



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

June 4, 2019

TO: Interested Parties

FROM: *Kitty*
Kitty M. Simonds

SUBJECT: Summary of Action Items for the 178th meeting of the Western Pacific Regional Fishery Management Council

- 1. Specifying Harvest Limits for the Main Hawaiian Islands Kona Crab**
- 2. Hawai'i Fishery Ecosystem Plan Amendment to Precious Coral Essential Fish Habitat**
- 3. Managing Loggerhead and Leatherback Sea Turtle Interactions in the Hawai'i-based Shallow-Set Longline Fishery**
- 4. US Participating Territory Longline Bigeye Catch/Allocation Limits**

The 178th meeting of the Western Pacific Regional Fishery Management Council will convene June 25-27, 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), Thursday, June 20, 2019, by postal mail, fax or email as indicated below. After June 20, it is the submitter's responsibility to provide at least 40 copies of the written comment to Council staff at the Council meeting.

Mail: Ms. Kitty M. Simonds
Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1400
Honolulu, HI 96813

FAX: (808) 522-8226

E-mail: info.wpcouncil@noaa.gov

Summary of Action Items

1. Specifying Harvest Limits for the Main Hawaiian Islands Kona Crab

The Council will consider specifying multi-year harvest limits for the main Hawaiian Island Kona crab for fishing years 2020-2023. The best scientific information available is the 2019 benchmark stock assessment with catch projection to 2026¹. Based on this updated information, the maximum sustainable yield was estimated to be at 73,609 pounds and the overfishing limit at 33,989 pounds. The Council's P* and SEEM* Working Groups and the Scientific and Statistical Committee (SSC) evaluated the scientific, social, ecological, economic, and management uncertainties and recommended a risk level for the Council to consider. The SEEM* working group used a new standardized process developed by the Social Science Planning Committee (SSPC), in which the social, ecological, and economic dimension is used to determine the risk of overfishing, and the monitoring and compliance/management criteria are used to determine management uncertainty. The risk of overfishing informs the Council's consideration of annual catch limit (ACL) specification, and the management uncertainty informs the Council's consideration in setting the annual catch target (ACT).

The Council will evaluate the following options:

- 1) No Action. No harvest limits will be specified for fishing year 2020-2023.
- 2) Specify the previous harvest limit at 3,500 pounds using the 2015 assessment (Thomas et al. 2015) for fishing year 2020-2023.
- 3) Specify the ACL equal to the acceptable biological catch (ABC) at P*=38 percent at 30,802 pounds and set an ACT at P*=30 percent at 28,324 pounds based on the P* and SEEM* Analysis using the 2019 benchmark stock assessment.
- 4) Specify the ACL equal to the ABC at P*=38 percent at 30,802 pounds and set an ACT 10 percent lower than the SEEM* analysis at P*=20 percent at 25,491 pounds using the 2019 benchmark stock assessment
- 5) Specify the ACL equal to the ABC at P*=38 percent at 30,802 pounds and set an ACT 20 percent lower than the SEEM* analysis at P*=10 percent at 21,243 pounds using the 2019 benchmark stock assessment

At its 178th meeting, the Council will consider taking final action to specify the harvest limits and the accountability measure that will prevent the fishery from overfishing the stock.

2. Hawai'i Fishery Ecosystem Plan Amendment to Precious Coral Essential Fish Habitat

The Council at its 173rd meeting in June 2018 directed staff to develop options to redefine essential fish habitat (EFH) and any habitat areas of particular concern (HAPC) for precious corals in Hawai'i for Council consideration for a Fishery Ecosystem Plan (FEP) amendment. EFH information was reviewed through the 2015 and 2016 annual Stock Assessment and Fishery Evaluation (SAFE) report cycles and an options paper was developed for the 174th meeting in October 2018.

¹ Kapur MR, Fitchett MD, Yau AJ, Carvalho F. 2019. 2018 Benchmark Stock Assessment of Main Hawaiian Islands Kona Crab. NOAA Tech Memo. NMFS-PIFSC-77, 114 p. doi:10.25923/7wf2-f040

New observations of precious corals have occurred throughout the region, with research concentrated in the Hawai‘i Archipelago. Observations in the territories and of the larval phase of precious corals are rare or nonexistent. However, new information exists to refine the habitat characteristics and geographic extent of deep- and shallow-water precious coral EFH in the Hawai‘i Archipelago. Narrative information on which the EFH designations are based and information to fulfill the EFH requirements of fishery management plans may also be used to update the archipelagic FEPs. The redefinition of precious corals EFH is framed in three separate actions: refinement of deep-water species complex EFH; refinement of shallow-water precious coral species complex EFH; and update of the narrative information.

The Council at its 174th meeting reviewed the following options for each of the three actions:

Action 1 – Update EFH for deep-water precious coral species

Options

- 1) No change (status quo)
- 2) Revise EFH by depth range
- 3) Refine the geographic boundary of existing precious coral beds
- 4) Refine the geographic boundary of existing beds and add new beds

Action 2 – Update EFH for shallow-water precious coral species:

Options

- 1) No change (status quo)
- 2) Update geographic extent and habitat characteristics.

Action 3 – Update EFH narrative information

Options

- 1) Update the FEP narrative information on EFH
- 2) Do not update the FEP narrative information on EFH

The Council took initial action at its 174th meeting directing staff to prepare an amendment to the Hawai‘i FEP to revise the Precious Corals EFH and selected the following preliminary preferred options:

Action 1 – Option 4: Refine the geographic boundary of existing beds and add new beds.

Action 2 – Option 2: Update geographic extent and habitat characteristics.

Action 3 – Option 1: Update the FEP narrative information on EFH.

At its 178th meeting, the Council will consider taking final action to amend the Precious Coral EFH section of the Hawai‘i FEP.

3. 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 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 that is 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 turtles 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 Oct. 31, 2018, but the draft was not completed in time for the October SSC and Council meeting. Following the October meetings, the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) set a new timeline to deliver the draft BiOp by Jan. 31, 2019, and a final BiOp by Feb. 28, 2019. Due to the federal government shutdown, the draft BiOp timeline was further delayed to March 25, 2019.

At its October 2018 meeting, the SSC received a presentation from the 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 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 percent, while the Western Pacific leatherback turtle population has a mean estimated population growth rate of 5.3 percent. The growth rates reflect long-term population trends based on nesting beach data representing approximately 52 percent of the North Pacific loggerhead turtle population and approximately 85 percent of the Western Pacific leatherback turtle population.

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

The Council convened its 175th Meeting on Dec. 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.

The draft BiOp was provided to the Council on March 28, 2019. The Council convened its 177th meeting on April 12, 2019, to review its recommendations on the management framework from the 173rd meeting for consistency with the draft BiOp and to consider taking final action on the management framework. The draft BiOp concluded that the shallow-set longline fishery is not likely to jeopardize the continued existence of ESA-listed species, including loggerhead and leatherback turtles. However, the draft BiOp also contained Reasonable and Prudent Measures (RPMs) that were inconsistent with the Council's recommended framework. The Council at its 177th meeting

maintained its management framework recommendation from the 173rd Council meeting, additionally recommended an individual trip limit of two leatherback turtles and requested that NMFS consider revising the RPMs for consistency with the Council recommended action.

At its 178th meeting, the Council will review the final BiOp for consistency with the 177th meeting recommendations and may consider taking additional final action if any discrepancies remain with the previously recommended action.

4. US Participating Territory Longline Bigeye Catch/Allocation Limits

Bigeye tuna comprises a Pacific-wide population that is internationally managed and assessed as separate stocks in the Western and Central Pacific Ocean (WCPO) and Eastern Pacific Ocean (EPO) by the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Association (IATTC), respectively. The best scientific information available indicates 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 scientific bodies of the WCPFC and IATTC will consider new benchmark stock assessments for both stocks in 2020.

In December 2018, the WCPFC agreed on CMM 2018-01, which limits the US longline bigeye tuna catch in the WCPO to 3,554 metric tons (mt) in 2019 and 2020. CMM 2018-01 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 the territorial catch/effort and allocation limit measure that provides NMFS with authority to:

- Specify annual catch or effort limits for a US Participating Territory, as recommended by the Council, not to exceed any WCPFC-adopted limits;
- Specify a limit recommended by the Council authorizing a US Participating Territory to allocate a portion of that specified catch or effort limit to eligible US vessels through a specified fishing agreement; and
- Review and approve specified fishing agreements for consistency with the Pelagic FEP and other applicable laws.

The Council must annually review the conservation status of the fishery resource, the needs of fishing communities dependent on the particular fishery resource and consistency with the Pelagics FEP and other applicable laws in considering its recommendations for territorial catch, effort and allocation limits as well as its review of specified fishing agreements. Amendment 7 also established a territorial longline bigeye tuna catch limit of 2,000 mt for each territory and an allocation limit of 1,000 mt for each territory. At its 173rd meeting in June 2018, the Council took final action to modify the territorial catch/effort and allocation limit measure and implementing regulations. Should NMFS approve the action, it will amend the Pelagic FEP to remove the requirement for establishing separate total catch or effort limits for the US Participating Territories in order to establish an allocation limit and also would allow multi-year

limits. The Council would annually review any established limits to determine whether the best available scientific information or the needs of fishing communities warrant modifying or rescinding such limits.

At its 178th meeting, the Council will consider recommending territorial bigeye tuna catch and/or allocation limits to take effect beginning in 2020, given the Council's recommended modification of the territorial catch, effort and allocation limit measure. The Council will consider the following options:

1. No catch or allocation limits (no action)
2. 2,000 mt catch and 1,000 mt allocation limits
3. No catch limit and up to 2,000 mt allocation limits

The Council will also consider the fishing years in which the limits will take effect or expire, in consideration of the requirement for annual review, availability of new scientific information and potential for multi-year limits.