

JUSTIFICATION FOR CHANGE
ALASKA REGION PERMIT FAMILY OF FORMS
OMB CONTROL NO. 0648-0206

Minor adjustments associated with a final rule (RIN 0648-BA31) to modify the information requested on a Federal Fisheries Permit (FFP) application.

The National Marine Fisheries Service (NMFS) is issuing a final rule to implement Steller sea lion protection measures to insure that the Bering Sea and Aleutian Islands management area (BSAI) groundfish fisheries off Alaska are not likely to jeopardize the continued existence of the western distinct population segment (WDPS) of Steller sea lions or adversely modify its designated critical habitat. These management measures will disperse fishing effort over time and area to provide protection from potential competition for important Steller sea lion prey species in waters adjacent to rookeries and important haulouts in the BSAI. The intended effect of this final rule is to protect the endangered western DPS of Steller sea lions, as required under the Endangered Species Act, and to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area biological opinion¹ found that additional changes to the Pacific cod and Atka mackerel fisheries in the Aleutian Islands are necessary to avoid the likelihood of jeopardy or adverse modification for the WDPS of Steller sea lions and their designated critical habitat.

The final action is based on the Reasonable and Prudent Alternative (RPA) contained in the FMP Biological Opinion, which would mitigate the effects of the groundfish fisheries on the WDPS of Steller sea lions. The RPA is specific to the Atka mackerel and Pacific cod fisheries in Statistical Areas 543, 542, and 541 of the Aleutian Islands. The RPA is focused on the location where Steller sea lions are experiencing the greatest population declines and where the groundfish fisheries are likely to be adversely affecting the animals. The features of the RPA were developed considering the evidence of potential impacts of the groundfish fisheries on Steller sea lions, including Steller sea lion foraging behavior, fish removals, prey energetic density, and available prey biomass.

NMFS implemented a system of “platoon” management for Atka mackerel fishing in Steller Sea Lion critical habitat (see 50 CFR 679.22(a)(12) and 50 CFR 223.202). The Atka mackerel Harvest Limit Area (HLA) is located in Statistical Area 543 and the western portion of Statistical Area 542) of the BSAI. Through a semi-annual lottery performed by NMFS, Alaska Region determined placement in 542 or 543 in “ platoons” in each of two seasons (A season and B season). If registered to fish Atka mackerel in critical habitat in statistical areas 542 or 543, the vessel could not participate in any other groundfish fishery in the BSAI or Gulf of Alaska (GOA) until their first assigned Atka mackerel directed fishery in critical habitat closed to directed fishing. Directed fishing for Atka mackerel inside of critical habitat in Area 541 is prohibited

¹ NMFS's Biological Opinion, issued under the authority of section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA), on the Alaska Groundfish Fisheries as authorized by the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska.

and therefore is not part of the HLA program. Because the RPA would prohibit all retention of Atka mackerel in Area 543 and nearly all directed fishing for Atka mackerel in waters 0 nm to 20 nm around Steller sea lion sites in Area 542, the platoon management of Atka mackerel harvest inside the HLA is no longer needed. Eliminating the HLA fishery simplifies the management of Atka mackerel catch in Areas 543 and 542.

Based on the elimination of the HLA fishery, Section D of the FFP permit application, Species Endorsements and Amendments, will be changed to remove the HLA box, which has checkboxes to indicate fishing areas. NMFS does not expect the change in the FFP application to increase the cost or burden of providing information; in fact, the revised application may take less time to complete.