

# **FINDING OF NO SIGNIFICANT IMPACT AND DECISION TO OPEN RECREATIONAL FISHING AT**

## **MARIN ISLANDS NATIONAL WILDLIFE REFUGE *SAN RAFAEL, CALIFORNIA***

The Service is opening fishing opportunities on the Marin Islands National Wildlife Refuge in accordance with the Refuge's 2006 Final Comprehensive Conservation Plan/Environmental Assessment. Marin Islands National Wildlife Refuge and State Ecological Reserve (NWR/SER) consists of 326 acres of open bay waters and 13 acres of upland (2 islands) in San Rafael Bay, north of San Francisco Bay. Approximately 191 acres of the open bay waters are leased from the California State Land Commission (SLC). Under the existing lease with SLC, the Service is encouraged to permit sport fishing unless it is determined after consultation with the State of California Department of Fish and Wildlife (CDFW) that the area should be closed because of public safety, waterfowl resource protection, or administrative purposes. Recreational fishing would be permitted by boat only during daylight hours. No fishing would be allowed on the shorelines of East or West Marin Islands.

### **Selected Action**

#### **Alternative A—Proposed Action Alternative:**

Under the Proposed Action Alternative, the Service would open the Marin Islands NWR to recreational fishing by boat only during daylight hours. To protect heron and egret colonies from harassment or disturbance, fishing from the shorelines of either island would be prohibited. Recreational fishing would be allowed year round in accordance with State and Federal regulations. Fishing would be permitted by motorized, wind, or human-powered boats. Fishing brochures would be provided at local marinas specifying restrictions and the sensitive nature of the islands and restrictions.

This alternative was selected over the No Action Alternatives because this alternative offers the best opportunity for wildlife-dependent recreation public fishing that would result in a minimal impact on physical and biological resources, while meeting the Service's mandates under the NWRSA and Secretarial Order 3356.

## Other Alternatives Considered and Analyzed

### Alternative B—No Action Alternative

Under the No Action Alternative the Service would not open the Marin Islands NWR to recreational fishing. Public access to the Refuge is limited to staff-led tours and native plant restoration work. The No Action Alternative would not meet the purpose and need described in the Environmental Assessment.

### Summary of Effects of the Selected Action

An Environmental Assessment (EA) was prepared in compliance with the National Environmental Policy Act (NEPA) to provide decision-making framework that 1) explored a reasonable range of alternatives to meet project objectives, 2) evaluated potential issues and impacts to the refuge, resources and values, and 3) identified mitigation measures to lessen the degree or extent of these impacts. The EA evaluated the effects associated with both the Proposed Action and No Action alternatives. It is incorporated as part of this finding.

Implementation of the agency's decision would be expected to result in the following environmental effects:

- The action will have minimal effects to fish and wildlife. While fish mortality will occur from this recreational use, the harvest levels are set by the California Department of Fish and Wildlife and are low enough that population-level effects on fisheries are not expected. Disturbance related impacts to migratory birds from fishing are likely to be minimal. Anglers will only be allowed to fish on Refuge waters from a boat. The tidal influence means that the shallow waters prevent boat access near the mudflats during low tides precluding disturbance to migratory birds.
- This action will not adversely affect any threatened or endangered fish species. Anglers are required to adhere to CDFW sport fishing regulations which includes Special Regulations for salmon, steelhead, and green sturgeon. In addition the location of Refuge waters is outside of the popular sturgeon fishing areas in the San Pablo Bay and is west of the main migratory route of salmon and steelhead.
- This alternative would not conflict with the staff-led tours that are conducted occasionally on East Marin Island or with the plant restoration work.

Measures to mitigate and/or minimize adverse effects have been incorporated into the selected action. These measures include limiting fishing to daylight hours, prohibiting fishing from the shoreline of East or West Marin Island, and requiring anglers to comply with CDFW fishing regulations.

While refuges, by their nature, are unique areas protected for conservation of fish, wildlife and habitat, the proposed action will not have a significant impact on refuge resources and uses for several reasons:

- The action will result in beneficial impacts to the human environment, providing wildlife-dependent recreational opportunities to the public, with only negligible adverse impacts to the human environment as discussed above.
- The adverse direct and indirect effects of the proposed action on fish and wildlife are expected to be minor and short-term.
- The action will not adversely impact any threatened or endangered species; or any Federally-designated critical habitat;
- The action will not impact any cultural or historical resources;
- The action will not impact any wilderness areas;
- There is no scientific controversy over the impacts of this action and the impacts of the proposed action are relatively certain.
- The proposal is not expected to have any significant adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988 because no actions are being taken on wetlands or in floodplains.

## **Public Review**

The proposal has been thoroughly coordinated with all interested and/or affected parties. Parties contacted include:

On June 13, 2019, the Service put the Fishing Plan, Compatibility Determination, and EA out for 30 day public review and comment. The Service did not receive public comments on the EA. Additionally, on June 26, 2019, the Service published the draft 2019–2020 Refuge-Specific Hunting and Sport Fishing Regulations in the Federal Register. The Service did not receive public comments on the refuge-specific regulations proposed in conjunction with the refuge’s Fishing Plan and EA.

## **Finding of No Significant Impact**

Based upon a review and evaluation of the information contained in the EA as well as other documents and actions of record affiliated with this proposal, the Service has determined that the proposal to implement *Recreational Fishing* on the Marin Islands NWR does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of section 102 (2) (c) of the National Environmental Policy Act of 1969 (as amended). As such, an environmental impact statement is not required.

## **Decision**

The Service has decided to open the Marin Islands NWR to recreational fishing by boat only during daylight hours. Fishing from the shoreline of either island is prohibited in order to protect heron and egret colonies from disturbance.

This action is compatible with the purposes of the refuge and the mission of the National Wildlife Refuge System. See the Compatibility Determination (Appendix II of the Final EA).

The action is consistent with applicable laws and policies regarding the establishment of fishing on National Wildlife Refuges. Refuge-specific regulations promulgated in conjunction with this action for are in the process of being finalized. See (<https://www.govinfo.gov/content/pkg/FR-2019-06-26/pdf/2019-11443.pdf>). This action will not be implemented until the regulations are finalized.

  
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Assistant Regional Director, Refuges

8.25.15  
Date