



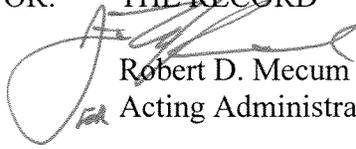
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

May 21, 2009

MEMORANDUM FOR: THE RECORD

FROM:



Robert D. Mecum
Acting Administrator, Alaska Region

SUBJECT: Categorical Exclusion for Amendment 33 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs

NOAA Administrative Order (NAO) 216-6, Environmental Review Procedures, requires all proposed agency actions to be reviewed with respect to potential impacts on the human environment. This memorandum summarizes the determination that Amendment 33 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) qualifies to be categorically excluded from further National Environmental Policy Act (NEPA) review.

Description of the Action

Amendment 33 would amend the FMP to require that NMFS collect only the amount of fees necessary for funding the loan subsidy, established under the Federal Credit Reform Act of 1990 (FCRA loan subsidy) on loans for purchase of quota share (QS) by crew and captains under the Bering Sea/Aleutian Islands Crab Rationalization Program (Program). The FCRA loan subsidy includes the estimated cost of delinquencies, defaults, and other costs not covered by payments of principal, interest, and fees during the life of the loan program. Amendment 33 does not reduce the funds appropriated by Congress to initiate and support crew and captains loans under the Program, only the amount of fees collected to pay for the estimated subsidy on those loans. Currently, the FMP requires that NMFS collect 133 percent of the actual administrative costs of the Crab License Limited Access Program, 25 percent of which is designated to cover the subsidy for the loan program. This language does not allow any variation in the percentage of fees required to subsidize crew and captain loans. By 2008, however, NMFS had accrued fees for the loan program that exceeded the subsidy costs by \$4.4 million. Based on recent experience with low delinquencies and defaults on loans for purchase of crew and captain quota under the Halibut and Sablefish IFQ program, NMFS believes that this excess amount of subsidy is likely to continue to increase each year unless the Crab FMP is amended to reduce the amount of fees collected for the loan program.

This FMP amendment would authorize NMFS to collect a variable amount of “up to” 133 percent of the actual direct cost of management, rather than a fixed amount, and reserve “up to” 25 percent to offset the cost of subsidizing crew and captain loans (even if that amount is zero).



This change would ensure that NMFS has the necessary flexibility to collect fees commensurate with the actual subsidy costs of the loan program.

If this proposed amendment succeeds in reducing unnecessary fees that are currently imposed on holders of crab quota shares and processing quota shares, it would reverse the current trend of the fee collection program to accrue fees that are in excess of what is required for crew and captain loans under the Program.

Effects of the Action

This FMP amendment changes the amount of fees would be collected to offset delinquencies and defaults on crew and captain loans in the Program, and does not require any new regulations or revisions to existing regulations. It would have no impact on regulations, management programs, permitting, observation, or enforcement of fishing.

Categorical Exclusion

Amendment 33 would not result in any changes to the human environment. As defined in Sections 505 and 6.03(b)(2) of NAO 216-6, the proposed amendment is a minor addition to the FMP that will not result individually or cumulatively in significant impacts on the quality of the human environment. As such, it is categorically excluded from further environmental review and requirements to prepare additional environmental review documents.

CC: AKR NEPA Coordinator
NOAA NEPA Coordinator