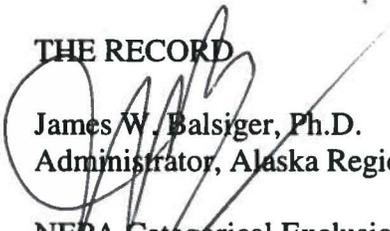




**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic Atmospheric Administration**  
*National Marine Fisheries Service*  
P.O. Box 21668  
Juneau, Alaska 99802-1668  
September 25, 2019

MEMORANDUM FOR: **THE RECORD**

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

SUBJECT: NEPA Categorical Exclusion for a Regulatory Amendment to  
Establish an Annual Registration Requirement for Charter Halibut  
Permits [RIN 0648-BH94]

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. This document supersedes the Categorical Exclusion, dated May 20, 2019, that was published with the proposed rule for this action.

### **Description of the Action**

The action establishes an annual registration requirement for Charter Halibut Permits (CHPs) in International Pacific Halibut Commission (IPHC) regulatory areas 2C (Southeast Alaska) and 3A (Southcentral Alaska).

In IPHC Areas 2C and 3A, all vessel operators with guided anglers on board are required to have a valid CHP on board whenever halibut are caught and retained. Currently, 955 CHPs are held by approximately 550 charter operators and other entities, and were originally issued based on fishery participation during qualifying periods in 2004, 2005, and 2008. Operators in the charter halibut fishery with more extensive participation during these periods were issued transferable CHPs, while operators with less participation, but some demonstrated dependence on the fishery, were issued nontransferable CHPs. Nontransferable CHPs were issued to minimize disruption to active operators, while allowing for the gradual reduction of capacity over time as holders left the fishery or changed ownership structure. In addition, 20 Community Quota Entities hold 104 Community Charter Halibut Permits (Community CHPs), and 4 U.S. Military Morale, Welfare, and Recreation Programs hold 7 Military Charter Halibut Permits (Military CHPs). Community CHPs and Military CHPs are nontransferable and were issued by NMFS in limited quantities not based on historical participation, but to provide economic benefits to small rural communities and allow military service members harvesting opportunity. Community CHPs require annual reporting which provides information to NMFS and the North Pacific Fishery Management Council (Council) about their use. However, for CHPs there is no regular information collection. This limits information available to the Council for tracking and understanding



changes and trends in CHP ownership, participation, and leasing for the majority of charter halibut fishery participants. This information gap makes enforcement of CHP use on the water and accurate accounting of the expected retirement of nontransferable CHPs difficult.

The action requires active CHPs to be registered with NMFS annually, including the submission of permit holder name, contact information, and ownership structure, as well as whether financial compensation was received for use of the CHP in the preceding year. The Council and NMFS have limited information available to evaluate if the original intent of the issuance of transferrable and nontransferable CHPs continues to be met under current regulations. For existing CHPs, the ownership and contact information provided at initial permit issuance is required to be updated within 15 days of a change in ownership structure, or within 30 days of a holder's death. NMFS has limited ability to enforce reporting these reporting requirements. For transferrable CHPs, ownership information is also updated when a transfer occurs. If a transfer does not occur, or for nontransferable CHPs where no transfers can occur, CHP holder information may be out of date or otherwise incorrect. The irregular occurrence of events that trigger direct information collections creates a potentially inconsistent record of CHP changes. Information about whether financial compensation was received for use of the CHP has not been previously collected and provides information about the prevalence of leasing in the fishery. Military CHPs and Community CHPs are exempt from this requirement as there is existing information about these special permit holders.

### **Effects of the Action**

The action provides annually collected information to the Council and NMFS about CHP ownership, participation, and leasing trends that may be relevant to informing potential future changes to charter halibut fishery management. The action would also aid enforcement by improving accounting of valid CHPs on the water and address important data gaps in CHP ownership, use, retirement, and leasing while still allowing charter businesses to continue their operations without modification beyond the basic annual registration requirement.

This action would affect approximately 550 CHP holders. In total, NMFS has issued approximately 1,000 CHPs for the combined Areas 2C and 3A. The CHP registration requirements do not change regulations regarding use or transfer, and are not expected to change participation of valid CHPs in the charter halibut fishery. A minority of CHPs are nontransferable and expected to gradually be retired out of the fishery as holders leave the fishery, change ownership structure, or die. The annual registration requirement would better account for these previously intended changes. It is not expected to have any independent impact on CHP use. This action is administrative in nature and would not modify the charter fleet's fishing behavior, fishing location, timing, effort, authorized gear types, or total harvest levels.

## **Extraordinary Circumstances**

This action 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 proposed 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 proposed 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.