

Date

MEMORANDUM FOR: THE RECORD

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

SUBJECT: Draft NEPA Categorical Exclusion for Modifications to the Individual Fishing Quota Program Medical and Beneficiary Transfer Provisions

The National Oceanic and Atmospheric Administration's (NOAA) Environmental Review Procedures for Implementing the National Environmental Policy Act, NOAA Administrative Order (NAO) 216-6A, dated April 22, 2016, NOAA's Companion Manual for NAO 216-6A dated January 13, 2017, and Council on Environmental Quality regulations require all proposed projects to be reviewed with respect to environmental consequences on the human environment.

### **Description of the Action**

This action would modify the medical and beneficiary transfer provisions of the Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program. The proposed changes are intended to simplify management of the medical and beneficiary provisions while meeting the objective of having an owner/operator fishery in the catcher vessel sector of the IFQ Program. The medical lease provision currently allows persons with a medical condition to temporarily transfer their annual IFQ under specific conditions and for a limited amount of time. This action expands the regulatory definition of "certified medical professional" and revises regulations to allow the provision to be used for any medical reason for 3 of the 7 most recent years, which is an increase of years from the current 2 of the 5 most recent years. The beneficiary lease provision currently allows annual IFQ to be transferred to beneficiaries for up to three years after the death of the quota share (QS) holder to allow time for the estate to be settled and finalize a change in QS ownership. This action expands the provision to include transfer to the holder's estate and defines "immediate family member." The proposed action modifies elements in each of these provisions to more closely align with the Council's original intent of maintaining active participation of QS holders.

### **Effects of the Action**

This action does not have the potential to pose significant effects, individually or cumulatively. This action modifies existing regulations in the IFQ Program to improve the administration of QS holders to transfer their IFQ and/or QS during a medical hardship or to a beneficiary in the event of their death. There is no change in the number of QS available to the fishery or the harvest level of the associated IFQ. The action would have no effect on overall harvest limits of

halibut, harvest of non-target species, or regulations protecting habitat and important breeding areas. Current fishing practices are not anticipated to change under this administrative action.

### **Extraordinary Circumstances**

This action can be reviewed independently from other actions. Additionally, I considered the context in which the 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 the action and its anticipated effects set out above, I have determined that the proposed 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. 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**

As defined in Section 4 and Appendix E of NOAA's Companion Manual for NAO 216-6A, this action is categorically excluded from the need to prepare either an Environmental Assessment or an Environmental Impact Statement. Specifically, the proposed action falls into the category of actions subject to categorical exclusion identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1, 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.