



159th Meeting of the Western Pacific Regional Fishery Management Council

March 16-18, 2014

Saipan Fiesta Resort and Spa

March 20-21, 2014

Hilton Guam Resort and Spa

Protected Species Synopsis

13. Protected Species

A. Update on Marine Mammal Stock Assessments

NMFS annually updates the Stock Assessment Reports (SAR) under the MMPA to incorporate new information of marine mammal stocks occurring in waters under U.S. jurisdiction. The SAR includes description of the stock's geographic range, population estimates and trends, each stock's PBR level, and estimates of human-cause mortality and serious injury.

The Draft 2013 SAR was published on November 6, 2013, with public comments accepted until February 4, 2014. The Draft 2013 SAR significantly updated abundance estimates for most marine mammal stocks in the Western Pacific based on the 2010 Hawaiian Islands Cetacean and Ecosystem Assessment Survey (HICEAS) II conducted in the EEZ around Hawaii. The Draft 2013 SAR also split the Hawaii population of melon-headed whales and Pantropical spotted dolphins into multiple island-associated stocks. The Draft 2013 SAR also included an update to the descriptions of U.S. commercial fisheries in Appendix 1.

B. Deep-set Longline Fishery Biological Opinion

The Council will hear an update on the ESA Section 7 consultation of the Hawaii deep-set longline fishery. Several new management measures implemented in the deep-set fishery as well as the recent ESA listing of the MHI insular false killer whales necessitated consultation to be reinstituted. These measures include the FKWTRP. The consultation also covers Amendment 7 of the Pelagic Fishery Ecosystem Plan (FEP).

The Council recommended at the 157th Meeting that NMFS arrange necessary extensions to allow for a presentation of the Biological Opinion analysis to the SSC at the 114th Meeting and review of the analysis by the SSC prior to the completion of the formal consultation. In response to the Council's request, NMFS PIRO indicated that the consultation was expected to be completed prior to mid-October and thus a presentation to the SSC prior to the completion of the consultation would not be feasible. NMFS subsequently extended the deadline for completing the Biological Opinion, and the consultation is still ongoing at the time of this writing.

C. Updates on Endangered Species Act and

Marine Mammal Protection Act Actions

1. Results of an Update of the Corals of the World Information Base

The Council worked in partnership with the world-renowned coral expert Dr. John “Charlie” Veron and the Pet Industry Joint Advisory Council (PIJAC) to make available substantial scientific information not considered by the National Marine Fisheries Service (NMFS) in its proposed rule to list 66 coral species under the ESA. Previously unpublished scientific information by Veron confirm that coral species proposed for listing occur in large and diverse geographic areas, providing a buffer against climate change impacts. The information was submitted to NMFS on February 11, 2014, for consideration in the final listing determination. The information provided by Veron will aid in impacts analyses in future Council FEP amendments should any of the proposed coral species are listed under the ESA.

2. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the ESA

For the remaining sections under agenda 13.C., the Council will hear updates on ongoing ESA and MMPA actions that are relevant to Western Pacific fisheries and fishing communities.

- Proposed rule to list 66 coral species under the ESA

Petition: Submitted in October 2009 requesting the listing of 83 coral species (75 in the Pacific, 8 in the Caribbean), and designation of critical habitat

Status: NMFS published a 90-day finding in February 2010 that the petition and information in their files presented substantial scientific or commercial information indicating that the petitioned action may be warranted for 82 of the species, thereby initiating a status review. On April 13, 2012, NMFS released two reports that will form the basis of the listing decision. The two reports are the Coral Biological Review Team Status Review Report and the Coral Management Report. Public comment period on the two reports closed on July 31, 2012. On December 7, 2012, NMFS published a proposed rule to list 66 of the 82 coral species as endangered or threatened under the ESA. Public comment period closed on April 5, 2013.

On September 20, 2013, NMFS announced a 6-month extension of the deadline for final determinations of the 66 proposed corals, given that substantial disagreement exists regarding the sufficiency and accuracy of data and analyses relevant to the listing determinations. The new deadline to publish the final rule or a notice of withdrawal is June 7, 2014.

3. Green Turtle Status Review

- Petition to delist the Hawaiian green turtles under the ESA

Petition: Submitted in February 2012 requesting classification of the Hawaiian green turtle population as a distinct population segment (DPS) and to delist the DPS

Status: NMFS published a 90-day finding on August 1, 2012. NMFS found that the petition viewed in the context of information readily available in their files

presents substantial scientific and commercial information indicating that the petitioned action may be warranted. NMFS has initiated a global status review of green turtles as currently listed to determine whether the petitioned action is warranted. The 12-month finding of the petition was due on February 16, 2013, but no determination has been published to date.

4. North Pacific Humpback Whale Petition

- Petition to delist the North Pacific humpback whales under the ESA
Petition: Submitted in April 2013 requesting classification of the North Pacific humpback population as a distinct population segment (DPS) and to delist the DPS
Status: NMFS published a 90-day finding on August 29, 2013. NMFS found that the petition viewed in the context of information readily available in their files presents substantial scientific and commercial information indicating that the petitioned action may be warranted. NMFS initiated a status review of the North Pacific population of the humpback whale and solicited scientific and commercial information until October 28, 2013.

5. Proposed 2014 List of Fisheries

- 2014 List of Fisheries
Status: NMFS published the proposed 2014 List of Fisheries on December 6, 2013 and accepted public comment until January 6, 2014. No changes were made to the categories for fisheries operating in the Western Pacific. Minor changes were proposed to reflect the current list of species known to interact with fisheries based on observer information.

6. Other Relevant Actions

- Proposed rule to list the scalloped hammerhead shark under the ESA
Petition: Submitted in August 2011 requesting the listing of scalloped hammerhead shark either worldwide or as one or more distinct population segments
Status: NMFS published a 90-day finding on November 28, 2011 that the petition and information in their files present substantial scientific or commercial information indicating that the petitioned action may be warranted. Public comment period closed on January 27, 2012. On April 5, 2013, NMFS published a proposed rule designating six distinct population segments (DPS) and proposing threatened or endangered listing for four DPSs. In the Pacific, the Indo-West Pacific DPS is proposed as threatened, the Eastern Pacific DPS is proposed as endangered, and the Central Pacific DPS does not warrant listing. Comment period on the proposed rule closed on June 4, 2013.

- Petition to list humphead wrasse under the ESA
Petition: Submitted in October 2012 requesting the listing of humphead wrasse (*Cheilinus undulatus*).
Status: NMFS published a 90-day on February 28, 2013 indicating that the petition and information in their files present substantial scientific or commercial information indicating that the petitioned action may be warranted. Public comment period closed on April 29, 2013. NMFS has initiated a status review to determine whether the petitioned action is warranted.
- Proposed rule to revise Hawaiian monk seal critical habitat
Petition: Submitted in July 2008 requesting the revision of the Hawaiian monk seal critical habitat by adding areas in the Northwestern Hawaiian Islands (NWHI) and Main Hawaiian Islands (MHI)
Status: On June 2, 2011, NMFS published a proposed rule to revise the critical habitat by extending the current designation in the NWHI out to the 500-meter depth contour and designating six new areas in the MHI including terrestrial and marine habitat from 5 meters inland from the shoreline extending seaward to the 500-meter depth contour. The 90-day public comment period closed on August 31, 2011, and was reopened for another 60 days from November 7, 2011 to January 4, 2012. The final determination for the proposed rule was extended by 6-months and was due on December 2, 2012; however, no determination has been issued to date.
- Petition to list 8 species of pomacentrid reef fish under the ESA
Petition: Submitted in September 2012 requesting the listing of eight pomacentrid reef fish and the designation of critical habitat. The eight species are: *Amphiprion percula* (Orange clownfish); *Chromis atripectoralis* (Black-axil chromis); *Chromis viridis* (Blue-green damselfish); *Dascyllus albisella* (Hawaiian damselfish); *Dascyllus reticulatus* (Reticulate damselfish or Two-stripe damselfish); *Microspathodon chrysurus* (Yellowtail damselfish or Jewel damselfish); *Plectroglyphidodon dickii* (Blackbar devil or Dick's damselfish); *Plectroglyphidodon johnstonianus* (Blue-eye damselfish)
Status: Publication of a 90-day finding is pending.

D. Report on the Insular Sea Turtle Programs

The Council will hear an update from NMFS PIRO on the current status of sea turtle programs in the insular areas of CNMI, Guam, American Samoa and Hawaii.

E. Advisory Group Recommendations

1. Protected Species Advisory Committee Recommendations

The Council's new Protected Species Advisory Committee (PSAC) was convened for its first meeting in Honolulu on January 28-29, 2014. The primary purposes of the meeting were to introduce the committee members to the Council process, its fisheries and current issues, and for the committee to provide input into the Council's program planning process. The Council will hear and consider recommendations from PSAC.

2. Advisory Panel Recommendations

The Council will hear and consider any AP recommendations for protected species.

3. Plan Team Recommendations

The Council will hear and consider any PT recommendations for protected species.

4. REAC Recommendations

The Council will hear and consider any REAC recommendations for protected species.

F. SSC Recommendations

The Council will hear and consider any SSC recommendations for protected species.