



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
June 25, 2020

MEMORANDUM FOR: The Record

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

SUBJECT: Categorical Exclusion (CE) for a Regulatory Amendment to Allow
Community Quota Entity Individual Fishing Quota Fish Up in
Area 3A. [RIN 0648-BJ34]

The National Oceanic and Atmospheric Administration's (NOAA) Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities (NOAA Administrative Order 216-6A and Companion Manual for NAO 216-6A) establishes NOAA's policy and procedures for compliance with the National Environmental Policy Act, the CEQ regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 and 13690 (Floodplain Management), and EO 11990 (Protection of Wetlands). It was used by NOAA to examine this regulatory amendment to allow Community Quota Entity Individual Fishing Quota fish up in area 3A for its potential to impact the quality of the human environment as discussed below.

Description of the Action

This action would implement a "fish up" provision in the halibut Individual Fishing Quota (IFQ) Program. Community Quota Entities (CQEs) located in IFQ regulatory Area 3A (Southcentral Alaska) holding category D halibut quota share (QS) (i.e., for use on catcher vessel less than or equal to 35 ft length overall) would be able to use that IFQ on category C vessels (catcher vessels less than or equal to 60 ft length overall) beginning August 15 of each IFQ fishing season.

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). In 1995, NMFS implemented the IFQ Program to allocate halibut and sablefish QS to fishery participants. After its implementation, the North Pacific Fishery Management Council (Council) recognized that small, remote, coastal communities in the Gulf of Alaska (GOA) were struggling to retain QS in their communities. In 2004, the Council recommended and NMFS implemented the CQE Program to provide these communities with long-term opportunities to access the halibut and sablefish resources. The CQE Program allows 46 small, remote, coastal communities in the GOA to purchase and hold catcher vessel halibut QS in IPHC Areas 2C, 3A, and 3B (Southwest Alaska). CQEs are non-profit entities that hold QS and lease the resulting annual IFQ it to eligible community residents in order to maintain fishery privileges and provide local economic opportunity.

Modifying the regulations to allow harvesting on larger vessels near the end of the season would provide more flexibility to CQE participants to fully harvest their category D quota in



Area 3A. Allowing CQEs located within 3A to fish category D IFQ on category C vessels in Area 3A will further the Council's intent of facilitating the ability of CQE communities to secure and maintain long-term opportunities to access halibut. By limiting use of the exemption to the end of the season as a contingency plan, this action is also consistent with the intent of the IFQ program to maintain the historical vessel size character of the fleet.

CE Category

Category A1. Trust Resource Management Actions. 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.

Effects of the Action

This action would allow halibut IFQ derived from QS assigned to vessel category D in Area 3A held by a CQE located in Area 3A to be used on category C vessels from August 15 to the end of the IFQ fishing season. This would allow an eligible community resident leasing CQE derived category D IFQ to fish on a larger category C vessel beginning on August 15. This action may result in a small amount of IFQ being harvested on a larger vessel class. However, use of this provision is voluntary. Gear type, legal fishing area, fishing season, and harvest level would not be modified by this action and are identical for both category C and D vessels harvesting IFQ halibut.

Currently, one CQE in Area 3A owns 159,075 units of Area 3A category D halibut QS (6,324 IFQ pounds in 2018). By regulation, the maximum amount of QS that this action could apply to is 10 percent of Area 3A category D QS (0.7 percent all Area 3A QS). Potentially, up to 14 CQE communities could be affected by this action. This action is not expected to have a significant impact on other IFQ Program participants. Use of this provision would be voluntary and is expected to have a small but potentially beneficial impact on CQEs.

This action would also make a non-substantive housekeeping amendment to consolidate the Application for Temporary Military Transfer of IFQ and the Application for Temporary Transfer of Halibut/Sablefish IFQ into a single form.

Therefore, this action is not expected to have a significant impact. NMFS intends this rule to be effective by August 2020.

Extraordinary Circumstances

This action can be reviewed independently from other actions. Additionally, I considered the context in which this 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 this action and its anticipated effects set out above, I have determined that this 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. This 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 Determination

Based upon the above analysis, NOAA has determined that the action proposed: falls within NAO 216-6A, Appendix E, A1- Trust Resource Management Actions; a category of actions that does not individually or cumulatively have a significant effect on the quality of the human environment; is not connected to a larger action (40 CFR 1508.25(a)); and does not involve extraordinary circumstances precluding use of the CE. As such, NOAA has determined that it is categorically excluded from further NEPA review.

The original signed memorandum will be maintained in the record for the action.