



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

National Marine Fisheries Service

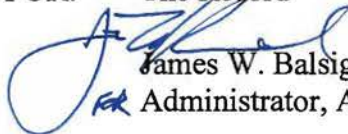
P.O. Box 21668

Juneau, Alaska 99802-1668

June 10, 2010

MEMORANDUM FOR: The Record

FROM:

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

SUBJECT:

Categorical Exclusion for Regulatory Amendment to Revise  
Method of Assigning Angler Endorsements to Charter Halibut  
Permits, RIN 0648-AY85

NOAA Administrative Order (NAO) 216-6, Environmental Review Procedures, requires all proposed agency actions to be reviewed for potential impacts on the human environment. This memo is to certify that the proposed action to revise federal regulations at 50 CFR 300.67 related to angler endorsements assigned to charter halibut permits under the limited access program for charter vessels in International Pacific Halibut Commission (IPHC) Areas 2C and 3A is categorically excluded from the need to prepare an environmental assessment pursuant to the National Environmental Policy Act (NEPA).

**Description of the action:**

The North Pacific Fishery Management Council (Council) recommended a limited access program for charter vessels in IPHC Areas 2C and 3A in March 2007. The intent of the program was to curtail growth of fishing capacity in the charter sector by limiting the number of charter vessels that may participate in the guided sport fishery for halibut in Areas 2C and 3A. NMFS published a final rule implementing the program on January 5, 2010 (75 FR 554). Under the program, NMFS will issue a charter halibut permit to a licensed charter fishing business owner based on his or her past participation in the charter halibut fishery.

Each charter halibut permit will have an angler endorsement number. The angler endorsement number on the permit is the maximum number of charter vessel anglers that may catch and retain halibut on board the vessel. Under the final rule implementing the limited access program, the angler endorsement assigned to a permit would be equal to the greatest number of anglers reported in an Alaska Department of Fish & Game logbook for any vessel the business used in 2004 or 2005, subject to a minimum endorsement of four. All permits issued to an applicant would have the same angler endorsement. For example, if an applicant used three vessels to qualify for three charter halibut permits and reported a maximum of six charter vessel anglers for one vessel and a maximum of four charter vessel anglers for the other two vessels in the



qualifying years, under the final rule the applicant would be issued three charter halibut permits, each with an angler endorsement of six.

In February 2010, the Council determined that the method of assigning angler endorsements to charter halibut permits implemented under the final rule is inconsistent with Council intent. If approved, the proposed action would revise the method for assigning angler endorsements to charter halibut permits issued to charter businesses receiving more than one permit. The intended effect of the proposed action is to more closely align angler endorsements with the actual greatest number of anglers reported on each vessel that a charter business used to qualify for a charter halibut permit. Using the previous example, under the proposed action the applicant would receive one permit with an angler endorsement of six, derived from the vessel for which the applicant reported a maximum of six charter vessel anglers, and two permits with an angler endorsement of four, derived from the two vessels for which the applicant reported a maximum of four charter vessel anglers in the qualifying period.

**Effects of the action:**

The proposed action would have economic effects, but no effect on the natural or physical environment in IPHC Areas 2C and 3A that was not already considered in the Environmental Assessment (EA) prepared for the charter halibut limited access program.

This action would reduce the angler endorsement numbers assigned to some charter halibut permits, while leaving other angler endorsement numbers unaffected. A permit with fewer angler endorsements will authorize fewer charter vessel anglers on any given fishing trip. In general, this would tend to reduce the potential for profit from that charter halibut permit and reduce its value, if it is a transferable permit. Thus, a charter business receiving a charter halibut permit with a reduced angler endorsement may be adversely impacted, relative to the status quo. However, this impact is likely to be balanced by the reduced purchase costs of affected charter halibut permits by future holders of those permits. Economic impacts are predicted to result from the proposed action; however, economic effects are not intended by themselves to require preparation of an EA or Environmental Impact Statement under NEPA. The economic impacts are fully analyzed in the Regulatory Impact Review and Initial Regulatory Flexibility Analysis prepared for the proposed action.

The proposed action is not expected to have a significant impact on current charter industry capacity in Areas 2C or 3A, or on its ability to respond to modest growth in demand. Because the program should have little impact on fleet capacity, it should have little impact on harvest of halibut by charter vessel anglers.

The environmental impacts of the charter halibut limited access program, including the effects of angler endorsements assigned to charter halibut permits, were analyzed in the EA for the regulatory amendment to limit entry in the halibut charter fisheries in IPHC Regulatory Areas 2C and 3A, which is available on the Alaska Region website at [http://alaskafisheries.noaa.gov/analyses/halibut/earirfrfa\\_charter\\_vessel\\_moratorium110609.pdf](http://alaskafisheries.noaa.gov/analyses/halibut/earirfrfa_charter_vessel_moratorium110609.pdf). Due to the nature of the proposed action, it is not predicted to have additional environmental impacts beyond those identified in the EA. This action would reduce the number of angler endorsements assigned to charter halibut permits issued under the limited access program. This

proposed action would achieve the distributional objectives of the Council, and would be unlikely to affect the overall harvest of halibut, nor substantially change the timing or manner of halibut removals by charter vessel anglers in IPHC Areas 2C and 3A. The EA prepared for the limited access program concluded that for all of the components of the environment analyzed, the effects of the program were insignificant based on the best available scientific information. This proposed action would not have an environmental impact different from the effects of the limited access program, let alone a significant environmental impact. No new significant information is available that would change these determinations in the EA.

**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 EA or an Environmental Impact Statement.

CC: AKR NEPA Coordinator  
NOAA NEPA Coordinator