

January 24, 2011

MEMORANDUM FOR: The Record

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

SUBJECT: Categorical Exclusion for Amendment 37 to the Fishery
Management Plan for Bering Sea/Aleutian Islands King and
Tanner Crabs, RIN 0648-BA11

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 the proposed action to revise Federal regulations at 50 CFR 680.4 and 680.7 related to a contractually agreed upon annual exemption from the Western Aleutian Golden king crab fishery West regional delivery requirements is categorically excluded from the need to prepare an environmental assessment pursuant to the National Environmental Policy Act (NEPA).

Description of the Action:

NMFS established the Bering Sea/Aleutian Islands Crab Rationalization Program (Program) as a catch share program for nine crab fisheries in the BSAI and assigned quota share (QS) to persons based on their historic participation in one or more of these nine BSAI crab fisheries during a specific time period. Each year, a person who holds QS may receive an exclusive harvest privilege for a portion of the annual total allowable catch, called individual fishing quota (IFQ). NMFS also issued processor quota share (PQS) under the Program. Each year, PQS yields an exclusive privilege to process a portion of the IFQ.

The Program established regional designations on Western Aleutian Islands golden king crab (WAG) fishery QS and PQS, and the associated IFQ and individual processor quota (IPQ), to ensure that the communities of Adak and Atka receive socioeconomic benefits from crab deliveries. In the West region (west of 174° W. Long.), regulations implementing the Program require WAG harvested with West designated IFQ to be delivered to a processor located in the West region with West designated IPQ, see 50 CFR Part 680.7(a)(2) and (a)(4); however, processing capacity may not exist in the remote region each season.

This proposed action would establish a process for specified participants to contractually agree to request that NMFS exempt WAG IFQ and IPQ holders from the West regional delivery

requirements at 50 CFR 680.7(a)(2) and (a)(4). All eligible contract signatories, including the cities of Adak and Atka, would submit an annual application for the exemption, including an affidavit affirming a master contract has been signed.

Effects of the Action:

The environmental impacts of the Program, including the West regional delivery requirements, were analyzed in the Bering Sea/Aleutian Islands Crab Fisheries Final Environmental Impact Statement (EIS). This proposed action is not predicted to have additional impacts beyond those identified in the EIS. The EIS concludes that for all of the components of the environment analyzed, the effects of the 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 Program, let alone a significant environmental impact because this proposed action would not expand or otherwise modify fishing effort, shift effort to other areas, or change the methods or gear used to harvest crab. This proposed action may permit additional crab to be processed in locations further from the fishing grounds; however, these impacts were identified in the EIS. No new significant information is available that would change these determinations in the EIS.

The proposed action would have social and economic effects, but no effect on the natural or physical environment not already considered in the EIS prepared for the Program. Approving an exemption would allow IFQ and IPQ holders to deliver WAG east of 174° W. Long.; however, this proposed action would require the written consent of the two communities in the West region intended to benefit from the West regional delivery requirements. Although the City of Adak would lose the wages, support services, and the tax revenue from having the crab processed outside of their community in the short term, any negotiations for compliance with the exemption would likely promote the development of processing capacity within the remote region. In addition, an exemption would likely result in increased costs to WAG IFQ holders and IPQ holders, thus, unanimous consent to an exemption would only occur in years when all designated signatories receive benefits.

Social and Economic effects are predicted to result from the proposed action; however, social and economic effects are not intended by themselves to require preparation of an Environmental Assessment or Environmental Impact Statement under NEPA. The social and economic impacts of the action have been fully analyzed in the Regulatory Impact Review prepared for this proposed action.

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 an EIS.