



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
National Centers for Coastal Ocean Science  
Silver Spring, Maryland 20910

MEMORANDUM FOR: The Record

FROM: Lauren Latchford  
Chief of Staff  
National Centers for Coastal Ocean Science

SUBJECT: Categorical Exclusion for the RESTORE Act Project “Fish Gene Tools: A Co-Production Project to Incorporate Fisheries Genomic Tools into Next-generation Stock Assessment”

The National Environmental Policy Act (NEPA or the Act), 42 U.S.C. §§ 4321 et seq., establishes the national environmental policy of the Federal Government to use all practicable means and measures to foster and promote the general welfare, create and maintain conditions under which humans and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. The purpose and function of NEPA is satisfied if Federal agencies have considered relevant environmental information and if the public has been informed regarding the decision-making process.

NOAA Administrative Order (NAO) 216-6A, Environmental Review Procedures, requires all proposed projects to be reviewed with respect to environmental consequences on the human environment in compliance with NEPA. This memorandum addresses the determination that the project activities as described qualify to be categorically excluded from further National Environmental Policy Act review.

**Description of the Proposed Action(s):**

NOAA’s RESTORE Science Program proposes to fund Texas A&M Corpus Christi to conduct the project, “Fish Gene Tools: A Co-Production Project to Incorporate Fisheries Genomic Tools into Next-generation Stock Assessment.” Project activities support the goal of operationalizing data collection and the use of genomic techniques to improve time series analysis of Gulf of America (GOA) fishes via stock assessment.

The field work component involves designing a system of biological tissue collection by port agents and observers and collecting these fish. Up to 500 individuals will be collected per study species across length bins of species-specific length distributions by project staff and collaborating state or federal port samplers and at-sea observers on existing fisheries surveys. The fish will be measured and several tissue samples and the otolith will be extracted. A 1cm<sup>2</sup> clip will be taken from the least-pigmented fin. The species are divided by data-rich species (red snapper, gag, and red grouper), data-moderate species (gray triggerfish (*Balistes capriscus*), greater amberjack (*Seriola dumerili*), mutton snapper (*Lutjanus analis*), scamp grouper (*Mycteroperca phenax*), yellowedge grouper (*Hyporthodus flavolimbatus*), snowy grouper



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(*Hyporthodus niveatus*), king mackerel (*Scomberomorus cavalla*), and golden tilefish (*Lopholatilus chamaeleonticeps*)), and data-poor species (queen snapper (*Etelis oculatus*), wenchman (*Pristipomoides aquilonaris*), and red drum (*Sciaenops ocellatus*)).

**Categorical Exclusion Determination:**

NCCOS has determined that the action proposed falls within the scope of the E5 categorical exclusion described as: Activities involving invasive techniques or methods that are conducted for scientific purposes, when such activities are conducted in accordance with all applicable provisions of the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, and Magnuson-Stevens Fishery Conservation and Management Act. Such activities will be limited to impacting living resources on a small scale relative to the size of their populations, and limited to methodologies and locations to ensure that there are no long-term adverse ecosystem impacts. Project activities consist of a category of actions that does not normally have a significant effect on the quality of the human environment; is not connected to a larger action (40 C.F.R. 1501.3(b)); and does not involve extraordinary circumstances precluding use of the CE. As such, NCCOS has determined that it is categorically excluded from further NEPA review.

**Effects of the Proposed Action:**

Project activities include collecting fish via standard fishing methods (hook and line, gill nets, etc.), fishing off docks or small vessels, and collecting and analyzing tissue samples. Some samples will be taken from fish caught by collaborating partners and fisheries observers on Fisheries-independent stock assessment surveys. Potential environmental impacts from catching fish are expected to be minimal. Project activities are limited temporally and spatially using standard gear and methods. Project staff will obtain a letter of acknowledgement (LOA) from NMFS Southeast Regional Office to collect GOA fishes out of season, above bag limits, or beyond size limits. The PIs will request Institutional Animal Care and Use committee protocols from their universities.

*Endangered Species:* Section 7(a)(2) of the Endangered Species Act (ESA) states that each federal agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. In fulfilling these requirements, each agency must use the best scientific and commercial data available.

Species	ESA Status	Jurisdiction	Critical Habitat
<b>Marine Mammals</b>			
<a href="#">Blue whale</a> ( <i>Balaenoptera musculus</i> )	<a href="#">E – 35 FR 18319</a>	NMFS	none



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<a href="#">Fin whale</a> ( <i>Balaenoptera physalus</i> )	<a href="#">E – 35 FR 18319</a>	NMFS	none
<a href="#">Sei whale</a> ( <i>Balaenoptera borealis</i> )	<a href="#">E – 35 FR 18319</a>	NMFS	none
<a href="#">Sperm whale</a> ( <i>Physeter macrocephalus</i> )	<a href="#">E – 35 FR 18319</a>	NMFS	none
<a href="#">Rice’s Whale</a> ( <i>Balaenoptera ricei</i> )	<a href="#">E - 86 FR 47022</a>	NMFS	Proposed - <a href="#">50 CFR 224 and 226</a>
<a href="#">West Indian Manatee</a> ( <i>Trichechus manatus</i> )	<a href="#">T - 50 CFR Part 17</a>	USFWS	<a href="#">81 FR 7413*</a>
<b>Sea Turtles</b>			
<a href="#">Green sea turtle</a> ( <i>Chelonia mydas</i> ) North Atlantic distinct population segment (DPS) <a href="#">NMFS link</a>	<a href="#">T – 81 FR 20057</a>	NMFS/USFWS	<a href="#">50 CFR 223-226</a> (proposed)
<a href="#">Hawksbill sea turtle</a> ( <i>Eretmochelys imbricata</i> )	<a href="#">E – 35 FR 8491</a>	NMFS/USFWS	<a href="#">57 FR 38818*</a>
<a href="#">Kemp’s Ridley sea turtle</a> ( <i>Lepidochelys kempii</i> )	<a href="#">E – 35 FR 18319</a>	NMFS/USFWS	<a href="#">N/A</a>
<a href="#">Loggerhead sea turtle</a> ( <i>Caretta caretta</i> ) Northwest Atlantic Ocean DPS	<a href="#">T – 76 FR 58868</a>	NMFS/USFWS	<a href="#">79 FR 39856</a>
<a href="#">Leatherback sea turtle</a> ( <i>Dermochelys coriacea</i> )	<a href="#">E – 35 FR 8491</a>	NMFS/USFWS	<a href="#">63 FR 28359*</a>
<b>Fishes</b>			
<a href="#">Scalloped Hammerhead Shark</a> ( <i>Sphyrna lewini</i> ) Southwest Atlantic DPS	<a href="#">T-79 FR 38213</a>	NMFS	None
<a href="#">Shortnose sturgeon</a> ( <i>Acipenser brevirostrum</i> )	<a href="#">E – 32 FR4001</a>	NMFS	None
<a href="#">Nassau Grouper</a> ( <i>Epinephelus striatus</i> )	<a href="#">T – 81 FR 42268</a>	NMFS	N/A



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<a href="#"><u>Oceanic Whitetip Shark (<i>Carcharhinus longimanus</i>)</u></a>	<a href="#"><u>T – 83 FR 4153</u></a>	NMFS	N/A
<a href="#"><u>Giant manta ray (<i>Manta birostris</i>)</u></a>	<a href="#"><u>T – 83 FR 2916</u></a>	NMFS	N/A
<a href="#"><u>Gulf Sturgeon (<i>Acipenser oxyrinchus desotoi</i>)</u></a>	<a href="#"><u>T – 56 FR 49653</u></a>	NMFS	<a href="#"><u>68 FR 13370</u></a>
<a href="#"><u>Smalltooth Sawfish (<i>Pristis pectinata</i>)</u></a>	<a href="#"><u>E – 68 FR 15674</u></a>	NMFS	<a href="#"><u>74 FR 45353</u></a>

**Critical Habitat**

Critical habitat for the Florida manatee, Rice’s Whale, smalltooth sawfish, gulf sturgeon, loggerhead sea turtle, and proposed critical habitat for the green sea turtle are in the action area. Project activities of remotely surveying fish in the field have no potential to affect navigation pathways, food sources, or other primary constituent elements of critical habitat.

There is proposed critical habitat designated for the West Indian manatee (Figure 1) in shallow waters near-coastal and freshwater and estuarine areas of Florida as of March 2025. USFWS has identified the specific habitat needs of the West Indian manatee, as including the use of warm-water sites, adequate forage within dispersal distance of a warm-water refuge, areas needed for calving and nursing, and important travel corridors for movements throughout Florida and beyond ([74 FR 49842](#)).

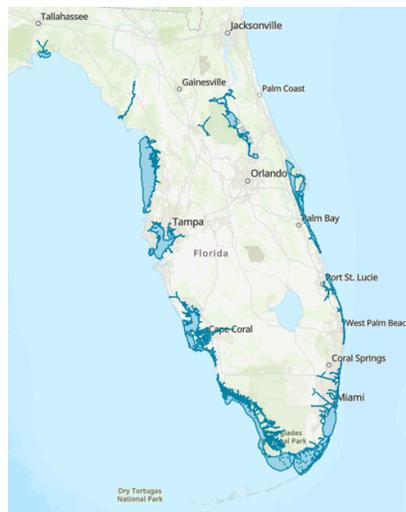


Figure 1: Critical habitat for the West Indian Manatee shown as blue polygons



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In 2019, NMFS determined that Rice's Whales, formerly thought of as a subspecies of Bryde's Whales, were actually a different species. Rice's Whales were added to the ESA list in 2021. Critical habitat was proposed by NMFS in July 2023 and encompasses approximately 28,270.65 square miles of continental shelf and slope associated waters within the Gulf (Figure 2).

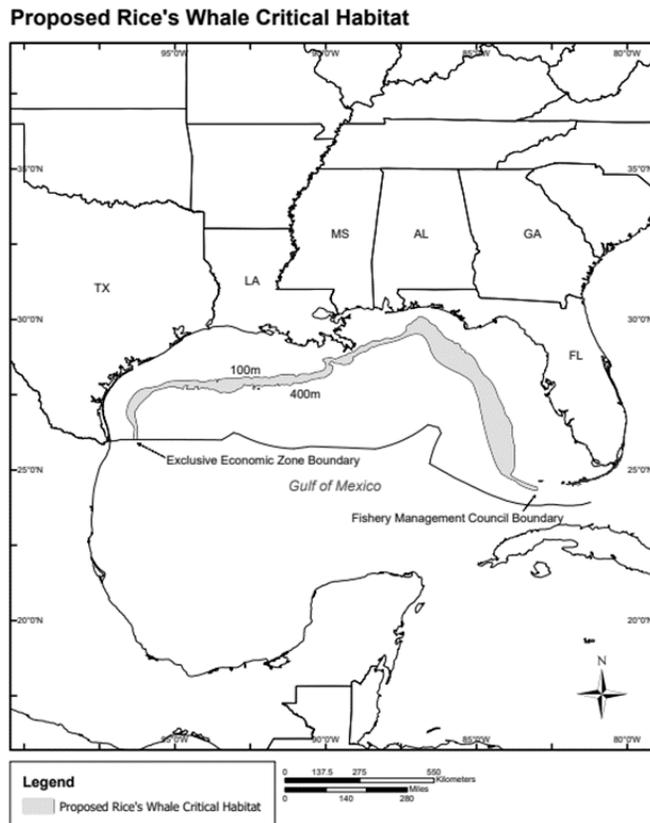


Figure 2: Proposed critical habitat for the Rice's whale shown as a gray polygon

There is critical habitat designated for the loggerhead sea turtle Northwest Atlantic Ocean DPS within the Gulf of America region (Figure 3). There are vast areas offshore that include foraging (Sargassum) habitat. Nearshore reproductive habitat is also designated on multiple beaches and barrier islands in Mississippi, Alabama, and Florida. The scope of activities described only have the potential to overlap with the foraging critical habitat of the loggerhead sea turtle. Vessel operations and fishing activities will not adversely affect the critical habitat or its PCEs.



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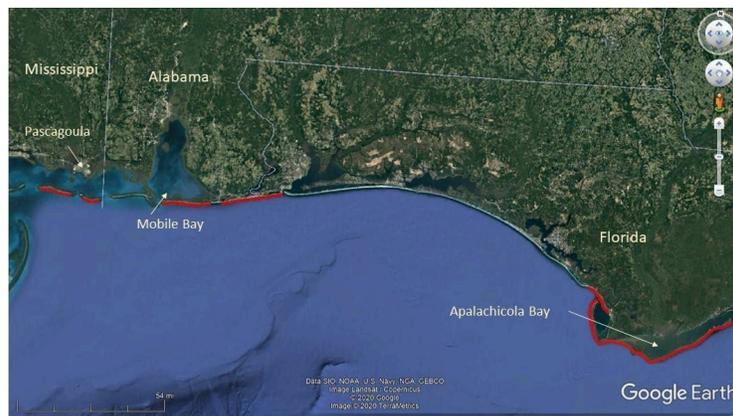


Figure 3: Loggerhead sea turtle critical habitats shown as pink, green, and red polygons

Proposed Green Sea Turtle North Atlantic DPS critical habitat (Figure 4) includes nearshore waters (from the MHW to 20m depth) off the coast of Florida. PCEs are sufficiently unobstructed waters that allow for unrestricted transit of reproductive individuals between benthic foraging/resting and reproductive areas. Project activities are temporally and spatially limited, and will not adversely affect critical habitat and PCEs.



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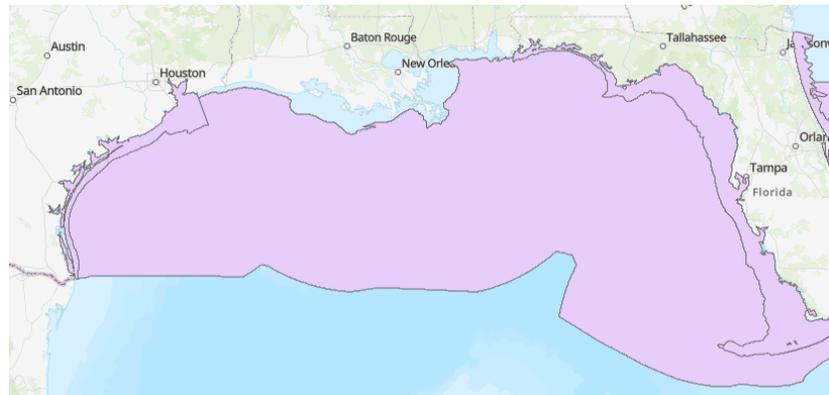


Figure 4: Proposed Green sea turtle critical habitat shown as a pink polygon

There are at least 13 rivers and their associated estuaries designated as Gulf sturgeon critical habitat within Florida, Alabama, Mississippi and Louisiana (Figure 5). PCEs include 1. abundant food items, 2. riverine spawning sites, 3. riverine aggregation areas, 4. adequate riverine flow regime, 5. adequate water quality, 6. adequate sediment quality, and 7. safe and unobstructed migratory pathways. Project activities and vessel transit will not adversely affect critical habitat or its PCEs.

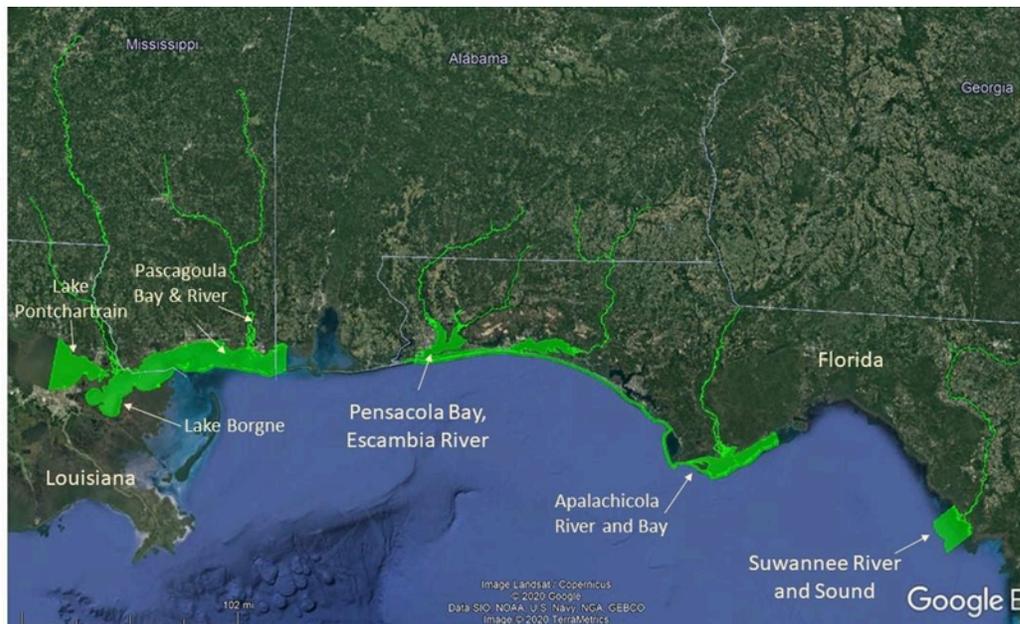


Figure 5: Gulf sturgeon critical habitat in the northern Gulf shown as green polygons

Exact sampling design and locations will be determined from a survey of collection programs, but these surveys are Gulf of America-wide. The collection of fish is limited and ESA-listed species are not targeted.



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Vessel operations include transit of personnel and fishing off a stationary vessel. Transit operations primarily occur from the closest boat launch to the project site and stay within well marked channels. All efforts will be made to avoid marine mammals and sea turtles by maintaining minimum approach distances. Vessel transit operations and project activities would not adversely affect ESA-listed species by limiting migratory corridors or through water quality impacts. Vessel operations will only occur during daylight hours, are routine and do not represent an increase in vessel traffic, noise or pollution potential above baseline levels as vessels are routinely used for other research purposes within the area. There is no potential for vessel operations or fishing activities to adversely affect the physical and biological features of the critical habitat (e.g., salinity, depth, substrate, temperature or accessibility). NCCOS determines that project activities will not affect ESA-listed species.

*Essential Fish Habitat:* The Magnuson-Stevens Fishery Conservation and Management Act requires that federal agencies consult with the National Marine Fisheries Service on actions that “may adversely affect” essential fish habitat (EFH) (16 U.S.C. § 1855(b)(2)). Essential fish habitat (EFH) describes all waters and substrate necessary for fish for spawning, breeding, feeding, or growth to maturity (16 U.S.C. 1802 sec. 3(10)).

Vessel operations and project activities will be temporally and spatially limited and will not adversely affect EFH by reducing the quality or quantity of EFH. Project activities will not include direct or indirect physical, chemical, or biological alteration of the waters or substrate and loss of benthic organisms, prey species, or their habitat that would reduce EFH quality. No further consultation is required.

*Coastal Zone Management Act:* The federal consistency provision of the Coastal Zone Management Act (CZMA, 16 U.S.C. §1451) requires federal actions (inside or outside a state’s coastal zone) that affect any land or water use or natural resource of a state’s coastal zone, to be consistent with the enforceable policies of the state coastal management program (CMP).

This action falls within subpart F of the federal consistency regulations. Based on the analysis of project activities and the employment of BMPs described above NCCOS determines that this action will not have reasonably foreseeable effects on coastal use or resources. In addition, the proposed activities are not on the Federal Consistency lists for the [Gulf Coast states](#). Therefore, no negative determination is required and no further action is required by NCCOS.

*National Historic Preservation Act:* Section 106 of the National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. § 300101 et seq.) requires federal agencies to take into account the effects of their undertakings on historic properties in accordance with regulations issued by the Advisory Council on Historic Preservation (ACHP) at 36 C.F.R. Part 800. The regulations



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require that federal agencies consult with states, tribes, and other interested parties (consulting parties) if project activities have any potential to impact cultural resources.

According to the [National Park Service cultural resources data layer](#) there are no Historic Sites that would be impacted by site activities as none occur in the areas where sampling would occur. Therefore, NCCOS determines that this project's activities would not result in any impact to National Historic Sites.

### **Extraordinary Circumstances**

Based on the limited temporal and spatial extent of the activities, incorporation of best management practices, project activities would have negligible or beneficial effects on areas with unique environmental characteristics, on geographically or ecologically critical areas, (sanctuaries, wetlands, watersheds), and National Historic Sites. We also determine no adverse impacts to marine mammals, essential fish habitat (marsh, wetlands, seagrasses), and ESA-listed and MBTA protected birds that are not negligible or discountable.

Vessel operators have decades of experience working in the field locations and will employ Best Management Practices to avoid interactions with protected species; such as 100% observer coverage (operator may double as observer), minimum approach distances and reducing speed if protected species (e.g., sea turtles, marine mammals) are observed. In addition, there is no potential to contribute to the introduction, continued existence or spread of non-native species as only native species would be used in planting activities and gear used would be local to the area or rinsed thoroughly between water bodies as appropriate.

There would be no adverse effects on human health or safety that are not negligible or discountable. No chemicals would be transported as a result of this work and laboratory activities abide by the appropriate SOPs, as applicable to the activity and the facilities abide by all safety and disposal regulations such as; waste chemicals are disposed of through a licensed hazardous waste Treatment, Storage, and Disposal (TSD) facility and transported by a licensed transportation contractor. Therefore, there is no potential to generate, use, store, transport, or dispose of hazardous or toxic substances in a manner that may have a significant effect on the environment.

Finally, there are no uncertain environmental impacts or unknown risks as project activities and methods are routinely used for the purposes of research. These actions are not uncertain, unique or unknown, have no potential to establish a precedent for future action or to be controversial or to have cumulative impacts when combined with other past, present or reasonably foreseeable future actions. There is no potential to violate Federal State or local laws or requirements imposed for the protection of the environment.



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The proposed action is not connected to a larger action and can therefore be reviewed independently from other actions under NEPA.

### **Protective Measures and Best Management Practices**

The following BMPs should be employed where applicable, incorporated into project instructions and communicated to the vessel operator and field party.

1. During transit a vessel operator and crew will maintain a look out for protected species and reduce speed as necessary to avoid protected species.
2. Upon sighting, vessel operator will maintain minimum approach distances for:
  - a. Cetaceans:
    - i. 200 yards from large whales,
    - ii. 100 yards from all other species.
  - b. Sea turtles: 50 yards
  - c. Sawfishes: 50 yards
  - d. Sturgeon: 50 yards
  - e. Manatees: 50 yards
3. Minimize vessel disturbance and ship strike potential
  - a. Reduced speeds (<13 knots) when ESA-listed cetaceans are sighted (unless otherwise required, e.g., NOAA Sanctuaries);
  - b. Reduced speeds (<13 knots) while transiting through designated critical habitat (unless slower speeds are required, e.g., < 10 knots in right whale critical habitat and management areas);
  - c. Trained observers aboard all vessels; 100% observer coverage; and
  - d. Species identification keys (for marine mammals, sea turtles, corals, abalone, and seagrasses) available on all vessels.
4. Minimize impacts to seagrasses and other Essential Fish Habitat (EFH) by:
  - a. Anchoring in mud or sand (avoid seagrass or other EFH)
  - b. Minimizing anchor drag (i.e., provide adequate scope)
  - c. Avoid grounding by raising prop or reducing speed as necessary
5. Injured or Dead Protected Species Reporting.
  - a. In the unlikely event of an animal death or injury, vessel operators should immediately contact the appropriate [state agency](#) and NMFS response network:
    - i. **NOAA Fisheries Southeast Marine Mammal Stranding Hotline**
      1. **Phone:** (877) WHALE-HELP (877-942-5343)
    - ii. **NOAA Fisheries Southeast Sea Turtle Stranding and Salvage Network Hotline**



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1. **Phone:** (844) SEA-TRTL (844-732-8785)
  - iii. Smalltooth Sawfish Encounter Hotline**
    1. **Phone:** (844) 4SAWFISH or (844) 472-9347
  - iv. Sturgeon Salvage Network**
    1. **Phone:** (844) STURG-911 or (844) 788-7491
  - v. Giant Manta Ray Reporting**
    1. **Phone:** (727) 824-5312
    2. **Email:** [manta.ray@noaa.gov](mailto:manta.ray@noaa.gov)
- b. Report a fish kill, diseased fish, or fish with other abnormalities at <https://survey123.arcgis.com/share/2485ecbeded748689725da57b1bc319a> or call 800-636-0511