



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
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Finding of No Significant Impact for the Environmental Assessment to Revise the Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean in Accordance with Inter-American Tropical Tuna Commission (IATTC) Resolution C-02-03; RIN 0648-AY75

National Oceanic and Atmospheric Administration Administrative Order 216-6 (NAO 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 in 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: The greatest potential impact to target species from the proposed action is that the increase in the allowable capacity of the fleet would result in an increase in the actual capacity through the addition of vessels to the U.S. fleet, which may increase the fishing effort and mortality of target species. However, it is unlikely that this action would result in significant numbers of vessels being added to the fleet, even if the capacity for those additional vessels was made available. While the U.S. large purse seine fleet authorized to fish in the IATTC Convention Area was at one time quite large (over 155 vessels in 1971), it has steadily declined to an average of two vessels over the past seven years. As of October 2010, the fleet included two vessels with a combined carrying capacity of 1,194 metric tons (mt), which is well below the current limit of 8,969 mt. While excess capacity is available, and has been available in the past, there has not been a high demand for additional vessels to enter the fishery since 2005. Due to ecosystem and economic factors, fishing in the western and central Pacific Ocean (WCPO) is currently more advantageous for U.S. tuna fleets. Thus, it is unlikely that there would be a significant change in the impacts to target species.

The target species of the U.S. eastern Pacific Ocean (EPO) purse seine fishery are skipjack and yellowfin tunas, and bigeye tuna is an incidentally-caught target species. According to the most recent stock assessments conducted by the IATTC, both stocks are not subject to overfishing or in an overfished condition. Bigeye, yellowfin, and skipjack tunas are shared international resources. Thus, these species need to be managed through regional fishery management organizations (RFMOs) like the IATTC. The IATTC has other measures in place (e.g., time/area closures, catch limits, and retention requirements) to minimize impacts to bigeye and yellowfin tuna and ensure that harvests are sustainable. In addition, the members and cooperating non-members of the IATTC adopted IATTC Resolution C-02-03 that authorized 31,775 cubic meters



of carrying capacity in the U.S. purse seine fishery, and this limit would not be exceeded under this action.

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

Response: For reasons similar to those stated above in the response to Question 1, the proposed action is not expected to jeopardize the sustainability of any non-target species. Fishing effort and related fishing mortality of non-target species is unlikely to change from the status quo.

3) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat (EFH) as defined under the Magnuson-Stevens Act and identified in FMPs?

Response: No. Some of the areas affected by the proposed action in the purse seine fishery have been identified as EFH; however the proposed action will not result in damage to the ocean and coastal habitats or EFH. Purse seine vessels can fish within the U.S. West Coast Exclusive Economic Zone (EEZ); although, the majority, if not all, of the fleet operates on the high seas. In addition, purse seine gear is generally not associated with adverse physical impacts to pelagic habitats. NMFS Sustainable Fisheries Division (SFD) received a memo from NMFS Habitat Conservation Division concurring with the determination that the proposed action will not have an adverse impact on EFH on September 7, 2010.

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

Response: No. The proposed action is not expected to have an adverse impact on public health or safety. Currently there are no public health or safety concerns in the purse seine fishery and this is not expected to change with the proposed action.

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

Response: No. For reasons similar to those discussed under Question 1, the proposed action would not be expected to adversely affect species listed as endangered or threatened under the Endangered Species Act (ESA), their critical habitat, or marine mammals. The proposed action would not cause any impacts to ESA-listed threatened or endangered species that have not been addressed in prior consultations. NMFS SFD initiated an informal consultation with NMFS Protected Resources Division (PRD) in a memo dated July 23, 2010. On August 26, NMFS SFD received a letter from NMFS PRD concurring with the determination that the proposed action may affect, but is not likely to adversely affect, ESA-listed olive ridley, leatherback, loggerhead, hawksbill, or green sea turtles. If the observed sea turtle captures or mortalities reach or approach the levels established in the 2004 Incidental Take Statement (ITS), this event would trigger initiation of a formal consultation under Section 7 of the ESA.

Prior Endangered Species Act Consultations for U.S. Purse Seine Fisheries in the EPO

- West coast tuna purse seine December 8, 1999, Biological Opinion by NMFS
ITS amended January 8, 2001
ITS amended July 7, 2004

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.)?

Response: No. For reasons similar to those discussed under Question 1, it is unlikely that the proposed action would result in a significant increase in the fishing effort or resultant fishing mortality, thus it is unlikely that the ecosystem or biodiversity would be affected. The majority of the catch in the purse seine fishery in the EPO is made up of apex predators, which are at the top of the food chain. Decreases in the catch of these species could lead to trophic interactive effects, including increased competition for prey species with other top predators. Larval and juvenile bigeye tuna and yellowfin tuna are also sources of food for other marine species, such as fish, seabirds, porpoises, marine mammals, and sharks. However, the overall effects from the proposed action would be so minor that any effects to ecosystem function and biodiversity would not be expected.

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

Response: No. For the reasons discussed under Question 1, it is unlikely that the proposed action would result in a significant change in the catch and fishing effort currently taking place in the purse seine fishery in the EPO. In the unlikely event that the increase in capacity leads to an increase in total effort and catch in the fishery, there is the potential for an increase in the socioeconomic benefits to fishermen and stakeholders in the purse seine fishery.

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

Response: No. It is estimated that the proposed action will have very minor, if any, effects on the human environment, thus it has not been, and is unlikely to become controversial. The EA, along with the proposed rule to implement the proposed action, was published in the Federal Register on September 3, 2010, for a 30-day public comment period. There was also a public hearing held on September 9, 2010, from 9am to 12pm. NMFS received three official public comments. None of the public comments addressed the draft EA. One substantive comment from the American Tunaboat Association supported the action, one anonymous comment expressed a general objection to fishing and this action in particular, and one letter submitted by the United States Department of the Interior (DOI) stated that the proposed rule had been reviewed by the DOI and the DOI had no comments to offer. Three individuals participated in the public hearing via teleconference. Some issues were discussed during the public hearing, but most participants only asked questions and did not make official comments for the record. No one expressed an opposition to the proposed action at the public hearing.

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: No. The majority, if not all, of the fishing operations of these fleets takes place on the high seas and no unique areas would be affected by the proposed action. In addition, for the reasons discussed under Question 1, it is unlikely that the proposed action would result in a significant change in the catch and fishing effort currently taking place in the purse seine fishery in the EPO.

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

Response: No. 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 and are likely to be very minor. For the reasons discussed under Question 1, it is unlikely that the proposed action would result in a significant change in the catch and fishing effort currently taking place in the purse seine fishery in the EPO. In the unlikely event that the proposed action does result in an increase in effort and catch in the purse seine fishery in the EPO, impacts to target and non-target species are likely to be minor and could result in an increase in fishing mortality. Any impacts to the socioeconomic environment caused by the proposed action are also likely to be minor, but would be positive in the tuna harvest were increased.

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

Response: No. As mentioned previously, it is unlikely that the proposed action would result in a change from the status quo in the fishery. The target and non-target species in the purse seine fishery have a Pacific-wide distribution and are subject to other sources of fishing mortality (e.g., other U.S. domestic fisheries, and to a greater degree, artisanal and industrial international fishing fleets). Several highly migratory species that interact with the purse seine fishery have a wide migratory range that crosses established political and management boundaries in the Pacific. Thus, these species and the international tuna fleets that interact with them are managed in the Pacific by the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC).

IATTC Resolution C-02-03 was adopted by all of the members of the IATTC and establishes a total vessel capacity limit of 158,000 cubic meters and a vessel capacity limit for each of the High Contracting Parties in the IATTC Convention Area. In addition, IATTC Resolution C-09-01 was adopted in 2009, and a similar recommendation was adopted in 2010, that establishes time-area closures, catch retention requirements, and a quota on the amount of bigeye that can be retained in the longline fishery. Thus, there are other measures in place to manage the fleets and limit the pressure on tuna stocks in the EPO. In addition, the WCPFC adopted a Conservation and Management Measure (CMM-2008-01) in the WCPO which, among other things, establishes bigeye tuna catch limits in longline fisheries, purse seine effort limits, and fish

aggregating device (FAD) prohibition periods in order to decrease the fishing mortality of bigeye and yellowfin tuna in the WCPO.

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?

Response: No. Items eligible for listing, or listed in the National Register of Historic Places, or significant scientific, cultural or historical resources are not located in the affected environment, thus they would not be affected by the proposed action.

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

Response: No. The action would not result in any introduction or spread of nonindigenous species. Only wild-caught tuna are harvested in the purse seine fishery and delivered to ports for landing in the Pacific Ocean.

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: No. As stated in Chapter 1 of the EA, the purpose of the proposed action is to implement IATTC Resolution C-02-03. This action is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission (Convention), to which it is a Contracting Party. Any further changes to the operation or management of the fishery would require additional rulemaking and NEPA analysis.

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: No. Federal, State, and local laws and requirements imposed for the protection of the environment are consistent with the proposed action. Letters were sent to the applicable coastal zone management program offices in American Samoa, California, and Hawaii. All responses received indicate that the preferred alternative would be consistent to the maximum extent practicable with the enforceable policies of the relevant coastal zone management programs.

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: No. This is addressed under Questions 1 and 11. It is unlikely that the proposed action would result in a significant increase in the fishing effort or resultant fishing mortality, and most species that could be affected by the proposed action are managed internationally, thus it is not expected that there would be cumulatively adverse effects on target or 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 Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean in Accordance with Inter-American Tropical Tuna Commission (IATTC) Resolution C-02-03; RIN 0648-AY75", it is hereby determined that the rule "Vessel Capacity Limit in the Purse Seine Fishery in the Eastern Pacific Ocean" will not significantly impact the quality of the human environment as described above and in the supporting Environmental Assessment. 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.



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12-2-10

Date