



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

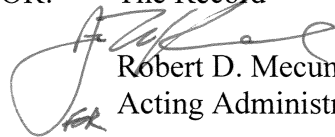
P.O. Box 21668

Juneau, Alaska 99802-1668

March 16, 2009

MEMORANDUM FOR: The Record

FROM:



Robert D. Mecum

Acting Administrator, Alaska Region

SUBJECT:

Categorical Exclusion for Amendment 85 to the Fishery Management Plan for Groundfish of the Gulf of Alaska – Remove prohibition on directed fishing for catcher processors in the Central Gulf of Alaska Rockfish Program

NOAA Administrative Order (NAO) 216-6, Environmental Review Procedures, requires all proposed agency actions to be reviewed for potential impacts on the human environment. This memo is to certify that the proposed action to revise Federal regulations at 50 CFR 679.82 related to prohibitions on directed fishing in the Bering Sea and Aleutian Islands (BSAI) in early July by catcher processors that participate in the Central Gulf of Alaska Rockfish Program (Rockfish Program) is categorically excluded from the need to prepare an environmental assessment pursuant to the National Environmental Policy Act (NEPA).

**Description of the action:**

Amendment 85 would make minor changes to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) to enable catcher processors that fish in the Central Gulf of Alaska (GOA) under the Rockfish Program to participate in groundfish fisheries in the BSAI in July.

The Rockfish Program is a limited access privilege program, in which participants receive exclusive annual harvest privileges for specific species that are caught in the Central GOA rockfish fisheries if they join a cooperative with other eligible harvesters. Eligible harvesters who do not wish to join a cooperative may compete for a share of the total allowable catch for the Central GOA rockfish species in a limited access fishery.

Vessels that fish under the Rockfish Program are subject to a suite of catch and fishery participation limits called sideboards. Sideboard limits are intended to prevent limited access privilege program participants from using the economic benefits and improved flexibility provided by exclusive harvesting privileges to increase effort in other fisheries and adversely affect participants that depend on those fisheries. The Rockfish Program sideboard limits were developed to restrict fishing by eligible Central GOA rockfish harvesters in non-Rockfish



Program fisheries during the historical timing of the rockfish fishery, which generally began on July 1 and lasted two to three weeks. Several harvesters that participate in the Rockfish Program also historically participated in other groundfish fisheries in the GOA and BSAI after completing the Central GOA rockfish fisheries, and the sideboard restrictions were limited to the month of July to enable these harvesters, particularly in the catcher processor sector, to continue participating in these fisheries.

Under current Rockfish Program regulations, all vessels in the catcher processor sector that are assigned to a Central GOA rockfish cooperative and some vessels that participate in the limited access fishery are prohibited from fishing in BSAI groundfish fisheries, other than fixed-gear sablefish and pollock, for a period in July beginning on the first of the month. This type of fishery participation sideboard is commonly called a stand down. When the Rockfish Program was implemented, the season opening date for the Central GOA rockfish fishery shifted from July 1 to May 1 for vessels that join a cooperative. In the first year of the Rockfish Program, most cooperative participants in the catcher processor sector had completed fishing in the Central GOA rockfish and other GOA fisheries in June, but were prohibited from participating in BSAI groundfish fisheries in early July by the Rockfish Program stand down. Some catcher processor vessels remained idle for the two-week stand down period, which was costly to vessel operators because maintenance and crew costs continue to accrue while a vessel is idle. All other sideboard measures in the Rockfish Program would remain unchanged.

**Effects of the action:**

The proposed action would have economic effects, but no effect on the natural or physical environment not already considered in the Environmental Assessment (EA) prepared for the Rockfish Program. While removal of the stand down provisions would result in decreased costs and increased flexibility for catcher processors that are restricted by the regulations, the proposed action is unlikely to impact non-Rockfish Program participants in BSAI groundfish fisheries. The short duration of the BSAI stand down periods, in conjunction with changes in BSAI fisheries management since implementation of the Rockfish Program, have rendered the stand down provisions ineffective and unnecessary.

In January 2008, NMFS implemented Amendments 80 and 85 to the Fishery Management Plan for Groundfish of the BSAI. Amendment 80 allocated exclusive harvesting privileges for several BSAI directed trawl groundfish fisheries and Amendment 85 refined sector allocations for Pacific cod, which is a directed fishery. The species allocated under Amendments 80 and 85 comprise the major directed fisheries in the BSAI. Allocation of exclusive harvesting privileges for most BSAI groundfish species has reduced, and in many cases eliminated, the ability of harvesters to increase participation in fisheries beyond historic levels. This has significantly reduced the likelihood that catcher processors participating in the cooperative and limited access fisheries in the Rockfish Program could increase effort in BSAI groundfish fisheries to the disadvantage of other participants during the short period in early July when the stand down is in effect. Economic impacts are predicted to result from the proposed action; however, economic effects are not intended by themselves to require preparation of an EA or Environmental Impact Statement under NEPA. The economic impacts of this action are fully analyzed in the Regulatory Impact Review and Initial Regulatory Flexibility Analysis prepared for Amendment 85 and its implementing regulations.

The environmental impacts of the Rockfish Program, including the BSAI stand down for catcher processors in the Rockfish Program in July, were analyzed in the Central Gulf of Alaska Rockfish Program EA, which is available on the Alaska Region website at <http://www.alaskafisheries.noaa.gov>. Due to the nature of this action, it is not predicted to have additional environmental impacts beyond those identified in the EA. Effectively, this action would modify the time period in which catcher processors would be able to undertake directed fishing in the BSAI by a maximum of two weeks, primarily in fisheries for which they hold exclusive harvesting privileges. This proposed action addresses an allocative restriction for catcher processor vessels that participate in the Rockfish Program, and would not affect the overall harvest of GOA or BSAI groundfish species, nor substantially change the timing or manner of groundfish removals. The EA concluded that for all of the components of the environment analyzed, the effects of the Rockfish Program were insignificant based on the best available scientific information. This proposed action would not have an environmental impact different from the effects of the Rockfish Program, let alone a significant environmental impact. No new significant information is available that would change these determinations in the EA.

**Categorical exclusion:**

This action would not result in any changes to the human environment. As defined in Sections 5.05b and 6.03a.3(b)(1) of NAO 216-6, the proposed action is a minor change to a previously analyzed and approved action and the proposed change has no effect individually or cumulatively on the human environment. As such, it is categorically excluded from the need to prepare an EA or an Environmental Impact Statement.

CC: AKR NEPA Coordinator  
NOAA NEPA Coordinator