

FINDING OF NO SIGNIFICANT IMPACT

I. Purpose of Finding of No Significant Impact (FONSI):

The National Environmental Policy Act (NEPA) requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The Council on Environmental Quality (CEQ) Regulations direct agencies to prepare a FONSI when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b) & 1500.5(b). To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine both short- and long-term effects (40 CFR § 1501.3(b)(2)(i); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(ii)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed Amendment 53 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 53) (proposed action), which evaluates the affected area, the scale and geographic extent of the proposed action, the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The Environmental Assessment (EA) is hereby incorporated by reference. 40 CFR § 1501.6(b).

II. Approach to Analysis:

The proposed actions in Amendment 53 are not expected to meaningfully contribute to significant impacts. The proposed actions would incorporate best scientific information available to address catch levels, sector allocations, recreational accountability measures, and management measures for South Atlantic gag and recreational management measures for black grouper, rebuild the stock, and achieve optimum yield while minimizing, to the extent practicable, adverse social and economic effects. The proposed management actions and comparison of alternatives are summarized in Chapter 2. Detailed discussions of the magnitude and impacts of the alternatives on the human environment, including biological, economic, social, and administrative, are in Chapter 4. None of the impacts of the actions in this amendment, in combination with past, present, and future actions have been determined to be significant (Chapter 6). Although several other management actions, in addition to this amendment, are expected to affect gag, black grouper, and other snapper-grouper species, any additive effects, beneficial and adverse, are not expected to result in a significant level of cumulative impacts (Chapter 6).

III. Geographic Extent and Scale of the Proposed Action:

The scale and geographic extent of the proposed actions is for the exclusive economic zone from North Carolina south to the Florida Keys in the South Atlantic as described in Chapters 1 and 3. Chapter 4 addresses the potential biological, social, economic, and administrative effects of the proposed actions; and cumulative effects are discussed in Chapter 6. Cumulative economic effects from the actions are assessed in the Regulatory Impact Review (Appendix B), and the Fishery Impact Statement is available in Appendix H.

IV. Degree of Effect:

A. The potential for the proposed action to threaten a violation of federal, state, or local law or requirements imposed for environmental protection.

The proposed actions are being taken pursuant to federal legal mandates for the management of fishery resources and do not implicate state or local requirements (see Section 3.5 and Appendix A [Other Applicable Law]). They are not reasonably expected to threaten a violation of federal, state, local law, or requirements imposed for the protection of the environment.

B. The degree to which the proposed action is expected to affect public health or safety.

The proposed actions are not reasonably expected to have a significant adverse impact on public safety or health. The proposed changes are not expected to substantially alter the manner in which the snapper-grouper fishery as a whole is prosecuted, and there are no anticipated safety-at-sea issues.

C. The degree to which the proposed actions are expected to affect a sensitive biological resource, including:
a. federal threatened or endangered species and critical habitat;

The proposed actions are not reasonably expected to have a significant adverse effect on endangered or threatened species, or their critical habitat. Section 3.2.5 provides a description of the protected and endangered species in the biological environment and as indicated in Section 4.1.1 of the EA, any impacts on the biological and physical environments, which include those species and their critical habitat, are expected to be minimal. Although the snapper-grouper fishery as a whole, including the gag portion, could have adverse effects on endangered and threatened species, the proposed actions are not expected to cause new effects to listed species or critical habitat that were not already considered in the previous ESA Section 7 consultations because it is not expected to substantially alter the manner in which the snapper-grouper fishery is conducted in the South Atlantic.

b. stocks of marine mammals as defined in the Marine Mammal Protection Act;

The proposed actions are not expected to adversely affect stocks of marine mammals (Chapters 3 and 4). The actions are not expected to substantially change the way the snapper-grouper fishery is prosecuted (e.g., types of methods, gear used, etc.). The longline and hook-and-line gear

components of the snapper-grouper fishery in the South Atlantic are classified in the final List of Fisheries (LOF) for 2023 as Category III fisheries (88 FR 16899; March 21, 2023). This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from any fishery is less than or equal to one percent of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock, while allowing that stock to reach or maintain its optimum sustainable population. Of the gear utilized within the snapper-grouper fishery, only the black sea bass pot is considered to pose an entanglement risk to marine mammals. The southeast U.S. Atlantic black sea bass pot sector is included in the grouping of the Atlantic mixed species trap/pot fisheries, which the 2023 LOF classifies as a Category II. The proposed action is not expected to alter existing fishing practices in such a way as to alter the interactions with marine mammals, and therefore, should not have any impact on marine mammals.

c. essential fish habitat identified under the Magnuson–Stevens Fishery Conservation and Management Act;

The proposed action is not reasonably expected to cause substantial damage to essential fish habitat (EFH) in the U.S. waters of the South Atlantic, as described in Section 3.1.1 and Appendix D. Fishing effort is not expected to significantly increase as a result of this action, nor are changes in fishing techniques or behavior expected that would affect EFH. Although hook-and-line gear has the potential to snag and entangle bottom structures, and anchoring can add to the potential damage of the bottom at fishing locations, any impacts from these actions are expected to be minimal because the actions will not alter the execution of the snapper-grouper fishery as a whole.

d. bird species protected under the Migratory Bird Treaty Act;

The proposed actions are not reasonably expected to adversely affect bird species protected under the Migratory Bird Treaty Act, as described in Appendix G. There is no information to indicate birds rely on gag or black grouper for food. Additionally, there is no evidence that the snapper-grouper fishery is adversely affecting birds.

e. national marine sanctuaries or monuments;

The proposed actions are not reasonably expected to adversely affect marine sanctuaries, as described in Appendix A. Regulations are already in place to limit or reduce habitat impacts within the U.S. Monitor, Gray’s Reef, and Florida Keys National Marine Sanctuaries, which occur in the action area. Furthermore, the proposed actions will not alter the execution of the snapper-grouper fishery as a whole.

f. vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems;

The proposed actions are not reasonably expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems in the U.S. waters of the South Atlantic, as described in Sections 3.2.5. Furthermore, as discussed in Section 3.1.1 and

Appendix D, these actions should only have minor impacts to habitat, if any, because increases in effort are not expected and fishing practices would not be substantially altered.

- g. biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)*

As discussed in Section 4.1.1 of the EA, the proposed action is not expected to adversely affect biodiversity and/or ecosystem function within the affected area. There are no anticipated changes to fishing gear types and/or fishing practices in such a manner that would affect benthic productivity or predator-prey relationships to have a substantial impact on the biological or physical environments.

- D. The degree to which the proposed action is reasonably expected to affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological resources (including underwater resources); and resources important to traditional cultural and religious tribal practice.*

The proposed actions do not adversely affect the cultural resources listed above as fishing occurs in federal waters. The actions should have no impact on the historic shipwrecks such as the U.S.S. Monitor off North Carolina. The Bureau of Ocean Energy Management (BOEM) lists historic shipwrecks that occur in the Atlantic. Most of these sites are in state or deep (greater than 1,000 feet or 328 meters) waters (BOEM). Fishing could occur over wrecks; however, the proposed actions do not increase overall fishing effort or significantly change fishing practices. Thus, the proposed actions should not increase any risk of loss or destruction to any significant cultural resources in the affected area.

- E. The degree to which the proposed action has the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898).*

The proposed actions are not expected to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities. As described in Section 3.4, while some communities expected to be affected by this proposed amendment may have social vulnerabilities that exceed the environmental justice (EJ) thresholds and, therefore, may constitute areas of concern, significant EJ issues are not expected to arise as a result of this proposed amendment. It is anticipated that the impacts from the proposed regulations may impact minorities or the poor, but not through discriminatory application of these regulations. However, it should be noted that some communities are not able to be analyzed as census data are not available to create the indices. There are no known claims for customary usage or subsistence consumption of gag or black grouper by any population including tribes or indigenous groups.

- F. The degree to which the proposed action is likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.*

The proposed actions are directed toward the management of naturally occurring species in the Atlantic. The introduction or spread of non-indigenous species is not expected to occur. Additionally, the actions do not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread of non-indigenous species.

G. The potential for the proposed action to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resource such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement.

The proposed actions are not expected to cause a substantial effect to any other physical or biological resource, nor is there substantial uncertainty or scientific disagreement on the impacts of the proposed actions. As described in Chapter 4, it is not anticipated that there is potential for the proposed actions to cause an effect to any other physical or biological resource where the impact is considered substantial because the proposed actions are not expected to change the way the snapper-grouper fishery is prosecuted.

V. Other Actions Including Connected Actions

As discussed in Chapter 6, the proposed actions, added to the effects of other actions, are not expected to result in individually insignificant but cumulatively significant impacts. The proposed actions are not expected to substantially alter the manner in which the snapper-grouper fishery as a whole is conducted. When combined with the impacts of other actions affecting the snapper-grouper fishery, minor cumulative impacts are likely to accrue. For example, there could be beneficial cumulative effects from the actions in this EA, in addition to future proposed actions to reduce overfishing of snapper-grouper species, require the use of descending devices, and reducing bycatch. Also, there may be cumulative socio-economic effects by promoting access to the fishery which would improve recreational fishing opportunities and benefits to associated businesses and communities; however, the actions in this EA are not expected to result in significant cumulative adverse biological or socio-economic effects to the snapper-grouper fishery when combined with the impacts of past, present, and future actions.

VI. Mitigation and monitoring

Fishery-independent and fishery-dependent data comprise a significant portion of information used in stock assessments. Fishery-independent data are being collected through the Southeast Fishery Information Survey (MRIP) and the Marine Resources Monitoring Assessment and Prediction Program. The effects of the proposed actions are, and would continue to be, monitored through collection of recreational landings data by MRIP and all four states in the South Atlantic Region (Florida, Georgia, South Carolina, and North Carolina). The National Marine Fisheries Service would continue to monitor and collect information on snapper-grouper species for stock assessments and stock assessment updates, life history studies, economic and social analyses, and other scientific observations. The monitoring burden for law enforcement

would go largely unchanged, as law enforcement officers would continue to monitor compliance with any established catch limits and other management measures.

DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the proposed action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting EA prepared for the proposed action it is hereby determined that the proposed action will not significantly impact the quality of the human environment. The EA for the proposed action is hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

Andrew J. Strelcheck
Regional Administrator
Southeast Regional Office
National Marine Fisheries Service

Date