UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
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MEMORANDUM FOR: Sue Salveson
Assistant Regional Administrator for
Sustainable Fisheries

FROM: Jon Kurland
Assistant Regional Administrator for
Habitat Conservation

SUBJECT: Essential Fish Habitat (EFH) Consultation on the Environmental Assessment (EA) for the Total Allowable Catch (TAC) Specifications for the Year 2003 Alaska Groundfish Fisheries

The Habitat Conservation Division (HCD) has reviewed the "Environmental Assessment/Initial Regulatory Flexibility Analysis for the Total Allowable Catch Specifications for the Year 2003, Alaska Groundfish Fisheries", November 26, 2002. This EA addresses the potential effects of each of the total allowable catch (TAC) specifications on marine benthic habitats. Analyses found in Sections: 4.7 - Effects on Marine Benthic Habitat and Essential Fish Habitat Assessment; 4.8 - Effects on the Ecosystem; Section 5.0 - Cumulative Effects and Section 6.0 - Conclusions. Section 4.7 contains the EFH assessment to initiate consultation pursuant to Section 305(B)(2) of the Magnuson-Stevens Act. This EFH consultation will cover both interim and final harvest specifications.

Consultation Requirements: The EFH regulations at 50 CFR Section 600.920(e)(3) require that an EFH Assessment must contain:

(i) A description of the proposed action.

(ii) An analysis of the potential adverse effects, of the proposed action on EFH and the managed species.

(iii) The Federal agency's conclusions regarding the effects of the action on EFH.

(iv) Proposed mitigation, if applicable.

With respect to (i), a description of the proposed action, Section 2.0 of the EA describes the alternatives. Alternative 2, as described in Section 2.2 of the EA, is the preferred alternative. This alternative would set fishing mortality (*F*), which is both retained and discarded fish, within the range of acceptable biological catch (ABC) recommended by the GOA and BSAI Plan Team's and TAC recommended by the Council.

With respect to element (ii), analysis of effects on EFH, and the managed species, Section 4.7 discusses the impact of TAC levels on benthic habitat important to commercial fish species and their prey. This section addresses the following issues of concern:

1. The potential for damage or removal of fragile biota that are used by fish as habitat.

2. The potential reduction of habitat complexity, which depends on the structural components of the living and nonliving substrate.

3. Potential reduction in benthic diversity from long-lasting changes to the species mix.

Section 4.8 discusses the impacts of the alternatives on the ecosystem. Table 4.8-1 summarizes indicators of ecosystem function including habitat indicators. The Cumulative Effects section concludes: "The 2003 TAC specifications are therefore determined to have insignificant cumulative impacts over and above impacts evaluated in the most recent environmental impacts statements prepared for these fisheries." Section 6.0 concludes insignificant impacts on marine benthic habitat.

The area affected by this action is EFH for all managed species in the BSAI and the GOA. Various life stages of managed groundfish, forage fish, and their prey occupy virtually every type of habitat in these regions. The effects of the groundfish fisheries cannot be categorized simply as 'adverse' or 'beneficial' as the fisheries affect different species, in different life stages, in different manners. Research is on-going to enable the agency to better address the impacts of fishing on habitat essential for fish. With respect to element (iii) the agency's views regarding effects on EFH, NMFS acknowledged that except for setting TAC at zero (Alternative 5), all of the alternatives have the potential for benthic disturbances that could result in regional adverse effects on EFH, or to a component of EFH such as certain HAPC biota. The EA rated each alternative as to whether it may have significant effects according to the following three criteria:

1. Removal of, or damage to Habitat Areas of Particular Concern (HAPC) biota by fishing gear.

2. Modification of nonliving substrate, and/or damage to small epifauna and infauna by fishing gear.

3. Change in biodiversity.

The agency concluded that the harvest specifications will have an insignificant impact on marine benthic habitat.

With respect to element (iv), proposed mitigation, the assessment recognizes that the NPFMC has implemented numerous seasonal and area fishing closures to protect vulnerable areas and sensitive life stages of managed species. A variety of mitigation measures that minimize effects on EFH have been undertaken by the NPFMC. The agency believes that potential significant adverse effects of this action (groundfish fishing) have been minimized to the extent practicable.

Conclusion:

HCD concurs with this assessment. The potential adverse impacts on EFH have been mitigated by protective measures taken by the NPFMC including closed areas or curtailed fishing seasons. The HCD believes that these mitigative measures remain adequate, to the extent practicable, to minimize any substantial impacts on EFH as a result of the implementation of the 2003 TAC.

Further, but related to the analyses of effects conducted in this action, NMFS and the NPFMC are preparing a separate Environmental Impact Statement that will re-evaluate the designation of EFH, the identification HAPCs, and the minimization of the adverse effects of fishing on EFH. Measures to minimize the impacts of fishing on EFH will be reviewed again as part of an EIS that re-analyzes the development of the mandatory EFH provisions for each of the NPFMC FMPs. The scope of the analysis in this EIS will cover all of the required EFH components of the FMPs as described in section 303(a)(7) of the MSFCMA.

The Habitat Conservation Division does not have any further conservation recommendations on the implementation of the total allowable catch specifications for the year 2003 Alaska groundfish fisheries.

cc: Records
Cindy Hartmann