FINDING OF NO SIGNIFICANT IMPACT for the REGULATORY AMENDMENT TO REVISE FALL RECREATIONAL FIXED CLOSED SEASON AND SET ANNUAL CATCH LIMIT FOR RED SNAPPER

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 (FONSI). In addition, the 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 recent 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. The most recent stock assessment update projects existing regulations and harvesting restrictions have ended overfishing of this stock, and the stock size is improving. The proposed action is intended to ensure the catch for 2012 and 2013 will remain less than the overfishing threshold, so that overfishing does not recur. Results from the red snapper update assessment in 2009, and projection updates in 2011 and 2012, indicate that the red snapper stock is no longer undergoing overfishing and the quotas can be increased. Management measures considered in this regulatory amendment would adjust the red snapper acceptable biological catch (ABC) from 7.185 million pounds (mp) whole weight to 8.080 mp whole weight for 2012 and to 8.690 mp whole weight for 2013. The increase in 2013 would be contingent on the 2012 ABC not being exceeded.

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

Response: No, the proposed action will not jeopardize the sustainability of any non-target species, and is not expected to substantially alter standard fishing practices during the 2012 and 2013 fishing seasons. The action is intended to allow an increase in the harvest of red snapper in the U.S. waters of the Gulf of Mexico from 7.185 mp whole weight to 8.080 mp whole weight for 2012 and to 8.690 mp whole weight for 2013, based on recent scientific advice indicating an improved status of the stock. Increasing the quota should provide for a reduction in regulatory discards of red snapper. If the period when fishing for red snapper is allowed increases, there would be some relief of fishing pressure on other species that are targeted during periods when fishing for red snapper is prohibited. 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 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, because the allowable harvest may be taken in a shorter time period from such increases, the overall fishing impacts to EFH may be lessened. Nevertheless, vertical line gear has the potential to snag and entangle bottom structures. Although individual gear has a very small footprint the cumulative impact of the commercial and recreational fishing sector results in a large amount of gear being placed in the water, increasing the potential for impact. Additionally, anchoring can add to the potential damage of the bottom at fishing locations.

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. The commercial red snapper sector in the Gulf of Mexico operates under an individual fishing quota, which removes the need to "race for the fish," thus allowing fishermen to choose when and how they want to fish. This increases safety at sea by eliminating the derby fishery. The increase from 7.185 mp whole weight to 8.080 mp whole weight for 2012 and to 8.690 mp whole weight for 2013 in allowable harvest is not expected to substantially alter the manner in which the commercial or recreational sectors in the Gulf of Mexico are prosecuted.

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. The biological environment affected by the action in this regulatory amendment was described in the February 2010 Final Regulatory Amendment to the Reef Fish Fishery Management Plan to Set Total Allowable Catch for Red Snapper (GMFMC 2010) (see sections 3.2.1 and 3.2.2) and are incorporated here by reference. A 2011 biological opinion for the Gulf of Mexico reef fish fishery 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. In addition, the Gulf of Mexico reef fish fishery is classified in the 2010 Marine Mammal Protection Act List of Fisheries as Category III fishery (74 FR 58859, November 16, 2009). 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.

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 and 4.2 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 create 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 their respective sectors and to the shoreside operations that support them. However, these impacts are not related to, nor have an impact on, the natural or physical environment. 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. The proposed action may be considered controversial in that the fishing industry often questions the validity of the science involved in the estimates of annual harvest and the status of the various targeted fish stocks. Nevertheless, the relaxation of harvesting restrictions is expected to be perceived in a positive manner.

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. 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.

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 Gulf of Mexico Fishery

Management Council's (Council) Reef Fish Fishery Management Plan. 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. 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 cumulative effects are further analyzed in section 4.3 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*, located in federal waters off Texas, which is listed in the National Register of Historic Places; but this would not increase fishing activity over that exhibited in other years.

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 fishery is conducted, or in any other way impact non-native 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. Fishing efforts for red snapper are regulated though quotas, trip limits, and other fishing restrictions. The Council may change the management strategy at any time based on new information.

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.

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 adjusted 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. The cumulative effects are further discussed in section 4.3 of the EA.

DETERMINATION:

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment 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 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 Environmental Impact Statement for this action is not necessary.

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Date