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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Office of the Under Secretary for**  
**Oceans and Atmosphere**  
Washington, D.C. 20230

DEC - 5 2000

To All Interested Government Agencies and Public Groups

Under the National Environmental Policy Act, an environmental review has been performed on the following action.

**TITLE:** Environmental Assessment for the Final Regulatory Amendment to Implement Permanent Extension of Existing Regulations Establishing a Voluntary Pacific Halibut Donation Program

**LOCATION:** Federal Waters off Alaska

**SUMMARY:** This final regulatory amendment will permanently extend the existing regulations that establish and govern the voluntary Pacific halibut donation program. Under this program, Pacific halibut that is taken incidentally in groundfish trawl fisheries off Alaska may be donated for consumption by economically disadvantaged individuals rather than discarded, as normally required. This program has operated successfully over the last two years and extending it permanently would not have any adverse impacts on target or non-target species; nor would it have adverse impacts on protected species.

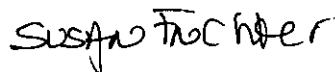
**RESPONSIBLE OFFICIAL:** James W. Balsiger  
Regional Administrator  
Alaska Region  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802  
Phone: 907-586-7221

The environmental review process led us to conclude that this action will not have a significant impact on the environment. Therefore, an environment impact statement was not prepared. A copy of the find of no significant impact, including the environmental assessment, is enclosed for your information.



Also, please send one copy of your comment to me in Room 5805,  
SP, U.S. Department of Commerce, Washington, D.C. 20230.

Sincerely,

A handwritten signature in black ink that reads "Susan B. Fruchter". The signature is written in a cursive style with some capital letters.

Susan B. Fruchter  
NEPA Coordinator

Enclosure

ENVIRONMENTAL ASSESSMENT/ REGULATORY IMPACT REVIEW

For Establishing the Halibut Provisions  
of the Prohibited Species Donation Program

Implemented Under the Authority of the  
Fishery Management Plans  
for the  
Groundfish Fishery of the Bering Sea and Aleutian Islands Area  
and  
Groundfish of the Gulf Of Alaska

October 31, 2000

Lead Agency: National Marine Fisheries Service  
Alaska Regional Office  
National Marine Fisheries Service  
Juneau, Alaska

Responsible Official: James W. Balsiger  
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**Abstract:** Halibut are taken incidental to the Alaska groundfish fisheries. A portion of the trawl bycatch is landed dead at shoreside processing facilities. NMFS considered alternatives regarding extension of the existing voluntary program that allows these halibut to be donated. The halibut are currently donated by participating processors and distributed by an authorized organization to economically disadvantaged individuals through December 31, 2000. This program has operated successfully over the last two years. In 1998, enough halibut were donated through this program to provide an estimated 65,000 meals to needy individuals in the Puget Sound area. In this document, NMFS considered the potential environmental and economic impacts of the halibut donation program, which are not considered to be adverse. Extending this program would not have any adverse impacts on target or non-target species, nor would it have adverse impacts on protected species. Because this is a limited, voluntary program, it is not expected to have any significant economic or social impacts.

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## EXECUTIVE SUMMARY

Halibut are taken incidental to the Alaska groundfish fisheries. Vessels that use trawl gear account for most of the groundfish catch, and for about 86 percent of the halibut bycatch mortality. A portion of this bycatch is landed dead at shoreside processing facilities and must be returned to Federal waters for disposal as a prohibited species. Total halibut bycatch mortality was estimated to be 6,551 metric tons (mt) in the 1999 Alaska groundfish fisheries.

In 1998, the Council adopted and NMFS implemented Amendments 50/50 to the groundfish fishery management plans. These amendments authorize the distribution of halibut bycatch by a NMFS-authorized distributor, in order for the halibut to be used by non-profit organizations to feed economically-disadvantaged individuals. Regulations implementing these amendments (63 FR 32144, June 12, 1998) expire December 31, 2000, to accommodate an agreement by the Council and the International Pacific Halibut Commission (IPHC) that the halibut donation program should have a three-year trial period, during which data would be collected and evaluated to determine if the program was a success.

Since that time, the program has been evaluated. The halibut donation program has been operating successfully for the last two years and has shown to be effective at reducing bycatch waste; 9,635 kg (21,196 lbs) and 2,814 kg (6,190 lbs) of eviscerated halibut were donated in 1998 and 1999, respectively. In order to avoid a lapse of the halibut donation program at the end of 2000, the following alternatives are considered:

- Alternative 1: No Action. The halibut donation program would not be continued.
- Alternative 2: (Preferred) Permanently extend existing regulations establishing a voluntary halibut donation program.
- Alternative 3: Extend existing regulations establishing a voluntary halibut donation program through December 31, 2003.

None of the alternatives would be expected to change fishing activities in a manner that would affect the amount of groundfish harvested nor the amount of halibut taken as bycatch in the Alaska trawl fisheries. None is likely to negatively affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by section 102(2)(C) of the National Environmental Policy Act (NEPA) or its implementing regulations. The total burden to shoreside processors resulting from the preferred alternative cannot be estimated because participation would be voluntary. However, NMFS does not expect that any processor would participate if there were significant negative economic impacts resulting from participation in this program. In 1998 and 1999, respectively, approximately 65,000 and 18,600 halibut meals were served to needy individuals as a result of this program.

NMFS published a proposed rule for permanent extension of the halibut donation program (65 FR 56860, September 20, 2000.) No comments were received. This EA assesses alternatives for the Federal action of promulgating final regulations for permanent extension of the halibut donation program.

## **1.0 INTRODUCTION**

The groundfish fisheries in the Exclusive Economic Zone off Alaska are managed under the groundfish Fishery Management Plans (FMPs) prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Actions taken to amend these FMPs or implement other regulations governing the groundfish fisheries must meet the requirements of Federal laws and regulations. In addition to the Magnuson-Stevens Act, these include NEPA, the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), Executive Order (E.O.) 12866, and the Regulatory Flexibility Act (RFA).

NEPA requires that an Environmental Impact Statement be prepared for major Federal actions significantly affecting the quality of the human environment. (Sec. 102(2)(C) of NEPA and 40 CFR 1502.3) The term "major" reinforces but does not have a meaning independent of the term "significantly" (40 CFR 1508.18). The continuation of the halibut donation program is considered a Federal action because it is a continuation of a program requiring NMFS' approval and regulation. (40 CFR 1508.18). The agency doing a Federal action must also determine if the action will have a significant impact as defined by 40 CFR 1508.27. Significance is examined in terms of context, including the effect on society as a whole and regionally, and intensity of the effects. (40 CFR 1508.27(a) and (b)). Beneficial and adverse impacts may be determined to be significant.

An agency may prepare an environmental assessment (EA) in order to assist agency planning and decision making (40 CFR 1501.3). This EA will assist NMFS in deciding if an environmental impact statement is required for the permanent extension of the halibut donation program or if there should be a finding of no significant impact (40 CFR 1501.4).

This EA/RIR addresses the final rule to extend the existing halibut donation program. This program would permit the limited retention of halibut taken as trawl bycatch, and landed dead at shoreside processing plants. These fish could then be donated, through tax-exempt organizations, to economically-disadvantaged individuals. The intended effect of the proposed measure is to provide an opportunity to the groundfish industry to reduce the discard of bycaught halibut that would otherwise be discarded dead as a prohibited species.

### **1.1 Purpose and Need for Action**

The halibut donation program resulted from discussions about trawl vessels landing unsorted catch at processing plants in Dutch Harbor, AK. Halibut are taken incidentally to the Alaska groundfish trawl fisheries. These fish, if not released during preliminary sorting, are landed dead at shoreside processing facilities and must be disposed of in Federal waters as a prohibited species. NMFS determined these vessels were targeting pollock and landing unsorted catch

## Environmental Assessment for Halibut Donation Program

because sorting at sea was impractical. Although offloading dead halibut at shoreside processing plants is not preferable, the amount of halibut being landed in unsorted trawl catches was relatively low. The objective of this program is to reduce seafood waste generated by the bycatch of halibut by groundfish trawl vessels.

In 1998, the Council approved and NMFS implemented regulations to amend the FMPs for the groundfish fisheries in the Bering Sea/Aleutian Islands and the Gulf of Alaska (Amendment 50/50; 63 FR 32144, June 12, 1998). These regulations authorized the distribution of halibut bycatch by a NMFS-authorized distributor, in order for the halibut to be used by non-profit organizations to feed economically-disadvantaged individuals. The only halibut that could be distributed were those caught by trawl gear and sorted after landing at an inshore processor. At that time, the Council and IPHC agreed that the program should have a three-year trial period, during which data would be collected and evaluated to determine if the program successfully met intended goals and objectives. The program operated successfully in the first two years of operation. Halibut which would have been taken back out to sea and dumped were served to economically-disadvantaged individuals. Since the time of the program's inception, data have been submitted to NMFS and the Council has recommended that the program should continue. Based upon Council recommendation, NMFS published a proposed rule for permanent extension of the halibut donation program (65 FR 56860, September 20, 2000). No comments were received.

### **1.2 Alternatives**

The following alternatives were considered for the Federal action regarding the halibut donation program.

#### **Alternative 1. No Action.**

Halibut regulations in 50 CFR 679.26 would expire December 31, 2000, and all halibut bycatch would have to be returned to Federal waters. This alternative would waste halibut bycatch and is inconsistent with Council objectives. Further, economically-disadvantaged individuals would not be provided access to halibut. Based on 1998 data, 65,000 high-protein meals to needy individuals would be foregone.

Detailed information about the status quo regulations for this program can be found in the 1998 EA/RIR for Amendments 50/50 to the Alaskan Groundfish FMPs (NMFS, 1998a).



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## **Environmental Assessment for Halibut Donation Program**

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**Alternative 2. (Preferred) Renew halibut provisions of the Prohibited Species Donation (PSD) program. Council can evaluate program at any time.**

Donation of halibut under existing regulations would continue indefinitely. These regulations would authorize issuance of authorized distributor permits that would be effective for a 3-year period before permits must be renewed. The Council could evaluate the program at any time to address concerns that might be raised by NMFS, IPHC, other management agencies, or the public.

**Alternative 3. Renew halibut provisions of PSD program for three years (until December 31, 2003).**

Donation of halibut under existing regulations would continue through December 31, 2003. At that time, NMFS would need to evaluate, with the IPHC, the need to continue the program. If the program was continued, NMFS and the Council would need to develop and publish proposed and final regulations and supporting documents.

### **1.3 Description of the Fishery**

Trawl gear operation accounts for most of the groundfish catch, harvesting 91 percent of the groundfish catch in the BSAI in 1999 and 79 percent in the GOA in 1999. Trawl fisheries also account for most of the halibut bycatch mortality (86 % in 1999). However, the mid-water trawl pollock fishery has very low rates of halibut bycatch. Appendices A and B include halibut bycatch summary information by target fishery.

Halibut bycatch from the groundfish trawl fisheries is either returned immediately to the sea when brought aboard, or offloaded dead at shoreside processing plants as part of unsorted catch. The catch in some fisheries, particularly the BSAI pollock trawl fishery, is not sorted at sea due to logistical constraints associated with pumping or dumping fish directly from cod ends to fish holds with little opportunity for sorting. The bycatch of halibut in the groundfish trawl fisheries is controversial as Pacific halibut is a fully fished resource. Halibut are used as catch and bycatch in directed commercial, sport, and subsistence fisheries and as bycatch in other non-halibut and non-groundfish fisheries. The bycatch of halibut in the groundfish trawl fisheries intensifies the management issues associated with the allocation of a limited resource.

In general, no information exists to indicate that the current level of halibut bycatch landed at shoreside processing sites presents critical conservation issues. In 1998, 9.6 mt of eviscerated halibut were donated through the program at 2 shoreside processors in Dutch Harbor, AK. In 1999, 2.8 mt of halibut were donated. Despite the fact that BSAI groundfish trawl catches declined by approximately 20 percent in 1999 from 1998 levels, a 70 percent decline in halibut donations occurred. The decrease in halibut donations may reflect decreased bycatch by catcher

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vessels which have altered their fishing patterns to comply with the RPAs established by NMFS in 1999. Alternately, many of the halibut that have been brought in have been too small to process (1-2 lbs) and have been returned to sea. The 1998 and 1999 halibut donation data provided by the participating processors and matched with state fish tickets indicate that pollock was the apparent target for all groundfish trips that donated halibut.

Vessel-specific halibut donation data is available only for 1999. Eighteen unique vessels donated halibut to the program in 1999 from 79 trips. During those trips, 2.8 mt of eviscerated halibut and 32,685 mt of groundfish were reported landed (Table 1). Two shoreside processors in Dutch Harbor participated in the program.

**Table 1. Landings of groundfish from trips in which halibut was donated.**

Time Period	# of Participating Trips	# of Unique Participating Vessels	Halibut Donated <sup>1</sup> (kg)	Groundfish Landed on Trips that Donated Halibut (mt)	Average Halibut Bycatch Rate (kg halibut/mt groundfish)
Spring 1999	46	15	1,088	19,776	0.059
Fall 1999	33	17	1,338	12,909	0.119
<b>1999 Total</b>	<b>79</b>	<b>18</b>	<b>2,427</b>	<b>32,685</b>	<b>0.086</b>

<sup>1</sup>For the purposes of comparison with groundfish landings, eviscerated weight of donated halibut was converted to round weight (round weight \* 0.8718 = eviscerated weight). Round weight was then converted to net weight (dressed weight) using the formula: net weight = round weight \* 0.7519.

Bycatch rates ranged from 0.004 to 0.225 kg halibut/mt groundfish in the Spring of 1999, with an average of 0.059 (n=46 trips), and 0.007 to 0.519 kg halibut/mt groundfish in the Fall of 1999, with an average of 0.119 (n=33 trips). These bycatch rates are quite low compared to halibut bycatch in other fisheries (e.g., 0.89-72 kg/mt in the 1999 BSAI Pacific cod fishery, NMFS/AKR Fisheries Outlook, [www.fakr.noaa.gov](http://www.fakr.noaa.gov)). Further, the donated halibut comprises only 0.04 percent of the trawl-caught halibut in the BSAI area and only 0.02 percent of all Alaskan trawl-caught halibut.

## 2.0 ENVIRONMENTAL IMPACTS OF THE ALTERNATIVES

An EA is required by NEPA to determine whether the action considered will result in significant impact on the human environment. The environmental analysis in the EA provides the basis for this determination and must analyze the intensity or severity of the impact of an action and the significance of an action with respect to society as a whole. The environmental impacts associated with this fishery management action could be effects resulting from catch of non-target organisms in active or inactive fishing gear (population or ecosystem effects of bycatch).

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In addition, there may be environmental impacts resulting from fewer dead fish being discarded at sea. However, the amount of fish harvested in the Alaska groundfish fisheries is not expected to change under any of the alternatives. The impacts of current harvest levels of groundfish and prohibited species authorized under the FMP is presented in the Final EA for the 2000 Groundfish Total Allowable Catch Specifications (NMFS, 1999).

### **2.1 Impacts to Target and Non-Target Species**

None of the alternatives would be expected to change fishing activities in a manner that would affect the amount of groundfish harvested or the amount of halibut incidentally caught in the Alaska trawl fisheries. Relative to the status quo, Alternatives 2 and 3 would reduce the amount of dead halibut discarded in Federal waters to the extent that they are diverted to economically-disadvantaged individuals. Donations of halibut decreased in 1999 and could further decrease based on evidence of low donations in the Spring 2000 pollock fishery. Because the donation program involves a very small portion of the total amount of all Alaskan trawl caught halibut (0.02% in 1999), any effect on the biological or physical environment resulting from a reduction in halibut discard amounts would be insignificant relative to overall discard amounts of fish or fish parts associated with groundfish harvesting and processing operations.

### **2.2 Impacts on Endangered or Threatened Species**

Twenty-three species occurring in the GOA and/or BSAI groundfish management areas are currently listed as endangered or threatened under the ESA (Table 2).

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Table 2. ESA Listed Species. The following species are currently listed as endangered or threatened under the ESA and occur in the GOA and/or BSAI groundfish management areas.

Common Name	Scientific Name	ESA Status
Northern Right Whale	<i>Balaena glacialis</i>	Endangered
Bowhead Whale <sup>1</sup>	<i>Balaena mysticetus</i>	Endangered
Sei Whale	<i>Balaenoptera borealis</i>	Endangered
Blue Whale	<i>Balaenoptera musculus</i>	Endangered
Fin Whale	<i>Balaenoptera physalus</i>	Endangered
Humpback Whale	<i>Megaptera novaeangliae</i>	Endangered
Sperm Whale	<i>Physeter macrocephalus</i>	Endangered
Snake River Sockeye Salmon	<i>Onchorynchus nerka</i>	Endangered
Short-tailed Albatross	<i>Phoebastria albatrus</i>	Endangered
Steller Sea Lion	<i>Eumetopias jubatus</i>	Endangered and Threatened <sup>2</sup>
Snake River Fall Chinook Salmon	<i>Onchorynchus tshawytscha</i>	Threatened
Snake River Spring/Summer Chinook Salmon	<i>Onchorynchus tshawytscha</i>	Threatened
Puget Sound Chinook Salmon	<i>Onchorynchus tshawytscha</i>	Threatened
Lower Columbia River Chinook Salmon	<i>Onchorynchus tshawytscha</i>	Threatened
Upper Willamette River Chinook Salmon	<i>Onchorynchus tshawytscha</i>	Threatened
Upper Columbia River Spring Chinook Salmon	<i>Onchorynchus tshawytscha</i>	Endangered
Upper Columbia River Steelhead	<i>Onchorynchus mykiss</i>	Endangered
Snake River Basin Steelhead	<i>Onchorynchus mykiss</i>	Threatened
Lower Columbia River Steelhead	<i>Onchorynchus mykiss</i>	Threatened
Upper Willamette River Steelhead	<i>Onchorynchus mykiss</i>	Threatened
Middle Columbia River Steelhead	<i>Onchorynchus mykiss</i>	Threatened
Spectacled Eider	<i>Somateria fishcheri</i>	Threatened
Steller Eider	<i>Polysticta stelleri</i>	Threatened

<sup>1</sup> The bowhead whale is present in the Bering Sea area only.

<sup>2</sup> Steller sea lion are listed as endangered west of Cape Suckling and threatened east of Cape Suckling.

Section 7 consultations with respect to actions of the Federal groundfish fisheries have been done for all the species listed in Table 3, either individually or in groups. See section 3.8 of the SEIS (NMFS, 1998b), for summaries of Section 7 consultations done prior to December 1998. A Section 7 Biological Opinion on all ESA listed species present in the fishery management areas for the entire groundfish fisheries program is pending at this time; expected completion date is fall 2000. This action would not have any impact on Pacific salmon, Steller sea lions, endangered cetaceans, or short-tailed albatross as it is not expected to change fishing patterns, or target or non-target catch.

### 2.3 Impacts on Marine Mammals

Marine mammals not listed under the ESA that may be present in the GOA and BSAI include cetaceans (minke whale, killer whale, Dall's porpoise, harbor porpoise, Pacific white-sided dolphin, and the beaked whales), pinnipeds (northern fur seals, and Pacific harbor seals) and sea otters. A list of marine mammal species and detailed discussion regarding life history and potential impacts of the 2000 groundfish fisheries can be found in the EA prepared for the 2000

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Total Allowable Catch Specifications for Groundfish (NMFS, 1999). None of the alternatives would be expected to adversely affect marine mammals.

### 2.4 Coastal Zone Management Act

Implementation of each of the alternatives considered would be conducted in a manner consistent, to the maximum extent practicable, with the Alaska Coastal Management Program within the meaning of Section 30(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulations.

### 2.5 Conclusions

In reviewing the three alternatives described in Section 1.2, NMFS found that none of these alternatives would affect the current fishing activities or patterns in the Alaskan groundfish fisheries. The amount of groundfish harvested and the amount of halibut bycatch taken would remain unchanged under each alternative. The halibut donation program has provided a source of food to numerous economically disadvantaged individuals making the no action alternative undesirable to the needy individuals and to the goals of the FMPs to reduce bycatch waste. The third alternative would allow the continuation of the halibut donation program for three years but has the disadvantage to NMFS of requiring administratively costly rulemaking to continue the program. The preferred alternative of permanently extending the halibut donation program has the advantages of continuing to provide food to economically disadvantaged individuals, reducing bycatch waste, and lowering NMFS' administrative costs by avoiding additional rulemaking.

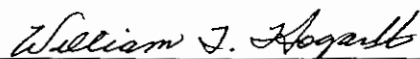
Because there are no anticipated changes to fishing practices with the continuation of the halibut donation program, permanently extending the donation program is assumed to have no effect on target and non-target species, endangered or threatened species or marine mammals.

### Finding of No Significant Impact

This document considered possible actions for management of the Pacific halibut donation program in the Alaskan groundfish fisheries. In view of the analysis presented in this document, none of the alternatives considered, including implementation of the preferred alternative, will significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

Date:

NOV 29 2000



WILLIAM T. HOGARTH, Ph.D.  
DEPUTY ASST. ADMINISTRATOR FOR FISHERIES  
NATIONAL MARINE FISHERIES SERVICE

### **3.0 REGULATORY IMPACT REVIEW**

This section provides information about the economic and social impacts of the alternatives including identification of the individuals or groups that may be affected by the action, the nature of these impacts, quantification of the economic impacts if possible, and discussion of the tradeoffs between qualitative and quantitative benefits and costs.

The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following statement from the order:

In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environment, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

E. O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### **3.1 Purpose and Need for Action**

The objective of this action is to reduce the discard of incidentally-caught halibut in groundfish trawl fisheries. Groundfish fisheries catch Pacific halibut, incidental to fishing for other groundfish species. The groundfish trawl vessels are not allocated any directed fishery quota for

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halibut and must, therefore discard all halibut. Many trawl vessels discard halibut at sea; some portion of which is alive. However, many trawl vessels, for practical reasons, cannot sort their catch at sea and catch remains unsorted until it is offloaded at a shoreside processor. Because of this process of shoreside sorting, halibut are 'landed' dead, and then must be returned to sea for discarding. The halibut donation provisions of the Prohibited Species Donation (PSD) program (also includes salmon provisions) allow for donation of those shoreside-landed halibut so they may be distributed to economically-disadvantaged individuals. This reduces discards of halibut and provides a source of food to many needy individuals. In 1998 and 1999, respectively, it is estimated that 65,000 and 18,600 meals were provided from donated halibut. The regulations that provide for halibut donation expire December 31, 2000, and the PSD program is being evaluated for renewal of the halibut provisions.

### **3.2 Alternative 1: No Action**

Under Alternative 1, no halibut would be retained and processed for donation to economically disadvantaged individuals through tax-exempt organizations. Although no new costs would be incurred by the groundfish industry, economically-disadvantaged individuals would not be provided access to halibut that otherwise would be discarded. In 1998, approximately 65,000 meals were served by hunger relief agencies in the Puget Sound area from donated halibut. In 1999, enough halibut was donated to serve approximately 18,600 meals. Under the No Action alternative, these meals would be foregone. This alternative would eliminate the administrative costs associated with this program. Further, it would eliminate the costs to the authorized distributor and the participating processors. However, this program is voluntary and NMFS has not received any comments indicating that costs outweigh the benefits.

### **3.3 Alternative 2: (Preferred) Extend the halibut provisions of the PSD program indefinitely. The Council can evaluate the program at any time.**

Under Alternative 2, the halibut provisions of the PSD program would be established permanently by proposed and final regulations. NMFS supports a commitment from the Council to evaluate this program in the future; both to evaluate the success and the extent of the program and to identify any issues of concern regarding the program. Costs associated with this alternative relate to reporting costs and are outlined in Section 3.5.

### **3.4 Alternative 3 : Extend the halibut provisions of the PSD program until December 31, 2003.**

Under Alternative 3, a regulatory amendment would authorize the continuation of the halibut donation program for an additional three years (until December 31, 2003). In 2003, NMFS would need to develop and publish proposed and final regulations in order to continue the program. The costs associated with this alternative are identical to Alternative 2, with one exception. Under this alternative, administrative costs would increase substantially. In three years, after reviewing the program and deciding to continue it, NMFS, upon Council

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recommendation, would need to develop and publish proposed and final regulations and associated analyses.

### 3.5 Reporting Costs

Currently one distributor is authorized to handle donated halibut. NMFS estimates that no more than one additional applicant would be interested in submitting an application to be an authorized distributor. The application process would be necessary once every three years and is estimated at 40 hours per applicant. An additional 40 hours each year may be required to develop a list of participating processors, track them, and provide documentation to NMFS. Additional costs to the distributor include storage and transport/distribution. Expenses for cold storage and transportation are reimbursed to the existing distributor by the Second Harvest Food Bank Network. The costs for shipping are estimated to be about \$5.50-8.50 per hundred weight depending on the quantity. However, much of the shipping is currently donated by the carriers. There have been no costs to the distributor associated with the processing of donated species, except reprocessing costs which vary depending on the needs of the receiving food bank distributor. Direct project expenses for packaging, reprocessing, shipping, trucking, and cold storage are reimbursed to the distributor by the food banks receiving the products.

Two shoreside processors and 18 catcher vessels participated in the halibut donation program in 1999. The costs to vessels and processors associated with this program (for halibut only) include application and selection process costs, and costs derived from reporting requirements, receiving, handling, processing, and labeling/packaging the fish. The amount of time necessary for processors to apply to the distributor for participation in the program is estimated at 0.25 hours for each respondent. NMFS anticipates that about 5 processors could apply to participate. Processors would be further required to label all processed halibut as required under the PSD Program. NMFS estimates that this would take 6 minutes for each day that halibut are retained and processed, or about 90 days per year. (Refer to Table 4 for annualized costs to distributors and processors).

These estimates of hourly burden were based on results from the Exempted Fishing Permits (EFPs) issued to assess the salmon donation program when it began and are summarized below. The annualized cost to respondents for the hourly burden is based on a wage rate of \$25 per hour. This estimated hourly burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Though the EFPs addressed only the salmon donation program, the information gained as a result of the study is directly applicable to halibut.



## Environmental Assessment for Halibut Donation Program

**Table 4. Annual Costs to NMFS-Authorized Distributors and Processors as result of the Halibut Provisions of the PSD Program.**

Respondent	Costs
Distributor Application Number of distributors expected Time Requirement for each application Annual time requirement Cost per hour Total Cost	2 40 hours/3 years 27 hours/year \$25/hour \$675/year
Distributor Documentation Number of distributors expected Annual documentation time per distributor Total annual time requirement Cost per hour Total Cost	2 40 hours 80 hours \$25/hour \$2,000/year
Total Cost to Distributors	\$2,675; 107 hours
Processor Documentation – Labeling and product tracking requirements Number of processors expected Time requirement for documentation Total annual time requirement (5 x 0.1 x 90 processing days/yr) Cost per hour Total Cost	5 0.1 hours/day 45 hours \$25/hour \$1,125/year

No capital or significant startup costs are associated with this program. Additional costs associated with the PSD program include costs associated with mailing or faxing permit applications and lists of participating processors (every 3 years) or faxing modifications of the list of program participants to NMFS as required. These costs are not expected to exceed those associated with the customary and usual business of private practice.

NMFS currently receives, on a quarterly basis, state fish ticket data which indicate halibut and groundfish catch of all trawl catcher vessels that might participate in the halibut donation program (in addition to other vessels). Further, NMFS collects data from logbooks submitted by shoreside processors. IPHC also recommends criteria for evaluation of the halibut donation program and NMFS currently has access to information that enables a thorough evaluation of the program, either directly through its own databases or through the authorized distributor. This information includes: (1) halibut and groundfish landings by participating vessels; (2) originating fishery providing the donations; (3) record of violations with respect to this program; (4) quality control criteria to be followed by all participating parties (processors, distributors, hunger relief agencies, etc.); and (5) benefits to needy individuals. NMFS agrees that this information is important and can access it whenever necessary. If the Council recommends reporting requirements in addition to those that currently exist for the PSD program, NMFS could request approval from the Office of Management and Budget, subject to the provisions of the Paperwork Reduction Act.

### **3.6 Administrative, Information, and Enforcement Costs**

NMFS would not require additional staff resources to administer, monitor, and enforce the voluntary PSD program. The program uses a NMFS-authorized distributor as a means of allowing the private sector to handle the administration to reduce NMFS' costs. Comprehensive reporting requirements allow enforcement to monitor compliance through the reports submitted. At this time, NMFS estimates that a fraction of a part-time position (one-tenth) would be required to administer this program and an additional part-time (one-tenth) position would be required to monitor and enforce it.

NMFS will be required to review applications for NMFS-authorized distributors every 3 years and to publish in the Federal Register a notice of qualified applicants that have been issued a PSD permit. A total of 40 hours is estimated for the review, processing, and issuance of each PSD permit. Given that each permit would be effective for a 3-year period and that no more than 2 permits for NMFS-authorized distributors likely would be issued, the total annual burden is estimated at 27 hours.

NMFS currently has one special agent and two enforcement officers in Dutch Harbor, AK; the location of halibut donations in 1998 and 1999. In addition, NMFS anticipates placing an additional enforcement officer in Dutch Harbor in the Fall of 2000. These officers routinely monitor vessel offloading and observe fish processing in Dutch Harbor for compliance with all NMFS regulations, including the requirements of the halibut donation program. No information about abuse of this program has been reported to NMFS or observed by NMFS officers.

The Council, in consultation with the IPHC and NMFS has committed to a periodic review of the halibut provisions of the PSD program. This review would include analysis and review of (1) current donations relative to target species catch, (2) violations of these regulations and enforcement concerns, (3) measures taken to ensure product quality, and (4) information on the benefits of this program to recipients.

### **3.7 Benefits**

This program provided approximately 65,000 and 18,600 meals to economically-disadvantaged individuals in the Puget Sound area in 1998 and 1999, respectively. The processed halibut was delivered to the Food Lifeline (a member of the Second Harvest Food Bank Network), which distributed halibut to a number of hunger-relief agencies in the Puget Sound area. The authorized distributor distributed about 1.8 million pounds of food, including halibut, in 1999 to needy individuals and has administered this program to NMFS' satisfaction. This program benefits the individuals receiving the donations and reduces discards from the Alaska pollock trawl fishery.

This program does not have a significant effect on society as a whole or within the region because of the small number of meals served in relation to the total population of the Puget

## Environmental Assessment for Halibut Donation Program

Sound area. According to the State of Washington Office of Financial Management, Forecasting Division, the population of the Puget Sound area in 2000 is 3,289,500 (State of Washington 2000). One meal per day for a year for this population equals 1,200,667,500 meals. Meals served from the halibut donation program is equivalent to .005% of one meal per day for the population of Puget Sound. This program does have a significant effect upon the individuals receiving the donations by increasing access to and variety of protein available for meals. Short and long term effects are not expected to change due to the current and future limited participation in the program.

### **4.0 SUMMARY AND CONCLUSIONS**

To determine the significance of impacts of the action analyzed in this EA, NMFS is required by NEPA and 40 CFR § 1508.27 to consider the following:

*Context:* The setting of the proposed action is the groundfish fisheries of the BSAI and GOA as well as the economically disadvantaged individuals of the Puget Sound area of the State of Washington. Any effects of the action are limited to these areas. The effect on society within these areas is isolated to the individuals participating in the program. A very small portion of the total population of the Puget Sound area who received donated halibut through food bank organizations is affected by this action. This action has no significant impacts on society as a whole or regionally.

*Intensity:* A listing of considerations to determine intensity of the impacts are in 40 CFR § 1508.27 (b). Each consideration is addressed below in order as it appears in the regulation.

1. Beneficial and adverse impacts are required to be considered in this action. A possible adverse impact is the reduction in the amount of dead, bycaught halibut returned to the sea. By not returning the dead halibut to the sea, a small portion of the bycaught halibut biomass is not available for recycling back into the marine environment through biological processes of decay and as a food resource. Because of the very small portion of the halibut bycatch used for donations, it is unlikely that failure to return the donated portion of halibut to the sea will have an adverse impact on the ocean environment when considering the total amount of bycatch returned to the sea. Possible beneficial impacts are the increase in availability of a source of protein to economically disadvantaged individuals and the reduction in the waste of bycatch halibut. While the benefit to the individuals participating in the program may be significant, there is no significant beneficial impact to society as a whole or within the Puget Sound area due to the

## Environmental Assessment for Halibut Donation Program

small amount of meals provided in context of the total population. The reduction of the waste of bycatch helps achieve the goals of the FMPs for the BSAI and GOA.

2. Public Health and Safety are not significantly impacted by this action due to the limited participation in the program. Individuals participating in the program may experience improved health by having access to a source of protein.
3. No unique characteristics of the geographic area needs to be considered, because no activities are required by this action that may affect a geographic area.
4. No comments were received during the public notice of the proposed regulations (65 FR 56860 September 20, 2000). This action is not controversial.
5. No known risks to the human environment will occur by taking this action. In two years that the program has been in place, no risks were identified.
6. Because the taking of this action results in no significant impacts, it is unlikely future actions may result in significant impacts. While potential exists for this program to expand in the future in numbers of participating processors, distributors, and vessels, halibut bycatch levels remain fairly stable in the groundfish trawl fisheries and a limited source of donated product is not likely to attract multiple distributors. Because the criteria for authorizing a distributor is linked to the available vessel participants and donated product, the program is likely to be limited to 1-2 distributors. While the success of the program may have generated interest from other non-profit organizations (NMFS received 2 applications in the past 2 years, but one was authorized), NMFS does not view this as problematic. NMFS retains the authority to evaluate each applicant with respect to criteria required on the application. Therefore, NMFS can deny authorization to any distributor that does not meet the criteria, one of which is to document their ability to meet regulatory requirements. NMFS does not anticipate increased enforcement concerns, even if the program expands to include other areas. By permanently extending this program, the action may establish a precedent to expand the donation program to other prohibited species. Such an expansion would require separate assessment and rulemaking.
7. Cumulatively significant impacts are not anticipated with this action. This action has no effect on the fishing practices in the BSAI or GOA. This action has no known relation to other actions that may be taken to conserve and manage groundfish fisheries in the BSAI and GOA.
8. This action will have no effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, nor cause loss or destruction of significant scientific, cultural, or historical resources. This consideration is not applicable to this action.
9. This action will have no effect on ESA listed species in the BSAI and GOA because no changes in fishing practices will result.

## Environmental Assessment for Halibut Donation Program

10. This action poses no known violation of Federal, State, or local laws or requirements for the protection of the environment.

The halibut program has been operating successfully for the last 2 years, by all accounts. The IPHC seems pleased with the program, the current authorized distributor is pleased with the program, and NMFS enforcement has neither observed nor received reports of any violations associated with the program. While donations are down since 1998, possibly due to decreased bycatch in the fishery and bycatch of small halibut, high-quality halibut continues to be donated, processed, and distributed to needy individuals in the Puget Sound area.

This program would not likely have adverse environmental impacts on any species; it would not affect target catch of groundfish, nor would it be expected to affect halibut bycatch rates or bycatch rates of other species, including marine mammals. Alternative 2 would provide a benefit to participants by providing economically disadvantaged individuals with a healthy source of protein through distribution of trawl bycaught halibut. In addition, this alternative would minimize costs to the government, and would achieve the program objective of reducing waste in the groundfish trawl fisheries.

At any time, the Council can request that NMFS evaluate the donation program, including a request to compare amounts of donated halibut and groundfish landings based on fish ticket data, record of violations, product quality reviews, and benefits to needy individuals.

**5.0 REFERENCES**

NMFS. 1999. Environmental Assessment For The Interim and Final Total Allowable Catch Specifications for the Year 2000 Alaska Groundfish Fisheries. December 1999. National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802. 69 pp.

NMFS. 1998a. Environmental Assessment/Regulatory Impact Review for Amendment 50 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 50 to the Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska to authorize distribution of halibut bycatch in the Groundfish Fisheries off Alaska to Economically Disadvantaged Individuals. April 1998. National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802. 22 pp.

NMFS. 1998b. Final Supplemental Environmental Impact Statement: Groundfish Total Allowable Catch Specifications and Prohibited Species Catch Limits Under the Authority of the Fishery Management Plans for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Groundfish of the Gulf of Alaska. December 1998. National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802. 692 pp + Appendices and Comments.

State of Washington. 2000. Office of Financial Management. April 1 Population of Cities, Towns, and Counties Used for the Allocation of Designated State Revenues.  
[www.ofm.wa.gov/countypop/april.pdf](http://www.ofm.wa.gov/countypop/april.pdf)

**6.0 AGENCIES AND INDIVIDUALS CONSULTED**

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**7.0 LIST OF PREPARERS**

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**Environmental Assessment for Halibut Donation Program**

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**Appendix A. 1999 Halibut Bycatch by Target Trawl Fishery in the Bering Sea and Aleutian Islands (mt)**

	Pacific Cod	Yellowfin Sole	Rock Sole/flathead sole/other flatfish	Pollock/atka mackerel/other	Rockfish	Arrowtooth/Sablefish/Turbot
annual metric tons	1,364	865	850	273	52	76
% OF CAP	93%	91%	113%	115%	74%	0%
REMAINING:	109	90	-95	-35	19	-76
ANNUAL CAP	1,473	955	755	238	71	0

TOTAL HALIBUT MORTALITY : 3,481

TOTAL FINAL HALIBUT CAP : 3,492

Halibut don. EXT FR  
679 #25

Billing Code: 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000905252-0339-02; I.D. 080700D]

RIN 0648-AN98

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Donation Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule, permanent extension of the Pacific halibut donation program.

SUMMARY: NMFS issues a final rule that permanently extends the existing regulations that establish and govern the voluntary Pacific halibut donation program. Under this program, Pacific halibut that is taken incidentally in groundfish trawl fisheries off Alaska may be donated for consumption by economically disadvantaged individuals rather than discarded, as normally required. This action is necessary to promote the goals and objectives of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) (FMPs). The intended effect of this action is to reduce the amount of regulatory discards in the groundfish fisheries.



DATES: Effective January 1, 2001.

ADDRESSES: Copies of the regulatory impact review and environmental assessment prepared for this action may be obtained from NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228. Comments regarding burden estimates for collection-of-information requirements should be sent to NMFS, Alaska Region, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: NOAA Desk Officer). Send comments on any ambiguity or unnecessary complexity arising from the language used in this final rule to Sue Salveson, Assistant Regional Administrator, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Melanie Brown, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone off Alaska are managed by NMFS under the Alaska groundfish FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679. Fishing for Pacific halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea and by

regulations adopted by the International Pacific Halibut Commission (IPHC) and approved by the Secretary of State of the United States pursuant to section 4 of the North Pacific Halibut Act (16 U.S.C. 773-773k). Regulations of the IPHC are published as annual management measures in the Federal Register each year pursuant to regulations at 50 CFR 300.62.

The Prohibited Species Donation (PSD) program regulations at 50 CFR 679.26 include provisions for the donation of those trawl-caught halibut that are delivered by catcher vessels to shoreside processors. A final rule published in the Federal Register (63 FR 32144, June 12, 1998) authorized voluntary distribution of halibut taken as bycatch in the groundfish trawl fishery to needy individuals by tax-exempt organizations through a NMFS-authorized distributor.

The program is limited to dead halibut landed by trawl catcher vessels to shoreside processors. Many of the halibut taken in the groundfish fisheries are discarded alive. However, dead halibut are sometimes landed shoreside by trawl catcher vessels because at-sea sorting of catch is not practicable. This action has no impact on the halibut resource because the groundfish fisheries are restricted by halibut bycatch mortality limits that require closure of specified fisheries when a limit has been reached. This final rule has no impact on target and non-target species of the groundfish fisheries harvested because

it has no effect on harvest amounts or patterns. In 1998 and 1999, 21,196 lb (9,635 kg) and 6,190 lb (2,814 kg) of eviscerated halibut were donated through the PSD program, respectively.

NMFS estimates that the halibut donation program provided 65,000 meals to economically disadvantaged individuals in the western Washington Puget Sound area in 1998. No violations of the halibut donation regulations have been reported or observed.

Without this final rule the halibut part of the PSD program would have expired on December 31, 2000. This sunset provision was advocated by the Council and the IPHC so that management agencies could assess the effectiveness of the halibut donation program, relative to the program's objectives, before the Council took action to extend the program beyond the year 2000.

At its June 2000 meeting, the Council requested NMFS to initiate rulemaking to permanently extend the halibut donation program. The Council also endorsed a recommendation by IPHC staff to review the program every 3 years and assess whether regulatory changes should be pursued to respond to any management or enforcement concerns that may arise in the future. With this rulemaking, NMFS permanently extends the existing halibut provisions of the PSD program. This action makes no other changes to the existing PSD program. NMFS, the Council, and the IPHC will conduct a periodic review of the program and the regulations could be revised in the future, if necessary, to

respond to new concerns.

A proposed rule to permanently implement the Pacific halibut donation program was published in the Federal Register for a 15-day public review and comment period (65 FR 56860, September 20, 2000). No written comments were received during the comment period.

#### Classification

The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that this final regulatory amendment is consistent with the FMPs, the Magnuson-Stevens Act, and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

The Assistant Administrator for Fisheries, NOAA (AA), finds for good cause under 5 U.S.C. 553(d)(3) that delaying the effectiveness of this final rule for 30 days would be contrary to the public interest. Such a delay would cause the Pacific halibut donation program to expire. The intent of this action is to have that program continue without interruption so that its

benefits to economically disadvantaged individuals can continue. Further, the program is voluntary and no individual has to take any action because the program remains in effect. Accordingly, the AA is making the extension effective January 1, 2001.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Regional Administrator determined that activities conducted pursuant to this rule will not affect endangered and threatened species or critical habitat under the Endangered Species Act (ESA).

Pursuant to section 7 of the ESA, NMFS has completed a consultation on the effects of the groundfish fishery on listed species. Reasonable and prudent alternatives have been implemented to mitigate the adverse impacts of the pollock fisheries on the western population of Steller sea lion and its critical habitat (65 FR 3892, January 25, 2000, and extended at 65 FR 36795, June 12, 2000). NMFS also completed consultations on the effects of the 2000 BSAI groundfish fisheries on listed species and on critical habitat. These consultations were completed December 23, 1999, and concluded that the proposed fisheries were not likely to cause jeopardy or adverse modification to designated critical habitat. However, in an order dated January 25, 2000, the District Court for the Western District of Washington (Court) concluded that NMFS must consult

pursuant to section 7 of the ESA on the fishery management plans for the groundfish fisheries of the BSAI and GOA. Greenpeace v. NMFS, Civ. No. 98-49ZZ (W.D. Wash.). On August 7, 2000, the Court issued an injunction, effective August 8, 2000, prohibiting fishing for groundfish with trawl gear in the exclusive economic zone within Steller sea lion critical habitat west of 144° W. long. until NMFS issues a comprehensive biological opinion adequately analyzing the full scope of the FMPs. (Greenpeace v. NMFS, 106 F. Supp. 2d 1066 (W.D. Wash. 2000)). The critical habitat areas closed by the Court's injunction are defined in regulations codified at 50 CFR 226.202, and in Tables 1 and 2 to 50 CFR part 226. Pursuant to the ESA, NMFS published an interim final rule prohibiting fishing for groundfish with trawl gear in Steller sea lion critical habitat specified in the Court's injunction (65 FR 49766, August 15, 2000). This interim final rule was effective August 9, 2000, and will remain in effect until the Court orders otherwise. NMFS has developed a comprehensive biological opinion that evaluates the effects of the FMPs on endangered and threatened species and their critical habitat as required by the Court.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act

(PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

This rule contains collection-of-information requirements subject to the PRA. These collections of this information have been approved under OMB control number 0648-0316. Public reporting burden (per individual) for these collections of information, including both salmon and halibut donations, is estimated to average as follows: 40 hours every 3 years per application and 40 hours per year for completing a list of vessels and processors for a NMFS authorized distributor; 9 hours per year (0.1 hrs for 90 processing days) for vessel and processor labeling and product tracking documentation; and 15 minutes per year for vessels/processor documentation. The estimated response times listed include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

Send comments regarding this burden estimate, or any other aspect of these data collections, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

The President has directed Federal agencies to use plain language in their communications with the public, including regulations. To comply with this directive, we seek public comment on any ambiguity or unnecessary complexity arising from

shoreside processors.

(b) \* \* \*

(3) \* \* \*

(iv) Effective period. A PSD permit issued for salmon or halibut remains in effect for a 3-year period after the selection notice is published in the Federal Register unless suspended or revoked. A PSD permit issued to an authorized distributor may be renewed following the application procedures in this section.

\* \* \* \* \*



the language used in this final rule. Such comments should be sent to NMFS, Alaska Region (see ADDRESSES).

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated:

DEC - 8 2000

*William T. Hogarth*

WILLIAM T. HOGARTH, Ph.D.  
DEPUTY ASST. ADMINISTRATOR FOR FISHERIES  
NATIONAL MARINE FISHERIES SERVICE

For the reasons set forth in the preamble, 50 CFR part 679 is amended as follows:

PART 679--FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 et seq., 1801 et seq., and 3631 et seq.; Title II of Division C, Pub. L. 105-277; Sec. 3027, Pub. L. 106-31, 113 Stat. 57; 16 U. S. C. 1540(f).

2. In § 679.26, paragraphs (a)(2) and (b)(3)(iv) are revised to read as follows:

§ 679.26 Prohibited Species Donation Program (PSD).

(a) \* \* \*

(1) \* \* \*

(2) Halibut delivered by catcher vessels using trawl gear to

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