

**Finding of No Significant Impact (FONSI)
for the Environmental Assessment (EA) to Regulatory Amendment 33 to the
Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South
Atlantic Region (Regulatory Amendment 33)**

National Marine Fisheries Service (NMFS)
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The Council on Environmental Quality (CEQ) Regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen criteria, the same ten as the CEQ Regulations and six additional, for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

Each year, the NMFS projects the number of days that the commercial and recreational sectors would reach their respective annual catch limits (ACL) for South Atlantic red snapper. If projections indicate the South Atlantic red snapper season (commercial or recreational) would be three days or fewer, the commercial and/or recreational seasons would not open for that fishing year. The proposed action would remove the minimum season length requirement. If this requirement is removed, red snapper harvest could be open for either recreational or commercial harvest for fewer than four days. The proposed action is expected to increase recreational access to red snapper and maintain the socio-economic benefits to fishermen and fishing communities.

1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?

The proposed action is not expected to result in significant beneficial or adverse impacts (see **Chapters 4 and 6**). Under the proposed action, the red snapper seasons could open if projections indicate the season would be three days or less. Therefore, the proposed action could result in higher mortality for red snapper compared to the No Action alternative. However, the proposed action is not expected to cause overfishing as the season harvest lengths would still be set at a level that is expected to keep harvest below the ACLs. Potential socio-economic effects would be economic benefits through increased consumer surplus for recreational anglers, increased revenue for for-hire (charter and headboat) businesses, and increased business activity for recreational fishing related businesses. These potential effects are not expected to be significant.

2. Can the proposed action reasonably be expected to significantly affect public health or safety?

The proposed action is not expected to significantly affect public health or safety. The proposed action is not expected to change fishing techniques or operations in a way that would impact the safety of commercial or recreational fishermen. The South Atlantic Fishery Management Council (Council) recognized that this action could promote a derby style fishery; however, the Council determined that derby style conditions already exist with the

current short recreational seasons. The Council concluded that the potential benefits of allowing a recreational fishing season, regardless of length, outweigh the potential negative effects of a three day or less season. The social effects of the proposed regulatory changes, including the effects on public health or safety, can be found in **Chapter 4** of the EA.

3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?

The proposed action is not expected to result in significant impacts to unique or ecologically critical areas (see **Chapters 3** and **6**). In the Atlantic, areas of unique habitat exist such as the Oculina Bank and large expanses of deep-water coral; however, regulations are currently in place to protect these areas. The Stellwagen Bank, U.S.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are within the geographic area of the proposed action. Additionally, there are several notable shipwrecks along the Atlantic coast in state and federal waters including Lofthus (eastern Florida), SS Copenhagen (southeast Florida), Half Moon (southeast Florida), Hebe (Myrtle Beach, South Carolina), Georgiana (Charleston, South Carolina), Monitor (Cape Hatteras, North Carolina), Huron (Nags Head, North Carolina), and Metropolis (Corolla, North Carolina). The Atlantic coastline (from Florida to Maine) is also comprised of marsh and wetland ecosystems; however, these sensitive ecological environments do not extend into federal waters of the Atlantic. The proposed action is not expected to alter fishing practices in a manner that would affect any of the above national marine sanctuaries, listed habitats or historic resources, nor would the proposed action alter any regulations intended to protect these areas.

4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?

The effects of the proposed action on the quality of the human environment are not expected to be highly controversial. The proposed action is expected to result in increased access to red snapper, particularly for the recreational sector. Allowing for the harvest of red snapper in South Atlantic waters, regardless of season length, is likely to be perceived as having positive socio-economic effects. The social effects of the proposed regulatory changes, including the effects on the human environment, can be found in **Chapter 4** of the EA.

5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

The effects of the proposed action on the human environment are not likely to be highly uncertain or involve unique or unknown risks (**Chapters 2, 4, and 6**). As described in the response to No. 2 of this FONSI, fishermen's behavior is expected to be the same regardless of projected season length. The social effects of the proposed regulatory changes, including the effects on the human environment, can be found in **Chapter 4** of the EA.

6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

The proposed action cannot reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The action is not expected to significantly change the way the fishery is prosecuted (**Chapters 2 and 4**). Management of red snapper will likely be revisited by the Council when the results of the next stock assessment are available.

7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?

The proposed action is not related to other actions that when considered together would have individually insignificant but cumulatively significant impacts. The proposed action is summarized in **Chapter 2** of the EA. Detailed discussions of the magnitude and significance of the impacts of the preferred alternatives on the human environment, including cumulative effects, are described in **Chapters 4 and 6** of the EA. None of the impacts of the proposed action, in combination with past, present, and future actions have been determined to be significant. Although several other management actions, in addition to this action, are expected to affect snapper-grouper, any additive effects, beneficial and adverse, are not expected to result in a significant level of cumulative impacts.

8. Can the proposed action reasonably be expected 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?

The proposed action is not expected to adversely affect or cause loss or destruction of the above-listed historical resources. Several notable shipwrecks can be found in federal and state waters including in the South Atlantic: Loftus (eastern Florida), SS Copenhagen (Southeast Florida), Half-Moon (Southeast Florida), Hebe (Myrtle Beach), Georgiana (Charleston, South Carolina), Monitor (Cape Hatteras, North Carolina), Huron (Nags Head, North Carolina), and Metropolis (Corolla, North Carolina). The U.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are also within the boundaries of the South Atlantic exclusive economic zone. Fishing activity already occurs in the vicinity of these sites without adverse effect or loss or destruction of these resources, and this action is not expected to result in appreciable changes to current fishing practices.

9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?

The proposed action is not expected to have a significant impact on endangered or threatened species, or their critical habitat. In the 2016 biological opinion on the snapper-grouper fishery, NMFS analyzed the effects of commercial and recreational hook-and-line gear on sea turtles, smalltooth sawfish, and Nassau grouper assuming 2012-2015 average hook-and-line effort levels are representative of future effort levels in the snapper-grouper fishery. On June 11, 2018, NMFS requested re-initiation of Endangered Species Act (ESA) consultation on the snapper-grouper fishery. NMFS has also determined that allowing the snapper-grouper fishery to continue during the re-initiation period is not likely to jeopardize any protected

species, nor does it constitute an irreversible or irretrievable commitment of resources under ESA sections 7(a)(2) or 7(d). The proposed action is not expected to alter fishing behavior in a way that would cause new effects to listed species or critical habitat as stated in a memorandum to the file dated February 12, 2020 (**Chapters 2 and 4**).

10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?

The proposed action is not expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection (see **Chapter 3**). Pursuant to provisions of 15 CFR Section 930 *et seq.* and Section 307 of the Coastal Zone Management Act, memos requesting concurrence of consistency with the state's coastal zone management program were sent to Florida, Georgia, North Carolina, and South Carolina. NMFS received a letter of concurrence from Georgia (February 3, 2020). In accordance with the provisions of 15 CFR Section 930.41, NMFS will presume concurrence from the state of Florida, North Carolina, and South Carolina on March 27, 2020.

11. Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act?

The proposed action is not expected to adversely affect stocks of marine mammals (**Chapters 3, 4, and 6**). Commercial and recreational harvest of snapper-grouper in the South Atlantic Region is conducted using hook-and-line gear. The vertical hook-and-line component of the South Atlantic snapper-grouper fishery is classified in the proposed List of Fisheries for 2020 (84 FR 54543; October 10, 2019), meaning the annual mortality and serious injury of a marine mammal resulting from the fishery is less than or equal to 1% of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.

12. Can the proposed action reasonably be expected to adversely affect managed fish species?

The proposed action is not expected to adversely affect snapper-grouper species. The proposed action is not expected to have measurable biological impacts, either, positive or negative, on the South Atlantic red snapper stock since total harvest will continue to be limited by the ACL (**Chapters 2, 3, and analyzed in Chapter 4**).

13. Can the proposed action reasonably be expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)?

The proposed action is not expected to adversely affect snapper-grouper essential fish habitat (EFH). The action is not expected to substantially alter fishing methods or activities (see **Chapters 3, 4, and 6**). As specified in the Magnuson-Stevens Act, an EFH consultation is required for federal actions which may adversely affect EFH. However, as the federal action agency in this matter, NMFS Southeast Regional Office (SERO) Sustainable Fisheries Division has determined the proposed actions would not adversely affect EFH. NMFS SERO Habitat Conservation Division has reviewed the actions and agrees with this determination as stated in a memorandum to the file dated February 12, 2020. Further consultation on this

matter is not necessary unless future modifications are proposed and such actions may result in adverse impacts to EFH.

14. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?

The proposed action is not expected to adversely affect vulnerable marine or coastal ecosystems including deep coral ecosystems (see **Chapters 3, 4, 6**, and response to No. 13 of this FONSI).

15. Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?

Based on the analysis in **Chapters 3, 4, and 6**, the proposed action is not expected to adversely affect biodiversity and/or ecosystem function within the affected area. There are no anticipated changes to fishing gear and/or fishing practices in such a manner that would adversely affect benthic productivity or predator-prey relationships.

16. Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

The proposed action is not reasonably expected to introduce or spread any non-indigenous species, including lionfish. Invasive lionfish are found in both Bahamian waters and the U.S. exclusive economic zone in the Gulf of Mexico and South Atlantic region. However, because the action is directed towards the management of naturally occurring species in the South Atlantic region, and no activity such as increased ballast water discharge from foreign vessels is proposed, the introduction or spread of non-indigenous species is not expected to occur. Furthermore, as discussed in **Chapter 4**, the proposed action will not significantly alter the manner or areas in which the fishery is prosecuted.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting EA prepared for Regulatory Amendment 33, it is hereby determined that the proposed action for snapper-grouper species in the South Atlantic region 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.

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Date