

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

AMENDMENT 15 TO THE FISHERY MANGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO, U.S. WATERS (FMP)

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, NOAA published a Policy Directive with guidelines for the preparation of a FONSI. In addition, the 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.” This action would directly affect Gulf of Mexico (Gulf) fishermen and communities.

Each criterion listed below is relevant to making a FONSI 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 NOAA, 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 is not expected to jeopardize the sustainability of the target species. The three species of penaeid shrimp harvested by the shrimp fishery (white, brown, and pink) are short-lived and provide annual crops; royal red shrimp live longer (2-5 years) and multiple year classes can be found on the same fishing grounds. The condition of each shrimp stock is monitored annually, and none has been classified as overfished or undergoing overfishing. However, current thresholds do not match the output of the assessment models which has resulted in an unknown status for the three penaeid species. New maximum sustainable yield, overfishing, and overfished thresholds described in Amendment 15 will allow the determination of the stock status for each penaeid shrimp species. The National Marine Fisheries Service and the Gulf of Mexico Fishery Management Council (Council) will be able to implement corrective measures if overfishing is occurring or an overfished condition is reached. (Sections 1.1 and 2.1)

Modification of the framework procedure is administrative and should have little impact on shrimp species. If modifications increase the ease with which regulations can be implemented as needed, long-term benefits could occur. (Section 2.2)

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. Bycatch is currently considered to be reduced to the extent practicable in the Gulf shrimp fishery. Further, bycatch levels and associated implications will continue to be monitored in the future and issues will be addressed based on new information. This action is not expected to substantially alter standard fishing practices from those used currently; therefore, it is not expected to affect bycatch levels or bycatch mortality. As elaborated on in Criterion 5,

the proposed action is not expected to adversely affect endangered or threatened species. (Section 4.3)

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 Fishery Management Plans?

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 of the Gulf. Although gear used by the shrimp fishery has the potential to snag and entangle bottom structures, this action will not change the manner in which the gear is used. (Section 3.1 and 3.2)

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

Response: No, the proposed action is not reasonably expected to have a substantial adverse impact on public safety or health. The action is not expected to substantially alter the manner in which the shrimp fishery is prosecuted. No change in effort is expected that would create derby fishing conditions. (Fishery Impact Statement and Section 4.3)

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 marine mammals, endangered or threatened species, or critical habitat of these species. Fishery participation using the same gear and methods is expected to remain at its current level; therefore, impacts on endangered or threatened species, marine mammals, or critical habitat of these species (as summarized below) would not change. The Gulf shrimp fishery is classified in the 2015 List of Fisheries as a Category II fishery. This classification indicates the annual mortality and serious injury of a marine mammal stock is greater than 1 percent but less than 50 percent of the stocks potential biological removal (PBR), 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. This fishery was elevated to Category II from Category III (mortality or serious injury to <1 percent of the PBR) in 2011 based on increased interactions reported by observers, strandings, and fisheries research data.

The 2014 biological opinion prepared for continued authorization of the U.S. shrimp fisheries in federal waters evaluated the effects of all fishing activity authorized under the FMP on threatened and endangered species in accordance with section 7 of the Endangered Species Act. The biological opinion, which was based on the best available commercial and scientific data, concluded the continued operation of the Gulf shrimp fishery is not likely to jeopardize the continued existence of threatened or endangered species. However, measures are needed to ensure any sea turtle or smalltooth sawfish incidentally caught by the fishery is handled in such a way as to minimize stress to the animal and increase its survival rate. (Section 3.3.2)

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 action is not expected to influence biodiversity or ecosystem function within the Gulf region, in terms of altering marine productivity, predator-prey relationships, or other ecological relationships because it will not substantially change the manner in which the fishery is conducted. (Sections 4.1.1 and 4.2.1)

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

Response: No, the proposed action is not expected to create any significant social or economic impacts interrelated with natural or physical environmental effects. The action is not expected to significantly change the level of catch or effort in the fishery. If a given stock is determined to be overfished or undergoing overfishing, corrective management measures would be expected to benefit the penaeid stocks and result in indirect long-term benefits. (Sections 4.1.2-3 and 4.2.2-3)

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. Changing the stock status determination criteria and the framework procedure will not substantially change the manner in which the fishery is prosecuted. The establishment of corrective measures as a result of an overfished or overfishing definition, and implementing management measures in a more timely manner through the framework procedure, are expected to be beneficial to shrimp stocks and provide stability for the industry in the long term. (Sections 4.1, 4.2 and 4.3)

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, 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, EFH, or ecologically critical areas. Park land, prime farmlands, wetlands, wild and scenic rivers are inland and are not part of the environment affected by this action in federal waters of the Gulf. Requirements in the FMP already include restrictions on fishing in marine protected areas and habitat areas of particular concern. Nothing in this amendment is expected to alter existing fishery practices in such a way as to substantially change existing impacts to such areas. (Sections 3.2 and 4.1.1)

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. The proposed action modifies existing established management regulations, involving commonly used management procedures, and thus does not involve unique or unknown risk. A thorough analysis of the impacts of the action contained within the environmental assessment (EA) has been completed and revealed no substantial change in the human impacts is expected from the current environment. (Sections 4.1.2-3 and 4.2.2-3)

11) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No, this action is not related to other actions with individually insignificant, but cumulatively significant impacts. Amendment 16 to the FMP, effective in March 2015, adjusted the annual catch limit and accountability measures for royal red shrimp to correct inconsistencies in the federal regulations. Amendment 17A to the FMP proposes to address the expiration of the shrimp permit moratorium in October 2016. The Council will determine if the moratorium should be extended, allowed to lapse, or converted to a permanent limited access system. Changes implemented through Amendment 17A could impact the biological, physical, economic, and social environments if the moratorium expires; however, the amount of the impact, or even if that action will be taken, cannot not be determined at this time. (Section 4.3) The impacts of Amendment 17A would be assessed before the implementation of any proposed changes to the moratorium.

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 would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor is it expected to cause loss or destruction of significant scientific, cultural, or historical resources. In the Gulf, the *U.S.S. Hatteras*, located in federal waters off Texas, is listed in the National Register of Historic Places. Fishing activity already occurs in the vicinity of this site, but the action would have no additional adverse impacts on listed historic resources, nor would it alter any regulations intended to protect them. (Section 3.2)

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 is not reasonably expected to result in the introduction or spread of non-indigenous species. Because the action is directed towards the management of naturally occurring species in the Gulf, the introduction or spread of non-indigenous species should not occur. Additionally, the action does not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread on non-indigenous species. (Section 4.3)

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, nor does it represent a decision in principle about future consideration. Stock status determination criteria are already in place for this fishery and are simply being modified to match updated assessment models. Likewise, the framework procedure is being updated to incorporate new requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Therefore, no precedent would be set by these actions for the shrimp fishery. The Council may change the management strategy at any time based on new information, subject to the Administrative Procedures Act, National Environmental Policy Act (NEPA), and other applicable laws. (Chapter 2)

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?

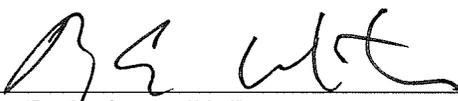
Response: No, the proposed action is being taken pursuant to federal legal mandates for the management of fishery resources. An analysis of other applicable federal laws related to the action was conducted in the EA, which fulfills the mandates set forth in NEPA. The analyses do not indicate any reasonable expectation that the action threatens violation of federal, state, or local laws. (Sections 3.1; Chapters 5 and 6; and Appendix A)

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. Although other regulatory changes have been implemented or proposed for the shrimp fishery (see Criterion 11), the proposed action will not substantially change the manner in which the fishery is prosecuted and, therefore, is not expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species. (Section 4.3)

DETERMINATION:

In view of the information presented in this document and the analysis contained in the supporting EA prepared for this amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, U.S. Waters, it is hereby determined that this amendment 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 addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.



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Date

