



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


National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

March 7, 2006

MEMORANDUM FOR: The Record

FROM: Robert D. Mecum 
Acting Administrator, Alaska Region

SUBJECT: Categorical Exclusion (CE) for a Proposed Rule to Revise Regulations
Regarding Tagged Halibut and Tagged Sablefish

This proposed action is an amendment to 50 CFR part 679.40(g) regarding tagged Pacific halibut and tagged sablefish in the Individual Fishing Quota (IFQ) Program and in the Community Development Quota (CDQ) Program. This action is a regulatory change to ensure that only halibut and sablefish that are tagged with an official external research tag are excluded from quota deduction in the IFQ and CDQ Programs.

After reviewing the proposed rule (copy attached) in relation to NOAA Administrative Order (NAO) 216-6, including the criteria used to determine significance, we have determined that the proposed action, if implemented, would not individually or cumulatively have a significant effect on the human environment. Specifically, the proposed action qualifies for a CE under Section 6.03d.4(a) of NAO 216-6 because it is an ongoing and recurring fisheries action of a routine administrative nature and the action will not have any impacts that have not already been assessed. The proposed amendments to regulations that exempt tagged halibut and sablefish from IFQ debit and from CDQ debit do not affect the fishermen, gear, or fisheries. Rather, they reward participation in research programs promoting collection of data on sablefish and halibut with the intent of improving the information available for these fisheries.

This proposed action is categorically excluded under Section 5.05b of NAO 216-6 from further environmental review and the requirement to prepare an environmental review document because it is within the scope of several previous analyses detailed below that “for the “same [*sic*] action demonstrated that the action will not have significant impacts on the quality of the human environment.” This action does not trigger any of the exceptions to a CE listed under Section 5.05c of NAO 216-6 because it does not involve a geographic area with unique characteristics, is not the subject of public controversy based on potential environmental consequences, does not have uncertain environmental impacts or unique or unknown risks, does not establish a precedent or decision in principle about future proposals, will not result in cumulatively significant impacts, and will not have any adverse effects upon endangered or threatened species or their habitats.



This action is within the scope provided in the "Final Supplemental Environmental Impact Statement for the Individual Fishing Quota Management Alternative for Fixed Gear Sablefish and Halibut Fisheries; Gulf of Alaska and Bering Sea/Aleutian Islands," dated September 15, 1992. This action also is within the scope provided in the "Environmental Assessment for Regulatory Amendments Affecting Management of Halibut Fishing Under the Multispecies Community Development Quota Program," dated April 15, 1999. Amendments 39/41/5 implemented the groundfish and crab license limitation program and expanded CDQ allocations to include 7.5 percent of all BSAI groundfish, prohibited species, and crab, creating the "multispecies" CDQ Program. The North Pacific Fishery Management Council prepared an EA for Amendments 39/41/5 (final EA dated September 9, 1997). Based on the EA, NMFS concluded that the license limitation program and the expanded CDQ allocations would not have a significant impact on the environment. Additionally, the CDQ and the IFQ Programs were examined in the Programmatic SEIS for the Alaska Groundfish Fisheries (June 4, 2004). The Programmatic SEIS analyzed the impacts of groundfish fishing that would result from a broad array of policy-level programmatic fisheries management alternatives on the biological and economic environments of the BSAI and GOA.

Attachment