

May 19, 2008

MEMORANDUM FOR: THE RECORD

FROM: Robert D. Mecum
Acting Administrator, Alaska Region

SUBJECT: Categorical Exclusion for Amendment 72 to the Fishery
Management Plan for Groundfish of the Gulf of Alaska

NAO 216-6, Environmental Review Procedures, requires all proposed agency actions to be reviewed with respect to potential impacts on the human environment. This memorandum summarizes the determination that Amendment 72 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) qualifies to be categorically excluded from further National Environmental Policy Act (NEPA) review.

Description of the Action

Amendment 72 would add language to the FMP to state that the North Pacific Fishery Management Council (Council) would annually review the discards of shallow-water flatfish in the Gulf of Alaska (GOA) groundfish fisheries and, based on this information, may recommend future revisions to Improved Retention/Improved Utilization (IR/IU) regulations governing shallow-water flatfish.

Groundfish species included in the GOA shallow-water flatfish group primarily include flathead sole, rock sole, yellowfin sole, butter sole, starry flounder, English sole, sand sole, and Alaska plaice. When shallow-water flatfish are open to directed fishing, a catcher vessel must retain all fish of that species brought onboard the vessel and a catcher/processor must make and retain a primary product from all fish of that species brought onboard the vessel. When shallow-water flatfish are closed to directed fishing, a catcher vessel must retain all shallow-water flatfish up to the maximum retainable amount (MRA), and a catcher/processor must make and retain a primary product from all fish of that species brought onboard the vessel up to the point that the round-weight equivalent of primary products onboard equals the MRA for that species. These shallow-water flatfish retention and utilization requirements currently apply to all vessels with Federal fishing permits participating in any GOA groundfish fishery, regardless of the gear type used.

In 2003, after implementation of Amendment 49 provisions for shallow-water flatfish IR/IU, the Council again reviewed discard data on shallow-water flatfish in each GOA target fishery. This review revealed that discards of shallow-water flatfish between 1995 and 2001 were less than 5 percent in all GOA groundfish target fisheries with the exception of Western GOA flathead sole, Western GOA offshore Pacific cod, and Central GOA shallow-water flatfish. As those three target fisheries exceeded shallow-water flatfish discards of 5 percent in some years but did not

exceed average shallow-water flatfish discards of 20 percent, the Council expressed interest in tracking fisheries that exceeded a 5 percent discard threshold for shallow-water flatfish. After implementation of shallow-water flatfish IR/IU in 2003, shallow-water flatfish discards have not exceeded 5 percent of the total groundfish catch in any GOA groundfish fishery. The highest shallow-water flatfish discard rates in these years have been in the trawl fisheries for Pacific cod in the Western GOA (2.9 percent in 2003), and shallow-water flatfish fisheries in the Central GOA (2.4 percent in 2004 and 2.9 percent in 2005).

While many groundfish vessels are able to meet a long-term goal of reducing shallow-water flatfish discards by consistently remaining under a 5 percent discard rate, members of the GOA fishing industry reported to the Council that complete elimination of shallow-water flatfish discards is costly if some vessels do not have viable markets for the small amounts of a species. In response to these concerns, the Council recommended Amendment 72 to add text to the FMP to state that the Council would annually review the discards of shallow-water flatfish in all GOA fisheries and may recommend revisions to the shallow-water flatfish retention and utilization requirements if the three-year rolling average discard rate of shallow-water flatfish in any fishery falls above or below 5 percent.

Effects of the Action

This FMP amendment requires NMFS to provide a report to the Council, but it does not require any new regulations or revisions to existing regulations. Shallow-water flatfish would continue to be one of three GOA IR/IU species categories in 50 CFR part 679, along with pollock and Pacific cod. Any future revisions to shallow-water flatfish IR/IU regulations would be contingent on the Council establishing the need to modify these requirements, initiating an analysis, and proposing a regulatory amendment that could be approved by the Secretary of Commerce. No changes to regulations, management programs, permitting, observation, or enforcement of fishing will occur if Amendment 72 is approved.

Categorical Exclusion

Amendment 72 and the resulting annual report to the Council would not result in any changes to the human environment. As defined in Sections 505 and 6.03(b)(2) of NAO 216-6, the proposed amendment is a minor addition to the FMP that will not result individually or cumulatively in significant impacts on the quality of the human environment. As such, it is categorically excluded from further environmental review and requirements to prepare additional environmental review documents.

CC: AKR NEPA Coordinator
NOAA NEPA Coordinator