

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Under the National Environmental Policy Act
for the Environmental Assessment (EA) for Amendment 59 to the Fishery Management Plan
for the Snapper-Grouper Fishery of the South Atlantic Region
[NEPA Unique ID = EAXX-006-481SE-1746577008]
May 2025

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. The NOAA Administrative Order 216-6A Companion Manual (NAO 216-6A CM) directs NOAA agencies to evaluate whether a significant impact on the human environment is likely, and to analyze the potentially affected environment and the degree of the effects of the proposed action. In doing so, NOAA agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area, 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, as appropriate: short- and long-term effects; beneficial and adverse effects; and effects on public health and safety; as well as effects that would violate laws for the protection of the environment (NAO 216-6A CM Appendix A-2 - A-3); and, the magnitude of the effect (e.g., negligible, minor, moderate, major). NAO 216-6A CM frames the criteria for consideration when describing the Affected Environment to include “all physical environmental conditions, including all natural resources, and cultural heritage or built resources and the relationship of people with that environment,” (NAO 216-6A CM, Section 6(C)). 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 the **Amendment 59 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Final Environmental Assessment (EA) and Regulatory Flexibility Analysis)** which evaluates the affected area, the scale and geographic extent of the proposed action, and 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 EA analyzes alternatives for each of the three proposed actions to end and prevent overfishing of red snapper by revising the fishing mortality at maximum sustainable yield (FMSY) proxy to determine overfishing of red snapper; modifying the acceptable biological catch (ABC), and considering reducing dead discards to set the annual catch limits (ACL). The Final EA for Amendment 59 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP), dated May 15, 2025, is hereby incorporated by reference.

II. Approach to Analysis:

The Amendment’s proposed action, consisting of the preferred alternatives for three individual actions, is not considered to meaningfully contribute to a significant impact based on scale of impact. It will revise the F_{MSY} proxy for determining overfishing for red snapper to end and

prevent overfishing; modify the ABC; and set the ACL.

The proposed action will not meaningfully contribute to significant impacts to resources. The snapper-grouper fishery is managed under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through the Snapper-Grouper FMP, and Federal measures are designed annually to meet established management goals and objectives. The South Atlantic Fishery Management Council (Council) advises the Secretary of Commerce and the National Marine Fisheries Service (NMFS) on the management of the snapper-grouper fishery. The expected impacts of the proposed action on the Valued Ecosystem Component and associated analyses are described in Sections 4.1 - 4.3 of Chapter 4 of the EA.

The proposed action is not connected to other actions that have caused or may cause effects to the resources in the affected area. There is then no potential for the effects of the proposed action to add to the effects of other projects, such that the effects taken together could be significant, as described in the Cumulative Effects Analysis - Chapter 5 of the EA.

III. Geographic Extent and Scale of the Proposed Action:

The immediate impact area would be the federal 200-mile limit of the Atlantic off the coasts of North Carolina, South Carolina, Georgia, and east Florida to Key West (South Atlantic exclusive economic zone [EEZ]), which is also the Council's area of jurisdiction. In light of the available information, the extent of the boundaries would depend upon the degree of fish immigration/emigration and larval transport, whichever has the greatest geographical range. The ranges of affected species are described in Volume II of the Fishery Ecosystem Plan. For the proposed actions found in Amendment 59 to the Snapper-Grouper FMP, the cumulative effects analysis includes an analysis of data from 2021 through the present. Additional specifics about the geographic scope and description of the affected environment are included in Chapter 3 of the EA.

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 action is not expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection (see Chapter 3). Pursuant to provisions of 15 C.F.R. Section 930 et seq., and Section 307 of the Coastal Zone Management Act, on January 15, 2025, NMFS sent Amendment 59 and a request for concurrence of its determination of consistency with each state's coastal zone management program to Florida, Georgia, South Carolina, and North Carolina. At that time, Amendment 59 contained a Draft Environmental Impact Statement with eight actions, including an action that would prohibit most recreational harvest of species in the Snapper- Grouper FMP for three months in federal waters to reduce red snapper dead discards in an area off the east coast of Florida. NMFS received conditional letters of concurrence from Georgia (March 12, 2025), and South Carolina (March 13, 2025). Florida did not concur with the proposed action (April 3, 2025). In accordance with the provisions of 15 C.F.R. Section 930.41, NMFS presumes concurrence from the state of North Carolina.

Amendment 59 now contains an EA with three remaining actions as described above, and does not contain the three-month discard reduction season, to which Florida objected. NMFS intends to implement the three remaining actions in Amendment 59, and respond to Florida, Georgia, and South Carolina in accordance with the provisions of the CZMA and 15 C.F.R. Section 930 et seq.

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

As described in the EA, the preferred alternatives are not expected to change the manner in which participants conduct fishery activities or substantially affect fishing communities. Therefore, no changes in fishing behavior that would affect safety are anticipated. The proposed action is consistent with previously analyzed measures used since the fishery management plan (FMP) was adopted, and is not expected to affect public health or safety. A short season may negatively impact safety at sea, particularly for the recreational sector through the crowding of boat ramps and reefs, making conditions potentially hazardous for boaters. The decision of whether or not a vessel trip should be taken, based on weather conditions, vessel condition, or other factors, is ultimately the decision of the vessel operator. No vessel will be forced to participate in any South Atlantic fisheries under weather or ocean conditions an operator determines to be unsuitable as a result of the imposition of management regulations as contained in Amendment 59 or this final rule. Existing regulations at 50 C.F.R. § 622.183(b)(5)(ii) state if tropical storm or hurricane conditions exist, or are projected to exist, in the South Atlantic, during a commercial or recreational fishing season, the Regional Administrator may modify the opening and closing dates of the fishing season by filing a notification to that effect with the Office of the Federal Register, and announcing via NOAA Weather Radio and a Fishery Bulletin any change in the dates of the red snapper commercial or recreational fishing season. This provision would help minimize the adverse effects to fishermen's safety from a short recreational season.

C. The degree to which the proposed actions is expected to affect a sensitive biological resource, including:

a. Federal threatened or endangered species and critical habitat;

The proposed action is not expected to have a significant impact on endangered or threatened species, or their critical habitat. In the Endangered Species Act (ESA) 2016 biological opinion on the snapper-grouper fishery, NMFS analyzed the effects of commercial and recreational hook-and-line gear in the snapper-grouper fishery on sea turtles, smalltooth sawfish, and Nassau grouper assuming 2012-2015 average hook-and-line effort levels are representative of future effort levels in the snapper-grouper fishery. On January 22, 2018, the giant manta ray (*Manta birostris*) was listed as threatened under the ESA, effective February 21, 2018. On January 30, 2018, the oceanic whitetip shark (*Carcharinus longimanus*) was listed as threatened under the ESA, effective March 1, 2018. On June 11, 2018, NMFS requested reinitiation of ESA consultation on the snapper-grouper fishery, and also determined that allowing the snapper-grouper fishery to continue during the reinitiation period was not likely to jeopardize any protected species, nor did it constitute an irreversible or irretrievable commitment of resources under ESA sections 7(a)(2) or 7(d). NMFS determined that snapper-grouper fishery actions were not anticipated to modify the operation of the snapper-grouper fishery in a manner that would cause effects to listed species or critical habitat that were not considered in the 2016 biological opinion or in the June 11, 2018, memorandum, and NMFS determined the proposed snapper-grouper actions did not independently trigger reinitiation

of consultation on the activities associated with the Snapper-Grouper FMP.

On July 19, 2023, NMFS published a proposed rule to designate critical habitat for the North Atlantic DPS of the green sea turtle. NMFS again examined the snapper-grouper fishery and determined that allowing the fishery to continue during the reinitiation period was not likely to jeopardize any protected species, nor did it constitute an irreversible or irretrievable commitment of resources under ESA sections 7(a)(2) or 7(d), and it did not independently trigger reinitiation of consultation on the activities associated with the Snapper-Grouper FMP. NMFS updated the 7(a)(2) analysis in 2024 to address the impacts to listed species during the longer than initially expected reinitiation time period, and reaffirmed the lack of irreversible and irretrievable commitments of resources consistent with 7(d).

As explained in EA Chapter 2 and analyzed in detail in Chapter 4 and Appendix F (Bycatch Practicability Analysis “BPA”), the fishery openings for red snapper would continue to be of short duration in the recreational sector and limited to a low catch limit (75 pounds gutted weight) in the commercial sector. Consequently, potential increases in overall fishing effects would be very small, likely limited to the recreational component, and, given low capture rates of listed species in the snapper-grouper fishery, potential increases in incidental captures of listed species from anticipated levels specified in the 2016 biological opinion would be very unlikely.

I have concluded the subject fishery would not affect the reproductive, migratory, benthic foraging/resting, or surface-pelagic foraging/resting features of the proposed critical habitat for the North Atlantic DPS of the green sea turtle. Giant manta rays and oceanic whitetip sharks are found in the South Atlantic exclusive economic zone (EEZ) and may be affected by the subject fishery via incidental capture in snapper-grouper fishing gear. NMFS has reinitiated formal consultation to address these listings and concluded the authorization of the South Atlantic snapper-grouper fishery in federal waters during the re-initiation period will not violate ESA Sections 7(a)(2) or 7(d). I have determined that fishing activities pursuant to the rule to implement the actions in this EA will not affect endangered and threatened species or critical habitat in any manner not considered in prior consultations on this fishery, and this action does not independently trigger reinitiation of consultation on the activities associated with the Snapper-Grouper FMP. The basis for this determination is described in a memorandum to the file dated December 17, 2024.

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

The proposed action is not expected to adversely affect stocks of marine mammals (see section 3.3 as well as Chapters 3, 4, 5, and Appendix F, BPA). Under Section 118 of the Marine Mammal Protection Act (MMPA), the NMFS must publish, at least annually, a List of Fisheries (LOF) that places all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery. The hook-and-line gear components of the snapper-grouper fishery, which is primarily the gear used to catch red snapper, are determined to have remote likelihood of no known interactions with marine mammals (Category III, LOF, 89 FR 77789; September 24, 2024).

c. Essential fish habitat identified under the Magnuson–Stevens Fishery

Conservation and Management Act;

The proposed action is not expected to cause substantial damage to essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in the Snapper-Grouper FMP. Fishery impacts to EFH are only indirectly related to the annual catch limit and acceptable biological catch, and F_{MSY} proxy actions.

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

The Bermuda petrel and roseate tern occur within the action area. Bermuda petrels are occasionally seen in the waters of the Gulf Stream off the coasts of North Carolina and South Carolina during the summer. Sightings are considered rare and only occurring in low numbers. Roseate terns occur widely along the Atlantic coast during the summer but in the southeast region, they are found mainly off the Florida Keys (unpublished U.S. Fish and Wildlife Service data). Interaction with fisheries has not been reported as a concern for either of these species. Although, the Bermuda petrel and roseate tern occur within the action area, these species are not commonly found and neither has been described as associating with vessels or having had interactions with the fishery. Thus, the fishery is not likely to adversely affect the Bermuda petrel and the roseate tern [see Section F.5 in Appendix F, BPA in the EA].

e. National marine sanctuaries or monuments;

Under the National Marine Sanctuaries Act (NMSA) (also known as Title III of the Marine Protection, Research and Sanctuaries Act of 1972), as amended, the U.S. Secretary of Commerce is authorized to designate National Marine Sanctuaries to protect distinctive natural and cultural resources whose protection and beneficial use requires comprehensive planning and management. The National Marine Sanctuary Program is administered by the Office of National Marine Sanctuaries within NOAA. The NMSA provides authority for comprehensive and coordinated conservation and management of these marine areas. The Office of National Marine Sanctuaries serves as the trustee for a network of underwater parks encompassing more than 629,000 square miles of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 15 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. These sites include significant coral reef and kelp forest habitats, and breeding and feeding grounds of whales, sea lions, sharks, and sea turtles. The three sanctuaries in the South Atlantic exclusive economic zone are the USS Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries.

The alternatives considered in this document are not expected to have any adverse impacts on the resources managed by the National Marine Sanctuaries Program [See The Other Applicable Law section in Appendix C].

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

Based on the analysis in Chapters 3, 4, 5, and Appendix F (BPA) 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 and/or fishing practices in such a manner that would affect benthic productivity or predator-prey relationships.

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 action is not expected to adversely affect or cause loss or destruction of the above-listed historical resources. Several notable shipwrecks can be found in federal and state waters including in the South Atlantic: Loftus (eastern Florida), SS Copenhagen (Southeast Florida), Half-Moon (Southeast Florida), Hebe (Myrtle Beach), Georgiana (Charleston, South Carolina), Monitor (Cape Hatteras, North Carolina), Huron (Nags Head, North Carolina), and Metropolis (Corolla, North Carolina). The U.S. Monitor, Gray's Reef, and Florida Keys National Marine Sanctuaries are also within the boundaries of the South Atlantic exclusive economic zone. Fishing activity already occurs in the vicinity of these sites without adverse effect or loss or destruction of these resources, and this action is not expected to result in appreciable changes to current fishing practices.

E. 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 action is not reasonably expected to introduce or spread any non-indigenous species, including lionfish. Invasive lionfish are found in both Bahamian waters and the U.S. exclusive economic zone in the Gulf of America and South Atlantic Region. However, because the action is directed towards the management of a naturally occurring species in the South Atlantic Region, and no activity such as increased ballast water discharge from foreign vessels is proposed, the introduction or spread of non-indigenous species is not expected to occur. Furthermore, as discussed in Chapter 4, the proposed action will not significantly alter the manner or areas in which the fishery is prosecuted.

F. 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 action is 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 action. The proposed catch limits are comparable to previous measures

developed under the Snapper-Grouper FMP, which has been in place for many years. Fishing conducted under the FMP has been monitored and analyzed in the Council process for many years and, thus, risks from the fishery are relatively well known. The Council and NMFS review catches annually, and can adjust measures as necessary based on any new information received in the preceding year.

V. Other Actions Including Connected Actions:

There are no other connected actions. Any other future actions within the snapper-grouper fishery would be developed, analyzed, and implemented independently of the proposed action. The Cumulative Effects Analysis in Chapter 5 of the EA discusses other beneficial and adverse actions that are occurring or reasonably certain to occur, and that affect the same resources as the Proposed Action. This section of the EA demonstrates that the effects of these collective actions, for each resource analyzed, do not result in synergistically significant impacts, either positive or negative.

VI. Mitigation and Monitoring:

NMFS does not anticipate any high or significant impact from the proposed action. Therefore, NMFS is not adopting any mitigation measures.

DETERMINATION

NEPA directs 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 Amendment 59 to the Snapper-Grouper FMP, it is hereby determined that these actions will not significantly impact the quality of the human environment. The EA of Amendment 59 to the Snapper-Grouper FMP 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 a Final EIS for this action is not necessary.

Andrew J. Strelcheck
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Date