closures may have a positive effect on habitat. Therefore, any potential changes in fishing effort due to these measures would likely be negligible.

Council/Management Authority	FMPs
New England Fishery Management Council (NEFMC)	Multispecies; Sea Scallop; Monkfish, Red Crab
Mid-Atlantic Fishery Management Council (MAFMC)	Summer Flounder, Scup, and Black Sea Bass; Squid, Atlantic Mackerel, and Butterfish; Surf Clam and Ocean Quahog
South Atlantic Fishery Management Council (SAFMC)	Coastal Migratory Pelagics; Red Drum; Golden Crab
NMFS	Atlantic Highly Migratory Species; Atlantic Billfishes

8.6 National Environmental Policy Act (NEPA)

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 final fishery management action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. 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?**

   The proposed action is not expected to jeopardize the sustainability of any target species that may be affected by the action. The intent of the proposed action is to reduce lobster trap fishing effort through trap reductions, seasonal closures, mandatory v-notching, and an increased mimimum size. Although fishing mortality cannot be directly linked to trap effort, the proposed action would likely have positive impacts on the lobster resource by helping to scale the fishery to the size of the SNE stock and continue rebuilding of the stock. The biological impacts of the proposed action on the target species are analyzed in Section 5.2.

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

   The proposed action is not expected to jeopardize the sustainability of any non-target species that may be affected by the action. The proposed action is consistent with the objectives of the Commission's ISFMP for American lobster. The proposed action would result in fewer traps and implement seasonal closures which may decrease the bycatch of non-target species and reduce the need for bait. This would have a low positive impact on non-target species. Other measures (mandatory v-notching and an increased mimimum size) would have a negligible impact on non-target species (Section 5.2).

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?**

The proposed action is not expected to cause damage to the ocean, coastal habitats, and/or EFH. The proposed action would reduce the number of lobster traps implement seasonal closures and is not expected to create additional impacts to EFH. Other measures (mandatory v-notching and an increased mimimum size) would have a neglidgible impact to EFH (Section 5.2).

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

This proposed American lobster action is not expected to impact adversely public health or safety. In reducing the number of lobster traps, requiring v-notching, or having seasonal closures, the proposed action would allow the lobster trap fishery to continue in a relatively consistent manner which would not affect safety at sea.

5) **Can the proposed action be reasonably expected to have an adverse impact on endangered or threatened species, marine mammals, or critical habitat of these species?**

The proposed action is not expected to adversely impact protected species, marine mammals or critical habitat of such species. A decrease in traps as a result of the proposed action and seasonal closures could reduce the number of interactions with protected resources and would have low positive impacts on endangered or threatened species, marine mammals and the critical habitat of such species. Other measures (mandatory v-notching and an increased mimimum size) would have a neglidgible impact on endangered or threatened species, marine mammals and the critical habitat of such species(Section 5.2).

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.?**

No. The proposed action would not have a substantial impact on biodiversity or ecosystem function within the affected area. The proposed action would reduce the number of lobster traps in the fishery and implement other broodstock meansures and would not increase the potential for negative impacts on biodiversity or ecosystem function.

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

Significant social or economic impacts are not interrelated with natural or physical environmental effects. The proposed action would potentially provide some positive biological effects by protecting the lobster resource from negative impacts associated with trap fishing effort. Trap reductions, mandatory v-notching, seasonal closure and an increased mimimum size could decrease the catch of American lobster, resulting in reduced income for fishers in this area. However, a rebuilt stock could support a more robust future fishery.

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

The proposed action is not expected to be highly controversial. As a preliminary matter, the science upon which this action is based, such as the most recent lobster stock assessment, has been peer reviewed, accepted by the lobster management board, and is straight-forward and non-controversial. This action was requested by the Commission and is consistent with the manner in which the Commission's ISFMP has, over the last decade, moved to limit trap fishing effort in all management areas for the purposes of lobster conservation and industry stabilization. In addition, these measures have already been implemented by the member states and the vast majority of Federal permit holders are already subject to these restrictions by virtue of their state lobster permit.

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?**

There are shipwrecks present in areas,where the lobster trap fishery is prosecuted. However, vessels try to avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the proposed action would result in substantial impacts to unique areas.

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

No. The proposed action would reduce lobster traps as well as implement other measures such as seasonal closures, v-notching and minimum sizes in order to continue SNE lobster stock rebuilding. The proposed action would not substantially change the current fishing practices so the overall character of the fishery is not expected to change. Therefore, there are no unknown or unique risks associated with the implementation of the proposed action.

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

The proposed action is not expected to result in cumulatively significant impacts. As described in further detail in Section 5.3 - Cumulative Impacts Assessment, the proposed measures are not expected to result in a change in fishing activity or fishing effort, or to significantly impact lobster landings.

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?

Although there are shipwrecks present in areas where fishing occurs, including some registered on the National Register of Historic Places, vessels try to avoid fishing too close to wrecks due to the possible loss or entanglement of fishing gear. Therefore, it is not likely that the proposed action would adversely affect the historic resources.

13) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

No. The proposed action is not expected to result in the introduction or spread of non-indigenous species because it would not result in any vessel activity outside the current extent of the fishery or change traditional fishing practices.

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?

The proposed action is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. This action follows a decade of similar programs adopted into the ISFMP and implemented in Federal waters to provide for a sustainable lobster resource.

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?

The proposed action is not expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action has been found to be consistent with other applicable laws (Section 8).

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?

The proposed action is not expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species. As stated in Section 5.3, the impact on resources encompassing the lobster resource and non-target species is expected to be minimal.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for this action, it is hereby determined that the proposed action 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.

John K. Bullard
Regional Administrator
Greater Atlantic Regional Fisheries Office, NMFS

12/16/14
Date

8.7 Paperwork Reduction Act (PRA)

The purpose of the Paperwork Reduction Act is to reduce the paperwork burden on the public. The Director of the Office of Management and Budget (OMB) has the authority to manage information collection and record keeping requirements in order to reduce paperwork burdens. This authority encompasses the establishment of guidelines and policies and the approval of information collection requests. The selected management actions in this environmental assessment do not contain new collection-of-information requirements subject to the PRA.

8.8 Coastal Zone Management Act (CZMA)

The principal objective of the CZMA is to encourage and assist states in developing coastal management programs, to coordinate state activities, and to safeguard regional and national interest in the coastal zone. Section 307(c) of the CZMA requires Federal activity affecting the land or water uses or natural resources of a state's coastal zone to be consistent with that state's approved coastal management program, to the maximum extent practicable. On June 17, 2014, **NMFS provided a copy of the proposed rule, the draft environmental assessment (if requested), and a consistency determination to the state coastal management agency in every state with a federally-approved coastal management program whose coastal uses or resources are affected by these lobster management measures.** Each state had 60 days in which to agree or disagree with the determination regarding consistency with that state's approved coastal management program. If a state failed to respond within 60 days, the state's agreement was presumed.