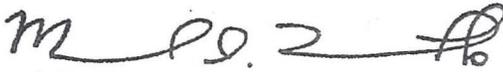




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JUN - 7 2015

MEMORANDUM FOR: The Record

FROM: 
Michael D. Tosatto
Regional Administrator

SUBJECT: Proposed Specifications; Annual Catch Limits and Accountability Measures for Pacific Island Crustacean and Precious Coral Fisheries in 2015-2018 (RIN 0648-XD558) – National Environmental Policy Act Categorical Exclusion

National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-6 – Environmental Review Procedures for Implementing the National Environmental Policy Act (NEPA) – (NAO 216-6) requires that all proposed actions be reviewed with respect to potential environmental consequences on the human environment. This memorandum summarizes the National Marine Fisheries Service (NMFS) determination that the proposed specifications of annual catch limits (ACLs) and accountability measures (AMs) for Pacific Island crustacean and precious coral fisheries for fishing years 2015-2018 qualify to be categorically excluded from further NEPA review.

Proposed Action

The Western Pacific Fishery Management Council recommended that NMFS specify multi-year annual catch limits (ACL) and accountability measures (AM) effective in fishing years 2015-2018. NMFS proposes to implement the specifications for fishing year 2015, 2016, 2017, and 2018 separately prior to each fishing year. The specifications pertain to ACLs for Pacific Island crustacean and precious coral fisheries in the Exclusive Economic Zone (EEZ) around American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and Hawaii (See Table 1). These are the same ACLs specified by NMFS in 2012 (77 FR 6019, February 7, 2012), 2013 (78 FR 15885, March 13, 2013) and 2014 (79 FR 4276, January 27, 2014).

For each fishery, NMFS also proposes an AM to correct or mitigate any overages of an ACL. Unless modified by NMFS, the ACLs and AMs would be specified for fishing years 2015 through 2018 (January 1 – December 31 each year). The Western Pacific Fishery Management Council (Council) recommended the ACLs and AMs and developed its recommendations in accordance with the ACL process approved by NMFS. The process provides for the Council and NMFS to consider the best available scientific, commercial, and other information including public input on proposed ACLs and AMs. The action is needed to comply with the Magnuson-Stevens Fishery Conservation and Management Act and provisions of the fishery ecosystem plans (FEPs) for American Samoa, the Mariana Archipelago, and Hawaii, which require NMFS



specify ACL and AMs for all stocks of fish harvested in these fisheries. Information and detail about how specific ACLs were developed for these fisheries are provided in NMFS (2011).

Table 1. Proposed ACL Specifications for Pacific Islands Crustacean and Precious Coral Fisheries.

Fishery	Management Unit Species	Proposed ACL Specification (lb)
American Samoa Crustaceans*	Deepwater shrimp	80,000
	Slipper lobster	30
	Kona crab	3,200
American Samoa Precious Corals	Black coral	790
	Precious corals in the American Samoa Exploratory Area	2,205
Guam Crustaceans*	Deepwater shrimp	48,488
	Slipper lobster	20
	Kona crab	1,900
Guam Precious Corals	Black coral	700
	Precious corals in the Guam Exploratory Area	2,205
CNMI Crustacean*	Deepwater shrimp	275,570
	Slipper lobster	60
	Kona crab	6,300
CNMI Precious Corals	Black coral	2,100
	Precious corals in the CNMI Exploratory Area	2,205
Hawaii Crustaceans*	Deepwater shrimp	250,773
	Slipper lobster	280
	Kona crab	27,600
Hawaii Precious Corals	Auau Channel black coral	5,512
	Makapuu Bed – Pink coral	2,205
	Makapuu Bed – Bamboo coral	551
	180 Fathom Bank – Pink coral	489
	180 Fathom Bank – Bamboo coral	123
	Brooks Bank – Pink coral	979
	Brooks Bank – Bamboo coral	245
	Kaena Point Bed – Pink coral	148
	Kaena Point Bed – Bamboo coral	37
	Keahole Bed – Pink coral	148
	Keahole Bed – Bamboo coral	37
Precious corals in the Hawaii Exploratory Area	2,205	

* Note: Proposed ACL specifications and AMs for spiny lobster fisheries of the Pacific Islands are being considered in a separate environmental assessment.

Effects of the Action

In December 2011, NMFS completed an Environmental Assessment (EA) prior to specifying ACLs and AMs for Pacific Island crustacean and precious coral fisheries for 2012 and 2013 (NMFS 2011). The analysis in the EA showed that there would be no expected effect of the ACL and AM specifications on target or non-target species, marine mammals, sea turtles, or seabirds. There also would not be any impacts on any ocean or coastal habitats, including designated essential fish habitat (EFH) habitat areas of particular concern (HAPC), marine protected areas, unique areas or critical habitat. NMFS completed a Finding of No Significant Impact (FONSI) based on the 2011 analysis. In 2014, NMFS again implemented the same ACLs and AMs (79 FR 4276, January 27, 2014), and concluded the analysis of the 2011 EA was still applicable to the fishery and its environmental impacts. The specification of an ACL and use of AMs are expected to provide for sustainable harvest of bottomfish, crustacean and precious coral fishery resources while preventing overfishing from occurring, which would have positive long-term impacts on fishery participants and fishing communities. To date, no crustacean or precious coral fishery listed in Table 1 above has exceeded its specified ACL.

Because the ACL and AM specifications for fishing year 2015-2018 are identical to those implemented in 2012, 2013 and 2014, and because no fishery has exceeded its ACL, the analysis contained in the December 2011 EA remains valid to the extent that baseline environmental conditions and conduct of these fisheries have not changed in a manner that would invalidate the previous analysis. Since completion of the December 2011 EA, two relevant changes to the fishery management setting have occurred, as follows:

1. NMFS listed scalloped hammerhead sharks under the Endangered Species Act (ESA) (79 FR 38214, July 3, 2014). Of the populations found in the Pacific Ocean, only the threatened Indo-West Pacific distinct population segment (DPS) of scalloped hammerhead shark may occur in the action area.
2. NMFS listed 20 species of reef-building corals under the ESA (79 FR 53852, September 10, 2014). Of the corals found in the Pacific Ocean, only seven occur in waters under U.S. jurisdiction, with six occurring in American Samoa, three in Guam and the Pacific Remote Island Areas (PRIA) and two in the CNMI. All seven species in U.S. jurisdiction are listed as threatened (See Table 2).

Table 2. ESA-listed reef-building corals under U.S. jurisdiction in the Pacific Islands (An “X” indicates presence according to information to date).

Coral Species (all are listed as Threatened)	American Samoa	Guam	CNMI	PRIA*
<i>Acropora globiceps</i>	X	X	X	X
<i>A. jacquelineae</i>	X			
<i>A. retusa</i>	X	X		X
<i>A. speciosa</i>	X			X

Coral Species (all are listed as Threatened)	American Samoa	Guam	CNMI	PRIA*
<i>Euphyllia paradivisa</i>	X			
<i>Isopora crateriformis</i>	X			
<i>Seriatopora aculeata</i>		X	X	

Source: http://www.fpir.noaa.gov/PRD/prd_listed_coral.html.

* The PRIA are not part of the proposed action area and are included for information purposes only.

Indo-West Pacific DPS of scalloped hammerhead shark

The Indo-West Pacific DPS of scalloped hammerhead shark ranges widely from nearshore to pelagic environments and from the surface to depths of over 500 meters; these ranges vary seasonally due to temperature changes. However, this DPS does not occur in Hawaiian waters. On July 3, 2014, NMFS listed the Indo-West Pacific DPS as threatened under the ESA (79 FR 38214). As a result of the listing, NMFS evaluated the potential impacts of the continued operation of the crustacean and precious coral fisheries of American Samoa, and the Mariana Archipelago (i.e., Guam and CNMI), and fishery management measures, including ACLs and AMs on this species. This evaluation is described in two biological evaluations, one prepared for American Samoa fisheries (NMFS 2015a) and one for Mariana Archipelago fisheries (NMFS 2015b), which are briefly summarized below.

To date, there have been no observed or reported interactions of scalloped hammerhead sharks in any crustacean or precious coral fishery of American Samoa, Guam or the Northern Mariana Islands. This is primarily because there are no active fisheries for precious corals, Kona crab or deep-water shrimp in any of the three island areas. While there is an active fishery for lobsters in each island area, harvest occurs by hand or by spear in nearshore waters under the jurisdiction of the various local governments. Based on the consideration of the best available science, NMFS determined that the crustacean and precious coral fisheries of American Samoa, Guam and the Northern Mariana Islands are not likely to adversely affect this species. NMFS documented these determinations in letters of concurrence dated April 9, 2015, for American Samoa FEP fisheries; and April 29, 2015, for Mariana FEP fisheries. Consequently, the impacts of the proposed action on non-target species, including sharks such as the scalloped hammerhead shark described in the December 2011 EA, which NMFS found to be not significant, remain unchanged.

Reef-building corals

On September 10, 2014, NMFS listed 20 species of reef-building corals as threatened under the ESA (79 FR 53852). Seven occur in waters under U.S. jurisdiction, with six in American Samoa, three each in Guam and the PRIA, and two in the Northern Mariana Islands (see Table 2). As a result of the listing, NMFS evaluated the potential impacts of the continued operation of crustacean and precious coral fisheries of American Samoa, and the Mariana Archipelago (i.e., Guam and CNMI), and fishery management measures, including ACLs and AMs on these species. This evaluation is described in two aforementioned biological evaluations (NMFS 2015b), which are briefly summarized below.

Species-specific information on the exact location of the ESA-listed reef-building corals in American Samoa, Guam and the Northern Mariana Islands is unavailable. For the ESA-listed corals found in American Samoa, an analysis of possible coral reef habitat in depths shallower than 50 m (the deepest confirmed range of any of the listed coral species in American Samoa) indicates only 3% of potential habitat is within federal waters. The remaining 97 percent is within territorial waters (0-3 nm) under the jurisdiction of the American Samoa government. For the ESA-listed corals found in Guam and the Northern Mariana Islands, the analysis of possible coral reef habitat in depths shallower than 40 m (the deepest confirmed range of any listed coral species in the Mariana Archipelago) indicates approximately 24% of potential habitat is within federal waters. The remaining 76 percent of potential habitat is within territorial waters (generally, seaward out to 3 nm) under the jurisdiction of the Territory of Guam and the Commonwealth of the Northern Mariana Islands.

Based on the consideration of the best available science and the description of the coral reef and precious coral fisheries of the areas, NMFS determined that the crustacean and precious coral fisheries of American Samoa, Guam and the Northern Mariana Islands are not likely to adversely affect ESA-listed corals because of the low numbers and low level of fishing activity of vessels; lack of spatial overlap between potential coral habitat and crustacean and precious coral fishing areas; and low likelihood of gear contact with corals. NMFS documented these determinations in letters of concurrence dated April 9, 2015, for American Samoa FEP fisheries; and April 29, 2015, for Mariana FEP fisheries. Consequently, the impacts of the proposed action to EFH and HAPC, including coral reef habitat described in the December 2011 EA (Section 3.5), which NMFS found to be not significant remain unchanged.

Categorical Exclusion

This proposed action has been considered under NAO 216-6, section 5.05 General Requirements for CEs. The proposed action was analyzed consistent with NAO 216-6, section 5.05b (Determining Appropriateness for Use of Categorical Exclusions) and documented to be the same as the prior action which was analyzed in an EA. The description in this memorandum show that the ACL specifications and AMs have not changed, the fishery conditions have not changed, and there is no new information would change the analysis in the EA and conclusions in the FONSI.

Exceptions for CEs listed in NAO 216-6, section 5.05c do not apply to the proposed action. The specification of the ACLs and AMs will not affect a geographic area with unique characteristics, the proposed action is not known to be controversial, the environmental impacts are not uncertain, the action does not involve unique or unknown risks, it does not establish a precedent or decision in principal about a future proposal, and the action will not result in cumulatively significant impacts. The specification would not result in the fishery affecting endangered and threatened species in ways that have not been considered in the EA and in recent consultations.

The proposed action qualifies for the CE specified under section 6.03d.4(a) because it is an ongoing or recurring fishery action of a routine administrative nature and the action will not have any impacts not already assessed. The December 2011 EA provides adequate documentation that the action, individually and cumulatively, does not have the potential to pose significant effects

to the quality of the human environment and this memorandum documents my determination that the continuation of the current ACL specifications and AMs for the precious coral and crustacean fisheries considered herein will not change the fishery or impacts on the environment. Accordingly, the proposed action is excluded from the need to prepare an EA or an environmental impact statement.

References

- National Marine Fisheries Service (NMFS). 2015a. Biological evaluation of potential impacts of American Samoa coral reef, bottomfish, crustacean, and precious coral fisheries on reef-building corals and Indo-west Pacific scalloped hammerhead shark distinct population segment. March 13, 2015. 33 p.
- NMFS. 2015b. Biological evaluation of potential impacts of Mariana Archipelago coral reef, bottomfish, crustacean, and precious coral fisheries on reef-building corals and Indo-west Pacific scalloped hammerhead shark distinct population segment. April 2, 2015. 48 p.
- NMFS. 2011. Environmental Assessment for Annual Catch Limit Specifications and Accountability Measures for Pacific Island Crustacean and Precious Coral Fisheries in 2012 and 2013. December 11, 2011. 182 p.

Attachment

cc: F/PIR5 – Harman
F/PIR – Luipold
GC – Tucher