U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax (808) 973-2941

FINDING OF NO SIGNIFICANT IMPACT

Specification of the 2010-11 Total Allowable Catch of
Main Hawaiian Islands Deep 7 Bottomfish

July 9, 2010

Introduction

The National Marine Fisheries Service (NMFS) prepared this Finding of No Significant Impact (FONSI) according to the guidelines established in NMFS Instruction 30-124-1 and the requirements set forth in National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-6 (NAO 216-6, March 20, 1999), concerning compliance with National Environmental Policy Act (NEPA). This FONSI is based on the environmental impact analyses in "the Supplemental Environmental Assessment for the Specification of the 2010-11 Total Allowable Catch of Main Hawaiian Islands Deep 7 Bottomfish, dated July 9, 2010" (SEA). The SEA incorporates, in its entirety, the environmental analyses of the "Environmental Assessment for the Specification of a Total Allowable Catch for the Main Hawaiian Islands Deep 7 Bottomfish for the 2009-10 Fishing Year, dated August 12, 2009" (EA). The SEA supplements the EA with updated fishery information and documentation of the agency's environmental analysis of the 2010-11 main Hawaiian Islands (MHI) Deep 7 bottomfish total allowable catch (TAC) specification.

The purpose of this action is to specify a TAC that will support the long-term sustainability of the fishery on these stocks throughout the Hawaii Archipelago and allow for optimum yield. Specification of a TAC is required by 50 CFR 665.211. NMFS proposes to specify the 2010-11 MHI Deep 7 bottomfish TAC at 254,050 lb.

Background

Bottomfish are caught by commercial and non-commercial fishermen. Federal requirements for the MHI bottomfish fishery include non-commercial fishing permits, non-commercial catch and effort logbooks, non-commercial bag limits, and the specification of an annual TAC for Deep 7 bottomfish. Deep 7 bottomfish include onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Epinephelus quernus*). The State of Hawaii monitors commercial bottomfish landings, and when the TAC is projected to be reached, NMFS closes non-commercial and commercial fisheries for Deep 7 bottomfish in Federal waters through the end of the fishing year, which is August 31. If the TAC is reached and NMFS closes Federal waters, the State of Hawaii closes the Deep 7 fishery in State waters.

NMFS intends to publish the proposed 2010-11 specification for public review and comment in July 2010. The EA and SEA will also be available at www.regulations.gov, with the proposed specification. NMFS will publish the final specification prior to the scheduled opening of the fishery on September 1, 2010.

Significance Analysis

NAO 216-6 provides criteria for determining the significance of the environmental impacts of a proposed fishery management action. In addition, Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 requires examination of both context and intensity in determining significance, and lists ten criteria for intensity. NAO 216-6 Section 6.01b provides eleven criteria, the same ten as the CEQ regulations plus one more to assist in determining whether or not the impacts of a proposed action would be significant. Each criterion is discussed below with respect to the proposed action. The criteria are considered individually and together. NMFS guidelines for the preparation of a FONSI for fishery management actions specify a question-and-answer format for 16 questions, as follows. The following analyses are based on the specification of the 2010-11 TAC:

1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

No. The annual TAC was implemented along with a suite of other management actions to protect targeted Deep 7 bottomfish from overfishing and localized depletion, promoting long-term sustainability. The proposed 2010-11 TAC is associated with a zero percent risk of overfishing of Hawaiian archipelagic bottomfish stocks, and a risk of localized depletion of the MHI management subarea bottomfish stocks of less than 38 percent. The most recent stock assessment, on which the TAC is based, assumed that the entire 2009-10 TAC would be caught, but only 82 percent of the TAC was caught. Thus, the risk of localized depletion in 2010-11 is expected to be even lower than 38 percent. The risk level for the proposed TAC is lower than the previous fishing year and is more conservative than the 50 percent risk threshold under the Magnuson-Stevens Fisheries Conservation and Management Act. (SEA, page 2-3.)

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

No. The Hawaii bottomfish fishery catches few non-target species because the gear type and fishing strategies are highly selective for target species. The proposed TAC would not result in a change to the low levels of bycatch in this fishery. Non-target stocks are considered healthy. Both kept and released fish are reported in Federal and State logbooks, allowing fishery scientists and managers to continue to monitor bycatch rates. (EA, Section 4.2.)

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 Fishery Management Plans?

No. Research in the Northwestern Hawaiian Islands (NWHI) indicated that little damage or debris was attributable to the bottomfish fishery. Comparable research has not been conducted on the MHI bottomfish fishery, but it is expected that it would produce similar results. The proposed action will not result in a change of fishing gear or operations. Vessel activity was shown to be lower in 2009 than in 2008, so maintaining the TAC at last year's level is not expected to result in an increased likelihood of adverse impacts on areas that have been designated as EFH and habitat areas of particular concern (HAPC) (see EA Table 3, Section 3.7).

No effects on water column EFH or HAPC have been documented from bottomfish fishing. The proposed action is not expected to have adverse impacts on EFH or HAPC for any management unit species as it is not likely to lead to substantial physical, chemical, or biological alterations to the habitat, or result in loss of, or injury to, these species, their prey, or their habitats. (EA, Section 4.4.)

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

No. The 2009-10 TAC did not result in any observed or reported negative impact on public health or safety, so the proposed action, which is the same as last year's, is not expected to adversely affect the health or safety of fishermen involved in the MHI bottomfish fishery, or the general public.

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 2010-11 TAC is the same as last year's TAC, and there were no interactions reported or observed between the MHI bottomfish fishery and any protected resource species last year, indeed in any year since the TAC program was established. Fewer bottomfish trips were made in 2009-10 than in 2008-09. A 2008 Biological Opinion on the bottomfish fishery concluded that the Hawaii fishery, as managed under the bottomfish fishery management plan (now the Hawaii fishery ecosystem plan), was not likely to jeopardize the continued existence of any threatened or endangered species under NMFS jurisdiction, or destroy or adversely modify designated critical habitat. (EA, Section 4.3.) For these reasons, NMFS determined that the proposed 2010-11 MHI Deep 7 bottomfish TAC will not result in a change in the bottomfish fishery in any way that will affect species listed under the Endangered Species Act or critical habitat in any way not previously considered in the 2008 consultation. (SEA, page 3.)

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. No impacts on biodiversity or ecosystem function were observed in 2009-10, and the proposed TAC is the same as last year and would limit the bottomfish harvest to a sustainable level. Thus, there are no expected large or adverse impacts of the TAC on target or non-target species stocks, their prey, competitors, and predators. (EA, Section 4.2.)

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

No. Previous TAC specifications and resulting fishing activity have been closely monitored. In previous years, no significant social or economic impacts related to the TAC specification have been reported or observed. The numbers of fishing trips per vessel, average total landings per vessel, and average landings per vessel-trip have shown no strong trends. Fishermen have not identified any significant social or economic impacts with the TAC specifications. Because the proposed action is the same as last year, we do not anticipate any significant impacts. The proposed action will continue to limit the harvest of Deep 7 bottomfish, while supporting optimum yield and long-term sustainability of the Hawaii bottomfish stocks. This will provide positive social and economic benefits to fishermen. (EA, Section 4.5)).

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

No. The environmental impacts of previous TAC specifications have not been observed to be highly controversial. The proposed action is the same as last year, so we do not expect the proposed TAC to be highly controversial. The proposed action was recommended by the Council, in consideration of information provided by the State, NMFS, and the public. The proposed TAC, together with other MHI fishery management measures, supports long-term sustainability of bottomfish and the fishery.

9) *Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?*

No. The environmental impacts of previous TAC specifications have been monitored, and there have been no observations or reports of negative impacts to ecologically-critical areas. Thus, we do not anticipate that the proposed TAC, which is the same as last year's, would have such impacts. The specification of a TAC and conduct of the fishery will not affect the management or regulations of unique or protected areas in Hawaii, including the Hawaiian Islands Humpback Whale National Marine Sanctuary, State Marine Life Conservation Districts, other State marine conservation areas, or designated EFH or HAPC.

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

No. Previous TAC specifications and the resulting bottomfish fishing activity have been closely monitored, and there have been no observations or reports of negative environmental impacts. Thus, we do not anticipate any uncertain or unique impacts from the proposed TAC, which is the same as last year. The proposed TAC is associated with a low expected risk of localized depletion, and no risk of stock-wide overfishing. (SEA, page 2.)

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

No. The cumulative effects of the proposed action are discussed in question 16, below.

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. Such areas do not exist where the fishery operates, so there would be no such adverse effects.

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

No. The fishery has no associated concerns regarding non-indigenous species because bottomfish vessels operate only in the Hawaiian Archipelago and, thus, are not likely to acquire non-indigenous species.

14) Is the proposed action likely to establish a precedent for future actions with significant effects or can the proposed action represent a decision in principle about a future consideration?

No. The proposed action is not precedent-setting in that it is the fourth in a series of annual TAC specifications, and is part of the overall management of the MHI bottomfish fishery, pursuant to Federal fishery regulations that support sustainability of Hawaii's bottomfish resources.

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. The proposed action is consistent with all federal laws, and is required by 50 CFR 665.211 to promote the long-term sustainability of bottomfish stocks. The State of Hawaii was consulted during the development of the proposed action, and the appropriate Hawaii office will assess the proposed action for consistency with the State's approved coastal zone management program.

16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target or non-target species?

No. The 2009-10 fishery did not have any observed or reported significant adverse impacts, even when considered together with past, present, and reasonably foreseeable future impacts by NMFS, the State or other agencies (EA, Section 4.6.). The 2010-11 TAC is the same as last year, and is not expected to significantly change fishery operations (SEA, page 2). Minor inter-annual variations in the fishery, documented in the SEA, did not reveal any potential substantial cumulative impacts.

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

No. The cumulative effects of the proposed action are discussed in question 16, below.

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. Such areas do not exist where the fishery operates, so there would be no such adverse effects.

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

No. The fishery has no associated concerns regarding non-indigenous species because bottomfish vessels operate only in the Hawaiian Archipelago and, thus, are not likely to acquire non-indigenous species.

14) Is the proposed action likely to establish a precedent for future actions with significant effects or can the proposed action represent a decision in principle about a future consideration?

No. The proposed action is not precedent-setting in that it is the fourth in a series of annual TAC specifications, and is part of the overall management of the MHI bottomfish fishery, pursuant to Federal fishery regulations that support sustainability of Hawaii's bottomfish resources.

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. The proposed action is consistent with all federal laws, and is required by 50 CFR 665.211 to promote the long-term sustainability of bottomfish stocks. The State of Hawaii was consulted during the development of the proposed action, and the appropriate Hawaii office will assess the proposed action for consistency with the State's approved coastal zone management program.

16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target or non-target species?

No. The 2009-10 fishery did not have any observed or reported significant adverse impacts, even when considered together with past, present, and reasonably foreseeable future impacts by NMFS, the State or other agencies (EA, Section 4.6.). The 2010-11 TAC is the same as last year, and is not expected to significantly change fishery operations (SEA, page 2). Minor inter-annual variations in the fishery, documented in the SEA, did not reveal any potential substantial cumulative impacts.

The proposed action is consistent with the overall management of the Hawaii bottomfish fishery, which is conducted in such a manner as to maintain long-term viability of the fishery. The individually insignificant impacts of the TAC would not become significant when considered with other actions or conditions that affect MHI bottomfish stocks, including the status of target stocks. The Council recommended the TAC, and NMFS proposes implementing it, with full consideration of these conditions. Non-target species are a small part of the total harvest, and no cumulative impacts of the proposed TAC on non-target species in the MHI have been identified.

Other Federal management requirements complement the TAC to provide for sustainability of bottomfish stocks, including non-commercial permits, reporting and bag limits. Other actions that affect the MHI bottomfish fishery are primarily in State waters. The State of Hawaii maintains a system Bottomfish Restricted Fishing Areas, requires a Commercial Marine License to sell fish, monitors commercial landings and sales, specifies recreational bag limits, and implements closed seasons consistent with Federal closures, as needed. The proposed action would not change Federal or State bottomfish management regimes.

Other Findings

During the period of the action (2010-11 fishing year), climate change is not expected to affect Deep 7 bottomfish distribution or habitat, or fishing operations. Compared to the long-term and global effects of climate change, the period of the action is short, and fish habitat and distribution are widespread. Fishing activity is dispersed and limited in scope. Additionally, we have no information to indicate the nature or scope of direct or indirect negative effects of climate change on future bottomfish recruitment or long-term population viability. Changes in recruitment or viability would appear in fishery monitoring data and research results, and would be incorporated into future stock assessments and TAC recommendations. Monitoring will continue to provide the basis for periodic fishery stock assessments that will, in turn, inform managers about appropriate future TAC specifications. Because no potential impacts are identified, no mitigation measures are required or are being proposed.

Finding of No Significant Environmental Impact

In view of the information and analyses presented in the EA and SEA, I have determined that the proposed action will not significantly impact the quality of the human environment. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.

Michael D. Tosatto
Acting Regional Administrator

7/12/2010
Date