

**Finding of No Significant Impact for Habitat Areas of Particular Concern (HAPC)
Areas of Skate Egg Concentration
RIN 0648-XD287**

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?

No. No adverse impacts on target species were identified for Alternative 2 (the preferred alternative). No changes in overall amount or timing of harvest of target species are expected with the proposed action, and the general location of harvest is also likely to be similar to the status quo. Therefore, no adverse impacts on the sustainability of any target species are expected. (Environmental Assessment [EA] Section 3.5.2)

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

No. Potential effects of Alternative 2 on non-target and prohibited species are expected to be insignificant and similar to status quo because no overall harvest changes to target species are expected. Because no overall changes in target species harvests are expected, Alternative 2 is not likely to jeopardize the sustainability of any non-target species. (EA Section 3.5.5)

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 Fishery Conservation and Management Act (Magnuson-Stevens Act) and identified in the fishery management plans?

No. No adverse impacts were identified for Alternative 2 on ocean or coastal habitats or EFH. Alternative 2 provides some degree of protection for vulnerable benthic skate egg habitat by identifying areas of skate egg concentration as Habitat Areas of Particular Concern (HAPC). The identification of these sites as HAPC highlights the importance of this EFH for conservation and consultation on activities such as drilling, dredging, laying cables, dumping, and fishing. Under Alternative 2, fishing activities in these areas would be more closely monitored through the Ecosystem Stock Assessment and Fishery Evaluation and the EFH five-year review, and these HAPC areas would be a research priority. (EA Section 3.5.1)

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

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. Alternative 2 would not change overall fishing methods, timing of fishing, or quota assignments to gear groups, which are based on previously established seasons and allocation formulas in regulations (EA Section 6.2).

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

No. 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 Endangered Species Act (ESA) consultations for Steller sea lions and their critical habitat. Because there is not expected to be any change in overall harvests or changes in locations of harvest, none of the alternatives are likely to adversely affect ESA-listed species or their designated critical habitat. (EA Section 3.5.6)

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.)?*

No significant adverse impacts on biodiversity or ecosystem function were identified for Alternative 2. No significant effects are expected on biodiversity, the ecosystem, marine mammals, or seabirds. (EA Section 3.5.7)

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

No adverse social or economic impacts were identified for Alternative 2, and no social or economic impacts were identified that were interrelated with natural or physical environmental effects. (EA Section 3.6 and 4.3.)

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

No. This action is limited to specific areas in the eastern Bering Sea (EBS) that are historically of some and limited value to the groundfish fleet. Development of the proposed action has involved participants from the scientific and fishing communities, and the potential impacts on the human environment are well understood. No issues of controversy were identified in the process. (EA Sections 3.2 and 6.1)

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?*

No. This action would not affect any categories of areas on shore. This action takes place in the geographic area of the EBS. The land adjacent to this marine area may contain archeological sites of native villages, but this action would occur in adjacent marine waters so no impacts on these cultural sites are expected. 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 because of the amount of fish removed by vessels are within the total allowable catch specified harvest levels, and the alternatives provide protection to EFH and ecologically critical areas at the heads of undersea canyons. (EA Section 3.1)

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

No. The potential effects of the action are well understood because of the high level of existing knowledge about 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 different gear types on habitat also are well understood, as described in the EFH EIS (NMFS 2005). (EA Section 3.1 and 6.1)

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

No. No other additional past or present cumulative impact issues were identified. Reasonably foreseeable future impacts in this analysis include potential effects of climate change due to global warming. The combination of effects from the cumulative effects and this proposed action are not likely to result in significant effects for any of the environmental components analyzed and are therefore not significant. (EA Section 3.6)

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?

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. (EA Sections 3.1 and 6.1)

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

No. This action poses no effect on the introduction or spread of nonindigenous species into the Bering Sea and Aleutian Islands beyond those previously identified because it does not change fishing, processing, or shipping practices that may lead to the introduction of nonindigenous species. (EA Sections 3.1 and 6.1)

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?

No. This action would provide additional protections for North Pacific skate species by designating areas of skate egg concentration as HAPCs in the EBS and provide research and monitoring of these areas. This action does not establish a precedent for future action because the Council has indicated that a HAPC priority exists exclusively for the duration of a Council HAPC proposal cycle. Thus, HAPC site proposals for a previously-designated HAPC priority may not be submitted on a continuing basis. In addition, HAPC designation has been used as a

management tool for the protection of marine resources in the Alaska groundfish fisheries. Pursuant to the National Environmental Policy Act, for all future actions, appropriate environmental analysis documents (EA or Environmental Impact Statement [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 Section 3.1.3 and 6.1)

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?

No. This action poses no known violation of Federal, State, or local laws, or requirements for the protection of the environment. (EA Section 6.2)

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?

No. The effects on target and non-target species from the alternatives are not significantly adverse 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 non-target species would result in significant effects. (EA Section 3.6)

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared for the identification of HAPC Areas of Skate Egg Concentration, it is hereby determined that the identification of HAPC Areas of Skate Egg Concentration will not significantly impact the quality of the human environment as described above and in the supporting EA. 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 a supplementary EIS for this action is not necessary.



James W. Balsiger, Ph.D. For J/B Date 12-24-14
Administrator, Alaska Region