

## **NOAA FISHERIES CORRECTS CHANGE TO BOTTOM LONGLINE FISHERY REGULATIONS**

On December 24, 2003, the National Marine Fisheries Service (NOAA Fisheries) published a final rule (68 FR 74746) implementing the final regulations described in Amendment 1 to the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP). These regulations required bottom longline fishermen to carry and use linecutters and dipnets to release sea turtles, prohibited sharks, and smalltooth sawfish as of February 1, 2004. At the time of publication, these linecutter and dipnet requirements were the same as those required in the HMS pelagic longline fishery to release sea turtles.

On July 6, 2004 (69 FR 35599), NOAA Fisheries published a final rule to reduce sea turtle bycatch and bycatch mortality in the Atlantic pelagic longline (PLL) fishery. That rulemaking was based on the results of the 3-year Northeast Distant (NED) Closed Area research experiment involving interactions of PLL fishing gear and Atlantic sea turtles, other available studies, information on circle hook and bait treatments, and public comments. As part of that rulemaking, NOAA Fisheries redefined the type of equipment and the handling guidelines that pelagic longline fishermen must carry and use to release sea turtles. These new requirements will become effective fishery-wide on August 5, 2004.

In changing the requirements for pelagic longline fishermen, NOAA Fisheries inadvertently changed the requirements for bottom longline fishermen by failing to correct a paragraph cross-reference referring to the previous linecutter and dipnet requirements. Thus, the regulatory text in the July 2004 final rule indicated that bottom longline fishermen would also need to carry the additional equipment and use the revised handling procedures established for pelagic longline fishermen. This was not the intent of the July 2004 rule. Rather, the July 2004 rule was intended to affect only Atlantic HMS fishermen using pelagic longline gear. NOAA Fisheries has corrected the change in the regulatory text by restoring the linecutter and dipnet requirements for the bottom longline fishery from the Dec. 24, 2003 rule.

NOAA Fisheries intends to update the gear requirements for the bottom longline fishery to reflect recent changes in gear requirements for the pelagic longline fishery. However, NOAA Fisheries has not yet analyzed the potential impacts of such an action, or provided an opportunity for public comment on potential gear changes in the bottom longline fishery. Thus, any such change will need to be part of a future rulemaking.

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