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The National Oceanic and Atmospheric Administration Administrative Order 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 C.F.R. §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 to 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?

Response: The proposed action would not jeopardize the sustainability of Pacific halibut because the Catch Sharing Plan (Plan) allocations do not affect the overall Total Allowable Catch (TAC) of halibut. The TAC is determined through the International Pacific Halibut Commission (IPHC) process and is based on the most recent halibut stock assessment information. This determination is supported by the information presented in section 4.2.1.

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

Response: The proposed action would not jeopardize the sustainability of any non-target species affected by the action because incidental catch of non-target species is regulated either through state and Federal regulations for sport fisheries or through Federal regulations for commercial groundfish and salmon fisheries that incidentally take halibut. Yelloweye and canary are two overfished species that are caught in commercial and recreational halibut fisheries. These species are managed by NMFS through the Pacific Fishery Management Council’s (Council) groundfish process consistent with rebuilding plans that take into account any bycatch of these species in halibut fisheries. Also, retention of these species is prohibited in the sport fishery coastwide, and closed areas in both state and Federal waters provide protection to habitat where these species are most abundant. For salmon and sablefish bycatch, regulations are in place to limit the incidental take of salmon and groundfish in halibut directed fisheries.

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 fishery management plans (FMPs)?

Response: The proposed action would not cause substantial damage to the ocean, coastal habitats, or essential fish habitat because of the gear, limited geographic scope, and limited
duration of the fisheries coupled with the closed areas already in use for both the recreational and commercial fisheries.

The halibut fishery primarily uses longline gear. This gear does contact the seafloor but current measures limit amount of time and the area that this gear is in contact with ocean and coastal habitats and EFH. Further, halibut fisheries must comply with the groundfish closed areas for both the recreational and commercial fisheries. These closed areas are designed to protect rockfish and their habitat. Washington, Oregon, and California also have areas within state waters that are closed to halibut fishing (see sections 3.3.3-3.3.6). Finally, the directed commercial and tribal fisheries are open only a few days per year resulting in limited gear contact with bottom habitat. Therefore, impacts to habitat from this gear have been minimized to the extent practicable.

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

Response: 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.

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

Response: The proposed action is not expected to adversely affect endangered or threatened species or marine mammals. The effects of the fishery on marine mammals and sea turtles are minor because these species are either not likely to occur in the same areas as the halibut fishery or not likely to interact with the fishery; there are no recorded interactions of the halibut fishery with any marine mammal or sea turtle species. No effects are expected on eulachon because eulachon are too small to be encountered by halibut gear. Salmon are expected to be caught in halibut fisheries but in small numbers, and many of the fish caught are likely from stocks not listed under the Endangered Species Act (ESA). Therefore, effects to listed salmon are expected to be minimal. Puget Sound rockfish and green sturgeon are likely taken as bycatch in halibut fisheries, but the impact to these species is likely to be minor because the amount of bycatch is expected to be small over the duration of the proposed action. NMFS is in consultation with the US Fish and Wildlife Service (USFWS) to determine the effects of the Area 2A Catch Sharing Plan on listed seabirds. However, at this time impacts to seabirds are expected to be minor based on the USFWS biological opinion on the groundfish fishery, which concluded that the continued implementation of the sablefish fishery, that uses similar gear and areas as the halibut fishery, was not likely to result in jeopardy to short-tailed albatross. (see section 4.2).

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.)?

Response: The proposed action would have no impact on biodiversity and/or ecosystem function within the affected area. No impacts are anticipated because the proposed action makes minor changes to the halibut fishery that do not alter the level of fishing effort or the geographic
distribution of effort compared to No Action. Additionally, halibut fisheries do not use trawl gear and, therefore, have minimal bycatch or impact on benthic habitat. 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 relationship (see section 4.1).

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

Response: This action would have no significant interrelated social or economic impacts because there are no significant natural or physical environmental effects. A summary of the socioeconomic and environmental impacts of the alternatives can be found in section 4.7 of the EA.

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

Response: No, the effects on the human environment from this action are not expected to be controversial. No scientific controversy is anticipated because the Plan and the annual management measures are developed through the Council process with public input through Council meetings and state-sponsored meetings and outreach. NMFS and the Council do not determine the TAC but apply the Plan allocations to the TAC after it has been approved by the IPHC. Therefore, any scientific controversy would likely be handled at the IPHC level during deliberations on the stock assessment or the survey, both of which are conducted by the IPHC. In 2013, the IPHC established new scientific and management review boards with the goal of providing more public input and transparency into the scientific and management processes (see 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?

Response: There will be no impacts on unique areas, such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecological critical areas. This activity would occur in the marine environment and has no direct effect on the biophysical component of the terrestrial environment (see section 4.0).

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

Response: The effects on the human environment from the proposed action are neither unique nor unknown. No impacts are anticipated that are highly uncertain or involve unique or unknown risks because the proposed action is the ongoing implementation of the Plan and annual management measures and Plan changes over the last 10 years have been mostly minor adjustments to respond to the needs of the fishery and this is expected to continue. Additionally, the Plan has been in place since 1996, and changes since then have been minor. There were no
uncertain effects or unique or unknown risks identified during the development of alternatives for the proposed action, nor did any surface during preparation of the required environmental documentation (see section 4.0).

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

Response: The proposed action is not anticipated to have cumulatively significant impacts. This action is not anticipated to set a precedent for future actions because the continued implementation of the Plan and any future changes will continue to be evaluated each year by the Council and any changes made in previous years can be revised for future years (see section 4.4).

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?

Response: 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. The changes to the Plan are developed in collaboration with tribal managers, and the Plan is implemented within the TAC amounts that are designed for long-term sustainability of the halibut resource (see section 4.1).

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

Response: Activities under the proposed action will not involve the transport of non-indigenous species and therefore, this issue is not discussed in the EA. The fishing vessels participating in the proposed action would not increase the risk of introduction through ballast water or hull fouling. Disposition of the catch does not include any translocation of living marine resources, nor use of any nonindigenous species as bait.

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

Response: This action would not set a precedent for future actions because the changes to the Plan for 2014 and the continued implementation of the Plan are evaluated each year by the Council and any changes done in previous years can be revised for future years (see section 3.3).

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?

Response: This action would not threaten any Federal, state, or local law or requirement for the protection of the environment. The Plan and annual management measures are developed in cooperation with tribal and state managers, and the NMFS Office of Law Enforcement.
Chapter 6 of the EA describes potentially applicable cross-cutting mandates and the proposed action would be implemented to comply with these laws and executive orders 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?

Response: The proposed action is not expected to result in adverse effects or in cumulative adverse impacts. Halibut fisheries are managed in a sustainable manner consistent with the Halibut Act and other applicable law, and are evaluated every year through the IPHC stock assessment and the Council's review of the Plan. Therefore, any expected impacts to halibut may be addressed on an annual basis through changes to the Plan. Any affects to the non-target species (sablefish, yelloweye and canary rockfish, and salmon) from implementation of the Plan discussed in this EA are expected to be negligible because these species are managed through separate processes which account for bycatch in the halibut fisheries and are not anticipated to be affected by Plan implementation. Any effects to seabirds are expected to be negligible because there have been no reported interactions between halibut fisheries and seabirds. There are no cumulative effects that would create further impacts to any listed species (see section 4.4).

DETERMINATION

In view of the information presented in this document and the analysis contained in the 2014 final EA, it is hereby determined that the proposed action will not significantly impact the quality of the human environment. 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.

William W. Stelle, Jr.
Regional Administrator

Date 3-25-14