



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

October 7, 2005

MEMORANDUM FOR: The Record

FROM:

Robert D. Mecum 
Acting Administrator, Alaska Region

SUBJECT:

Categorical Exclusion (CE) for a Proposed Rule to Remove Regulations Implementing Closures to Groundfish Fishing in Waters off Cape Sarichef and in the Chiniak Gully Research Area

This proposed action is an amendment to 50 CFR 679.22 regarding closures to groundfish fishing in waters off Cape Sarichef and in the Chiniak Gully Research Area. This proposed regulatory change would open the Cape Sarichef Research Restriction Area in the Bering Sea and Aleutian Islands Management Area (BSAI) to directed fishing for groundfish using trawl, pot, or hook-and-line gear from March 15, 2006, through March 31, 2006. Opening this area would allow vessels participating in groundfish fisheries to harvest their total allowable catch amounts without the operational constraints imposed by the closure. This proposed rule also would remove the regulations for the Cape Sarichef Research Restriction Area, as well as regulations for the Chiniak Gully Research Area because both research projects have ended.

This action is within the scope analyzed in the "Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis For a Regulatory Amendment to Provide a Two-Week Trawl Closure Near Unimak Pass to Facilitate an Experiment Investigating the Effects of Commercial Fishing on Local Abundance of Pacific Cod," dated November 2002. This action also is within the scope provided in the "Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis For Regulatory Amendment to Permit an Investigation of the Effect of Commercial Fishing on Walleye Pollock Distribution and Abundance in Localized Areas off the East Side of Kodiak Island," dated June 2002. Based on the EAs, NMFS found no significant impacts on the human environment.

After reviewing the proposed rule (copy attached) in relation to NOAA Administrative Order (NAO) 216-6, including the criteria used to determine significance, we have determined that the proposed action, if implemented, would not individually or cumulatively have a significant effect on the human environment. Specifically, the proposed action qualifies for a CE under Section 6.03c.3(a) of NAO 216-6 because the projects were of limited size and magnitude with only short term effects on the environment and were anticipated to come to an end. In addition, this proposed action qualifies for a CE under Section 6.03c.3(i) of NAO 216-6 because it includes a housekeeping measure which is an administrative measure that would remove obsolete



regulations for the Chiniak Gully Research Area off Kodiak Island, which were applicable through December 31, 2004.

This proposed action is categorically excluded under Section 5.05b of NAO 216-6 from both further environmental review and the requirement to prepare an environmental review document because it is within the scope of previous analyses that “for the “same [*sic*] action demonstrated that the action will not have significant impacts on the quality of the human environment.” This action does not trigger any of the exceptions to a CE listed under Section 5.05c of NAO 216-6 because it does not involve a geographic area with unique characteristics, is not the subject of public controversy based on potential environmental consequences, does not have uncertain environmental impacts or unique or unknown risks, does not establish a precedent or decision in principle about future proposals, will not result in cumulatively significant impacts, and will not have any adverse effects upon endangered or threatened species or their habitats. No changes would be made to the Steller sea lion protection measures.

Attachment