

Finding of No Significant Impact (FONSI) for the Regulatory Amendment to the Fishery Management Plan (FMP) for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands
Modifying the Bajo de Sico Seasonal Closure (Regulatory Amendment)

National Marine Fisheries Service

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 regulations at 40 C.F.R. 1508.27 state that 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, CEQ’s context and intensity criteria, and National Marine Fisheries Service Instruction 30-124-1, July 22, 2005, Guidelines for the Preparation of a Finding of No Significant Impact.

Subsequent references throughout the following FONSI refer to the consolidated document containing the Environmental Assessment (EA) and Regulatory Amendment.

These criteria include:

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 purpose of the action is to provide further protection to red hind spawning aggregations and large snappers and groupers, and better protect the essential fish habitat (EFH) where these species reside. The action proposes to prohibit the harvest and possession of Council-managed reef fish during 6 months of each year, which will actually help increase the sustainability of those species. Supporting analysis can be found in Section 5.1.1 of the consolidated EA and Regulatory Amendment.

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

Response: No. The Caribbean Fishery Management Council reef fish fishery management unit includes over 85 species, many occurring at or nearby Bajo de Sico. Many species of reef fish in the area will be protected during the proposed 6-month seasonal closure. Also, harvest of coral and queen conch has been prohibited in the Caribbean exclusive economic zone (EEZ) for many years and will not be impacted by fishing or the use of bottom tending gear. Spiny lobster will remain open for harvest during the extended closed season but fishing effort directed toward spiny lobster is minimal in the area due to existing environmental conditions (i.e. fast currents and deep water) coupled with the anchoring prohibition and is not expected to increase (Section 3.1).

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 Act and identified in FMPs?

Response: No. The proposed action would reduce fishing pressure by limiting allowable fishing activities for a longer period of time. According to Section 5.1.1 of the Regulatory Amendment, the reduction in fishing pressure would equate to reduced impacts on the ocean and EFH by reducing interactions with gear and reduced fishing effort. The proposed action will also prohibit anchoring within Bajo de Sico and provide additional protection to EFH by limiting the interaction and threats to coral and other reef benthic species by anchors (Section 5.2.1).

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

Response: Modifying a closed season will not affect harvest methods, the safety of fishermen at sea, nor will it change the quality or safety of seafood harvested in the area. According to Section 5.1, the proposed action is designed to protect the biological environment of reef fish and coral populations as well as provide additional protection to EFH. Therefore, the proposed actions are not likely to affect public health and safety.

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. Two coral species found in the Caribbean are listed as threatened. However, since fishing activities within Bajo de Sico will be limited for a longer period of time than the current closure, there are no adverse impacts expected to the threatened corals or other endangered and threatened species. According to Section 5.1.1.1, incidental catch and interactions, including entanglements, with threatened or endangered species, (i.e. coral and turtles) and to their critical habitat is likely to be reduced as a result of reduced fishing pressure on the area.

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: The proposed action is expected to have a positive (beneficial) long-term impact on biodiversity and ecosystem function in the area by providing further protection for red hind spawning aggregations and large snappers and groupers, and better protect the EFH where these species reside (Section 5.1.1). Also, the proposed no anchoring provision is expected to have a positive impact on existing habitat by eliminating potential interactions with anchors (Section 5.2.1). The purpose of the closed area would be to conserve the stocks and habitat that already exists in the area.

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

Response: No. According to Sections 3.1 and 5.1.2, environmental (i.e. fast currents and deep water) and weather conditions often prevent certain fishers from utilizing Bajo de Sico during the proposed closed season. As a result, current fishing pressure within the area is not substantial during the proposed extended closure. Fishers will be able to fish for coastal and highly migratory species during the year and should not be economically impacted by the management action. Consequently, proposed regulations are not expected to result in significant social or economic impacts.

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

Response: No. The seasonally closed area concept has historically been used in the U.S. Caribbean and elsewhere for fisheries management and allows fishers to adjust their fishing targets accordingly. The proposed regulations have also been subject to public comment and are not likely to cause controversy. The area has historically been subject to seasonal spawning closures and gear restrictions and stakeholders generally agree with the current management philosophy.

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. In the area where regulations are proposed, no known historic or cultural resources are found. Also, ecologically critical areas (such as coral reef habitats) have been identified and would be afforded additional protection by the proposed actions through reduced fishing pressure and prohibition on anchoring (Sections 3.1, 3.2, 5.1.1 and 5.2.1). No adverse impacts are expected as a result of the proposed actions.

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

Response: No. As outlined in Sections 5.1.1 and 5.2.1, the proposed regulations are designed to protect spawning reef fish and essential fish habitat by reducing fishing activities and prohibiting anchoring in Bajo de Sico. The management measures being proposed are commonly used throughout fishery management and are well understood. As a result, no highly uncertain, unique, or unknown risks are anticipated.

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

Response: No. The proposed action is administrative in nature and will not be cumulatively significant or result in significant changes to the area. As outlined in Section 3.1, Bajo de Sico is currently managed with a closed season. The action proposes to modify the seasonal closure. In addition, there are no additional actions pertaining to Bajo de Sico that may result in cumulatively significant impacts. This rule is not directly related to any other future action currently under consideration.

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. Bajo de Sico is not in proximity of any locations listed in or eligible for listing in the National Register of Historic Places. As a result, the proposed action is not expected to have any effect on such locations or cause loss or destruction of significant scientific, cultural, or historical resources.

13) Can the proposed action reasonably be expected to result in the introduction or spread of a nonindigenous species?

Response: No. The proposed action to modify the seasonal closure of Bajo de Sico (Section 3.1) proposes only to limit extractive uses by prohibiting fishing for and possession of Council-managed reef fish in the area and will neither introduce nor spread non-indigenous species.

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

Response: No. As outlined in Sections 3.1 and 3.2, the action proposes to modify the seasonal closure to six-months as well as prohibit anchoring within Bajo de Sico year round. Establishing seasonal closed areas to protect fishery resources and habitat is a well-established management strategy that has historically been used in fishery management. As a result, this action does not present any new or unusual issues for 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?

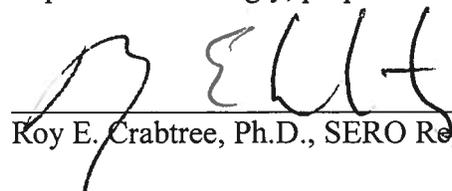
Response: No. The Regulatory Amendment was developed under the guidelines of various federal laws, including National Environmental Policy Act and Magnuson-Stevens Fishery Conservation and Management Act. The Regulatory Amendment outlines the action's effect on other applicable laws (Section 8.0).

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 cumulative adverse effect is not expected to have a substantial effect on any target species. Instead, cumulative overall effects on species found within Bajo de Sico are expected to be beneficial. The proposed action prohibits harvest and possession of Council-managed reef fish during a 6-month period, which will prevent further population declines and any adverse effects to those species. By reducing fishing pressure, reef fish and coral populations will have long term positive cumulative effects. Reduced fishing effort will provide protection to species as well as allow for these populations to thrive and rebuild (Section 5.1.1). The prohibition on anchoring will provide even further protection to EFH and coral populations. Because fisheries for coastal and highly migratory species will be allowed in the area, bycatch of reef fish species and entanglement of pelagic gear with the reef is possible. Depending on the extent of such interaction, adverse impacts are possible. Without further information, the extent of such impacts cannot be determined or estimated. Non-target reef fish species will also be protected with the gear restrictions and anchoring prohibition, thus promoting long-term sustainability (Section 5.2.1).

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment prepared for Regulatory Amendment to the Fishery Management Plan (FMP) for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands modifying the Bajo de Sico Seasonal Closure, it is hereby determined that the regulatory amendment will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.



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1/19/10

Date