

FINDING OF NO SIGNIFICANT IMPACT

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 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). 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 both short- and long-term effects (40 CFR § 1501.3(b)(2)(i); 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)(ii)-(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 Framework Action to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico; Modifications to Gray Triggerfish Catch Levels (proposed action), 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 Environmental Assessment (EA) is hereby incorporated by reference. 40 CFR § 1501.6(b).

II. Approach to Analysis:

The proposed action is considered small-scale as it only deals with one species within the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP). Gray triggerfish, as discussed in Section 3.2, are not typically a targeted species. Thus, the scale of the action is not considered to meaningfully contribute to a significant impact.

The proposed action will not meaningfully contribute to significant impacts to specific resources. The most recent stock assessment, as described in Chapter 1 of the EA, indicates that gray triggerfish are not experiencing overfishing, nor are they overfished. As indicated in Sections 4.1.1 and 4.1.2 of the EA, any impacts on the physical and biological environment, which includes habitat and non-target species, are expected to be minimal. As discussed in Sections 4.1.3 and 4.1.4, beneficial economic and social environment effects are possible for commercial and recreational fishermen, although they are expected to be minimal.

As discussed in Section 4.2, the proposed action is not related to other actions with individually insignificant but cumulatively significant impacts. Although the proposed action would increase catch limits, it is not expected to substantially alter the manner in which the reef fish fishery as a whole is conducted. Further, because the reef fish fishery is a multi-species fishery, there are fish to target throughout the year such that the proposed action, along with past and reasonable foreseeable future actions, are likewise not expected to substantially alter the manner in which the reef fish fishery is conducted.

III. Geographic Extent and Scale of the Proposed Action

The scale and geographic extent for the proposed action is for the entire Gulf of Mexico (Gulf) as described in Chapters 1, 2, and 3. The affected environment in the EA (Chapter 4) addresses potential biological, physical, social, economic, and cumulative effects of the proposed action throughout the Gulf. While the proposed action is considered regional in scale, it is considered small-scale in terms of effects as described above as gray triggerfish are not targeted as described in Section 3.2.1.

IV. Degree of Effect:

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

The proposed action is being taken pursuant to federal legal mandates for the management of fishery resources and does not implicate state or local requirements (see Section 3.5 and Appendix C of the EA). It is not reasonably expected to threaten a violation of federal, state, local law, or requirements imposed for the protection of the environment.

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

The proposed action is not reasonably expected to have a significant adverse impact on public safety or health. The proposed action changes the gray triggerfish catch limits. Gray triggerfish are part of a multi-species reef fish fishery where they are caught with co-occurring species rather than being directly targeted. The proposed changes are not expected to substantially alter the manner in which the reef fish fishery as a whole is prosecuted.

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

The proposed action is not reasonably expected to have a significant adverse effect on endangered or threatened species, or their critical habitat. Section 3.2 of the EA provides a description of the protected and endangered species in the biological environment and as indicated in Sections 4.1.1 and 4.1.2 of the EA, any impacts on the biological and physical environments, which include those species and their critical habitat, are expected to be minimal. Although the reef fish fishery as a whole has adverse effects on endangered and threatened species, the proposed action is not expected to cause new effects to listed species or critical habitat that were not considered in the previous ESA Section 7 consultations because it is not expected to substantially alter the manner in which the reef fish fishery is conducted in the Gulf.

- b. 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 and 4 of the EA). The 2021 Marine Mammals Protection Act List of Fisheries classifies the reef fish fishery as a Category III fishery (86 FR 3028) based upon the primary types of gear types used. This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from these fisheries is less than or equal to one percent 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. The proposed action is not expected to alter existing fishing practices (e.g., types of methods, gear types used, etc.) in this fishery in such a way as to alter its interactions with marine mammals.

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

The proposed action is not reasonably expected to cause substantial damage to essential fish habitat in the U.S. waters of the Gulf, as described in Section 4.1.1 of the EA. Gray triggerfish are caught primarily from vertical line gear fishing and a small percentage of bottom longline and spearfishing. Although bottom longline and vertical line gear has the potential to snag and entangle bottom structures, and anchoring can add to the potential damage of the bottom at fishing locations, any impacts from this action are expected to be minimal because the action will not alter the execution of the reef fish fishery as a whole.

d. bird species protected under the Migratory Bird Treaty Act;

The proposed action is not reasonably expected to adversely affect bird species protected under the Migratory Bird Treaty Act, as described in Section 3.2 of the EA. There is no information to indicate birds rely on gray triggerfish for food. Additionally, there is no evidence that the indirect gray triggerfish portion of the reef fish fishery is adversely affecting birds.

e. national marine sanctuaries or monuments;

The proposed action is not reasonably expected to adversely affect marine sanctuaries, as described in Appendix C of the EA. Regulations are already in place to limit or reduce habitat impacts within the Flower Garden Banks National Marine Sanctuary and the Florida Keys National Marine Sanctuary, which occur in the action area. Furthermore, the proposed action will not alter the execution of the reef fish fishery as a whole.

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

The proposed action is not reasonably expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems in the U.S. waters of the Gulf, as described in Sections 4.1.1 and 4.1.2 of the EA. As discussed in Section 4.1.1, this action should only have minor impacts to habitat, if any, because increases in effort are not expected and fishing practices would not be substantially altered.

g. biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)

As discussed in Sections 4.1.1 and 4.1.2 of the EA, 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 types and/or fishing practices in such a manner that would affect benthic productivity or predator-prey relationships to have a substantial impact on the biological or physical environments.

D. 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.

The proposed action does not adversely affect cultural resources listed above as reef fish fishing occurs in federal waters. The action should have no impact on the historic shipwrecks such as the U.S.S. Hatteras located in federal waters off Texas (Appendix C). The Bureau of Ocean Energy Management lists historic shipwrecks that occur in the Gulf. Most of these sites are in state or deep (greater than 1,000 feet or 328 meters) waters (see Section 3.1). Fishing does occur over wrecks; however, the proposed action does not increase overall fishing effort or significantly change fishing practices. Thus, the proposed action should not increase any risk of loss or destruction to any significant cultural resources in the affected area.

E. 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 not expected 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. As described in Section 3.4.4, most communities affected by the proposed action do not exceed thresholds for any environmental justice indices and therefore would not be considered to be experiencing any vulnerabilities. However, it should be noted that some communities are not able to be analyzed as census data are not available to create the indices. Further, information on race, ethnicity, and income status for groups at the different participation levels (private anglers, for-hire captains, crew, and customers, and employees of recreational fishing businesses, etc.) is also not available at this time. However, the proposed action would not affect individuals differently based on race, ethnicity, or income status. Thus, disproportionate impacts to environmental justice populations are not expected to result from any of the proposed actions. There are no known claims for customary usage or subsistence consumption of gray triggerfish by any population including tribes or indigenous groups.

F. 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.

The proposed action is directed towards the management of naturally occurring species in the Gulf. The introduction or spread of non-indigenous species is not expected to occur. Additionally, the action does not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread on non-indigenous species.

G. 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 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. As described in Sections 4.1 and 4.2, it is not anticipated that there is potential for the proposed action to cause an effect to any other physical or biological resource where the impact is considered substantial because the proposed action is not expected to change the way the reef fish fishery is prosecuted.

V. Other Actions Including Connected Actions

As discussed in Section 4.2, the proposed action, added to the effects of other actions is not expected to result in individually insignificant but cumulatively significant impacts. Although the proposed action would increase catch limits, it is not expected to substantially alter the manner in which the reef fish fishery as a whole is conducted. Further, because the reef fish fishery is a multi-species fishery, there are fish to target throughout the year such that the proposed action, along with past and reasonable foreseeable future actions, are likewise not expected to substantially alter the manner in which the reef fish fishery is conducted.

VI. Mitigation and monitoring

Updated information from research and species stock assessments are regularly used to mitigate against any negative effects to gray triggerfish and make sure the stock retains or is corrected to a healthy status based on best available science. The Gulf of Mexico Fishery Management Council and National Marine Fisheries Service (NMFS) have discretion to amend the Reef Fish FMP and accompanying regulations, and may do so at any time, subject to the Administrative Procedure Act, NEPA, and other applicable laws.

The effects of the proposed action are, and will continue to be, monitored through collection of landings data by NMFS, stock assessments and stock assessment updates, life history studies, economic and social analyses, and other scientific observations. Landings data for the commercial sector in the Gulf are collected through trip ticket programs, port samplers, and logbook programs. Landings data for the recreational sector in the Gulf are collected through the Marine Recreational Information Program, NMFS' Headboat Survey, the Texas Marine Recreational Fishing Survey, and the LA Creel Survey. The monitoring burden for law enforcement would go largely unchanged, as law enforcement officers would continue to monitor compliance with any established catch limits.

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 prepared for the proposed action it is hereby determined that the proposed action will not significantly impact the quality of the human environment. The EA for the proposed action 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.

Andrew J. Strelcheck
Acting Regional Administrator
Southeast Regional Office
National Marine Fisheries Service

Date