

**Finding of No Significant Impact for
Amendment 43 to the Fishery Management Plan for Bering Sea/Aleutian Islands
King and Tanner Crabs and
Amendment 103 to the Fishery Management Plan for Groundfish of the Bering Sea
and Aleutian Islands Management Area.**

to
Prevent overfishing and Rebuild Pribilof Islands blue king crab (RIN 0648-BC34)

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 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: No. No significant adverse impacts on target groundfish species were identified for Alternative 2b, the proposed action. No changes in overall amount or timing of harvest of target species are expected. The general location of harvest is also likely to be similar to the status quo, with a nominal redistribution in effort to outside the Pribilof Islands Habitat Conservation Zone (PIHCZ). Therefore, no impacts on the sustainability of any target groundfish species are expected. (EA Section 5.1).

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

Response: No. Potential effects of the proposed action on non-target and prohibited species are expected to be not significant and similar to status quo because no overall harvest changes to target species were expected. Some benefits to Pribilof Islands blue king crab (PIBKC), a prohibited species caught as bycatch in the Pacific cod pot fishery, may accrue due to the area closure (PIHCZ) to this gear type. Because no overall changes in harvests under the proposed alternative is expected, the proposed alternative is not likely to jeopardize the sustainability of any nontarget species. No significant impacts on other species caught as bycatch were identified in the analysis. (EA Sections 4, 5.1, and 5.2).

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. No adverse impacts were identified for the proposed action on ocean or coastal habitats or essential fish habitat (EFH). The proposed action may reduce damage to several components of community structure, including living structure animals and other, smaller epibenthos (such as other crab, sea stars, or shrimp) in areas that would permanently close to Pacific cod pot gear. (EA Section 5.5)

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 will not be affected in any way not evaluated under previous actions or disproportionately as a result of the proposed action. The proposed action will not change fishing methods, timing of fishing, or quota assignments to gear groups, which are based on previously established seasons and allocation formulas in regulations. (RIR/IRFA Sections 1.4.2.1 and 1.4.4).

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. The EA identifies that the proposed action would have no anticipated impact on endangered or threatened species, marine mammals, and critical habitat. The proposed action would not change the Steller sea lion protection measures, ensuring the action is not likely to result in adverse effects not already considered under previous ESA consultations for Steller sea lions and their critical habitat. (EA Sections 5.3 and 5.4)

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 significant adverse impacts on biodiversity or ecosystem function were identified for Alternative 2b. The year-round closure would provide protection to biodiversity and ecosystem function by closing an area around the Pribilof Islands known to be important habitat for crab species, and likely benefit marine features that provide an ecosystem function. No significant effects are expected on biodiversity, the ecosystem, marine mammals, or seabirds. (EA Section 5.5).

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

Response: Socioeconomic impacts of this action are limited to the year-round closure of the PIHCZ to pot fishing for Pacific cod. This analysis concludes that it is likely that all of the catch can be made up outside of the PIHCZ under Alternative 2b. This analysis has shown that

redeployment of effort to recover small amounts of catch, while potentially increasing operating cost, will not have appreciable impacts on landings, fishing communities, markets, or consumers. No significant adverse impacts were identified for the proposed action for social or economic impacts interrelated with natural or physical environmental effects. (RIR/IRFA Sections 1.4.2.1 and 1.4.4).

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

Response: No. This is a non-controversial proposed action. (EA Chapter 1 and RIR/IRFA 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?

Response: No. This action would not affect any categories of areas on shore. This action takes place in the geographic area of the Bering Sea. The land adjacent to this marine area may contain archaeological sites of native villages. The marine waters where the fisheries occur contain ecologically critical areas. The year-round closure would provide protection to ecologically critical areas by closing an area around the Pribilof Islands. Effects on the unique characteristics of these areas are not anticipated to occur with this action because the amount of fish removed by vessels are within the total allowable catch specified harvest levels and the proposed action provides protection to EFH and ecologically critical nearshore areas. (EA Section 5.5).

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

Response: No. However, as discussed in the analysis, there is uncertainty in the benefits of the action on the PIBKC stock and its potential for rebuilding, however, the action is expected to promote rebuilding by minimizing bycatch and preventing overfishing. As this stage, it is not possible to quantify these effects given data limitations. The potential effects of the action on other resource components are well understood because of the fish species, harvest methods involved, and area of the activity. For marine mammals and seabirds, enough research has been conducted to know about the animals' abundance, distribution, and feeding behavior to determine that this action is not likely to result in population effects. The potential impacts of pot gear on habitat also are well understood as described in the EFH EIS (NMFS 2005). (EA Chapter 4 and Chapter 5).

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

Response: No. The EA analyzes the cumulative impacts, and the combination of the cumulative effects and this proposed action are not likely to result in significant impacts. (EA Chapter 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: No. 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. Historical shipwrecks are identified in nautical charts and avoided by fishermen, therefore, this consideration is not applicable to this action.

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

Response: No. This action poses no effect on the introduction or spread of nonindigenous species into the Bering Sea beyond those previously identified because it does not change fishing, processing, or shipping practices that may lead to the introduction of 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: No. This action would provide for additional protection to PIBKC by closing the PIHCZ year-round to pot fishing for Pacific cod, which is not expected to have a significant effect. This action does not establish a precedent for future actions because area closures have been frequently used as a management tool for the protection of marine resources in the Alaska groundfish fisheries. Pursuant to NEPA, for all future 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?

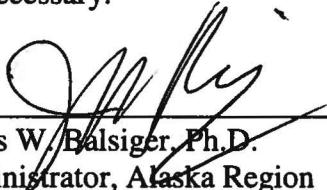
Response: No. This action poses no known violation of federal, state, or local laws or requirements for the protection of the environment.

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. The effect on target and non-target species from Alternative 2b is not significant as the overall harvest of these species will not be affected. No cumulative effects were identified that added to the direct and indirect effects on target and nontarget species that would result in significant effects. (EA Chapter 6).

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Amendment 43 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs and Amendment 103 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, it is hereby determined that the proposed Amendments 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.
Administrator, Alaska Region

11.10.14
Date