Finding of No Significant Impact for the Environmental Assessment for Establishing Transit Areas through Walrus Protection Areas at Round Island and Cape Peirce, Northern Bristol Bay, Alaska

December 2014

National Marine Fisheries Service

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 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 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?

No. No significant adverse impacts on target species were identified. The Preferred Alternative is not expected to change the timing, duration, effort, or harvest levels in the herring, salmon, or groundfish fisheries in northern Bristol Bay. Therefore, the Preferred Alternative has no potential to affect groundfish or other fish species, and no impacts on the sustainability of any target species are expected (EA Section 3.1).

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

No. No significant adverse impacts on non-target species were identified. The Preferred Alternative is not expected to change the timing, duration, effort, or harvest levels in the herring, salmon, or groundfish fisheries in northern Bristol Bay. The Preferred Alternative is not expected to jeopardize the sustainability of any non-target species (EA Section 3.1).

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 the fishery management plans (FMPs)?

No. No significant adverse impacts were identified for the Preferred Alternative on ocean or coastal habitats or essential fish habitat. None of the alternatives considered are expected to change habitat features used by managed fish species to spawn, breed, feed, or grow. Substantial damage to ocean or coastal habitat or EFH by the Preferred Alternative is not expected (EA Section 3.4.1).
4) Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety?

No. Public health and safety would not be affected in any way not evaluated under previous actions or disproportionately as a result of the proposed action. The Preferred Alternative would not change fishing methods (including gear types), nor would it change timing of fishing. The Preferred Alternative allows vessels to transit through walrus protection areas rather than circumnavigating the protection areas, which could potentially reduce exposure to more hazardous conditions (EA Section 2).

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

The impacts of the Preferred Alternative on Endangered Species Act (ESA)-listed species (marine mammal and seabirds), their designated critical habitat, and marine mammals are likely not significant (EA Section 3.2.7 and 3.3.1). Pacific walrus is considered warranted, but precluded for listing under the ESA. As priorities allow, but by October 2017 at the latest, the U.S. Fish and Wildlife Service (FWS) will either propose that the Pacific walrus be listed or determine that the walrus does not need the protections of the ESA and it will no longer be a candidate. If Pacific walrus is listed, a determination for critical habitat will be made. It is likely that critical habitat for walrus will include the areas around Round Island and The Twins, Cape Peirce, and Cape Newenham (J. Garlich-Miller, FWS, Pers. Comm.), and it is possible that transit restrictions will be implemented in those areas as part of the critical habitat designation (EA Section 3.2.1.7). The analysis indicates that the Preferred Alternative would not have a significant impact on Pacific walrus (EA Sections 3.2.7 and 3.3.1).

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.)?

No. No significant adverse impacts on biodiversity or ecosystem function were identified for the Preferred Alternative. The Preferred Alternative is not expected to change natural variation in recruitment, survivorship, or growth of fish stocks (EA Section 3.5).

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

No. The action under the Preferred Alternative would have no significant social or economic impacts interrelated with natural or physical environmental effects (EA Sections 4.8, 4.9, and 4.10; and the Final Regulatory Flexibility Analysis (FRFA) contained in the final rule).

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

No. No disagreements about the character of the effects of the Preferred Alternative on the quality of the human environment have been identified by the agency or the public. The development of the proposed action involved Federal and State agency, tribal and co-management organizations, and industry stakeholders (EA Section 1.2).
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?

No. This action would not affect any categories of unique areas. This would occur in the geographic area of Bristol Bay, Alaska, which is adjacent to land that may contain archeological sites. As this action would occur in marine waters, no impacts on these cultural sites are expected. These marine waters contain ecologically critical areas; however, effects on the unique characteristics of these areas are not anticipated because the Preferred Alternative is limited to allowing for vessel transit areas (EA Sections 1.3 and 2.5).

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

No. The potential effects of the action are understood because of the area of the activity. For marine mammals and seabirds, enough research has been conducted to know about the animals’ abundance, distribution, and feeding behavior to determine that this action is not likely to result in population effects (EA Sections 3.2.7 and 3.3.1).

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

No. The EA identifies all related actions in EA Section 3.6. This action is not related to other actions that, when combined with the effects of the proposed action, would result in cumulatively significant impacts on the human environment.

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?

No. The action area consists of marine areas in the northern part of Bristol Bay in the north Pacific Ocean. There are no known cultural, scientific, or historical resources in the action area and no districts, sites, highways, structure or objects listed in or eligible for listing in the National Register of Historic places. As a result, this action is not likely to adversely affect any such resources As discussed under question 9, this action occurs in the geographic area of Bristol Bay, Alaska, which is adjacent to land that may contain archeological sites; however, as this action occurs in marine waters, no impacts on these cultural sites are expected.

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

No. This action poses no risk of the introduction or spread of nonindigenous species into Bristol Bay beyond those previously identified because it does not change fishing, processing, or shipping practices that may lead to the introduction of nonindigenous species (EA Section 2).

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

No. This action protects Pacific walrus while facilitating vessel activity and considers the potential for Pacific walrus to be ESA-listed and their critical habitat designated (EA Sections 3.2.1.7 and 3.2.7.3). Pursuant to NEPA, for all future actions, appropriate environmental analysis
documents (EA or EIS) 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.

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?

No. As noted in the Initial Regulatory Flexibility Analysis (IRFA) summarized in the proposed
rule, this action poses no known risk of violation of federal, state, or local laws or requirements
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?

No. The effects on target and non-target species from the Proposed Alternative are not
significantly adverse as the overall harvest of these species would not be affected. No cumulative
effects were identified that, added to the direct and indirect effects on target and non-target
species, would result in significant effects (EA Sections 3.1 and 3.6).
DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Establishing Transit Areas through Walrus Protection Areas at Round Island and Cape Peirce, Northern Bristol Bay, Alaska, it is hereby determined that this action 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 EIS for this action is not necessary.

James W. Balsiger, Ph.D.           Date
Administrator, Alaska Region

12-16-2014