

APPENDIX A
ENVIRONMENTAL ASSESSMENT FOR AMENDMENT 3 TO THE PACIFIC COAST GROUND FISH FMP

Introduction

After four years of development, the Pacific coast groundfish FMP was approved by the NOAA Assistant Administrator for Fisheries with the exception of one provision, on January 4, 1982. The draft EIS was submitted to the EPA on November 23, 1979, and then modified and resubmitted 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 EPA published the notice of availability for the final supplemental EIS on February 12, 1982 (47 FR 6483) and implementing regulations became effective September 30, 1982 (except for vessel identification and gear provisions which were effective January 1, 1983).

Two amendments to the FMP have already been implemented: the first amendment on July 29, 1984 and the second amendment on March 15, 1987 (except for gear marking provisions which were effective August 1, 1987). An EA was prepared for each amendment, and each EA supported the finding that no new significant environmental impacts would result from these amendments.

The Council has prepared Amendment 3 to the FMP to address legal requirements under the recent amendment to the MFCMA (P.L. 99-659) which calls for all FMPs and amendments submitted after January 1, 1987 to include discussions on habitat (Issue 1) and consideration of weather-related vessel access and safety concerns (Issue 2). The EA part of this document has been prepared according to 40 CFR 1501.3 and 1508.9 and NOAA Directive 02-10 in order to determine whether an EIS is required by 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. However, an EA that provides sufficient analysis of environmental impacts leading to a finding of no significant impact can take the place of an EIS as the final environmental document required by the NEPA.

Another part of this document is the RIR which is required by NOAA for all regulatory actions or significant policy changes that are of public interest. The RIR provides a review of the problems and policy objectives prompting the regulatory proposals and ensures that the regulatory agency systematically and comprehensively considers all available alternatives so the public welfare can be enhanced in the most efficient and cost effective way. The RIR portion of this document also serves as the basis for determining whether any proposed regulations are major under criteria provided by Executive Order 12291 and whether proposed regulations will have significant impact on a substantial number of small entities in compliance with the Regulatory Flexibility Act.

Choice of Issues and Preferred Options

In order to determine the need for modifying the FMP, potential amendment issues were identified at various Council meetings and a public scoping session held on September 17, 1986. At its September 16-17, 1987 meeting, the

Council decided to proceed with consideration of the two issues contained in this amendment. The Council conducted a public hearing in November 1987 and adopted the amendment. The discussion of environmental and socio-economic impacts in the amendment and this EA-RIR/RFA covers the range of possibilities that could be chosen.

Summary of Environmental Impacts

Table A-1 identifies the pages of the amendment which discuss the need for action and analysis of the potential impacts of each alternative. Thus, this appendix either contains or references the information required for a "structurally complete" EA-RIR/RFA.

None of the actions being considered for the two issues in this amendment are expected to jeopardize the productive capability of the target resource species or any related stocks that may be affected by this action, allow substantial damage to the ocean or coastal habitats, have a substantial adverse impact on public health or safety, affect adversely any endangered or threatened species or a marine mammal population, or result in cumulative effects that could have a substantial adverse effect on the target resource species or any related stocks that may be affected by this action. The impacts of any action taken under 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.

Impacts on the Biological and Physical Environment

Implementation of any option presented in this amendment would not have a significant biological or physical impact, direct or indirect. None of the options intend to allow increased fishing mortality for groundfish or non-groundfish species. Insofar as the issues in this amendment have no interaction with the physical environment other than with ocean waters, there is no impact, significant, adverse, or otherwise, on floodplains or wetlands, sites included in the National Trails and Nationwide Inventory of Rivers, or sites nominated or designated by the Advisory Council on Historic Preservation.

Issue 1

This issue addresses the legal requirement that the FMP include readily available information regarding the significance of habitat to the fishery and an assessment of the effects which changes to that habitat may have upon the fishery. Because P.L. 99-659 requires inclusion of this information in the FMP, there are no alternative options.

This issue incorporates into the FMP information on generalized habitat requirements of commercially important groundfish species, habitat factors of importance to groundfish production, and the general effects and associated risks of habitat alterations by various activities (e.g., oil and gas development, marine mining, dredge and fill). This issue also incorporates into the FMP the Council policy regarding habitat protection and alteration, consistent with the NMFS habitat conservation policy and the MFCMA. Although this issue provides the necessary authorization to implement regulations to protect marine fish habitat, no specific management measures currently are

Table A-1. Issues in Amendment 3 to the "Final FMP and Supplemental EIS for the Washington, Oregon, and California Groundfish Fishery" (pages reference requirements of an EA under NEPA and a RIR/RFA under Executive Order 12291 and the Regulatory Flexibility Act).

Issue	Title	Need for Action	Alternative (Options)	Impacts	
				Biological	Socio-Economic Interaction
1	Habitat	5	5	16-17	17
2	Temporary Adjustments for Access	20	29, 33	34	34-35 15

proposed; therefore, this issue currently has no direct impacts. Should regulations be imposed in the future (such as a prohibition against discarding debris from fishing vessels at sea), these regulations would be designed to have a positive impact on the biological and physical environment.

Issue 2

Issue 2 has no impact on the biological or physical environment.

Impacts on the Human Environment

The two issues have minimal or no socio-economic impacts relative to current management. No possible action taken under this amendment imposes a significant cost (as defined by Executive Order 12291) on the industry when compared with the status quo. The basis for these conclusions is summarized below. More complete analyses of the socio-economic impacts are in the discussions of each issue.

Safety

Issue 1 - This issue has no safety or fishery access implications.

Issue 2 - This issue addresses the legal requirement that the FMP consider, and possibly provide for, temporary adjustments to management measures regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other oceanic conditions affecting the safety of the vessels. Such adjustments would include consultation with the U.S. Coast Guard and persons utilizing the fishery. Interim guidance from NMFS specifies that the FMP provisions include the identification of safety concerns caused by a particular management approach, suggested alternatives to minimize safety problems, and mechanisms that allow for flexible modification of management limitations in response to safety and weather concerns. Consideration of weather and oceanic conditions could be appropriate when a management action affects the timing or length of a season, the areas open or closed to fishing, or the amount or frequency of a trip limit.

Both Options 1 and 2 make a finding that current procedures fully consider safety and vessel access implications and incorporate the basis for this finding in the FMP. There is no difference between Options 1 and 2 in management or the decision-making process. However, Option 2 would explicitly mention in the regulations the current practice of consulting with the U.S. Coast Guard on safety impacts of alternative management measures and would clarify NMFS authority to change inseason management measures so that the harvest goal for a species may be reached.

The Council and NCFVSI believe that major unresolved safety issues do not exist in the west coast groundfish fishery and that vessel safety and access considerations have been fully and appropriately addressed under current management procedures. Neither option is expected to substantively alter the behavior of the groundfish fleet. Furthermore, it is highly unlikely that either option would have an impact on the number of injuries or vessels lost at sea.

The U.S. Coast Guard will evaluate the proposed measures in this amendment for their effects on vessel safety, particularly regarding adverse weather and oceanic conditions. Comments by the U.S. Coast Guard will be included in the final amendment, but they will not represent a certification that the amendment or any specific measure is safe.

Direct Costs

Issue 1 - Issue 1 involves no direct cost to the fishing industry.

Issue 2 - Under either option, the Council includes weather-related vessel safety and access concerns in its management deliberations and fully consults with the U.S. Coast Guard and affected public. No change in fishermen's access to the resource (and thus in direct costs) is anticipated as a result of any of the options. Trip limits currently in effect are based on the fact that some vessels will not be fishing due to bad weather or breakdowns; these trip limits may be made less restrictive if it appears the quota or harvest guideline will not be reached.

If fishing opportunities become more restrictive due to reduction in the resource or increase in the number of fishermen, then the potential for reduced access due to weather could become more important. However, such restrictive measures undoubtedly would have more serious disruptive impacts on the fishery than those caused by bad weather.

It is highly unlikely that any action taken under either option would have an impact on the insurance rates for groundfish fishermen; there is no evidence the insurance industry reacts to losses in a particular fishing activity but rather sets rates based on risks in the fishing industry in general.

Administration

Issue 1 - By providing habitat information in a readily available and documented format, Issue 1 is expected to reduce duplicative cost and effort by management agencies in assembling and disseminating such information and sets the stage for introducing regulations to protect marine fish habitat without an additional FMP amendment. FMP amendments can be costly (approximately \$30,000 to \$50,000 per amendment) and time consuming.

Issue 2 - Option 2 formalizes the current procedures in Option 1 (status quo) to consider vessel access and weather-related safety. Administrative costs to change current regulations would be about \$1,000 for announcing proposed and final rules in the Federal Register.

Regulatory Impacts on Small Business

No action taken under Issue 1 or Issue 2 will impact small business or small government entities. Inclusion of habitat and weather-related vessel safety provisions into the FMP are mandated by the MFCMA. Their inclusion in this amendment does not indicate any policy change by the Council and any regulatory changes are merely for clarification of existing policy.

Interaction With Other Amendment Issues

An amendment to the FMP may be approved in whole, in part, or not at all. Each issue described in this amendment is independent of the other and could be considered separately on its own merits. However, both topics are required by the MFCMA to be included in the first amendment submitted by the Council after January 1, 1987. Thus, if the NOAA Assistant Administrator for Fisheries disapproved that portion of the amendment dealing with either issue, the result would be disapproval of the entire amendment.

Additional Record Keeping, Reporting, Paperwork, and Rulemaking Costs Relevant to the PRA

Issue 1 and Issue 2 have no record keeping requirements.

Agencies and Persons Consulted

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

California Coastal Commission
California Department of Fish and Game
Oregon Department of Fish and Wildlife
Oregon Land Conservation and Development Commission
San Francisco Bay Conservation and Development Commission
Washington Department of Ecology
Washington Department of Fisheries
Pacific Fishery Management Council
National Marine Fisheries Service
U.S. Coast Guard

Finding of No Significant Environmental Impact

For the reasons discussed or referenced above, it is hereby determined that neither approval nor disapproval of any issue or 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