MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland
Administrator, Alaska Region

SUBJECT: Categorical Exclusion (CE) for the Temporary Rule for Emergency Action to implement Bering Sea and Aleutian Islands Crab Rationalization Program; Crew Quota Share Emergency Rule; RIN 0648-BL60

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 National Environmental Policy Act, the CEQ regulations, Executive Order (EO) 12114 (Environment Effects Abroad of Major Federal Actions), EO 11988 (Floodplain Management), and EO 11990 (Protection of Wetlands) were used by NOAA to examine the Temporary Rule for Emergency Action to implement Bering Sea and Aleutian Islands Crab Rationalization Program; Crew Quota Share Emergency Rule for its potential to impact the quality of the human environment as discussed below.

Description of the Action:
This action would provide flexibility to Bering Sea and Aleutian Islands Crab Rationalization Program (CR Program) participants who hold crew quota share (QS) or “C shares” which is comprised of catcher vessel crew (CVC) QS or catcher/processor crew (CPC) QS in the 2022/2023 crab fishing year. This action would temporarily suspend the participation requirements under the CR Program for CVC QS and CPC QS holders. This action would temporarily remove the Regional Administrator’s obligation to consider an individual’s recent participation in reviewing 2022 applications for C share Individual Fishing Quota (IFQ) and making decisions about whether to withhold IFQ or revoke QS in the 2022/2023 crab fishing year and would not modify other provisions of the CR Program.

CE category number, title, and CE text that applies to the proposed action:
The CE category A1 is appropriate for this action, since this regulatory amendment is a technical change to a fishery management regulation and will not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels. This action is not connected to a larger action and can therefore be reviewed independently from other actions under NEPA.
Effects of the Action:
This action temporarily removes NMFS’s obligation to consider an individual’s recent participation in reviewing 2022 applications for C share IFQ and making decisions about whether to withhold IFQ or revoke QS in the 2022/2023 crab fishing year. This action would provide temporary relief to C share QS holders in the 2022/2023 crab fishing year and temporarily stop NMFS from withholding C share IFQ or revoking C share QS from CR Program Participants. This emergency rule does not increase the amount of total allowable catch available for harvest, increase the risk of overfishing, or otherwise modify conservation measures.

Extraordinary Circumstances:
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 for the Temporary Rule for Emergency Action to implement Bering Sea and Aleutian Islands Crab Rationalization Program; Crew Quota Share Emergency Rule has no potential for significant adverse effects on human health or safety. Because this action will not change fishing location, timing, effort, authorized gear types, or harvest levels, 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 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. 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 action: falls within NAO 216-6A, Appendix E, A1- Trust Resource Management Actions; a category of actions that does not normally 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.