

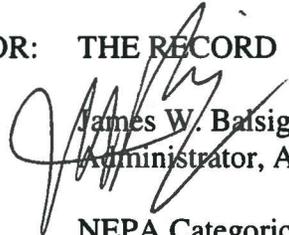


UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

October 25, 2017

MEMORANDUM FOR: THE RECORD

FROM:


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

SUBJECT:

NEPA Categorical Exclusion for Amendment 48 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (RIN 0648-BG84)

The National Oceanic and Atmospheric Administration's (NOAA) Environmental Review Procedures for Implementing the National Environmental Policy Act, NOAA Administrative Order (NAO) 216-6A, dated April 22, 2016; NOAA's Companion Manual for NAO 216-6A, dated January 13, 2017; and Council on Environmental Quality regulations require all proposed projects to be reviewed with respect to environmental consequences on the human environment.

Description of the Action

This action revises the American Fisheries Act (AFA) Program and the Crab Rationalization (CR) Program regulations and the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) to specify the ownership attribution method for Western Alaska Community Development Quota Program groups (CDQ groups) to be consistent with the method mandated by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (as amended by the Coast Guard and Maritime Transportation Act of 2006). Ownership attribution refers to the method NMFS applies to determine a person's holding and use of limited access privileges (LAPs) so NMFS can monitor the holding and use caps in LAP programs like the AFA and CR Programs. The Magnuson-Stevens Act mandates that NMFS use a specific ownership attribution method for CDQ groups.

Specifically, this action removes the application of the "10-percent" rule for the CDQ groups and replaces it with the proportional "individual and collective" rule. Since the 2006 amendment to the Magnuson-Stevens Act mandating the use of the individual and collective rule for CDQ groups, NMFS has implemented this modification in practice by using the individual and collective rule but has not revised the AFA or CR Program regulations or the Crab FMP. This action revises the regulations and the Crab FMP to make them consistent with the Magnuson-Stevens Act and current practice.



Effects of the Action

This action will benefit CDQ groups and the public by clarifying the method NMFS uses to attribute holding and use of harvesting and processing privileges by CDQ groups for purposes of monitoring holding and use caps for the AFA and CR Programs. This action revises the AFA and CR Program regulations and the Crab FMP for consistency with the Magnuson-Stevens Act and the current method of ownership attribution NMFS uses for CDQ groups in the AFA and CR Programs. This action is administrative in nature and will have no environmental effects because it will not modify fishing behavior.

Extraordinary Circumstances

This action is not part of a larger action, and therefore can be reviewed independently from other actions. Additionally, I considered the context in which the 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 the action and its anticipated effects set out above, I have determined that the action has no potential for significant adverse effects on: human health or safety; areas with unique environmental characteristics; species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Act, or 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

As defined in Section 4 and Appendix E of NOAA's Companion Manual for NAO 216-6A, this action is categorically excluded from the need to prepare either an Environmental Assessment or an Environmental Impact Statement. Specifically, the action falls into the category of actions subject to categorical exclusion identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1, an action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.