



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

JUL 25 2005

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 of a Regulatory Amendment to Modify Harvest Restrictions in Individual Fishing Quota and Western Alaska Community Development Quota Fisheries for Pacific Halibut in Areas 4C and 4D of the Bering Sea

LOCATION: Pacific Halibut Regulatory Areas 4C and 4D of the Bering Sea

SUMMARY: This action amends regulations for the Pacific halibut Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) programs that define regulatory fishing areas under the authority of the National Marine Fisheries Service and International Pacific Halibut Commission (IPHC). The regulatory amendment will allow holders of Area 4C halibut IFQ and CDQ to harvest halibut in Area 4D. This will provide additional fishing opportunities so that the assigned Area 4C quotas for two Pribilof Island communities (St. Paul and St. George) in Area 4C may be attained. A complementary action by the IPHC, which is required to adopt this regulatory amendment, was approved in January 2005.

RESPONSIBLE OFFICIAL:

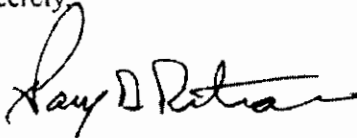
James W. Balsiger
Administrator, Alaska Region
National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA)
P.O. Box 21668
Juneau, AK 99802-1668
907-586-7221

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,


for Susan A. Kennedy
Acting NEPA Coordinator

Enclosure

Finding of No Significant Impact

ENVIRONMENTAL ASSESSMENT

**for the Regulatory Amendment to Modify Harvest Restrictions in Individual Fishing Quota
and Western Alaska Community Development Quota Fisheries
for Pacific Halibut in Areas 4C and 4D of the Bering Sea
February 2005**

The action analyzed amends Pacific halibut Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) regulations that define regulatory fishing areas for these programs under the authority of both the National Marine Fisheries Service (NMFS) and International Pacific Halibut Commission (IPHC). In December 2004, the North Pacific Fishery Management Council (Council) identified its preferred alternative to allow holders of Area 4C halibut IFQ and CDQ to harvest such halibut IFQ/CDQ in Area 4D. It would allow additional fishing opportunities so that the assigned Area 4C IFQ and CDQ quotas for two Pribilof Island communities (St. Paul and St. George) in Area 4C may be attained. A complementary action by the IPHC, which is required to adopt this regulatory amendment, was approved in January 2005.

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 this action will not result in significant impacts to the human environment, and therefore, further analysis in an EIS is not needed. The Council on Environmental Quality regulations defines 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 NEPA specifically 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 sections 6.01 and 6.02). These factors form the basis of the analysis presented in Sections 4.0 and 5.0 of the attached EA. The results of that analysis are summarized here for each factor.

Context

The setting of this action is the Pacific halibut IFQ and CDQ fisheries in the Bering Sea off Alaska in Areas 4C and 4D. Any effects of this action are limited to these areas. The effects on society within these areas are on individuals directly and indirectly participating in the halibut IFQ and CDQ fisheries and those who use the ocean resources. This action includes minor changes to currently allowed fishing practices among participants in the halibut fishery in Area 4C and 4D. This action has no significant impacts on society as a whole or regionally.

Intensity

A listing of considerations to determine intensity of the impacts are in 40 CFR § 1508.27 (b) and in the NOAA Administrative Order 216-6. Each consideration is addressed below in order as it appears in the regulations.

1. **Beneficial and adverse impacts are required to be considered in this action, including sustainability of target and non-target species, damage to ocean or coastal habitat or essential fish habitat, effects on biodiversity and ecosystems and marine mammals.** Impacts are limited to the participants in the halibut IFQ and CDQ fisheries in Areas 4C and 4D of the Bering Sea. Under this action, allowing Area 4C halibut to be harvested in Area 4D may have a beneficial impact to eligible IFQ and CDQ holders in Area 4C by providing them increased access to the Area 4C-E halibut resource. No significant adverse impacts were identified for this action.

2. **Public Health and Safety** may be positively impacted by allowing larger vessels in Area 4C to fish their IFQ and CDQ in Area 4D under this action. This would reduce pressure on near shore stocks of halibut in Area 4C, thereby increasing availability of halibut to smaller vessels near shore. Accessibility of the halibut resource close to shore would prevent smaller vessels from traveling further from shore to catch their allocation. The status quo would negatively impact small vessels by potentially requiring them to go further from shore to fish their IFQ or CDQ.

3. This action takes place in the geographic area of the Bering Sea. Even though this area contains **cultural resources and ecologically critical areas**, no effects on the unique characteristics of these areas are anticipated to occur with this proposed action.

4. The effects of this action on the human environment are not **controversial**. The action is potentially socially and economically controversial because it could potentially redistribute and concentrate fishing effort from Area 4C into Area 4D. However, the action was recommended by participants in Area 4C, Area 4D, (the entities that are subject to the regulations), and by the North Pacific Fishery Management Council.

5. The action analyzed in this EA is very limited in scope, and it is anticipated that there will be minimal or no **risk to the human environment, including social and economic effects**, by implementing this action. No significant adverse impacts were identified for this action.

6. **Future actions** related to this action may result in impacts and are addressed in Chapter 5.0 of the EA. To the extent that future research indicates a further segregation of the halibut biomass in Area 4C-E to biologically distinct areas is

necessary, additional action to review allowing Area 4C halibut IFQ or CDQ to be harvested in Area 4D may be necessary. Pursuant to NEPA, appropriate environmental analysis documents will be prepared to inform the public and decision makers of potential impacts of future actions on the human environment, and mitigation measures are likely to be implemented to avoid significantly adverse impacts.

7. **Cumulatively significant impacts, including those on target and non-target species** are not expected with this action. Cumulative impacts of this action are analyzed in Chapter 5.0 of the EA. The cumulative effects of this action, in combination with past actions, and reasonably foreseeable actions are insignificant. This action would make minor modifications to existing regulations and management measures applicable to the halibut IFQ and CDQ fisheries, which would result in no significant impact to the natural environment or socioeconomic conditions.

8. 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. This consideration is not applicable to this action.

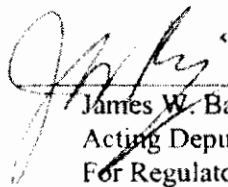
9. NEPA requires NMFS to determine the degree an action may affect **threatened or endangered species or critical habitat under the ESA**. Details of potential effects are listed in section 4.5 and 4.6 of the EA. Interactions between the Area 4C-E halibut IFQ or CDQ fishery and any listed marine mammal, fish, or seabird are insignificant under this action.

10. This action poses **no known violation of Federal, State, or local laws or requirements for the protection of the environment**. This action 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.

11. This action poses **insignificant effects on the introduction or spread of nonindigenous species** into the Bering Sea because they do not change fishing, processing or shipping practices that may lead to the introduction of non-indigenous species.

Based on the information contained in the EA for Regulatory Amendment to Modify Harvest Restrictions in Individual Fishing Quota and Western Alaska Community Development Quota Fisheries for Pacific Halibut in Areas 4C and 4D of the Bering Sea, February 2005, 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. Therefore, a FONSI is appropriate.



James W. Balsiger
Acting Deputy Assistant Administrator
For Regulatory Programs
NOAA, National Marine Fisheries Service

7.18.05
Date