

FINDING OF NO SIGNIFICANT IMPACT

I. Purpose of Finding of No Significant Impact (FONSI): The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a Finding of No Significant Impact (FONSI) when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b), 1500.5(b), & 1501.6. To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine, as appropriate, short- and long-term effects, beneficial and adverse effects, and effects on public health and safety, as well as effects that would violate laws for the protection of the environment (40 CFR § 1501.3(b)(2)(i)-(iv); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(2)(i)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed the Area 2A Pacific Halibut Fishery Management in 2022 and Beyond Environmental Assessment (EA) which evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The EA is hereby incorporated by reference. 40 CFR § 1501.6(b).

II. Approach to Analysis:

The proposed action will not meaningfully contribute to significant adverse effects. In the Pacific halibut fisheries, Area 2A management measures are implemented annually, and catch limits are also determined on an annual basis through a separate action. The Pacific halibut fisheries have limited impacts to non-target species and negligible impacts on marine habitats.

The proposed action is not connected to other actions that have caused or may cause effects to the resources in the affected area, and there is thus no potential for the effects of the proposed action to add to the effects of other projects, such that the effects taken together could be significant. NMFS will continue to evaluate effects of the management measures that are implemented on an annual basis for any effects that when taken together with other actions could be significant.

III. Geographic Extent and Scale of the Proposed Action:

The proposed action establishes annual management measures for Pacific halibut fisheries off of Washington, Oregon, and California, and is therefore regional in its geographic extent. The EA

describes the subareas and sectors within this area where specific fisheries occur (see section 1.2.1), and the environmental effects analyzed in the EA occur at a relatively small scale.

IV. Degree of Effect:

- A. *The potential for the proposed action to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection.*

The proposed action will not threaten a violation of any Federal, state, or local law, or requirement imposed for the protection of the environment. The annual management measures implemented by NMFS in the proposed action are developed in cooperation with tribal and state managers, and NMFS Office of Law Enforcement, and are designed to be consistent with Federal law.

- B. *The degree to which the proposed action is expected to affect public health or safety.*

The proposed action would have no impact on public health or safety. Since impacts on public health or safety are not expected, they were not further evaluated in the EA. There are not threats to the public as far as dredging, water intake structures, wastewater, discharge from hazardous substances, or coastal development impacts.

- C. *The degree to which the proposed action is expected to affect a sensitive biological resource, including:*

- a. *Federal threatened or endangered species and critical habitat;*

The proposed action would not significantly affect any endangered or threatened species or its critical habitat. Although there are species listed as threatened or endangered under the Endangered Species Act (ESA) that are potentially impacted by halibut fisheries, NMFS has issued biological opinions addressing the effects of the Pacific halibut fisheries on all of these species. The proposed action is not expected to change the conclusions from those consultations because it does not modify the action analyzed in those opinions in a manner or to an extent not previously considered.

- b. *stocks of marine mammals as defined in the Marine Mammal Protection Act;*

Pacific halibut fisheries are classified under the Marine Mammal Protection Act (MMPA) as Category III (86 FR 3028, January 14, 2021), indicating there is “a remote likelihood or no known incidental mortality of serious injury of marine mammals” (MMPA 118(c)I). The proposed action is not changing existing fishery practices therefore interactions with marine mammals will remain minimal (see section 3.4.5-6).

- c. *essential fish habitat identified under the Magnuson–Stevens Fishery Conservation and Management Act;*

The proposed action is not expected to result in 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. The area affected by the Pacific halibut fisheries has been identified as EFH for Pacific Coast groundfish, coastal pelagic fish, and Pacific salmon. NMFS performed EFH

consultations and followed the recommendations in the consultations to mitigate impacts to EFH.

d. bird species protected under the Migratory Bird Treaty Act;

The proposed action would not significantly affect bird species protected under the Migratory Bird Treaty Act. There have been no documented occurrences of interactions between Pacific halibut fisheries and ESA-listed seabirds, though observer data show that the directed commercial fishery has the potential to affect non-ESA listed seabirds. This fishery's fishing periods occur over a short duration of time and there have historically been between two and five fishing periods per season, thereby limiting the amount of potential for interactions between fishing gear and bird species, and is not expected to have significant impacts on bird species protected under the Migratory Bird Treaty Act (see section 3.4.7-8).

e. national marine sanctuaries or monuments;

National Marine Sanctuaries and Monuments have regulations governing activities within their boundaries. The proposed action does not supersede those regulations. Pacific halibut fisheries prosecuted under the proposed action do not use trawl gear, and commercial longline and troll gear and recreational gear does not have a significant impact on benthic habitat. Therefore, the proposed action is not expected to affect national marine sanctuaries and monuments.

f. vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems;

The proposed action is not expected to have a significant impact on vulnerable marine or coastal ecosystems. While longline gear used in the directed commercial fishery may have some negative impact to benthic habitat including corals, it is not expected to be significant (see section 3.1).

g. biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)

The proposed action would have no impact on biodiversity and ecosystem function within the affected area. Pacific halibut fisheries do not use trawl gear and have minimal bycatch; while there may be some negative impact on benthic habitat from commercial halibut fisheries using longline gear, it is not expected to be significant (see section 3.1). The proposed action will not have significant impacts on predator-prey relationships because the halibut fishery is managed to ensure sustainability of the halibut stock and does not affect other species in a manner that would change any predator-prey relationships (see section 3.2).

D. The degree to which the proposed action is reasonably expected to affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological resources (including underwater resources); and resources important to traditional cultural and religious tribal practice.

No impacts to districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places are expected to occur. Additionally, no

impacts are expected that may cause loss or destruction of significant cultural, scientific, or historical resources. NMFS' management of Area 2A Pacific halibut fisheries is conducted in collaboration with tribal managers, and the management measures are implemented according to the catch amount (determined in a separate action) that are designed for long-term sustainability of the halibut resource (see section 3.3).

- E. The degree to which the proposed action has the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898).*

The proposed action is not expected to disproportionately affect minority and low-income communities. West Coast Indian tribes are part of the Council's decision-making process on Pacific halibut management in general, and tribes with treaty fishing rights are represented on the Council. As co-managers of the halibut resource, tribal entities ensure that the proposed action does not have a disproportionately high and adverse effect on Tribes. Socioeconomic impacts are described in section 3.5.

- F. The degree to which the proposed action is likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.*

The proposed action is not expected to import, introduce, or contribute to the spread of noxious weeds or noninvasive species, and is therefore not discussed in this analysis. The West Coast states have regulations in place for vessel inspections to address this issue; this action does not change these state regulations or affect the likelihood of the introduction or spread of these species. The fishing vessels participating in the proposed action would not increase the risk of introduction through ballast water or hull fouling, because Pacific halibut vessels generally have a limited range of operation and few, if any, use seawater for ballast. Disposition of the catch does not include any translocation of living marine resources nor use of any nonnative species as bait. Vessels fishing for Pacific halibut typically fish relatively close to their home port and fishing activities would have a low risk of spreading any nonnative species.

- G. The potential for the proposed action to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resource such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement.*

The proposed action is not expected to cause a substantial effect to any other physical or biological resource, nor is there substantial uncertainty or scientific disagreement on the impacts of the proposed action. The proposed action, the continued implementation of annual management measures for Pacific halibut, is similar to previous actions and therefore the risks are relatively well-known.

V. Other Actions Including Connected Actions:

The action being taken is the continued implementation of annual management measures for Area 2A Pacific halibut fisheries. The primary impact of this action, which is the removal of Pacific halibut in Area 2A, is not expected to add to the effects of other actions. The Pacific halibut harvest level for Area 2A is set consistent with conservation objectives through a separate

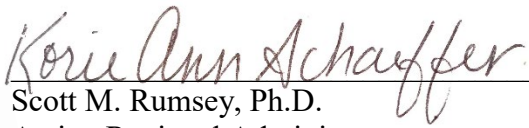
process by the International Pacific Halibut Commission. In addition, the proposed action was developed with consideration of other fishing activities in the action area and is not expected to impact those actions.

VI. Mitigation and Monitoring:

The proposed action was developed to be consistent with the conservation and management objectives in the Pacific Halibut Catch Sharing Plan, the Northern Pacific Halibut Act of 1982, and other applicable laws. As described in Section 1 of the environmental assessment and separate from the proposed action, the International Pacific Halibut Commission sets the catch limit for each regulatory area, including Area 2A, based on the annual stock assessment using the best available science. NMFS implements annual management measures using the framework of the Catch Sharing Plan, and the Catch Sharing Plan is evaluated and changes may be made at the annual November Council meeting. In addition, Pacific halibut catch is monitored inseason on a weekly basis for both commercial and recreational fisheries, and NMFS may take inseason action under the management provisions at 50 CFR 300.63(c) to react quickly to changes in the fisheries.

DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the proposed action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting EA prepared for Area 2A Pacific Halibut Fishery Management in 2022 and Beyond, it is hereby determined that the Area 2A Pacific Halibut Fishery Management in 2022 and Beyond will not significantly impact the quality of the human environment. The Area 2A Pacific Halibut Fishery Management in 2022 and Beyond Environmental Assessment hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.



for Scott M. Rumsey, Ph.D.
Acting Regional Administrator
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Date