

Supplementary Information Report

for the

**2013 Annual Deployment Plan for
Observers in the Groundfish and Halibut
Fisheries off Alaska.**

January 2013

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1 North Pacific Observer Program

The Observer Program has an integral role in the management of North Pacific fisheries. The Observer Program was created with the implementation of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in the mid-1970s and has evolved from primarily observing foreign fleets to observing domestic fleets. The Observer Program provides the regulatory framework for NMFS-certified observers (observers) to obtain information necessary for the conservation and management of the groundfish fisheries. The information collected by observers provides the best available scientific information for managing the fisheries and developing measures to minimize bycatch in furtherance of the purposes and national standards of the MSA. Observers collect biological samples and information on total catch and interactions with protected species. Managers use data collected by observers to monitor quotas, manage groundfish and prohibited species catch, and document and reduce fishery interactions with protected resources. Scientists use observer-collected data for stock assessments and marine ecosystem research.

In 2012, in partnership with the North Pacific Fishery Management Council (Council), NMFS restructured the Observer Program to address longstanding concerns about statistical bias of observer-collected data and cost inequality among fishery participants with the previous funding and deployment structure. This action is anticipated to reduce bias in observer data; authorize the collection of observer data in sectors that do not currently have any observer coverage requirements; allow fishery managers to provide observer coverage to respond to the management needs and circumstances of individual fisheries; provide scientists with data critical for the conservation and management of fisheries and ecosystems in the North Pacific; and assess a broad-based fee which reflects the value a vessel or processor extracts from the fishery. The new Observer Program established the Annual Deployment Plan (ADP) process to annually determine the sampling and deployment methods NMFS will use to deploy observers for the upcoming year.

The Council recommended the new Observer Program as Amendment 86 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 76 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). On June 7, 2012, NMFS approve Amendments 86/76. On November 21, 2012, NMFS published the final rule to implement the new Observer Program (77 FR 70062). Concurrent with the development of the final rule, NMFS developed the 2013 Annual Deployment Plan for Observers in the Groundfish and Halibut Fisheries off Alaska (2013 ADP). On January 1, 2013, NMFS began deploying observers on vessels under the new program and collecting fees.

In partnership with the Council, NMFS prepared the *Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Amendment 86 to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 76 to the Fishery Management*

*Plan for Groundfish of the Gulf of Alaska Restructuring the Program for Observer Procurement and Deployment in the North Pacific*¹ and a Finding of No Significant Impact (FONSI).² The EA was finalized in March 2011 and the FONSI was signed with the approval of Amendments 86/76 on June 7, 2012.

2 Purpose of this Supplementary Information Report

This supplementary information report evaluates the need to supplement the EA for the 2013 ADP. An supplemental EA should be prepared if –

1. the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or
2. significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)).

Not every change requires a supplemental analysis; only those changes that cause effects which are significantly different from those already studied require supplementary consideration. This report analyzes the information contained in the 2013 ADP to determine whether the EA should be supplemented. The following two sections discuss each of the considerations for a supplemental NEPA analysis: changes to the action, new information, and new circumstances.

3 Changes to the Proposed Action

The 2013 ADP does not constitute a change in the proposed action. The action proposed and analyzed in the EA was a new, restructured Observer Program that provides for the annual determination of observer deployment based on information developed through the ADP process. The 2013 ADP is consistent with the preferred alternative Observer Program analyzed in the EA because the deployment and sampling methods were developed through the ADP process and will result in observer deployment that achieves the program goals. Please see 2013 ADP section 2.5 for the analysis of how the 2013 ADP achieves the program goals. The ADP process and the environmental consequences of the selected Observer Program are fully described in the EA and discussed in more detail in the following section 4 on new information and new circumstances.

To summarize the ADP process, each year, NMFS will develop a draft ADP that will describe how NMFS plans to deploy observers to vessels in the partial observer coverage category in the upcoming year. The draft ADP will describe the sampling design NMFS plans to use to generate unbiased estimates of total and retained catch, and catch composition in the groundfish and halibut fisheries. The draft ADP also will describe how NMFS will deploy observers to shoreside processing plants or stationary floating processors in the partial coverage category. NMFS will adjust the ADP from year to year after

¹ http://alaskafisheries.noaa.gov/analyses/observer/amd86_amd76_earirirfa0311.pdf

² http://alaskafisheries.noaa.gov/analyses/observer/amd86_amd76_fonsi0612.pdf

a scientific evaluation of data collected under the restructured Observer Program to evaluate the impact of changes in observer deployment and identify areas where improvements are needed to collect the data necessary to conserve and manage the groundfish and halibut fisheries. The Council will review the draft ADP and seek input from the public and will consider that input when developing its recommendations about the draft ADP. The Council may recommend adjustments to observer deployment to prioritize data collection based on conservation and management needs. NMFS will adjust the draft ADP after a scientific evaluation of Council recommendations and finalize the ADP. The 2013 ADP was developed following this process. Please see 2013 ADP section 1.2 for a complete description of the ADP process.

4 New Information and New Circumstances

The second part of the inquiry to determine whether to supplement the EA involves a two-step process. First, one must identify new information or new circumstances. Second, one must analyze whether these are significant to the analysis of the proposed action and relevant to environmental concerns and bearing on the proposed action or its impacts. The primary source of new information directly related to the action and its impacts is the 2013 ADP. The new information in the 2013 ADP was not available with the EA was written and FONSI was signed. The Council and NMFS prepared the EA and FONSI to support the decision on whether to approve, disapprove, or partially approve Amendments 86/76. The EA used the best available information to analyze the potential environmental impacts of the new Observer Program and its alternatives.

NMFS and the Council designed the ADP process to provide flexibility to meet scientifically based estimation needs. This flexibility allows NMFS to optimize observer deployment so that reductions in variability can be achieved in the most cost-effective manner. As described in the EA, the goal of the ADP is to achieve a representative sample of fishing events, and to do this without exceeding available funds. This is accomplished by the random deployment of observers in the partial coverage category. Once implemented, random deployment will greatly improve NMFS's ability to evaluate the statistical properties of estimators and improve catch estimation procedures in the future.

The 2013 ADP includes the sampling methods and plan for deploying observers on vessels and processing plants under the partial observer coverage category. The 2013 ADP will provide statistically robust observer data and extend coverage to previously unobserved vessels. Deploying observers according to the revised 2013 ADP will improve our estimates of all bycatch, including salmon prohibited species catch in the trawl fisheries.

The 2013 ADP used some information that was not available for the EA analysis. Specifically, the ADP uses the federal start-up funds of \$4.48 million dollars as the amount of funding available for deploying observers in 2013. In future years, the funds available for observer coverage will be the amount collected from the fees. The 2013 ADP uses the observer cost estimates from the confidential contract information, the available federal funds, and the 2011 number of vessel days at-sea as a proxy for the anticipated 2013

vessel days at-sea, to estimate the total coverage rate of 13 percent for the partial coverage category (see 2013 ADP section 2.5.1 and 2.5.4). This total coverage was the apportioned between the vessel selection pool and the trip selection pool following the Council's recommendations (see 2013 ADP section 1.3).

This type of new information was anticipated in the design of the new Observer Program and the ADP process is a flexible process designed to adjust to new information. The preferred Observer Program analyzed in the EA anticipated that NMFS would use the best available information on funding, costs, and vessel days at-sea in the ADP for the upcoming year. The EA explains that the cost of observer coverage and the amount of funding available for observer coverage would change over time. The EA recognized that the coverage rate for any given year would be dependent on available revenue and anticipated costs and vessel days at-sea. The analysis recognized annual changes in revenue and costs were inherent in the program and therefore established the ADP process to ensure that the best available information was used to deploy observers each year.

Importantly, as explained in the EA, the new Observer Program addresses a potential statistical bias in observer data caused by vessels self-selecting when to carry and observer (i.e., deployment bias) under the old program. Deployment bias is linked with the non-random deployment of observers and is not necessarily dependent on the rate or amount of observer coverage. Therefore, while new information was used to estimate the rate of coverage for 2013, the 2013 ADP uses a scientifically-based method to deploy observers and that is the important improvement under the new Observer Program.

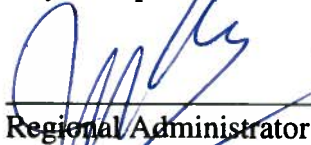
NMFS has not changed the use of the best available scientific method to deploy observers. The new information does not change the primary function of the 2013 ADP: to implement a sampling plan for the partial coverage category that improves the reliability of data collection within this category. The sampling methods in the 2013 ADP will achieve representative sampling of fishing events for vessels in the partial observer category greater than or equal to 40' length overall (LOA) and not fishing jig gear. These methods are intended to reduce sampling bias that results from non-representative deployment of observers (deployment bias). Addressing deployment bias represents an important step towards providing the best available scientific information to fishery managers and scientists. The sampling methods described in the 2013 ADP is anticipated to reduce bias in observer data, improve catch estimates, and lay the groundwork for cost-effective improvements to sampling methods implemented in future ADPs.

Further, while the EA did not analyze the environmental impacts of specific coverage rates, it did analyze the probable environmental impacts of using a scientifically-based sampling design to deploy observers, collecting observer data in sectors that have never had any observer coverage requirements, and allowing fishery managers to provide observer coverage to respond to the management needs and circumstances of individual fisheries (see EA section 4.3). The 2013 ADP deploys observers in a manner consistent to that anticipated in the EA. Deploying observers under the 2013 ADP will realize the environmental benefits from improved observer data identified in the EA (see EA section 4.3.1).

Therefore, the information and circumstances used in the 2013 ADP are not significant relative to the environmental impacts of the Observer Program analyzed in the EA: they raise no new environmental concerns significantly different from those previously analyzed in the EA. Thus, the new information and circumstances are not of a scale and scope that require a supplemental NEPA analysis.

5 Determination

After reviewing the information above and presented in the 2013 ADP, I have determined that (1) the 2013 ADP, which was developed according to the process established in the new Observer Program and analyzed in the EA, does not constitute a change in the action; and (2) the information presented does not indicate that there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Therefore, supplemental NEPA documentation is not necessary to implement the 2013 ADP.



Regional Administrator

1.29.13
Date

6 Preparers and Persons Consulted

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