The Preferred Alternative would benefit fishing communities by easing the burdens and reducing the costs of managing vessel baselines.

- **Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.**

This Preferred Alternative will not affect bycatch in any fishery because it is largely administrative.

- **Conservation and management measures shall, to the extent practicable, promote safety of human life at sea.**

Safety at sea would be unaffected by this action because it is largely administrative.

6.2 National Environmental Policy Act (NEPA)

NEPA provides a mechanism for identifying and evaluating environmental issues associated with Federal actions, and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. This document is designed to meet the requirements of both the MSA and NEPA.

6.2.1 Environmental Assessment (EA)

The required elements of an EA are specified in 40 CRS 1508.9(b), and are included in this document as indicated below:

- Need for this action: Section 2.0 PURPOSE AND NEED FOR THE ACTION
- Alternatives considered: Section 3.0 PREFERRED ALTERNATIVE AND ALTERNATIVES
- Environmental impacts of Preferred Alternative: Section5.0 IMPACTS OF THE ALTERNATIVES
- The agencies and persons consulted on this action are listed in Section 7.0 LIST OF PREPARERS AND CONTACTS & 8.0 PERSONS AND AGENCIES CONSULTED

In addition, Section 4.0 AFFECTED ENVIRONMENT of this document includes a discussion of the affected environment for this action as a basis to evaluate the impacts of the alternatives specified for this action.

6.2.2 Finding of No Significant Impact

NOAA Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a Preferred Alternative. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. 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 Preferred Alternative reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?

The Preferred Alternative is not reasonably expected to jeopardize the sustainability of any target species that may be affected. Even if a vessel were able to increase its catch or effort under this action, other management measures such as DAS, trip limits, and individual quotas would continue to limit fishing mortality and effort from individual vessels. In addition, ACLs and AMs would continue to be a back-stop to any unexpected increases in fishing mortality.

2. Can the Preferred Alternative reasonably be expected to jeopardize the sustainability of any non-target species?

The Preferred Alternative is not reasonably expected to jeopardize the sustainability of any non-target species. The potential of slight increases in vessel length and horsepower would not be expected to change the area or amount of time fished, or the gear type fished. Furthermore, existing measures to minimize and reduce impacts on non-target species would remain in place.

3. Can the Preferred Alternative reasonably be expected to allow substantial damage to the ocean and coastal habitats and/or EFH as defined under the Magnuson-Stevens Act and identified in FMPs?

The proposed action is not expected to adversely affect the physical environment. The potential of slight increases in vessel length and horsepower would not be expected to change the area or amount of time fished, or the gear type fished. Furthermore, existing measures to minimize and reduce impacts of fishing to habitat such as closed areas and gear restrictions would remain in place. See Section 5.1.7 Impacts to Alternative 4 – Eliminated Both Tonnages and Upgrade Limit (*Preferred Alternative*)for details.

4. Can the Preferred Alternative reasonably be expected to have a substantial adverse impact on public health or safety?

No, this action is mostly administrative and it will not change the way people fish. Therefore, the action is not expected to have a substantial impact on public health or safety.

5. Can the Preferred Alternative be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

The potential of slight increases in vessel length and horsepower would not be expected to change the area or amount of time fished, or the gear type fished. Furthermore, existing measures to minimize and reduce impacts of fishing to protected resources such as closed areas and gear restrictions would remain in place. See Section 5.1.7 Impacts to Alternative 4 – Eliminated Both Tonnages and Upgrade Limit (*Preferred Alternative*)for details.

6. Can the Preferred Alternative reasonably 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, the action is not expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area. This action makes simple, mostly administrative changes that would not be expected to undermine measures to control fishing effort or reduce impacts from fishing on biodiversity and/or ecosystem function. See Section 5.1.7 Impacts to Alternative 4 – Eliminated Both Tonnages and Upgrade Limit (*Preferred Alternative*)for details.

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

The Preferred Alternative would likely have some low positive beneficial social and economic impacts, due to increased revenues from more efficient and flexible implementation of vessel baseline requirements (Section 5.1.7 Impacts to Alternative 4 – Eliminated Both Tonnages and Upgrade Limit (*Preferred Alternative)*), but as discussed above (Section 5.0 IMPACTS OF THE ALTERNATIVES), there are not expected to be significant impacts on the natural or physical environment.

8. Are the effects on the quality of human communities likely to be highly controversial?

The effects of the Preferred Alternative on the quality of human communities are not expected to be highly controversial. The action would likely have some beneficial effects on the quality of human communities, but as discussed above (Section 5.0), there are not expected to be significant impacts on the natural or physical environment

9. Can the Preferred Alternative 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?

It is possible that historic or cultural resources such as shipwrecks could be present in the area where these fisheries are prosecuted. However, vessels try to avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the proposed action would result in substantial impacts to unique areas.

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

No, the effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. The risks and impacts of this action and fishery on the human environment have been discussed and analyzed in previous actions. The fishing vessels involved have been managed under their respective FMPs for many years; therefore, the likely effects on the human environment are well understood.

11. Is the Preferred Alternative related to other actions with individually insignificant, but cumulatively significant impacts?

No, the Preferred Alternative is not related to other actions with individually insignificant, but cumulatively significant impacts. The cumulative effects analysis presented in Section 5.2 considers the impacts of the Preferred Alternative in combination with relevant past, present, and reasonably foreseeable future actions and concludes that no significant cumulative impacts are expected.

12. Is the Preferred Alternative 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?

Although there are shipwrecks present in areas where fishing occurs, including some registered on the National Register of Historic Places, vessels try to avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the proposed action would adversely affect the historic resources.

13. Can the Preferred Alternative reasonably be expected to result in the introduction or spread of a nonindigenous species?

This action would not result in the introduction or spread of any nonindigenous species, as it would not result in any vessel activity outside of the Greater Atlantic region.

14. Is the Preferred Alternative likely to establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

No, the Preferred Alternative is not likely to establish precedent for future actions with significant effects, and it does not represent a decision in principle about future consideration. This action is mostly administrative and it will not change the way people fish. Should the NEFMC and the MAFMC decide to develop a more robust vessel baseline action, those measure would be evaluated independent of this action.

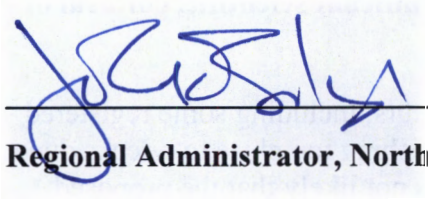
15. Can the Preferred Alternative reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

The Preferred Alternative would not threaten a violation of Federal, state, or local law or requirements to protect the environment. The action complies with all applicable laws (6.0 **APPLICABLE LAW**).

16. Can the Preferred Alternative reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

As specified in the responses to the first two criteria of this section, the Preferred Alternative is not expected to result in cumulative adverse effects that would have a substantial effect on target or non-target species. For further details see Section **Error! Reference source not found.** of this document.

DETERMINATION: In view of the information presented in this document and the analysis contained in the supporting EA prepared for this action, it is hereby determined that this amendment would not significantly impact the quality of the human environment as described above and in the supporting EA. In addition, all beneficial and adverse impacts of the Preferred Alternative have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.



Regional Administrator, Northeast Region **Date**