



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic Atmospheric Administration  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

November 13, 2019

MEMORANDUM FOR: THE RECORD

FROM:

James W. Balsiger, Ph.D. *Glenn Merrill*  
Administrator, Alaska Region *JW*

SUBJECT:

National Environmental Policy Act, Categorical Exclusion for Amendment 120 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI) and Amendment 108 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) to Limit Mothership Operations in the BSAI and GOA Pacific Cod Fisheries [RIN 0648-BJ02]

The National Oceanic and Atmospheric Administration's (NOAA) Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities (NOAA Administrative Order 216-6A and Companion Manual for NAO 216-6A) establishes NOAA's policy and procedures for compliance with the National Environmental Policy Act, the CEQ regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 and 13690 (Floodplain Management), and EO 11990 (Protection of Wetlands). It was used by NOAA to examine Amendment 120 to the Fishery Management Plan for Groundfish of the BSAI and Amendment 108 to the Fishery Management Plan for Groundfish of the GOA to limit mothership operations in the BSAI and GOA Pacific cod fisheries for its potential to impact the quality of the human environment as discussed below.

#### **Description of the Action**

Since 2016, the number of catcher/processors (C/Ps) operating as motherships by receiving and processing Pacific cod (*Gadus macrocephalus*) harvested by catcher vessels (CVs) engaged in directed fishing for Pacific cod in the BSAI non-Community Development Quota Program (CDQ) trawl CV fishery has increased dramatically compared to previous years. A corresponding decline in deliveries of Pacific cod to shoreside processors has occurred since 2016. The Pacific cod fishing season for trawl CVs has also shortened due to a faster-paced fishery facilitated by additional mothership



deliveries. The North Pacific Fishery Management Council determined that limiting the number of eligible licenses issued under the License Limitation Program (LLP) that authorize C/Ps to operate as motherships in this fishery is necessary to help reduce the portion of Pacific cod delivered to motherships to more historical levels, prevent further reductions in the amount of Pacific cod delivered to shoreside processors, and stabilize the fishing season duration. This action would 1) establish eligibility criteria for an endorsement to groundfish LLP licenses for a C/P to operate as a mothership for CVs directed fishing for Pacific cod in the BSAI non-CDQ Pacific cod trawl fishery; 2) issue an endorsement to groundfish LLP licenses that meet the eligibility criteria; 3) authorize receipt and processing of Pacific cod deliveries from vessels directed fishing using trawl gear in the BSAI non-CDQ Pacific cod fishery by only those C/Ps designated on a groundfish LLP license with a BSAI Pacific cod trawl mothership endorsement; and 4) prohibit Amendment 80 sector C/Ps not designated on an Amendment 80 Quota Share (QS) permit and an Amendment 80 LLP license or not designated on an Amendment 80 LLP/QS license from receiving and processing Pacific cod harvested by vessels directed fishing for Pacific cod in the BSAI and GOA.

### **CE Category**

Category A1, Trust Resource Management Actions -- 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.

### **Effects of the Action**

This action would limit the number of C/Ps operating as motherships receiving and processing Pacific cod from CVs directed fishing using trawl gear in the BSAI non-CDQ Pacific cod fishery. This action would also prohibit replaced Amendment 80 Program C/Ps from receiving and processing Pacific cod harvested by CVs directed fishing for Pacific cod in the BSAI and GOA. The additional limitations on Amendment 80 C/Ps replaced under Amendment 97 to the Fishery Management Plan for Groundfish of the BSAI (77 FR 59852; October 31, 2012) would ensure that only a replacement vessel, and not the replaced vessel, could operate as a mothership to receive and process Pacific cod harvested by CVs directed fishing for Pacific cod in the BSAI or GOA. This would limit the expanded use of the replaced C/Ps once they no longer participate in the Amendment 80 Program and would limit potential future expansion of processing capacity in those fisheries. The overall effects of this action would be to reduce the portion of Pacific cod delivered to motherships to more historical levels, prevent further reductions in the amount of Pacific cod delivered to shoreside processors, and stabilize the fishing season duration.

This action would not change the directed fishing effort in the BSAI non-CDQ Pacific cod trawl CV fishery or GOA Pacific cod fisheries, since the annual allocation of Pacific cod would still be harvested by CVs during the specified seasons. This action would not substantially change the timing of the fishery. Season dates would remain the same. This action may increase the BSAI non-CDQ Pacific cod catcher vessel trawl fishery A season duration modestly, but is not expected to result in a substantial change to a fishing season that averaged over 51 days between 2003 and 2019. This action would not substantially lengthen the fishing season duration, but is intended to impose some check on further increases in the pace of the fishery. Changes in total allowable catch (TAC) for this fishery would have a larger impact on fishing season length than the change in proportion of TAC delivered to shoreside processors versus C/Ps operating as

motherships. This action would not change the location of the fishery, as deliveries would still be made to eligible C/Ps offshore and to shoreside processors. This action would change the current proportion of the deliveries between those sectors to reflect historical use and dependence, but the harvest levels in the fishery would not change, except as the allocation changes. NMFS's overall management of the BSAI and GOA Pacific cod fisheries would not change, since NMFS would continue to manage them under the Pacific cod TAC apportionments, established 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 subsequent, annual Supplementary Information Reports to the EIS. NMFS intends this rule to be effective by January 2020.

### **Extraordinary Circumstances**

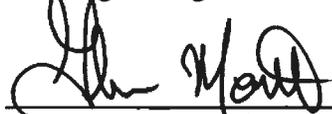
This action can be reviewed independently from other actions. Additionally, I considered the context in which this action could have extraordinary circumstances listed in NOAA's Companion Manual for NAO 216-6A Section 4 and expect no extraordinary circumstances.

Based on the description of this action and its anticipated effects set out above, I have determined that this 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. This 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 Determination:**

Based upon the above analysis, NOAA has determined that the action proposed falls within NAO 216-6A, Appendix E, A1 – a category of actions does not individually or cumulatively have a significant effect on the quality of the human environment; is not connected to a larger action (40 CFR 1508.25(a)); and does not involve extraordinary circumstances precluding use of the CE. As such, NOAA has determined that it is categorically excluded from further NEPA review.

The original signed memorandum will be maintained in the record for the proposed action.



James W. Balsiger, Ph.D.

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