

**Finding of No Significant Impact for the Environmental Assessment for a
Regulatory Amendment to Modify Monitoring and Enforcement Requirements in
the Bering Sea and Aleutian Islands Freezer Longline Fleet [RIN 0648-BB67]**

September 2012

National Marine Fisheries Service

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:

1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

Response: The action will add additional monitoring requirements for freezer longline vessels that fish for Pacific cod in the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA). It will not change the type of gear used, the manner in which it is deployed, the location where fishing takes place, or the duration of fishing activities. This action is not expected to jeopardize the sustainability of any target species because this action will not affect any aspect of how the Pacific cod fishery in the BSAI or GOA is prosecuted. (RIR/EA Section 2.4.1).

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

Response: The action will add additional monitoring requirements for freezer longline vessels that fish for Pacific cod in the BSAI and GOA. It will not change the type of gear used, the manner in which it is deployed, the location where fishing takes place, or the duration of fishing activities. This action is not expected to jeopardize the sustainability of any non-target species because this action will not affect any aspect of how the Pacific cod fishery in the BSAI or GOA is prosecuted. (RIR/EA Sections 2.4.2 and 2.4.3).

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?

Response: The action will add additional monitoring requirements for freezer longline vessels that fish for Pacific cod in the BSAI and GOA. It will not change the type of gear used,

the manner in which it is deployed, the location where fishing takes place, or the duration of fishing activities. This action is not expected to cause damage to the ocean and coastal habitats and/or essential fish habitat because this action will not affect any aspect of how the Pacific cod fishery in the BSAI or GOA is prosecuted. (RIR/EA Section 2.4.4).

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

Response: The action will impose new monitoring requirements on freezer longline vessels that target Pacific cod in the BSAI. These new monitoring requirements require that vessel owners either carry an additional observer or weigh all Pacific cod catch. This action is not expected to have a significant net impact on fishing vessel safety or on the potential for human injury or mortality. Alternative 3 would increase the number of observers placed on vessels, which may result in a reduction in average crew size. Thus, this alternative may increase the number of people facing the risks of a fishing environment and reduce effective crew size, and possibly crew efficiency. This is not the case with Alternatives 1 or 2. It may be the case with Alternative 4, the preferred alternative, to the extent that vessel operators choose the observer option.

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

Response: As described in sections 2.4.6 and 2.4.7 of the Environmental Assessment, the Pacific cod fishery in the BSAI has the potential to interact with the endangered short-tailed albatross and the western distinct population segment of Steller sea lions. This action will not alter the nature of these interactions. Impacts on both species have been fully analyzed in the EA/RIR/IRFA for seabird avoidance measures in the hook-and-line fisheries off Alaska (<http://alaskafisheries.noaa.gov/analyses/seabirds/EARIRFRFA1007.pdf>) and in the EA/RIR for revisions to the Steller sea lion protection measures for the BSAI groundfish fisheries (http://alaskafisheries.noaa.gov/analyses/ssl/sslprotections_eair1210.pdf).

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: The action is not expected to have any impact on biodiversity and or ecosystem function within the BSAI or GOA. The additional monitoring requirements under the preferred alternative are not be expected to significantly change any aspect of how the fishery is prosecuted. (RIR/EA Section 2.4.5).

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

Response: The monitoring measures under this action will impose additional costs on the owners of participating vessels. These costs have been fully analyzed in Section 1.3 of the RIR prepared for this action. Based on conversations with industry members, it is likely that most

participating vessels will choose the scales option. Startup costs for this option are estimated to range from about \$115,000 to about \$459,000 per vessel with ongoing costs ranging from \$7,600 to \$8,100 per vessel per year. These costs are highly variable because of the diversity of vessel size and layout in this fleet. These costs are balanced by benefits to the vessel owners of improved catch accounting and more reliable estimates of catch for quota management.

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

Response: This action will impact the holders of the 37 License Limitation Program (LLP) licenses allowing participation in the BSAI freezer longline Pacific cod fishery. All of these owners are members of a single fishing cooperative that has gone on record supporting the preferred alternative. NMFS has held two public meetings for LLP holders, and representatives from the majority of companies holding LLP licenses have attended. NMFS staff has also spoken individually with the majority of LLP holders. Given the broad acceptance of this action by the impacted entities, this action is not expected to be controversial. (RIR/EA Section 1.3).

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: Because this action will not change the location or intensity of fishing activities, it is expected to have no impact on any unique area including essential fish habitats or ecologically critical areas.

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

Response: The costs associated with this action are well known and have been estimated for similar fleets (catcher/processors targeting pollock, head-and-gut catcher/processors fishing in the BSAI, catcher/processors targeting rockfish in the GOA). The vessels and companies impacted by this action are a closed class, and NMFS staff has extensively discussed the potential costs with vessel owners, equipment manufacturers and installers, and observer providers. There is very little uncertainty associated with this action's impact on the human environment, and it is highly unlikely to involve unknown risks. (RIR/EA Section 1.3).

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

Response: A series of other actions have created the opportunity for industry members to form a voluntary cooperative. The history of these actions is described in Section 1.2.2 of the RIR. The current action responds to the formation of this voluntary cooperative by proposing monitoring standards similar to those that have been promulgated for other quota programs. No cumulative significant impacts on these resources are anticipated with the proposed action because no direct or indirect effects on BSAI resources have been identified. (RIR/EA Section 2.6).

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: Pacific cod fishing in the BSAI and GOA does not take place in any location listed in or eligible for listing in the National Register of Historic Places. There is no possibility that this action directly or indirectly will cause the loss or destruction of 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: Because this action will not change the type of gear used, the manner in which it is deployed, the location where fishing takes place, or the duration of fishing activities, there is no possibility that it will result in the introduction or spread of a nonindigenous species.

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?

Response: If NMFS promulgates regulations that establish a formal regulatory fishing cooperative to replace the current voluntary fishing cooperative, the regulations developed as a result of this action would be expected to be part of the regulatory package governing the cooperative. The package of monitoring measures that have been developed for this action are similar to those imposed on other recently developed catch share programs and follow an existing and well established precedent for the monitoring of individual catch shares. (RIR/ EA Section 1.2.2).

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: This action proposes no measure that would reasonably be expected to threaten a violation of Federal, State, or local law or any requirement imposed 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: The overall harvest of Pacific cod in the BSAI is determined by the annual process to set total allowable catch (TAC). Apportionments of Pacific cod to the various gear and processing sectors is set forth in regulation. This action will not alter the TAC of Pacific cod and is not expected to alter the dynamics of the fishery in any way that would change the catch of target or non-target species. No cumulative significant impacts on these resources are anticipated with the proposed action because no direct or indirect effects on BSAI resources have been identified. (RIR/EA Section 2.4.2).

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for this action, it is hereby determined that the regulatory amendment to modify monitoring and enforcement requirements in the Bering Sea and Aleutian Islands freezer longline fleet 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.



James W. Balsiger, Ph.D. for J/B 9-13-12
Administrator, Alaska Region Date