RECORD OF DECISION
for the
FINAL ENVIRONMENTAL IMPACT STATEMENT
of the
Regulatory Amendment to Modify Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management Measures

Introduction

This document serves as the Record of Decision (ROD) for the regulatory amendment to modify certain pelagic longline bluefin tuna area-based and weak hook management measures pursuant to National Environment Policy Act (NEPA), 42 USC § 4321 et seq., the Council on Environmental Quality NEPA regulations at 40 CFR Parts 1500-1508, and the National Oceanic and Atmospheric Administration's (NOAA) NEPA environmental review procedures, including NAO 216-6A and its companion manual.

The following summarizes measures that have previously been implemented to reduce bluefin tuna bycatch in the pelagic longline fishery that were considered in the subject rulemaking and environmental analyses, given the effects of the Individual Bluefin Quota (IBQ) Program in reducing such bycatch in recent years and the continued underharvest of certain quotas.

A 1998 Recommendation by International Commission for the Conservation of Atlantic Tunas (ICCAT) to establish a Rebuilding Program for Western Atlantic Bluefin Tuna (Rec. 98-07) required that all Contracting Parties, including the United States, minimize dead discards of bluefin tuna to the extent practicable and set a country-specific dead discard allowance. Given the requirements of that Recommendation and the status of bluefin tuna at the time, NMFS (National Marine Fisheries Service) implemented a final rule in 1999 establishing the Northeastern United States Closed Area, closing the area to pelagic longline vessels in the month of June annually to reduce bluefin tuna discards on pelagic longline gear.

From 2007-2010, NMFS conducted research on the use of weak hooks by pelagic longline vessels operating in the Gulf of Mexico to reduce bycatch of spawning bluefin tuna. Research results showed that the use of weak hooks can significantly reduce the amount of bluefin tuna caught by pelagic longline vessels. In 2011, to reduce bluefin tuna interactions and dead discards in the pelagic longline fishery and to protect spawning bluefin tuna, NMFS implemented mandatory use of weak hooks by the pelagic longline fishery in the Gulf of Mexico on a year-round basis (76 FR 18653; April 5, 2011).

In 2015, Amendment 7 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) (79 FR 71510; December 2, 2014) implemented the Gulf of Mexico and Cape Hatteras Gear Restricted Areas, among other measures that were designed to reduce bluefin tuna interactions and catch in the pelagic longline fishery, which had been exceeding its category quota of bluefin tuna for years. These gear restricted areas were designed based on the identification of areas with relatively high bluefin interaction rates with pelagic longline gear, and were implemented to address incidental catch of bluefin tuna in the pelagic longline fishery. The Spring Gulf of Mexico Gear Restricted Area, which consists of two areas in the central and

eastern Gulf of Mexico, has been closed to vessels fishing with pelagic longline gear from April 1 through May 31 annually. The Cape Hatteras Gear Restricted Area, established off the coast of Cape Hatteras, North Carolina, has been effective each year from December 1 through April 30. While the area encompassed by the Cape Hatteras Gear Restricted Area had a high level of bluefin interactions, the majority of those interactions were by only a few pelagic longline vessels. Due to this dynamic, NMFS implemented performance-based measures to grant "qualified" fishery participants access to the Cape Hatteras Gear Restricted Area provided they meet specific criteria.

In addition to the gear restricted areas mentioned above, Amendment 7 also shifted the focus of managing bluefin tuna bycatch in the HMS pelagic longline fishery from fleet-wide management measures to individual vessel accountability through the implementation of a bluefin tuna catch share program called the IBQ Program. A 3-Year Review of the IBQ Program, conducted in 2019, has indicated that a management strategy of individual vessel accountability has successfully reduced bluefin tuna landings and dead discards, improved timely catch reporting across the fleet, and addressed previous problems with bluefin tuna pelagic longline category quota overages. Furthermore, an evaluation of IBQ Program metrics implied a healthy, functioning IBQ allocation leasing market to support the program. With this suite of measures now in place, quotas for target species have continued to be significantly underharvested and available IBQ allocation remains unused at the end of each year, indicating that all of the measures in tandem may not be necessary to appropriately limit incidental catch of bluefin tuna in the pelagic longline fishery and may not best achieve other management objectives, such as allowing fishermen a reasonable opportunity to harvest available quotas.

After implementation of Amendment 7 management measures, NMFS received comments from pelagic longline fishery participants and other interested parties requesting that the agency examine whether some fishery-wide measures such as gear requirements, area restrictions, or time/area closures remained necessary to reduce bluefin tuna bycatch and still meet the objectives of the 2006 Consolidated HMS FMP and its amendments. There were comments that because the IBQ Program has been successful in reducing and managing incidental catch of bluefin tuna in the pelagic longline fishery, all of the regulations may not continue to be necessary. Commenters (including the public and HMS Advisory Panel members) specifically requested that NMFS evaluate whether it was possible to potentially reduce regulatory burden or remove regulations that may be redundant with the IBQ Program in relation to limiting bluefin bycatch in the pelagic longline fishery to the extent practicable.

On March 2, 2018 (83 FR 8969), NMFS published a scoping document that presented potential management options for three spatially managed areas and adjustment of gear-based regulations, all of which had been implemented with the objective of reducing bluefin tuna dead discards or interactions. NMFS received approximately 275 unique comments during the public scoping period (March 2, 2018 through May 1, 2018). Comments were received both in support of and opposed to changes in the regulations. Additionally, comments included three letter writing campaign batch submissions that totaled 13,444 form letters, most of which were opposed to any management changes in the Gulf of Mexico out of concern for protecting spawning bluefin tuna.

After considering feedback from the HMS Advisory Panel and all public comments received during the scoping period, NMFS published a Draft Environmental Impact Statement (DEIS) (May 17, 2019; 84 FR 22492) that identified and analyzed 14 alternatives. NMFS received comments on the DEIS at the spring 2019 HMS Advisory Panel meeting. NMFS published a proposed rule that contained the same alternatives, including the same preferred alternatives from the DEIS (July 12, 2019; 84 FR 33205). NMFS subsequently published a correction notice (August 8, 2019; 84 FR 38918) to address some minor errors in the descriptions of two preferred alternatives, and a notice announcing an additional hearing in Gloucester, MA (August 30, 2019; 84 FR 45734). Public comments on the proposed rule and DEIS were accepted through September 30, 2019.

During the comment period on the Proposed Rule, over 11,460 comments were received, including comments from Blue Water Fishermen's Association, Department of the Interior, Earthjustice, Oceana, the Pew Environment Group, The Billfish Foundation, The Recreational Fishing Coalition, and several other environmental, commercial, and recreational groups. The majority of those comments were submitted via an organized form comment campaign. In addition to written comments, several oral comments were submitted during the public hearings and webinars. The summary of the comments and responses was provided in Appendix F of the Final Environment Impact Statement (FEIS) for the regulatory amendment and will also be published in the final rule.

Decision

This ROD documents the decision by NMFS to approve the preferred alternatives within the FEIS for a regulatory amendment to modify certain pelagic longline bluefin tuna area-based and weak hook management measures. The FEIS analyzed direct, indirect, and cumulative impacts to the quality of the human environment, including social and economic impacts, associated with implementing the specified management actions.

NMFS has decided to modify or remove certain regulations related to the area-based and weak hook management measures for the pelagic longline fishery as it relates to bluefin tuna. These modifications of management measures and removal of regulations are implemented given the success of the IBQ Program in limiting bluefin tuna incidental catch in the pelagic longline fishery, continued underharvest of quotas in target fisheries (particularly the swordfish quota), and comments from the public that certain regulations intended to limit incidental catch of bluefin are unnecessarily restrictive of pelagic longline fishery effort or pose unnecessary regulatory burden on fishery participants.

The decision is to select the following alternatives as preferred, each of which is summarized in this section:

- Alternative A4, Undertake a review process to evaluate the continued need for the Northeastern United States Closed Area;
- Alternative B2, Eliminate the Cape Hatteras Gear Restricted Area;
- Alternative C3, Undertake a review process to evaluate the continued need for the Spring Gulf of Mexico Gear Restricted Area;
- Alternative D2, Seasonal requirement for weak hooks.

Alternatives Considered Including the Environmentally Preferable Alternatives

NMFS analyzed a range of alternatives. Further detail on each alternative may be found in the FEIS. As required by NEPA, a No Action Alternative was identified and considered (40 CFR Part 1502.14).

Northeastern United States Closed Area:

The selected alternative (A4) is summarized under the Rationale for Selection of the Preferred Alternatives below. In addition to the selected alternative and the No Action Alternative (A1), NMFS considered Alternative A2, which would modify the current Northeastern United States Closed Area to remove a western portion of the closed area; Alternative A3, which would convert the Northeastern United States Closed Area to a gear restricted area with individual performance based access; and Alternative A5, which would eliminate the Northeastern United States Closed Area.

The No Action alternative (A1), the environmentally preferable alternative, was expected to result in cumulative neutral ecological impacts and socioeconomic impacts in the short- and long term. This is the environmentally preferable alternative because this alternative would continue to restrict pelagic longline vessels from the Northeastern United States Closed Area in June and any potential positive ecological benefits occurring from the absence of fishing in the area would continue to occur. Not all of the regulations currently in place appear to be needed to appropriately limit incidental catch of bluefin tuna in the pelagic longline fishery, and maintaining all of the restrictions may unnecessarily restrict pelagic longline fishery effort and create unnecessary regulatory burden for fishery participants. Additionally, this alternative does not meet the objective of simplifying and streamlining Atlantic HMS management and would not further the objective of improving the ability to fish available target species quotas. For these reasons, this alternative was not preferred.

Alternative A2 was expected to have cumulative neutral to minor beneficial ecological and socioeconomic impacts. This alternative would not provide access to the more productive areas of the Northeastern United States Closed Area. Opening a portion of the Northeastern United States Closed Area would not alleviate uncertainty about whether the remaining closed area is still needed to achieve bluefin bycatch management objectives. For these reasons, this alternative was not preferred.

Alternative A3 was expected to have cumulative minor beneficial to minor adverse ecological impacts, and neutral to minor beneficial socioeconomic impacts. It is not preferred because this alternative may allow access to most pelagic longline vessels in the short-term, but over time if fewer vessels are qualified for access to the area it could reduce the amount of data collection from the area. There is also some question as to the ability of this alternative to incentivize fleet-wide reductions in bluefin interactions, especially if vessels are fishing elsewhere or under separate regulations (i.e., the Northeast Distant Area). This alternative does not present much difference in ecological or socioeconomic impacts from opening this area as a Monitoring Area (Alternative A4) or eliminating the Closed Area (Alternative A5). This alternative may not meet

the objectives of optimizing the ability of the pelagic longline fleet to harvest target species, since this alternative may limit pelagic longline vessel access. For these reasons, this alternative was not preferred.

Alternative A5 was expected to have cumulative minor beneficial to minor adverse ecological impacts, and neutral to minor beneficial socioeconomic impacts. It is not preferred because of uncertainty with the estimates of amounts of interaction in the analysis of the alternatives given the lack of available fishery-dependent data from within the area. Also, it is not preferred because of the inability to quickly restrict fishing if bycatch impacts to bluefin or other species are beyond acceptable levels. This alternative also does not provide a mechanism for NMFS to review the impacts of opening the area. For these reasons, this alternative was not preferred.

Cape Hatteras Gear Restricted Area:

The selected alternative for the Cape Hatteras Gear Restricted Area (B2) is summarized under the Rationale for Selection of the Preferred Alternatives below. In addition to the selected alternative NMFS also considered the No Action Alternative (B1).

The No Action alternative (B1), has been identified as the environmentally preferable alternative, because it would maintain the gear restricted area and performance metrics for access, which would continue to restrict access to a small number vessel that did not meet the performance criteria. Any difference in impacts from the Preferred Alternative (B2) are essentially negligible, given that nearly all active vessels annually qualify for access to the area. The No Action alternative was expected to result in cumulative neutral ecological and socioeconomic impacts. However, the IBQ Program effectively limits individual vessel landings or dead discards by fishery participants operating in this area. Retaining a gear restricted area with performance based access to limit bluefin interactions (which no longer restricts many active fleet participants) while at the same time requiring fishery participants to individually account for their bluefin catch through the IBQ Program, is unnecessarily restrictive of pelagic longline fishery effort, particularly where overall limits on quota are established through scientifically supported quotas and subsequently enforced and monitored through a careful management regime that further divides and manages that quota at several stages. For these reasons, this alternative was not preferred.

Gulf of Mexico Gear Restricted Area:

The selected alternative (C3) is summarized under the Rationale for Selection of the Preferred Alternatives below. In addition to the selected alternative, NMFS also considered the No Action Alternative (C1); Alternative C2, which would allow individual performance-based access to the Spring Gulf of Mexico Gear Restricted Area; and Alternative C4, which would eliminate the Spring Gulf of Mexico Gear Restricted Area. Maintaining the restrictions of the area may unnecessarily restrict pelagic longline fishery effort and create unnecessary regulatory burden for fishery participants.

Alternative C1, was the environmentally preferable alternative, because it would maintain the gear restricted area prohibiting pelagic longline fishing in the area during April and May. This

alternative was expected to result in cumulative neutral ecological and socioeconomic impacts. It is not preferred because the Spring Gulf of Mexico Gear Restricted Area may no longer be necessary to reduce and/or maintain low numbers of pelagic longline bluefin tuna discards and interactions, particularly given the recent successes with the IBQ Program and the shift in management focus towards individual vessel accountability in the pelagic longline fishery. For these reasons, this alternative was not preferred.

Alternative C2 was expected to have cumulative minor beneficial to minor adverse ecological impacts and neutral socioeconomic impacts. Since the majority of vessels fishing in the Gulf of Mexico would be expected to have access to the Spring Gulf of Mexico Gear Restricted Area under this alternative, any benefit to applying performance-based access would likely be minimal. There is also some question as to the ability of this alternative to incentivize fleet-wide reductions in bluefin interactions, especially if vessels are fishing elsewhere or under separate regulations (i.e., the Northeast Distant Area). Also, in relation to the objective of optimizing the ability of the fleet to harvest target species, this alternative would add somewhat complicated regulations to the area instead of streamlining and simplifying regulations. For these reasons, this alternative was not preferred.

Alternative C4 was expected to have cumulative minor beneficial to minor adverse ecological impacts and neutral socioeconomic impacts. This alternative would give pelagic longline fishermen the most flexibility to determine where in the Gulf of Mexico they choose to fish to optimize target catch and minimize bycatch under the IBQ Program. Although this alternative would be expected to have neutral ecological impacts on bluefin tuna, this alternative does not give the agency control provided by performance access in Alternative C2 or the monitoring aspects of the evaluation process in Alternative C3, resulting in more uncertainty in impacts to species analyzed. For these reasons, this alternative was not preferred.

Weak Hooks:

The selected alternative (D2) is summarized under the Rationale for Selection of the Preferred Alternatives below. In addition to the selected alternative and the No Action Alternative (D1), NMFS also considered Alternative D3, which would remove the weak hook requirement entirely. Alternative D2 is considered to be the environmentally preferable alternative due to reduced ecological adverse impacts to white marlin and roundscale spearfish, which are overfished and cannot be retained in commercial fisheries, when these species are higher in abundance in the Gulf of Mexico in late summer and fall (July-December). Research conducted by NMFS from 2008-2012 (which included data collection after initial implementation of the weak hook requirement) indicated that catch rates of white marlin and roundscale spearfish were higher with weak hooks compared to stronger circle hooks. This alternative is expected to have short- and long-term direct and indirect neutral ecological impacts on target species and restricted and protected species.

The No Action alternative (D1) was expected to result in cumulative minor adverse to neutral ecological impacts and neutral socioeconomic impacts. It is not preferred because this alternative would not relieve unnecessary regulatory restrictions related to the pelagic longline fishery and would continue to adversely impact white marlin and roundscale spearfish, which

does not align with the objective to minimize bycatch and bycatch mortality of other Atlantic HMS. For this reason, these alternative was not preferred.

Alternative D3 was expected to have cumulative minor adverse to neutral ecological and neutral socioeconomic impacts. It is not preferred because removing the weak hook requirement entirely may increase bluefin mortality, especially if fishermen do not voluntarily elect to use weak hooks during spawning season when the risk of encountering spawning bluefin is higher. For this reason, this alternative was not preferred.

Rationale for Selection of the Preferred Alternatives

Based on the analyses in the FEIS, NMFS has determined that the preferred alternatives will cumulatively result in neutral to minor beneficial ecological impacts to bluefin tuna and target species, minor beneficial to minor adverse ecological impacts to protected and restricted species, and neutral to minor beneficial economic impacts. The changes will continue to ensure that conservation obligations are met, but in a way that is not unnecessarily restrictive of pelagic longline fishery effort and will relieve regulatory burden on the fishery. Detailed rationale for the selection of these alternatives are outlined below.

Northeastern United States Closed Area:

Alternative A4 would convert the "Northeastern United States Closed Area" to a monitoring area called the "Northeastern United States Pelagic Longline Monitoring Area" and establish a three-year evaluation period during which fishing initially would be allowed in the Monitoring Area. Fishing activity would be closely monitored by NMFS, and NMFS would prohibit further fishing in the area if the fleet uses IBQ allocation in exceedance of a threshold established in this action to account for bluefin tuna landings and dead discards. The alternative is anticipated to slightly increase bluefin tuna landings, but the stock would still be managed well within the previously analyzed, applicable quota. Increases in yellowfin tuna landings would be small and are not anticipated to greatly increase the overall United States landings of yellowfin tuna. Decreases in interactions with all protected and restricted species (e.g. ESA listed species or other Atlantic HMS bycatch species whose retention is prohibited, such as certain sharks and billfish) are anticipated, with the exception of white marlin, which may slightly increase. Decreases in swordfish, bigeye tuna, and dolphin landings are predicted. Recognizing the expected decrease in some target species landings and slight increase in white marlin and bluefin tuna bycatch, this alternative is being implemented because it will give fishermen the ability to make choices about where to fish to optimize target catch while minimizing bycatch under the IBQ Program. Fishermen will have increased flexibility to adapt to changing distributions and concentrations of bluefin tuna and target catch while fishing in the region and it could reduce in trip length and associated fuel cost. The alternative would open areas for pelagic longline fishing that are closer to shore than where most of the effort currently is occurring during the month of June in the adjacent open areas.

This alternative is consistent with the objectives of optimizing the ability of the pelagic longline fleet to harvest target species and provides a carefully controlled mechanism to allow fishermen

back into areas that were previously closed. This alternative also helps with uncertainty due to lack of data from within the closed area as to whether the area is still appropriately located or needed to meet bluefin tuna management objectives. This alternative gives fishermen more flexibility to determine where to fish to optimize target catch in the region encompassing the Northeastern United States Closed Area. It is expected to have neutral ecological impacts on bluefin tuna, as it provides measures to minimize bluefin tuna bycatch via the threshold and evaluative aspects of the program. It should allow the pelagic longline fishery vessels to continue fishing from January through May, within the same levels of IBQ allocation usage (2015-2018), and have a threshold IBQ allocation level that provides both sufficient opportunities for fishermen to target swordfish, yellowfin tuna, bigeye tuna, as well as other pelagic species, and limits catch of bluefin tuna while the Monitoring Area is effective. The individual accountability aspects of the IBQ Program would still be relied upon to incentivize bluefin tuna avoidance, meaning that there is still a proven means to achieve the objectives of continuing to minimize bycatch and bycatch mortality of bluefin tuna and other Atlantic HMS. In addition, this alternative simplifies and streamlines regulations that apply to the pelagic longline fishery in the Atlantic intended to reduce bluefin tuna interactions, and is therefore consistent with that corresponding objective for this rulemaking.

Cape Hatteras Gear Restricted Area:

Alternative B2, would eliminate the Cape Hatteras Gear Restricted Area. This area was established in Amendment 7(2015), implementing performance-based criteria for pelagic longline vessel fishing access to the area. The majority of active pelagic longline vessels have qualified for access to the area in recent years. Some vessels that originally did not qualify for access at the time of implementation of Amendment 7 later gained annual access due to changed fishing practices or increased compliance with the requirements of observer and logbook programs. Continued use and application of the performance-based criteria and maintenance of the area would, therefore, have minimal effect on reducing bluefin tuna interactions and catch. Vessels can be expected to continue to modify their fishing behavior to avoid bluefin tuna interactions and catch in order to maximize their fishing opportunities, given the requirements and limits of the IBQ Program. Furthermore, at the time of Amendment 7, the area was identified as one of high bluefin tuna interactions, but the hotspot no longer exists according to post-Amendment 7 data. Consistent with the National Standard 7 guidelines, management measures should be designed to give fishermen the greatest possible freedom of action in conducting business, consistent with ensuring wise use of the resources and reducing conflict in the fishery. Removal of the area is consistent with the objectives of the action. This alternative is anticipated to have short- and long-term direct and indirect neutral ecological impacts on target species, including bluefin tuna, and protected and restricted species.

Gulf of Mexico Gear Restricted Area:

Alternative C3 would convert the "Spring Gulf of Mexico Gear Restricted Area" to a monitoring area called the "Spring Gulf of Mexico Monitoring Area," and establish a three-year evaluation period during which fishing initially would be allowed in the Monitoring Area. This alternative would initially open the area for an evaluation period during which fishing activity would be closely monitored by NMFS. NMFS would prohibit fishing if the fleet uses IBQ allocation in

the area in exceedance of a threshold established in this action to account for bluefin tuna landings and dead discards. The Gulf of Mexico is a primary spawning area for Western Atlantic bluefin tuna and adult bluefin tuna move into the Gulf of Mexico to spawn. Regarding the effects of this alternative specifically on adult bluefin tuna, the alternative could slightly increase incidental catch of bluefin tuna compared to the No Action alternative given the months of the current gear restricted area. The estimated number of bluefin tuna expected to be kept and discarded under the No Action Alternative is 4 fish kept and 5 fish discarded per year. The estimated range under the Preferred Alternative would be 3 to 7 fish kept per year and 5 to 7 fish discarded per year. (See Table 4.23 of the FEIS associated with this rulemaking.) Any such increases would be within previously analyzed, applicable science-based quotas adopted in earlier rulemakings and would be consistent with other management measures that NMFS previously adopted in Amendment 7 to appropriately limit bycatch and conserve the stock. This includes, for example, the Longline category quota and the IBQ allocation provisions and regional designations and rules for IBQ allocation usage. Furthermore, the analyses in the final Three-Year Review indicate that the IBQ Program has met or exceeded the conservation and management objectives established in Amendment 7. Since implementation of the IBQ Program in the pelagic longline fishery, only between 9 and 18 percent of the available Gulf of Mexico IBQ allocation has been used between 2015 and 2018. Given this low level of Gulf of Mexico IBQ allocation usage, and the fact that overall quota use for the bluefin tuna fishery remains well within the previously adopted, science-based quotas established at ICCAT, the continuation of the gear restricted area appears not to be necessary to continue to manage incidental catch and enhance bluefin tuna spawning potential and stock growth. The evaluation period, with the IBQ allocation use threshold established in this alternative, will provide NMFS with additional information to make this determination for longer-term management of the area. The short- and long-term, direct ecological impacts on all target species as a result of this alternative are likely to be neutral. The short- and long-term, indirect ecological impacts are expected to range from minor beneficial to minor adverse. Minor adverse impacts are anticipated due to a slight increase in billfish bycatch when estimated using the high range of predicted interactions. Interactions for sea turtles are expected to remain the same compared to the no action alternative, which is expected to result in neutral impacts. Interactions with shortfin mako and dusky sharks are expected to decrease and result in minor beneficial impacts.

Weak Hooks:

Alternative D2 would modify what is currently a year-round weak hook requirement for the pelagic longline fishery in the Gulf of Mexico by limiting it to January through June of each year to coincide with the highest abundance and catch-per-unit effort of bluefin tuna in the Gulf of Mexico. Alternative D2 would also be expected to result in reduced ecological adverse impacts to white marlin and roundscale spearfish, which are overfished and cannot be retained in commercial fisheries. White marlin and roundscale spearfish are higher in abundance in the Gulf of Mexico in late summer and fall (July-December). Research conducted by NMFS from 2008-2012 (which included data collection after initial implementation of the weak hook requirement) indicated that catch rates of white marlin and roundscale spearfish were higher with weak hooks compared to stronger circle hooks. This alternative is expected to have short- and long-term direct and indirect neutral ecological impacts on target species and restricted and protected species.

NMFS also concludes that all practical and legally justifiable means to avoid, minimize, or compensate for environmental harm from this action has been adopted. NMFS has considered responses to all applicable public comments received on this regulatory amendment and its associated proposed rule. These comments were considered by NMFS during the development of the FEIS and final rule, as described in the Appendix F of the FEIS.

Mitigation Measures and Monitoring

NEPA implementing regulations require Federal agencies to use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment." 40 CFR 1500.2(f). The mitigation of environmental impacts must be considered whether or not the impacts are significant. The ROD for an impact statement must identify the mitigation measures the agency is adopting.

The CEQ regulations at 40 CFR 1508.20 define "mitigation" as:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

The individual alternatives were selected because they individually, or in concert with the other selected alternatives, achieve the objectives of the action. Minor adverse impacts to billfish are predicted for Alternative A4 and C3 due to slight increases in discards when compared to the no action alternative. However, Alternative D2 would result in reduced ecological adverse impacts to white marlin and roundscale spearfish.

During the three year evaluation period of both the Spring Gulf of Mexico Monitoring Area and the Northeastern United States Pelagic Longline Monitoring Area (Preferred Alternatives C3 and A4), NMFS would continue to monitor bycatch of billfish and other species. At the conclusion of the three year evaluation period, NMFS will generate a report based on the data gathered from within the two areas. The evaluation report may include, but not be limited to, target species landings and effort, bluefin tuna catch rates, IBQ debt from vessels fishing in the area, percentage of IBQ allocation usage, compliance with other pelagic longline regulations, enforceability concerns, and amount of bycatch of restricted or protected species. Based on the findings of the report, NMFS may initiate a follow up action to implement new management measures for the area if necessary. The report and any resulting necessary new management measure to address bycatch of billfish or other species will act as a mitigating measure for potential adverse impacts to billfish and other bycatch species.

The individual alternatives were selected because they individually, or in concert with the other selected alternatives, achieve the objectives of the action. Because the cumulative socioeconomic impacts are expected to be neutral to minor positive for pelagic longline fishermen, there are no negative socioeconomic impacts of the action to mitigate.

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