



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic Atmospheric Administration**  
*National Marine Fisheries Service*  
*P.O. Box 21668*  
*Juneau, Alaska 99802-1668*

January 19, 2024

MEMORANDUM FOR: The Record

FROM: Jonathan M. Kurland  
Regional Administrator

SUBJECT: Categorical Exclusion (CE) for the Proposed Rule to Implement Amendments 54 and 55 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs.

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 active participation requirements for captain and crew quota shares and processor exemptions for its potential to impact the quality of the human environment as discussed below.

Description of the Action(s):

The proposed rule would revise two provisions of the CR Program: 1) change active participation requirements for quota share established for captains and crew, known as crew quota shares or C shares, which requires individuals being present fishing vessel during harvest and delivery operations, and 2) adjust exemptions for processor facility use caps and custom processing. These revisions would restart the three and four-year rolling timeframe for meeting active participation requirements for all C share holders; authorize NMFS to reissue QS that we revoked between July 1, 2019 and the effective date of the final rule; standardize and expand the participation requirements by allowing all C share holders to participate in 30-days of fishing in any commercial fishery off Alaska and include crewing on a tender vessel; clarify that the requirement to participate as crew in one crab delivery also includes participating in the fishing trip that results in a crab landing; clarifying that the exemption for C share holders with QS exclusively in closed CR Program fisheries applies to a C share holders with QS in more than just a single closed CR Program fishery; remove the facility use cap applicable to the Eastern Aleutian Island golden king crab (EAG) and Western Aleutian Island red king crab (WAI) fisheries; and exempt custom processing of Bering Sea snow crab (BSS) individual processor quota



(IPQ) with a south-region designation, Bristol Bay red king crab (BBR) IPQ, and Western Aleutian golden king crab (WAG) IPQ processed east of 174° W longitude from the IPQ use caps.

The purpose of this action is to provide C share holders greater flexibility in meeting participation requirements for the annual issuance of individual fishing quota (IFQ) and the retention of QS and improve processor efficiency by exempting custom processor activity for all CR Program fisheries by removing the facility use cap for Eastern Aleutian Islands golden king crab and Western Aleutian Islands red king crab due to low crab abundance and reduced crew opportunities.

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 proposed 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 C share 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 proposed action may increase the value of the C share QS and the increased flexibility in active participation requirements may allow C share holders to hold on to their C share QS longer, rather than choosing to sell. C share holders who had their C share 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 C share market.

Additionally, this action would increase crab processing flexibility and efficiency in CR Program fisheries by removing the facility use cap for individual processor quota (IPQ) and/or 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 would be made to regional delivery requirements or the 30 percent cap on the amount of processor QS and IPQ that a processor may hold.

The actions proposed 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 proposed administrative revisions would 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 C share 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 proposed: 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.

