Amendment 37 - Environmental Assessment for Modifications to the Gray Triggerfish Rebuilding Plan Including Adjustments to the Annual Catch Limits & Annual Catch Targets for the Commercial & Recreational Sectors

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, 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 recent 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 Chapter 1.1, indicates the Gray triggerfish stock is overfished and undergoing overfishing. The decline in stock status was attributed in part to large swings in recruitment during 2005-2009. As discussed in Chapter 2, the proposed action is intended to ensure the catch for 2013 through 2015 remains 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.

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 fishing season. The action is intended to allow a decrease in the harvest of gray triggerfish in the U.S. waters of the Gulf of Mexico (Gulf), based on recent scientific advice indicating a reduction in the stock's condition. Decreasing the commercial and recreational harvests is intended for end overfishing and rebuild the stock. For the recreational sector, trips targeting gray triggerfish (2.4%) are a minor portion of the recreational fishery as a whole and so effort shifting is expected to be minimal. Therefore, the sustainability of non-target species is not expected to be jeopardized by this action.

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 Chapter 4. This action should lessen overall impacts to EFH because effort needed to catch the allowable harvest may be slightly reduced by decreasing 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 gray triggerfish sector in the Gulf operates as a non-target or secondary fishery, in unison with the commercial reef fish 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. The reduced commercial ACL and ACT, as well as the commercial trip limit and seasonal closure are not expected to change the manner in which the commercial sector is prosecuted. The gray triggerfish reduction in harvest by the recreational sector is not expected to substantially alter the manner in which the recreational sector in the Gulf is prosecuted. Gray triggerfish targeted trips represent a small proportion of the total number of trips in the Gulf.

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 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 Chapter 4. This action should lessen overall impacts to EFH because effort needed to catch the allowable harvest may be slightly reduced, reducing the interactions between the fishing gear used and habitat. Nevertheless, longline and 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 sectors result 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.

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 decrease the allowable harvest of gray triggerfish is not expected to substantially alter the manner in which the fishery is conducted in the Gulf.

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 Chapters 3.4 and 3.5, allowing decreased harvest of gray triggerfish by both the commercial and recreational fishing sectors will have direct and indirect social and economic impacts to their respective sectors and to the shoreside operations that support them, however, these impacts are small. As listed in Chapter 2.3, gray triggerfish is a small component of the value of the commercial reef fish fishery (~1%). This species is also a minor component of the overall recreational fishery (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 gray triggerfish are too high. Many have acknowledged they have seen reduced catches in recent years and agree the fishery needs additional restrictions; they just disagree with the extent proposed in the interim rule. This is particularly true for the recreational sector where they see low release mortality rates and are facing a 53% reduction on harvest of this species.

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. With regard to ecologically critical areas in the Gulf, the Flower Gardens and the Tortugas Marine Sanctuaries are closed to fishing, and Madison Swanson and Steamboat Lumps ecologically-critical areas are closed to bottom fishing as described in Chapter 3.2. 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 gray triggerfish and set accountability measures, 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 gray triggerfish management actions with individually insignificant but cumulatively significant impacts. The proposed action to decrease the harvest levels of gray triggerfish 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 gray triggerfish needed for stock recovery. The update assessment determined the gray triggerfish rebuilding plan initiated in Reef Fish Amendment 30A (GMFMC 2008) was not on target. Therefore, this amendment is needed to ensure the gray triggerfish stock rebuilds within 10 years of the rebuilding plan start, which is by the end of 2017.

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 there are none located in the affected area.

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 addresses domestic species. The proposed action to decrease the allowable harvest of the regional gray triggerfish stock is not expected to substantially alter the manner in which the fishery is conducted.

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 gray triggerfish is regulated through size limits, trip and bag limits, and seasonal closures as described in Chapter 1.3. The Council has based its decision on updated scientific information summarized in Chapter 1.1 regarding the status of the stock. The assessment indicates the stock has been depressed by low recruitment levels and has become overfished and is 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, in no way constitutes a decision in principle about a future consideration. FMPs and their implementing regulations are always subject to future changes. The Council and NMFS have discretion to amend the FMP and accompanying regulations and may do so at any time, subject to the 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 pursuant to federal legal mandates 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. In general, the proposed action to decrease the allowable harvest of gray triggerfish is not expected to substantially alter the manner in which the reef fish fishery is conducted. The proposed harvest levels are adjusted to reduce or end overfishing of gray triggerfish and to ensure overfishing does not continue and the stock can recover.

DETERMINATION

In view of the information presented in this document and the analysis contained in the Environmental Assessment prepared for this regulatory action to the FMP for the Reef Fish Fishery Resources of the Gulf of Mexico, it is hereby determined that this proposed 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.

4/17/2013

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