To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act (NEPA), an environmental review has been performed on the following action.

TITLE: Environmental Assessment for Amendment 93 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands to Modify Cooperative Formation Standards (RIN 0648-BA18).

LOCATION: Bering Sea/Aleutian Islands region of the Exclusive Economic Zone off Alaska

SUMMARY: Amendment 93 would amend the Bering Sea and Aleutian Islands Amendment 80 Program to modify the criteria for forming and participating in a harvesting cooperative. This action is necessary to encourage greater participation in harvesting cooperatives, and provide for more precise total allowable catch management. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Fishery Management Plan, and other applicable law. The Environmental Assessment did not identify any significant environmental impacts that would result from Amendment 93. The Environmental Assessment provides decision makers and the public with an evaluation of the environmental, social, and economic effects of the proposed action.

RESPONSIBLE OFFICIAL: James W. Balsiger, Ph.D.
Administrator, Alaska Region
National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA)
PO Box 21866
Juneau, AK 99802
(907) 586-7221

The environmental review process led us to conclude that this action will not have a significant impact on the environment. Therefore, an environmental impact statement was not prepared. A copy of the finding of no significant impact (FONSI), including the environmental assessment, is enclosed for your information.

Although NOAA is not soliciting comments on this completed EA/FONSI, we will consider any comments submitted that would assist us in preparing future NEPA documents. Please submit any written comments to the Responsible Official named above.

Sincerely,

Paul Doremus, Ph.D.
NEPA Coordinator

Enclosure

Finding of No Significant Impact for Amendment 93 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (RIN 0648-BA18).

National Marine Fisheries Service

Amendment 93 would amend the Bering Sea and Aleutian Islands Amendment 80 Program to modify the criteria for forming and participating in a harvesting cooperative. This action is necessary to encourage greater participation in harvesting cooperatives. Amendment 93 would make two modifications to the Amendment 80 Program. First, it would modify the requirements that Amendment 80 quota share (QS) holders would need to meet in order to form a harvesting cooperative. The proposed action would allow a cooperative to form with two unique persons holding a total of seven QS permits. Second, it would require a person holding multiple QS permits and Amendment 80 vessels to assign all of those QS permits and vessels to either one or more cooperatives, or the limited access fishery, but not assign some of those vessels and QS permits to a cooperative and some to the limited access fishery. If implemented, this provision would not be applicable until the first fishing year two years after the effective date of the final rule.

The environmental assessment (EA) discusses the impact this action would have on the environment. The North Pacific Fishery Management Council (Council) considered an extensive and elaborate series of alternatives, options, and suboptions as it designed and evaluated the potential for modification to the Amendment 80 Program, including the "no action" alternative. The EA presents six alternative approaches for modifying cooperative formation criteria. Alternative 1—Status quo. A minimum of three unique QS holders holding at least nine QS permits are required to form a cooperative. Alternative 2—Reduce the number of unique QS holders required to form a cooperative from three to two or one unique QS holder. Alternative 3—Reduce the number of QS permits required to form a cooperative from the existing nine permits to eight, seven, six, or three permits. Alternative 4—Reduce both the number of unique QS holders and the number of QS permits required to form a cooperative (combination of Alternatives 2 and 3 above). Alternative 5—Allow a cooperative to form with a minimum of three unique QS holders holding at least nine QS permits (status quo), or a single or collective group of entities that represent 20 percent, 25 percent, or 30 percent of the sector QS. Alternative 6—Require that a cooperative accept all persons who are otherwise eligible to join a cooperative subject to the same terms and conditions as all other members. The Council recommended Alternative 4, with the two unique QS holders and seven QS permits option as its preferred alternative.

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:

Context: For this action, the setting is the groundfish fisheries of the Bering Sea and Aleutian Islands management area. 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 4: Option 1, and Suboptions 1 and 2 (Quota Share Assignment). The preferred alternative, option, and suboptions 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 Alternative 4, 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. The preferred alternative would not affect harvest levels of non-target or prohibited species because no overall harvest changes to target species are expected. Regardless of the potential increase in the number of vessels participating in a cooperative, the total allowable catch (TAC) of target species will not increase under this component, nor will the alternatives increase the likelihood that the TAC will be exceeded. In fact, the preferred alternative may reduce an already minimal risk that the TAC could be exceeded, by encouraging a greater cooperative formation. (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. The location and timing of fishing activity would essentially remain the same under this action. No significant effects are expected on ocean or coastal habitat or essential fish habitat (EFH) by Alternative 4. (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 preferred alternative 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 (EA Section 3.3.7).

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 distinct population segment of Steller sea lion and spectacled and Steller's eiders. The proposed action would not change the Steller sea lion protection measures, ensuring this action is not likely to result in adverse effects not already considered under previous ESA consultations for Steller sea lions and spectacled and Steller's eiders and their critical habitat (EA Section 3.3.2).*

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 the preferred alternative because this action relaxes the number of persons and QS licenses needed to form a cooperative and will not affect fishing. No significant effects were expected on biodiversity, the ecosystem, marine mammals, or seabirds (EA Section 3.3.2).*

7. Are significant social or economic impacts interrelated with natural or physical environmental effects? *No. No significant social or economic impacts were identified for the preferred alternative interrelated with natural or physical environmental effects because this action will not alter fishing practices in any discernable way (EA Section 3.3.2).*

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 and Aleutian Islands management area. The land adjacent to this marine area may contain archeological sites of native villages. This action would occur in adjacent marine waters; therefore, 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 the amount of fish removed by vessels are within the TAC specified harvest levels and the alternatives and options provide protection to EFH and ecologically critical nearshore areas (EA Section 3.3.7).*

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. No additional past, present, or reasonably foreseeable cumulative impacts on the natural and physical environment, fishing communities, fishing safety, or consumers that would occur as a result of the proposed action have been identified. The proposed action is not related to other actions with individually insignificant but cumulatively significant impacts (EA Section 3.3.6).*

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 3.3.2).*

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 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 (EA Section 3.3.2).*

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 actions, appropriate environmental analysis documents (EAs or EISs) 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. On July 1, 2011, the federally approved Alaska Coastal Management Program expired, resulting in a withdrawal from participation in the CZMA's National Coastal Management Program. The CZMA Federal consistency provision in section 307 no longer applies in Alaska.*

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? *No. This proposed action will not likely result in cumulative adverse effects that could have a substantial effect on target or non-target species. Cumulative effects are addressed in Sections 3.3.3 through 3.3.5 and summarized in Section 3.3.7 of the EA.*

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Amendment 93, and the Programmatic Supplemental EIS, it is hereby determined that Amendment 93 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.

10-21-11

James W. Balsiger, Ph.D.
Administrator, Alaska Region

Date

Gmerrill
Gherrewig, 9-12-11, 10-5-11
Lsmoker
Sdavis
PPI 8-8-11, 9-26-11
Gaberle 9-29-11

S:\Amendment 93 (BSAI) Cooperative formation\FR\BSAI AMD 93 FR.FONSI.docxx
R:\region\2011\sf\October\BSAI AMD 93 FR.FONSI.docx