

Finding of No Significant Impact for Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the Exclusive Economic Zone Off Alaska. RIN 0648-BK31

FINDING OF NO SIGNIFICANT IMPACT

This Finding of No Significant Impact has been prepared using the 1978 Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations. NEPA reviews initiated prior to the effective date of the 2020 CEQ regulations may be conducted using the 1978 version of the regulations. The effective date of the 2020 CEQ NEPA Regulations was September 14, 2020. This review began on September 9, 2020 and the agency has decided to proceed under the 1978 regulations. The CEQ regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). This action would implement Federal management of commercial salmon fishing in the Exclusive Economic Zone (EEZ) waters within Cook Inlet, Alaska and close this area to commercial salmon fishing as part of the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska's (Salmon FMP) West Area. The Environmental Assessment (EA) prepared for this action contains the examination of context on which the determination of whether the effects of this action are significant, including both short-term and long-term effects. In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen criteria, the same ten as the CEQ regulations and six additional, for determining whether the effects of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

Response: No. This proposed action is not expected to have significant impacts resulting from cumulative beneficial and adverse impacts. This action closes the Cook Inlet EEZ to commercial salmon fishing. Salmon fishing in Cook Inlet will continue under the management of the State of Alaska (State) in adjacent State fresh and marine waters. While some overall reduction in the amount of Cook Inlet salmon harvested may occur, corresponding increases in fishing effort within State waters are expected to offset reductions due to the EEZ closure (EA Section 3.1.4). Increases in salmon harvest are not expected to occur, because State salmon management thresholds, which were found to be consistent with proposed Federal measures (EA Sections 3.1.2 and 3.1.3), are not changing. If salmon removals decrease as a result of the EEZ closure, increased salmon escapement and availability as prey for marine mammals may occur. Cumulatively and individually, none of these effects are not expected to be significant.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

Response: No. Public health and safety is not expected to be significantly impacted by this proposed action. Section 4.7.4 of the EA notes that a permanent closure of the Cook Inlet EEZ under this action would result in the displacement of salmon drift gillnet vessels that normally fish in the area. Limiting areas for fishing could cause vessel congestion in the fishing areas that remain open. If increased crowding on the fishing grounds occurs, conditions that reduce vessel safety could be created in some circumstances. In addition,

closures of EEZ fishing areas may induce vessel operators to take additional risks, such as fishing in weather and sea conditions that they would normally avoid, in order to remain economically viable in the salmon drift gillnet fishery. However, these impacts may be mitigated by the concentration of fishing effort closer to shore increasing proximity to rescue resources in the event of an emergency. It is also noted that the Alaska Board of Fisheries modifies its regulations, as necessary, in order to increase safety and minimize risk of injury or death for all fishery participants. In addition, the Alaska Department of Fish & Game promotes safety whenever possible in its salmon fisheries through management practices, support in the regulation formation process, and through assistance to enforcement agencies. These approaches would continue to be applied in State waters under this proposed action. Therefore, overall impacts to public health and safety from the proposed action would not be considered significant.

3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?

Response: No. This proposed action affects commercial fishing in the offshore waters of Cook Inlet, and it will not impact any historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Compliance with proposed regulations is not likely to result in the permanent loss or destruction of, or impact to, any historic or cultural resources or ecologically critical areas. (EA sections 3.14, 3.5, 3.6.2, and 3.6.4)

4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?

Response: No, the effects of the proposed action are not likely to be highly controversial. It is generally expected that salmon fishing effort in State waters will increase to at least partially offset impacts of the EEZ closure. As such, harvest opportunities for fishermen who have fished in EEZ waters would be available in State waters. However, a closure of the Cook Inlet EEZ and subsequent management action by the State may result in commercial, non-commercial, and subsistence salmon harvesters receiving a different proportion of the total Cook Inlet salmon harvest. As Cook Inlet salmon stocks are already fully utilized, changes in the distribution of their harvest and associated benefits may not be satisfactory to all stakeholders. This action does not allocate fishing privileges. (EA sections 4.7.1.4)

5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. The effects on the human environment from the proposed closure of the Cook Inlet EEZ to commercial salmon fishing are not expected to be highly uncertain or involve unique or unknown risk. While there is not information to determine exactly how the proportion of salmon harvested by each user group in Cook Inlet may change, the effects of the proposed action are clearly detailed and thoroughly analyzed in the EA and RIR and do not add any risks to the human environment. (EA/RIR sections 3.1.4 and 4.7.1.4)

6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

Response: The Cook Inlet EEZ is one of three traditional net fishing areas excluded from the Salmon FMP. This proposed action specifically addresses commercial fishing in the Cook Inlet EEZ. Ultimately, the other two EEZ traditional net fishing areas must also be included within the Salmon FMP's scope. As analyses have not been conducted on the other two traditional net fishing areas, it is unknown whether similar conditions exist that would warrant the application of this same management approach of closing the EEZ to salmon fishing in future actions. (EA section 2) Management action in the other two EEZ traditional net fishing areas would not be expected to have significant impacts.

7. Is the proposed action related to other actions that when considered together will have 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 proposed action to result in cumulatively significant impacts. (EA section 3.6)

8. Can the proposed action reasonably be expected 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?

Response: No. Since this proposed action affects only commercial fishing in the waters of Cook Inlet, it will not impact any districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places. In addition, the EA did not identify any potential for the proposed action to cause loss or destruction of significant scientific, cultural, or historical resources. (EA section 3)

9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?

Response: No. This proposed action is not expected to have a significant impact on endangered or threatened species or designated critical habitat as defined under the Endangered Species Act (ESA). Sections 3.2, 3.3, and 3.4 of the EA note that the proposed action does not change existing protection measures for ESA-listed species. Prey availability for ESA-listed species is not expected to be affected, because the harvest of salmon would continue to occur within the limits established by the current management process by the same or similar vessels that currently fish for salmon in Cook Inlet.

10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?

Response: No. This proposed action does not create any known violation of Federal, State, or local laws or requirements imposed for the protection of the environment. (EA/RIR section 3 4)

11. Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?

Response: NMFS has determined that fishing activities conducted under this proposed rule will have minimal impact on marine mammals. The harvest of salmon would continue to occur within the limits established by State of Alaska salmon management by the same as or similar vessels that currently fish for salmon in Cook Inlet. (EA section 3.3)

12. Can the proposed action reasonably be expected to adversely affect managed fish species?

Response: No cumulative effects were identified that would result in significant adverse effects on target or non-targeted species (EA Section 3). This proposed action will close the EEZ portion of the fishery, but will functionally maintain the gear type and fishery area within historical boundaries. Because this action does not change the management of Cook Inlet salmon fisheries aside from the closure of a portion of the historical fishing area, the proposed action cannot reasonably be expected to adversely affect managed fish species. (EA section 3.1.4 and 4.7.1.4)

13. Can the proposed action reasonably be expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?

Response: Minimal or no effects were found for Essential Fish Habitat (EFH) from commercial fishing activity (drift gillnet gear) on species in Cook Inlet. The impact of drift gillnet gear in the salmon fisheries was described in detail in EA Section 3.5. The fishery targets only adult salmon in the water column, largely avoiding any significant disturbance of the benthos, substrate, or intertidal habitat. The EEZ salmon fishery does not occur on any areas designated as Habitat Areas of Particular Concern. It is unlikely that this action would have significant, adverse impacts on EFH in the context of the fishery as a whole beyond the current conditions.

14. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?

Response: No. The proposed action is not expected to have a substantial impact on vulnerable marine or coastal ecosystems, including deep coral ecosystems, within the affected area. The fishery targets only adult salmon in the water column, largely avoiding any significant disturbance of the benthos, substrate, or intertidal habitat. The EEZ salmon fishery does not occur on any areas designated as Habitat Areas of Particular Concern. (EA Section 3.5) It is widely recognized that Pacific salmon play an essential role in the ecosystems they inhabit throughout their life histories. This action is expected to maintain salmon abundance at or marginally above existing levels that have provided for long term sustainability and ecosystem function. (EA Section 3.1, 3.1.4, and 11)

15. Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?

Response: The proposed action is not expected to have a substantial impact on biodiversity and/or ecosystem functions within the affected area (e.g., benthic productivity, predator-prey


relationships). However, any reductions in the total harvest of Cook Inlet salmon resulting from the proposed action may provide a minimal benefit for marine mammal and other predator-prey relationships. Salmon management goals set by the State, which are not expected to change as a result of this proposed action, incorporate ecosystem function as a guiding principle. (EA section 3.1, 3.3, and 11)

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

Response: No. This proposed action will not affect the introduction or spread of non-indigenous species, because it does not change fishing practices or management of the fishery in any way that may introduce such organisms into the marine environment. (EA sections 3.5 and 3.6.1)

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the Exclusive Economic Zone Off Alaska, it is hereby determined that Amendment 14 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 environmental impact statement for this action is not necessary.



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Regional Administrator, Alaska Region

8/9/2021

Date