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## Finding of No Significant Impact

### Changes to Bigeye Tuna Catch Limits in Longline Fisheries – RIN 0648-BM87

The National Marine Fisheries Service (NMFS) prepared this Finding of No Significant Impact (FONSI) according to the following guidance:

- National Oceanic and Atmospheric Administration’s (NOAA) Administrative Order (NAO) 216-6A (April 22, 2016) – Compliance with the National Environmental Policy Act, Executive Orders 12114 (Environmental Effects Abroad of Major Federal Actions), 11988 and 13690 (Floodplain Management), and 11990 (Protection of Wetlands); and its associated Companion Manual (January 13, 2017); and
- Council on Environmental Quality (CEQ) significance criteria.<sup>1</sup>

### Background

National Marine Fisheries Service (NMFS) is undertaking a rulemaking under the authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 USC 6901 et seq.) to satisfy the obligations of the United States as a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention).

This rule would implement specific provisions of Conservation and Management Measure (CMM) 2023-01, “Conservation and Management Measure for Bigeye, Yellowfin, and Skipjack Tuna in the Western and Central Pacific Ocean.” The Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) adopted CMM 2023-01 at its twentieth regular annual session, in December 2023, and it went into effect in February 2024. The provisions of CMM 2023-01 are described in more detail below.

CMM 2023-01 is the latest in a series of CMMs devoted to the conservation and management of tropical tuna stocks, particularly stocks of bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), and skipjack tuna (*Katsuwonus pelamis*). The stated purpose of CMM 2023-01 is to support fisheries for skipjack tuna, bigeye tuna, and yellowfin tuna in the Convention Area that benefit WCPFC members and their communities, and to do so in a way that is fair to all WCPFC members and addresses the special requirements of developing States

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<sup>1</sup> This FONSI applies the CEQ’s 2020 NEPA Regulations, as modified by the Phase 1 revisions because review of the proposed action began on June 14, 2024 which preceded the effective date of CEQ’s Phase 2 NEPA regulations (July 1, 2024).



and Participating Territories. CMM 2023-01's provisions are based on specific objectives for each of the three tropical tuna stocks.

Many of the provisions of CMM 2023-01 have already been implemented by NMFS or will be implemented in separate rulemakings. This interim final rule would implement the longline bigeye tuna catch limit for the United States as enumerated in CMM 2023-01.

Under NMFS regulations at 50 CFR 300.224(a), the existing longline bigeye tuna catch limit for the United States is 3,554 metric tons (mt) per calendar year. The limit does not apply to the following catch: (1) catch landed in the U.S. Participating Territories to the Commission (American Samoa, Guam, or the Commonwealth of the Northern Mariana Islands (CNMI)); (2) catch made by vessels with "dual permits" (i.e., vessels with both Hawaii Longline Limit Access and American Samoa Limited Access permits); (3) and catch made by Hawaii-based U.S. vessels operating under specified fishing agreements with the U.S. Participating Territories under 50 CFR 665.819(c). Regarding the third exception (codified at 50 CFR 300.224(d)), NMFS has placed limits on the catch that may be attributed to U.S. Territories under specified fishing agreements, with the limits in recent years set at 3,000 mt (see 88 FR 39201; published June 15, 2023).

Table 3 in CMM 2023-01 establishes a 6,554 mt longline bigeye tuna catch limit for the United States per calendar year. CMM 2023-01 also does not include the language of Paragraph 9 of CMM 2021-01, which provided for attribution of catch to U.S. Participating Territories for vessels operating under agreements with the U.S. Participating Territories. Accordingly, Table 3 specifies that in recognition of the deletion of Paragraph 9, catch and effort of U.S. flagged Hawaii-based longline vessels will no longer be attributed to U.S. Participating Territories, and that future attribution for the U.S. Participating Territories shall remain separate. Thus, the language in CMM 2023-01 no longer authorizes an exemption from the U.S. longline bigeye tuna catch limit for vessels operating under specified fishing agreements with U.S. Participating Territories.

Under the proposed action, the limit at 50 CFR 300.224(a) would change from 3,554 metric tons to 6,554 mt. The limit of 6,554 mt would remain effective until replaced. No other changes to the regulations at 50 CFR 300.224 would be made at this time. As noted above, CMM 2023-01 prohibits attribution of catch of U.S. longline vessels operating under agreements to the U.S. Participating Territories. Accordingly, approval of specified fishing agreements under 50 CFR 300.224(d) is no longer authorized. NMFS will update the regulatory provision at 300.224(d) as part of a future rulemaking.

This proposed action is not expected to lead to any increase in fishing effort or catch in the fishery above the status quo. The limit of 6,554 mt represents the current total authorized annual catch consisting of (a) 3,554 mt (the U.S. limit codified at 50 CFR 300.224(a)) plus (b) 3,000 mt (maximum amount attributed to U.S. territories under the exception at 50 CFR 300.224(d)). Because the specified fishing agreement arrangement is no longer authorized pursuant to CMM 2023-01, total bigeye tuna catch by Hawaii-based U.S. vessels would be limited to 6,554 mt under the rule.

The rule is part of an ongoing management action NMFS described in a programmatic environmental assessment (PEA) prepared in 2015 and a supplemental environmental assessment (SEA) prepared in 2021. The 2015 PEA and 2015 SEA analyzed NMFS' domestic implementation of the conservation and management measures on tropical tunas in the western and central Pacific Ocean (WCPO), adopted by the Commission.

NMFS is required to prepare a supplemental NEPA analysis if there are substantial changes in the proposed action or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. The proposed action is generally within the range of alternatives considered in the 2021 SEA, as the 2021 SEA analyzed several alternative U.S. longline bigeye-tuna catch limits, but not specifically considered in the 2021 SEA, as the 2021 SEA did not consider a 6,554 mt catch limit. NMFS prepared a new SEA to include specific analysis to take into consideration the new information available since publication of the 2021 SEA. The 2024 SEA analyzes implementation of the rule from 2024 through 2026.

In the 2024 SEA, Alternative 1 is the agency's preferred alternative. Under this alternative, NMFS would modify the regulations at 50 CFR 300.224(a) so that the longline bigeye tuna catch limit would be changed to 6,554 mt per calendar year, and would be in effect until amended or replaced. As noted above, CMM 2023-01 prohibits attribution of catch of U.S. longline vessels operating under agreements to the U.S. Participating Territories. Accordingly, approval of specified fishing agreements under 50 CFR 300.224(d) is no longer authorized. NMFS will update the regulatory provision at 300.224(d) as part of a future rulemaking. This alternative would be consistent with CMM 2023-01, which became effective in February 2024. The term proposed action is used in the significance analysis below to reference the analysis for Alternative 1 in the 2024 SEA.

### **Significance Analysis**

The 1978 Council on Environmental Quality (CEQ) Regulations state that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, the Companion Manual for National Oceanic and Atmospheric Administration Administrative Order 216-6A provides sixteen criteria, the same ten as the CEQ Regulations and six additional, for determining whether the impacts of a proposed action are significant. We discuss each criterion below with respect to the proposed action, and consider each one both individually and in combination with the other criteria.

*1. Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?*

**Response:** No. As stated in Section 3.3.1 of the 2024 SEA, under the proposed action NMFS would modify the regulations at 50 CFR 300.224(a) so that the longline bigeye tuna catch limit would be changed to 6,554 mt per calendar year.

The proposed action is not expected to lead to any increase in fishing effort or catch in the fishery. The proposed limit of 6,554 mt represents the current total authorized annual catch consisting of (a) 3,554 mt (the U.S. limit codified at 50 CFR 300.224(a)) plus (b) 3,000 mt

(maximum amount attributed to U.S. territories under the exception at 50 CFR 300.224(d)). Because the specified fishing agreement arrangement is no longer authorized pursuant to CMM 2023-01, total bigeye tuna catch by Hawaii-based U.S. vessels would be limited to 6,554 mt.

Under the proposed action, if bigeye catch meets the 6,554 mt limit, NMFS would close the longline fishery for the remainder of the calendar year. However, based on fishing patterns in recent years (see Table 1 in the 2024 SEA), it appears unlikely that the 6,554 mt limit would be reached, and thus unlikely that a fishery closure would be implemented. It is most likely that fishing patterns would remain consistent with recent years, so even with attribution of all catch to the United States, the 6,554 mt limit would not be expected to be reached.

In addition, if any closure occurred, it would be most likely to occur at the end of the year, given the fishing patterns in recent years. If a closure did occur, the regulations at 50 CFR 200.224 detailing the applicable prohibitions would apply. These prohibitions include no retention, transshipment, or landing of longline-caught bigeye tuna (subject to certain exceptions), no fishing with longline gear inside and outside of the Convention Area (subject to certain exceptions), and gear stowage requirements (subject to certain exceptions).

If a closure did occur, there could be a reduced supply of local fresh bigeye tuna in the Hawaii market. This may lead to higher prices for locally caught fresh bigeye tuna or substitutes such as bigeye tuna from other sources.

In the event of a WCPO closure in any of the years 2024-2026, it can be expected that, as during prior such fishery closures, bigeye tuna would continue to be supplied to consumers in Hawaii and elsewhere from the longlining in the EPO and from dual permit vessels, from U.S. WCPO fisheries other than longline fisheries, and from foreign sources.

As stated in Section 3.4 of the 2024 SEA, the proposed action would not be expected to cause direct or indirect effects to the physical environment of the WCPO. In addition, the proposed action would not be expected to contribute to climate change. The proposed action could marginally increase fuel use, if vessels in the fleet steam to locations farther than they otherwise would, due to any fishery closure that leads vessels to seek opportunities in locations than they otherwise would. However, such a fishery closure could also cause an overall decrease in fuel use if there is an overall decrease in fishing effort. The overall fuel use of the fleet would be expected to depend more on other factors (fuel price, market conditions, oceanographic changes affecting the location of the target tunas, etc.), and the proposed action would not be expected to lead to increased emissions of greenhouse gases affecting climate change.

As stated in Section 3.5 of the 2024 SEA, because fishing patterns and practices of the longline vessels under the proposed action would not change substantially, and because many other factors contribute to the status of the stocks (fishing activities by non-U.S. fleets, oceanographic conditions, etc.), the direct and indirect effects to bigeye, yellowfin, and skipjack tuna from the proposed action would not be expected to be substantial. However, if a fishery closure occurred, there could be an overall reduction in fishing effort, so there is a small potential for impacts on the stocks. However, again, such a closure would be expected to occur late in the year and not be expected to substantially change the fishing patterns and practices of the fleet. Thus, all of the

alternatives would be expected to have negligible impacts to the overall status of the stocks in the short and long term because many other factors contribute to the status of the stocks.

As stated in Section 3.6 of the 2024 SEA, under the proposed action, implementation of the longline bigeye tuna catch limits could lead to increased fishing pressure on swordfish, if the Hawaii-based longline fleet increases fishing for swordfish in the Convention Area after the catch limits are reached and there is a fishery closure. However, since a fishery closure under the proposed action is unlikely and would likely be short in duration, if it occurs, it is unlikely that the proposed action would lead to substantial impacts on swordfish.

As stated in Section 3.7 of the 2024 SEA, vessels in the Hawaii-based longline fleet do not generally catch large amounts of other non-target fish species, and so the overall direct and indirect effects on non-target fish species would not be expected to be substantial.

As stated in Section 3.8, of the 2024 SEA, under Alternative 1 or Alternative 3, a fishery closure could lead to a minor reduction in any potential adverse effects to protected resources from a reduction in fishing effort.

Thus, overall, the effects from the proposed action on resources in the affected environment would be minor.

*2. Can the proposed action reasonably be expected to significantly affect public health or safety?*

Response: No. The proposed action would not be expected to have any effects on public health and safety. As indicated in Table 1 of the 2024 SEA, longline bigeye tuna catch for U.S. fisheries in the WCPO has not exceeded 6,554 mt in recent years. Thus, NMFS does not anticipate any substantial effects on fishing patterns and practices from implementation of the proposed action.

However, as stated in Section 3.3.1 of the 2024 SEA, because the catch limit under the proposed action would be set on a calendar year basis, the “race to fish” effect would be expected at the beginning of the calendar year. A race to fish could cause vessel operators to forego vessel maintenance or to fish in weather or ocean conditions than they otherwise would not, which could affect human safety and the performance of the vessel and the fishing gear and its crew. This race to fish effect could also be expected in the time period between when a fishery closure is announced and when the closure takes place. The degree of the race to fish effect cannot be predicted with certainty. However, given that fishing effort and catch is dependent on many other factors (e.g., ocean conditions and market conditions), it is unlikely that any adverse effects would be substantial.

*3. Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?*

Response: No. The affected longline fisheries generally do not affect unique characteristics of the geographic area including historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. As stated in Section 3.8 of the 2024 SEA, such resources would not be affected because the potential changes in fishing

patterns and practices would take place in areas of the ocean far from shorelines and would not affect the seafloor or benthic habitats since longline fishing does not involve contact with the seafloor. Effects on essential fish habitat (EFH) are described under question 13 below. The proposed action would not affect designated EFH.

Effects on critical habitat were considered as part of the analysis of effects on species listed under the Endangered Species Act (ESA), as discussed in Section 3.8 of the 2024 SEA. The proposed action would not affect designated critical habitat.

*4. Are the proposed action's effects on the quality of the human environment likely to be highly controversial?*

Response: No. As described in the response to Question 1 above, no substantial changes to fishing operations are expected under the proposed action. Thus, it is unlikely that there would be any controversy regarding the size, nature, or effects of the action (i.e., the effects of the action on the quality of the human environment).

NMFS notes that, as discussed in Section 1.1 of the 2024 SEA, CMM 2023-01 does not include the language of Paragraph 9 of CMM 2021-01, which provided for attribution of catch to U.S. Participating Territories for vessels operating under agreements with the U.S. Participating Territories. Accordingly, Table 3 specifies that in recognition of the deletion of Paragraph 9, catch and effort of U.S. flagged Hawaii-based longline vessels will no longer be attributed to U.S. Participating Territories, and that future attribution for the U.S. Participating Territories shall remain separate. Thus, the language in CMM 2023-01 no longer authorizes an exemption from the limit for catch by vessels operating under specified fishing agreements with U.S. Participating Territories. In accordance with these Commission decisions, NMFS does not expect to approve any specified fishing agreements (described in 50 CFR 665.819) going forward. As described in Section 3.9 of the 2024 SEA, this could affect the fishing communities of the U.S. Participating Territories of Guam, CNMI, and American Samoa, as these agreements had provided funding for fisheries development. However, NMFS does not have discretion, under the CMM, to attribute catch pursuant to such agreements to the U.S. Participating Territories. NMFS continues to consider any other appropriate action to mitigate adverse economic impacts to U.S. Participating Territories under U.S. laws and mandates, including working with U.S. Participating Territories to identify potential other areas of funding for fisheries development and conservation.

NMFS anticipates the U.S. Participating Territories will submit comments on the proposed action indicating concerns with the new language in CMM 2023-01 regarding specified fishing agreements.

*5. Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

Response: No. As described throughout the 2024 SEA, although the magnitude of the effects on the human environment cannot be quantified with certainty, the types of effects and the direction of those effects can be predicted. As described in the response to Question 1, above, no

substantial changes to fishing operations are expected under the proposed action. Therefore, the effects from the proposed action are not likely to be highly uncertain. Thus, the effects on the human environment from the proposed action would not be highly uncertain or involve unique or unknown risks.

*6. Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?*

Response: No. As stated in Section 3.1.1 of the 2024 SEA, the purpose of NMFS' domestic implementation of WCPFC decisions on tropical tunas through 2026, is to contribute to the underlying objectives of the Commission's management of tropical tuna stocks in the WCPO, which, as stated in CMM 2023-01 includes specific harvest strategies and interim objectives for bigeye tuna, skipjack tuna, and yellowfin tuna. The need for the domestic implementation of WCPFC decisions on tropical tunas and WCPFC decisions that require immediate action is to satisfy the obligations of the United States as a Contracting Party to the Convention, pursuant to the authority of the WCPFCIA. Thus, the proposed action is limited to an immediate and focused objective and it does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.

*7. Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?*

Response: No. The cumulative impacts on the resources in the affected environment that could be impacted by the proposed action would likely be a reduction of adverse effects on resources from a reduction in fishing effort in comparison to operation of the fisheries absent the management measures that are being or would be implemented under the identified actions. As stated throughout the 2024 SEA, the proposed action could lead to a fishery closure, which could lead to a reduction in fishing effort, which in turn could lead to a minor reduction in adverse effects to living marine resources in the affected environment. The change in the numerical catch limit from 3,554 mt (currently codified at 50 CFR 300.224(a)) to 6,554 mt, appears to be an increased limit that could lead to increased adverse effects on resources in the affected environment from a potential 3,000 mt increase in fishing opportunities. However, as explained in the 2024 SEA in Section 3.3.1, the proposed action is not expected to lead to any increase in fishing effort or catch in the fishery. The proposed limit of 6,554 mt represents the current total authorized annual catch consisting of (a) 3,554 mt (the U.S. limit codified at 50 CFR 300.224(a)) plus (b) 3,000 mt (maximum amount attributed to U.S. territories under the exception at 50 CFR 300.224(d)). Because the specified fishing agreement arrangement is no longer authorized pursuant to CMM 2023-01, total bigeye tuna catch by Hawaii-based U.S. vessels would be limited to 6,554 mt under the proposed action.

The proposed action, as well as other reasonably foreseeable future actions identified in Section 3.10 of the 2024 SEA, would be conservation and management measures for sustainable management of these resources (see Section 3.10 of the 2024 SEA). Based on all information to date, the proposed action, together with reasonably foreseeable future actions, would not be expected to lead to substantial cumulative impacts. No significant cumulative impacts on the

human environment, including protected resources, are anticipated from implementation of the proposed action.

*8. Can the proposed action reasonably be expected 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?*

Response: No. As stated in Section 3.8 of the 2024 SEA, shipwrecks would be the only known cultural objects potentially within the affected environment. However, the fishing operations do not come into contact with the seafloor, so the operations of the affected fleets would not be expected to affect any material from shipwrecks, embedded in the ocean bottom. Thus, there would be no effects to districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places or potential loss or destruction of significant scientific, cultural, or historical resources.

*9. Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?*

Response: No. Section 3.8 of the 2024 SEA present the analysis of effects to species listed under the Endangered Species Act (ESA) from the proposed action.

The affected fisheries would not be expected to experience substantial changes to fishing patterns and practices from the proposed action, as described in the response to Question 1, above.

NMFS has evaluated the impacts of the Hawaii deep-set, Hawaii shallow-set, and American Samoa longline fisheries on ESA-listed species pursuant to Section 7 of the ESA. The Hawaii shallow-set fishery targets swordfish and the American Samoa longline fishery targets albacore, with only incidental catch of bigeye tuna, so these fisheries are not expected to be impacted by the proposed action in the same manner as the Hawaii deep-set longline fishery.

In the biological opinion for the Hawaii deep-set longline fishery, NMFS evaluated the fishery operating under a U.S. longline bigeye tuna catch limit of 3,554 mt and a limit of 3,000 mt attributed to the U.S. Participating Territories under specified fishing agreements, for a combined total effort of up to 6,554 mt.

NMFS determined in the most recent biological opinions for the American Samoa, Hawaii deep-set, and Hawaii shallow-set longline fisheries that these fisheries are not likely to jeopardize any ESA-listed species or result in destruction or adverse modification of critical habitat.

The proposed action is within the scope of the action evaluated by those documents as longline bigeye tuna catch and effort by U.S. longline fishing vessels is expected to remain essentially the same as in recent years under the proposed action.

The catch limit under the proposed action would also total 6,554 mt, and thus the effects on ESA-listed species under the proposed action have been fully analyzed in the biological opinion.



Overall, implementation of the proposed action is not expected to lead to effects on ESA-listed species beyond what have already been considered in the recent biological opinions for the American Samoa, Hawaii deep-set, and Hawaii shallow-set longline fisheries.

In addition, NMFS has implemented new seabird mitigation measures that would substantially reduce seabird interactions, including interactions to albatross from the Hawaii deep-set longline fishery, some species of which are ESA-listed.

*10. Can the proposed action reasonably be expected to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection?*

Response: No. As stated in Section 3.1.1 of the 2024 SEA, the purpose of NMFS' domestic implementation of WCPFC decisions on tropical tunas through 2026, is to contribute to the underlying objectives of the Commission's management of tropical tuna stocks in the WCPO, which, as stated in CMM 2023-01 includes specific harvest strategies and interim objectives for bigeye tuna, skipjack tuna, and yellowfin tuna. The need for the domestic implementation of WCPFC decisions on tropical tunas and WCPFC decisions that require immediate action is to satisfy the obligations of the United States as a Contracting Party to the Convention, pursuant to the authority of the WCPFCIA.

Thus the proposed action is a conservation and management measures and will be consistent with other applicable laws.

*11. Can the proposed action reasonably be expected to adversely affect stocks of marine mammals as defined in the Marine Mammal Protection Act (MMPA)?*

Response: No. As stated in the response to Question 1, above, the proposed action would not be expected to lead to substantial changes in the affected fisheries. Thus, implementation of the proposed rule would not be expected to cause any impacts to marine mammals not previously considered by the List of Fisheries classification or authorized by the commercial taking exemption under Section 118 of the MMPA.

The American Samoa longline fishery is listed as a Category II fishery under the regulations implementing the MMPA, meaning that it is a commercial fishery determined to have occasional incidental mortality and serious injury of marine mammals. See 89 FR 12257 (published February 16, 2024) for the List of Fisheries for 2024. Implementation of the proposed action is not expected to cause any impacts to marine mammals not previously considered or authorized by the commercial taking exemption under section 118(c) of the MMPA, as no substantial changes to fishing operations would be expected, as described above.

The Hawaii deep-set longline fishery is listed as a Category I fishery under the regulations implementing the MMPA, meaning that it is a commercial fishery determined to have frequent incidental mortality and serious injury of marine mammals. See 89 FR 12257 (published February 16, 2024) for the List of Fisheries for 2024. Implementation of the proposed action is not expected to cause any impacts to marine mammals not previously considered or authorized by the commercial taking exemption under section 118(c) of the MMPA, no substantial changes to fishing operations would be expected, as described above. The fishery is authorized to

incidentally take ESA-listed marine mammals through June 13, 2027, under MMPA 101(a)(5)(E) (89 FR 50270; June 13, 2024).

The Hawaii shallow-set longline fishery is listed as a Category II fishery under the regulations implementing the MMPA, meaning that it is a commercial fishery determined to have occasional incidental mortality and serious injury of marine mammals. See 89 FR 12257 (published February 16, 2024) for the List of Fisheries for 2024. Implementation of the proposed action is not expected to cause any impacts to marine mammals not previously considered or authorized by the commercial taking exemption under section 118(c) of the MMPA, as no substantial changes to fishing operations would be expected, as described above.

*12. Can the proposed action reasonably be expected to adversely affect managed fish species?*

Response: No. As stated in the response to Question 1, above, no substantial changes to fishing operations are expected in any of the affected fisheries. Thus, no adverse effects to managed fish species are anticipated from the proposed action.

As stated in Section 3.3.1 of the 2024 SEA, under the proposed action NMFS would modify the regulations at 50 CFR 300.224(a) so that the longline bigeye tuna catch limit would be changed to 6,554 mt per calendar year.

The proposed action is not expected to lead to any increase in fishing effort or catch in the fishery. The proposed limit of 6,554 mt represents the current total authorized annual catch consisting of (a) 3,554 mt (the U.S. limit codified at 50 CFR 300.224(a)) plus (b) 3,000 mt (maximum amount attributed to U.S. territories under the exception at 50 CFR 300.224(d)). Because the specified fishing agreement arrangement is no longer authorized pursuant to CMM 2023-01, total bigeye tuna catch by Hawaii-based U.S. vessels would be limited to 6,554 mt.

Under the proposed action, if bigeye catch meets the 6,554 mt limit, NMFS would close the longline fishery for the remainder of the calendar year. However, based on fishing patterns in recent years (see Table 1 in the 2024 SEA), it appears unlikely that the 6,554 mt limit would be reached, and thus unlikely that a fishery closure would be implemented. It is most likely that fishing patterns would remain consistent with recent years, so even with attribution of all catch to the United States, the 6,554 mt limit would not be expected to be reached. In addition, if any closure occurred, it would be most likely to occur at the end of the year, given the fishing patterns in recent years. If a fishery closure occurred under the proposed action, there could be an overall reduction in fishing effort, which could lead to a reduction in adverse effects on managed fish species. However, again, such a closure would be expected to occur late in the year and not be expected to substantially change the fishing patterns and practices of the fleet. Thus, the proposed action would be expected to have negligible impacts to the overall status of the stocks in the short and long term because many other factors contribute to the status of the stocks, as explained in the 2024 SEA in Section 3.5 of the 2024 SEA. As stated in Section 3.5 of the 2024 SEA, fishing activities by non-U.S. fleets and non-oceanographic conditions, are other factors that contribute to the status of the stocks. The 2024 SEA in Section 3.5 also notes that the primary managed fish species that would be affected by the proposed action – WCPO bigeye

tuna and WCPO yellowfin tuna – are not considered overfished or to be experiencing overfishing under stock status determination criteria.

*13. Can the proposed action reasonably be expected to adversely affect essential fish habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act?*

Response: No. As stated in Section 3.8 of the 2024 SEA, the proposed action would not cause any adverse impacts to areas designated as EFH or Habitat Areas of Potential Concern (HAPC), or to ocean and coastal habitats. Such resources would not be affected because the potential changes in fishing patterns in the fisheries would take place in areas of the ocean far from shorelines and would not affect the seafloor or benthic habitats since longline fishing does not involve contact with the seafloor. Also, because any effects to fish stocks would not be substantial, any pelagic fish habitat designated as EFH, including the water column, or HAPC, would not be expected to experience any adverse effects from implementation of the proposed action. In other words, the small effects on the stocks would be unlikely to lead to any adverse physical, chemical, or biological alterations to fish habitat (e.g., an increase in predator or prey leading to trophic interactive effects leading to effects on habitat).

*14. Can the proposed action reasonably be expected to adversely affect vulnerable marine or coastal ecosystems, including but not limited to, deep coral ecosystems?*

Response: No. The proposed action would not affect vulnerable marine or coastal ecosystems. As stated in Section 3.8 of the 2024 SEA, potential changes in fishing patterns and practices in the fisheries would take place in areas of the ocean far from shorelines and would not affect the seafloor or benthic habitats since the fishing activities do not involve contact with the seafloor. Thus, the proposed action would not affect ocean or coastal habitats, including vulnerable marine or coastal ecosystems.

*15. Can the proposed action reasonably be expected to adversely affect biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)?*

Response: No. As discussed in Section 3.5 of the 2024 SEA, adult bigeye tuna and yellowfin tuna (the primary species that would be affected) are considered among the top predators of the tropical or warm pool marine ecosystem. Changes to the stocks of these species could lead to trophic interactive effects, including increased competition for prey species with other top predators. Larval and juvenile tunas are also a significant source of food for other marine species, such as fish, seabirds, porpoises, marine mammals, and sharks. Thus, increases in larval and juvenile tuna could increase the food available for these other species. It is unlikely that the effects of the proposed action to the stocks of bigeye tuna and yellowfin tuna would be large enough to impact the marine ecosystem. Overall, the alternatives would not be expected to cause substantial effects on biodiversity and ecosystem function.

Overall, the proposed action would not cause substantial effects on biodiversity and ecosystem function.

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

Response: No. As described in throughout Chapter 3 of the 2024 SEA, the main effects from the proposed action would not be expected to be substantial. In the unlikely event of a fishery closure under the proposed action, there could be a reduction in fishing effort leading to reduced adverse effects on resources in the affected environment, and a possible shift of fishing effort to longlining in the EPO and to dual permit vessels, to U.S. WCPO fisheries other than longline fisheries, and to foreign sources. Although a geographic shift in effort is possible, NMFS does not expect that fishing vessels would enter any new geographic areas of operation as a result of the proposed action, so the introduction or spread of a nonindigenous species to a new area would not be expected.

#### DETERMINATION

In view of the information presented in this document and the analysis contained in the supporting 2015 PEA, 2021 SEA, and 2024 SEA, for the rulemaking titled “Changes to Bigeye Tuna Catch Limits in Longline Fisheries (RIN 0648-BM87),” NOAA has determined that the rulemaking will not significantly impact the quality of the human environment. In determining no significant impacts, all beneficial and adverse impacts of the proposed action have been addressed. Accordingly, it is not necessary to prepare an environmental impact statement for this action.

2024-07-22

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Deputy Regional Administrator  
Pacific Islands Regional Office

Date