

**Finding of No Significant Impact for the Regulatory Amendment to Remove the
Groundfish Retentions Standard (GRS) for Groundfish of the Bering Sea and Aleutian
Islands Management Area (BSAI): RIN 0648-BA93**

National Marine Fisheries Service
January 14, 2013

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?

Response: No. This action will not jeopardize the sustainability of the target species that may be affected by this action because the target species will continue to be managed by conservatively set total allowable catch (TAC) limits and cooperative allocations should effectively limit catch to the TACs. The impacts of this action were considered under the status quo alternative analyzed under Amendments 79 and 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The prior National Environmental Policy Act (NEPA) analyses for Amendment 79 and Amendment 80 to the FMP demonstrate that this action will have only minimal impact on target and non-target groundfish stocks. Complete descriptions of all groundfish stocks harvested in the BSAI are presented in Section 3.5.1 of the Alaska Groundfish Fisheries Final Programmatic Supplemental Environmental Impact Statement. The impacts of this action on the target species are discussed in Section 3.4.2 of the Environmental Assessment (EA).

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

Response: No. This action is not expected to jeopardize the sustainability of any non-target species and will not have any significant impacts on non-target species. Impacts of This action on the sustainability of any non-target species are discussed in Sections 3.4.2 and 3.4.3 of the EA for this action. The EA concludes that the fisheries under this action would not affect the sustainability of any non-target species because non-target species will continue to be managed by conservatively set TACs and the catch of non-target species will continue to be limited to that TAC.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?

Response: No. Impacts of this action on benthic habitat and EFH are discussed in Section 3.4.4. This action is likely to have only minimal effects on EFH because this action does not increase the area where vessels are allowed to fish, change the allowable gear used on the fishery, or the change fishing behavior. No negative impacts to EFH were identified by our analysis.

4) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: No. The impacts of this action on public health or safety have been previously analyzed and are not likely to have a substantial impact. The documents listed in Section 3.4.1 of the EA contain extensive information about the fishery management areas, fisheries, marine resources, ecosystem, social, and economic elements of the BSAI groundfish fisheries. No negative impacts on public health or safety were identified by our analysis.

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

Response: No. Impacts of this action on endangered or threatened species, marine mammals, or critical habitat of these species, are discussed in Sections 3.4.3 and 3.4.5 of the EA. This action is not expected to have impacts on endangered or threatened species beyond those identified in previous consultations under section 7 of the Endangered Species Act because this action does not modify regulations implemented to protect endangered species (i.e., Steller sea lions). Some spatial and temporal dispersion of groundfish catch could occur under this action, but this change in the distribution of catch is expected to be minor and is not expected to have any affect on any endangered or threatened species or critical habitat.

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.)?

Response: No. This action will have an insignificant impact on biodiversity and ecosystem function because this action does not increase the amount of catch beyond conservative TAC limits, the areas of fishing operations, or the type of fishing gear currently used. Impacts of this action on biodiversity and ecosystem function are discussed in Section 3.4.4 of the EA. Although some temporal and spatial dispersion of catch in the groundfish fisheries could occur, this action is not expected to have a negative effect on the BSAI marine ecosystem.

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

Response: No significant social or economic impacts are interrelated with natural or physical environmental effects because of the non-regulatory incentives to maintain current groundfish retention rates, as discussed in Section 3.4.9 of the EA and in the accompanying Regulatory Impact Review.

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

Response: None of the effects on the quality of the human environment identified in the EA are controversial. Based on comments received during public testimony during the development of this action, industry unanimously supports this action.

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?*

Response: No. This action takes place in the exclusive economic zone of the BSAI, three to 200 nautical miles offshore. The lands adjacent to these areas contain cultural resources and ecologically critical areas. However, given the nature of this action, no impacts to unique areas are predicted.

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

Response: The Programmatic Environmental Impact Statement prepared for the BSAI examined the effects of fishing, and this action does not present any additional effects not previously analyzed. None of the environmental effects identified in the analyses for Amendment 79 and Amendment 80 to the FMP are highly uncertain or involve unique or unknown risks.

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

Response: No. This action is not related to other actions with cumulatively significant impacts. This action does not add to the effects of other actions that would create a cumulatively significant impact because this action does not increase the catch of fishery resources or areas of fishing operations in ways that would lead to a cumulatively significant impact when considered with other actions. Cumulative effects are discussed in Section 3.4.6 of the EA.

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?*

Response: No. This consideration is not applicable to this action because NMFS has determined that this action is a type of activity that does not have the potential to cause effects on historic properties.

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

Response: No. This consideration is not applicable to this action because this action would not change existing vessel transit patterns.

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

Response: No. This action would not establish a precedent for future actions with significant effect and does not represent a decision in principle about a future consideration.

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?

Response: No Federal, state, or local law will be violated with this action.

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?

Response: No. This action will not result in cumulative adverse effects that could have a substantial effect on target or non-target species because this action does not increase the catch of fishery resources or areas of fishing operations in ways that would lead to a cumulatively significant impact on target or non-target species. In addition, this alternative would likely have no impacts on non-specified species, forage species, seabirds, habitat, or the ecosystem that were not previously considered in the Environmental Impact Statement for Harvest Specifications. Cumulative effects are discussed in section 3.4.6 of the EA.

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

Response: No. This action would not establish a precedent for future actions with significant effect and does not represent a decision in principle about a future consideration.

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?*

Response: No Federal, state, or local law will be violated with this action.

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?*

Response: No. This action will not result in cumulative adverse effects that could have a substantial effect on target or non-target species because this action does not increase the catch of fishery resources or areas of fishing operations in ways that would lead to a cumulatively significant impact on target or non-target species. In addition, this alternative would likely have no impacts on non-specified species, forage species, seabirds, habitat, or the ecosystem that were not previously considered in the Environmental Impact Statement for Harvest Specifications. Cumulative effects are discussed in section 3.4.6 of the EA.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for the regulatory amendment to remove provisions of the GRS program, and the associated Regulatory Impact Review and Initial Regulatory Flexibility Analysis, it is hereby determined that removing the GRS program 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 this 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.
Administrator, Alaska Region

1.14.13
Date