

APPENDIX A

Environmental Assessment of the Second Amendment
to the
Pacific Coast Groundfish Fishery Management Plan

APPENDIX A TABLES
Environmental Assessment of the Second Amendment to the
Pacific Coast Groundfish Fishery Management Plan

	<u>Page</u>
A-1. Issues in the "Second Amendment to the Pacific Coast Groundfish FMP".....	A-2

APPENDIX A
ENVIRONMENTAL ASSESSMENT OF THE SECOND AMENDMENT
TO THE
PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

Introduction

After four years of development, the Pacific Coast groundfish FMP was approved (except for one provision) by the Assistant Administrator for Fisheries, NOAA on January 4, 1982. A draft EIS was filed with the EPA on November 23, 1979. It was modified when the FMP was revised and submitted to the EPA as a draft supplemental EIS on December 24, 1980. The final supplemental EIS was submitted to the EPA with publication of the proposed implementing regulations. The notice for availability of the final supplemental EIS was published by the EPA on February 12, 1982 (47 FR 6483).

Amendment 1 to the FMP was approved by the Assistant Administrator for Fisheries, NOAA on January 18, 1982 and the implementing regulations became effective October 5, 1982. An EA was prepared which found that no significant impact on the biological or human environment would result from implementation of the changes adopted by Amendment 1.

The Council has prepared the second amendment to the FMP. Therefore, an EA of this amendment is developed according to 40 CFR 1501.3 and 40 CFR 1508.9 and NOAA Directive 02-10 in order to determine whether an EIS must be submitted as stated in Section 102(2)(C) of the NEPA. An EIS normally is required for any major action that will have a significant impact on the quality of the human environment. Otherwise an EA provides sufficient analysis if accompanied by a finding of no significant impact.

Three separate issues are included in the second amendment. For simplification, the Council included the analysis of the potential environmental impacts in the discussion of alternative options for each issue. The "Summary of Environmental Impacts" in this appendix consolidates the information from the more detailed discussions included with each issue. Thus, this appendix either contains or references the information required for an EA which was used as the basis for recommending a finding of no significant environmental impact (see Table A-1). The Council sought public comment on the amendment, EA, and finding of no significant impact.

Choice of Issues and Preferred Options

Issues potentially requiring modification of the FMP were identified at various Council meetings and at a public "scoping" session held on July 10, 1985. The Council chose to wait until public hearings were held in August before selecting preferred options on the issues at its September 1986 meeting. The discussion of environmental impacts in the amendment covers the range of possibilities provided for each issue, so the extreme options have been considered. In those cases in which the status quo (as set forth in the FMP) represents one extreme, analysis may be less rigorous because that action had already been considered under the supplemental EIS for the FMP.

Table A-1. Issues in the "Second Amendment to the Pacific Coast Groundfish FMP" (pages references requirements of an environmental assessment under NEPA).

Issue	Title	Need for Action	Alternative (Options)	Impacts		Preferred Option
				Biological	Socio-Economic	
1	Delete the Sablefish Optimum Yield (Quota) in the Monterey Bay Subarea	3,4	4	5	5	2
2	Gear Regulation Flexibility	7,8	8,9	9	10	2
3	Marking Requirements for Setnets and Commercial Hook-and-Line Gear	11	11	12	12	2

Summary of Environmental Impacts

None of the alternatives proposed for any of the issues in this second amendment are expected to jeopardize the productive capability for a stock of fish, allow substantial damage to any ocean habitat, have any substantial adverse impact on public health or safety, adversely affect an endangered or threatened species or a marine mammal population, or are expected to result in cumulative effects that could have a substantial effect on the target resource species or any related stocks. The impacts of even the most severe options for these issues, considered separately or together would not have a significant impact on the quality of the human environment. The basis for these conclusions is summarized below.

Biological Impacts

Implementation of any option or set of options presented in this amendment would not have a significant biological impact, direct or indirect.

Increased Landings

Implementation of any option or set of options presented in this amendment would not result in increased landings and would not jeopardize the productive capability of any stock.

Lost Gear

The options presented in Issue 3 (marking requirements for setnets and commercial vertical hook-and-line gear) would have no quantifiable biological effect, direct or indirect, on any stock of fish. Setnets and commercial vertical hook-and-line gear have become more common, particularly off California, and it has become apparent that they should be marked the same way and for the same reasons as other fixed gears. The marking requirements currently in the federal regulations require a buoy on both ends of a ground-line or on pots and were intended to minimize gear conflicts and loss by making fixed gear more visible. The biological implication was that lost or unretrievable gear might fish indefinitely. The expense of such losses to fishermen, not to mention the inconvenience and time lost from gear conflicts, provide strong incentives for fishermen to minimize these losses. Although the least restrictive option (Option 1 [status quo] - no federal marking requirement) would make fixed gear less visible than the most restrictive option (Option 2), the current lack of marking for these two gear types has not yet been correlated with notable impacts on any stock of fish. Consequently, biological ramifications of this issue are expected to be insignificant.

Gear Modification

Gear regulations currently may be changed as a means to reduce biological stress on a stock of fish. Issue 2 (providing a framework mechanism for modifying gear without an FMP amendment) considers a more timely means of changing gear requirements, but for reasons not necessarily relating to biological stress. This does not mean there will not be any biological ramifications from this issue but, if any, they are likely to be favorable or minor because they would be designed to meet the industry's needs without

adverse biological effects. As in any multispecies fishery, if catch composition changes (for example in response to changes in mesh size), some species will be fished more heavily than in the past, but the "Point of Concern" mechanism is in place to avoid undue stress on any stock. Some gear modifications (such as the marking provision in Issue 3) will not change the "catchability" of species, but will render the fishery more efficient, and the biological impact would be in minimizing ghost fishing by lost gear.

Monterey Bay OY for Sablefish

Sablefish in Monterey Bay are no longer believed to be a separate stock. Option 2 of Issue 1 (deleting the separate OY for sablefish in Monterey Bay) has no biological impacts and merely brings accounting procedures into conformance with the reality of the fishery.

Impacts on the Physical Environment

Issue 3 is the only issue in the amendment which affects the physical environment. Although some fixed gear may be lost if marking requirements are not imposed, widespread degradation of the physical environment will not result from the number of setnets and commercial vertical hook-and-line gear currently in use.

Insofar as the issues in Amendment 2 have no interaction with the physical environment other than with ocean waters, there is no effect, significant, adverse, or otherwise on flood plains or wetlands (see NOAA Directive 02-12) or trails and rivers listed or eligible for listing on the National Trails and Nationwide Inventory of Rivers (Presidential Directive, August 2, 1979).

Impacts on the Human Environment

All the options considered as alternatives to the status quo for the three issues either are to the economic benefit of the fishing industry or have minimal or no socio-economic impacts compared to the status quo. No option, alone or combined with other options, imposes a significant cost (as defined by Executive Order 12291) on industry when compared with the status quo. The benefits from retaining the status quo, however, may be more costly than the alternative options in some issues. The basis for these conclusions is summarized below. More complete analyses of these impacts are in the discussions of each issue and in the RIR/RFA (Appendix B).

Direct Costs

Since the status quo was rejected for Issue 2 (Framework Gear Provisions) and Issue 3 (Fixed Gear Marking), there will be some direct costs to fishermen which should, however, be compensated for by other benefits.

Issue 2 is difficult to analyze. Because it proposes framework flexibility in modifying gear, a variety of changes (and costs) are possible. However, inherent in the procedures for this framework procedure are provisions that would minimize costs to the industry while achieving the benefits of the change. The most expensive gear modification would be one in which trawl nets had to be replaced (at a cost of \$2,400,000 to the fleet; see Issue 2), but these could be phased-in as old gear wears out and thus would have a small incremental cost, if any, to the fleet.

The requirement to mark setnets and commercial vertical hook-and-line gear (Issue 3) is expected to have an approximate initial incremental cost of about \$500 per vessel. This expense is considered small relative to the potential benefits of avoiding gear conflicts and retrieving lost gear.

Enforcement

Effectiveness and cost of enforcement have slight implications in Issues 1, 2, and 3.

Option 2 of Issue 1 proposes deleting the separate OY for sablefish in Monterey Bay and reverting only to the coastwide OY. This action has potential savings in that separate enforcement monitoring to determine area of catch and to enforce closures would become unnecessary. In actuality, catches never approached OY in Monterey Bay and, because sablefish there were determined **not** to be a different stock, area of catch was not closely watched. Thus, adoption of Option 2 would forestall potential costs that could occur, but have not, under the status quo.

Issue 2 (providing framework flexibility for changing gear requirements) and Issue 3 (marking requirements for fixed gear) have enforcement implications only insofar as gear changes and markings must be monitored. This is done in the normal course of surveillance. Although an additional 220 vessels (1985 estimate) may fall under the new marking requirements (Issue 3), this does not necessitate a real increase in enforcement effort or monitoring above the status quo since this gear already is checked for compliance with state regulations.

Allocation

Gear modifications under Issue 2 (providing framework flexibility) could have allocative effects (as do most management measures) and these would be considered on a case by case basis in the course of taking action under this provision.

Safety

There may be safety implications with Issue 3 (marking fixed gear) but public comment to this effect was minimal. The setnet and commercial vertical hook-and-line vessels that operate off California tend to be small vessels and it is not clear if the buoys and line necessary for compliance would be a hindrance on deck.

Gear Conflicts

Option 2 of Issue 3 (marking fixed gear) is intended not only to aid in retrieval of fixed gear but also to make this gear more visible and less likely to be unintentionally intercepted by movable (trawl or troll) gear operating on the same grounds.

Administration

Whenever new procedures are adopted or old procedures refined, some incremental cost of administering the procedures may be incurred. From a publication

standpoint, if the status quo is changed for any issue in this second amendment, the cost of proposed and final rulemaking is about \$500 per Federal Register notice, no matter how many issues are involved. Deletion of the Monterey Bay OY for sablefish (Option 2 of Issue 1) provides a potential cost savings since monitoring the area would not be necessary and a notice of closure for that area (\$500 annually to prepare) would not be needed.

The framework gear provision (Issue 2) is designed as a cost savings measure; inseason adjustments are much more efficient to implement than an FMP amendment and thus represent a cost savings to the Council and federal government.

Interaction Among Issues

This amendment may be approved in whole, in part, or not at all. Each of the issues described in this amendment is independent of the others and can be considered separately on its own merits. Thus the Assistant Administrator of NMFS could disapprove that portion of the amendment dealing with any issue without jeopardizing the rationale, intensity, or context behind the impacts of any other issue considered in this amendment.

It should be noted that if framework changes to gear (Issue 2) had been in place, Issue 3 (marking requirements for fixed gear) could have been implemented in a more timely and cost effective manner than by this amendment.

Agencies and Persons Consulted

Representatives of the following agencies were consulted in the preparation of this EA.

California Department of Fish and Game
Oregon Department of Fish and Wildlife
Washington Department of Fisheries
Pacific Fishery Management Council
National Marine Fisheries Service
U.S. Coast Guard

Finding No Significant Environmental Impact

For the reasons discussed or referenced above, it is hereby determined that neither approval or disapproval of any option presented would significantly affect the quality of the human environment in a way that has not already been contemplated in the supplemental EIS for the FMP. Accordingly, preparation of a supplementary EIS on these issues is not required by Section 102(2)(C) of the NEPA or its implementing regulations.

Assistant Administrator for
Fisheries, NOAA

Date