



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

November 29, 2010

MEMORANDUM FOR: The Record

FROM: James W. Balsiger, Ph.D. *Robert A. Mea*
for Administrator, Alaska Region

SUBJECT: Categorical Exclusion for Regulatory Amendment to Remove
Certain Reporting Requirements under the American Fisheries
Act (RIN 0648-AY84)

NAO 216-6, Environmental Review Procedures, requires all proposed actions be reviewed with respect to environmental consequences on the human environment. This memorandum summarizes the determination that the removal of certain reporting requirements under the American Fisheries Act (AFA) qualifies to be categorically excluded from further NEPA review.

Description of the Action(s)

This proposed action would remove reporting requirements that are no longer necessary from § 679.61(f). The proposed rule does not affect the manner in which pollock are harvested or processed. No aspect of this action is controversial.

Effects of the Action(s)

In October 1998, Congress enacted the American Fisheries Act (AFA), which “rationalized” the Bering Sea pollock fishery by identifying the vessels and processors eligible to participate in the fishery and allocating pollock among those eligible participants. Implementing regulations are found at 50 CFR part 679, Subpart F. Under the AFA, 10 percent of the Bering Sea pollock total allowable catch is allocated to the Western Alaska Community Development Quota (CDQ) Program. After subtraction of the CDQ Program allocation and an amount set aside for the catch of pollock in other Bering Sea fisheries, the remaining pollock (the “directed fishing allowance”) is allocated among the AFA inshore sector (50 percent), the AFA catcher/processor sector (40 percent), and the AFA mothership sector (10 percent).

The AFA allows for the formation of fishery cooperatives within the non-CDQ sectors. These fishery cooperatives consist of ten inshore cooperatives, two offshore cooperatives, and one mothership cooperative. The cooperatives further subdivide each cooperative’s



pollock allocation among vessel owners in the cooperative through private contractual agreements. The cooperatives manage these allocations to optimize their harvest and to ensure that individual vessels and companies do not harvest more than their agreed-upon share of pollock. The cooperatives also enforce contract provisions and participate in an intercooperative agreement to reduce salmon bycatch.

The North Pacific Fishery Management Council (Council) originally recommended both a preliminary report (due December 1) and a final annual report (due February 1 of the following year) on directed pollock fishing activity. The Council wanted to have the preliminary report available for its December Council meeting, when it adopts annual groundfish harvest specifications for the upcoming fishing year. However, the Council recognized that because the pollock fisheries close on November 1, one month may not be enough time for the AFA cooperative representatives to compile all of the required information. In addition, catch and discard data often are finalized after the end of the year. Therefore, the Council recommended that NMFS require a preliminary report to provide as much information as was available by December 1 and a final report to update or add any information that became available after December 1. The deadline for submittal of the final AFA cooperative annual report was changed (75 FR 53026, August 30, 2010) from February 1 to April 1. This new date allows the AFA cooperative report to arrive about the same time as several salmon reports.

Both the preliminary and the final annual reports must provide information about—

- ◆ The catch of allocated pollock, other groundfish species, and prohibited species among the vessels in the cooperative.
- ◆ The catch and discard of these species by area for each vessel in the cooperative.
- ◆ The method used by the cooperative to monitor fishing by its members.
- ◆ A description of any actions taken by the cooperative to penalize any vessel that exceeded the allocations made to the vessel by the cooperative.

In recent years, the Council has found that the information in the AFA cooperative preliminary report is no longer necessary for the Council to develop recommendations on final groundfish specifications or on cooperative allocations and sideboard protection measures. A single annual report (due April 1 of the following year) from each AFA cooperative will provide sufficient information to the Council about the directed fisheries for pollock in the Bering Sea. The stock assessment reports annually provided by the Council Groundfish BSAI Plan Team and the total allowable catch recommendations at the December Council meeting are used for the groundfish specifications.

Therefore, this rule removes the requirement for AFA cooperatives to submit the preliminary annual report required in 50 CFR 679.61(f).

Categorical Exclusion

This action would not result in any changes to the human environment. As defined in Sections 505 and Section 6.03c.3(i) of NAO 216-6, the rule is of the Other Categories of Actions Not Having Significant Environmental Impacts exclusion and for which any cumulative effects are negligible. As such, it is categorically excluded from the need to prepare an Environmental Assessment. This rule would not have an environment effect because the rule is not expected to change the manner in which the fishery is prosecuted; because the Council will continue to receive the same information about the fishing activities of AFA cooperatives; and the Council will continue to use that information as it does currently.

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