

September 29, 2008

MEMORANDUM FOR: THE RECORD

FROM: Robert D. Mecum
Acting Administrator, Alaska Region

SUBJECT: Categorical Exclusion for a Proposed Rule to Revise Pollock Trip Limit Regulations in the Gulf of Alaska

NAO 216-6, Environmental Review Procedures, requires all proposed agency actions to be reviewed with respect to potential impacts on the human environment. This memorandum summarizes the determination that this Proposed Rule to revise pollock trip limit regulations in the Gulf of Alaska (GOA) qualifies to be categorically excluded from further National Environmental Policy Act (NEPA) review.

Description of the Action

Groundfish trip limits at 50 CFR 679 regulate the amount of a species that a vessel is allowed to catch or retain during a fishing trip. The trip limit for pollock in the Gulf of Alaska (GOA) prohibits a catcher vessel in the directed GOA pollock fishery from retaining more than 300,000 lb (136 mt) of unprocessed pollock at anytime during a fishing trip.

When originally implemented as part of the emergency Steller sea lion mitigation measures adopted in 1999 (64 FR 3437, January 22, 1999), the trip limit for pollock was intended to spatially and temporally disperse catches of pollock, a prey species for Steller sea lions. Additional rulemaking permanently implemented the current pollock trip limits at § 679.7(b)(2) (67 FR 956, January 8, 2002, and 68 FR 204, January 2, 2003).

In 2005, the North Pacific Fishery Management Council (Council) concluded that GOA pollock trip limits were not completely effective at restricting catches of pollock to 136 mt per day. A loophole in the pollock trip limit allowed for some vessels to take multiple trips in a day and offload to tenders to increase the amount of daily pollock catch.

In 2007, the Council again reviewed the effectiveness of 136 mt pollock trip limit, found that vessels in Western GOA were continuing to circumvent the intent of the 136 mt trip limit, and recommended adding two new provisions to the current GOA trip limit regulation. The first provision would add a daily landing limit of no more than 136 mt of unprocessed pollock harvested in any GOA regulatory area delivered to any processor or tender during a calendar day.

The second provision would add a seasonal landing limit for pollock. That seasonal limit would prohibit a trawl catcher vessel from landing an amount of unprocessed pollock harvested from any GOA reporting area, that exceeds 136 mt multiplied by the number of calendar days the directed fishery is open in that reporting area.

Effects of the Action

The environmental effects of this proposed action are anticipated to be identical to the effects of the GOA pollock trip limits that were implemented in 1999 and subsequently determined to not significantly affect the quality of the human environment. The 1999 GOA pollock trip limits were previously analyzed in the November 2001 Steller Sea Lion Protection Measures, Final Supplemental Environmental Impact Statement (SEIS), and were not expected to jeopardize the sustainability of pollock in the Gulf of Alaska or any non-target species associated with the trawl pollock fishery. The pollock trip limit was also determined to be one of several necessary Steller sea lion protection measures for the Federal groundfish fisheries off Alaska in the 2001 biological opinion.

The proposed action is a minor revision to the existing regulation for pollock trip limits that will result in greater temporal and spatial dispersion in the fishery, slightly slow the rate of catch in the fishery, and not affect the overall amount of pollock taken in the GOA by trawl catcher vessels. Pollock catch would be distributed temporally and spatially by removing a loophole which has allowed participants in the fishery to make landings of trawl pollock in the GOA of more than 136 mt per day. That loophole has slightly reduced the effectiveness of the existing GOA pollock trip limit. Keeping catches of pollock within 136 mt per day will assist managers in staying within the GOA pollock Total Allowable Catch and pollock seasonal allocations.

Categorical Exclusion

This action would not result in any changes to the human environment. As defined in Section 5.05 and sections 6.01, 6.02, and 6.03, of NAO 216-6, the proposed rule to revise pollock trip limit regulations was found to not result in any changes to the human environment, and is categorically excluded from further environmental review and requirements to prepare additional environmental review documents. Specifically, the proposed action qualifies for a Categorical Exclusion under Section 6.03d.4 of NAO 216-6, because the action is an ongoing or recurring fisheries actions of a routine administrative nature when the action will not have any impacts that have not already been assessed in the November 2001, SEIS for Steller sea lion protection measures. As such, it is categorically excluded from the need to prepare an Environmental Assessment.

CC: AKR NEPA Coordinator
NOAA NEPA Coordinator