FINDING OF NO SIGNIFICANT IMPACT FOR A FRAMEWORK ACTION TO SET THE RED SNAPPER QUOTAS FOR 2015-2017+

National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-6 (NAO 216-6) (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. On July 22, 2005, NOAA published a Policy Directive with guidelines for the preparation of a Finding of No Significant Impact. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. Section 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 to 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, the Policy Directive from NOAA, 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 would not jeopardize the sustainability of the target species. Results from the recent red snapper stock assessment updates in 2013 and 2014 indicate the red snapper stock is no longer undergoing overfishing and that the quotas can be increased. Management measures considered in this regulatory amendment would adjust the red snapper acceptable biological catch from 11 million pounds (mp) whole weight (ww) to 14.30 mp ww (2015), 13.96 mp ww (2016), and 13.74 mp ww (2017 and subsequent years), consistent with the choice of the Gulf of Mexico Fishery Management Council and the most recent recommendations of their Scientific and Statistical Committee. (Chapter 2).

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

Response: No, the proposed action is not expected to jeopardize the sustainability of any non-target species, and is not expected to substantially alter standard fishing practices during the 2015 or subsequent fishing seasons. The effects on non-targeted species are discussed in Section 4.1.2 and are expected to be minimal. Although the proposed action may increase the fishing effort, any impacts to non-target species would be minimal given the overall effort in the reef fish fishery. As elaborated in Criterion 5, the proposed action is not expected to adversely affect endangered or threatened species.

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 Fishery Conservation and Management Act (Magnuson-Stevens Act) and identified in Fishery Management Plans (FMP)?

Response: No, the proposed action is not reasonably expected to cause substantial damage to the ocean and coastal habitats and/or EFH in the U.S. waters of the Gulf of Mexico. The increase in allowable harvest may increase fishing effort to some degree; however, few additional impacts on EFH or other habitats would be expected relative to recent years because the number of fishing days would be about the same total days as last year. Even if the quota increase adds a

few days to the red snapper recreational fishing season, this increase would be minimal when considered in the context of the reef fish fishery as a whole (Section 4.1.1).

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

Response: No, the proposed action is not reasonably expected to have a substantial adverse impact on public safety or health. This action increases the total allowable harvest of red snapper from 11 mp ww to 14.30 mp ww (2015), 13.96 mp ww (2016), and 13.74 mp ww (2017 and subsequent years) but is not expected to substantially alter the manner in which the commercial or recreational sectors in the Gulf of Mexico are prosecuted (Section 4.1).

5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: No, the proposed action is not expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species as the proposed action is not expected to substantially alter the manner in which the fishery is conducted in the Gulf of Mexico. Endangered Species Act consultations on the Gulf of Mexico reef fish fishery have determined the fishery is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of National Marine Fisheries Service or result in the destruction or adverse modification of critical habitat (Appendix A). In addition, the primary gears used in the Gulf of Mexico reef fish fishery are classified in the final 2015 Marine Mammal Protection Act List of Fisheries as Category III fishery (79 FR 77919). This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from the fishery is less than or equal to one percent of the potential biological removal (Appendix A).

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 a substantial impact on biodiversity and/or ecosystem function within the affected area. The proposed action to increase the allowable harvest of red snapper is not expected to substantially alter the manner in which the fishery is conducted in the Gulf of Mexico. The direct and indirect effects on the physical and biological environments are described in Sections 4.1.1 and 4.1.2 of the Environmental Assessment (EA).

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

Response: No, the proposed action would not result in any significant social or economic impacts interrelated with natural or physical environmental effects. Allowing increased harvest of red snapper by both the commercial and recreational fishing sectors may have direct and indirect social and economic effects to those who participate in the respective sectors and to the shoreside operations that support them. However, these impacts are not expected to be significant when considered in the context of the reef fish fishery as a whole. The direct and indirect effects on the social and economic environments are described in Sections 4.1 and 4.2 of the EA.

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

Response: No, the effects on the quality of the human environment are not likely to be highly controversial. Adjustments to catch levels have been implemented before by the Council and minor impacts associated with this type of management changes are well understood. Fishery industry participants often questions the validity of the science involved in the estimates of annual harvest and the status of the various targeted fish stocks, making for perceived controversy, but National Standard 2 of the Magnuson-Stevens Act requires conservation and management measures be based upon the best scientific information available. The analyses and data used in the decision-making process were based on standard techniques used to evaluate fish stocks and fisheries (see Chapter 1). The proposed action was certified by the Southeast Fisheries Science Center as based on the best available scientific information and made this determination through scientific review (Chapter 1). The relaxation of harvesting restrictions is expected to be perceived in a positive manner by the fishing community (Section 4.1.4). While it is possible that some conservation groups may not endorse additional fishing pressure on the reef fish resource, the increase in the quotas and associated fishing effort would not be significant and would only add a few days to the recreational season.

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, EFH, or ecologically critical areas?

Response: No, the proposed action is not reasonably expected to result in substantial impacts to unique areas, park land, prime farmlands, wetlands, wild and scenic rivers, EFH, or ecologically critical areas. The proposed action should not result in substantial impacts on EFH, as discussed in section 4.1. Park land, prime farmlands, wetlands, wild and scenic rivers are inland and are not affected by this action in federal waters of the Gulf of Mexico (Appendix A).

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

Response: No, the effects on the human environment are not likely to be highly uncertain or involve unique or unknown risks. This action proposes to adjust the total allowable catch of red snapper, in accordance with approved procedures outlined in the Council's FMP for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP). Adjustments to total allowable catch are made regularly in many fisheries, based on updated information regarding the status of a specific stock or stocks.

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

Response: No, the proposed action is not related to other actions with individually insignificant but cumulatively significant impacts. Allowable harvest of red snapper or any managed species, tend to fluctuate over time in relation to stock status. The proposed action to increase the allowable harvest of red snapper is not expected to substantially alter the manner in which the fishery is conducted. Therefore, cumulative effects are not expected to occur from combining this action with other past, present, and reasonably foreseeable future actions as further analyzed in section 4.2 of the EA.

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, the proposed action does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor is it expected to cause loss or destruction of significant scientific, cultural, or historical resources. Fishing activity already occurs in the vicinity of the *U.S.S. Hatteras* and other shipwrecks located in federal waters of the Gulf of Mexico, which are listed in the National Register of Historic Places; but the proposed action is not expected to increase the total fishing activity under the FMP that regularly occurs in these areas.

13) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?
Response: No, the proposed action is not reasonably expected to result in the introduction or spread of a non-indigenous species. The proposed action to increase the allowable harvest of the regional red snapper stock is not expected to substantially alter the manner in which the red snapper portion of the reef fish fishery is conducted. Red snapper are native to the Gulf of Mexico (see Section 3.2) and the fishery is prosecuted within the boundaries of the Gulf of Mexico, reducing the likelihood of introducing non-indigenous species.

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, the proposed action does not establish a precedent for future action with significant effects, and it does not represent a decision in principle about future consideration. The proposed action, conducted in accordance with regulations established under the Reef Fish FMP, as amended to date, in no way constitutes a decision in principle about a future consideration. FMPs and their implementing regulations are always subject to future changes. The Council and NMFS have discretion to amend the Reef Fish FMP and accompanying regulations and may do so at any time, subject to the Administrative Procedures Act, National Environmental Policy Act, and other applicable laws.

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, the proposed action is being taken pursuant to federal legal mandates for the management of fishery resources. It is not reasonably expected to threaten a violation of federal, state, local law, or requirements imposed for the protection of the environment (Section 1.3).

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 is not reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species. In general, the proposed action to increase the allowable harvest of red snapper is not expected to substantially alter the manner in which the fishery is conducted. The proposed harvest levels are less than the overfishing threshold to ensure overfishing does not occur. There may be some reduction of fishing pressure on a variety of other reef fish and non-targeted stocks, because of

the increased ability to harvest red snapper, and any increase in bycatch of non-target species is expected to be minimal. The cumulative effects are further discussed in section 4.2 of the EA.

DETERMINATION:

In view of the information presented in this document and the analysis contained in the supporting EA prepared for this framework action to the FMP for the Reef Fish Fishery Resources of the Gulf of Mexico, it is hereby determined that this framework action will not significantly impact the quality of the human environment as described above and in the supporting EA. 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 Environmental Impact Statement for this action is not necessary.

4/20/15

For Roy E. Crabtree, Ph.D.
Regional Administrator
Southeast Regional Office
National Marine Fisheries Service

Date