

**Finding of No Significant Impact for  
Regulatory Amendment to authorize a Recreational Quota Entity (RQE) that may hold  
commercial halibut quota share for use by charter halibut anglers [RIN 0648-BG57]**

National Marine Fisheries Service

NOAA Administrative Order (NAO) 216-6A (April 22, 2016) "Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands" requires all proposed actions to be reviewed with respect to environmental consequences on the human environment in accordance with the Companion Manual for NAO 216-6A (January 13, 2017), Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities.

The Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with all other criterion. The significance of this action is analyzed based on the Companion Manual criteria and CEQ's context and intensity criteria. These include the below.

*1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?*

**Response:** No, the proposed action is not expected to jeopardize halibut, the target species affected by this action. The proposed action alternative to authorize a Recreational Quota Entity (RQE) to purchase and hold commercial halibut quota share is chiefly motivated by social and economic concerns. No combination of the elements and options under the proposed action would influence the annual combined catch limit set by the International Pacific Halibut Commission (IPHC) for the guided sport (charter) and commercial sectors. Both sectors would still be constrained by the total catch limits set for each regulatory area based on halibut abundance. As both types of fishing occur under the status quo, the footprint of the fishery and relative timing of the fisheries would be expected to remain the same under the proposed action, as regulations regarding seasons and gear type would be unchanged (EA Section 6.2 and 6.3).

*2) Can the proposed action reasonably be expected to jeopardize the sustainability of any non-target species?*

**Response:** No, the proposed action is not expected to jeopardize the sustainability of any non-target species that may be affected by this action. Groundfish are the primary non-target species affected by the proposed action. The potential shift of halibut fishing intensity from the commercial sector to the charter sector is not expected to result in increased discards of groundfish or to impact groundfish prey, stock biomass, or spatial or temporal distribution of groundfish in any significant way (EA Section 6.2).

*3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?*

Response: The proposed action is not expected to cause any damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs. No effects are presumed for these components because the current manner in which the fish are harvested would remain unchanged from the status quo. No effects on the ecosystem are anticipated because the seasons, gear type, harvest limits and regulations protecting habitat and important breeding areas would remain the same. The impact of current fishing patterns on ecosystems are analyzed in previous NEPA documents and would not be changed by this proposed action (EA Section 6.2).

*4) Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?*

Response: Public health and safety is not expected to be adversely affected by authorizing an RQE to purchase and hold commercial halibut quota share, as described under the proposed action. The primary change resulting from the proposed action is the potential for a shift in harvest intensity from the commercial sector to the charter sector. Safety conditions are expected to be consistent with the status quo, as neither commercial nor charter sectors would be expected to change the way they catch fish or run their operations. (RIR Section 4.8.2.4)

*5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?*

Response: No impacts are expected on seabirds because the proposed action would not introduce a new gear type or change fishing patterns in a way that would be more likely to result in the incidental take of seabirds. This proposed action also would not affect the availability of forage fish for prey or their benthic habitat because the overall harvest allocation of halibut would not be changed by this action and the hook-and-line gear types used by both sectors would not change due to this action. It is also not anticipated that the proposed action would affect marine mammals present in the areas affected by the action. As the footprint of the fisheries and the gear types remain unchanged from the status quo, no changes in incidental takes or disturbance of marine mammals would be expected under the proposed action (EA Section 6.2).

*6) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

Response: The proposed action is not expected to have a substantial impact on the benthic community due to a shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector as proposed under this action. The footprint of these fisheries would be expected to remain consistent with the status quo and the levels of intensity would not reach a higher degree than they have in the past. That is, regardless of commercial quota share acquired by a potential RQE, guided anglers would not be able to exceed harvest limits above the

current limits for the unguided sector (i.e., anglers may retain two halibut of any size per day) (EA Section 6.2).

*7) Are significant social or economic impacts interrelated with natural or physical environmental effects?*

Response: No significant social or economic impacts interrelated with natural or physical environmental effects are expected from this action. The proposed action is primarily a resource allocation issue that authorizes an entity to be developed on behalf of charter halibut anglers, with the opportunity to purchase commercial halibut quota share. The social and economic impacts of the proposed action were analyzed in the Regulatory Impact Review completed for the action. Due to the limits within the proposed action on the acquisition of commercial quota share by the charter sector, the impacts are not expected to be significant. Because both sectors would still be constrained by the total catch limits set for each regulatory area based on halibut abundance and the footprint of the fishery and relative timing of the fisheries would be expected to remain the same, there are no known natural or physical environmental effects associated with significant social or economic impacts. (EA Section 6.2)

*8) Are the effects on the quality of the human environment likely to be highly controversial?*

Response: The proposed action is not controversial and no controversy was noted in public comments to the Council or NMFS about the data and information used to evaluate the impacts of the action on the human environment. The Council previously made allocation decisions between the commercial and charter halibut sectors under the Catch Sharing Plan (EA Section 6.1 and RIR Section 4.8.2)

*9) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas?*

Response: The proposed shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector will not impact park land, farmlands, wetlands, wild and scenic rivers, or ecologically critical areas as these areas do not overlap with the area where the charter halibut fishery occurs. (EA Section 6.2)

*10) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

Response: The effects on the human environment from the proposed shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector are not expected to be highly uncertain or involve unique or unknown risk. The interaction between the commercial halibut fishery and the charter halibut fishery and their effects on the human environment were analyzed previously under the EA for a Regulatory Amendment for a Pacific Halibut Catch Sharing Plan for the Charter Sector and Commercial Setline Sector in International Pacific Halibut Commission Regulatory Area 2C and 3A (November 2013). The effects of the proposed action on the human environment fall within the bounds of that previous analysis. (EA Section 6.2)

*11) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?*

Response: No past, present, or reasonably foreseeable future actions were identified that would combine with the effects of this action to result in cumulatively significant impacts. (EA section 6.5)

*12) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?*

Response: There is no evidence that the proposed shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector will adversely affect entities listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. (Section 2.3)

*13) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?*

Response: There is no evidence that the proposed shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector will result in the introduction or spread of a nonindigenous species. (EA Section 6.2)

*14) Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?*

Response: The proposed shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector does not set a precedent for future actions with significant effects and does not represent a decision in principle about future considerations.

*15) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?*

Response: The proposed action to allow a shift in the intensity of hook-and-line halibut fishing from the commercial to the charter sector will not result in a violation of a Federal, state or local law for environmental protection.

*16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?*

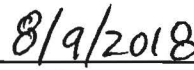
Response: No. The effects on target and non-targeted species from the proposed action are minor as the overall harvest of these species will not be affected. No cumulative effects were identified that, added to the direct and indirect effects on target and non-targeted species, would result in significant effects (EA Section 6.2 and 6.5).

## DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Regulatory Impact Review/Initial Regulatory Flexibility Act/Environmental Assessment analysis prepared for the Regulatory Amendment to authorize a Recreational Quota Entity (RQE) that may hold commercial halibut quota share for use by charter halibut anglers, it is hereby determined that the proposed action will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.



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



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