FINDING OF NO SIGNIFICANT IMPACT for the REEF FISH AMENDMENT 34
Commercial Reef Fish Permit Requirements and Crew Size on Dual-Permitted Vessels in the Gulf of Mexico

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 actions would not jeopardize the sustainability of the target species. As discussed in section 4.1 of the Environmental Assessment (EA), the elimination of the income requirement would affect the administrative environment pertaining to the renewal of permits. Because the reef fish permits are under a moratorium, the elimination of this requirement should not result in changes in fishing effort or effects on the biological environment. As discussed in section 4.2, increasing the maximum number of crew members on dual-permitted vessels is expected to improve safety at sea for commercial spearfishing. The addition of a crew member results in safer diving practices by having a stand-by diver available; however, it is not likely to affect overall fishing effort or total catch. Spear fishing is a minor component of the reef fish fishery.

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

Response: No, the proposed actions would not jeopardize the sustainability of any non-target species. As elaborated in Criterion 1 and 5, the proposed action is not expected to adversely affect the biological environment, non-targeted bycatch, or 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. As discussed in Criterion 1 and section 4.1 and 4.2 of the EA, these actions are not likely to affect the biological or physical environment.

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. As discussed in section 4.2 of the EA, increasing the maximum number of crew members on dual-permitted vessels is expected to improve safety at sea for commercial spearfishing. The addition of a crew member results in safer diving practices by having a stand-by diver available.

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. 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), because it is prosecuted primarily with hook and line, and bottom longline gear. 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 actions to eliminate the income qualification and increase the number of crew members on dual-permitted vessels 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 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. The direct and indirect effects on the social and economic environments are described in Sections 4.1 and 4.2 of the EA. Eliminating the income qualifier would likely benefit the social and economic environments by relaxing the current restrictions. This would allow fisherman to renew the permit without meeting the previous 50 percent income requirement. By increasing the maximum number of crew on dual-

permitted vessels, the safety at sea may be improved while allowing the implementation of safer diving practices.

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. Relaxation of the income requirement and crew size restriction are expected to result in perceived positive impacts to the human environment that are easily predicted and well understood.

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 actions are 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. Eliminating the income requirement would not likely result in any additional impacts to the human environment. As discussed in section 4.2, increasing the maximum number of crew members on dual-permitted vessels is expected to improve safety at sea for commercial spearfishing. The addition of a crew member results in safer diving practices by having a stand-by diver available.

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 actions to eliminate the income requirement and adjust the maximum number crew members on dual-permitted vessels are 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

because the proposed actions would not cause additional impacts. 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 relative to 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 actions to eliminate the income requirement and adjust the maximum number crew members on dual permitted vessels are 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 are regulated though quotas, trip limits, and other fishing restrictions. The Gulf of Mexico Fishery Management 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. The proposed actions are not expected to alter the manner in which the fishery is conducted or the resulting impacts from the fishery. 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 action to the FMP for the Reef Fish Fishery Resources of the Gulf of Mexico, it is hereby determined that these actions 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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