

Finding of No Significant Impact for the Environmental Assessment/Regulatory Impact
Review/Initial Regulatory Flexibility Analysis
for a Regulatory Amendment to Revise Regulations for Seabird Avoidance Measures
in the Hook-and-line Fisheries off Alaska
to Reduce the Incidental Take of the Short-tailed Albatross
and Other Seabird Species
October 2007

National Oceanic and Atmospheric Administration Administrative Order 216-6 (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 regulations at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of “context” and “intensity.” Significance was determined by considering the contexts (geographic, temporal, and societal) in which the action would occur, and the intensity of the effects of the action. The evaluation of intensity included consideration of the magnitude of the impact, the degree of certainty in the evaluation, the cumulative impact when the action is related to other actions, the degree of controversy, and consistency with other laws.

Context: For this action, the setting is the groundfish fisheries of Alaska. Any effects of this action are limited to this area. The effects of this action on society within this area are on individuals directly and indirectly participating in these fisheries and on those who use the ocean resources. Because these actions may result in the protection of seabirds and removes unnecessary regulatory requirements for some hook-and-line fisheries in certain locations, these actions may have impacts on society as a whole or regionally.

Intensity: Listings of considerations to determine intensity of the impacts are in 40 CFR 1508.28(b) and in the NAO 216-6, Section 6. Each consideration is addressed below in order as it appears in the NMFS Instruction 30-124-1 dated July 22, 2005, Guidelines for Preparation of a FONSI. The preferred alternative is the focus of the responses to the questions.

1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action? No. This action does not affect any target species. This action proposes changes to seabird avoidance measures that will make small changes to how hook-and-line vessels comply with current regulations affecting protected species. (EA sections 2.2 and 2.3).

2) Can the proposed action reasonably be expected to jeopardize the sustainability of any non-target species? Except for seabirds, this action does not affect any other non-target species. This action proposes minor changes to current seabird avoidance measures applicable to longline vessels. The analysis determined that the proposed changes were not likely to adversely affect the sustainability of any seabird species and were likely to result in beneficial effects for seabirds by improving seabird avoidance standards for additional vessels. (EA sections 2.2 and 2.3 and Chapter 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? No. This action does not affect habitat. The gear requirement changes in this regulation are all above-water and have no interaction with the sea-floor or shoreline. (EA Chapter 5)

4) *Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?* No. This action does not affect public health or safety. The new regulations could require small vessels to use streamer lines with specific performance standards, but no safety issues were identified during active deployment of the streamer lines on research cruises on small vessels. Moreover, the weather safety standard option explicitly provides for greater public safety in the use of seabird avoidance devices. (EA section 4.2.5)

5) *Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?* No. This action makes the current seabird avoidance measures more efficient by using standards for the measures where bird species of concern have been observed. This could increase protection to these species. No other effects on endangered or threatened species are anticipated. (EA sections 3.1.2 and 3.3)

6) *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.)?* No. This action could help preserve bird species biodiversity, by decreasing the likelihood of seabird and fishing vessel interactions. It is not expected to impact diversity or ecosystem function substantially. (EA section 3.2)

7) *Are significant social or economic impacts interrelated with natural or physical environmental effects?* No significant social or economic impacts were identified in the RIR and IRFA. (EA section 6.8 and Chapter 7)

8) *Are the effects on the quality of the human environment likely to be highly controversial?* No. Most hook-and-line vessels are already using seabird avoidance gear, and did so voluntarily even before the original regulations were put in place. This action proposes a small change to the way the equipment is used, so effects on the human environment should be very small. (EA Chapter 2)

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 or ecologically critical areas?* No unique areas including historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas will be affected.

10) *Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?* No. Most vessels are already using the streamer lines, and did so voluntarily even before the original regulations were put in place. This action proposes a small change to the way the equipment is used, so effects on the human environment should be very small. No unique or unknown risks are involved. The interaction between seabirds and fishing vessels has been well researched and impacts are well known. (EA Chapter 1)

11) *Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?* No. This action is related to previous seabird avoidance measures regulatory changes. None of these changes individually or cumulatively have significant impacts. (EA Chapter 5)

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?* The proposed action

is not likely to adversely affect any of the aforementioned areas, as the action area does not include any of these types of areas.

13) *Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?* No. This action deals only with small changes to the way seabird avoidance gear is used. It does not include any means for introduction of nonindigenous species. (EA Chapter 2)

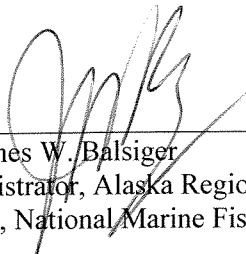
14) *Is the proposed action likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?* No. The proposed changes to seabird avoidance requirements result from directed study of seabird distribution and the efficacy of established seabird avoidance measures. They neither establish a precedent nor represent a decision in principle not already in effect. (EA Chapters 1 and 5)

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?* No. This action is in compliance with all applicable laws for protection of the environment. (EA sections 1.3, 1.4, and 1.5)

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?* No. This action does not affect any target or non-target species. This action proposes changes to seabird avoidance measures that will make small changes to how longline vessels comply with current regulations affecting protected species. The cumulative effects section found no adverse cumulative effects resulting from implementation of any of the alternatives. (EA section 5.0)

DETERMINATION

Based on the information contained in the EA prepared for a Regulatory Amendment to Revise Regulations for Seabird Avoidance Measures in the Hook-and-line Fisheries off Alaska to Reduce the Incidental Take of the Short-tailed Albatross and Other Seabird Species, October 2007, 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 of the proposed action have been 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.



Dr. James W. Balsiger
Administrator, Alaska Region
NOAA, National Marine Fisheries Service

11.27.07
Date