

Finding of No Significant Impact for the Final Rule Implementing Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Allocate Pacific Cod Among Harvesting Sectors, RIN 0648-AY53

National Marine Fisheries Service
September 22, 2011

The actions analyzed are the revision of the allocations of Gulf of Alaska (GOA) Pacific cod total allowable catch (TAC) among various fixed gear, trawl gear, and jig gear sectors. The final environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) also analyzed revisions to related provisions governing inseason reallocations of unused Pacific cod allocations, seasonal apportionments, and prohibited species bycatch allowances.

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 at 40 CFR 1508.27 state that the significance of an action should be analyzed both in terms of its "context" and its "intensity." 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 National Environmental Policy Act (NEPA) specifically to line agencies within NOAA. It specifies the definition of significance in the fishery management context by listing criteria that should be used to test the significance of fishery management actions (NAO 216-6 §§ 6.01 and 6.02). These factors form the basis of the analysis presented in sections 2.0, 3.0, and 4.0 of the attached EA/RIR/IRFA. The results of that analysis are summarized here for those criteria.

Context: For this action, the setting is the Pacific cod fishery of the GOA. Any effects of this action are limited to this area. The effects of this action on society within this area 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 1508.28(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. Pacific cod is the target species affected by the action. The Pacific cod stock is at a sustainable population level. Implementation of the preferred alternative would change sector and seasonal allocations of Pacific cod to reflect average historic annual harvest share by sector. The total amount of Pacific cod caught, however, would not change under this alternative. All retained and discarded harvest would be counted against the TAC. As a result, the alternative is not expected to jeopardize the sustainability of Pacific cod, and thus will not result in a significant impact (EA/RIR/IRFA section 3.3).

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

Response: No. Previous analyses concluded that species caught incidentally in the Pacific cod fisheries are at sustainable population levels. The intent of the preferred alternative is for allocations to mimic actual catch patterns among gear types, based on recent historical averages. Therefore, the impacts of the proposed action on non-target species are not expected to be significant (EA/RIR/IRFA sections 3.4 and 3.5).

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 effects of the Pacific cod 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. The overall amount of effort in the fisheries will remain the same under the preferred alternative, as the overall Pacific cod TAC is not affected under this alternative. 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 3.8).

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 (EA/RIR/IRFA sections 3.11 and 5.1). Safety requirements for fishing vessels would not be changed. Restricting the <50 ft length overall (LOA) fixed gear vessels to fishing only from their own allocation, but not allowing this sector to fish off the general hook-and-line and pot allocations when those directed fisheries are open may reduce incentives for the <50 ft LOA fixed gear sector to harvest Pacific cod earlier in the year in more difficult weather. This may increase safety for this small boat fleet.

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 intended to continue to establish in regulation specific allocations of GOA Pacific cod to the various industry sectors, based on the historical harvest distribution (and temporal distribution of that harvest) among sectors. No adverse impacts on marine mammals are anticipated as a result of implementing the preferred alternative (EA/RIR/IRFA sections 3.5 and 3.6).

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 of the ecosystem. This action is limited to reallocation of Pacific cod among sectors and does not affect overall removals. Therefore, the proposed action is not expected to have a significant impact on the ecosystem (EA/RIR/IRFA section 3.9).

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

Response: No. The potential social and economic impacts related to this action are associated with a redistribution of allocations of Pacific cod to more closely represent historical harvest patterns and are not related to any natural or physical environmental effects (EA/RIR/IRFA section 3.9).

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 economic impacts to sectors that would have a smaller allocation of Pacific cod if the proposed action is approved and are not related to environmental impacts effects (EA/RIR/IRFA section 3.11).

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 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 the Pacific cod fishery occurs contains ecologically critical areas EFH. Effects on the unique characteristics of these areas are not anticipated to occur with this action (EA/RIR/IRFA section 3.8).

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 Pacific cod fishery on the marine environment. The impacts of the reallocation of harvest among sectors are primarily a socioeconomic concern that is well understood. Enough information is available to make decisions on potential impacts of the proposed action on the human environment (EA/RIR/IRFA section 3.11).

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 section 3.11).

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 GOA, no impacts will occur 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.

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 allocative 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 NEPA 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. (EA/RIR/IRFA section 2.3.6).

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 3.11).

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 83 to the Fishery Management Plan for Groundfish of the GOA to allocate Pacific cod among harvesting sectors, 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.

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

9/22/11
Date

S:\Amendment 83 (GOA) Pcod sector split\final rule\FMP approval\GOA A83 fonsi.fonsi.doc

R:\region\2011\s\September\GOA A83 fonsi.fonsi.doc

Skelly 8/31/2011
Gaberle 9/20/2011