Finding of No Significant Impact for the Environmental Assessment for an Issuing an Exempted Fishing Permit for the Purpose of Testing a Salmon Excluder Device in the Eastern Bering Sea Pollock Fishery

April 2008

National Oceanic and Atmospheric Administration Administrative Order (NAO) 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant to making a finding of no significant impact and has been considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria listed below.

Context: The action would issue an EFP to allow for the continued development and testing of a salmon excluder device for pollock trawl gear in the Bering Sea. Any effects of the action are limited to areas commonly used by the pollock trawl fishery. The effects on society within these areas are on individuals directly and indirectly participating in the pollock fisheries, those participating in the experiment, those who depend on salmon resources, and those who may receive the small amount of salmon through the Prohibited Species Donation Program. Because this action may affect the efficiency of pollock fishing and the bycatch of salmon in the future, this action may have impacts on society as a whole or regionally.

1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

Response: No. The proposed action would harvest a very small quantity of pollock in relation to the overall annual harvest of pollock. No discernable effect on any target species is expected; and therefore, the proposed action is not likely to jeopardize the sustainability of any target species (EA Section 3.2).

2) Can the proposed action reasonably be expected to jeopardize the sustainability of any non-target species?

Response: No. A very small quantity of fish species other than pollock and salmon is expected to be taken by the proposed action. The amount of salmon taken is a small portion of the annual bycatch of salmon. Any effect from the EFP is not likely discernable over the status quo fishery effects and therefore, the proposed action is not likely to jeopardize the sustainability of any non-target species (EA Section 3).

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in FMPs?

Response: No. This action is limited to the use of pelagic trawl gear in a manner which has been found to not cause substantial damage to oceans and coastal habitats or essential fish habitat (EA Section 3 Introduction).

4) *Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)?*

Response: No. This action is limited to the use of pelagic trawl gear by one vessel, harvesting a relatively small amount of fish over several seasons in two large areas of the Bering Sea. The quantity of fish and method of harvest are not likely to have any discernable effects on biodiversity or ecosystem function (EA Section 3).

5) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: No. The proposed action involves one vessel conducting controlled scientific testing of a bycatch reduction device in a location away from the public; and therefore, no impacts to public health or safety are expected (EA Section 2).

6) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: No. The proposed action is limited to the use of pelagic trawl gear by one vessel, harvesting a relatively small amount of fish over several seasons in two large areas of the Bering Sea. Because of the amount of pollock and salmon harvested, the method of harvest, and compliance with existing closures for Steller sea lions and northern fur seals, no discernable effects are expected on ESA-listed species, critical habitat, marine mammals or other non-target species (EA Section 3.4 and 3.6).

7) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No. The issuance of the EFP would allow for the vessel used in the EFP work to be compensated for expenses through the sale of pollock harvested during the salmon excluder device testing. No significant social or economic impacts are expected from the issuance of the EFP. Successful development and use of the salmon excluder device may result in beneficial economic effects for the pollock industry and for those dependent on salmon resources (EA Section 3.7).

8) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. Any effects on the human environment are not likely discernable due to the limited amount of fish and vessel participation and short time period of the

EFP project. The industry, NMFS, Western Alaska salmon users, and environmental organizations are in favor of efforts to reduce salmon bycatch (EA Section 1).

9) *Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?*

Response: No. This action is limited to the use of pelagic trawl gear in a manner which has been found to not cause substantial damage to oceans and coastal habitats or essential fish habitat (EA Section 3 Introduction). This action is limited to the marine environment so other unique areas listed would not be impacted (EA Section 1).

10) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. The potential effects of fishing on pollock and marine mammals are well understood and the returns of salmon in Alaska are well monitored. Any effects on the human environment are not likely discernable due to the limited amount of fish and vessel participation and short time period of the EFP project (EA Section 3.1, 3.3 and 3.5).

11) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No. Each environmental component that may be affected by this action was analyzed for potential direct and indirect impacts. For each of these components, no discernable direct or indirect effects were identified resulting from this action. If no direct or indirect impacts result from an action or alternatives, then analysis of cumulative effects are not necessary. Because no direct or indirect effects were identified from this action on any environmental components, and a cumulative effects analysis requires determining the incremental effects of this and other actions, no cumulative effects analysis for this action was possible (EA Section 3).

12) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: No. This action is limited to the marine waters of the Bering Sea, and these types of sites do not occur in the Bering Sea. The fishing activities under this action are not likely to result in destruction or loss of significant scientific, cultural, or historical resources because the pelagic trawling occurs in the water column where these resources do not occur. Therefore, this question is not applicable (EA Section 1).

13) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Response: No. This action does not change fishing activities in a manner that would result in the spread or introduction of non-indigenous species (EA Section 1).

14) Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

Response: No. This action allows for the development of a device that may be considered for use by the fishing industry at a later time. No decisions would be made at this time regarding the future use of the device, and any future actions would be analyzed for potential significant effects (EA Section 1).

15) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: No. The proposed action would be done in accordance with all Federal, State, and local laws (EA Section 1).

16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: No. No discernable effects are likely from this action and therefore, no cumulative effects are likely for target or non-target species (EA Section 3).

DETERMINATION

Based on the information contained in the EA prepared for Issuing an Exempted Fishing Permit for the Purpose of Testing a Salmon Excluder Device in the Eastern Bering Sea Pollock Fishery, and summarized here, I have determined that the action would not significantly affect the quality of the human environment, and therefore, preparation of an environmental impact statement is not required under section 102(2)(c) of the National Environmental Policy Act or its implementing regulations. In addition, all beneficial and adverse impacts to potentially affected areas are addressed to reach the conclusion of no significant impacts. Therefore, a FONSI is appropriate and preparation of an EIS for this action is not necessary.

Robert D. Mecum

6/17/08

Robert D. Mecum
Acting Administrator, Alaska Region
NOAA, National Marine Fisheries Service

Date

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

June 17, 2008

MEMORANDUM FOR: Rodney F. Weiher, Ph.D.
NOAA NEPA Coordinator

FROM: Robert D. Mecum
Acting Administrator, Alaska Region

SUBJECT: Environmental Assessment for Issuing an Exempted Fishing Permit for the Purpose of Testing a Salmon Excluder Device in the Eastern Bering Sea Pollock Fishery

The attached subject environmental assessment (EA) and Finding of No Significant Impact (FONSI) are forwarded for your review. The EA and FONSI have been prepared in accordance with the provisions of (1) NOAA Administrative Order 216-6, Environmental Review Procedures For Implementing The National Environmental Policy Act; and (2) the Council on Environmental Quality's Regulations For Implementing The Procedural Provisions of The National Environmental Policy Act (40 CFR Parts 1500-1508).

Based on the environmental impact analysis within the attached EA, I have determined that no significant environmental impacts will result from the proposed action. I therefore have approved the FONSI for this proposed action. I request your concurrence with the EA and its FONSI. I also recommend, subject to a request from the public, that you release the documents for public review.

1. I concur._____
NOAA NEPA Coordinator Date

2. I do not concur._____
NOAA NEPA Coordinator Date