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: Environmental Assessment for a Rule to Implement Decisions of the Western and Central Pacific Fisheries Commission for: Fishing Restrictions regarding the Oceanic Whitetip Shark, the Whale Shark, and the Silky Shark; RIN 0648-BD44

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

SUMMARY: 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 for Oceanic Whitetip Shark" (CMM 2011-04) to address recent declines in catch rates and size of oceanic whitetip sharks (*Carcharhinus longimanus*) in the longline and purse seine fisheries. The WCPFC also adopted "Conservation and Management Measure for Protection of Whale Sharks from Purse Seine Fishing Operations" (CMM 2012-04) in response to concerns about the potential impacts of purse seine fishing operations on the sustainability of the whale shark (*Rhincodon typus*) and "Conservation and Management Measure for Silky Sharks" (CMM 2013-08) to address fisheries impacts to silky sharks (*Carcharhinus falciformis*) in the western and central Pacific Ocean (WCPO). The National Marine Fisheries Service (NMFS) is promulgating a rule to implement the applicable provisions of CMM 2011-04, CMM 2012-04, and CMM 2013-08 for U.S. fishing vessels used for commercial fishing for highly migratory species (HMS) in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The regulations for oceanic whitetip sharks and silky sharks would prohibit the retention, transshipment, storage, or landing of either of the two species and would require the release of any oceanic whitetip shark or silky shark as soon as possible after it is caught with as little harm to the shark as possible. The regulations for whale sharks would prohibit setting a purse seine on a whale shark and would specify certain measures to be taken and reporting requirements in the event a whale shark is encircled in a purse seine net.

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NMFS prepared an Environmental Assessment (EA) to analyze the impacts of the rule on the human environment. The EA analyzed the rule (Alternative B), as well as the No-Action Alternative (Alternative A) and concluded that the rule would not have substantial effects on resources in the human environment.

The six elements of the rule are as follows:

1. Prohibit the crew, operator, and owner of the fishing vessel from retaining on board, transshipping, storing, or landing any part or whole carcass of an oceanic whitetip shark or silky shark that is caught in the Convention Area.
2. Require the crew, operator, and owner of the fishing vessel to release any oceanic whitetip shark or silky shark caught in the Convention Area as soon as possible after the shark is caught and brought alongside the vessel, and to use reasonable steps for its safety, without compromising the safety of any persons.
3. Allow observers to collect samples of oceanic whitetip sharks and silky sharks that are dead when brought alongside the fishing vessel in the Convention Area by requiring the crew, operator, and owner of the vessel to allow and assist a NMFS observer or WCPFC observer to collect samples from dead oceanic whitetip sharks or silky sharks, if requested to do so by the observer, notwithstanding the two elements described above.
4. Prohibit the crew, operator, and owner of the fishing vessel from setting or attempting to set a purse seine on or around a whale shark if the animal is sighted prior to the commencement of the set or the attempted set. This element applies on the high seas and in exclusive economic zones (EEZs) in the Convention Area, except for the EEZs of the Parties to the Nauru Agreement (PNA)[1].
5. Require the crew, operator, and owner of the fishing vessel to release any whale shark that is encircled in a purse seine net in the Convention Area, and to take reasonable steps for its safe release, without compromising the safety of any persons. This element applies on the high seas and in EEZs in the Convention Area, including the EEZs of the PNA.
6. Require the owner and operator of the fishing vessel that encircles a whale shark with a purse seine in the Convention Area to ensure that the incident is recorded by the end of the day on the catch report form (i.e., the Regional Purse Seine Logsheet maintained pursuant to 50 CFR § 300.34(c)(1)) in the format specified by the NMFS Pacific Islands Regional Administrator. This element would apply on the high seas and in EEZs in the Convention Area, including the EEZs of the PNA.

[1] The PNA currently includes the following countries: Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands, and Tuvalu.

RESPONSIBLE
OFFICIAL: Michael D. Tosatto
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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 EA, is enclosed for your information.

Although NOAA is not soliciting comments on this completed EA/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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Patricia A. Montanio
NOAA NEPA Coordinator
for

Enclosure