Finding of No Significant Impact for
Final Rule to Implement Resolutions Adopted by the Inter-American Tropical Tuna Commission to Limit Harvest of Pacific Bluefin Tuna in 2013

The National Oceanic and Atmospheric Administration Administrative Order 216-6 (May 20, 1999) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality regulations at 40 C.F.R. §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 to making a finding of no significant impact and has been 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?

Response: This action is not expected to jeopardize the sustainability of the target species, Pacific Bluefin (PBT). U.S. landings of PBT is predominantly caught by the coastal pelagic species (CPS) purse seine fleet that opportunistically target PBT when the fish become available in offshore waters. The drift gillnet (DGN) fleet incidentally catch PBT. The DGN and CPS fisheries catch of PBT minimally contributes to the overall mortality of PBT, a Pacific-wide resource. The average annual PBT landings by U.S. vessels fishing in the Eastern Pacific Ocean (EPO) for years 2007-2011 represent two percent of the average annual landings from all member and non-member nations of the Inter-American Tropical Tunas Commission (IATTC) fishing in the EPO (see Section 1.5 of the EA for more detail on the U.S. fishery's contribution to sources of mortality for PBT). While the U.S. fishery has not landed 500 metric tons (mt) of PBT in over a decade, the proposed action to limit their catch to 500 mt could benefit the sustainability of PBT (see Section 3.3.1 of the EA for baseline description U.S. fisheries in the proposed action area as well as Sections 4.2-4.7). Whereas without the action, the fishery could potentially increase effort such that catches could legally exceed 500 mt. This proposed action results from decisions of the IATTC (i.e., IATTC Resolution C-12-09). The United States must implement the action in a legally binding manner to fulfill its obligations as a Contracting Party to the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission (Convention) and a member of the IATTC. U.S. compliance with IATTC Resolution C-12-09, as well as that of other member nations of the IATTC, is essential to encouraging the Western Central Pacific Fishery Commission to take complementary and effective measures to reduce the mortality of PBT throughout its range. Thus, this action is not expected to jeopardize the sustainability of the target species.

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

Response: This action is not expected to jeopardize the sustainability of any non-target species. Most of the U.S. landings of PBT come from the CPS fleet opportunistically targeting PBT and from the DGN fleet incidentally catching PBT while targeting swordfish. In the event that a PBT fishery closure were to occur as a result of this proposed action, it is highly unlikely that the primary target species of the coastal pelagic purse seine fleet (i.e., sardine, mackerel, and squid) and the DGN fleet (i.e., swordfish) would be jeopardized in any way as there are regulatory mechanisms in place under their respective CPS and highly migratory species (HMS) fishery management plans (FMPs) to ensure their sustainability. These FMPs also include reporting and regulatory mechanisms to contribute to the monitoring and sustainability of non-target species in these fisheries.

baseline levels of fishing effort, decreases in the catch of these species could lead to trophic interactive effects, including increased competition for prey species with other top predators. Juvenile PBT are sources of food for other marine species, such as fish, seabirds, porpoises, marine mammals, and sharks. Thus, increases in juvenile PBT could increase the prey available for these other species. However, the overall effects from the proposed action would be so minor that any effects to ecosystem function and biodiversity would not be measureable. Most of the U.S. landings of PBT come from the coastal pelagic purse fleet that opportunistically targets PBT and the DGN fleet that incidentally catches PBT while targeting swordfish. Therefore, a PBT fishery closure associated with this proposed action would likely result in coastal purse seine and DGN fleets fishing for their primary target species under the guidance and regulations within their respective HMS and CPS FMPs that are intended to limit impacts of these fisheries on biodiversity and ecosystem function.

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

Response: There are no significant natural or physical environmental effects expected and thus, there are no interrelated significant social or economic impacts expected. The availability of PBT is inconsistent and based on ocean conditions. However, over the last decade the U.S. fishery has not landed more than 500 mt of PBT in any given year. Anticipated impacts of this action are discussed in the EA in Section 4.2. This section 4.2 states that, "A comparison of the data found in Table 3-1: West Coast commercial landings of Pacific Bluefin Tuna, 1981–2010, and Table 3-2: United States Coastal Purse Seine and DGN Commercial Catch of PBT in the EPO demonstrates that the coastal purse seine and DGN fleet are the only commercial fisheries likely to make any meaningful amount of catch. For this reason, impacts to other United States fisheries in the EPO by Alternative 1 are even less likely."

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

Response: The proposed action is unlikely to have highly controversial effects on the quality of the human environment. Per IATTC Resolution C-12-09, these measures are "intended as interim means for exercising caution towards assuring the sustainability of the Pacific bluefin tuna resource" as stated in Section 1.4 of the EA. By adopting these measures, the U.S. would be fulfilling its obligations as a Contracting Party to the Convention and a member of the IATTC. Given the recent results of the 2012 PBT stock assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC), which included an overfished determination, it is pertinent to institute these preventative interim measures (see Section 1.5 and Section 3.3.3 of the EA for more information on the PBT stock and status determinations). The draft EA was made available for public comment on December 12, 2012, along with the proposed rule to implement the proposed action. NMFS received two public comment letters.

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?

Response: The proposed action is not expected to affect the timing and location of the harvest of PBT or the physical characteristics of the action area. Fishing for PBT occurs in pelagic waters of the U.S. Pacific coast and does not have the potential to impact terrestrial lands or ecosystems. Contact between the fishing gear used to catch PBT and bottom substrate is rare because fishing usually occurs in water deeper than the height of the net. This action will not affect the way in which fisheries are prosecuted such that effects on habitat would change from current conditions.

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?

Response: This action will not establish a precedent for future actions with significant effects. As stated in Chapter 1 of the EA, this action is proposed in accordance with IATTC Resolution C-12-09. This action to limit fishing pressure on PBT, a shared international objective, is necessary for the United States to satisfy its obligations as a Contracting Party to the Convention and a member to the IATTC. The resolution specifies that the proposed measures are interim, preventative, and based on the conservation advice of the ISC. As described in Section 1.5 of the EA, following the ISC's assessments, NMFS classifies the status of PBT and notifies the respective Fishery Management Councils to consider taking further action under the MSA. Given the relatively insignificant contribution of the U.S. fishery to the overall fishing mortality of PBT, the insignificant effects of this action compared to baseline conditions of U.S. commercial fishing operations, and the separate public process to consider actions under MSA authority, it is unlikely for this action to represent a decision in principle about a future consideration.

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?

Response: This action is not expected to threaten a violation of other Federal, State, or local laws. The objective of this proposed action is to limit fishing pressure on PBT and to satisfy its international obligations as a Contracting Party to the Convention and a member to the IATTC. Neither the proposed measures nor the fishing activities threaten to violate any laws imposed for protection of the environment.

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

Response: This action does not relate to other actions that in combination will result in cumulatively significant impacts for either target or non-target species. The proposed action will limit the U.S. commercial landings of PBT caught in the EPO to 500 mt whereas without the action, the fishery could potentially increase effort such that catches could legally exceed 500 mt. Most of U.S. commercial landings of PBT come from the coastal pelagic purse fleet opportunistically targeting PBT and from the DGN fleet incidentally catching PBT while targeting swordfish. Therefore, a PBT fishery closure associated with this proposed action would likely result in these fleets fishing for their primary target species under the guidance and regulations within their respective HMS and CPS FMPs that are intended ensure the sustainability of target species and limit impacts to non-target species.

DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting "Environmental Assessment to Revise the United States Commercial Fishery Regulations in the EPO in accordance with Inter-American Tropical Tuna Commission Resolution C-12-09" it is hereby determined that the "Fishing Restrictions to Limit Harvest of Pacific Bluefin in 2012 and 2013 the EPO" 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 EIS for this action is not necessary.

Kevin Chu

for Regional Administrator, NOAA Fisheries,
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4/30/2013

Date