

2.0 ALTERNATIVES CONSIDERED

CEQ regulations implementing NEPA require a range of alternatives to be analyzed for a federal action. The alternatives analyzed may be limited to a range of alternatives that could reasonably achieve the need that the proposed action is intended to address. Section 1.0 of this document described the purpose and need of the proposed action. Section 1.6 describes the objectives that must be met in order to meet the purpose and need of this action. These objectives are summarized below in Table 2.1.

Table 2.1 Objectives

Objectives
Develop and use best available scientific information
Provide adequate opportunity for prior public comment to the Secretary on Council recommendations
Provide additional opportunity for Secretarial review
Minimize disruption to fisheries and minimize public confusion
Promote administrative efficiency

2.1 Reasonable Alternatives

Alternatives 1 through 4 provide a range of actions that are considered to meet the objectives for the proposed action that were listed in Table 2.1. Three alternatives include options. The option under Alternative 2, setting two year harvest specifications for those GOA and BSAI species on a biennial survey schedule, does not need to be part of the alternative. Alternative 3 could be implemented without options or with one or both options. For Alternative 4, one of the PSC options must be chosen with the alternative action.

Two separate options, (a) eliminate some TAC reserves and (b) update the FMPs, could be adopted in conjunction with Alternatives 2 through 4. Additional alternatives that were considered and not further analyzed are presented in section 2.3.

Under each of these alternatives, there may be times during the rulemaking process or during the fishing year when new information may warrant changes in the specifications. The mechanism used to change the specifications will depend on the timing of the new information in relation to the rulemaking process for the fishing year. If the information is reviewed and action is recommended by the Council before the publication of the proposed rule, it is likely that the recommendation could be included in the proposed rule. If the specifications have already been proposed, the recommendation may be part of the final rule if the change can be considered a logical outgrowth from the proposed rule. If the change is significant or the rulemaking for the fishing year is in process or completed, an emergency rule may be used to implement Council recommendations for action on only unforeseen, serious conservation or fishery management problems (62 FR 44421, August 21, 1997).

Alternative 1. Status Quo (NO ACTION ALTERNATIVE).

Descriptive information about the status quo process for setting harvest specifications can be found in Sections 1.2, 1.3, and 1.4. This alternative would continue the existing process for setting harvest specifications for the Alaska groundfish fisheries (proposed specifications, followed by interim and final specifications) and would not be amended to address the objectives outlined above nor the concerns raised regarding TAC ‘reserves.’

Alternative 2: Eliminate publication of interim specifications. Issue Proposed and Final Specifications Prior to Start of the Fishing Year.

Option: For those GOA and BSAI target species on biennial survey schedule, set TAC biennially.

NMFS would publish proposed harvest specifications based on Council recommendations followed by a comment period and publication of final specifications, prior to the beginning of the fishing year. In order to issue proposed and final harvest specifications prior to the start of the fishing year, scheduling of the “steps” in the current process must be modified.

Under this alternative, NMFS would set proposed and final specifications before the “preliminary” survey data collected during the current year becomes available. Instead, all harvest specifications for the following year would be recommended at the beginning of the current year based on the previous year’s survey data and incorporated into stock model biomass and ABC projections reflecting the best available scientific information.

This shift in the specification schedule would leave the stock assessment scientists more time to: (1) assess and incorporate survey data and catch data into stock model projections; (2) adjust current models or explore new modeling techniques; and (3) allow peer review of preliminary results and conclusions. This additional time would allow thorough analysis of survey and research data, providing greater assurance that annual harvest specifications would be based on the best available scientific information. The preliminary SAFE reviewed in February would be a more complete document than the preliminary SAFE review in October under Alternative 1.

Under this scenario, the Council would recommend proposed harvest specifications in February with final action in April. In June or July, NMFS would publish proposed harvest specifications based on the Council’s final recommendations. After the public comment period, NMFS would publish final harvest specifications by December 1, so that the 30 day delayed effective period could be met before the start of the groundfish fishery on January 1. This alternative provides: (1) traditional public input avenues during Council meetings; (2) a public comment period on proposed specifications; (3) adequate time to develop analyses for decision making; (4) adequate time to complete rulemaking before the beginning of the fishing year; and (5) opportunity for the fishery industry to plan operations based on final harvest specifications.

The option to this alternative would have harvest specifications for the GOA and the BSAI target species set on a biennial basis. The species on a biennial survey schedule include all of the target species in the Aleutian Islands, Bering Sea sablefish, and all GOA target species, except for sablefish. Currently, the resource surveys in these areas are done every two years. ABCs are recommended based on the most recent survey data which may have been collected one or two years in the past.

Table 2.2 shows the schedule for different actions and groups involved in the harvest specification process under Alternative 2. The process shown on the table would be the same if the option to this alternative was adopted, except that the stock assessment and rulemaking process for the biennially surveyed species would be completed every other year with ABC recommendations and harvest specifications established for two years.

In the first year of implementation of this alternative, the harvest specifications would be issued through emergency rule making completed by January 1, and extending for a full year of implementation. The initial harvest specifications would be based on projections from the latest completed SAFE report while the new process is put in place. During the first year, the process shown in Table 2.2 for Year 1 would be followed to establish harvest specifications for Year 2. See Section 2.3 for more details.

See Appendices A and B for draft FMP amendment language for this alternative and Options A and B.

Table 2.2 Schedule for setting annual harvest specifications under Alternative 2

	Year 1									Year 2	
	Jan	Feb	April	May	June-July	Aug.	Sept.	Oct-Nov.	Dec.	Jan.	Feb-Dec.
Data	Catch Data for previous year available				biennial and annual survey age & length data collected					Catch Data for Year 1 available for Year 2 SAFE.	Repeat Year 1 process.
Plan Team	Preliminary SAFE completed for February Council meeting		Complete Final SAFE for April Council meeting				Data analyses and model review. November Plan Team Meeting		Prepare preliminary SAFE for February Council meeting		
Council		Review preliminary SAFE and preliminary NEPA/RIR/IRFA and announce proposed harvest spec. for YR2 for final action in April	Review revised SAFE, NEPA/RIR/IRFA and /ESA documents. Final action on harvest specifications for YR2								
NMFS	Complete initial Council review drafts of YR 2 NEPA/RFA/IRFA and ESA analyses	Revise NEPA/ESA/RFA/IRFA analyses based on Council recommendations and comments		Complete drafting and review of proposed harvest specs and analyses.	Publish proposed YR 2 annual specs. NEPA/RIR/IRFA and ESA drafts available	Review and respond to comments. Finalize NEPA/RIR/IRFA. Complete drafting and review of final rule.		Publish final harvest specifications for YR2.	30 day cooling off	Manage Fisheries with YR2 final harvest spec. Complete initial Council review drafts of NEPA/RIR/IRFA/ESA analyses for YR3.	
Public Comment	Welcome at Plan team meeting	Welcome at Council meeting.	Welcome at Council meeting.		30 day comment period on proposed specifications published in <u>Fed. Register</u>			Welcome at Plan team meeting	Welcome at Plan team meeting		

Alternative 3: Issue Proposed and Final Harvest Specifications based on an alternate fishing year schedule (July 1-June 30)

Option 1: Set sablefish TAC separately on a January 1 through December 31 schedule.

Option 2: Reschedule the December Council meeting for January

This alternative would use the same schedule for Council action as under the Status Quo but without interim specifications (Table 1.1). The Council would make final harvest specifications recommendations in December. NMFS would propose harvest specifications in February and do final rulemaking in May or June. The fishing year would be adjusted to begin July 1. This would allow for adequate public review and comment and would be consistent with APA and Magnuson-Stevens Act requirements. The time allowed for developing analytical documents would be constrained in this alternative as it is in the Status Quo Alternative. Approximately 6 months (January through June) would be available for the rulemaking process compared to 8 months (May through December) under Alternatives 2 and 4.

In December 2003, the SAFE documents prepared by the assessment authors and the Plan Teams would contain recommended ABCs for the period July 1, 2004 to June 30, 2005 (the "quota year"). These ABCs would be based on assessment projections covering this period and accounting for existing TACs. The recommended quota year ABCs in the SAFE documents would equal the sum of (a) the ABC target for 2004, minus the known amount of TAC currently in regulations for January to June 2004, and (b) half of the 2005 ABC target. Seasonal apportionments of the July 2004 to June 2005 quota year TAC would be based on proportions and dates specified in the regulations.

In the first year of implementation of this alternative, the harvest specification would be implemented by proposed and final rulemaking for the first six months of the year (January through June 2004), until superseded by final harvest specifications, effective on July 1. See figure 2.2 for an implementation schedule.

Option 1 to this alternative would have TAC for sablefish set for January 1 through December 31. The purpose of this option is to maintain the management of the sablefish IFQ program on the same annual schedule as the halibut IFQ program. Stock assessment information would be used to project the TAC to the following calendar year. For instance, 2000 stock assessment information would be used to establish TAC for all species, except sablefish, for July 2001 through June 2002. Sablefish TAC would be established with 2000 stock assessment information for January 2002 through December 2002.

The first year of implementation of this option is similar to the process outlined above for the other groundfish species. The sablefish TAC would be established by proposed and final rulemaking for the first calendar year and for the following year. Harvest specification for the other groundfish species would be effective July 1 and the sablefish specifications would be effective for the following January.

Option 2 would reschedule the December Council meeting to January. This would allow additional time for stock assessment authors to complete their reports and to deal with unusual data. The extra month for analysis would likely result in better scientific data on which to base fishery management decisions.

See Appendices C and D for draft FMP amendment language for this alternative without Option 1 and with Options A and B.

Alternative 4: Use Stock Assessment Projections for biennial harvest specifications. For the BSAI and GOA set the annual harvest specifications based on the most recent stock assessment and set harvest specifications for the following year based on projected OFL and ABC values.

Option 1: Set PSC limits annually

Option 2: Set PSC limits every two years based on regulations and for crab and herring use either projected values or rollovers from previous year.

This alternative would use stock assessment information provided by the Plan Teams and approved by the Council to establish OFL, ABC and TAC levels for two years based on projections from the current stock assessment. The harvest specifications process would take place every other year.

In the first year of implementing this alternative, harvest specifications would need to be issued by emergency rule in December for the following year. While the harvest specifications for the first year are in effect by emergency rule, harvest specifications for the second and third year will be implemented by proposed rulemaking in June or July and final rulemaking in October or November. After the “start-up”, harvest specifications for the following years would be implemented by proposed and final rulemaking. See Section 2.3 for more details.

Under Option 1, the PSC apportionments would need to be recommended annually by the Council and NMFS would implement the PSC limits with proposed and final rulemaking. Option 2 would put the PSC limit specifications on the same 2 year schedule as the other harvest specifications. Option 2 may be considered if the State of Alaska and NMFS have the resources, and if the biomass assessments are reliable enough to project crab and herring PSC limits. Option 2 may also be a PSC limits rollover from the previous year. The remainder of the PSC limits are specified in regulations (50 CFR §679.21).

The schedule described under Alternative 2 for OFL, ABC and TAC recommendations by the Plan Teams and the Council would be used in this alternative. In February, the Plan Team would present the preliminary SAFE report with OFL and ABC levels to the SSC, for the following fishing year and for the second following year. For example, a February 2002 Plan Team recommendation would include OFL and ABC levels for the year 2003 and projected OFL and ABC levels for the year 2004. Public comment would be taken during the proposed harvest specifications comment period and at Plan Team meetings and Council meetings. NMFS would set groundfish harvest specifications for two years at a time for all target species whether on a biennial or annual survey schedule. Each step in the Alternative 4 process for setting harvest specifications is identified in Table 2.3. Option 2 under this alternative would follow the same schedule as shown in Table 2.3. Option 1 would have to be a separate process from the biennial harvest specifications process, with annual PSC limit rulemaking as shown in Table 2.2.

Table 2.3 Schedule for setting annual harvest specifications under Alternative 4

	Year 1									Year 2	Year 3
	Jan	Feb	April	May	June-July	Aug.	Sept.	Oct.-Nov.	Dec.	Jan.-Dec	Jan-Dec.
Data	Catch Data from the previous year available				biennial and annual survey age & length data					biennial and annual Survey Age & length data	Repeat Year 1 process
Plan Team	Preliminary SAFE completed for February Council meeting		Final SAFE completed for April Council meeting				Data analyses and model review November Plan Team Meeting			Data analyses and model review Sept.-Dec. Plan Team meetings	Repeat Year 1 process
Council		Review preliminary SAFE, NEPA/RIR/IRFA and announce proposed harvest spec. for YR2 and YR3 for final action in April	Review revised, SAFE, NEPA/RIR/IRFA/ESA documents. Final action on harvest specifications for YR2 and YR3								Repeat Year 1 process
NMFS	Complete initial Council review drafts of NEPA/RIR/IRFA analyses	Revise NEPA/RIR/IRFA analyses based on Council recommendations and comments		Complete drafting and review of proposed regulation and analyses.	Publish proposed YR 2 and YR3 annual specs. NEPA/RIR/IRFA/ESA drafts available	Review and respond to comments. Finalize NEPA/RIR/IRFA/ESA documents. Complete drafting and review of final rule.	Publish final harvest specifications for YR2 and YR3.	30 day cooling off	Manage Fisheries with YR2 final harvest spec.	Manage Fisheries with YR3 final harvest spec. Repeat Year 1 process	

	Year 1									Year 2	Year 3
	Jan	Feb	April	May	June-July	Aug.	Sept.	Oct.-Nov.	Dec.	Jan.-Dec	Jan-Dec.
Public Comment	Welcome at Plan Team Meeting	Welcome at Council meeting.	Welcome at Council meeting.		30 day comment period on proposed specifications in <u>Fed. Register</u>			Welcome at Plan team meeting		Welcome at Plan Team and Council meetings	Repeat Year 1 process

Option A: Abolish TAC Reserves.

Under Option A, NMFS would no longer set aside nonspecified TAC reserves in the BSAI and would no longer set aside TAC for the GOA reserves. CDQ reserves would be established as a set allocation of the total TAC (7.5 percent of each BSAI PSC limit; and 7.5 percent of most BSAI groundfish TACs, except 10 percent of BSAI pollock and 20 percent of the fixed gear sablefish allocation). Option A could be implemented with Alternatives 2 through 4 to promote administrative efficiency while minimizing public confusion regarding TAC specifications.

Option B: Updating Portions of the FMPs

The FMPs do not accurately reflect the current condition of the fisheries and the harvest specification process (NPFMC 1999a and 1999b). This option would update language in certain sections of the FMPs to remove references to foreign fishing and allocation to foreign fishing and to update the description of the harvest specification process, including the Plan Teams' responsibilities regarding PSC limits apportionments and allocations and to update fishing participants information. Appendices A and B to this EA/RIR/IRFA contain draft amendment language for the BSAI and GOA FMPs for consideration in implementing this option.

The groundfish fisheries in Alaskan waters have shifted from exclusively foreign fisheries to exclusively American fisheries in 1991. At the time the FMPs were developed, much of the descriptive text contained references to foreign fishing, and management measures included provisions for foreign and domestic fisheries. This option will remove obsolete references to foreign fishing in the Introduction, Goals and Objectives, Stock and Area Description, and Management Measures sections of the FMPs and update the description of the current groundfish fisheries.

Section 303(a) of the Magnuson-Stevens Act requires that an FMP address foreign fishing by:

1. Describing the conservation and management measures that apply to foreign fishing,
2. Describing the nature and extent of foreign fishing, and
3. Assessing and specifying the portion of optimal yield made available to foreign fishing.

These requirements will be met by describing that foreign fishing is no longer allowed in Alaskan waters and therefore no conservation and management measures are needed and no portion of optimal yield is made available to foreign fishing. Implementing this option would meet the objectives of promoting administrative efficiency and minimizing public confusion regarding the FMP language.

The BSAI and GOA FMPs contain descriptions of the actions taken by the Plan Teams in providing information to the Council to make harvest specifications recommendations. Each FMP contains a description of the Plan Teams providing recommended PSC limits allocations and apportionments and an economic analysis of these allocations and apportionments. The Plan Teams have not provided this economic analysis for a number of years because there are no economists on the Plan Teams. The Plan Teams normally provide the Council a report on the previous year's PSC limits apportionments and allocations and catches of PSC species for Council consideration. The Council uses the Plan Team information and fishing industry concerns in developing recommended PSC limits apportionments and allocations for the coming year. The fishing industry concerns are a crucial part of the development of the PSC recommendations and are not available to the Plan Teams. Therefore, the Plan Teams do not have all the information needed able to make

comprehensive recommendations to the Council regarding PSC limit apportionments and allocations for the harvest specifications. However, as noted in Section 1.5, for several years economic analysis has been provided by the economists at the AFSC in the annual “Economic SAFE document”. If this option is adopted, references to the Plan Teams providing recommended PSC limits apportionments and allocations and economic analyses will be changed to an optional part of the SAFE reports to the Council.

Appendices A through D contain the draft FMP amendment language for implementation of alternatives 2 and 3, and the updates previously described in this section for the BSAI and GOA FMPs. Language describing the Council process for developing and recommending harvest specifications would be amended to reflect the schedule specified in alternatives 2 or 3. This option adds the additional amendments of removing references to foreign fishing where appropriate and changing the Plan Teams’ responsibility for providing the Council recommended PSC limit apportionments and allocations for harvest specifications to an optional activity.

Excluding the draft FMP language for a harvest specifications process (Alternative 2), this option is a housekeeping procedure. Updating language in the FMP will not change the management or nature of the groundfish fisheries in Alaskan waters. By not changing the management or nature of the groundfish fisheries, this option will have no effect on the human environment. Because this option is a housekeeping procedure to update the Plan Teams’ responsibilities for recommending PSC limit allocations and apportionments and to reflect the current nature of foreign and domestic fisheries in Alaskan waters, this option is considered a minor correction to the FMP. Minor corrections to an FMP are considered eligible for categorical exclusion from NEPA analysis under NOAA Administrative Order 216-6, section 6.03(a)(3)(b)(2). This option will not have an effect on the human environment and is considered a minor correction. Therefore, it will not be further analyzed in this EA and is categorically excluded from NEPA analysis. The alternative harvest specifications process included in this option is analyzed in this EA/RIR/IRFA.

2.2 Alternatives Considered and Eliminated from Detailed Study

Set harvest specifications through a single Federal Register notice

An alternative to set harvest specifications through a single Federal Register notice was also considered and rejected. Under this alternative, the Council would recommend harvest specifications in December based upon SSC and AP recommendations. NMFS would approve and publish the harvest specifications as a notice in the Federal Register by the end of December. Public review and comment on the SAFE reports and EA/RIR/IRFA would be possible at the Plan Team and Council meetings. Three issues make this a nonviable alternative. The first problem is the lack of time to complete the NEPA and RIR analyses between the December Council meeting and before publication of the notice. The second problem is that this alternative does not provide ample opportunity for public review and comment on the proposed federal action, one of the most important goals of revising the harvest specification process. The third possible problem is that the fishery may not open on January 1 if the notice is not issued by then. Because of these problems, this alternative will not be further analyzed in this document.

Issue proposed and final specifications based on current year survey results, but conduct surveys earlier in year

This alternative would maintain the existing fishing year schedule but resource assessment surveys would be conducted earlier in the year, and Council recommendations would be provided earlier in the

year to provide completion of the proposed and final specifications process before January 1. Survey work would be required to be conducted in late winter months. This alternative would allow for adequate public review and comment on the proposed federal action, but would constrain time to develop analyses prior to Council recommendation and agency approval for the harvest specifications. Major scientific problems exist with this option because the distribution and abundance of the fish in the winter/spring surveys would be different than in historically timed stock surveys. Further, severe weather may reduce the number of surveys completed and reduce sampling precision. Because of these problems, this option will not be further analyzed in this EA/RIR/IRFA.

Calculate interim specifications from ABC, followed by proposed and final specifications.

Under this alternative, NMFS would issue interim specifications by Federal Register notice after the December Council meeting and prior to January 1, based on the following non-discretionary formula which uses the best available information on status of the stocks. This information comes from the November/December Plan Team, SSC, and Council deliberations.

$$[ABC_{\text{year } x+1} / ABC_{\text{year } x} * TAC_{\text{year } x}] = \text{Interim } TAC_{\text{year } x+1}$$

Under this simple formula, interim TACs would be proportionately adjusted up or down from the previous year's TACs based on changes to ABCs. The interim TACs would be the lower of the calculated TACs or the Council-recommended TACs. The interim TAC would be apportioned into gear, season, and area allocations as specified in regulations. In addition, this alternative would provide for sablefish CDQ and IFQ interim TACs according to the above formula. Interim specifications would be superseded by proposed and final rulemaking with final specifications replacing interim specifications by late spring.

Because this alternative would not allow for a proposed and final rule making process on the interim specifications, this would not comply with the main objective to allow prior notice and public comment on harvest specifications and is therefore not further analyzed in this EA/RIR/IRFA.

Rollover existing specifications until superseded by new specifications

This alternative would set harvest specifications for a 16-month period (Jan-Dec + following year Jan-April). The harvest specifications would effectively "rollover" into the first four months of the following year, until replaced by new final specifications. If final specifications were not in place on or before May 1, the fishery would not be authorized to operate. Public comment would be taken at Plan Team meetings and Council meetings. No changes would occur in the resource assessment survey schedule. This alternative would reduce administrative costs relative to the status quo because no need would exist for issuing interim specifications. Two options are detailed below.

Option 1: Rollover current year's specifications on interim basis; NMFS would publish proposed specifications with a 15-day comment period and would publish final specifications, following the December Council meeting.

This option would implement regulations that would stipulate the rollover of the current year's specifications, without any Federal action needed. That is, the TACs would be set for a 16-month period, or until superseded by final specifications. Proposed specifications would be based on Council recommendations and would be published after the December Council meeting. Public comment would be taken during the proposed specifications comment period and at Plan Team meetings and Council meetings.

Option 2: Rollover current year's specifications on an interim basis; NMFS would publish interim final specifications with a 30-day comment period. If necessary after considering comments received, NMFS would publish revised final specifications.

Under this alternative, NMFS would publish interim final specifications based on the Council recommendations after the December Council meeting, accompanied by the required NEPA and economic analyses. Public comment would be taken during interim final specification comment period, and at Plan Team meetings and Council meetings.

Option 1 would cause confusion to the public and difficulty in management of the fisheries as the harvest specifications would likely change half way through the fishing year. Option 1 does not meet the objectives to minimize disruption to the fisheries and public confusion, and to promote administrative efficiency. Option 2 does not meet the statutory requirements for prior public notification and comment on a proposed federal action. Because these options do not meet the objectives, this alternative is not further analyzed in this document.

2.3 Implementation Process

Figure 2.1 shows the implementation process for revising the FMPs and implementing Alternatives 2 or 4. In Figure 2.1, the Council makes a final recommendation in October 2002, proposed and final rule making for the harvest specifications process would need to be completed before April 2003 to allow the Council to make a final harvest specifications recommendation for 2004 (and 2005 for Alternative 4) under the new administrative procedure. At the same time, the 2003 harvest specifications would need to be implemented by proposed, interim, and final rulemaking as the new process is being put in place. Proposed and final rulemaking for 2004 harvest specifications would happen in June and October 2003, respectively so those specifications will be in place by January 2004.

In Figure 2.2, Alternative 3 would have a similar FMP amendment approval and rulemaking process as Alternatives 2 or 4 for revising the harvest specifications process. Regulatory action for implementing the FMP amendments may occur later in 2003 compared to Alternative 2 because harvest specifications under Alternative 3 need to be effective 6 months later than under Alternative 2. Establishing the harvest specifications for 2003 would be done by proposed, interim and final rulemaking as currently specified in the regulations. FMP amendments and regulatory amendment for the harvest specifications process would be completed in 2003, including proposed and final rulemaking for harvest specifications for January through June 2004 and January through December 2004 for sablefish. In December 2003, the Council would recommend July 2004 through June 2005 harvest specifications, and January through December 2005 sablefish TAC if Option 1 is implemented. Proposed and final rulemaking for the July 2004 through June 2005 harvest specifications would be completed in the first half of 2004.

Figure 2.1 Rulemaking Schedule for Implementing Alternatives 2 or 4 Harvest Specifications Process

Insert Becky's figure here:

Figure 2.2 Rulemaking Schedule for Implementing Alternative 3 Harvest Specifications Process

Insert Becky's figure here: