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ENVIRONMENTAL ASSESSMENT ON AMENDMENT OF THE FISHERY
MANAGEMENT PLAN FOR THE GULF OF ALASKA GROUND FISH FISHERY

INTRODUCTION

The Fishery Management Plan (FMP) for the Gulf of Alaska Groundfish fishery was adopted by the North Pacific Fishery Management Council (Council), approved and implemented by the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration (Assistant Administrator) pursuant to sections 302-305 of the Fishery Conservation and Management Act of 1976 (FCMA), and published in its entirety on April 21, 1978, (43 FR 17242). A final environmental impact statement was prepared for the FMP and is on file with the Environmental Protection Agency. The FMP has been amended seven times. The North Pacific Fishery Management Council approved an eighth amendment, consisting of seven parts, during its May 1980 meeting. This amendment has been submitted for approval and implementation by the Assistant Administrator.

This Environmental Assessment is prepared pursuant to 40 CFR 1501.3 and 1508.9, and NOAA Directive 02-10, in order to determine whether an environmental impact statement must be prepared on the proposed action pursuant to section 102(2)(C) of the National Environmental Policy Act.

DESCRIPTION OF AND NEED FOR THE PROPOSED ACTION

The proposed action is to amend the FMP for the Gulf of Alaska Groundfish fishery by modifying, adding, and deleting certain portions of its management regime, and to implement this amendment through NMFS regulations. These changes were developed in response to specific problems that arose in the management of the fishery. The changes, together with a statement of specific need for each, are as follows:

1. Change the plan year and eliminate any expiration date.

The present plan year is November 1 - October 31. This measure will change the plan year to a calendar year of January 1 - December 31 and will simplify record keeping, because the Bering Sea is managed on a calendar year basis. It will also allow the Regional Director to apportion reserves for the Gulf of Alaska and the Bering Sea at the same time. This change will also eliminate the necessity for extending the plan each year. To facilitate transition to a January 1 - December 31. Plan year, OY's will be established for a fourteen month period by allocating 7/6 of the present OY's for each species or species group.

2. Distribute the OY Gulfwide for squid, "other species," thornyhead rockfish and other rockfish.

These species have had a historically low domestic commercial value. Therefore, little research has been conducted on them and a knowledge of their actual distribution is limited. The present FMP assigns a percentage of their OY values to each of the three regulatory areas in the Gulf of Alaska. The ability to catch these species while fishing for target species, and not be concerned about regulatory area limits, will alleviate some operational problems for the foreign fleets.

3. Establish four species categories for the Gulf of Alaska Groundfish Fishery as follows: unallocated species, target species, other species, and non-specified species.

This measure should facilitate a more comprehensive management approach for the groundfish present in the Gulf of Alaska. The new category of non-specified species includes those which have no commercial value and are in no apparent danger of depletion. The OY for this category of fish is set at whatever level is caught incidental to commercial groundfish operations. The species included in this category would be removed from the category "other species" which has an established OY. This action should prevent the threat of closure to the Gulf groundfish fishery that can occur when these species are included in the "other species" category and one of them appears in unusual abundance. This new system of classifying species should help eliminate some operational problems for fishermen by reducing reporting requirements for the unutilized species which are now lumped in the "other species" category.

4. Divide the Eastern Regulatory Area of the Gulf of Alaska into three Regulatory districts: Yakutat, Southeast inside and Southeast outside to allocate sablefish OY.

Dividing the Eastern Regulatory Area into three sablefish regulatory districts for sablefish OY allocation purposes should help prevent overharvest in any one individual area by domestic fishermen.

5. Specify the authority of the Regional Director, NMFS, to issue field orders adjusting time and/or area restrictions on foreign vessels to resolve gear conflicts.

This requirement would extend the authority of the Regional Director, NMFS, Juneau, to issue field orders restricting time or area operations for foreign trawl fleets to prevent gear conflicts with domestic fixed gear operations.

6. Set a new schedule for the release of reserves.

This requirement would allow the Regional Director to apportion to TALFF all or part of the following amounts of the reserve: 40% in April, 40% in June, 20% in August. As soon as practicable, after the beginning of August, he shall apportion to TALFF the part of the DAH he determines will not be harvested by domestic fishermen during the year. Also, as soon as practicable after the first day of the above months and whenever he deems necessary, the Regional Director may reassess the DAH and apportion any amounts of reserve he determines are needed to supplement DAH. This requirement allows a greater percentage of release at times which allow better assessment of the domestic effort and facilitates the long-range planning of foreign fleets.

7. Require biodegradable escape panels on sablefish pots.

This requirement parallels a regulation enforced in State waters and is a conservation measure designed to keep lost pots from continuing to fish and having an adverse impact on the resource.

ALTERNATIVES INCLUDING THE PROPOSED ACTION

Alternative 1. Adopt Amendment 8. This is the proposed action and the preferred alternative. This alternative is preferred because it would respond to the problems described in the statement of need, above, that led to the formulation of the amendment.

Alternative 2. Adopt only some parts of Amendment 8. Each of the seven management measures described above is independent of the others, and can be considered independently on its own merits. Thus, the Assistant Administrator could disapprove and decline to implement some of these measures without necessarily jeopardizing the approvability of the others. Nonadoption of some of the proposed measures would mean that the problems that those measures were designed to address would be more likely to continue than if those measures were implemented. It could also result in inconsistency between the management regimes of the Federal government and the State of Alaska concerning biodegradable escape panels on sablefish pots that would confuse fishermen subject to regulation and increase enforcement difficulties. It is possible, however, that public comment on the amendment and its proposed implementing regulations will reveal countervailing circumstances that render certain proposed measures contrary to the FCMA or other applicable law, in which case the Assistant Administrator would have to disapprove those measures. Until such circumstances are shown, however, this alternative is beyond the Assistant Administrator's discretion, and will be considered undesirable in view of the disadvantages, just described, that rejection of some of the proposed measures would entail.

Alternative 3. Disapprove and Decline to Implement all Parts of Amendment 8. It is possible, though highly improbable, that public comment on Amendment 8 and its proposed implementing regulations will reveal circumstances that render the entire amendment contrary to the FCMA or other applicable law. This would require the Assistant Administrator to disapprove the entire amendment, and decline to implement any part of it. Such nonadoption of the entire amendment would leave unaddressed all the problems discussed above in the statement of need. Because of these disadvantages, and because the Assistant Administrator would otherwise lack discretion to disapprove the amendment, this alternative will be rejected unless the required showing of noncompliance with the FCMA or other applicable law is made in the course of public comment.

SPECIFIC ALTERNATIVES TO PARTS OF AMENDMENT 8.

1. a. Change the plan year to calendar year and eliminate any expiration date. This is the proposed action and preferred alternative, because it will simplify record keeping and therefore provide for more efficient management. It will also eliminate an artificial deadline that raises the danger of hastily considered management decisions.
- b. Retain the current plan year of November 1 - October 31 with an expiration every 12 months. This creates unnecessary paper work and correspondingly less efficient management, and retains the current artificial deadline for repromulgation of regulations. Therefore, this alternative is unacceptable.
2. a. Distribute the optimum yield (OY) Gulfwide for squid, thornyhead rockfish, "other species", and rockfish. This is the proposed and preferred action, because little information is currently available regarding the distribution of these species and at this time any division among the three regulatory areas would consequently be made arbitrarily. This measure would alleviate some operational problems for the foreign fleets.
- b. Retain the present system of assigning a percentage of the optimum yield values to each of the three regulatory areas in the Gulf of Alaska. This option is less preferable, because the division of the optimum yield, made arbitrarily, is creating some problems for the foreign fleets due to small amounts assigned to certain areas.
3. a. Establish four species categories for the Gulf of Alaska Groundfish fishery as follows: unallocated species, target species, other species, and non-specified species. This is the proposed and preferred action, because it is expected to facilitate a more comprehensive management approach to the groundfish in the Gulf of Alaska.
- b. Keep the present classification system consisting of three categories as contained in the FMP. This system has created operational problems for fishermen reporting unutilized species which have been included in the "other

species" category. Under this system there is the threat of closure of the groundfish fishery when one of these species of no commercial value appears in large quantities. Also, this classification system refers to one group of species as "prohibited species" while it is more appropriately referred to as "unallocated species". For these reasons this alternative is unacceptable.

- c. Establish separate OY values for each species classified under the unallocated species category. Due to the lack of scientific data on these species, such an action would have little empirical basis. This alternative is therefore unacceptable.
4. a. Divide the Eastern Regulatory Area of the Gulf of Alaska into three Regulatory Districts, Yakutat, Southeast inside, and Southeast outside to allocate sablefish OY. This is the proposed and preferred alternative. Sablefish is a slowly migrating species. Therefore, local populations of sablefish should be managed as separate, discrete stocks to prevent overharvest in local areas.
 - b. Retain the present Eastern Regulatory area without subdividing it for the purpose of sablefish OY allocation. This could lead to a serious local depletion of the sablefish resource harvested by a domestic fishery, even though the OY for the entire eastern area may not be exceeded. Therefore, this alternative is unacceptable.
5. a. Specify the authority of the Regional Director, NMFS, to issue field orders adjusting time and/or area restrictions on foreign vessels to resolve gear conflicts. This is the proposed and preferred alternative. Incidents similar to the 1979 confrontation between domestic crab fishermen and foreign trawlers demonstrated an inability to respond in a timely way to gear conflict situations. This alternative should help prevent future gear conflicts between foreign trawl fleets and domestic fixed gear operations.
 - b. Do not give the Regional Director, NMFS, authority to issue field orders adjusting time and/or area restrictions on foreign vessels to solve gear conflicts. Incidents like the 1979 confrontation between domestic crab fishermen and foreign trawlers near Kodiak have shown that the present system is inadequate. Therefore, this alternative is unacceptable.
 - c. Impose a year-round closure of the entire Kodiak area between 150° W and 157° W longitude. This alternative would substantially affect the amount of groundfish likely to be caught by foreigners in the Central area of the Gulf, and therefore, would probably require a reduction of the

Central area TALFF's. If this decrease in foreign fishing is not offset by an equal increase in domestic fishing, and if the OY's cannot legitimately be adjusted downward by the amount of the decrease in foreign harvest, this option would present a high risk of violating National Standard 1 of the FCMA because it would prevent OY from being achieved. This alternative is, therefore, unacceptable.

6. a. Set a new schedule for apportioning reserves and DAH which will permit a better assessment of the domestic effort and facilitate foreign fleet long-range planning. This proposed new schedule will better serve the needs of management and therefore this is the preferred action.
 - b. Retain the present schedule if apportioning any amounts of reserves on January 2, March 2, May 2, and July 2, or on any other date as appropriate. It is believed that this schedule is not optimal for assessing the domestic effort. Also, this schedule makes foreign fleet long-range planning more difficult. Therefore, this alternative is less desirable.
7. a. Require biodegradable escape panels on sablefish pots. This is the proposed and preferred alternative. This regulation would parallel a State of Alaska regulation, and is a conservation measure designed to keep lost pots from continuing to fish.
 - b. Maintain the status quo and do not require biodegradable escape panels on sablefish pots. Lost pots could continue to fish for an extended period of time, and have an adverse impact on the resource. Therefore, this alternative is unacceptable.

ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION AND ALTERNATIVES

Impacts on the Biological and Physical Environment

It is not anticipated that any of the alternatives just described would have significant impacts on the biological and physical environment. Part 1 the changing of the plan year and elimination of an expiration date is purely an administrative matter that should not affect the total level or nature of fishing effort significantly and should, therefore, have no impacts on the biological and physical environment. Parts 2, 3 and 6 are also administrative changes, which are designed mainly to alleviate operational problems of the fleets and should also have no impact on the biological and physical environment. Part 5 is designed to prevent possible gear conflicts between domestic fixed gear fisheries and foreign trawl fisheries. This change should have no impact on the biological and physical environment. Part 4 may produce a positive impact on the environment by preventing local overharvest of sablefish. Part 7 is designed to render lost pots ineffective and should contribute to the maintenance of long-term productivity of the resource. The opportunity for these possible beneficial impacts on the biological and physical environment would be foregone to the extent any of these measures were disapproved.

Impacts on the Socioeconomic Environment

Parts 2, 3 and 6 should alleviate some operational problems now encountered in the groundfish fishery. Part 6 also should contribute to a more efficient allocation system for reserves. Part 5 is designed to resolve gear conflicts between domestic fixed gear fisheries and foreign trawl fisheries. Part 4 should help prevent overharvest in local areas which could lead to depletion of stocks and severe economic conditions. Part 7 requiring escape panels to be incorporated into all sablefish pots would, according to public testimony received at the May Council meeting, have minimal economic impact in carrying out the requirement. The opportunity for these possible beneficial economic benefits would be eliminated if these measures were not approved and implemented.

Effects on Endangered Species and on the Alaska Coastal Zone

None of the alternatives would constitute an action that "may affect" endangered or threatened species or their habitat within the meaning of the regulations implementing section 7 of the Endangered Species Act of 1973. Thus, consultation procedures under section 7 will not be necessary on the proposal and its alternatives.

The proposed action would be carried out in a manner that is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, in accordance with section 307 (C)(1) of the Coastal Zone Management Act of 1972 and its implementing regulation. This conclusion will be reviewed by the Division of Policy Development and Planning, Office of the Governor, State of Alaska.

AGENCIES AND PERSONS CONSULTED

In the course of the preparation of this environmental assessment, the following persons and agencies were consulted:

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LIST OF PREPARERS

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FINDING OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

For the reasons discussed above, it is hereby determined that neither approval and implementation of Amendment 8 nor any of the reasonable alternatives to that action would significantly affect the quality of the human environment; and that the preparation of an environmental impact statement on these actions is not required by section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

Assistant Administrator for Fisheries, NOAA