



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 2, 2002

MEMORANDUM FOR: Rolland A. Schmitt
Director, Office of Habitat Conservation

FROM: *JW* James W. Balsiger *Donald J. Berg*
Administrator, Alaska Region

SUBJECT: Essential Fish Habitat (EFH) Environmental
Impact Statement (EIS) Forth Status Report

By Joint Stipulation and Order, dated December 19, 2001, NMFS is required to prepare EISs for all fisheries that were challenged in the AOC v. Daley lawsuit in accordance with the schedule attached to the Joint Stipulation and Order. The Joint Stipulation and Order requires that "every 90 days, NMFS file a status report with the Court describing the work that has been done by NMFS and the Councils, and the milestones that have been achieved, on preparing the EISs and, if applicable, the FMP Amendments, that are the subject of this Joint Stipulation and Order." Attached is the fourth 90-day status report for the Alaska Region. If you have any questions on this report please contact Cindy Hartmann at (907) 586-7585.

cc: Cindy Hartmann and Jon Kurland, HCD
John Lepore, GC
NPFMC
Records
Karen Abrams Johnson and Alyson Craig, F/HC

Attachment (1)



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Cindy Hartmann

November 30, 2002

AOC v. Daley Status Report for the Alaska Region

General Activities:

The Alaska Region (AKR) and North Pacific Fishery Management Council (NPFMC) have continued to make progress on development and finalization of alternatives to define essential fish habitat (EFH) and habitat areas of particular concern (HAPC) and minimize to the extent practicable effects of fishing on EFH. The alternative development process has been a public process through NPFMC meetings, NPFMC EFH Steering Committee meetings and EFH Steering Committee Subcommittee meetings.

At the September 16 - 18, 2002, EFH Steering Committee meeting in Kodiak, the Committee recommended that the following EFH designation alternatives and HAPC designated alternatives be forwarded to the Council as final recommendations for the analysis.

EFH Alternatives:

Alternative 1: No Action - No EFH Designation

Alternative 2: Status quo-General Distribution

Alternative 3: Updated General Distribution

Alternative 4: Highest Known Information

Alternative 5: Eco-region Strategy

Alternative 6: EFH Designation would only apply to Federal Waters

HAPC Alternative Approaches:

Alternative 1: No Action. Under this alternative there would be no designation of HAPC in the region.

Alternative 2: Status quo. HAPC would remain as defined and adopted under amendments 55/55/8/5/5: living substrates in shallow waters, living substrates in deep waters, and freshwater areas used by anadromous fish.

Alternative 3: Site- based concept. Individual sites meeting one or more of the considerations and selected to address an identified problem may be designated HAPC sites.

Alternative 4: Type/site based concept. This alternative establishes HAPCs as individual sites selected as subsets of HAPC types. This is done as a two step process:

Step A) Types are selected based on the regulatory considerations.

Step B) All known sites or a subset of all known sites of those known types are selected as HAPCs

Alternative 5: Species core area. This alternative establishes HAPC areas that will be defined for species based on the productivity of the habitat.

The Council approved these EFH designation alternatives and HAPC alternative approaches at its October Council meeting.

Most of the September EFH Committee meeting was spent discussing alternatives to minimize the effects of fishing on EFH. The alternatives are based on the results of a draft white paper titled " An Analysis of the Effects of Fishing on Fish Habitats of the Waters off of Alaska", which was completed by Dr. Craig Rose and Dr. Jeff Fujioka, Alaska Fishery Science Center (AFSC), for the Essential Fish Habitat (EFH) Steering Committee (draft dated 8/11/02). Dr. Rose presented the results of this paper and answered questions from Committee members and members of the public. The Committee also heard public testimony. After much discussion, the committee recommended the following alternatives to minimize to the extent practicable adverse effects of fishing on EFH. The Committee noted that the available scientific information provides an analysis of fishing impacts on habitat features but does not relate those impacts to the health of managed species.

Recommended Mitigation Alternatives from the EFH Committee to the NPFMC, October, 2002

Alternative 1: No action/Status quo. No new management measures (in addition to those already in place) would be implemented at this time to minimize the effects of fishing on EFH.

Alternative 2: Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish, and modify provisions of the license limitation program to allow gear conversion. Under a gear conversion provision, vessels with license designations for trawl gear in these areas would get endorsements to fish for these stocks with pelagic trawl or fixed gear.

Alternative 3: Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish and Bering Sea flatfish, except within designated open areas.

Alternative 4: Prohibit the use of bottom trawl gear for all fisheries in the GOA slope area and in the Bering Sea, except within designated open areas.

Alternative 5: Establish no-take marine reserves (closures to all bottom tending gear, and all groundfish species including halibut) in slope areas of the Gulf of Alaska. TACs of FMP slope species (sablefish, slope rockfish, deepwater flatfish) would be reduced relative to their historic catch within these areas. In the Bering Sea and Aleutian Islands, prohibit all trawling within designated sites (based on concentrations of large emergent epifauna), and reduce TACs based on the relative amount that historically (1998-2001) came out of the sites. For the Bering sea sites, TAC reductions would be made for flatfish, cod, and pollock. For Aleutian Islands sites, TAC reductions would be made for Atka mackerel, rockfish, and Pacific cod (trawl gear allocation).

Alternative 6: Establish no-take marine reserves (closures to all gear for all groundfish species including halibut) in each region. The primary purpose EFH reserves are to protect habitat in order to sustain productivity of FMP species.

A. GOA slope objective: To preserve relatively unimpacted Gulf slope habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the Gulf of Alaska slope ecosystem.

B. Bering Sea objective: To preserve relatively unimpacted Bering Sea habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the Bering Sea ecosystem. The marine reserves are tagged to address impacts from the flatfish and pollock fishery.

C. Aleutian Islands objective: To preserve relatively unimpacted Aleutian Island biogenic and substrate shelter habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the biogenic and substrate shelter habitat in the Aleutian Island ecosystem.

Alternative 7: Establish at least 20% of the BS, AI, and GOA areas as no-take marine reserves (closures to all gear, and all species including halibut) across a range of habitat types, and reduce the TACs for all groundfish species by 20%.

Alternative 8: Implements three measures as follows:

A. Prohibit all directed fishing with bottom trawl gear for GOA slope rockfish, and modify provisions of the license limitation program to allow gear conversion. Under a gear conversion provision, vessels with license designations for trawl gear in these areas would get endorsements to fish for these stocks with pelagic trawl or non-trawl gear.

B. Prohibit the use of bottom trawl gear for flatfish fisheries in the Bering Sea, except within designated open areas.

C. Prohibit the use of bottom trawl gear within marine reserve areas within the Aleutian Island region. The objective is to preserve relatively unimpacted Aleutian Island biological and substrate shelter habitat for the purpose of conserving biotic features of the seafloor and associated fish and shellfish assemblages typical of the biological and substrate shelter habitat in the Aleutian Island ecosystem.

In October the Council modified the Committee's EFH mitigation alternatives and adopted the following EFH mitigation alternatives:

EFH Mitigation Alternatives adopted by the NPFMC on October 7, 2002

Alternative 1: Status quo

Alternative 2A: Prohibit use of bottom trawls for GOA Slope rockfish, but allow conversion to fixed gear or pelagic trawl gear.

Alternative 2B: Prohibit use of bottom trawls for GOA Slope rockfish, except within designated "open" areas but allow conversion to fixed gear or pelagic trawl gear.

Alternative 3: Prohibit the use of bottom trawl gear for all groundfish fisheries in the Bering Sea and slope areas of the GOA, except within designated "open" areas. Open areas are based on historic catch and effort information. This alternative includes provisions for rotating open areas. In the Bering Sea, rotating open areas would be designated in Blocks 1,2,3,4 and 6 as identified by the EFH committee, with 4 year closed periods for 25% of each block.

Option : Disks/bobbins would be required on trawl sweeps and footropes to reduce contact with bottom, effectively reducing footprint.

Suboption: In the Bering Sea, rotating open areas would be designated in Blocks 2,3,4 and 6 as identified by the EFH committee, with 4 year closed periods for 25% of each block.

Alternative 4: Prohibit the use of bottom trawl gear for all groundfish fisheries in the Bering Sea and slope areas of the GOA, except within designated "open" areas. Open areas are based on historic catch and effort information. This alternative includes provisions for rotating open areas. In the Bering Sea, rotating open areas would be designated in Blocks 1,2,3,4 and 6 as identified by the EFH committee, with 4 year closed periods for 25% of each block. In the AI area, no bottom trawling would be allowed in areas with relatively high abundance of gorgonian corals and sponges.

Suboption: In the Bering Sea, rotating open areas would

be designated in Blocks 2,3,4 and 6 as identified by the EFH committee, with 4 year closed periods for 25% of each block.

Alternative 5: Establish closures to the groundfish and scallop fishing with bottom tending gear (longline, pot, dredge and trawl) within the GOA, AI and BS. These closure areas would be based on areas with relatively high abundance of gorgonian corals, sponge and *Boltenia*, and designed to preserve relatively un-impacted benthic habitat.

At its October meeting the NPFMC directed the EFH Committee to further refine these alternatives through stakeholder and committee meetings and to bring recommendations to the Council in December for specific closed/open areas for the Gulf of Alaska (GOA) and Bering Sea for the above alternatives.

Following the October Council meeting, four one-day subcommittee meetings were held in October and one three-day EFH Committee meeting was held in November to further refine the EFH mitigation alternatives. At the December, 2002, NPFMC meeting the EFH Committee will recommend the following EFH mitigation alternatives to the Council:

DRAFT Mitigation Alternatives, Recommended by the EFH

Committee These will be presented to the Council at the December, 2002, NPFMC meeting.

(Nov. 4-6, 2002; with comments and refined wording provided by staff 11/22)

Alternative 1: Status quo. No additional measures would be taken at this time to minimize the effects of fishing on EFH.

Alternative 2: Gulf Slope Bottom Trawl Closures: Prohibit the use of bottom trawls for rockfish in 13 designated areas of the GOA slope (200m-1000m), but allow vessels endorsed for trawl gear to fish for rockfish in these areas with fixed gear or pelagic trawl gear.

The Committee voted to use the geographic bounds from the subcommittee meeting October 29th for Alternative 2. Essentially, given the relative boundaries of the areas, the Committee designated closure areas rather than 'open' areas put forth in the October Council motion. The wording of this alternative reflects this subtle change.

Alternative 3: Bottom Trawl Gear Prohibition for GOA Slope Rockfish. Prohibit the use of bottom trawl gear for targeting GOA slope rockfish species, but allow vessels endorsed for trawl gear to fish for slope rockfish with fixed gear or pelagic trawl gear.

This alternative was previously called Alternative 2A from the Council's October 2002 motion.

Alternative 4: Bottom Trawl Closures in All Management Areas: Prohibit the use of bottom trawl gear in designated areas of the Bering Sea, Aleutian Islands, and Gulf of Alaska. Bottom trawl gear used in the remaining open areas would be required to have disks/bobbins on trawl sweeps and footropes.

Bering sea: Prohibit the use of bottom trawl gear for all groundfish fisheries in the Bering Sea except within a designated "open" area. The open area is designated based on historic bottom trawl effort. Within the open area, there would be a rotating closure to bottom trawl gear in 5 areas to the north and west of the Pribilof Islands. Closure areas would be designated in Blocks 1,2,3,4 and 6 as identified by the EFH Committee, with 4 year closed periods for 25% of each block. After 4 years, the closed portion of each block would re-open, and a different 25% of each block would close for 4 years, and so on thereafter. After 16 years, all area within each block would have been subject to a 4 year closure, and the rotating closure areas would start over.

Aleutian Islands: Prohibit the use of bottom trawl gear for all groundfish fisheries in designated areas of the Aleutian Islands. Closure areas would be designated in the areas of Stalemate Bank, Bowers Ridge, Seguam Foraging Area, and Semisopchnoi Island.

Gulf of Alaska: Prohibit the use of bottom trawl gear for rockfish fisheries on 13 designated sites of the GOA slope (200m-1000m). Allow vessels endorsed for trawl gear to fish for rockfish in these areas with fixed gear or pelagic trawl gear.

The Committee voted to use the geographic bounds from the subcommittee meeting: October 1 for the BS, October 29th for the GOA, including the additions of closed areas for the Aleutian Islands from Nov. 6th.

Alternative 5: Expanded Bottom Trawl Closures in All Management Areas: Prohibit the use of bottom trawl gear in designated areas of the Bering Sea, Aleutian Islands, and Gulf of Alaska. Bottom trawl gear used in the remaining open areas would be required to have disks/bobbins on trawl sweeps and footropes.

Bering sea: Prohibit the use of bottom trawl gear for all groundfish fisheries in the Bering Sea except within a designated "open" area. The open area is designated based on historic bottom trawl effort. Within the open area, there would be a rotating closure to bottom trawl gear in 5 areas to the north and west of the Pribilof Islands. Closure areas would be designated in Blocks 1,2,3,4 and 6 as identified by the EFH Committee, with 4 year closed periods for 50% of each block. After 4 years, the closed portion of each block would re-open, and the other 50% of each block would close for 4 years, and so on thereafter.

Aleutian Islands: Prohibit the use of bottom trawl gear for all groundfish fisheries in designated areas of the Aleutian Islands. Closure areas would be designated in the areas of Stalemate Bank, Bowers Ridge, Segum Foraging Area, and Yunaska Island. These closure areas extend to the northern and southern boundaries of the AI management unit.

Gulf of Alaska: Prohibit the use of bottom trawl gear for all groundfish fisheries on 11 designated sites of the GOA slope (200m-1000m). Additionally, prohibit the use of bottom trawl gear for targeting GOA slope rockfish

species, but allow vessels endorsed for trawl gear to fish for rockfish in these areas with fixed gear or pelagic trawl gear.

The Committee voted to use the geographic bounds from the subcommittee meeting: October 1 for the BS, October 29th the GOA, including the additions of extended closed areas for the Aleutian Islands from Nov. 6th.

Other Recommendations the EFH Committee will make to the NPFMC at the December, 2002 meeting:

THE EFH Committee recommends to Council that the Alternative 5 from the Council's October motion (closure areas for all bottom tending gear in areas with gorgonian corals, sponges, and sea onions) be dropped from the list of mitigation alternatives and be used instead as the starting point for identifying HAPC once the Committee and Council have adopted a HAPC process.

The EFH Committee recommends to the Council that its reevaluate Alternative 7 (20% no-take marine reserves), to determine whether it should be included into the suite of alternatives for analysis to satisfy legal or NEPA requirements. Additionally the Committee recommends that if sea lion closed areas in the Aleutian Islands are removed in the future, the committee requests that the Council consider whether "Habitat Areas of Particular Concern" and associated measures should be developed for some or all these areas before they are opened.

The NPFMC is expected to take final action on the selection of alternatives to minimize the impacts of fishing for the Draft Supplemental Environmental Impact Statement (DSEIS) at its meeting in December 2002.

One issue of note, concerning the EFH mitigation alternatives, is whether a marine protected area (MPA) or no-take marine reserve should be included in the suite of mitigation alternatives. In October, 2002, the Council deleted an alternative that would have established at least 20% of the BS, AI, and GOA as no-take marine reserves (closures to all

gear, and all species including halibut) across a range of habitat types, and reduce the TACs for all groundfish species by 20%.

As of December 2nd, NMFS and the Council have received over 4100 faxed letters requesting the Council to: "consider the use of a network of no-take marine reserves as a tool for protecting Essential Fish Habitat (EFH) in the Gulf of Alaska, Bering Sea and Aleutian Islands ecosystems.

Federal Register Notices:

Notice of Public Meeting. 67 FR 55810, August 30, 2002.
Provided the public with notice of the EFH Steering Committee meeting, in Kodiak, September 16-18, 2002.

Notice of Public Meetings. 67 FR 58356, September 16, 2002.
Provided the public with notice of the NPFMC meeting, September 30 - October 8, 2002. At this meeting the Council received the EFH Steering Committee's report on the alternatives for the EFH analysis.

Notice of Public Meetings. 67 FR 69508, November 18, 2002.
Provided the public with notice of the NPFMC meeting, December 2 - 9, 2002. At this meeting the Council will receive the EFH Committee report and clarify mitigation alternatives for analysis.

Public Meetings, Committee Meetings, Workshops:

The EFH Steering Committee, formed by the NPFMC Chair, to facilitate public input in the EFH DSEIS process, met September 16 - 18, 2002, in Kodiak, Alaska. A notice of this meeting was provided in the Federal Register and the meeting was open to the public. Minutes from this meeting are available on the NPFMC web site at <http://www.fakr.noaa.gov/npfmc/Committees/EFH/efh902.pdf>

The following EFH Committee and Subcommittee meetings were not noticed in the Federal Register due to time constraints. However, these meetings were noticed through the following means: a press release announcing these meetings; an e-mail message sent to interested members of the public that attended

previous EFH Committee meetings; and posting on both the NPFMC web site and the NMFS Alaska Region's web site.

EFH Subcommittee meetings were held to facilitate stakeholder input into the EFH mitigation alternatives for the Gulf of Alaska, Aleutian Islands, and Bering Sea.

The EFH Subcommittee for the Aleutian Islands and Bering Sea EFH mitigation alternatives met:

Tuesday, October 22, 2002 in Anchorage, Alaska and
Monday, October 28, 2002 in Seattle, Washington

The EFH Subcommittee for the Gulf of Alaska EFH mitigation alternatives met:

Wednesday, October 23, 2002 in Kodiak, Alaska and
Tuesday, October 29, 2002 in Seattle, Washington

The EFH Committee met November 4 - 6, 2002, in Anchorage, Alaska.

The focus of the EFH Committee meeting was to formulate a recommendation for the Council on specific open and closed areas for each of the mitigation alternatives approved by the Council on October 7, 2002.

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Cindy Hartmann

December 2, 2002