



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

March 3, 2021

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 2021 [0648-BK41]

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 2021 for its potential to impact the quality of the human environment as discussed below.

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

This is an emergency rule that modifies the Alaska halibut and sablefish IFQ Program to 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. This rule would not apply to catcher vessel QS that is held by corporations, partnerships, or other non-individual entities. Any individual who holds B, C, or D vessel class QS, as defined in 50 CFR part 679.41 would be able to temporarily transfer their IFQ during the 2021 IFQ fishing season. This action would not modify any additional restrictions on IFQ transfers and this temporary transfer provision is valid only for the 2021 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):**

The unexpected continuation of the COVID-19 pandemic without widespread vaccinations poses risks to harvesters and processors and continues to cause unforeseen management and



operational issues in fisheries. This emergency rule would not impose additional restrictions but would alleviate limitations on the fishery to address an unprecedented situation. A similar emergency rule was implemented in June of 2020 to provide temporary IFQ transfers for the remainder of the season. The 2020 rule was implemented with the intent of providing flexibility for the fishery in the face of travel disruptions, health advisories, or other operational challenges posed by the COVID-19 pandemic. However, the Council did not foresee the extended duration of those disruptions due to the ongoing nature of the pandemic. Allowing any individual who holds B, C, or D vessel class QS to transfer IFQ in 2021 would provide much-needed flexibility to respond to uncertainty surrounding the duration and extent of impacts and would, maximize opportunities to get IFQ harvested efficiently while minimizing risk to fishery participants. This action is administrative in nature and would not result in changes to fishing location, timing, effort, authorized gear types, or harvest levels beyond the scope of the current regulatory restrictions. This approach utilizes existing administrative processes which minimizes additional administrative burden as noted in the analysis.

### **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.