Finding of No Significant Impact for the Environmental Assessment for Chinook Salmon Prohibited Species Catch in the Gulf of Alaska Pollock Fishery

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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 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 significant adverse impacts on target species were identified. Under the Preferred Alternative, the implementation of a lower hard cap may result in the pollock fishery closing before the total allowable catch (TAC) is reached, while a higher hard cap would allow for pollock fishing at current levels with no change from the status quo. Target species are managed under harvest specifications that prevent overfishing. Therefore, no impacts on the sustainability of any target species are expected (EA Section 4.2).

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

No. The preferred alternative would implement Prohibited Species Catch (PSC) limits for Chinook salmon in the Central and Western Gulf of Alaska (GOA). To the extent that Chinook salmon PSC is controlled or reduced as a result of this action, it will likely have beneficial impacts on Chinook salmon stocks relative to the status quo. Effects cannot be measured at the individual stock level because data are not available at this scale. Potential effects of the Preferred Alternative on other non-target and prohibited species are expected to be insignificant and similar to status quo, as fishing pressure is unlikely to increase. The alternatives are not expected to jeopardize the sustainability of any ecosystem component or prohibited species (EA Section 4.3 and 4.4).

3) *Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in the fishery management plans (FMPs)?*

No. No significant adverse impacts were identified for the Preferred Alternative on ocean or coastal habitats or essential fish habitat. The GOA pollock fishery under the status quo has minimal effect on benthic habitat, although localized areas are more heavily impacted. Substantial damage to ocean or coastal habitat or EFH by the Preferred Alternative is not expected (EA Section 4.7).

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. The action under the Preferred Alternative will not change fishing methods (including gear types), nor will it substantially change timing of fishing, which is largely dictated by Steller sea lion protection measures (EA Section 7.1).

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

The analysis in the EA shows that the impacts of the Preferred Alternative on Endangered Species Act (ESA)-listed species (marine mammals, seabirds, and salmon), designated critical habitat, or marine mammals are likely insignificant. The only critical habitat designated for an ESA-listed species in the GOA is for Steller sea lions and Cook Inlet beluga whale. The Preferred Alternative 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 ESA consultations for Steller sea lions and their critical habitat. The fisheries are not being changed under either alternative that would result in effects beyond those already analyzed in the 2010 Biological Opinion for the authorization of the Alaska groundfish fisheries. This consultation covered all ESA-listed marine mammals occurring in the action area except Cook Inlet beluga whales and Southern Resident Killer whales. ESA consultations are being conducted with the Protected Resources Divisions, Alaska Region and Northwest Region, on the potential effects of this action on Cook Inlet beluga whales, Southern Resident killer whales, and ESA-listed Chinook salmon. NMFS Sustainable Fisheries Division Alaska Region has determined that the groundfish fisheries as managed under the this action may affect these species and their designated critical habitat, but these effects are likely not measurable or *de minimus*; and therefore, this action is not likely to adversely affect ESA listed species or their designated critical habitat. For ESA-listed Chinook salmon, implementing a PSC limit would increase the likelihood that the GOA groundfish fisheries will remain below the threshold identified in the incidental take statement. This proposed action also would limit the amount of Chinook salmon taken in the pollock fishery which would reduce the likelihood of affecting prey for Cook Inlet Beluga whales, Southern Resident Killer whales and of affecting the primary constituent elements of designated critical habitat (EA Section 4.5, 4.6, and 4.3.6).

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.)?*

No significant adverse impacts on biodiversity or ecosystem function were identified for the Preferred Alternative. No significant effects are expected on biodiversity, the ecosystem, marine mammals, or seabirds, as overall the GOA pollock fleet is constrained in the location and timing of the fishery by Steller sea lion protection measures (EA Section 4.8).

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

Socioeconomic impacts of this action result from the potential that the pollock fishery will be closed before the TAC is achieved, or additional costs associated with voluntary efforts of the fleet to avoid areas with high prohibited species catch rates. These impacts are a direct result of the action of imposing PSC limits on the fisheries. These impacts are independent of the natural or physical effects of imposing PSC limits on the fisheries and are not expected to be significant. Under the Preferred Alternative, the fishery would have been closed early in two of the last eight years, at an estimated gross exvessel value cost of $175,000 and $4.5 million. Beneficial but insignificant social impacts may occur for those who depend on directed fisheries for Chinook salmon, however there is insufficient information to determine how specific Chinook stocks will be impacted by this proposed action (RIR Section 3.9).

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

This action directly affects the GOA pollock fishery in the Western and Central GOA, which is a fishery of value to the groundfish fleet. There is uncertainty associated with the estimates of Chinook salmon prohibited species catch for the unobserved portion of the groundfish fleet, and uncertainty surrounding the origin of Chinook stocks caught as prohibited species catch in the fishery. However, development of the proposed action has involved participants from the scientific and fishing communities and the potential impacts on the human environment are understood; therefore, this action is considered high-interest but not highly controversial as far as understanding the impacts of this action on the human environment (EA Section 4).

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 Central and Western GOA. The land adjacent to this marine area may contain archeological sites. 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 the amount of fish removed by vessels are within the specified TAC harvest levels and the alternatives provide protection to EFH and ecologically critical nearshore areas (EA Section 2).

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 understood because of the 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 (EA Sections 4.5 and 4.6). The potential impacts of different gear types on habitat also are well understood, as described in the EFH EIS (NMFS 2005) (EA Section 4.7). The effects of the action will reduce salmon PSC but effects cannot be measured at the individual stock level because data are not available at this scale.

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

No. Beyond the cumulative impact analyses in the 2006 and 2007 harvest specifications EA, Groundfish Harvest Specifications EIS, Allocation of Pacific Cod among Sectors in the Western and Central GOA EA and the Central Gulf of Alaska Rockfish Program EA, no other additional past or present cumulative impact issues were identified. The combination of effects from the cumulative effects of past, present, and reasonably foreseeable future actions 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 4.9).

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. (EA Section 2).

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

No. This action poses no risk of the introduction or spread of nonindigenous species into the GOA beyond those previously identified because it does not change fishing, processing, or shipping practices that may lead to the introduction of nonindigenous species (EA Section 2).

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 control the risk of high Chinook salmon prohibited species catch occurring in the GOA pollock fishery. This action does not establish a precedent for future action because prohibited species catch control measures have been frequently used as a management tool for the protection of marine resources in the Alaska groundfish fisheries. Pursuant to NEPA, for all future 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.

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 risk of 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?

No. The effects on target and non-targeted 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-targeted species, would result in significant effects (EA Section 4.2, 4.3, 4.4, and 4.9).

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Chinook salmon bycatch in the Gulf of Alaska pollock fishery, 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.

James W. Balsiger, Ph.D. — 2·13·12 Date

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