

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON THE DRAFT  
ENVIRONMENTAL ASSESSEMENT FOR AMENDMENT 15

The interagency work group, composed of state and federal representatives, prepared a draft environmental assessment for Amendment 15, the American Fisheries Act (AFA) issues, for Council consideration (Agenda Item E.11.b Attachment 1). During this process several questions arose regarding the purpose and need, proposed action, and range of alternatives. We request clarification from the Council on the following items.

*Purpose and Need*

Based on previous Council action, three Purpose and Need statements were developed (Table 1). We request the Council choose a Purpose and Need and associated alternatives (Tables 2-4).

*Range of Alternatives*

The Council's preferred alternative for Amendment 15 analysis in September 2001 included restricting participation of AFA-permitted vessels in the non-whiting groundfish fisheries. We request that the Council state the rationale for including or excluding an alternative in the current Amendment 15 analysis that addresses participation of AFA-permitted vessels in the non-whiting groundfish fisheries. Currently, there are no alternatives developed to prevent harm to the non-whiting groundfish fisheries. Including non-whiting groundfish would considerably lengthen the amount of time for the analysis, which would prevent a 2008 implementation date.

The suite of alternatives proposed by the Council at the April Council meeting only constrain participation by AFA-permitted vessels in the Pacific whiting fishery; impacts to the Pacific whiting fishery by non-AFA vessels may still occur. The National Marine Fisheries Service (NMFS) requests an alternative that prohibits any vessel from participating in either the mothership, catcher-processor or shoreside delivery sector of the directed Pacific whiting fishery off the west coast if it does not have a history of sector-specific participation in the whiting fishery between January 1, 1997, and January 1, 2007 (Agenda Item E.11.b Attachment 3). This alternative reflects the NMFS temporary rule (72 CFR 27759) for the 2007 Pacific whiting fishery. We request that the Council state the rationale for including or excluding an alternative in the current analysis that addresses participation of non-AFA vessels in the Pacific whiting fishery.

The National Marine Fisheries Service (NMFS) also requests that the Council consider an alternative which limits the participation of AFA vessels in the whiting fishery to the average annual aggregate historic participation of those vessels now registered for use with AFA permits from January 1, 1994 – January 1, 1999 (the start of the limited entry program through to the passage of the AFA) based on number of vessels.

*Participation Dates*

The Council chose the following participation dates to characterize the timeline for historical participation:

- Alternative 2 - January 1, 1994 and January 1, 2006
- Alternative 3 - January 1, 1994 and January 1, 2007

For catcher-processors and motherships, a subalternative includes a start date of December 31, 1996, the year in which the at-sea sector received a Pacific whiting allocation.

The range of alternatives include, but are not specific to, the control dates specified by the Council (64 FR 66158 and 65 FR 55214) or the passage of the AFA (1999). We request that the Council state the rationale for including or excluding alternatives in the current analysis that specifically address these dates.

#### *Significant Historical Participation*

The Council defined significant historical participation for Alternatives 2 and 3 as

- 500 or 1000 mt for catcher vessels in the shoreside and mothership fishery, and
- 1000 mt for catcher/processors and motherships.

We request that the Council confirm that the rationale for defining significant historical participation was based on recommendations by the Groundfish Allocation Committee in their report to the Council in September 2001.

Did the Council intend to have landings outside the directed whiting fishery count toward the cumulative total for significant historic participation? Or did the Council intend that the analysis would only include landings with in the directed Pacific whiting fishery? If the later, the directed whiting fishery would be defined by the use of mid-water gear, primary season dates, and landings greater than 10,000 pounds. Landings of Pacific whiting by vessels using bottom trawl gear would not be included in the analysis.

Significant historical participation for at-sea catcher vessels will be determined using observer data. Due to low sampling rates, estimated values of total catch, rather than Pacific whiting catch, may be used in the analysis. Since the bycatch rate in the Pacific whiting fishery is low (1-2%), total catch is assumed to be a reasonable substitute for Pacific whiting catch.

#### *Impact Analysis*

Data for the at-sea sector are confidential due to the limited number of participants in some years and therefore the NMFS cannot release the data to the interagency workgroup. Thus, the NMFS will be responsible for summarizing the at-sea data impacts (i.e., providing tables) relative to the alternatives as well as the environmental analysis. Members of the interagency workgroup will be responsible for analyzing those data.

Members of the current interagency work group do not have the expertise to complete the socioeconomic analysis; therefore we ask that the Council identify staff that can complete this task.

**Table 1.** Purpose and Need Statements for Amendment 15.

<b>PURPOSE AND NEED</b>		
“The proposed action is to develop conservation and management measures to protect the...		
<b>Purpose and Need 1 Whiting fishery and AFA-permitted vessels</b>	<b>Purpose and Need 2 Whiting fishery, AFA-permitted and non-AFA vessels</b>	<b>Purpose and Need 3 Whiting and non-whiting groundfish fisheries, AFA-permitted vessels</b>
<p>“...west coast non-tribal Pacific whiting fishery and the participants in the fishery from adverse impacts caused by the AFA or by any fishery cooperatives in the directed pollock fishery; specifically vessels with no sector-specific significant historical participation in the Pacific whiting fishery.”</p> <p>(continue to Table 2 for alternatives specific to this Purpose and Need)</p>	<p>“...west coast non-tribal Pacific whiting fishery and the participants in the fishery from adverse impacts caused by the AFA or by any fishery cooperatives in the directed pollock fishery and non-AFA vessels; specifically vessels with no sector-specific significant historical participation in the Pacific whiting fishery.”</p> <p>(continue to Table 3 for alternatives specific to this Purpose and Need)</p>	<p>“..west coast non-tribal Pacific whiting fishery and nonwhiting groundfish fisheries and the participants in the fisheries from adverse impacts caused by the AFA or by any fishery cooperatives in the directed pollock fishery, specifically vessels with no significant historical participation in the fisheries. For the Pacific whiting fishery, significant historical participation is sector specific.”</p> <p>(continue to Table 4 for the alternative specific to this Purpose and Need)</p>

**Table 2.** Alternatives specific to Purpose and Need 1, the Pacific whiting fishery and AFA-permitted vessels.

Alternative 1 (No action) Status quo	Alternative 2 (2005 season) Significant historical sector-specific participation	Alternative 3 (2006 season) Significant historical sector-specific participation	Alternative 5 (NMFS proposal) Aggregate annual participation
Do not limit participation in the Pacific whiting fishery by AFA-permitted vessels	January 1, 1994 – January 1, 2006	January 1, 1994 – January 1, 2007	Limit the participation of AFA vessels in the whiting fishery to the average annual aggregate historic participation of those vessels now registered for use with AFA permits from January 1, 1994 - January 1, 1999 (limited entry through passage of the AFA) based on number of vessels
	<b>2A</b> Sector Allocation Date	<b>3A</b> Sector Allocation Date	
	December 31, 1996 – January 1, 2006 for catcher-processors and motherships	December 31, 1996 – January 1, 2007 for catcher-processors and motherships	
	<b>2B</b> Post - 1 <sup>st</sup> Control Date (64 FR 66158)	<b>3B</b> Post - 1 <sup>st</sup> Control Date (64 FR 66158)	
	September 16, 1999 – January 1, 2006	September 16, 1999 – January 1, 2007	
	<b>2C</b> Post - 2 <sup>nd</sup> Control Date (65 FR 55214)	<b>3C</b> Post - 2 <sup>nd</sup> Control Date (65 FR 55214)	
	June 29, 2000 – January 1, 2006	June 29, 2000 – January 1, 2007	
	<b>2D</b> Post - AFA Passage Date	<b>3D</b> Post - AFA Passage Date	
January 1, 1999 – January 1, 2006	January 1, 1999 – January 1, 2007		

**Table 3.** Alternatives specific to Purpose and Need 2, the Pacific whiting fishery, AFA-permitted and non-AFA vessels.

<p><b>Alternative 1</b>  <b>(No action)</b>  <b>Status quo</b></p>	<p><b>Alternative 4</b>  <b>(72 CFR 27759)</b>  <b>2007 Temporary Rule</b></p>
<p>Do not limit participation in the Pacific whiting fishery by AFA-permitted and non-AFA permitted vessels</p>	<p>Prohibit any vessel from participating in either the mothership, catcher-processor or shoreside delivery sector of the directed Pacific whiting (whiting) fishery off the west coast if it does not have a history of sector-specific participation in the whiting fishery between January 1, 1997 and January 1, 2007</p>

**Table 4.** Alternatives specific to Purpose and Need 3, Pacific whiting and non-whiting groundfish fisheries, AFA-permitted vessels<sup>a</sup>.

<b>Alternative 1</b> <b>(No action)</b> <b>Status quo</b>
Do not limit participation in the Pacific whiting fishery and non-whiting groundfish fisheries by AFA-permitted vessels

<sup>a</sup> If Purpose and Need 3 is chosen, a range of alternatives would be developed.