



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

*National Marine Fisheries Service*  
P.O. Box 21668  
Juneau, Alaska 99802-1668  
December 7, 2012

MEMORANDUM FOR: The Record

FROM: James W. Balsiger, Ph.D.  
Administrator, Alaska Region



for JWB

SUBJECT: Categorical Exclusion for Amendment 41 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs and Proposed Rule, RIN 0648-BA82

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 Amendment 41 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP), and its proposed implementing regulations (RIN 0648-BA82), qualify to be categorically excluded from further NEPA review.

### **Description of the Action**

The Crab Rationalization Program (CR Program) is a catch share program for nine BSAI crab fisheries that allocates those resources among harvesters, processors, and coastal communities. Persons received crab quota share (QS) based on their historic participation in one or more of the nine BSAI crab fisheries during a period of qualifying years. QS are an exclusive, revocable privilege allowing the owner to harvest a specific percentage of the annual total allowable catch (TAC) in a CR Program fishery. A QS holder's annual allocation, called individual fishing quota (IFQ), is expressed in pounds and is based on the amount of QS held in relation to the total QS pool for that fishery. NMFS also issued processor quota share (PQS) to qualified entities based on historic participation in CR Program fisheries during a period of qualifying years. PQS are an exclusive, revocable privilege to receive deliveries of a fixed percentage of the annual TAC from a CR Program fishery. Annual allocations derived from PQS are known as IPQ, and there is a one-to-one correlation between the amount of individual processing quota (IPQ) and IFQ issued for a given CR Program fishery.



The CR Program specifies that regional designations be attached to catcher vessel owner QS and Class A IFQ and PQS and IPQ. The regional delivery requirements are structured so that Class A IFQ and matching IPQ with a regional designation must be delivered and processed in the region from which the qualified landings giving rise to the QS and PQS occurred. Amendment 41 and its implementing regulations would provide IFQ holders, IPQ holders, and communities a process by which they may request and receive an exemption from regional delivery requirements specified at 50 CFR 680.40(b)(2) and (d)(2). This action seeks to promote regional delivery requirements while establishing a process to mitigate unforeseen disruptions in a CR Program fishery that may otherwise restrict the ability of participants to meet the delivery requirements. If approved, Amendment 41 would apply to the following CR Program fisheries: Bristol Bay red king crab, Bering Sea snow crab, Eastern Aleutian Islands golden king crab, Western Aleutian Island red king crab, Saint Matthew Island blue king crab, and Pribilof Islands red and blue king crab. The Western Aleutian Islands golden king crab fishery and the Eastern and Western Bering Sea Tanner crab fisheries are not included in this action.

### **Effects of the Action**

If approved, this action would promote the safety of human life at sea by allowing participants in the CR Program fisheries to delivery crab outside of a designated region under adverse circumstances that prevent deliveries in the designated region. In recommending Amendment 41, the Council recognized that weather conditions, or man-made situations, can restrict access to processing facilities in a given region. Currently, harvesters could be exposed to increased risk by attempting to meet regional landing requirements in inclement weather (e.g., icing conditions). If implemented this action would establish a process for participants to request that NMFS approve an inseason exemption from regulations that may unnecessarily pressure fishermen to fish in unsafe conditions. This action also is intended to provide for the sustained participation of communities intended to benefit from the regional delivery requirements by minimizing the adverse economic impacts of relieving the regional delivery requirement.

The proposed action would have no effect on the natural or physical environment that was not already considered in the Environmental Impact Statement (EIS) prepared for the CR Program. All participants are expected to benefit from this action relative to the status quo alternative because the proposed action would allow regionally designated IFQ to be landed outside of the designated region if an unanticipated factor would otherwise prevent compliance with regional delivery requirements. Allowing for the exemption will potentially reduce deadloss, promote full utilization of the TAC, and improve safety at sea. It is unlikely that any party to the exemption contract will benefit more than any other because all parties to the exemption contract must enter the contract willingly and may negotiate terms of compensation and mitigation pre-season thereby minimizing the need for the exemption and ensuring that parties harmed by the exemption receive reasonable compensation for their losses.

The environmental impacts of the CR Program were analyzed in the Final EIS for Bering Sea and Aleutian Islands Crab Fisheries. Due to the nature of this action, it is not predicted to have additional impacts beyond those identified in the EIS. This proposed action would not be

anticipated to significantly affect delivery patterns because it is designed to first prevent the need for an exemption and then to grant an exemption in those limited circumstances when it cannot be prevented. This action would not otherwise change the harvesting and processing of crab species in ways not previously analyzed in the alternatives provided in the EIS. The EIS concludes that for all of the components of the environment analyzed, the effects of the CR Program are insignificant based on the best available scientific information. This proposed action would not have an environmental impact different from the effects of the CR Program, let alone a significant environmental impact. No new significant information is available that would change these determinations in the EIS.

### **Categorical Exclusion**

This action would not result in any changes to the human environment. As defined in Sections 5.05b and 6.03a.3(b)(1) of NAO 216-6, the proposed action is a minor change to a previously analyzed and approved action, and the proposed change has no effect individually or cumulatively on the human environment. As such, it is categorically excluded from the need to prepare an Environmental Assessment or Environmental Impact Statement.

CC: AKR NEPA Coordinator  
NOAA NEPA Coordinator