

Finding of No Significant Impact for Final Rule for Amendment 97 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, Amendment 80 Vessel Replacement, RIN 0648-BB18

National Marine Fisheries Service
June 1, 2012

The action analyzed would amend the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) and federal regulations related to the Amendment 80 Program to establish a process for the owners of originally qualifying Amendment 80 vessels to replace trawl catcher/processor vessels. The environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) analyzed provisions of Amendment 97 that allow the fleet to gradually replace aging vessels with larger safer vessels intended to improve the retention and utilization of catch by the Amendment 80 sector.

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.

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 (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 in 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. These include:

Context: For this action, the setting is the Bering Sea and Aleutian Islands Management Area (BSAI) and the Gulf of Alaska (GOA). Any effects of this action are limited to these areas. The effects of this action on society within these areas are on individuals directly and indirectly participating in this fishery and on those who use the ocean resources. Because this action concerns the use of a present and future resource, this action may have impacts on society as a whole or regionally.

Intensity: Listings of considerations to determine intensity of the impacts are in 40 CFR 1508.27(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.

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. Atka mackerel, Aleutian Islands Pacific ocean perch, flathead sole, Pacific cod, rock sole, and yellowfin sole (i.e., Amendment 80 species) are the target species affected by the action. These stocks are at a sustainable population level. Implementation of the preferred alternative is unlikely to increase the amount of the status quo level of fishing that has been analyzed by NMFS. The total allowable catch (TAC) is determined annually based on the carrying capacity of target species, and effective monitoring and enforcement measures are in place to ensure that TACs are not exceeded. The TAC of target species will not increase, nor will the action increase the likelihood that the TAC will be exceeded. As a result, the alternative is not expected to jeopardize the sustainability of these species, and thus will not result in significant impacts (EA/RIR/IRFA sections 2.5 and 3.4.1).

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

Response: No. Vessel replacement would not be likely to increase the amount of the status quo level of fishing that has been analyzed by NMFS and determined to have no significant adverse impacts on fish species. Previous analyses concluded that species caught incidentally in the Amendment 80 fisheries are at sustainable population levels. The intent of the preferred alternative is to increase the retention and utilization of target and non-target species. Amendment 80 replacement vessels would continue to be constrained by the TAC and specific management measures that limit prohibited species catch. Therefore, the impacts of the proposed action on non-target species are not expected to be significant (EA/RIR/IRFA section 3.4.1).

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

Response: No. The overall amount of effort in the Amendment 80 fisheries will remain the same under the preferred alternative, as the overall TACs are not affected by this action. The effects of the Amendment 80 fisheries on benthic habitat and EFH were analyzed in the EFH Identification and Conservation EIS. Recent closures in the Aleutian Islands have protected sensitive habitat areas from future adverse impacts due to fishing. Vessels would still have to comply with existing Federal regulations protecting Steller sea lion rookeries and haulouts. This EIS found no indication that continued fishing activities at the current rate and intensity would alter the capacity of EFH to support healthy populations of managed species over the long term. These effects are likely to be the same under the proposed action and are not considered to be significant (EA/RIR/IRFA section 3.4.1).

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

Response: No. Public health and safety are not expected to be adversely affected by the proposed action. This action would establish management measures that would allow the owners of Amendment 80 vessels to replace their vessels for any reason. All replacement vessels would have to meet contemporary vessel safety standards, including the international class and load line requirements (EA/RIR/IRFA sections 2.5 and 3.4).

5) *Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?*

Response: No. This action is not considered a change upon which the last Endangered Species Act Section 7 consultation was based. Changes in interactions with other fish species, marine mammals, seabirds, habitat, and ecosystem relations are tied to changes in target fishery effort. The potential effects of this action are not significant because fishing activity would not increase and there are management measures currently in place to protect the physical and biological environment. All vessels would still have to comply with existing Federal regulations protecting Steller sea lion rookeries and haulouts. No significant adverse impacts on marine mammals, endangered or threatened species, seabirds, habitat, or the ecosystem are anticipated as a result of implementing the preferred alternative (EA/RIR/IRFA section 3.4.1).

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.)?*

Response: No. This action would not produce population-level impacts to marine species, or change community- or ecosystem-level attributes beyond the range of natural variability. Changes in interactions with other fish species, marine mammals, seabirds, habitat, and ecosystem relations are tied to changes in target fishery effort. The potential effects on an ecosystem scale are not significant because fishing activity and the location of fishing activity would not change and there are management measures currently in place to protect the physical and biological environment. Therefore, this action is not expected to have a significant impact on the ecosystem (EA/RIR/IRFA section 3.4.1).

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

Response: No. Vessel replacement is expected to result in the replacement of smaller vessels with larger vessels that can accommodate additional hold and processing capacity. Vessel owners may choose to replace multiple vessels with a single larger vessel that can more efficiently harvest the allocations assigned under cooperative management. This consolidation would not be expected to result in reduced harvests overall. It likely will, however, increase effective fishing capacity within the Amendment 80 sector. No natural or physical environmental effects are predicted at this time (EA/RIR/IRFA sections 2.5.1 and 3.4.2).

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

Response: No. The effects of the proposed action on the quality of the human environment are unlikely to be highly controversial. Controversies concerning the proposed action are related to possible changes in fleet composition and are not related to environmental impacts effects (EA/RIR/IRFA section 3.4).

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?*

Response: No. Because this action takes place in offshore waters of the BSAI and GOA, this action is not expected to result in substantial impacts to historic or cultural resources, park land, prime farmlands, wetlands, or wild and scenic rivers. The marine waters where Amendment 80 fisheries occur contain ecologically critical areas. Effects on the unique characteristics of these areas are not anticipated to occur with this action (EA/RIR/IRFA section 3.4.1).

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

Response: No. A well-developed body of science exists related to the effects of managing the Amendment 80 fisheries on the marine environment. Enough information is available to make decisions on potential impacts of the proposed action on the human environment (EA/RIR/IRFA section 3.4).

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

Response: No past, present, or reasonably foreseeable future actions were identified that would combine with the effects of this action to result in cumulatively significant impacts. (EA/RIR/IRFA sections 3.4.3 and 3.4.4).

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. Because this action occurs in offshore waters of the BSAI and GOA, no impacts will occur on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural, or historical resources.

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

Response: No. This action will not affect the introduction or spread of non-indigenous species, because it does not change fishing practices that may introduce such organisms into the marine environment.

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. Future actions related to this action are likely to be administrative in nature and are likely to have similar impacts as this action. The decision making for future allocations will likely continue to be made based on the best scientific information available and the deliberative process normally used in developing such decisions. This action may be a consideration in future actions but is not likely to constrain future decision making. Pursuant to the National Environmental Policy Act for all future Federal actions, 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.

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

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 additional cumulative adverse effects were identified that would result in a significant adverse effect on the human environment. Cumulative adverse effects have been identified and discussed for target and non-target species, but these did not reach the level of significance (EA/RIR/IRFA section 3.4).

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the final rule implementing Amendment 97 to the FMP, it is hereby determined that this action will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Robert D. Mecum

6/1/12

for

James W. Balsiger, Ph.D.
Administrator, Alaska Region

Date