



THE SECRETARY OF COMMERCE
Washington, D.C. 20230

FEB - 7 2000

The Honorable Benjamin J. Cayetano
Governor of Hawaii
Honolulu, Hawaii 96813

Dear Governor Cayetano:

Thank you for your letter requesting financial compensation under section 312 of the Magnuson-Stevens Fishery Conservation Management Act for commercial fishermen affected by the Court-ordered Hawaii longline area closure.

While it is important to protect threatened and endangered sea turtles, I understand your concerns about the economic impact of this Court-ordered area closure upon longline fishermen and their communities. Unfortunately, the authority provided in section 312 is limited to a commercial fishery failure due to a fishery resource disaster. In this situation, it would be difficult to conclude that such a disaster has occurred. However, I would like to work with you to identify an alternative mechanism to address the concerns you have.

In your letter you also asked that the environmental impact statement (EIS) for this fishery be completed as soon as possible. The National Marine Fisheries Service (NMFS) will make every effort to complete the environmental impact statement in the shortest possible time. However, the National Environmental Policy Act (NEPA) requires that the public have the opportunity to review the issues and alternatives being considered by the Western Pacific Fishery Management Council. The NEPA process includes scoping meetings, public hearings, and a public comment period. Given the statutory process, the existing budget, and human resource constraints, it may not be possible to complete the EIS before October 2001. NMFS is in the process of finalizing an environmental assessment for this fishery and anticipates completing the document early in 2000. The information and analysis in the assessment will be useful for completing the EIS.

I appreciate your interest in this matter.

Sincerely,

William M Daley

3365/070390

cc: (ES, SD, LA-F/BUD-GC-PCO-AS/DAS-AS-PSP-US- EXSEC-OLIA-F/CU(2)-F/SF, F/SER(2), F/SWO, GCSW, PTAO