



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
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October 13, 2023

MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland
Regional Administrator

SUBJECT: Draft Categorical Exclusion (CE) for the Proposed Rule to Revise Monitoring Requirements for Pot Catcher/Processors Participating in Bering Sea/Aleutian Islands Groundfish Fisheries [0648-BL69]

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 (Floodplain Management), and EO 11990 (Protection of Wetlands). It was used by NOAA to examine the revision of monitoring requirements for pot catcher/processors (CPs) participating in Bering Sea/Aleutian Islands (BSAI) groundfish fisheries for its potential to impact the quality of the human environment as discussed below.

Description of the Action(s):

This action revises the monitoring requirements for the pot CPs fleet participating in BSAI groundfish fisheries. The proposed measures include two new requirements and additional voluntary measures to improve observer data quality. This action would require participants to carry at least one Level 2 observer deployed at all times. A level 2 observer holds an Observer Certification and has completed 60 data collection days and met expectation on their last cruise. The action would also require participants to attend pre-cruise meetings when notified. Additionally, NMFS proposes regulations to clarify requirements such as equipment certification and testing when any of the following voluntary monitoring options are used: observer sampling stations, motion-compensating platform and flow scales, or carrying additional observers.

The purpose of this action is to maximize the utility of observer data collected onboard Pot CPs participating in the BSAI groundfish fisheries by reducing the likelihood of data collection errors. Due to the fishery's small number of participants and short seasons, the deletion of observer data due to data collection errors can lead to substantial changes in the estimates of catch and bycatch. As the preferred source of information for catch and discards in this fishery, it is crucial that observer data used by NMFS for inseason management be as complete and accurate as possible.



CE category number, title, and CE text that applies to the proposed action(s):

The CE category A1 is appropriate for this action, since this regulatory amendment is a technical change to a fishery management regulation and will not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. This proposed action is not connected to a larger action and can therefore be reviewed independently from other actions under NEPA.

Effects of the Action(s):

The effects of this action are to reduce the likelihood of data loss and improve data quality in the BSAI pot CP fishery. Through the requirements to carry at least one Level 2 observer deployed at all times, the deployment of experienced observers would minimize the need for modifying or deleting data during the debriefing and data quality checking process. As described in this actions accompanying Analysis, data deletions are strongly correlated to observer experience. As more experienced observers tend to make fewer errors and have better communication with the crew, eliminating first time observers on pot CP vessels would reduce the high instances of the deletions occurring from trips during an observer's first or second contract.

The requirement to attend pre-cruise meetings when notified would help improve data quality, reduce conflicts between observers and vessel crew, and assist vessel operators and managers to comply with observer-related regulations. Pre-cruise meetings provide an opportunity for vessel crew and a newly assigned observer to discuss sampling and vessel operations prior to embarking on a trip. This conversation can resolve questions about sampling expectations, and provide vessel specific advice about anticipated sampling scenarios that the observer might encounter at sea, ultimately supporting the collection of high-quality data.

The additional voluntary options in this proposed action may further increase data precision and reduce the likelihood of sampling errors for those vessels which choose to adopt them. The first option, to allow a certified observer sampling station with a motion-compensating platform (MCP) scale for the observer's use, may reduce collection errors by providing more precise weight estimates using an MCP scale and an improved workspace for greater organization. The second option, to allow a motion-compensated, NMFS-certified scale to measure total catch of Pacific cod, in conjunction with an MCP scale for testing, electronic logbook, and video monitoring, may reduce collection errors by eliminating the need to extrapolate weighed samples to the total numerical estimates of catches. The third option, to allow a vessel to carry additional onboard observers, may improve data precision by providing a greater likelihood of sampling every haul on the trip. Additionally, the shared workload of each observer would provide the opportunity for both observers to operate as a team, supporting and advising each other about their collection duties based upon their training, reducing the likelihood of data collection errors.

Extraordinary Circumstances:

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 the revision of monitoring requirements for pot CPs participating in BSAI groundfish fisheries has no potential for significant adverse effects on human health or safety. Because this action will not change fishing location, timing, effort, authorized gear types, or harvest levels, it will not impact areas with unique environmental characteristics, species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Act, 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. The 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 the category of actions subject to CE identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1 - Trust Resource Management Actions--a category of actions that does not normally have a significant effect on the quality of the human environment; is not connected to a larger action (40 CFR 1501.9(e)(1)); 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 action.