

**UNITED STATES DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office

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MEMORANDUM FOR: THE RECORD

FROM: Andrew J. Strelcheck
Regional AdministratorTHROUGH: Noah Silverman
National Environmental Policy Act (NEPA)
Coordinator, Southeast Region

SUBJECT: NEPA Categorical Exclusion for Framework Amendment 12 under the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic (CMP) Resources of the Gulf of Mexico (Gulf) and Atlantic Region: Modifications to the Commercial Gulf King Mackerel Gillnet Fishing Season

The National Oceanic and Atmospheric Administration's (NOAA) Environmental Review Procedures for Implementing the National Environmental Policy Act, NOAA Administrative Order (NAO) 216-6A, dated April 22, 2016, NOAA's Companion Manual for NAO 216-6A dated January 13, 2017, and Council on Environmental Quality regulations require all proposed projects to be reviewed with respect to environmental consequences on the human environment.

Description of the Action

The purpose of this action is to allow the Gulf king mackerel gillnet component of the CMP fishery to fish without interruption from the season start date until the National Marine Fisheries Service (NMFS) determines that the gillnet quota has been met. Currently, only the first weekend after the fishing season starts is open with every subsequent weekend and holiday closed to fishing while the season remains open. Recently, industry representatives have requested removal of the subsequent weekend and observed federal holiday closures after the fishing season opens on the Tuesday after the Martin Luther King Jr. holiday in January. The fishing season weekend and holiday closures were put in place to prevent large gillnet quota overages. However, for the last ten years, the gillnet fleet has cooperated with NMFS and voluntarily stopped fishing when they are close to landing the quota. They then wait for NMFS to inform them if they can continue fishing or if the fishing season will be closing. Due to the low number of participants in the gillnet component of the CMP fishery, their practice has been successful and it is expected to continue. The removal of the weekend and holiday closures would allow the gillnet component to be more efficient by allowing participants to harvest the gillnet quota as quickly as possible and return to harvesting other species.

This action would:

- Remove the weekend and holiday closure for the gillnet component for Gulf migratory group king mackerel.



- Retain the fishing season start date of the Tuesday after the Martin Luther King Jr. holiday.

Effects of the Action

Although this action would remove the weekend and holiday closures, it would retain the gillnet fishing season start date of the Tuesday after the Martin Luther King Jr. holiday. While most fleets would want to extend their fishing season, the objective of the gillnet component is to complete its fishing season as quickly and efficiently as possible, so that those vessels may then resume fishing for stone crab and spiny lobster. The current seasonal closure limits the time available to fish due to how the gillnet component is prosecuted and lengthy offload times. Due to the current and demonstrably effective working relationship between NMFS and the gillnet component participants, and the post-season accountability measure that requires a payback of any overage of the quota, NMFS does not expect this action to change total fishing effort or the operation of the gillnet component of the CMP fishery in such a manner as to result in additional effects on the quality of human environment.

This action is not part of a larger action and can be reviewed independently from other actions. Additionally, I have considered the context in which the action could have extraordinary circumstances listed in NOAA's Companion Manual for NAO 216-6A Section 4 and determined that no extraordinary circumstances are expected. Based on the description of the action and its anticipated effects described above, I have determined that the proposed action would not have potential for significant adverse effects on human health or safety; areas with unique environmental characteristics; species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, the Magnuson-Stevens Fishery Conservation and Management Act, National Marine Sanctuaries Act, or the Migratory Bird Treaty Act; or properties listed or eligible for listing on the National Register of Historic Places. Furthermore, this action has no potential to generate, use, store, transport, or dispose of hazardous or toxic substances, or the potential to cause disproportionately high and adverse effects on the health or the environment of minority or low-income communities, compared to the impacts on other communities. This action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species. In addition, the action does not pose a potential violation of federal, state, or local law or requirements imposed for protection of the environment; involve environmental effects that are highly controversial, uncertain, unique, or unknown; establish a precedent or decision in principle for future actions; or result in cumulative significant impacts.

Categorical Exclusion

As defined in Section 4 and Appendix E of NOAA's Companion Manual for NAO 216-6A, this action is categorically excluded from the need to prepare either an Environmental Assessment or an Environmental Impact Statement. Specifically, the proposed activities fall into the category of actions subject to categorical exclusion identified in Appendix E of NOAA's Companion Manual for NAO 216-6A, A1, an action that is a technical correction or a change to a fishery management action or regulation, which does not result in a substantial change in any of the following: fishing location, timing, effort, authorized gear types, or harvest levels.