

## **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 Council on Environmental Quality's (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 will not jeopardize the sustainability of the target species. The dealer reporting requirements will improve the accuracy, completeness, consistency, and timeliness of data reported for the target fishery management plans (FMPs). These improvements will reduce the likelihood that recorded landings will exceed the annual catch limits (ACLs) or annual catch targets (ACTs). The sustainability of the species in the FMPs would benefit from preventing ACLs and ACTs being exceeded as continued overages may lead to subsequent stock depletion. In addition, reporting provides a method to estimate mortality, which is then used to assess the stock conditions. Stock assessment results based on data with a high degree of uncertainty are not as useful for management purposes.

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

**Response:** No. The proposed action is not expected to jeopardize the sustainability of any non-target species. A bycatch practicability analysis (BPA) is included in Chapter 7. The BPA concluded that bycatch for prohibited species may increase from more timely closures. However, for species that have not reached their ACL, no change in discards is expected as a result of the increase in frequency of dealer reporting as these species will most likely be retained. The precise impacts of these limits are currently unknown, but the BPA concluded that any potential increase in bycatch is believed to be outweighed by the benefits associated with enforcing ACLs. Further, bycatch levels and associated implications will continue to be monitored in the future and issues will be addressed based on new information.

**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 as described in Chapters 3.0. The proposed action to increase the efficiency of dealer reporting is not expected to substantially alter fishing methods or activities. The habitat environment is discussed in Section 3.2 of the environmental assessment (EA); the biological impacts are discussed in Sections 4.1.1, 4.2.1, 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 Chapter 4 of the EA.

**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 discussed in the BPA (Chapter 7), the proposed action is unlikely to alter fishing in ways that would 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. Protected resources are discussed in Sections 3.2.1.2 and 3.2.2.2 of the EA; the biological impacts are discussed in Sections 4.1.1, 4.2.1, and 4.3.1.

**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 is expected to increase the efficiency of dealer reporting and is not expected to substantially alter fishing methods or activities. The proposed reporting requirements may result in fishing season closures for particular species or species complexes. These closures may alter fishing behavior and shift fishing effort to species that remain open to harvest. A change in fishing effort may result in different geographic or biological areas being utilized, but is not expected to impact biodiversity or ecosystem function. The biological impacts are discussed in Sections 4.1.1, 4.2.1, and 4.3.1 of the EA.

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

**Response:** No. The proposed action will not create any significant social or economic impacts interrelated with natural or physical environmental effects. As discussed in Chapter 4.2.2 of this EA, improved harvest monitoring would be expected to result in increased economic benefits because it would be expected to result in better resource protection, sustainable harvests, and fewer disruptions of normal fishing behavior. The impacts are discussed in Chapter 4 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. Requiring dealer permits for additional fishery management plans is expected to result in broad social benefits from increased reporting that allows for improved quota monitoring, with which it will be less likely that ACLs will be exceeded. The associated accountability measures (AMs) for exceeding ACLs would negatively impact the fishermen and associated communities and businesses. AMs can have significant direct and indirect effects on the fishermen because they usually impose some restriction on harvest, either during the current season or the next. Although the negative effects are usually short-term, they may at times induce other indirect effects through changes in fishing behavior or business operations that could have long-term social effects. The socioeconomic impacts are discussed in Chapter 4 of the EA.

Some of those effects are similar to other thresholds being met and may involve switching to other species or discontinuing fishing altogether. Although additional dealer permit and reporting requirements may not prevent AMs from being triggered, these requirements would be expected to provide additional information to better forecast early closures and minimize postseason AMs, such as “pay-backs.”

For dealers who currently possess multiple federal dealer permits, the requirement for a single universal permit would be simpler, resulting in positive effects as compared to no action, as dealers are required to purchase fewer permits.

For dealers who transact exclusively in fisheries that do not currently require a permit the new reporting requirements would result in a new requirement for a permit and increase costs and time requirements for reporting.

**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 as the proposed action is not expected to substantially alter fishing methods or activities that have the potential to impact such resources.

**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 as the proposed action is not expected to alter fishing methods or activities. The fishing methods and activities currently employed have existed for many years and have impacts that are long studied and well understood. The impacts are discussed in Chapter 4 of the EA.

**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 new dealer reporting requirements with individually insignificant but cumulatively significant impacts. The proposed action to increase reporting efficiency is not expected to substantially alter fishing methods or activities. It should be noted that this action potentially increases the long-term sustainability to some species by maintaining recommended harvest levels or ACLs. The potential cumulative effects are discussed in Chapter 4.4 of this 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. The proposed action is not expected to cause loss or destruction of significant scientific, cultural, or historical resources because fishing generally does not take place in these areas.

**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 substantially alter fishing methods or activities. There is no evidence or indication that any of the subject fisheries have ever resulted in the introduction or spread of non-indigenous species. The proposed action is not expected to 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 Section 4.1.1.

**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. The proposed action, conducted in accordance with regulations established under the FMPs, 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 Gulf of Mexico and South Atlantic Councils, and NOAA Fisheries 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. The potential cumulative effects are discussed in Chapter 4.4 of the EA.

**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?**

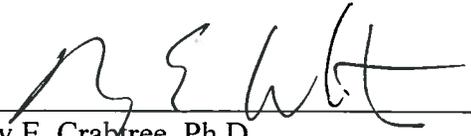
**Response:** No. The proposed action is being taken pursuant to federal legal mandates for the management of fishery resources and does not implicate state or local requirements. It is not reasonably expected to threaten a violation of federal, state, local law, or requirements imposed for the protection of the environment. An analysis of other applicable laws related to the implementation of the EA was conducted and the analysis is contained in Appendix B.

**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 dealer reporting efficiency is not expected to substantially alter the manner in which the reef fish fishery is conducted. The potential cumulative effects are discussed in Chapter 4.4 of this EA.

## DETERMINATION

In view of the information presented in this document and the analysis contained in the Environmental Assessment prepared for this framework action to the subject FMPs for the Gulf of Mexico and South Atlantic Regions, it is hereby determined that this 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.

 \_\_\_\_\_ Date 3/11/14  
Roy E. Crabtree, Ph.D.  
Regional Administrator  
Southeast Regional Office  
National Marine Fisheries Service