

## **FINDING OF NO SIGNIFICANT IMPACT**

### **I. Purpose of the 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 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, both 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 Amendment 2 to the Fishery Management Plans (FMP; collectively, island-based FMPs) for Puerto Rico, St. Croix, and St. Thomas/St. John: Trawl, Net Gear, and Descending Devices (proposed action), which includes an Environmental Assessment (EA). The EA evaluates the affected areas, the scale and geographic extent of the proposed action, and the degree of effects on the resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The Environmental Assessment (EA) is hereby incorporated by reference. 40 CFR § 1501.6(b).

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

The proposed action is not expected to meaningfully contribute to significant impacts because the action is considered small-scale. The proposed action would prohibit the use of trawl nets, purse seines, and trammel nets for all fishing in federal waters around Puerto Rico, St. Croix, and St. Thomas/St. John, limit the use of gillnets in federal waters around the U.S. Caribbean to the use of surface gillnets that meet specified requirements in the non-federally managed fisheries, and require that descending devices are available and ready for use when fishing for reef fish species managed by the Caribbean Fishery Management Council (Council) in federal waters

around the U.S. Caribbean. The proposed action and comparison of alternatives are summarized in Chapter 2 of the EA. Detailed discussions of the magnitude of the impacts of the alternatives on the human environment, including biological, economic, social, and administrative, are in Chapter 4 of the document. None of the impacts of the actions included in this amendment, in combination with other past, present, and reasonably foreseeable future actions are expected to result in significant effects (Section 4.6 of the EA). The proposed action is not expected to meaningfully contribute to significant impacts on specific resources (Chapter 4).

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

The geographic extent and scale for the proposed action includes the exclusive economic zone (EEZ) around Puerto Rico, St. Croix, and St. Thomas/St. John, as described in Sections 1.3, 3.1, and 3.2 of the EA. Although this is a large area, the proposed action affects only fishing activities conducted with certain net gear types, which are either not currently used in federal waters (i.e., trawl nets, purse seines, trammel nets), or minimally used in federal waters (i.e., gillnets). Gillnets are used by a small group of fishermen in each island management area to fish mostly for baitfish species. The proposed action would also affect fishermen who harvest Council-managed reef fish by requiring descending devices to be available when fishing for these species in federal waters. Thus, the proposed action is 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.*

The proposed action is being taken pursuant to federal legal mandates for the management of fishery resources, which ensures state participation in management decisions (see Section 3.6 and Appendix F). It is not reasonably expected to threaten a violation of federal, state, local law, or requirements imposed for the protection of the environment.

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

The proposed action is not reasonably expected to have a significant adverse impact on public safety or health. The proposed action prevents fishermen from petitioning the Council to use certain gear that is not currently authorized in the subject fisheries (i.e., trawl nets, purse seines, and trammel nets), limits the use of gillnets to be consistent with the current fishing practices, and requires that descending devices be on board vessels fishing for federally managed reef fish. The proposed changes are not expected to substantially alter the manner in which the Puerto Rico, St. Croix, and St. Thomas/St. John fisheries as a whole are prosecuted, and there are no anticipated safety-at-sea issues.

C. *The degree to which the proposed actions are expected to affect a sensitive biological resource, including:*

a. *Federal threatened or endangered species and critical habitat;*

The proposed action is not reasonably expected to have a significant adverse effect on endangered or threatened species, or their critical habitat, described in Section 3.2.3 of the EA. Any impacts on the physical and biological environments as discussed in Sections 4.1.1 and 4.1.2 of the EA, which include those species and their critical habitat, are expected to be minimal. Although the island-based fisheries as a whole have some adverse effects on certain endangered and threatened species, the proposed action is not expected to cause new adverse effects to listed species or critical habitat that were not considered in previous Endangered Species Act Section 7 consultations as it is not expected to substantially alter the manner in which the island-based fisheries are conducted.

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

The proposed action is not expected to adversely affect stocks of marine mammals (Section 3.2.3 and Appendix F). In the proposed 2025 List of Fisheries published by the National Marine Fisheries Service (NMFS), all gear types used to harvest reef fish in the Puerto Rico, St. Croix, and St. Thomas/St. John fisheries (including the U.S. Caribbean gillnet fishery) are classified as Category III (89 FR 77789). This classification indicates the annual mortality and serious injury of a marine mammal stock resulting from these gear types is less than or equal to one percent of the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. The proposed action is not expected to alter existing fishing practices (e.g., types of methods, gear used, etc.) in the Puerto Rico, St. Croix, and St. Thomas/St. John fisheries in such a way as to alter its interactions with marine mammals.

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

The proposed action is not reasonably expected to affect essential fish habitat (EFH) in U.S. Caribbean federal waters. As discussed in the EA, an objective of this action is to prevent future, potential damage to habitats, including EFH, from certain nets, and protect species associated with such habitats (e.g., corals) in the EEZ around Puerto Rico, St. Croix, and St. Thomas/St. John.

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

The proposed action is not reasonably expected to adversely affect bird species protected under the Migratory Bird Treaty Act. There is no evidence that the reef or pelagic fisher components

of the fisheries managed under the Puerto Rico, St. Croix, and St. Thomas/St. John FMPs are adversely affecting birds (Section 3.2.2).

*e. National Marine Sanctuaries or Monuments;*

The proposed action is not reasonably expected to adversely affect marine sanctuaries or monuments, as described in Appendix F of the EA. There are no national marine sanctuaries located in the U.S. Caribbean.<sup>1</sup> The U.S. Caribbean includes two national monuments: Buck Island Reef National Monument off St. Croix, U.S. Virgin Islands (USVI), and Virgin Islands Coral Reef National Monument off St. John, USVI, both of which are located in state waters. Commercial fishing is prohibited in the Virgin Islands Coral Reef National Monument and all fishing is prohibited in the Buck Island Reef National Monument.<sup>2</sup> As the two monuments are fully located in state waters, and the majority of fishing is prohibited in those monuments, this action is not expected to have significant effects on monuments in the U.S. Caribbean region.

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

The proposed action is not reasonably expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, shallow or deep coral ecosystems in the U.S. Caribbean federal waters. As discussed in Sections 4.1.1, 4.2.1, 4.3.1, and 4.4.1, impacts to the physical environment (e.g., coral ecosystems) from the proposed action are expected to be beneficial by preventing future, potential damage to habitats, including EFH, from certain nets, and protect species associated with such habitats (e.g., corals) in the EEZ around Puerto Rico, St. Croix, and St. Thomas/St. John.

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

The proposed action is not expected to adversely affect biodiversity and/or ecosystem function within the affected area. As described in Sections 4.1.2, 4.2.2, 4.3.2, 4.4.2, and 4.5.2 of the EA, the proposed action is expected to prevent future, potential damage to habitats, including EFH, from certain gear types, protect species associated with such habitats (e.g., corals), as well as to promote best fishing practices, and enhance the survival of released reef fish in the EEZ around Puerto Rico, St. Croix, and St. Thomas/St. John. There are no anticipated changes to fishing gear and/or fishing practices in such a manner that would adversely affect benthic productivity or predator-prey relationships.

---

<sup>1</sup> <https://sanctuaries.noaa.gov/welcome.html>

<sup>2</sup> <https://dpr.vi.gov/wp-content/uploads/2022/06/Fisher-Handbook-2022.pdf>

*D. The degree to which the proposed action is reasonably 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.*

The proposed action is not expected to affect cultural resources in Puerto Rico or the USVI such as properties listed or eligible for listing on the National Register of Historic Places, archeological resources, or resources important to traditional cultural and religious practices. The proposed action is not expected to significantly change fishing practices in the reef fish and pelagic fish components of the Puerto Rico, St. Croix, and St. Thomas/St. John fisheries that are harvested with nets and therefore is not expected to increase any risk of loss or destruction to any significant scientific, cultural, or historical resources in the affected area.

*E. 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).*

The proposed action is not expected 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. As discussed in the Environmental Justice (EJ) analysis (Section 3.5.3), the minority or low-income communities on the islands have social vulnerabilities and, therefore, may constitute areas of concern. However, no EJ issues as a result of the proposed action have been identified and no additional effects to minority or low-income communities are expected.

*F. 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.*

The proposed action is not likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species. The proposed action is directed towards the management of certain fishing gear types that are either not used or minimally used to harvest finfish species, which are native to the U.S. Caribbean (see Section 3.2.1). Additionally, the action does not propose any activity, such as increased ballast water discharge from foreign vessels, which is associated with the introduction or spread of invasive species. The Puerto Rico, St. Croix, and St. Thomas/St. John fisheries that use nets are conducted within the boundaries of the U.S. Caribbean EEZ, reducing the likelihood of introducing non-indigenous species.

*G. The potential for the proposed action to cause an effect on 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.*

The proposed action is not expected to cause a substantial effect on any other physical or biological resource, nor is there substantial uncertainty or scientific disagreement on the impacts of the proposed action, as described in Chapter 4 of the EA. The proposed action is not expected to cause an effect to any other physical or biological resource where the impact is considered substantial because the proposed action is not expected to change the manner in which the island-based fisheries are conducted as a whole. The analyses and data used in the decision-making process were based on standard techniques used to evaluate fish stocks and fisheries (see Chapters 1-4 of the EA). Fishery participants may disagree with the scientific information, making for controversial opinions, but National Standard 2 of the Magnuson-Stevens Act requires conservation and management measures be based upon the best scientific information available. The proposed action was certified by the Southeast Fisheries Science Center as based on the best available scientific information in a memorandum dated July 28, 2024.

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

The proposed action is part of a larger action, which is the management of fishery resources under the Puerto Rico, St. Croix, and St. Thomas/St. John FMPs. However, as discussed in Section 4.6, the proposed action, when combined with other past, present, and reasonably foreseeable actions, is not expected to result in individually insignificant but cumulatively significant impacts. No significant overall impacts to the biological/ecological environment, to protected species occurring within that environment, to the habitats constituting and supporting that environment, or to the dependent socio-economic environment would be expected from the cumulative past, present, or reasonably foreseeable future actions are likewise not expected to significantly alter current fishing practices because trawl, purse seines, and trammel nets are not currently used by the commercial or recreational sectors, while gillnets are minimally used to harvest baitfish species in federal waters, and because fishing effort is not expected to change from current levels. Requiring descending devices be available and ready for use when fishing for managed reef fish is also not expected to significantly alter current fishing practices. Similarly, no significant cumulative effects are expected to result from reasonably foreseeable future actions that may be taken, by other federal or non-federal agencies in combination with this action.

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

The proposed action does not include any mitigation measures because it involves relatively minor changes to the management of the fisheries. The proposed action is consistent with the current fishing practices with respect to net gear. Although the descending device requirement is new, the requirement is that the device be on board a fishing vessel, available and ready for use.

As stated in Section 4.3 of the EA, the effects of the proposed action would be monitored through the collection of landings data by NMFS, stock assessments and stock assessment updates, life history studies, economic and social analyses, and other scientific observations. The monitoring burden for law enforcement would go largely unchanged, as law enforcement officers would continue to monitor compliance with any established gear regulations.

**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 proposed action, it is hereby determined that the proposed action will not significantly impact the quality of the human environment. The EA for the proposed action is hereby incorporated by reference. In addition, all beneficial and adverse impacts of the proposed action have been evaluated to reach the conclusion of no significant impacts. Accordingly, the preparation of an EIS for this action is not necessary.

---

Andrew J. Strelcheck  
Regional Administrator  
Southeast Regional Office  
National Marine Fisheries Service

---

Date