



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

May 25, 2022

MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland 
Administrator, Alaska Region

SUBJECT: Categorical Exclusion (CE) for the Final Rule to Modify the 2022 Halibut Individual Fishing Quota Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C and 4D (RIN 0648-BL28)

The National Oceanic and Atmospheric Administration's (NOAA) Policy and Procedures for Compliance with the National Environmental Policy Act (NEPA) 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 NEPA, the Council on Environmental Quality regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 (Floodplain Management), and EO 11990 (Protection of Wetlands). It was used by NOAA to examine the action to remove halibut vessel harvest limits in portions of the Bering Sea and Aleutian Islands for its potential to impact the quality of the human environment as discussed below.

Description of the Action:

Commercial halibut fishing off the coast of Alaska is managed under an Individual Fishing Quota (IFQ) Program implemented by Federal regulations under the authority of the Northern Pacific Halibut Act of 1982. One feature of the IFQ Program is a limit on the maximum amount of halibut that may be harvested by a vessel (herein referred to as vessel caps). This action temporarily removes IFQ halibut vessel caps for the remainder of the 2022 fishing year in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This final rule does not modify other elements of the IFQ Program, nor does it increase or otherwise modify the 2022 halibut catch limits or any other conservation measures.

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(s):

This is a temporary action that does not change halibut catch limits or any other conservation measures currently in place for the fishery. This action implements the intent of the North Pacific Fishery Management Council (Council). On February 10, 2022, the Council requested the

Secretary promulgate expedited regulations to remove vessel use cap regulations under 50 CFR Section 679.42(h)(1) for IFQ halibut harvested in IPHC regulatory Areas 4A, 4B, 4C, and 4D for the 2022 IFQ fishing season. This request was based on stakeholder input, which highlighted the need for flexibility to address continued impacts of the COVID-19 pandemic to the fishery. Additional harvest flexibility is needed as soon as practicable to facilitate harvest of the halibut resource during the 2022 IFQ fishing year. This rule is consistent with the objective of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea to develop the stocks of halibut of the Northern Pacific Ocean and Bering Sea to levels that permits the optimum yield from that fishery and to maintain the stocks at those levels. The Council recommended this action and NMFS considered the best available information for the management measures implemented by this final rule.

This regulatory amendment is a technical change to a fishery management regulation that does not result in a substantial change to fishing location, timing, effort, authorized gear types, or harvest levels. This approach does not adversely impact conservation and management in the halibut commercial fishery.

Therefore, this action is not expected to have a significant impact. NMFS intends this rule to be effective by June 2022.

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 removing the vessel harvest limits for halibut IFQ in Areas 4A, 4B, 4C, and 4D has no potential for significant adverse effects on human health or safety. Because this action does not change fishing locations or increase effort, it does not impact areas with unique environmental characteristics, species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Act, 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. There is no potential to cause disproportionately high and adverse effects on the health or the environment of minority or low-income communities, compared to the impacts on other communities. This action does 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 Determination:

Based upon the above analysis, NOAA has determined that the final action falls within the category of actions subject to CE identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, 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 CFR1501.9(e)(1)); 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 final action.