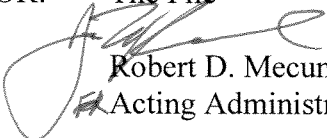




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

March 16, 2009

MEMORANDUM FOR: The File
FROM: 
Robert D. Mecum
Acting Administrator, Alaska Region
SUBJECT: Categorical Exclusion for an Exempted Fishing Permit to test
Modified Halibut Handling on Deck of Amendment 80 vessels

NMFS has received an application for an exempted fishing permit (EFP) from the Best Use Cooperative (BUC). The EFP would allow three vessels in the BUC to sort halibut removed from a codend on the deck of the vessel, and release those fish back to the water after accounting for the halibut condition using standard International Pacific Halibut Commission viability methods for predicting mortality of individual fish. The EFP will allow these vessels to alter the amount of time that halibut are in a codend, on deck and the amount of handling they receive prior to release.

This proposed action would exempt factory trawler vessels Ocean Peace, Constellation, and Cape Horn, from:

1. the prohibition to conduct any fishing when the fishery is closed due to reaching the limit for Prohibited Species Catch (PSC) under § 679.7(a)(2);
2. the prohibition to bias the sampling procedure employed by an observer through sorting of catch before sampling, at § 679.7(g)(2);
3. the prohibition to exceed an amount of halibut cooperative quota (CQ) assigned to an Amendment 80 cooperative at § 679.7(o)(4)(v);
4. a requirement to weigh all catch by an Amendment 80 vessel on a NMFS-approved scale at § 679.27(j)(5)(ii);
5. the requirement for all catch to be made available for sampling at § 679.93(c)(1); and
6. the requirement for halibut to not be allowed on deck without an observer present at § 679.93(c)(5).

The EFP would apply for the period of time required to complete the project in 2009 in the BSAI Amendment 80 fishery, approximately six months.



Halibut in this experiment would be sampled during directed groundfish fisheries in which each of these vessels is authorized to fish. Some fishing parameters such as tow length, tow speed, amount of groundfish retrieved in a codend and locations fished may be varied compared with operations typically used by these vessels to test a wide range of fishing practices. This EFP would be of limited scope and duration and would not be expected to appreciably alter trawling by the non-AFA trawl catcher/processing sector, duration of the groundfish fishery, gear, or the total amount or species of fish caught. The EFP would apply for the period of time required to complete the experiment in 2009 in areas open to directed fishing for flatfish. The activities under this EFP would be conducted within the 2009 harvest specifications of groundfish and halibut prohibited species catch. Any credit for reductions in halibut mortality to the BUC will be allowed within the actual halibut limit apportioned to the cooperative, unless the BUC were to reach the 2009 Amendment 80 coop apportionment of halibut mortality (1,793 mt). In the event that BUC is likely to reach 1,793 mt of halibut mortality, the BUC could be allowed to continue fishing for groundfish species later in the year if the additional groundfish caught did not exceed the BUC's allocation and the additional amount of halibut caught did not exceed the amount of the halibut mortality savings.

Groundfish harvested and the incidental catch of halibut during groundfish fishing under this EFP is within the scope analyzed in the Environmental Impact Statement, January 2007, (Alaska Groundfish Harvest Specifications). Based on the EIS, NMFS found no significant impacts on the human environment from this action.

After reviewing the proposed action 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, 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.