

Finding of No Significant Impact

Environmental Assessment/Final Regulatory Flexibility Analysis (EA/FRFA) for the Total Allowable Catch Specifications for the Year 2005 Alaska Groundfish Fisheries.
December 2004

The action analyzed is the final harvest specifications for the 2005 Alaska groundfish fisheries off Alaska. One of the purposes of an EA is to provide the evidence and analysis necessary to decide whether an agency must prepare an environmental impact statement (EIS). This Finding of No Significant Impact (FONSI) is the decision maker's determination that the proposed action will not result in significant impacts to the human environment and therefore further analysis in an EIS is not needed. Council on Environmental Quality regulations define significance in terms of context and intensity (40 CFR 1508.27). An action must be evaluated at different spatial scales and settings to determine the context of the action. Intensity is evaluated with respect to the nature of impacts and the resources or environmental components affected by the action. NOAA Administrative Order 216-6 provides guidance on NEPA specific to line agencies within NOAA. It further specifies the definition of significance in the fishery management context by listing factors that should be used to test the significance of fishery management actions (NAO 216-6 § 6.01 and 6.02). These factors form the basis of the analysis presented in Section 4.0 of the attached EA/FRFA, Environmental and Economic Consequences. The results of that analysis are summarized here for each factor with references contained in the EA/FRFA.

Context and Intensity as required by NEPA

Context: For the 2005 harvest specifications action, the setting of the proposed action is the groundfish fisheries of the BSAI and GOA. Any effects of these actions are limited to these areas. The effects of the 2005 harvest specifications on society, within these areas, is on individuals directly and indirectly participating in the groundfish fisheries and on those who use the ocean resources. Because this action continues groundfish fisheries in BSAI and GOA into the future, this action may have impacts on society as a whole or regionally.

Intensity: Listings of considerations to determine intensity of the impacts are in 50 CFR § 1508.27 (b) and in the NOAA Administrative Order 216-6, Section 6. Each consideration is addressed below in order as it appears in the regulations.

Adverse or beneficial impact determinations for marine resources, including sustainability of target and nontarget species, damage to ocean or coastal habitat or essential fish habitat, effects on biodiversity and ecosystems, and marine mammals: Adverse or beneficial impact determinations for marine resources accruing from establishment of federal groundfish fisheries harvest specifications for 2005 are summarized in Table 6.0-1 and in section 4.12. No significant adverse impacts were identified for the preferred alternative (Alternative 2). The EFH consultation for the interim and annual harvest specifications was completed on November 10, 2004, with a finding that the preferred alternative minimizes adverse effects, and no additional conservation recommendations were provided.

Public health and safety will not be affected in any way not evaluated under previous actions or disproportionately. The harvest specifications will not change fishing methods, timing of fishing or quota assignments to gear groups which are based on previously established seasons and

allocation formulas in regulations.

Cultural resources and ecologically critical areas: These actions take place in the geographic areas of the Bering Sea, Aleutian Islands, and Gulf of Alaska, generally from 3 nm to 200 nm offshore. The land adjacent to these areas contains cultural resources and ecologically critical areas. The marine waters where the fisheries occur contain ecologically critical areas. Effects on the unique characteristics of these areas are not anticipated to occur with these actions and mitigation measures such as a bottom trawling ban in specified portions of the Bering Sea are part of fisheries management measures.

Controversiality: These actions deal with management of the groundfish fisheries. Differences of opinion exist among various industry, environmental, management, and scientific groups on the appropriate levels of TAC to set for various target species and in particular fishery management areas. Beyond the analysis documented in the revised Draft PSEIS (NMFS 2003b) and the Steller Sea Lion Protection Measures SEIS (NMFS 2001b), no additional controversy has been identified that would accrue from the 2005 harvest specifications.

Risks to the human environment, including social and economic effects: Risks to the human environment by setting harvest specifications in the BSAI and GOA groundfish fisheries, are described in detail in the revised Draft PSEIS (NMFS 2003b). Because of the mitigation measures implemented with every past action, no significant adverse impacts to the human environment beyond those disclosed in the Draft PSEIS (NMFS 2003b) or the Steller Sea Lion Protection Measures SEIS (NMFS 2001b) will occur. No significant adverse impacts were identified for the preferred alternatives (Alternative 2) for the harvest specification.

Future actions related to this action may result in impacts. NMFS is required to establish fishing harvest levels on an annual basis for the BSAI and GOA groundfish fisheries. Changes may occur in the environment or in fishing practices that may result in significant impacts. Additional information regarding marine species may make it necessary to change management measures. Pursuant to NEPA, appropriate environmental analysis documents (EA or EIS) will be prepared to inform the decision makers of potential impacts to the human environment and to implement mitigation measures to avoid significant adverse impacts.

Cumulatively significant effects, including those on target and nontarget species: Beyond the cumulative impacts analysis documented in the revised Draft PSEIS (NMFS 2003b) and the Steller Sea Lion Protection Measures SEIS (NMFS 2001b), no additional past, present, or reasonably foreseeable cumulative impact issues have been identified that would accrue from the 2005 harvest specifications. The 2005 harvest specifications are, therefore, determined to have no cumulative impacts other than those impacts evaluated in the most recent environmental impact statements prepared for the groundfish fisheries. See section 5.0 of this EA for more information.

Districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places: This action will have no effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, nor cause loss or destruction of significant scientific, cultural, or historical resources. Because this action is 3 to 200 nm at sea, this consideration is not applicable to this action.

Impact on ESA listed species and their critical habitat: ESA listed species that range into the

fishery management areas are listed in Table 6.0-2. An FMP level Section 7 consultation was completed for the groundfish fisheries in November 2000 (NMFS 2000) for those species under the jurisdiction of NMFS. This document is limited to those species under NMFS jurisdiction and covers most of the endangered and threatened species which may occur in the action area, including marine mammals, turtles, and Pacific salmon.

Listed seabirds are under the jurisdiction of the USFWS which has completed an FMP level BiOp (USFWS 2003a) and project level BiOp (USFWS 2003b) for the groundfish fisheries. Both USFWS BiOps concluded that the groundfish fisheries and the annual setting of harvest specifications were unlikely to cause the jeopardy of extinction or adverse modification or destruction of critical habitat for ESA listed birds.

Under the FMP level BiOp (NMFS 2000), the western distinct population segment of Steller sea lions was the only ESA listed species identified as likely to be adversely affected by the groundfish fisheries. A subsequent biological opinion on the Steller sea lion protection measures was issued in 2001 (NMFS 2001b, Appendix A, Supplement June 19, 2003). The 2001 BiOp found that the groundfish fisheries conducted in accordance with the Steller sea lion protection measures were unlikely to cause jeopardy of extinction or adverse modification or destruction of critical habitat for Steller sea lions.

No consultations are required for the 2005 harvest specifications at this time because based on the best available information, the proposed actions will not modify the actions already analyzed in previous BiOps, are not likely to adversely affect ESA listed species beyond the effects already analyzed, and the incidental take statements of ESA species are not expected to be exceeded. Summaries of the ESA consultations on individual listed species are located in the section 3.0 and accompanying tables of the Draft PSEIS under each ESA listed species' management overview (NMFS 2003b).

These actions pose **no known violation of Federal, State, or local laws or requirements for the protection of the environment**. Implementation of the harvest specifications would be conducted in a manner consistent, to the maximum extent practicable, with the enforceable provisions of the Alaska Coastal Management Program within the meaning of section 30(c)(1) of the Coastal Zone Management Act of 1972, and its implementing regulations.

This action poses **no effect on the introduction or spread of nonindigenous species** into the BSAI and GOA beyond those previously identified, because it does not change fishing, processing or shipping practices that may lead to the introduction of nonindigenous species.

Comparison of Alternatives and Selection of a Preferred Alternative

Alternatives 1-4 were developed to use the current harvest strategy allowed in the FMPs and provide a range of TAC amounts for comparison purposes. Alternative 5 would result in no groundfish fishing and is therefore the no action alternative which is required in NEPA analyses. Alternative 1 would set TACs in the BSAI above the upper limit of 2,000,000 mt for OY. Alternative 5 would set TACs in both the BSAI and GOA equal to zero. Neither Alternative 3 nor 4 use the best and most recent scientific information on status of groundfish stocks nor take into account socioeconomic benefits to the nation.

Alternative 2 was chosen as the preferred alternative because: 1) it takes into account the best and most recent information available regarding the status of the groundfish stocks, public testimony, and

socio-economic concerns; 2) it sets all TACs at levels equal to or below ABC levels; 3) it sets TACs which, in the aggregate, fall within the specified range of OY for both the BSAI and GOA, and 4) it is consistent with the Endangered Species Act, the Magnuson-Stevens Act (including the national standards), and other applicable law.

Based on the information contained in the Environmental Assessment/Final Regulatory Flexibility Analysis for the Total Allowable Catch Specifications for the Year 2005 Alaska Groundfish Fisheries, December 2004, and summarized here, I have determined that the proposed alternative 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. Therefore, a FONSI is appropriate.

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2/11/05

Date