



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

June 1, 2020

MEMORANDUM FOR: The Record

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

SUBJECT: Categorical Exclusion (CE) for an Emergency Rule for a  
Regulatory Amendment to Allow Flexibility for Halibut and  
Sablefish IFQ Transfers in 2020

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 action to allow flexibility for halibut and sablefish Individual Fishing Quota (IFQ) transfers in 2020 for its potential to impact the quality of the human environment as discussed below.

**Description of the Action(s):**

This is an emergency rule to modify the halibut and sablefish IFQ Program that would provide flexibility for quota share (QS) holders to temporarily transfer their IFQ to an eligible individual to harvest their IFQ. This emergency rule would apply only to catcher vessel QS that is held by individuals. Any individual who holds B, C, or D vessel class QS would be able to temporarily transfer their IFQ during the remaining 2020 IFQ fishing season. This action would not modify any additional restrictions on IFQ transfers and this temporary transfer provision is valid only for the 2020 IFQ fishing season.

**CE category number, title, and CE text that applies to the proposed action(s):**

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(s):**

Travel restrictions and health mandates have severely impacted IFQ fishing operations and resulted in substantial logistical challenges and costs for fishery participants and coastal communities. Allowing all IFQ holders to transfer IFQ will provide much-needed flexibility to



respond to uncertainty surrounding the duration and extent travel restrictions and health mandates, and maximize opportunities to get IFQ harvested efficiently. In these unforeseen circumstances, it makes sense to provide this level of flexibility to every IFQ holder to minimize their personal risk.

Allowing the temporary transfer of IFQ for any reason would provide the flexibility for IFQ holders to address the challenging economic, social, and public health conditions they face. This approach is also the least administratively burdensome as noted in the analysis. This flexibility may reduce travel in and out of Alaska and could reduce travel to remote fishing communities that have limited healthcare capacity.

### **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 proposed action.

