

## Appendix C: National Environmental Policy Act Categorical Exclusion and Concurrence Email



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**


NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
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**MAY 30 2013**

### SWR Categorical Exclusion Memorandum

MEMORANDUM FOR: The Record

FROM: Mark Helvey   
Assistant Regional Administrator  
For Sustainable Fisheries

SUBJECT: Categorical Exclusion for Effects of a Proposed Study  
on the Use of Light-Touch California Halibut Trawl Gear  
within Historic Monterey Bay Trawl Grounds

NAO 216-6, Environmental Review Procedures, requires all proposed actions to be reviewed with respect to environmental consequences on the human environment. This memorandum summarizes the determination that the proposed study on the use of light-touch California halibut trawl gear within historic Monterey Bay trawl grounds qualifies to be categorically excluded from further NEPA review.

#### DESCRIPTION OF THE ACTION

##### Purpose

This proposed action is to conduct a study on the use of light-touch California halibut (*Paralichthys californicus*) trawl gear within historic Monterey Bay trawl grounds now closed to trawling. In the summer of 2006 California state legislation (SB 1459) closed Monterey Bay to trawling. Prior to that time trawling had occurred for at least 75 years in this area. In August 2008 the California Fish and Wildlife Commission established criteria for "light-touch" trawl gear (as defined in California Code of Regulations Title 14) and required that only this gear could be used within the California Halibut Trawl Grounds (CHTG) in southern California. In order to study the feasibility of using light-touch halibut trawl gear within historic Monterey Bay trawl grounds, a research partnership was developed between California Department of Fish and Wildlife (CDFW) and National Marine Fisheries Service, Southwest Region, Sustainable Fisheries Division (NMFS SFD). The research study will examine the effects of light-touch trawl gear using a video camera mounted on the head rope of the trawl. This survey is in many



ways comparable to the fishery-independent survey for halibut performed in 2007 and 2010 by the CDFW. Therefore the study will also compare catch composition, obtain an additional set of relative abundance and length frequency data used in California halibut (halibut) stock assessment, track migration and movements of halibut using Floy dart tags, and provide data on benefits of an ad-hoc marine protected area due to closure of the area to trawling in 2006. The newly acquired data will add an additional index of biomass for future stock assessments of halibut.

The proposed action will take place within the boundaries of the National Oceanic and Atmospheric Administration's, Monterey Bay National Marine Sanctuary (MBNMS). The MBNMS requires issuance of a permit in order for the CDFW and NMFS SFD to conduct the survey within its waters. Therefore the lead action agency for this proposed action is the NMFS SFD, and the CDFW is considered a non-Federal representative who will be conducting the at-sea research and be carrying out many aspects of the survey. Further, since the NMFS SFD will be contributing equipment and have an at-sea biologist performing duties on-board the survey vessel, this is the major Federal action requiring both National Environmental Policy Act (NEPA) and Endangered Species Act (ESA) consultations. NMFS SFD initiated an ESA Section 7 consultation with National Marine Fisheries Service, Southwest Region, Protected Resources Division (NMFS PRD) on February 4, 2013. The MBNMS will prepare a separate NEPA document for their federal action of issuing CDFW and NMFS SFD a permit.

#### **Description**

A total of approximately 20 tows, each of 30-minute duration, would be completed during a four or five day period. Future surveys could result in small increased number of tows and days at-sea, and should not increase the overall impact. A NMFS SFD biologist will be present during all tows to monitor the use of an underwater video camera attached to the net and will operate the camera to record net and door performance. A CDFW biologist will be on-board during all tows to monitor and process the catch. A graduate student from California State University, Moss Landing Marine Laboratories will be on-board for one or two days to collect information on halibut length and maturity. All halibut will be measured and condition noted as soon as possible after the catch is placed on the deck. The CDFW will retain all sub-legal sized halibut and any halibut that do not survive towing for life history studies. All legal-sized halibut in good condition will be tagged and released. No fish will be landed as part of the annual catch specifications. The CDFW will provide standard dart tags. All non-halibut will be identified to species, measured individually, and weighed as species aggregates. The condition of all non-halibut species will be noted, and all will be released. Fish may be placed into a separate bin with fresh seawater to keep them alive before assessment and release.

Video data will be processed using standard techniques developed by NMFS SFD personnel. NMFS SFD will analyze all video footage to assess performance of the light-touch halibut trawl net, and will prepare a summary report of their findings. The CDFW will prepare a summary report relative to halibut captured as well as associated species.

All data and reports will be made available to the public and shared among the parties participating in the proposed study.

This proposed action will not only help to understand and quantify the potential use of light-touch trawl gear for the halibut fishery, but it will also provide another index of relative abundance for the halibut stock assessment. Additionally, this proposed study will help researchers understand the extent light-touch trawl gear minimizes contact with the seafloor and allow the collection of preliminary data for determining the economic viability of a halibut fishery. Future similar surveys could result in small increased number of tows and days at-sea as needed. This CE and checklist may be used for future surveys unless the survey includes activities or impacts that have not been considered in this CE and checklist.

### **Project Area**

The area affected by the proposed light-touch trawl survey would occur within Monterey Bay along the same trawl lines used by CDFW in August 2010 for a fishery-independent halibut trawl survey. A total of approximately 20 daytime tows, each of 30-minute duration, would be completed during a four or five day period. Future surveys could result in small increased number of tows and days at-sea, as long as it is determined that the overall impact has not increased. Specifically, the proposed survey will take place at depths from approximately 10 fathoms to 35 fathoms on sandy, soft-bottom between approximately 36° 56' North latitude to 36° 48' North latitude. All tows will be performed in California state waters and within the MBNMS. This short-term study will take place in the summer months aboard the F/V *Cecelia*.

### **EFFECTS OF THE ACTION**

This proposed action would not likely result in any adverse impacts to the environment. The proposed study will span a four or five day period within Monterey Bay in both California state waters and within the MBNMS. The light-touch trawl gear used in the study is legal within the CHTG in Southern California, but trawling is closed to fishing within Monterey Bay.

### **NEPA Determination**

After reviewing the proposed action to conduct a study on the use of light-touch California halibut trawl gear within historic Monterey Bay trawl grounds now closed to trawling, including the criteria on the attached checklist which has been reviewed by the Southwest Regional NEPA Coordinator, I have concluded that the proposed action would not have a significant effect, individually or cumulatively, on the human environment. Further, I believe that the proposed action may appropriately be categorically excluded from the requirement to prepare either an environmental assessment or environmental impact statement, in accordance with Section 6.03.c.3 of NAO 216-6. Specifically, this

project fits under the categorical exclusion described in 6.03.c.3(a): Research Programs. Based on the criteria outlined in NMFS Policy Directive 30-131, Delegation of Authorities for Completing NEPA Documents, dated March 5, 2007, General Counsel review is not required for this action.

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE  
NEPA REVIEW CHECKLIST  
FOR FINANCIAL ASSISTANCE ACTIVITIES**

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The purpose of this checklist is to assist National Marine Fisheries Service (NMFS) responsible program managers (RPMs) in determining if proposed financial assistance activities, such as grants and cooperative agreements, qualify for categorical exclusion (CE) status under NOAA's National Environmental Policy Act (NEPA) guidelines.

Many of NMFS' grants and cooperative agreements may qualify for exclusion from further NEPA review because the potential environmental effects of the activities they support are minor or negligible. Funded activities that are eligible for CE status are listed in NOAA's guidelines for implementing NEPA (Section 5.05.a of NAO 216-6), as well as the exclusions attachment to this checklist. The NAO 216-6 guidelines are also available electronically at: [http://www.nepa.noaa.gov/NAO216\\_6\\_TOC.pdf](http://www.nepa.noaa.gov/NAO216_6_TOC.pdf).

A normally excluded action can lose its CE status if one or more of several project specific conditions exist. If so, then it becomes necessary to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) for the proposed financial assistance activity.

This checklist should be filled out for those proposed financial assistance activities that initially appear to qualify for CE status. By answering the questions in this checklist, NMFS can determine whether the effects of the proposed financial assistance activity qualify for CE status, or require further NEPA documentation in the form of an EA or an EIS.

**A. Description of proposed action**

This proposed action is to conduct a study on the use of light-touch California halibut trawl gear within historic Monterey Bay trawl grounds now closed to trawling. This survey is in many ways comparable to the fishery-independent surveys for California halibut (halibut) performed in 2007 and 2010 by California Department of Fish and Wildlife, Marine Region (CDFW). The research study will examine the effects of light-touch trawl gear on the physical environment and on potential interactions with protected species using a video camera mounted on the head rope of the trawl. It will also compare catch composition, obtain an additional set of relative abundance and length frequency data used in stock assessment, track migration and movements of California halibut using Floy dart tags, and provide data on benefits of an ad-hoc Marine Protected Area due to closure of trawl in 2006. The newly acquired data will add an additional index of biomass for future stock assessments of halibut. This research is a partnership between the CDFW and the NMFS SFD.

The proposed light-touch trawl survey would occur within Monterey Bay along the same trawl lines used by CDFW in August 2010 for a fishery-independent halibut trawl survey (Attachment 1). A total of 20 daylight tows, each of 30-minute duration, would be completed during a four or five day period. Future surveys could result in small

increased number of tows and days at-sea, as long as it is determined that the overall impact has not increased. Specifically, the proposed survey will take place at depths from approximately 10 fathoms to 35 fathoms on sandy, soft-bottom between approximately 36° 56' North latitude to 36° 48' North latitude. This short-term study will take place in the summer months aboard the F/V *Cecelia*.

**Determining the appropriateness for use of categorical exclusions, as defined in NAO 216-6 5.05 and 6.03e.3.**

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>1. The proposed action involves issuance of a permit for scientific purposes or to enhance the propagation or survival pursuant to section 10(a)(1)(A) of the ESA for hatchery activities?</b></p> <p><u>Explanation/Remarks:</u></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>2. The proposed action is a <i>modification</i> to an existing section 10(a)(1)(A) permit for a hatchery activity for which an EA or EIS has <i>not</i> already been completed?</b></p> <p><u>Explanation/Remarks:</u></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>3. The proposed action involves issuance of incidental take permit(s) pursuant to section 10(a)(1)(B) of the ESA? If "yes," is the proposed action considered to be something other than a "low effect" habitat conservation plan?</b></p> <p><u>Explanation/Remarks:</u></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>4. Would the proposed action require any federal permits, or other federal agency direct involvement, activity, oversight, or funding permits?</b></p> <p><u>Explanation/Remarks:</u> The proposed action will take place within the boundaries of the National Oceanic and Atmospheric Administration's, Monterey Bay National Marine Sanctuary (MBNMS) and in California state waters. The MBNMS requires issuance of a permit in order for the CDFW and NMFS SFD to conduct the survey within its waters. Since the NMFS SFD will be contributing equipment and have an at-sea biologist performing duties on-board the survey vessel, this is the Federal nexus requiring NMFS SFD to initiate an ESA Section 7 consultation with NMFS PRD, and therefore the lead action agency for this proposed action is the NMFS SFD. Additionally, the CDFW is a non-Federal representative who will be conducting the at-sea research and be carrying out many aspects of the survey. The MBNMS will prepare a separate NEPA document for their federal action of issuing CDFW and NMFS SFD a permit.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>5. There have been <i>no</i> prior NEPA analyses, or equivalent analyses in the form of state environmental assessments, or Section 7 Endangered Species Act biological assessments and opinions, or scientific reports that describe the environmental effects of the same action and which demonstrate that the action is not likely to have significant impacts on the quality of the human environment?</b></p> <p><u>Explanation/Remarks:</u> To date there have been no ESA, NEPA or state environmental assessments that describe the environmental effects of the two previous similar surveys performed in 2007 and 2010 by CDFW.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>6. Are there any potentially adverse impacts even though, on balance, the effect of the proposed action may be beneficial?</b></p> <p><u>Explanation/Remarks:</u> NMFS has not identified any significant effects and therefore believes that this action does not pose a significant adverse impact on the human environment. This proposed study is to document the effects of using light-touch California halibut trawl gear within a specific portion MBNMS and within state waters. Additionally, the survey will provide another data set of relative abundance and length frequency to be used in the next central California halibut stock assessment.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>7. This action may have adverse effects on public health or safety, particularly considering minority and low-income populations?</b></p> <p><u>Explanation/Remarks:</u> This action would not have any adverse effects on public health or safety. The project consists of evaluating the use of light-touch California halibut trawl gear within Monterey Bay over the course of four to five fishing days. The only public members interacting with the project are those conducting the study. These individuals all have considerable sea experience and are well trained in safety precautions.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>8. The activity will occur within, and may adversely affect, a unique geographic area of notable recreational, ecological, scenic, or aesthetic importance, such as coral reefs, marine protected areas, marine sanctuaries, essential fish habitat, park or refuge lands, wild or scenic rivers, wetlands, prime or unique farmland, or ecologically significant or critical areas, including areas that normally are inundated by water or areas within the 100-year flood plain?</b></p> <p><u>Explanation/Remarks:</u> This proposed study is to document the effects of using light-touch California halibut trawl gear within a specific portion MBNMS and within state waters but should not adversely affect the area. The study is a short-term survey lasting four to five days and performing approximately 20 tows. Additionally the survey will use light-touch trawl gear that is thought to minimize physical disturbances and other impacts to the seafloor. No significant impacts to these areas are expected to occur. Further, we have conducted an Essential Fish Habitat (EFH) analysis with our Habitat Conservation Division which concluded that this proposed survey should have no adverse impact on any areas identified as EFH for Federally managed species, and should not have an adverse impact on EFH within Monterey Bay. NMFS SFD and CDFW will obtain a permit from the MBNMS to conduct this survey within the MBNMS.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>9. The proposed action may result in adverse social or economic impacts that are interrelated with natural or physical environmental effects?</b></p> <p><u>Explanation/Remarks:</u> This action would have no adverse social or economic impacts that are interrelated to the natural or physical environment because such relationships do not exist. The project consists of evaluating the effects of using light-touch California halibut trawl gear within Monterey Bay. The study is a short-term survey lasting four to five days and performing approximately 20 tows. Future surveys could result in small increased number of tows and days at-sea, as long as it is determined that the overall impact has not increased.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>10. The potential environmental effects of the action, including socio-economic impacts, may be the subject of public controversy?</b></p> <p><u>Explanation/Remarks:</u> The action would not be the subject of controversy. Although trawl fishing gear is not authorized for use in the study area, the light-touch trawl gear to be used in this study is authorized to be used for fishing for California halibut in the California Halibut Trawl Grounds in southern California. The proposed study is to compare the use of light-touch trawl gear to traditional trawl gear used in the California halibut trawl surveys. Additionally, the survey will provide another data set of relative abundance and length frequency to be used in the next central California halibut stock assessment. The survey will perform approximately 20 tows over a four to five day period. Further, all aspects of the study will be monitored and documented and resulting reports will be made available to the public. There is a minority opinion held by some that all the trawling is harmful but since this gear is designed to minimize environmental impacts and is already in use in southern California, it is expected that the results of this action may help inform that minority.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>11. The potential effects of the proposed action on the human environment are highly uncertain or involve unique or unknown risks?</b></p> <p><u>Explanation/Remarks:</u> There are no uncertainties or unique risks associated with the action. The project consists of evaluating the use of light-touch California halibut trawl gear within Monterey Bay over the course of four to five fishing days over flat, sand bottom in 10 to 35 fathoms of water.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>12. The action may establish a precedent or decision in principle about future agency actions?</b></p> <p><u>Explanation/Remarks:</u> This action does not set a precedent for future decision making. The results of the study may be used to inform future state actions on trawling for California halibut within Monterey Bay.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>13. This action is related to other actions (both NMFS and non-NMFS) that together may cumulatively adversely affect the quality of the human environment?</b></p> <p><u>Explanation/Remarks:</u> The proposed action is not related to other actions and consequently would not result in cumulative effects. The proposed study is to compare the use of light-touch trawl gear to traditional trawl gear used in the California halibut trawl surveys. Additionally, the survey will provide another data set of relative abundance and length frequency to be used in the next central California halibut stock assessment. The survey will perform approximately 20 tows over a four to five day period.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>14. The proposed action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources?</b></p> <p><u>Explanation/Remarks:</u> There are no impacts to the above objects. No such objects exist in the study area.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>15. The proposed action may adversely affect an endangered or threatened species or their critical habitat, or marine mammals or their critical habitat?</b></p> <p><u>Explanation/Remarks:</u> The action should not impact protected species or their designated critical habitat. We have prepared a Section 7 Endangered Species Act Consultation Biological Assessment for this proposed study. NMFS SFD determined that the proposed survey is not likely to adversely affect ESA species. NMFS PRD agreed with our conclusions and the informal consultation was finalized in May of 2013. The proposed study will compare the use of light-touch trawl gear to traditional trawl gear used in the California halibut trawl surveys. We hope the study may find that the light-touch trawl gear may lead to minimize impact on the seafloor and reduce protected species interactions for future surveys and the fishery (which is currently closed but the CA halibut fishery is open in the California Halibut Trawl Grounds in Southern California). The proposed study does have a marine mammal, sea turtle and green sturgeon protocol to be followed as a precaution and to minimize potential interactions with protected species. In previous California halibut surveys performed in 2007 and 2010 there were no interactions with any ESA-listed species or any protected species.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>16. The proposed action may violate Federal, State, or local law or requirements imposed for the protection of the environment? Related to this determination, is any laboratory, research center, or other facility to be used as part of this action currently operating in non-compliance with any federal, state, or local environmental law or regulation?</b></p> <p><u>Explanation/Remarks:</u> The proposed action will not violate any federal, state, or local law or requirement. Light-touch trawl fishing gear is already authorized for use in the California Halibut Trawl Grounds in Southern California. The proposed action is a research study not a fishery. The proposed study is to compare the use of light-touch trawl gear to traditional trawl gear used in the California halibut trawl surveys. Additionally, the survey will provide another data set of relative abundance and length frequency to be used in the next central California halibut stock assessment.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>17. The proposed action may result in the introduction or spread of a non-indigenous species?</b></p> <p><u>Explanation/Remarks:</u> No non-indigenous species will be introduced or spread during this project.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>18. The proposed action may jeopardize the sustainability of any Magnuson-Stevens Act (MSA) target species?</b></p> <p><u>Explanation/Remarks:</u> California halibut is not a MSA target species. The project will consist of 4-5 fishing days, and any MSA target species caught as bycatch would be caught in such low numbers as to not jeopardize their sustainability. Every effort will be made to release any fish bycatch species alive.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>19. The proposed action may jeopardize the sustainability of any non-target species?</b></p> <p><u>Explanation/Remarks:</u> The proposed study is to compare the use of light-touch trawl gear to traditional trawl gear used in the California halibut trawl surveys. Additionally, the survey will provide another data set of relative abundance and length frequency to be used in the next central California halibut stock assessment. The project will consist of 4-5 fishing days, and any species caught as bycatch would be caught in such low numbers as to not jeopardize their sustainability. Also, light-touch trawl gear is thought to have a lower rate of bycatch compared to that of traditional trawl gear. Every effort will be made to release any fish bycatch species alive.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
<p><b>20. The proposed action may cause damage to the ocean and coastal habitats and/or essential fish habitat as defined under the MSA and identified in fishery management plans?</b></p> <p><u>Explanation/Remarks:</u> The proposed study is to compare the use of light-touch trawl gear to traditional trawl gear used in the California halibut trawl surveys. The project will consist of 4-5 fishing days, over flat, sand bottom to help understand the extent of contact and impact the trawl net will have with the seafloor. The light-touch trawl gear is intentionally designed to minimize physical effects of the fishing gear on ocean and coastal habitats and/or essential fish habitat. Further, we have conducted an Essential Fish Habitat analysis with our Habitat Conservation Division which concluded that this proposed survey should have no adverse impact on any areas identified as EFH for Federally managed species, and should not have an adverse impact on EFH within Monterey Bay.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>21. The proposed action may result in cumulative adverse effects on the target species or non-target species as defined under the MSA?</b></p> <p><u>Explanation/Remarks:</u> The project consists of evaluating the use of light-touch California halibut trawl gear within Monterey Bay over the course of four to five fishing days. This is a short term study (not a fishery) and will not contribute to a significant increase in fishing effort. The CDFW will retain all sub-legal sized halibut and any halibut that do not survive towing for life history studies. All legal-sized halibut in good condition will be tagged and released. No fish will be landed as part of the annual catch specifications.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>22. The proposed action may adversely impact biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc)?</b></p> <p><u>Explanation/Remarks:</u> The project consists of evaluating the use of light-touch California halibut trawl gear within Monterey Bay over the course of four to five fishing days. Future surveys could result in small increased number of tows and days at-sea, as long as it is determined that the overall impact has not increased. The proposed short-term study should not adversely impact biodiversity and ecosystem function.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>If the proposed action is a Trustee Restoration Action administered by the Damage Assessment and Restoration Program pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Oil Pollution Act of 1990, or the National Marine Sanctuary Act, then the following questions must also be addressed.</u></p>				
<p><b>23. The action is intended to do something other than restore an ecosystem, habitat, biotic community, or population of living resources to a determinable pre-impact condition?</b></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Uncertain</u>	<u>N/A</u>
24. The action may transplant organisms <i>not</i> currently or formerly present at the site or in its immediate vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. The action may require dredging, excavation, or placement of fill?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. The action may involve the risk of human or environmental exposure to toxic or hazardous substances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IF YES OR UNCERTAIN WAS CHECKED FOR ANY OF THE ITEMS IN THE CHECKLIST, IT MAY BE NECESSARY TO DO ADDITIONAL NEPA REVIEW IN THE FORM OF AN ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT. CONTACT THE REGIONAL OR HQ NEPA COORDINATOR FOR FURTHER DISCUSSION AND GUIDANCE.**

**NEPA REVIEW DETERMINATION:**

- Upon review, this action meets the criteria to be categorically excluded from further compliance with the National Environmental Policy Act. *Exclusion category: 6.03c.3(a) Research Programs.* This is a project of limited size and magnitude with little to no short-term effects on the environment and for which any cumulative effects are negligible. Also, attach this list to the decision memorandum for the action.
- Upon review, this action does not qualify to be categorically excluded from further NEPA review. Therefore, at a minimum, an environmental assessment is required.

**PREPARED BY:**

Tonya L. Wick  
Printed Name/Signature

Fishery Policy Analyst  
Title

April 16, 2013  
Date

Shelby Mendez - NOAA Federal Apr 22

to me, Mark

Hi Tonya,

I have no comments to make on the subject categorical exclusion memo and checklist. Once all of the consultations are complete please proceed with finalizing the documents and have Mark sign the CE memo.

This email serves as my official review and clearance of the CE memo and checklist. Please retain this email for your records.

I do not need a copy of the signed memo.

Thank you,  
Shelby