

November 15, 2019

MEMORANDUM FOR: THE RECORD

FROM: James W. Balsiger, Ph.D.
Administrator, Alaska Region

SUBJECT: National Environmental Policy Act Categorical Exclusion for Amendment 119 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 107 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Require Retention of Rockfish [RIN 0648-BJ03]

The National Oceanic and Atmospheric Administration's (NOAA) Environmental Review Procedures for Implementing the National Environmental Policy Act (NEPA), NOAA Administrative Order (NAO) 216-6A, dated April 22, 2016; NOAA's Companion Manual for NAO 216-6A, dated January 13, 2017; and Council on Environmental Quality regulations require all proposed projects to be reviewed with respect to environmental consequences on the human environment.

Description of the Action

This action would require that the operator of a federally-permitted catcher vessel (CV) using hook-and-line, pot, or jig gear in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) to retain and land all rockfish caught while fishing for groundfish and for Pacific halibut. The action would establish a limit on the amount of rockfish the vessel operator can sell, barter, or trade called the maximum commerce allowance. The action would: 1) require full retention of rockfish by CVs using hook-and-line, pot, or jig gear in the BSAI and GOA groundfish and halibut fisheries even if NMFS prohibits retention of a rockfish species; 2) establish a maximum commerce allowance of 15 percent of the aggregate round weight equivalent of groundfish species, other than rockfish, and Individual Fishing Quota and Community Development Quota halibut that are landed during the same fishing trip; and 3) establish a maximum commerce allowance for yelloweye rockfish of 5 percent within the 15 percent overall rockfish MCA.

Effects of the Action

The Council recommended, and NMFS proposes, requiring full retention of all rockfish caught by CVs using hook-and-line, pot, or jig gear targeting groundfish and halibut in the GOA and BSAI for a number of reasons. These reasons include 1) improving the identification of rockfish species catch by vessels using electronic monitoring; 2) providing more precise estimates of rockfish catch; 3) reducing waste and incentives to discard rockfish; 4) reducing overall enforcement burden; and 5) promoting more consistent management between State and Federal fisheries.

This action focusses on increasing the utilization of incidentally caught rockfish that would still be caught whether this action was implemented or not. Therefore, this action would not change fishery effort. This action will not change the timing of the fishery because rockfish are typically closed to directed fishing at the beginning of the year and rockfish are incidentally caught in other directed fisheries. The Council recommended establishing a MCA to provide an incentive for vessel operators to retain all rockfish and to avoid high rockfish incidental catch because rockfish MRAs would not apply under the proposed full retention requirement. Therefore, the action is not expected to change the location of the fishery other than some vessel operators may seek areas of lower rockfish incidental catch. The catch levels of rockfish are also not expected to change, however this action may result in more precise estimates of rockfish catch. NMFS's overall management of the BSAI and GOA rockfish would not change, since NMFS would continue to manage them under current authority and establish the rockfish total allowable catch amounts annually through the BSAI and GOA groundfish harvest specification process. The groundfish harvest specification process was previously analyzed in the 2007 Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS) and the annual Supplementary Information Reports to the EIS. NMFS intends this rule to be effective by March 2020.

Extraordinary Circumstances

This action can be reviewed independently from other actions. Additionally, I considered the context in which the action could have extraordinary circumstances listed in NOAA's Companion Manual for NAO 216-6A Section 4 and expect no extraordinary circumstances.

Based on the description of the action and its anticipated effects set out above, I have determined that the action has no potential for significant adverse effects on human health or safety; areas with unique environmental characteristics; species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Act, or the Migratory Bird Treaty Act; or properties listed or eligible for listing on the National Register of Historic Places. Furthermore, this action has no potential to generate, use, store, transport, or dispose of hazardous or toxic substances. Nor is there the potential to cause disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities. This action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species. The action does not pose a potential violation of Federal, State, or local law or requirements imposed for protection of the environment; involve environmental effects that are highly controversial, uncertain, unique, or unknown; establish a precedent or decision in principle for future actions; or result in cumulative significant impacts.

Categorical Exclusion

As defined in Section 4 and Appendix E of NOAA's Companion Manual for NAO 216-6A, this action is categorically excluded from the need to prepare either an Environmental Assessment or an Environmental Impact Statement. Specifically, the action falls into the category of actions subject to categorical exclusion identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1, an action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.