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# FINDING OF NO SIGNIFICANT IMPACT

Proposed Modification of the Swordfish Trip Limits in the Hawaii Deep-set Tuna Longline Fishery to Reduce Regulatory Discards (RIN 0648-BB48)

## Introduction

The National Marine Fisheries Service (NMFS) prepared this Finding of No Significant Impact (FONSI) according to the guidelines established in NMFS Instruction 30-124-1 (July 22, 2005) and the requirements set forth in National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-6 (NAO 216-6, May 20, 1999), concerning compliance with the National Environmental Policy Act (NEPA). The environmental impact analysis prepared in accordance with the requirements of NEPA and documented in the attached environmental assessment (EA) supports this FONSI.

## Proposed Action

The Hawaii-based deep-set longline fishery (deep-set fishery) targets bigeye tuna and incidentally catches minor quantities of swordfish. Currently, as an indirect means of discouraging deep-set fishermen from setting their gear shallow to target swordfish, regulations limit retention to 10 swordfish per vessel per trip (swordfish trip limit). Recent NMFS observer and logbook data show actual incidental catch is higher than the amounts previously used to develop the limits. The Western Pacific Fishery Management Council (Council) believes the current trip limit for the deep-set fishery results in an inefficient use of fishery resources and may lead to wasteful regulatory discards, contrary to several NMFS National Standard Guidelines.

Based on a recommendation from the Council, NMFS proposes to revise the swordfish retention limits in the deep-set fishery, as follows:

a) There would be no limit on a trip with an observer on board. Observers would monitor and document fishing activities, and would assist fishermen in mitigating interactions with protected species.
b) With no observer, 25 swordfish if only circle hooks are used. The circle hooks would reduce the number and severity of interactions with sea turtles.
c) With no observer and if only circle hooks are not used, the current limit of 10 swordfish would remain unchanged.

All other measures applicable to the deep-set longline fishery would remain unchanged.

Section 2 of the attached EA describes the range of management alternatives that NMFS considered and further analyzed for potential impacts in section 5.0.

**Coordination and Public Involvement**

The proposed management measures were the subject of discussions at Council meetings, where the public had an opportunity to comment. The attached Regulatory Amendment, which includes the EA, describes coordination with others, including public involvement, in sections 2.1 and 6.1.

**Significance Analysis**

NAO 216-6 contains criteria for determining the significance of the environmental impacts of a proposed action. In addition, the Council on Environmental Quality's (CEQ) regulations at 40 CFR 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 was considered individually, as well as in combination with the others. The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. These include:

*1) Can the proposed action reasonably be expected to jeopardize the sustainability of any target species that may be affected by the action?*

No. The proposed action would not change the manner in which the fishery is conducted such that it would affect the catch or stock status of any target species. Past analysis found no significant difference in the catch, catchability, or in mean length of bigeye tuna among hook types; therefore, catch rates would not change from current rates if fishermen were to change to circle hooks. Although bigeye tuna in the western and central Pacific Ocean is currently experiencing overfishing, the fishery does not have a major impact on the target stocks. The fishery would continue to harvest bigeye and yellowfin tuna in accordance with international conservation and management measures, including catch limits (see section 5.1 of the attached EA).

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

No. The proposed action would not jeopardize the sustainability of any non-target species because: 1) the fishery is not expected to change in terms of effort, area, or catch and would likely continue at the current level of fishing for bigeye tuna; 2) the possible use of large circle hooks (18/0, the size required in the shallow-set fishery) could reduce the catch of incidentally caught species such as billfish, pelagic sharks, opah, and dolphinfish in the Hawaii-based tuna longline fishery compared to catches using tuna, J, or smaller circle hooks; 3) swordfish are not valued by the fishery above the target species; 4) only 9.2 percent of the fishing trips would likely catch more than ten swordfish, and very few would catch, at most, 25 or more swordfish per trip; 5) the number of additional swordfish caught is not expected to result in a large change to existing fishery-related swordfish mortality that would change the stock status of North Pacific stocks; and 6) catch and discard (release) information would continue to be collected through logbooks and observer data. The anticipated small amount of change (decrease) in the

catch rate of non-target species that may occur through any potential increase in the use of circle hooks is not likely to have a large impact on the status of these stocks (see section 5.2 of the attached EA).

*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 Fishery Management Plans?*

No. The proposed action would not change the way the fishery operates, so there is not likely to be any change to the amount of accidental gear loss that could damage ocean and costal habitats. Although longliners occasionally lose hooks and other gear while fishing, fishermen are able to recover much of this gear and lost hooks are unlikely to have a major impact on the marine environment. The same level of protection to essential fish habitat (EFH) and habitat areas of particular concern (HAPC) provided under the current Pelagics FEP would be maintained (see section 5.7 of the attached EA).

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

No. There are no known impacts on public health or safety attributed deep-set fishery, and the proposed action would not result in large changes to this fishery. The proposed action would not force any vessels to operate farther from shore, in adverse weather conditions, or in any other way that could be detrimental to public health or safety at sea (see section 6.2 of the attached EA).

*5) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, marine mammals, or critical habitat of these species?*

No. On the contrary, the proposed action, by promoting the use of circle hooks, may benefit marine mammal populations because the use of circle hooks may reduce rates and/or severity of interactions with marine mammals and sea turtles. If no vessels currently using tuna hooks were to switch to circle hooks, the proposed action would not change the conduct of the fishery such that impacts considered in the most recent Biological Opinion would change or increase and trigger the reinitiation of Endangered Species Act (ESA) consultation. Fishing activity does not occur in identified critical habitat, so the proposed action would not affect such habitat.

*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.)?*

No. The proposed action would not result in large changes to fishing operations and catch rates of target and non-target species. Interaction rates with protected species would remain constant or decrease if the use of circle hooks increases. Therefore, it should not have a substantial impact on biodiversity or ecosystem function. Fishing would continue as conducted at present, with limited impact on biodiversity and ecosystem function.

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

No. The proposed action should not result in significant social or economic impacts interrelated with environmental effects because it would not change fishing operations, nor create or significantly change environmental effects of the fishery's operations (see section 5.5 of the attached EA).

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

No. Through Council meetings and other opportunities for public and agency comment on the proposed regulatory amendment, this project was coordinated with interested members of the public and other agencies. This public coordination revealed no controversy regarding effects on the quality of the human environment. The proposed action is consistent with a final rule issued by NMFS on March 19, 2012 (77 FR 15973) that implemented similar limits on the possession and landing of swordfish for longline fishing off the U.S. west coast.

*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?*

No. The deep-set fishery is not known to impact these resources.

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

No. The proposed action would not result in any uncertain or unknown risks to occur. Potential environmental impacts are predictable and are not likely to involve any unique or unknown risks because the proposed action would not substantially change fishing operations.

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

No. The proposed action would not change fishery operations such that it would cause significant impacts when considered with the other past, present, and reasonably foreseeable actions, as described in section 5.8 of the attached EA. Since there would be no substantial increase or decrease in fishing pressure, no cumulatively significant negative impacts to target and non-target stocks or protected resources would occur.

*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?*

No. The proposed action would not adversely affect any places or objects listed in the National Register of Historic Places because no such places or objects are known to exist in the action area.

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

No. Current fishery operations are not known to introduce or spread alien species, and the proposed action would not make large changes to current operations.

*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?*

No. The proposed action would not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration. The proposed action would pertain to only the Hawaii deep-set fishery. The proposed action is consistent with similar swordfish limits for longline fishing off the U.S. west coast.

*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?*

No. The proposed action would be consistent with all applicable federal laws and other requirements for the protection of the environment, including the Magnuson-Stevens Act, the Endangered Species Act, the Marine Mammal Protection Act, and others.

*16) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target or non-target species?*

No. Please see the response to question #11 above.

**Determination**

In view of the information presented in this document and the analysis contained in the supporting Environmental Assessment, I have determined that the proposed action will not significantly impact the quality of the human environment. 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 Environmental Impact Statement for this action is not necessary.

MAY 17 2012

Michael D. Tosatto
Regional Administrator

Date