

DRAFT FINDING OF NO SIGNIFICANT IMPACT

for

Environmental Assessment for Amendment 113 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program Adjustments

I. Purpose of Finding of No Significant Impact (FONSI): The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major Federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a Finding of No Significant Impact (FONSI) when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b), 1500.5(b), & 1501.6. To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine, as appropriate, short- and long-term effects, beneficial and adverse effects, and effects on public health and safety, as well as effects that would violate laws for the protection of the environment (40 CFR § 1501.3(b)(2)(i)-(iv); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(2)(i)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed the Environmental Assessment / Regulatory Impact Review collectively called the Analysis, for Amendment 113 to the Fishery Management Plan (FMP) for the Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program Adjustments which evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The Analysis is hereby incorporated by reference. 40 CFR § 1501.6(b).

II. Approach to Analysis:

The Analysis discusses the potential impacts that implementation of the proposed adjustments to the Central Gulf of Alaska (CGOA) Rockfish Program (RP) would have on the environment as a result of this rule. The proposed RP adjustments would provide enhanced flexibility to vessel operators and processing plants participating in the RP. The North Pacific Fishery Management Council (Council) considered an extensive series of alternatives and options as it designed and evaluated the potential for adjustments to the RP, including the “no action” alternative. The analysis relied heavily on existing documentation of the comprehensive GOA groundfish fisheries and their impacts on the environment. The proposed action is based on the Council’s preferred alternative. The proposed measures include changing the season start date from May 1 to April 1, eliminating the Catcher Vessel (CV) cooperative holding cap of 30 percent, increasing the processing cap to 40 percent of the CV quota share pool (for sablefish, Pacific cod, and/or other primary rockfish), and revising the CV aggregated primary rockfish (Pacific Ocean perch (POP), dusky rockfish, and

northern rockfish) harvesting cap by capping only POP harvest at 8 percent of the CV POP share pool.

- A. The proposed action is not considered to meaningfully contribute to a significant impact based on the scale of the proposed action. This proposed action would modify specific provisions of the CGOA RP. The purpose of this proposed action is to provide enhanced flexibility to vessel operators and processing plants participating in the RP. This proposed action only affects the season start date, holding caps, processing caps, and a change to the CV aggregated primary rockfish. Therefore, the narrow scale and the nature of the proposed action would not be expected to meaningfully contribute to any impacts beyond the status quo. Therefore, the scale of the proposed action is not considered to result in a significant impact, as described in section 2.8.2 of the Analysis.
- B. For biological and physical ecosystem components (target species stocks, non-target species, marine mammals, seabirds, habitat, Prohibited Species Catch), potential impacts of the alternatives were evaluated in the Analysis Section 3. No significant environmental impacts are expected on the biological and physical ecosystem components because the adjustments would not result in changes in harvest, gear type, or location of fishing. Further, no potential effects for ecosystem component species, seabirds, habitat, or the ecosystem beyond effects previously analyzed are expected as a result of the proposed action, because harvest limits and habitat protections (such as closed areas) for existing fishing operations would not be changed.
- C. The proposed action is not connected to other actions that have caused or may cause effects to the resources in the affected area, and there is no potential for the effects of the proposed action to add to the effects of other projects, such that the effects taken together could be significant. This action is proposed within the management context of the CGOA RP groundfish fishery, which is implemented under the GOA FMP. The effects of those fisheries have been previously evaluated in the in the 2004 Programmatic Supplemental Environmental Impact Statement on the Alaska Groundfish Fisheries (PSEIS) (Section 3.1.1 of the Analysis).

III. Geographic Extent and Scale of the Proposed Action:

This proposed action would affect the GOA Economic Exclusive Zone (EEZ). The groundfish fisheries in the EEZ off Alaska are managed under the FMP for Groundfish of the Gulf of Alaska (GOA FMP). Under the Magnuson-Stevens Act (MSA) (16 U.S.C. 1801, et seq.), the United States has exclusive fishery management authority over all marine fishery resources found within the EEZ. The Analysis describes the management area within the CGOA region where this specific fishery is authorized, and the environmental effects analyzed in the Analysis occur at a relatively small scale. The small scale determination is due to there being minimal change in CV fishing behavior, therefore the proposed action would not broaden the existing geographic footprint of the fishery. Environmental and economic effects of the alternatives within this area are limited to this area and to individuals who participate in the GOA RP on catcher vessels and shoreside processing plants (Section 2.7.3 of the Analysis).

IV. Degree of Effect:

- A. *The potential for the proposed action to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection.*

This proposed action would not threaten a violation of any Federal, state, or local law, or requirement imposed for the protection of the environment. The proposed action is designed to be consistent with Federal, state, and local law.

- B. *The degree to which the proposed action is expected to affect public health or safety.*

This proposed action is not expected to have a significant negative impact on public health or safety, because it would likely provide additional fishing and processing opportunities during the month of April for RP vessels and processors which could help maintain harvesting and processing operations in April. Section 2.10 of the Analysis describes the effects of this action on public health or safety.

- C. *The degree to which the proposed actions is expected to affect a sensitive biological resource, including:*

- a. *Federal threatened or endangered species and critical habitat;*

This proposed action is not expected to significantly affect any endangered or threatened species or its critical habitat as described in sections 3.3 and 3.4 of the Analysis. The proposed action would not affect the harvest limits, areas fished, and fishing gear used. Therefore, this proposed action is not expected to change fishery activities in a way that would negatively affect any Endangered Species Act (ESA) listed species through increased potential for competition for prey, disturbance, or incidental takes. Although the proposed action would change the season start date, this is not expected to cause significant effects on those species, because total allowable catch is not affected. The proposed action is not expected to have any effects on those species beyond those already analyzed for the GOA groundfish fisheries in previous biological opinions and environmental impact statements, as described in sections 3.3 and 3.4 of the Analysis.

- b. *stocks of marine mammals as defined in the Marine Mammal Protection Act;*

The proposed action is not likely to change fisheries activities in a way that would affect the potential for competition for prey, disturbance, or incidental takes of marine mammals. The proposed action would not affect the harvest limits, areas fished, and fishing gear used. A minor change to the timing of the fishery, moving the start date from May 1 to April 1, is not expected to affect marine mammals. Therefore, this proposed action is not expected to change fishery activities in a way that would negatively affect any Marine Mammal Protection Act-listed species through increased potential for competition for prey, disturbance, or incidental takes. This action is not expected to have any effects on marine mammals beyond those already analyzed for the GOA groundfish fisheries in previous biological opinions and NEPA analyses. Potential impacts of the proposed action on marine mammals, are discussed in section 3.1.2 of the Analysis.

c. essential fish habitat identified under the Magnuson–Stevens Fishery Conservation and Management Act;

The proposed action would likely have minimal and temporary effects on essential fish habitat (EFH) because the action would not affect the harvest limits, areas fished, and fishing gear used. Therefore, this proposed action is not expected to change fishery activities in a way that would negatively affect EFH beyond those already analyzed for the GOA groundfish fisheries in previous environmental impact statements. Potential impacts of the proposed action EFH, such as changes to the abundance or availability of certain habitat features used by managed fish species to spawn, breed, feed, and grow to maturity, are discussed in section 3.4 of the Analysis.

d. bird species protected under the Migratory Bird Treaty Act;

The proposed action would not significantly affect bird species protected under the Migratory Bird Treaty Act, including seabirds, because disturbance or incidental take are expected to be minimal and would not be expected to increase to a level that would result in population level effects on seabirds. This minimal level of effect is expected, because harvest limits, habitat protections (such as closed areas), and gear used would not be changed by the proposed action. Further, previous NEPA analyses found that direct impacts on birds, notably seabirds, are minimal to non-existent in the groundfish fisheries in the GOA (Section 3.1.2 of the Analysis).

e. national marine sanctuaries or monuments;

There are no national marine sanctuaries or monuments in the GOA EEZ, and therefore this action would not impact national marine sanctuaries or monuments (Section 2.7 of the Analysis).

f. vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems;

The proposed action would not be expected to adversely affect vulnerable marine, coastal, or coral ecosystems, because the action would not affect the harvest limits, areas fished, and fishing gear used. There are no effects from the proposed action expected beyond effects previously analyzed under NEPA for this fishery (Section 3.1.2 of the Analysis).

g. biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.).

This proposed action would not be expected to adversely affect biodiversity or ecosystem functioning, because harvest limits, habitat protections (such as closed areas), and allowable gear would remain unchanged from status quo. There are no effects from the proposed action expected beyond effects previously analyzed under NEPA for this fishery (Section 3.1.2 of the Analysis).

- D. The degree to which the proposed action is reasonably expected to affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological resources (including underwater resources); and resources important to traditional cultural and religious tribal practice.*

No significant impacts are expected to occur in any of the above areas due to the location of the action in the GOA EEZ. Since this action affects commercial fishing in the offshore waters of the GOA, it will not impact any districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places. In addition, the Analysis did not identify any potential for the proposed action to cause loss or destruction of significant scientific, cultural, or historical resources. No effects are expected on traditional cultural and religious resources because the adjustments to the RP would not result in changes in harvest, gear type, or location of fishing (Section 3.1.2 of the Analysis).

- E. The degree to which the proposed action has the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898).*

The proposed action is focused on changes internal to an existing commercial fishery sector within the GOA fishery. Therefore, no direct or indirect impacts on the subsistence harvest, sharing, and use of the GOA RP are anticipated. For this reason, the proposed action is not expected to have any effects on the health or the environment of minority or low-income communities, compared to the impacts on other communities beyond those already analyzed for the GOA groundfish fisheries in previous environmental impact statements prepared for these fisheries (Section 2.6 of the Analysis). No effects are expected on the majority of resources because the adjustments to the RP would not result in changes in harvest, gear type, or location of fishing (Section 3.1.2 of the Analysis).

- F. The degree to which the proposed action is likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.*

This proposed action is not expected to affect the introduction or spread of non-indigenous species, because it does not change fishing practices that may introduce such organisms into the marine environment (Section 3.1.2 of the Analysis).

- G. The potential for the proposed action to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resource such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement.]*

The proposed action is focused on modifications to specific provisions of the CGOA RP intending to provide enhanced flexibility to vessel operators and processing plants participating in the RP, the impacts of which were previously analyzed in the PSEIS. The proposed action would not affect the harvest limits, areas fished, and fishing gear used. Therefore, the proposed action is not expected to cause a substantial effect to any other

physical or biological resource, nor is there substantial uncertainty or scientific disagreement on the impacts of the proposed action (Section 3.1.1 of the Analysis).

V. Other Actions Including Connected Actions:

This proposed action does not automatically trigger other actions that could trigger an EIS. This action cannot or will not rely on other actions that are taken previously or simultaneously. This action is not an interdependent part of a larger action. This action is being implemented within the context of the GOA Groundfish FMP for which an EIS were prepared. This action is an adjustment to existing management actions for which previous NEPA analyses were prepared.

VI. Mitigation and Monitoring:

No mitigation or monitoring measures are being adopted by the agency as part of this proposed action.

DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the Analysis for the proposed action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting Analysis prepared for implementing Amendment 113 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program it is hereby determined that the proposed action will not significantly impact the quality of the human environment. The Regulatory Impact Review / Environmental Assessment for Proposed Amendment 113 to the Fishery Management Plan for Groundfish of the Gulf of Alaska is hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Jonathan M. Kurland
Regional Administrator

Date