

Finding of No Significant Impact

ENVIRONMENTAL ASSESSMENT

for the Issuance of an Exempted Fishing Permit for Testing Integrated Weight Groundline
as Seabird Avoidance Technique in the Hook-and-line Pacific Cod Fisheries
in the Bering Sea and Aleutian Islands
April 2005

The action analyzed is the issuance of an exempted fishing permit (EFP) to allow for the testing of integrated weight groundline as a seabird avoidance measure in the hook-and-line Pacific cod fisheries in the Bering Sea and Aleutian Islands management area (BSAI). The purpose of the EFP is to provide exemptions from seabird avoidance regulations and separate allocations of groundfish species and PSC limits during the experiment. The project is a continuation of experiments conducted by the University of Washington Sea Grant Program and is intended to provide a means to improve seabird avoidance measures in the BSAI hook-and-line fisheries.

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: For the issuance of the EFP, the setting of the proposed action is the hook-and-line groundfish fisheries of the BSAI. The effects of the issuance of an EFP on society, within this area, are on individuals directly and indirectly participating in the hook-and-line groundfish fisheries and on those who use the ocean resources. Because this action may allow for potential future regulatory changes in the BSAI hook-and-line fisheries, this action may have regional impacts on society.

Intensity: Listings of considerations to determine intensity of the impacts are in 40 CFR §1508.28(b) and in the NAO 216-6, Section 6. Each consideration is addressed below in order as it appears in the regulations.

Adverse or beneficial impact determinations for marine resources, including sustainability of target and nontarget species, damage to ocean or coastal habitat or essential fish habitat, effects on biodiversity and ecosystems, and marine mammals: No

significant adverse impacts were identified for this action. No effects were expected on ocean or coastal habitat, EFH, biodiversity, or the ecosystem. Potential effects were limited to prohibited species, seabirds, groundfish, marine mammals and Pacific halibut, and those effects were determined to be insignificant.

Public health and safety will not be affected in any way not evaluated under previous actions or disproportionately. The EFP will not change fishing methods (including gear types), timing of fishing or quota assignments to gear groups, which are based on previously established seasons and allocation formulas in regulations.

Cultural resources and ecologically critical areas: This action takes place in the geographic area of the BSAI, generally from 3 nm to 200 nm offshore. The land adjacent to this area contains cultural resources and ecologically critical areas. The marine waters where the fisheries occur contain ecologically critical areas. Effects on the unique characteristics of these areas are not anticipated to occur with this action.

Controversiality: This action involves the permitting of a project to improve seabird avoidance techniques in the hook-and-line fisheries. The hook-and-line fishing industry and the Council support this action, and no scientific controversial issues have been identified related to the EFP.

Risks to the human environment, including social and economic effects: Risks to the human environment by the BSAI groundfish fisheries are described in detail in the Supplemental EIS for the Alaska Groundfish Fisheries (PSEIS). This action is limited in scope to a project that would last up to one year and with minimal amount of harvest of halibut outside the PSC limit and groundfish species outside of the TAC. The effect on the human environment from this additional removal of halibut and groundfish species is insignificant. Also, no significant adverse socioeconomic impacts were identified for this action.

Cumulatively significant effects, including those on target and nontarget species: Beyond the cumulative impact analysis in the PSEIS and in the 2005-2006 Harvest Specifications EA, no additional past or present cumulative impact issues have been identified that would accrue from this action.

Districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places: 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. Because this action is 3 nm to 200 nm at sea, this consideration is not applicable to this action.

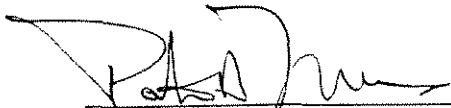
Impact on ESA listed species and their critical habitat: With the exception of Short tailed albatross (STAL), no additional effects are expected on ESA listed species beyond those identified in the 2005-2006 harvest specification EA and the PSEIS. The EFP carries a

condition to mitigate potential impacts to STAL, and thus the effect is determined to be insignificant. The USFWS concluded an informal section 7 consultation with NMFS on February 23, 2005 when it concurred with a NMFS determination that the IWG experiments are not likely to adversely affect ESA-listed species.

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

This action poses **no effect on the introduction or spread of nonindigenous species** into the BSAI beyond those previously identified because it does not change fishing, processing, or shipping practices that may lead to the introduction of nonindigenous species.

Based on the information contained in the EA for the Issuance of an Exempted Fishing Permit for Testing Integrated Weight Groundline as Seabird Avoidance Technique in the Hook-and-line Pacific Cod Fisheries in the Bering Sea and Aleutian Islands, April 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.



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6-9-05

Date