

**Finding of No Significant Impact for the Proposed Amendment 86 to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 76 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, RIN 0648-BB42**

National Marine Fisheries Service  
June 1, 2012

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 (CEQ) 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. The proposed action is restructuring of the funding and deployment system for observers in the North Pacific. Observers collect total catch and catch composition data in groundfish and halibut fisheries in the Bering Sea/Aleutian Islands (BSAI) and Gulf of Alaska (GOA). Fishery data collection would be broadened under the proposed action to include vessels less than 60 ft. in length overall (LOA) fishing for groundfish and vessels fishing for halibut with hook-and-line gear, and NMFS would deploy observers according to a statistically sound protocol for operations required to be sampled by observers at a rate <1. This action would require all catcher/processor operations to be 100% observed and would retain additional observer coverage requirements for fisheries with bigger data needs for management. Data collected by observers is a crucial element in achieving sustainable fishery harvest levels. The proposed action is not anticipated to have adverse impacts on marine resources. To the extent that more statistically reliable data are collected because NMFS is able to direct observer coverage based on science and management data needs, the proposed action could result in insignificant, indirect beneficial effects on marine resources, including species targeted in the fisheries. (EA sections 4.3.2 and 4.3.5).

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

Response: No. To the extent that the statistical reliability of data are improved because NMFS is able to direct observer coverage based on science, management and data needs, the proposed action could result in a beneficial impact on marine resources, including non-target species. (EA sections 4.3.2 and 4.3.5).

*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 FMPs?*

Response: No. The proposed action pertains to fishery-dependent data collection. The collection of data and the restructured observer funding and deployment systems would not introduce any impacts to ocean or coastal habitats or essential fish habitat. (EA sections 4.3.2 and 4.3.5).

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

Response: No public health and safety impacts have been identified under the proposed action. (EA section 4.3.5).

*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. To the extent that the statistical reliability of data are improved because NMFS is able to direct observer coverage based on science, management and data needs, the proposed action could result in an insignificant beneficial impact on marine resources, including endangered or threatened species, marine mammals, and critical habitat of these species. (EA sections 4.3.2 and 4.3.5).

*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. The proposed action is not expected to have any impact on the biodiversity and ecosystem function with the BSAI or GOA. The proposed action would restructure the funding and deployment system for observer coverage in the North Pacific groundfish and halibut fisheries and is not expected to significantly change any aspect of how the fisheries are prosecuted. (EA sections 4.3.2 and 4.3.5).

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

Response: No. Restructuring the funding and deployment system for observer coverage in the BSAI and GOA may improve the quality of the data used by NMFS to manage the groundfish and halibut fisheries in the BSAI and GOA. While this action is not expected to affect fishing location or intensity, improved data quality about the impact of fishing on marine resources may compel future actions that would benefit the natural environment. However, this action is not likely to affect the natural or physical environment, and as such, there would be no interrelated social or economic impacts. (EA section 4.3.5).

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

**Response:** No. The effect of this action on the human environment is not controversial in the sense that it would not adversely affect the biology of the groundfish or halibut stocks or the total allowable catch established for those species. However, this action may be socially and economically controversial to current and future fishery participants as differences of opinion exist between components of the fishing industry, observer providers, and observers on issues of cost equity, perceived inequities in observer deployment, and the level of potential bias in observer data. (EA section 4.3.5).

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. The proposed action, to restructure the funding and deployment system for observer coverage in the North Pacific groundfish and halibut fisheries, is not expected to change the location or intensity of fishing activities. Thus, this proposed action is not likely to affect unique areas such as historic or cultural resources, or ecologically critical areas. (EA section 4.3.5).

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

**Response:** No. Observers have been deployed on fishing vessels in the BSAI and GOA for over 30 years. Observers may be placed on vessels that, to date, have not carried observers as a result of the proposed action but the effects are well known and not likely to involve unique risks. (EA section 4.3.5).

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

**Response:** No. The proposed action would add a new funding and deployment system to the existing North Pacific Groundfish Observer Program. The proposed action would also add halibut vessels and groundfish vessels less than 60 ft. LOA to the Observer Program. Groundfish and halibut operations in the BSAI and GOA would be included in either the ex-vessel fee/NMFS-contracted observer system or the pay-as-you-go/direct-contract observer system according to vessel or processor operation type. The new fee-based funding and deployment system would be designed to accommodate Federal funds and/or electronic video monitoring, if and when available. To the extent that better data would be available under the proposed program to manage the groundfish and halibut fisheries, and other marine resources, there may be a beneficial impact on the marine environment as a result of this action. (EA section 4.3.4).

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. Fishing in the BSAI and GOA does not take place in any location listed in or eligible for listing in the National Register of Historic Places. There is no possibility that this action directly or indirectly would cause the loss or destruction of scientific, cultural, or historical resources. (EA section 4.3.5).

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

**Response:** No. Because this action will not change fishing activities (the type of gear used, the manner in which it is deployed, the location where fishing takes place, or the duration of fishing), there is no possibility that it would result in the introduction or spread of a nonindigenous species. (EA section 4.3.5).

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

**Response:** No. In the future, the North Pacific Fishery Management Council may decide to adjust the ex-vessel value fee percentage for operations in the partial observer coverage category or adjust which operations are included in the fee-based observer coverage category. However, these future actions would not likely produce effects beyond those considered in the EA; such a future action would require a new National Environmental Policy Act analysis. (EA section 4.3.5).

*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. This action poses no known violation of Federal, State, or local laws or requirements for the protection of the environment. (EA section 4.3.5).

*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. The proposed action would add a new funding and deployment system to the existing North Pacific Groundfish Observer Program. The proposed action would also add halibut vessels and groundfish vessels less than 60 ft. LOA to the Observer Program. Groundfish and halibut operations in the BSAI and GOA would be included in either the ex-vessel fee/NMFS-contracted observer system or the pay-as-you-go/direct-contract observer system according to vessel or processor operation type. The new fee-based funding and deployment system would be designed to accommodate Federal funds and/or electronic video monitoring, if and when available. To the extent that better data would be available under the proposed program to manage the groundfish and halibut fisheries, and other marine resources, there may be a beneficial impact on the marine environment as a result of this action. (EA section 4.3.4).

---

**DETERMINATION**

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Amendment 86 to the Fishery Management Plan for Groundfish of the Bering Sea/Aleutian Islands Management Area and Amendment 76 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, it is hereby determined that Amendments 86 and 76 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.

*for* Robert D Mecum 6/1/12  
James W. Balsiger, Ph.D. Date  
Administrator, Alaska Region