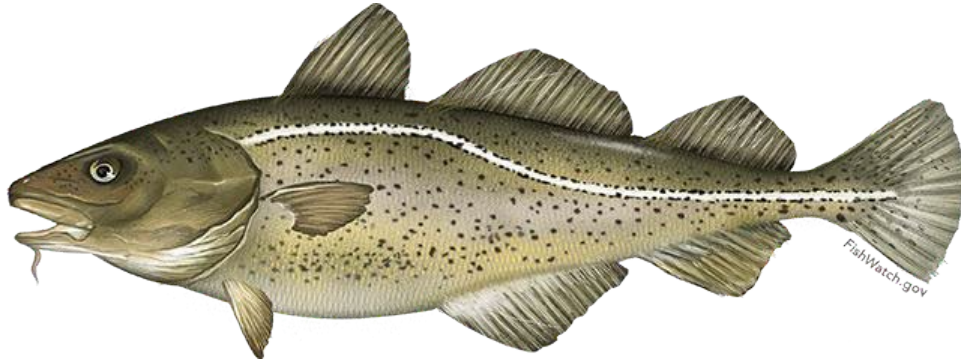


Approval of Fishing Year 2023 and 2024 Operation Plans and Contracts for Groundfish Sectors

Supplemental Information Report



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1.0 Introduction

NOAA’s National Marine Fisheries Service (NMFS) is approving Northeast multispecies sector operations plans for fishing years 2023 and 2024, consistent with procedures established in Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP). This action authorizes groundfish sectors to operate in fishing years 2023 and 2024, and allocates Annual Catch Entitlements (ACE) to sectors for the 2023 fishing year. The action also approves sector exemptions, consistent with existing regulations. This action is necessary to allow groundfish sectors to operate in fishing year 2023, and to allow sector vessels to operate with regulatory exemptions to increase their efficiency.

The Northeast Multispecies FMP is managed by the New England Fishery Management Council. Under the FMP, each year NMFS is tasked with approving sector operations and allocating ACE to groundfish sectors.

2.0 Purpose of the Supplemental Information Report

The purpose of this Supplemental Information Report (SIR) is to determine if the continued approval of sector operations requires further analysis other than those prepared previously to support sector operations.

In making a determination on the need for additional analysis under the National Environmental Policy Act (NEPA), we have considered and have been guided by the Council on Environmental Quality (CEQ) NEPA regulations and applicable case law. The CEQ’s regulations state that “[a]gencies shall prepare supplements to either draft or final environmental impact statements if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 Code of Federal Regulations (C.F.R.) § 1502.09(d)(1). Consistent with 40 C.F.R. 1502.9(d)(4) and 1501.3(b) we have determined that any changes to the proposed action or new circumstances or information relevant to environmental concerns are not significant and therefore do not require a supplement.

This document describes differences between recent NMFS rules that approved sector operations consistent with the Northeast Multispecies FMP. This document compares the approval of sector operations in the context of the programmatic environmental assessment completed for approval of fishing years 2015-2020 sector operations plans and contracts, which considered the impacts of sector operations, regulatory exemptions for sector vessels, and other circumstances of the sector fishery from fishing year 2015 through 2020 to the 2023 rule under consideration. We then consider whether there are any significant new circumstances or information that are relevant to environmental concerns and that have a bearing on this action or its impacts.

3.0 Action

This rulemaking includes the following:

- Approval of sector operations plans and contracts of 15 Northeast multispecies sectors for fishing years 2023 and 2024, and associated regulatory exemptions;

- Initial allocations of 2023 ACE to approved sectors and state permit banks

4.0 Background of Original Action

Since 2010, NMFS has published annual rulemakings to approve sector operations and exemptions and/or allocating ACE to groundfish sectors. Generally, every other year NMFS approves 2-year operations plans and contracts as well as exemptions and makes a one-year allocation of ACE. In off years, NMFS makes another one-year allocation, and approves or disapproves any newly requested exemptions, sector operations plans, or other necessary sector actions. However, for the purposes of this SIR, the original action is the 2015 and 2016 sector rule (80 FR, 25143; May 1, 2015) which was the first rule supported by the 2015-2020 Programmatic Sectors EA (EA). In that rule, NMFS approved operations plans and contracts for 17 groundfish sectors, as well as 19 regulatory exemptions. One of those 19 exemptions, the Redfish Exemption, is now a universal sector exemption as approved in Framework 61.

Exemptions that were denied in the 2022 rule were not requested in this year's action. All other exemptions previously approved in the 2022 rule are being approved in this action, except the Redfish Exemption, which is now a universal exemption. At the time of the 2015 rule, sectors were first taking on the costs of ASM, though most costs have continued to be reimbursed by NMFS since that transition occurred. Sector's monitoring costs are expected to continue being reimbursed by NMFS using previously allocated Federal funds for fishing year 2023.

5.0 Changes from Original Action

5.1 Sector Operations Plans and Contracts

The action approves 15 previously approved sector operations plans and contracts. The fishing years 2023-2024 operations plans do not request substantial changes from fishing years 2021-2022 operations plans, and only include minor modifications. Because this action only approves previously approved sectors, and we have previously determined in the SIR prepared for the Fishing Year 2021-22 Sector Rule, that all approved sector operations are consistent with the 2015-2020 programmatic EA, and are substantively similar to the sector operations outlined in the EA, nothing about the sectors, operations plans, or contracts approved in the action is substantively different than previous actions.

5.2 Sector Exemptions

The action approves 18 previously approved sector exemptions. Because this action only approves previously approved exemptions, and we have previously determined in the SIR prepared for the Fishing Year 2021-22 Sector Rule, that all approved exemptions are consistent with the 2015-2020 programmatic EA, and are substantively similar to the exemptions outlined in the EA, nothing about the exemptions approved in the action is substantively different than previous actions.

5.3 Updated Electronic Monitoring Regulations

Fishing year 2023 will be the first full fishing year that Amendment 23 (Am23) is implemented (87 FR 75852; December 9, 2022). Am23 implements up to a 100-percent at-sea monitoring (ASM) coverage target for the sector program in years when adequate funds are available to cover

monitoring costs, and approves the maximized retention electronic monitoring (MREM) program as an operational monitoring program for sectors to use to meet their monitoring requirements. The sector operations plans that would be approved by this action include revised language regarding ASM and electronic monitoring (EM). The language is consistent with regulations implementing Am23 and has been approved by NMFS. The addition of this language in operations plans will allow sectors to more fully support up to 100-percent monitoring in the fishery. Sector vessels may choose ASM and/or EM to meet sector monitoring requirements for fishing years 2023 and 2024, provided that the sector has both an approved ASM and EM program in its operations plan. Sectors may enroll in the operational audit model EM and/or MREM program for fishing years 2023 and 2024. Updates to sector monitoring regulations and language in sector operations plans are necessary to implement EM operations in the sector fishery, consistent with the ASM and EM requirements established under Am23 to the Northeast Multispecies FMP. The revisions to the monitoring regulations are intended to allow for additional clarity when implementing EM programs for sectors, consistent with the intent of Am23. EM is entirely voluntary for sectors and individual sector vessels. These modifications to sector operations plans are not expected to have a significant impact on sector operations and the scope of the analysis in the EA is sufficient to capture the impact of this minor change. Any environmental impact of the updated sector monitoring regulations is outside the scope of sector operations approval and has been fully analyzed in the Final Environmental Impact Statement for Am23.

6.0 NEPA Compliance and Supporting Analyses

The 2015-2020 Programmatic Sectors EA analyzed the biological effects of approving sector operations and regulatory exemptions. This included biological impacts, impacts on essential fish habitat, impacts on endangered and other protected species, the economic impacts, the social impacts, and the cumulative effects. As required by NEPA, the Preferred Alternatives were compared to the No Action option and other options.

The conclusions reached in the 2015-2020 Programmatic Sectors EA are that the actions, which include the approval of sector operations and regulatory exemptions would not significantly impact the quality of the human environment. Overall the programmatic EA found that the approval of sector operations and exemptions would result in negligible impacts on the physical environment, habit, essential fish habitat, allocated stocks, non-allocated stocks, low negative impacts on protected resources, and low positive impacts on sector ports and participants. The impact of annual harvest on commercial stocks, bycatch, protected resources, habitat, and human communities is assessed in the Northeast Multispecies Framework Adjustment environmental assessments. No additional significant cumulative impacts are expected from recent sector and sector exemption approvals.

The impacts of this action are not substantially different from what was already considered in the programmatic EA.

7.0 Economic Analysis

The 2015-2020 Programmatic EA for Sectors analyzed the economic impacts of continued sector operations and authorized sector exemptions. The impacts of this action fall within the range of impacts considered there and, therefore, are not substantively different than those considered in the programmatic EA.

Overall, this action provides continued flexibility for sector vessels. As described in the 2015-2020 EA, the additional flexibility provided through the continued operations of sectors and sector exemptions is expected to have low positive economic impacts for sector vessels. The overwhelming majority of the economic impacts to sector vessels result from the annual catch specifications for the fishery, which are supported by separate and distinct environmental assessments. Further, the regulations specific to the continued operation of sectors and sector exemptions are expected to be consistent with the economic impacts predicted in the Amendment 23 EA.

8.0 Summary of Public Involvement

The public had the opportunity to comment on the 2015-2020 Sectors Programmatic EA as well as all previous sector rulemakings, and will also have the opportunity to comment during the proposed rule for this action. Additionally, there is extensive public input during Council development of framework adjustments and associated catch limits; public comments are taken during NMFS rulemakings to support framework approval. NMFS staff also regularly interact with, and receive feedback from, sector managers, sector fishermen, the New England Fisheries Management Council, and the public regarding the sector management program including sector exemptions, operations, EM, and management of Northeast multispecies.

9.0 Conclusion

After considering this action, new information and new circumstances, NMFS has determined that it is not necessary to supplement the 2015-2020 Programmatic Sector EA and FONSI because: (1) the action and its impacts are not substantially different from what was originally considered and analyzed; and (2) no new information or circumstances exist that are significantly different from when the 2015-2020 Sectors FONSI was signed on April 10, 2015. The 2015-2020 Sectors Programmatic EA and FONSI therefore remain valid to support this action.

10.0 Preparers and Persons Consulted

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11.0 References

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast

Multispecies Fishery; Amendment 23; 87 FR 75852; December 9, 2022.

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 61; 86 FR 40353; July 28, 2021.

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2015 and 2016 Sector Operations Plans and 2015 Contracts and Allocation of Northeast Multispecies Annual Catch Entitlements; 80 FR 25143; May 1, 2015.

Fishing Year 2015-2020 Northeast Multispecies Sector Operations Plans and Contracts: A Programmatic Environmental Assessment; NMFS; 2015.