



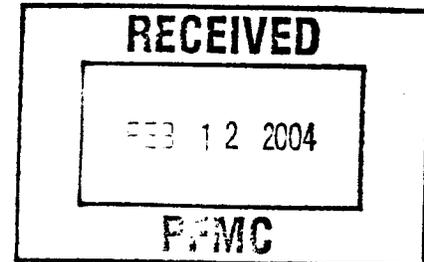
**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802- 4213

FEB - 4 2004

F/SWR2:SF

Mr. Donald Hanson, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384



Dear Mr. Hanson:

I am pleased to inform you that, with the exception of one provision, I have approved the Pacific Fishery Management Council's proposed Fishery Management Plan for U.S. West Coast Highly Migratory Species (FMP). There is broad agreement that this FMP is a major step forward toward effective management of these important west coast fisheries and resources.

Notwithstanding the provision disapproved, I compliment you and the Council on both the quality of the FMP and the open and collaborative process by which the FMP was developed.

The provision that I have disapproved would have allowed shallow-set longline fishing by west coast-based vessels targeting swordfish in waters beyond the U.S. exclusive economic zone (EEZ) east of 150° W. longitude. The FMP would prohibit longline fishing in the EEZ off the west coast, and would prohibit the longline fishery from making shallow sets to target swordfish sets in waters beyond the EEZ and west of 150° W. longitude. At the time the Council adopted the FMP, the Council had been provided with information about potential impacts of the fishery on endangered and threatened sea turtles if fishing shallow set longline fishing strategy were adopted and about the likelihood of FMP disapproval on this basis.

During review of the proposed FMP, the National Marine Fisheries Service (NOAA Fisheries) initiated consultations under section 7 of the Endangered Species Act (ESA) to determine if the levels of takes and mortalities that were projected to occur in the fishery under the Council's proposed management program would appreciably reduce the likelihood of survival and recovery of listed species of sea turtles. Shallow-set longline fishing has been shown to have high rates of interaction with sea turtles (especially loggerhead and leatherback sea turtles). Currently, all west coast longline vessels (approximately 20 vessels) fish in this manner. The Biological Opinion (BO) resulting from the consultation concluded that, if allowed to make shallow sets in the waters east of 150° W. longitude at recent effort levels, the longline fishery would take turtles at levels that would appreciably reduce the likelihood of survival and recovery of at least one species of sea turtle. Therefore, that provision has been disapproved as not being consistent with the ESA, meaning that the FMP does not comply with "other applicable law" (section 303(a)(1)(C) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)). A copy of the BO will be provided to the Council under separate cover.

NOAA Fisheries has separately published (68 FR 70219, December 17, 2003) a proposed rule under the authority of the ESA that would prohibit shallow sets in the waters east of 150° W. longitude. This was published prior to action on the FMP to ensure that, if the review of the Council's FMP concluded that its proposed management program would be inadequate, then NOAA Fisheries would have corrective regulations in place until the Council could make the necessary changes to its management program. Under this approach, the ESA regulations could be implemented at the same time as the FMP implementing regulations if they were deemed necessary after the section 7 consultation and action on the proposed FMP. In fact, this rule is now deemed necessary. The BO concluded that the fisheries as they would operate under the conservation and management measures of the FMP, and the ESA companion rule would not jeopardize the continued existence of any species of sea turtle. NOAA Fisheries will therefore proceed to finalize this rule on the same time track as the final rule for the FMP.

The Magnuson-Stevens Act (section 304(a)(1)) requires that, if an FMP is disapproved in part or in whole, the Council must be advised of actions it can take to correct the FMP. The following information is provided to satisfy this requirement.

First, NOAA Fisheries is very pleased with the results of recent research in the Atlantic Ocean regarding the use of alternative gear and bait combinations in longline fishing to reduce sea turtle interactions and consequent injury or mortality to sea turtles. A copy of the news release summarizing the achievements of that research is enclosed. The research concluded that encounters with leatherback and loggerhead turtles in the Atlantic Ocean can be reduced by 65 to 90 percent by switching the type of hook and bait from the traditional "J" style hook with squid to a large, circular hook with mackerel. In addition, the nature of hookings is less damaging as the large hooks are far less likely to be deeply swallowed and lethal. In addition, new de-hooking and release devices and techniques have been developed, further reducing the likelihood of major injury to or death of turtles. NOAA Fisheries is actively promoting adoption of this new gear in the international arena given that this is a global problem. NOAA Fisheries also plans to undertake additional research into the use of this gear in longline tuna fishing, which also is known to have sea turtle interactions.

Second, in January 2004, NOAA Fisheries convened 17 experts in the areas of biology, veterinary medicine, anatomy/physiology, satellite telemetry, and longline gear deployment for a Workshop on Marine Turtle Longline Post-Interaction Mortality. These experts presented and discussed recent data available on the survival and mortality of sea turtles subsequent to being hooked by fishing gear. Based on the data gathered during that workshop, NOAA Fisheries revised its February 2001 post-hooking mortality criteria. The Southwest Region will work with its observer contractor to make sure that future observers collect more detailed interaction information to better support application of this new policy.

Third, new regulations to govern the longline fishery for the Hawaii-based fleet are needed by April 1, 2004, in response to a court decision. The Western Pacific Fishery Management Council has submitted a proposal (summary enclosed) that would allow shallow longline sets targeting

swordfish but that proposes to limit sea turtle takes and mortality through a combination of fleet effort limits, transferable vessel effort limits, a requirement to use circle hooks and mackerel bait, a limit on estimated sea turtle takes, in the fishery based on observer records, and other measures. This proposal is being reviewed by NOAA Fisheries, and a section 7 consultation is underway. I will advise the Pacific Council of the results of the consultation and NOAA Fisheries' action on this proposal.

I believe this information will be very useful to the Council in considering adjustments to its fishery management regime that can allow fishing without jeopardizing any ESA listed species. NOAA Fisheries' action on the Western Pacific Council's proposal has implications for potential approvability of similar approaches for the west coast longline fishery. I recommend that the Council direct its management team to review this information and to begin developing and analyzing alternative sets of comparable conservation and management measures under which the longline fishery off the west coast might be able to target swordfish with low levels of marine turtle takes. This could include consideration of limited longline fishing for swordfish with effort limits, gear and bait requirements, time/area limits, turtle take limits, or other measures that would limit sea turtle mortality to low levels approximating those that had previously been found in the drift gillnet fishery not to result in jeopardy to any listed sea turtles. I commit the Southwest Region to work closely with the Council and its advisory bodies as well as to coordinate with the Pacific Islands Region and the Office of Protected Resources to the extent possible to ensure that the best scientific information available is used in developing and evaluating the potential impacts of alternative approaches.

Again, congratulations to the Council on developing this new FMP. I look forward to working closely with you and your staff and the states to implement this FMP, and will report on our progress as it occurs.

Sincerely,



Rodney R. McInnis  
Acting Regional Administrator

Enclosures

cc: F - W. Hogarth  
F/NWR - B. Lohn  
GCSW - J. Feder  
GCNW - E. Cooney  
F/NWR - B. Robinson  
F/PIR - S. Pooley

UNITED STATES DEPARTMENT OF  
**COMMERCE**  
**NEWS**

WASHINGTON, D.C. 20230

NATIONAL  
OCEANIC AND  
ATMOSPHERIC  
ADMINISTRATION

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NOAA 04-101  
Jan. 5, 2004

**NOAA, INDUSTRY DEVELOP TECHNOLOGY THAT SAVES SEA TURTLES;  
U.S. CALLS ON OTHER FISHING NATIONS TO JOIN EFFORT**  
**Turtle-friendly Gear and Techniques Reduce Interactions up to 90 Percent**

The National Oceanic and Atmospheric Administration (NOAA) announced today it has developed new technology to help fishermen reduce accidental capture and harm to endangered sea turtles. NOAA's National Marine Fisheries Service (NOAA Fisheries), in cooperation with fishermen and private industry, has completed three years of fishing-equipment research in the high seas of the Atlantic Ocean to develop turtle-friendly gear and fishing methods for commercial longline vessels. NOAA is an agency of the Department of Commerce.

"The results of this study have global implications for all nations with longline fishing fleets," said Dr. William Hogarth, director of NOAA Fisheries. "Our cooperative research with industry has shown that these turtle bycatch-reduction techniques have been successfully tested in the Grand Banks and are a viable solution for meeting everyone's objectives. I'm asking all nations to match our efforts and evaluate these techniques in their fisheries so we can meet our shared responsibility to protect sea turtles and allow commercial fishing to prosper."

The agency and partners have concluded that encounters with leatherback and loggerhead turtles can be reduced by 65 to 90 percent by switching the type of hook and bait from the traditional "J"- style hook with squid to a large circle style hook with mackerel.

"These new approaches we are announcing today are the answer we've all been waiting for," said Nelson Beideman, Executive Director of Bluewater Fisherman's Association, a commercial longline group with 13 vessels participating in the project. "We are pleased to announce to the fishing world that we have successfully documented practical ways for pelagic longline fishermen to overwhelmingly reduce sea turtle interactions and also to substantially reduce harm from any remaining sea turtle interactions."

For the turtles that are incidentally captured, government scientists and partners have developed new de-hooking and release techniques to increase survival rates. Dehookers and dipnets allow fishermen to remove hooks from turtles with minimal additional trauma. A device used as a turtle elevator, the "leatherback lift," was crafted to allow fishermen to bring larger turtles on board for de-hooking.

Results of the study have received the endorsement of fishermen and environmentalists, such as the World Wildlife Fund.

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"World Wildlife Fund applauds the efforts of NOAA Fisheries and the Blue Water Fishermen to develop techniques for saving sea turtles from drowning in longline gear," said Scott Burns, director of WWF's Marine Conservation Program. "We are joining NOAA and Blue Water to advance these methods internationally so that we can not only stop unnecessary killing of these endangered animals but provide economic incentives for fishermen in the process."

There is economic incentive for fishermen to use sea turtle bycatch reduction techniques. They are now able to retrieve their hooks and other gear, avoid the extra time spent on entangled turtles, and with the significant bycatch reduction achieved, the pelagic longline industry may have fewer bycatch-related restrictions. Further, tests showed the use of these techniques can increase directed catch by as much as 30 percent.

The need for research into these new practices became apparent when the U.S. prohibited American longliners from operating in the Grand Banks off Newfoundland due to bycatch of endangered sea turtles, leaving these productive swordfish grounds open to increased fishing effort by other nations. Though the foreign vessels are not equipped with turtle bycatch reduction technology, the United States imports their seafood products. Hogarth said American longline fleets pay a high price when shut out of turtle-prone fishing grounds, and the move does not ensure protection of sea turtles if U.S. effort is replaced by other fleets.

NOAA Fisheries has begun international outreach efforts to share the results of this experiment with other fishing nations. In 2003, the agency partnered with the Inter-American Tropical Tuna Commission to conduct training workshops for sea turtle bycatch reduction, attended by over 800 fishermen throughout Ecuador. The agency will participate in similar workshops in Costa Rica this spring.

Commercial longliners catch some of America's most popular seafood: tuna, swordfish and mahi mahi. The fishing technique has long been controversial because of the level of incidental bycatch. The U.S. Atlantic pelagic longline fleet is a \$40 million-per-year industry, and accounts for a fraction of the total sea turtle catches in all the world's fisheries.

For more information about this project, visit us online at: [www.nmfs.noaa.gov/mediacenter/turtles](http://www.nmfs.noaa.gov/mediacenter/turtles).

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NOAA's National Marine Fisheries Service (NOAA Fisheries) is dedicated to protecting and preserving our nation's living marine resources and their habitat through scientific research, management and enforcement. NOAA Fisheries provides effective stewardship of these resources for the benefit of the nation, supporting coastal communities that depend upon them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public. To learn more about NOAA Fisheries, please visit: [www.nmfs.noaa.gov](http://www.nmfs.noaa.gov).

The Commerce Department's National Oceanic and Atmospheric Administration (NOAA) is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation's coastal and marine resources. To learn more about NOAA, please visit [www.noaa.gov](http://www.noaa.gov).

## 2.0 Summary

This regulatory amendment to the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region would:

- 1) Establish an annual limit on the amount of shallow-set longline fishing effort north of the equator that may be collectively exerted by Hawaii-based longline vessels (2,120 shallow-sets per year);
- 2) divide and distribute this shallow-set effort limit each calendar year in equal portions (in the form of transferable single-set certificates valid for a single calendar year) to all holders of Hawaii longline limited access permits that respond positively to an annual solicitation of interest from NMFS;
- 3) prohibit any Hawaii-based longline vessel from making more shallow-sets north of the equator during a trip than the number of valid shallow-set certificates on board the vessel;
- 4) require that operators of Hawaii-based longline vessels submit to the Regional Administrator within 72 hours of each landing of pelagic management unit species one valid shallow-set certificate for every shallow-set made north of the equator during the trip;
- 5) require that Hawaii-based longline vessels, when making shallow-sets north of the equator, use only circle hooks sized 18/0 or larger with a 10-degree offset;
- 6) require that Hawaii-based longline vessels, when making shallow-sets north of the equator, use only mackerel-type bait;
- 7) establish annual limits on the numbers of interactions between leatherback and loggerhead sea turtles and Hawaii-based longline vessels while engaged in shallow-setting (set equal to the annual estimated incidental take for the respective species in the shallow-set component of the Hawaii-based fishery, as established in the prevailing biological opinion issued by NMFS pursuant to section 7 of the Endangered Species Act);
- 8) establish a procedure for closing the shallow-setting component of the Hawaii-based longline fishery for the remainder of the calendar year when either of the two limits is reached, after giving 1 week advanced notice of such closure to all holders of Hawaii longline limited access permits (the numbers of interactions will be monitored with respect to the limits using year-to-date estimates derived from data recorded by NMFS vessel observers);
- 9) require that operators of Hawaii-based longline vessels notify NMFS in advance of every trip whether the longline sets made during the trip will involve shallow-setting or deep-setting and require that Hawaii-based longline vessels make sets only of the type declared (i.e., shallow-sets or deep-sets);
- 10) require that operators of Hawaii-based longline vessels carry and use NMFS-approved de-hooking devices; and
- 11) require that Hawaii-based longline vessels, when making shallow-sets north of 23° N. start and complete the line-setting procedure during the nighttime (specifically, no earlier than one hour after local sunset and no later than local sunrise).

On March 29, 2001, the National Marine Fisheries Service (NMFS) issued a Biological Opinion under section 7 of the Endangered Species Act for the authorization of fisheries under the Pelagics Fishery Management Plan (FMP) of the Western Pacific Region. The Biological Opinion (BiOp) contained a series of non-discretionary actions (Reasonable and Prudent Alternative) to mitigate interactions between the Hawaii-based longline fishery and sea turtles. At the 110<sup>th</sup> Council Meeting held June 18-21, 2001, staff of the Western Pacific Regional Fishery Management Council (WPRFMC) were directed to prepare a regulatory amendment recommending implementation of the Reasonable and Prudent Alternative (RPA) as required under the Endangered Species Act (ESA). This recommendation was prepared, and it was implemented by NMFS on June 12, 2002. New measures included a ban on the use of shallow-set swordfish longline fishing north of the equator and a seasonal area closure from 15° N. lat. to the equator and from 145° W. long. to 180° long. during April and May for any longline vessel fishing under the authority of the FMP.

On December 12, 2001, NMFS reinitiated section 7 consultation on the Western Pacific Region's pelagic fishery. This reinitiation was based on new information that could improve the agency's ability to quantify and evaluate the effects of the fishery on listed sea turtle populations, as well as the economic impacts of the implementation of the March 2001 RPA. At the conclusion of this reconsultation NMFS issued a new BiOp (November 15, 2002), which maintained the June 12, 2002 regulations including the ban on shallow-setting north of the equator and the April-May southern area closure.

At its 118<sup>th</sup> meeting in June 2003, the Council reviewed a number of potential modifications to the southern area closure to determine whether modifications could be made to support the economic viability of the fleet without jeopardizing sea turtles. The Council subsequently directed its staff to continue its preparation of a regulatory amendment to the Pelagics FMP containing a further range of alternatives and the impacts of those alternatives on sea turtles, fisheries, and the environment. The Council anticipated selecting a final preferred alternative at its 119<sup>th</sup> Council meeting, which would then be transmitted to NMFS for review and approval with the intention of implementing this change prior to the 2004 seasonal longline area closure.

However, on August 31, 2003, the Federal Court vacated the 2002 BiOp and the regulations put in place in June 2002. Consequently at its 119<sup>th</sup> meeting on September 23, 2003, the Council voted to recommend an emergency action which would allow a model swordfish longline fishery north of the equator at 75% of historic (1994-1998 average annual) swordfish levels of effort (sets) in conjunction with fishing experiments that stay within the anticipated takes in the model fishery. The fishery would only be allowed to operate with circle hooks instead of J-hooks and mackerel bait instead of squid, measures proven successful in minimizing leatherback and loggerhead interactions in the Atlantic Ocean. The emergency action would also require mandatory night setting for vessels shallow-setting fishing north of 23° N, implement a "hard limit" for turtle interactions, and would not include any time/area closures. Under this approach, the swordfish fishery would be closed annually upon exceeding its incidental take statement (rather than just reinitiating consultation) or when it reaches its effort limit (75% of historic effort

or 3,200 sets). In addition, the Hawaii-based tuna and swordfish fisheries would have separate incidental take statements, the hard limit detailed above would apply only to the swordfish fishery. All longline vessels (tuna and sword) would be obliged to carry and use effective dehooking devices. Finally, a series of conservation measures designed to protect sea turtles on nesting beaches and in coastal waters would be implemented to mitigate fishery impacts. Looking ahead, the Council also created a special advisory committee to include scientists, managers, industry and conservation groups who would work together to develop and recommend to the Council measures for the long-term management of this fishery.

On October 6, 2003, the Federal Court stayed the execution of the August 31, 2003 order until April 1, 2004 to allow NMFS time to develop a new BiOp and hopefully render a more permanent solution than interim or emergency measures. The purpose of this amendment is thus to provide recommended measures for the long-term management of the Hawaii-based longline fishery.

At its 120<sup>th</sup> meeting (October 20, 2003), the Council rejected a request from NMFS that it withdraw its recommendation for emergency measures (transmitted to NMFS for implementation on October 10, 2003) on the basis that the stay through April 1, 2004 eliminated the need for emergency action. NMFS also requested that the Council work to develop and transmit a complete long-term rule package to NMFS by December 1, 2003 so that it could be processed and implemented by April 1, 2004. In response, the Council directed its staff to continue development of this long-term rule package through a series of meetings of the special advisory committee, workshops and seminars, and preparation of an appropriate NEPA document, with the goal of meeting the December 1 deadline. However, given the abbreviated time available, the Council declined to withdraw the emergency rule package, instead recommended that if the long-term rule package is not completed according to NMFS' schedule, NMFS should process the Council's emergency rule for implementation by April 1, 2004.

The Council's Sea Turtle Conservation Special Advisory Committee held a series of three meetings to craft recommendations for further analysis and possible Council action. Committee membership included representation from fishery managers, scientists, industry, and environmental organizations. The Committee's first two meetings resulted in five potential alternatives that were submitted to NMFS' Office of Protected Resources (OPR) for their review and feedback. At the Committee's third and last meeting, OPR's comments were circulated and discussed. In summary, OPR ranked the proposed action as representing the second lowest risk of the five alternatives considered. This assessment was based on the fact that although other alternatives would have similar anticipated interactions, under the proposed action a greater percent of loggerhead and green turtle interactions would be expected to involve shallow-set longline gear (with circle hooks and mackerel-type bait) which would minimize potential harm to these species.

Because the impetus for this action is concern for fishery interactions with sea turtles, and because the FMP's Hawaii-based longline fishery is the only one thought to interact significantly

with sea turtles (see Sections 9.1.4.9 to 9.1.4.11) these alternatives focus on that fishery. No alternatives would allow general longline permit holders to participate in the Hawaii-based longline fishery (meaning to fish in Hawaii's EEZ or to land fish in Hawaii) without obtaining a Hawaii longline limited access permit. Thus, under all alternatives, the management of all other fisheries would remain unchanged, except for general longline permit holders.

This document includes a range of alternatives for the long-term management of the longline fisheries managed under the Council's Pelagics Fishery Management Plan. These alternatives supplement those described in NMFS' 2001 Final Environment Impact Statement (FEIS) for the Pelagic Fisheries of the Western Pacific Region through the examination of an additional range of levels of swordfish fishing, in conjunction with circle hooks and mackerel-type bait which have recently been shown to be effective in reducing sea turtle interactions, while maintaining swordfish catch rates.

A number of alternatives previously considered by the Council are also described in this document, but not analyzed in detail, as the Council's focus for final action at its 121<sup>st</sup> meeting was those alternatives recently recommended by its Turtle Conservation Special Advisory Committee. Please see the Council's October 9, 2003 document *Emergency Rule Package of the Management of Pelagic Fisheries under the Pelagic Fisheries Management Plan of the Western Pacific Region* for a detailed description and analysis of 18 additional action alternatives recently considered by the Council. A total of six alternatives were recommended for detailed analysis by Committee members, and a seventh, a 'no action' alternative, was added at the request of the NOAA Fisheries acting Regional Administrator for the Pacific Islands Region. These seven alternatives are the subject of this document. These alternatives range from a tuna only (no swordfish fishing) fishery (Committee Alternative 6), to one in which there are no constraints on swordfish fishing beyond the existing limited entry program and maximum vessel size limits (Alternative 7, the no action alternative). Those aspects of the alternatives related to fishery management are summarized in Table 1, while the conservation measures that are part of all alternatives are presented in Section 8.2.

On November 25, 2003, the Council held its 121<sup>st</sup> meeting via teleconference at the Council's Honolulu office. This was an emergency meeting and the measures discussed here were its sole focus. The Council's November 18, 2003 draft document *An Amendment to the Pelagics Fishery Management Plan of the Western Pacific Region, Long-Term Management Measures of the Western Pacific Pelagic Fisheries (Including a Draft Preliminary Draft Supplemental Environmental Impact Statement)* was distributed at this meeting as well as made available on the Council's website. The Council also reviewed the Committee's alternatives and estimates of their relative impacts. The Council's final action on this measure was to recommend that NMFS now allow 2,120 swordfish sets to be made annually by Hawaii longline limited access permit holders to model the use of circle hooks with mackerel-type bait, dehookers and other new technologies shown to reduce and mitigate interactions with sea turtles, in addition to a continued tuna fishery

**Table 1. Summary of Hawaii longline fishery management alternatives analyzed in detail for consideration by the Council**

<b>Committee Alternative</b>	<b>Tuna Fishery?</b>	<b>Model Swordfish Fishery - with circle hooks and mackerel bait?</b>	<b>Dehooker, (and line cutter, dip net and bolt cutters) required?</b>	<b>Conservation measures implemented?</b>
1	Yes, with no time/area closure	Yes, 1,060 sets annually	Yes	Yes
2	Yes, with no time/area closure	Yes, 1,560 sets	Yes	Yes
3	Yes, with recent time/area closure except for EEZ waters around Palmyra	Yes, 2,120 sets annually	Yes	Yes
4 Preferred Alternative	Yes, with no time/area closure	Yes, 2,120 sets annually	Yes	Yes
5	Yes, with no time/area closure	Yes, 3,179 sets annually	Yes	Yes
6 Current Fishery	Yes, with recent time/area closure	No	Yes, except for dehooker	Yes
7 No Action	Yes, with no time/area closure	Yes, no specific limits	Yes, except for dehooker	Yes

with no time/area closures, the mandated use of dehookers, and the implementation of a suite of conservation measures (Alternative 4). These conservation measures include protection of potentially affected turtles and eggs at nesting beaches and in coastal foraging waters in various areas throughout the Pacific. Based on information from NMFS' Pacific Islands Fishery Science Center and NMFS' Office of Protected Resources, as well as consideration of the conservation measures that are part of Alternative 4, the Council believes this alternative will best meet this action's objective of achieving optimum yields from the fisheries without jeopardizing sea turtles or other listed species.

All alternatives, apart from Alternative 6, would permit shallow set swordfish style fishing by vessels with a Western Pacific general longline permit. American Samoa longline vessels currently fish under a general permit, but a limited entry program for this fishery is currently nearing completion. American Samoa vessels could conceivably fish north of the equator and make shallow sets for swordfish but have no history of doing so. Moreover, the American Samoa fleet targets primarily albacore for the two fish canneries in Pago Pago, and there is little to no market for fresh swordfish in American Samoa. More importantly, there is no easy access to markets elsewhere on the U.S. mainland, unlike Hawaii, where most of the swordfish catch was sent. Two general longline permits have been issued in the Mariana Islands, one in Guam and the other in Commonwealth of the Northern Mariana Islands (CNMI). Neither permit is being used to conduct longline fishing from these locations. Based on historical data from other fleets, any longline fishing conducted around the Marianas would target tunas and not swordfish. Vessels with a Western Pacific general permit may not land longline caught fish in Hawaii.

On December 3, 2003 (68 FR 67640), the Council and NMFS published a Supplemental Notice of Intent to prepare the SEIS for this action, along with public notice of a compressed schedule under alternative procedures approved by the Council on Environmental Quality (CEQ). This notice furnished additional information on the need for expedited management action on proposed management measures for the Hawaii-based longline fishery and its potential impact on protected sea turtle populations. The accelerated management action schedule avoids a lapse in appropriate management measures after April 1, 2004. It further announced the Council and NMFS' intent to apply alternative procedures approved by the CEQ to facilitate completion of the SEIS on the proposed management measures for the Hawaii-based longline fishery for implementation of rules effective by April 1, 2004.