CHAPTER 6

COMMENTS, PREPARERS, DISTRIBUTION

CHAPTER 6 COMMENTS, PREPARERS, DISTRIBUTION

6.1 COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

6.1.1 Public Comment Period

The Draft Environmental Impact Statement (EIS) for the Pelagic Fisheries of the Western Pacific Region was filed with the Environmental Protection Agency (EPA) on December 8, 2000, and a Notice of Availability published on December 15, 2000, marking commencement of the 45-day comment period on the Draft EIS. During this time, which lasted until January 29, 2001, twelve public hearings were held to receive oral and written testimony on the Draft EIS, and comments were accepted by fax and by mail to the National Marine Fisheries Service (NMFS).

6.1.2 Public Hearings

Twelve public hearings were held in various locations in the Hawaiian Islands, the Territories of American Samoa and Guam, and the Commonwealth of Northern Mariana Islands during the month of January 2001 on the Draft EIS for the Pelagic Fisheries of the Western Pacific Region. These hearings took place as follows:

- Kahului, Maui, HI – January 3, 2001, 6-9 pm, Maui Beach Hotel.

- Lihue, Kaua‘i, HI – January 4, 2001, 6-9 pm, Wilcox Elementary School.

- Fagatogo, American Samoa – January 9, 2001, 2-5 pm, Department of Marine and Wildlife Resources conference room.

  Originally scheduled for January 6, 2001, 9 am - noon, but postponed due to 24 hour Hawaiian Airlines flight delay which prevented hearing team’s arrival from Honolulu in time to conduct hearing.

- Wai‘anae, O‘ahu, HI – January 10, 2001, 6-9 pm, Wai‘anae Public Library.

- Hale‘iwa, O‘ahu, HI – January 11, 2001, 6-9 pm, Hale‘iwa Alii Beach Park.

- Honolulu, O‘ahu, HI – January 12, 2001, 6-9 pm, Ala Moana Hotel.

- Agana (Hagatna), Guam – January 16, 2001, 6-9 pm, Guam Fishermen's Cooperative Association.
- Susupe Village, Saipan, Commonwealth of the Northern Mariana Islands (CNMI) – January 17, 2001, 6-9 pm, Saipan Diamond Hotel.
- Kaunakakai, Moloka'i, HI – January 22, 2001, 6-9 pm, Mitchell Pauole Center.
- Kona, Hawai'i, HI – January 23, 2001, 6-9 pm, King Kamehameha Hotel.
- Hilo, Hawai'i, HI – January 24, 2001, 6-9 pm Cooperative Extension Services, College of Agriculture.
- Lana'i, HI – January 26, 2001, 6-9 pm, Lana'i Airport Conference Room.

Each hearing was conducted by a NMFS Pacific Island Area Office (PIAO) staff member, who was accompanied by at least three other project team members. A court reporter transcribed each hearing with the exception of Lana'i, where written notes were taken by the project team members present.

In total, 35 individuals testified on the Draft EIS on the Pelagic Fisheries of the Western Pacific Region at the twelve hearings. Substantive comments from the hearing transcripts are excerpted in Appendix R of Volume II of this document, along with specific responses.

6.1.3 Written Public Comments

454 individuals and interested organizations submitted written comments on the Draft EIS. Written public comments were received by EIS project team members at the twelve public hearings detailed above, as well as faxed or mailed in to NMFS during the 45-day comment period. Of the 454 submissions, 384 were form letters, following one of seven standard formats (P97-P103, Appendix S). Due to the exceptionally voluminous and sometimes repetitive nature of the written comments received, comments have been appended in summary form in Appendix S of Volume II of this document, along with specific responses.

6.1.4 Comments Specific to Manaement Alternatives

Most of the commenters stated clear preferences for or objections to particular management measures presented in the Draft EIS. A summary of these views is presented in Table 6-1.

Table 6-1: Summary of Explicitly Stated Positions on Particular Management Measures, as Taken from the Written Comments Received on the Draft EIS for the Pelagic Fisheries of the Western Pacific Region. Source: Written comments, Appendix S.

Management Measure	Pro	Con
Alternative 1: Existing FMP (No Action)	62	
Alternative 7, identified as the Preferred Alternative in the Draft EIS: Increase Fishing Gear Deployment Depth, Seasonal Closure of All Longline Fishery Areas	69	271
Alternative 7, specific to the Seasonal Closure		254
Alternative 7, specific to the Prohibition Against Shallow Gear Sets		11
Alternative 8: Regional Longline Closure	102	
Alternative 9: Analyze Gear Conflicts and Catch Interactions Among Fisheries	3	
Option A: Experimental Swordfish Fishery	66	159

A summary of the most frequent arguments used to support the positions listed in Table 6-1 follows:

Pro Alternative 7 or 8: The need to protect the endangered and threatened sea turtles by significantly reducing turtle takes by the Hawai'i-based longline fishery is the main reason cited for support of Alternatives 7 or 8 (159 commenters). A recent study (Spotila *et al.*, 2000, Nature 405:529-530) is referenced with the finding that "without significant measures to reduce their take in commercial fisheries, they [Pacific leatherbacks] may go extinct in 5-10 years," (P97 and P98, Appendix S).

The Preferred Alternative (Alternative 10) identified in the Final EIS is in accordance with the measures recommended in the Reasonable and Prudent Alternative, the Reasonable and Prudent Measures, and the Terms and Conditions of the Biological Opinion on the Authorization of Pelagic Fisheries under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics BO) for the recovery of the jeopardized leatherback, loggerhead and green turtles.

Against Option A: The majority of Alternative 7 or 8 supporters were also against the adoption of Option A, the experimental fishery for swordfish, on the grounds that it would conflict with the protection of sea turtles, specifically "the rate of turtle capture necessary to obtain statistically significant results would be unacceptably high considering the critically endangered status of these turtles," (P97 and P98, Appendix S).

In order to institute a research fishery, NMFS will apply for a permit under Section 10 of the Endangered Species Act (ESA).

Against Alternative 7, both the Seasonal Closure and the Prohibition of Shallow Gear Sets: The preponderance of commenters (248) cited economic hardship, both for individuals and for the Hawai'i economy, as a main reason for their rejection of Alternative 7. This concern was leveled particularly at the seasonal closure element of Alternative 7, which closes the longline fishery entirely for two months. Concern was expressed over the long term viability of the Hawai'i-based longline fishery (seven commenters) if the closure were to take effect, while others noted specifically the difficulty in regaining markets for the catch once alternate suppliers had taken advantage of the entree allowed by the two-month seasonal closure.

The particular timing of the closure was also called into question. Fishing in April and May is disproportionately important to the annual harvest, ranging from 18-37 percent of average annual production depending on the testifier. Additionally, the closure would be in place during a number of holidays, such as Lent, Graduation, Mother's Day, when fresh fish is in high demand in Hawai'i, and a paucity of readily available fish would be a cultural hardship.

Finally, Alternative 7 was criticized for its lack of effective cumulative solution to the threat to endangered species populations. As Hawai'i-based longline fishing represents only three percent of fishing effort in the Pacific, seven commenters argued that even the complete closure of the fishery would not impact the status of the sea turtle populations. Additionally, numerous commenters (190) testified that the Alternative would force the importation of foreign-caught fish, and that the foreign fisheries are unregulated and may have a higher sea turtle catch and thus cause higher net sea turtle mortality.

In response to concerns raised regarding Alternative 7, and in particular its seasonal closure element, in addition to the availability of new information and analyses including the Pelagics BO, the Preferred Alternative was changed in the Final EIS. The new Preferred Alternative (Alternative 10) does not contain an all-fishery seasonal closure element, alleviating some of the economic hardship issues discussed during the comment period, as the tuna-targeting sector of the longline fishery can still operate year-round. This also alleviates the cultural hardship potential presented by the absence of fresh fish during key cultural holidays; as well as minimizing the potential loss of the domestic market to foreign suppliers.

Pro Option A: Commenters advocating Option A (66 commenters) predominantly reasoned that the United States needs to research methods to mitigate protected species interactions in order to maintain its role as flagship for world conservation activity. The United States, and particularly the Hawai'i-based longline fishery, is argued to be the ideal industry in which to develop mitigation methods to export to the rest of the world, and the if United States chooses to bans fishing rather than to research solutions, it potentially compromises its position of international leadership on bycatch mitigation.

NMFS is subject to a legislative mandate under the ESA to protect endangered and threatened species. As such, it is required to undertake such precautionary measures in the domestic fisheries as are deemed to be necessary. Nonetheless, NMFS acknowledges the importance of research into mitigation of bycatch, and although it is not included in the

Preferred Alternative (Alternative 10), NMFS will explore the possibility of a research fishing experiment such as the one described in Option A to the extent possible.

Pro Alternative 1: The rationale for the Existing FMP rests mainly on the current paucity both of sea turtle interactions with the Hawai'i-based longline fleet and the availability of reliable scientific data.

Under the guidelines for the National Environmental Policy Act, it is incumbent on NMFS to manage the fishery based on the best available scientific data.

Pro Alternative 9: Two of the commenters advocating this management alternative are specifically in favor of the importance of research into catch competition in American Samoa between the burgeoning longline industry and other fisheries based in the territory. As part of this research, they recommend the development of a specific Fishery Management Plan (FMP) for American Samoa which would focus on these concerns. The other commenter's preference was more generally for more research initiatives, such as the catch competition research in the whole of the Western Pacific Region suggested by Alternative 9.

NMFS acknowledges the need for more research initiatives on a variety fishery-related issues, including catch competition. Regarding the development of an American Samoa-specific FMP, NMFS believes that the Regional Council process and the existing Pelagics FMP include sufficient scope and flexibility to accommodate area-specific management issues and needs.

6.1.5 Other Issues Raised in Comments

Observers

Various commenters (12) documented the need for a particular level of observer coverage to be incorporated into the Alternatives. The level of coverage recommended ranged from 20-30 percent for longline fishing targeting tuna, and was placed at 100 percent for the longline fishery targeting swordfish (where the commenters supported the continuation of this fishery.)

Although no specific observer coverage limits were discussed in the Draft EIS, the Pelagics BO includes 20 percent observer coverage, which has been incorporated in the EIS Preferred Alternative (Alternative 10).

Incorporation of the Short-Tailed Albatross Biological Opinion

Various commenters noted with disappointment the absence of this Biological Opinion in the Draft EIS. This has been rectified for the Final EIS.

Lack of adequate data

Various commenters questioned the validity of decisionmaking based on what is acknowledged to be scanty data.

In order to manage a dynamic fishery, NMFS is required to used the best available scientific data in order to make decisions. The reach of human knowledge regarding ocean life and marine interaction is so limited, that management would be an impossible task if absolute knowledge were a prerequisite for action. NMFS attempts to use the most unbiased analyses of the available data, scarce though they may be, to make informed decisions about the fisheries under its control, and at the same time initiates ongoing research to widen the sphere of knowledge.

Inadequate Consideration of Indigenous Interests

Various commenters noted that indigenous interests were not given sufficient place in the EIS. This was the case in the written comments and particularly the public hearing testimony for hearings in American Samoa, Guam and CNMI. It was felt by many people at the hearings that the analysis and management alternatives of the EIS did not affect them, and insufficient attention had been addressed to the concerns and interests of the non-Hawaiian islands. In American Samoa, this sentiment manifested itself in written testimony regarding the development of an FMP for American Samoa. Criticism in Guam stemmed from the suggestion that insufficient effort had been made to consult the Chamorros.

NMFS has attempted to include a detailed survey of impacts on indigneous peoples in the Western Pacific Region in the EIS. This study is predominantly contained in the social and economic impacts section of the document. Specific management measures for the non-Hawaiian islands are hampered by a lack of adequate data about fishing activity in these areas; the new Preferred Alternative (Alternative 10) includes a provision for adoption of observer coverage, where feasible, throughout the Western Pacific Region, providing reliable data on which to base future management decisions. Regarding the development of an American Samoa-specific FMP, as stated above in section 6.1.4, NMFS believes that the Regional Council process and the existing Pelagics FMP include sufficient scope and flexibility to accommodate area-specific management issues and needs.

Infrequency of Interactions

A comment occurring frequently throughout the testimony is the infrequency with which interactions between the Hawai'i-based longline fleets, both targeting swordfish and tuna, and protected species occur. Particularly in consideration of the small part the Hawai'i-based longline fishery plays in the overall fishing effort in the Pacific, and the fact that a critical element of conservation relates to protection at the nesting beaches, the majority of which are not located within the Western Pacific Region, it seems that the fishery can have very little effect either way on the recovery of the turtle population.

NMFS recognizes the scale of the turtle conservation issue; that the problem is a global one and in order to be successful a solution must be on a global scale. Nonetheless, the best available scientific data has indicated that for the majority of sea turtle species that interact with the Hawai'i-based longline fishery, the mortality of one turtle may be sufficient to affect the recovery of the population. For this reason, along with pursuing conservation on a larger scale, it is NMFS' obligation, under the Endangered Species Act, to take necessary measures

to protect endangered and threatened species. At the same time, NMFS recognizes the importance of the fishing industry both to individuals and to the domestic economy, and is attempting to balance the needs of the fishing community with its legislative mandates.

6.2 LIST OF PREPARERS

In addition to the consultants listed in Table 6-2, the following NMFS/NOAA personnel were instrumental in the preparation of the document:

Southwest Region: Peter Dutton, Judson Feder, Rebecca Lent

Pacific Islands Area Office: Margaret Dupree Akamine, Raymond Clarke, Alan Everson, Marcia Hamilton, Charles Karnella, Alvin Katekaru, Marilyn Luipold

Southwest Fisheries Science Center, Honolulu Laboratory: George Balazs, Chris Boggs, David Hamm, Russell Ito, Pierre Kleiber, Donald Kobayashi, Mike Laurs, Marti McCracken, Jeffrey Polovina, Sam Pooley, Jerry Wetherall

Table 6-2: List of Consultants Assisting in Preparation of the Environmental Impact Statement.

NAME	FUNCTION	AFFILIATION	HIGHEST DEGREE
George Krasnick	Project Manager	URS Honolulu	M.S., Biological Oceanography, 1973, University of Hawai‘i
Diana Evans	Assistant Project Manager	URS Honolulu	M.Sc., Geography, 1998, King’s College London, University of London
Paul Bartram	Fishery Data, Cumulative Impacts, Mitigation and Management Measures	Independent Consultant	B.A., Biology, 1978, Antioch College
Keith Bigelow	Pacific-wide Cumulative Impacts, Purse Seine Fleet, Foreign Fisheries	Secretariat of the Pacific Community	M.S., Biological Oceanography, 1991, University of Hawai‘i at Manoa
Pat Burden	Economic Impacts	Northern Economics	M.S., Economic Geography, 1977, Portland State University
Kit Dahl	NEPA Compliance, Fishery Management Issues	Independent Consultant	Ph.D., Geography, 1999, University of Hawai‘i
Mike Downs	Sociological and Fishing Community Impacts	KEA Environmental	Ph.D., Anthropology, 1985, University of California, San Diego

NAME	FUNCTION	AFFILIATION	HIGHEST DEGREE
Scott Eckert	Sea Turtle Interactions and Mitigation Measures	Hubbs-Sea World Research Consultant	Ph.D., Zoology, 1989, University of Georgia
Bill Everett	Seabird Interactions and Mitigation Measures	Endangered Species Recovery Council	M.S., Marine Science, 1990, University of San Diego
Mark Fina	Economic Impacts	Northern Economics	Ph.D., Agricultural and Applied Economics, 2000, Virginia Polytechnic Institute and State University
Wayne Haight	Ecosystem and Oceanographic Modeling	Independent Consultant	M.S., Zoology, 1989, University of Hawai'i at Manoa
Marcus Hartley	Economic Impacts	Northern Economics	M.S., Agricultural and Resource Economics, 1989, Oregon State University
Karen Hiu	Geographic Information System	URS Honolulu	B.A., Geography, 1999, University of Hawai'i at Manoa
Hart Hodges	Economic Impacts	Northern Economics	Ph.D., Economics, 1994, University of Washington
Kim Holland	Biology, Physiology and Behavior of Target and Non-target Species	Independent Consultant	Ph.D., Biology, 1980, University of Pennsylvania
Jon Isaacs	NEPA Compliance and Quality Review	URS Anchorage	B.A., Environmental Studies, 1972, University of Santa Barbara
John Kaneko	Contamination Issues, Domestic Market Impacts	Independent Consultant	Doctor of Veterinary Medicine, 1987, University of Florida
Graeme Parkes	Observer Issues	MRAG Americas, Inc.	Ph.D., Fishery Science, 1993, Imperial College of Science Technology and Medicine, University of London
Don Schug	Sociological and Fishing Community Impacts, Marine Mammals Interactions and Mitigation Measures, Administration	Independent Consultant	Ph.D., Geography, 1995, University of Hawai'i

6.3 LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS RECEIVING THE FINAL ENVIRONMENTAL IMPACT STATEMENT (EIS)

A complete list of agencies, organizations and persons receiving the EIS on the Pelagic Fisheries of the Western Pacific Region is appended in Volume II of this document (Appendix T). Extracted below, however, is a list of Government Agencies, Interested Congressional Parties, and Interested Organizations receiving the document.

6.3.1 Government Agencies

Commonwealth of Northern Mariana Islands, Division of Aquatic and Wildlife Resources
Department of State
Department of the Interior
Environmental Protection Agency
Fish and Wildlife Service
National Marine Fisheries Service
National Marine Sanctuary Program, Hawaiian Islands Humpback Whale Sanctuary
State of Hawai'i, Division of Aquatic Resources
Territory of American Samoa, Department of Marine and Wildlife Resources
Territory of Guam, Department of Commerce
U.S. Coast Guard

6.3.2 Interested Congressional Parties

Senate Commerce Subcommittee on Oceans and Fisheries
House Resources Subcommittee on Fisheries Conservation
Office of Senator Akaka
Office of Senator Inouye
Office of Representative Abercrombie
Office of Representative Mink

6.3.3 Interested Organizations

American Bird Conservancy
Center for Marine Conservation
Defenders of Wildlife
Earthjustice
Guam Fishermen's Cooperative
Hawai'i Audubon Society
Hawai'i Longliners Association
National Audubon Society
Sierra Club
Turtle Island Restoration Network
University of Hawai'i
Western Pacific Regional Fishery Management Council