



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic Atmospheric Administration**  
*National Marine Fisheries Service*  
P.O. Box 21668  
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September 1, 2021

MEMORANDUM FOR: The Record

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

SUBJECT: Categorical Exclusion (CE) for Standardized Bycatch Reporting Methodology Amendments: Amendment 51 to the Fishery Management Plan (FMP) for Bering Sea/Aleutian Islands (BSAI) King and Tanner Crabs (Crab FMP), Amendment 17 to the Scallop FMP, and Amendment 14 to the Salmon FMP [RTID 0648-XA980]

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 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 proposed action to clearly define standardized bycatch reporting methodologies (SBRM) in the Crab, Scallop, and Salmon FMPs for their potential to impact the quality of the human environment as discussed below.

**Description of the Action:**

Section 303(a)(11) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that every FMP establish an SBRM to assess the amount and type of bycatch occurring in the fishery. On January 19, 2017, the National Marine Fisheries Service (NMFS) published a final rule (82 FR 6317) establishing national guidance for compliance with this requirement. As noted in the final rule and required by 50 CFR 600.1610(b), regional fishery management councils, in coordination with NMFS, must review their FMPs and make any necessary changes so all FMPs are consistent with the guidance by February 21, 2022.

In February 2020, the North Pacific Fishery Management Council (Council) received a report on current FMPs managed by the Council and their consistency with the SBRM final rule. At that meeting, the Council determined that the BSAI and Gulf of Alaska



Groundfish FMPs and Arctic FMP were in compliance with the SBRM final rule, while the Crab, Scallop, and Salmon FMPs needed FMP amendments to be consistent. The purpose of this action is to explicitly state and clearly define the SBRMs in the Crab, Scallop, and Salmon FMPs in order to be in compliance with the SBRM final rule. An SBRM must be an established, consistent procedure or procedures used to collect, record, and report bycatch data in a fishery (50 CFR 600.1605(a)). These may include, but are not limited to, data collection and reporting programs such as observer programs, electronic monitoring, and self-reported mechanisms (e.g. landing reports or “fish tickets”) (50 CFR 600.1610(a)(1)). A SBRM can be a single method or a combination of methods.

**CE Category A1: An action that is a technical change to a fishery management regulation**

CE category A1 is appropriate for this action since these FMP amendments are technical changes to the Crab, Scallop, and Salmon FMPs to more clearly define existing SBRMs. These FMP amendments would not change how these fisheries operate, and would not add any new regulatory requirements. These FMP amendments would result in no change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.

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

This action would affect the Crab, Scallop, and Salmon FMPs, which are under the jurisdiction of the Council. The action would add to or modify language in these three FMPs to more transparently reflect and articulate how bycatch is currently reported in the fisheries managed by the Council. This action would not change how fisheries are managed, nor would the proposed action alter the way the fisheries operate. Based on the limited scope of the proposed action, impacts are not expected on fishery participants nor on participants in other fisheries. NMFS intends these FMP amendments to be effective by October 2021.

**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 defining SBRMs in the Crab, Scallop, and Salmon FMPs has no potential for significant adverse effects on human health or safety. Because this action will not be changing fishing locations or effort, it will 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. Nor is there the 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 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.

**CE Determination:**

Based upon the above analysis, NOAA has determined that the action proposed: falls within the category of actions subject to CE identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1, an action that is a technical correction of 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--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 1501.9(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 action.