

RECORD OF DECISION  
ALASKA GROUND FISH HARVEST SPECIFICATIONS  
FINAL ENVIRONMENTAL IMPACT STATEMENT (January 2007)  
NOAA, National Marine Fisheries Service  
Alaska Region, Juneau, Alaska

This Record of Decision (ROD) documents the decision by the National Marine Fisheries Service (NMFS) to select Alternative 2, identified as the preferred alternative in the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Final EIS), as its choice for the management of the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fisheries. Alternative 2 is the harvest strategy used to set the annual harvest specifications for the BSAI and GOA groundfish fisheries and will be implemented through annual development and approval of the final BSAI and GOA harvest specifications. NMFS published the proposed harvest specifications for 2007 and 2008 on December 15, 2006 (71 FR 75460); publication of the final harvest specifications is anticipated by March 2007.

The purpose and scope of the EIS was to provide decision-makers and the public with an evaluation of the environmental, social, and economic effects of the current harvest strategy and alternative harvest strategies for the BSAI and GOA groundfish fisheries. The EIS analysis serves as the central environmental planning document for NMFS and the North Pacific Fishery Management Council (Council) to establish a harvest strategy for the setting of annual harvest specifications for the BSAI and GOA groundfish fisheries. The EIS examines alternative harvest strategies that comply with Federal regulations, the Fishery Management Plan (FMP) for Groundfish of the BSAI Management Area, the FMP for Groundfish of the GOA, and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The EIS and this ROD addresses the requirements of the National Environmental Policy Act (NEPA).

#### ALTERNATIVES CONSIDERED

The following is a brief summary of the five alternatives considered in detail in the Final EIS. Further detailed description of the alternatives may be found in Chapter 2 of the Final EIS.

**Alternative 1:** Set total allowable catches (TACs) to produce harvest levels equal to the maximum permissible acceptable biological catches (ABCs), unless the sum of the TACs is constrained by the optimum yield (OY) established in the FMPs.

**Alternative 2: (Status Quo; Preferred)** Set TACs that fall within the range of ABCs recommended through the Council harvest specifications process and TACs recommended by the Council.<sup>1</sup>

**Alternative 3:** For stocks with a high level of scientific information, set TACs to produce harvest levels equal to the most recent five-year average actual fishing mortality rates. For stocks with insufficient scientific information, set TACs equal to the most recent five-year average actual catch.

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<sup>1</sup> NMFS has modified the summary of Alternative 2 by replacing the phrase "by the Council's Groundfish Plan Teams" with the phrase "through the Council harvest specification process." NMFS made this change to clarify that the complete harvest specification process is used, including the Council's Groundfish Plan Teams and Scientific and Statistical Committee recommendations for ABC, and Advisory Panel recommendations for TACs. The clarification is necessary to respond to informal public comment expressing confusion caused by the short-hand use of the term "Plan Teams" to reference the harvest specifications process. The Final EIS describes in detail the full harvest specifications process and this change is consistent with the description of Alternative 2 and analysis of the alternatives in the Final EIS.

**Alternative 4:** Set low and spatially explicit TACs for rockfish species and set TACs to sum to the lower end of the OY range. Reduce all other TACs by a proportion that does not vary across species, so that the sum of all TACs, including rockfish TACs, is equal to the lower bound of the OY for a given area (1,400,000 mt in the BSAI and 116,000 mt in the GOA).

**Alternative 5: (No Action)** Set TACs at zero. This is the no action alternative, but does not reflect the status quo.

Except for Alternative 5 (no action) and Alternative 3 in the BSAI, the alternatives analyzed in the Final EIS are consistent with the goals of the FMPs and existing regulations. The constraints for setting harvest specifications under the FMPs are (1) setting ABCs according to FMP procedures, (2) setting TAC less than or equal to ABC for all target and other species categories, and (3) setting the sum of the TACs to be within the OY range.

#### ALTERNATIVES CONSIDERED AND ELIMINATED FROM DETAILED STUDY

During the development of the alternatives for the proposed action, NMFS considered several different measures suggested by public comments and the Council for setting the harvest strategies. Chapter 2.5 of the Final EIS provides a summary of the measures that did not receive detailed analysis and a brief explanation as to why each measure was eliminated from detailed study.

#### THE ENVIRONMENTALLY PREFERABLE ALTERNATIVES

The Council for Environmental Quality (CEQ) regulations require that the ROD specify "the alternative or alternatives which were considered to be environmentally preferable" (40 CFR 1505.2(b)). The environmentally preferable is the alternative that best promotes the national environmental policy, as expressed in section 101 of NEPA. Ordinarily, this means the alternative that causes the least damage to the physical and biological environment, and that best protects, preserves, and enhances historic, cultural, and natural resources.

The impacts on the human environment are described in Chapters 4 to 13 of the Final EIS. These chapters demonstrate that Alternative 4 is the environmentally preferred alternative. The environmental effects of all the alternatives derive mainly from the volumes of fish withdrawn from the ecosystems, and the levels of fishing and processing activity and associated environmental disturbance that may be associated with these activities.

Alternative 4 reduces harvests in the BSAI and the GOA to the lowest levels consistent with the OY ranges for those areas. It is thus the alternative that is reasonable, consistent with the statement of purpose and need, and that has the least environmental impact.

Alternatives 1 and 2 would result in higher TACs than Alternative 3 in the BSAI and GOA, and therefore are expected to have greater environmental impacts than Alternative 3. The sum of TACs under Alternative 3 is lower than that of Alternative 4 in the BSAI, but higher in the GOA. The sum of Alternative 3 TACs in the BSAI falls below the lower end of the OY range, thus Alternative 3 is not a reasonable alternative. At the start of the analysis it was not anticipated that the sum of the Alternative 3 TACs in the BSAI would be below the lower end of the OY range. Under Alternative 5, all TACs are set equal to zero. This alternative would have negligible environmental impacts, however, it falls outside the lower end of the OY range, and is thus not a reasonable alternative since it is inconsistent with the stated purpose and need.

## NMFS DECISION AND FACTORS CONSIDERED IN THE DECISION

### The Decision

The decision is to determine which harvest strategy to use in the annual harvest specifications process. NMFS hereby selects Alternative 2 in the Final EIS as its choice for management of the BSAI and GOA groundfish fisheries. The rationale for this decision is discussed below. The rationale is fully supported by the analysis documented in the Final EIS.

### Rationale for the Decision

NMFS' decision to select Alternative 2 in the Final EIS, and thereby approve annual harvest specifications, was reached after a comprehensive review of the relevant environmental, economic, and social consequences of the alternatives. Taking into account the Magnuson-Stevens Act, the Marine Mammal Protection Act, the Endangered Species Act, other applicable statutory and policy considerations, and all public comment, NMFS decided to select Alternative 2 and approve the final harvest specifications for 2007 and 2008. Alternative 2 is the alternative that best balances the available suite of management measures to enable NMFS and the Council to manage the BSAI and GOA groundfish fisheries while meeting their statutory, regulatory, and national policy requirements, goals, and objectives. Specifically,

- Alternative 2 is consistent with existing regulatory measures and provisions of the FMPs. These measures and the FMPs have themselves been subject to environmental evaluation through the NEPA process.
- Alternative 2 prevents overfishing because it is consistent with the ABC levels for the target species recommended on the basis of the best scientific information by the Council's GOA and BSAI Plan Teams and Scientific and Statistical Committee.
- The TACs fall within the BSAI and GOA OY ranges, which themselves are set to reflect ecosystem constraints.
- The management of the target species incorporates numerous measures meant to protect ecosystem elements and mitigate the impact of fishing activity. The Council and NMFS continually evaluate the fisheries to identify potential ecosystem issues, and the Council process addresses new issues as they arise.
- The fishing levels would not jeopardize species listed under the Endangered Species Act, or adversely modify their critical habitat.
- Compared to Alternative 2, the environmentally preferred alternative would result in lower levels of production and would have serious adverse impacts on the fishing and processing industries, and the fishing communities dependent on them.

### Public Comments

NMFS summarized and responded to the public comments received on the Draft EIS in the Comment Analysis Report, which is Appendix G of the Final EIS. NMFS made changes to the Final EIS in response to public comments on the Draft EIS and these changes were noted in the Comment Analysis Report. NMFS received one letter of public comment on the proposed harvest specifications that contained comments on the Final EIS. That letter of comment is summarized and responded to in the Federal Register notices for the BSAI and GOA final harvest specifications for 2007 and 2008. NMFS has made this decision after careful review of the public comments on the Draft EIS issued September 2005.

## MITIGATION MEASURES AND MONITORING

Section 1505.2(c) of the CEQ regulations state that the ROD shall state whether all practicable means to avoid or minimize environmental harm from the selected alternative have been adopted, or why none were adopted. Chapters 4 through 13 in the Final EIS describe a number of ways that existing management measures mitigate the adverse effects of fishing and produce benefits to the human environment over time. Alternative 2 will be implemented under the existing management framework that contains extensive monitoring, enforcement, data collection, and review provisions as measures to mitigate against unintended consequences and potential harm to the human environment of harvesting and processing, as identified in the EIS.

No additional appropriate mitigation measures were identified to analyze in this EIS that are not already part of the proposed action or alternatives. NMFS and the Council have implemented many measures to mitigate the effects of fishing on the ecosystem and ecosystem components, and those measures are discussed in relevant chapters. The Council is currently considering additional measures to further mitigate the effects of fishing on habitat and protected species, and those are being analyzed in separate a NEPA analysis. New measures may be determined appropriate through the Council process and can be implemented separately from this action.

Mitigation measures built into the current harvest strategy and management regime provide a buffer against the possibility of adverse impacts to the ecosystem and ecosystem components. These include (1) setting the upper bounds of the OY ranges in the FMPs at levels below estimated baseline multi-species maximum sustainable yield, (2) setting overfishing levels (OFLs) that are limits rather than targets, (3) setting maximum ABCs below OFLs, (4) implementing the specifications procedures to determine if actual ABCs should be less than maximum ABCs, (5) setting TACs at or below ABCs, (6) applying prohibited species catch constraints that frequently constrain harvests below TACs, (7) using many conservative assumptions in choosing parameter values for age structured population dynamics models, (8) modifying harvest control rules for certain species to truncate fishing rates to zero below threshold biomass levels, (9) improving bycatch and incidental catch management, (10) reducing impacts to habitat, seabirds, and marine mammals, and (11) continuing monitoring and research efforts to improve the available data.

## CONCLUSIONS

Through the EIS and as documented in this ROD, NMFS has considered the objectives of the proposed action and has analyzed a reasonable range of alternatives that adequately address the objectives of the proposed action. Furthermore, NMFS has analyzed the associated environmental consequences and impacts of the alternatives, and identified mitigation measures to address, to the extent practicable, those consequences and impacts. NMFS also has considered public and agency comments received during the EIS review periods. Consequently, NMFS concludes that Alternative 2 provides reasonable, practical means to avoid, minimize, or compensate for environmental harm from the action. Future actions consistent with Alternative 2 will be carefully considered following the procedures authorized by the Magnuson-Stevens Act and NEPA.

## CONTACT PERSON

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Signed: 

Date: 2/13/07

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