UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
PROGRAM PLANNING AND INTEGRATION
Silver Spring, Maryland 20910

To All Interested Government Agencies and Public Groups:

Under the National Environmental Policy Act, an environmental review has been performed on the following action.

TITLE: A Rule to Implement Decisions of the Western and Central Pacific Fisheries Commission for: Fishing Effort and Catch Limits and other Restrictions and Requirements (RIN 0648-BE84)

LOCATION: Area of Application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

SUMMARY: At its Eleventh Regular Session, in December 2014, the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission or WCPFC) adopted Conservation and Management Measure (CMM) 2014-01, "Conservation and Management Measure for Bigeye, Yellowfin and Skipjack Tuna in the Western and Central Pacific Ocean." CMM 2014-01 is generally applicable for the 2015-2017 calendar year period, and only contains minor modifications to CMM 2013-01, the predecessor CMM for the three main tropical tunas (skipjack tuna (*Katsuwonus pelamis)*, yellowfin tuna (*Thunnus albacares)*, and bigeye tuna (*Thunnus obesus*)). CMM 2014-01 includes provisions for purse seine vessels and longline vessels. The CMM's provisions for purse seine vessels include limits on the allowable level of fishing effort, restrictions on the use of fish aggregating devices, and a general provision not to increase catches of yellowfin tuna. The CMM's provisions for longline vessels include catch limits for bigeye tuna and a general provision not to increase catches of yellowfin tuna.

Based on the Commission's CMMs on tropical tunas from 2008 through 2014, NMFS believes that the Commission has established a general pattern of management for tropical tunas and that provisions similar or identical to the provisions in CMM 2014-01 will likely be adopted by the Commission for the reasonably foreseeable future, which, for the purposes of the environmental analysis is through the end of 2020.[1] NMFS believes that a broad programmatic approach to analyzing NMFS' domestic implementation of the Commission's CMMs on tropical tunas in the western and central Pacific Ocean (WCPO) is appropriate, as it would help inform the public and provide timely analyses about upcoming agency actions as far in advance as possible. NMFS has prepared a

[1] NMFS has chosen 2015 through the end of 2020 as the timeframe for analysis in this PEA, because generally NEPA analyses more than five years old need to be reexamined to determine whether supplemental information is needed (see Council on Environmental Quality. 1981. *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*. 46 FR 18026 (March 23, 1981)).

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programmatic environmental assessment (PEA) to analyze NMFS' projected domestic implementation of the Commission's conservation and management measures on tropical tunas in the WCPO, pursuant to the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 USC 6901 *et seq*.), from 2015 through the end of 2020.

NMFS is promulgating a rule that would establish a framework process to put into place specific fishing effort limits, catch limits, and other restrictions and requirements in U.S. fisheries for highly migratory species in the Commission's area of competence (Convention Area) to implement particular decisions of the Commission. As part of the same rulemaking, NMFS is using the framework process to specify limits for 2015 regarding tropical tunas for the U.S. purse seine fishery operating in the WCPO. These limits are within the range of alternatives analyzed in the PEA. NMFS has determined that the establishment of the framework process qualifies to be categorically excluded from further NEPA review. The rule also includes implementation of several other unrelated regulatory matters that are the subject of a separate categorical exclusion document. All of the elements of the rule implement WCPFC decisions pursuant to the authority of the WCPFCIA.

The limits that NMFS is establishing in the rule include specifications for 2015, which would be issued to implement the provisions of the CMM 2014-01. The provisions of CMM 2014-01 that would be implemented in the specifications include restrictions on the use of FADs by purse seine vessels.

CMM 2014-01 requires Commission members to implement certain restrictions on the use of FADs by purse seine vessels between the latitudes of 20° N. and 20° S. in the Convention Area. First, setting on FADs and certain other uses of FADs are to be prohibited from July through September in each of 2015, 2016, and 2017. In addition, WCPFC members have a choice of extending those three-month "FAD prohibition periods" for a fourth month, October, or imposing quantitative annual limits on purse seine sets on FADs (in addition to the three-month FAD closures). For the United States, the limit would be 2,522 FAD sets per year. Based on analysis of these two options, NMFS anticipates that extending the FAD closures through October (i.e., a four-month FAD closure each year) would cause less severe economic impacts on the U.S. purse seine fleet and its participants than the option of a three-month FAD closure in combination with a limit of 2,522 FAD sets each year. Thus, NMFS is implementing the former option as the specifications for 2015. The July through September FAD prohibition period has already been implemented in a separate rule (see 79 FR 71327; final rule published December 2, 2014).

As indicated above, the limits being implemented in the rule (i.e., the October FAD prohibition period) is within the range of alternatives analyzed in the PEA.

RESPONSIBLE
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The environmental review process led us to conclude that this action will not have a significant impact on the environment. Therefore, an environmental impact statement was not prepared. A copy of the finding of no significant impact (FONSI), including the programmatic environmental assessment (PEA), is enclosed for your information.

Although NOAA is not soliciting comments on this completed PEA/FONSI we will consider any comments submitted that would assist us in preparing future NEPA documents. Please submit any written comments to the Responsible Official named above.

Sincerely,

TRONVIG.KRISTEN.A.1365886012

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for Patricia A. Montanio
NOAA NEPA Coordinator

Enclosure