

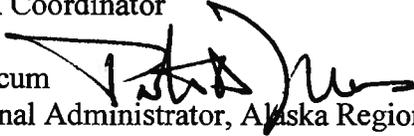


**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

October 24, 2011

MEMORANDUM FOR: Paul N. Doremus
NOAA NEPA Coordinator

FROM: Robert D. Mecum  FOR R/m
Deputy Regional Administrator, Alaska Region

SUBJECT: Regulatory Impact Review, Final Environmental Assessment, and Initial Regulatory Flexibility Analysis for proposed Amendment 88 to the Gulf of Alaska Fishery Management Plan – Central Gulf of Alaska Rockfish Program, RIN 0648-BA97

The attached subject environmental assessment (EA) and Finding of No Significant Impact (FONSI) are forwarded for your review. The EA and FONSI have been prepared in accordance with the provisions of: (1) NOAA Administrative Order 216-6, Environmental Review Procedures For Implementing The National Environmental Policy Act; and (2) the Council on Environmental Quality's Regulations For Implementing The Procedural Provisions of The National Environmental Policy Act (40 CFR Parts 1500-1508).

Based on the environmental impact analysis within the attached EA, I have determined that no significant environmental impacts will result from the proposed action. I therefore have approved the FONSI for this proposed action. I request your concurrence with the EA and its FONSI. I also recommend, subject to a request from the public, that you release the documents for public review.

1. I concur. _____
NOAA NEPA Coordinator Date

2. I do not concur. _____
NOAA NEPA Coordinator Date



**Finding of No Significant Impact for
Amendment 88 to the
Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska
RIN 0648-BA97**

National Marine Fisheries Service

Amendment 88 would implement the Central Gulf of Alaska Rockfish Program. This action is necessary to replace Central Gulf of Alaska (GOA) Rockfish Pilot Program regulations that are scheduled to expire at the end of 2011. The Rockfish Program would provide exclusive harvesting and processing privileges for a specific set of rockfish species and associated species harvested incidentally to those rockfish in the Central GOA. The Rockfish Program would retain the conservation, management, safety, and economic gains realized under the Rockfish Pilot Program. The North Pacific Fishery Management Council (Council) developed the Rockfish Program to meet the requirements for limited access privileges in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The proposed Rockfish Program would be authorized for 10 years, from January 1, 2012, until December 31, 2021.

The environmental assessment (EA) discusses the impact the Rockfish Program would have on the environment as a result of this rule. The Council considered an extensive and elaborate series of alternatives, options, and suboptions as it designed and evaluated the potential for the continued rationalization of the Central GOA rockfish fisheries, including the “no action” alternative. The EA presents three alternative schemes for management of the Central GOA rockfish entry level fishery: Status Quo/No Action (Alternative 1); current entry level management under the Pilot Program (Alternative 2); and an entry level fishery for longline gear only (Alternative 3). The third alternative was selected. Three alternatives for catcher/processors also were considered: Status Quo/No Action (Alternative 1); a rockfish cooperative program where allocations are based on harvest history of sector members (Alternative 2); and the existing Pilot Program management (Alternative 3). Alternative 2 was selected. Four alternatives for the catcher vessel sector were considered: Status Quo/No Action (Alternative 1); a rockfish cooperative program where allocations are based on harvest history of sector members (Alternative 2); a rockfish cooperative program where allocations are divided between historical harvesters and processing participants (Alternative 3); and a cooperative program where a harvester must join in association with a processor where associations are severable (Alternative 4). Alternative 4 was selected.

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 (CEQ) 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 the CEQ’s context and intensity criteria. These include:

Context: The setting of the proposed action is the groundfish fisheries in the GOA. Environmental effects of the action are limited to this area. The economic effects of the alternatives within this area are limited to the individuals who participate in GOA groundfish fisheries.

Intensity: Listings of considerations to determine intensity of the impacts are in 40 CFR 1508.28(b) and in the NAO 216-6, Section 6. Each consideration is addressed below as it appears in the NMFS Instruction 30-124-1 dated July 22, 2005, Guidelines for Preparation of a FONSI.

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

Response: No. The proposed action will not jeopardize the sustainability of the target species that may be affected by this action because the target species will continue to be managed by conservatively set total allowable catches (TAC)s and cooperative allocations which should effectively limit catch to the TACs. The impacts of the proposed action on the target species are discussed in section 3.4.3 of the EA.

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

Response: No. The proposed action is not expected to jeopardize the sustainability of any non-target species and will not have any significant impacts on non-target species. Impacts of the proposed action on the sustainability of any non-target species are discussed in sections 3.4.4 and 3.4.5 of the EA. The EA concludes that the fisheries under the proposed action are not expected to affect the sustainability of any non-target species.

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 FMPs?

Response: No. Impacts of the proposed action on benthic habitat and essential fish habitat (EFH) are discussed in section 3.4.6 of the EA. The proposed action is likely to have minimal and temporary effects on EFH and no long term negative impacts to EFH were identified.

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

Response: No. The proposed action should continue to improve safety by reducing the incentives for rockfish fishermen to fish in inclement weather or fish in a manner that compromises safety. Impacts of the proposed action on safety are discussed in section 4.1 of 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: No. The proposed alternatives are not likely to change fisheries activities in a way that would affect the potential for competition for prey, disturbance, or incidental takes of marine mammals. This action would not likely have any effects on marine mammals beyond those already analyzed for the GOA groundfish fisheries in previous biological opinions and environmental impact statements. Impacts of the proposed action on endangered or threatened species, marine mammals, or critical habitat of these species, are discussed in section 3.4.7 of the EA.

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: No. The proposed action will have an insignificant impact on biodiversity and ecosystem function. Although some temporal and spatial dispersion of catch in the rockfish fisheries could occur, the proposed action is not expected to have a negative effect on the GOA marine ecosystem. Impacts of proposed action on ecosystem function are discussed in section 3.4.9 of the EA.

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

Response: No social or economic impacts, interrelated with any significant natural or physical environmental effects, were identified. See full discussion in section 3.4.10 of the EA and in the accompanying Regulatory Impact Review.

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

Response: No. None of the effects on the quality of the human environment identified in the EA are likely to be controversial. Allocations, processing, and efficiency gains are likely to remain similar to the quality of the human environment under the Rockfish Pilot Program. However, the structure of the market for landings would likely be competitive, increasing the incentive for processors to aggressively pursue product improvements to attract additional landings. Economic and socioeconomic factors are discussed in section 3.4.10 of the EA.

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: No. This action takes place in the offshore waters of the GOA. The lands adjacent to this area do contain cultural resources and ecologically critical areas. However, given the nature of this action, no impacts to unique areas are predicted.

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

Response: None of the effects identified in the EA are highly uncertain or involve unique or unknown risks. The effects on the human environment are unlikely to result in significant change from current management. However, some change is expected over time as some harvesters may perceive better opportunities with other processors within the city of Kodiak. Economic and socioeconomic factors are discussed in section 3.4.10 of the EA.

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

Response: No. This proposed action is not related to other actions with cumulatively significant impacts. Other government actions and private actions may increase pressure on the sustainability of target and prohibited fish stocks either through extraction or changes in the habitat, but it is not clear that these would result in significant cumulative effects. Any increase in extraction of target species would likely be offset by Federal management. Cumulative effects are discussed in section 3.4.12 of the EA.

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. This consideration is not applicable to this action.

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

Response: No. This consideration is not applicable to this action.

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: No. The Council may decide to extend the proposed action after its 10-year expiration date. However, this future action would not likely produce effects beyond those considered in the EA, such a future action would require a new National Environmental Policy Act analysis.

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: No Federal, state, or local law will be violated with this action.

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?



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 Office of General Counsel
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ATTORNEY-CLIENT PRIVILEGED - DO NOT RELEASE - FOIA EXEMPT
CERTIFICATION OF ATTORNEY REVIEW

MEMORANDUM FOR: Robert D. Mecum
 Deputy Administrator, Alaska Region

FROM: Lisa L. Lindeman
 Alaska Regional Counsel

SUBJECT: Approval of Amendment 88 to the Fishery Management Plan
 for Groundfish of the Gulf of Alaska, RIN 0648-BA97

This action is legally sufficient and raises no significant legal issue(s) other than those addressed in any attached legal memorandum. I have consulted with a regional enforcement attorney on this matter.

Additional Comments:

Legal Memorandum Attached: yes no

A Taking Implication Assessment Prepared:
 (if prepared, see attachment) yes no

- No TIA was prepared: No effect on private property.
- Exclusion because...[or
 Categorically excluded under
 DOC Takings Guidelines,
 paragraph III.C.2.c.iv.]
- Generic TIA.
- Proposed Rule.

Thomas J. [Signature] 10-19-11
 Attorney Advisor Date

Lisa L. Lindeman [Signature] 10/19/11
 Regional Counsel Date

cc: GCF, NOAA GC

