



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
*National Marine Fisheries Service*  
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May 10, 2024

MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland  
Regional Administrator

SUBJECT: Categorical Exclusion (CE) for Amendments 54 and 55 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs [0648-BM81]

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 Council on Environmental Quality (CEQ) 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 revision to the Bering Sea and Aleutian Islands Crab Rationalization Program (CR Program) for the quota share issued to catcher vessel crew (CVC) and catcher/processor crew (CPC) and expand processor exemptions for custom processing and the amount of crab that can be processed at a facility in specific crab fisheries.

Description of the Action(s):

The final rule includes a suite of regulatory changes for the Crab FMP throughout 50 CFR 680. Amendment 54 and the final rule amend regulations pertaining to participation requirements for CVC QS and CPC QS holders by: 1) restarting the 3- and 4-year rolling timeframes for meeting active participation requirements; 2) authorizing NMFS to reissue quota share (QS that we revoked between July 1, 2019 and the effective date of a final rule; 3) standardizing and expanding the participation requirements by allowing all CVC QS and CPC QS holders to participate in 30 days of fishing in any commercial fishery off Alaska and include participation as crew on a tender vessel to qualify; 4) clarifying that the requirement to participate as crew in one crab delivery also includes participating in the fishing trip that results in a crab landing; and 5) clarifying that the exemption for CVC QS and CPC QS holders with QS exclusively in closed CR Program fisheries applies to a CVC QS or CPC QS holder with QS in more than just a single closed CR Program fishery.



Amendment 55 and the final rule amend regulations by removing the facility use cap applicable to the Eastern Aleutian Island golden king crab and Western Aleutian Island red king crab fisheries and exempts custom processing of Bering Sea snow crab individual processor quota (IPQ) with a south-region designation, Bristol Bay red king crab IPQ, and Western Aleutian golden king crab IPQ processed east of 174° W longitude from the IPQ use caps.

This action provides CVC QS and CPC QS holders greater flexibility in meeting participation requirements for the annual issuance of individual fishing quota (IFQ) and the retention of QS and improves processor efficiency by exempting custom processor activity for all CR Program fisheries and removing the facility use cap for Eastern Aleutian Islands golden king crab and Western Aleutian Islands red king.

CE category number, title, and CE text that applies to the proposed action(s):

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(s):

The effects of this action are expected to result in greater flexibility for CVC QS and CPC QS holders to meet active participation requirements for the annual issuance of IFQ and the retention of QS, enhance cost efficiency for processor facility use caps and custom processing during periods of low crab abundance, and increase crew opportunities to participate in the CR Program king and Tanner crab fisheries.

The action may increase the value of the CVC QS and CPC QS and the increased flexibility in active participation requirements may allow CVC QS and CPC QS holders to hold on to their CVC QS or CPC QS longer, rather than choosing to sell. CVC QS and CPC QS holders who had their CVC QS or CPC QS revoked from the period of 2019 until the implementation of the final rule will have the opportunity to request NMFS reissue their QS and the timeline for meeting active participation requirements will be reset. These changes may help stabilize the CVC QS and CPC QS market.

Additionally, this action increases crab processing flexibility and efficiency in CR Program fisheries by removing the facility use cap for IPQ and by removing custom processing IPQ from the accounting of processing quota share caps for certain crab species when processed east of 174° W longitude, permitting IPQ holders to utilize available facilities in a more efficient manner. This could allow for additional consolidation of crab processing within facilities; however, no change is made to regional delivery requirements or the 30 percent use cap on the amount of processor QS and IPQ that a processor may hold.

The actions by NMFS would have no effect on the natural environment, because they implement changes to administrative aspects of the CR Program regulations governing permits and processor exemptions.

None of the administrative revisions affect fishing location, timing, effort, authorized gear types, or harvest levels in the CR Program king and Tanner crab fisheries.

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 the revision of active participation requirements for CVC QS and CPC QS holders and processor exemptions for the CR Program king and Tanner crab fisheries 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 the category of actions subject to CE identified in Appendix E of NOAA's Companion Manual for NOAA 216-6A, 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.