

DRAFT

ENVIRONMENTAL ASSESSMENT

and

REGULATORY IMPACT REVIEW

FOR

AMENDMENT 26 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE
BERING SEA AND ALEUTIAN ISLANDS AREA

AND

AMENDMENT 29 TO THE FISHERY MANAGEMENT PLAN FOR GROUND FISH OF THE
GULF OF ALASKA

NMFS AUTHORIZED DISTRIBUTION
OF SALMON BYCATCH IN THE
GROUND FISH FISHERIES OFF ALASKA
TO ECONOMICALLY DISADVANTAGED INDIVIDUALS

Prepared by

**National Marine Fisheries Service
Alaska Region**

March 1996

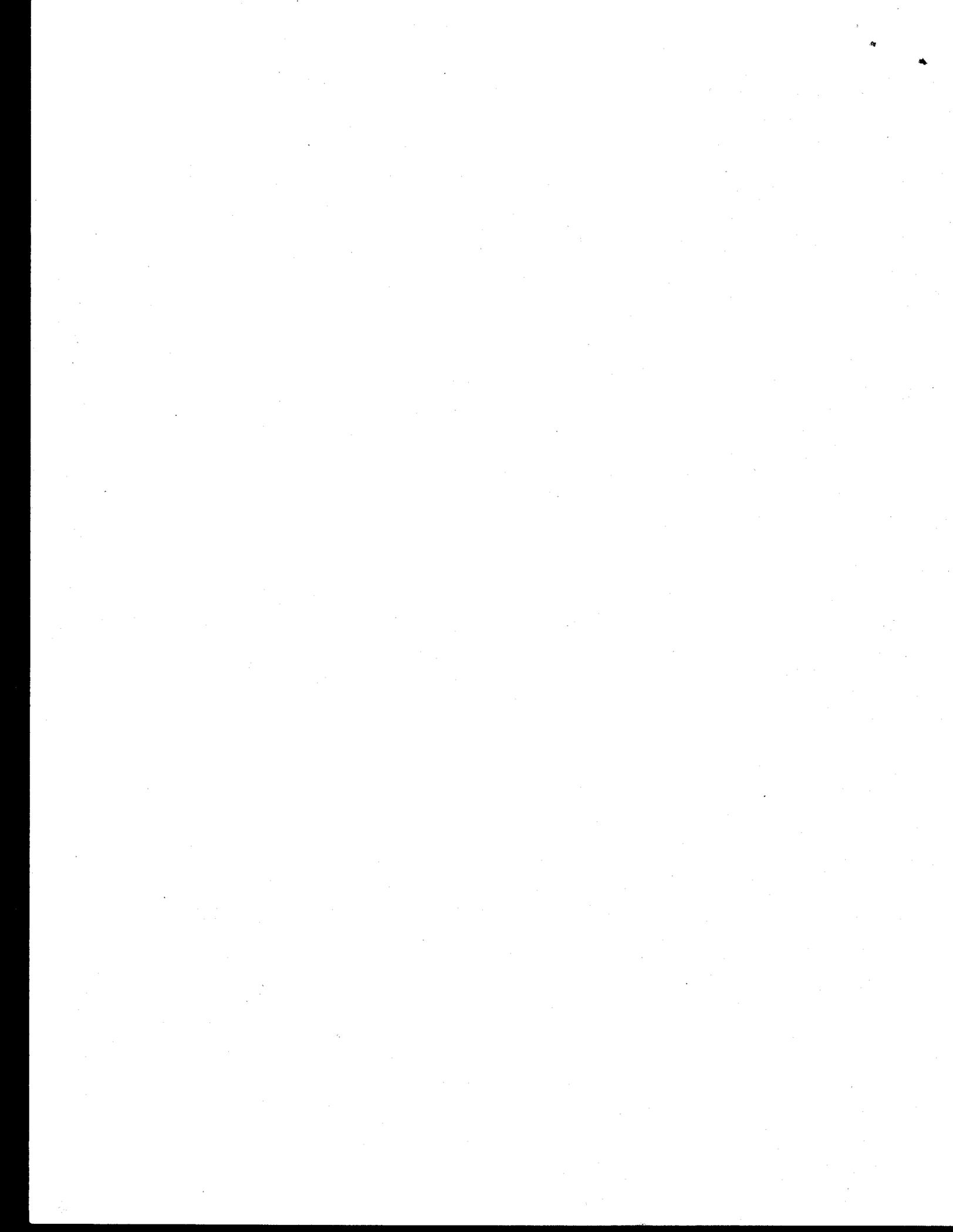
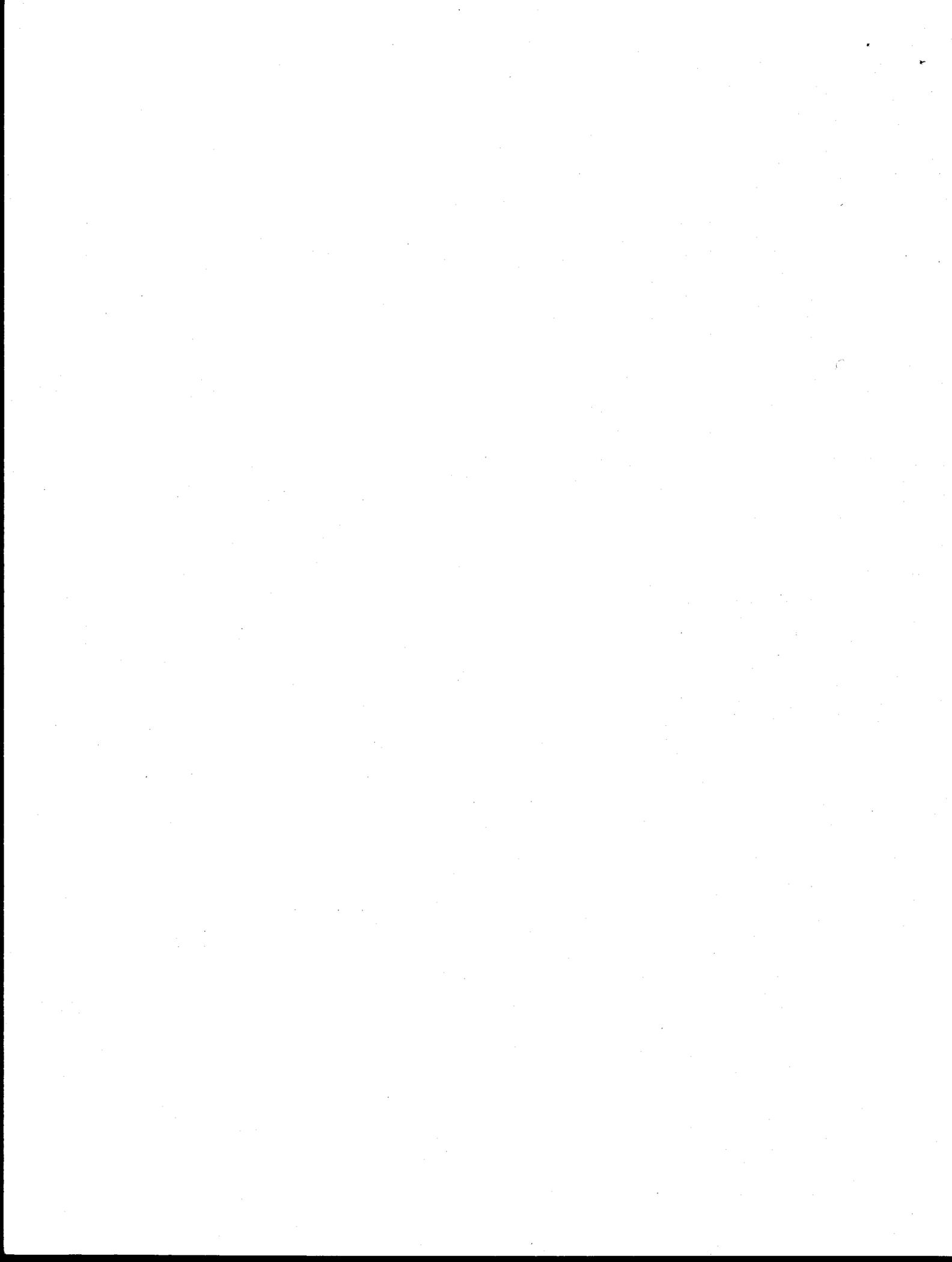


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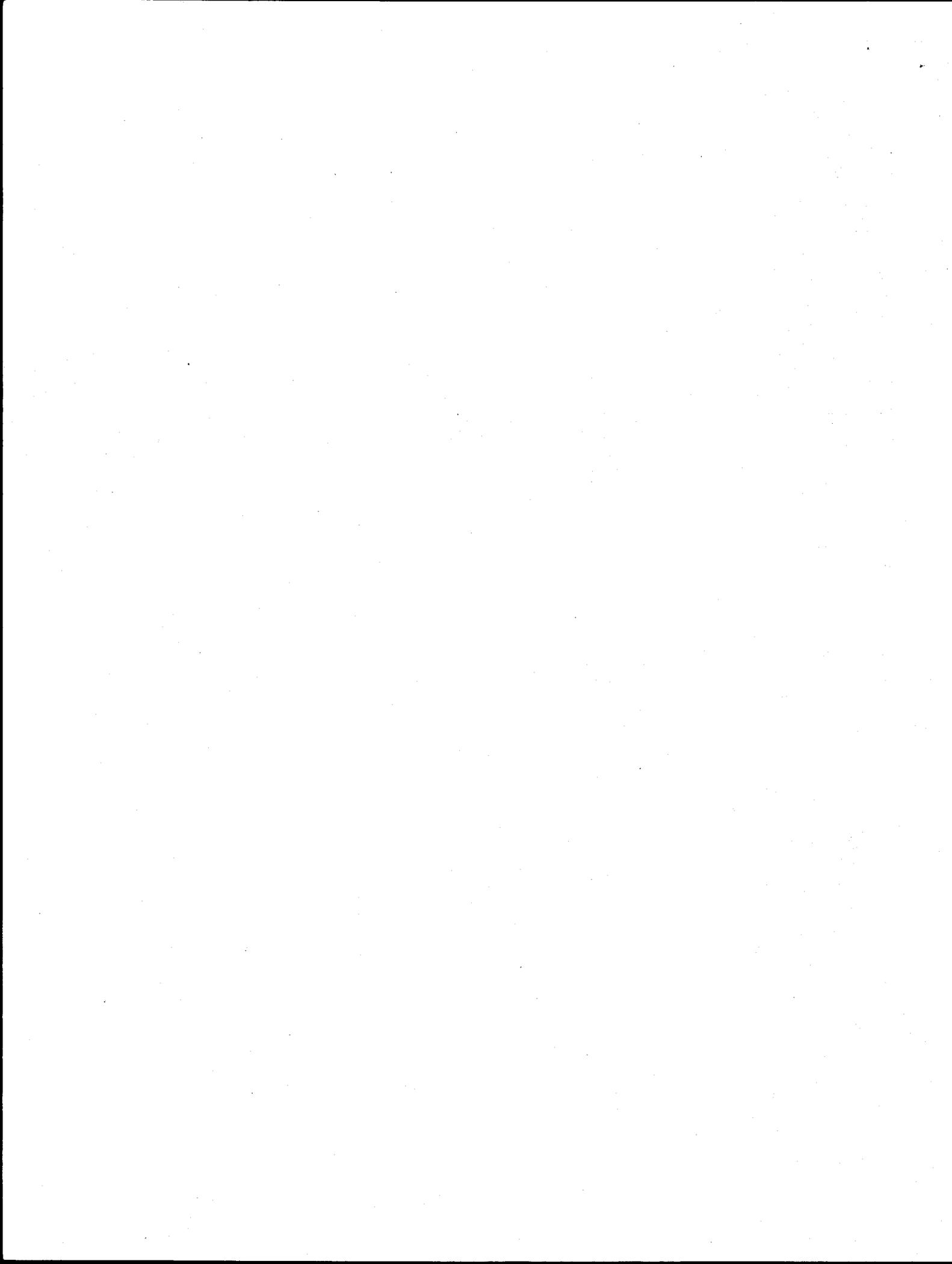


Executive Summary

Salmon are taken incidental to the Alaska groundfish trawl fisheries. These fish experience 100 percent mortality when brought on board a vessel and must be returned to Federal waters as prohibited species once a NMFS-certified observer has determined the number of salmon and completed the collection of any scientific data. At its September 1993 meeting, the North Pacific Fishery Management Council (Council) adopted as a statement of intent a "Salmon Bycatch Control Policy." This policy endorsed the development of several different initiatives intended to address the salmon bycatch problem, including the development of regulations authorizing the retention of salmon for processing and delivery to economically disadvantaged individuals through tax-exempt organizations. The Council's intent for these regulations was to reduce protein waste in the groundfish trawl fisheries, provide additional opportunity to collect biological samples or scientific data, and potentially provide an incentive to vessel operators to take action to reduce salmon bycatch rates to avoid costs associated with retaining and processing salmon for human consumption.

During the period the Council was considering its Salmon Bycatch Control Policy, Terra Marine Research and Education and Northwest Food Strategies (NWFS) applied for an Experimental Fishing Permit (EFP) to develop a means to improve resource utilization and reduce waste. Regulations at 50 CFR 672.6 and 675.6 authorize, on a limited basis, experimental fishing to provide information not otherwise available through research and commercial fishing operations. Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than 1 calendar year but may be revoked, suspended or modified during the calendar year. EFPs may be renewed following the application procedures at 50 CFR 672.6(b). Results may be used to supplement analysis for implementing regulations, if warranted.

NMFS approved three EFPs to NWFS, effective during 1993 through 1996. The first tested the feasibility of mandatory retention of salmon caught as bycatch in the BSAI trawl fisheries. The purpose of this EFP was to reduce salmon bycatch amounts while increasing the utilization of bycatch that is discarded under existing regulations. NWFS concluded that the EFP was successful in increasing the utilization of salmon bycatch while reducing bycatch. However, it was determined that NMFS lacked the authority, under the Magnuson Fishery Conservation and Management Act (Magnuson Act), to require onshore processors to retain and process salmon caught as bycatch in the groundfish trawl fisheries off Alaska.



Therefore, the second permit to be approved by NMFS tested the feasibility of voluntary retention. The Final Report submitted by NWFS indicated that the voluntary program is equally if not more successful at decreasing the quantities of protein discard.

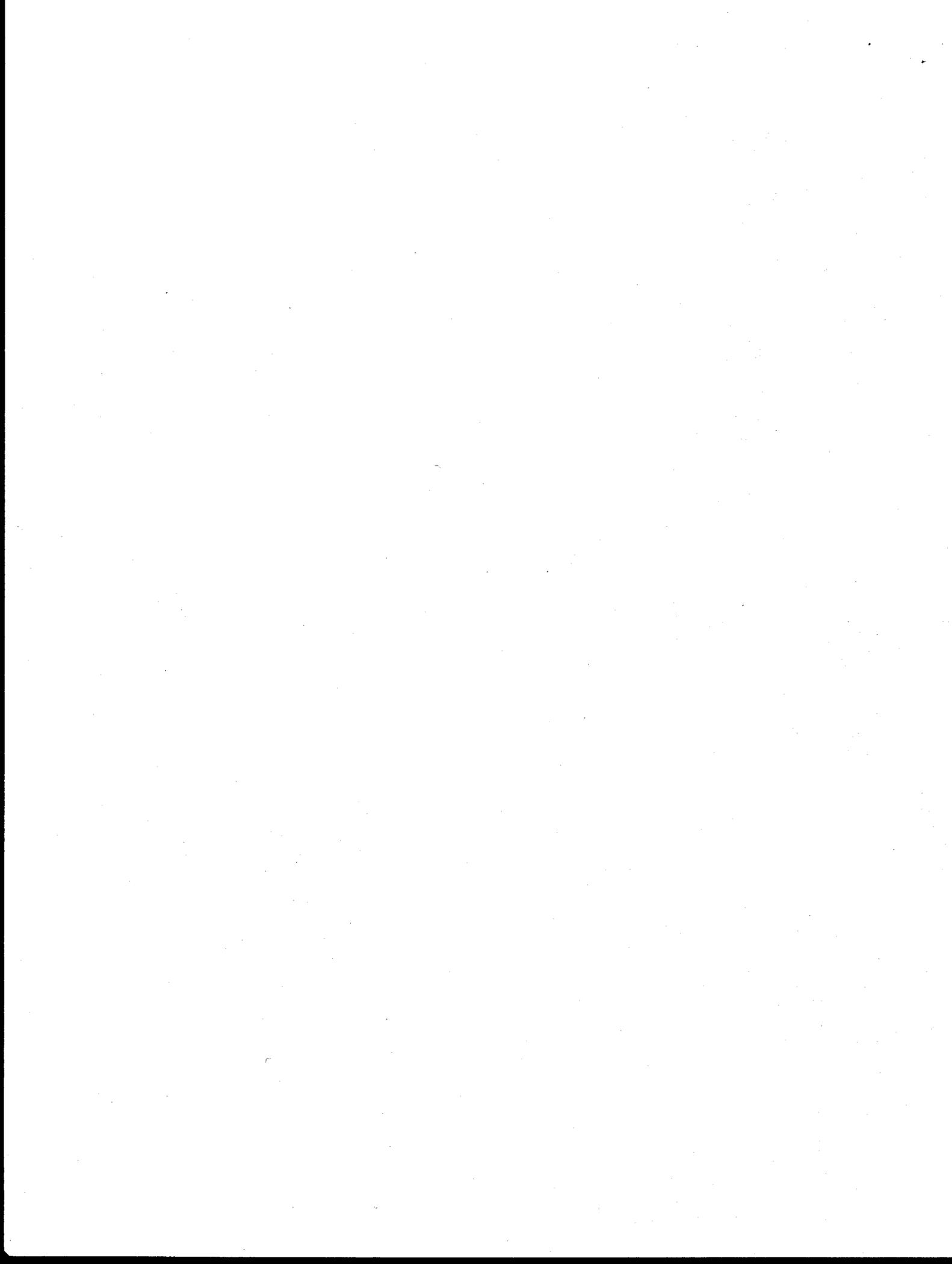
The third EFP approved by NMFS extended the second EFP for an additional year until the FMP and implementing regulations were developed and approved. The success of this program, and the pending expiration of this EFP at the end of the 1995 pollock roe season and the 1995 BSAI directed Pacific cod trawl fishery warranted further action by the Council to implement regulations to authorize the retention of salmon with the intention of reducing the discarded protein to feed economically disadvantaged individuals through tax-exempt organizations.

At its September 1994 meeting, the Council approved Amendment 26 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 29 to the Fishery Management Plan for Groundfish of the Gulf of Alaska that would authorize the retention and processing of salmon taken as bycatch for donation to economically disadvantaged individuals.

The proposed action would authorize a distributor to coordinate the donation of salmon taken as bycatch in the Alaska trawl fisheries for donation to economically disadvantaged individuals through a tax-exempt, authorized distributor selected by NMFS. This action, the Salmon Donation Program (SDP), would be implemented under Amendments 26 and 29 to the BSAI and GOA FMPs, respectively. The following two alternatives are considered:

Alternative 1: (Status quo.) Under the status quo alternative, all bycaught salmon would be retained until a NMFS-certified observer has determined the number of salmon and collected any biological or scientific data. Salmon could not be retained for reasons other than the collection of biological or scientific data and ultimately must be discarded in Federal waters as a prohibited species.

Alternative 2: (Preferred) Under Alternative 2, FMP amendments would be implemented to authorize the distribution of salmon taken as bycatch in the Alaska trawl fisheries for donation to economically disadvantaged individuals. This alternative would require a NMFS authorized distributor to issue Salmon Retention Permits (SRPs) to vessel operators and processors to authorize the donation of salmon caught as bycatch in the groundfish trawl fisheries to economically disadvantaged individuals. The NMFS authorized distributor(s) would be determined by the Regional Director under a SDP. This alternative provides a voluntary alternative to regulatory discard through an authorized distributor selected by NMFS.



Neither Alternatives 1 nor 2 would be expected to change fishing activities in a manner that would affect the amount of groundfish harvested or the amount of salmon taken as bycatch in the Alaska trawl fisheries. None of the alternatives are likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of the NEPA or its implementing regulations.

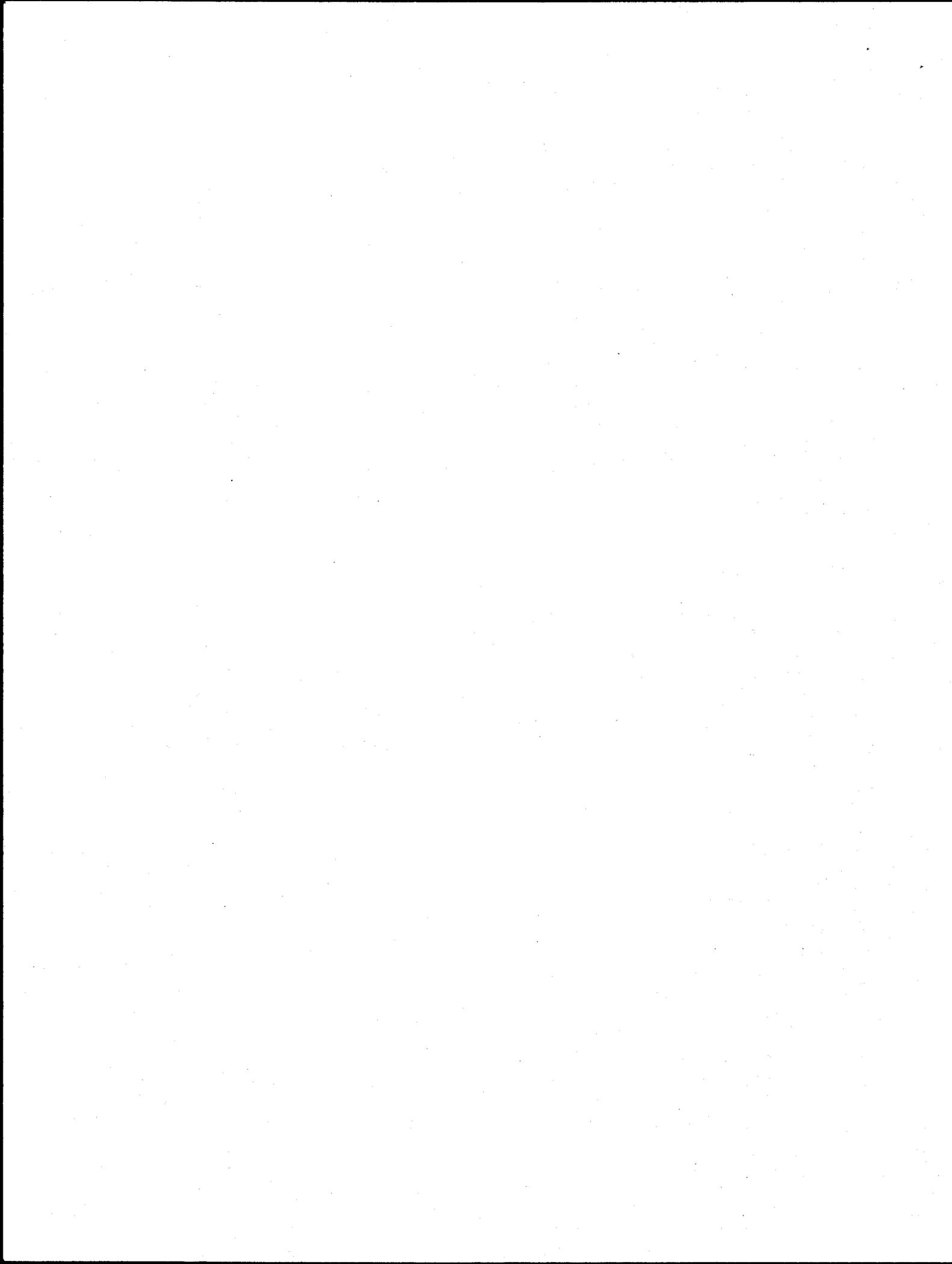
The total burden to the Alaska trawl industry resulting from authorizing the retention and processing of salmon cannot be estimated due to the fact that vessel operators may choose whether or not to participate. Potential benefits to economically disadvantaged individuals resulting from salmon donated to economically disadvantaged individuals under Alternative 2 cannot be quantified. However, based on the average number of salmon taken as bycatch in the 1992-95 trawl fisheries (Table 2), even if a small percentage (15 percent) was donated as a result of this management measure, millions of economically disadvantaged individuals could be fed.

During the directed 1994 pollock 'B' season only, it was estimated that 200,000 economically disadvantaged individuals were fed as a result of this EFP. Based on the Final Report submitted by NWFS on June 28, 1994, a total of 70,998 net pounds (32.7 mt) of salmon were donated to food bank organizations as a result of the first EFP. The EFP required mandatory retention for all participants who volunteered during the directed 1993 pollock 'B' fishery, the directed 1994 pollock 'A' fishery, and the 1994 directed fishery for Pacific cod with trawl gear. Results from the second EFP indicated that under the voluntary program, the 1994 pollock 'B' season yielded more donated salmon than the pollock 'B' 1993 season. During the 1993 pollock 'B' season, 49,922 net pounds (22.6 mt) of salmon were donated under the EFP.

Information pertaining to the third EFP will be available in May 1996. However, the purpose of the third EFP was to extend the second EFP for an additional year until the FMP and implementing regulations were developed and approved.

This donated salmon provide a "highly nutritious and rarely available source of protein product to the food bank networks" according to Second Harvest, National Food Bank Network, and is a healthy alternative to the diets of people who often only have access to meager and inadequate food. Therefore, considering the quantity and quality of donated salmon that would otherwise be discarded, the benefits of this program outweigh the costs.

Under Alternative 2, an unknown number of participants would produce a number of salmon that could be retained and processed by the groundfish trawl industry for donation to a NMFS



authorized distributor(s) for distribution to economically disadvantaged individuals. Potential costs to the groundfish industry are dependent on the number of applicants that are willing to participate. The actual costs to vessel operators and shoreside processing operations would be relative to the amount of salmon retained and processed. Cost for vessels and processors are averaged at 20 cents per pound.

None of the alternatives considered is expected to result in a "significant regulatory action" as defined in E.O. 12866. NMFS does not anticipate that any vessel or processor that qualifies as a small entity for purposes of the Regulatory Flexibility Act (RFA) would elect to participate in a voluntary SDP if the costs of doing so reduce gross annual receipts by 5 percent or more. Therefore, the impacts under Alternative 2 are not anticipated to result in a significant economic impact on a substantial number of small entities under the RFA.

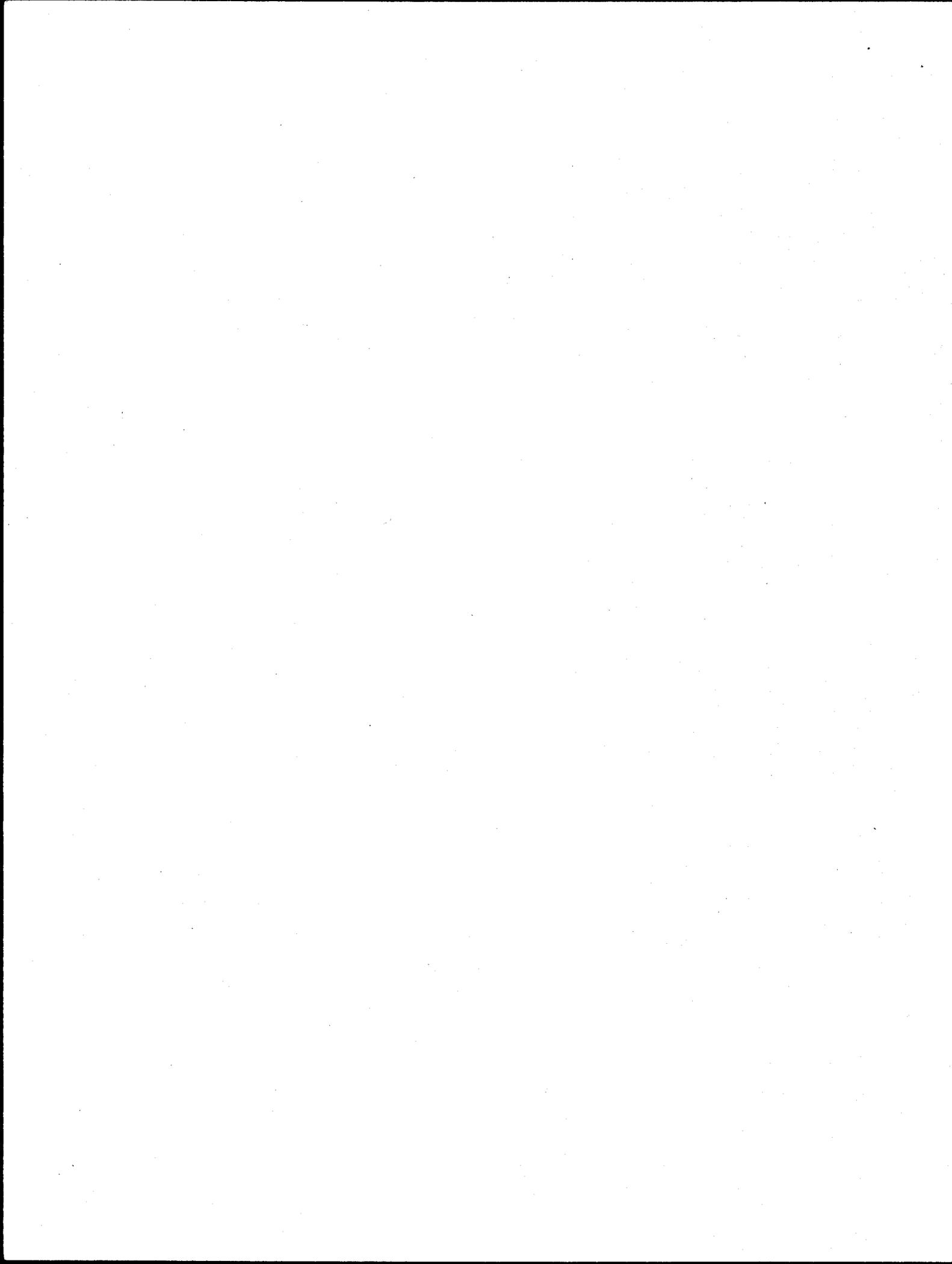
1.0 INTRODUCTION

The groundfish fisheries in the Exclusive Economic Zone (3 to 200 miles offshore) off Alaska are managed under the groundfish FMPs developed by the Council under the Magnuson Act. The GOA FMP was approved by NMFS and became effective in 1978 and the BSAI FMP became effective in 1982.

Actions taken to amend FMPs or implement other regulations governing the groundfish fisheries must meet the requirements of Federal laws and regulations. In addition to the Magnuson Act, the most important of these are the NEPA, the Endangered Species Act (ESA), the Marine Mammal Protection Act, E.O. 12866, and the RFA.

NEPA, E.O. 12866, and the RFA require a description of the purpose and need for the proposed action as well as a description of alternative actions which may address the problem. This information is included in Section 1 of this document. Section 2 contains information on the biological and environmental impacts of the alternatives as required by NEPA. Impacts on endangered species and marine mammals also are addressed in this section. Section 3 contains a Regulatory Impact Review (RIR) which addresses the requirements of both E.O. 12866 and the RFA that economic impacts of the alternatives be considered. Section 4 contains an economic analysis required by the RFA that specifically addresses the impacts of the proposed action on small businesses.

This EA/RIR addresses proposed amendments to the FMPs that would authorize the retention of salmon taken as bycatch in the Alaska groundfish fisheries for the purpose of donation, through tax-exempt organizations, to economically disadvantaged individuals. Salmon taken as bycatch in the Alaska groundfish trawl fisheries



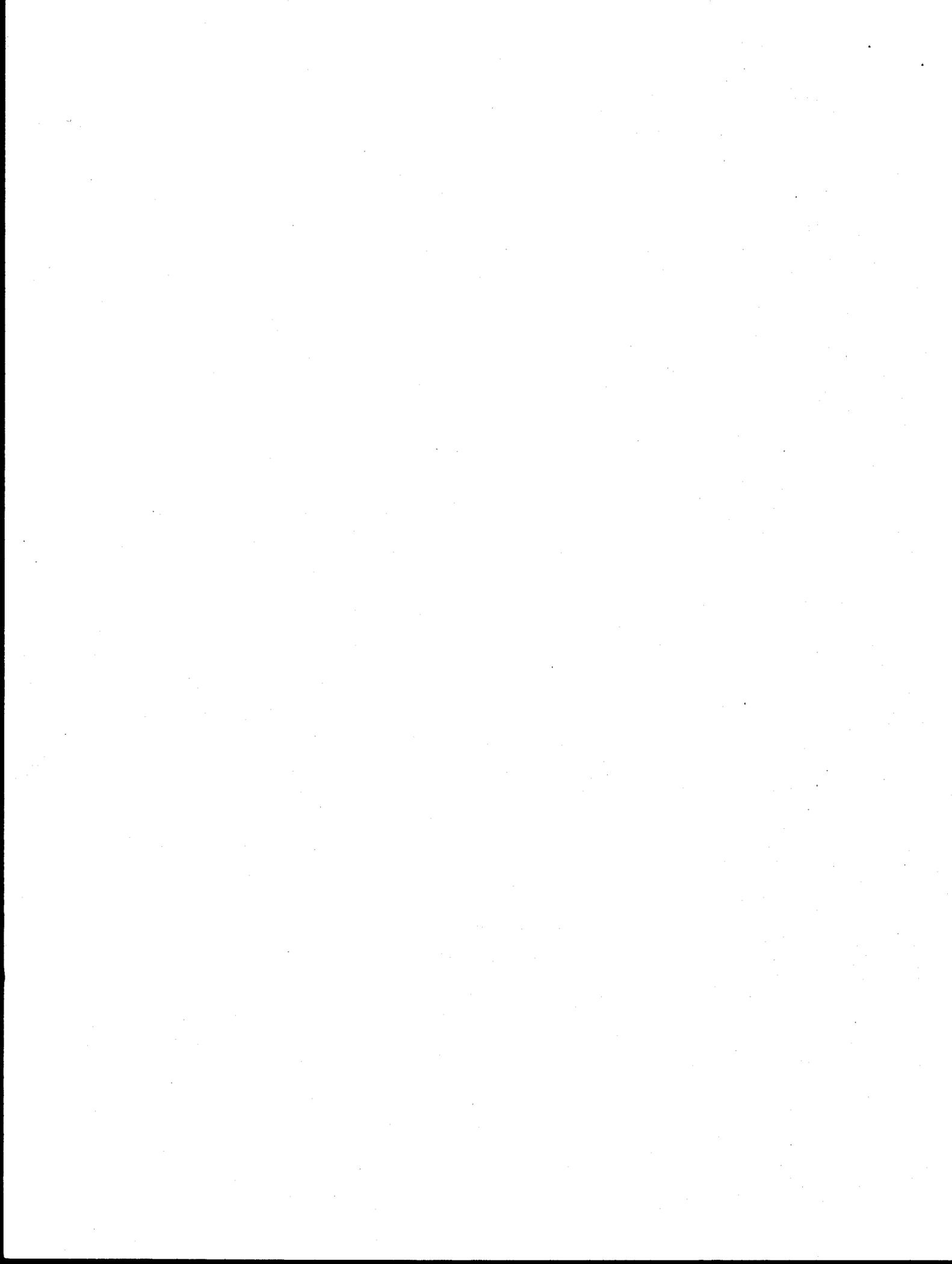
experience 100 percent mortality. The intended effect of the proposed measure is to provide an opportunity to the groundfish industry to reduce the protein waste of bycaught salmon that would otherwise be brought on board a vessel and subsequently returned dead to Federal waters as prohibited species.

1.1 Purpose of and Need for the Action

Salmon are taken incidental to the Alaska groundfish trawl fisheries and these salmon experience 100 percent mortality. At its September 1993 meeting, the Council requested that NMFS implement measures that would prohibit the discard of salmon taken in the BSAI groundfish trawl fisheries until a NMFS-certified observer has counted each fish and collected any scientific or biological samples that the observer had been requested by NMFS to obtain. The intent of this action was to obtain additional salmon bycatch data to develop further management actions to address the salmon bycatch problem in the Alaska groundfish trawl fisheries. NMFS concurred with this action and published a final rule implementing this measure on April 20, 1994 (59 FR 18757).

At its September 1993 meeting, the Council also requested NMFS to continue the development of alternatives to reduce the bycatch of salmon in the Alaska trawl groundfish fisheries. The Council endorsed a "Salmon Bycatch Control Policy." The purpose of this policy was to address initiatives that could potentially reduce salmon bycatch while reducing protein waste in the Alaska trawl gear groundfish fisheries. One of these alternatives was to require mandatory retention and processing of salmon bycatch for delivery to economically disadvantaged individuals through tax-exempt food bank organizations. The intent of this proposal was to reduce protein waste and potentially provide the opportunity to collect additional data that would support a more long-term solution to the salmon bycatch problem. The costs of this proposed action were to be incurred by the fishing vessels.

During the period the Council was considering its Salmon Bycatch Control Policy, Terra Marine Research and Education and Northwest Food Strategies (NWFS) applied for an Experimental Fishing Permit (EFP) to develop a means to improve resource utilization and reduce waste. Regulations at 50 CFR 672.6 and 675.6 authorize, on a limited basis, experimental fishing to provide information not otherwise available through research and commercial fishing operations. Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than 1 calendar year but may be revoked, suspended or modified during the calendar year. EFPs may be renewed following the application procedures at 50 CFR 672.6(b). Results may be used to supplement analysis for implementing regulations, if warranted.



Three EFPs were approved by NMFS to NWFS, effective between 1993 and 1996. The first tested the feasibility of mandatory retention of salmon. The purpose of this EFP was to reduce salmon bycatch while increasing the utilization of bycatch that is discarded under existing regulations. NWFS concluded that the EFP was successful in increasing the utilization of salmon bycatch while reducing bycatch. However, National Oceanic and Atmospheric Administration General Counsel determined the NMFS lacks the authority, under Magnuson Act, to require onshore processors to retain and process salmon caught as bycatch in the groundfish trawl fisheries off Alaska.

Therefore, the second permit to be approved by NMFS tested the feasibility of voluntary retention. The second permit expired at the end of the 1995 directed pollock roe season and the 1995 directed Pacific cod fishery. The Interim Report submitted by NWFS indicated that the voluntary program is equally if not more, successful. The success of this program and the expiration of the EFP at the end of the 1995 pollock roe season and the 1995 directed Pacific cod trawl fishery warranted further action by the Council to implement regulations to authorize the retention of salmon with the intention of reducing the discard protein associated with the groundfish trawl fisheries.

The third EFP approved by NMFS extended the second EFP for an additional year until the FMP and implementing regulations were developed and approved.

At its September 1994 meeting, after one-and-a-half years of a SDP implemented under two EFPs, the Council approved Amendments 26 and 29 that would authorize the retention and processing of salmon taken as bycatch to economically disadvantaged individuals.

The proposed action would authorize a distributor to coordinate the donation of salmon taken as bycatch in the Alaska trawl fisheries to economically disadvantaged individuals through a tax-exempt authorized distributor selected by the Director, Alaska Region, NMFS (Regional Director). This action would be implemented under Amendments 26 and 29 to the BSAI and GOA FMPs, respectively.

The following two alternatives are considered:

1.2 Alternatives Considered

1.2.1 Alternative 1: Status quo. Under the status quo alternative, all bycaught salmon would be retained until a NMFS-certified observer has determined the number of salmon and collected any biological or scientific data. Salmon could not be retained for reasons other than the collection of biological or scientific data and ultimately must be discarded in Federal



waters as a prohibited species.

1.2.2 Alternative 2: (preferred) Implement a Salmon Donation Program. Under Alternative 2, FMP amendments would be implemented to authorize a SDP for the distribution of salmon taken as bycatch in the Alaska trawl fisheries for donation through tax-exempt organizations to economically disadvantaged individuals. This alternative would require a NMFS authorized distributor to coordinate, through SRPs to vessel operators and processors, the donation of salmon catch as bycatch in the groundfish trawl fisheries to economically disadvantaged individuals. The NMFS authorized distributor(s) would be determined annually by the Regional Director under a SDP.

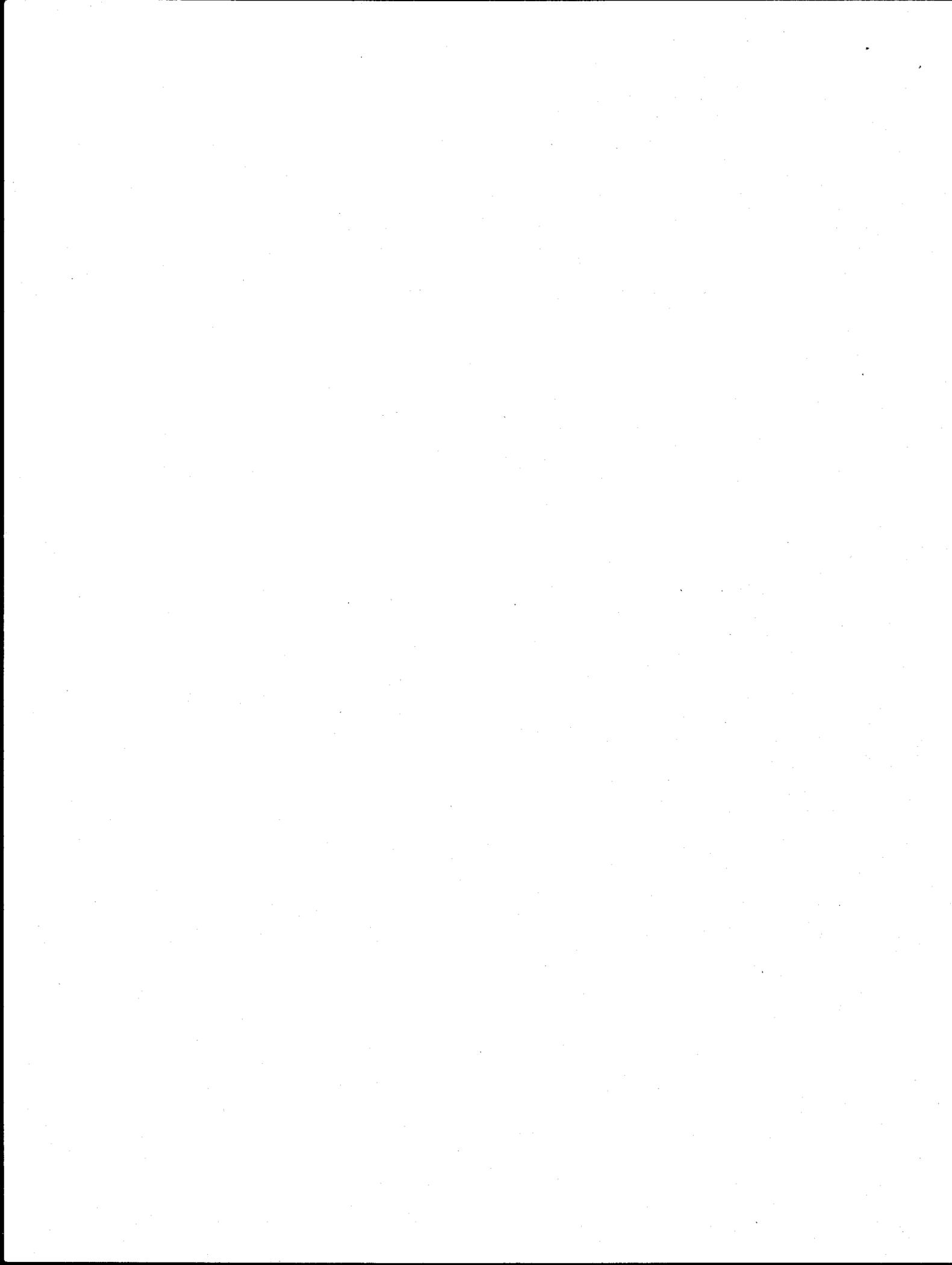
Under Alternative 2, FMP amendments would be implemented that would authorize the distribution of salmon taken in the Alaska groundfish trawl fisheries to be retained, processed for human consumption, and donated to economically disadvantaged individuals.

Under this alternative, the Regional Director would select from qualified applicants, a NMFS authorized distributor(s) to coordinate the SDP with vessel operators and processors through a SRP. The SRP would authorize vessels and processors to donate salmon caught as bycatch in the groundfish trawl fisheries to economically disadvantaged individuals. A NMFS authorized(s) distributor will be selected after a review process of qualified applications. A NMFS authorized Distributor(s) is responsible for issuing SRPs to vessels and processors that submit an application and are qualified to participate in the SDP. Vessels and processors with an SRP on site, from an NMFS authorized distributor and a signed contract are authorized to retain salmon caught as bycatch in the groundfish fisheries under the SDP. No person will be authorized to take possession of salmon for this purpose unless a NMFS authorized distributor has been selected by the Regional Director and announced in the Federal Register, and the NMFS authorized distributor has provided a list of all participants to the Regional Director.

Any salmon retained for other than the collection of biological samples or scientific data by a NMFS-certified observer must be delivered to a location determined by the NMFS authorized distributor(s). Salmon retained under the SDP may not be sold, traded or bartered, or attempted to be sold, traded or bartered or consumed.

1.3 Background

The Alaska groundfish fisheries result in the incidental fishing mortality of Pacific salmon. Vessel operators participating in these fisheries typically use trawl, hook-and-line, or pot gear.



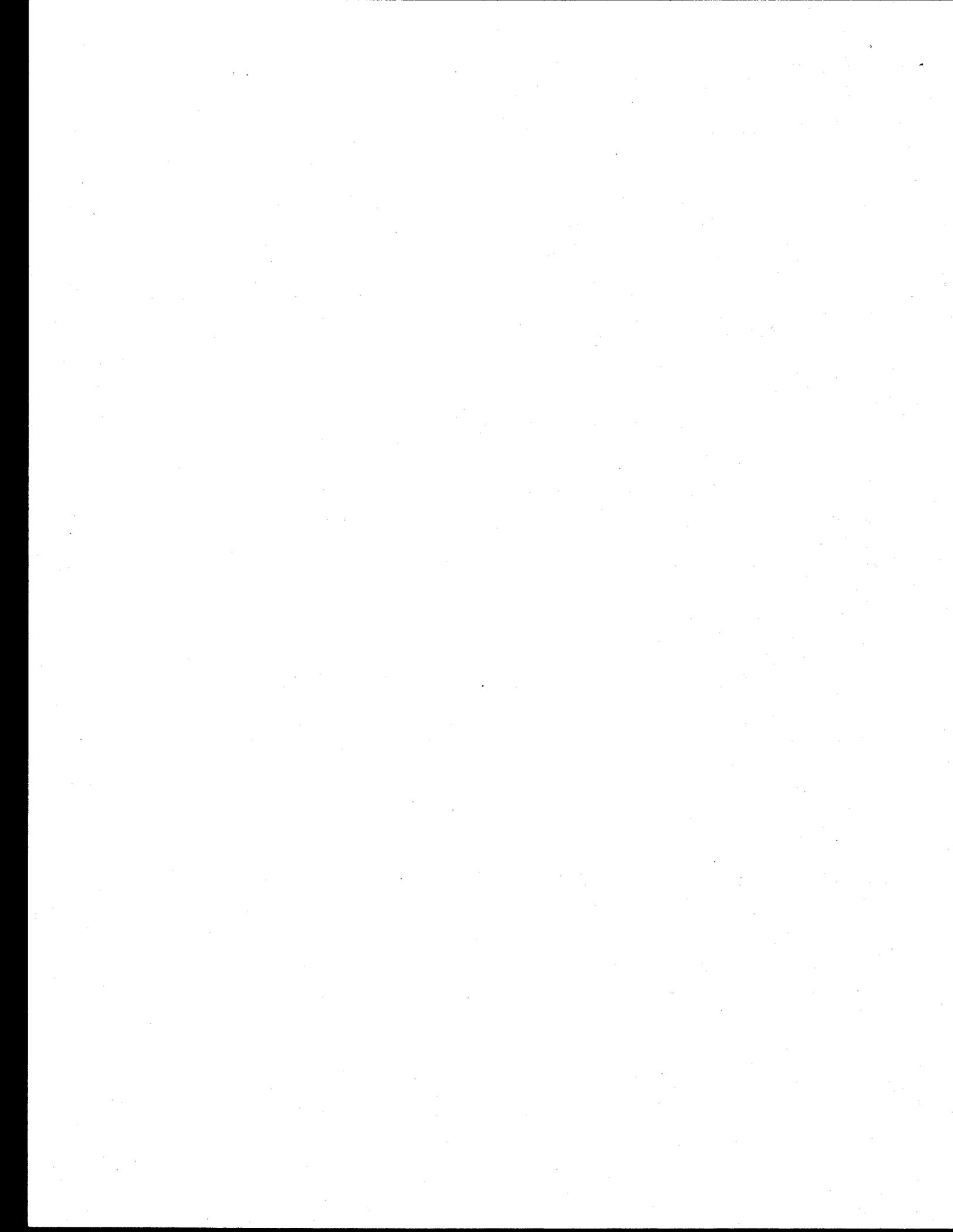
Trawl gear operations account for most of the groundfish catch, harvesting 94 percent of the groundfish catch during 1993 and 1994. Trawl gear fisheries for Alaska groundfish also account for more than 99 percent of the salmon bycatch experienced by the Alaska groundfish fisheries. Table 2 summarizes bycatch amounts of chinook salmon and other salmon species combined associated with the 1993 and 1994 groundfish fisheries off Alaska. Chum salmon comprise most of the number of other salmon species taken as bycatch.

The salmon discard mortality rate experienced in the groundfish fisheries is assumed to be 100 percent. The bycatch of salmon in the groundfish trawl fisheries is becoming increasingly controversial as Pacific salmon are a completely utilized commercial fishery resource. Salmon also are used as catch and bycatch in directed commercial, subsistence, and sport salmon fisheries and as bycatch in other non-salmon and non-groundfish fisheries. Salmon caught as bycatch in the groundfish trawl fisheries intensify the management issues associated with the allocation of salmon. In addition, the escapement goals set by the Alaska State as management policies, could potentially be thwarted for specific stocks of Pacific salmon. The bycatch of salmon in the groundfish trawl fisheries may result in reduced escapement or harvest in the salmon fisheries, thereby imposing a cost on other salmon users.

In general, no information exists to indicate that the current level of salmon bycatch in the Alaska trawl fisheries presents critical conservation issues. This resulted in NMFS implementing management measures, based on a Council recommendation, to improve data collections by NMFS-certified observers that would be used to assess the quality of salmon bycatch rates used by observers prior to these measures (59 FR 18757, April 20, 1994).

This Council recommendation initially included measures to require the mandatory retention of salmon to provide incentives to reduce salmon bycatch while reducing protein discard. Under mandatory retention, vessel operators and processors would be required to assume all costs associated with the processing, shipping, and storing of these salmon to economically disadvantaged individuals. However, since NMFS lacks the statutory authority under the Magnuson Act to require onshore processors to mandatorily retain and process salmon caught as bycatch in the groundfish trawl fisheries, this part of the recommendation was not implemented.

During the period the Council was considering its Salmon Bycatch Control Policy, Terra Marine Research and Education and Northwest Food Strategies (NWFS) applied for an Experimental Fishing Permit (EFP) to develop a means to improve resource utilization and reduce waste. Regulations at 50 CFR 672.6 and 675.6 authorize, on a limited basis, experimental fishing to provide information



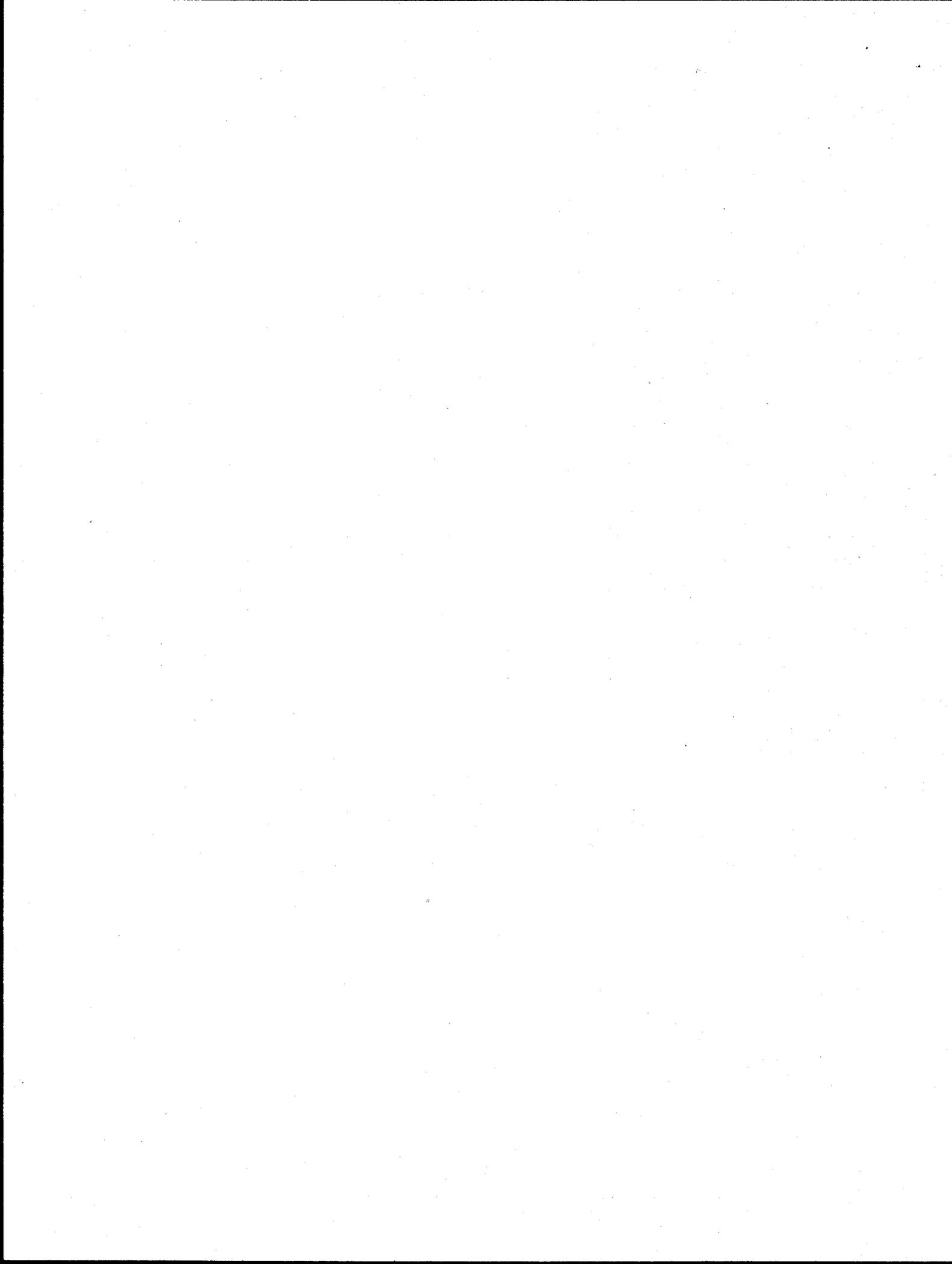
not otherwise available through research and commercial fishing operations. Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than 1 calendar year but may be revoked, suspended or modified during the calendar year. EFPs may be renewed following the application procedures at 50 CFR 672.6(b). Results may be used to supplement analysis for implementing regulations, if warranted.

NMFS approved three EFPs to NWFS, effective during 1993 through 1996. The first tested the feasibility of mandatory retention of salmon. The purpose of this EFP was to reduce salmon bycatch amounts while increasing the utilization of bycatch that is discarded under existing regulations. NWFS concluded that the EFP was successful in increasing the utilization of salmon bycatch while reducing bycatch. However, it was determined that NMFS lacked the authority under the Magnuson Act to require onshore processors to retain mandatorily and process salmon caught as bycatch in the groundfish trawl fisheries off Alaska.

Therefore, the second permit to be approved by NMFS tested the feasibility of voluntary retention. The Interim and Final Reports submitted by NWFS indicated that the voluntary program is equally if not more successful at reducing the quantities of protein discard. The success of this program, and the pending expiration of the EFP at the end of the 1996 pollock roe season and the 1996 directed Pacific cod trawl fishery warranted further action by the Council to implement regulations to authorize the retention of salmon with the intention of reducing the discarded protein to feed economically disadvantaged individuals through tax-exempt organizations.

The third EFP approved by NMFS extended the second EFP for an additional year until the FMP and implementing regulations were developed and approved.

The Council's request to NMFS to develop regulations requiring retention and processing of salmon for delivery to economically disadvantaged individuals was based upon the results of two experiments conducted by NWFS under two EFPs issued by NMFS. Results from the third EFP will become available in May 1996. Table 1 summarizes the results from these EFPs. Under the first EFP, the participants were required to retain and process all salmon taken as bycatch and deliver processed salmon to Terra Marine for distribution to economically disadvantaged individuals. Although insufficient information exists to judge whether this program provided an incentive to reduce salmon bycatch rates, NWFS successfully showed that salmon retained and processed for human consumption could be distributed to economically disadvantaged individuals in the manner intended. Under the EFP, nearly 50,000 pounds (22.7 mt) of headed and gutted salmon were donated to a tax-exempt organizations for



distribution to feed economically disadvantaged individuals (Terra Marine Research and Education, 1993).

2.0 NEPA REQUIREMENTS: ENVIRONMENTAL IMPACTS OF THE ALTERNATIVES

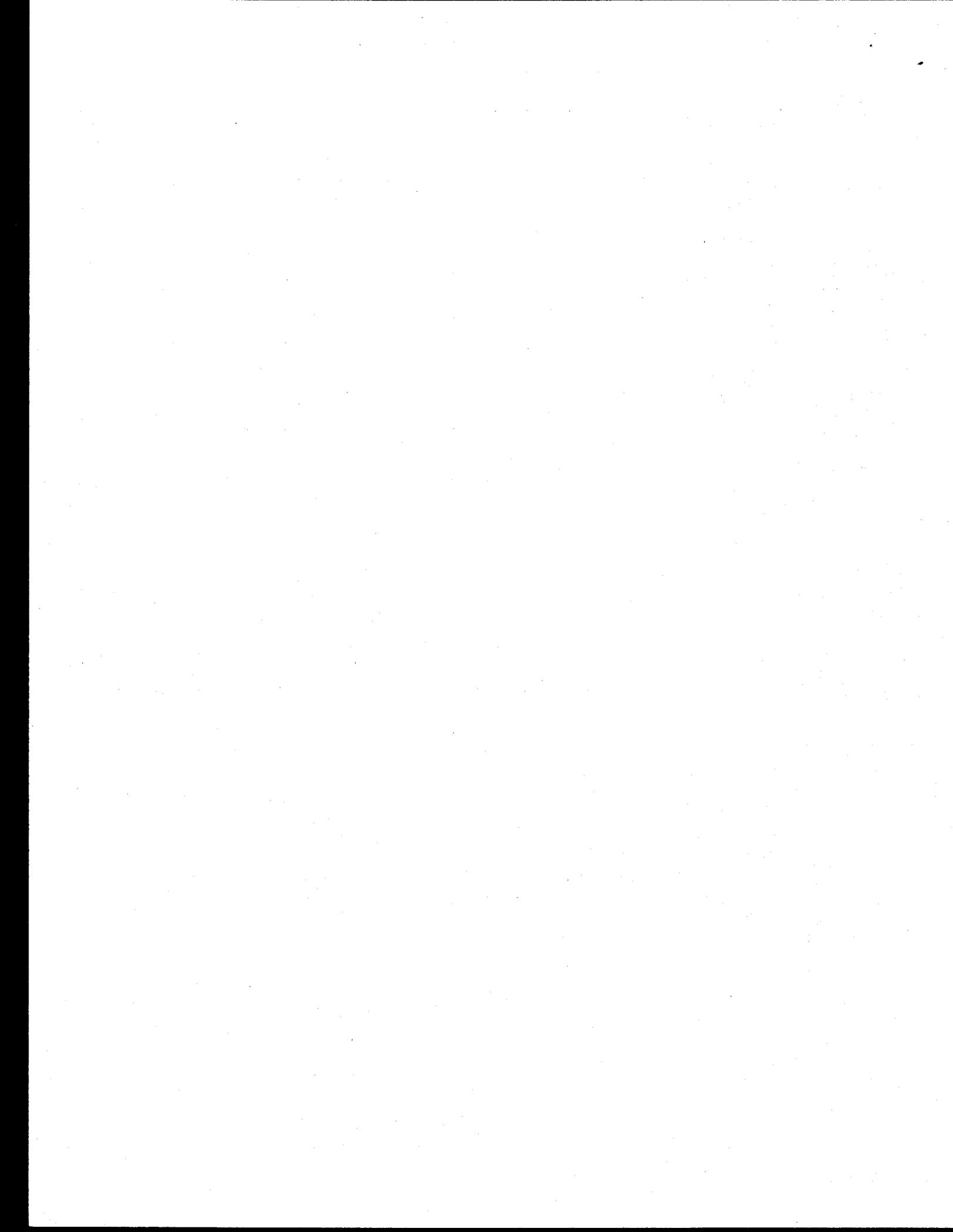
An EA is required by NEPA to determine whether the action considered will result in significant impact on the human environment. The environmental analysis in the EA provides the basis for this determination and must analyze the intensity or severity of the impact of an action and the significance of an action with respect to society as a whole, the affected region and interests, and the locality. If the action is determined not to be significant based on an analysis of relevant considerations, the EA and resulting finding of no significant impact (FONSI) would be the final environmental documents required by NEPA. An environmental impact statement must be prepared for major Federal actions significantly affecting the human environment.

An EA must include a brief discussion of the need for the proposal, the alternatives considered, the environmental impacts of the proposed action and the alternatives, and a list of document preparers. The purpose and alternatives were discussed in Sections 1.1 and 1.2, and the list of preparers is in Section 8. This section contains the discussion of the environmental impacts of the alternatives including impacts on threatened and endangered species and marine mammals.

2.1 Environmental Impacts of the Alternatives

The environmental impacts generally associated with fishery management actions are effects resulting from (1) harvest of fish stocks which may result in changes in food availability to predators, changes in the population structure of target fish stocks, and changes in community structure; (2) changes in the physical and biological structure of the benthic environment as a result of fishing practices (e.g., effects of gear use and fish processing discards); and (3) entanglement/entrapment of non-target organisms in active or inactive fishing gear. A summary of the effects of the 1995 groundfish total allowable catch amounts on the biological environment and associated impacts on marine mammals, seabirds, and other threatened or endangered species are discussed in the Final Environmental Assessment for the 1996 Groundfish Total Allowable Catch Specifications (NMFS 1996).

Neither Alternatives 1 nor 2 would be expected to change fishing activities in a manner that would affect the amount of groundfish harvested or the amount of salmon taken as bycatch in the Alaska



trawl fisheries. Relative to the status quo alternative, Alternative 2 could reduce the waste of salmon that are discarded in Federal waters under current regulations to the extent that bycaught salmon are diverted to economically disadvantaged individuals. Any affect on the biological or physical environment resulting from a reduction in salmon discard amounts would be insignificant relative to overall discard amounts of fish or fish parts associated with groundfish harvesting and processing operations.

2.2 Impacts on Endangered, Threatened or Candidate Species

Endangered and threatened species under the ESA that may be present in the GOA and BSAI include:

Endangered

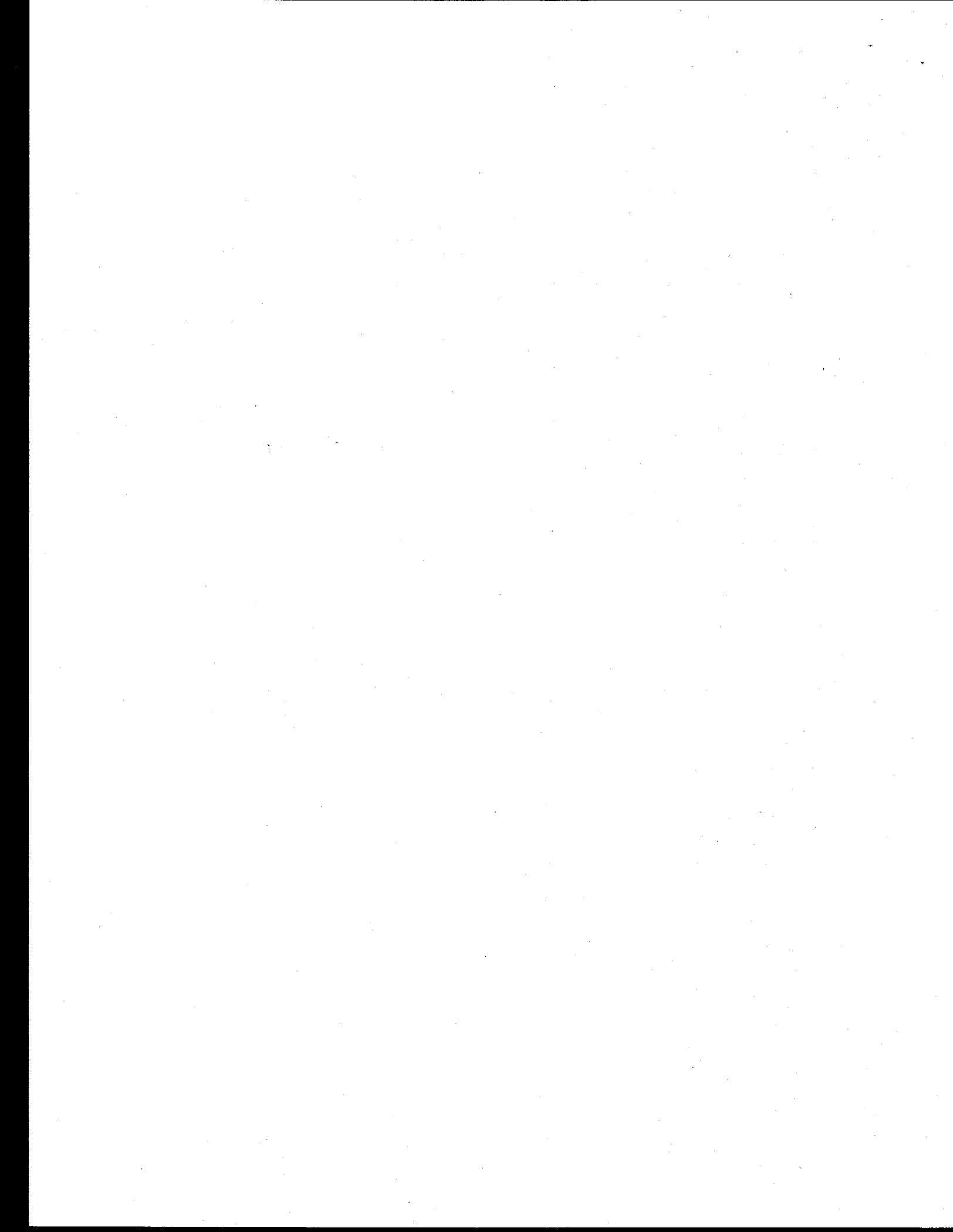
Northern right whale	<i>Balaena glacialis</i>
Sei whale	<i>Balaenoptera borealis</i>
Blue whale	<i>Balaenoptera musculus</i>
Fin whale	<i>Baleanoptera physalus</i>
Humpback whale	<i>Megaptera novaeangliae</i>
Sperm whale	<i>Physeter macrocephalus</i>
Snake River sockeye salmon	<i>Oncorhynchus nerka</i>
Short-tailed albatross	<i>Diomedea albatrus</i>

Threatened

Steller sea lion	<i>Eumetopias jubatus</i>
Snake R. spring and summer chinook salmon	<i>Oncorhynchus tshawytscha</i>
Snake R. fall chinook salmon	<i>Oncorhynchus tshawytscha</i>
Spectacled eider	<i>Somateria fischeri</i>
Steller's eider	<i>Polysticta stelleri</i>

The status of the ESA section 7 consultations required to assess the impact of the groundfish fisheries on endangered, threatened, or candidate species is updated annually as part of the annual groundfish specifications process.

The impact of GOA groundfish fisheries on listed marine mammals was addressed in a formal consultation pursuant to section 7 of the ESA that culminated in a biological opinion dated April 19, 1991. NMFS concluded that the GOA groundfish fisheries were not likely to adversely affect listed cetaceans or to jeopardize the continued existence or recovery of Steller sea lions. NMFS determined that section 7 consultation should be reinitiated for Steller sea lions if any proposed change in the GOA fishery was likely to adversely affect them, if new information regarding the effects of the fishery on Steller sea lions was obtained, or if there was a change in the status of sea



lions. Since April 1991, NMFS has reinitiated section 7 consultation for several GOA regulatory amendments and for the annual total allowable catch specifications.

Endangered, threatened, and candidate species of seabirds that may be found within the regions of the GOA and BSAI where the groundfish fisheries operate, and potential impacts of the groundfish fisheries on these species are discussed in the EA prepared for the TAC specifications (NMFS 1996). The U.S. Fish and Wildlife Service (USFWS), in consultation on the 1995 specifications, concluded that groundfish operations will not jeopardize the continued existence of the short-tailed albatross (letter, Rappoport to Pennoyer, February 7, 1995). None of the alternatives considered would be expected to affect threatened or endangered seabird species in any manner or extent not already addressed under previous consultations

None of the alternatives considered would be expected to have a significant impact on endangered, threatened, or candidate species. None of the alternatives would modify the groundfish harvest thresholds that have been established for reinitiating section 7 consultation. Therefore, these alternatives would not be expected to affect any proposed, candidate, or listed seabirds in a manner not already authorized in previous consultations.

None of the alternatives are expected to have a significant impact on endangered, threatened, or candidate species.

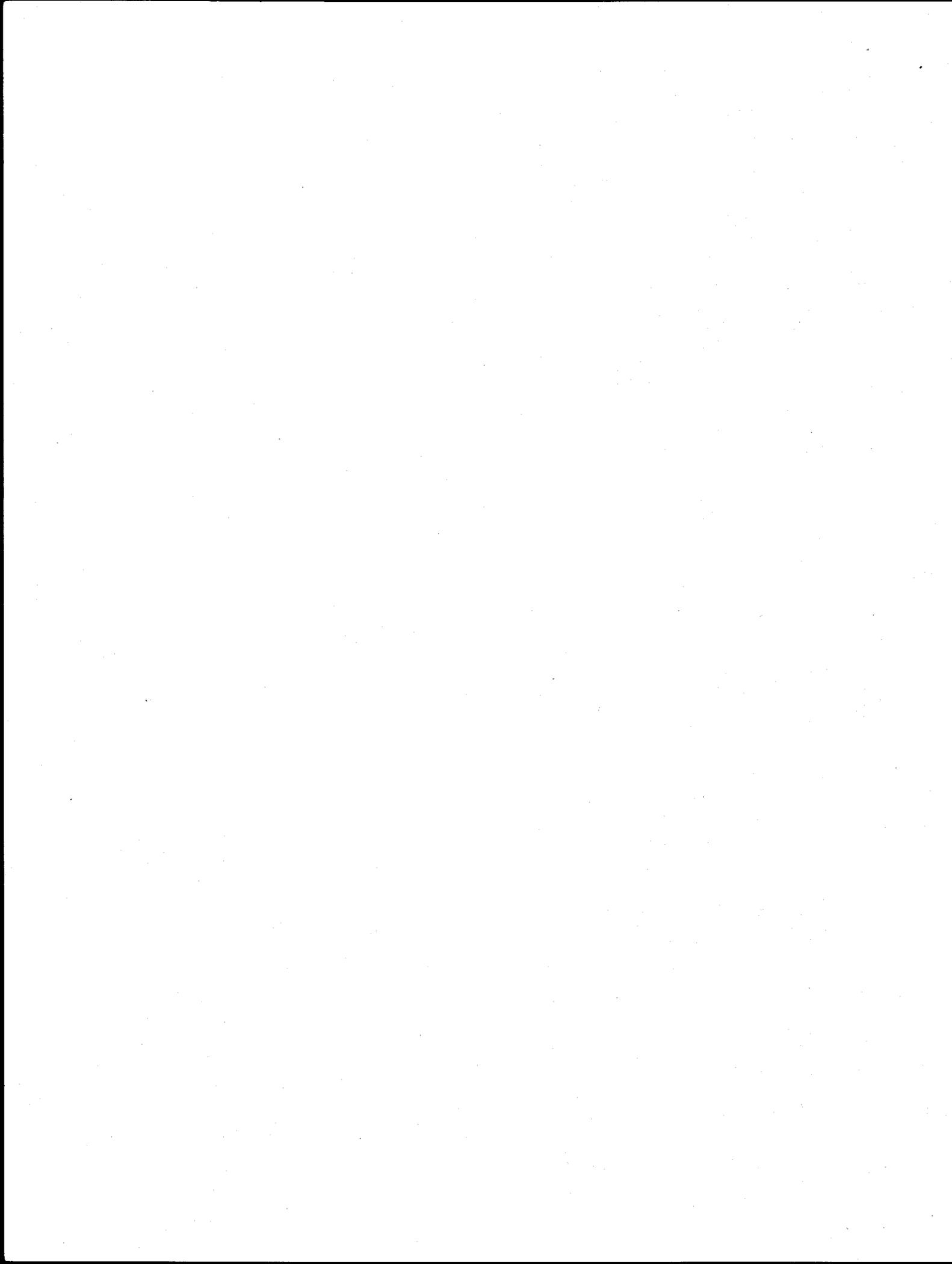
2.3 Impacts on Marine Mammals

Marine mammals not listed under the ESA that may be present in the GOA and BSAI include cetaceans, [minke whale (*Balaenoptera acutorostrata*), killer whale (*Orcinus orca*), Dall's porpoise (*Phocoenoides dalli*), harbor porpoise (*Phocoena phocoena*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), and the beaked whales (e.g., *Berardius bairdii* and *Mesoplodon spp.*)] as well as pinnipeds [northern fur seals (*Callorhinus ursinus*), and Pacific harbor seals (*Phoca vitulina*)] and the sea otter (*Enhydra lutris*).

A list of marine mammal species and detailed discussion regarding life history and potential impacts of the 1995 groundfish fisheries of the BSAI and GOA on these species can be found in the EA prepared for the 1996 Total Allowable Catch Specifications for Groundfish (NMFS 1996). None of the alternatives would be expected to adversely affect marine mammals.

2.4 Coastal Zone Management Act

Implementation of each of the alternatives considered would be conducted in a manner consistent, to the maximum extent

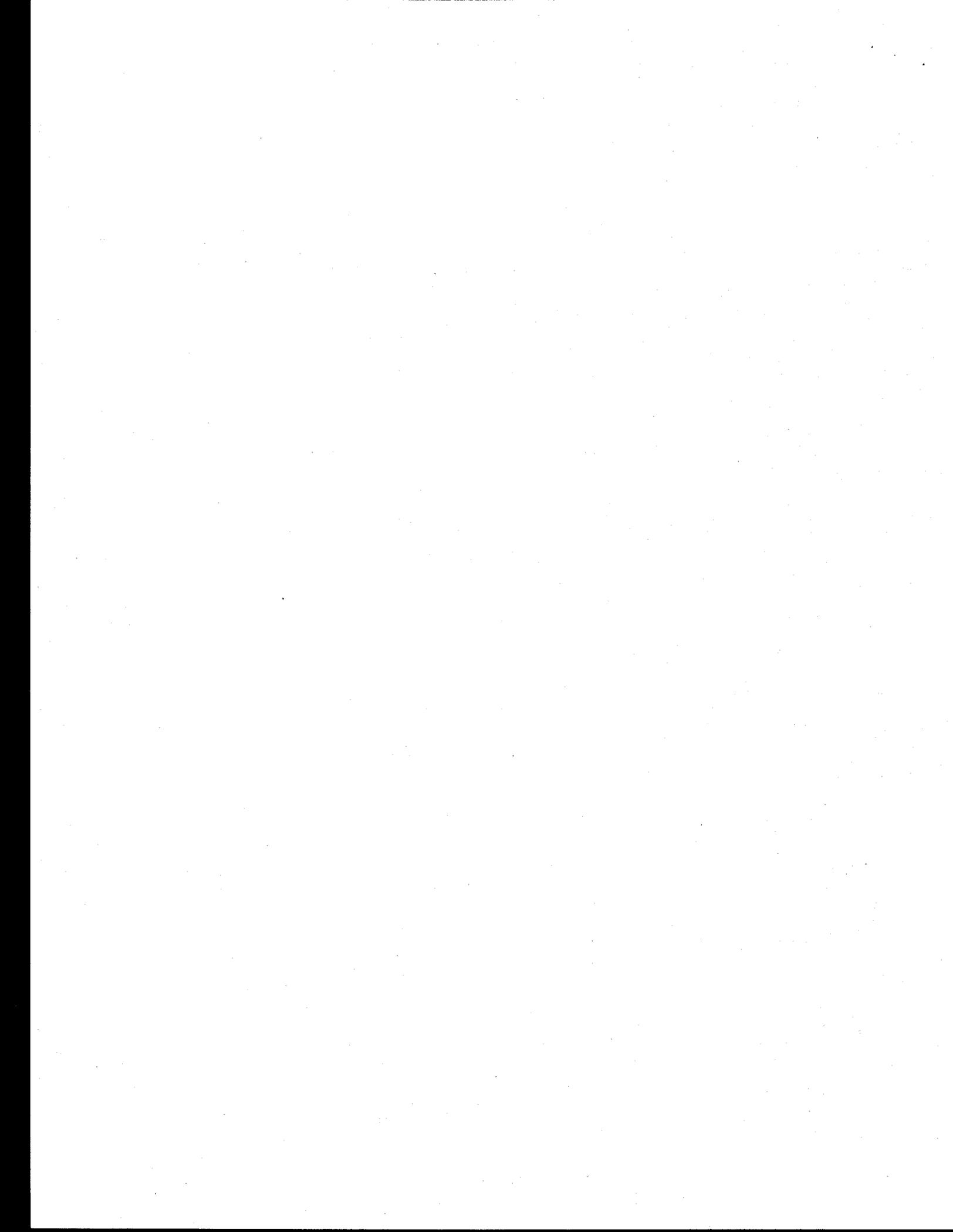


practicable, with the Alaska Coastal Management Program within the meaning of Section 30(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulations.

2.5 Conclusions and Finding of No Significant Impact

None of the alternatives is likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

Date:



3.0 REGULATORY IMPACT REVIEW: ECONOMIC AND SOCIOECONOMIC IMPACTS OF THE ALTERNATIVES

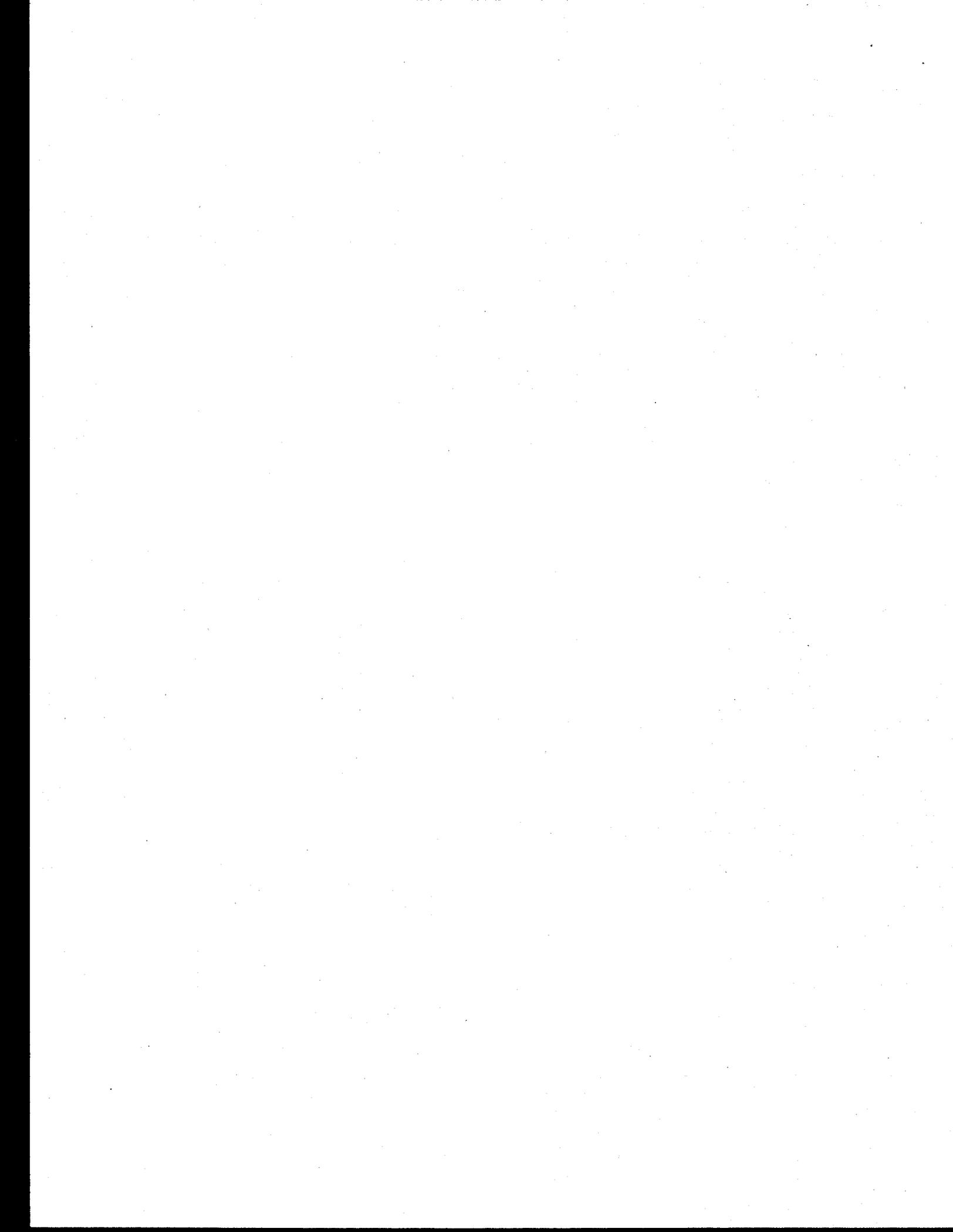
This section provides information about the economic and socioeconomic impacts of the alternatives including identification of the individuals or groups that may be affected by the action, the nature of these impacts, quantification of the economic impacts if possible, and discussion of the trade offs between qualitative and quantitative benefits and costs.

The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following statement from the order:

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environment, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

E.O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of



legal mandates, the President's priorities, or the principles set forth in this E.O.

A regulatory program is "economically significant" if it is likely to result in the effects described above. The RIR is designed to provide information to determine whether the proposed regulation is likely to be "economically significant."

3.1 Alternative 1: Status Quo

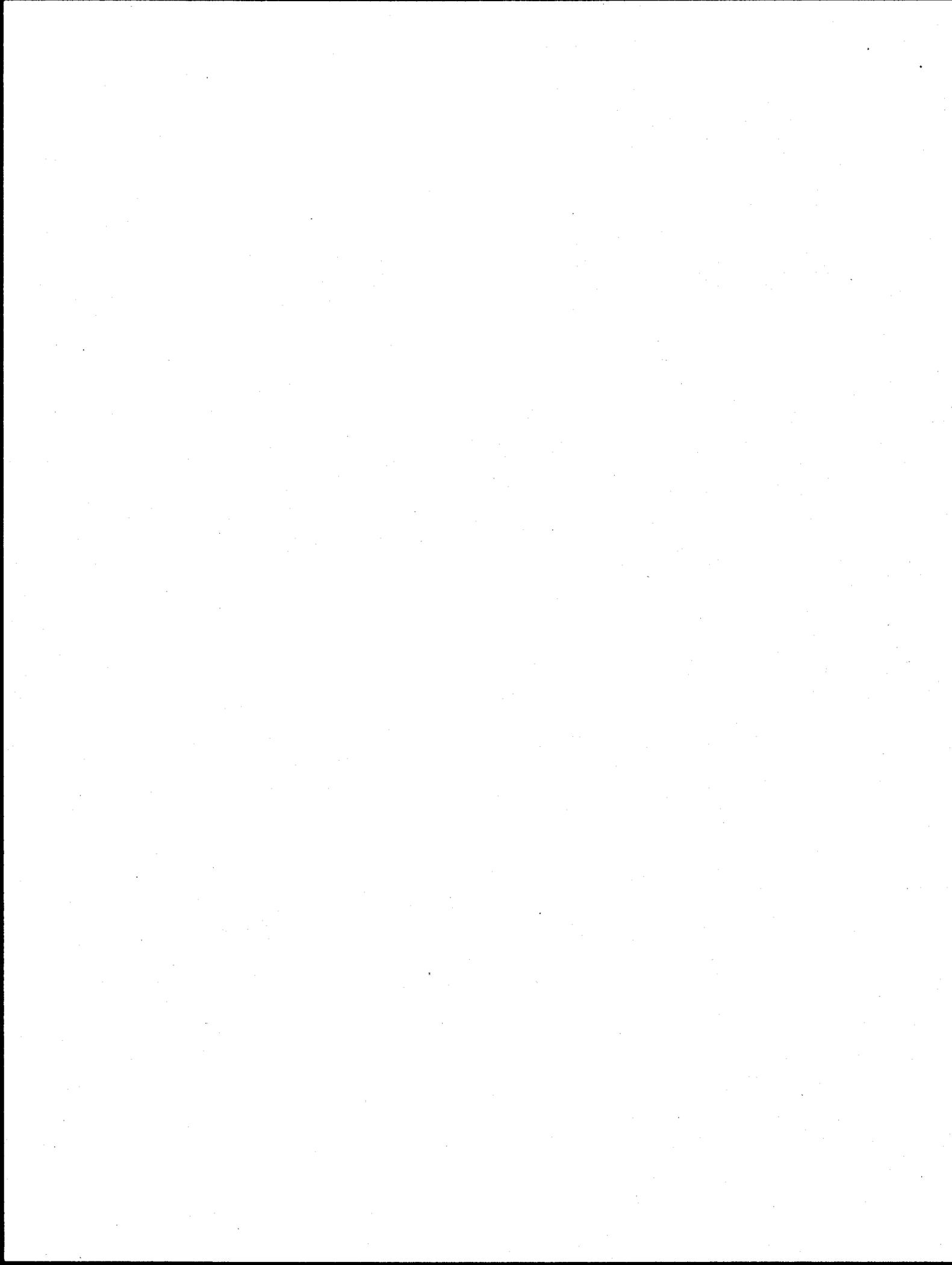
Under Alternative 1, no salmon would be retained and processed for donation to economically disadvantaged individuals through tax-exempt organizations. Although the groundfish industry would not be burdened with costs associated with retaining and processing salmon for delivery to an authorized distributor, economically disadvantaged individuals would not be provided access to a protein source that otherwise will be discarded. A quantitative assessment of the foregone benefit to economically disadvantaged individuals is not possible. Assuming that amounts of salmon similar to that donated under the 1993 EFP issued to NWFS would not be retained and processed for human consumption, approximately 400,000 high protein meals to economically disadvantaged individuals would be foregone.

3.2 Alternative 2: (preferred)

Under Alternative 2, FMP amendments would be implemented to authorize the distribution of salmon taken as bycatch in the Alaska trawl fisheries for donation to economically disadvantaged individuals through tax-exempt organizations. This alternative would require a NMFS authorized distributor to issue vessels and processors SRPs authorizing the retention and donation of salmon catch as bycatch in the groundfish trawl fisheries to economically disadvantaged individuals. The NMFS authorized distributor(s) would be determined annually by the Regional Director under a SDP.

A brief discussion of potential costs and benefits of this program is provided for purposes of assessing other alternatives considered. Under the terms and conditions of the 1993 EFP issued to Terra Marine Research and Education, Terra Marine prepared an annual report assessing feasibility of retaining bycaught salmon for distribution to needy individuals (Terra Marine and Research and Education, 1993). A summary of the cost associated with implementing these EFPs is summarized in Table 1.

This proposed rule contains three new collection-of-information requirements subject to the Paperwork Reduction Act, specifically, application to participate as a NMFS authorized distributor in the SDP, application for a SRP by vessel and



processors and an annual final report from the NMFS authorized distributor. The public reporting burdens for these collections of information are estimated to average 40, 40, and 0.3 hours respectively, per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Requests to collect this information are pending approval by OMB.

A preliminary comparison of voluntary and mandatory salmon retention programs, under the EFPs, indicate that under the voluntary program more vessel operators and processors are willing to participate. This led to higher quantities of donated salmon product. In addition, higher quantities of salmon result in reduced administrative costs (Table 1). It is estimated that, under alternative 2, the cost per pound of salmon will decrease with increased quantities of donated salmon. The EFPs authorized a limited number of vessels and processors to participate. Under Alternative 2, there will be no limitations on the number of participants. Therefore, it is anticipated that more vessels and processors will participate, yielding higher quantities of donated salmon at reduced administrative costs.

Vessels and processors are more willing to participate on a voluntary basis because it allows for more flexibility to meet the program requirements. Under the mandatory requirement, fewer vessel operators and processors participated possibly because vessels and processors were prohibited from discarding salmon. During the directed fisheries, these vessels and processors are at maximum capacity and mandatory retention poses an economic threat to accomplishing their daily production goals for their directed fishery. Processing salmon takes time and freezer space. In times of high groundfish production of targeted species, under the mandatory program, vessels were forced to process salmon under the mandatory retention EFP. Under the voluntary program, vessel operators and processors may choose to process salmon for the program or discard the salmon, yielding greater flexibility to the participants.

Although potential benefits to economically disadvantaged individuals resulting from salmon donated under Alternative 2 cannot be quantified because of the unknown number of vessel operators and processors willing to participate, it is estimated, that under the voluntary program more vessel operators and processors will apply. If the average number of salmon taken as bycatch in the 1992-93 trawl fisheries were all delivered to food bank organizations in a manner fit for human consumption, about 1.5 million meals could be provided to economically disadvantaged individuals. These meals likely would provide a healthy alternative to the diets of people who often only have access to meager and inadequate food.

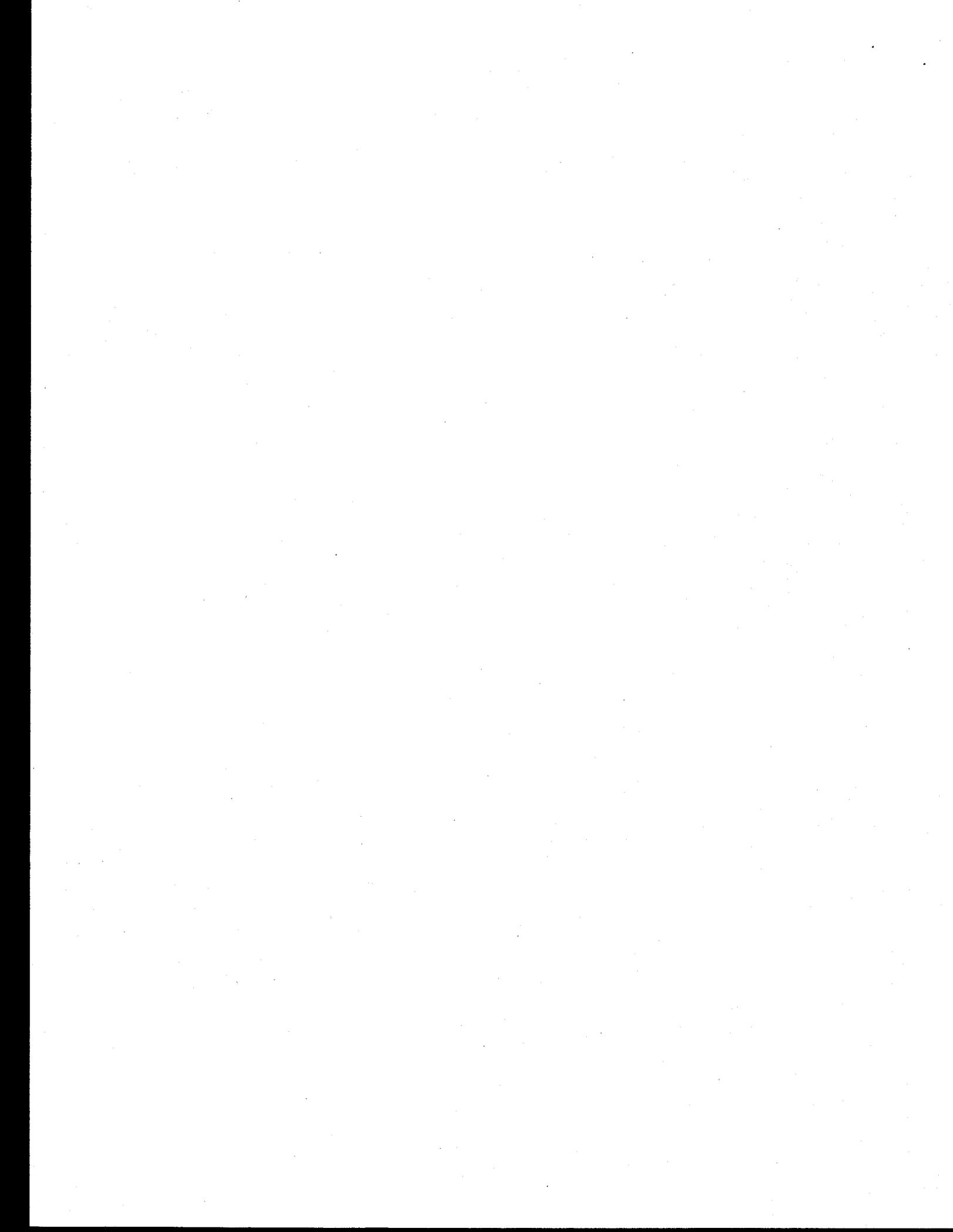


Table 1. Total Cost Breakdown of Bycatch Salmon Processed, and Donated to Economically Disadvantaged Individuals. Price per pound. Costs for any Reprocessing or Reshipping following Receipt by a Food Bank Distributors are not included.

EFP Type	Number of Participants	Fishery	Pounds Donated	Direct ¹ Ves/Proc Cost	Admin. ² NMFS Cost	Admin. ³ Authorized Distributor Costs	RRR ⁴ Ves/Proc Cost	RRR ⁵ Authorized Distributor Cost	Total Cost
Mandatory	19	93 'B' Pollock	48,000	\$0.19	\$0.10	\$0.35	Same	\$0.04	\$0.68
Mandatory	19	94 'A' Pollock	21,000	\$0.21	\$0.10	\$0.35	Same	\$0.03	\$0.69
Voluntary	56	93 'B' Pollock	69,000	\$0.15	\$0.05	\$0.18	Same	\$0.03	\$0.41
Voluntary	56	95 'A' Pollock	21,000	n/a	n/a	\$0.18	Same	\$0.03	n/a

Direct Production Costs to Vessels and Processors

NMFS Administration costs resulting from implementing EFP. Included are enforcement, administration and information costs.

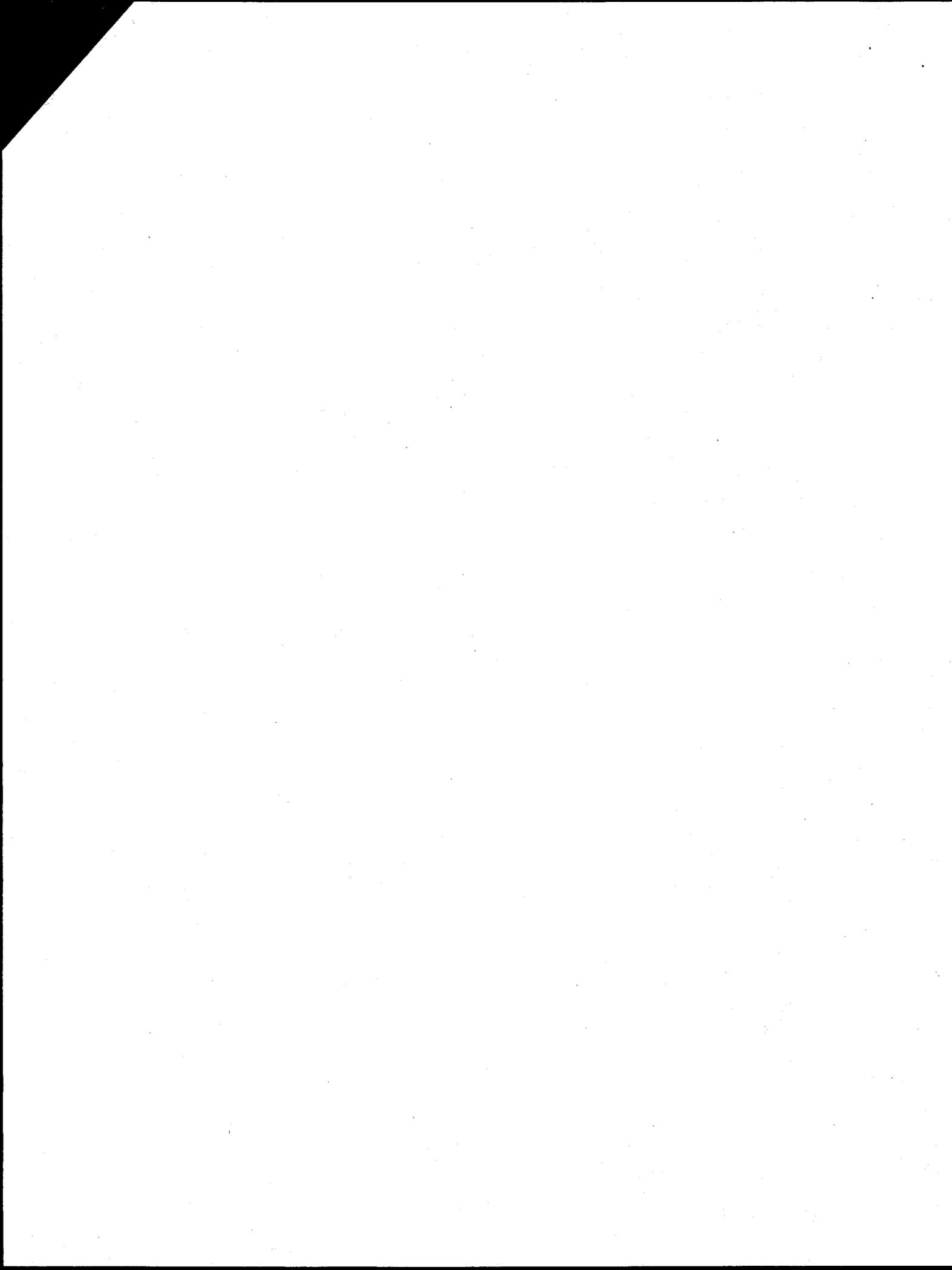
Administration costs including logistics, transportation and shipping costs and direct administration costs.

Recordkeeping and Reporting costs for vessels and processors did not change under the EFP.

Recordkeeping and Reporting cost for the NMFS Authorized distributor as a result of future implementation.

Total Costs of from vessels and processors to Hunger Relief Agencies.

Under Alternative 2, an unknown number of salmon voluntarily could be retained and processed by the groundfish trawl industry for donation to authorized distributors for nonprofit food bank organizations. Potential costs to the groundfish industry are anticipated to be significantly lower than under the first EFP given that vessel operators or processor managers would have no regulatory requirement to retain and process salmon if the costs



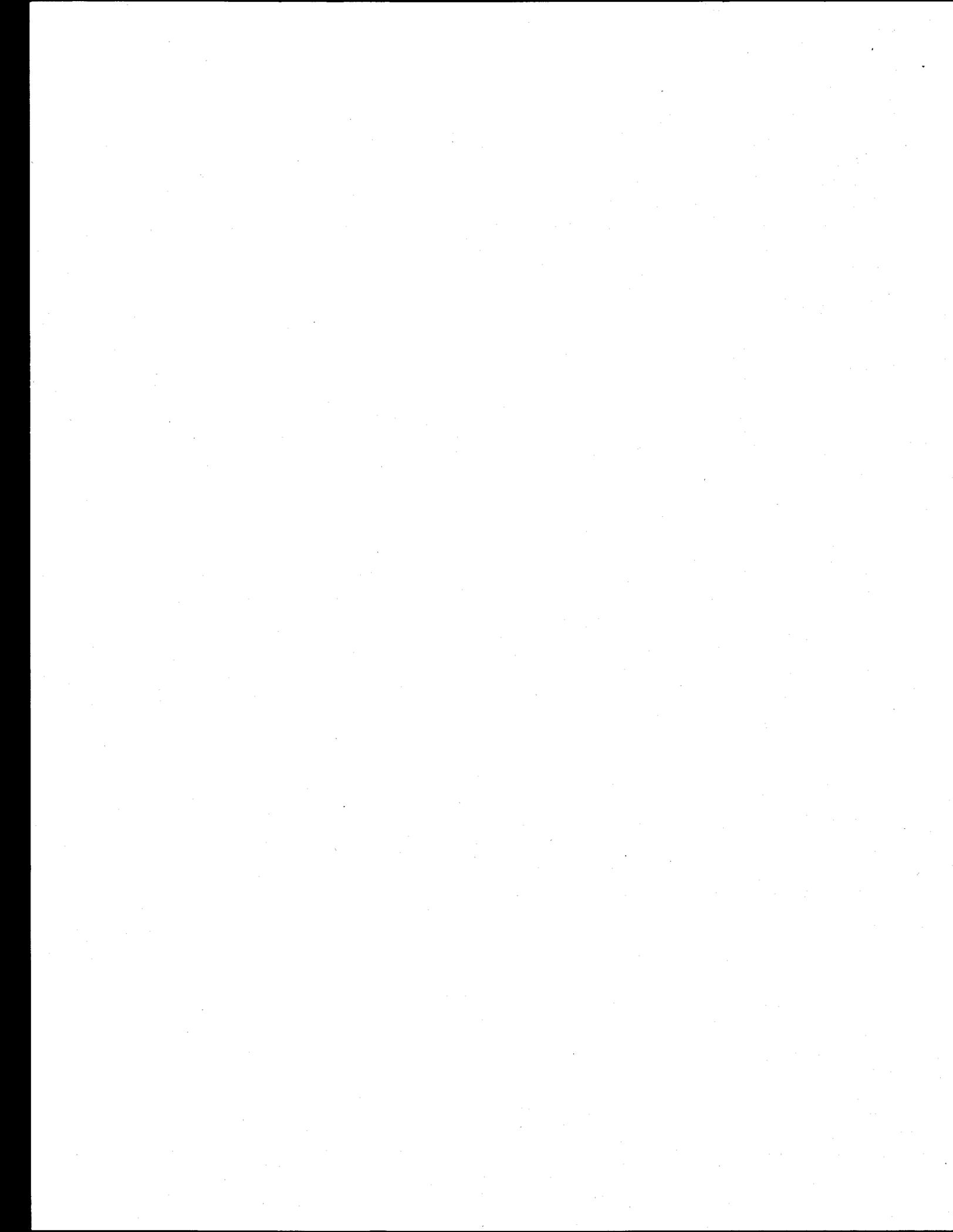
of doing so are judged too high or have too great an impact on groundfish operations. The actual costs to vessel operators and shoreside processing operations would be relative to the amount of salmon retained and processed. However, the administrative costs incurred by the NMFS authorized distributor would decrease significantly as more salmon was donated. The administrative costs to implement the EFP incurred by NMFS and the authorized distributor were high as the number of vessels and processors participating was limited under the EFP. If Alternative 2 is approved, it would authorize all vessels and processors to participate resulting in more salmon donated for the same administrative costs.

Voluntary donation of salmon to needy individuals under this alternative would meet the Council's objective to reduce protein waste in the groundfish fisheries. However, because the SDP is voluntary, Alternative 2 would provide no incentive to vessel operators to take action to avoid salmon bycatch. Therefore, Council objectives for the retention and processing salmon for human consumption only are partially met.

3.4 Reporting Costs

Alternative 2 would require that the Regional Director select a NMFS authorized distributor to administer the SDP and to issue SRP annually to qualified vessel and processor applicants. These permits would be issued free of charge and would not involve a significant reporting burden. An application for a NMFS authorized distributorship would be required and would include the following information:

NMFS will select an authorized distributor(s) from eligible applicants. Factors that will be considered in the selection of a NMFS authorized distributor include: (1) Applicant's tax-exempt status; (2) bylaws, which state that the primary purpose of the organization is to provide food resources to hunger relief agencies, food bank networks, and/or food bank distributors; (3) a proposed operation budget to cover the expenses of insuring that salmon donated under this program will be distributed to hunger relief agencies, food bank networks, and/or food bank distributors that maintain the salmon in a manner fit for human consumption; (4) documentation that all regulatory requirements will be met under the SDP; (5) documentation describing the ability to coordinate the transportation, while providing quality control mechanisms, of salmon products from remote Alaskan locations to hunger relief agencies, food bank networks, and/or food bank distributors; and (6) documentation describing the maximum number of vessels and processors that the applicant is capable of administering effectively. The NMFS authorized



distributor(s) is responsible for issuing SRPs to vessels and processors that participate in the SDP and for monitoring the retention and processing of salmon by SDP participants.

The number of NMFS authorized distributors selected by the Regional Director will be based on the following criteria:

(1) The number of harvesters and the quantity of salmon that the applicant can effectively administer; (2) the anticipated level of salmon bycatch in the groundfish trawl fisheries off Alaska; and (3) the potential number of vessels and processors participating in the groundfish trawl fisheries off Alaska.

Responsibilities of a NMFS Authorized Distributor

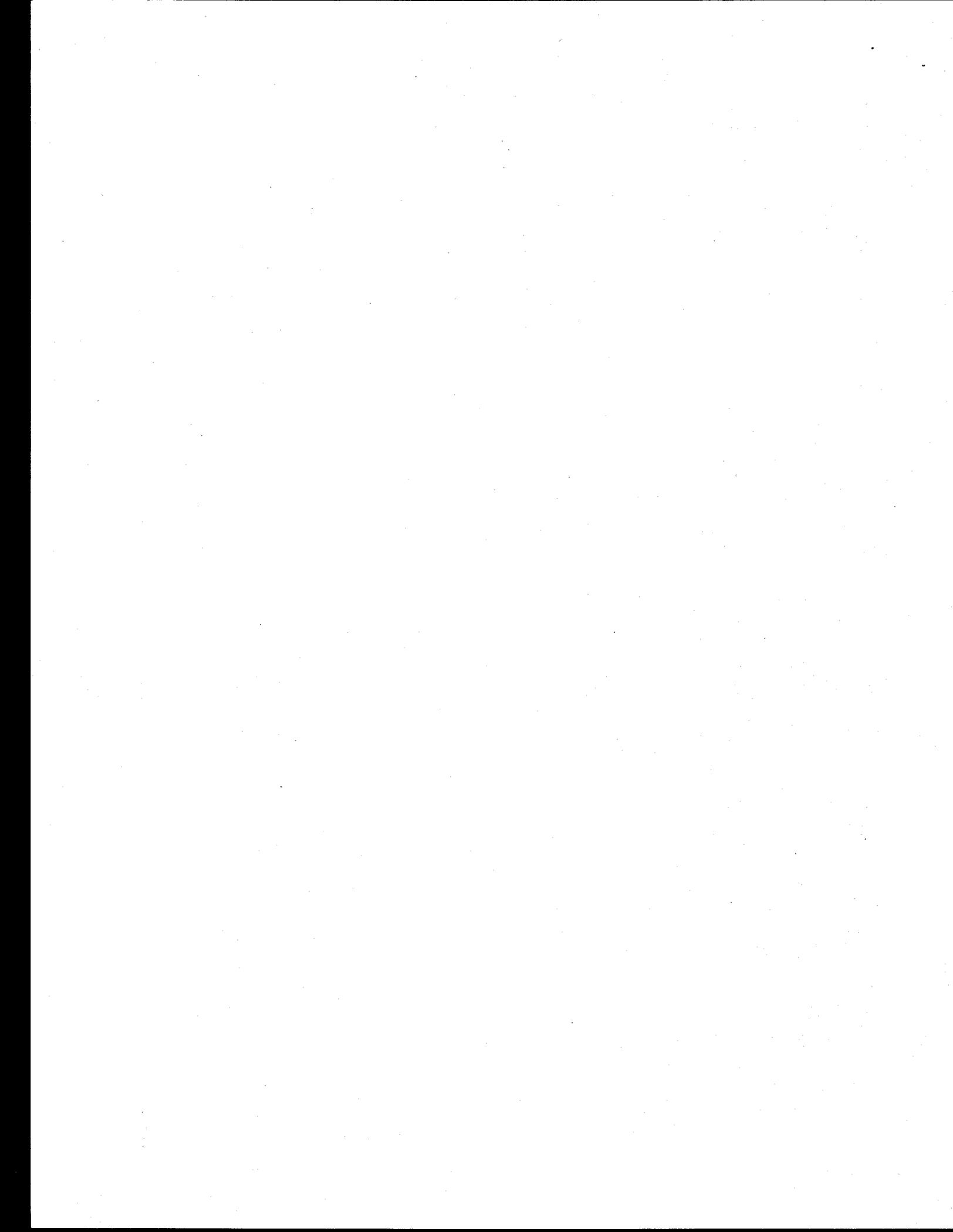
A NMFS authorized distributor(s) is responsible for coordinating the processing, storage, transportation, and distribution of salmon donated by vessels and processors to hunger relief agencies, food bank networks and food bank distributors. The SDP is effective for a 3-year period after: (1) A Federal Register notice is published announcing the Regional Director's selection of a NMFS authorized distributor; (2) each vessel and/or processor has a signed SRP, issued by a NMFS authorized distributor, on board their vessel or at the site of the processing facility; and (3) the Regional Director receives a list of participants who are issued SRPs by the NMFS authorized distributor.

Application and Selection Process for Vessels and Processors

Vessels and processors seeking to participate must submit to the NMFS authorized distributor the following information: (1) A Federal fisheries permit or Federal processor permit number; (2) the name of the owner or responsible operator; (3) telephone and fax number; (4) a signature verifying participation in the SDP; and (5) a description of the methods for processing, freezing, and packaging salmon in accordance with directions from the NMFS authorized distributor. NMFS authorized distributor(s) will select vessels and processors from qualified applicants and issue SRPs to vessels and processors that qualify to participate in the SDP.

Reporting Requirements--Documentation and Labelling for Vessels, Processors and the NMFS Authorized Distributor(s)

Vessels and processors must comply with the following new documentation requirements: (1) All packages must be labeled with the date of processing, the name of the processing facility, the contents and the weight of the salmon contained in the package and the words, "NMFS SALMON DONATION PROGRAM - NOT FOR SALE - PERISHABLE PRODUCT - KEEP FROZEN"; (2) All vessels or processors retaining or receiving salmon and the NMFS authorized distributor(s) must keep on file and make available for



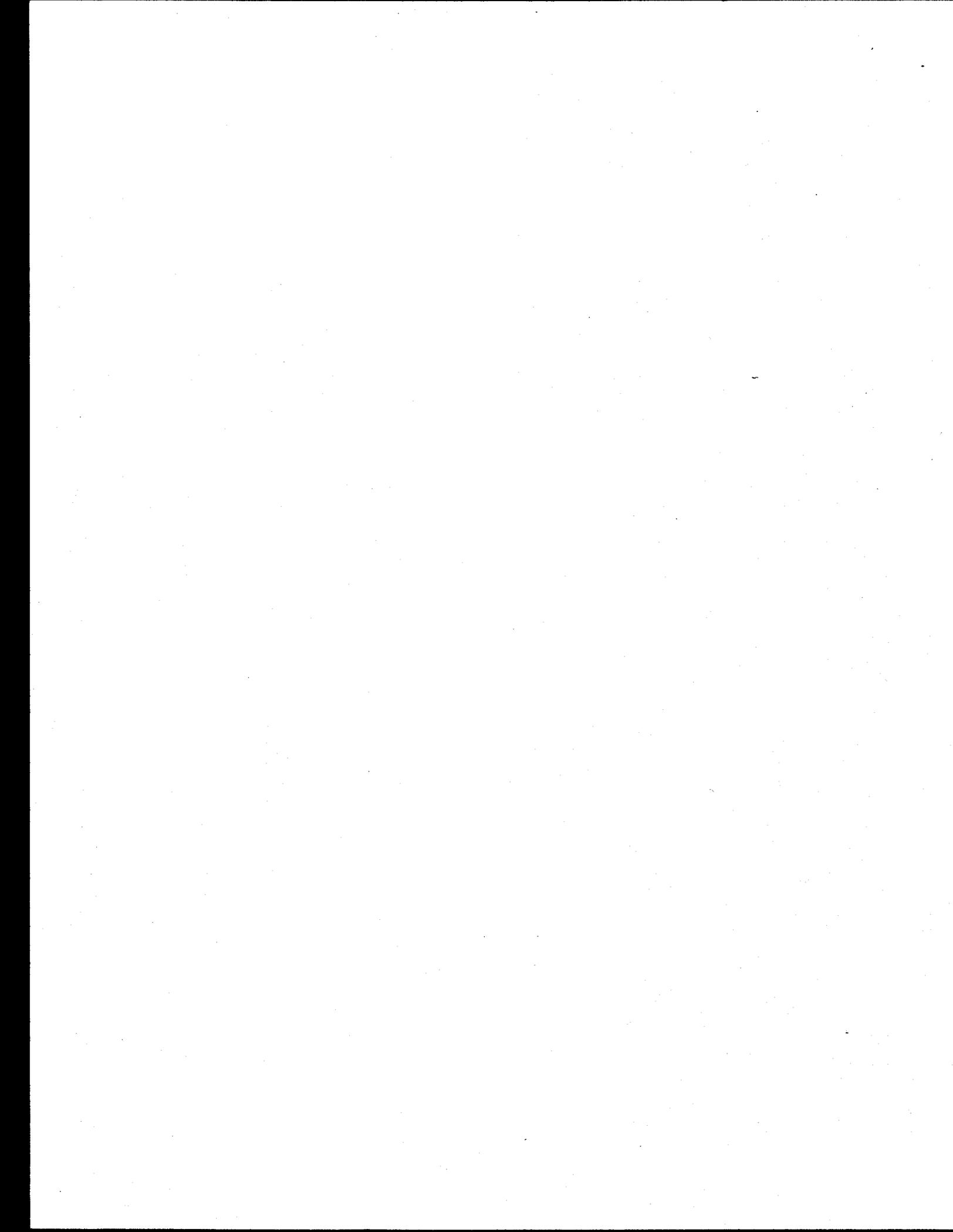
inspection by a NMFS authorized officer receipt and cargo manifests describing the contents and weight of Pacific salmon retained under the SDP and shipped from each processing facility; (3) The NMFS authorized distributor must keep on file and make available, from each hunger relief agency, food bank network, and/or food bank distributor, receipt and cargo manifests describing contents and weight of salmon; (4) Prior to retaining any salmon under the SDP, the NMFS authorized distributor shall provide the Regional Director with a list of all participants in the SDP including vessels and processors that are issued a SRP and a list of locations where salmon must be delivered by vessels and processors prior to the issuance of an SRP from the NMFS authorized distributor. The list provided by the NMFS authorized distributor shall include the following information from each vessel or processor: Federal fisheries or processor permit number, the name of the owner or responsible operator, telephone number, fax number, and a signature from a responsible party verifying participation in the program. Any modification of the list of vessels, processors or deliver locations must be submitted to the Regional Director, prior to the issuance of an SRP. The NMFS authorized distributor will notify vessel operators and processors of any modifications to the SDP permit.

Responsibilities of Participating Vessels and Processors

A valid SRP, issued from a NMFS authorized distributor, and a copy of the SDP permit are required to be on each vessel permitted to participate in the SDP and at each permitted processor site and made available for inspection by an authorized officer. Vessel operators and processors are responsible for processing all donated salmon in a manner that is fit for human consumption. All BSAI participants must comply with existing regulations at 50 CFR 675.7(p) and 675.20(c) that allow for the collection of data, biological samples, and scientific data by a NMFS-certified observer prior to processing salmon under the SDP. Participation in the SDP does not relieve any vessel operator or processor from existing reporting requirements.

Three new sets of information are required under the voluntary SDP: (1) An application from interested persons to participate as a NMFS authorized distributor, (2) documentation requirements for NMFS authorized distributor, and (3) an application for a SRP and associated packaging requirements for vessel operator and processors wishing to voluntarily participate under the SDP.

NMFS estimates that no more than two qualified applicants would be interested in submitting an application as a NMFS authorized distributor of donated salmon. This application process would be necessary once every 3 years. The NMFS authorized distributor(s) also would require about 40 hours each year to issue SRPs to participating vessels and processors, and to provide vessel and processor participation documentation to NMFS.



The amount of time necessary for vessels and processors to apply for a SRP is estimated at 0.3 hours for each respondent. Based on preliminary results of the EFPs issued to assess a SDP, NMFS anticipates that about 70 vessels and processors could apply to participate in the SDP. A vessel or processor would only need to apply once every 3 years. Vessels and processors would be further required to label all processed salmon as required under the SRP. NMFS estimates that this requirement could entail 0.1 hours each day salmon are retained and processed, or about 90 days per year.

These estimates of hourly burden were based on results of the 3 EFPs issued to assess a SDP and are summarized below, as well as the annualized cost to respondents for the hourly burden based on a wage rate of \$25 per hour. The estimated hourly burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

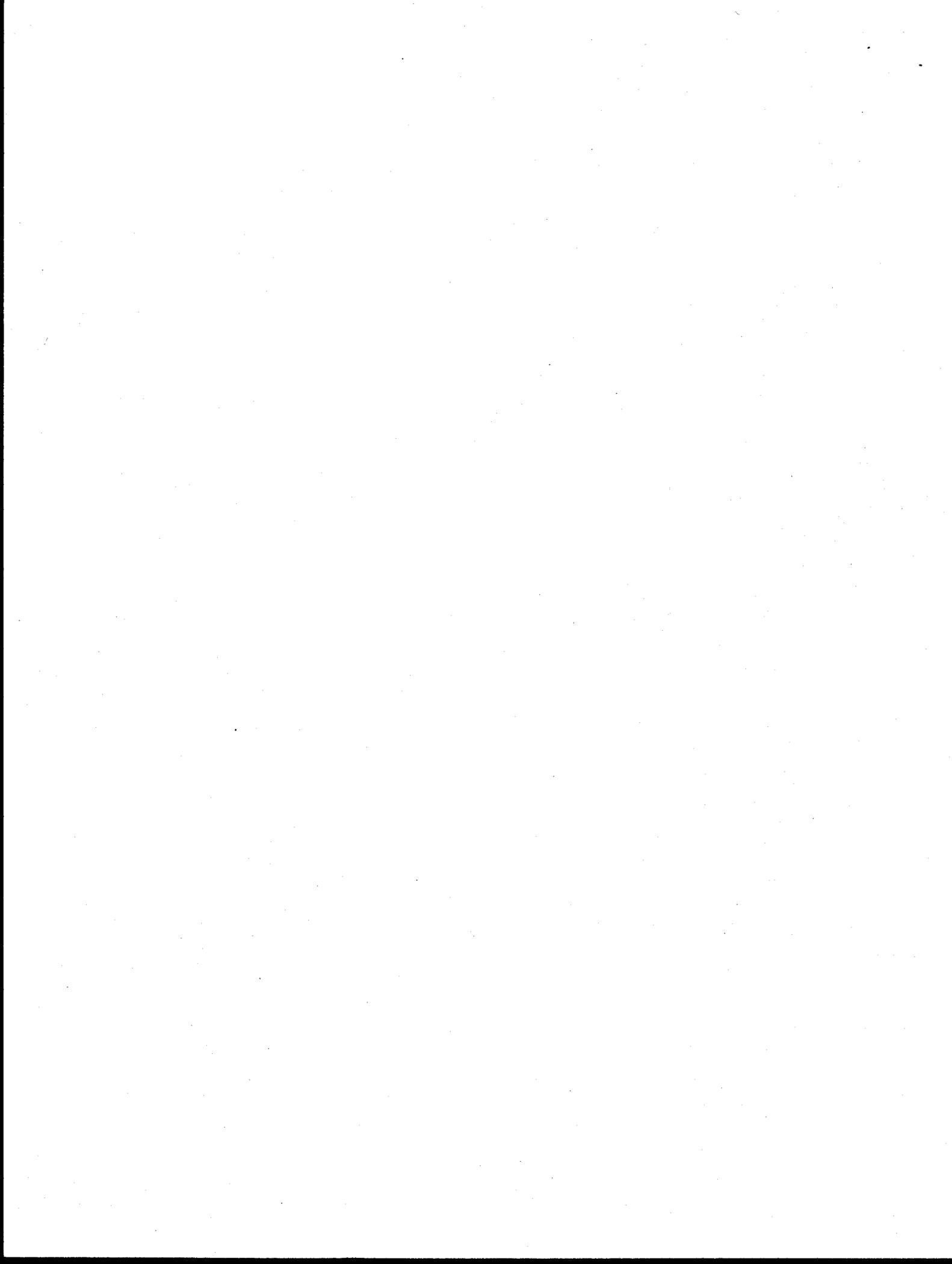
I. ANNUAL COST TO NMFS AUTHORIZED DISTRIBUTORS

A. Application

Number of NMFS authorized distributors.....	2 applicants
Time requirement for each application.....	40 hours/3 yrs
Annual time requirement for the application	
(2 applicants x 40 hours/3 =	27 hours per year
Cost per hour in dollars.....	\$25/hour
Annual cost to all respondents in dollars	
(27 hours x 25 dollars/hour).....	\$675

B. Documentation--List of Vessels and processors--Labeling and tracking requirements.

Number of proposed NMFS authorize distributors.....	2
Annual documentation time per distributor	40 hours
Total annual time requirement	80 hours
Cost per hour in dollars.....	\$25/hours
Total annual cost	\$2,000
TOTAL ANNUAL COST OF I	\$2,675
TOTAL ANNUAL TIME BURDEN OF I	107 hours



II. COST TO VESSELS AND PROCESSORS

A. SRP Application

Number of vessels or processors	70 applicants
Time requirement for each application.....	0.25 hours/3 yrs
Annual time requirement for all applicants (70 applicants x 0.25/3 =	6 hours
Cost per hour in dollars.....	\$25/hour
Annual cost to all respondents in dollars (6 hours x 25 dollars/hour).....	\$150

B. Documentation---Labeling and product tracking requirements

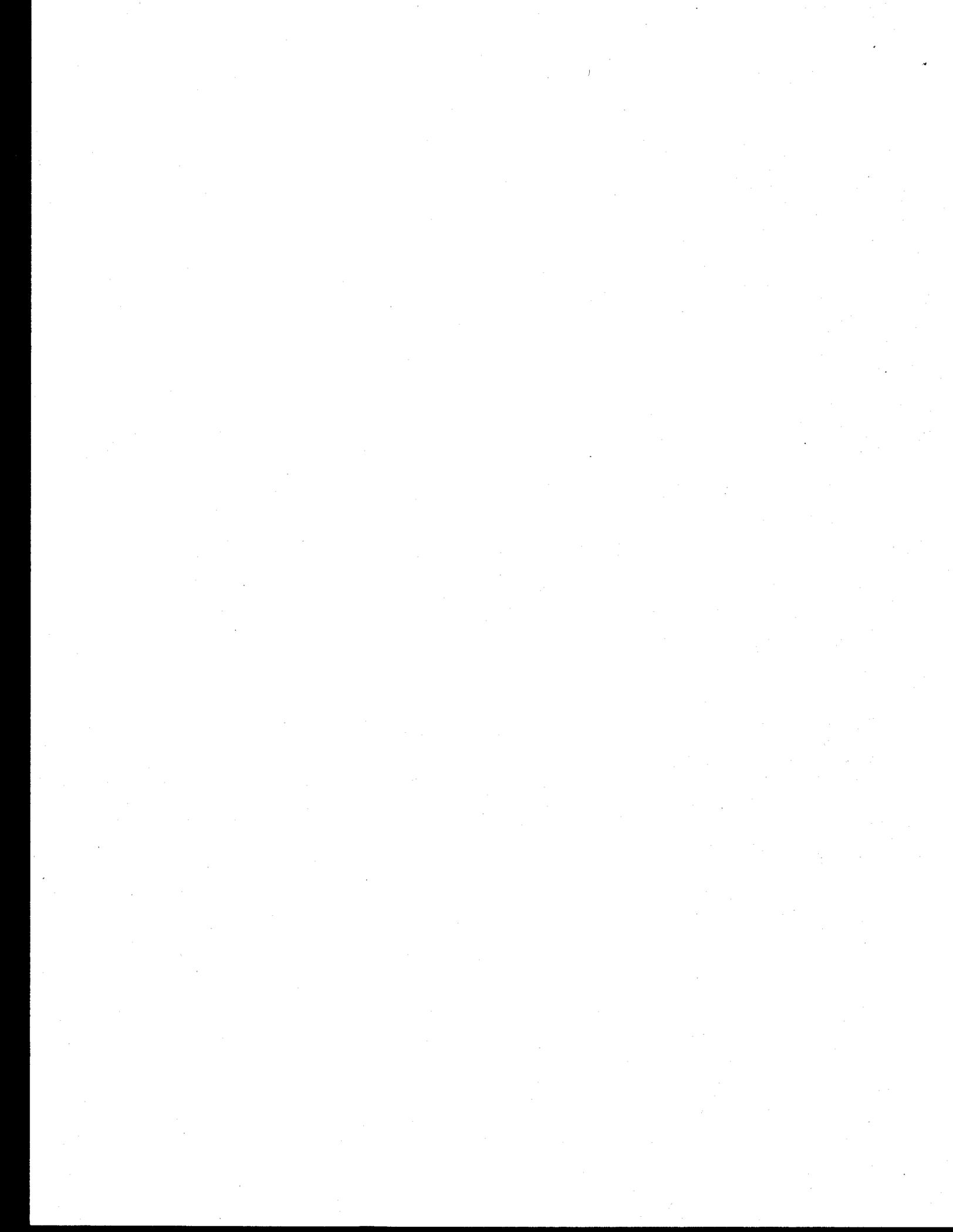
Number of vessels or processors	70
Time requirement for documentation per day.....	0.1 hours
Annual time requirement for documentation/year assuming 90 fishing days/yr.....	630 hours
Cost per hour in dollars.....	\$25/hour
Annual cost to all respondents in dollars (630 hours x 25 dollars/hour).....	\$15,750

No capital or significant start up costs are associated with the information collection under the SDP. Additional costs associated with the SDP information collection include costs associated with mailing or faxing permit applications and SRPs (every 3 years) or faxing modifications of the list of SDP participants to NMFS as required. These costs are not expected to exceed those associated with customary and usual business of private practice.

3.5 Administrative, Enforcement and Information Costs

NMFS would not require additional staff resources to administer, monitor, and enforce the voluntary SDP proposed under Alternative 2. The SDP incorporated a NMFS authorized distributor as a means of allowing the private sector to handle the administration as a means of reducing NMFS administration costs. Comprehensive reporting requirements allow Enforcement to monitor compliance through the reports submitted. At this time, NMFS estimates that a fraction of a part-time position (one-tenth) would be required to administer this program and an additional part-time (one-tenth) position would be required to monitor and enforce it.

NMFS will be required to review applications for NMFS authorized distributors and to publish in the Federal Register a notice of qualified applicants that have been issued a SDP permit. A total of 40 hours is estimated for the review, processing and issuance of each SDP permit. Given that each permit is effective for a 3-year period and that no more than 2 permits for NMFS authorized



distributors likely would be issued, the total annual burden is estimated at 27 hours.

COST AND TIME TO FEDERAL GOVERNMENT

A. Application Review

Number of applicants for NMFS authorize distributor.....	2 applicants
Time requirement for each application.....	40 hours every 3 yrs
Annual time requirement permit applications.....	27 hours (2 applicants x 40 hrs/3)
Cost per hour in dollars.....	\$25/hour
Annual cost to the Federal government (27 hours x 25 dollars/hour).....	\$675

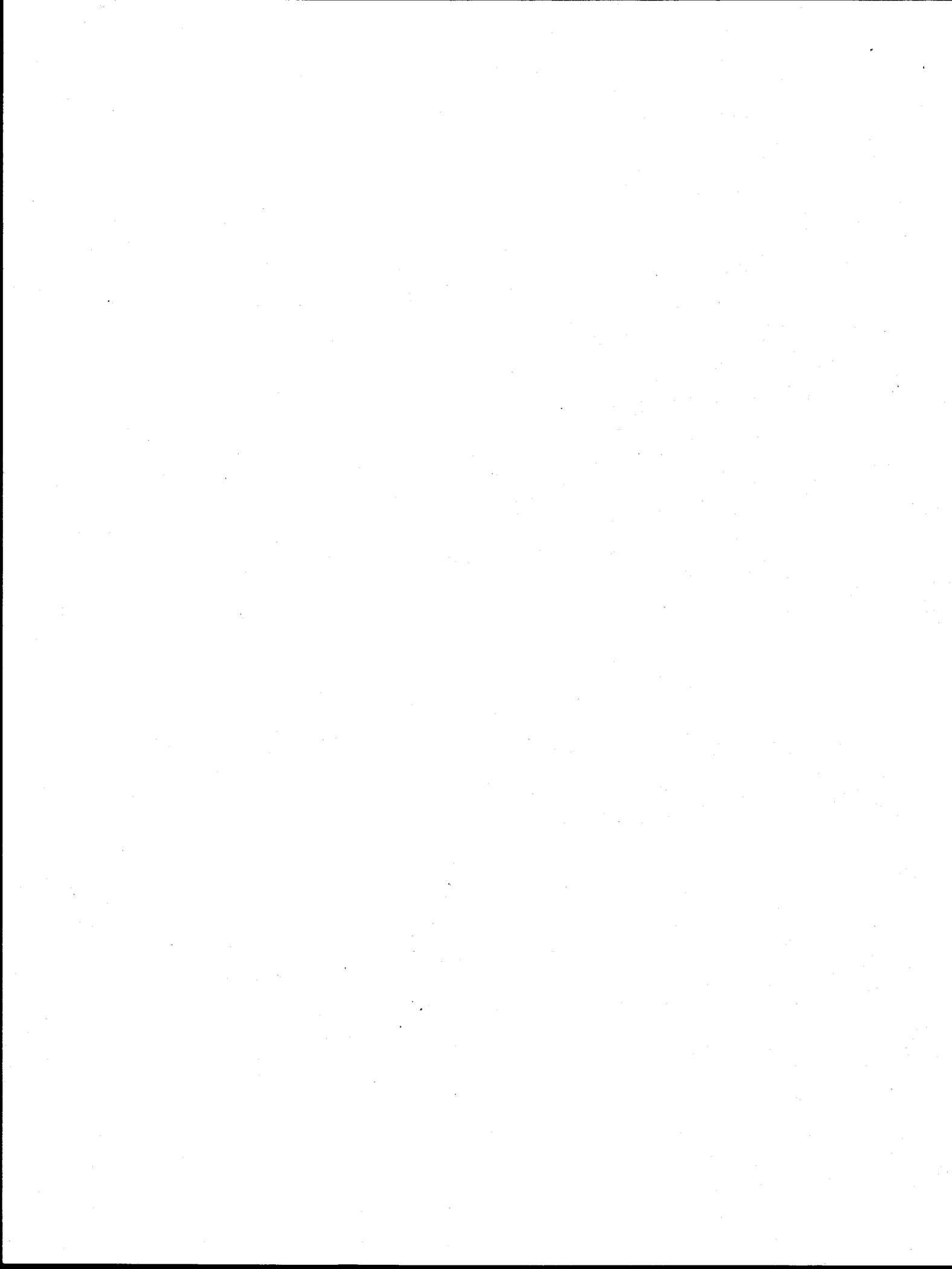
4.0 ECONOMIC IMPACT ON SMALL ENTITIES

The objective of the RFA is to require consideration of the capacity of those affected by regulations to bear the direct and indirect costs of regulation. If an action will have a significant impact on a substantial number of small entities an Initial Regulatory Flexibility Analysis must be prepared to identify the need for the action, alternatives, potential costs and benefits of the action, the distribution of these impacts, and a determination of net benefits.

NMFS has defined all fish-harvesting or hatchery businesses that are independently owned and operated, not dominant in their field of operation, with annual receipts not in excess of \$2,000,000 as small businesses. In addition, seafood processors with 500 employees or fewer, wholesale industry members with 100 employees or fewer, not-for-profit enterprises, and government jurisdictions with a population of 50,000 or less are considered small entities. A "substantial number" of small entities would generally be 20 percent of the total universe of small entities affected by the regulation. A regulation would have a "significant impact" on these small entities if it reduced annual gross revenues by more than 5 percent, increased total costs of production by more than 5 percent, or resulted in compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities.

If an action is determined to affect a substantial number of small entities, the analysis must include:

- (1) a description and estimate of the number of small entities and total number of entities in a particular affected sector, and total number of small entities affected; and



(2) analysis of economic impact on small entities, including direct and indirect compliance costs, burden of completing paperwork or recordkeeping requirements, effect on the competitive position of small entities, effect on the small entity's cashflow and liquidity, and ability of small entities to remain in the market.

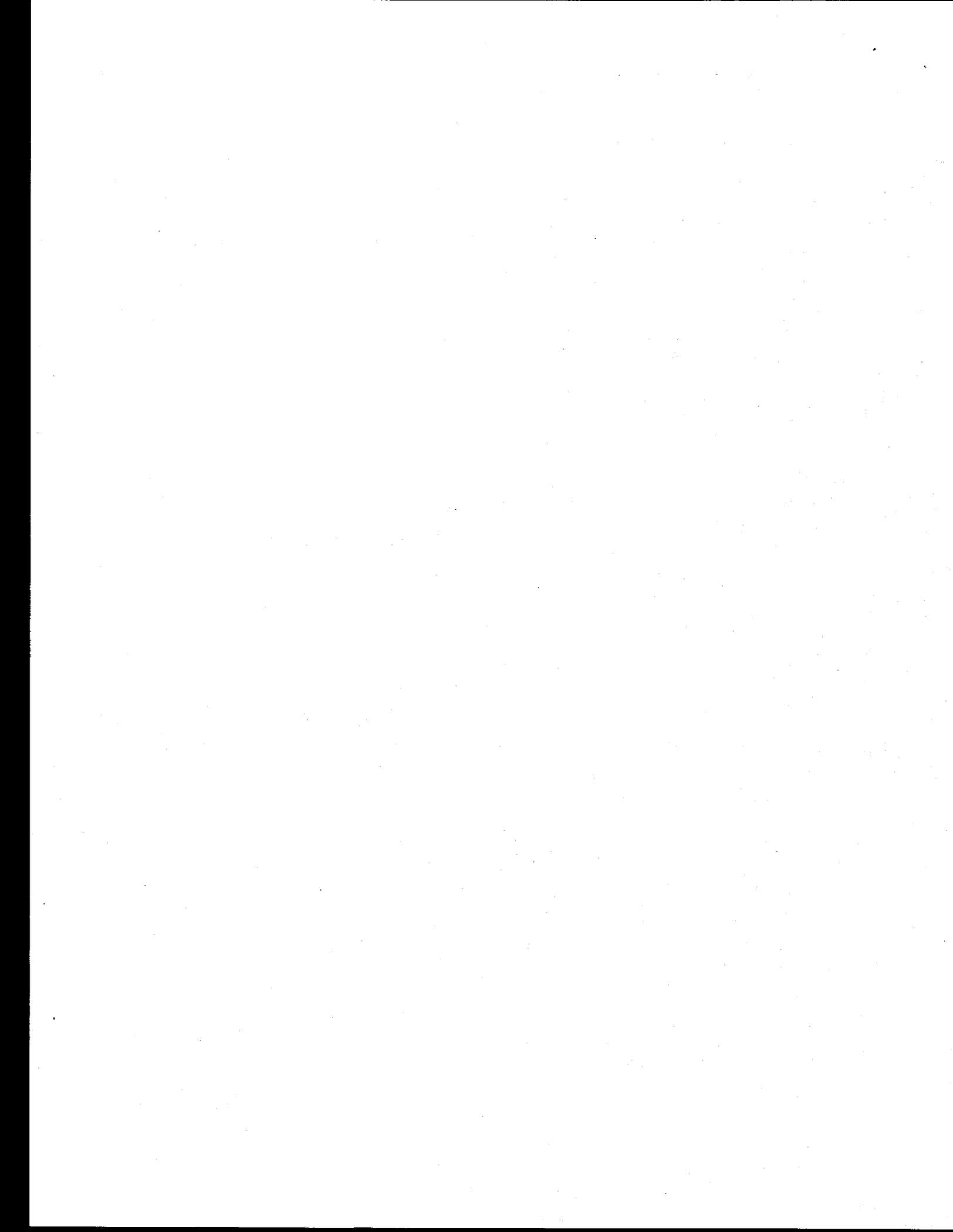
Any vessel or processor may participate in a voluntary SDP under Alternative 2 if a NMFS authorized distributor is selected by the Regional Director, and the NMFS authorized distributor issues vessel or processor SRPs to do so. NMFS does not anticipate that any vessel or processor that qualifies as a small entity would elect to participate in the voluntary program if the costs of doing so reduces gross annual receipts by 5 percent or more. Therefore, the impacts under Alternative 2 are not anticipated to result in a significant economic impact on a substantial number of small entities under the RFA.

The number of persons that would submit an application for a NMFS authorized distributor is unknown. NMFS anticipates the number would range between one and five and would depend on the expressed interest of tax-exempt organizations to participate in the SDP, the number of salmon retained and processed for human consumption, the cost of delivering salmon to economically disadvantaged individuals. NMFS authorized distributors would be tax-exempt and not subject to consideration as small business entities for purposes of the RFA.

5.0 SUMMARY AND CONCLUSIONS

Salmon are taken incidental to the Alaska groundfish trawl fisheries. These fish experience 100 percent mortality when brought on board a vessel and must be returned to Federal waters as prohibited species once a NMFS-certified observer has determined the number of salmon and completed the collection of any biological or scientific data. At its September 1993 meeting, the Council adopted as a statement of intent a "Salmon Bycatch Control Policy." This policy endorsed the development of several different initiatives intended to address the salmon bycatch problem, including the development of regulations authorizing the retention of salmon for processing and delivery to economically disadvantaged individuals. The Council's intent for these regulations was to reduce protein waste in the groundfish trawl fisheries.

The proposed action would authorize the SDP. Under the SDP, a NMFS authorized distributor(s) would be selected by the Regional Director. The NMFS authorized distributor would be responsible for issuing SRPs to qualified vessel operators and processors applying to participate in this program. This action would be implemented under Amendments 26 and 29 to the BSAI and GOA



groundfish FMPs, respectively. The following two alternatives are considered: The status quo alternative (Alternative 1), and voluntary retention and processing of salmon for delivery to tax-exempt organizations to feed economically disadvantaged individuals (Alternative 2).

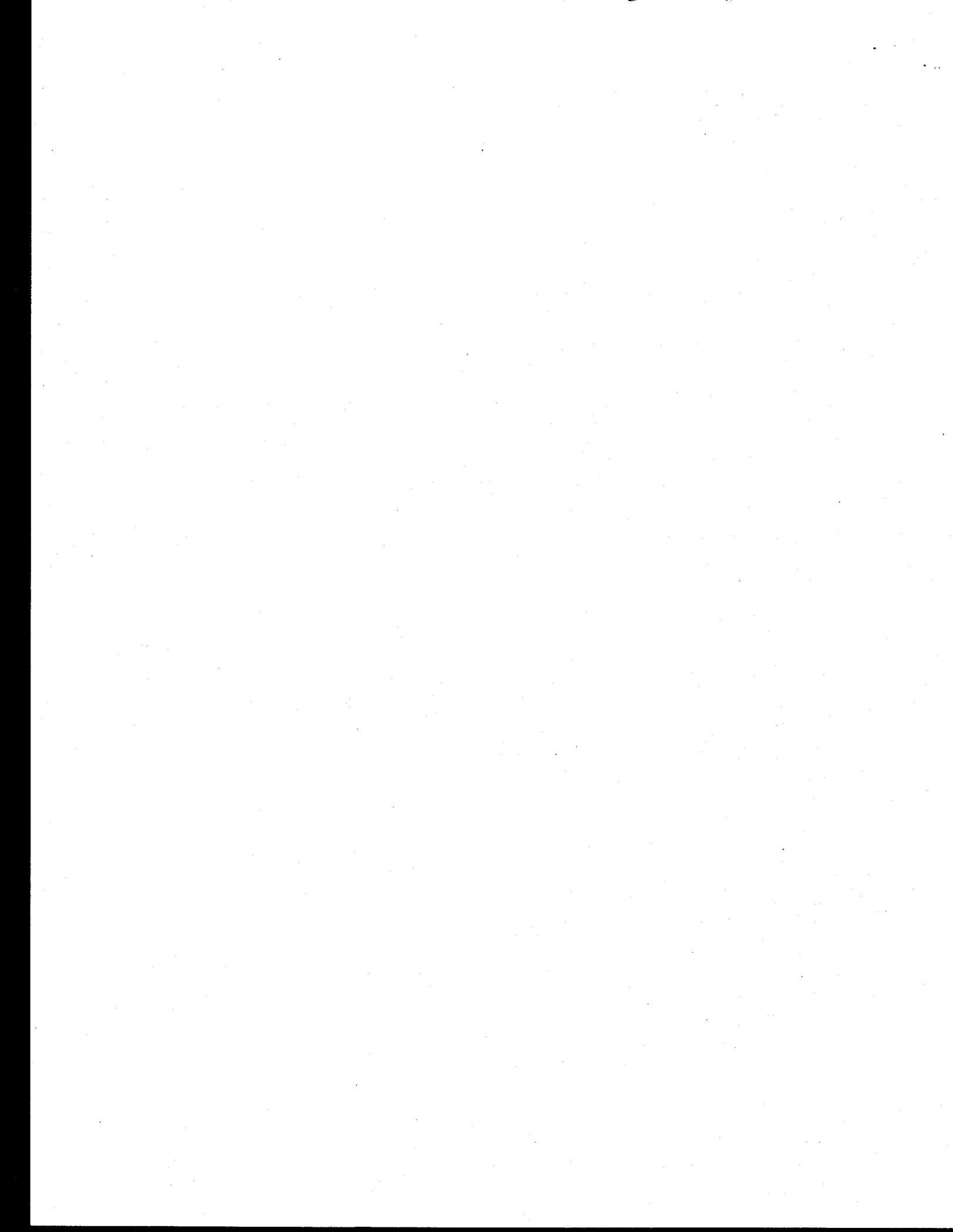
Neither Alternatives 1 nor 2 would be expected to change fishing activities in a manner that would affect the amount of groundfish harvested or the amount of salmon taken as bycatch in the Alaska trawl fisheries. None of the alternatives is likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of NEPA or its implementing regulations.

Potential benefits to economically disadvantaged individuals resulting from salmon donated to food bank organizations under Alternative 2 cannot be quantified. If the average number of salmon taken as bycatch in the 1992-93 trawl fisheries were all delivered economically disadvantaged individuals in a manner where the salmon is fit for human consumption, about 1.5 million meals could be provided to economically disadvantaged individuals. These meals likely would provide a healthy alternative to the diets of people who often only have access to meager and inadequate food.

Under Alternative 2, an unknown number of salmon could be voluntarily retained and processed by the groundfish trawl industry for donation to authorized distributors for tax-exempt organizations. Potential costs to the groundfish industry are anticipated to be significantly lower given that vessel operators or processor managers would have no regulatory requirement to retain and process salmon if the costs of doing so are judged too high or have too great an impact on groundfish operations. The actual costs to vessel operators and shoreside processing operations would be relative to the amount of salmon retained and processed. The total cost associated with the SDP are summarized in Table 1.

Benefits to economically disadvantaged individuals resulting from salmon donated to economically disadvantaged individuals under Alternative 2 cannot be quantified. Voluntary donation of salmon to economically disadvantaged individuals under this alternative would meet the Council's objective to reduce protein waste in the groundfish fisheries.

None of the alternatives considered is expected to result in a "significant regulatory action" as defined in E.O. 12866. NMFS does not anticipate that any vessel or processor that qualifies as a small entity for purposes of the RFA would elect to participate in a voluntary SDP if the costs of doing so reduce gross annual receipts by 5 percent or more. Therefore, the



impacts under Alternative 2 are not anticipated to result in a significant economic impact on a substantial number of small entities under the RFA.

6.0 REFERENCES

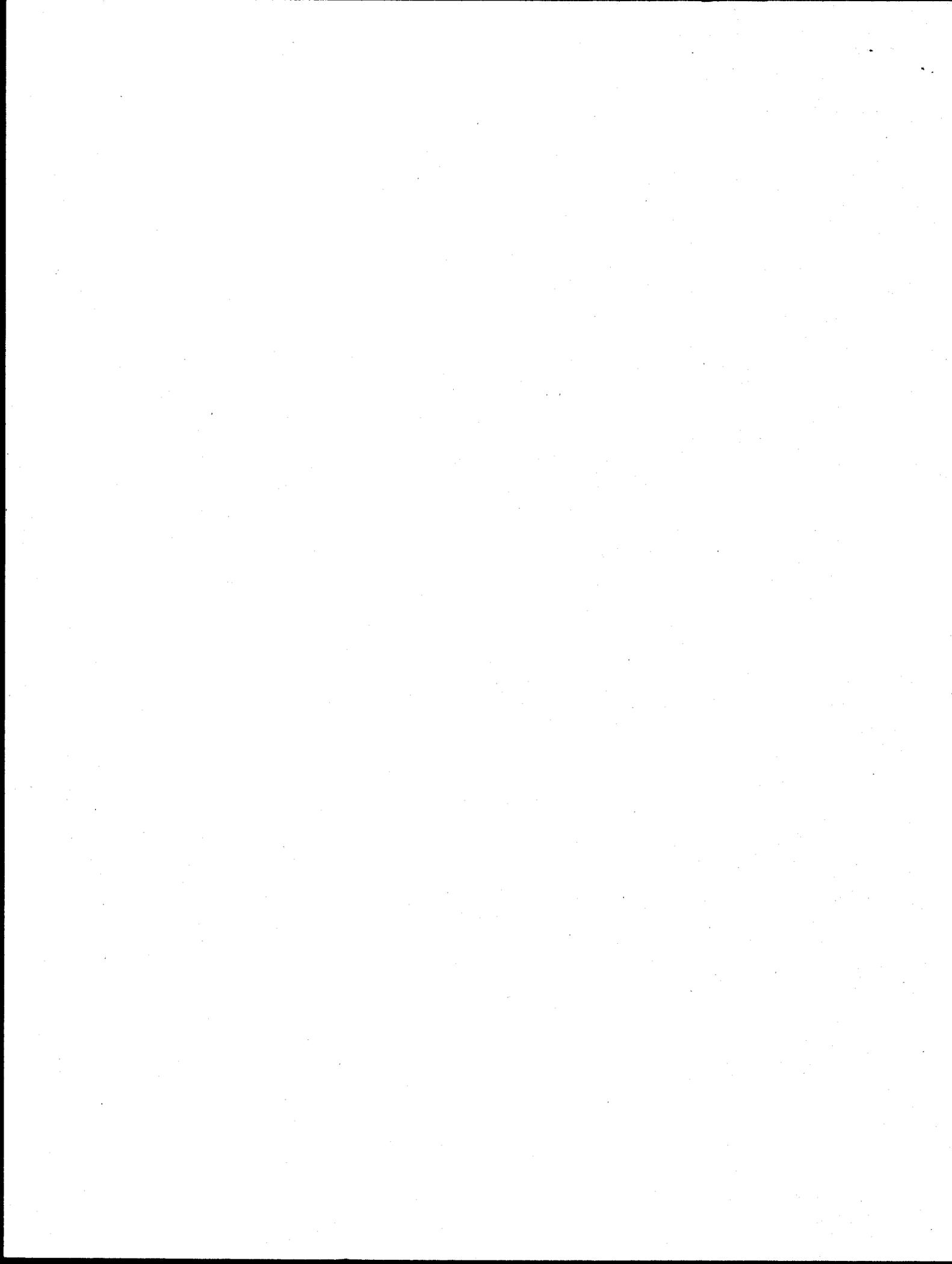
National Marine Fisheries Service (NMFS). 1993a. Draft environmental assessment/regulatory impact review/initial regulatory flexibility analysis for a fishery management plan amendment to implement a vessel incentive program to reduce salmon bycatch rates in the Bering Sea and Aleutian Islands Area trawl fisheries. April 15, 1993. National Marine Fisheries Service, P.O. Box 21668, Juneau AK 99802-1668.

National Marine Fisheries Service (NMFS). 1993b. Addendum to the public review draft of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis for a fishery management plan amendment to implement a vessel incentive program to reduce salmon bycatch rates in the Bering Sea and Aleutian Islands Area trawl fisheries. June 15, 1993. NMFS, P.O. Box 21668, Juneau AK 99802-1668.

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Terra Marine Research and Education. 1993. Annual Report. Bering Sea and Aleutian Islands Groundfish Fishery Experimental Fishing Permit - Feasibility of Retaining Salmon Caught As Bycatch for the Purposes of Distribution to Economically Disadvantaged Individuals, Permit # 93-2. December 31, 1993. National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.



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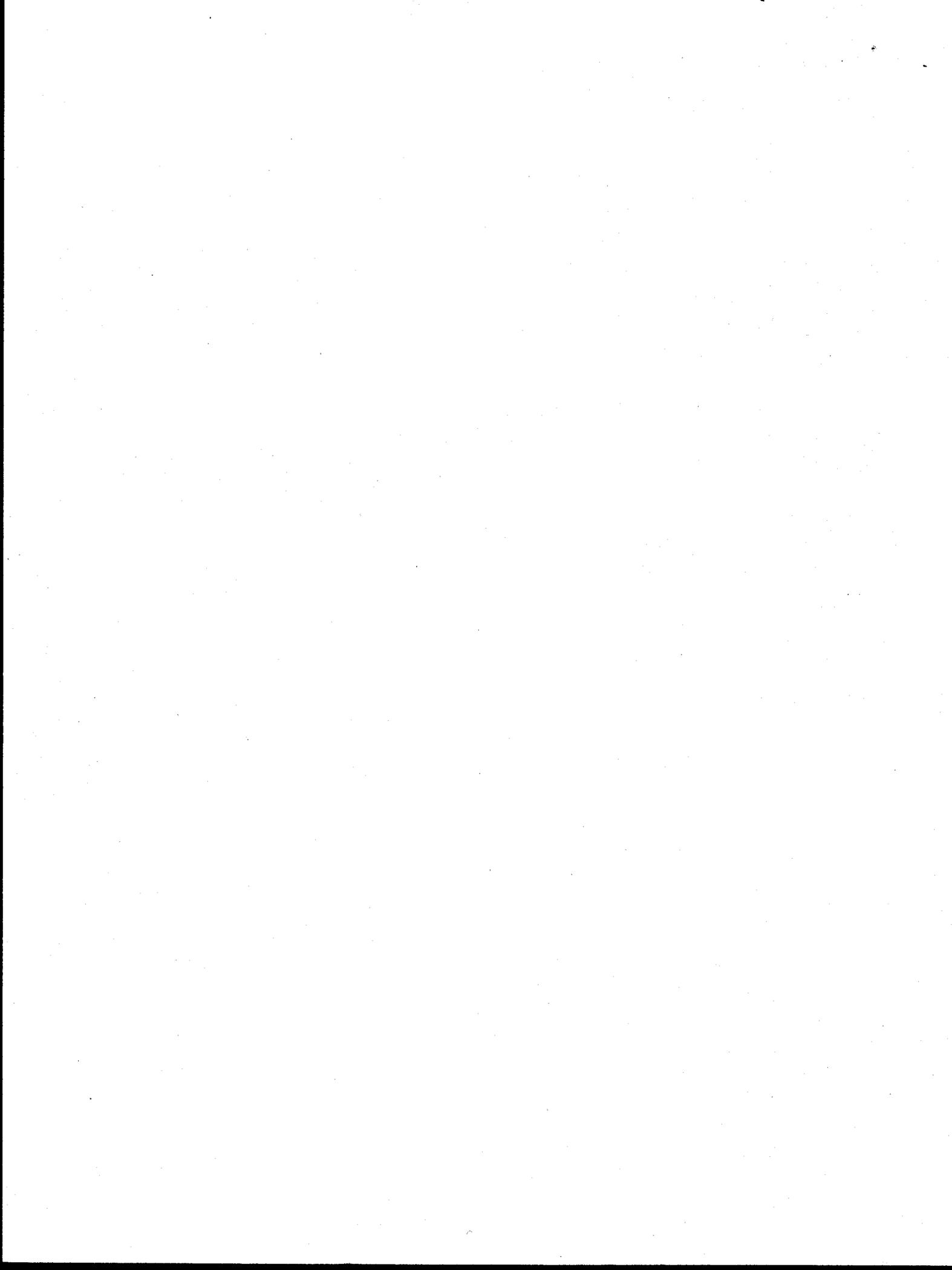


TABLE 2. Groundfish Catch in the BSAI Groundfish Fisheries and Associated Bycatch of Chinook Salmon and Other Salmon (Source: NMFS, Alaska Region, Juneau, AK). Best Available Information, February 28, 1996.

1995 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	1,777,913	23,029	22,103
Hook-and-line	126,420	745	56
Jig Gear	616	0	0
Pot Gear	20,840	0	1
Total	1,925,789	23,774	22,160

1994 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	1,874,611	44,437	96,433
Hook-and-line	110,289	34	41
Jig Gear	838	92	0
Pot Gear	8,511	0	0
Total	1,994,249	44,563	96,474

1993 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	1,779,605	45,964	243,261
Hook-and-line	81,300	50	9
Jig Gear	35	0	0
Pot Gear	2,110	0	0
Total	1,863,050	46,014	243,270

1992 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	1,836,667	41,903	41,346
Hook-and-line	112,969	52	104
Jig Gear	1	0	0
Pot Gear	13,759	0	0
Other Gear	127	0	0
Total	1,963,523	41,955	41,450

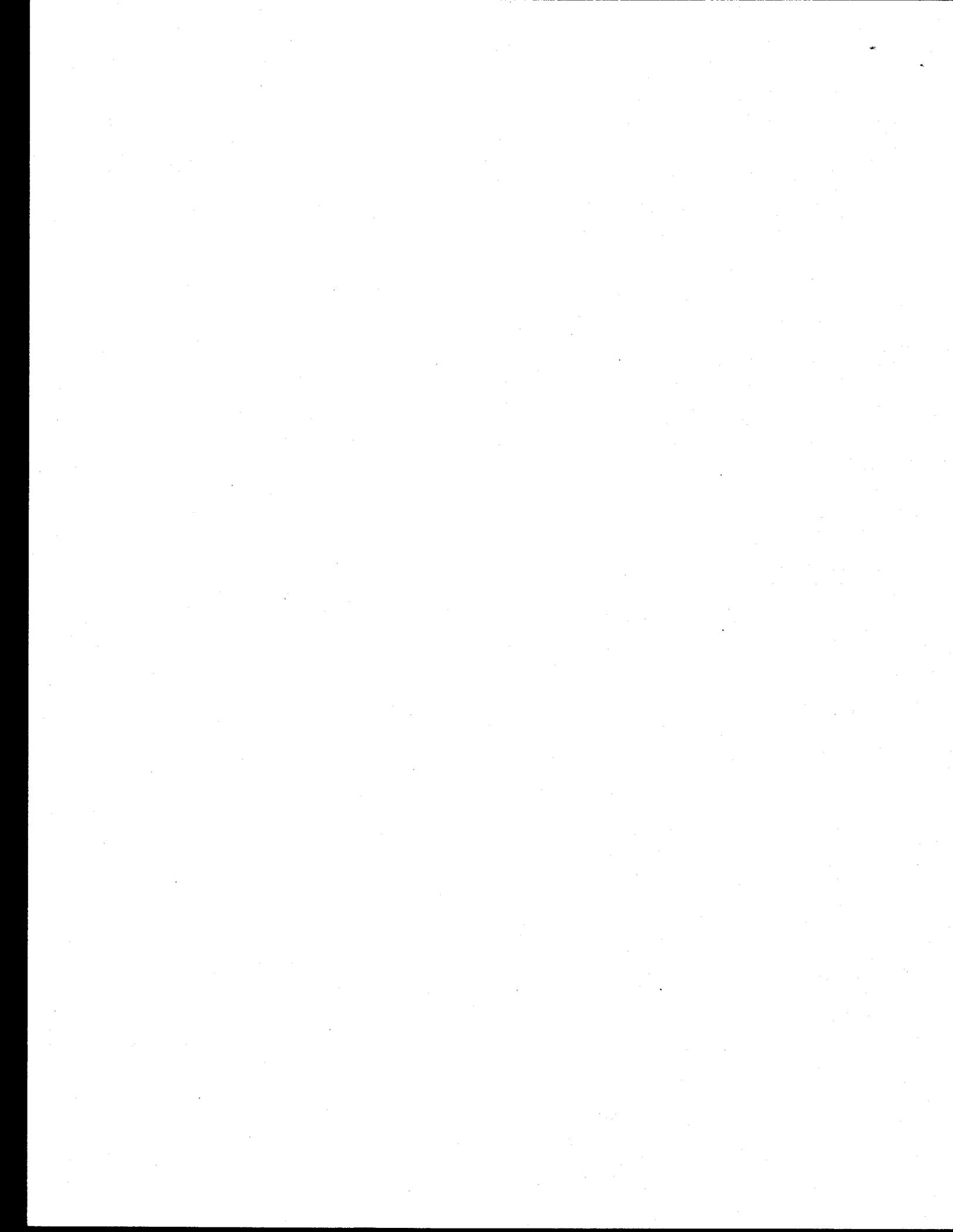


Table 2. (Con't) Groundfish Catch in the BSAI Groundfish Fisheries and Associated Bycatch of Chinook Salmon and Other Salmon (Source: NMFS, Alaska Region, Juneau, AK). Best Available Information, February 28, 1996.

1991 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	2,030,381	48,821	30,206
Hook and Line	89,720	60	55
Pot Gear	6,719	0	0
Total	2,126,820	48,880	30,262
1990 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	1,658,135	N/A	N/A
Hook-and-line	59,389	N/A	N/A
Pot Gear	1,431	N/A	N/A
Total	1,718,955	13,990	16,661
1989 BSAI Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	1,234,891	N/A	N/A
Hook-and-line	15,195	N/A	N/A
Pot Gear	281	N/A	N/A
Total	1,250,367	N/A	N/A

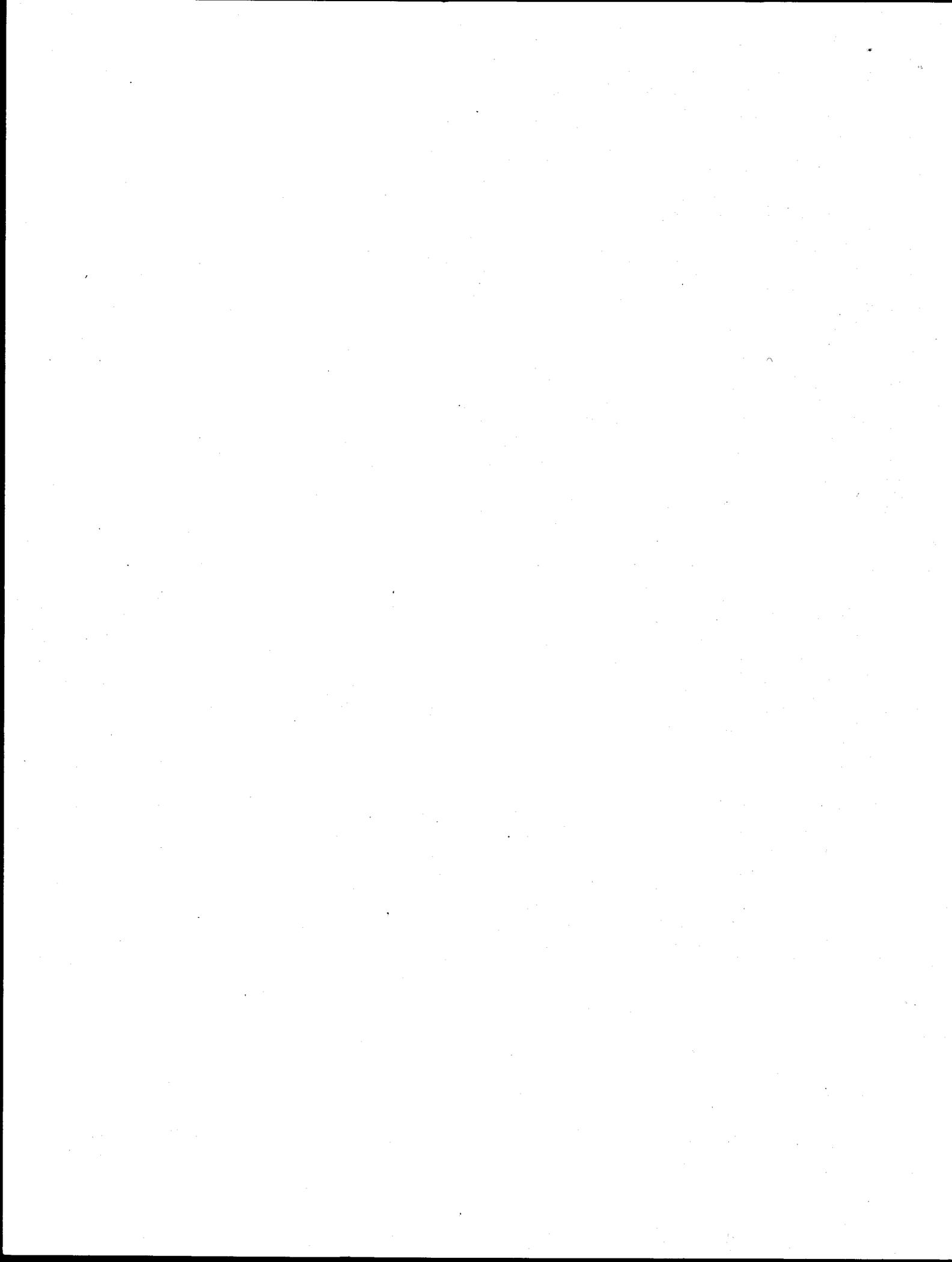


Table 2a. Groundfish Catch in the GOA Groundfish Fisheries and Associated Bycatch of Chinook Salmon and Other Salmon (Source: NMFS, Alaska Region, Juneau, AK). Best Available Information, February 28, 1996.

1995 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	167,684	14,643	64,791
Hook-and-line	34,032	6	177
Jig Gear	600	0	0
Pot Gear	16,237	0	0
Total	218,553	14,649	64,968
1994 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	200,265	13,973	40,514
Hook-and-line	30,942	2	124
Jig Gear	428	0	0
Pot Gear	9,378	0	0
Total	241,013	13,975	40,638
1993 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	204,248	19,193	85,835
Hook-and-line	35,578	67	253
Jig Gear	139	0	0
Pot Gear	9,731	0	0
Other Gear	3	0	0
Total	249,699	19,260	86,088

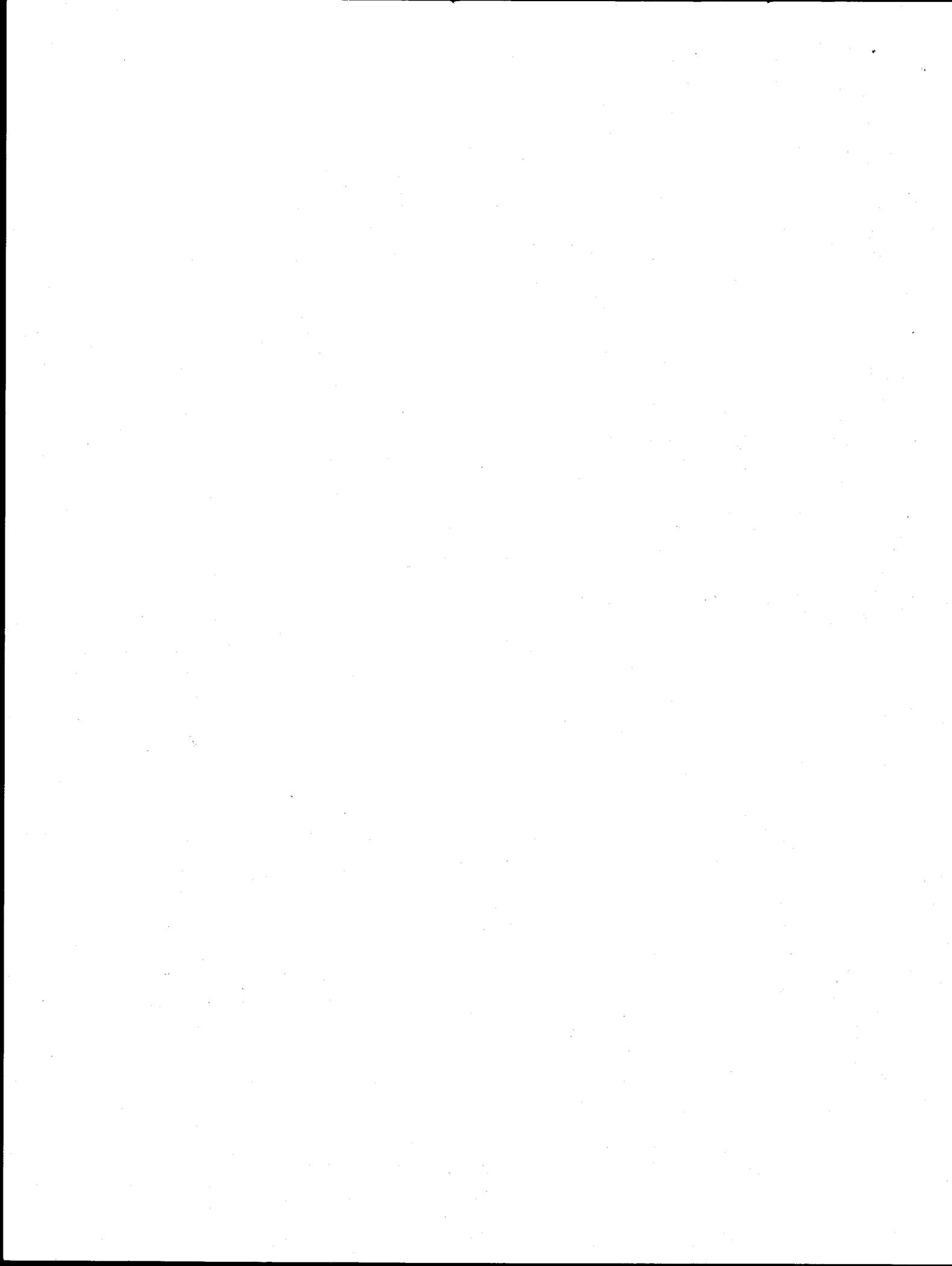


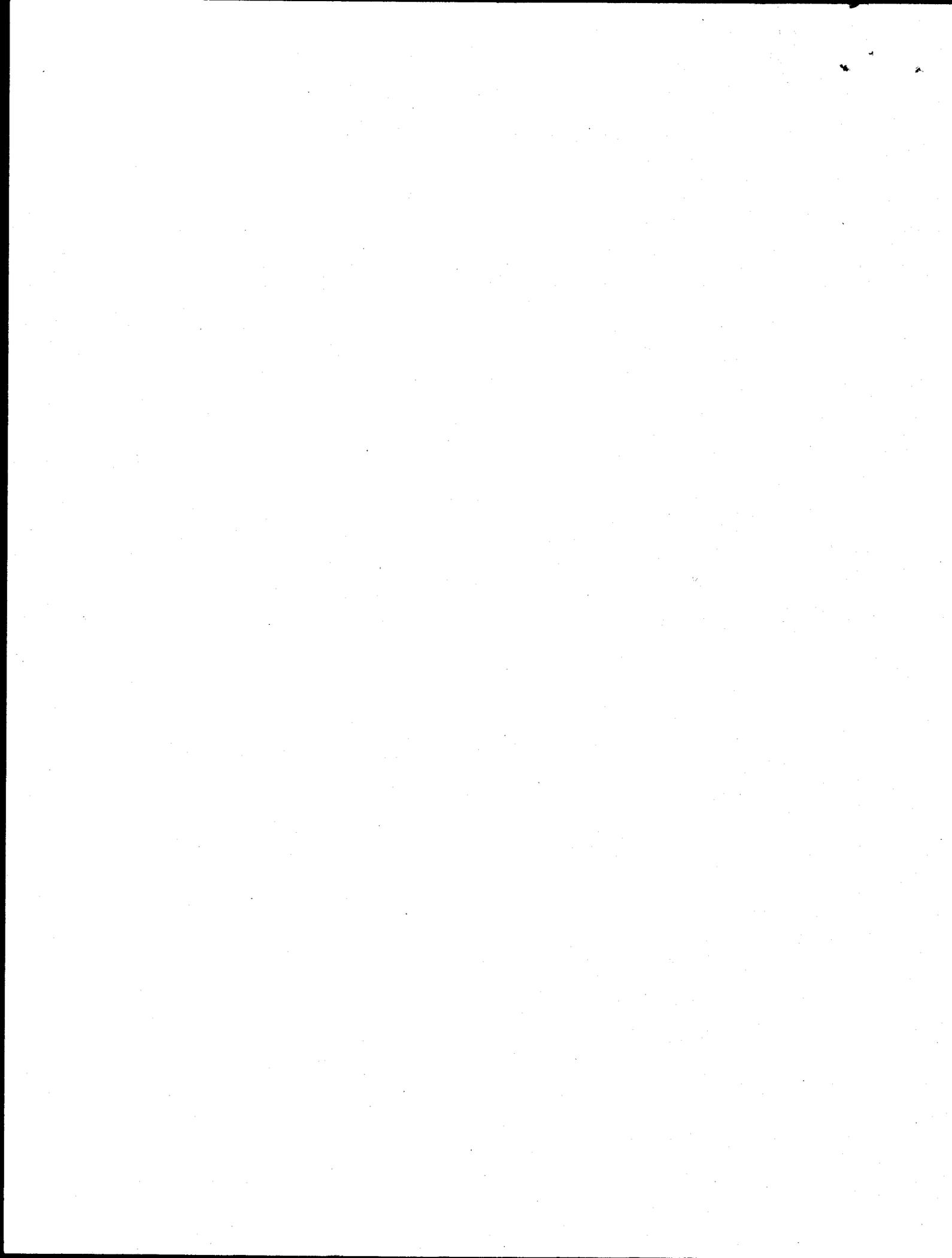
Table 2a. Groundfish Catch in the GOA Groundfish Fisheries and Associated Bycatch of Chinook Salmon and Other Salmon (Source: NMFS, Alaska Region, Juneau, AK). Best Available Information, February 28, 1996.

1992 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	218,784	16,778	11,093
Hook-and-line	40,354	16	123
Jig Gear	496	0	0
Pot Gear	9,992	0	0
Other Gear	171	0	0
Total	269,797	16,794	11,216
1991 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	226,841	38,894	14,947
Hook-and-line	31,663	0	7
Jig Gear	513	0	0
Pot Gear	10,589	0	0
Other Gear	10	0	0
Total	269,616	38,894	14,954
1990 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	211,357	N/A	N/A
Hook-and-line	30,667	N/A	N/A
Pot Gear	7,161	N/A	N/A
Total	249,185	14,832	4,668



Table 2a. (Con't) Groundfish Catch in the GOA Groundfish Fisheries and Associated Bycatch of Chinook Salmon and Other Salmon (Source: NMFS, Alaska Region, Juneau, AK). Best Available Information, February 28, 1996.

1989 GOA Groundfish	Groundfish (metric tons)	Chinook Salmon (#s of fish)	Other Salmon (#s of fish)
Trawl Fisheries	161,785	N/A	N/A
Hook-and-line	31,888	N/A	N/A
Pot Gear	416	N/A	N/A
Total	194,089	N/A	N/A





UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Silver Spring, Maryland 20910

File 5/18

15/ w comment letter.

APR 18 1996

MEMORANDUM FOR: Distribution
 FROM: *Donald J. Leady*
 for George H. Darcy
 Chief, Plans and Regulations Division

SUBJECT: Amendment 26 of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 29 of the Fishery Management Plan for Groundfish of the Gulf of Alaska

Attached are copies of the subject amendments and a draft Environmental Assessment and Regulatory Impact Review prepared for review under the Magnuson Fishery Conservation and Management Act.

These amendments propose to authorize a voluntary Salmon Donation Program for distribution of Pacific salmon taken as bycatch in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through a NMFS-authorized distributor. This action is necessary to support industry initiatives to reduce waste from discard in the groundfish fisheries by processing salmon bycatch for human consumption.

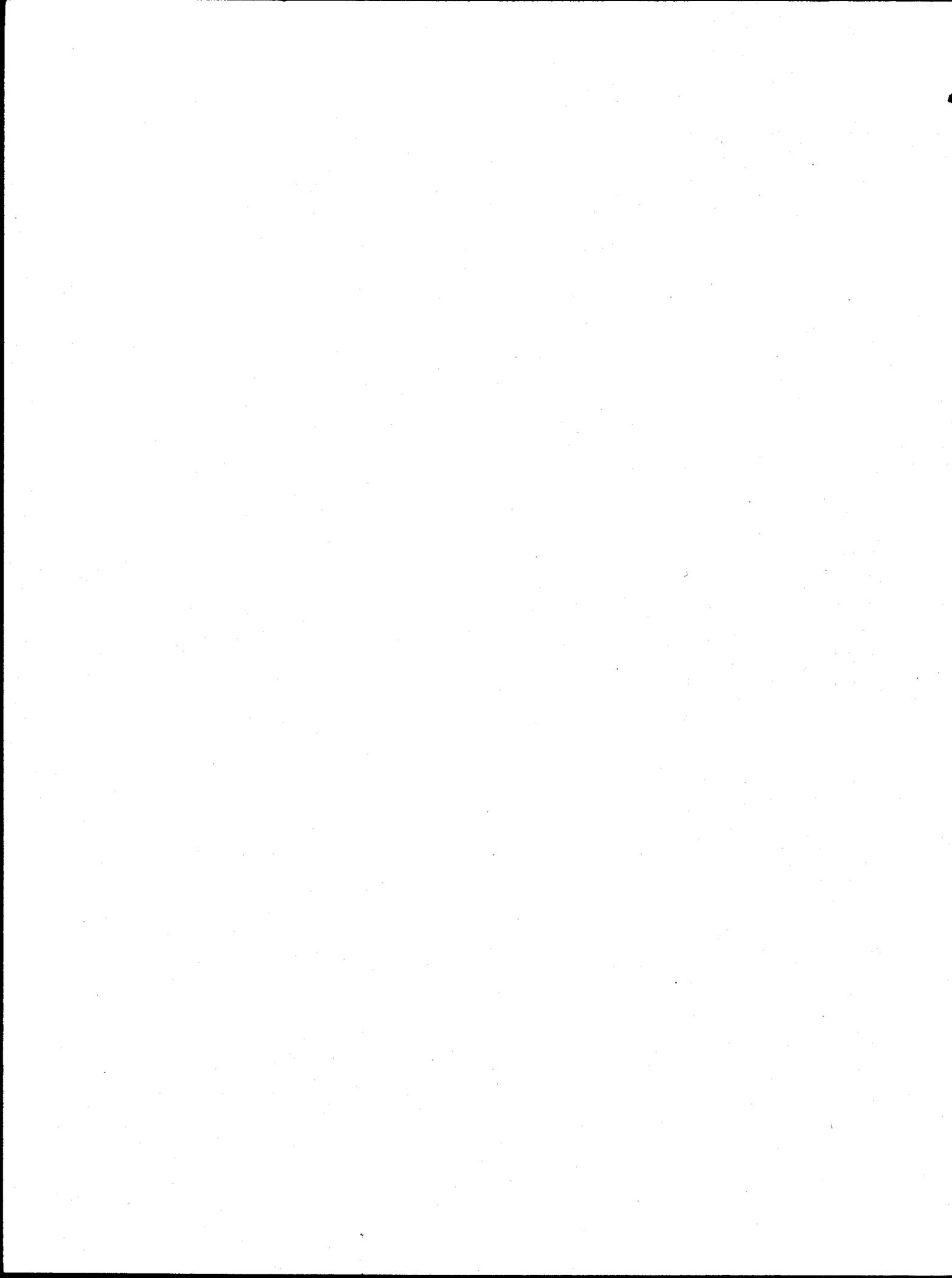
Please provide your comments (including "no comments") by May 29, 1996. If you have any questions, please call Bill Bellows at 301-713-2344.

Attachment

*Distribution

F/CM	-	Surdi	F/PR2	-	Eagle, Cornish
F/CM1	-	Fricke	F/HP1	-	Burgess
F/CM2	-	Darcy	F/RE1	-	Holliday
Fx2	-	Matlock	OP/SP	-	Wieting
F/EN	-	McKinney	N/ORM3	-	Lewsey
GCF	-	Gleaves	GC	-	Johnson
GCEL	-	Kuruc	OGC	-	Cohen
Fx3	-	Swartz			





AMENDMENT 26 - TEXT TO AMEND THE FMP FOR THE GROUND FISH FISHERY
OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

1. In Chapter 2.0, section entitled "History and Summary of Amendments," add the following:

Amendment 26 implemented [INSERT EFFECTIVE DATE], 1995

Established a Salmon Donation Program that authorizes the voluntary retention and distribution of salmon taken as bycatch in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals.

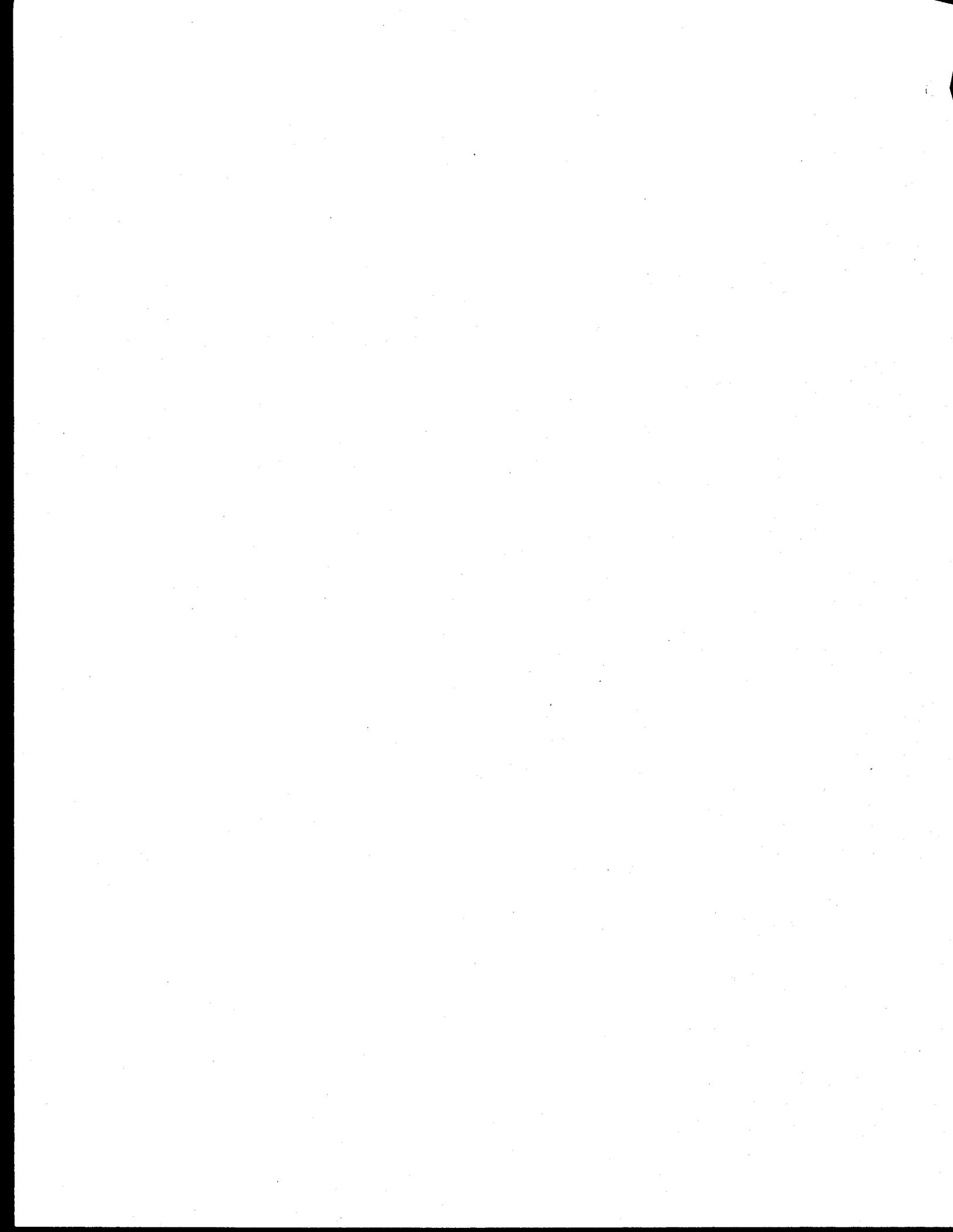
2. In chapter 14 entitled "Management Regime," the following sections are amended:

Under Section 14.2 entitled "Area, Fisheries, and Stocks Involved," section 14.2.B.1, entitled "Prohibited Species," is amended to read as follows:

E. Prohibited species-- are those species and species groups the catch of which must be returned to sea with a minimum of injury except when their retention is authorized by other applicable law (see also Salmon Donation Program described at 14.4.2.D.). Groundfish species and species groups under the FMP for which the quotas have been achieved shall be treated in the same manner as prohibited species.

3. In Section 14.4.2. entitled "Prohibited Species", Section D, entitled "Policy" is amended by adding the following paragraph:

Salmon Donation Program. The Salmon Donation Program authorizes the distribution of Pacific salmon taken as bycatch in the groundfish trawl fisheries in the groundfish fisheries off Alaska to economically disadvantaged individuals through a NMFS authorized distributor selected by the Regional Director in accordance with federal regulations implemented under the FMP.



AMENDMENT 29 - TEXT TO AMEND THE FMP FOR GROUND FISH OF THE GULF OF ALASKA

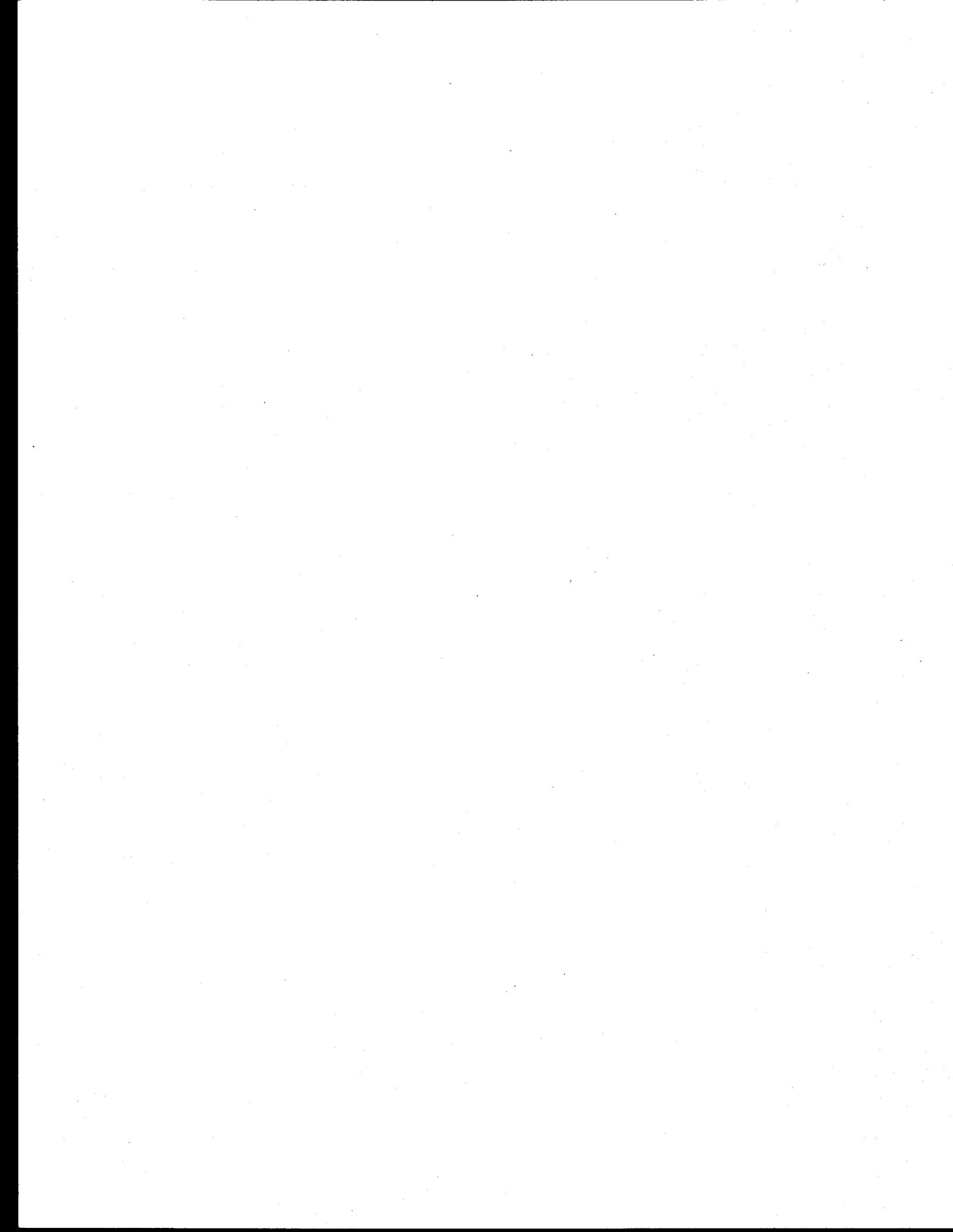
1. In chapter 2 entitled "Goals and Objectives," the following sections are amended:

Under Section 2.2 entitled "Operation Definition of Terms," the definition "Salmon Donation Program" is added and the definitions "Prohibited Species" and "Prohibited Species Catch" are amended as follows:

Prohibited species are those species and species groups the catching of which must be avoided while fishing for groundfish and which must be immediately returned to sea with minimum of injury when caught and brought aboard except when their retention is authorized by other applicable law (see Salmon Donation Program defined in this section).

Prohibited species catch (PSC) is nonretainable catch. It can take the form of a nongroundfish prohibited species and/or as a fully utilized groundfish species captured incidentally in groundfish fisheries. Such catch must be recorded and returned to sea with a minimum of injury except as provided in the Salmon Donation Program. A PSC limit is an apportioned, nonretainable amount of fish provided to a fishery for bycatch purposes. PSC limits of groundfish may be provided to JVP and TALFF when the species is fully utilized by the wholly domestic fishery (i.e., DAP = TAC).

Salmon Donation Program. The Salmon Donation Program authorizes the distribution of Pacific salmon taken as bycatch in the groundfish trawl fisheries in the groundfish fisheries off Alaska to economically disadvantaged individuals through a NMFS authorized distributor selected by the Regional Director in accordance with Federal regulations implemented under the FMP.





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

JUN 3 1996

MEMORANDUM FOR: F/CM2 - Donald J. Leedy
FROM: F/CM1 - Peter H. Fricke 
SUBJECT: Amendments 26 and 29, Groundfish FMPs for
BSAI and GOA

As requested I have reviewed the amendments. No social impact assessments per se are in the documents, and the economic discussion of costs and benefits is inconclusive.

While the Council's intent of donating bycatch to food banks, etc, thus avoiding waste of protein sources is laudable and will provide some additional work for fishermen and processors, there is no discussion of the costs and benefits (social or economic) of reducing bycatch in other ways and the possible benefits of harvesting and processing mature fish at a later time.

Further, there is no analysis of the potential of the donations for alleviating hunger, and the amendments display speculation at the possible number of meals which could be provided (the range in the document is from 200,000 meals to 1,000,000 meals) by this voluntary program.



