ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/ INITIAL REGULATORY FLEXIBILITY ANALYSIS FOR AMENDMENT 25 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 20 TO THE FISHERY MANAGEMENT PLAN FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

Proposed Prohibition to Groundfish Trawling in the Vicinity of Gulf of Alaska and Bering Sea and Aleutian Islands Steller Sea Lion Rookeries

SUMMARY

This environmental assessment was prepared to examine the environmental consequences of imposing additional constraints on commercial fisheries managed under the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish Fishery Management Plans (FMP). The purpose of additional restrictions is to minimize the potential adverse effects of the BSAI and GOA groundfish fisheries on Steller sea lions, a threatened species, and to foster the species's recovery. This assessment considers five alternatives: (1) No action; (2) Prohibiting groundfish trawling within 10 nautical miles (nm) of GOA and BSAI Steller sea lion rookeries year round; (3) Prohibiting groundfish trawling within 20 nm of GOA and BSAI Steller sea lion rookeries year round; (4) Prohibiting groundfish trawling within 10 nm of GOA and BSAI Steller sea lion rookeries from May 1-September 30 and within 20 nm from October 1 - April 30; and (5) Prohibiting groundfish trawling within 20 nm of GOA and BSAI Steller sea lion rookeries from May 1 - September 30 summer and within 60 nm from October 1 - April 30. NMFS' preferred alternative is Alternative 2.

PURPOSE AND NEED

Because of a precipitous population decline, NMFS listed the Steller sea lion as a threatened species under the Endangered Species Act (November 26, 1990; 55 FR 49204). To date, extensive declines have been noted in the Soviet Union, Aleutian Islands,

Bering Sea, and Gulf of Alaska portions of the Steller sea lion's range. The causes of the observed decline are not known. Hypothesized causal factors include natural or anthropogenic changes in the sea lion's food base, intentional killing, incidental take in fishing gear, and disease.

The BSAI and GOA groundfish fisheries have developed in the geographic area that has historically supported the majority of the Steller sea lion breeding population. This same geographic region has also experienced substantial declines (about 78 percent decrease from 1956-1990) in the number of Steller sea lions counted on breeding sites over the last 30 years (Merrick et al. 1991). Although the relationship between the Steller sea lion population and BSAI and GOA groundfish fisheries is unclear, Steller sea lions and commercial fisheries are known to interact in ways that may be detrimental to both fishermen and sea lions.

Steller sea lions frequently interact with fishing vessels and gear. These interactions can result in damaged gear and lost catch for fishermen, and in unintentional capture and mortality for sea lions. Perez and Loughlin (1990) estimate that about 21,000 Steller sea lions were killed incidental to BSAI and GOA trawl fisheries between 1973 and 1988. They conclude that incidental take was a contributing cause in the observed Steller sea lion decline in Alaska accounting for about 16 percent of the decline in the BSAI and 6 percent of the decline in the GOA. Available data indicate that the number of Steller sea lions killed incidental to BSAI and GOA groundfish fisheries has declined significantly in recent years. Based on fishery observer data, NMFS estimates that 23 Steller sea lions were taken incidental to BSAI and GOA groundfish trawl fisheries during 1990; available data indicate that incidental take levels for the 1991 fishing year will be of a similar magnitude.

Deliberate killing of Steller sea lions by fishermen and others is also considered to be a possible contributing factor in the observed population decline. Fishermen have been seen killing sea lions on rookeries, haulouts, and in the water, but the magnitude of the take and its role in the population decline are unknown. In 1990, NMFS prohibited intentional killing or wounding of Steller sea lions. This prohibition, as well as the rookery buffer zones, have probably significantly reduced, but not entirely eliminated, this source of mortality.

Reduction in food availability is considered to be a possible factor in the Steller sea lion population decline. The BSAI and

GOA groundfish fisheries harvest fish stocks that are major components of the Steller sea lion's diet. Large fishery harvests from areas proximal to Steller sea lion rookeries/haulouts could decrease the amount of food available to sea lions. Deterioration in their prey base could force sea lions to expend additional energy, or be unable, to meet their nutritional needs, and could result in reduced reproductive success and increased mortality. Calkins and Goodwin (1988) found that Steller sea lions collected in the GOA in 1985-1986 were significantly smaller (girth, weight, and standard length) than same aged animals collected in the GOA in the 1970s. Reduced body size at age was interpreted as an indicator of nutritional stress. Presently, the effect of the BSAI and GOA fisheries on the Steller sea lion's ability to obtain adequate food is not known.

To date, NMFS has taken several steps to reduce the adverse effects of human activities, including commercial fisheries, on Steller sea lions. NMFS implemented the following conservation measures coincident with the 1990 species listing:
(1) Prohibited vessel entry within 3 nm of Steller sea lion rookeries in the GOA and BSAI; (2) Prohibited shooting at or near Steller sea lions; and (3) Reduced the allowable level of take incidental to commercial fisheries in Alaskan waters. NMFS has specified total allowable fish harvest levels in the BSAI and GOA groundfish fisheries that are conservative. On June 19, 1991, NMFS prohibited groundfish trawling within 10 nm of GOA Steller sea lion rookeries, and placed further time and area constraints on GOA walleye pollock harvest (56 FR 28112). These additional restrictions were implemented on an interim basis and will expire on December 18, 1991.

The purpose of this environmental assessment (EA) is to examine the need for, and environmental consequences of, permanently prohibiting groundfish trawling within additional areas in the BSAI and GOA to protect Steller sea lions. Steller sea lions use specific terrestrial locations, typically on remote islands, to breed, give birth, nurture pups, and rest. Rookeries are sites where the primary activity during the breeding season is related to reproduction; sea lions also use rookery sites during the non-reproductive season for rest and refuge. These habitats are essential to the continued survival and recovery of the Steller sea lion; waters adjacent to rookeries are likely to be important feeding areas, particularly for postpartum nursing females and juvenile animals. This EA will consider alternative plans for prohibiting groundfish trawling in waters adjacent to 35 Steller

sea lion rookery sites within the GOA and BSAI (Table 1).

The selection of the closed area sizes considered in each alternative is based on the very limited available data on Steller sea lion foraging habits and habitats, primarily from NMFS recent satellite telemetry studies. To date, most of the animals tracked have been female Steller sea lions with nursing pups. In the summer of 1990, NMFS tracked 6 female Steller sea lions; in general, these animals stayed close to rookeries during foraging trips (Table 2). On-land observations and 1991 summer satellite telemetry data from females without pups indicate that their summer feeding trips are much longer. Results from females with pups tracked in winter 1990 indicate that winter trips are considerably longer than postpartum summer feeding trips (Table 3). Aside from the areas immediately around rookeries, GOA sea lions tagged in 1990-91 winters appeared to be foraging at Portlock Bank, Marmot Bay, Albatross Bank, Marmot Gully, Shelikof Strait, and Gilbert/Patton seamounts.

The goal of prohibiting trawling in waters adjacent to rookeries is to reduce incidental and intentional takes, and the potential adverse effects of the BSAI and GOA groundfish removals on Steller sea lion's foraging success. Under all additional closure alternatives (Alternatives 2-5), groundfish harvest with hook and line, jig, troll, and pot gear within the new closed areas would be permitted. The primary reasons for only excluding trawl gear is: (1) the trawl fishery harvests the majority of the catch (Table 4), (2) the risk of lethal incidental take of Steller sea lions in non-trawl gear is low, and (3) groundfish harvest with trawl gear results in the bycatch of other non-target species, e.g., juvenile pollock, squid, octopus, herring, capelin, eulachon, and sand lance, that are also important prey items for Steller sea lions. Vessels that use non-trawl gear types would not be affected by new closures, and would not incur the additional costs borne by trawl fisheries.

Although this EA focuses only on additional management measures for the BSAI and GOA groundfish trawl fisheries, NMFS's research and management program to aid the recovery of Steller sea lions is more broadly focused. A Recovery Plan for Steller sea lions has been drafted, circulated for public comment, and will soon be published in final form and implemented. A draft proposed rule to designate critical habitat for Steller sea lions is presently being reviewed and will be published in the near future. Via a separate NEPA process, NMFS is developing a system for authorizing and determining biologically-acceptable incidental

take levels for marine mammal species, including Steller sea lions. Steller sea lion research programs have expanded and are focusing on population census, animal physiology, pathology, population genetic structure, defining the level of subsistence harvest, refining survey techniques, and defining foraging habitats and habits.

DESCRIPTION OF ALTERNATIVES

Alternative 1 - Status Quo: Under this alternative, no additional closed areas would be created. Only the existing prohibition against approaching within 3 nm of the BSAI and GOA Steller sea lion rookeries would remain in effect.

Alternative 2 - Year round, 10 nm Trawl Closures - Preferred Alternative: Under this alternative, groundfish trawling would be prohibited within 10 nm of BSAI and GOA Steller sea lion rookeries year round. The 3 nm no entry buffer zone would remain in effect, and an additional 7 nm mile zone would be closed to trawling to create closed areas with radii of 10 nm.

The 10 nm rookery closure zones represent an approximation, based on available data, of the average summer foraging range of female Steller sea lions with pups. NMFS tagged and tracked 6 female sea lions during the summer of 1990; in general, these animals stayed close to the rookeries during foraging trips - the average trip distance observed was about 8 miles, the maximum for any single trip was 21 miles (Table 2).

Alternative 3 - Year round, 20 nm Trawl Closures: Under this alternative, groundfish trawling would be prohibited within 20 nm of BSAI and GOA Steller sea lion rookeries year round. The 3 nm no entry buffer zone would remain in effect, and an additional 17 nm mile zone would be closed to trawling to create closed areas with radii of 20 nm.

The 20 nm rookery closure zones represent an approximation, based on available data, of the maximum summer foraging range of female Steller sea lions with pups (Table 2).

Alternative 4 - Seasonal Trawl Closures - 10 nm in summer, 20 nm in winter: Under this alternative, groundfish trawling would be prohibited within 10 nm of BSAI and GOA Steller sea lion rookeries during the Steller sea lion's summer breeding season, and within 20 nm during the non-reproductive season. The 3 nm no

entry buffer zone would remain in effect year round. An additional 7 nm mile zone would be closed to trawling from May 1 through September 30 to create 10 nm closures, and an additional 17 mile zone would be closed to trawling from October 1 through April 30 to create 20 nm closures.

The expanded trawl closure zone during the non-breeding season is based on (1) available data that indicate foraging Steller sea lions range more extensively during the non-breeding season than postpartum females in summer (Table 3), and (2) the need to provide extended protection during the winter-early spring season when Steller sea lion's nutritional needs and stresses are likely to be greatest.

Alternative 5 - Seasonal Trawl Closures - 20 nm in summer, 60 nm in winter: Under this alternative, groundfish trawling would be prohibited within 20 nm of BSAI and GOA Steller sea lion rookeries during the Steller sea lion's summer breeding season, and within 60 nm during the non-reproductive season. The 3 nm no entry buffer zone would remain in effect year round. An additional 17 nm mile zone would be closed to trawling from May 1 through September 30 to create 20 nm closures, and an additional 57 mile zone would be closed to trawling from October 1 through April 30 to create 60 nm closures.

This alternative approximates the maximum observed foraging distance of females with pups during the breeding season, and provides a large closed area during winter to better encompass winter foraging habitats and compensate for increased nutritional need and stresses.

ENVIRONMENTAL CONSEQUENCES

Because the effect of the BSAI/GOA groundfish fishery on food availability to Steller sea lions is not known, it is not possible to actually compare the benefits to Steller sea lions of the following alternatives. The simplistic approach taken here is that larger zones, because they better encompass the sea lion's foraging range and redistribute a greater proportion of the catch away from sea lion habitats, decrease the risk that groundfish fishing will diminish local fish abundance and reduce food availability to Steller sea lions.

Because many of the principal groundfish species are widely distributed and, in some instances, highly migratory, it is

unlikely that the proposed closures in Alternatives 2 - 5 would actually result in foregone catches of the sizes predicted under socioeconomic effects and in Table 9. Trawl fishing effort is expected to be redistributed to the remaining open areas. The fishery's ability to completely compensate for lost fishing opportunities, and the additional cost of that compensation, varies under the various alternatives.

Alternative 1 - Status Quo

Under this alternative, the fishery would operate under the existing management regime. No change in environmental or socioeconomic effects of the fishery would occur. No additional benefits or protection for Steller sea lions would be provided.

This alternative has the least potential for an immediate increase in socioeconomic costs. However, if, as a result of retention of the status quo alternative, Steller sea lion populations continue to decline throughout the BSAI and GOA areas to the point that they are listed as an endangered species, the economic and socioeconomic costs are likely to be very great. At such time, much more severe restrictions than are contained in this EA would be required in order to protect the remaining sea lion population. The size, extent, and duration of such impacts would be dependent upon the precise regulatory actions imposed and cannot be quantitatively evaluated at this time. It is clear, however, that regulatory actions that restricted fishing access to larger areas, extended controls to greater numbers of fisheries and gear-types, and/or are applied to increased periods of the fishing year would impose significantly greater costs on the fishing industry than those associated with the present set of management alternatives.

Alternative 2 - Year round, 10 nm Trawl Closures

The primary effect of Alternative 2 would be to shift groundfish trawl fishing effort away from waters within 10 nm of BSAI/GOA Steller sea lion rookery sites. The total area that would be closed to trawl fishing, exclusive of the existing 3 nm buffer areas, is about 10,000 nm2. Based on 1990 observer data, NMFS estimates that approximately 6 percent (94,000 mt) of the BSAI total groundfish catch and 4 percent (6,700 mt) of the GOA groundfish catch was taken within 10 nm of Steller sea lion rookery sites (Table 5).

Physical and Biological Effects

Benthic environment: Physical disturbance of the benthos by bottom trawls will cease within the closed area. A reduction in the amount of fish waste and gear debris disposed within these zones is also expected. Since the biological significance of these actions is not known, it is not possible to predict whether 10 nm closures will have any beneficial effects on the environment. No adverse effects to the physical environment are expected.

Fish stocks: The amount and composition of the bycatch (non-target fish species and juvenile size classes of target species) can be affected by fishing location. Since only a relatively small percentage of the total catch occurs within the 10 nm zones, only a small redistribution of trawl fishing effort would be necessary to compensate for the closed areas. There are no data available to predict the likelihood that bycatch rates of non-target species and juvenile fish would be altered. Considering the relatively small percentage of catch that would be deflected to other areas, any changes in bycatch patterns are expected to be minor. Effects to fish stocks are not expected.

Marine mammals: Steller sea lions, Pacific harbor seals, and northern fur seals have all experienced significant numerical declines in Alaskan waters over the last 30 years. The causes of these declines, and the effect of the BSAI and GOA groundfish fisheries on North Pacific pinniped populations are not known.

The potential adverse effects to marine mammals of the BSAI and GOA fisheries include: (1) reduction in food availability (quantity and/or quality) due to harvest, (2) unintentional entanglement in fishing gear, (3) intentional harassment (including killing and wounding) of animals by fishermen, and (4) disturbance by vessels and fishing operations. Pinnipeds, particularly Steller sea lions, are more likely to be affected by BSAI and GOA fisheries than cetaceans. Of the pinnipeds, Steller sea lions are the mostly likely to be affected by the closures. Further discussion is this EA will focus on Steller sea lions.

The 10 nm closures around rookery sites, where Steller sea lion abundance is expected to be high, will reduce the opportunity for incidental and intentional takes of Steller sea lions by the trawl fishery. The frequency of incidental takes in a geographic area is likely to be a function of Steller sea lion abundance and the fishing effort in the area. The abundance of Steller sea lions is comparatively high in the 10 nm closed areas but the overall fishing effort is comparatively low. In 1990, only 2 of

the 23 observed lethal incidental takes of Steller sea lions in the groundfish fishery occurred within 10 nm of rookery sites. The 1991 incidental take data are not complete. However, as of April 1991, all of the observed 1991 groundfish fishery lethal incidental takes of Steller sea lions in NMFS database (six) appear to have occurred within 10 nm of Aleutian Island Steller sea lion rookeries. It appears that the 10 nm closures may cause a small decrease in the occurrence of fishery-related incidental and intentional takes of Steller sea lions, particularly in the Aleutian Islands.

The 10 nm closures will reduce the amount of fish, including bycatch, harvested proximal to rookery sites but it is not clear what effect this will have on food availability to Steller sea lions and harbor seals. Available data indicate that 10 nm zones would not be sufficient to cover feeding trips of animals during the winter, females without pups throughout the year, and some feeding trips of postpartum females during the breeding season. Since trawl fishery removals within the 10 nm zones are estimated to be only about 6 percent of the BSAI and 4 percent of the GOA total groundfish catch, any effect of the 10 nm closures on food availability to Steller sea lions is expected to be comparatively small.

Seabirds: Unexplained declines in numbers of some species of Bering Sea piscivorous seabirds have also been noted since the 1970s (Springer In Press). The relationship, if any, between seabird populations and BSAI/GOA groundfish fisheries is unknown. However, these fisheries are not likely to have direct adverse effects on the area's abundant seabird populations. In general, piscivorous seabirds prey primarily on juvenile fish or fish species not the target of BSAI/GOA fisheries, and thus are not expected to compete with fisheries for food. The incidental take of seabirds in BSAI/GOA groundfish trawl fisheries is expected to be low.

Many seabird colonies are located within the 10 nm closures; no adverse effects on seabirds are expected.

Socioeconomic Effects

Table 6 estimates the 1990 catch and wholesale value for each fish species within various closure areas. The first wholesale value, which includes the value added by primary processing, is based on preliminary data from a joint NMFS and State of Alaska survey of groundfish processors for 1990. The estimated

wholesale value of the 1990 total catch within 10 nm of Steller sea lion rookeries is $74.3 million. These figures represent a "worst case" estimate of the catch and value that could be foregone because of closed areas. For the 10 nm zones, the foregone catch is expected to be compensated for as fishing effort is redistributed to the areas that remain open. The 10 nm closures are expected to have only a minor effect on the overall ability of the fleet to harvest the yearly BSAI and GOA groundfish TACs. Effects on fishing in the Aleutian Islands will probably be greatest because of the large number of Steller sea lion rookeries.

Because of the 10 nm closed areas, travel costs may increase for the trawl fishing fleet, with a higher relative cost borne by the inshore component of the fishery. Based on 1990 fishery observer data, catch within 10 nm was less than 10 percent of the total catch for all processor types (Table 8); the increased operating costs associated with the redistribution of catch cannot be estimated but are expected to be small. This is particularly true since most of the closed areas are remote from fishing ports; exceptions to this are closures at Marmot, Akun, Akutan, and Ugamak Islands (Figure 3).

Atka Mackerel Fishery: Atka mackerel harvest may be an exception to the prediction that 10 nm closed areas would not disadvantage the fleet's ability to completely harvest yearly TACs. NMFS 1990 observer data indicate that about 84 percent of the 1990 Atka mackerel catch was taken within 10 nm of Steller sea lion rookery sites, and 100 percent of the harvest was with trawl gear (Tables 4, 5). Closed areas would affect a significant portion of the major Atka mackerel fishing grounds in the Aleutian Islands.

The center of abundance of BSAI Atka mackerel occurs in the Aleutians from Buldir Island to Seguam Island. Atka mackerel occur in large discrete schools. This schooling behavior makes it difficult to accurately assess stock abundance with trawls, and makes catch per unit effort data from the commercial fishery difficult to interpret. Atka mackerel are also poor acoustic targets, and are thus not reliably surveyed with hydroacoustic gear. Because of these factors, the available data do not provide a reliable estimate of current stock biomass, nor do they provide an accurate depiction of biomass trends over the years. In 1986, the AFSC estimated the Aleutian Island Atka mackerel biomass to be about 544,000 mt. Because of the uncertainty associated with Atka mackerel stock abundance, the 1991 ABC and TAC were set at the average historical harvest level (24,000 mt,

about 4% of estimated exploitable biomass).

Table 7 depicts Aleutian Islands Atka mackerel commercial fishery harvest data for 1980-1990. For most years with sufficient observer coverage, Atka mackerel harvest within 10 nm of Steller sea lion rookeries was greater than 50 percent of the total catch. Atka mackerel fishing outside of the proposed 10 nm closed areas was primarily concentrated south of Seguam Island and on Petrel Spur. Historically, harvest has taken place during the second and third quarters of the year. In 1991, the Aleutian Islands Atka mackerel TAC was reached, and the directed fishery closed, by the end of the first quarter.

Based on 1980, 1983, and 1986 trawl surveys, NMFS has plotted geographic areas where large concentrations of Atka mackerel have been observed (Figure 1). These areas include Stalemate Bank (west of Attu), Middle and Tahoma Reefs (south of Buldir I.), waters south of Amchitka and Kiska I., Petrel Spur (north of Amchitka), Tanaga Pass, and Seguam Pass. The 10 nm closed areas would affect large portions of Seguam and Tanaga Passes and waters south of Amchitka and Kiska (Figure 2). Petrel Spur, Middle and Tahoma Reefs, and Stalemate Bank would not be affected. Stalemate Bank is an unlikely replacement area for the fishery since it is so far to the west. Petrel Spur has experienced fishing effort historically, and is a likely target for redistributed effort. NMFS 1986 trawl survey indicated a relatively high abundance of Atka mackerel on Middle and Tahoma Reefs; historically, little fishing effort has been expended in this zone. It is also a potential site for redistributed effort.

Another factor, besides available biomass, that has to be considered is the geographic size distribution of Atka mackerel. Apparently in recent years, fish harvested from the eastern areas have been larger than fish taken from western areas. This geographic stratification of the stock has also been observed in trawl surveys although the pattern has changed over the survey period. (In 1980, the larger fish were found in the west. In 1983 and 1986, the larger fish were found in the east.) Thus, fishermen's efforts to obtain TAC and lost value by concentrating effort in western sites, e.g., Tahoma and Middle Reefs, may be somewhat confounded by the smaller average fish size.

In summary, because of the difficulties inherent in stock assessment, and the spotty distribution of Atka mackerel stocks and trawlable bottom, it is not possible to accurately predict how much the fishery will be able to compensate for lost Atka

mackerel fishing opportunities within 10 nm closed areas. Considering the large available biomass relative to the allocation, and the fishery's demonstrated ability to harvest the entire TAC in a short time, the fishery would be expected to compensate for most of the loss by redistributing effort to other areas. However, it is likely to cost more and take longer than it has in the past to completely harvest the Atka mackerel TAC.

Alternative 3 - Year round, 20 nm Trawl Closures

The primary effect of Alternative 3 would be to shift trawl fishing effort away from waters within 20 nm of BSAI/GOA Steller sea lion rookery sites. The total area that would be closed to trawl fishing, exclusive of the existing 3 nm buffer areas, is about 42,970 nm2. Based on 1990 observer data, NMFS estimates that about 18.3 percent (280,000 mt) of the BSAI and 28.3 percent (48,000 mt) of the GOA groundfish trawl catch was taken within 20 nm of Steller sea lion rookery sites (Table 5).

Physical and Biological Effects

Benthic Environment: Under this alternative, an area approximately 4 times larger than under alternative 2 would be closed to trawl fishing and its associated physical effects, i.e, benthic disturbance, fish and gear waste disposal. The overall likely effects on the physical environment are not known; however, no adverse effects are expected.

Fish Stocks: Under this alternative, a larger proportion of the fishing effort would have to be redistributed to other areas to compensate for lost catch within the 20 nm closures. The potential effect on bycatch amounts and composition is greater under this alternative than alternative 2. However, it is not possible to predict the likely positive or negative effects of closures on bycatch. Since bycatch of prohibited species, e.g., halibut, crab, salmon, is managed and overall BSAI/GOA groundfish harvest levels are not expected to be significantly affected under this alternative, no effect on fish stocks is anticipated.

Marine Mammals: Under this alternative, a significantly larger no trawling zone would be created around Steller sea lion rookeries, and a higher proportion of the catch would be affected. Based on 1990 observer data, about 357,000 metric tons of the 1990 groundfish catch was harvested within 20 nm of Steller sea lion rookeries. This region accounted for more than 30 percent of the 1990 trawl fishery harvest of BSAI

rockfish/Pacific Ocean Perch complex, sablefish, Arrowtooth flounder, Atka mackerel, and Greenland turbot and GOA Pacific cod and deepwater flatfishes (Table 5).

Because of the uncertainty regarding Steller sea lion foraging habitats and the mobility of fish stocks, it is not clear what effect 20 nm closures will have on food availability to Steller sea lions. Available data indicate that 20 nm zones would not be sufficient to completely encompass the observed feeding range of animals during the winter or females without pups throughout the year, but would cover most feeding trips of postpartum females during the breeding season. In that a much greater proportion of the catch would be harvested away from Steller sea lion rookery habitats, the potential to reduce any fishery effects on food availability to Steller sea lions is greater under alternative 3 than alternatives 1 and 2.

Since this alternative encompasses a greater amount of fishing effort and a larger area of potential Steller sea lion habitat, a larger reduction in incidental take is expected for this alternative than under alternatives 1 or 2. Opportunities for intentional take of Steller sea lions should also be reduced over alternatives 1 and 2.

Seabirds: A greater area of seabird habitat would be closed to trawling under this alternative. No adverse effects to seabirds are anticipated.

Socioeconomic Effects

The socioeconomic impacts of this alternative are likely to be greater than under alternatives 1 and 2. Adverse effects of this alternative are expected to be more severe for the GOA and AI fishery than the BS groundfish trawl fishery because a larger percentage of the GOA and AI trawl yield occurs within 20 nm.

The 20 nm closures are not expected to have a large effect on the overall ability of the fleet to harvest the yearly BS and GOA groundfish TACs. However, fishing opportunities in the Aleutian Islands are likely to be severely constrained under this alternative. Fishermen are expected to compensate for lost opportunities in closed areas by increasing fishing effort in areas beyond 20 nm. However, a higher proportion of the overall TAC and individual species' TACs would be affected by this alternative. Also, if the larger redistribution of fishing effort required under this alternative results in higher bycatch

rates of prohibited species, some groundfish catch and value may be foregone.

Based on 1990 observer data, fisheries for some species could be greatly altered. Currently, over 93 and 97 percent, respectively, of the BSAI Atka mackerel and GOA deepwater flatfishes fishery occurs within 20 nÉÍÍÍ

shoreside plants and processing vessels must submit a checkout (cease) report.

After the effective date of a pollock closure in a subarea, vessels fishing in a particular subarea with pot or jig gear may not retain pollock at any particular time during a trip in amounts equal to or greater than twenty percent of the amount of all other fish retained by the vessel at the same time during the same trip, as measured in round weight equivalents.

This press release summarizes regulatory requirements and is for informational purposes only. For more information concerning regulatory requirements, consult the applicable regulations or contact the Fisheries Management Division, NMFS, 907-586-7228.

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R:\OCT\FM\GPLCK4Q.NRing year. However, GOA trawl fisheries are expected to be closed duOCT./FM./GPLCK4Q.FO 0 100770 0 140040 14350 5101411714 7453 100 Billing Code: 3510-22

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Part 672
[Docket No.]
Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Establishment of directed fishing allowances; notices of closure to directed fishing; change of reporting and recordkeeping.

SUMMARY: This notice establishes directed fishing allowances and closes directed fisheries for pollock in the Western and Central pollock subareas of the Gulf of Alaska. Additionally, this notice terminates a daily processor reporting requirement. This action is necessary to prevent exceeding the total allowable catches for pollock in those subareas. The intent of this action is to ensure optimum use of pollock stocks.

DATES: Establishment of directed fishing allowances: Effective: 12:00 noon, Alaska local time (A.l.t.), October 21, 1991; notice of closure (1) for the Western Pollock Subarea (WSA), Effective 12:00 noon, October 26, 1991; (2) for the Central Pollock Subarea (CSA), 4:00 p.m., A.l.t., October 24, 1991; Termination of daily processor reporting requirement: Effective on completion of processing of all groundfish harvested with trawl gear from the Gulf of Alaska in 1991.

FOR FURTHER INFORMATION CONTACT: Jessica A. Gharrett (Fisheries Management Division, NMFS), (907) 586-7228.

SUPPLEMENTARY INFORMATION:

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the Gulf of Alaska are managed by the Secretary of Commerce (Secretary) under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management

Act (Magnuson Act) and is implemented by regulations governing the foreign fishery at 50 CFR Part 611 and by regulations governing the United States fishery at 50 CFR Part 672. Additional regulations applicable to the U.S. fishery are codified at 50 CFR part 620.

Under regulations implementing the FMP, the Secretary annually specifies total allowable catch (TAC) amounts for the major commercially exploited groundfish species of the Gulf of Alaska, one of which is pollock, 50 CFR 672.20(c). A final notice specifying the 1991 Gulf of Alaska TACs for pollock, 103,400 metric tons (mt), was published in the Federal Register on June 19, 1991, (56 FR 28112). Of the TAC, 100,000 mt was made available for harvest in the Western and Central areas of the Gulf of Alaska, which were further divided into a Western and a Central pollock subarea (WPA, CSA), each with a 50,000 mt apportionment, divided into quarterly allowances.

After adjustments for overages and underages from previous quarters, the amount of pollock available for harvest in any subarea and quarter is limited to 150 percent of the initial quarterly allowance 50 CFR 672.20(a)(2)(iv) (56 FR 28112, June 19, 1991). Therefore, within each subarea, some of the pollock allocation may be unavailable for harvest if not used. Computations of harvest and carryover from the first through third quarters show that the total 1991 subarea allocation for the WSA is 47,127 mt, and for the CSA is 50,000 mt.

Establishment of directed fishing allowances and closures to directed fishing

The Director, Alaska Region, NMFS, (Regional Director), is establishing directed fishing allowances for pollock by vessels fishing in the WSA of 46,927 mt, and in the CSA of 49,800 mt (672.20(c)(2)). He has determined that remaining amounts of the TAC specified for pollock in the Central and Western pollock subareas of the GOA are necessary as bycatch to support anticipated groundfish fisheries in those subareas.

Also under 672.20(c)(2), the Regional Director has determined that the remaining balance of directed fishing allowance of pollock in each subarea, (WSA, 13,700 mt; CSA, 11,500 mt) is expected to be reached within a short time of the opening of the directed fisheries on October 21. He is, therefore, prohibiting directed fishing for pollock by vessels using any gear on October 26, 1991 in the WSA, and on October 24,

1991 in the CSA.

Harvest rates in fourth quarter pollock fisheries are expected to be high. Under 672.5(d), all groundfish processors were required to complete a survey of fourth quarter pollock utilization. Results of that survey were used to determine the acceptable length of directed fisheries for pollock.

Change in Reporting and Recordkeeping

Groundfish processors will no longer be required to submit daily reports to NMFS of groundfish harvested from the WSA or CSA when each processor completes processing of groundfish harvested with trawl gear from the GOA for 1991. A notice in the Federal Register required processors of groundfish harvested from the GOA to submit daily reports to NMFS in addition to regular weekly reports [INSERT CITE]. That action was taken in order to improve monitoring of rockfishes, Pacific halibut bycatch, and pollock. In a separate action, the entire GOA was closed to trawling with the exception of pollock harvested with pelagic trawl gear as of October 14, 1991, [INSERT CITE]. Therefore, the pollock fisheries in the WSA and CSA are the final trawl fisheries that will be conducted in the GOA this fishing year and daily reports will no longer be necessary after all trawl catch is processed.

Classification

This action is taken under 50 CFR 672.20 and is in compliance with Executive Order 12291.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment or to delay the effective dates of this notice. Immediate effectiveness of this notice is necessary to benefit U. S. fishermen participating in domestic annual processing groundfish operations who have a need to plan and prepare for pollock directed fisheries.

List of Subjects in 50 CFR Parts 611 and 672

Fish, Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 et seq.

Dated:

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; and (B)
groundfish, except for pollock, by vessels using any trawl gear
is prohibited as of October 14, 1991. These closures are
required under the emergency rule promulgated on August 7, 1991,
(56 FR 38346).

Under an emergency rule, directed fishing for pollock withOCT./FM./GPLCK4Q.TM 0
100770 0 140040 2703 5101411745 7461 116 October 17, 1991

MEMORANDUM FOR: Richard H. Schaefer
Director, Fisheries Conservation and Management

FROM: Steven Pennoyer
Director, Alaska Region

SUBJECT: Establishment of directed fishing allowances
and closure of directed fisheries for pollock
in the Gulf of Alaska (GOA) Western and
Central pollock subareas; Change of reporting
and recordkeeping requirements.

Attached is a Federal Register notice establishing directed
fishing allowances and closures of directed fisheries for pollock
in the Western and Central pollock subareas (WSA, CSA) of the
GOA, and terminating a daily reporting requirement when all GOA
trawl fisheries are closed.

In a separate action, the Emergency Interim Rule which postponed
the fisheries was terminated, and the pollock fisheries will
resume at 12:00 noon, Alaska local time, on October 21, 1991.

Approximate amounts of pollock which will be available for
directed fisheries are: WSA, 13,700 mt; CSA, 11,500 mt.

The closure to directed fishing in the WSA will be at noon,
Alaska local time (A.l.t.), October 26, 1991; and in the CSA at
4:00 pm, A.l.t., October 24, 1991.

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R\OCT\FM\GPLCK4Q.TMs action is to
ensure optimum use of groundfish while conserOCT./FM./GREATPAC.LTR 0 100770 0
140040 3223 5101567710 7722 122 October 22, 1991

Ms. Laurie Williams
General Manager
Pacific Observers, Incorporated
4039 21st Avenue, West, #404
Seattle, Washington 98199

Dear Ms. Williams:

We have reviewed the circumstances you described in your letter that you say lead to failure to fully comply with the requirement for 30 percent observer coverage during the second quarter of 1991 for the fishing vessel GREAT PACIFIC. We do not grant waivers to vessels with a 30 percent level of coverage requirement because abundant opportunity (time) is available to arrange for, obtain, and carry observers during the quarter.

In some cases, the vessel operator, through no fault of his own, may lose the services of the observer provided by his contractor. In these cases, we have taken the position that the situation should be resolved between the vessel operator and the observer contractor within the terms of the individual contract to provide observer coverage. We have determined that the objectives of the Observer Program would not be met if we relieved the Observer Contractors of their responsibility to provide observers by granting waivers.

Therefore, we will not grant a waiver for observer coverage during the second quarter of the 1991 fishing year.

Sincerely,

Steven Pennoyer
Director, Alaska Region

cc: Dave Flannagan
Russ Nelson
F/V GREAT PACIFIC

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R:\OCT\FM\GREATPAC.LTR75635301 7526 126OCT./FM./SEEKER.LTR 0 100770 0 140040 3201 5101570005 7502 127 October 22, 1991

Ms. Laurie Williams
General Manager
Pacific Observers, Incorporated
4039 21st Avenue, West, #404
Seattle, Washington 98199

Dear Ms. Williams:

We have reviewed the circumstances you described in your letter that you say lead to failure to fully comply with the requirement for 30 percent observer coverage during the second quarter of 1991 for the fishing vessel SEEKER. We do not grant waivers to vessels with a 30 percent level of coverage requirement because abundant opportunity (time) is available to arrange for, obtain, and carry observers during the quarter.

In some cases, the vessel operator, through no fault of his own, may lose the services of the observer provided by his contractor. In these cases, we have taken the position that the situation should be resolved between the vessel operator and the observer contractor within the terms of the individual contract to provide observer coverage. We have determined that the objectives of the Observer Program would not be met if we relieved the Observer Contractors of their responsibility to provide observers by granting waivers.

Therefore, we will not grant a waiver for observer coverage during the second quarter of the 1991 fishing year.

Sincerely,

Steven Pennoyer
Director, Alaska Region

cc: Dave Flannagan
Russ Nelson
F/V SEEKER

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R:\OCT\FM\SEEKER.LTR0 2240 5075635323 7622 133OCT./FM./AFDFLOGO.LTR
0 100770 0 140040 2600 5103642527 7720 134Melvin J. Monsen, Jr.
Executive Director
Alaska Fisheries Development Foundation
508 West Second Avenue, Suite 212
Anchorage, Alaska 99501

Dear Mel,

I checked with the NOAA Grants Management Division about the special award condition that required reports bear the NOAA logo on the cover or first page. My understanding is that this requirement applies to any printed or published reports (e.g., the flatfish compendium) and, perhaps, to final performance reports, but not to the required financial reports (SF-269, SF-270, or SF-272), quarterly performance reports, or audit reports.

I've enclosed some NOAA logos for your use. Perhaps the best one to put on a document is a photocopy of the one on my business card because it is crisp and shows the two shades of blue. I tried reducing the small colored decal (NOAA form 68-1B) with our photocopier, but I couldn't get two shades of grey from the blues. Maybe your photocopier will do a better job.

Sincerely,

Aven M. Andersen
Federal Program Manager

Enclosures

cc: F/AKRx2, F/AKR1, OA321

NMFS:F/AKR1:AMAndersen:DRAFTED:1537Hours,Wednesday,30Oct91:ama.
Computer File Code: D:\AVEN\WP\AFDFLOGO.LTR. Document in WP5.0.
Paper File Code: 1504-10-08-SK274.
This Copy Printed:1549Hours,Wednesday,30Oct91.OCT./FM./1722.DOC 0 100770 0 140040 34744 5101641424 7122 140

October 24, 1991

MEMORANDUM FOR: William W. Fox, Jr.
Assistant Administrator for Fisheries

FROM: Steven Pennoyer
Director, Alaska Region

SUBJECT: Transmit Date for Amendments 17 and 22, respectively, to the Fishery Management Plans for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Groundfish of the Gulf of Alaska.

The North Pacific Fishery Management Council has submitted Amendments 17 and 22 for Secretarial review. I have reviewed the amendments and have determined that all documents required to make determinations under the Magnuson Act and other applicable law are present and adequate to make the required determinations. The "Receipt Date", therefore, for this action is October 28, 1991, and I declare that the "transmit date" for this action is October 24, 1991. I also have completed a preliminary evaluation of the action for consistency with the national standards, other provisions of the Magnuson Act, and other applicable law and recommend that a notice of availability be published in the Federal Register. The following documents, which accompany this memorandum, comprise the complete amendment package:

1. FMP amendment text;
2. Proposed rulemaking;
3. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis;
4. Informal consultation with respect to section 7;
5. Request for Approval of Information Collection under the Paperwork Reduction Act;
6. Regional Director's decision memorandum;
7. Regional Attorney's "work product";

8. Notice of availability;
9. Memorandum from Assistant Administrator to General Counsel, DOC; and
10. A copy of letter to the State of Alaska regarding Coastal Zone Management Act consistency.

October 23, 1991

MEMORANDUM FOR: William W. Fox, Jr.
Assistant Administrator for Fisheries

FROM: Steven Pennoyer
Director, Alaska Region

SUBJECT: Clearance of Proposed Rule to Implement Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska (GOA) -- DECISION MEMORANDUM

I request that you make determinations about the proposed rule, and send it to the Department under the mandated 95-day review schedule of the Magnuson Fishery Conservation and Management Act as soon as possible. The rule would implement Amendments 17 and 22 to the subject fishery management plans.

BACKGROUND

At its June 24-29 and August 13-16, 1991, meetings, the North Pacific Fishery Management Council approved the following measures for inclusion into Amendments 17 and 22:

(1) Establishment of the Bogoslof subarea in the BSAI;
(2) Groundfish fishing closures around walrus haulout sites in the BSAI;
(3) Recision of Statistical Area 68 in the GOA; and
(4) Authority for the Regional Director to issue experimental fishing permits for the GOA and/or BSAI groundfish fisheries.

In addition to the above FMP amendments, changes to current implementing regulations are proposed.

I have not determined that these amendments are consistent with the national standards or with the National Environmental Policy

Act. I will make that determination at the end of the comment period. I have preliminarily determined that these amendments are consistent with other applicable law. My determinations supporting this finding are attached.

ISSUES

No issues relative to the approvability of this action have been identified.

RECOMMENDATIONS

I recommend that you concur in the attached determinations and sign the attached transmittal to the Department of Commerce which requests a docket number and clearance to publish the proposed rule.

Attachments:

DRAFTED BY: (Ron Berg, F/AKR1, 907-586-7230).

DETERMINATIONS

COASTAL ZONE MANAGEMENT ACT

The Council has determined that this rule, if adopted, will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

PAPERWORK REDUCTION ACT

This proposed rule contains a collection of information requirement for purposes of the Paperwork Reduction Act.

NATIONAL ENVIRONMENTAL POLICY ACT

No finding will be made on the environmental assessment until the public comment period is over.

EXECUTIVE ORDER 12291

This proposed rule is exempt from procedures of E.O. 12219 under section 8(a)(2), because the terms of E.O. 12291 conflict with deadlines imposed by the Magnuson Act. This proposed rule is being reported to the Director, Office of Management and Budget, with and explanation of why following the regular procedures of that order are not possible.

REGULATORY FLEXIBILITY ACT

I conclude that this proposed rule, if adopted, would have significant effects on small entities.

EXECUTIVE ORDER 12612

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

ENDANGERED SPECIES ACT

NMFS concluded formal Section 7 Consultation on the BSAI and GOA FMPs and fisheries. The biological opinions issued for the consultations concluded that the FMPs and fisheries are not

likely to jeopardize the continued existence and recovery of any endangered or threatened species under the jurisdiction of NMFS. Adoption of the management measures described in this proposed rule will not affect listed species in a way that was not already considered in the aforementioned biological opinions. NMFS has determined that no further Section 7 Consultation is required for adoption of these FMP amendments.

Date:

ATTORNEY WORK PRODUCT - CLOSE HOLD

MEMORANDUM FOR: Steven Pennoyer
Director, Alaska Region

FROM: Lisa L. Lindeman
General Counsel - Alaska

SUBJECT: Proposed Rule to Implement Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska

I have reviewed the subject rule and associated decision documents.

A Takings Implications Assessment (TIA) is attached:
[ ] yes [ ] no

No TIA was prepared: [ ] No effect on private property.

[x] Exclusion because restrictions on harvest areas, seasons, fishing vessels or fishing gear are categorically excluded by the Attorney General and AGC-Admin.

[ ] Covered by generic TIA.

[ ] Magnuson Act proposed rule.

CC: GCF

Billing Code 3510-22

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration (NOAA)
50 CFR Parts 672 and 675
Groundfish of the Bering Sea/Aleutian Islands
AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Availability of Amendments to Fishery Management Plans and Request for Comments.

SUMMARY: NOAA issues this notice that the North Pacific Fishery Management Council has submitted Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea/Aleutian Islands Area and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska for review by the Secretary of Commerce and is requesting comments from the public. Copies of the amendments may be obtained from the address below.

DATE: Comments on the FMP amendments should be submitted on or before (insert date 75 days after initiation of Secretarial review).

ADDRESS: Comments on the FMP amendments should be submitted to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

Copies of the amendments with the Environmental Assessment/ Regulatory Impact Review/Initial Regulatory Flexibility Analyses are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (National Marine Fisheries Service, Alaska Region), 907-586-7230.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. et seq.) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon reviewing the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining

whether to approve the plan or amendment.

The Secretary proposes regulations to implement Amendment 22 to the FMP for Groundfish of the Gulf of Alaska (GOA) and Amendment 17 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI). These regulations are proposed to implement the following amendment measures: (1) a new management subarea in the BSAI would be established; (2) area closures would be established around walrus haulouts in the BSAI; (3) statistical area 68 in the GOA would be rescinded; and (4) the Regional Director, Alaska Region, NMFS would be authorized to issue experimental fishing permits in the GOA and/or BSAI. In addition, certain amendments to existing implementing regulations are proposed.

Regulations proposed by the North Pacific Fishery Management Council and based on this amendment are scheduled to be published within 30 days (16 U.S.C. 1801 et seq.).

List of Subjects in 50 CFR Parts 672 and 675

50 CFR Part