

Finding of No Significant Impact for Amendment 92 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 82 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs).

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:

Context: For this action, the setting is the groundfish fisheries of the Bering Sea/Aleutian Islands Management Area and Gulf of Alaska. Any effects of this action are limited to this area. The effects of this action on society within this area are on individuals directly and indirectly participating in the trawl fisheries and on those who use the ocean resources. Because this action may result in the protection of a present and future resource, this action may have impacts on society as a whole or regionally.

Intensity: Listings of considerations to determine intensity of the impacts are in 40 CFR 1508.28(b) and in the NAO 216-6, Section 6. Each consideration is addressed below in order as it appears in the NMFS Instruction 30-124-1 dated July 22, 2005, Guidelines for Preparation of a FONSI. The preferred alternative, components, and options are Alternative 3: Component 1 options 3 and 5; Component 2; Component 4, options 1,2 and 3. These preferred alternative and options are the focus of the responses to the questions.

1. Can the proposed action be reasonably expected to jeopardize the sustainability of any target species that may be affected by the action? *No. No significant adverse impacts were identified for Alternatives 2, 3, components, or the options. No changes in overall harvest of target species are expected with any of the alternatives in the proposed action (EA Section 3.3).*

2. Can the proposed action be reasonably expected to jeopardize the sustainability of any non-target species or prohibited species? *No. Potential effects of Alternatives 2, 3, components or the options on non-target/ prohibited species were expected to be insignificant and similar to status quo because no overall harvest changes to target species were expected (EA Section 3.3.1).*

3. Can the proposed action be reasonably 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 FMPs? *No. No significant adverse impacts were identified for Alternatives 2, 3, components, or the options. No significant effects were expected on ocean or coastal habitat or EFH by Alternatives 2, 3, components, or the options. (EA Section 3.3.1).*

4. Can the proposed action be reasonably expected to have a substantial adverse impact on public health or safety? *No. Public health and safety will not be affected in any way not evaluated under previous actions or disproportionately as a result of the proposed action. The proposed action for Alternative 2, 3, components, and options will not change fishing methods (including gear types), timing of fishing or quota assignments to gear groups, which are based on previously established seasons and allocation formulas in regulations and would not have a substantial adverse impact on public health or safety.*

5. Can the proposed action be reasonably expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species? *No. The only ESA-listed animals that may be impacted by the action are the western DPS of Steller sea lion and spectacled and Steller's eiders. The proposed action would not change the Steller sea lion protection measures, ensuring the action is not likely to result in adverse effects not already considered under previous ESA consultations for Steller sea lions and their critical habitat.*

6. Can the proposed action be expected to have a substantial impact on biodiversity and ecosystem function within the affected area (e.g., benthic productivity, predator-prey relationships, etc.)? *No. No significant adverse impacts were identified for Alternatives 2, 3, components, or the options. No significant effects were expected on biodiversity, the ecosystem, marine mammals, or seabirds (EA Section 3.0).*

7. Are social or economic impacts interrelated with natural or physical environmental effects? *No. No significant adverse impacts were identified for Alternatives 2, 3, components, or the options for social or economic impacts interrelated with natural or physical environmental effects (EA Section 3.3 and Sections 2, 4, and 5).*

8. Are the effects on the quality of the human environment likely to be highly controversial? *No. Development of the proposed action has involved participants from the scientific and fishing communities. No issues of controversy were identified in the process (EA Section 3.3.3).*

9. Can the proposed action be reasonably expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas? *No. This action takes place in the geographic area of the Bering Sea, Aleutian Islands, and the Gulf of Alaska. The land adjacent to this marine area may contain archeological sites of native villages. This action would occur in adjacent marine waters so no impacts on*

these cultural sites are expected. The marine waters where the fisheries occur contain ecologically critical areas. Effects on the unique characteristics of these areas are not anticipated to occur with this action because of the amount of fish removed by vessels are within the total allowable catch (TAC) specified harvest levels and the alternatives and options provide protection to EFH and ecologically critical nearshore areas (EA section 3.0).

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 well understood because of the fish species, harvest method involved, and area of the activity. For the Steller sea lions, 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 Section 3.3.1). The potential impacts of trawling on habitat also are well understood as described in the EFH EIS (EA Section 3.3.1 and 3.3.3).*

11. Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts? *No. Beyond the cumulative impact analyses in the 2006 and 2007 harvest specifications EA and the Groundfish Harvest Specifications EIS, no other additional past, present or future cumulative impact issues were identified. Reasonably foreseeable future impacts expanded in this analysis include potential effects of global warming (EA Section 3.3.2). The combination of effects from the cumulative effects and this proposed action are not likely to result in significant effects for any of the environmental component analyzed and are therefore not significant.*

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. This action will have no effect on districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places, or cause loss or destruction of significant scientific, cultural, or historical resources. Because this action is in nearshore waters to 200 nm at sea, this consideration is not applicable to this action (EA Section 3.0).*

13. Can the proposed action be reasonably expected to result in the introduction or spread of a nonindigenous species? *No. This action poses no effect on the introduction or spread of nonindigenous species into the Bering Sea, Aleutian Islands, of Gulf of Alaska marine areas beyond those previously identified because it does not change fishing, processing, or shipping practices that may lead to the introduction of nonindigenous species.*

14. Will the proposed action likely establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration? *No. No decisions in principle about future considerations are part of this action because the criteria previously used to examine habitat conservation of the Bering Sea were applied to this action. Pursuant to NEPA for all future action, appropriate environmental*

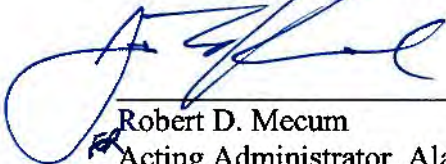
analysis documents (EA or EIS) will be prepared to inform the decision makers of potential impacts to the human environment and to implement mitigation measures to avoid significant adverse impacts.

15. Can the proposed action be reasonably expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment? *No. This action poses no known violation of Federal, State, or local laws or requirements for the protection of the environment. The proposed action would be conducted in a manner consistent, to the maximum extent practicable, with the enforceable provisions of the Alaska Coastal Management Program within the meaning of Section 301(c)(1) of the Coastal Zone Management Act of 1972, and its implementing regulations*

16. Can the proposed action be reasonably expected to result in adverse impacts, not otherwise identified and described above? *No. Beyond the analysis in the 2006 and 2007 harvest specifications EA and the Groundfish Harvest Specifications EIS, no additional direct, indirect, or cumulative impacts have been identified that would accrue from this action.*

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Amendments 92 and 82, and the Programmatic Supplemental EIS, it is hereby determined that Amendments 92 and 82 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.



Robert D. Mecum
Acting Administrator, Alaska Region

3/9/09

Date