FINDING OF NO SIGNIFICANT IMPACT

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, the National Marine Fisheries Service (NMFS) 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 Policy Directive from NMFS, 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, but would protect the stock from overharvest. The most recent stock assessment, as described in detail in Section 1.1, indicates the greater amberjack stock is overfished and undergoing overfishing. As discussed in Section 2.0, the proposed action is intended to ensure the catch for 2013 will remain below the overfishing threshold, so that overfishing does not occur and the stock can increase to the stock biomass needed to harvest the equilibrium optimum yield. The Gulf of Mexico Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) recommended an acceptable biological catch (ABC) at 1,780,000 pounds whole weight (ww) which is the yield at the fishing mortality (F) associated with allowing the stock to recover within 10 years or less. The annual catch limit (ACL) will be set equal to the ABC. This value would be less than the yield associated with the F associated with harvesting the maximum sustainable yield (MSY) and allows for scientific uncertainty in the assessment. The Council used the ACL/Annual Catch Target (ACT) Control Rule to address management uncertainty and create a buffer between the ACT and the ACL. The ACTs (quotas) will be set by reducing the existing commercial sector ACL by 5 percent and the existing recreational sector ACL by 10 percent.

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. The action is intended to allow a decrease in the harvest of greater amberjack in the U.S. waters of the Gulf of Mexico (Gulf), based on recent scientific advice indicating a decline in the stock's condition. The National Marine Fisheries Service (NMFS) determined that the proposed decrease in the commercial and recreational harvests should end overfishing. Any minor shifts in effort because of the reduced quota should be minimal, as described in the Bycatch Practicability Analysis in Section 5.0. As discussed in Section 3.3.2.2, for the recreational sector, trips targeting greater amberjack are a minor portion of total recreational fishing trips. Thus, effort shifting is expected to be minimal.

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?

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 as described in Section 4.1.1. 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. However, this action should lessen overall impacts to EFH because effort needed to catch the allowable harvest will be reduced, reducing the interactions between the fishing gear used and habitat.

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 greater amberjack sector operates as a non-target or secondary fishery, in unison with the commercial grouper sector that operates under an individual fishing quota, which removes the need to "race for the fish", thus allowing fishermen to better choose when and how they want to fish. This increases safety at sea by eliminating the derby fishery. The greater amberjack reduction in harvest by the recreational sector is not expected to substantially alter the manner in which recreational fishing in the Gulf is prosecuted. Greater amberjack targeted trips represent a small proportion of the total number of trips in the Gulf. The Cumulative Effects (Section 4.4) of the amendment discusses seafood monitoring safety and testing. NMFS, in cooperation with the states, has increased seafood monitoring in light of the Deepwater Horizon MC252 oil spill.

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, their critical habitat, or marine mammals because the proposed action is not expected to substantially alter the manner in which the fishery is conducted in the Gulf. As discussed in Section 5.0, a 2011 biological opinion for the Gulf reef fish fishery determined the fishery is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS or result in the destruction or adverse modification of critical habitat. In addition, because the Gulf reef fish fishery is prosecuted primarily with longline and hook-and-line gears, it is classified in the 2012 Marine Mammal Protection Act List of Fisheries as Category III fishery (November 29, 2011; 76 FR 79312). 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. Dolphins are the only species documented as interacting with this fishery. Bottlenose dolphins may feed on the bait, catch, and/or released discards of the reef fish fishery; however adverse affects to the species are unlikely.

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 because decreasing the allowable harvest of greater amberjack is not expected to substantially alter the manner in which the fishery is conducted in the Gulf. The direct and indirect effects on the physical and biological environments are described in Sections 3.1 and 3.2.

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. As discussed in Chapter 4, restricting overall harvest of greater amberjack by both the commercial and recreational fishing sectors will have direct and indirect social and economic impacts to the respective sectors and supporting shoreside operations, but none that are expected to be significant. As noted in Section 3.3.1.1, greater amberjack is a small component of the value of the commercial reef fish fishery (one percent). This species is also a minor component of overall recreational fishing trips (see question 2).

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 analyses and data used in the decision-making process were based on standard techniques used to evaluate fish stocks and fisheries. The proposed action may be considered politically 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. Many recreational and commercial fishermen in public testimony to the Council have indicated the proposed reductions in greater amberjack are too great.

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, or EFH. This action affects federal waters of the Gulf. Regarding ecologically critical areas in the Gulf, areas such as the Flower Gardens and the Tortugas Marine Sanctuaries are closed to fishing, Madison Swanson and Steamboat Lumps ecologically-critical areas are closed to bottom fishing as described in Section 3.1. The action should have no impact on the *U.S.S. Hatteras*, located in federal waters off Texas, which is listed in the National Register of Historic Places; fishing occurs over this wreck, and the action does not increase overall fishing effort. Therefore, there

would be no additional impacts on these components of the environment from the proposed action.

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 harvest of greater amberjack and set a commercial trip limit, in accordance with approved procedures outlined in the Council's Reef Fish FMP. Adjustments to quotas and target catch levels 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, there is no past or reasonably foreseeable future actions related to the proposed greater amberjack management actions with individually insignificant but cumulatively significant impacts (See Section 4.4). The proposed action to decrease the harvest levels of greater amberjack is not expected to substantially alter the manner in which the fishery is conducted. It should be noted that this action provides long-term management measures for greater amberjack needed for stock recovery.

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. The action should have no impact on the *U.S.S. Hatteras*, located in federal waters off Texas, which is listed in the National Register of Historic Places. Fishing occurs over this wreck, and the action does not increase overall fishing effort. The proposed action is not expected to cause loss or destruction of significant scientific, cultural, or historical resources because the action is not expected to alter the manner in which the fishery is conducted.

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 because it involves only naturally occurring domestic species. The proposed action to decrease the allowable harvest of the regional greater amberjack stock is not expected to substantially alter the manner in which the fishery is conducted. The fishery is prosecuted within the boundaries of the Gulf of Mexico reducing the likelihood of introducing non-indigenous species. Non-native lionfish are known to occur in the area, and to be captured during reef fish fishing activities. If non-native lionfish are caught by reef fish fishermen, these species would be either released at the point of capture or killed, thus reducing the species population.

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 effort for greater amberjack is regulated through fishing quotas, size limits, and other fishing restrictions as described in Section 1.4. The Council has based its decision on updated scientific information summarized in Section 1.1 regarding the status of the stock. The assessment indicates the stock has been depressed by a low recruitment levels, and high mortality levels and has become overfished and undergoing overfishing. Action is needed to allow the stock to recover to target levels. The proposed action, conducted in accordance with regulations established under the FMP, as amended to date, does not constitute a decision in principle about a future consideration. FMPs and their implementing regulations are always subject to change. The Council and NMFS have discretion to amend the FMP and accompanying regulations and may do so at any time, subject to the provisions of the Magnuson-Stevens Act, 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 in compliance with federal law for the management of fishery resources and does not implicate state or local requirements. 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. Effort shifting to other species is expected to be minimal. In general, the proposed action to decrease the allowable harvest of greater amberjack is not expected to substantially alter the manner in which the reef fish fishery is conducted. The proposed harvest levels are necessary to end overfishing and allow the stock to recover.

DETERMINATION

In view of the information presented in this document and the analysis contained in the Environmental Assessment prepared for this amendment 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 is not necessary.

SEP 28 2012

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