



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

Amendment 7

to the

**Fishery Management Plan for the
Pelagic Fisheries of the Western Pacific Region**

Proposed Limited Entry Program for the Hawaii Longline Fishery

**(measures to replace the 1991-94 moratorium on
new entrants to the fishery)**

**Includes Final Environment Impact Statement
and
Regulatory Flexibility Analysis**

14 January 1994

**Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1405
Honolulu, Hawaii 96813**



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COVER SHEET

Final Environmental Impact Statement (FEIS)

Responsible Agency

Western Pacific Fishery Management Council

Cooperating Agency

National Marine Fisheries Service (NMFS)

Title of Action

Amendment 7 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region

Contact Person

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Designation of the Statement

Final Environmental Impact Statement

Abstract

The action contemplated by the Council is to modify the pelagics fishery management program by establishing a new longline limited entry program for the longline fishery based in Hawaii. This new program will replace a current moratorium on new entry to the longline fishery. Persons eligible for permits initially are those who were longline limited entry permit holders at the end of the moratorium and (a) whose vessels were used to make at least one landing in Hawaii of longline-caught fish during the moratorium; or (b) whose vessels are smaller than 40 feet in length, or those people who qualified for or would have qualified for a longline limited entry permit due to eligibility for a limited entry permit for the lobster fishery in the Northwestern Hawaiian Islands. Permits would be transferable with or without a vessel. A vessel owner could upgrade a vessel up to the length of the longest vessel that was active under the moratorium. The amendment includes framework procedures for the adjustment of management regulations (including participation, catch, effort, etc.), in the event new information demonstrates the need for such action. The amendment will be complemented by provisions that will be implemented under framework procedures already in the FMP, to authorize the NMFS Southwest Regional Director to place observers aboard permitted longline vessels, and to implement a requirement for longliners to carry an electronic vessel monitoring system. The environmental analysis considers the impacts of the overall management program on fish stocks, fishery participants and related industries, and protected resources.

The purpose of the limited entry program is to regulate the growth of the longline fishery until additional information is available concerning the impacts of the longline fishery on the stocks, on other fisheries in Hawaii, and on protected resources. There is concern that unlimited increases in catch or effort could result in overfishing of swordfish, or adverse effects on the catch rates of troll and handline fisheries. There is also concern that increased landings by the longline fishery could result in adverse market impacts on troll/handline fishermen, as well as longliners. In addition, there is concern that unlimited growth of the longline fishery could have adverse impacts on marine turtles or other protected resources.

Whether the longline fishery is having adverse impacts on the pelagic stocks is unknown at this time, but it is known that there are takes of marine turtles and seabirds. As a result of a consultation under Section 7 of the Endangered Species Act, NMFS issued on 10 June 1993, a Biological Opinion (BO) and Incidental Take Statement (ITS) concerning the take of sea turtles in the longline fishery. The BO concluded that the longline fishery is adversely affecting sea turtles, but that it is not likely to jeopardize the continued existence of the species during the one-year period of the BO. The BO contains conservation recommendations for developing management policies and regulations through the Pelagics FMP which would help in reducing adverse impacts to listed species in the central North Pacific. The ITS authorizes taking of turtles in the longline fishery, but contains "reasonable and prudent measures" for NMFS actions, including the establishment of an observer program and VMS requirement. The conservation recommendations are not legally binding, but the reasonable and prudent measures are. The proposed amendment, by limiting upgrades of individual vessels in the fleet, in combination with provisions for a mandatory observer program and a VMS requirement, is consistent with the BO and ITS. The BO and ITS are discussed in the FEIS and copies are found in Appendix 3 to the FMP.

LIST OF AGENCIES AND ORGANIZATIONS RECEIVING DRAFT EIS

Federal Agencies (national offices)

- Department of the Interior
- Department of State
- Department of Agriculture
- Department of Transportation
- Department of Commerce
- National Oceanic and Atmospheric Administration
- Department of Defense (Army)
- Department of Health and Human Services
- Small Business Administration
- Environmental Protection Agency
- Marine Mammal Commission

Federal Agencies (local offices)

- US Fish and Wildlife Service
- US Coast Guard
- Army Corps of Engineers

State and Local Agencies

- Hawaii Department of Land and Natural Resources
- Hawaii Department of Business, Economic Development and Tourism
- University of Hawaii
- Hawaii State Library System
- Hawaii Harbors Division
- Office of Hawaiian Affairs
- Guam Division of Aquatic and Wildlife Resources
- Guam Department of Commerce
- American Samoa Department of Marine and Wildlife Resources
- Northern Mariana Islands Department of Natural Resources

Private Organizations

- Hawaii Fishing News
- Hawaii International Billfish Association
- Big Island Fishermen's Association
- Hawaii Fishermen's Foundation
- Fishing Clubs in Hawaii
- United Fishing Agency
- Earthtrust
- Center for Marine Conservation
- Sierra Club

Combined FEIS/FMP Cross-reference Guide

This amendment has been prepared to serve as a combined FMP amendment and final environmental impact statement (FEIS). As such, the format is somewhat different from the format of a stand-alone FEIS. This approach is taken to reduce the volume of paper required, and to reduce the potential for misunderstanding by ensuring that all reviewers have the same document. Below is a listing of the sections in which information required for a FEIS is presented.

Cover Sheet - see FEIS COVER SHEET

Summary of DEIS - see SUMMARY (Section I.A) and DEIS COVER SHEET

Statement of Purpose and Need - See POTENTIAL PROBLEMS ADDRESSED BY AMENDMENT 7 (Section IV.)

Examination/Evaluation of Alternatives - see DESCRIPTION OF ALTERNATIVES (Section V.) and IMPACT ASSESSMENT (Section VI.)

Affected Environment - see CONDITION OF PELAGIC MANAGEMENT UNIT SPECIES AND FISHERIES (Section III)

Environmental Consequences (including short-term and long-term resource use tradeoffs and irreversible or irretrievable commitments of resources) - see IMPACT ASSESSMENT (Section VI.).

Mitigation Measures - see Framework Mechanisms and Procedures (Section V.B)

List of Preparers - see HISTORY OF PELAGIC FMP AND AMENDMENT 7 (Section II.C)

EIS Copies - see FEIS COVER SHEET

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I. INTRODUCTION

I.A Summary of Amendment 7

I.A.1 Need for and scope of amendment

On 22 April 1994, the three-year Hawaii longline moratorium established by Amendment 4 to the Pelagic Fishery Management Plan of the Western Pacific Region (FMP) will end. The Western Pacific Regional Fishery Management Council (Council) must take action to prevent the Hawaii longline fishery from returning to open access.

The Council established the moratorium to limit unprecedented growth of the longline fleet because of concerns regarding the impacts of increased longline fishing on the resources and other fisheries. The moratorium was to provide a period of stability during which data would be collected and analyzed to determine the need and basis for a longer-term management regime for the longline fishery.

Much of the desired research and analysis has not been completed due to delays in funding. However, many of the concerns which initially prompted regulation of the longline fishery still exist. Returning to an open access situation would increase the risks of over-utilization, particularly of Pacific swordfish, and catch competition (localized decline in fish abundance and catch-per-unit-effort due to increased longline fishing effort). Unregulated growth of the longline fleet could also result in market competition that would be unfavorable to traditional fisheries (including the traditional tuna longline fleet), a greater likelihood of over-capitalization, and larger takes of protected species such as sea birds and turtles. The take of turtles is of special concern and is discussed in section IV.G. of this amendment. The National Marine Fisheries Service (NMFS) has issued a Biological Opinion and Incidental Take Statement concerning the take of turtles in the longline fishery, and the conservation recommendations and reasonable and prudent measures identified by NMFS were important in the Council's decisions on this amendment and for related actions dealing with a mandatory observer program and a vessel monitoring system requirement.

At the same time, modifications to current regulations governing the use of Hawaii longline limited entry permits are needed. The ability to transfer a permit or upgrade a vessel was severely limited under the moratorium rules. In addition, area closures were implemented after the moratorium took effect. The area closures required longline fishermen to usually operate a minimum of 50-75 miles from shore. Taken together, these regulations have resulted in an unstable business environment and increased safety concerns.

While there are other management concerns in the pelagic fisheries, Amendment 7 specifically addresses the concerns regarding the impacts of longline fishing on fish resources, other pelagic fisheries in Hawaii, and protected species. Swordfish is the only stock that the US longline fishery has the potential, if unregulated, to negatively

impact on a stock-wide basis. Hawaii-based longliners now take about 15% of the Pacific-wide swordfish harvest and about 42% of the total eastern central Pacific catch. To date, the majority of domestic swordfish landings have occurred in Hawaii. Managing the growth of the longline fleet that is permitted to land their catch in Hawaii is considered a prudent measure to address stock conservation concerns at this time, even though much larger distant-water fishing fleets from other nations participate in the same fishery. International agreements for pelagic longline fishery may be necessary in the future, as will the management of other US longline fishermen fishing on the high seas and landing fish in non-Hawaii US ports.

The proposed longline limited entry program and the continuing longline area closures both address the concerns of catch competition among longliners and commercial and recreational troll/handline fisheries. There is also growing concern about catch competition within troll/handline commercial and recreational fisheries. The Council is in the process of developing a comprehensive data collection program for these non-longline pelagic fisheries to improve the reporting and analysis of catch and effort information. Future research will also be directed at understanding intra-fishery interactions. Management measures to address catch competition problems within the troll/handline fisheries may be needed, but are beyond the scope of this amendment.

I.A.2 Proposed Actions

Amendment 7 proposes to implement a limited entry program for the Hawaii longline fishery to replace the moratorium which expires on 22 April 1994. The proposed limited entry program would have the following provisions:

- Any limited entry permit holder whose vessel made at least one landing in Hawaii of longline-caught fish during the moratorium would be eligible for a permit under the new program. If an individual or corporation has more than one permit, new permits would be issued to replace each qualifying permit.
- People with moratorium limited entry permits for vessels less than 40 feet long, or with limited entry permits based on the lobster fishery criterion, would be exempt from the landing requirement and, as such, would automatically qualify for a new permit.
- Permit holders would be allowed to upgrade their vessels or replace their vessels up to the length of the longest vessel that was active during the moratorium.
- Permits would be transferable, with or without the sale of the vessel, subject to the restriction on vessel upgrading.
- The limited entry program would include a framework process which would provide for adjustments in fleet size (upward or downward), catch and/or effort

as more information on the fisheries and the status of the stocks becomes available. Adjustment mechanisms could include, but are not limited to, fractional licensing, consolidation of permits, different types of permits, or individual quotas (IQs).

- Longliners holding a Hawaii limited entry permit would be required to have only one federal permit to fish throughout the Western Pacific region.
- The Regional Director would be allowed to charge fees to cover the costs of administering limited entry permits.
- Domestic longliners without Hawaii limited entry permits would be allowed to transit the EEZ or enter Hawaii ports to reprovision, but would be prohibited from offloading their catch.

In addition to the limited entry program, Amendment 7 proposes the following changes to the Pelagics FMP for the Western Pacific Region:

- Modifications to the definition of optimum yield (OY) to clarify that OY encompasses fishing by all vessels to the extent regulated by the FMP, as amended.
- Changes to the pelagic management unit to include currently-excluded species which are caught by the pelagic longline fishery (moonfish, pomfret and oilfish). Overfishing definitions for these species would also be added to the FMP through Amendment 7.

In September 1993, the Council also took complementary actions to request that the RD establish a mandatory observer program for the longline fishery and to implement a vessel monitoring system through the framework provisions of Amendments 3 and 4, respectively.

I.A.3 Objectives and Rationale for the Proposed Program

The goal of the FMP is to maximize the net benefits of the fishery to the region and the nation. Allowing expansion of fisheries while maintaining the long-term productivity of the fish stocks, and not substantially reducing the benefits from other fisheries harvesting the same stocks, will help achieve these benefits. That is, established commercial fisheries should remain profitable, recreational fisheries should provide satisfying recreational experiences, and traditional fishing practices for non-market personal consumption and cultural benefits should be allowed to continue.

Objective 1: To regulate the Hawaii longline fishery by limiting potential increases in effort in order to minimize the risk of adverse impacts on the longline fishery, other fisheries, the stocks, and protected resources such as sea turtles.

The proposed limited entry program would cap potential effort in the longline fishery by limiting both the number of participants and the size of vessels in the fishery. This is intended to limit increases in longline effort and prevent adverse effects on the stocks, other fisheries, and protected resources.

The eligibility criteria for new permits would allow no more vessels to qualify for permits under the new program than qualified for permits during the moratorium (approximately 166). Most permit holders under the moratorium are expected to meet the eligibility criteria, but the number may be less than that during the moratorium if some inactive permits are not used to land fish before the end of the moratorium. Further, vessel owners under the new program would be allowed to upgrade their vessels or transfer their permits to vessels up to the size of the largest vessel active in the moratorium period (about 93 feet to date). This provision is expected to result in some shift from smaller vessels to larger vessels. Large vessels (on average) set fewer hooks per year than small vessels. Therefore, even if the number of permitted vessels remains the same, a change in vessel size composition could result in less effort (expressed in total hooks deployed) than could have occurred during the moratorium with a fully active fleet.

Objective 2: To provide a fair and equitable opportunity to participate in the longline fishery.

The choice of permit eligibility criteria was based on a recognition that (a) those who participated in the moratorium should be permitted to continue in the fishery, (b) owners of small vessels displaced by the main Hawaiian Islands (MHI) area closures should be given an opportunity to participate in the fishery in the future, and (c) those who qualified for a longline permit by virtue of holding a NWHI lobster fishery permit should be given the continued opportunity to participate in the longline fishery since their primary fishery (lobster) has been and will continue to be curtailed by harvest quotas and six-month closed seasons. In the Council's view, these eligibility criteria represent a fair and equitable opportunity to participate in the longline fishery.

Objective 3: To relieve unwarranted economic strains experienced by longline vessel owners as a result of moratorium regulations, and leave individual business decisions concerning the use of their vessels and other resources to these vessel owners.

The Council is also aware that many vessel owners would like to be able to exit the fishery or upgrade their vessels. These people have been severely hindered by the stringent rules limiting permit transfers and vessel upgrades, as well as the area closures. This is especially true of the owners of small vessels whose operations have been disadvantaged by the main Hawaiian islands area closures that were established after the moratorium went into effect. Some vessel owners have also been affected by the unwillingness of financial institutions to provide loans as long as the permit transfer restrictions are in place. The proposed amendment would allow an unlimited number of permit transfers, as well as adjustments in individual vessel size

(i.e., up to the longest vessel active during the moratorium). These provisions will give permit holders the ability to obtain vessels large enough to fish beyond the nearshore closed areas and safely reach international waters where swordfish and bluefin tuna are most frequently caught. At the same time, limiting the number of longline vessels and restricting upgrades is expected to prevent any adverse impacts on fish stocks, other fisheries, and protected species.

Objective 4: To improve the ability of the Council and NMFS to respond rapidly to biological, economic, or social concerns which may arise in the pelagic fisheries of the western Pacific region.

The amendment includes broad framework procedures for changes in most elements of the management program, including all the elements of the proposed longline limited entry program, as well as area closures and exemption criteria now covered under framework procedures established by earlier amendments. The framework procedures would allow, for example, for changes in permit conditions, limits on catch or effort, and modifications of the reporting and observer requirements for longline vessels. This is intended to facilitate adjustments if new information demonstrates the need for regulatory changes. The framework procedures would allow adjustments to be made through a single action in the Federal Register, following one or two Council meetings at which the opportunity for public input was provided. This should allow for more rapid adjustment when necessary, as an amendment to the FMP would not be required for most actions.

Objective 5: To lessen administrative burdens of the longline permit program.

The proposed amendment also reduces administrative burdens by eliminating the present requirement for limited entry permit holders to have a separate general longline fishery permit to fish in non-Hawaii areas managed under the pelagics FMP.

Objective 6: To recover administrative costs of the limited entry permit program.

The amendment further provides that the NMFS may charge fees, subject to the limitations of the Magnuson Act, for permit actions under the limited entry program. The RD will determine the administrative costs associated with issuing permits and the appropriate fee to cover these costs. This fee (expected to be about \$40-50 per permit action) ensures that fishery participants pay the cost of administering the permit program.

Objective 7: To provide equitable port privileges for domestic vessels and foreign longline vessels.

The proposed amendment would allow US longline vessels without Hawaii limited entry permits to make port calls in Hawaii to reprovision, provided their longline gear is stowed or sealed so it is not usable. This port call privilege, now granted to foreign longliners, has not been available to US vessels under the moratorium. The Council views this as unfair and would remedy this situation. The proposed change would also benefit shoreside support services and the general economy of Hawaii.

In summary, the proposed action is expected to provide permit holders more freedom than under the current moratorium to transfer their permits or change their vessel size (subject to the limitation on vessel upgrading), while maintaining a limited entry program for the longline fishery, and controlling the risk of adverse impacts on other pelagic fisheries or protected species. The amendment will also provide a process for timely changes in management as the need arises. Other provisions reduce administrative burden, provide for recovery of administrative costs, and grant equal port privileges to non-permitted domestic and foreign fishermen.

I.B Responsible Agencies

The Council was established by the Magnuson Fishery Conservation and Management Act (Magnuson Act) to develop FMPs for fisheries operating in the US Exclusive Economic Zone (EEZ) around American Samoa, Guam, Hawaii (including the Northwestern Hawaiian Islands), the Commonwealth of the Northern Mariana Islands, and other US possessions in the Pacific¹. Once an FMP is approved by the Secretary of Commerce (Secretary), it is implemented by federal regulations which are enforced by the NMFS and the US Coast Guard, in cooperation with state and territorial agencies.

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II. HISTORY OF PELAGIC FMP AND AMENDMENT 7

II.A Existing Management Measures

II.A.1 Fishery Management Plan

The Fishery Management Plan for the Pelagic Fisheries of the Western Pacific (FMP) Region was developed by the Council, and its regulations were published by the National Marine Fisheries Service at 52 FR 5983¹ on 17 February 1987. The FMP included initial estimates of maximum sustainable yield (MSY) for the stocks and set optimum yield (OY) for these fisheries in the EEZ. The regulations applied to domestic and foreign fishing for billfishes, wahoo, mahimahi and oceanic sharks. Among the original regulations were a prohibition on drift gillnet fishing within the region's EEZ, and provisions for experimental fishing permits. The regulations for domestic fishing are found in 50 CFR 685². Those for foreign fishing are found in 50 CFR 611, and those foreign fishing regulations affecting only the Western Pacific Region are contained in §611.81 subpart F. The FMP prohibited foreign longline vessels from fishing within certain areas of the EEZ, and additional areas up to 150 nm from Guam and the main Hawaiian Islands and up to 100 nm from the Northwestern Hawaiian Islands may be closed to foreign longline vessels if their fishing activity is causing adverse impacts on domestic fishery performance, excessive waste of catch, excessive enforcement costs, or adverse effects on stocks. No legal foreign longline fishing has occurred under the FMP.

As defined in the original FMP, optimum yield (OY) was the amount of each species in the management unit that will be caught by domestic and foreign vessels fishing in the EEZ in accordance with the measures in the FMP. At that time, the principal concern was regulation of the foreign longline fishery in the EEZ to ensure that foreign catches of billfish, mahimahi, wahoo, and sharks would not adversely affect domestic commercial and recreational fisheries for these species.

The FMP specified domestic annual harvest (DAH) and total allowable level of foreign fishing (TALFF) in non-numeric terms, i.e., the amount of fish that could be caught when fishing in accordance with the management measures in the FMP. The FMP also addresses joint venture processing (JVP) for billfish and other non-tuna species by stating that practically all fish caught by vessels in the EEZ are landed in a whole or dressed state without processing, and processors handle whatever processing that is performed; thus, there is no allowance for JVP.

The FMP also contained estimates of the amount of non-tuna species that would likely be taken under the FMP. Those estimates were intended to provide a benchmark for

¹ 52 FR 5983 is read "Federal Register, volume 52, page 5987".

² 50 CFR 685 is read "Code of Federal Regulations, Title 50, Part 685".

evaluating changes in the fisheries, as well as the need for management revision. The region's pelagic fisheries have changed considerably since the FMP took effect (evidenced by the extent of management measures and amendments to the FMP), and further changes are expected in the future. Domestic fisheries have grown substantially (especially the Hawaii-based longline fishery), and the only authorized foreign fishing had been pole-and-line fishing for skipjack tuna which ended in 1992.

II.A.2 Amendment 1

The FMP was first amended at 56 FR 24644 on 29 June 1991. Amendment 1 included: a measurable definition of recruitment overfishing for billfishes, mahimahi, wahoo and oceanic sharks, b) a revised definition of OY, and c) a revised set of objectives to bring the FMP objectives into accord with the definitions of overfishing and the revised definition of OY.

Amendment 1 to the FMP was developed in response to the new Secretary of Commerce Guidelines for the Magnuson Act National Standards (Guidelines)(50 CFR Part 602). The Guidelines require an objective and measurable definition of overfishing for each species or species complex in a fishery management plan. The Guidelines indicate that the principal concern is "recruitment overfishing", which is a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce maximum sustainable yield (MSY) on a continuing basis (§602.11(c)(1)). It is noted that different fishing patterns can produce a variety of effects on local and area-wide abundance, availability, size and age composition of a stock, and that some of these patterns have been called "growth," "localized," or "pulse" overfishing. These patterns are not necessarily overfishing under National Standard 1 of the Magnuson Act.

As modified in Amendment 1, OY is the amount of each species or species complex that can be harvested by domestic and foreign fishing vessels in the EEZ, without causing "local overfishing" or "economic overfishing" within the EEZ of each island area, and without causing or significantly contributing to "growth overfishing" or "recruitment overfishing" on a stock-wide basis. Amendment 1 also modified the objectives of the FMP to be consistent with a) the new Guidelines and b) the changing nature of the fisheries, including the growth of the longline fishery and the virtual absence of foreign fishing in the EEZ.

As defined by the Council, overfishing has occurred when the spawning potential ratio (SPR) for a stock has declined below specified threshold levels relative to the SPR of the unfished population (see section 6.1.1. of Amendment 1). This definition focuses on "recruitment" overfishing of the stocks on a stock-wide basis. According to the definitions of recruitment overfishing, billfish, mahimahi and wahoo would be considered overfished if their spawning potential ratio (SPR) is equal to or less than 0.20, and oceanic sharks are considered overfished when their SPR is equal to or less than 0.35. The SPR is a measure of the current reproductive capacity of these stocks

or stock complexes relative to their unexploited capacity, measured over their entire stock range.

As the definition of OY and the objectives of the FMP make clear, however, the Council also is concerned with "localized overfishing" and "economic overfishing" with a focus on conditions in the EEZ. These are conditions in which recreational fisheries are not satisfying to their participants or commercial fisheries are uneconomical due to availability of the stocks in the areas being fished relative to the fishing power of the fleets. These conditions may occur even though the stocks (on an oceanwide basis) are above the levels at which they would be considered "recruitment overfished." The Council intends to manage the fisheries so that the economic viability of commercial fisheries and the social benefits associated with satisfying recreational fisheries and with traditional fishing practices for non-market personal consumption are maintained. The FMP promotes, within the limits of managing at OY (emphasis added), domestic harvest of the management unit species in the EEZ and domestic fishery values for these species by enhancing the opportunities for satisfying recreational opportunities and profitable commercial fishing operations. Expansion of existing fisheries or the development of new fisheries would be managed in this context.

II.A.3 Amendment 2

Amendment 2, implemented by rules published at 56 FR 24731 on 31 May 1991, made permanent several regulations for domestic longline vessels first established by emergency interim rules (55 FR 49285 on 27 November 1990, and 56 FR 5159 on 8 February 1991). These regulations require longline vessels to have federal permits and maintain federal fishing logbooks. The regulations also authorized the placement of observers on longline vessels intending to fish within 50-nm "study areas" around certain areas in the Northwestern Hawaiian Islands (NWHI), to document the level of interaction with protected species. The existing observer requirement was nullified by Amendment 3 (see below).

II.A.4 Amendment 3

Amendment 3, implemented by rules published at 56 FR 52214 on 18 October 1991, made permanent previous emergency actions (56 FR 15842 on 18 April 1991, and 56 FR 33211 on 19 July 1991) to establish a protected species zone in the NWHI, in which pelagic longline fishing is prohibited. The zone was created to protect endangered Hawaiian monk seals. The zone extends 50 nm seaward from each of the islands in the NWHI, and includes certain 100-nm wide monk seal migratory corridors between islands where the 50-nm circles are not contiguous. This action effectively abrogated the regulations for the placement of observers in the 50-nm study areas created by Amendment 2. However, Amendment 3 includes framework provisions which would allow the NMFS Regional Director, in consultation with the Council, to modify conservation and management measures in response to changes in

the fishery or new information on protected species. In September, the Council requested the Regional Director implement through this framework procedure a mandatory observer program for the longline fishery throughout its range to collect more information on longline-turtle interactions.

II.A.5 Amendment 4

Amendment 4, implemented by rules published at 56 FR 51849 on 16 October 1991, extended previous emergency interim rules (56 FR 14866 on 12 April 1991, and 56 FR 28116 on 19 June 1991) that were implemented to arrest the rapid growth of the Hawaii-based longline fishery. The amendment established a moratorium on new participants from entering the Hawaii fishery for a total of three years, including the six months of the emergency actions, with limited exceptions for persons who had made certain financial commitments, and for participants in the lobster fishery. A longline vessel fishing in the Hawaii EEZ or using the EEZ with pelagic species on board, or landing pelagic fish in Hawaii, must have a limited entry permit. A one-time transfer of this limited entry permit has been allowed during the three year moratorium. The Council halted the expansion of the fishery to provide a period of stability during which data could be collected and analyzed to assess the impacts of increased longline effort. The moratorium expires on 22 April 1994.

II.A.6 Amendment 5

Amendment 5, implemented by rules published at 57 FR 7661 on 4 March 1992, closed certain areas around the main Hawaiian Islands and Guam to pelagic longline fishing. For Hawaii, the closure includes the area within 75 nm of the islands of Kauai, Niihau, Kaula and Oahu and within 50 nm of the islands of Maui, Molokai, Lanai, Kahoolawe and Hawaii. These areas in the main Hawaiian Islands were originally closed by emergency action (56 FR 28116 on 19 June 1991, corrected at 56 FR 31689 on 11 July 1991, and extended by 56 FR 47701 on 20 September 1991). For Guam, longlining is prohibited within 50 nm of Guam's 100-fm isobath, including offshore banks. This action was intended to prevent gear conflicts and vessel safety issues arising from interactions between longliners and smaller fishing boats. Amendment 5 also provided a framework mechanism to modify the area closures if new information indicates that a change is necessary in order to meet the objectives of the FMP. A seasonal reduction in the size of the closure was implemented by rules published at 57 FR 45989 on 6 October 1992. For the months of October through January, longline fishing is prohibited within 25 nm of the windward shores of all islands, except the windward coast of Oahu, where longline fishing is prohibited within 50 nm from shore. These given distances are approximations of the sizes of the closure areas, which are defined by straight lines. On the leeward shores of the islands, the closure remains consistent with the distances originally established by Amendment 5. For the months of February through September, the closed area is unchanged from that originally implemented by Amendment 5.

II.A.7 Amendment 6

In 1990, the Magnuson Fishery Conservation and Management Act was amended to include all tuna species as fish under United States management authority, effective 1 January 1992. Amendment 6 included these species as management unit species under the pelagics FMP. Implemented under rules published at 57 FR 48564 on 27 October 1992, Amendment 6 included tuna and related species of the genera *Allothunnus* spp., *Auxis* spp., *Euthynnus* spp., *Gymnosarda* spp., *Katsuwonus* spp., *Scomber* spp., and *Thunnus* spp. These genera contain all tuna species caught in the EEZ or by vessels based in the region. Amendment 6 also incorporated a definition of overfishing for tuna and related species that is consistent with that developed for the other management unit species in Amendment 1. The regulations established by Amendment 6 extended all domestic longline restrictions (area closures, no new fishing in the Hawaii EEZ, etc.) to prospective foreign longline vessels. Areas closed to longline fishing were also closed to foreign purse seine and baitboats. Finally, Amendment 6 extended general foreign fishing permit and observer requirements to all foreign pelagic fishing vessels, regardless of their gear type and target species.

II.B Public Review of Amendment 7

The Council seeks the advice of commercial, recreational and subsistence fishing interests, environmental groups, and other interested parties when making management decisions. This ensures that those who might be affected by new management measures have an opportunity to submit ideas and suggestions, and to be involved in the decision-making process.

The moratorium was a short-term management initiative. During the three-year period more information was to be gathered to determine the need for a longer-term effort limitation program, and based on the need assessment, a longer term management regime would be developed. To prepare for Amendment 7, the Council conducted an extensive scoping process, consistent with the requirements of the Magnuson Act, NEPA, and other applicable law. In July 1992, the Council reviewed a scoping paper prepared by the Council staff. This paper was modified and sent to over 4,000 Hawaii commercial fishing license holders and other interested people for review and comments in August. The need for action and the range of alternatives reviewed by the Council in April 1993 was based on written comments received, as well as public comments at Council meetings and advice from Council advisory bodies. At the April Council meeting, the Council reviewed comments received on the draft amendment and selected a preferred alternative. This amendment package was then revised to reflect the discussion and decisions from the April 1993 Council meeting.

A summary of draft Amendment 7 was mailed to over 1,600 commercial license holders and other interested parties prior to public hearings held on the islands of Hawaii and on Oahu on 22 July and 27 July 1993, respectively. The full amendment

package, including the draft EIS, was distributed to 252 fishing organizations, Council advisory groups, environmental organizations, public agencies, and other interested parties. Copies were also placed in libraries on all islands and were available from the Council office upon request. Comments from the public hearings, and meetings of the Council advisory bodies as well as written comments received were reviewed by the Council prior to making their final decisions on Amendment 7.

II.C. List of Preparers

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