

FINDING OF NO SIGNIFICANT IMPACT

BACKGROUND

Proposed Action

The Proposed Action is for the National Marine Fisheries Service (NMFS) to approve one Snake River fall Chinook salmon Fishery Management and Evaluation Plan (FMEP), two coho salmon FMEPs, one resident trout FMEP, and one fall Chinook and coho salmon fishery Tribal Resource Management Plan (TRMP) under NMFS' ESA 4(d) Rules. Details associated with this proposed action can be found in the Environmental Assessment (EA).

Alternatives Evaluated in the Environmental Assessment

- Alternative 1: The No Action Alternative assumes that NMFS would not make a determination under the 4(d) Rule or Tribal 4(d) Rule.
- Alternative 2: The Proposed Action Alternative means that NMFS would make a determination that the submitted FMEPs and TRMP meet the requirements of the 4(d) Rule and Tribal 4(d) Rule, respectively.
- Alternative 3: The Implement Additional Conservation Measure Alternative assumes that NMFS would make a determination that the FMEPs, including a revised FMEP with an additional conservation measures for Fall Chinook salmon fisheries, and the TRMP meet the requirements of the 4(d) Rule and Tribal 4(d) Rule, respectively.
- Alternative 4: The termination of the proposed fisheries assumes NMFS would make a determination that the submitted FMEPs and TRMP do not meet the requirements of the 4(d) Rule and Tribal 4(d) Rule, respectively.

Selected Alternative

Alternative 2: The Proposed Action Alternative means that NMFS would make a determination that the submitted FMEPs and TRMP meet the requirements of the 4(d) Rule and Tribal 4(d) Rule, respectively.

Related Consultations

ESA and Essential Fish Habitat (EFH) consultations related to salmon and steelhead are described in the EA.

The United States Fish and Wildlife Service's (USFWS) ESA consultation on this Proposed Action concluded that the action will not jeopardize the survival and recovery of ESA-listed species under USFWS jurisdiction, nor will it not adversely modify critical habitat (USFWS 2019).

SIGNIFICANCE REVIEW

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). In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen “intensity” criteria, the same ten as the CEQ Regulations and six additional, for determining whether the impacts of a proposed action are significant. NMFS discussed the effects relevant to these criteria in Chapter 4 of the EA. Those effects are summarized for each criterion below with respect to the proposed action and considered individually as well as in combination with the others.

Context is defined as including the entire human context, as well as the national, regional, and local significance of the effects. Here, the context of the action is a fishery that takes place within a long-standing regional harvest framework, the *U.S. v. Oregon* Management Agreement. This agreement, established through treaties and enforced through Federal district court orders beginning in 1969, sets the boundaries for harvest sharing between the states in the Columbia River Basin and the Tribes with treaty rights to harvest salmon and steelhead. The fisheries here represent the continued implementation of those treaties, and their impacts consist primarily of the impacts to species in the Snake River Basin and to the Tribes and non-tribal citizens of Idaho, Washington, and Oregon. NMFS’ significance determination is informed in part by the recent *U.S. v. Oregon* Environmental Impact Statement (EIS) issued in 2018. Because the EIS was completed one year ago and considered all potential impacts associated with Columbia River salmon and steelhead fisheries, this review has incorporated the *US v. Oregon* EIS. Our analysis also focused further on specific elements not fully considered earlier, as well as any new information regarding the human environment.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, or may result in significant negative impacts even if the overall effect will be beneficial?

The impacts of the proposed action on the biological, physical, and human components of the environment are described in Chapter 4 of the EA. The proposed action is expected to increase tribal and recreational fishing effort for fall Chinook and coho salmon in the Snake River Basin, and would alter the spatial and/or temporal distribution of current fishing effort. This increase is part of new comprehensive management frameworks for fall Chinook and coho salmon that will confer adequate protection to the biological component of the environment. The proposed action is not reasonably expected to cause beneficial or adverse impacts that result in a significant effect overall because its scope is limited to fishing activities in a limited number of specific locations in the project area. In addition, these activities are monitored and regulated in a manner that

minimizes negative impacts on the biological and physical components while promoting benefits to the human component of the environment.

2. Can the proposed action reasonably be expected to affect public health or safety?

The proposed action is not reasonably expected to affect public health or safety because the proposed fisheries are not associated with any known health hazards either directly or indirectly. There is a certain amount of safety risk associated with any fisheries because participants are in contact with the river and sometimes inclement weather conditions. However, participation in the proposed fisheries is limited to state-licensed fishermen and to enrolled Tribal members and poses no risk to public safety in general.

3. Can the proposed action reasonably be expected to impact 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?

The proposed action is not expected to result in detectable 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 because it does not involve the construction of any new infrastructure. Designated critical habitat for the ESA-listed species is within the affected area; however, NMFS and USFWS found that the proposed action is not likely to destroy or adversely modify designated critical habitat or adversely affect designated EFH (NMFS 2019; USFWS 2019).

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

NMFS is unaware of any indication that the proposal to implement these fisheries is highly controversial. There is minimal disagreement among experts regarding NMFS' methodology for assessing the impacts of the fisheries, and no other Federal, state, or Tribal agency has objected to the proposal. Because several salmon and steelhead species are listed as threatened or endangered under the ESA, NMFS has examined those impacts in greater detail in its biological opinion associated with this action.

5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The proposed action's effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. Although there are some uncertainties involved in the operation of fisheries, such as gaps in available data regarding salmon and steelhead populations, NMFS does possess sufficient information to understand the risks posed by these fisheries and the various limiting factors (such as related hatchery production). In addition, the proposed

fisheries include explicit steps to monitor and evaluate these uncertainties in a manner that allows timely adjustments to minimize or avoid adverse impacts.

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?*

This action is not expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future action because the proposed fisheries are similar in nature and scope to other fishing actions reviewed by NMFS over the past twenty years, although each ESA 4(d) determination is judged on its own merit. This includes basin-specific FMEPs similar to the proposed action as well as the *U.S. v. Oregon* and *U.S. v. Washington* agreements which have been reviewed and which promulgate larger-scale fishing plans in the Columbia Basin and Puget Sound, respectively. As discussed above, the proposed action is consistent with the harvest framework encompassed by the *U.S. v. Oregon* Management Agreement.

7. *Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?*

The proposed action, when considered with other actions, is not expected to have individually insignificant but cumulatively significant impacts. The cumulative impacts of the proposed action have been considered in the attached EA and associated biological opinions (NMFS 2019; USFWS 2019), and NMFS found the proposed action would not appreciably reduce the likelihood of survival and recovery of ESA-listed species. This determination includes consideration of the cumulative impacts of climate change, such as degraded conditions in salmon and steelhead habitat susceptible to increased temperature or reduced flow. Furthermore, the proposed fisheries will be monitored, which will allow fishery managers (i.e. the states and tribes) to respond to changes in the status of affected species.

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 may cause loss or destruction of significant scientific, cultural, or historical resources?*

The proposed action is not expected to adversely affect districts, sites, highway 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 because no construction is proposed and fishing access points have already been established. Fishery monitoring is in place to assess impacts upon implementation of the proposed action, and fishery regulations are enforced by the fishery managers.

9. *Can the proposed action reasonably be expected to adversely impact endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?*

The degree to which the proposed action adversely impacts endangered or threatened species, or their critical habitat, is considered in detail in the EA. This included consideration of the endangered Southern Resident killer whale and its critical habitat. The effects on this species were found to be negligible in our EA because all fisheries would occur in the Snake River Basin, which are ~400 miles from the Pacific Ocean, and salmon would be harvested after having been accessible as prey for SRKW in the marine environment.

NMFS' ESA section 7 consultation on this proposed action also concluded that the action is not likely to jeopardize the continued existence of the Snake River spring/summer Chinook Salmon ESU, Snake River Fall Chinook Salmon ESU, Snake River Steelhead DPS, or the Snake River Sockeye Salmon ESU, or destroy or adversely modify their designated critical habitat (NMFS 2019). The USFWS' ESA section 7 consultation on this Proposed Action concluded that the action will not jeopardize the survival and recovery of ESA-listed species under USFWS jurisdiction nor will it not adversely modify critical habitat (USFWS 2019).

10. *Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?*

The proposed action is not expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection. There is no new construction or modification being proposed to land or water, and ESA impacts are being accounted for in the associated biological opinions (NMFS 2019; USFWS 2019).

11. *Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?*

As described in #9, the proposed action is not expected to impact marine mammals, such as pinnipeds and Sothern Resident killer whales, because the proposed fisheries would occur ~400 miles from the Pacific Ocean after salmon migrate through the range of marine mammals and are available to them as prey.

12. *Can the proposed action reasonably be expected to adversely affect non-target managed fish species?*

The proposed action is not expected to adversely affect other managed fish species because they are not the target of the proposed fisheries. Targeting other fish species likely requires different fishing gear, fishing methods, and access to different areas during other times of the year. The fisheries do incidentally encounter other salmon and steelhead (i.e., steelhead, spring/summer

Chinook salmon), but the levels are insignificant. Furthermore, our determination specifies annual monitoring and reporting requirements for non-target, ESA-listed 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?*

NMFS' Magnuson-Stevens Fishery Conservation and Management Act EFH consultation concluded that the proposed action would not adversely affect designated EFH for Chinook or coho salmon (NMFS 2019). EFH has not been identified for steelhead or sockeye salmon. No other species' EFH would be expected to be impacted because the proposed fisheries take place ~400 miles from the ocean.

14. *Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?*

The proposed action is not expected to adversely affect vulnerable marine or coastal ecosystems because the effects of the proposed fisheries do not occur in the ocean, coastal habitats, or deep coral ecosystems.

15. *Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?*

The proposed action is not expected to adversely affect biodiversity or ecosystem functioning. Although salmon and steelhead interact with other species as either predator or prey, they would not be expected to affect biodiversity because the number of salmon and steelhead harvested in the proposed fisheries would represent a small portion of the total number of predator or prey species within the affected area. In addition, the impacts resulting from the proposed harvest are limited by harvest schedules (i.e., fall Chinook salmon), bag limits and/or time/area closures.

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

The proposed action would not introduce or spread nonindigenous species. Fishing activities are not likely to introduce or spread any non-indigenous species any more than other ongoing activities such as hiking, camping, tourist activities, fishing for non-listed species, and forestry practices. The gear used in these fisheries (tackle and boats, etc.) are not expected to be brought in from outside the Snake River Basin in any great number, and the states have check stations and other mechanisms in place, independent of the proposed activities, that would reduce transfer from out-of-basin locations of any non-indigenous species to levels no different from other activities not part of the proposed action.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared for NMFS' determinations for one Snake River fall Chinook salmon FMEP, two coho salmon FMEP, one resident trout FMEP, and one fall Chinook salmon and coho salmon TRMP under the ESA 4(d) Rules for the FMEPs and TRMP, we determined that the approval of these FMEPs and TRMP will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been considered to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.



Regional Administrator
West Coast Region
National Marine Fisheries Service

August 30, 2019

Date

REFERENCES

- NMFS. 2019. Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation. Fall Chinook, Coho Salmon, and Resident Trout Fisheries in the Snake River Basin NMFS Consultation No.: WCR-2019-00400. August 2019. 87p.
- USFWS. 2019. Biological Opinion for the National Marine Fisheries Service Authorization of Recreational and Tribal Treaty Fisheries in the Snake River Basin. 01EIFW00-2019-F-0234. February 11, 2019. 76p.