

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

ESTIMATED TIME 4 HOURS

DATE: May 19, 2004

SUBJECT: Gulf of Alaska Groundfish Fisheries and Steller Sea Lion Protection Measures

ACTION REQUIRED

Review EA/RIR and take final action to change Steller sea lion protection measures in the GOA pollock trawl and Pacific cod pot fisheries.

BACKGROUND

During its April 2003 meeting, the Council asked the Steller Sea Lion Mitigation Committee (SSLMC) to review the current Steller sea lion protection measures in the Gulf of Alaska and develop proposed regulatory changes that would provide some economic relief to Gulf communities. The SSLMC met several times in 2003 and developed a package of proposed regulatory changes that was reviewed by the Council at its December 2003 meeting. In January 2004, NMFS completed an informal review of the possible effects of the proposed measures on the endangered western Distinct Population Segment of Steller sea lion (wSSL), and concluded that five of the alternatives would not cause jeopardy to the wSSL nor adversely modify wSSL critical habitat. The SSLMC reviewed the NMFS findings, agreed to forward only those alternatives that would not cause jeopardy or adverse modification, and presented a recommended package to the Council during its February 2004 meeting. At that meeting, the Council tasked staff with preparing a NEPA analysis of possible environmental effects of these five alternatives and indicated its intent to make an initial review and take final action in June.

The draft EA/RIR was developed primarily by staff from the NMFS Analytical Team, and sent out for public review on May 20, 2004. The Executive Summary of that document is attached as Item C-9(a). The proposed action before the Council at this meeting is to review the analysis contained in that EA/RIR and take final action to approve the proposed changes in SSL protection measures. The proposed measures in this proposed action are:

1. Open the closed area around the Puale Bay wSSL haulout to 3 n mi for pollock trawl fishing during January 20 through May 31. All other fishing restrictions around Puale Bay would remain as is. As a compensatory action, close the area around the Cape Douglas/Shaw Island wSSL haulout to 20 n mi to pollock trawling during January 20 through May 31.
2. Open the closed area around the Kak Island wSSL haulout to 3 n mi for Pacific cod pot fishing. All other fishing restrictions around Kak Island would remain as is.

3. Open an area around the Castle Rock wSSL haulout to the shoreline for Pacific cod pot fishing.
4. Remove the two-week stand-down periods between the A and B seasons and between the C and D seasons in the GOA pollock trawl fishery. Allow continuous fishing from the A season into the B season (and from the C season into the D season) until either the quarterly TAC is reached in the A season (and C season) or the B season (and D season) ends.
5. Change the method for rolling over unharvested pollock TAC in the Western/Central Regulatory Areas in the GOA pollock trawl fishery. Roll over any unharvested TAC within the same region and up to the 20 percent limit of the seasonal apportionment so that any unharvested TAC apportioned to an area may be further rolled over into the remaining open areas in proportion to the projected pollock biomass in those areas (as estimated by the Plan Team at the beginning of each year).

A map showing the GOA areas affected by measures 1, 2, and 3 above is Item C-9(b).

The analysts have concluded that the options listed above would neither individually nor collectively have significant adverse impacts on the quality of the human environment.

Once the Council selects its preferred alternative, the rulemaking process will proceed. The schedule should provide sufficient time so that the selected measures will be effective for the 2005 fishing season.

NMFS and Council staff will present information in the EA/RIR and will be available for questions.

EA/RIR
Proposed Amendment to Regulations Implementing the FMP for Groundfish of the GOA:
Changes to GOA Steller Sea Lion Protection Measures

Executive Summary

Introduction

This EA/RIR addresses the requirements of the National Environmental Policy Act (NEPA) for assessment of the likely impacts of modification of the Steller sea lion (SSL) protection measures that affect pollock trawl or Pacific cod pot fisheries around Puale Bay and Cape Douglas/Shaw Island, Kak Island, and Castle Rock, as well as the impacts of changing the rollover method and eliminating stand-down periods in the Gulf of Alaska (GOA) pollock trawl fishery. These alternatives were developed by the Steller Sea Lion Mitigation Committee (SSLMC) of the North Pacific Fishery Management Council (Council) and recommended for analysis by the Council in February of 2004. Each of the alternatives forwarded for analysis has undergone Council and public review and was further reviewed by the National Marine Fisheries Service (NMFS or NOAA Fisheries) as part of an informal consultation under Section 7 of the Endangered Species Act (ESA).

Environmental Assessment

The objectives of this action are to provide access to commercially important fishing areas while: (1) maintaining protection for the western distinct population segment (DPS) of SSLs (i.e., avoiding jeopardy to the western DPS of the SSL or destruction or adverse modification of its critical habitat), and (2) avoiding unnecessary burdens on the fishing industry. Any changes to the pollock or Pacific cod fisheries effected by this action must not erode SSL protection measures to provide economic benefits to the fishing industry.

Alternative 2, the action alternative, is composed of five options considered together as one alternative. Options 2-1, 2-4, and 2-5 affect the GOA pollock trawl fishery. Options 2-2 and 2-3 affect the GOA Pacific cod pot fishery. None of these options is mutually exclusive, and all five may be chosen in combination as one alternative. The alternatives are summarized as follows.

Alternative 1: No action; management of SSL protection measures in the GOA, including closed areas, stand-down periods, and rollover methods, would remain unchanged.

Alternative 2: Open certain areas to groundfish fishing around three GOA SSL haulouts and close to pollock trawl fishing an area around another GOA SSL haulout; eliminate certain pollock season stand-down periods and change procedures for pollock TAC rollover.

Option 2-1. Open the closed area around the Puale Bay SSL haulout seaward of 3 nm for pollock trawl fishing during January 20 through May 31. All other existing fishing restrictions around Puale Bay remain unchanged. Close the area around the Cape Douglas/Shaw Island SSL haulout to 20 nm to pollock trawling from January 20 through May 31.

Option 2-2. Open the closed area around the Kak Island SSL haulout seaward of 3 nm for Pacific cod pot fishing.

Option 2-3. Open an area around the Castle Rock SSL haulout to the shoreline for Pacific cod pot fishing.

Option 2-4. Remove the two-week stand-down periods between the A and B seasons and between the C and D seasons in the GOA pollock trawl fishery. Allow continuous fishing from the A season into the B season (and from the C season into the D season) until the quarterly TAC is reached or the season ends.

Option 2-5. Change the method for rolling over unharvested pollock TAC in the Western and Central Regulatory Areas in the GOA pollock trawl fishery. Allow management to roll over any unharvested TAC within the same region and up to the 20 percent limit of the seasonal apportionment so that any unharvested TAC apportioned to an area may be further rolled over into subsequent seasons in proportion to the projected pollock biomass in those areas (as estimated by the Plan Teams and detailed annually in the November Stock Assessment and Fishery Evaluation report).

Environmental Effects

The actions proposed in Alternative 2 effectively increase the area closed to pollock trawling in the Shelikof Strait area from January 20 through May 31 and neither change TAC allocations nor substantially change the spatial and temporal dispersions or management of the GOA Pacific cod and pollock fisheries. Hence, we expect no significant negative impacts to target species, non-specified species, forage fish species, prohibited species, ecosystem, or ESA-listed species that have not previously been considered in the TAC Specifications for the 2004 Alaska Groundfish Fisheries, the SSL SEIS, and associated Section 7 formal and informal consultations. Furthermore, the informal consultation gives details about potential impacts to SSLs from lifting SSL protection measures in Alternative 2 and concludes that these actions also are not expected to have additional negative impacts beyond those already analyzed. Those findings are summarized in Section 2.7, along with discussion of the potential impacts of the alternatives on other environmental components including other marine mammals that forage close to shore, seabirds and seabird colonies, inshore habitat, State of Alaska fisheries, and human safety.

Cumulative Effects

NMFS has determined through the Steller Sea Lion Protection Measures Supplemental Environmental Impact Statement (SSL SEIS) (NMFS 2001a), the associated draft and final biological opinions, and subsequent informal consultations undertaken for this action that the implementation of Alternative 2, inclusive of the five options, would fall under the umbrella of actions that have already been analyzed and comport with both the ESA and NEPA. Further cumulative effects analyses are not warranted. The alternatives considered in this EA would have incremental effects that are sufficiently minor on the spatial and temporal harvest of pollock, Pacific cod, or other incidentally caught groundfish to not deviate from the conclusions of the cumulative impact assessment presented in the SSL SEIS.

Regulatory Impact Review

The baseline (Alternative 1, no action) ex-vessel value of the entire GOA pollock trawl fishery (catcher vessels and catcher processors combined) was approximately \$24 million in 2002 (NPFMC 2003b, Table 19, page 51). Although the available data do not allow a specific calculation of the net effect on operational revenue or costs, the analysis contained in this RIR has determined that all action alternative options affecting the GOA pollock trawl fishery result in positive net benefits. The potential effect of the pollock trawl closure area of Option 1 of Alternative 2 is offset by an opening in an area that appears to be of greater importance to the fleet. The elimination of pollock trawl stand-down periods in Option 4 of Alternative 2 may, theoretically, lead to greater operational efficiency, but in any case will not materially alter the revenue

earned or costs incurred by this sector. Similarly, the change in the rollover method proposed in Option 5 of Alternative 2 may make additional pollock harvest possible earlier in the year in some areas; however, it will not alter the total annual Western and Central GOA area apportionment of total allowable catch, as set in the groundfish harvest specifications process, and thus will not materially affect total revenue. Overall, these measures will potentially benefit operators in the GOA pollock trawl fishery.

The baseline (Alternative 1, no action) ex-vessel value of the entire GOA Pacific cod pot fishery (catcher vessels and catcher processors combined) was approximately \$10 million in 2002 (NPFMC 2003b, Table 19, page 52). The areas proposed to be opened to Pacific cod pot fishing in Option 2 of alternative 2 (Kak Island area) provide additional nearshore fishing area near the port of Chignik and may reduce operational costs and increase safety. The area to be opened under Option 3 (Castle Rock) provides additional fishing area with no apparent costs. Overall, these measures will be beneficial to operators in the GOA Pacific cod pot fishery.

Based upon the best available information, these actions do not appear to have the potential to produce an effect on the economy of \$100 million or more, or “adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.” The GOA pollock actions and the GOA Pacific cod actions proposed in the five options of Alternative 2 would not be expected to meet or exceed the threshold for a “significant action” (as that term is defined in E.O. 12866), either individually or when taken together in any combination as Alternative 2.

Initial Regulatory Flexibility Act Certification

Alternative 2, inclusive of its five options, has no adverse impacts on small entities in comparison with “status quo/baseline/no action” Alternative 1. The net effects of Alternative 2 and each of its five options are positive. Alternative 2 does affect a large number of small entities in that the options affect all participants in the Pacific cod pot fishery and all the participants in the GOA pollock trawl fishery, many of which are small entities. However, as the effects have been determined to be positive, this action does not adversely affect a large number of small entities. NOAA has interpreted the RFA to apply only to “adverse” effects as they may accrue to small entities. Alternative 2 and each (or any combination) of its five options would be expected to result in no adverse impacts on directly regulated small entities, as defined under the RFA. As a result, an Initial Regulatory Flexibility Analysis (IRFA) is not required. Instead, Appendix 3 contains a memorandum certifying this finding, accompanied by the factual basis upon which this certification is made.

Kak Island

- Closed to Pacific cod Pot fishing
- ▨ Open area to Pacific cod Pot fishing

Castle Rock

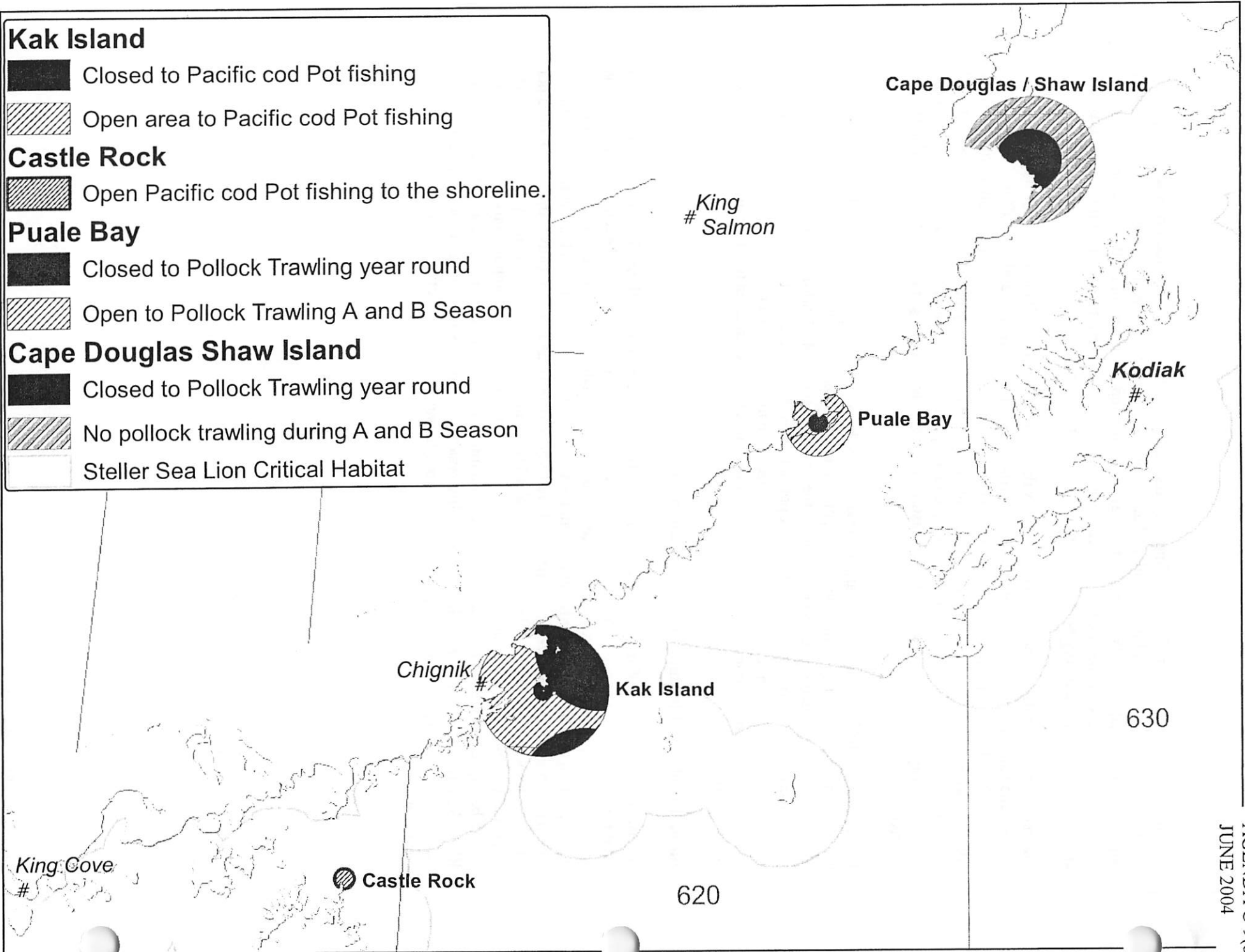
- ▨ Open Pacific cod Pot fishing to the shoreline.

Puale Bay

- Closed to Pollock Trawling year round
- ▨ Open to Pollock Trawling A and B Season

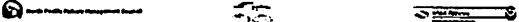
Cape Douglas Shaw Island

- Closed to Pollock Trawling year round
- ▨ No pollock trawling during A and B Season
- Steller Sea Lion Critical Habitat



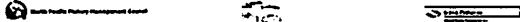
Council Agenda Item C-9

**Consider Steller Sea Lion
Protection Measure Changes
in the GOA**



Steller Sea Lion Mitigation Committee

- **Previously the RPA Committee**
- **Charge**
 - Review GOA SSL Regulations
 - Options for Economic Relief
 - Review NRC Committee Recommendations




SSLMC Membership

- Industry
- Academia
- AFSC and NMML – Research
- NOAA Fishery Management
- Council Staff
- NOAA Legal
- Conservation Groups Unrepresented




Public Meetings and Work Sessions

- June 2003
- July 2003
- August 2003
- January 2004




Process

- Call for Proposals – Proposal Format Specified
- Proposals with Supporting Rationale and Data
 - July 12 – August 15
- SSLMC Review



SSLMC Review

- **SSL Data**
 - Pup and Non-pup Counts and Trends
 - Telemetry
 - Food Habits
 - Prey Fields
 - Predators



SSLMC Review (Cont'd)

- **Fishery Interaction Studies**
 - Atka Mackerel
 - Pacific Cod
 - Pollock
- **Fishery Statistics**
 - Harvest
 - Economic
 - Stock Assessments

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SSLMC Review (Cont'd)

- Recent BiOps
- Alternatives
- Geographic Area Affected
- Rookery vs Haulout
- Zero Sum Game
- NMFS PR Informal Discussions
- Avoid JAM

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Process (Cont'd)

- SSLMC Recommended Measures (9)
- Council Review and Recommendations
- NMFS Protected Resources Informal Consultation
- SSLMC Revised Measures (5)
- Council Review
- EA/RIR
- Rulemaking
- Implementation - 2005

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June 2004 Council Decision

- 5 Proposals Previously Reviewed – SSC, AP, Council, and Public
- Accept SSC and AP Recommendations
- Hear Public Comment
- Review Alternatives and Issues Identified in EA/RIR
- Select Preferred Alternatives – Final Action

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Initial Review and Final Action – One Meeting

- Part of EA Process
- Council Decision
- NMFS PR Review Completed
- SSC and AP Review – 2 Council Meetings
- Extensive Public Review – 4 SSLMC Meetings, 2 Council Meetings
- Economic Relief Need
- Timing – Regulations in Place for 2005

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NEPA Analysis

- EA/RIR Preparation
 - Prepared by NMFS Alaska Region Analytical Team
 - Assisted by a contractor – ENTRIX Inc.
 - Inhouse Council and NMFS Staff Review

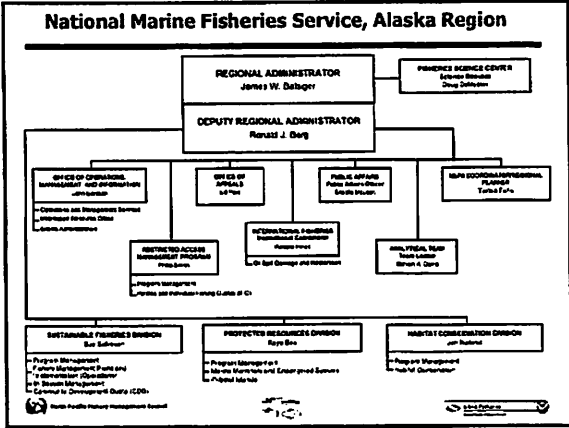
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NOAA Fisheries, Alaska Region Analytical Team

- **Steve Davis: Team Leader**
- **Jim Hale: Technical Editor**
- **Steve Lewis: Data and GIS Analyst**
- **Kristin Mabry: Biologist**
- **Scott Miller: Economist**



Environmental Assessment/ Regulatory Impact Review

Proposed Changes to Gulf of Alaska Steller Sea Lion Protection Measures

Purpose and Need for the Action

- This action is needed to provide the GOA pollock and Pacific cod fisheries with a degree of economic relief from certain SSL protection measures that are not believed to be necessary to ensure the protection of the western DPS of the SSL.
- The purpose of this action is to continue to protect the western DPS of the SSL from jeopardy or adverse modifications of their critical habitat without imposing unnecessary burdens on the GOA pollock and Pacific cod fisheries.

Description of the Alternatives



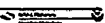
- **Alternative 1: No Action.**
 - Management of Steller sea lion protection measures, including closed areas, stand-down periods, and rollover methods, would remain unchanged.
- **Alternative 2:**
 - Open certain areas to groundfish fishing around three GOA Steller sea lion haulouts and close to pollock trawl fishing an area around another GOA Steller sea lion haulout; eliminate certain pollock season stand-down periods and change procedures for pollock TAC rollover

Environmental Assessment – Document Overview

- Purpose and Need
- Related NEPA documents
- Description of the Fisheries
- Description of the Alternatives
- Affected Environment
- Environmental Effects Analysis
- Cumulative Effects Analysis



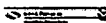
Environmental Assessment – Affected Environment

- Target Fisheries
- SSL
- Non-specified, forage, and prohibited species
- Habitat
- Seabirds
- Other marine mammals




Environmental Assessment - Environmental Effects Analysis

- Reference Points and their applications
 - Current population trajectory or harvest rate
*target, non-specified, forage, and prohibited species
bycatch, marine mammals, seabirds*
 - Current size and quality of habitat
marine benthic habitat
 - Current management and enforcement activities
State of Alaska managed fisheries, parallel fisheries
 - Current rates of fishing accidents
Human safety



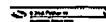
Environmental Assessment - Environmental Effects Analysis

- Significance Criteria
 - S+ Significant beneficial effect in relation to the reference point
 - I Insignificant effect in relation to the reference point
 - S- Significant adverse effect in relation to the reference point
 - U Unknown effect in relation to the reference point



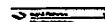
Environmental Assessment - Environmental Effects Analysis

- Alternative 1 – insignificant impacts to environment beyond those already analyzed
- Alternative 2 – insignificant impacts to environment beyond those already analyzed
 - No change in TAC allocation
 - No substantial change in spatial/temporal dispersion of fisheries
 - Increase the area closed to pollock trawling in Shelikof Strait Jan 20th through May 31st
 - Insignificant impacts to target, non-specified, forage fish, and prohibited species, ecosystem, or ESA-listed species beyond those previously considered
 - Potential impacts to SSL, other marine mammals, seabirds, and inshore habitat




Environmental Assessment - Environmental Effects Analysis

- Alternative 2 – Spatial fishery implications
 - Option 1 - Cape Douglas/Puale Bay
 - Option 2 – Kak Island
 - Option 3 – Castle Rock
 - Option 4 – Removal of stand-down period
 - Option 5 – Change in roll-over mechanism

Regulatory Impact Review Introduction

- The preparation of an RIR is required under Presidential Executive Order (E.O.) 12866 (58 FR 51735: October 4, 1993).
- E.O. 12866 defines a “significant regulatory action” as one that is likely to:
 - Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, local or tribal governments or communities;
 - Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
 - Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
 - Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.

Data and Analysis Methodology

Fisheries Database Analysis

Combined Dataset

- ADF&G Fish Tickets
- Weekly Production Reports
- NORPAC Observer Data (normalized to the State Statistical Area)

Allowed us to account for all the catch without double counting catch

Catch-By-Vessel Database – C-B-V (1995-2001)

Was developed for analyzing the SSL SEIS in 2001 (Sustainable Fisheries)

Catch-In-Areas Database (2002-2003)

Was developed for general fisheries analysis (Analytical Team)

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Database Combining Methods

- Fish ticket data used for all vessels less than 60 feet
- Observer Records were used on all vessels greater than 125 feet
- For catcher vessels or motherships between 60 - 125 feet where there was a match between the Fish ticket and observer database, the observer record was used. When there was not a match, the catch was assumed to be unobserved, and the fish ticket records were used.
- For Catcher Processors between 60-125 feet, Observer (NAPAC) records were used.
 - To account for the unobserved catch, the Weekly Production Reports were used to extrapolate catch.
 - Two sets of database grouping were created: Observer records and WPR records.
 - Groupings included: quarter, processor ID, region, and course-level species groupings.
 - A ratio between these two sets of value groupings was created and applied as a multiplier back to the observer data.
 - The majority of the data matched. Unmatched records were extrapolated up to the WPR using an average ratio.
 - This database is known as the Catch-In-Areas (C-I-A) database.
 - C-I-A combined with the CBV for an inclusive C-I-A GF dataset

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Fisheries Analysis using the Catch-In-Areas database

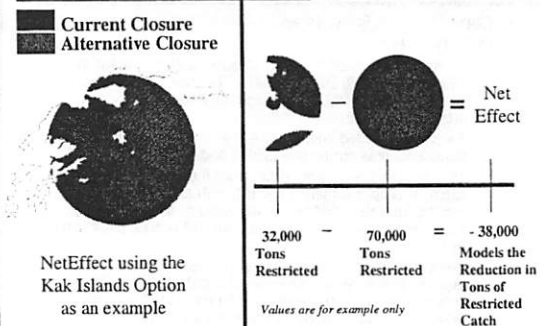
- The purpose of this fisheries analysis was to model restricting or opening the fisheries' historical catch by ADF&G Statistical Area (proportionally), gear type, target species, and date.
- The final two steps included finding the NetEffect between the alternative and the status quo and applying an economic value to this catch. Methods included:
 - Two set of shapefiles (spatial layers) were created for each of the Alternatives (status quo and Alternative 2).
 - A Criteria-Proportions table was created and applied to the Catch-In-Areas fisheries database.
 - The result is a table with all catch records with corresponding columns and which shows the Total Weight, Proportional Weight, and NetEffect of each of the alternatives.

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Modeling the Net Effect of the Alternatives



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Alternative 2, Option 1

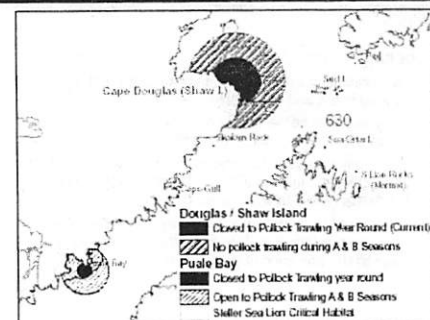
- Open the closed area around the Puale Bay SSL haulout seaward of 3 nm for pollock trawl fishing during January 20 through May 31. All other existing fishing restrictions around Puale Bay remain unchanged.
- Close the area around the Cape Douglas/Shaw Island SSL haulout to 20 nm to pollock trawling from January 20 through May 31.

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Alternative 2, Option 1 - Map



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**Alternative 2, Option 1
Background and Rationale**

- The SSL protection measures at Puale Bay have forced local vessels further offshore, creating economic hardships because of longer distances traveled, and have created serious safety issues by forcing the fleet to fish in harsh weather in the Shelikof Strait area.
- The trawl fleet is having difficulty meeting the pollock quota apportioned to Area 620 (Chirikof), and fishermen note that a large spawning biomass in the 3 to 10 nm zone around the Puale Bay haulout would benefit the fleet fishing in Area 620.
- The additional closure at Cape Douglas/Shaw Island could provide additional SSL protection for animals using that haulout.

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Alternative 2, Option 1 – Environmental Effects

- Option 2-1 - Cape Douglas/Puale Bay
 - SSL
 - net increase of closed area of 1,557 km².
 - diminished importance of Puale Bay haulout
 - Harbor Seals
 - large counts of animals in Cape Douglas area
 - low GOA groundfish trawl mortality
 - Sea Otters
 - eat shellfish – so no competition for prey with pollock fisheries
 - no mortality or serious injuries observed in trawl fisheries 1990-1995
 - Habitat
 - net increase in area closed to pelagic trawling
 - Seabirds
 - relatively few taken in pollock trawl fisheries
 - State of Alaska fisheries
 - this option does not include inside waters (within 3 nm from shore)

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Alternative 2, Option 1 – Socioeconomic Effects

- Cape Douglas/Shaw Island Federal Pollock Trawl Fishery Effects
 - No reported harvest from the affected statistical areas in 1996, 1997, 1999, 2001, or 2003. Too few vessels reported such harvests in 1995, 2000, and 2002 to permit presentation here.
 - 7 vessels recorded pollock trawl harvest in the affected statistical areas during the 1998 A and B seasons.
 - 1998 pollock trawl target fishery catch (including incidental catch) was approximately 867 mt, with an estimated round weight equivalent first wholesale value of about \$665,000. This represented 2.22 % of the area 630 pollock trawl catch in 1998.
 - Proportionally, 143 mt with an estimated round weight equivalent first wholesale value of about \$110,000. The proportional catch represents 0.37 percent of the 1998 pollock trawl catch in NMFS reporting areas 630.

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**Alternative 2, Option 1 – Socioeconomic Effects
(Cont'd)**

- Puale Bay Federal Pollock Trawl Fishery A & B Season Effects
 - Participation in the affected State statistical areas has been either zero, or fewer than the confidentiality thresholds, from 1995-2000.
 - 17, 7, and 9 vessels recorded Federal pollock trawl harvest in the affected statistical areas in 2001, 2002, and 2003, respectively.
 - 2001 harvest in the affected statistical areas was approximately 1,181 mt, or 6.26% (proportionally 651 mt or 3.45%) of the area 620 pollock trawl catch.
 - In 2002, participation fell from 17 to 7 vessels, harvest fell to 169 mt, or 0.82% (proportionally 8 mt or 0.04%) of area 620 pollock trawl harvest recorded in the affected statistical areas.
 - 2003 harvest in the affected statistical areas was approximately 1,267 mt, or 6.46% (proportionally 525 mt, 2.68%) of the area 620 pollock trawl catch.

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**Alternative 2, Option 1 – Socioeconomic Effects
(Cont'd)**

- Opening Puale Bay
 - will provide greater nearshore area to the Pollock Trawl fleet during the A and B seasons;
 - may increase vessel safety by providing some protection from the open waters of Shelikof Strait;
 - may make it easier for vessels to locate and harvest the available TAC in area 620, which has tended to be underharvested in the A season;
 - could lead to increased value of the harvest, because the A season is generally regarded as the highest value season due to the presence of pollock roe.

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**Alternative 2, Option 1 – Socioeconomic Effects
(Cont'd)**

- Closing Cape Douglas/Shaw Island Area
 - The increased closure in NMFS area 630 is not likely to substantially affect the fleet's ability to harvest 100% of the quarterly seasonal apportionments.
 - In 2003, for example, the area 630 pollock trawl harvest was 109% and 172% of seasonal apportionment in the A and B seasons, and 136% and 116% of seasonal apportionment in the C and D seasons.

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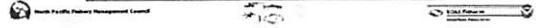
Alternative 2, Option 1 – Socioeconomic Effects (Cont'd)

- This option
 - has the potential to create economic benefit by opening an area that appears to be more important to the fleet than the offsetting closure area;
 - may also provide for improved vessel safety;
 - may impose some costs associated with closing a fishing area;
 - does not affect other Federal or State fisheries directly;
 - prevents JAM, provides some relief to industry in area 620, may reduce potential for under harvest in area 620.
- Net socioeconomic effects of this option are likely positive.



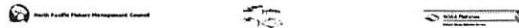
Alternative 2, Option 2

- Open the closed area around the Kak Island SSL haulout seaward of 3 nm for Pacific cod pot fishing.



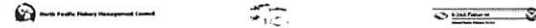
Alternative 2, Option 2 Background and Rationale

- Under current SSL protection measures, Chignik area fishermen are unable to fish for Pacific cod using pot gear within 20 nm of several haulouts and rookeries, particularly around Kak and Sutwik Islands.
- In effect, most of the cod fishing areas near Chignik are closed.
- The small boat fleet at Chignik and adjacent areas is unable to effectively participate in the Pacific cod pot fishery near port because of the current SSL closures.



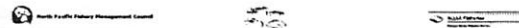
Alternative 2, Option 2 – Environmental Effects

- Option 2-2 – Kak Island
 - SSL
 - decrease in closed area by 2,120 km²
 - mitigation proposed but not pursued at Kilokak Rocks
 - Harbor Seals
 - little interaction with pot fisheries expected
 - Sea Otters
 - eat shellfish – so no competition for prey with cod fisheries
 - most cod fisheries occur further offshore than otter habitat
 - no mortality or serious injuries observed in pot fisheries 1990-1995
 - Habitat
 - little disturbance observed from pots
 - Seabirds
 - relatively few taken in pot fisheries
 - State of Alaska fisheries
 - this option does not include inside waters (within 3 nm from shore)



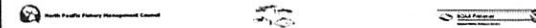
Alternative 2, Option 2 – Socioeconomic Effects

- The available data on catch recorded in the Pacific cod Pot fishery in the affected State statistical areas around Kak Island are confidential for 1997 and 2001. All other years show no records of harvest in those areas.
- Additional participation may have occurred in the Federal Pacific cod pot fishery that is not accounted for in the analysis.
- Data recording errors may identify Federal fishery and State parallel fishery activity as State-managed fishery activity.
- A further complication is that the definition of the State statistical areas changed in 2001.
- It is also not possible to determine how opening the Kak Island area might affect total Central GOA Pacific cod harvests.



Alternative 2, Option 2 – Socioeconomic Effects (Cont'd)

- Opening the Kak Island area to the Federal Pacific cod pot fishery
 - would provide additional nearshore fishing area, located relatively close to the port of Chignik for the many small vessels (under 60 ft. LOA) that could participate in the fishery;
 - may lead to improved vessel safety by reducing the need for small vessels to make runs in excess of 20 miles in exposed GOA waters;
 - May create benefits by reducing operating costs associated with transit time and improving vessel safety;
 - would not appear to impose any costs, nor does it affect other Federal or State fisheries directly.
- Net socioeconomic effects of this option are likely positive.



Alternative 2, Option 3

- Open an area around the Castle Rock SSL haulout to the shoreline for Pacific cod pot fishing.

Castle Rock
61.1
Open Pacific cod pot fishing to the shoreline

100 Meters

North Pacific Fishery Management Council

**Alternative 2, Option 3
Background and Rationale**

- Sand Point Pacific cod pot fishermen have traditionally fished the area near Castle Rock.
- Because of the unique bathymetric features around Castle Rock, fish tend to occur very near shore, and fishermen traditionally fished up to the beach.
- Sand Point fishermen, particularly small vessel fishermen, would benefit economically from the opportunity to fish Pacific cod at this site.
- An area open to fishing near Castle Rock would improve vessel safety by allowing fishing closer to port during poor weather.
- Because only a few vessels would likely participate, impacts on the SSL population at the Castle Rock haulout would likely be minimal.

North Pacific Fishery Management Council

Alternative 2, Option 3 – Environmental Effects

- Option 2-3 – Castle Rock
 - SSL
 - eliminate the 94km² closure
 - important nearshore foraging habitat
 - Harbor Seals
 - little interaction with pot fisheries expected
 - Sea Otters
 - eat shellfish – so no competition for prey with cod fisheries
 - most cod fisheries occur further offshore than otter habitat
 - no mortality or serious injuries observed in pot fisheries 1990-1995
 - Habitat
 - little disturbance observed from pots
 - Seabirds
 - relatively few taken in pot fisheries
 - State of Alaska fisheries
 - includes inside waters (within 3 nm from shore) – coordination with BOF
 - current state waters season and parallel fishery for Pacific cod

North Pacific Fishery Management Council

Alternative 2, Option 3 – Socioeconomic Effects

- With the exception of 2000, from 1995-2003 either no catch was reported in the affected area, or fewer vessels than required under confidentiality limits reported harvests in the Federal Pacific cod pot fishery in the affected area.
- In 2000, five vessels recorded harvests of approximately 782 mt in the Federal Pacific cod pot fishery or about 18 percent (proportionally about 115 mt of harvest, or 2.62 percent) of the Western GOA Inshore Pacific cod pot fishery catch.
- That harvest had an ex-vessel value of just over \$1.2 million (proportionally, about \$177,000).

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**Alternative 2, Option 3 – Socioeconomic Effects
(Cont'd)**

- This option has the potential to create economic benefits by opening additional fishing area in the State parallel Pacific cod pot fishery.
- Though the data are limited, what data can be presented indicate that the general area may be important to the Pacific cod pot fishery.
- This option does not appear to impose any costs, nor does it affect other Federal or State fisheries directly.
- Net socioeconomic effects of this option are likely positive.

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Alternative 2, Option 4

- Remove the two-week stand-down periods between the A and B seasons and between the C and D seasons in the GOA pollock trawl fishery.
- Allow continuous fishing from the A season into the B season and from the C season into the D season until the quarterly TAC is reached or the season ends.

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Alternative 2, Option 4 Background and Rationale

- Regulations require fishermen to stop fishing for pollock for two weeks (a "stand-down") between each of the four (A,B,C,D) seasons.
- These periods of no fishing are inefficient and cause economic hardships to the fleet, particularly in Area 620.
- NMFS indicates that no SSL conservation issue exists in removing the stand-down periods (see Appendix 2).
- With the current stand-down provision removed, fishermen could theoretically fish continuously from the A season through the B season and from the C season through the D season.



Alternative 2, Option 4 – Environmental Effects

- Removal of stand-down period is not expected to change the fishery in a way that would impact the environment beyond those impacts previously analyzed.
- Removal of stand-down period would disperse effort more evenly over the fishing year.
- Informal consultation did not identify any NMFS concern for SSLs.



Alternative 2, Option 4 – Socioeconomic Effects

- This Option
 - may make it more likely that the full seasonal apportionment will be harvested within a season due to increased fishing time;
 - may reduce the need to manage rollovers of TAC;
 - may provide more flexibility in determining when to fish;
 - may reduced restart costs;
 - may help mitigate some of the effects of the race for fish and may, in turn, improve vessel safety, and product quality



Alternative 2, Option 4 – Socioeconomic Effects (Cont')

- This Option
 - would not change the open access structure of the GOA pollock trawl fishery;
 - may not change the tendency for some areas to be closed before season ending dates (overcapacity issues);
 - has the theoretical potential to create economic benefits to operators in this fishery by creating opportunities to improve operational efficiency.
 - may also reduce management burdens associated with managing rollovers.
- This option does not appear to have any costs, nor does it affect other Federal or State fisheries directly.
- **Net socioeconomic effects of this option are likely positive.**



Alternative 2, Option 5

- Change the method for rolling over unharvested pollock TAC in the Western and Central Regulatory Areas in the GOA pollock trawl fishery.
- Allow managers to roll over any unharvested TAC within the same region and up to the 20 percent limit of the seasonal apportionment so that any unharvested TAC apportioned to an area may be further rolled over into subsequent seasons in proportion to the projected pollock biomass in those areas (as estimated by the Plan Teams and detailed in the November Stock Assessment and Fishery Evaluation report).



Alternative 2, Option 5 Background and Rationale

- A recommended method for rolling over unused TAC would limit the amount that could be rolled over to 20 percent of the seasonal apportionment in that area as specified in the final harvest specifications.
- The amount that could be rolled over into the next season would be applied to that same area so that the combined quota is less than 120 percent of the seasonal apportionment to that area.
- Any amount over that limit would be apportioned to other areas in the Western and Central GOA regulatory areas in proportion to the estimated seasonal biomass for those areas.



**Alternative 2, Option 5
Background and Rationale (Cont'd)**

- Under current management, seasonal harvest apportionments are limited to no more than 30 percent of annual TAC for the combined Western and Central regulatory areas.
- Currently any portion of a rollover of underharvest that causes a seasonal apportionment to exceed the 30 percent limit would be foregone.
- The current management method has the potential to leave TAC unharvested, thereby creating the potential for negative effects on overall revenue in the Western and Central regulatory areas pollock fishery.

North Pacific Fishery Management Council



NOAA Fisheries

Alternative 2, Option 5 – Environmental Effects

- A change in the rollover mechanism is not expected to change the fishery in a way that would impact the environment beyond those impacts previously analyzed.
- Informal consultation did not identify any NMFS concern for SSLs and suggested that the new rollover mechanism could strengthen the conservation measures already in place.

North Pacific Fishery Management Council



NOAA Fisheries

Alternative 2, Option 5 – Socioeconomic Effects

- Under current management the seasonal rollover limit could be applied to any one of the areas in a season and was 2,341 mt in 2003.
- This proposal would restrict rollovers to smaller amounts in proportion to projected biomass in each area and season.
- In the 2003 B season, for example, the limits would now be 579mt, 1,556mt, and 206mt in areas 610, 620, and 630, respectively.
- In theory, this proposal may set lower individual rollover limits by area and season than apply under the current rule.
- In practice these lower limits do not appear to be an added constraint on rollovers.

North Pacific Fishery Management Council



NOAA Fisheries

**Alternative 2, Option 5 – Socioeconomic Effects
(Cont'd)**

- The largest amount available for rollover in 2003, was from the area 620 A season at 1,481 mt.
- The proposed rollover limit would have been 1,556 mt, or 20 percent of the B season area 620 apportionment. Thus, the rollover to the B season would not have been restricted by the proposed 20 percent limit.
- In 2003, no other rollover of unharvested seasonal apportionment would have been affected by the proposed 20 percent within season and area limit on rollovers.
- Thus, the 20 percent quarterly limit appears to currently be a non-binding constraint on rollovers of underharvested pollock in these areas.

North Pacific Fishery Management Council



NOAA Fisheries

**Alternative 2, Option 5 – Socioeconomic Effects
(Cont'd)**

- **Reward for Overharvest:**
 - Under this option, an area that records an overharvest in the A season, for example, may nonetheless receive redistributed rollover in the B season.
 - This implies that this alternative creates a situation in which overharvest is "rewarded" with redistributed rollover.
- **Incentive to Overharvest:**
 - redistributed rollover may offset some, or possibly all, of the reduction in the seasonal apportionment resulting from overharvest.
 - If the value of the fish is higher in the initial season, there may be an economic incentive to overharvest in the initial season and use the redistributed rollover to offset the reduction in seasonal apportionment in the subsequent season.
 - This would be most likely to occur between the A and B or B and C seasons, depending on roe value.

North Pacific Fishery Management Council



NOAA Fisheries

**Alternative 2, Option 5 – Socioeconomic Effects
(Cont'd)**

- **Overharvest Incentive Continued:**
 - Such activity would bear some risk, because the rollover is at the discretion of the Regional Administrator and is limited to the 20 percent of the seasonal apportionment.
 - Further, the data presented above indicates that, based on 2003 preliminary data, redistribution of rollover would not have occurred.
 - This proposal may, nonetheless, create a greater monitoring burden on in-season management staff to prevent overharvest.
 - However, The elimination of stand-down periods under option 4 is expected to reduce the likelihood of underharvests, thereby reducing the likelihood that redistribution of rollover will be necessary in the future.

North Pacific Fishery Management Council



NOAA Fisheries

Alternative 2, Option 5 – Socioeconomic Effects (Cont'd)

- The informal consultation completed on January 13, 2004 found that, "... *This action would strengthen the conservation measures and ensure that any roll over of underharvested TAC would not result in disproportionate fishing effort in that area and season, based on the biomass available to be harvested.*"
- This option would allow TAC in excess of rollover limits, to be harvested in other areas. This is in contrast to the current rule, which does not allow foregone TAC (in excess of rollover limits) to be redistributed to other areas.
- The proposed 20% individual season and area limits would be potentially more restrictive, however, available data suggests that these more restrictive limits are not binding at this time.

North Pacific Fishery Management Council



2004-2005

Alternative 2, Option 5 – Socioeconomic Effects (Cont'd)

- This Option
 - does not appear to have the potential to create negative effects on overall revenue in the Western and Central GOA pollock trawl fishery
 - would have potential benefits by eliminating the possibility that revenue could be foregone due to current rollover limits that do not allow redistribution.
- **Net socioeconomic effects of this option are likely positive.**

North Pacific Fishery Management Council



2004-2005

Summary of Environmental Findings

- Alternative 1 – Insignificant impacts to environment beyond those already analyzed
- Alternative 2 – Insignificant impacts to environment beyond those impacts previously analyzed
 - No change in TAC allocation
 - No substantial change in spatial/temporal dispersion of fisheries
 - Increased area closed to pollock trawling
 - Insignificant impacts to target, non-specified, forage fish, and prohibited species, ecosystem, or ESA-listed species beyond those previously considered
 - Informal consultation finds only insignificant impacts to SSL

North Pacific Fishery Management Council



2004-2005

Summary of Socioeconomic Findings for the GOA Pollock Trawl Fisheries

- The potential effect of the pollock trawl closure area of Option 1 is offset by opening an area that appears to be of greater economic and operational importance to the fleet.
- The elimination of pollock trawl stand-down periods in Option 4 may, theoretically, lead to greater operational efficiency, but in any case will not likely materially alter the revenue earned or costs incurred by this sector.
- The change in the rollover method proposed in Option 5 may make additional pollock harvest possible earlier in the year in some areas; however, it will not alter the total annual Western and Central GOA area apportionment of total allowable catch, as set in the groundfish harvest specifications process, and thus will not likely materially affect total revenue.
- **Overall, these measures will potentially benefit operators in the GOA pollock trawl fishery.**

North Pacific Fishery Management Council



2004-2005

Summary of Socioeconomic Findings for the GOA Pacific Cod Pot Fisheries

- The area proposed to be opened to Pacific cod pot fishing in Option 2 of Alternative 2 (Kak Island area) provides additional nearshore fishing area near the port of Chignik and may reduce operational costs and increase safety.
- The area to be opened under Option 3 (Castle Rock) provides additional fishing area with no apparent costs.
- **Overall, these measures will likely be beneficial to operators in the GOA Pacific cod pot fishery.**

North Pacific Fishery Management Council



2004-2005


Concluding Remarks

- EA/RIR Conclusion
 - No Significant Adverse Environmental Impacts
 - Beneficial Economic Impacts
- Final Steps in the Process
 - Council Action
 - FONSI
 - Publication in Federal Register
 - Rulemaking
 - Implementation

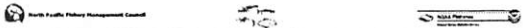
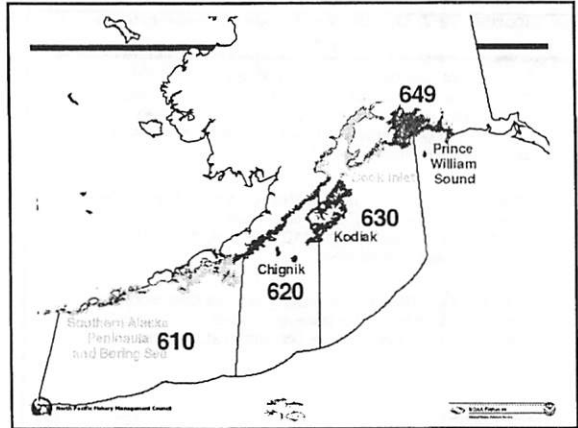
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2004-2005

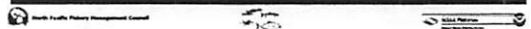


Thanks to:
NPFMC staff
and NMFS/AK
Region-
Sustainable
Fisheries and
Protected
Resources staff

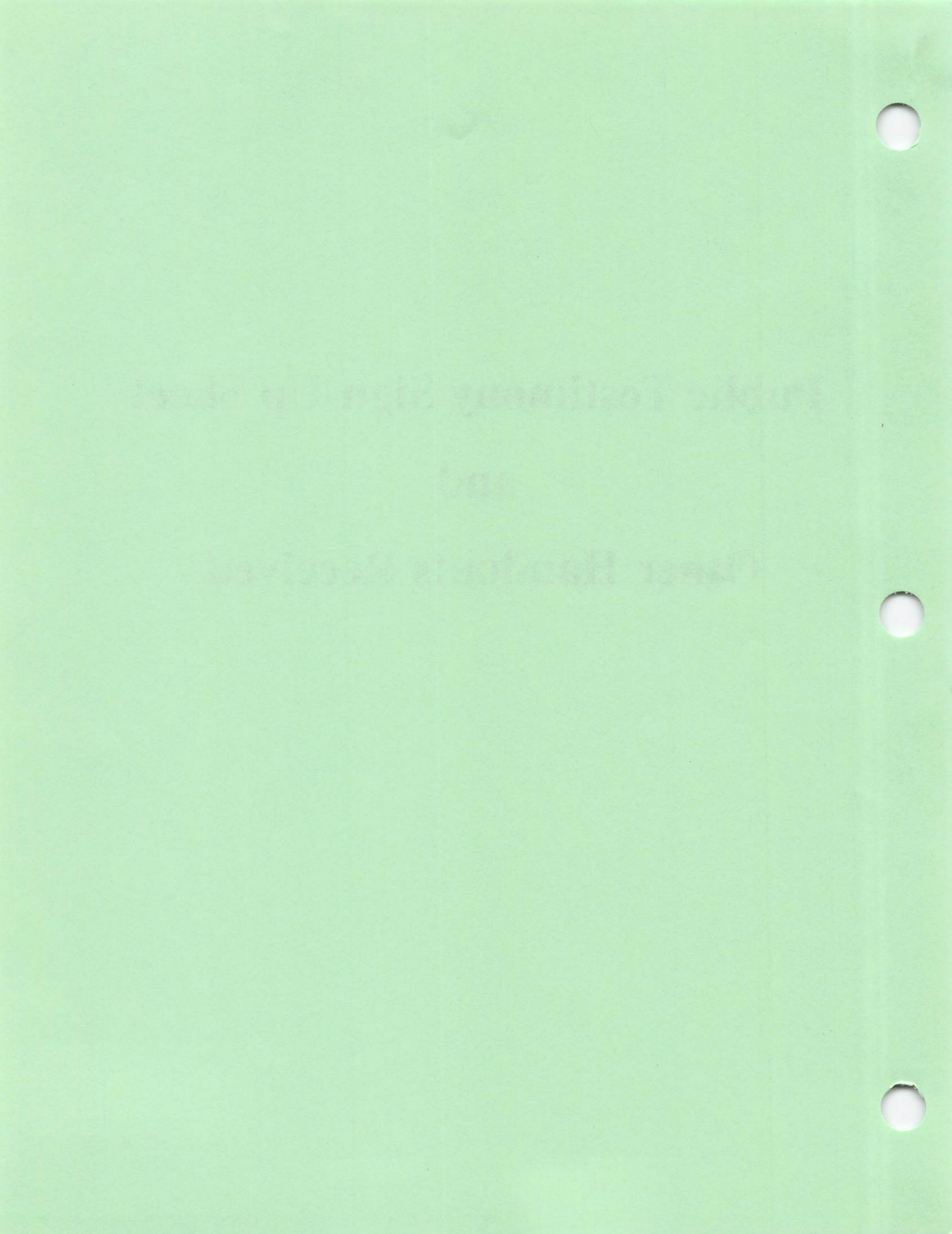



State Pacific Cod FMPs
(Management measures that vary by area)

	South AK Peninsula	Chignik	Kodiak	Cook Inlet	PWS
2000 TAC (Max TAC)	15% CGOA (25%)	7% CGOA (9.75%)	12.5% CGOA (12.5%)	2.25% CGOA (3.75%)	25% EGOA (25%)
Gear	85% Pot	85% Pot	50% Pot	50% Pot	60% Pot
Allocation	15% Jig	15% Jig	50% Jig	50% Jig	40% Jig
Vessel Size Limit	58 feet	58 feet	None	None	None
Allocation Rollover	Oct. 31	Aug. 15	Sept. 1	Sept. 1	Oct. 1



**Public Testimony Sign-Up Sheet
and
Other Handouts Received**



PUBLIC TESTIMONY SIGN-UP SHEET FOR

AGENDA ITEM

C-9

SSL Mitigation

Measures

	NAME (PLEASE PRINT)	AFFILIATION
1	✓ Larry Cottar	SLMC
2	✓ Julie Kenny	AGDB
3	✓ Chuck McCallum	Lake & Peninsula Council
4	✓ Beth Stewart	AEB
5	✓ Al Burch	ADA
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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.

C-9 SSL 6/13
Julie Bonney
pub. test.

Table 1. Present Gulf of Alaska Pollock fishery structure

Season	Open	Closure	# of days	Stand
A season	20-Jan	25-Feb	36	13
B season	10-Mar	31-May	82	86
C season	25-Aug	15-Sep	21	16
D season	1-Oct	1-Nov	31	80
Annual	N/A	N/A	170	195

Table 2. Quarterly Pollock catch and quota (mt) by regulatory district for the Central / Western Gulf of Alaska, years 2002 to 2004

2002 SEASON	KODIAK (630)				CHIRIKOF (620)				SHUMAGINS (610)			
	I Quota	A Quota	Catch	Fish left	I Quota	A Quota	Catch	Fish left	I Quota	A Quota	Catch	Fish left
A SEASON	1122	n/a	806	316	8618	n/a	931	-7687	2916	n/a	3063	-147
B SEASON	1122	1438	1686	-248	8618	10879	12096	-1217	2916	2769	3036	-267
A/B SEASON	2244	n/a	2492	-248	17236	n/a	13027	4209	5832	n/a	6099	-267
C SEASON	3803	3555	6458	-2903	2905	5950	3931	2019	5949	5682	5702	-20
D SEASON	3803	900	1859	-959	2904	6087	3422	2665	5949	5929	5580	349
C/D SEASON	7606	4455	8317	-3862	5809	12037	7353	4684	11898	11611	11282	329
ANN TOTAL	9850	n/a	10809	-959	23045	n/a	20380	2665	17730	n/a	17381	349

2003 SEASON	KODIAK (630)				CHIRIKOF (620)				SHUMAGINS (610)			
	I Quota	A Quota	Catch	Fish left	I Quota	A Quota	Catch	Fish left	I Quota	A Quota	Catch	Fish left
A SEASON	2274	n/a	2472	-198	6535	n/a	5054	-1481	2894	n/a	4214	-1320
B SEASON	1031	821	1477	-656	7778	9262	11013	-1751	2894	1661	1380	281
A/B SEASON	3305	n/a	3949	-644	14313	n/a	16067	-1754	5788	n/a	5594	194
C SEASON	3517	3119	4234	-1115	2686	1865	1547	318	5500	5481	5901	-420
D SEASON	3517	2004	4081	-2077	2686	2181	1995	186	5500	4951	4720	231
C/D SEASON	7034	5123	8315	-3192	5372	4046	3542	504	11000	10432	10621	-189
ANN TOTAL	10339	n/a	12264	-1925	19685	n/a	19609	76	16788	n/a	16215	573

2004 SEASON	KODIAK (630)				CHIRIKOF (620)				SHUMAGINS (610)			
	I Quota	A Quota	Catch	Fish left	I Quota	A Quota	Catch	Fish left	I Quota	A Quota	Catch	Fish left
A SEASON	3091	n/a	2075	1016	9027	n/a	5703	-3324	3747	n/a	3415	332
B SEASON	1413	2628	4663	-3250	10704	12226	11604	622	3748	4184	3831	-83
A/B SEASON	4504	n/a	6738	-2234	19731	n/a	17307	2424	7495	n/a	7246	249
C SEASON	4768	n/a	n/a	n/a	3380	n/a	n/a	n/a	7717	n/a	n/a	n/a
D SEASON	4768	n/a	n/a	n/a	3379	n/a	n/a	n/a	7718	n/a	n/a	n/a
C/D SEASON	9536	n/a	n/a	n/a	6759	n/a	n/a	n/a	15435	n/a	n/a	n/a
ANN TOTAL	14040	n/a	n/a	n/a	26490	n/a	n/a	n/a	22930	n/a	n/a	n/a

Table 3. Loss of quota (mt) due to rollover restrictions for the A/B season in the Chirkof regulatory district, years 2002 to 2004

Year	A sea catch	B sea Adj Qta	A/B Adj Qta	A/B sea Initial Qta	rollover loss	A/B sea % loss
2002	931	10879	11810	17236	5426	31.48%
2003	5054	9262	14316	14313	-3	-0.02%
2004	5703	12226	17929	19731	1802	9.13%