

DRAFT
FINDING OF NO SIGNIFICANT IMPACT

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 and Regulatory Impact Review for Proposed Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska** 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 EA is hereby incorporated by reference. 40 CFR § 1501.6(b).

II. Approach to Analysis:

This action would apply Federal management under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to salmon fishing in the Federal Economic Exclusive Zone (EEZ) waters of Upper Cook Inlet. This includes Federal management of the commercial drift gillnet salmon fishery and the recreational salmon fishery that occur in the area. This action replaces existing State of Alaska (State) management of salmon in the area with Federal management that is expected to result in substantially similar environmental impacts to the status quo.

This analysis compares status quo State salmon management with proposed Federal management measures and fishery limits. Proposed Federal management measures are expected to result in equivalent or marginally lower harvest levels than State management measures, which were identified as sustainable.

- A. This action primarily impacts salmon stocks returning to Upper Cook Inlet. Federal management is expected result in similar or reduced salmon harvest levels in the Cook Inlet EEZ. However, any reductions in salmon harvest within EEZ waters may be offset by corresponding increases in salmon harvest within State waters. The State is expected to continue to manage Cook Inlet salmon fisheries within its waters, which occur in space and time after the Federal fisheries, to current salmon escapement goals which are not significantly modified by this action. Therefore, overall harvest levels on Cook Inlet salmon stocks are expected to remain within recently observed ranges. (EA Sections 3.1.3 and 4.7.1.3) Existing levels of salmon removals are demonstrated to be sustainable for salmon stocks as well as marine mammals (EA Section 3.3), sea birds (EA Section 3.4), and other ecosystem components (EA Section 3.6). Therefore, the proposed project is considered minor in scale and is not expected to result in any significant impacts.
- B. Federal management would largely maintain the existing spatial and temporal footprint of the fisheries. Fishing gear and methods would also not be changed by this action. The total level of fishing effort in all waters of Cook Inlet would not be expected to change significantly. Therefore, significant impacts to other marine resources and parts of the human environment are not expected. Salmon fishing in the Cook Inlet EEZ has no or minimal impacts to habitat, because all fishing gear remains suspended in the water column. (EA Section 3.6.2)
- C. This proposed action is not directly connected to other actions that may cause effects to resources in the area (EA Section 3.6). While management of State salmon fisheries may change in response to Federal management, the overall amount of salmon harvest would still ultimately be constrained by existing limits that are not expected to change (EA Section 3.1.3).

III. Geographic Extent and Scale of the Proposed Action:

The proposed action would largely maintain the existing spatial and temporal footprint of the fisheries in the Cook Inlet EEZ and would impact salmon fisheries and salmon stocks occurring in Upper Cook Inlet. This may affect salmon stocks returning to areas throughout the Cook Inlet region. However, because this proposed action replaces existing State management with a Federal management regime that is expected to have substantially similar effects, the scale of the proposed action is considered minor (EA Sections 3.1.3 and 4.7.1.3).

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 action implements an ongoing, adaptive Federal management process for salmon fisheries in the Cook Inlet EEZ. Therefore, it has minimal potential to threaten a violation of Federal, state, or local law or requirements for environmental protection.

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

This proposed action does not significantly change existing fishing areas, timing, practices or patterns and is, therefore, expected to have negligible impacts to public health or safety (EA Section 4.7.4). Any indirect effects may result if EEZ commercial fishery revenues are decreased and not offset in other fisheries, then there may be less money for maintenance and upkeep of vessels, which could decrease safety. The vessel monitoring system requirement for commercial salmon fishing vessels in the Cook Inlet EEZ would provide first responders with additional location information for a vessel in distress and could improve 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 has the potential to impact endangered Cook Inlet beluga whales both directly through fishing gear entanglement and through fishery competition for salmon prey resources. However, this action does not change the spatial, temporal, or fishing gear footprint of the fisheries. No entanglements of Cook Inlet beluga whales in these fisheries are known under existing management, and none are expected as a result of this action. Further, this proposed action is expected to maintain salmon abundance within existing ranges that have not been determined to be insufficient for Cook Inlet beluga whale prey requirements. Therefore, the effect of this action on beluga prey is not expected to be minor and not significant (EA Section 3.3.1)

This proposed action is expected to have insignificant impacts to other species listed as threatened or endangered under the Endangered Species Act (ESA) including Steller sea lions, humpback whales, salmon stocks, short-tailed albatross, and Steller's eiders because it does not significantly change the timing, harvest levels, gear used, or location of the fisheries. (EA Sections 3.2, 3.3, and 3.4)

NMFS will conduct a consultation under Section 7 of the ESA to rigorously evaluate the potential impacts of the proposed action on all ESA listed species.

b. stocks of marine mammals as defined in the Marine Mammal Protection Act (MMPA);

This proposed action is not expected to have significant adverse impacts to marine mammal stocks as defined under the MMPA (EA Section 3.3). The Cook Inlet drift gillnet fishery is classified as a Category II fishery, based on observer data collected in 1999 and 2000 that documented incidental takes of harbor porpoise. A Category II fishery is one in which occasional incidental take of a marine mammal stock has been documented. This proposed action does not modify fishing gear, time, or area in a way that would increase impacts to marine mammals.

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

This proposed action would manage fisheries that do not have gear interactions with benthic habitats or substrates in a way that is expected to adversely affect them, therefore, no impacts to essential fish habitat are expected (EA Section 3.5). Fishing occurs entirely in the water column and is managed to conservative limits.

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

This action is not expected to minimally affect bird species protected under the Migratory Bird Treaty Act (EA Section 3.4), including seabirds.

e. national marine sanctuaries or monuments;

This proposed action does not overlap with national marine sanctuaries or monuments. Therefore, no impacts to national marine sanctuaries or monuments are expected (EA Section 4).

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

This proposed action would manage fisheries that do not have gear interactions with benthic habitats or substrates. Therefore, no impacts to vulnerable marine or coastal ecosystems are expected (EA Sections 3.5 and 3.6).

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

This proposed action would manage fisheries under a management regime that considers impacts to target species (EA Section 3.1 and 3.2) as well as other ecosystem elements. The salmon FMP includes management measures required by the Magnuson-Stevens Act that establish annual catch limits for target species, maximum retainable amounts for bycatch species, and may be adjusted to account for potential impacts to other parts of the ecosystem. Information indicates there is very limited bycatch of other species in the fishery (Section 4.5.1). Therefore, no impacts to biodiversity or ecosystem functioning are expected (Section 3.6).

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.

This proposed action does not overlap with and will have no effects on properties listed or eligible for listing on the National Register of Historic Places or archeological resources (including underwater resources).

Salmon are considered a regional cultural resource and are important to traditional cultures and tribal practices (EA Sections 4.5 and 4.6). This proposed action is expected to maintain or marginally improve the availability of Cook Inlet salmon for these purposes (EA Section 4.7.1.3).

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).

This proposed action is not expected to have disproportionately high adverse impacts on the health or environment of minority or low income communities. Salmon harvesters utilizing the Cook Inlet EEZ come from a diverse group of communities both inside and outside Alaska and will be subject

to the same management measures (EA Sections 4.5 and 4.7). Because this action is expected to maintain or increase overall salmon abundance, minimal impacts to other fishers, including subsistence users in other jurisdictions, are expected.

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 does not change any fishery management measures that would result in the expansion or introduction of invasive species (EA Sections 3.5 and 3.6.1).

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.]

This proposed action is not expected to have substantial or irreversible effects on any physical or biological resources. This proposed action implements an adaptive management system that regularly assess and adjusts fishery management to prevent overfishing and ensure the sustainability of target salmon stocks and other marine resources (EA Section 3).

V. Other Actions Including Connected Actions:

This action does not have additive effects with other action in the region that could result in significant impacts. This proposed action replaces existing State management with a Federal management regime that is expected to have substantially similar effects. This action is not contingent on other actions, a trigger for other actions, or otherwise a part of a larger action (EA Section 3, with an emphasis on Section 3.6).

VI. Mitigation and Monitoring:

This proposed action would not require mitigation to avoid significant impacts and none are implemented. Impacts to salmon stocks and other environmental components would be annually monitored by the fishery management framework established by the proposed action. Management measures would be adjusted to prevent overfishing on target salmon stocks or impacts to other resources and parts of the environment as conditions change, consistent with Magnuson-Stevens Act requirements.

DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA 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 EA prepared for Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska, it is hereby determined that the Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska will not significantly impact the quality of the human environment. The Environmental Assessment

and Regulatory Impact Review for Proposed Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off 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.

Decision Maker

Date

Jonathan M. Kurland
Regional Administrator

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