

Finding of No Significant Impact for GOA Amendment 111 to Reauthorize the Central Gulf of Alaska Rockfish Program RIN 0648-BJ73

FINDING OF NO SIGNIFICANT IMPACT

The Council on Environmental Quality (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 reauthorizes the Central Gulf of Alaska (CGOA) Rockfish Program (RP) in the Gulf of Alaska Management Area. The Environmental Assessment 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. The beneficial impacts of the proposed action are expected to outweigh the minimal adverse impacts associated with this action. However, the beneficial impacts are not significant. This action will remove the sunset date from the CGOA RP and modify certain regulations to improve efficiency or clarify Council intent for management of the CGOA RP. The magnitude of all impacts depends the effect of greater certainty of continuation of the program that results from removing the sunset (Section 3.7.1), increased harvests that result from reapportionment of Pacific cod (Section 3.7.2) and rockfish (Section 3.7.10) inseason, and operational efficiencies gained by eliminating catcher/processor sideboards in the Western Gulf of Alaska (Section 3.7.13), removing the 3-day stand down for catcher vessels moving from the Bering Sea or Aleutian Islands and entering the RP (Section 3.7.14), and reducing the check in times for the RP (Section 3.7.12).

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 adversely affected by removing the RP sunset date and modifying certain regulations within the program. The National Institute for Occupational Safety and Health (NIOSH) manages the Commercial Fishing Incident Database (CFID). Based on those data no work-related fatalities or vessel disasters were reported in the RP (Section 3.5.9). Management of the rockfish fisheries under the RP extended the fishing season and moved much of the fishing from July to May and June, but also allowed for fishing in late fall when CGOA weather conditions can be less safe. However, one potential reason for the good record of safety of human life at sea could include secure allocations that removed the race to fish and the extended fishing season that would allow crews to choose when to operate in the event of inclement weather or crewmember fatigue.

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 action affects commercial fishing in the offshore waters of the Gulf of Alaska (GOA), 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 on the GOA rockfish fisheries is not likely to result in the permanent loss or destruction of, or impact to, any historic or cultural resources or ecologically critical areas.

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

Response: No. The proposed action is not controversial, and no controversy was noted in public comments to the Council or NMFS about the data and information used to evaluate the impacts of the action on the human environment. The proposed action removes a sunset date on the RP and modifies elements of the program to reduce costs and down-time.

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 removal of the RP sunset date and make minor regulatory adjustments to the program to clarify regulations and improve production efficiency are not expected to be highly uncertain or involve unique or unknown risk. The RP has been in place since 2012 and this action will extend regulations of a program that has been considered successful by all stakeholders. The effects of the proposed action are clearly detailed and thoroughly analyzed in EA Section 2 and do not add any risks to the human environment.

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: No. The proposed action would remove the sunset date the RP LAPP. The RP is the only LAPP in the North Pacific that included a sunset date. All other LAPP permits implemented by the Council are renewed after 10-years, as described in Section 303A of the Magnuson-Stevens Fishery Conservation and Management Act. This action does not establish a precedent for future action with significant effects because it is extending a program in a manner consistent with other North Pacific LAPPs. Pursuant to NEPA, for all future amendments to the FMPs, appropriate environmental analysis documents 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.

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 action to result in cumulatively significant impacts.

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 action affects commercial fishing in the offshore waters of the GOA, 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.

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. An informal consultation under section 7 of the ESA was conducted. As a result of the informal consultation, NMFS determined that fishing activities conducted under the proposed action are not likely to adversely affect endangered or threatened species or designated critical habitat. The proposed action does not change existing protection measures, and the harvest of rockfish species would continue to occur within the limits established in the annual specifications process by vessels the same as or similar to those currently fishing for rockfish in the GOA.

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 action does not create any known violation of Federal, State, or local laws or requirements imposed for the protection of the environment.

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 rule will have no impacts on marine mammals. The harvest of rockfish would continue to occur within the limits established in the annual GOA harvest specifications by vessels the same as or similar to those currently fishing for rockfish in the GOA.

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 2.2 and Section 2.3). This proposed action will maintain the current management structure that has been in place since 2012. Because this action does not change the structure of the CGOA rockfish fisheries managed under the RP or the limited access rockfish fisheries in the WGOA and West Yakutat District the proposed action cannot reasonably be expected to adversely affect managed fish species.

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: No effects more than minimal or not temporary were found for Essential Fish Habitat from commercial fishing activity (pelagic and non-pelagic trawl, pot, and longline gears) on species in the GOA, including rockfish trawl and longline fishing activity. The impact of trawl gear in the rockfish fisheries was described in detail in Section 2.4.1. Longline gear tended to have the least effect on habitat due to the smaller footprint of the gear and the limited use in the rockfish fisheries. 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. (EA Section 2.4)

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, to the extent that RP continues to spread out the harvest of rockfish over time and space the proposed action may provide a minimal benefit on predator-prey relationships.

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

Response: No. This action will not affect the introduction or spread of non-indigenous species, because it does not change fishing practices that may introduce such organisms into the marine environment.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Amendment 111 to the GOA Fishery Management Plan to reauthorize the CGOA Rockfish Program, it is hereby determined that Amendment 111 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

10/21/2020
Date

SWarpinski 2/26/20, 3/26/20
BMansfield 3/12/20
AMiller 9/22/20

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