



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 1668

Juneau, Alaska 99802

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Reply to Attn. of: F/AKR11:RJB

X

Date : October 22, 1980

To : F/CM - William G. Gordon

From : *Robert R. Simpson*
F/AKR - Robert W. McVey

Subject: Amendment 2 to the FMP for the Bering Sea and Aleutian Islands Area
Groundfish Fishery

The North Pacific Fishery Management Council (Council) has taken action to amend the subject FMP by increasing DAH amounts for yellowfin sole and other flatfish. This is in response to a NMFS survey of the U.S. fishing industries' intent to harvest groundfish in the Bering Sea and Aleutian Islands area in 1981.

Attached are the documents that have been prepared by the Council, with assistance from our Regional staff and review by General Council-Alaska, to accomplish this action:

1. Amendment 2 to the FMP.
2. Environmental assessment and declaration of environmental non-significance under NEPA.
3. Statement of non-economic significance under EO 12044.

Enclosures 3

cc:
GCAK
F/AKR12
NPFMC



DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(50 CFR PARTS 611 and 672)

BERING SEA AND ALEUTIAN ISLANDS AREA GROUND FISH FISHERY

FISHERY MANAGEMENT PLAN AMENDMENT;

PROPOSED IMPLEMENTING REGULATIONS

AGENCY: National Oceanic and Atmospheric Administration/Commerce

ACTION: Notice of approval of fishery management plan amendment;
proposed regulations.

SUMMARY: An Amendment (amendment number 2) to the fishery management plan for the Bering Sea and Aleutian Islands area groundfish fishery, submitted by the North Pacific Fishery Management Council, is approved. This amendment increases the initial Domestic Annual Harvest (DAH) for yellowfin sole and for other flatfish, apportions these amounts to Joint Venture Processing (JVP), and reduces the initial Total Allowable Level of Foreign Fishing (TALFF) accordingly in order to meet the anticipated needs of the U.S. fishing industry.

DATE: Comments are invited until _____.

ADDRESS: Comments should be addressed to Denton R. Moore, Chief,
Permits and Regulations Division, National Marine Fisheries
Service, Washington, D.C., 20235.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, Director, Alaska
Region, National Marine Fisheries Service, P.O. Box 1668,
Juneau, Alaska 99802. Telephone (907) 586-7221.

SUPPLEMENTARY INFORMATION: On March 23, 1979, the North Pacific
Fishery Management Council (Council), approved a Fishery
Management Plan for the Bering Sea and Aleutian Islands
Area Groundfish Fishery (FMP), and subsequently submitted
it to the Assistant Administrator for Fisheries, NOAA, for
approval and implementation. The Assistant Administrator
tentatively approved the FMP on October 19, 1979 and
published it for public comment in the Federal Register,
together with proposed implementing regulations, on
November 19, 1979. Public comments received indicated
that a revised environmental impact statement (EIS) was
necessary. Subsequently, an amendment (amendment number 1),
which involved significant changes to the management regime
with respect to the concept of Optimum Yield (OY), reserve,
and Total Allowable Catch (TAC), was adopted by the Council
for public review. A revised draft EIS on both the original
FMP and amendment 1 was released for public review on
September 19, 1980. Implementation of the FMP is anticipated

early in 1981; implementation of amendment number 1 is anticipated later in 1981. Loose-leaf copies of the FMP and copies of amendment 1, as proposed to the Council, may be obtained upon request from the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510. Telephone (907) 274-4563.

Amendment 2 to the FMP was received by the Assistant Administrator on _____. It increases the initial DAH for yellowfin sole by 24,150 metric tons (from 2,050 metric tons to 26,200 metric tons) and for other flatfishes by 2,900 metric tons (from 1,300 metric tons to 4,200 metric tons); apportions these increases to Joint Venture Processing (JVP); and reduces the initial TALFF by the same amounts. As a result, the JVP is increased for yellowfin sole from 850 metric tons to 25,000 metric tons and for other flatfishes from 100 metric tons to 3,000 metric tons. The Optimum Yield (OY) is not affected. These increases in JVP for yellowfin sole and other flatfish result from a survey of the U.S. fishing industry conducted by the National Marine Fisheries Service in order to determine United States harvesting and processing capacity and the intent of the United States industry to harvest and process fish in the Bering Sea and Aleutian Islands area.

Although U.S. processors reported their intention to harvest considerably more pollock and Pacific cod than was currently allocated as Domestic Annual Processing (DAP), it is not proposed to increase DAP at this time since these processors harvested only 10 percent of the DAP amount in 1980. Small differences between survey results and current DAP for several other species do not warrant amending the FMP since the FMP contains mechanisms to supplement DAP with reserves or to apportion excess DAP to TALFF.

The Assistant Administrator has determined that this amendment to the FMP is necessary and appropriate to the conservation and management of Bering Sea and Aleutian Islands fisheries resources; and that it is consistent with the National Standards of FCMA Section 301, other provisions of the FCMA, and other applicable law. He has, therefore, approved the amendment pursuant to FCMA Section 304, and proposed regulations to implement the amendment, set forth below following the amendment, pursuant to FCMA Section 305. The Assistant Administrator has determined that promulgation of the amendment and the proposed implementing regulations does not constitute a major Federal action requiring the preparation of an environmental impact statement under the National Environmental Policy Act; and

that it does not constitute a significant regulation requiring the preparation of a regulatory analysis under Executive Order 12044. He has further determined that implementation of the amendment will not directly affect the Alaska coastal zone.

Signed at Washington, D.C.,

this ____ day of _____, 1980.

Robert K. Crowell
Deputy Executive Director
National Marine Fisheries Service

- A. The Fishery Management Plan for the Bering Sea and Aleutian Islands area Groundfish Fishery is amended as follows:

1.0 Table of Contents. Change the Title of Annex II to
"Derivation of Expected Domestic Annual Harvest (DAH)"

3.0 Executive Summary. Table on page 3-1a showing Optimum Yield (OY), Domestic Annual Harvest (DAH) and Total Allowable Level of Foreign Fishing (TALFF). Change initial DAH and initial TALFF for Yellowfin sole to 26,200 mt and 84,950 mt, respectively, and for Other flatfishes to 4,200 mt and 53,750 mt, respectively.

Annex II. Delete entire annex and substitute the following:

ANNEX II Derivation of Expected Domestic Annual Harvest (DAH)

During March-June, 1980, the National Marine Fisheries Service surveyed the U.S. fishing industry to determine its harvesting and processing capacity and its intent to harvest and process fish in the Bering Sea and Aleutian Islands area in 1981. Questionnaires were sent to 28 companies, including one that was operating a large U.S. factory trawler, to determine amounts of fish that were expected to be caught and delivered to U.S. processors (DAP); and two companies involved in joint ventures to determine amounts of fish they expected to deliver

to foreign processors at sea (JVP). Also, questionnaires were sent to seven fishing associations to determine their members' expectation of amounts of fish they intended to harvest. Amounts of fish intended to be harvested included some domestic non-processed fish (DNP), such as that sold for bait. Twenty-three companies, including both involved in joint ventures, and two associations responded.

ANNEX II.1. Expected Domestic Annual Processing (DAP).

Amounts of fish (metric tons) U.S. processors reported they intend to process in 1981 are shown (Table II.1.). Rather than establish DAP at the full amounts shown for pollock and Pacific cod, recognizing that these amounts may not be reached because of problems inherent in developing this new groundfish fishery and because only 10 percent of the total DAP (2,800 metric tons) was harvested in 1980, DAP amounts currently established by the FMP (Table II.1.) are considered to be adequate for the 1981 fishing year and will initially remain unchanged.

Small differences between survey results for the remaining species and established DAP's do not warrant amending the FMP, which contains a mechanism for the Regional Director to apportion those amounts of DAP to TALFF that he determines are excess to U.S. needs. The 1981 reserves (Table II.3.) will be used to supplement DAH if necessary.

Table II.1. Amounts of fish (mt) U.S. processors reportedly intend to process in the Bering Sea (DAP) and the initial DAP established for 1981.

<u>Species</u>	<u>1981 U.S. Reported Intention to Process (mt)</u>	<u>1981 Initial DAP (mt)</u>
Pollock	9,982	10,500
Pacific cod	17,241	7,200
Atka mackerel	0	0
Yellowfin sole	227	1,200
Turbot	0	1,000
Other flatfishes	907	1,200
Pacific Ocean perch	454	1,100
Rockfish	227	1,100
Sablefish	522	1,000
Squid	0	0
Other species	<u>0</u>	<u>1,800</u>
Total	29,560	26,100

11.2. Expected Joint Venture Processing (JVP).

Disclosure of amount of fish (metric tons) that U.S. companies expected to deliver to foreign processors at sea is prohibited by confidentiality laws. Joint venture catches of some species in 1980 were greater than amounts provided for in the FMP and have been increased for 1981 (Table II.2.). Overall, joint ventures harvested approximately fifty percent of their 1980 allocation. Increases in JVP for 1981 have resulted in equal decreases in TALFF (Table II.3.).

Table II.2. Amounts of fish (mt) designated for delivery by U.S. fishermen to foreign processors at sea (JVP) in 1981.

<u>Species</u>	<u>1981 JVP</u>
Pollock	9,050
Pacific cod	17,065
Atka mackerel	100
Yellowfin sole	25,000 <u>1/</u>
Turbot	75
Other flatfishes	3,000 <u>2/</u>
Pacific Ocean perch	1,660
Rockfish	450
Sablefish	400
Squid	50
Other species	<u>200</u>
Total	57,050

1/ A 24,150 mt increase over 1980.

2/ A 2,900 mt increase over 1980.

Reserves (Table II.3.) established by the FMP (5 percent of the OY for each species or 73,324 metric tons) are considered adequate to supplement either the DAP or JVP components of DAH during the fishing year should amounts in either component prove inadequate.

Table II.3. Initial 1981 DAH, Reserve and TALFF amounts (mt).

<u>Species</u>	<u>DAH</u>	<u>Reserve</u>	<u>TALFF</u>
Pollock	19,550	50,000	1,030,450
Pacific cod	24,265	2,935	31,500
Atka mackerel	100	1,240	23,460
Yellowfin sole	26,200	5,850	84,950
Turbot	1,075	4,500	84,425
Other flatfishes	4,200	3,050	53,750
Pacific Ocean perch	2,760	537	7,453
Rockfish	1,550	500	5,677
Sablefish	1,400	500	3,100
Squid	50	500	9,450
Other species	<u>2,000</u>	<u>3,712</u>	<u>68,537</u>
Total	83,150	73,324	1,402,752

Annex III. Change initial DAH and initial TALFF for yellowfin sole to 26,200 mt and 84,950 mt, respectively, and for other flatfishes to 4,200 mt and 53,750 mt, respectively.

- B. 50 CFR, Section 611.93, Table I. Change DAH, Reserve, and TALFF for yellowfin sole to 26,200 mt, 5,850 mt, and 84,950 mt, respectively and for other flounders to 4,200 mt, 3,050 mt, and 53,750 mt, respectively.

ENVIRONMENTAL ASSESSMENT ON AMENDMENT 2
TO THE FISHERY MANAGEMENT PLAN FOR
THE BERING SEA AND ALEUTIAN ISLANDS AREA GROUND FISH FISHERY

INTRODUCTION

The Fishery Management Plan for The Bering Sea and Aleutian Islands Groundfish Fishery (FMP) was tentatively approved by the Assistant Administrator for Fisheries (Assistant Administrator) of the National Oceanic and Atmospheric Administration pursuant to Sections 302-305 of the Fishery Conservation and Management Act of 1976 (FCMA), and published for public review on November 19, 1979 (44 FR 66356). Comments received on the FMP and on the Environmental Impact Statement (EIS) indicated that a revised EIS was necessary. Subsequently, an amendment (amendment 1) was approved by the North Pacific Fishery Management Council (Council) and is now in the public comment period. The revised EIS was expanded to include amendment 1, and is now also in the public comment period. The Council approved a second amendment during its September, 1980 meeting. This amendment has been submitted for approval and implementation by the Assistant Administrator. This Environmental Assessment is prepared pursuant to 40 CFR 1501.3 and 1508.9, and NOAA Directive 02-10, in order to determine whether an environmental impact statement must be prepared on the proposed action pursuant to Section 102(2)(C) of the National Environmental Policy Act.

DESCRIPTION OF AND NEED FOR THE PROPOSED ACTION

The proposed action is to amend the FMP by modifying a portion of its management regime and to implement its amendment through NMFS regulations. This change was developed in response to specific problems that arose in the management of the fishery. This change, and a statement of specific need, is as follows:

INCREASE THE INITIAL DOMESTIC ANNUAL HARVEST (DAH) FOR YELLOWFIN SOLE BY 24,150 METRIC TONS AND FOR OTHER FLATFISH BY 2,900 METRIC TONS, APPORTION THESE INCREASES TO JOINT VENTURE PROCESSING (JVP), AND REDUCE THE TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF) ACCORDINGLY.

These proposed increases in JVP for yellowfin sole and other flatfishes resulted from a survey of the U.S. fishing industry conducted by the National Marine Fisheries Service in order to determine its harvesting and processing capacity and its intent to harvest and process fish in the Bering Sea and Aleutian Islands area in 1981. Joint venture operations targeted on yellowfin sole and other flatfishes in 1980, and this survey indicated that increased allocations were necessary to meet the needs of joint ventures in 1981.

ALTERNATIVES INCLUDING THE PROPOSED ACTION

Alternative 1. Adopt Amendment 2. This is the proposed action and the preferred alternative. This alternative is preferred because it would provide for additional fish needed by joint ventures in 1981.

Alternative 2. Reject the proposed amendment and retain the existing DAH, JVP and TALFF levels. This alternative would prevent the supplementation of JVP, which is known to be inadequate, thereby restricting United States fishermen. The FCMA specifies that TALFF is to consist only of that portion of Optimum Yield (OY) that will not be harvested by United States fishermen. Hence, this alternative is unacceptable.

ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION AND ALTERNATIVES

Impacts on the Biological and Physical Environment. It is not anticipated that either of the two alternatives would have significant impact on the biological and physical environment. The optimum yield (OY) would remain unchanged under either alternative. Likewise, the total harvest of yellowfin sole and other flatfishes will not necessarily be affected: only the percentage of the harvest taken by U.S. fishermen will be increased under Alternative 1.

IMPACTS ON THE SOCIO-ECONOMIC ENVIRONMENT

Alternative 1 would have beneficial impacts upon the socio-economic environment as it would accommodate the stated needs of joint ventures that are contributing substantially towards the development of U.S. groundfisheries in the Bering Sea and Aleutian Islands area. In addition, it would provide U.S. fishermen valuable experience in the techniques and equipment necessary to efficiently harvest groundfish independently of foreign participation.

Alternative 2 would have adverse impacts upon the socio-economic environment, because it would not accommodate the stated needs of joint ventures, would reduce economic benefits to U.S. fishermen participating in joint ventures, and would limit the valuable experience which would otherwise be gained.

40 CFR Section 1508.14 provides that socio-economic impacts alone are not sufficient to require that an environmental impact statement be prepared on a proposed action.

EFFECTS ON ENDANGERED SPECIES AND ON THE ALASKA COASTAL ZONE

For the reasons discussed above, neither of the alternatives would constitute an action that "may affect" endangered or threatened species or their habitat within the meaning of the regulations implementing Section 7 of the Endangered Species Act of 1973. Thus, consultation procedures under Section 7 will not be necessary on the proposed action and the alternatives.

Also, the proposed action nor either of the alternatives would be a Federal action directly affecting the Alaska coastal zone, within the meaning of Section 307(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulations. Even the socio-economic impacts that were discussed above would, to the extent they affected the Alaska coastal zone at all, do so only indirectly, by way of market forces of world wide scope and of economic decisions of individual United States fishermen.

AGENCIES AND PERSONS CONSULTED

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

Philip E. Chitwood, Chief, Fisheries Operations Branch, NMFS;
Ronald J. Berg, Fisheries Management Biologist, NMFS;
North Pacific Fishery Management Council Staff;
Patrick J. Travers, NOAA General Counsel, Alaska.

LIST OF PREPARERS

This environmental assessment was prepared by:

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Signed in Washington, D.C., this _____ day of _____, 1980.

Robert K. Crowell
Deputy Executive Director
National Marine Fisheries Service

DETERMINATION THAT AMENDMENT 2 TO THE FISHERY MANAGEMENT
PLAN FOR THE BERING SEA AND ALEUTIAN ISLANDS AREA GROUND FISH FISHERY
DOES NOT REQUIRE A REGULATORY ANALYSIS UNDER
EXECUTIVE ORDER 12044

The North Pacific Fishery Management Council (Council) has submitted to the Assistant Administrator for Fisheries (Assistant Administrator) of the National Oceanic and Atmospheric Administration (NOAA) Amendment 2 to the Fishery Management Plan for the Bering Sea and Aleutian Islands Area Groundfish Fishery.

This amendment increases the initial Domestic Annual Harvest (DAH) for yellowfin sole and for other flatfishes, apportions these amounts to Joint Venture Processing (JVP), and reduces the initial Total Allowable Level of Foreign Fishing (TALFF) accordingly.

The Assistant Administrator must decide under Section 304 of the Fishery Conservation and Management Act of 1976 (FCMA) whether to approve and implement or disapprove the amendment in whole or in part.

Under Executive Order 12044, 43 FR 12661 (1978), as implemented by Departmental Administrative Order 218-7, 44 FR 2082 (1979) and NOAA Directive 21-24, a regulatory analysis must be prepared on each "significant" regulation having specified major economic consequences for the general economy, or for individual industries, geographical regions, or levels of government.

Paragraph 2.02 of NOAA Directive 21-24 prescribes the criteria for determining whether a NOAA regulation is "significant" for purposes of the Executive Order. All original fishery management plans and implementing rules developed under the FCMA, are deemed "significant." Any other regulation, other than an amendment to an existing significant regulation, is deemed significant if it (1) creates a major impact upon the environment; (2) creates a major impact upon the economy; (3) affects a large number of individuals, businesses, organizations, or State or local governments; (4) places burdensome recordkeeping and reporting requirements on the public; (5) has an integral relationship either to the regulations or other programs and agencies or to major departmental policy issues; or (6) is the subject of controversy or significant public interest. An amendment to an existing significant regulation is deemed significant if it substantially and materially alters that regulation.

According to these criteria, the FMP and its implementing rules will, at the time Amendment 2 can be implemented, constitute an existing significant regulation. Thus, under these criteria, Amendment 2 must be considered "significant" if it "substantially and materially alters" the FMP.

The modification to the FMP involves increasing the initial DAH for yellowfin sole by 24,150 metric tons (from 2,050 metric tons to 26,200 metric tons) and for other flatfishes by 2,900 metric tons (from 1,300 metric tons to 4,200 metric tons), apportioning these amounts to JVP, and reducing the initial TALFF accordingly. As a

result of this modification, JVP was increased for yellowfin sole from 850 metric tons to 25,000 metric tons and for other flatfishes from 100 metric tons to 3,000 metric tons. Optimum Yield (OY) is not affected. The need for this increase in JVP resulted from a survey of the U.S. fishing industry conducted by the National Marine Fisheries Service in order to determine its harvesting and processing capacity and its intent to harvest and process fish in the Bering Sea and Aleutian Islands area in 1981. Joint venture operations, the success of which are key factors in the development of Alaska's groundfish fishery, targeted on yellowfin sole and other flatfishes in 1980, and this survey indicated that increased allocations were necessary to meet the needs of these growing fisheries in 1981. Failure to provide these allocations would hinder further development of these ventures with resultant loss of economic benefits presently accruing to participating U.S. fishermen. Equally important would be the loss of the valuable experience now being gained by U.S. fishermen in the techniques and equipment necessary for the efficient harvest of groundfish. This experience is the principal long-term objective of joint ventures in that this experience is anticipated to result in the ability of U.S. fishermen to harvest groundfish successfully independently of foreign participation. Reductions of TALFF to provide the increases in DAH are consistent with the FCMA which specifies that TALFF is to consist only of that portion of the OY that will not be harvested by U.S. fishermen.

Amendment 2 would only provide that a larger portion of the OY for two species groups be taken by United States, rather than foreign fishermen. The basic management strategy of the FMP, and the total authorized harvest levels and other management measures prescribed in the FMP would remain unchanged.

It is therefore determined that approval and implementation of Amendment 2 will not substantially and materially alter the FMP and its implementing regulations; and that Amendment 2 and its implementing rules would therefore not constitute a "significant" regulation for purposes of Executive Order 12044. For that reason, preparation of a regulatory analysis on the approval and implementation of Amendment 2 is not required.

Assistant Administrator for Fisheries, NOAA