Finding of No Significant Impact (FONSI) for Regulatory Amendment 2 to the Fishery Management Plan for the Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (USVI): Compatibility of Trip and Bag Limits in the Management Area of St. Croix, USVI.

National Marine Fisheries Service

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National Oceanic and Atmospheric Administration 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, the National Marine Fisheries Service (NMFS) published a Policy Directive with guidelines for the preparation of a FONSI. In addition, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27 state the significance of an action should be analyzed both in terms of "context" and "intensity." Each criterion listed below is relevant in making a finding of no significant impact 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 NMFS, and CEQ's context and intensity criteria. These include the following criteria:

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 any target species. Instead, the purpose of the proposed action is to achieve compatibility of regulations for the harvest of queen conch with the U.S. Virgin Islands (USVI), which may result in more efficient and effective enforcement of harvest regulations for the queen conch, and may allow for more efficient management of the queen conch resource in the USVI. The queen conch is a targeted species in the U.S. Caribbean and is managed in federal waters through the Fishery Management Plan (FMP) for the Queen Conch Resources of Puerto Rico and the USVI (Queen Conch FMP). Harvest of queen conch in the U.S. Caribbean exclusive economic zone (EEZ) is only allowed in the management subzone of St. Croix, USVI. This action proposes to (1) modify the commercial trip limit, and (2) modify the recreational bag limit for the harvest of queen conch in federal waters. For the commercial trip limit, all of the alternatives proposed, with the exception of the no action alternative, would minimally change current fishing practices by modifying the current allowed trip limit; however, none of these alternatives are expected to affect the sustainability of queen conch. As analyzed and discussed in Section 1.6 and Section 4.1.2 of the environmental assessment (EA), modifying the current commercial trip limit would not affect St. Croix's annual catch limit (ACL) of 50,000 pounds, but would only affect the rate at which that ACL is achieved. The ACL for queen conch in the management area of St. Croix, in combination with other management measures (e.g., trip and bag limits, landing restrictions),

was established to prevent overfishing of the queen conch resource and rebuild the stock. The effects of **Preferred Alternative 2**, modifying the commercial trip limit from 150 queen conch per licensed commercial fisherman per day to 200 queen conch per vessel per day, which is compatible with the USVI's commercial trip limit, would be expected to minimally affect the biology of queen conch because this alternative would result in very little change to the harvest rates or even harvest patterns of queen conch fishermen in St. Croix. Instead, establishing compatible trip limits as proposed by **Preferred Alternative 2,** may indirectly provide the biological and ecological environments with an increase in protection because it would allow for efficiency in enforcement.

There is also little likelihood of direct or indirect biological effects on other targeted species because the preferred alternative for the commercial sector would not substantially change current fishing practices in federal waters of the U.S. Caribbean. For example, fishers may increase harvest of other species to mitigate for the loss of fishing opportunities for queen conch that result from changing the commercial trip limit from an individual limit to a vessel limit. However, queen conch fishermen usually fish for other species (e.g., reef fish, lobster, pelagics) and additional impacts on these targeted species are not expected to be significant.

Alternatives to modify the recreational bag limit for the harvest of queen conch in the EEZ (Action 2) were considered and analyzed, but the Caribbean Fishery Management Council (Council) decided to leave the recreational bag limit unchanged as increasing this limit to make it compatible with the USVI could potentially affect the sustainability of queen conch. No alternatives to reduce the bag limit were considered because this would not have resulted in any compatibility with the USVI regulations. In addition, the current bag limit was established when the Queen Conch FMP was first implemented in 1997, remained in effect when the rebuilding plan and schedule were established in 2005, and was considered when the ACL for the queen conch was implemented in 2012. There is no indication that the bag limit needs to be reduced to achieve the goals of the rebuilding plan. The recreational harvest of queen conch in the USVI is not currently monitored and there is no explicit harvest quota for the recreational sector, creating the potential for recreational fishers to harvest at a more rapid rate with no cap on that harvest, thereby increasing harvest to an undefined degree, inconsistent with the stock rebuilding plan for the species.

A detailed description of the effects of the proposed action on the biological and ecological environment can be found in Sections 4.1.2 and 4.2.2 of the EA.

2) Can the proposed action reasonably be expected to jeopardize the sustainability of any non-target species?

Response: No. Although fishery management actions can adversely impact non-target species by increasing interactions between fishing gear and the species, increasing bycatch, and/or increasing, reducing, or redistributing fishing effort to areas where these species or critical habitat for these species occurs, this action has little potential for affecting non-target species. The proposed change in the commercial trip limit is expected to minimally affect the rate at which the established queen conch ACL is achieved, with no effect on the overall harvest allowance for queen conch in the EEZ. This action is not expected to substantially increase fishing effort in U.S. Caribbean federal waters, and thus, any indirect biological/ecological effects on non-target species would not be different from those currently occurring in the fishery. In addition, the queen conch fishery is conducted by hand-harvest only and it is highly selective, thus divers harvesting queen conch could avoid interacting with other species, including protected species, if they are encountered. Therefore, no additional bycatch of non-target species is expected from the proposed action. A detailed description of the effects of the proposed action on the biological and ecological environment can be found in Sections 4.1.2 and 4.2.2 of the EA.

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 Fishery Conservation and Management Act and identified in fishery management plans?

Response: No. Management actions that affect habitat mostly relate to the interactions of fishing gear with the sea floor and/or redistributing fishing effort over more vulnerable habitat, and the proposed action is not expected to do either. The area affected by the proposed action has been identified as EFH within the Council's FMPs for Queen Conch, Spiny Lobster, Corals, and Reef Fish. Actions in this regulatory amendment would affect only the queen conch fishery in St. Croix EEZ waters. As discussed in Sections 4.1.1, 4.1.2, 4.2.1, and 4.2.2 of the EA, the queen conch fishery in the U.S. Caribbean is conducted through hand harvest while free diving or SCUBA diving by a relatively small number of fishermen. Hand harvesting methods are expected to have little to no adverse effects on the physical environment. Modifying the queen conch commercial trip limit would not adversely affect EFH because hand harvesting queen conch results in minimal adverse effects to EFH. In the context of the fishery as a whole, the results of the action in this regulatory amendment and associated EA would not have an adverse impact on EFH. The basis of this determination is described in a memorandum from NMFS' Habitat Conservation Division dated May 2, 2013, contained in the file. In addition, the proposed action would be expected to have a very small effect on the length of the fishing season for queen conch. Finally, indirect effects to the physical environment, in the form of changed habitat/gear interactions (i.e., anchors), would not be expected. Therefore, the proposed action is not expected to cause damage to the ocean and coastal habitats and/or EFH as defined under the Magnuson-Stevens Fishery Conservation and Management Act and identified in the Council FMPs.

The physical environment is discussed in Section 3.1, and the biological environment is discussed in Section 3.2 of the EA. The physical and biological effects of the proposed action are discussed in Sections 4.1.1, 4.1.2, 4.2.1, and 4.2.2 of the EA.

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

Response: No. The proposed action is not expected to change fishing practices in a way that would impact the safety or public health of commercial and/or recreational fishermen. The change in harvest patterns resulting from the proposed change in the commercial trip limit from an individual to a vessel limit is expected to be small with a slight potential of affecting the length of the fishing season, thus no safety at sea issues were identified or discussed in the regulatory amendment. In addition, a public hearing was conducted in St. Croix, which is the area directly affected by this regulatory amendment, and no public health or safety concerns were raised with regard to either of the two proposed actions contained in the EA. One comment at the public hearing raised concerns about commercial and recreational diver's safety and the use of a surface buoy while diving, but this is related to the operation of the queen conch fishery as a whole and not directly with the actions proposed in this regulatory amendment. A summary of the outcomes of the public hearing can be found in Appendix B (Public Hearing Location and Summary) of the EA.

5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?

Response: No. Although protected species and/or critical habitat for these species could be affected by fishery actions that increase interactions between fishing gear and the species, increase bycatch, and/or that increase, reduce, or redistribute fishing effort to areas where protected species and/or critical habitat occurs, there is little potential for direct biological effects on listed species from this action. Queen conch harvest is only conducted by hand, which makes it easy for divers harvesting queen conch to avoid interacting with listed species if they are encountered. Protected species in the affected environment, including sea turtles, marine mammals, and corals, are described in Section 3.2.4 and in Appendix A (Other Applicable Law) of the EA. The biological impacts are discussed in Section 4.1.2 and Section 4.2.2 of the EA.

Prior to this action, the most recent informal consultation on the continued authorization of the queen conch fishery was completed by NMFS on November 18, 2010. The memorandum concluded that the previous 'not likely to adversely affect' determinations for sea turtles and marine mammals in the 2005 biological opinion on all U.S. Caribbean fisheries remained valid (NMFS 2005). The memorandum also determined the queen conch fishery was not likely to

adversely affect *Acropora* or their critical habitat. It stated that 1) the queen conch fishery in the EEZ is very small; 2) queen conch are most common in seagrass areas and algal plains where *Acropora* do not occur and *Acropora* critical habitat is not designated; and 3) the hand harvest of queen conch is highly selective. For these reasons, the memorandum determined that any adverse effects to *Acropora* and their critical habitat from the collection of queen conch were extremely unlikely to occur and were discountable. The memorandum did not consider potential indirect effects on *Acropora* critical habitat that may occur because of the removal of queen conch, which is an herbivorous species that may contribute to grazing activities that keep the macroalgae at an optimum level. This is discussed in Section 3.2.4 and in Appendix A of the EA.

NMFS evaluated this potential indirect effect and in a recent August 2, 2013, memorandum to NMFS' Sustainable Fisheries Division, the NMFS Regional Administrator stated that the reported low queen conch densities in St. Croix, USVI, particularly in the area of Lang Bank, their preference for habitats that are not *Acropora* critical habitat, and their preference to graze on non-fleshy macroalgae, all indicate queen conch provide very little, if any, role in mediating the growth of macroalgae on *Acropora* critical habitat. It was therefore, concluded that the continued authorization of the U.S. Caribbean queen conch fishery was not likely to adversely affect *Acropora* critical habitat. NMFS also concluded that the previous effects determinations listed above for ESA-listed species remained valid and the action in this EA was not likely to adversely affect any ESA-listed species. NMFS also determined that the proposed action would also not adversely affect seven species of Atlantic corals that had recently been proposed to be listed under the ESA.

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 any substantial impact on biodiversity and/or ecosystem function within the affected area. The affected area comprises federal waters in the U.S. Caribbean, which includes waters from 9-200 nautical miles off the coast of Puerto Rico, and waters from 3-200 nautical miles off the coast of the USVI. For a description of the affected environment (which also includes the physical and biological environment), please see Section 3.1 and Section 3.2 of the EA.

This regulatory amendment directly affects queen conch in federal waters of the U.S. Caribbean, particularly the queen conch population in the management area of St. Croix, USVI, by modifying the commercial harvest limit affecting those waters. However, this action is not expected to directly benefit or harm the biological and ecological environment because the action would minimally affect the rate at which the established queen conch ACL is achieved and

would have no effect on the overall harvest allowance of queen conch in the EEZ. The ACL was established to prevent overfishing of the queen conch resource and rebuild the stock. Indirect benefits to the biological and ecological environment may be realized through compatible commercial harvest regulations due to an increase in protection afforded to the queen conch, resulting in more efficient and effective enforcement of harvest regulations. In addition, as discussed in Section 4.1.2 of the EA, because of the high selectivity of hand-harvest methods used to harvest queen conch, this action has little potential for direct biological/ecological effects on protected species and/or their critical habitat. Potential indirect effects would be limited to effects on *Acropora* critical habitat caused by the direct removal of herbivore species such as the queen conch, which may affect grazing activities that keep the macroalgae at an optimum level. However, as discussed in Appendix A of the EA and above, NMFS evaluated these potential effects and determined the harvest of queen conch was not likely to adversely affect *Acropora* critical habitat.

Because there will be no changes to the current recreational bag limit, no substantive impacts to the biodiversity or ecosystem function of the area are expected beyond the status quo. Positive biological and ecological effects should continue to be expected from this alternative because it supports the queen conch rebuilding plan by constraining the recreational harvest at a lower daily harvest rate (i.e., no changes to current bag limit).

The effects of the proposed action on the physical and biological/ecological environments have been thoroughly discussed in Sections 4.1.1, 4.1.2, 4.2.1, and 4.2.2 of the EA.

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

Response: No. Although Action 1 (Commercial Trip Limit) in this regulatory amendment is expected to directly affect commercial fishermen in St. Croix, USVI who harvest queen conch in the EEZ of St. Croix, the social and economic effects of the action are not expected to be significant because the overall harvest allowance (i.e., ACL) of queen conch in the EEZ/Territory would not be affected by this action. This action would only minimally affect the rate at which the established queen conch ACL is reached and this is not expected to have significant physical and/or biological effects that could affect the social and economic benefits obtained from the queen conch resource. As discussed in Section 2.1 of the EA, the queen conch commercial ACL in combined territorial and federal waters of St. Croix is 50,000 pounds (22,680 kg) and queen conch harvest and possession in the EEZ is prohibited when that ACL is reached. This action would modify the commercial trip limit from 150 queen conch per licensed commercial fisherman per day to 200 queen conch per vessel per day. However, as discussed in Section 1.6 and 4.1.4 of the EA, because approximately two-thirds of the total queen conch harvest in St. Croix comes from territorial waters, any increased harvest rate as a result of the proposed increase in the trip limit in the EEZ may not significantly reduce the length of the open

season, and this is expected to have minimal to no socio-economic effects. Increasing the number of queen conch that could be harvested per vessel per day is expected to have positive effects because it would be expected to increase the average daily harvest and associated revenue per trip for trips on which queen conch are harvested. Other positive effects are expected from this action because compatibility of regulations is a proactive measure that may also allow for better control of fishing pressure on the queen conch resource. Enforcement may be facilitated by consistent regulations, which allow for straightforward application of the law, and may reduce confusion on the part of the fishers. This may result in better understanding and cooperation by the fishers.

A description of the social and economic environments can be found in Section 3.3 of the EA. The effects of the proposed action on the socio-economic environment are thoroughly discussed in Sections 4.1.3, 4.1.4, 4.2.3, and 4.2.4 of the EA.

8) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. As discussed in Section 4.4 of the EA, the effects on the quality of the human environment are not likely to be controversial. The USVI government requested this action because compatibility with the territorial regulations may reduce confusion among fishers and therefore increase their compliance with the law, increase law enforcement efficiency, and may contribute to the long-term health of the queen conch resource. After careful consideration, the Council decided to modify the commercial trip limit but leave the recreational bag limit unchanged because modifying the recreational limit could compromise the stock rebuilding plan and could affect the long-term health of the queen conch. This is because implementing a compatible queen conch recreational bag limit in St. Croix EEZ waters would result in an increased allowable daily take (from three per person and 12 per vessel to six per person and 24 per vessel), thereby increasing the total recreational take in a manner that may have negative consequences for queen conch population abundance and the success of the rebuilding plan.

No controversial economic and social effects are expected from this action because the affected commercial fishermen are expected to be affected positively by experiencing an increase in revenue and profit. In general, this action would increase the number of queen conch that could be harvested per vessel per trip if one licensed commercial fisherman is on board the vessel and decrease the allowable harvest if multiple licensed commercial fishermen are on board. As discussed in Section 1.6 of the EA, two percent or fewer of the trips that harvest queen conch are believed to carry multiple licensed commercial fishermen and no licensed commercial fishermen are known to exclusively fish with other licensed commercial fishermen on board. Therefore, the effects of increasing the allowable queen conch harvest per vessel per day on trips with a

single licensed commercial fisherman on board would be expected to account for the majority of the impacts, and those effects are expected to be economically beneficial.

In addition, the Council held one public hearing in St. Croix, USVI to present the actions and alternatives for the modification of the commercial trip limit and recreational bag limit for queen conch, and a one-month comment period was announced for the public to submit written comments to the proposed rule implementing the action in this regulatory amendment. At the hearing, public comment for the commercial trip limit was generally supportive of the Council's preferred alternative of establishing commercial trip limits in the EEZ that are compatible with the USVI. For the recreational bag limit, public comment was minimal and supportive of either changing the federal recreational limit to be compatible with the USVI (**Alternative 2**) or requesting the USVI to adopt a similar recreational bag limit in their territorial waters, which is a Territory decision. A summary of the outcomes of the Public Hearings can be found in Appendix B of the EA.

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 or ecologically critical areas?

Response: No. The proposed action is not likely to result in direct, indirect, or cumulative effects to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas because the presence of these areas is limited in federal waters of the U.S. Caribbean. The Buck Island Reef National Monument, Salt River Bay National Historic Park, Virgin Islands Coral Reef National Monument, and Virgin Islands National Park are within the boundaries of USVI territorial waters. The proposed action is not likely to adversely affect these national marine parks. A marine protected area (MPA) within the Lang Bank in St. Croix (Red Hind Spawning Aggregation to the east of St. Croix), is located in federal waters of the U.S. Caribbean that will be directly affected by the actions in this regulatory amendment, and regulations are currently in place to protect this area. The proposed action is not expected to adversely affect resources within this MPA or alter regulations intended to protect this area because modifying the commercial trip limit is not expected to result in appreciable changes to current fishing practices as analyzed and shown in Section 1.6 and throughout Chapter 4 of the EA.

Discussions about the potential effects to the physical, biological, and cultural environments can be found in Sections 4.1.1, 4.1.2, 4.2.1, 4.2.2, 4.3, and Appendix A of the EA.

10) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. The proposed action is expected to have minimal impacts on the human environment because it will not substantially change current fishing practices, and is consistent with stock rebuilding efforts for the queen conch. A detailed description of the expected impacts of the proposed action on the biological/ecological, economic, social, and administrative environments is contained in Sections 4.1.1 through 4.2.5 of the EA and did not reveal any substantial adverse impacts.

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

Response: No. The proposed action is not related to other actions with individually insignificant but cumulatively significant impacts. The proposed action for the commercial sector (Action 1) is only expected to minimally affect the rate at which the queen conch ACL of the St. Croix management area is achieved (either increase or decrease the rate, depending on the number of fishermen on a vessel on a fishing trip), and would not have any overall effect on the total amount of harvest that is currently allowed in St. Croix territorial and EEZ waters. The ACL was established to prevent overfishing of the queen conch resource and rebuild the stock. Therefore, modifying the commercial trip limit as proposed in this EA has no foreseeable significant additive or interactive effects that would impact the same affected environment.

The preferred alternative for Action 2 is the no action alternative, which would not change any current fishing practices in the recreational sector and therefore would not contribute any cumulative effects that had not previously been considered when recreational bag limits where implemented in 1997 through the Queen Conch FMP.

The impacts of the proposed alternatives for Action 1 and Action 2, including the preferred alternatives, on the human environment are described in Chapter 4 of the EA. The cumulative effects assessment of the proposed action revealed no significant, cumulative adverse effects on the biological/ecological and socio-economic environments. The cumulative effects assessment is detailed in Section 4.3 of the EA.

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, as none of these are present in the directly affected environment within the U.S. Caribbean EEZ, and direct, indirect, or cumulative effects are not anticipated from this action. The Buck Island Reef National Monument, Salt River Bay National Historic Park, Virgin Islands Coral Reef

National Monument, and Virgin Islands National Park are within the boundaries of USVI territorial waters. The Red Hind Spawning Aggregation MPA on Lang Bank east of St. Croix is located in federal waters of the U.S. Caribbean that will be directly affected by the actions in this regulatory amendment. The proposed action is not likely to adversely affect these national marine parks, or the resources in the MPA, or cause destruction of significant scientific, cultural, or historical resources. The action is not expected to increase fishing effort or result in a change in fishing practices in U.S. Caribbean federal waters. For a discussion, see Section 1.6 and Chapter 4 of the EA.

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 would not result in the introduction or spread of non-indigenous species within the affected environment. There is no evidence or indication that the queen conch fishery, a hand-harvest fishery, has ever resulted in the introduction or spread of non-indigenous species, and this is not expected to change by the implementation of the actions in this EA. The biological/ecological effects of the actions are discussed in Section 4.1.2 and 4.2.1 of the EA.

14) Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

Response: No. Trip limits and bag limits are fishery management tools that have been employed in the queen conch fishery of the U.S. Caribbean since the implementation of the Queen Conch FMP in 1997. Modifying these limits to achieve compatibility with Territorial regulations is not considered precedent setting and does not represent a novel approach to managing fisheries in the U.S. Caribbean EEZ, nor do these actions represent a decision in principle about a future consideration. Modifying the commercial trip limit is not expected to substantially increase fishing effort or change the spatial and/or temporal distribution of current fishing effort in the U.S. Caribbean EEZ. This has been thoroughly analyzed in Chapter 4 of the EA. The advantages of compatible commercial regulations would be facilitation of enforcement, by allowing for straightforward application of the law, and removing confusion as an excuse for non-compliance. This could result in fewer false or unsupportable citations, less wasted time in the legal system, and better understanding and cooperation by the fishers.

The Council's decision to leave the current recreational bag limit unchanged, although not fulfilling the stated purpose of implementing compatible regulations, would be expected to avoid negative (but presently unquantifiable) effects on the biological environment that could compromise the long-term health of the queen conch resource. In addition, because current recreational limits in federal waters are lower than in territorial waters, traversing through

territorial waters would not create an enforcement problem like in Action 1 (commercial), as harvest would still be within the limits allowed in territorial waters.

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 not likely to threaten or cause a violation of federal, state, or local law or requirements imposed for the protection of the environment. The proposed action is consistent with applicable state and federal regulations. The preferred alternative in Action 1 is compatible with similar regulations in the USVI. There has been close collaboration with USVI representatives on the Council throughout this process. Compatibility of regulations may facilitate enforcement efforts, enhance compliance by fishers, and allow for more efficient management of queen conch resources in the U.S. Caribbean.

Other applicable laws related to the implementation of the regulatory amendment and the EA were analyzed, and the discussion can be found in Appendix A of the EA. Appendix A discusses major laws, such as federal statutes designed to protect the biological and human components of U.S. fisheries, which affect federal management decision-making.

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. The proposed action is not expected to result in any cumulative adverse effects that could affect target or non-target species. The impacts of the proposed alternatives for Action 1 and Action 2, including the preferred alternatives, on the biological, physical, social, economic, and administrative environments are described in Chapter 4 of the EA. The cumulative effects assessment of the proposed action, including any potential effects on target and non-target species, is detailed in Section 4.3 of the EA. The cumulative effects assessment revealed no significant, cumulative adverse effects on the physical, biological/ecological, and socio-economic environments. The preferred alternative for Action 1, Commercial Trip Limit, would modify the commercial trip limit from an individual to a vessel limit and this will not change the established ACL. This action would only minimally affect the rate at which the ACL is reached; therefore, it is consistent with the queen conch rebuilding plan, the FMP, FMP amendments, and the SEDAR assessment (SEDAR 14, NMFS 2007).

The effects of the preferred alternative for Action 2, Recreational Bag Limit, which is the no action alternative, are expected to be positive and also consistent with the rebuilding plan for the queen conch because the no action alternative constrains the recreational harvest at a lower daily harvest rate than any of the proposed alternatives. Because there is no cap for the total recreational harvest, and no tracking of recreational queen conch harvest in the U.S. Caribbean,

this daily harvest constraint is the only constraint on recreational harvest while the fishing season is open. Because this action would not change any current fishing practices in the recreational sector, it would not contribute any cumulative effects that have not previously been anticipated.

DETERMINATION

In view of the information presented in this document and the analyses contained in the supporting EA, I have determined that the preferred alternatives of the proposed action would not significantly affect 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 identified and analyzed 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