



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

MEMORANDUM

July 19, 2019

TO: Interested Parties

FROM: Kitty M. Simonds

SUBJECT: Summary of Action Item for the 179<sup>th</sup> 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**

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The 179<sup>th</sup> meeting of the Western Pacific Regional Fishery Management Council will convene on August 8, 2019 via web conference. The Council will consider and may take action on the issue summarized below, including any public comments on it. Written public comments should be received by the Council's executive director by 5 p.m. (Hawai'i Standard Time), August 5, 2019 by postal mail, fax or email as indicated below. Opportunities to present oral public comment will be provided during the 179<sup>th</sup> Council meeting.

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## Summary of Action Item

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

The Hawai‘i shallow-set longline fishery, managed under the Western Pacific Regional Fishery Management Council’s Pelagic Fishery Ecosystem Plan (FEP), reduced loggerhead and leatherback turtle interactions by approximately 90 percent through the implementation of new technologies (large circle hooks and mackerel-type bait). Regulatory Amendment 3 to the Pelagic Fishery Management Plan (FMP) that established the requirements for these gear measures also established annual interaction limits for loggerhead and leatherback turtles (“hard caps”), which, if reached, would trigger the closure of the fishery for the remainder of the calendar year. The existing annual fleet-wide hard caps, first implemented in 2004, prevent loggerhead and leatherback takes above the specified limit, but do not provide early response to higher interaction rates that may indicate a potential for higher impacts to sea turtle populations or a fishery closure early in the calendar year. Effective management of loggerhead and leatherback turtle interactions in the Hawai‘i shallow-set longline fishery should consider responsive measures that can help ensure year-round operations while addressing the needs for protected species conservation. At its 172<sup>nd</sup> meeting in March 2018 and 173<sup>rd</sup> meeting in June 2018, the Council considered a range of management measures to address this need.

The Council at its 173<sup>rd</sup> meeting 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 Western Pacific 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 setting limits under the framework as follows: 1) annual hard cap limits of 37 North Pacific loggerhead and 21 leatherback turtles; and 2) individual trip limit of 5 North Pacific loggerhead turtles. The Council’s recommendation for setting the loggerhead and leatherback turtle hard cap limits was based on the anticipated level of interactions in the Biological Evaluation 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 indicated 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 (ITS) for North Pacific loggerheads or leatherbacks. The new BiOp was originally scheduled to be completed by October 31, 2018, but was delayed first to February 28, 2019 and later to April 30, 2019. The National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) provided a draft BiOp for Council review on March 28, 2019, and the final BiOp was issued on June 28, 2019.

At its October 2018 meeting, the Scientific and Statistical Committee (SSC) received a presentation from the NMFS Pacific Islands Fisheries Science Center 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 with 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 174<sup>th</sup> Meeting in October 2018 reviewed the Approach to the Assessment for the Biological Opinion and considered the SSC’s report regarding the PVA. It recommended convening an inter-sessional Council meeting, if needed, to review the draft BiOp and consider any revisions to the June 2018 recommendations based on the BiOp.

The Council stated that it would reconsider a specification of leatherback individual trip limits if necessary.

The Council convened its 175<sup>th</sup> 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 population trend. The Council deferred action until the draft BiOp and more complete information regarding the fishery impacts on the Western Pacific leatherback turtles are available to fully inform its decision.

The Council convened its 177<sup>th</sup> meeting on April 12, 2019 to review its recommendations from the 173<sup>rd</sup> meeting for consistency with the draft BiOp, and to consider taking final action on the management framework. The draft BiOp provided to the Council on March 28, 2019 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 177<sup>th</sup> meeting maintained its management framework recommendation from the 173<sup>rd</sup> Council Meeting consisting of annual fleet-wide hard caps and individual trip interaction limits; revised the recommendation for leatherback annual hard cap limits from 21 to 16 consistent with the RPMs in the draft BiOp; additionally recommended an individual trip limit of 2 leatherback turtles; and recommended an annual review of the Hawai'i shallow-set longline fishery's performance under the individual trip limits in the Annual Stock Assessment and Fishery Evaluation Report. The Council further requested that PIRO consider revising the RPMs for consistency with its recommended action.

NMFS delivered the final BiOp for the Hawai'i shallow-set longline fishery on June 26, 2019 during the 178<sup>th</sup> Council meeting. The final BiOp incorporates the Council's recommended individual trip limit, but some discrepancies remain between the Council's recommended action from the 177<sup>th</sup> meeting and the RPMs. The Council deferred final action at the 178<sup>th</sup> meeting and recommended convening a teleconference meeting to consider final action. Additionally, the Council directed staff to work with the PIRO Sustainable Fisheries Division to prepare necessary analyses incorporating the final BiOp and associated RPMs to inform final action on the management of loggerhead and leatherback turtle interactions in the Hawai'i shallow-set longline fishery at its 179<sup>th</sup> meeting and to ensure timely review and transmittal of the amendment package following the meeting.

At its 179<sup>th</sup> Meeting, the Council will consider final action on the management of the loggerhead and leatherback turtle interactions in the Hawai'i shallow-set longline fishery, taking into account the non-discretionary RPMs and associated Terms and Conditions (T&C) in the final BiOp. The Council will consider the following alternatives:

- Alternative 1: No Action (Fishery operates under current hard cap limits of 17 loggerhead and 26 leatherback interactions)
- Alternative 2: Implement the Council's Recommended Action from the 177<sup>th</sup> Council Meeting (Modify annual fleet-wide hard cap limits and establish individual trip limits for loggerhead and leatherback turtle interactions in the Hawai'i shallow-set longline fishery)
- Alternative 3: Modify loggerhead and leatherback turtle mitigation measures consistent with RPMs and T&C 1a and 1b in the 2019 BiOp, and modify loggerhead turtle hard cap limit equivalent to the ITS in the current BiOp
- Alternative 4: Modify loggerhead and leatherback turtle mitigation measures consistent with RPMs and T&C 1a and 1b, and do not set loggerhead turtle hard cap limit