Finding of No Significant Impact (FONSI) for
Measures in Regulatory Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Regulatory Amendment 15)

National Marine Fisheries Service

July 2013

Introduction

This FONSI was prepared in accordance with National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 216-6; May 20, 1999) and National Marine Fisheries Service (NMFS) Instruction 30-124-1, July 22, 2005, Guidelines for Preparation of Finding of No Significant Impact, for determining the significance of impacts of a proposed management action. This introduction provides a brief description of the proposed management action and alternatives. Attached is the Environmental Assessment (EA), titled *Regulatory Amendment 15 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region*, dated May 2013.

The EA contains three actions, eleven alternatives, twelve sub-alternatives, and three preferred alternatives/sub-alternatives (Table 1). For the discussion throughout the FONSI, the "proposed action" refers to two preferred alternatives/sub-alternatives; Action 2 will not be evaluated as the South Atlantic Fishery Management Council (Council) choose no action as the preferred alternative. The Council decided not to adjust the current yellowtail snapper commercial and recreational fishing year and implement a commercial spawning season closure in this amendment.

Table 1. A summary of the alternatives considered in the EA.

Alternative Number	Preferred	Alternative Description[1]
Action 1. Revise the ACL and OY for Yellowtail Snapper		
1 (no action)		For yellowtail snapper, retain ACL = OY = ABC based on results from SEDAR 3 (2003).
2	X	Set ACL = OY = ABC based on results from new stock assessment.
3		Set ACL = OY = 90%ABC based on results from new stock assessment.
4		Set ACL = OY = 80%ABC based on results from new stock assessment.
Action 2. Yellowtail Snapper: Commercial and Recreational Fishing Year and Commercial Spawning Season Closure		
1 (no action)	X	Retain the calendar year as the commercial and recreational fishing year for yellowtail snapper. Do not establish a spawning season closure for the commercial sector for yellowtail snapper.
2		Modify the commercial fishing year for yellowtail snapper.
2a		Commercial fishing year begins on June 1 and ends on May 31.
2b		Commercial fishing year begins on July 1 and ends on June 30.
2c		Commercial fishing year begins on August 1 and ends on July 31.
2d		Commercial fishing year begins on September 1 and ends on August 31.
3		Modify the recreational fishing year for yellowtail snapper.
3a		Recreational fishing year begins on June 1 and ends on May 31.
3b		Recreational fishing year begins on July 1 and ends on June 30.
3c		Recreational fishing year begins on August 1 and ends on July 31.
3d		Recreational fishing year begins on September 1 and ends on August 31.
4		Establish a yellowtail snapper spawning season closure for the commercial sector.
4a		Prohibit commercial harvest of yellowtail snapper annually from April 1 to June 30.
4b		Prohibit commercial harvest of yellowtail snapper annually from June 1 to August 31.
4c		Prohibit commercial harvest of yellowtail snapper annually from April 1 to May 31.
4d		Prohibit commercial harvest of yellowtail snapper annually from June 1 to July 31.
Action 3. Gag and Shallow Water Groupers: Commercial ACL and AM		
1 (no action)		Retain the gag ACL and the commercial gag AM to closes all shallow-water groupers when the gag ACL is projected to be met.
2		Change the gag AM so that only gag is closed when the ACL is projected to be met.
3	X	Change the gag AM so that only gag is closed when the ACL is projected to be met. In addition, reduce the gag commercial ACL from 352,940 pounds gutted weight to 326,722 pounds gutted weight.
[1]See Chapter 2 of the EA for a more detailed description of the alternatives.		

Under **Alternative 1 (no action)**, the underlying purpose (as described in Chapter 1 in the attached EA) will not be addressed. The purpose of the proposed action is to modify the existing specification of optimum yield (OY), annual catch limits (ACL), and recreational annual catch target (ACT) for yellowtail snapper in the South Atlantic and modify the existing gag

commercial ACL and accountability measure (AM) for gag. The AM currently requires a closure of all other shallow water groupers (black grouper, red grouper, scamp, red hind, rock hind, graysby, coney, yellowmouth grouper, and yellowfin grouper) in the South Atlantic when the gag commercial ACL is met or projected to be met. Action 1 will meet the purpose by revising the OY, recreational ACL, and recreational ACT for yellowtail snapper. The amendment will also implement the commercial ACL for yellowtail snapper that is temporarily in place. Action 3 will meet the purpose by revising the gag AM and ACL.

Finding of No Significant Impact

National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 216-6) (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 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 in 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 NMFS Instruction 30-124-1, July 22, 2005, Guidelines for Preparation of Finding of No Significant Impact. These include the following criteria:

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 will not be expected to jeopardize the sustainability of any target species such as yellowtail snapper and gag. As more fully discussed in Chapter 4 of the EA, the proposed action, including the specification of the ACL in **Alternative 2** of Action 1, is consistent with (1) results from an assessment conducted by the state of Florida, (2) acceptable biological catch (ABC) recommendation from the Council's Scientific and Statistical Committee (SSC), and (3) the ABC Control Rule developed by the Council and SSC and implemented through the Comprehensive ACL Amendment. The assessment has been peer reviewed and is based on the best available scientific information.

The modification of the gag AM will not be expected to jeopardize the sustainability of the target species, gag, as the action lowers the gag ACL. As discussed in **Section 4.3.1** of the EA, the ACL reduction will have a greater biological benefit for gag than the no action alternative as the allowable harvest will be reduced.

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

Response: No. Although fishery management actions can adversely impact non-target species, the proposed action is not anticipated to have such effects on non-target species. As discussed in **Appendix B (Bycatch Practicability Analysis),** an increase in the yellowtail snapper ACL will not be expected to jeopardize the sustainability of any non-target species since commercial fishermen specifically target yellowtail snapper and fishermen utilize different fishing techniques when targeting yellowtail snapper when compared to other snapper-grouper species. Increasing

the recreational ACL and ACT will not jeopardize the sustainability of any non-target species because the fishing pressure on non-target species will not be expected to change substantially and the current recreational ACL has never been reached.

As discussed in **Section 4.3.1** and **Appendix B (Bycatch Practicability Analysis)** of the document, harvest of shallow water grouper species under the preferred alternatives may continue after the gag quota had been met. However, as discussed in the same sections, the impacts are not expected to be significant and are not anticipated to significantly increase bycatch of gag since (1) ACLs are in place for the other shallow water grouper species, which will ensure overfishing of these species does not occur and harvest is maintained at sustainable levels, (2) based on the evaluation of 136,005 commercial vertical line logbook records from 2005-2009, gag are most commonly taken with red porgy, red snapper, vermilion snapper, gray triggerfish, red grouper, scamp, and almaco jack and are not commonly taken with many shallow water grouper species (black grouper, rock hind, red hind, coney, graysby, yellowfin grouper, yellowmouth grouper), and (3) the action will also reduce the gag commercial ACL from 353,940 pounds gutted weight (gw) to 326,722 pounds gw to account for projected gag discard mortality from commercial trips that target co-occurring species (i.e., red grouper and scamp) following a projected gag closure.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and defined in the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region?

Response: No. Although fishery management actions can adversely affect habitat by increasing fishing gear interactions with the seafloor and/or redistributing fishing effort over more vulnerable habitat, the proposed action is not anticipated to have such an effect. The area affected by the proposed action in the snapper-grouper fishery has been identified as essential fish habitat for the Shrimp, Snapper-Grouper, Coral, Dolphin-Wahoo, *Sargassum*, and Golden Crab FMPs of the South Atlantic Council; the Coastal Migratory Pelagics and Spiny Lobster joint FMPs of the Gulf and South Atlantic Councils; the Bluefish and Squid/Mackerel/Butterfish FMPs of the Mid-Atlantic Council, and the Consolidated Highly Migratory Species (HMS) FMP of NMFS's HMS Division. Fishing effort is not expected to significantly increase as a result of these actions, nor are changes in fishing technique or behavior expected. As a result, the proposed action is not expected to cause damage to ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act and identified in the South Atlantic Council's FMPs. Additionally, the South Atlantic Council has implemented a number of gear restrictions designed to minimize adverse effects of the snapper-grouper fishery on particularly vulnerable or valuable habitat. The habitat environment is discussed in **Section 3.1** of the EA; the biological impacts are discussed in **Sections 4.1.1 and 4.3.1**.

4) Can the proposed action reasonably be expected to have a substantial adverse impact on public health or safety?

Response: No. Although fishery management actions can sometimes affect public safety by eliminating or minimizing fishermen's flexibility to decide when, where, and how to fish, the

proposed action is not expected to have such an effect. The proposed action is not expected to change fishing techniques or operations in a way that will impact the safety of commercial or recreational fishermen. These impacts are described in the EA in **Chapters 2** and **4.**

5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

Response: No. Fishery management actions can adversely affect species and/or habitat protected by the Endangered Species Act (ESA) and/or Marine Mammal Protection Act by increasing bycatch and/or fishing gear interactions with these species, and/or by redistributing fishing effort to areas where protected species and/or critical habitat occurs. However, the proposed actions are unlikely to alter fishing in ways that would cause new adverse affects to species not previously considered. Protected resources are discussed in **Section 3.2.4** and **Appendix C (Other Applicable Law)** of the EA; the biological impacts are discussed in **Sections 4.1.1** and **4.3.1.**

NMFS completed a biological opinion (opinion) on the South Atlantic snapper-grouper fishery entitled: "The Continued Authorization of Snapper-Grouper Fishing in the U.S. South Atlantic Exclusive Economic Zone (EEZ) as Managed Under the Snapper-Grouper Fishery Management Plan of the South Atlantic Region (SGFMP), including Amendment 13C to the SGFMP," on June 7, 2006. The opinion concluded the continued authorization of the fishery will not affect marine mammals and is not likely to jeopardize the continued existence of any other ESA-listed species. ESA consultations conducted after NMFS completed the biological opinion have determined the snapper-grouper fishery was not likely to adversely affect marine mammals, Atlantic sturgeon, or *Acropora* species (See **Appendix C** for discussion of most recent ESA Section 7 consultations). In a consultation memorandum dated July 9, 2007, NMFS concluded the continued authorization of the South Atlantic snapper-grouper fishery is not likely to adversely affect *Acropora*. On December 7, 2012, NMFS published a proposed rule that proposed listing 66 coral species under the ESA, and recommended reclassifying *Acropora* from threatened to endangered (77 FR 73220). The proposed uplisting provided additional information on the status of *Acropora* that was not available at the time of the 2007 consultation. However, in a memorandum dated January 23, 2013, it was determined that new information did not change previous effects determination that the fishery was not likely to adversely affect *Acropora.* In a separate consultation memorandum dated February 15, 2012, NMFS concluded the continued authorization of the South Atlantic snapper-grouper fishery is not likely to adversely affect any distinct population segments of Atlantic sturgeon. In a memo to file dated May 9, 2013, NMFS concluded the new information in the proposed rule to implement Regulatory Amendment 15 would not trigger reinitiation of consultation.

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: The proposed action is not expected to have a substantial impact on biodiversity and ecosystem function within the affected area. As more fully discussed in Chapter 4 of the EA, the proposed action, including the specification of the ACL in **Alternative 2** of Action 1, is

consistent with (1) results from an assessment conducted by the state of Florida, (2) ABC recommendation from the Council's SSC, and (3) the ABC Control Rule developed by the South Atlantic Council and SSC and implemented through the Comprehensive ACL Amendment. The assessment has been peer reviewed and is based on the best available scientific information. The proposed action is not expected to alter fishing methods or activities. The proposed action is not expected to substantially increase spatial and/or temporal distribution of current fishing effort.

As discussed in **Section 4.3.1** and **Appendix B (Bycatch Practicability Analysis)** of the document, the preferred alternative for Action 3 will have a decreased biological effect for other shallow water grouper species since harvest could continue after the gag quota had been met. However, as discussed in the same sections, the impacts are not expected to be significant as (1) ACLs are in place for the other shallow water grouper species, which will ensure overfishing of these species does not occur and harvest is maintained at sustainable levels, (2) gag are most commonly taken with red porgy, red snapper, vermilion snapper, gray triggerfish, red grouper, scamp, and almaco jack and are not commonly taken with many shallow water grouper species (black grouper, rock hind, red hind, coney, graysby, yellowfin grouper, yellowmouth grouper), and (3) the action will also reduce the gag commercial ACL from 353,940 pounds gw to 326,722 pounds gw to account for projected gag discard mortality from commercial trips that target co-occurring species (i.e., red grouper and scamp) following a projected gag closure.

7) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No. In the context of the entire snapper-grouper fishery as a whole, the social and economic impacts of the preferred alternative are not expected to be significant as fishing effort is not expected to significantly increase as a result of these actions, nor are changes in fishing technique or behavior expected. In addition, a fishing community in a specific geographical location (south Florida) will largely be affected by the proposed action. It is also noted that these effects are expected to be positive. These impacts are described in **Section 4.1.2** and **4.1.3** of the EA.

All harvests (all trips and all species) by commercial vessels harvesting snapper-grouper averaged approximately 11.24 million pounds valued at $24.74 million (2011 dollars) over 2003-2007. **Preferred Alternative 2** will likely lead to an increase in gross revenue of approximately $1.3 million for the commercial sector. As discussed in **Section 3.3.1.1** of the document, more than 99% of commercially harvested yellowtail snapper are harvested off and landed in Florida, and are harvested using hook and line gear.

Preferred Alternative 2 will likely lead to an increase in gross revenue of approximately $4.68 million for the recreational sector relative to **Alternative 1 (No Action)**. Recreational snapper-grouper harvest in the South Atlantic averaged approximately 10.8 million pounds per year during 2005-2009. From 2007-2009, the recreational harvest of yellowtail snapper averaged approximately 627,083 pounds per year. As discussed in **Section 3.3.1.2** of the document, more than 99% of yellowtail snapper recreationally harvested in the South Atlantic occurred in waters off Florida.

As discussed in **Section 3.3.1.2,** recreational target effort and catch effort for snapper-grouper averaged 945,000 trips and 2.7 million trips per year, respectively, during 2005-2009. The corresponding average catch effort for the most recent five years (2007-2011) is 3.3 million trips per year. For yellowtail snapper, estimates of effort (catch trips) by mode are 22,775, 19,449, and 130,937 trips for the shore, charter, and private sectors, respectively. Estimates of effort (target trips) by mode are 4,193,862, and 25,222 trips for the shore, charter, and private sectors, respectively. More than 99% of catch trips occur in waters off Florida while all target trips occur in waters off Florida.

The preferred alternative in Action 3 will also not be expected to result in significant social or economic impacts interrelated with natural or physical environmental effects. In the context of the entire snapper-grouper fishery as a whole, the social and economic impacts of the preferred alternative are not expected to be significant as the magnitude of net effects of the proposed action comprises a relatively small portion of the entire economic and social activities associated with the snapper-grouper fishery in the South Atlantic. As discussed in **Section 4.3.2** of the document, **Preferred Alternative 3** will result in a gain of $263,843 in gross revenue relative to **Alternative 1 (No Action)**. However, the reduction in the ACL will partially offset that gain. Specifically, a lower ACL will be expected to cause an earlier closure of gag than under **Alternative 1 (No Action)** and **Alternative 2**. The net gain in gross revenue under **Preferred Alternative 3** relative to **Alternative 1 (No Action)** is $116,321.

8) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. As discussed in **Section 4.1.3,** the overall social effects of increased harvest of yellowtail snapper should be positive as fishermen will appreciate the action of the Council and NMFS in response to the new stock assessment and the potential of an early closure under the current ACL. Action 3, as discussed in **Section 4.3.3**, could result in social benefits in that stakeholders will see responsive management by adjusting an AM when science suggests flexibility can be afforded. In addition, as discussed in **Sections 5.1** and **5.3**, the Snapper-Grouper Advisory Panel supported both the preferred alternatives in Actions 1 and 3.

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 or ecologically critical areas?

Response: No. As discussed in **Section 6.1,** this action is not likely to result in direct, indirect or cumulative effects to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas as the proposed action is not expected to substantially increase fishing effort or the spatial and/or temporal distribution of current fishing effort within the South Atlantic region. The U.S.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are within the boundaries of the South Atlantic exclusive economic zone (EEZ). The proposed actions are not likely to cause loss or destruction of these national marine sanctuaries because the actions are not expected to result in appreciable changes to current fishing practices.

10) Are the effects of the human environment likely to be highly uncertain or involve unique and unknown risks?

Response: No. As discussed in **Section 1.5** of the EA, the proposed actions are consistent with (1) results from an assessment conducted by the state of Florida, (2) ABC recommendation from the Council's SSC, and (3) the ABC Control Rule developed by the Council and SSC and implemented through the Comprehensive ACL Amendment. The assessment has been peer reviewed and is based on the best available scientific information.

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 impacts of the proposed alternatives on the biological, physical, and human environment are described in Chapters 4 and 6. The cumulative effects of the proposed action on target and non-target species are detailed in Chapter 6 of the EA. The cumulative effects analysis revealed no significant, cumulative adverse effects on the biological environment. The preferred alternatives for Actions 1 and 3 are consistent with the objectives of the FMP for the Snapper-Grouper Fishery of the South Atlantic Region and the ABC recommendation from the South Atlantic Council's SSC. The scientific information upon which the yellowtail ACL is based has been peer reviewed and is based on the best available scientific information. Furthermore, the proposed action is not expected to substantially increase fishing effort or the spatial and/or temporal distribution of current fishing effort within the South Atlantic region.

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 will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The U.S.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are within the boundaries of the South Atlantic EEZ. However, as discussed in **Section 6.1,** the actions are not expected to result in appreciable changes to current fishing practices.

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 will not introduce or spread any non-indigenous species because it does not change existing fishing operations. There is no evidence or indication that the snapper-grouper fishery has ever resulted in the introduction or spread of non-indigenous species. The proposed action is not expected to significantly alter fishing methods or activities. The proposed action is not expected to substantially increase fishing effort or the spatial and/or temporal distribution of current fishing effort. The biological impacts are discussed in **Sections 4.1.1 and 4.3.1.**

14) Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

Response: No. The proposed action does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The proposed action retains a commercial ACL increase for yellowtail snapper and increases the recreational ACL based on the results of a stock assessment for yellowtail snapper. The proposed action also adjusts the gag commercial ACL and AM. As new stock assessments are completed, or other biological information about yellowtail snapper and gag becomes available in the future, the ACL (and to a lesser extent the AMs) will be expected to be adjusted according to FMP objectives and the ABC recommendation from the Council's SSC. These impacts are described in **Chapter 4** of the EA.

15) Can the proposed action reasonably be expected to threaten a violation of Federal, State or local law requirements imposed for the protection of the environment?

Response: No. The proposed action is not likely to impose or cause a violation of federal, state, or local law or requirements imposed for the protection of the environment. The proposed action is consistent with applicable state and federal regulations. A thorough analysis of other applicable laws related to the implementation of the EA was conducted and the analysis is contained in **Appendix C**.

16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target or non-target species?

Response: No. The proposed action is not expected to result in any cumulative adverse effects that could have a substantial effect on the target species or non-target species. The impacts of the proposed alternatives on the biological, physical, and human environment are described in Chapters 4 and 6. The cumulative effects of the proposed action on target and non-target species are detailed in Chapter 6 of the EA. The cumulative effects analysis revealed no significant, cumulative adverse effects on the biological environment. The preferred alternatives for Actions 1 and 3 are consistent with the objectives of the FMP for the Snapper-Grouper Fishery of the South Atlantic Region and the ABC recommendation from the South Atlantic Council's SSC. For Action 1, the scientific information upon which the yellowtail ACL is based (SEDAR 3) has been peer reviewed and is based on the best available scientific information. For Action 3, the modification of the gag AM will not be expected to jeopardize the sustainability of the target species, gag, as the action lowers the gag ACL. In addition, gag are most taken with species other than shallow water groupers. Both Actions 1 and 3 are not expected to substantially increase fishing effort or the spatial and/or temporal distribution of current fishing effort within the South Atlantic region.

Determination

In view of the information presented in this document and the analysis contained in the supporting EA, I have determined that the preferred alternatives will not significantly impact the quality of the human environment as described above and in the supporting EA. In addition, all beneficial and adverse impacts of the proposed action have been identified and analyzed to reach

the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.

Miles M Croom

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

7/25/2013
Date