

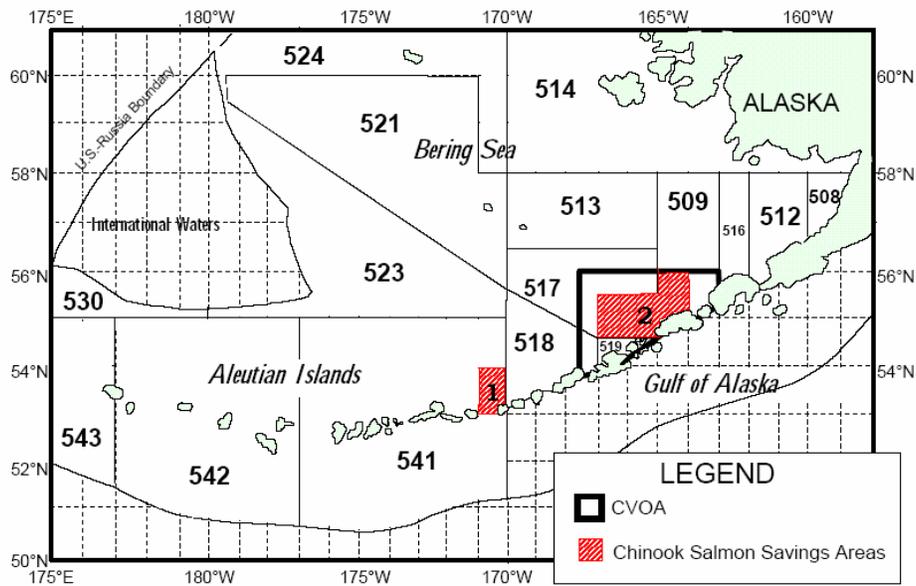
PUBLIC REVIEW DRAFT

ENVIRONMENTAL ASSESSMENT / REGULATORY IMPACT REVIEW / INITIAL REGULATORY FLEXIBILITY ANALYSIS

for

Modifying existing Chinook and chum salmon savings areas

Proposed **AMENDMENT 84** to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area



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EXECUTIVE SUMMARY

In the mid-1990s, the Council and NOAA Fisheries implemented regulations to control the bycatch of chum salmon and Chinook salmon taken in the BSAI trawl fisheries. These regulations established closure areas in areas and at times when salmon bycatch had been highest based on historical observer data. Information from the fishing fleet indicates that bycatch may have been exacerbated by the current regulatory closure regulations, as much higher salmon bycatch rates were reportedly encountered outside of the closure areas. Some of these bycaught salmon include Chinook and chum stocks of concern in western Alaska. Further, the closure areas impose increased costs on the pollock fleet and processors. To address this immediate problem, the Council will examine and consider other means to control salmon bycatch that have the potential to be more flexible and adaptive, but still meet Council intent to minimize impacts to the salmon in the eastern Bering Sea.

This analysis considers the following alternatives to address the problem identified above.

Alternative 1. Status Quo

Alternative 1 maintains the existing regulatory measures for Chinook and Chum salmon savings area closures.

Alternative 2. Eliminate the regulatory salmon savings area closures

Under Alternative 2, the catch limits for the Bering Sea subarea trawl Chinook and BSAI trawl chum salmon would be eliminated, and would no longer trigger savings area closures. The annual closure of the Chum Salmon Savings Area would also be eliminated. Salmon would remain a prohibited species under this (and all) alternatives.

Alternative 3. Suspend the regulatory salmon savings area closures and allow pollock cooperatives and CDQ groups to utilize their voluntary rolling hot spot closure system to avoid salmon bycatch

Under Alternative 3, the catch limits for the Bering Sea subarea trawl Chinook and BSAI trawl chum salmon would be suspended, and would no longer trigger savings area closures. The annual closure of the Chum Salmon Savings Area would also be suspended. The suspension will go into effect so long as the pollock cooperatives and CDQ groups have in place an effective salmon bycatch voluntary rolling “hot spot” (VRHS) closure system to avoid salmon bycatch.

Option 1: Reimpose regulatory salmon savings closures if reported non-compliance with agreement merits expedited action

Under this suboption, the Council may recommend re-imposition of the regulatory salmon savings area closures on an expedited basis if the situation merits this recommendation. The Inter Cooperative Agreement (ICA) managers will report to the Council immediately if there is non-participation or non-compliance without effective enforcement action under the VRHS system. In that event, the Council may recommend re-imposition of the regulatory salmon savings area closures on an expedited basis. If the regulatory closure area system is reinstated, it is the Council’s intent that the closure areas be based on the most recent information available and if the analysis of Amendment Package B’s Alternative 1 supports the approach, with regular adjustments.

Option 2: Maintain the regulatory salmon savings area triggers and closures but participants in a cooperative voluntary rolling hotspot (VRHS) system would be exempted from compliance with savings area closures. This exemption is subject to Council approval and review of the effectiveness of a VRHS system.

Under this option, the existing salmon savings area closures would remain in place. Pollock cooperatives and CDQ groups who participate in a voluntary rolling “hot spot” (VRHS) closure system to avoid salmon bycatch will be granted an exemption to the existing closures. Cooperatives or other vessels which are not participating in a VRHS system will be subject to the savings area closures if triggered.

Suboption (applies to option 2): Extend the exemption to the chum salmon savings area closure to vessels in the trawl cod and/or flatfish targets.

Under this suboption, vessels in the trawl cod and/or flatfish target fisheries would be exempt from compliance with the chum savings area closure. Vessels in these target fleets are not required to participate in a VRHS system to obtain the exemption.

Environmental Assessment

Alternative 1

The fishery performance analysis indicates that salmon bycatch may be higher outside the savings areas than inside. However, evidence indicates that the amount of salmon caught incidentally in the groundfish fisheries represents a low overall proportion of salmon abundance and harvest in the directed salmon fisheries (commercial, subsistence, and recreational). The results of an ongoing ESA consultation on ESA-listed Chinook salmon are as yet unknown.

The *Final Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement* (NMFS 2004b) and the *Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska* (NMFS 2005) have both concluded that there are no significant adverse impacts on the physical and biological environment or the ecosystem from the current groundfish management regime. As a result, Alternative 1 is found to have no significant impacts on these components. The socioeconomic and economic impacts are discussed under the Regulatory Impact Review heading, below.

Alternative 2

Although salmon bycatch may increase under this alternative, as constraints on bycatch in the groundfish fisheries are removed, it is unlikely that this alternative will result in bycatch levels that will present a threat to the sustainability of salmon stocks. Results of the ongoing ESA consultation on listed salmon stocks are as yet unknown.

No significant impact on the pollock stock is anticipated, as harvest levels will continue as under Alternative 1, and as the pollock fishery has a low incidental catch rate of groundfish and other fish stocks, and an extensive monitoring program to ensure accurate catch accounting, neither is a significant impact anticipated on these stocks. Interactions with habitat, marine mammals, and seabirds may decrease under this alternative, as vessels may pursue a lower catch per unit effort for pollock, being unconstrained by salmon bycatch. To the extent this occurs, this may benefit habitat, marine mammals, and seabirds, however the change is unlikely to be detected at a population level. This action has no discernable

impacts on the ecosystem. Socioeconomic and economic impacts are discussed under the Regulatory Impact Review heading, below.

Alternative 3

Salmon bycatch is expected to decrease under this alternative, given the flexible system provided by dynamic hot spot management of the pollock fleet. Evidence indicates that the amount of salmon current caught incidentally in the groundfish fisheries represents a low overall proportion of salmon abundance and harvest in the directed salmon fisheries (commercial, subsistence, and recreational).

As with Alternative 2, no significant impact on pollock or other fish stocks is anticipated under this alternative. Impacts on pollock catch per unit effort cannot be predicted, but to the extent that it differs from the status quo, this may benefit or disadvantage habitat, marine mammals, and seabirds. Any change is likely to be small, however, and not discernable at a population level, therefore no significant impacts would result from this alternative. As with Alternative 2, this action has no discernable impacts on the ecosystem. Socioeconomic and economic impacts are discussed under the Regulatory Impact Review heading, below

Alternative 3, Options 1 and 2 and suboption

Implementation of option 1 has no impact other than for the Council to alert the pollock fishery participants of its intent to take remedial measures if this alternative is not effective at controlling salmon bycatch. The Council may, at any time, with the appropriate scientific and analytical support for its decisionmaking, take action to change its bycatch management measures.

Implementation of option 2 has limited impact; it is a variance on the means to efficiently implement the program. The suboption to Option 2 would likely result in positive benefits to the affected fleets in that they would be able to fish inside the Shum savings area closures regardless of their status. This is not anticipated to increase salmon bycatch given the limited contribution by these fleets.

Regulatory Impact Review

The analysis of alternatives presented in the RIR has shown that Alternative 1, the status quo, has resulted in dramatic increases in salmon bycatch in the Bering Sea pollock trawl fishery in recent years. This translates into foregone salmon value, assuming full terminal harvest of salmon bycatch, of nearly \$1 million for Chinook and more than \$250 thousand for chum in 2003. These values greatly overstate the actual harvest that might have occurred if salmon bycatch had not been taken in the Bering Sea pollock trawl fishery.

Unfortunately, it is not possible to accurately estimate actual harvest value. However, the dramatic increases in salmon bycatch under the status quo likely translate into increases in forgone value and decreased benefits of bycatch reduction. The status quo also bears some risk of future restrictions on the Bering Sea pollock trawl fleet as a result of exceeding the ESA Chinook incidental take permit cap.

Alternative 1 also imposes increased operational costs on the trawl fleet when the salmon savings areas are closed and may adversely affect vessel safety. The closures are also having a detrimental effect on product quality for the CV fleet. The decreased quality appears to have reduced product grade, eliminated fillet production in some cases, and increased shoreside processing facility costs. Alternative 1 also results in some management and enforcement costs to administer the closures and monitor vessel locations.

Alternative 2 would eliminate the salmon savings closure areas altogether. The result would likely be reduced operational costs, improved vessel safety, improved product quality, and reduced management and enforcement costs. However, in the absence of any bycatch reduction measures this alternative may result in further increase in salmon bycatch in the Bering Sea pollock trawl fishery. Were that to occur, the foregone value of such bycatch would increase and the associate benefits of bycatch reduction would decrease, possibly dramatically. This could also result in the Bering Sea pollock trawl fleet significantly exceeding the ESA Chinook incidental take permit cap.

Alternative 3 eliminates the BSAI salmon savings area closures (or exempts vessels from compliance with the closures) but replaces them with a dynamic system of rolling hot spot closures and creates incentives for individual vessels to reduce salmon bycatch by penalizing the worst offenders. This alternative would likely reduce operational costs, improve vessel safety, and improve product quality. Alternative 3 also have the potential to reduce salmon bycatch more than the status quo management measures. If that potential were realized, Alternative 3 would reduce foregone value of salmon bycatch and increase the overall benefits of bycatch reduction. Alternative 3 also provides some mitigation possibilities for Western Alaska fishing organizations.

Alternative 3 would reduce management and enforcement costs for government agencies by transferring much of that cost to industry. However, the industry has volunteered to bear this cost in hopes of reducing operational costs associated with the status quo while at the same time attempting to reduce salmon bycatch. If bycatch is not reduced under alternative 3 and the Bering Sea pollock trawl fleet continues to exceed the ESA Chinook incidental take permit cap, unknown restrictions on the fleet could result. Perhaps the greatest benefit of this suboption is that it increases the incentive for industry to reduce salmon bycatch rates.

Initial Regulatory Flexibility Analysis

The analysis presented in the Initial Regulatory Flexibility Analysis indicates that, in 2003, there were perhaps as many as 116 small trawl CVs in the BSAI and 3 small trawl CPs. NMFS AKR records indicate that 112 BSAI CVs were members of AFA cooperatives; all of these are large entities. Thus, four of the BSAI small trawl CVs and 3 small trawl CPs appear to qualify as “small entities” once AFA affiliation is taken into consideration.