

MEMORANDUM

TO: Council, AP, and SSC Members

FROM: Chris Oliver *Chris*
Executive Director

DATE: January 28, 2004

SUBJECT: Alaska Groundfish Programmatic SEIS

ESTIMATED TIME 4 HOURS

ACTION REQUIRED

- (a) Report on comments received on revised draft (Council and AP only)
- (b) Report on ESA consultation (Council, AP and SSC)
- (c) Report on Groundfish FMP revisions (Council and AP only)

BACKGROUND

- (a) Report on comments received on revised draft

The public comment period on the revised draft Alaska Groundfish PSEIS closed on November 6, 2003. NOAA Fisheries received 13,400 public comments on the revised draft. An overview of the comments received is attached as Item C-8(1). Most were submitted using the Agency's e-Comment website. The issues raised in the comments have been synthesized under various topic headings, ranging from commenting on the Council and Agency's preliminary preferred alternative, to issues with the analysis, to legal compliance and public process issues. The resulting draft Comment Analysis Report is scheduled to be made available to the Council and the public by March 1, 2004. The Council will receive a status report on the processing and review of these comments and the actions to be taken by the Council at its April and June 2004 meetings.

- (b) Report on ESA consultation

In conjunction with the release of the revised draft PSEIS, NOAA Fisheries initiated Section 7 consultation with NOAA Fisheries Protected Resources division and the USFWS on the PSEIS and the preliminary preferred alternative. A draft Biological Assessment (BA) has been prepared, and the Executive Summary is attached as Item C-8(2). The draft conclusion of the BA is that the anticipated action, namely reauthorizing the Alaska Groundfish Fisheries under the management policy articulated in the preliminary preferred alternative, will not result in jeopardy, and that no new Biological Opinion need be prepared for the BSAI and GOA groundfish FMPs at this time. Staff will report on the findings of the BA, and the response by Protected Resources and USFWS.

(c) Report on Groundfish FMP revisions

A supplemental element of the PSEIS FMP amendment to redefine the management policy of the groundfish fisheries will be a housekeeping action to revise the language and organization of the BSAI and GOA groundfish FMPs. The groundfish FMPs for the BSAI and GOA have each been amended over 60 times, and contain text that is out-of-date or irrelevant. Also, the organization of the BSAI and GOA FMPs varies considerably. To improve the accessibility of the FMP material, the FMPs will be reorganized and updated to be consistent with each other. Staff will provide a report on the proposed changes using the BSAI FMP as a template. The Executive Summary and Table of Contents for the revised BSAI FMP is attached as Item C-8(3).

Public Comment Overview

The 2003 Draft PSEIS attracted a total of 13,400 public comments. This total includes all letters and E-Comments submitted to NOAA Fisheries during the public comment period, as well as testimony provided at the various public hearings held on the 2003 Draft PSEIS throughout Alaska, the Pacific Northwest and Washington D.C.

The majority, 90% (11,966), of all public comments on the PSEIS was received via NOAA's E-Comment Web site (see Table 1 and Figure 1). Of these, 56% (6,721) of the submissions were from commenters who provided their name and address only (see Table 2). These were later determined to be the result of a request for petition-like signatures from a non-government organization website. Only those submissions with actual comment text were assigned a letter number in the Testimony Tracker database. Thus, the total number of submissions with an assigned letter number is 8,155.

Table 1: Breakdown of Submissions on the PSEIS by Source (all Submissions)

Source of Submissions	Number of Submissions
E-Comments Web site	11,966
Written Submissions	1,425
Public Hearing Testimony	9

Table 2: Breakdown of E-Comments

E-Comments	Number of Submissions
E-Comments without comment text	6,721
E-Comments with comment text	5,245

Just over half of all submissions received were form letters that were made available to commenters by various interested parties (see Table 3). A number of the personalized letters were extremely detailed, with over 200 pages of comments. The total number of public comments does not necessarily indicate that 13,400 people have commented on the PSEIS, as no attempt has been made to account for duplication of names. Indeed, some people submitted one or more written letters, used the website and/or testified at a public hearing; each of these comments were included in the total.

Table 3. Breakdown of Submissions on the PSEIS by Type

Type of Submissions	Number of Submissions
Public Hearing Testimony	9
Personalized Letters	4,069
Form Letters	4,073
Joint Submissions	4

*Includes only those submissions with an assigned number.

Form Letters

The organized response campaigns for the PSEIS were significant. Two different form letters were received, submitted as mail-in postcards or into the E-comments online comment form. The two form letters were based on template letter formats provided by environmental groups through newsletters and websites (Table 4). Figure 2 presents the distribution of submissions by type. Approximately 50% of the submissions were form letters while approximately 50% came from personalized or individual submissions. A very small amount resulted from public testimony (0.1%).

Table 4. Breakdown of Form Letters on the PSEIS

Form Letter Number	Number of Submissions
F1	1,200
F2	2,873

Geographical Distribution

Comments on the 2003 Draft PSEIS came from all fifty United States, the District of Columbia, and fifty-five foreign countries including Canada, various European countries, Asia, South America and Australia. The majority of submissions, however, came from individuals or groups with United States domestic addresses (Figure 3).

Figure 4 illustrates the breakdown of submissions among the United States and its territories. This figure does not include those E-Comment submissions without text. California submitted the highest number of letters, with 1,221, followed by New York (586), Florida (457), Texas (369) and Pennsylvania (342), while Alaska made 278 submissions.

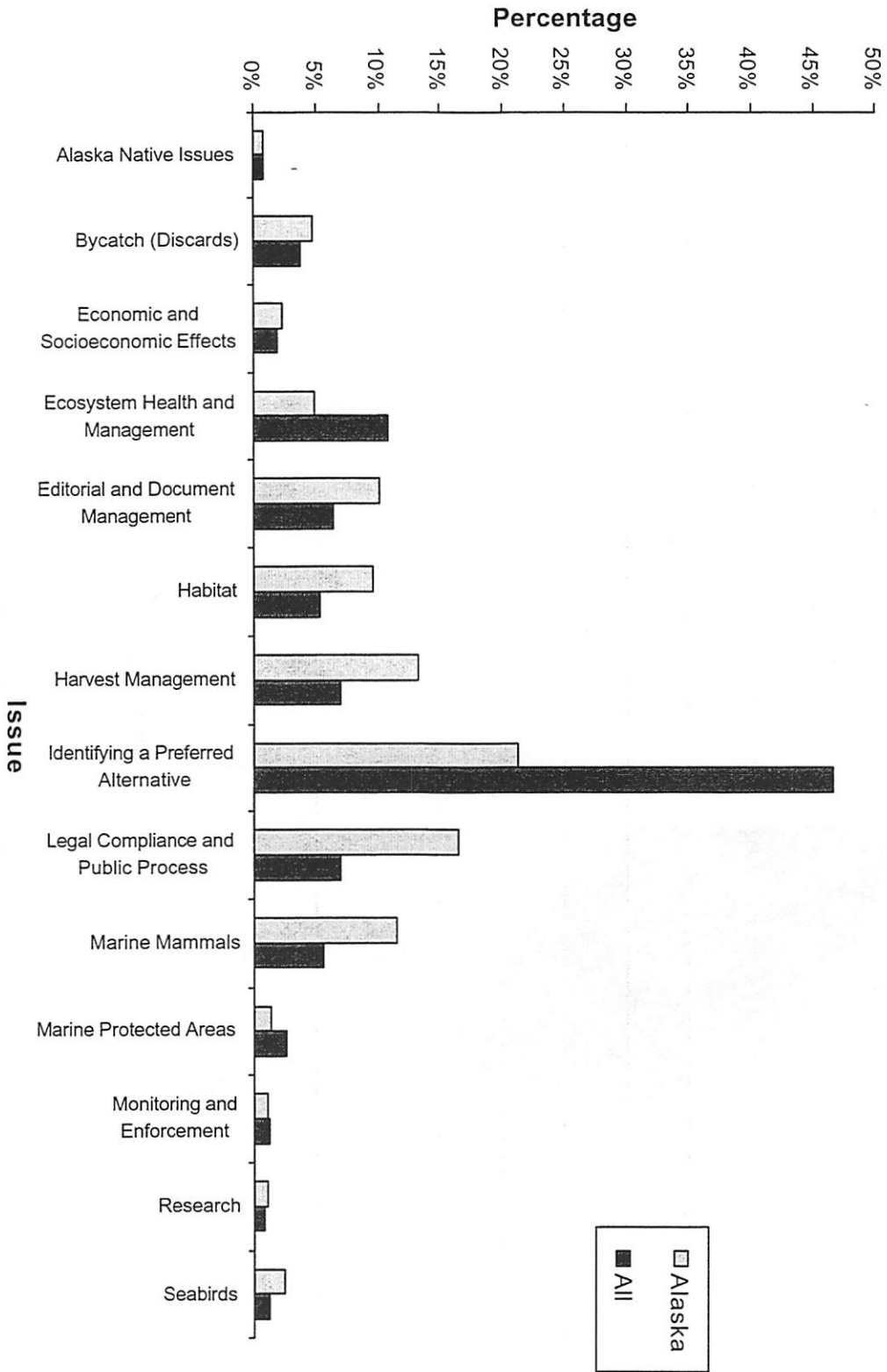


Figure 8: Comparison of 2003 Draft PSEIS Issue Categories - Alaska Region : All Regions
 *Shows the number of Substantive Comments on each Issue as a percentage of the regional total.
 *Substantive comments do not include "ACK" (Comment Acknowledged).

Figure 2: Distribution of Submissions by Type on the 2003 Draft PSEIS

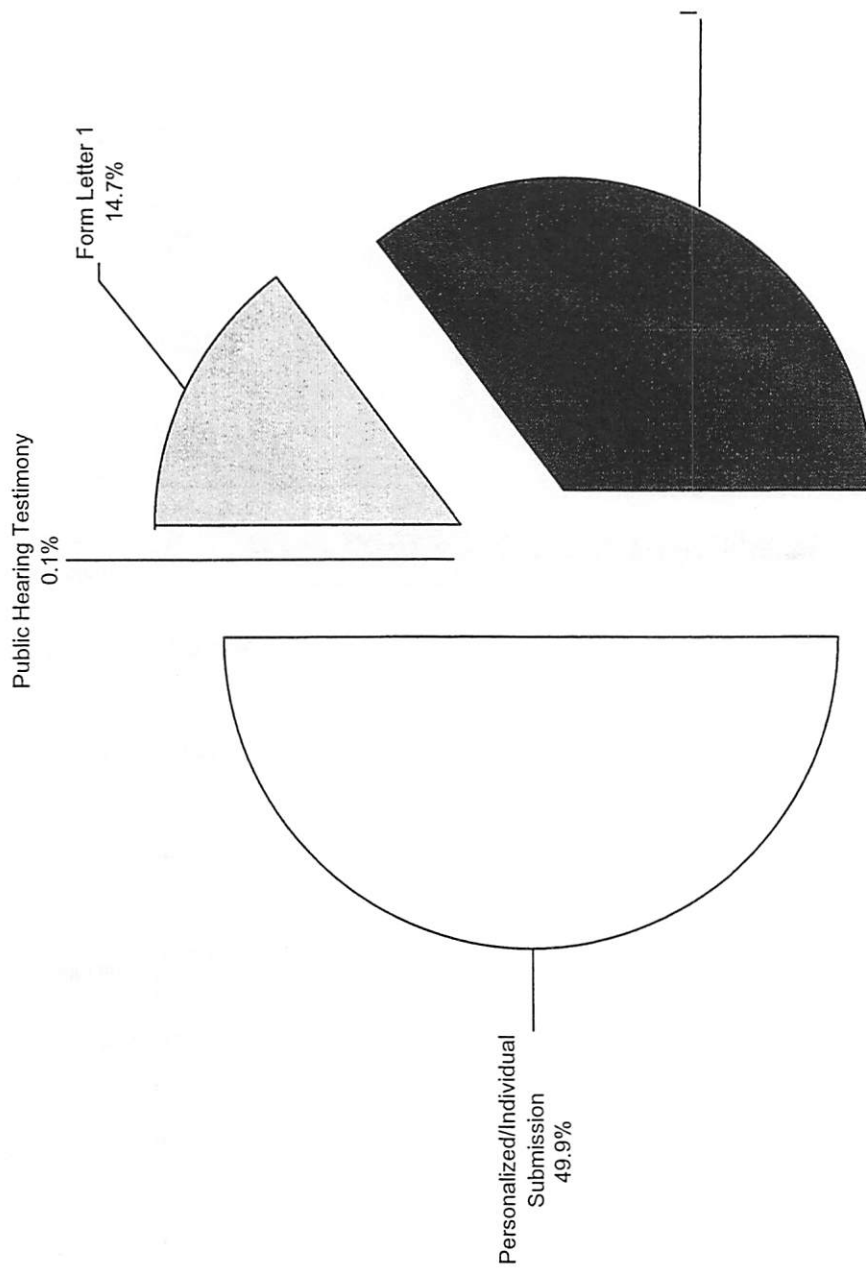
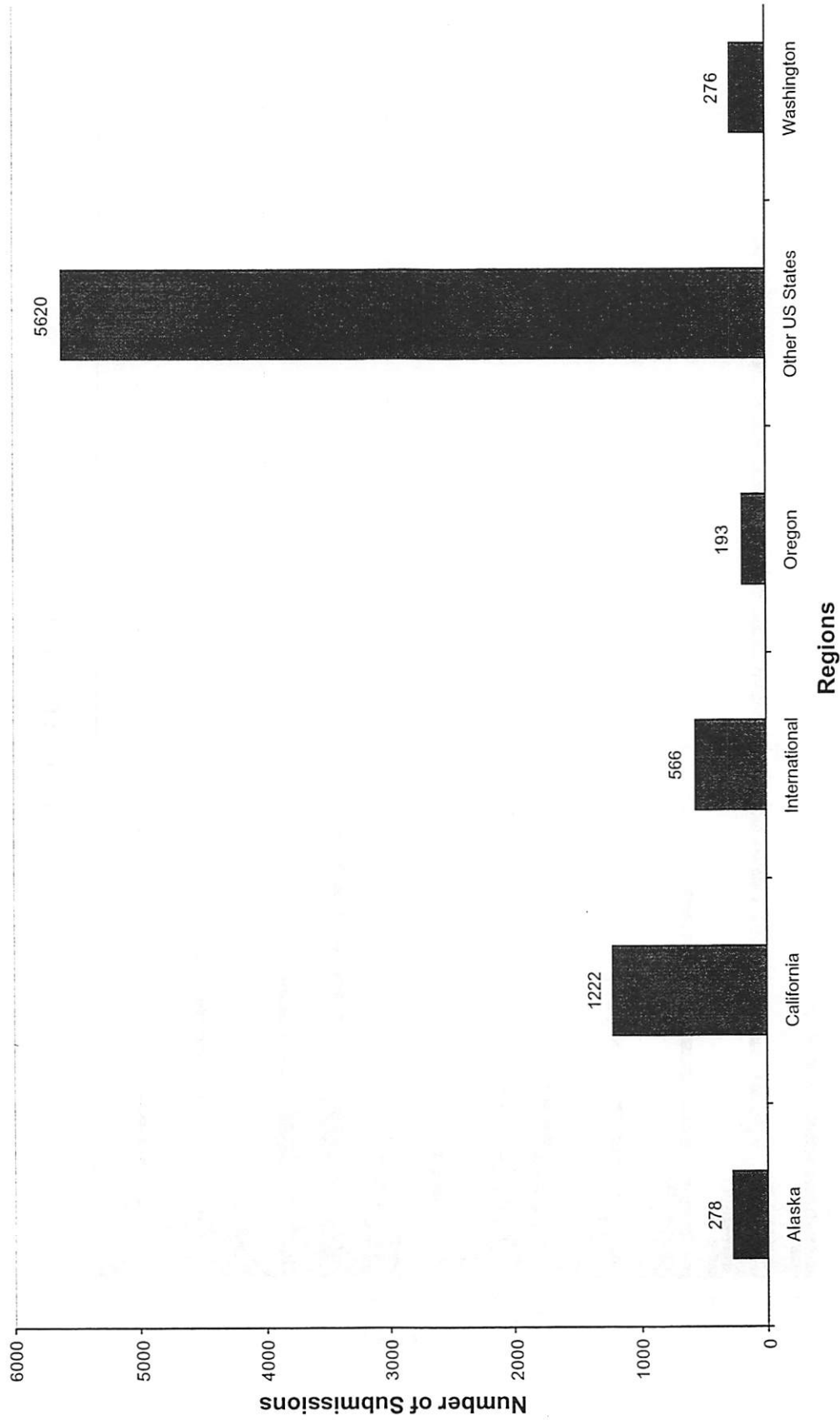


Figure 3: Distribution of Submissions by Region on the 2003 Draft PSEIS



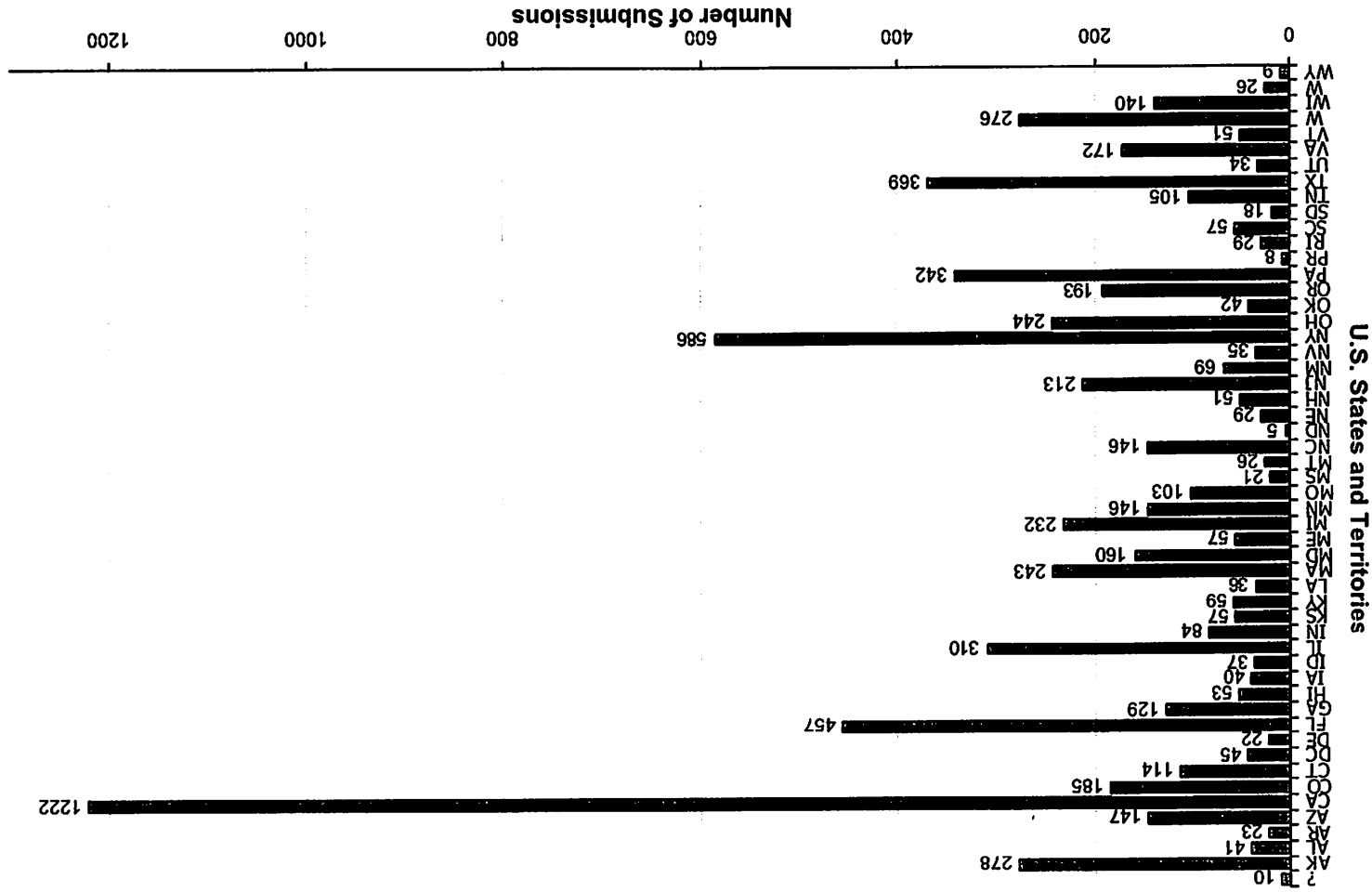


Figure 4: Domestic Distribution of Submissions on the 2003 Draft PSEIS*
 *Includes all written submissions, public hearing testimony and only those E-comments with comment text.

Substantive Comments

Substantive comments were identified in each unique E-comment, letter, and testimony submitted on the PSEIS. The 8,155 submissions on the PSEIS that contained text resulted in 6,698 coded comments, of which 2,465 are considered substantive (i.e. all categories except for Comment Acknowledged). Each of these substantive comments was coded according to a specific issue. As a result, each form letter (F1 and F2) was broken down only once into substantive comments, although any personalization of the form letter by an individual commenter was also coded as an additional substantive comment.

Regionally, the majority (57% or 3,590) of coded comments came from letters with addresses outside Alaska and the Pacific Northwest, while there were 507 coded comments submitted through the E-comment system with no address. Coded comments also came from Alaska (1,005) and California (787) (Table 5 and Figure 5).

Table 5: Breakdown of Coded Comments by Region

Region	Number of Coded Comments	Percent of Coded Comments
Alaska	1,005	16%
California	787	12.5%
International	10	>1%
Oregon	133	2%
Washington	263	4%
Other US States	3,590	57%
Unknown	507	8%

The substantive comments were often double- or multi-coded, where a particular paragraph or section from a submission presented multiple issues or concerns. Figure 6 illustrates the range of the substantive comments across the fourteen issue categories identified in this document. This figure excludes those comments coded as Comment Acknowledged.

Comment Acknowledged

The Comment Acknowledged category contains the largest number of comments (4,233), which includes subject matter out of the scope of the 2003 Draft PSEIS. For example, many commenters expressed their opinions that NOAA Fisheries should 'Save our seas' or 'The Bering Sea is more than a source for fish sticks' or that 'NOAA Fisheries is doing a good job'. All of these comments were determined not to be substantive under NEPA and warranting only a Comment Acknowledged response.

Top Issues

Following the review and coding of all submissions received, several thematic issues were identified. These issues cover the most common areas of concern about the PSEIS as synthesized from the range of public comments. Although major issues, they by no means represent the totality of comments resulting from the public comment period.

The greatest number of substantive comments deal with identifying a Preferred Alternative (1,146). Comments in this category include those that support or reject a specific current alternative and its analysis, as well those that advocate a new alternative(s). Other categories with a large number of comments include Ecosystem (264), Harvest Management (171), and Legal Compliance & Public Process (171), Habitat (129), and Marine Mammals (135). Table 6 compares the percent of Alaska commenters versus all other regions for each issue category while Figure 7 shows the top ten issues commented on by Alaskans. Figure 8 presents the number of comments by issue code as a percentage of the regional total.

Figure 5: Distribution of Coded Comments by All Issue Categories on the 2003 Draft PSEIS

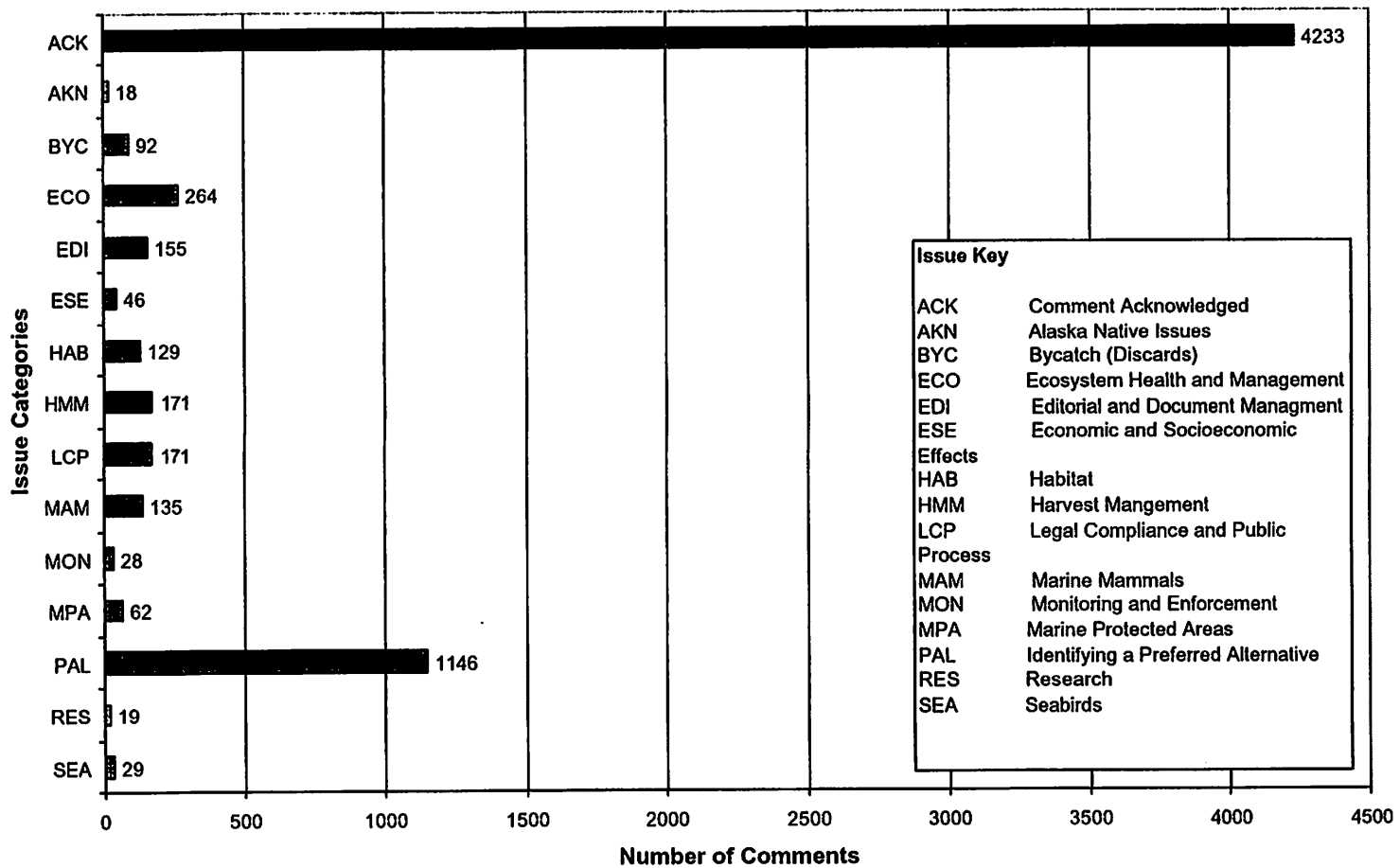


Figure 6: Regional Distribution of Substantive Comments on the 2003 Draft PSEIS

*Substantive comments do not include "ACK" (Comment Acknowledged)

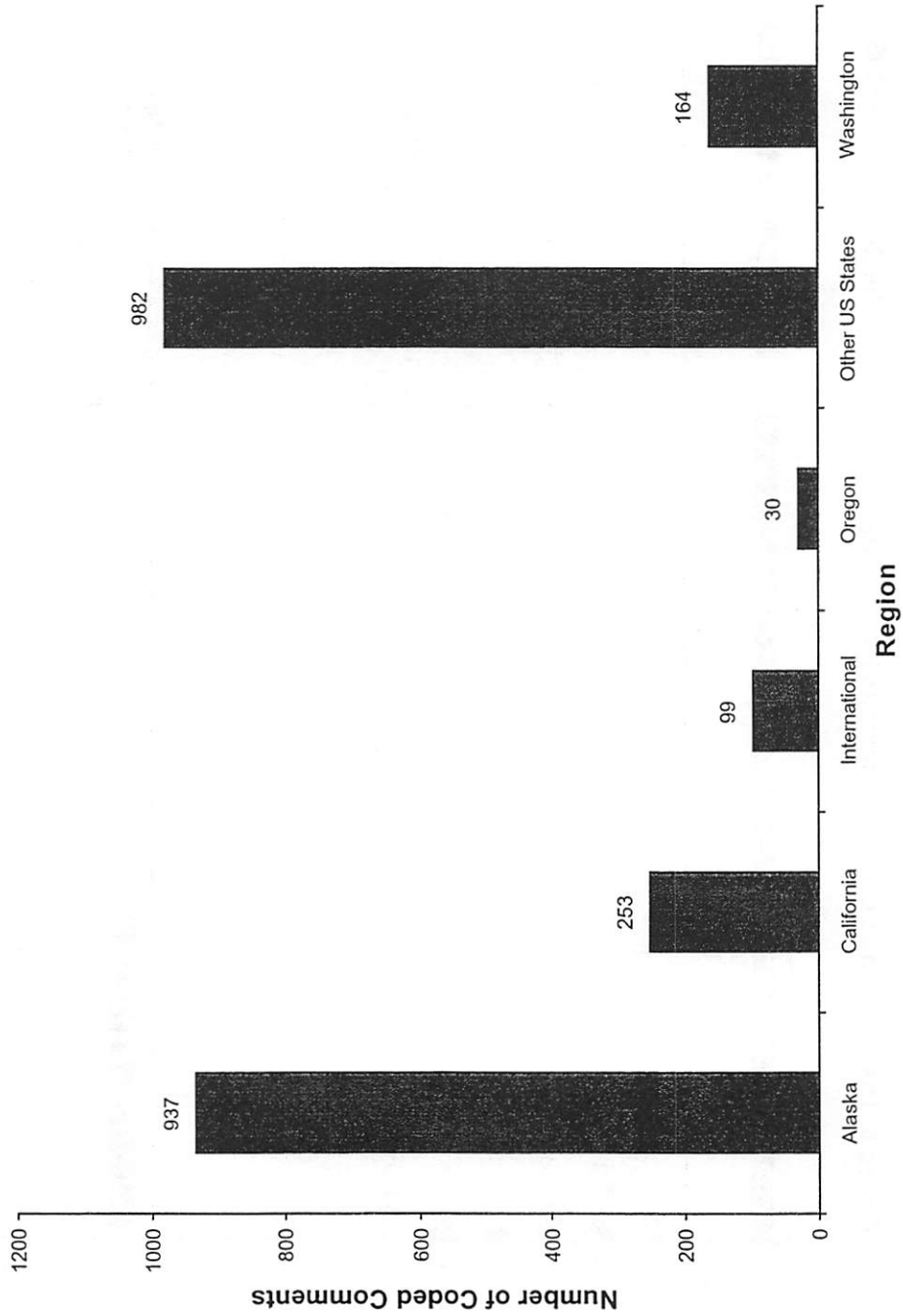
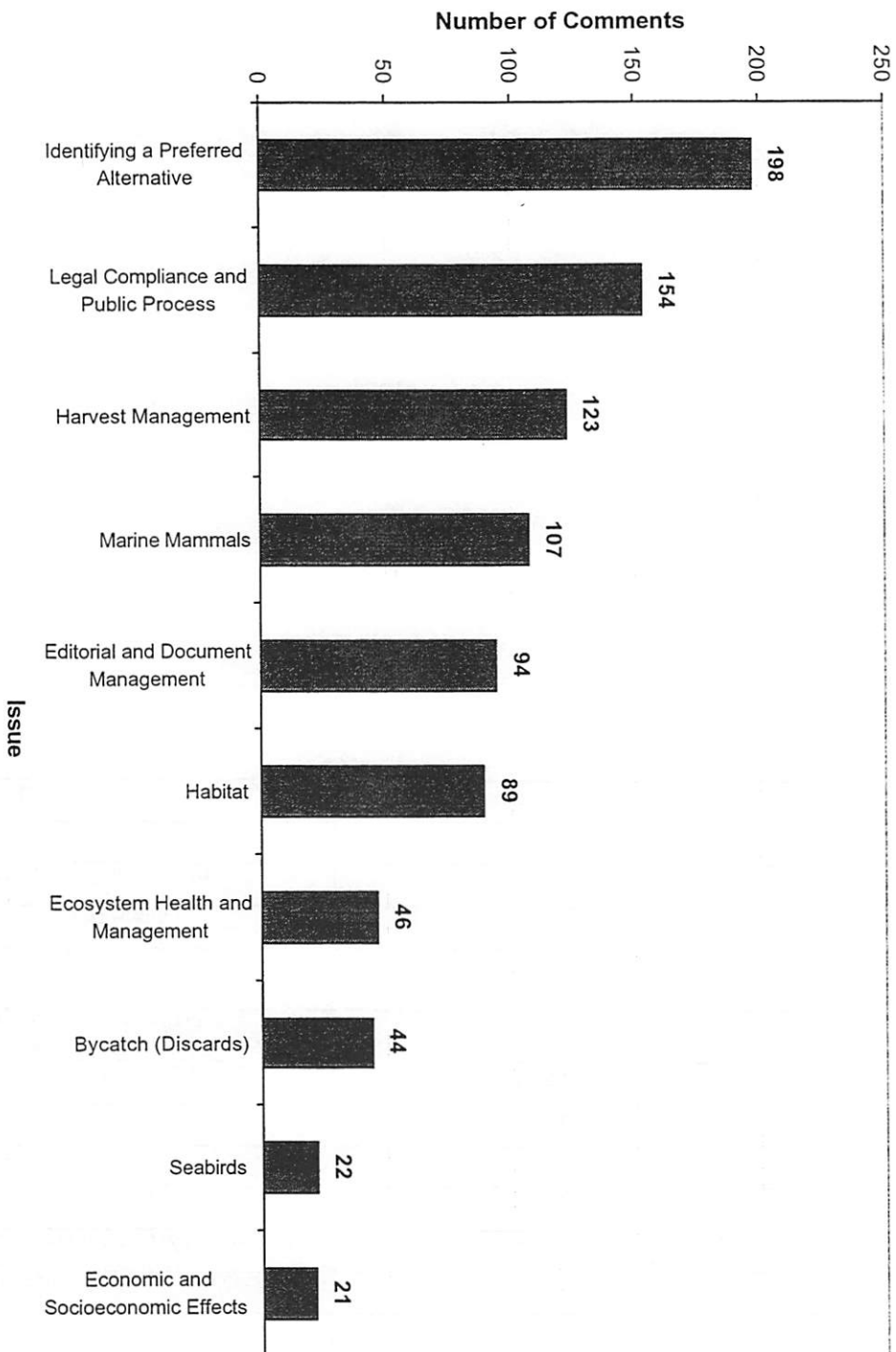


Table 6: Comparison of Issues — Alaska Versus All Other Regions

Issue	Percent of Alaska Commenters	Percent of Commenters All Other Regions
Alaska Native Issues	0.75%	0.73%
Bycatch (Discards)	4.70%	3.74%
Economic and Socioeconomic Effects	2.24%	1.87%
Ecosystem Health and Management	4.91%	10.73%
Editorial and Document Management	10.04%	6.30%
Habitat	9.51%	5.24%
Harvest Management	13.14%	6.95%
Identifying a Preferred Alternative	21.15%	46.40%
Legal Compliance and Public Process (Includes Cumulative Effects)	16.45%	6.91%
Marine Mammals	11.43%	5.53%
Marine Protected Areas	1.28%	2.52%
Monitoring and Enforcement	1.07%	1.14%
Research	0.96%	0.77%
Seabirds	2.35%	1.18%

Figure 7: Top Ten Issues of Alaska Commenters by Substantive Comment* on the 2003 Draft PSEIS
 *Substantive comments do not include "ACK" (Comment Acknowledged)



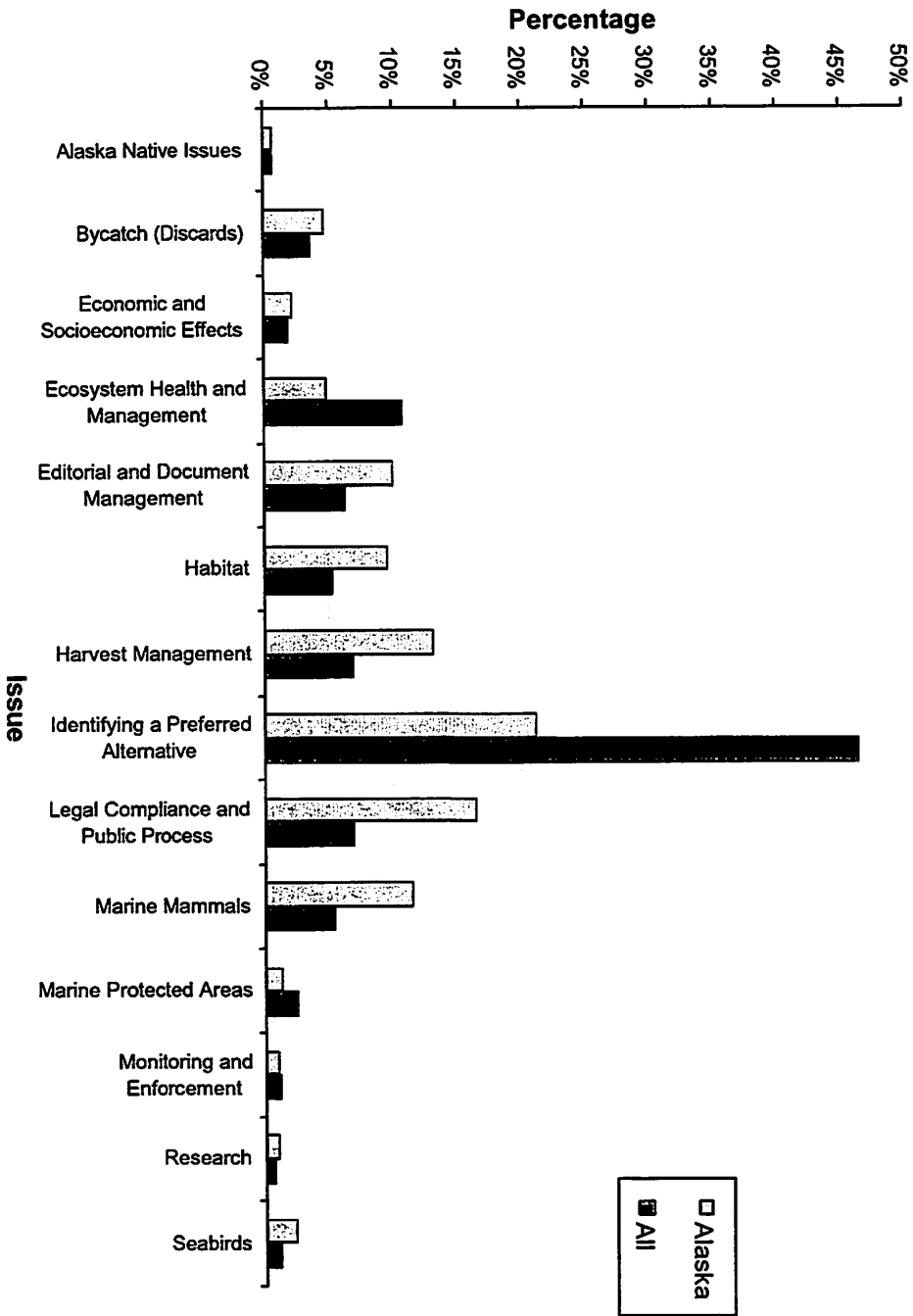


Figure 8: Comparison of 2003 Draft PSEIS Issue Categories - Alaska Region : All Regions
 *Shows the number of Substantive Comments on each Issue as a percentage of the regional total.
 *Substantive comments do not include "ACK" (Comment Acknowledged).

Executive Summary
For the Biological Assessment
Of the effects of the Preliminary Preferred Alternative
In the 2003 draft Programmatic SEIS on ESA Listed Species

This executive summary provides an overview of the findings contained in the draft biological assessment prepared by the National Marine Fisheries Service (NMFS) for the preferred alternative in the Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (Programmatic SEIS). Biological assessments are prepared by Federal agencies in accordance with the Endangered Species Act (ESA) to determine whether a proposed action is likely to adversely affect listed species or designated critical habitat. The conclusion of a biological assessment determines whether or not formal consultation is required under section 7 of the ESA.

Previous consultations have concluded that the implementation and interpretation of the BSAI and GOA groundfish fishery management plans (FMPs) may adversely affect listed species and their designated critical habitat. As a result, formal consultations were conducted by NMFS and the U.S. Fish and Wildlife Service (FWS) at the plan level (November 30, 2000 and September 2003, respectively) and by NMFS at the project level (October 19, 2001 and June 2003 Supplement) with the completion of biological opinions and the issuance of incidental take statements. These biological opinions considered the effects of BSAI and GOA groundfish fisheries based on the FMPs for BSAI and GOA groundfish and the effects of these fisheries as modified by the American Fisheries Act and the Steller sea lion protection measures.

The biological assessment describes changes to the federal action that would result from adoption of the preferred alternative in the Programmatic SEIS and considers how those changes would affect listed species. These effects are considered relative to effects that have been consulted on in previous formal consultations. The effects of the federal action on listed species were screened using the four criteria for re-initiation of formal consultation, which are laid out in 50 CFR §402.16. Formal consultation shall be re-initiated if the amount of taking of a listed species exceeds the taking specified in an incidental take statement; new information reveals effects of the action that may affect listed species or critical habitat in a manner not previously considered; subsequent modifications to the action cause an effect to listed species or critical habitat that was not previously considered; or a new species is listed or critical habitat designated that may be affected by the action.

The Preferred Alternative

A full description of the FMPs and the preferred alternative are provided in the 2003 draft Programmatic SEIS (NMFS 2003). The following description is intended to summarize the federal action and preferred alternative analyzed in the Programmatic SEIS and the biological assessment.

Adoption of the preliminary preferred alternative in the Programmatic SEIS by the Secretary of Commerce (Secretary) would result in the modification of the BSAI and

GOA groundfish FMPs consistent with the preliminary preferred alternative. Initially, the goals and objectives sections of the BSAI and GOA groundfish FMPs would be modified to incorporate the goals and objectives of the preliminary preferred alternative. Although there would be no immediate changes to any other part of the FMPs or their implementing regulations, the Council and NMFS would modify the current suite of management measures to better meet the FMPs' modified goals and objectives in the near future. The Federal action analyzed in the biological assessment is the adoption of the preliminary preferred alternative by the Secretary. The effects analysis focuses on changes to the FMPs expected to result from adoption of the preliminary preferred alternative including potential effects on listed species and their designated critical habitat.

The biological assessment analyzed 1) proposed changes to the policy goals and objectives and 2) elements of the example FMP bookends to determine how listed species were likely to be affected by modifications to the guiding approach for fisheries management in the Alaska groundfish fisheries.

Assessment of Re-initiation Criteria

The following is a summary of the information provided in the biological assessment regarding the evaluation of the criteria for re-initiating formal consultation:

Has the amount or extent of taking specified in the incidental take statement been exceeded?

NMFS' FMP BiOp (NMFS 2000) issued an Incidental Take Statement (ITS) for taking of Steller sea lions and chinook salmon incidental to the BSAI and GOA groundfish fisheries. The ITS authorized the direct taking of 30 and 15 Steller sea lions incidental to BSAI and GOA fisheries, respectively. Overall chinook salmon bycatch was limited to 55,000 salmon in the BSAI fisheries and 40,000 salmon in the GOA fisheries. These bycatch levels were determined to likely result in negligible impacts to listed salmon stocks even though stock origin could not be identified.

The FWS completed a BiOp on the effects of the Total Allowable Catch (TAC)-setting process for the GOA and BSAI groundfish fisheries on the endangered short-tailed albatross and threatened Steller's eider (FWS 2003a), which contained an ITS for short-tailed albatross. This ITS anticipated takes of up to four short-tailed albatross over a two year time period in the BSAI and GOA longline fisheries. The ITS also authorized the take of up to two short-tailed albatross in BSAI/GOA trawl fisheries over the life of the biological opinion.

The biological assessment demonstrates that the extent of taking of Steller sea lions, chinook salmon and short-tailed albatross authorized in these incidental take statements have not been exceeded. The biological assessment further concludes that the proposed action is not expected to modify the management of the groundfish fisheries or fishing practices to cause increases in incidental take.

Does new information reveal effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered?

Listed Whales, Pacific Salmon and Turtles

In the 2000 FMP biological opinion, NMFS concluded that, based on the information available, the BSAI and GOA groundfish fisheries were not likely to have significant impacts or interactions with large cetaceans, Pacific salmon, or leatherback turtles (NMFS 2000). Informal section 7 ESA consultations on FMP amendments since the FMP BiOp have maintained that the BSAI and GOA groundfish fisheries are not likely to have significant impacts on listed whales, salmon, or turtles and formal consultations on subsequent FMP and regulatory amendments have been re-initiated for Steller sea lions only. The biological assessment states that NMFS possesses no new information that would change the conclusion of NMFS' 2000 FMP BiOp regarding effects of the action on listed whales, salmon or turtles.

Steller sea lions

NMFS is constantly monitoring new information and research developments on Steller sea lions to assess, among other things, the impacts of the BSAI and GOA groundfish fisheries on Steller sea lions. Since the completion of the FMP biological opinion, NMFS completed a formal section 7 consultation on the effects of groundfish fisheries on Steller sea lions. Consultation was re-initiated due to changes to the proposed Federal action and new information on Steller sea lion foraging behavior (NMFS 2001). NMFS prepared a supplement to the 2001 biological opinion in June of 2003 (NMFS 2003a), which considered all new information available at that time. Since the completion of the Supplement, there is no new information available to NMFS that reveals additional effects of the BSAI and GOA groundfish fisheries, conducted under the proposed action, that may affect Steller sea lions or their designated critical habitat in a manner or to an extent not previously considered.

Short-tailed albatross and Steller's eider

As for Steller sea lions, NMFS possesses no new information about new effects of the BSAI and GOA groundfish fisheries since the completion of the FWS' FMP BiOp and TAC-setting BiOp (FWS 2003 and FWS 2003a) regarding effects of the FMPs on the endangered Short-tailed albatross and the threatened Steller's eider.

Is the identified action modified in a manner that causes an effect to the listed species or critical habitat that was not considered in previous biological opinions?

Generally speaking, the preferred alternative with its example FMP bookends, improve upon status quo conditions for listed species and their designated critical habitat. For example, the original policy objectives for the BSAI and GOA FMPs make general mention of protecting the marine environment whereas the policy objectives in the preferred alternative state the conservation of protected species as explicit policy objectives.

Policy Goals and Objectives

Examples of specific policy objectives that improve upon status quo with regard to the conservation of listed species are described in the biological assessment and include goals

that aim to: prevent overfishing by reviewing the current harvest strategy and adopting improvements as appropriate; develop indices of ecosystem health as targets for management; improve and adjust harvest levels to account for uncertainty and ecosystem factors; incorporate ecosystem-based considerations into fishery management decisions; continue and improve current incidental catch and bycatch management; avoid impacts to seabirds and marine mammals, with specific mention of avoiding jeopardy to Steller sea lions; continue to cooperate with the FWS to protect ESA listed species, and to encourage programs to review the status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.

Example FMP "Bookends"

The example FMP bookends were evaluated to assess how listed species were likely to be affected by future management measures that may be adopted to adhere to the guiding approach for fisheries management in the Alaska groundfish fisheries. Effects of the example management measures on listed species were categorized as: a) potentially adverse and considered in previous formal consultations; b) not likely to adversely affect; c) not likely to adversely affect, however, effects should be assessed in the future as dictated by specific proposed actions; or d) insignificant.

Management measures adopted to conform to the policy statement and objectives in the preferred alternative are not likely to have any new adverse effects on listed species or their designated critical habitat. The preferred alternative would only amend the policy goals and objectives at this time, thus, NMFS cannot fully assess the potential effects of specific management measures that may be proposed at a future date and make a determination on the nature of the effects on listed species. NMFS will continue to evaluate the potential effects of all proposed FMP amendments to determine if formal consultation re-initiation criteria have been triggered.

From the perspective of screening modifications to the current policy to determine if formal consultation should be re-initiated, it is NMFS' assessment that the amendments to the FMP policy statement and objectives as proposed in the preferred alternative would not have adverse effects on listed species or their designated critical habitat that have not been considered in previous biological opinions.

Has a new species been listed or critical habitat designated that may be affected by the identified action?

Additional species have not been listed nor critical habitat designated by NMFS or the FWS since the completion of the FMP BiOp (NMFS 2000 and FWS 2003), or the 2001 BiOp and its supplement (NMFS 2001, NMFS 2003).

Conclusions

The biological assessment determined that the scope of the proposed action in the preferred alternative was congruent with the scope of the actions and subsequent effects analyzes in previous formal consultations on the Alaska groundfish fisheries and that none of the criteria for re-initiation of formal consultation were met. NMFS Sustainable Fisheries Division requested concurrence from NMFS Protected Resources Division and

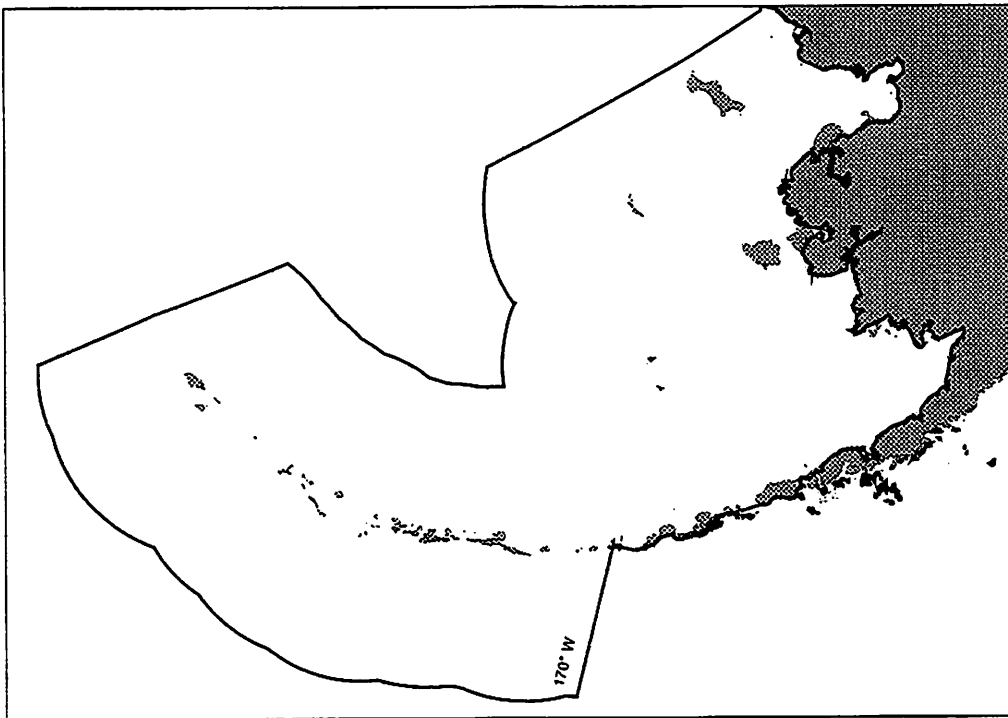
the U.S. Fish and Wildlife Service that formal consultation is not required for the adoption of the preferred alternative in the Programmatic SEIS.

References

- FWS. (2003). Endangered Species Act Section 7 Consultation, Biological Opinion on the effects of the Fishery Management Plans (FMPs) for the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) groundfish fisheries on the endangered Short-tailed albatross (*Phoebastria albatrus*) and the threatened Steller's eider (*Polysticta stelleri*). United States Fish and Wildlife Service, Anchorage Fish and Wildlife Field Office 605 W. 4th Ave. Room G-61, Anchorage, Alaska 99501. September 2003.
- FWS. (2003a). Endangered Species Act Section 7 Consultation, Biological Opinion on the effects of the Total Allowable Catch (TAC)-setting process for the Gulf of Alaska (GOA) and Bering Sea/Aleutian Island (BSAI) groundfish fisheries on the endangered Short-tailed albatross (*Phoebastria albatrus*) and the threatened Steller's eider (*Polysticta stelleri*). United States Fish and Wildlife Service, Anchorage Fish and Wildlife Field Office 605 W. 4th Ave. Room G-61, Anchorage, Alaska 99501. September 2003.
- NMFS. (2000). Endangered Species Act Section 7 Consultation, Biological Opinion on the authorization of the Bering Sea and Aleutian Islands groundfish fishery under the BSAI FMP and the authorization of the Gulf of Alaska groundfish fishery under the GOA FMP. Office of Protected Resources, NMFS. Nov. 30, 2000.
- NMFS. (2001). Endangered Species Act Section 7 Consultation, Biological Opinion on the authorization of the Bering Sea and Aleutian Islands groundfish fishery under the BSAI FMP as amended by amendments 61 and the Steller sea lion protection measures and the authorization of the Gulf of Alaska groundfish fishery under the GOA FMP as amended by amendments 61 and the Steller sea lion protection measures. Alaska Regional Office, NMFS, P.O. Box 21668, Juneau AK 99802. October 2001.
- NMFS. (2003). Draft Programmatic Supplemental Environmental Impact Statement: Alaska Groundfish Fisheries. Alaska Regional Office, NMFS, P.O. Box 21668, Juneau AK 99802. September 2003.
- NMFS. (2003a). Supplement to the 2001 Endangered Species Act Section 7 Consultation, Biological Opinion on the authorization of the BSAI and GOA groundfish fisheries under the FMPs as modified by amendment 61 and the Steller sea lion protection measures. Alaska Regional Office, NMFS P.O. Box 21668, Juneau AK 99802. June 2003.

FISHERY MANAGEMENT PLAN

for Groundfish of the Bering Sea and Aleutian Islands Management Area



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Executive Summary

This Fishery Management Plan (FMP) governs groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI). The FMP management area is the United States (U.S.) Exclusive Economic Zone (EEZ) of the Bering Sea and that portion of the North Pacific Ocean adjacent to the Aleutian Islands which is between 170° W longitude and the U.S.-Russian Convention Line of 1867. The FMP covers fisheries for all stocks of finfish and marine invertebrates except salmonids, shrimps, scallops, snails, king crab, Tanner crab, Dungeness crab, corals, surf clams, horsehair crab, lyre crab, Pacific halibut, and Pacific herring.

The FMP was implemented on January 1, 1982. Since that time it has been amended over seventy times, and its focus has changed from the regulation of mainly foreign fisheries to the management of fully domestic groundfish fisheries. This new version of the FMP has been revised to bring it up to date. Obsolete references to foreign fishery management measures, as well as outdated catch data and other scientific information, have been removed or updated. The FMP has also been reorganized to provide readers with a clear understanding of the BSAI groundfish fishery and conservation and management measures promulgated by the FMP.

ES.1 Management Policy

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) is the primary domestic legislation governing management of the nation's marine fisheries. In 1996, the United States Congress reauthorized the Magnuson-Stevens Act to include, among other things, a new emphasis on the precautionary approach in U.S. fishery management policy. The Magnuson-Stevens Act contains ten national standards, with which all FMPs must conform and which guide fishery management. Besides the Magnuson-Stevens Act, U.S. fisheries management must be consistent with the requirements of other regulations including the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, and several other Federal laws.

The North Pacific Fishery Management Council (Council) applies these guidelines and requirements in their management of the BSAI groundfish fisheries, and has developed a management policy and objectives specific to the fisheries. This policy is described in Table ES-1.

Table ES-1 BSAI Groundfish Fisheries Management Policy and Objectives

Insert here the Council's Preferred Alternative from the Final PSEIS following Final Action in April 2004.

ES.2 Summary of Management Measures

The management measures that govern the Bering Sea and Aleutian Islands groundfish fishery are summarized in Table ES-2.

Pursuant to Title II of the Magnuson-Stevens Act, there is no allowable level of foreign fishing for the groundfish fisheries covered by this FMP. Fishing vessels and fish processors of the U.S. have the capacity to harvest and process up to the level of optimum yield of all species subject to this FMP.

Table ES-2 Summary of Management Measures for the BSAI Groundfish Fishery

Management unit	U.S. Exclusive Economic Zone (EEZ) of the eastern Bering Sea and that portion of the North Pacific Ocean adjacent to the Aleutian Islands which is west of 170°W up to the U.S.-Russian Convention Line of 1867.
Stocks	<p>All stocks of finfish and marine invertebrates in the management area except salmonids, shrimps, scallops, snails, king crab, Tanner crab, Dungeness crab, corals, surf clams, horsehair crab, lyre crab, Pacific halibut, and Pacific herring.</p> <p>Those species that are commercially important and for which an annual TAC is established include: walleye pollock, Pacific cod, sablefish, yellowfin sole, Greenland turbot, arrowtooth flounder, rock sole, flathead sole, Alaska plaice, "other flatfish," Pacific ocean perch, northern rockfish, shortraker and rougheye rockfish, "other rockfish," Atka mackerel, and squid.</p>
Maximum Sustainable Yield (MSY)	The MSY of the BSAI groundfish complex is 1.7 to 2.4 million mt.
Optimum Yield (OY)	The OY of the BSAI groundfish complex is 1.4 to 2.0 million mt, plus the incidental harvest of nonspecified species..
Procedure to set Total Allowable Catch (TAC)	<p>Based on the annual Stock Assessment and Fishery Evaluation (SAFE), the Council will recommend to the Secretary of Commerce (SoC) TACs and apportionments thereof for each target species and the "other species" category. The SoC will implement one-fourth of the preliminary TACs at the beginning of the fishing year on an interim basis, to be replaced by final TACs following public comment and Council recommendations at the December Council meeting.</p> <p>Reserve: 15% of the TAC for each target species and the "other species" category is set aside to form the reserve, used for correcting operational problems of the fleets, adjusting species TACs for conservation, or apportionments. The reserve is not designated by species or species groups.</p>
Apportionment of TAC	<p>Pollock: the amount of pollock that may be taken with trawls other than pelagic trawls may be limited; pollock TAC shall be divided into roe-bearing and non roe-bearing allowances.</p> <p>Sablefish: vessels using fixed gear may harvest no more than 50% of the TAC in the Bering Sea and 75% of the TAC in the Aleutian Islands; vessels using trawl gear may harvest no more than 50% of the TAC in the Bering Sea and 25% of the TAC.</p> <p>Pacific cod: TAC shall be allocated 2% to vessels using jig gear, 47% to vessels using trawl gear, and 51% to vessels using hook-and-line or pot gear; the allocation to hook-and-line and pot gear will be further allocated 80% to hook-and-line catcher/processor vessels, 0.3% to hook-and-line catcher vessels, 3.3% to pot catcher/processor vessels, 15% to pot catcher vessels, and 1.4% to catcher vessels less than 60' LOA; allocations may be seasonally apportioned.</p> <p>Atka mackerel: up to 2% of the eastern AI and Bering Sea TAC will be allocated to vessels using jig gear.</p> <p>Shortraker and rougheye rockfish: after subtraction of reserves, the Aleutian Islands TAC will be allocated 70% to vessels using trawl gear and 30% to vessels using non-trawl gear.</p>
Permit	<p>All vessels participating in the BSAI groundfish fisheries, other than fixed gear sablefish, require a Federal groundfish license, except for: vessels fishing in State of Alaska waters; vessels less than 32' LOA; and jig gear vessels less than 60' LOA using a maximum of 5 jig machines, one line per machine, and a maximum of 15 hooks per line. Licenses will be issued based on the qualification requirements listed in the FMP. Vessels engaged in directed fishing for Pacific cod must qualify for a Pacific cod endorsement.</p> <p>Fishing permits may be authorized, for limited experimental purposes, for the target or incidental harvest of groundfish that would otherwise be prohibited.</p>
Authorized Gear	<p>Gear types authorized by the FMP are trawls, hook-and-line, pots, jigs, and other gear as defined in regulations.</p> <p>Pollock: The use of non-pelagic trawl gear in the directed fishery for pollock is prohibited.</p>

Table ES-2 Summary of Management Measures for the BSAI Groundfish Fishery

Time and Area Restrictions	<p>All trawl: Fishing with trawl vessels is not permitted year-round in the Crab and Halibut Protection Zone and the Pribilof Islands Habitat Conservation Area. The Nearshore Bristol Bay Trawl Closure area is also closed year-round except for a subarea that remains open between April 1 and June 15 each year. The Chum Salmon Savings Area is closed to trawling from August 1 through August 31.</p> <p>Non-pelagic trawl: The Red King Crab Savings Area is closed to non-pelagic trawling year-round, except for a subarea that may be opened at the discretion of the Council and NOAA Fisheries when a guideline harvest level for Bristol Bay red king crab has been established.</p> <p>Directed pollock fishery: Between September 1 and the date that closes the directed B season pollock fishery to the inshore component, vessels in the offshore component or vessels delivering to the offshore component are prohibited from directed fishing for pollock in the catcher vessel operational area unless they are participating in a CDQ fishery.</p> <p>Marine mammal measures: Regulations implementing the FMP may include conservation measures that temporally and spatially limit fishing effort around areas important to marine mammals.</p> <p>Gear Test Area Exemption: Specific gear test areas for use when the fishing grounds are closed to that gear type are established in regulations that implement the FMP.</p>
Prohibited Species	<p>Pacific halibut, Pacific herring, Pacific salmon and steelhead, king crab, and Tanner crab are prohibited species and must be returned to the sea with a minimum of injury except when their retention is authorized by other applicable law.</p> <p>Groundfish species and species under this FMP for which TAC has been achieved shall be treated in the same manner as prohibited species.</p>
Prohibited Species Catch (PSC) Limits	<p>Red king crab: Based on the size of the spawning biomass of red king crab, the PSC limit in Zone 1 for trawl fisheries is either 23,000, 97,000 or 197,000 red king crab; attainment closes Zone 1.</p> <p>C. bairdi crab: Established in regulation for trawl fisheries based on population abundance; attainment closes Zone 1 or Zone 2.</p> <p>C. opilio crab: Established in regulation for trawl fisheries in the C. opilio Bycatch Limitation Zone based on population abundance with minimum and maximum limits; attainment closes zone.</p> <p>Pacific halibut: Halibut mortality limits established in regulation for trawl and non-trawl fisheries.</p> <p>Pacific herring: 1% of the annual biomass of eastern Bering Sea herring, for trawl fisheries; attainment may close the Herring Savings Areas.</p> <p>Chum salmon: Attainment of 42,000 fish limit in the catcher vessel operational area between August 15 and October 14 closes the Chum Salmon Savings Area for the rest of that time period.</p> <p>Chinook salmon: Attainment of chinook PSC limit established in regulation closes the Chinook Salmon Savings Area to directed pollock trawl fishing.</p> <p>Apportionment: For trawl fisheries, may be apportioned by target fishery and season; for non-trawl fisheries, may be apportioned by target fishery, gear type, area, and season.</p>
Retention and Utilization Requirements	<p>Pollock: Roe-stripping is prohibited; see also Improved Retention/Improved Utilization Program (IR/IU).</p> <p>IR/IU: All pollock and Pacific cod must be retained and processed.</p>
Fixed Gear Sablefish Fishery	<p>The directed fixed gear sablefish fisheries are managed under an Individual Fishing Quota program. The FMP specifies requirements for the initial allocation of quota share in 1995, as well as transfer, use, ownership, and general provisions.</p> <p>Annual Allocation: The ratio of a person's quota share to the quota share pool is applied to the fixed gear TAC (adjusted for the community development quota allocation - see below), to arrive at the annual individual fishing quota.</p>

Table ES-2 Summary of Management Measures for the BSAI Groundfish Fishery

Pollock Fishery	<p>Subtitle II of the American Fisheries Act (AFA), incorporated by reference in the FMP, implemented a cooperative program for the pollock fishery.</p> <p>Access: Limits access to the pollock fishery to named vessels and processors; included a buyout of 9 catcher/processor vessels.</p> <p>Allocation: After adjustment for the community development quota allocation (see below) and incidental catch of pollock in other fisheries, the pollock TAC is apportioned 50% to vessels harvesting pollock for inshore processing, 40% to vessels harvest pollock for catcher/processor processing, and 10% to vessels harvesting pollock for mothership processing.</p> <p>Cooperatives: Creates standards and limitations for the creation and operation of cooperatives.</p> <p>Sideboards: Establishes harvesting and processing restrictions on AFA pollock participants to protect other fisheries.</p> <p>Catch monitoring: Increases observer coverage and scale requirements for catcher/processors.</p>
Community Development Quota (CDQ) Multispecies Fishery	<p>Eligible fishery-dependent communities in western Alaska will receive a percentage of all groundfish species or species group TACs, except squid, and a pro-rata share of PSC species.</p> <p>Sablefish: 20% of the fixed gear TAC</p> <p>Pollock: 10% of the TAC</p> <p>Other groundfish species: 7.5% of the TAC</p>
Flexible Authority	<p>The Regional Administrator of NOAA Fisheries is authorized to make inseason adjustments through gear modifications, closures, or fishing area/quota restrictions, for conservation reasons, to protect identified habitat problems, or to increase vessel safety.</p>
Recordkeeping and Reporting	<p>Catcher vessels: Recordkeeping that is necessary and appropriate to determine catch, production, effort, price, and other information necessary for conservation and management may be required. May include the use of catch and/or product logs, product transfer logs, effort logs, or other records as specified in regulations.</p> <p>Processors: Shall report necessary information for the management of the groundfish fisheries as specified in regulations.</p> <p>At-sea processor vessels: Must submit a weekly catch/receipt and product transfer report and record cargo transfer and off-loading information in a separate transfer log. Catcher/processors are also required to check in and check out of any fishing area for which TAC is established, as specified in regulations.</p>
Observer Program	<p>U.S. fishing vessels that catch groundfish in the EEZ, or receive groundfish caught in the EEZ, and shoreside processors that receive groundfish caught in the EEZ are required to accommodate NOAA Fisheries-certified observers as specified in regulations, in order to verify catch composition and quantity, including at-sea discards, and collect biological information on marine resources.</p>
Evaluation and Review of the FMP	<p>The Council will maintain a continuing review of the fisheries managed under this plan.</p> <p>EFH: The Council will conduct a complete review of all the EFH components of each FMP once every 5 years, and in between will solicit proposals on HAPCs and/or conservation and enhancement measures to minimize the potential adverse effects from fishing. An annual review of EFH information will be provided in the "Ecosystems Considerations" chapter of the SAFE.</p> <p>PSC limits and related area closures: Will be reviewed each year to determine whether changes in stock abundance or other factors justify consideration of alternative limits or closures.</p>

ES.3 Organization of the FMP

The FMP is organized into six chapters. Chapter 1 contains an introduction to the plan, including a description of the more than seventy amendments to the FMP since its implementation on January 1, 1982. Chapter 2 describes the policy and management objectives of the FMP.

Chapter 3 contains the conservation and management measures that regulate the BSAI groundfish fisheries. Section 3.1 denotes the area and stocks governed by the FMP, and describes the five categories of species or species groups likely to be taken in the groundfish fishery. Section 3.2 specifies the procedures for determining harvest levels for the groundfish species, and includes the maximum sustainable yield and optimum yield of

the groundfish complex. Sections 3.3 to 3.6 contain permit, gear, time and area, and catch restrictions for the groundfish fisheries, respectively. Section 3.7 describes the specific management measures for the quota share programs in place in the fixed gear sablefish fishery, the pollock fishery, and the community development quota multispecies fishery. Section 3.8 presents flexible management authority measures, and Section 3.9 designates monitoring and reporting requirements for the fisheries. Section 3.10 describes the schedule and procedures for review of the FMP or FMP components.

Chapter 4 contains a description of the stocks and their habitat (including essential fish habitat definitions), fishing activities, and the economic and socioeconomic characteristics of the fisheries and communities. Additional descriptive information is also contained in the appendices. Chapter 5 specifies how the FMP is consistent with Federal law. Chapter 6 contains reference material, including the bibliography.

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PUBLIC TESTIMONY SIGN-UP SHEET FOR

AGENDA ITEM

C-8 # ~~Log Reports~~
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

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Dr. Miller