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**NATIONAL MARINE FISHERIES SERVICE**  
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## **FINDING OF NO SIGNIFICANT IMPACT**

### **Garapan Fishing Base Shoreline Revetment, Saipan, Commonwealth of the Northern Mariana Islands**

**RTID 0648-XB266**

June 9, 2022

#### **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 Finding of No Significant Impact (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), & 1501.6. 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, 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 (40 CFR § 1501.3(b)(2)(i)-(iv); 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)(2)(i)-(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 the Environmental Assessment (EA) for Garapan Fishing Base Shoreline Revetment, Saipan, Commonwealth of the Northern Mariana Islands (CNMI), RTID 0648-XB266 (NMFS 2022). The EA 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 is hereby incorporated by reference. 40 CFR § 1501.6(b).

**Overview of Proposed Action:** The proposed action is summarized in section 1.2 of the EA. National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) proposes to provide Western Pacific Sustainable Fisheries Funds (SFF) to the Western Pacific Fishery Management Council (Council) to support construction of a rock revetment along Garapan Fishing Base, Saipan, Commonwealth of the Northern Mariana Islands (CNMI). A



revetment is a sloping structure that is placed on a bank or cliff in such a way as to absorb the energy of incoming water. The revetment protects against erosion caused by wave action, storm surge, and currents. The Council would in turn, provide funds to the CNMI Department of Lands and Natural Resources (DLNR) to construct the revetment along the land-lagoon interface stabilizing 380 feet of shoreline along Garapan Fishing Base. DLNR proposed and designed the project and would be the project lead. Stabilizing the shoreline would protect public land and infrastructure and reduce erosion resulting in improved water quality in Saipan Lagoon along the shore. Garapan Fishing Base supports sustainable fishing infrastructure including a boat ramp, trailer parking, and other community activities including shore fishing, community markets and recreation.

## **II. Approach to Analysis:**

The proposed action is the implementation of Alternative 2, which is providing Federal funds to the Council to support construction of a rock revetment along Garapan Fishing Base, Saipan, CNMI (EA, section 2.2). Overall, the proposed action is not considered to meaningfully contribute to a significant impact for the following reasons:

- The proposed action is not considered to meaningfully contribute to a significant impact based on the scale of impact as the revetment is a small-scale local project (less than one acre) with minor and temporary effects that are mostly associated with short-term construction activities. Additionally, best management practices (BMPs) would be implemented to minimize the degree of effects during construction activities (EA, section 4.1.1).
- During construction, the proposed action will not meaningfully contribute to significant impacts to specific resources, including water quality, other physical resources, protected species, other wildlife, marine and terrestrial habitats, protected areas, fishing communities, and other marine or cultural resources found within the Action Area. Over the long term, effects on water quality, wildlife, and substrate would be minor and beneficial as the revetment would control shoreline erosion and improve water quality by reducing sedimentation. Nearby seagrasses are expected to have improved resilience. Though temporarily prevented in the construction area for public safety, shore fishing, lagoon fishing, paddling, and other recreation activities at Garapan Fishing Base would continue unaffected after construction is complete.
- The proposed action is not connected to other actions that have caused or may cause effects to the resources in the affected area, and there is, therefore, 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 (EA, section 1.8).
- NMFS coordinated the proposed action with a number of agencies under several laws intended for the protection of the environment (EA, section 6). Those reviews are reflected in the EA and support this FONSI (See effects analysis, EA, section 4).
- The revetment is located in a public area that supports small boat launching and return, trailer and vehicle parking, small-scale recreational shore fishing, and a limited amount of

other outdoor recreation such as paddling and community markets. The proposed action is consistent with maintaining those uses.

The proposed Garapan revetment project is in the same vicinity as future projects being contemplated by the DLNR at Garapan Fishing Base, but the proposed revetment project is not connected to other actions and is not an interdependent part of a larger action such that the revetment would cause interrelated effects. Funding the proposed revetment would not automatically result in the need for other projects or the automatic approval of agency action related to other projects contemplated for the same area. In the future, should NMFS propose or receive a request for funding another project in the same area, the agency would complete any required project-specific environmental compliance, public review, and permitting before construction could begin. (EA, section 1.8)

### **III. Geographic Extent and Scale of the Proposed Action:**

Garapan Fishing Base is located on Saipan, CNMI. The project action area on the Fishing Base is located in a public area that supports small boat launching and return, trailer and vehicle parking, small-scale recreational shore fishing, and a limited amount of other outdoor recreation such as paddling and community markets. The proposed action is consistent with maintaining those uses. The action is local in its geographic extent as we estimate the action area during construction to be less than 1 acre including buffer areas. The amount of ground to be disturbed by excavation is estimated as three-tenths of an acre. Once built, the revetment footprint would be less than one-tenth of an acre (EA, section 1.6). BMPs are part of the proposed action and are intended to limit the geographic extent and scale of effects. We recognize the importance of Saipan Lagoon as a natural resource of ecological, aesthetic, cultural, historic, and economic importance for the people of Saipan. We reviewed effects in consideration of National and Commonwealth laws intended for the protection of the environment, local land and lagoon use and resource management plans, consultations with agencies and experts, and provided opportunities for public review and comments. The environmental effects analyzed in the EA occur at a relatively small scale.

### **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.*

This proposed action will not threaten a violation of any Federal, State, or local law, or requirement imposed for the protection of the environment. The proposed action was reviewed under and found to be consistent with applicable laws including NEPA, the Coastal Zone Management Act, the Endangered Species Act (ESA) of 1973, Rivers and Harbors Appropriation Act of 1899, Clean Water Act of 1977, Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Essential Fish Habitat, Marine Mammal Protection Act (MMPA), National Historic Preservation Act, Migratory Bird Treaty Act, and applicable Executive Orders. (EA, section 6). Features of the construction and BMPs will help reduce the degree of effects on the environment and, at the same time, will help the proposed action comply with CNMI construction permit requirements and other authorizations including U.S. Army Corps of Engineers' Regional and National Nationwide Permit conditions.

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

The proposed action will not have a significant impact on public health or safety. The contractor would maintain the site and protect public safety during construction (EA, section 3.3 and Appendix A-2). Neither construction nor the revetment would affect bacteria levels (EA, section 4.2.4). The revetment would not change the likelihood of flooding or the intensity of flooding. Flood waters could continue to drain off the parcel through the storm drain, along the side of or over the top of the revetment, or by percolating through soils and through the revetment after the revetment is built (EA, section 4.2.6). Though temporarily prevented in the construction area for public safety, shore fishing, lagoon fishing, paddling, and other recreation activities at Garapan Fishing Base would continue unaffected after construction is complete.

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

*a. Federal threatened or endangered species and critical habitat protected under the Endangered Species Act;*

This proposed action would not significantly affect any endangered or threatened species or its critical habitat. Highlights of the EA analysis include:

As described in section 4.4.1, there are no species listed by the U.S. Fish and Wildlife Service (USFWS) in the project area, so the proposed action would not affect land-based species. There is also no nesting for sea turtles in the project area.

As described in section 4.4.2, and in Appendix C, Table C-1, four ESA-listed marine species have been confirmed or are reasonably expected to occur in Saipan Lagoon. Endangered green turtles and hawksbill sea turtles have been confirmed in Saipan Lagoon and could potentially occur in nearshore waters near the action area, although they are not commonly seen in the shallow area along Garapan Fishing Bank due to human disturbance at the nearby boat ramp and because there is no suitable foraging or nesting habitat. While not confirmed in Saipan Lagoon, threatened scalloped hammerhead sharks and one species of threatened reef-forming coral (*Acropora globiceps*) are reasonably expected to be present. Corals are not found in the action area, which is shallow and does not have hard substrate suitable for supporting hard corals; however, larvae of ESA-listed corals could be in the water column during spawning events.

Our effect analysis in section 4.4.2 documents the features of the proposed action including a suite of BMPs that would protect water quality in the lagoon beyond the silt curtain, would prevent the potential for wastes or pollutants to enter the marine environment, would reduce the potential for turtles or sharks to become entangled in gear or be exposed to direct contact with rocks or equipment. A stop-work provision during major coral spawning periods and requirement to secure the construction site in advance of large storms are BMPs that would reduce the potential for sedimentation of the lagoon during a key coral spawning season and to reduce the potential for marine debris to harm marine wildlife or habitats. BMPs would reduce the potential for invasive species to be introduced or spread. Site conditions, the limited likelihood for sea turtles and sharks to be nearby, and BMPs would prevent adverse effects of construction noise on sea turtles and sharks (EA, section 4.2.2). We conclude that the proposed

action would not have the potential for more than temporary and minor adverse effects on sea turtles, scalloped hammerhead sharks, or ESA-listed corals during construction, and that the proposed action would result in moderate beneficial effects on ESA-listed marine species in the mid- to long-term through improvements to water quality and benthic habitat (EA, section 4.4.2).

There is no USFWS-designated or NMFS-designated Critical Habitat in the action area, so there would be no effect on designated Critical Habitat (EA, section 4.4.3). The action area has been excluded from proposed Critical Habitat for two species of reef-building corals from Saipan because it is part of an area that is periodically dredged or maintained as a channel and is part of Garapan Fishing Base. BMPs that would protect water quality in Saipan Lagoon (e.g., BMPs that would prevent sedimentation, water pollution, marine debris, the introduction of invasive species, and toxicopathological agents in the Lagoon) allow us to conclude that the proposed action would not adversely modify proposed critical habitat that is found in other parts of Saipan Lagoon. (EA, section 4.4.4)

A section 7 informal consultation concluded on January 31, 2022, with concurrence that the proposed action would not adversely affect ESA-listed turtles, scalloped hammerhead sharks or *Acropora globiceps* coral and would not adversely affect proposed coral critical habitat in Saipan Lagoon (EA, section 4.4.4).

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

This proposed action would not affect marine mammals protected under the MMPA because marine mammals are not present in the shallow portion of Saipan Lagoon including in the action area or in nearby areas. (EA, section 4.4.5)

*c. Essential fish habitat identified under the Magnuson-Stevens Fishery Conservation and Management Act;*

This proposed action would not have a significant affect to essential fish habitat (EFH) or Habitat Areas of Particular Concern (HAPC) identified under the Magnuson-Stevens Act. There is no HAPC in Saipan Lagoon. Benthic habitat and the water column are designated EFH for all life stages of Mariana bottomfish management unit species (MUS) and certain Pacific Pelagic MUS. (EA, section 4.3.4; and Appendix F).

There would be temporary and unavoidable minor adverse effects to EFH inside the silt curtain. BMPs would be proactive management strategies to avoid and minimize adverse effects to bottom habitats and water quality (EFH) beyond the immediate work site during construction. In the mid-term, bottom habitats that were disturbed during construction would be recolonized by benthic species. The project would not result in an unavoidable loss of corals or seagrass because these resources are outside the action area and BMPs would protect water quality and habitat beyond the action area.

Once built, less than 1/10<sup>th</sup> acre of unconsolidated sandy intertidal substrate would be replaced with limestone rock and the rock revetment would provide 3-dimensional structured habitat when submerged. In the long-term, stabilizing the shoreline would reduce erosion and improve water quality and benthic EFH including seagrass (EA, section 4.3.4).

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

This proposed action would not have a significant effect on shorebirds protected under the Migratory Bird Treaty Act. A small number of Pacific Golden-plovers that forage on terrestrial areas would be temporarily displaced to nearby areas, but would return once grass is restored and construction equipment is removed within two years. Migratory shorebirds that incidentally forage on exposed beach areas at low tide would be able to forage in other coastal beaches nearby and would resume the use of beach areas at low tide after construction. The construction and revetment would have no more than minor adverse effects on migratory birds due to temporary displacement and loss of a small amount of intertidal foraging area (EA, section 4.4.6).

*e. National marine sanctuaries or monuments;*

This proposed action will not affect National marine sanctuaries or monuments. There are no such resources in Saipan. The Lighthouse Reef Trochus Sanctuary was established by the territory to conserve a marine gastropod or shell, *Trochus niloticus*, is approximately 3/4th mile (1 km) southwest of the action area, and would not be affected by the proposed action (EA, section 4.3.3).

*f. Vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems*

This proposed action has no potential for significant adverse effects on vulnerable marine or coastal ecosystems. First, no vulnerable ecosystems or marine protected areas are in or directly near the action area including shallow or deep coral ecosystems. Because of the lack of suitable habitat conditions for hard corals within the action area, no adult or juvenile colonies of corals are known to occur in the project location or expected to be directly affected by the revetment (EA, section 4.2.2). A BMP that requires clean materials be used and a BMP that would ensure gear which has been used in other sites would be cleaned would both prevent the unintentional introduction of invasive algae. This would prevent adverse effects on coral habitats and the Trochus Sanctuary, which are beyond the action area (EA, section 4.3.3.).

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

This proposed action would not have the potential for significant effects on biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships). As described in section 4.8.5 of the EA, erosion is currently likely reducing the resiliency of nearshore seagrasses and offshore corals, which provide food and shelter for marine species. In the short-term, BMPs during the period of construction would prevent the accidental introduction of algae such as *Chaetomorpha* spp. into Saipan Lagoon and would protect water quality. Over the mid-term, native infauna would recolonize benthic areas disrupted during construction. Thus, effects on benthic productivity are likely to be minor and temporary in the short-term.

The revetment is expected to result in minor improvements to water quality along the coast and increase seagrass resilience in nearby beds by reducing sedimentation of the water column and seafloor. The reduction in erosion could slightly improve the resilience of corals farther away from the coast. The revetment could also improve the resilience of marine species that rely on healthy seagrass and coral habitats (EA, section 4.8.5).

*C. The degree to which the proposed action is 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.*

This proposed action would not have the potential for significant effects on historic, cultural or archaeological resources. As described in the EA, section 4.5.3, the proposed action has no potential for adverse effects on known historic properties listed on or potentially eligible for listing on the National Register of Historic Places because there are no historic properties listed on the National Register of Historic Places within the action area. BMPs would be in place that would protect any unknown resources that may be uncovered during excavation. BMPs would mitigate any potential for adverse effects in the project action area. In particular, DLNR has committed to providing notification to the State Historic Preservation Office prior to earthworks, to provide monitoring by an archaeologist meeting Department of Interior Secretary's Professional Standards, to conducting pre-constructing backhoe testing, a stop work and consult provision if there are inadvertent findings during construction, and appropriate notification and proper treatment of post-review discoveries. These BMPs are commitments that allowed the CNMI Historic Preservation Office to concur with our determination that the proposed action would have no adverse effect on historic properties listed or potentially eligible for listing on the National Register of Historic Places (EA, section 4.5.3).

*D. 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)*

This proposed action would not have the potential to have large and adverse environmental or health effects including on sustenance fishing or consumption of marine resources. BMPs would protect water quality so there is no potential for construction to adversely affect resources caught by fishermen or to adversely affect human health (EA, section 4.5.2). Though temporarily prevented in the construction area for public safety, shore fishing, lagoon fishing, paddling, and other recreation activities at Garapan Fishing Base would continue unaffected after construction is complete (EA, section 4.6).

*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.*

This proposed action is not likely to result in the introduction or spread of noxious native or nonnative invasive species. BMPs would require the use of clean materials and require the contractor to clean gear that has been used at other work sites to prevent the introduction and spread of invasive algae (EA, section 4.8.5).

*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 resources such as marshland or seagrass), or over which there is substantial uncertainty or scientific disagreement.*

Our environmental analysis found no potential for the proposed action to cause an effect that is considered substantial in magnitude such as the irreversible loss of seagrass or coral ecosystems (see, section IV.C and IV. E of this FONSI, in particular). Our environmental effects analysis and coordination with others, including CNMI agencies and the public, did not reveal the potential for a high degree of scientific disagreement related to our environmental effects analysis (EA, section 4.8.3).

The EA describes Saipan Lagoon as an important cultural, economic, and ecological resource for the CNMI. In the EA, NMFS evaluated the potential effects on the CNMI Coastal Zone as the proposed action falls within the Coastal Zone including three Areas of Particular Concern (APC). We found no potential for substantial loss of coastal resources including seagrass or corals. On March 28, 2022, the Director of the CNMI Bureau of Environmental and Coastal Quality's Division of Coastal Resources Management concurred with NMFS' determination that the proposed action would be consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Management Program. (EA, sections 4, 4.7, and 6.1)

#### **V. Other Actions Including Connected Actions:**

Our analysis considered the potential for additive effects of other actions that have occurred, are occurring, or are reasonably certain to occur in the similar geographic area to determine whether the effects of otherwise individually insignificant actions, considered together, could result in synergistically significant effects. First, we determined that the proposed action is not connected to other actions (40 CFR § 1501.9(e)) where the combined effects may be significant (EA, section 1.8). Although we considered effects of past, present, and reasonably foreseeable actions in the same area throughout the EA with respect to resources potentially affected, in particular we considered effects to water quality in light of ongoing effects to water quality from inputs to Saipan Lagoon in the same area. We document baseline water quality and effects of the proposed action on water quality in section 4.2.4. We found that BMPs will help protect water quality and will prevent adverse effects of construction that could combine with existing inputs to Saipan Lagoon to result in significant effects. In the short-term, erosion control devices and BMPs will prevent sedimentation of lagoon waters during construction. Water quality monitoring and responses to exceedances of acceptable turbidity levels (defined in the approved Water Quality Monitoring Plan) will protect water quality (EA, section 4.2.4).

In the long term, the revetment is expected to improve water quality by reducing sedimentation and other inputs related to erosion.

We found that beneficial effects on nearshore water quality will be moderate because of continuing inputs from the surrounding areas. We also identified that the government and community are working on improving water quality in Saipan. Thus, we conclude that the proposed action does not have the potential to have synergistically significant adverse effects on water quality.

Effects of the proposed action on ESA-listed species took into consideration ongoing disturbances to sea turtles and scalloped hammerhead sharks related to human uses at the boat

ramp. These uses were not found to combine with effects of the proposed action to result in significant adverse effects on ESA listed species (EA, section 4.4.2).

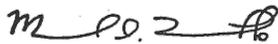
## **VI. Mitigation and Monitoring:**

The proposed action was developed to be consistent with the conservation and management requirements of the ESA, Magnuson-Stevens Act, and other applicable laws. Mitigation and monitoring are integral parts of the proposed action. DLNR has developed a suite of BMPs that would be included in the construction contract. These BMPs will help ensure that the effects of the proposed action have been minimized to the extent possible.

Specifically, the proposed action would be subject to a number of monitoring activities including twice daily monitoring of the silt curtain to prevent loose lines and gaps, and to ensure no ESA-listed species is trapped or entangled in the gear. A designated observer will monitor for the presence of non-coral ESA-listed marine species (e.g., sea turtles, marine mammals, sharks) during all aspects of the action. If any ESA-listed species comes within 50 yards of the construction site, the contractor will stop in-water work and would only resume after the animals have voluntarily left the area. Monitoring excavation by a certified archaeologist would help detect newly discovered historic, archaeological or cultural resources and allow proper follow-on actions. Water quality would be monitored in accordance with an approved Water Quality Monitoring Plan. This would enable detection of an exceedance of an allowable turbidity threshold which, if it occurs, would then trigger a stop-work requirement and work to address the cause of the problem. DLNR would monitor turf grass restoration to determine appropriate time to remove the silt curtain. Monitoring and other BMPs are described in Appendix A-2, and throughout the EA.

## **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 Garapan Fishing Base Shoreline Revetment, Saipan, CNMI, it is hereby determined that the Garapan Fishing Base Shoreline Revetment, Saipan, CNMI will not significantly impact the quality of the human environment. The EA for Garapan Fishing Base Shoreline Revetment, Saipan, CNMI (RTID 0648-XB266) 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.



Michael D. Tosatto  
Regional Administrator, Pacific Islands Regional Office

June 9, 2022

Date

Attachment:

National Marine Fisheries Service. 2022. Final Environmental Assessment: Garapan Fishing Base Shoreline Revetment, Saipan, Commonwealth of the Northern Mariana Islands RTID 0648-XB266. 102 pp +Appendices.