significant environmental impacts.[25]

5.3.2 Arctic Fishery Management

In 2009, the Council adopted, and NMFS approved, an Arctic fishery management plan that (1) closed the Arctic to commercial fishing until information improves so that fishing can be conducted sustainably and with due concern to other ecosystem components, (2) determined the fishery management authorities in the Arctic and provides the Council with a vehicle for addressing future management issues, and (3) implemented 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 (74 FR 56734, November 3, 2009).

5.3.3 Halibut bycatch management

In 2012, the Council recommended Amendment 95 to the GOA FMP to change the process for setting halibut PSC limits and to reduce halibut PSC limits in the GOA trawl and hook-and-line groundfish fisheries. NMFS published a final rule for this action on February 20, 2014 (79 FR 9625). Amendment 95 sets the halibut PSC limits in Federal regulations and reduces the halibut PSC limit in the –

- groundfish trawl gear sector by 15 percent over 3 years: 1,848 metric tons (mt) in 2014, 1,759 mt in 2015, and 1,705 mt in 2016.
- groundfish catcher vessel hook-and-line gear sector by 15 percent over 3 years: 161 mt in 2014, 152 mt in 2015, and 147 mt in 2016.
- catcher/processor (C/P) hook-and-line gear sector by 7 percent in 2014. The new C/P hook-and-line halibut PSC limit may change annually, based on the GOA Pacific cod split formula. Using 2012 Pacific cod TACs in the Western and Central GOA as an example, the hook-and-line C/P sector would fish under a 109 mt PSC limit.
- demersal shelf rockfish fishery from 10 mt to 9 mt in 2014.

In 2015, the Council recommended Amendment 111 to the BSAI FMP. The implementing final rule (81 FR 24714, April 27, 2016) reduced halibut PSC limits in the BSAI trawl and hook-and-

[25] https://alaskafisheries.noaa.gov/sites/default/files/analyses/amd104finalea.pdf.

line groundfish fisheries. This results in an overall BSAI halibut PSC limit of 3,515 mt. Amendment 111 establishes the following halibut PSC limits:

- Amendment 80 sector (non-pollock trawl catcher/processors): 1,745 mt
- BSAI trawl limited access sector (all non-Amendment 80 trawl participants): 745 mt
- BSAI non-trawl sector (primarily hook-and-line catcher/ processors): 710 mt
- Western Alaska Community Development Quota Program: 315 mt.

This action is necessary to minimize halibut bycatch in the BSAI groundfish fisheries to the extent practicable and to achieve, on a continuing basis, optimum yield from the BSAI groundfish fisheries

5.3.4 Salmon bycatch management

The Council has taken action to control salmon bycatch in the Bering Sea and GOA pollock fisheries. In 2007, NMFS implemented 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 with a voluntary rolling hotspot system (VRHS) (72 FR 61070, October 29, 2007). In recommending Amendment 84, the Council recognized that regulatory management measures, including a bycatch cap that triggered closure of fixed salmon savings areas, had not been effective at reducing salmon bycatch. An EA determined that this action would not have significant environmental impacts.[26]

The Harvest Specifications EIS describes and analyzes the impacts of the pollock fishery's salmon bycatch with the VRHS measures in place, which were in effect in 2007 pursuant to an exempted fishing permit. Accordingly, the adoption of Amendment 84 did not represent significant new circumstances necessitating an SEIS.

In 2009, the Council recommended Amendment 91, the Chinook salmon bycatch management program, to minimize, to the extent practicable, Chinook salmon bycatch in the Bering Sea pollock fishery. The impacts of the action and its alternatives were analyzed in the Bering Sea Chinook Salmon Bycatch Management Final Environmental Impact Statement.[27] This analysis provided new and recent information on the Bering Sea pollock fishery and the impacts of that fishery on Chinook salmon and the human environment. NMFS implemented this program for the start of the 2011 fishing year (75 FR 53026, August 30, 2010). In 2011, 26,609 Chinook salmon were incidentally caught in the BSAI groundfish fisheries. In 2012, 12,938 Chinook salmon were incidentally caught in the BSAI groundfish fisheries. In 2013, 16,084 Chinook salmon were incidentally caught in the BSAI groundfish fisheries. In 2014, 18,194 Chinook salmon were incidentally caught in the BSAI groundfish fisheries. In 2015, 25,265 Chinook salmon were incidentally caught in the BSAI groundfish fisheries. In 2016, 32,916 Chinook salmon were incidentally caught in the BSAI groundfish fisheries.

In 2010, Chinook salmon incidental catch in the GOA groundfish fisheries was 54,561 fish. This is the highest number of Chinook salmon incidentally taken in these fisheries since monitoring began in 1990, and it exceeded the 40,000 Chinook salmon incidental take statement for the

[26] https://alaskafisheries.noaa.gov/sites/default/files/analyses/Am84_EARIRFRFA.pdf.

[27] NMFS (2009). Bering Sea Chinook Salmon Bycatch Management Final Environmental Impact Statement. December, 2009. https://alaskafisheries.noaa.gov/sites/default/files/analyses/eis_1209all.pdf.

GOA groundfish fisheries. The NMFS Alaska Region reinitiated Endangered Species Act (ESA) section 7 consultation with the NMFS Northwest Region on November 17, 2010, based on the Chinook salmon incidental catch in the GOA groundfish fisheries. As required by the biological opinion, the Alaska Region provided the Northwest Region with additional information in the annual report on salmon incidental catch in all of the Alaska groundfish fisheries on March 3, 2011. In 2011, Chinook salmon incidental catch in the GOA groundfish fisheries was 19,773 fish. In 2012, 19,992 Chinook salmon were incidentally caught in the GOA groundfish fisheries.

In 2012, NMFS implemented Amendment 93 to the GOA FMP (77 FR 42629, July 20, 2012). Amendment 93 and its implementing regulations established separate PSC limits in the Central and Western GOA for Chinook salmon, which would cause NMFS to close the directed pollock fishery in the Central or Western GOA, if the applicable limit is reached. This action also requires retention of salmon by all vessels in the Central and Western GOA pollock fisheries until the catch is delivered to a processing facility where an observer is provided the opportunity to count the number of salmon and to collect scientific data or biological samples from the salmon. An EA determined that this action would not have significant environmental impacts.[28] In 2013, 12,209 Chinook salmon were incidentally caught in the GOA pollock fishery. In 2014, 10,859 Chinook salmon were incidentally caught in the GOA pollock fishery. In 2015, 13,450 Chinook salmon were incidentally caught in the GOA pollock fishery. In 2016, 19,363 Chinook salmon were incidentally caught in the GOA pollock fishery.

In June 2013, the Council recommended Amendment 97 to the GOA FMP. In December 2013, the Council recommended adding to Amendment 97 a provision that would allow unused Chinook salmon PSC in the Rockfish Program CV sector to be reallocated to the non-Rockfish Program CV sector. In 2015, NMFS implemented Amendment 97 (79 FR 71350, December 2, 2014). Amendment 97 applies GOA Chinook salmon PSC limits to the groundfish trawl fisheries, except for pollock trawl fisheries (non-pollock groundfish trawl) in the Central and Western GOA. Amendment 97 apportions the PSC limits between trawl Rockfish Program catcher vessels (CVs), non-Rockfish Program CVs, and catcher/processor sectors, with closure of directed fishing for any non-pollock groundfish trawl fishery if the PSC limit for a sector is reached. The EA for this action found no significant environmental impacts.[29]

In December 2015, the Council recommended Amendment 103. Amendment 103 and the final rule authorize NMFS to make inseason reapportionments of Chinook salmon PSC from established PSC limits for vessels directed fishing for pollock in the Central and Western GOA reporting areas (referred to here as the pollock sectors), and the GOA non-pollock groundfish trawl sectors (e.g., the Rockfish Program catcher vessel (CV) sector, the non-Rockfish Program CV sector, and the trawl catcher/processor (C/P) sector). The final rule implementing this action was published on September 12, 2016 (81 FR 62659). The action allows NMFS to reapportion remaining amounts of unused Chinook salmon PSC from any of the GOA trawl sectors to any GOA trawl CV sector. Amendment 103 establishes a cap on the maximum amount of unused Chinook salmon PSC limit that may be reapportioned to each of the GOA trawl CV sectors. Amendment 103 provides NMFS with greater discretion to annually reapportion unused Chinook salmon PSC from the Rockfish Program CV sector to the non-Rockfish Program CV sector.

[28] https://alaskafisheries.noaa.gov/sites/default/files/analyses/rireafrfa_amd93.pdf.
[29] https://alaskafisheries.noaa.gov/sites/default/files/analyses/goa97eariririfa.pdf.

Amendment 103 and the final rule are intended to —

- provide for more flexible management of GOA trawl Chinook salmon PSC,
- increase the likelihood that groundfish resources are more fully harvested,
- reduce the potential for fishery closures, and
- maintain the overall Chinook salmon PSC limits in the Central and Western GOA trawl fisheries as implemented by Amendments 93 and 97 to the FMP.

Amendment 103 was categorically excluded from the requirement to prepare an environmental assessment in accordance with NAO 216-6. The management measures implemented by the action fall within the scope of alternatives addressed in the environmental assessments prepared for Amendments 93 and 97 and implement only minor changes.

In April 2016, the Council recommended Amendment 110 to the BSAI FMP. Amendment 110 improves the management of Chinook and chum salmon bycatch in the Bering Sea pollock fishery by creating a comprehensive salmon bycatch avoidance program. Amendment 110 applies to owners and operators of catcher vessels, catcher/processors, motherships, inshore processors, and the six Western Alaska Community Development Quota (CDQ) Program groups participating in the pollock fishery in the Bering Sea. The EA prepared for Amendment 110 determined that the action would not have a significant effect on the human environment.

The final rule implementing Amendment 110 was published on June 10, 2016 (81 FR 37534). The management measures included in Amendment 110 and the final rule focus on retaining the incentives to avoid Chinook salmon bycatch at all levels of abundance as intended under Amendment 91 to the FMP. Amendment 110 and the final rule address five core issues to—

- incorporate chum salmon avoidance into the incentive plan agreements (IPAs) established under Amendment 91 and remove the non-Chinook salmon bycatch reduction intercooperative agreement previously established under Amendment 84 to the FMP;
- modify the IPAs to increase the incentives for fishermen to avoid Chinook salmon;
- change the seasonal apportionments of the pollock total allowable catch (TAC) to allow more pollock to be harvested earlier in the year;
- reduce the Chinook salmon prohibited species catch (PSC) limit and performance standard in years with low Chinook salmon abundance; and
- improve the monitoring of salmon bycatch in the pollock fishery.

5.3.5 Pribilof Island blue king crab bycatch management

NMFS notified the Council on September 29, 2009, that the current rebuilding plan for Pribilof Island Blue King Crab (PIBKC) would not achieve adequate progress to rebuild the stock by 2014. In June 2012, the Council recommended Amendment 103 to the BSAI FMP to close the Pribilof Island Habitat Conservation Zone (PIHCZ) to directed fishing for Pacific cod with pot gear based on 1) the high rate of PIBKC bycatch in the PIHCZ relative to other areas outside of the PIHCZ; 2) the high concentration of PIBKC in the PIHCZ; 3) the occurrence of known PIBKC habitat within the PIHCZ; 4) the high rate of PIBKC bycatch in the Pacific cod pot fishery relative to other groundfish fisheries; and 5) the limited impact the Pacific cod pot closure in the PIHCZ would have on the Pacific cod pot fishery relative to other groundfish fishery closures. The Council also recommended Amendment 43 to the FMP for Bering Sea/Aleutian Is-

lands King and Tanner Crabs. Amendment 43 revises the rebuilding plan for PIBKC. NMFS approved these amendments and implemented Amendment 103 with regulations (79 FR 71344, December 2, 2014). The EA for this action found no significant environmental impacts.[30]

5.3.6 Grenadier management

On March 5, 2015, NMFS issued regulations to implement Amendment 100 to the BSAI FMP and Amendment 91 to the GOA FMP (80 FR 11898). Amendments 100/91 to the FMPs add grenadiers to the ecosystem component (EC) category in the FMPs. The Council and NMFS recognized that adding grenadiers to the FMPs in the EC category acknowledges their role in the ecosystem and limits the groundfish fisheries' potential impact on grenadiers. Adding grenadiers to the EC category allows for improved data collection and catch monitoring appropriate for grenadiers given their abundance, distribution, and catch. The final rule added regulations to improve reporting of grenadiers, limit retention of grenadiers, and prevent direct fishing for grenadiers by federally permitted groundfish fishermen. The final rule was necessary to limit and monitor the incidental catch of grenadiers in the groundfish fisheries. The EA for this action found no significant environmental impacts.[31]

5.3.7 Steller Sea lions

A biological opinion documenting the program level ESA section 7 formal consultation on the effects of the Alaska groundfish fisheries on Steller sea lions, humpback whales, sperm whales, and fin whales was completed November 24, 2010.[32] The biological opinion concluded that the fisheries were not likely to jeopardize the continued existence of the eastern distinct population segment (DPS) of Steller sea lions, the Western North Pacific and Central North Pacific populations of humpback whales, North Pacific sperm whales, or the Northeast Pacific population of fin whales. The biological opinion concluded that the fisheries were not likely to adversely modify designated critical habitat for the eastern DPS of Steller sea lions. The biological opinion concluded that the fisheries were likely to jeopardize the continued existence of the western DPS of Steller sea lions and were likely to adversely modify their designated critical habitat. The biological opinion contained a reasonable and prudent alternative (RPA) designed to remove the likelihood the fisheries would jeopardize the western DPS of Steller sea lions or adversely modify their designated critical habitat.

This RPA was implemented for the 2011 fishing year. NMFS issued an interim final rule to implement Steller sea lion protection measures to insure that the BSAI management area groundfish fisheries were not likely to jeopardize the continued existence of the western DPS of Steller sea lions or adversely modify its designated critical habitat (75 FR 77535, December 13, 2010, corrected 75 FR 81921, December 29, 2010). These management measures dispersed fishing effort over time and area to provide protection from potential competition for important Steller sea lion prey species in waters adjacent to rookeries and important haulouts. The intended effect of this interim final rule was to protect the western DPS of Steller sea lions, as required under the ESA, and to conserve and manage the groundfish resources in accordance with the Magnuson-

[30] https://alaskafisheries.noaa.gov/sites/default/files/analyses/43_103draftririrfa.pdf.
[31] https://alaskafisheries.noaa.gov/sites/default/files/analyses/amdbsai100_goa91finalearir2014.pdf.
[32] https://alaskafisheries.noaa.gov/pr/ssl/final-2010-biop.

Stevens Act. An EA determined that this action would not have significant environmental impacts.[33]

On April 18, 2012, NMFS published a proposed rule to remove the eastern DPS of Steller sea lions from the List of Endangered and Threatened Wildlife (77 FR 23209). NMFS completed a Status Review of the eastern DPS of Steller Sea Lion in March 2012. Based on the information presented in the Status Review, the factors for delisting in section 4(a)(1) of the ESA, the recovery criteria in the 2008 Recovery Plan, the continuing efforts to protect the species, and information received during public comment and peer review, NMFS determined that this DPS has recovered and no longer meets the definition of an endangered or threatened species under the ESA. On November 4, 2013, NMFS issued a final rule to remove the eastern DPS of Steller sea lion from the List of Endangered and Threatened Wildlife (78 FR 66140), effective December 4, 2013. NMFS also implemented a post-delisting monitoring plan to ensure recovery continues.

In September 2014, NMFS initiated a process to consider potential revisions to the designation of critical habitat for Steller sea lions. NMFS held two public meetings to elicit pertinent scientific information (79 FR 53384, September 9, 2014). NMFS formed a Critical Habitat Review Team to assemble the best available scientific information. NMFS has not yet issued a proposed rule to revise the designation of critical habitat.

On November 25, 2014, NMFS published a final rule to implement Steller sea lion protection measures for the Atka mackerel, Pacific cod, and pollock fisheries in the Aleutian Islands (79 FR 70286). NMFS, in consultation with the Council, prepared an EIS on Steller sea lion protection measures, in accordance with NEPA.[34] The final rule authorized some additional groundfish fishing in the AI and incorporated measures to insure the groundfish fisheries are not likely to jeopardize the continued existence of the western DPS of Steller sea lions or adversely modify designated critical habitat. The final rule implemented fishery closures and limitations on catch in specific areas to mitigate the potential adverse effects of fishing on Steller sea lion prey resources. NMFS considered the effects of the modified Steller sea lion protection measures in the AI groundfish fisheries in a biological opinion completed in April 2014.[35]

5.3.8 Walrus Protection Areas

In 2015, NMFS implemented Amendment 107 to the BSAI FMP to establish seasonal transit areas for vessels designated on Federal Fisheries Permits (FFPs) through Walrus Protection Areas in northern Bristol Bay, Alaska (80 FR 194, January 5, 2015). This action allows vessels designated on FFPs to transit through Walrus Protection Areas in the Exclusive Economic Zone (EEZ) near Round Island and Cape Peirce from April 1 through August 15, annually. This action restored access of federally permitted vessels to transit through Walrus Protection Areas that was limited by regulations implementing Amendment 83 to the GOA FMP and to maintain suitable protection for walruses on Round Island and Cape Peirce. This action maintains an existing prohibition on deploying fishing gear in Walrus Protection Areas by vessels designated on an FFP. An EA determined that this action would not have significant environmental impacts.[36]

[33] https://alaskafisheries.noaa.gov/sites/default/files/analyses/sslprotections_earir1210.pdf.
[34] https://alaskafisheries.noaa.gov/fisheries/sslpm-feis.
[35] https://alaskafisheries.noaa.gov/pr/sslpm-biop-2014.
[36] https://alaskafisheries.noaa.gov/sites/default/files/analyses/bsai107finalearir.pdf.

5.3.9 Seabirds[37]

Several seabird species are caught incidental to the Alaska groundfish fisheries. In 2015, an estimated total of 6,079 seabirds were caught in hook-and-line, trawl, and pot fisheries in the BSAI and GOA. In 2009, NMFS implemented regulations to revise seabird avoidance requirements for the hook-and-line groundfish and halibut fisheries in International Pacific Halibut Commission Area 4E (74 FR 13355, March 27, 2009). This action revised seabird avoidance measures based on the latest scientific information and reduced 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. An EA determined that this action would not have significant environmental impacts.[38]

A new technical memorandum released by NMFS, Alaska Region in November 2016 provides seabird bycatch estimates for the Alaska groundfish and halibut fisheries.[39] The total estimated seabird bycatch continues to be substantially lower than before the use of seabird avoidance measures. Hook-and-line fisheries continue to have the highest seabird bycatch among gear groups. Consistently, northern fulmars are the most frequently caught seabird. In 2015, an estimated 2,892 northern fulmars were taken incidental to the BSAI and GOA hook-and-line fisheries.

Estimates of total seabird bycatch in 2013 were the lowest since NMFS began estimating seabird bycatch in 1998, though catch (n=673) of albatross was 25 percent higher than the five-year (2008 through 2012) average (n=340). For the first time, that estimate included data from the halibut fishery in addition to the groundfish fisheries. The majority of the albatross bycatch consisted of black-footed albatross in the BSAI and GOA sablefish hook-and-line fisheries. In 2015, 371 black-footed albatross and 223 Laysan albatross were taken incidental to hook-and-line fisheries in the BSAI and GOA.

Occasionally, endangered short-tailed albatross are taken incidental to the Alaska groundfish fisheries. From 1999 through 2016, seven short-tailed albatross were observed to be killed in the BSAI groundfish hook-and-line fisheries. Two of these takes occurred in August and September of 2010, two occurred in April and October of 2011, two occurred on the same haul in September 2014, and one occurred in December 2014. NMFS extrapolates the observed takes of seabirds to the total fishing effort to estimate total bycatch. For example, two short-tailed albatross were recorded taken in the observer sample in the Pacific cod hook-and-line fishery in 2010. When the catch accounting system (CAS) expanded these takes to all unsampled hooks in the haul and all unsampled events across fisheries, the estimated take across the Pacific cod hook-and-line fishery was 15 short-tailed albatross. Of the two short-tailed albatross recorded taken in the Greenland turbot hook-and-line fishery in 2014, only one was in the observer sample. When expanded by the CAS to all unsampled hooks in the haul and all unsampled events across fisheries, the estimated take across the Greenland turbot fishery was six short-tailed albatross. NMFS

[37] The Harvest Specifications EIS analyzed impacts on a variety of species within the "seabird resource" (see Tables 9-1 to 9-6 in the Harvest Specifications EIS). This SIR examines only those species for which new circumstances or information may exist relevant to environmental concerns and bearing on the proposed action or its impacts that would trigger the requirement to prepare an SEIS.

[38] https://alaskafisheries.noaa.gov/sites/default/files/analyses/4E_earirirfa_0109.pdf.

[39] https://docs.lib.noaa.gov/noaa_documents/NMFS/TM_NMFS_AFKR/TM_NMFS_FAKR_12.pdf

estimated no takes of short-tailed albatross in the fisheries from 2007 through 2009 and in 2012 and 2013.

Section 7 Consultation with USFWS: In August 2015, NMFS prepared the Programmatic Biological Assessment on the Effects of the Fishery Management Plans for the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fisheries and the State of Alaska Parallel Groundfish Fisheries on the endangered Short-tailed Albatross (*Phoebastria albatrus*) and the threatened Alaska breeding Population of the Steller's Eider (*Polysticta stelleri*).[40] The biological assessment analyzed the Alaska federally managed groundfish fisheries as authorized by the GOA FMP, BSAI FMP, and the parallel groundfish fisheries in State of Alaska waters. In this biological assessment, the potential direct and indirect impacts of Federal fisheries and fisheries managed by the State with Federal coordination or oversight are evaluated in the context of the short-tailed albatross and the Alaska-breeding population of the Steller's eider.

In December 2015, the US Fish and Wildlife Service (USFWS) issued its biological opinion on the effects of the Alaska groundfish fisheries on short-tailed albatross and Steller's eider.[41] The biological opinion concluded that the groundfish fisheries off Alaska are not likely to jeopardize the continued existence of short-tailed albatross and are not likely to adversely affect Steller's eider or their designated critical habitat. The 2015 biological opinion includes an incidental take statement that exempts the observed take of six short-tailed albatross, either by hook-and-line gear or trawl gear, over a two-year period from the take prohibitions of section 9 of the ESA. To date, the fisheries have not exceeded this anticipated level of take.

The NMFS Alaska Region Office, AFSC Fishery Monitoring and Analysis Division, and the USFWS coordinate efforts and communicate with each other in response to each short-tailed albatross take incident. The total population of short-tailed albatrosses continues to increase with the success of new breeding colonies, which could lead to increased interactions with Alaska fisheries. NMFS continues to work closely with the Pacific cod hook-and-line fleet to explore methods that can be used by the fleet to avoid further takes of short-tailed albatross.

The short-tailed albatross remains endangered, and the Steller's eiders and spectacled eiders remain on the threatened list. The USFWS published its 12-month finding in the *Federal Register* on October 7, 2011, that listing the black-footed albatross (*Phoebastria nigripes*) under the ESA was not warranted (76 FR 62504). In October 2013, after a review of the best available scientific and commercial information, the USFWS found that listing the Kittlitz's murrelet was not warranted (78 FR 61764, October 3, 2013). The USFWS published its 12-month finding in the *Federal Register* on October 1, 2014, that listing the yellow-billed loon (*Gavia adamsii*) under the ESA was not warranted (79 FR 59195).

Memorandum of Understanding (MOU): In 2012, NMFS entered into an MOU with the USFWS to promote the conservation of migratory bird populations, as required by Executive Order 13186.[42] This MOU focuses on avoiding, or, where impacts cannot be avoided, minimizing to the extent practicable adverse impacts on migratory birds and strengthening migratory bird

[40] https://alaskafisheries.noaa.gov/sites/default/files/analyses/seabirdba0815.pdf.
[41] https://alaskafisheries.noaa.gov/sites/default/files/analyses/usfws-biop-122315.pdf.
[42] http://www.st.nmfs.noaa.gov/Assets/nationalseabirdprogram/eo13186_nmfs_fws_mou2012.pdf

conservation through enhanced collaboration between NMFS and FWS by identifying general responsibilities of both agencies and specific areas of cooperation. Given NMFS's focus on marine resources and ecosystems, this MOU places an emphasis on seabirds, but does not exclude other taxonomic groups of migratory birds. Under this MOU, NMFS is responsible for considering seabird conservation during the development of relevant fishery management actions.

5.3.10 Additional ESA Actions

Since the Harvest Specifications EIS, NMFS has taken a number of actions under the ESA related to the listing status of species in Alaska. We have considered these actions, summarized below, and we conclude that at this time, none of the new information would change the analysis in the Harvest Specifications EIS of the impacts of the harvest strategy on listed species.[43]

Ribbon Seals: In December 2007, NMFS received a petition to list ribbon seals as a 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, March 28, 2008). After the review, NMFS concluded that listing was not warranted.[44] On December 13, 2011, NMFS initiated a new status review for the ribbon seal (76 FR 77467) in response to additional information that had become available. On July 10, 2013, NMFS concluded that listing the ribbon seal as threatened or endangered under the ESA was not warranted (78 FR 41371).[45]

Ringed, Bearded, and Spotted Seals: 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 presented substantial information indicating that the action might be warranted (73 FR 51615) and initiated an additional status review. On October 22, 2010, NMFS listed the southern DPS spotted seals as threatened (75 FR 65239). The other two spotted seal 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 (75 FR 65239, October 22, 2010). Because the listed DPS occurs outside of Alaska waters, the Alaska groundfish fisheries have no effects on this listed spotted seal stock population, and no ESA consultation is necessary.

On December 28, 2012, NMFS issued a final determination to list the Beringia and Okhotsk DPSs of the bearded seal as threatened under the ESA, effective February 26, 2013 (77 FR 76740). The Okhotsk bearded seal does not occur in U.S. waters. In May and June of 2013, the Alaska Oil and Gas Association, State of Alaska and North Slope Borough, and other parties filed a legal challenge against NMFS for its decision to list these two populations of bearded seals as threatened under the ESA. On July 25, 2014, the U.S. District Court for the District of

[43] The Harvest Specifications EIS analyzed impacts on numerous marine mammal stocks occurring in Alaskan waters (see Tables 8-1 to 8-5 in the Harvest Specifications EIS). This SIR examines only those stocks, including the ESA listed species covered herein, for which new circumstances or information may exist relevant to environmental concerns and bearing on the proposed action or its impacts that would trigger the requirement to prepare an SEIS.

[44] https://alaskafisheries.noaa.gov/node/10759.

[45] https://alaskafisheries.noaa.gov/node/3782.

Alaska vacated NMFS's listing of the Beringia DPS of the bearded seal. NMFS filed an appeal, and on October 24, 2016, the U.S. Court of Appeals for the Ninth Circuit reversed the district court's decision. The Ninth Circuit's mandate has not yet issued because the plaintiffs have filed a request for rehearing *en banc*. The district court's decision vacating the listing of the Beringia DPS of the bearded seal remains in place until the mandate from the Ninth Circuit issues, so the listing of the Beringia DPS of the bearded seal is not currently in effect. While the listing of the Okhotsk DPS of the bearded seal is effective, the Okhotsk DPS of the bearded seal occurs outside U.S. waters.

On December 28, 2012, NMFS issued a final determination to list the Arctic, Okhotsk, and Baltic subspecies of the ringed seal as threatened and the Ladoga subspecies of the ringed seal as endangered under the ESA, effective February 26, 2013 (77 FR 76706). The Arctic subspecies is found in the Arctic Basin including the Bering Sea. The other subspecies do not occur in U.S. waters. NMFS proposed to designate critical habitat for the Arctic subspecies of the ringed seal on December 9, 2014 (79 FR 73010). The Alaska Oil and Gas Association, the American Petroleum Institute, and other parties filed suit to challenge NMFS's decision to list the Arctic subspecies of the ringed seal as threatened under the ESA in the District Court for the District of Alaska. On March 11, 2016, the district court vacated NMFS's listing of the Arctic ringed seal. NMFS filed an appeal, which is still pending. Because the appeal is still pending, the district court's decision vacating the listing remains in place and the listing of the Arctic ringed seal is not currently in effect.

The Arctic subspecies of ringed seals and the Beringia DPS of bearded seals occur in the location where the BSAI Federal fisheries are conducted. BSAI groundfish fisheries may affect ringed seals or bearded seals through direct interactions (i.e., incidental take or bycatch) and indirectly through competition for prey resources and other impacts on prey populations (77 FR 76706 and 77 FR 76740, December 28, 2012). Between 2007 and 2009, there were incidental serious injuries and mortalities of bearded and ringed seals in the BSAI pollock trawl and the BSAI flatfish trawl fisheries.[46] However, these interactions have been considered to be infrequent and do not rise to a level of biological concern for these populations. Based on data from 2007 to 2009, there has been a mean annual mortality of 1.75 (CV = 0.01) ringed seals and 2.70 (CV = 0.21) bearded seals incidental to commercial fishing operations.[47] These mortality rates are considered low. The BSAI pollock and flatfish trawl fisheries are in the Observer Program's full coverage category, with the exception of catcher vessels in the BSAI trawl limited access yellowfin sole fishery, which are in the partial coverage category.

On December 2, 2014, NMFS issued a biological opinion on the effects of the Alaska groundfish fisheries on the Arctic subspecies of the ringed seal and the Beringia DPS of the bearded seal.[48] The biological opinion concluded that the effects of the fisheries were not likely to jeopardize the continued existence of the Arctic ringed seal or the Beringia DPS of the bearded seal.

[46] Allen, B.M., and R.P. Angliss. 2013. Alaska marine mammal stock assessments, 2012. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-245, 282 p.

[47] Allen, B.M., and R.P. Angliss. 2013. Alaska marine mammal stock assessments, 2012. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-245, 282 p.

[48] https://alaskafisheries.noaa.gov/sites/default/files/ak_fishery_ice_seal_s7_120114.pdf.

Northern Right Whale: On March 6, 2008, the Northern Right Whale was listed under the ESA as endangered (73 FR 12024), and subsequently critical habitat was designated (73 FR 19000, April 8, 2008). This was necessary following the identification of separate Pacific and Atlantic stocks of the previously-listed Northern Right Whale, 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. NMFS published a final recovery plan for the North Pacific Right whale in June 2013.[49]

Cook Inlet Beluga Whale: On October 22, 2008, NMFS made a final determination to list the Cook Inlet beluga whale DPS as endangered under the ESA (73 FR 62919). In 2009, NMFS Sustainable Fisheries consulted with NMFS Protected Resources on Amendment 91 to the BSAI FMP for Cook Inlet beluga whales. NMFS determined that due to the behavior of Cook Inlet beluga whales, the location and harvest amounts of potential prey species in the groundfish fisheries, and the minimizing of Chinook salmon bycatch under Amendment 91, Alaska groundfish fisheries may affect, but are not likely to adversely affect, Cook Inlet beluga whales either directly through vessel interactions or indirectly through prey competition. On April 11, 2011, NMFS identified more than one third of Cook Inlet as critical habitat (76 FR 20180). In January 2012, NMFS Sustainable Fisheries initiated consultation with NMFS Protected Resources on the effects of the Alaska groundfish fisheries and Amendment 93 to the GOA FMP on endangered Cook Inlet beluga whales and their critical habitat. NMFS Sustainable Fisheries determined that the Alaska groundfish fisheries and Amendment 93 are not likely to adversely affect Cook Inlet beluga whales or their critical habitat. NMFS published a final recovery plan for the Cook Inlet beluga whale DPS in December 2016.[50]

Green Sturgeon: In 2010, the NMFS Sustainable Fisheries informally consulted with the NMFS Southwest Region on the southern DPS of green sturgeon. Because sturgeon are rarely taken incidentally in the Alaska groundfish fisheries, and the detection of the southern DPS green sturgeon is limited to a location where trawling is prohibited, the Alaska groundfish fisheries are unlikely to adversely affect the southern DPS of green sturgeon.

Southern Resident Killer Whales: In January 2012, NMFS Alaska Region initiated consultation with NMFS Northwest Region on the effects of the Alaska groundfish fisheries and proposed Amendment 93 to the GOA FMP on endangered Southern Resident killer whales. The groundfish fisheries may catch salmon that originate from the Pacific Northwest and that may be prey for southern resident killer whales. NMFS Alaska Region determined that the Alaska groundfish fisheries and Amendment 93 may affect, but are not likely to adversely affect, the Southern Resident killer whale distinct population segment. On February 9, 2012, NMFS West Coast Region concurred with the determination of "may effect, not likely to adversely affect" for Southern Resident killer whales because all potential adverse effects to the Southern Resident killer whales would be insignificant. In addition, because all potential adverse effects to the Southern Resident killer whale critical habitat would be insignificant, NMFS West Coast Region made a determination that the Alaska groundfish fisheries and Amendment 93 may effect, but are not likely to adversely affect, Southern Resident killer whale critical habitat.

[49] https://alaskafisheries.noaa.gov/sites/default/files/nprwrp0613.pdf
[50] http://www.nmfs.noaa.gov/pr/recovery/plans/20170103_cibrp_final.pdf.

Chinook Salmon from the West Coast Region: In 2013, NMFS Alaska Region requested initiation of ESA section 7 consultation for the GOA groundfish fisheries with the NMFS West Coast Region due to the recovery of two coded-wire tagged Chinook salmon from the Snake River fall-run evolutionary significant unit (ESU) in 2012. Since 1984, coded-wire tags have been used to assess recoveries of several ESA-listed Chinook salmon ESUs that have been incidentally caught in the GOA groundfish fisheries. Until 2012, Chinook salmon from the Lower Columbia River, Upper Willamette River, and Upper Columbia River Spring ESUs had been the only Chinook salmon ESUs recovered in the GOA groundfish fisheries. In 2014, informal consultation on recovery of this Snake River fall-run Chinook salmon was concluded after the West Coast Region determined that the November 30, 2000, biological opinion on the effects of the Alaska groundfish fisheries had previously considered the effects of the take of Snake River fall-run Chinook salmon in GOA groundfish fisheries. The 2000 biological opinion concluded that the incidental take statement established a threshold of 40,000 Chinook salmon annually caught in the GOA groundfish fisheries, including those caught in the Snake River fall-run Chinook salmon, would not jeopardize the continued existence of listed salmon.

5.4 *Actions by other Federal, state, and international agencies and private actions*

Since January 2007, the following actions have occurred that may be relevant to the harvest specification process. No other additional actions by other Federal, state, and international agencies and private actions beyond those identified in the Harvest Specifications EIS have occurred since January 2007 that would change the analysis in the Harvest Specifications EIS of the impacts of the harvest strategy on the human environment.

5.4.1 Department of Interior

Pacific walrus: 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 presented substantial scientific or commercial information indicating that listing this species may be warranted (74 FR 46548). The stock assessment for Pacific walrus was revised on January 1, 2010, with a minimum population size estimate of 129,000 walruses within the surveyed area. On February 10, 2011, DOI announced that listing the Pacific walrus as endangered or threatened is warranted; however, listing the Pacific walrus is precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Pacific walrus has been added to the USFWS candidate species list (76 FR 7634, February 10, 2011) and is scheduled by court agreement for listing in 2017. Listing Pacific walrus would result in ESA section 7 formal consultation for the BSAI groundfish fisheries as Pacific walrus are incidentally taken in these fisheries, 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.

Polar bears: In May 2008, DOI listed polar bears as a threatened species under the ESA (73 FR 28212, May 15, 2008). Polar bears do not interact with the BSAI and GOA groundfish fisheries, and the fisheries are unlikely to affect designated critical habitat. On October 29, 2009, DOI proposed critical habitat for the polar bear (74 FR 56058) and on December 7, 2010, approximately 187,157 square miles were designated as critical habitat (75 FR 76086). Portions of the

sea ice designated 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 current nonpelagic trawl closure, it is unlikely the groundfish fisheries would have any indirect effects on polar bears or their critical habitat.

Sea Otters: In 2006, NMFS and the USFWS consulted on the southwest Alaska DPS of the northern sea otter, and the consultation concluded that the groundfish, crab, and scallop fisheries are not likely to adversely affect sea otters. On October 8, 2009, DOI published a final rule designating 15,164 square kilometers (5,855 square miles) as critical habitat for the southwest Alaska DPS of the northern sea otter (74 FR 51988). The critical habitat rule became effective on November 9, 2009. The critical habitat is designated in five units: the Western Aleutian Unit; the Eastern Aleutian Unit; the South Alaska Peninsula Unit; the Bristol Bay Unit; and the Kodiak, Kamishak, Alaska Peninsula Unit. Within these units, critical habitat occurs in nearshore marine waters ranging from the mean high tide line seaward for a distance of 100 meters, or to a water depth of 20 meters.[51] While sea otter critical habitat predominately occurs within state waters, DOI has designated some critical habitat within Federal waters where water depth is 20 meters or less.

In response to the designation, NMFS reinitiated ESA section 7 consultation. The biological assessment evaluated the potential effect of the following FMPs on the southwest Alaska DPS of the northern sea otter and its critical habitat: BSAI Groundfish; GOA Groundfish; and BSAI Crab, Scallop, and Salmon, as well as the halibut fisheries in U.S. Convention waters off Alaska. The analysis concluded that the Alaska federally managed fisheries authorized by the fishery management plans and State of Alaska parallel groundfish fisheries and halibut fisheries in U.S. Convention waters off Alaska are not likely to adversely affect the southwest Alaska DPS of the northern sea otter or its designated critical habitat. On July 10, 2013, the USFWS concurred with NMFS's determination that authorization of the specified fisheries is not likely to adversely affect the southwest Alaska DPS of the northern sea otter and will not result in adverse modification of sea otter critical habitat.[52]

5.4.2 State managed groundfish fisheries

The State of Alaska has the authority to expand State-waters or State parallel groundfish fisheries. The State manages fisheries in waters 0 nm to 3 nm from shore either concurrent with the Federal fisheries (called parallel fisheries), with generally the same species, season, gear, and area restrictions, or separate from Federal fisheries (called State-waters fisheries). The Council and Alaska Board of Fisheries (BOF) coordinate management of groundfish fisheries through the Joint Protocol Committee made up of members of the Council and the BOF. The Joint Protocol Committee provides recommendations to the Council and the BOF on actions of mutual interest to each organization. This dialog provides the Council and the BOF with an opportunity to consider potential impacts of future actions on Federal and State management of groundfish fisheries.

[51] http://alaska.fws.gov/fisheries/mmm/seaotters/pdf/fact_sheet_oct2009.pdf.
[52] https://alaskafisheries.noaa.gov/pr/seaotters.

Parallel fisheries occur in State waters but are opened at the same time as Federal fisheries in the EEZ. State parallel fisheries harvests are managed against the Federal TAC, and vessels may move between State and Federal waters during concurrent parallel and Federal fisheries.

The State usually opens State-waters fisheries after Federal fisheries conclude in adjacent waters. State-waters fisheries are managed under guideline harvest levels (GHLs), which are specified in State regulations at Alaska Administrative Code (AAC) 5 AAC 28.001 through 28.975. Harvests in the State-waters fisheries are monitored by the State, which closes fisheries to ensure GHLs are not exceeded. State regulations for the BSAI specify a GHL as a percentage of the Federal ABC. The BSAI and GOA groundfish FMP states the TAC must be lower than or equal to the ABC. The TAC may be lower than the ABC if warranted on the basis of bycatch considerations, management uncertainty, or socioeconomic considerations; or if required in order to cause the sum of the TACs to fall within the 2 million optimum yield cap for the BSAI. Based on the annual SAFE report, the Council recommends to the Secretary of Commerce TACs and apportionments thereof for each target species. The Atka mackerel and Pacific cod TACs are fully allocated to the Federal fisheries under § 679.20(a)(8) and § 679.20(a)(7), respectively.

The ABC for the pollock stock in the combined Western, Central, and West Yakutat Regulatory Areas (W/C/WYK) includes the amount for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. Annually, State of Alaska fisheries managers recommend setting the PWS GHL at a certain percentage (2.5 percent in recent years) of the annual W/C/WYK ABC. Once the PWS GHL amount is deducted from the total ABC, the remaining ABC amount is apportioned between four statistical areas (Areas 610, 620, 630, and 640) in the Western and Central Regulatory Areas. The total ABCs and TACs for the four statistical areas, plus the State GHL, do not exceed the combined W/C/WYK ABC. The methodology to establish the pollock GHL continues to provide a high level of protection for the W/C/WYK pollock stock, and it does not affect the overfishing level. Pollock catch in the GHL fishery is accounted for in the annual pollock assessments. Accordingly, the Council annually recommends decreasing the W/C/WYK pollock ABC to account for the State's PWS GHL.

Subtracting the State-waters GHL from the ABC ensures that the combined harvests from the State-waters and Federal fisheries are managed within the ABC derived from the Federal harvest specifications process for that species and area. The BOF may receive additional proposals from the public to increase harvests in State-waters groundfish fisheries. Increases in GHLs for the State-waters groundfish fisheries requires reducing Federal TACs to ensure total harvests of the groundfish stocks do not exceed ABCs.

Pacific Cod Fishery Expansion: As of 2014, the Federal Pacific cod TACs for the GOA, the Bering Sea subarea, and the Aleutian Islands subarea are reduced by the amount needed for the State's GHL Pacific cod. This ensures the Federal and State-waters groundfish harvests do not exceed the Federal ABCs. The State-waters Pacific cod fisheries in the BSAI are provided 6 percent of the Federal Pacific cod ABC for the BSAI based on Regulation Change 40 adopted by the BOF in October 2013.[53] The 6 percent of the Federal combined BSAI Pacific cod ABC is divided evenly between the State-waters Pacific cod fisheries in the portion of the State's Aleu-

[53] http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2013-2014/pcod/rcs/rc040_Member_Johnstone_Amendment_to_RC35.pdf.

tian Islands District west of 170° W longitude and in the Bering Sea Subdistrict located between 167° W and 164° W longitude. The TAC for the Aleutian Islands subarea will be set to account for the 3 percent of the BSAI Pacific cod ABC that is applied to the State-waters fisheries. On November 30, 2015, the BOF established a GHL in State waters between 164 and 167 degrees west longitude in the Bering Sea subarea equal to 6.4 percent of the Pacific cod ABC for the Bering Sea. The BOF for the State established a GHL in State waters in the Aleutian Islands subarea (AI) equal to 27 percent of the Pacific cod ABC for the AI. In the Gulf of Alaska, the Federal TACs for Pacific cod are set to accommodate the State GHL for Pacific cod in State waters in the Western and Central Regulatory Areas and in the Prince William Sound fishery. The Federal TACs are less than the ABCs for each regulatory area and to account for the State GHL. In the Western Regulatory Area, the Federal TAC is set up to 70 percent to accommodate the State GHL, and in both the Eastern and Central Regulatory Areas, the Federal TAC is set up to 75 percent to accommodate the State GHLs. The sum of all State and Federal water Pacific cod removals from the GOA do not exceed the ABC recommendation for GOA Pacific cod.

Because most of the 0 nm to 3 nm waters are designated as critical habitat for Steller sea lions, potential changes in State fisheries are monitored closely with regards to changing distributions of prey species and effort. Any significant change in the State-waters or State parallel Pacific cod, Atka mackerel, or pollock fisheries likely would result in changes to the Federal fisheries to minimize the impacts of the State fisheries on the fish stocks and on Steller sea lions. Overall the impacts of future State parallel and State-waters fisheries are not likely to be different than status quo because of the nexus between the State harvest levels and fisheries restrictions and the Federal harvest levels and fisheries restrictions, and the ability to adjust the Federal fisheries if needed to mitigate impacts of the State fisheries.

5.4.3 International Pacific Halibut Commission

Each year, the International Pacific Halibut Commission (IPHC) assesses the status of the halibut stocks and sets the constant exploitation yield (CEY), which is the amount of halibut harvest that is determined to be sustainable in a year. The total CEY is calculated by multiplying a target harvest rate by the total exploitable biomass and represents the sum of all halibut removals. After deducting non-directed fishery removals (i.e., incidental catch in the groundfish fisheries, wastage in halibut fisheries, recreational harvest, and subsistence use), the remainder is allocated to the directed commercial hook-and-line fishery. In 2012, the IPHC adopted a new assessment model that is more consistent with the observed fishery and survey results than past assessments. Based on the results derived from the new model, estimates of recent recruitment are lower than previously thought and commercial catch limits have been reduced over the past several years. The CEY therefore takes into account the change in halibut abundance.

Commercial catch limits steadily declined from 2010 through 2014 and increased slightly in 2015. Commercial catch limits were 49.7 million pounds (lb) in 2010, 39.5 million lb in 2011, 31.9 million lb in 2012, 29.0 million lb in 2013, 23.7 million lb in 2014, 29.2 million lb in 2015, and 21.5 million lb in 2016. The IPHC Commissioners and their advisors convened at the IPHC Annual Meeting in Victoria, B.C., on January 23 through 27, 2017, to consider the most recent stock assessment, catch limit recommendations, and stakeholder input, to set the catch limits for 2017.

Each year, on behalf of the IPHC, NOAA publishes annual management measures in the *Federal Register* for the commercial and recreational Pacific halibut fisheries promulgated as regulations by the IPHC and approved by the Secretary of State. These actions enhance the conservation of Pacific halibut and further the goals and objectives of the North Pacific Fishery Management Council.

Overall the impacts of halibut catch in all fisheries are not likely to be different than was analyzed in the Harvest Specifications EIS because of the IPHC's process for setting the CEY and existing fishery restrictions, including restrictions on halibut bycatch in the groundfish fisheries, which remain the same as was analyzed in the Harvest Specifications EIS.

6 Future Actions

This section provides a summary description of the reasonably foreseeable future actions that may affect the harvest specifications process and the impacts of the groundfish fisheries on the resources components analyzed in this EIS. Actions are understood to be human actions (e.g., a proposed rule to designate northern right whale critical habitat in the Pacific Ocean), as distinguished from natural events (e.g., an ecological regime shift). Identification of actions likely to impact a resource component, or change the impacts of the harvest specifications process, allow decision-makers and the public to understand the potential for a future action, individually or cumulatively, to cause a substantial change in the harvest specification process or represent significant new circumstances or new information that would require an SEIS in the future.

Addressing uncertainty in the stock assessment model process: The Magnuson-Stevens Act requires that NMFS use the best available science to help managers set limits on fish catch and prevent overfishing. The Government Accountability Office recommended that the agency take steps to improve the quality of data used in stock assessments and improve its models to quantify the uncertainty of the results. An Advance Notice of Proposed Rulemaking (ANPR) on the National Standard 1 guidelines was published May 3, 2012. This action provided the public with a formal opportunity to comment on the specific ideas mentioned in the ANPR, as well as any additional ideas and solutions that could improve provisions of the National Standard 1 Guidelines. Concurrently, several work groups (e.g., ABC Control Rules, Vulnerability Evaluations) have been created to produce reports on how to carry out the more technical components of the National Standard 1 guidelines.[54] On January 20, 2015, NMFS published a proposed rule to revise National Standards 1, 3, and 7 (80 FR 2786). The final rule implementing the guidelines to these standards published on October 18, 2016 (81 FR 71858).[55]

Programmatic Supplemental Environmental Impact Statement (PSEIS): The Council developed its groundfish management policy in 2004, following a comprehensive review of the BSAI and GOA groundfish fisheries. The 2004 *Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement*[56] evaluated the cumulative changes in the management of the groundfish fisheries since the implementation of the BSAI and GOA FMPs

[54] http://www.nmfs.noaa.gov/msa2007/vulnerability.htm.
[55] https://www.gpo.gov/fdsys/pkg/FR-2016-10-18/pdf/2016-24500.pdf
[56] https://alaskafisheries.noaa.gov/node/33552.

around 1980, and considered a broad array of policy-level programmatic alternatives. On the basis of the analysis, the Council adopted a management approach statement, and 9 policy goal statements, with 45 accompanying objectives. Periodically, the Council conducts a review of the management policy objectives to assess how they are being implemented, and to see whether changes are warranted.

Using a Supplemental Information Report (SIR), the Council and NMFS comprehensively evaluated the continuing vitality of its PSEIS in light of changing conditions. When the changes and the information is significantly different in degree or in kind from the impacts previously considered, the Council and the agency will prepare a supplement to the PSEIS. With the SIR analysis, the Council and NMFS have been able to determine whether the triggers for supplementing the PSEIS have been met. In April 2014, the Council evaluated the information in the draft SIR, and concluded that a supplemental EIS was not required; further, the Council did not choose to reinitiate programmatic changes to the groundfish fisheries that would have necessitated an SEIS at that time. NMFS finalized the SIR and reached a determination affirming that the 2004 PSEIS continues to provide NEPA compliance for the groundfish FMPs.[57]

Pacific cod CDQ Development: On May 4, 2016, NMFS published a final rule for Amendment 109 to the BSAI FMP to allow small hook-and-line vessel operators, generally fishing for halibut CDQ, an opportunity to diversify their operations with Pacific cod CDQ fishing (81 FR 26738). This amendment would exempt vessels less than or equal to 46 ft LOA using hook-and-line gear from an LLP license while fishing any CDQ groundfish, and it would move these vessels from full observer coverage to partial observer coverage. Rather than being required to purchase an LLP license, interested participants would be placed on an online eligible vessel list by a CDQ manager, and vessels greater than 32 ft and less than or equal to 46 ft LOA would be required to carry a certificate of eligibility (obtained without charge) onboard to signal their exemption. Vessels directed fishing for Pacific cod CDQ would still be required to carry VMS. The EA for this action found no significant environmental impacts.[58]

Aleutian Islands Pacific Cod Processing: On November 23, 2016, NMFS published a final rule to provide stability to Aleutian Islands (AI) shoreplant operations and the communities dependent on shoreside processing activity (81 FR 84434). The Council recommended that prior to March 21, the A season trawl catcher vessel (CV) Pacific cod harvest in the Bering Sea shall be limited to an amount equal to the BSAI aggregate CV trawl sector A season allocation minus the lessor of the AI directed Pacific cod non-community development quota (CDQ) TAC or 5,000 mt. In addition, directed fishing for non-CDQ AI Pacific cod is prohibited for all vessels except CVs delivering to shoreplants west of 170° longitude in the AI prior to March 15, unless restrictions preventing stranding of AI Pacific cod TAC are removed earlier. Any amount of the AI directed Pacific cod non-CDQ TAC above the amount set aside from the trawl CV BSAI allocation is to be available to any sector for directed fishing and is not subject to the regional delivery requirement. To assist in preventing stranding of AI Pacific cod TAC, if less than 1,000 mt of the AI Pacific cod non-CDQ TAC has been landed at AI shoreplants by February 28, the restriction on delivery to other processors and the restriction on the trawl CV sector allocation shall be suspended for the remainder of the year. Also, if neither the City of Adak nor the City

[57] https://alaskafisheries.noaa.gov/sites/default/files/sir-pseis1115.pdf.
[58] https://alaskafisheries.noaa.gov/sites/default/files/analyses/finalearir-bsaiamd109-cdq0316.pdf

of Atka have notified NMFS by October 31 of the intent to process non-CDQ directed AI Pacific cod in the upcoming year, the AI shoreside delivery requirement and restriction on the trawl CV sector allocation is suspended for the upcoming year. The EA for this action found no significant environmental impacts.[59]

7 Determination

After reviewing the information above and presented in the SAFE reports, I have determined that (1) the 2017 and 2018 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 2017 and 2018 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 2017 and 2018 harvest specifications. Further, at this time, the available information does not indicate a need to prepare supplemental NEPA documentation for the 2017 and 2018 harvest specifications.

Glenn Merrill — February 8, 2017

Regional Administrator — Date

For JB

[59] https://alaskafisheries.noaa.gov/sites/default/files/analyses/draftbsaiamd113ririrfa071816.pdf

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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 2016 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 2016 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 2016 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 2016 version may be found here: http://www.afsc.noaa.gov/refm/stocks/assessments.htm