


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director 

DATE: November 28, 2001

SUBJECT: Draft Programmatic Groundfish SEIS

ESTIMATED TIME 2 HOURS

ACTION REQUIRED

Receive status report from NMFS and NOAA General Counsel.

BACKGROUND

In October, we received a status report from Steve Davis, SEIS Team Leader, on the team's review and synthesis of public comments received on the draft programmatic SEIS. The team expected to complete its review and have a written report ready at this meeting. This work was completed and a copy of the Draft Comment Analysis Report (CAR) is included in your supplemental folder. Also in October, the Council requested that a letter (item C-8(a)) be sent to Secretary Evans expressing the Council's desire to be a full partner in developing the preferred alternative and finalizing the DSEIS. We also wanted a briefing from NOAA GC on any settlement talks and whether we could be involved.

Though we have not received a formal response to our letter, NMFS recently published a Notice of Intent (item C-8(b)) to revise the DSEIS in 2002 and 2003. It will be restructured from "...single-focus alternatives to more comprehensive, multiple-component alternatives." NMFS will work with the Council and stakeholders in restructuring the document and the alternatives. At this meeting, NMFS will present a preliminary framework within which restructured alternatives will be developed. It is unclear in the FR notice of intent exactly when the Council will be expected to choose a preferred alternative. If possible, the timing of that decision should be clarified by NMFS.

Our newly reconstituted Ecosystems Committee (item C-8(c)), chaired by Dr. Fluharty, will play a major role in advising the Council on how to move toward ecosystem-based management and restructured and preferred alternatives. The Committee will hold a brief organizational meeting at lunch time, probably on Thursday, December 6th. Their main work will commence early next year.

North Pacific Fishery Management Council

David Benton, Chairman
Clarence Pautzke, Executive Director

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October 10, 2001

The Honorable Donald Evans
U.S. Secretary of Commerce
Herbert C. Hoover Building
14th & Constitution Avenue NW
Washington, DC 20230

Dear Secretary Evans:

At its meeting last week the North Pacific Fishery Management Council received a status report on development of the draft Alaska Groundfish Fisheries programmatic supplemental environmental impact statement (DSEIS). NMFS described the issues identified in the 21,000+ comments received during the 150-day comment period, and indicated that in the near future they would be addressing various policy and legal issues concerning the adequacy of the alternatives, development of a preferred alternative, and how to proceed toward a final SEIS and record of decision by next summer.

The Council wants to be a full partner with NMFS in developing the preferred alternative and finalizing the DSEIS. We would like to be involved in any settlement discussions with the plaintiffs, and barring that, at least informed, in closed session if necessary, about the substance and content of settlement talks. At our upcoming December 5-10, 2001 meeting, we request a report from NOAA General Counsel regarding settlement discussions. At our February 6-11, 2002 meeting, we request a more detailed summary of issues raised in the comments, and then will proceed with crafting a preferred alternative. Later we intend to develop more specific alternatives to amend our groundfish fishery management plans and regulations as deemed necessary.

The Council has worked very closely with NMFS in developing protective measures for Steller sea lions over this past eight months and deeply appreciate the efforts of NMFS to develop the biological opinion and SEIS for these protective measures. Dr. Hogarth made an excellent decision to include us in review of the draft biological opinion and we think the resulting product was well worth the time and effort everyone invested in it. We seek your support for our continued close working relationship with NMFS on further development of the groundfish DSEIS.

Sincerely,

David Benton
Chairman

cc: Dr. William Hogarth
Dr. James Balsiger
Craig O'Connor
Mariam McCall
Lisa Lindemann

measures were necessary to meet certain statutory deadlines in the AFA while the comprehensive suite of permanent management measures under Amendments 61/61/13/8 continued to undergo development, revision, and analysis by the Council and NMFS. The first emergency interim rule set out permit requirements for AFA vessels, processors, and cooperatives (65 FR 380, January 5, 2000; extended at 65 FR 39107, June 23, 2000). The second emergency interim rule established sector allocations, cooperative regulations, sideboards, and catch monitoring requirements for the AFA fleets (65 FR 4520, January 28, 2000; extended at 65 FR 39107, June 23, 2000).

February 2000. At its February 2000 meeting in Anchorage, AK the Council reviewed its revised analysis of groundfish processing sideboards and excessive share processing caps and requested analysis of several additional issues with the stated intent that the analysis would be reviewed again in June 2000. The Council postponed action on proposed changes to the structure of the inshore cooperative program and independent catcher vessel proposal until June 2000. Finally, at that meeting, the Council and NMFS decided it would be appropriate to expand the environmental assessment prepared for Amendments 61/61/13/8 into an EIS given the magnitude of the proposed management program to implement the AFA.

April 2000. At its April 2000 meeting in Anchorage, AK the Council received extensive testimony from industry on several elements of Amendments 61/61/13/8. Catcher vessel owners requested that the Council consider revising several of its recommendations related to catcher vessel sideboards, retirement of vessels, and the formula for calculating inshore cooperative allocations. The Council requested preparation of a supplemental analysis of these issues for consideration in June 2000. The Council also received testimony from crab fishermen who opposed the crab processing caps implemented in 2000 through an emergency interim rule. The Council announced its intent to examine alternatives for crab processing caps at its June 2000 meeting with final action on any changes scheduled for September 2000. In addition, the April Council meeting was used as a scoping meeting to solicit input from the public on issues and alternatives that should be addressed in the EIS under preparation for Amendments 61/61/13/8.

June 2000. At its June 2000 meeting in Portland, OR the Council reviewed its

analysis of proposed structural changes to the inshore cooperative program including the independent catcher vessel proposal. The Council did not adopt changes promoted by independent catcher vessel owners that would have allowed greater flexibility in choosing which cooperative a vessel could join. Instead, the Council recommended two changes related to retirement of vessels and allocation formulas that would supersede the measures set out in the AFA. These changes were incorporated as revisions to Amendments 61/61/13/8. The Council also examined the issue of groundfish processing sideboards and excessive processing share caps and voted to release its analysis for public review with intent to take final action on these measures at its October 2000 meeting. The Council's original intent was to include groundfish processing sideboards and excessive processing share caps in Amendments 61/61/13/8. However, due to the extensive additional analysis required for these two issues, the Council decided to address these issues on a separate timetable with a separate analysis.

September 2000. At its September 2000 meeting in Anchorage, AK the Council examined proposed changes to crab processing sideboard limits and recommended that the 1995-1997 formula used to calculate crab processing caps under the AFA be revised by adding 1998 processing history and giving it double-weight. In other words, 1995-1998 would be used to determine crab processing history with the 1998 year counting twice. The purpose of this change was to give greater emphasis to recent processing history in consideration of changes to the crab processing industry that have occurred since 1995.

October 2000. At its October 2000 meeting in Sitka, AK the Council considered the issues of BSAI pollock excessive processing share limits and groundfish processing sideboard limits. The Council adopted a 30-percent excessive processing share limit for BSAI pollock that would be applied using the same 10 percent entity rules set out in the AFA to define AFA entities for the purpose of the 17.5 percent excessive harvesting share limit contained in the AFA. This action represents the Council's final revision to Amendments 61/61/13/8 before official submission of the Amendments to the Secretary of Commerce for review and approval. With respect to non-pollock groundfish processing sideboards, the Council took no action. The Council believed that placing non-pollock groundfish processing limits on AFA

processors could have negative effects on markets for both AFA and non-AFA catcher vessels. In addition, the Council concluded that its suite of harvesting sideboard restrictions on AFA catcher vessels and catcher/processors also serve to protect non-AFA processors in the BSAI, which are primarily non-AFA catcher/processors. Instead of imposing non-pollock processing limits on AFA processors, the Council indicated its intent to explore revisions to its Improved Retention/Improved Utilization program set out at 50 CFR 679.27. Testimony from non-AFA processors indicated that such changes could be a more effective means of providing a more level playing field for non-AFA catcher/processors.

Public comments are being solicited on Amendments 61/61/13/8 through the end of the comment period specified in this document. A proposed rule that would implement Amendments 61/61/13/8 may be published in the Federal Register for public comment following evaluation by NMFS under the Magnuson-Stevens Act procedures. All comments received by the end of the comment period specified in this document, whether specifically directed to Amendments 61/61/13/8 or to the proposed rule, will be considered in the decision to approve, disapprove, or partially approve Amendments 61/61/13/8.

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

Dated: November 20, 2001.

Jon Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-29496 Filed 11-26-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE *

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 053001D]

Groundfish Fisheries of the Bering Sea and Aleutian Islands Area and the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to revise the Alaska Groundfish Fisheries Draft Programmatic Supplemental Environmental Impact Statement (SEIS).

SUMMARY: NMFS announces its intent to revise the Alaska Groundfish Fisheries

draft Programmatic SEIS. After reviewing more than 21,000 comment letters received on the draft Programmatic SEIS, NMFS has determined that revisions to the draft Programmatic SEIS are appropriate and necessary. NMFS has also determined that these revisions will require the release of a revised draft Programmatic SEIS. Based on these decisions, NMFS announces a new date for the completion of the Programmatic SEIS and issuance of the Record of Decision based thereon.

DATES: See SUPPLEMENTARY INFORMATION for the dates concerning completion of the Alaska Groundfish Fisheries Programmatic SEIS. The December 2001 North Pacific Fishery Management Council (Council) meeting will be held December 5 through 10, 2001. Additional information concerning the agenda for the Council's December 2001 meeting can be found at <http://www.fakr.noaa.gov/npfmc>.

ADDRESSES: The December 2001 North Pacific Fishery Management Council meeting will be held at the Hilton Hotel, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Steven K. Davis, Programmatic SEIS Coordinator, Anchorage, Alaska, (907) 271-3523.

SUPPLEMENTARY INFORMATION: On January 26, 2001, NMFS released a draft of the Alaska Groundfish Fisheries Programmatic SEIS for a 90-day public review and comment period. As a result of NMFS granting requests by the interested public for two extensions of the public comment period, the comment period for the draft Programmatic SEIS ran for a total of 180 days and ended on July 25, 2001. As a result of this extended public comment period and the voluminous public comments received therein, NMFS determined that it would issue a final Programmatic SEIS for the Alaska groundfish fisheries during the summer of 2002 and a Record of Decision shortly thereafter.

NMFS received 21,361 letters commenting on the draft Programmatic SEIS during the comment period. Comments on the draft Programmatic SEIS were received from all 50 States, as well as the District of Columbia and Puerto Rico. Citizens from 28 foreign

countries also provided comments. Within these 21,361 letters, NMFS identified 4,044 substantive comments.

Based on its review and preliminary analysis of the comments received on the draft Programmatic SEIS, NMFS has made several decisions concerning the draft Programmatic SEIS. First, NMFS has determined that the draft Programmatic SEIS should be revised to include additional analyses concerning environmental, economic and cumulative impacts. Second, NMFS has determined that the alternatives contained in the draft Programmatic SEIS should be restructured, shifting from single-focus alternatives to more comprehensive, multiple-component alternatives. Third, NMFS has determined that the draft Programmatic SEIS should be edited to evaluate more concisely the proposed action. The revisions to the Programmatic SEIS will build from the information and analyses contained in the January 26, 2001, draft Programmatic SEIS. Given its decisions, NMFS has determined that it will release a revised draft Programmatic SEIS for public review and comment before issuing the final Programmatic SEIS.

General Process and Dates for Completion of the Programmatic SEIS

Given the determinations described above, NMFS has decided that a modification to the current schedule for completion of the Programmatic SEIS is appropriate and necessary. The following dates reflect the amount of time that NMFS has determined will be needed to complete the additional analyses and editing of the draft Programmatic SEIS, and to allow for adequate public review and comment on the revised draft Programmatic SEIS, including the restructured alternatives. NMFS will seek assistance and input from the Council and the public in developing the restructured alternatives. It will consider, among other things, several restructured alternatives in the revised draft Programmatic SEIS, including alternatives that were suggested or proposed in comments received on the January 2001 draft Programmatic SEIS and that are developed in conjunction and cooperation with the Council and/or the public.

December 2001 North Pacific Fishery Management Council Meeting

NMFS will present the Council and the public with a preliminary template that describes the framework within which restructured alternatives will be developed.

January Through August 2002

From January through August 2002, NMFS will prepare the revised draft Programmatic SEIS. NMFS will prepare additional analyses concerning environmental, economic and cumulative impacts, restructure the alternatives and prepare an analysis of the effects of those alternatives on the human environment, and edit the Programmatic SEIS to evaluate more concisely the proposed action. As noted above, NMFS will seek assistance and input from the Council and the public in developing the restructured alternatives.

September Through December 2002

From September through December 2002, NMFS will issue a revised draft Programmatic SEIS for a public review and comment period.

January Through August 2003

From January through August 2003, NMFS will prepare the final Programmatic SEIS. NMFS will review and consider public comments received on the revised draft Programmatic SEIS and will present a summary of those comments to the Council and the public.

September 2003

NMFS will issue a final Programmatic SEIS and allow a 30-day public comment period on the final Programmatic SEIS.

No later than December 31, 2003

NMFS will issue a Record of Decision on the Programmatic SEIS.

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

Dated: November 20, 2001.

Jon Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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Ecosystem Committee

Updated 11/28/01

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Gj/PA SEIS
NMFS/NOAA
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Explanation of Matrix

What are the FMP components?

Building from the current draft PSEIS, we have currently identified 6 integral and major components upon which the subject FMPs are based. These 6 components are listed in the far left column of the matrix. There may be other components not currently listed that could be added (such as a component addressing monitoring issues like observer requirements, recordkeeping and reporting requirements, etc.). Conversely, currently combined components could be broken out into separate components (such as prohibited species from other non-targets). Additionally, we have added the term “ecosystem” with the habitat component mainly, at this time, to assure the Council and the public that we received many comments about integrating ecosystem concerns into the fisheries management process and recognize that we need to address those comments, either on a component level or in some other fashion. We anticipate and expect that this column will be further developed based on a combination of NMFS, Council and public input.

What are the management tools?

In order to adequately manage an FMP component, several major management tools may be used. Again, building from the current draft PSEIS, we have identified those major FMP management tools set forth in the draft PSEIS. The management tools are listed in the second column from the left of the matrix. For example, in Alternative 3 in the draft PSEIS (Increase Protection to Target Species), three major management tools were identified: (1) TAC setting, (2) spatial and temporal closures, and (3) gear restrictions. Therefore, those management tools were listed across from the FMP component for Target Species. We recognize that there may be other tools not currently listed and again we anticipate and expect that this column will be further developed based on a combination of NMFS, Council and public input.

How do we craft comprehensive, multiple component alternatives?

- A. In order to craft comprehensive, multiple component alternatives that will fit the action as well as be comparable to the status quo, each alternative to the status quo must have an approach to each management tool dealing with each major component of an FMP.
- B. In addition to the FMP components and management tools listed in the matrix, there are 5 concepts presented in the matrix that will guide the agency, the Council and the public in the restructure of the alternatives from single focus to comprehensive, multiple component alternatives.

Concept #1 – Continuum of Alternatives

NEPA requires that an adequate range of reasonable alternatives be examined in an EIS. Concept #1 is a broad, overarching concept, and it is included to make sure that there will be an adequate range of reasonable alternatives examined in the Programmatic SEIS. Concept #1 is presented in the top row of the matrix and is entitled “Management Approach Continuum.” In the context of alternatives for the Programmatic SEIS, one end of the continuum represents a fishery management scenario where fishing constraints are minimized consistent with the statutory goals described in Concept #2 (far left-hand side of continuum). The other end of the continuum represents a fishery management scenario where fishing impacts are minimized consistent with the statutory goals described in Concept #2 (far right-hand side of continuum).

Placement of this concept in the top row serves several purposes. First, the continuum acts as a reminder to ensure that there are alternatives that represent each end of the continuum. Second, the continuum serves as a way to make sure that additional alternatives are spread out along this continuum and are not clustered together or clustered at one end of the continuum. Third, the continuum facilitates the development and use of the comprehensive, multi-component alternatives concept as described in the Federal Register notice.

Concept #2 – Statutory Requirements

Fisheries management under approved FMPs must conform to those requirements contained in applicable law, such as the Magnuson-Stevens Act and the Endangered Species Act. These statutory requirements must be considered and followed when developing FMPs or FMP amendments. Therefore, each alternative contained in the next version of the PSEIS should be consistent with these statutory requirements. For example, the alternative that ultimately represents the fishery management scenario where fishing constraints are minimized must still avoid overfishing a target species or species group. This draft matrix identifies the need for consistency with statutory requirements but we haven't had a chance to fill in those requirements.

While NEPA regulations allow the consideration of reasonable alternatives not within the Council's or NMFS's jurisdiction (40 CFR 1502.14(c)), inclusion of a list or column of statutory requirements provides a reminder of the requirements within which alternatives should be developed, thereby reinforcing the reasonableness of the alternatives developed. It also serves to separate the Statutory Requirements (with which the alternatives should be consistent) from the Management Objectives (see Concept #4).

Concept #3 – Alternative Themes

Concept #3 is expressed in the second row under the Management Approach Continuum. The intent of this concept is to express the overall, or operational, theme of the alternative. For example, the operational theme represented by Alternative #1 in the draft matrix is to “Obtain the Maximum Economic Return from Fisheries.” An operational theme should be reflected in the Management Objectives for each management tool under an alternative (see discussion under Concept #4). Additionally, as can be seen under Alternative #2, status quo will be an alternative, the operational theme of which has not yet been displayed in the matrix.

At this time, there are columns for four alternatives but four is not a magic number. As represented with the X in Alternative 4, more Alternatives may be added to the matrix. To keep the draft matrix to a single page for ease of discussion, there was only room for four Alternatives columns.

Concept #4 – Management Objectives

An example of Concept #4 is contained in the Target Species Component and the TAC Setting tool row. Management objectives articulate the policy goal or objective for each management tool within each FMP component and should be consistent with the Alternative Theme. Using the TAC setting tool for the Target Species component as an example, the Management Objective for setting TACs under Alternative #1 (Obtain the maximum economic return from Fisheries) may be to maximize the TACs of target species without overfishing target species. The Management Objective, along with the Alternative Theme, represent the decision point for decisionmakers and will be the direction for future fisheries management contained in the Record of Decision. A Management Objective is distinct from the Hypothetical Management Measures (see Concept #5).

Concept #5 – Hypothetical or Model Management Measures

Given the above description for Concept #4, Concept #5 is one possible or hypothetical means of achieving the Management Objective. Using again the TAC setting tool for the Target Species component, if the Management Objective for setting TACs is to maximize the TACs of target species without overfishing target species TACs, one possible way to implement that Management Objective would be to eliminate the OY cap and set TACs for each species or species group equal to the overfishing level. Distinct from Concept #4, the Hypothetical Management Measure(s) is for analytical purposes only and is not binding on decisionmakers. If Alternative #1 is ultimately selected as the preferred alternative and contained in the Record of Decision, the Council and NMFS would pursue changes to the BSAI and GOA FMPs consistent with the operational theme of Alternative #1 as well as the Management Objectives listed under the Alternative. Subsequent analyses to implement this change in direction would examine reasonable alternatives, likely including an alternative that eliminates the OY cap and setting TACs at the overfishing levels as well as other alternatives consistent with the change in direction adopted in the PSEIS.

measures were necessary to meet certain statutory deadlines in the AFA while the comprehensive suite of permanent management measures under Amendments 61/61/13/8 continued to undergo development, revision, and analysis by the Council and NMFS. The first emergency interim rule set out permit requirements for AFA vessels, processors, and cooperatives (65 FR 380, January 5, 2000; extended at 65 FR 39107, June 23, 2000). The second emergency interim rule established sector allocations, cooperative regulations, sideboards, and catch monitoring requirements for the AFA fleets (65 FR 4520, January 28, 2000; extended at 65 FR 39107, June 23, 2000).

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analysis of proposed structural changes to the inshore cooperative program including the independent catcher vessel proposal. The Council did not adopt changes promoted by independent catcher vessel owners that would have allowed greater flexibility in choosing which cooperative a vessel could join. Instead, the Council recommended two changes related to retirement of vessels and allocation formulas that would supersede the measures set out in the AFA. These changes were incorporated as revisions to Amendments 61/61/13/8. The Council also examined the issue of groundfish processing sideboards and excessive processing share caps and voted to release its analysis for public review with intent to take final action on these measures at its October 2000 meeting. The Council's original intent was to include groundfish processing sideboards and excessive processing share caps in Amendments 61/61/13/8. However, due to the extensive additional analysis required for these two issues, the Council decided to address these issues on a separate timetable with a separate analysis.

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processors could have negative effects on markets for both AFA and non-AFA catcher vessels. In addition, the Council concluded that its suite of harvesting sideboard restrictions on AFA catcher vessels and catcher/processors also serve to protect non-AFA processors in the BSAI, which are primarily non-AFA catcher/processors. Instead of imposing non-pollock processing limits on AFA processors, the Council indicated its intent to explore revisions to its Improved Retention/Improved Utilization program set out at 50 CFR 679.27. Testimony from non-AFA processors indicated that such changes could be a more effective means of providing a more level playing field for non-AFA catcher/processors.

Public comments are being solicited on Amendments 61/61/13/8 through the end of the comment period specified in this document. A proposed rule that would implement Amendments 61/61/13/8 may be published in the Federal Register for public comment following evaluation by NMFS under the Magnuson-Stevens Act procedures. All comments received by the end of the comment period specified in this document, whether specifically directed to Amendments 61/61/13/8 or to the proposed rule, will be considered in the decision to approve, disapprove, or partially approve Amendments 61/61/13/8.

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

Dated: November 20, 2001.

Jon Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-29496 Filed 11-26-01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 053001D]

Groundfish Fisheries of the Bering Sea and Aleutian Islands Area and the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to revise the Alaska Groundfish Fisheries Draft Programmatic Supplemental Environmental Impact Statement (SEIS).

SUMMARY: NMFS announces its intent to revise the Alaska Groundfish Fisheries

draft Programmatic SEIS. After reviewing more than 21,000 comment letters received on the draft Programmatic SEIS, NMFS has determined that revisions to the draft Programmatic SEIS are appropriate and necessary. NMFS has also determined that these revisions will require the release of a revised draft Programmatic SEIS. Based on these decisions, NMFS announces a new date for the completion of the Programmatic SEIS and issuance of the Record of Decision based thereon.

DATES: See SUPPLEMENTARY INFORMATION for the dates concerning completion of the Alaska Groundfish Fisheries Programmatic SEIS. The December 2001 North Pacific Fishery Management Council (Council) meeting will be held December 5 through 10, 2001.

Additional information concerning the agenda for the Council's December 2001 meeting can be found at <http://www.fakr.noaa.gov/npfmc>.

ADDRESSES: The December 2001 North Pacific Fishery Management Council meeting will be held at the Hilton Hotel, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Steven K. Davis, Programmatic SEIS Coordinator, Anchorage, Alaska, (907) 271-3523.

SUPPLEMENTARY INFORMATION: On January 26, 2001, NMFS released a draft of the Alaska Groundfish Fisheries Programmatic SEIS for a 90-day public review and comment period. As a result of NMFS granting requests by the interested public for two extensions of the public comment period, the comment period for the draft Programmatic SEIS ran for a total of 180 days and ended on July 25, 2001. As a result of this extended public comment period and the voluminous public comments received therein, NMFS determined that it would issue a final Programmatic SEIS for the Alaska groundfish fisheries during the summer of 2002 and a Record of Decision shortly thereafter.

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countries also provided comments. Within these 21,361 letters, NMFS identified 4,044 substantive comments.

Based on its review and preliminary analysis of the comments received on the draft Programmatic SEIS, NMFS has made several decisions concerning the draft Programmatic SEIS. First, NMFS has determined that the draft Programmatic SEIS should be revised to include additional analyses concerning environmental, economic and cumulative impacts. Second, NMFS has determined that the alternatives contained in the draft Programmatic SEIS should be restructured, shifting from single-focus alternatives to more comprehensive, multiple-component alternatives. Third, NMFS has determined that the draft Programmatic SEIS should be edited to evaluate more concisely the proposed action. The revisions to the Programmatic SEIS will build from the information and analyses contained in the January 26, 2001, draft Programmatic SEIS. Given its decisions, NMFS has determined that it will release a revised draft Programmatic SEIS for public review and comment before issuing the final Programmatic SEIS.

General Process and Dates for Completion of the Programmatic SEIS

Given the determinations described above, NMFS has decided that a modification to the current schedule for completion of the Programmatic SEIS is appropriate and necessary. The following dates reflect the amount of time that NMFS has determined will be needed to complete the additional analyses and editing of the draft Programmatic SEIS, and to allow for adequate public review and comment on the revised draft Programmatic SEIS, including the restructured alternatives. NMFS will seek assistance and input from the Council and the public in developing the restructured alternatives. It will consider, among other things, several restructured alternatives in the revised draft Programmatic SEIS, including alternatives that were suggested or proposed in comments received on the January 2001 draft Programmatic SEIS and that are developed in conjunction and cooperation with the Council and/or the public.

December 2001 North Pacific Fishery Management Council Meeting

NMFS will present the Council and the public with a preliminary template that describes the framework within which restructured alternatives will be developed.

January Through August 2002

From January through August 2002, NMFS will prepare the revised draft Programmatic SEIS. NMFS will prepare additional analyses concerning environmental, economic and cumulative impacts, restructure the alternatives and prepare an analysis of the effects of those alternatives on the human environment, and edit the Programmatic SEIS to evaluate more concisely the proposed action. As noted above, NMFS will seek assistance and input from the Council and the public in developing the restructured alternatives.

September Through December 2002

From September through December 2002, NMFS will issue a revised draft Programmatic SEIS for a public review and comment period.

January Through August 2003

From January through August 2003, NMFS will prepare the final Programmatic SEIS. NMFS will review and consider public comments received on the revised draft Programmatic SEIS and will present a summary of those comments to the Council and the public.

September 2003

NMFS will issue a final Programmatic SEIS and allow a 30-day public comment period on the final Programmatic SEIS.

No later than December 31, 2003

NMFS will issue a Record of Decision on the Programmatic SEIS.

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

Dated: November 20, 2001.

Jon Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-29497 Filed 11-26-01; 8:45 am]

BILLING CODE 3510-22-S



ALASKA GROUNDFISH FISHERIES

Draft Programmatic Supplemental
Environmental Impact Statement
Notice of Intent to Revise



December 2001

NMFS has determined revisions
to the draft programmatic SEIS
are appropriate and necessary

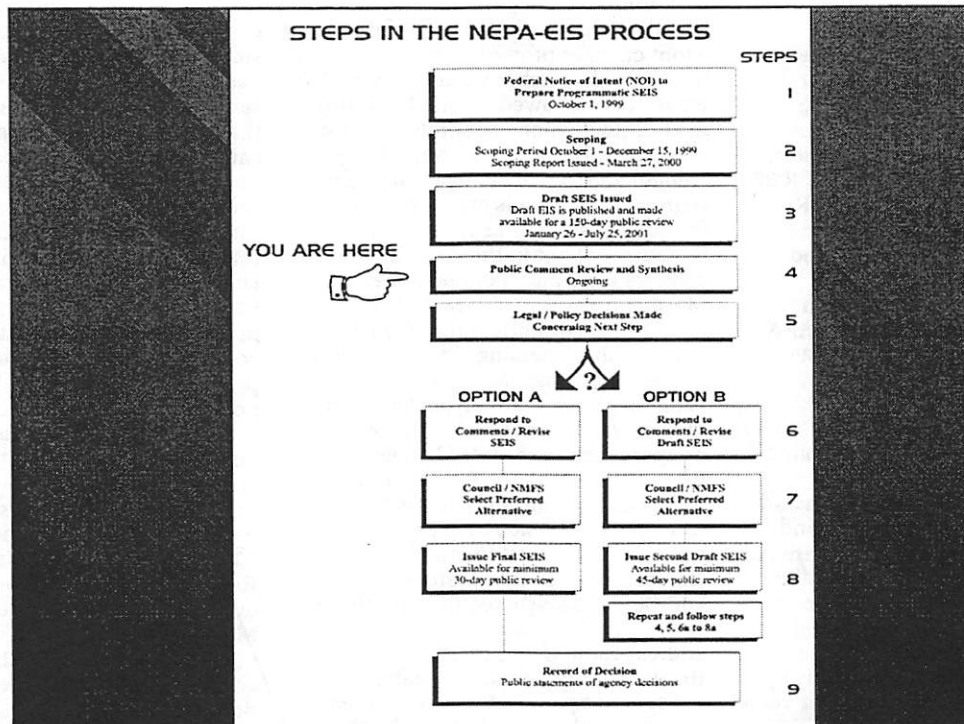
- Revisions will require release of a revised draft Programmatic SEIS for public review and comment
 - Revisions will be in three areas
- ➡➡ Handout: copy of Nov. 27, 2001,
Federal Register pages 59228-59229

Revisions will be in three areas:

- 1. Additional analyses concerning environmental, economic and cumulative impacts
- 2. Alternatives should be restructured shifting from single-focus to multiple-component
- 3. The SEIS shall be edited to evaluate more concisely the proposed action.

Assistance and Input from the NPFMC and the public will be sought in developing the restructured alternatives

- Several restructured alternatives will be considered. Alternatives suggested or proposed in comments received on the draft will be considered.
- Alternatives developed in conjunction and cooperation with the Council and/or the public will be considered



Timeline – Estimated Dates

- Dec 2001 – Preliminary template of restructured alternatives
- Jan-Aug 2002 – Prepare revised draft Programmatic
- Sept-Dec 2002 – Public review and comment period of Revised Draft.
- Jan-Aug 2003 – Review and consider public comments. Summarize public comments.
- Sept 2003 – Issue Final Programmatic SEIS
- Dec 31, 2003 – Sign Record of Decision.

measures were necessary to meet certain statutory deadlines in the AFA while the comprehensive suite of permanent management measures under Amendments 61/61/13/8 continued to undergo development, revision, and analysis by the Council and NMFS. The first emergency interim rule set out permit requirements for AFA vessels, processors, and cooperatives (65 FR 380, January 5, 2000; extended at 65 FR 39107, June 23, 2000). The second emergency interim rule established sector allocations, cooperative regulations, sideboards, and catch monitoring requirements for the AFA fleets (65 FR 4520, January 28, 2000; extended at 65 FR 39107, June 23, 2000).

February 2000. At its February 2000 meeting in Anchorage, AK the Council reviewed its revised analysis of groundfish processing sideboards and excessive share processing caps and requested analysis of several additional issues with the stated intent that the analysis would be reviewed again in June 2000. The Council postponed action on proposed changes to the structure of the inshore cooperative program and independent catcher vessel proposal until June 2000. Finally, at that meeting, the Council and NMFS decided it would be appropriate to expand the environmental assessment prepared for Amendments 61/61/13/8 into an EIS given the magnitude of the proposed management program to implement the AFA.

April 2000. At its April 2000 meeting in Anchorage, AK the Council received extensive testimony from industry on several elements of Amendments 61/61/13/8. Catcher vessel owners requested that the Council consider revising several of its recommendations related to catcher vessel sideboards, retirement of vessels, and the formula for calculating inshore cooperative allocations. The Council requested preparation of a supplemental analysis of these issues for consideration in June 2000. The Council also received testimony from crab fishermen who opposed the crab processing caps implemented in 2000 through an emergency interim rule. The Council announced its intent to examine alternatives for crab processing caps at its June 2000 meeting with final action on any changes scheduled for September 2000. In addition, the April Council meeting was used as a scoping meeting to solicit input from the public on issues and alternatives that should be addressed in the EIS under preparation for Amendments 61/61/13/8.

June 2000. At its June 2000 meeting in Portland, OR the Council reviewed its

analysis of proposed structural changes to the inshore cooperative program including the independent catcher vessel proposal. The Council did not adopt changes promoted by independent catcher vessel owners that would have allowed greater flexibility in choosing which cooperative a vessel could join. Instead, the Council recommended two changes related to retirement of vessels and allocation formulas that would supersede the measures set out in the AFA. These changes were incorporated as revisions to Amendments 61/61/13/8. The Council also examined the issue of groundfish processing sideboards and excessive processing share caps and voted to release its analysis for public review with intent to take final action on these measures at its October 2000 meeting. The Council's original intent was to include groundfish processing sideboards and excessive processing share caps in Amendments 61/61/13/8. However, due to the extensive additional analysis required for these two issues, the Council decided to address these issues on a separate timetable with a separate analysis.

September 2000. At its September 2000 meeting in Anchorage, AK the Council examined proposed changes to crab processing sideboard limits and recommended that the 1995-1997 formula used to calculate crab processing caps under the AFA be revised by adding 1998 processing history and giving it double-weight. In other words, 1995-1998 would be used to determine crab processing history with the 1998 year counting twice. The purpose of this change was to give greater emphasis to recent processing history in consideration of changes to the crab processing industry that have occurred since 1995.

October 2000. At its October 2000 meeting in Sitka, AK the Council considered the issues of BSAI pollock excessive processing share limits and groundfish processing sideboard limits. The Council adopted a 30-percent excessive processing share limit for BSAI pollock that would be applied using the same 10 percent entity rules set out in the AFA to define AFA entities for the purpose of the 17.5 percent excessive harvesting share limit contained in the AFA. This action represents the Council's final revision to Amendments 61/61/13/8 before official submission of the Amendments to the Secretary of Commerce for review and approval. With respect to non-pollock groundfish processing sideboards, the Council took no action. The Council believed that placing non-pollock groundfish processing limits on AFA

processors could have negative effects on markets for both AFA and non-AFA catcher vessels. In addition, the Council concluded that its suite of harvesting sideboard restrictions on AFA catcher vessels and catcher/processors also serve to protect non-AFA processors in the BSAI, which are primarily non-AFA catcher/processors. Instead of imposing non-pollock processing limits on AFA processors, the Council indicated its intent to explore revisions to its Improved Retention/Improved Utilization program set out at 50 CFR 679.27. Testimony from non-AFA processors indicated that such changes could be a more effective means of providing a more level playing field for non-AFA catcher/processors.

Public comments are being solicited on Amendments 61/61/13/8 through the end of the comment period specified in this document. A proposed rule that would implement Amendments 61/61/13/8 may be published in the Federal Register for public comment following evaluation by NMFS under the Magnuson-Stevens Act procedures. All comments received by the end of the comment period specified in this document, whether specifically directed to Amendments 61/61/13/8 or to the proposed rule, will be considered in the decision to approve, disapprove, or partially approve Amendments 61/61/13/8.

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

Dated: November 20, 2001.

Jon Kurland,
Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.
[FR Doc. 01-29496 Filed 11-26-01; 8:45 am]
BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 053001D]

Groundfish Fisheries of the Bering Sea and Aleutian Islands Area and the Gulf of Alaska

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Notice of intent to revise the
Alaska Groundfish Fisheries Draft
Programmatic Supplemental
Environmental Impact Statement (SEIS).

SUMMARY: NMFS announces its intent to
revise the Alaska Groundfish Fisheries

draft Programmatic SEIS. After reviewing more than 21,000 comment letters received on the draft Programmatic SEIS, NMFS has determined that revisions to the draft Programmatic SEIS are appropriate and necessary. NMFS has also determined that these revisions will require the release of a revised draft Programmatic SEIS. Based on these decisions, NMFS announces a new date for the completion of the Programmatic SEIS and issuance of the Record of Decision based thereon.

DATES: See SUPPLEMENTARY INFORMATION for the dates concerning completion of the Alaska Groundfish Fisheries Programmatic SEIS. The December 2001 North Pacific Fishery Management Council (Council) meeting will be held December 5 through 10, 2001. Additional information concerning the agenda for the Council's December 2001 meeting can be found at <http://www.fakr.noaa.gov/npfmc>.

ADDRESSES: The December 2001 North Pacific Fishery Management Council meeting will be held at the Hilton Hotel, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Steven K. Davis, Programmatic SEIS Coordinator, Anchorage, Alaska, (907) 271-3523.

SUPPLEMENTARY INFORMATION: On January 26, 2001, NMFS released a draft of the Alaska Groundfish Fisheries Programmatic SEIS for a 90-day public review and comment period. As a result of NMFS granting requests by the interested public for two extensions of the public comment period, the comment period for the draft Programmatic SEIS ran for a total of 180 days and ended on July 25, 2001. As a result of this extended public comment period and the voluminous public comments received therein, NMFS determined that it would issue a final Programmatic SEIS for the Alaska groundfish fisheries during the summer of 2002 and a Record of Decision shortly thereafter.

NMFS received 21,361 letters commenting on the draft Programmatic SEIS during the comment period. Comments on the draft Programmatic SEIS were received from all 50 States, as well as the District of Columbia and Puerto Rico. Citizens from 28 foreign

countries also provided comments. Within these 21,361 letters, NMFS identified 4,044 substantive comments.

Based on its review and preliminary analysis of the comments received on the draft Programmatic SEIS, NMFS has made several decisions concerning the draft Programmatic SEIS. First, NMFS has determined that the draft Programmatic SEIS should be revised to include additional analyses concerning environmental, economic and cumulative impacts. Second, NMFS has determined that the alternatives contained in the draft Programmatic SEIS should be restructured, shifting from single-focus alternatives to more comprehensive, multiple-component alternatives. Third, NMFS has determined that the draft Programmatic SEIS should be edited to evaluate more concisely the proposed action. The revisions to the Programmatic SEIS will build from the information and analyses contained in the January 26, 2001, draft Programmatic SEIS. Given its decisions, NMFS has determined that it will release a revised draft Programmatic SEIS for public review and comment before issuing the final Programmatic SEIS.

General Process and Dates for Completion of the Programmatic SEIS

Given the determinations described above, NMFS has decided that a modification to the current schedule for completion of the Programmatic SEIS is appropriate and necessary. The following dates reflect the amount of time that NMFS has determined will be needed to complete the additional analyses and editing of the draft Programmatic SEIS, and to allow for adequate public review and comment on the revised draft Programmatic SEIS, including the restructured alternatives. NMFS will seek assistance and input from the Council and the public in developing the restructured alternatives. It will consider, among other things, several restructured alternatives in the revised draft Programmatic SEIS, including alternatives that were suggested or proposed in comments received on the January 2001 draft Programmatic SEIS and that are developed in conjunction and cooperation with the Council and/or the public.

December 2001 North Pacific Fishery Management Council Meeting

NMFS will present the Council and the public with a preliminary template that describes the framework within which restructured alternatives will be developed.

January Through August 2002

From January through August 2002, NMFS will prepare the revised draft Programmatic SEIS. NMFS will prepare additional analyses concerning environmental, economic and cumulative impacts, restructure the alternatives and prepare an analysis of the effects of those alternatives on the human environment, and edit the Programmatic SEIS to evaluate more concisely the proposed action. As noted above, NMFS will seek assistance and input from the Council and the public in developing the restructured alternatives.

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September 2003

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No later than December 31, 2003

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

Dated: November 20, 2001.

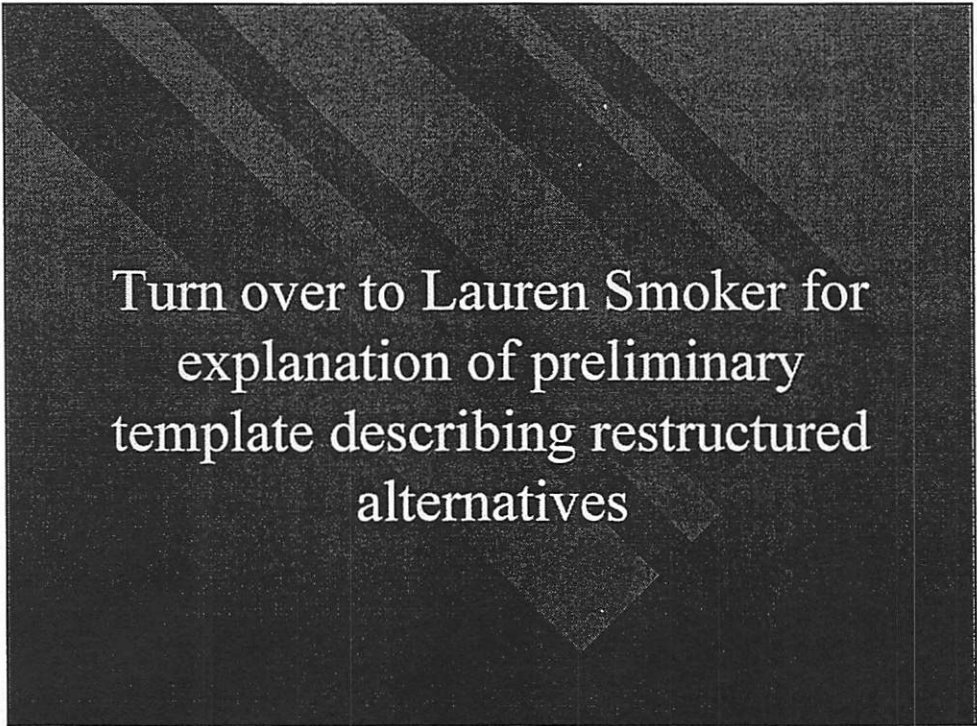
Jon Kurland,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-29497 Filed 11-26-01; 8:45 am]

BILLING CODE 3510-22-S

FMP Component and Statutory Requirements	Major Tools to Manage FMP Component (identified in the draft PSEIS)	Minimize Constraints on Fishing	
		Approach #1	Approach #2
		Description of Operational Theme or Policy Emphasis of Approach (Must Meet FMP Component Statutory Requirements)	Description of Operational Theme or Policy Emphasis of Approach (Must Meet FMP Component Statutory Requirements)
Target Species	TAC Setting Spatial and/or Temporal Closures Gear Restrictions or Modifications Bycatch Measures	Description of Objective: Driven by theme or policy emphasis of approach. Must meet statutory requirements. Decision point - Included in ROD. Description of Hypothetical Management Measures: Driven by objective. For analytical purposes only - not binding on Council.	
Marine Mammals	TAC Setting Spatial and/or Temporal Closures Gear Restrictions		
Seabirds	Bycatch Measures Spatial and /or Temporal Closures Gear Restrictions		
Non-Target Species (PSC, Forage Fish and Non-specific Species)	TAC Setting Spatial and/or Temporal Closures Bycatch Measures		
Habitat	Spatial and/or Temporal Restrictions or Closures Gear Allocations Gear Restrictions		
Socio-Economic	TAC Setting Rights-Based Management Bycatch Adjustments		



Turn over to Lauren Smoker for
explanation of preliminary
template describing restructured
alternatives

Specific Questions to Dr. Hogarth regarding purpose and partnership role in development of PSEIS:

- ① What is purpose of PSEIS?
Is it a broad policy planning tool to be used to inform Council on environmental impacts when it considers future rulemaking or ~~is it~~ does it force future rulemaking?
- ② Who crafts range of Alternatives? Council or Agency?
- ③ Who crafts evaluation criteria? CoA?
- ④ Who ~~crafts~~ ^{chooses} preferred alternative? CoA?
- ⑤ Who chooses final alternative that appears in ROD?
To avoid problems at the end of the process in determination of ROD we recommend the NOAA GC + EPA be invited to participate and advise early on in the process.
Include Natl. Standards in evaluation process.
- ⑥ Timeline? Ask that agency provide timeline to accomplish above described decisions so analysis can be completed in time to avoid further litigation. (Dec., 2003?)
Ask when agency will complete response to comments on the scientific baseline ~~of~~ used in analyzing specific alternatives. This should be done in time to be incorporated into evaluation + analysis of new alternatives, and in consultation with Council.
- ⑦ Ask that NMFS fill in proposed new Matrix with specific components of a hypothetical alternative including specific implications of each one of the 5 concepts.

Matrix Example:

Using hypothetical theme developed by agency
in new Matrix:

Maximize Economic Benefits of Fisheries

The agency began to fill out the components of
this alternative as applied to Management of Target Species.

We ask that they fill it out for ~~the~~ all 6 ^{management} components.

① ^{Most importantly} they ~~fill out~~ describe provide specific
implications of each one of 5 concepts.

Example: Concept 4: Description of Management Objectives
"Maximize TRES of Target species without overfishing."

Narrative reads

The management objective, along with the alternative theme,
represent the decision point for decision makers
and will be the direction for the future fisheries
management contained in the ROD."

What does this mean as applied to future rulemaking?
For Instance: If this alternative ~~was~~ chosen
in the ROD and a year later the Council
considered change in Rockfish management, as
discussed this morning, that might prematurely
close the target fisheries, would it be prohibited
from doing so or made vulnerable to litigation.

In other words: How binding are the components
of the selected alt.?

Goes back to original question: Is the purpose of
the PSEIS to force Council to take hard look at
environmental impacts or does it force specific ^{future management} measures.
Filling in matrix will help answer this question.

NPFMC -- Ecosystem Committee Report -- Meeting 12/06/01

The Council's Ecosystem Committee was reconstituted by Chairman Benton.

Dan Falvey, Donna Parker, Stosh Anderson, Dorothy Childers, Patti Livingston, Tony DeGange, George Hunt, Dave Fluharty [Chair]---- David Witherell, Council Staff

Government and Industry Advisors

The group met in an organization session at lunch. The main item for discussion was the charge to the Ecosystem Committee. The charge has been a moving target and remains. We anticipate that some additional clarity will emerge by the end of the December Council meeting.

Based on discussions, the prime task of the Ecosystem Committee could be to develop an ecosystem framework with which to evaluate Council actions. This framework would build off of definitions and earlier efforts of the committee and the Plan Development Teams, Ecosystem Chapter for the Stock Assessment Fisheries Evaluation and the Draft Programmatic SEIS work and the Steller Sea Lion RPA SEIS. It would take into account the NMFS Ecosystem Principles Advisory Panel's Report to Congress on Ecosystem-Based Fisheries and other relevant literature. Considerable information exchange is expected between the Ecosystem Committee and the Essential Fish Habitat Committee.

Among the possible tasks that could tier off of this framework could include:

1. Development of suggestions for incorporating ecosystem principles into fisheries management in the FMPs. [Committee to meet in January to report to Council in February meeting]
2. Assisting the Council develop a suite of integrated programmatic alternatives for the Groundfish Programmatic SEIS. [Possible coordination with NMFS and Consultants work products. Depending on direction set by Council, this could be a topic for January consideration and February or April reporting].
3. Reviewing Groundfish Programmatic SEIS and EFH EIS and making recommendations to Council [This would likely occur at the earliest in June and most likely over the summer].
4. Organizing a workshop for the Council on marine protected areas/marine reserves as a management tool. Council Ecosystem Committee would explore possibility of coordinating with ADFG as it develops its framework process for considering MPAs. [Timing sounds like it should be earlier rather than later, e.g., March/April 2002].
5. Assisting Council SSC with its development of an approach to the F40 requirements -especially re: ecosystem-based fisheries implications. [Timing and task uncertain].
6. Review of research priorities. [February]
7. Review of Ecosystem 'indicators' from Ecosystem Chapter and PSEIS.
8. Track proposed legislative changes re: ecosystem-based fishery management in MSFCMA Reauthorization and implementation of Presidential Executive Order on MPAs.

In order to get started, the date for the January meeting must be set. In the meantime, a package of Ecosystem Committee materials will be prepared and sent out [distribution list reviewed, website expanded].