Finding of No Significant Impact (FONSI) for Amendment 4 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands: Seagrass Management

National Marine Fisheries Service (NMFS)

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. 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 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 proposed action would modify management of seagrasses included in the Fishery Management Plan (FMP) for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (USVI; Coral FMP), which are not targeted species. None of the alternatives proposed (take no action (**Alternative 1**), set an annual catch limit (ACL) for seagrasses (**Alternatives 2a** and **2b**), designate seagrasses as ecosystem component species (**Alternative 3**), or remove seagrasses from the FMP (**Preferred Alternative 4**)) would change any current fishing practices or restrictions on fisheries occurring in federal waters of the U.S. Caribbean, thus no target species would be affected.

As more fully discussed in Section 2.2 and in Chapter 4 of the environmental assessment (EA), **Preferred Alternative 4** of the proposed action would remove seagrasses from the Coral FMP. The Caribbean Fishery Management Council (Caribbean Council) determined that federal management of seagrass species is unnecessary because there is no known harvest of seagrasses, these species occur predominantly in Puerto Rico commonwealth and in USVI territorial waters (state waters), and seagrasses are designated as essential fish habitat (EFH) and habitat areas of particular concern (HAPC) in all of the Caribbean Council FMPs, and would be protected by these designations. In fact, the removal of species that are not in need of management (**Preferred Alternative 4**) would allow management efforts to be concentrated on the heavily targeted and exploited stocks that are in need of management, which would provide beneficial results to the biological, ecological, and administrative environment. A description of the effects

of the proposed alternatives (**Alternatives 1-3,** including **Preferred Alternative 4**) on the biological and ecological environment can be found in Section 4.2 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, the proposed action is not anticipated to have any effects on such species, as discussed in Section 4.2 of the EA. This action would not change current fishing practices or restrictions on fisheries occurring in federal waters of the U.S. Caribbean, and would not affect any non-target species. Moreover, there is no direct or indirect harvest of seagrass in the U.S. Caribbean exclusive economic zone (EEZ) or in state waters, and no bycatch is expected to result from this action.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act and identified in fishery management plans?

Response: No. The proposed action would not be expected to cause damage to the ocean and coastal habitats and/or EFH as defined under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and identified in the Caribbean Council's FMPs. The proposed action would not change current restrictions on fisheries occurring in federal waters of the U.S. Caribbean and, consequently, would not alter the effects of fisheries on ocean and coastal habitats, or affect EFH. As discussed in detail in Section 4.1 of the EA, under all of the alternatives proposed (**Alternatives 1-4**), seagrasses would continue to be EFH for stocks within the four U.S. Caribbean FMPs (Reef Fish, Queen Conch, Spiny Lobster, and Corals), and would still be subject to the same protections currently provided by the Magnuson-Stevens Act under this designation, which requires in part, that FMPs minimize to the extent practicable adverse effects on EFH caused by fishing. This determination can be found in a memorandum to file from NMFS' Habitat Conservation Division dated February 11, 2013.

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

Response: No. The proposed action would not affect public health or safety because it would not alter current fishing practices or operations in the U.S. Caribbean EEZ. The action is largely administrative in nature and is intended to address the future management of seagrasses in federal waters of the U.S Caribbean in accordance with the Magnuson -Stevens Act. This is discussed in the Fishery Impact Statement and in Sections 3.3 and 4.4 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. Fishery management actions can adversely affect species and/or habitat protected by the Endangered Species Act and/or the Marine Mammal Protection Act by increasing bycatch and/or fishing gear interactions with these species, and/or by redistributing fishing effort to areas where protected species and/or critical habitats occur. The proposed action would not change any current fishing activities or operations. Because there is no harvest for seagrasses, nor is any future harvest anticipated, and seagrasses appear to be rare in EEZ waters, removing seagrasses from the FMP, as intended by the Caribbean Council, would not cause new adverse effects to species not previously considered.

Protected resources are discussed in Section 3.2.2 and in Appendix C (Other Applicable Law) of the EA. The biological impacts are discussed in Section 4.2 of the EA and, in summary, state that under all of the alternatives considered for this action, including **Preferred Alternative 4**, seagrasses would continue to perform critical habitat functions for some of these protected species (e.g., sea turtles). In addition, the proposed action would not affect regulations that are in place to protect endangered and threatened species.

In a February 8, 2013, memorandum to NMFS' Sustainable Fisheries Division, the NMFS Regional Administrator stated that the continued authorization of the U.S. Caribbean coral reef fishery, which is conducted by hand harvest of species mostly for the aquarium trade (e.g., invertebrates), is not likely to adversely affect listed marine mammals or sea turtles. In addition, the continuous authorization of the coral reef fishery, with seagrass species removed from the Coral FMP, is not likely to adversely affect *Acropora* or *Acropora* designated critical habitat.

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. This action is largely administrative in nature and intends to modify the management of seagrasses in federal waters of the U.S. Caribbean. Seagrasses provide essential habitat for many important fisheries species in the U.S. Caribbean, but seagrasses are not presently harvested. The proposed action would not change any current fishing operations or activities, thus impacts on benthic productivity, or predator-prey relationships, among others, would not differ from the current situation (status quo).

As discussed in Section 4.2 of the EA, removing seagrass species from the Coral FMP, as proposed in **Preferred Alternative 4,** is not expected to affect the quantity or quality of the ecosystem and coastal stabilization services provided by seagrass species because harvest is not

expected to occur and sufficient protection may be afforded by the specification of seagrass as EFH. The effects of the proposed action on the physical and biological/ecological environments have been thoroughly discussed in Sections 4.1 and 4.2 of the EA.

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

Response: No. The proposed action is not expected to significantly affect the social or economic environments because seagrasses are not harvested in either the U.S. Caribbean EEZ or state waters of Puerto Rico and the USVI. This action intends to modify the management of species that provide habitat and not the management of a directed fishery, and there are no identifiable people, communities, or businesses that are directly dependent on these resources. In addition, since the proposed action does not affect actual fishing operations, there would be no impacts to other fisheries as a result of implementing any of the alternatives. Therefore, the proposed action would not be expected to result in any economic effects on fishermen or associated businesses or communities, and it is expected that fishermen and fishing communities would continue to receive the social benefits that seagrass habitat provides. A description of the socio-economic environment can be found in Sections 3.3.1 and 3.3.2 of the EA. The effects of the proposed action on the socio-economic environment are thoroughly discussed in Sections 4.3 and 4.4 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 4.3, Section 4.4, and Chapter 5 of the EA, the effects on the quality of the human environment are not likely to be controversial. The action proposed is largely administrative and would not change current fishing activities or operations. Therefore, the proposed action is not expected to have any effect on the identified resources, ecosystems, or human communities (See Sections 4.1- 4.5 of the EA). In addition, the Caribbean Council held public hearings to present alternatives for the management of seagrasses. Public comment in this regard was minimal and generally supportive of the Caribbean Council's preferred alternative of removing seagrasses from the Coral FMP. A summary of the outcomes of the Public Hearings can be found in Appendix D 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 as the action is largely

administrative, would not change any fishing practices, and none of these areas are part of the directly affected environment in federal waters of the U.S. Caribbean. This action is also not expected to affect any marine protected areas in federal waters of the U.S. Caribbean. Discussions about the potential effects to the physical, biological, and cultural environments can be found in Sections 4.1, 4.2, 4.6, and Appendix C (Other Applicable Law) 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 not expected to have any impacts on the human environment because it will not impact current fishing operations. Seagrasses are not currently harvested, thus removing these species from the FMP would not result in any effects that are highly uncertain or involve unique or unknown risks. A detailed description of the expected impacts of the action on the biological/ecological, economic, social, and administrative environments is contained elsewhere in Sections 4.1 through 4.5 of the EA.

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

Response: No. The proposed action is not dependent on or related to any other foreseeable actions that would impact the same affected environment. The proposed management action, as discussed in Chapter 2 of the EA, would modify the management of seagrass species included in the Coral FMP. The proposed action is largely administrative, does not change current fishing activities or affect current fishing operations in federal waters of the U.S. Caribbean; therefore, it would not pose additional significant impacts or affect other fisheries as a result of implementing any of the alternatives. The impacts of the proposed alternatives, including the preferred alternative, 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 4.6 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 is largely administrative in nature and would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. This action is unlikely to cause destruction of significant scientific, cultural, or historical resources, as the action would not change any current fishing practices or operations in U.S. Caribbean federal waters.

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 largely administrative in nature and would not change any current fishing practices, methods, or activities. Consequently, it would not result in the introduction or spread of non-indigenous species within the affected environment. The biological/ecological effects of the action are discussed in Section 4.2 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. The proposed action is unlikely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The removal of a species with no identified management needs from an FMP is a management tool that has been employed by the Caribbean Council in the past. Removing a species from management is not considered precedent setting, and do not represent a novel approach to managing fisheries in the Caribbean, nor this action represent a decision in principle about a future consideration.

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. Other applicable laws related to the implementation of the amendment and the EA were analyzed and the discussion can be found in Appendix C, Other Applicable Law, of the EA. Appendix C 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 largely administrative in nature and is not expected to result in any cumulative adverse effects that could directly or indirectly affect target or non-target species because it would not change any current fishing practices, methods, or activities in federal waters of the U.S. Caribbean. In addition, the proposed action is not dependent on or related to any other foreseeable actions that would impact these species. The impacts of the proposed alternatives, including the preferred alternative, on the biological, physical, and human 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 4.6 of the EA. The cumulative effects assessment revealed no significant, cumulative adverse effects on the biological and socio-economic environments.

DETERMINATION

In view of the information presented in this document and the analyses contained in the supporting EA, I have determined that the preferred alternative 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.

5/17/13

Roy E. Crabtree, Ph.D.

Date

Regional Administrator
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