



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

February 15, 2019

TO: Interested Parties
FROM: *Kitty*
Kitty M. Simonds

SUBJECT: Summary of Action Items for the 176th meeting of the Western Pacific Regional Fishery Management Council

- 1. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawai‘i-based Shallow-Set Longline Fishery**
- 2. US Participating Territory Longline Bigeye Limits**

The 176th meeting of the Western Pacific Regional Fishery Management Council will convene March 19-21, 2019, at the Laniakea YWCA, Fuller Hall, Honolulu, Hawai‘i. The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments should be received by the Council’s executive director by 5 p.m. (Hawai‘i time), Friday, March 8, 2019, by postal mail, fax or email as indicated below. After March 8, it is the submitter’s responsibility to provide at least 40 copies of the written comment to Council staff at the Council meeting.

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Summary of Action Items

1. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawai‘i-Based Shallow-Set Longline Fishery

The Council at its 173rd Meeting in June 2018 recommended amending the Pelagic Fishery Ecosystem Plan (FEP) to establish a management framework for the Hawai‘i shallow-set longline fishery that consists of 1) annual limits on the number North Pacific loggerhead and leatherback turtle interactions consistent with the anticipated level of annual interactions set forth in the current valid Biological Opinion (BiOp) and 2) individual trip interaction limits for loggerhead and leatherback turtles. The Council also recommended specifications under the framework as follows: 1) annual limits of 37 North Pacific loggerhead and 21 leatherback turtles; and 2) individual trip limit of five North Pacific loggerhead turtles.

The Council’s recommendation for specifying the loggerhead and leatherback turtle annual limits was based on the anticipated level of interactions analyzed in the Biological Evaluation (BE) initiating reconsultation of the Hawai‘i shallow-set longline fishery under the Endangered Species Act (ESA) Section 7 consultation process. As part of its recommendation, the Council noted that it would review its recommendation if the new BiOp from the ongoing consultation results in a jeopardy decision or otherwise results in a different incidental take statement for North Pacific loggerheads or leatherbacks. The new BiOp was originally scheduled to be completed by October 31, 2018, but the draft was not completed in time for the October Scientific and Statistical Committee (SSC) and Council meetings.

At its October 2018 meeting, the SSC received a presentation from the National Marine Fisheries Service (NMFS) Pacific Islands Fisheries Science Center (PIFSC) on the population viability analysis (PVA) for loggerhead and leatherback turtles prepared for the ongoing Section 7 consultation. The modeling was conducted in response to a request by the Pacific Islands Regional Office (PIRO) Protected Resources Division for the purpose of examining the long-term viability of the species. PVA results indicate that the North Pacific loggerhead population has a mean estimated population growth rate of 2.4%, while the Western Pacific leatherback turtle population has a mean estimated population growth rate of -5.3%. The growth rates reflect long-term population trends based on nesting beach data representing approximately 52% of the North Pacific loggerhead turtle population and approximately 85% of the Western Pacific leatherback turtle population.

The Council at its 174th Meeting in October 2018 reviewed the Approach to the Assessment for the Biological Opinion and considered the SSC’s report regarding the PVA. The Council recommended convening an interim Council meeting, if needed, to review the draft BiOp and consider any revisions to the Council’s June 2018 recommendations based on the draft BiOp. The Council also stated that it would reconsider a specification of leatherback individual trip limits if necessary.

Following the October meetings, PIRO set a new timeline to deliver the draft BiOp by January 31, 2019, and a final BiOp by February 28, 2019. Due to the federal government shutdown, the draft BiOp completion has been further delayed.

The Council convened its 175th Meeting on December 17, 2018, to consider final action on additional mitigation measures for the Western Pacific leatherback turtles in advance of the draft BiOp completion, taking into consideration the results of the PVA model indicating a continuing long-term declining trend of the population. The Council deferred action until the draft BiOp and more complete information on the impacts of the fishery on the Western Pacific leatherback turtles are available to fully inform the Council decision.

At the 176th Meeting, the Council may consider taking final action on additional mitigation measures for the Western Pacific leatherback turtles, depending on: 1) availability of the draft BiOp and its associated analyses; or 2) the availability of information from the draft BiOp pending release of the draft biOp.

2. US Participating Territory Longline Bigeye Limits

Bigeye tuna comprises a Pacific-wide population that is internationally managed and assessed as separate stocks in the Western and Central Pacific (WCPO) and Eastern Pacific Ocean (EPO) by the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Association (IATTC), respectively. Stock assessments conducted in 2017 for the WCPO and 2017 in the EPO indicate that both stocks are not subject to overfishing nor are they overfished, according to the stock status determination reference points in the FEP for Pelagic Fisheries of the Western Pacific Region.

The WCPFC, of which the United States is a member, develops and agrees on conservation and management measures (CMMs) for highly migratory species caught by WCPFC members and Participating Territories (CCMs) in the WCPO. In December 2018, the WCPFC agreed on CMM 2018-01, which builds off earlier CMMs. Under CMM 2018-01, the longline bigeye limits of six countries are maintained 2016 levels, including the US Limit of 3,554 metric tons (mt). CMM 2018-01, like earlier conservation measures, does not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the Convention Area by Small Island Developing States (SIDS) and Participating Territories, including American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI). Limits are not provided to the SIDS and Participating Territories in recognition of their fisheries development aspirations.

In 2014, Amendment 7 to the Council's Pelagic FEP was approved and implemented (50 CFR 665.819). It established a management framework that provides for the following:

- Catch or effort limits applicable to the US Participating Territories that include the authority of the US Participating Territories to use, assign, allocate and manage the pelagic management species catch and effort limits agreed to by the WCPFC through Specified Fishing Agreements with US vessels permitted under the Pelagic FEP for the purposes of responsible fisheries development.
- Authorization for the Council to recommend and NMFS to specify catch or effort limits in the absence of such limits or additional or more restrictive limits than the WCPFC for conservation and management purposes.
- Consistency review of Territory arrangements with the Pelagic FEP and other applicable laws by the Council and NMFS, as well as annual review and specification recommendations by the Council.

At its 176th meeting, the Council will consider taking final action on the specification of the annual Territory bigeye longline limits applicable for American Samoa, Guam and the CNMI. The Council will also consider limits on the amount of catch that can be transferred under Specified Fishing Arrangements by the US Participating Territories to vessels permitted under the Pelagic FEP.

The Council will consider the following options for 2019 or multiyear limits:

1. No management action: No specification of catch or allocation limits
2. Status quo: Specify for each US Participating Territory, a 2,000-mt catch limit and 1,000-mt allocation limit
3. Specify for each US Participating Territory, a 2,000-mt catch limit and up to a 2,000-mt allocation limit
4. No total longline bigeye limit per US Participating Territory, but a limit on the amount of bigeye each territory can allocate under annual Specified Fishing Agreements:
 - a. 1,000 mt allocation limit per territory
 - b. 1,500 mt allocation limit per territory
 - c. 2,000 mt allocation limit per territory
5. Other total and allocation limit combinations