

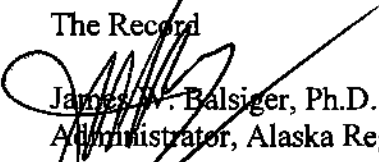


**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

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

July 21, 2014

MEMORANDUM FOR: The Record

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

SUBJECT: Categorical Exclusion for Amendment 96 to the Fishery  
Management Plan for Groundfish of the Gulf of Alaska Amending  
Halibut and Sablefish Community Quota Entity Regulations,  
RIN 0648-BD74

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 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP), and the associated amendment to the Pacific halibut and sablefish regulations qualify to be categorically excluded from further National Environmental Policy Act (NEPA) review.

### **Description of the Action**

Amendment 96 to the FMP and the regulatory amendment would modify the Individual Fishing Quota Program for the Fixed-Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters in and off Alaska (IFQ Program) and regulations at 50 CFR part 679 for management of community quota entities (CQEs) in the Gulf of Alaska (GOA) by removing the restriction on CQE use of small block quota shares (QS).

### **Effects of the Action**

This proposed action does not have the potential to pose significant effects, individually or cumulatively, on the human environment as identified in a previous NEPA analysis to implement the CQE Program. An environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA)<sup>1</sup> was prepared for the final rule that revised the existing IFQ Program regulations to explicitly allow a new group of non-profit entities to transfer and hold QS

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<sup>1</sup> North Pacific Fishery Management Council. 2004. Final Environmental Assessment/Regulatory Impact Review for Amendment 66 to the Fishery Management Plan for the Gulf of Alaska Groundfish to Allow Eligible Gulf of Alaska Communities to Hold Commercial Halibut and Sablefish Quota Share for Lease to Community Residents, March 15, 2004. 213 pgs. North Pacific Fishery Management Council, 605 West Fourth Avenue, Suite 306, Anchorage, AK 99501.



on behalf of residents of specific rural communities located adjacent to the coast of the GOA (69 FR 23681, April 30, 2004). The scope of the EA implementing the CQE Program included the potential impacts of no restriction on CQEs holding small block halibut and sablefish QS.

The EA, in accordance with section 5.03b and 5.05b of NAO 216-6, demonstrated no significant impact on the quality of the human environment based on analysis of actions similar to those proposed with this action. The EA concluded that the type of action proposed would not be expected to substantially alter the takes of halibut, sablefish, or bycatch rates of other groundfish. In addition this action would help ensure that the goal of providing access to local community residents is maintained by increasing access to small block QS and providing prospective new community entities and existing future individual participants an opportunity to enter into the fisheries through CQE participation.

### **Categorical Exclusion**

These actions would not result in any changes to the human environment. As defined in sections 5.05 and 6.03a.3(b) of NAO 216-6, the proposed Amendment 96 and the accompanying regulatory change are minor changes to previously analyzed and approved actions and the proposed changes have no effect individually or cumulatively on the human environment. As defined in sections 5.05b and 6.03d.4. of NAO 216-6, the proposed regulatory amendment to the CQE halibut and sablefish regulations is a fishery management action that individually and cumulatively does not have the potential to pose significant effects to the quality of the human environment.

As such, Amendment 96 and the accompanying regulatory amendment are categorically excluded from the need to prepare an Environmental Assessment or Environmental Impact Statement.

CC: AKR NEPA Coordinator  
NOAA NEPA Coordinator