**DRAFT FINDING OF NO SIGNIFICANT IMPACT**

for

Environmental Assessment for Amendment 126 to the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Islands Management Area and Amendment 114 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Expand Electronic Monitoring to the Pollock Fisheries [0648-BM40]

**I.** **Purpose of Finding of No Significant Impact (FONSI)**: The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major Federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a Finding of No Significant Impact (FONSI) when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b), 1500.5(b), & 1501.6. To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine, as appropriate, short- and long-term effects, beneficial and adverse effects, and effects on public health and safety, as well as effects that would violate laws for the protection of the environment (40 CFR § 1501.3(b)(2)(i)-(iv); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(2)(i)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed the Environmental Assessment (EA) /Regulatory Impact Review (RIR) for Amendment 126 to the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Amendment 114 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) to expand Electronic Monitoring (EM) to the pollock fisheries [0648-BM40] which evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The EA is hereby incorporated by reference. 40 CFR § 1501.6(b).

**II. Approach to Analysis**:

The EA discusses the impacts that implementation of the proposed trawl EM category would have on the environment as a result of this rule. The proposed trawl EM category would allow catcher vessels using pelagic trawl gear targeting Pollock, tender vessels receiving trawl EM category deliveries, and shoreside and stationary floating processors to participate in the trawl EM category. Duties previously assigned to at-sea observers aboard these catcher vessels will be shifted to shoreside observers stationed at shoreside and stationary floating processors. The North Pacific Fishery Management Council (Council) considered an extensive series of alternatives, options, and sub-options as it designed and evaluated the potential for EM for catcher vessels using pelagic trawl gear and tender vessels in the BSAI and GOA pollock fisheries, including the “no action” alternative. The analysis relied heavily on existing documentation of the comprehensive BSAI and GOA groundfish fisheries and their impacts on the environment. The proposed action is based on the Council’s preferred alternative.

1. The proposed action is not considered to meaningfully contribute to a significant impact based on the scale of the action. This proposed action would implement trawl EM designed to supplement existing observer coverage. The purpose of this action is to improve catch accounting for salmon, advance cost efficiency, and monitor for compliance with discard restrictions. This action only affects catch and bycatch monitoring on catcher vessels and tenders and works within the existing fishery management framework for setting harvest specifications and season dates. Therefore, the narrow scale and the nature of the proposed action would not be expected to meaningfully contribute to any impacts beyond the status quo. Therefore, the scale of the proposed action is not considered to result in a significant impact.
2. For biological and physical ecosystem components (target species stocks, non-target species, marine mammals, seabirds, habitat, Prohibited Species Catch), impacts of the alternatives were evaluated in EA Section 4. No significant environmental impacts are expected on the biological and physical ecosystem components because the potential switch from at-sea observers to a regulated trawl EM category with electronic monitoring would not result in changes in harvest, gear type, timing of fishing, or location of fishing. Further, no potential effects for ecosystem component species, seabirds, habitat, or the ecosystem beyond effects previously analyzed are expected as a result of the proposed action, because harvest limits, habitat protections (such as closed areas), and current fishing regulations for existing fishing operations would not be changed (EA Section 4).
3. The proposed action is not connected to other actions that have caused or may cause effects to the resources in the affected area, and there is no potential for the effects of the proposed action to add to the effects of other projects, such that the effects taken together could be significant. This action is proposed within the management context of the BSAI and GOA groundfish fisheries, which are implemented under the BSAI FMP and the GOA FMP.

**III. Geographic Extent and Scale of the Proposed Action:**

This proposed action would affect the BSAI and GOA Economic Exclusive Zone (EEZ). The groundfish fisheries in the EEZ off Alaska are managed under the FMP for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and Gulf of Alaska (GOA FMP). Under the MSA (16 U.S.C. 1801, et seq.), the United States has exclusive fishery management authority over all marine fishery resources found within the EEZ. The EA describes the management areas within the region where specific fisheries are authorized, and the environmental effects analyzed in the EA occur at a relatively small scale. The small scale determination is due to there being little to no change in catcher vessel fishing behavior, therefore the proposed action would not broaden the existing geographic footprint of the fishery. Environmental and economic effects of the alternatives within this area are limited to this area and to individuals who participate in the BSAI and GOA pelagic trawl fishery on catcher vessels, tenders, and shoreside processing plants.

**IV. Degree of Effect:**

1. *The potential for the proposed action to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection.*

This proposed action would not threaten a violation of any Federal, state, or local law, or requirement imposed for the protection of the environment. The proposed action is designed to be consistent with Federal, state, and local law.

1. *The degree to which the proposed action is expected to affect public health or safety.*

This proposed action would not have a significant negative impact on public health or safety. Section 5.15 in the RIR describes the effects of this action on public health or safety. Some beneficial effects on public health and safety would be expected as a result of the proposed action. At-sea observers often work in conditions that are dangerous because of weather, machinery used in the fishing industry, and taxing working conditions. This proposed action moves observers from sampling at-sea to shoreside processors, where they are able to sample without the safety concerns of sampling at-sea.

1. *The degree to which the proposed actions is expected to affect a sensitive biological resource, including:*
	1. *Federal threatened or endangered species and critical habitat;*

This proposed action would not significantly affect any endangered or threatened species or its critical habitat as described in sections 4.4, 4.5, and 4.6 of the Analysis. The proposed action would not affect the harvest limits, season dates, areas fished, and fishing gear used. Therefore, this proposed action is not expected to change fishery activities in a way that would negatively affect any ESA-listed species through increased potential for competition for prey, disturbance, or incidental takes. Although the proposed action would limit collection of biological samples from any incidentally taken ESA-listed species, this is not expected to cause significant effects on those species, because these samples are collected infrequently. Vessels that opt into the trawl EM category will not be fully exempt from carrying observers on board. NMFS will maintain the right to deploy observers on EM catcher vessels for their purpose of filling any data gaps that are not yet apparent, or collecting data for research projects requested by data users. Examples of data collections that may require observers to be on board trawl EM catcher vessels include sampling of marine mammals, birds, sharks, or skates as these animals are often discarded and not available to shoreside observers (EA 3.1.6.1). The proposed action would not have any effects on those species beyond those already analyzed for the BSAI and GOA groundfish fisheries in previous biological opinions and environmental impact statements.

* 1. *stocks of marine mammals as defined in the Marine Mammal Protection Act;*

The proposed action is not likely to change fisheries activities in a way that would affect the potential for competition for prey, disturbance, or incidental takes of marine mammals. The proposed action would not affect the harvest limits, season dates, areas fished, and fishing gear used. Therefore, this proposed action is not expected to change fishery activities in a way that would negatively affect any Marine Mammal Protection Act-listed species through increased potential for competition for prey, disturbance, or incidental takes. Although the proposed action would limit collection of biological samples from any incidentally taken marine mammal species, this is not expected to cause significant effects on those species, because these samples are collected infrequently.

Vessels that opt into the trawl EM category will not be fully exempt from carrying observers on board. NMFS will maintain the right to deploy observers on EM vessels for their purpose of filling any data gaps that are not yet apparent, or collecting data for research projects requested by data users. Examples of data collections that may require observers to be on board trawl EM vessels include sampling of marine mammals, birds, sharks, or skates as these animals are often discarded and not available to shoreside observers (EA 3.1.6.1). This action would not likely have any effects on marine mammals beyond those already analyzed for the BSAI and GOA groundfish fisheries in previous biological opinions and NEPA analyses. Impacts of the proposed action on marine mammals, are discussed in section 4.4 of the EA.

* 1. *essential fish habitat identified under the Magnuson–Stevens Fishery Conservation and Management Act;*

The proposed action would likely have minimal and temporary effects on essential fish habitat (EFH) because the action would not affect the harvest limits, season dates, areas fished, and fishing gear used. Therefore, this proposed action is not expected to change fishery activities in a way that would negatively affect EFH beyond those already analyzed for the BSAI and GOA groundfish fisheries in previous NEPA analyses. Impacts of the proposed action on benthic habitat and EFH are discussed in section 4.6 of the EA.

* 1. *bird species protected under the Migratory Bird Treaty Act;*

The proposed action would not significantly affect bird species protected under the Migratory Bird Treaty Act, including seabirds, because disturbance or incidental take are expected to be minimal and would not be expected to increase to a level that would result in population level effects on seabirds. This minimal level of effect is expected, because harvest limits, habitat protections (such as closed areas), and gear used would not be changed by the proposed action. Further, previous NEPA analyses found that direct impacts on birds, notably seabirds, are minimal to non-existent in the groundfish fisheries in the BSAI and GOA (Section 4.5 of the EA/RIR).

* 1. *national marine sanctuaries or monuments;*

There are no national marine sanctuaries or monuments in the BSAI and GOA EEZ, and therefore this action would not impact national marine sanctuaries or monuments.

* 1. *vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems;*

The proposed action would not be expected to adversely affect vulnerable marine, coastal, or coral ecosystems, because the action would not affect the harvest limits, season dates, areas fished, and fishing gear used. There are no effects from the proposed action expected beyond effects previously analyzed under NEPA for this fishery (EA Section 4.6).

* 1. *biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey*

*relationships, etc.).*

This proposed action would not be expected to adversely affect biodiversity or ecosystem functioning, because harvest limits, habitat protections (such as closed areas), and allowable gear would remain unchanged from status quo. There are no effects from the proposed action expected beyond effects previously analyzed under NEPA for this fishery (EA Section 4.6).

1. *The degree to which the proposed action is reasonably expected to affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological resources (including underwater resources); and resources important to traditional cultural and religious tribal practice.*

No significant impacts are expected to occur in any of the above areas due to the location of the action in the BSAI and GOA EEZ. Since this action affects commercial fishing in the offshore waters of the BSAI and GOA, it will not impact any districts, sites, highways, structures, or objects listed or eligible for listing in the National Register of Historic Places. In addition, the EA did not identify any potential for the proposed action to cause loss or destruction of significant scientific, cultural, or historical resources. No effects are expected on traditional cultural and religious resources because the potential switch from observers to a regulated trawl EM category would not result in changes in harvest, gear type, timing of fishing, or location of fishing (EA 4.1.1, 4.2.3).

1. *The degree to which the proposed action has the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898).*

The proposed action is focused on changes internal to an existing commercial fishery sector within the BSAI and GOA pollock fisheries. Therefore, no direct or indirect impacts on the subsistence harvest, sharing, and use of BSAI and GOA pollock fisheries are anticipated, as discussed in Section 5.7 of the EA/RIR. The proposed action would not have any effects on the health or the environment of minority or low-income communities, compared to the impacts on other communities beyond those already analyzed for the BSAI and GOA groundfish fisheries in previous NEPA analyses (RIR Sections 5.7). No effects are expected on the majority of resources because the potential switch from observers to a regulated trawl EM category would not result in changes in harvest, gear type, timing of fishing, or location of fishing (EA 4.1.1, 4.2.3).

1. *The degree to which the proposed action is likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.*

This proposed action would not affect the introduction or spread of non-indigenous species, because it does not change fishing practices that may introduce such organisms into the marine environment (Section 4 of the EA).

1. *The potential for the proposed action to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resource such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement.*]

The proposed action is focused on changes to monitoring methods for an existing commercial fishery sector within the BSAI and GOA pollock fisheries (see section 4 of the EA). The proposed action would not affect the harvest limits, season dates, areas fished, and fishing gear used. Therefore, the proposed action is not expected to cause a substantial effect to any other physical or biological resource, nor is there substantial uncertainty or scientific disagreement on the impacts of the proposed action.

**V.****Other Actions Including Connected Actions**:

This proposed action does not automatically trigger other actions that could trigger an EIS. This action cannot or will not rely on other actions that are taken previously or simultaneously. This action is not an interdependent part of a larger action. This action is being implemented within the context of the BSAI and GOA FMPs. This action is an adjustment to existing management actions for which previous NEPA analyses were prepared.

**VI*.* Mitigation and Monitoring**:

As part of this proposed action, the Agency is incorporating recordkeeping, reporting, and monitoring components to avoid potentially significant impacts. This proposed action, to implement an electronic monitoring program designed to supplement existing observer coverage, will increase monitoring coverage rates, reduce regulatory discards, and thereby improve monitoring on pollock catcher vessels and tenders in the BSAI and GOA.

**DETERMINATION**

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the proposed action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting EA/RIR prepared for implementing trawl EM in the BSAI and the GOA it is hereby determined that the proposed action will not significantly impact the quality of the human environment. The EA is hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

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Jonathan M. Kurland Date

Regional Administrator