U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 ● Fax (808) 973-2941

FINDING OF NO SIGNIFICANT IMPACT

Regulatory Amendment
Modifications to the American Samoa Large Vessel Prohibited Areas
(RIN 0648-BB45)

March 9, 2012

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

After considering a range of alternatives developed in coordination with its plan team members, the Scientific and Statistical Committee and members of the public, the Western Pacific Fishery Management Council (Council) recommended Alternative 4 of this regulatory amendment. If approved by NMFS, the proposed action would modify the boundaries of the large vessel prohibited area around Tutuila, the Manua Islands, and Rose Atoll. The proposed action would reduce the northern boundary toward shore and extend the eastern boundary and a portion of the southern boundary farther from shore (shown in Figure 4 in the attached EA). The purpose of this modification is to align the boundaries of the large vessel prohibited area with the boundaries of the Rose Atoll Marine National Monument (Rose Atoll MNM).

A description of the three alternatives to no-action that were considered, including maps, can be found in section 6.0 of the attached EA.

Coordination and Public Involvement

The Amendment document, which includes the EA, describes development of the regulatory amendment and public involvement in section 5.0. NMFS will publish the proposed rule with a request for comment.

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 jeopardize the sustainability of any target species because it would result in only a minimal increase in the fishing area available to large longline and purse seine vessels (326 sq nm). This minimal increase in area, less than 0.3 percent of the U.S. EEZ around American Samoa, would not result in substantial changes to the fishing effort of any of the fleets fishing in the EEZ. The principal target stocks of the American Samoa longline and purse seine fisheries, albacore and skipjack, are not overfished or in a state of overfishing (EA, section 8.1).

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 it would not result in substantial changes to the fishing effort of any of the fleets fishing in the U.S. EEZ around American Samoa (see response to question #1 above). Although bigeye tuna is currently experiencing overfishing, catch rates around American Samoa would not change because of the proposed action and would remain within the quotas allocated by international measures implemented to manage this stock throughout its range. No other non-target stock is experiencing overfishing, nor is overfished (EA, section 8.1).

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 result in large changes to fishery operations that could have adverse impacts on essential fish habitat (EFH) or habitat areas of particular concern (HAPC) for any species. While the proposed action may slightly shift fishing activity within the EEZ around American Samoa, it should not change current FAD use and gear loss frequencies in any of the subject fisheries that could affect EFH, HAPC, or ocean or coastal habitats (EA, section 8.3).

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 that are attributed to any of the subject fisheries, and the proposed action would not result in large changes to these fisheries. 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 (EA, section 8.7).

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

No. The proposed action would not result in adverse impacts to protected species and their critical habitat because it would not substantially change the current operation of the American Samoa large vessel fisheries (i.e., fishing area, methods, and effort). No spatial patterns or hotspots for protected species interaction have been identified around the current LVPA or throughout the EEZ. Therefore, modifying the area or shape of the southern LVPA would not significantly affect interaction rates. Although the proposed action would allow fishing in a relatively small amount of previously prohibited area (compared to total area available to large vessels), no additional effort would result from such an small increase; therefore, interactions rates would remain similar to recent years. Consultations under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) for these fisheries are described in section 8.2 of the EA.

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. There are no known large or adverse impacts on biodiversity and pelagic ecosystem function occurring as a result of the large longline and purse seine fisheries in the EEZ around American Samoa. Since the proposed action would not substantially change the operation of these fisheries, no impacts on biodiversity or ecosystem function would occur (EA, section 8.5).

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 fisheries' operations.

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

No. Through Council meetings and 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.

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 proposed action would not cause impacts to unique or protected areas because it would not result in large changes to fishing operations. The modifications to the large vessel prohibited area are intended to improve compliance and enforceability of boundaries around Rose Atoll MNM.

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 8.9 of the attached EA. Since there would be no substantial increase or decrease in fishing pressure, no cumulatively significant impacts to target and non-target stocks 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. Aligning the boundaries of the southern LVPA with the Rose Atoll MNM would facilitate compliance and decrease the potential for accidental violations of prohibitions on commercial fishing in Rose Atoll MNM.

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

No. The proposed action would not result in introductions or spread of non-indigenous species because there would be no large changes to uses of, or activities in, the affected areas. Current fishery operations are not known to introduce or spread alien species.

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 simply modify the previously established large vessel prohibited area to align with the Rose Atoll MNM.

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. NMFS evaluated it for compliance with the Magnuson-Stevens Act, the Endangered Species Act, and the Marine Mammal Protection Act.

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 prepared for the Regulatory Amendment: Modifications to the American Samoa Large Vessel Prohibited Areas, I have determined that the proposed action will not significantly impact the quality of the human environment as described above and in the supporting EA. 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.

Michael D. Tosatto
Regional Administrator

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Date