



NOV 10 2004

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act, an environmental review has been performed on the following action.

TITLE: Environmental Assessment for a Regulatory Amendment for Full Retention of Demersal Shelf Rockfish in Longline Fisheries in the Southeast Outside District of the Gulf of Alaska

LOCATION: The exclusive economic zone of Gulf of Alaska waters.

SUMMARY: This document analyzes the effects of a regulatory amendment to require full retention of Demersal Shelf Rockfish (DSR) in the longline fisheries of the Southeast Outside District of the Gulf of Alaska. The action is needed to improve the gathering of information on the bycatch of DSR, to avoid either increasing incentives to target on DSR or increasing incentives to discard bycatch in excess of the amount that can legally be sold, to minimize waste to the extent practicable, and to achieve consistency between State and Federal regulations. The preferred alternative requires the full retention of rockfish and allows the sale of DSR up to 10 percent in weight of the total weight of target groundfish species harvested. The remaining DSR may be kept for any use, as long as it does not enter commerce.

**RESPONSIBLE
OFFICIAL:**

James W. Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
P. O. Box 21668
Juneau, AK 99802-1668 Phone: 907-586-7228

The environmental review process led us to conclude that this action will not have a significant impact on the environment. Therefore, an environmental impact statement was not prepared. A copy of the finding of no significant impact, including the environmental assessment, is enclosed for your information.



Please submit any written comments to the responsible official named above. Also, please send one copy of your comments to me at the NOAA Strategic Planning Office (PPI/SP), Room 15603, 1315 East-West Highway, Silver Spring, MD 20910.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kennedy". The signature is fluid and cursive, with a large initial "S" and a stylized "K".

Susan A. Kennedy
Acting NEPA Coordinator

Enclosure

Finding of No Significant Impact

Environmental Assessment/ Regulatory Impact Review/Initial Regulatory Flexibility Analysis
(EA/RIR/IRFA) for a Regulatory Amendment for Full Retention of Demersal Shelf Rockfish in
Longline Fisheries in the Southeast Outside District
October 2004

The action analyzed is a regulatory amendment to require full retention of Demersal Shelf Rockfish (DSR) in the longline fisheries of the Southeast Outside District (SEO) of the Gulf of Alaska (GOA). The current regulations require discard of all DSR bycatch over ten percent of the retained catch of targeted species in the fixed gear fisheries. This system likely leads to a considerable amount of unreported discards, and better data collection would enable biologists to conduct more accurate stock assessments, so that measures can be taken, if necessary, to prevent overfishing. The changes in handling incidental catch of DSR are also intended to reduce wastage. DSR do not survive being caught and returned to the sea. This action is necessary to: (1) improve the gathering of information on the bycatch of DSR in the halibut longline fishery and other fisheries in the SEO, in order to get a more accurate picture of DSR mortality and to enable biologists to improve the annual stock assessments; (2) avoid, in the process of implementing a full retention program, either increasing incentives to target on DSR or increasing incentives to discard bycatch in excess of the amount that can legally be sold; (3) minimize waste to the extent practicable while meeting these goals; and (4) achieve consistency between State and Federal regulations that govern the retention and disposition of DSR harvested in the SEO.

One of the purposes of an EA is to provide the information 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 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 (NAO) 216-6 provides guidance on National Environmental Policy Act 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 3.0 of the attached EA, Environmental Consequences of the Alternatives. The results of that analysis are summarized here for each factor.

Context: This action applies to the GOA groundfish fisheries only. Any effects of this action are limited to the GOA. The retention of DSR in the GOA groundfish fisheries has societal effects on individuals directly and indirectly participating in the longline groundfish fisheries and on those who use the ocean resources. Because this action affects the retention of DSR in the GOA

which may have direct or indirect societal effects, 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 NAO 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 function, and marine mammals: This is a relatively minor action within the context of fishery management in the GOA. New information may allow DSR management improvements, but fundamental changes in the management of the fishery are not expected. Direct impacts on the environment would be minimal, as discussed in sections 3.1 through 3.6 of the EA. Indirect impacts to the environment could derive from better information leading to more skillful management. For example, new information could eventually lead to decisions by managers to reallocate DSR harvest between targeted and incidental catch harvests.

The action is not expected to jeopardize the sustainability of any target or non-target species affected by this action. As explained in section 3.1, the action is primarily designed to collect better data on incidental catch of DSR taken in the SEO by fishermen targeting other groundfish species and Individual Fishing Quota Pacific halibut. The action itself would not lead to direct changes in the mortality level, but improved information might lead to certain changes in management. For example, the total allowable catch, acceptable biological catch, and the proportion of DSR taken directly or incidentally might change in response to an enhanced understanding of fishing-induced DSR mortality.

The action would not cause substantial damage to essential fish habitat, or a substantial impact on biodiversity and ecosystem function within the affected area, as discussed in sections 3.2 and 3.3 of the EA. The amount of fishing and the types of fishing gear used would not change. Requiring full retention might have some effect on fishing locations, as fishermen might want to avoid excess bycatch of DSR, which could have some localized beneficial effects on habitat used by DSR species. Some DSR that is discarded under current management would instead be landed, but the reductions in discards would not be large enough to measurably affect scavenger populations or the marine food web.

As analyzed in section 3.5 of the EA, the action would not adversely affect marine mammals.

Public health and safety: No issues involving public health or safety have been raised in connection with this action.

Cultural resources and ecologically critical areas: These actions take place in the geographic area of the GOA, generally from 3 nm to 200 nm offshore. The land adjacent to this area contains cultural resources and ecologically critical areas. The marine waters where the

groundfish fisheries occur contain ecologically critical areas. Effects on the unique characteristics of this area are not anticipated to occur with this action because this action has no effect on the amounts, methods, timing or locations of groundfish harvest.

Controversiality: No controversy has arisen regarding the data and level of information used in this analysis. This action also has not met with much public controversy. In 2002, the State of Alaska implemented full retention regulations in its own waters adjacent to the Federal waters covered by this action. The operation of the State's rule has not caused controversy.

Risks to the human environment, including social and economic effects: Minor direct impacts on fishermen and fish buyers from a full retention program are expected, including increased handling costs, and minor changes in paperwork. If a successful donation program is in place, the satisfaction associated with a reduction in perceived waste would constitute a positive impact. The socioeconomic impacts are discussed in the cost and benefit sections of the RIR (Sections 4.8 and 4.9), with a summary provided in Table 10. No significant adverse impacts were identified for this criterion.

Future actions: The experience with the results of this action may help managers decide whether or not to take similar action for other rockfish species with poor bycatch information, such as shortraker and rougheye. Beyond the possibility that it may prove helpful in assessing full retention as a tool, this action is such a carefully crafted response to a special situation that its ramifications are likely to be limited to the special situation.

Cumulatively significant effects, including those on target and nontarget species: This action is not expected to have effects that when combined with the effects of other actions or natural trends, would be cumulatively significant. See section 3.8 of the EA.

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 nm to 200 nm at sea, this consideration is not applicable to this action.

Impact on Endangered Species Act (ESA) listed species and their critical habitat: As analyzed in section 3.4 of the EA, the action would not adversely affect endangered or threatened species or designated critical habitat.

These actions pose **no known violation of Federal, State, or local laws or requirements for the protection of the environment.** Implementation of this action will be conducted in a manner consistent, to the maximum extent practicable, with the provisions of the Alaska Coastal Management Program within the meaning of section 307(c)(1) of the Coastal Zone Management Act of 1972, and its implementing regulations. This action will provide more consistency between State and Federal regulations regarding the retention of DSR.

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


Comparison of Alternatives and Selection of a Preferred Alternative

Four alternatives to the action were analyzed in the EA/RIR/IRFA. Alternative 1 is the status quo and was not adopted because it did not meet the objectives of the action. Alternative 2 would require the full retention of DSR, and allows the sale of DSR up to 10 percent of the aggregate round weight of the target groundfish. DSR retained over the 10 % weight limit eligible for sales would be either sold with the proceeds going to the State of Alaska or retained for uses other than sale, barter, or trade. This alternative was rejected due the provision requiring the proceeds of the DSR sales over the 10 % limit to go to the State of Alaska. This requirement is beyond the authority provided by the Magnuson-Stevens Fishery Conservation and Management Act.

Alternative 3 is the preferred alternative. Alternative 3 is similar to Alternative 2, except excess DSR over the 10 % sales limit may not enter commerce. This alternative provides for the use of excess DSR for any purpose other than sale, barter, or trade. Alternative 3 is a legally viable alternative that meets all of the objectives of the action.

Alternative 4 would require observer coverage for 30 percent of the fishing days for all catcher vessels fishing for groundfish and halibut in the SEO. The observer coverage would allow for the collection of information similar to data otherwise gathered under Alternatives 2 and 3 by requiring full retention of DSR. The amount of data that could be gathered would not be as complete as data gathered under Alternatives 2 and 3 because full retention of DSR is not required and therefore full accounting of DSR would not be possible. DSR would continue to be wasted under this alternative due to no increase in retention requirements. The cost of implementing the observer program on vessels under 60 feet length overall and less environmental protection made this alternative less desirable than Alternatives 2 or 3.

Based on the information contained in the EA/RIR/IRFA for a Regulatory Amendment for Full Retention of Demersal Shelf Rockfish in Longline Fisheries in the Southeast Outside District, May 2004, 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. Therefore, a FONSI is appropriate.


for William T. Hogarth, Ph.D.
Assistant Administrator
for Fisheries, NOAA

11-9-04
Date