NOAA FISHERIES SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

1/20/2015

FROM: Paul Marx – F/MB Paul Z. Marx

FOR: Brian Pawlak, Acting Office Director Management and Budget

SUBJECT: Environmental Assessment and Finding of No Significant Impact for Continuing the Fisheries Financing Program in FY 2015 and beyond

Proposed Action

The Action analyzed is to continue operation of the Fisheries Financing Program (FFP) as enacted and appropriated annually by Congress. The FFP was authorized prior to the National Environmental Policy Act (NEPA), and thus faced no environmental review as a program. The FFP provides loans to fishers and fishing businesses, including aquaculture, across the United States.

Significance Findings

The 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 C.F.R. 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 criteria 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: No, the proposed action cannot reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action. The proposed action is primarily administrative and undertaken in support of the National Marine Fisheries Service (NMFS) sustainable oceans goals. As indicated in Sections 1.0 and 2.1 of the EA, it involves receiving, analyzing, and approving loans to fishers, aquaculturists, and fish processors. The loans made to fishers and processors are not expected to change how fish are caught or processed or the amount of fish harvested or processed.

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

Response: No, the proposed action cannot reasonably be expected to jeopardize the sustainability of any non-target species because, as indicated in Section 4.2 of the EA, the loans made to fishers and processors are not expected to change how fish are caught or processed or the amount of fish harvested or processed.

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: No, the proposed action cannot 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 because, as indicated in Section 4.2 of the EA loans made to fishers, aquaculturists and fish processors will not change the methods of fishing or fish processing.

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

Response: No, the proposed action cannot be reasonably expected to have a substantial adverse impact on public health or safety. The loans made available by the FFP will provide some benefit to the finances of fishers, aquaculturists and fish processors. As indicated in Section 4.2 of the EA, FFP loans are expected to have non-significant beneficial impact on public health or safety, by allowing fishers, aquaculturists and fish processors to make safety improvements to their facilities and operations.

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, FFP loans are not expected to adversely affect endangered or threatened species, marine mammals, or critical habitats of these species. FFP loans are not made for projects in closed fisheries. As indicated in Section 2.1 of the EA, persons with outstanding violations of the Magnuson-Stevens Act, the Marine Mammal Protection Act, or any other environmental laws are ineligible for FFP loans.

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, continuing to make loans through the FFP is not expected to have any impact on biodiversity or ecosystem function. Loans do not affect the species to be harvested, or farmed, and they do not influence where or how these activities take place.

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

Response: Some minor social or economic beneficial impacts are expected from continuation of the FFP loan program, described in Section 4.2 of the EA. These include

increased financial stability of the borrowers in the program, as well as some economic growth in the communities where they conduct business. However, these impacts are minor to moderate and are only related to the benefits of the loan. They are not related in any way to natural or physical environmental effects.

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

Response: No, the effects expected from continuation of the FFP loan program are not likely to be highly controversial because the program is primarily administrative, has existed for some years, and is undertaken in support of NMFS sustainable oceans goals. As stated in Sections 1.2, 2.1 and 4.2 of the EA, the FFP loans are not expected to change how fish are caught or processed or the amount of fish harvested or processed.

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, the proposed action cannot 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. Continuation of the FFP loan program is an administrative activity that does not influence where or how a fisher, aquaculturist or fish processor chooses to do business. The program is concerned with the fiscal responsibility of the borrower.

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

Response: No, the effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. Making loans to facilitate economic activity is a long-standing practice with centuries of history. Risks resulting from making loans to fishers, aquaculturists or fish processors are primarily financial. Risks to the human environment are not expected to be unique or unpredictable.

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

Response: No, the proposed action is not related to other actions with individually insignificant, but cumulatively significant impacts. As indicated in Section 4.2 of the EA, the FFP loans are indirectly related to the fishing activities funded by the loans, but no cumulatively significant impacts are expected because the fishers follow Fisheries Management Plans (FMPs).

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, the proposed action is not likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural or historical resources. As indicated in Sections 2.1 and 4.2 of the EA, the proposed action is administrative – to continue making loans to the fishing industry. As such, no districts, sites, highways, structures, or objects eligible for listing in the National Register of Historic Places are expected to be affected. Loans will not be made for projects that would contribute to the loss or destruction of any 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, continuing a loan program will have no effect on the introduction or spread of a non-indigenous species. Loans will not be made to support projects that would lead to the introduction or spread of non-indigenous 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: No, the proposed action is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. As indicated in Section 4.2 of the EA, each loan is approved and funded on a case-by-case basis in accordance with specific eligibility criteria. The loan program considers the economic and financial viability of a business in the present. If the conditions in a fishery or in the business change adversely, the loan may not be funded, even if approved. Furthermore, availability of funding to make a loan provides no assurance that a loan will be made. Having secured a loan once is also no assurance of qualifying for a new loan, if economic circumstances are not supportive.

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, the proposed action cannot reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. Sections 2.1 and 4.2 of the EA describe the legal and environmental review criteria for potential loans. Continuation of the FFP loan program is the way in which NOAA/NMFS will implement the statute authorizing the program. In addition, the regulations and policies governing the program require that applicants for FFP loans have no outstanding violations of Federal, State or local environmental laws.

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, continuation of the FFP loan program cannot reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species. As indicated in Sections 2.1, 4.2, and 5.3 of the EA, loans will not be made for projects in fisheries that are designated as overfished or subject to overfishing.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Continuing the Fisheries Financing Program, it is hereby determined that the FFP 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.

Brian Pawlak, Acting Director, Office of Management and Budget

1/29/15
Date