

NOAA Fisheries Service

Pacific Islands Regional Office

REPORT TO THE 160TH WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING

NOAA's National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) is responsible for assisting the Western Pacific Fishery Management Council (Council) in the development of fishery management plans and amendments, initiating Federal fishing regulations, issuing Federal fishing permits, and monitoring fisheries through the observer program. Other major responsibilities include the conservation and recovery of protected species, conservation and restoration of marine habitats, including the Pacific marine national monuments, and coordination with international organizations to implement fishery agreements and treaties. The following information is provided to update the Council on NMFS and PIRO activities since the 159th Council meeting.

PROGRAM ACTIVITIES

Sustainable Fisheries

NMFS PIRO continues to provide protected species workshop (PSW) training to the longline fishing communities. From January 1 through May 8, 2014, PIRO trained 138 Hawaii longline vessel owners and captains, either at the Pier 38 Service Center in Honolulu Harbor, or online. Another 30 vessel owners, captains and crewmembers completed the PSW training in American Samoa. On April 24, 2014, PIRO conducted a protected species workshop and de-hooking exercise for 21 observer trainees.

PIRO continues to update Information on fish catch limits in Pacific Island fisheries at www.fpir.noaa.gov/SFD/SFD_regs_3.html.

PIRO continues to provide up-to-date information about interactions between the shallow-set longline fishery and sea turtles at www.fpir.noaa.gov/SFD/SFD_turtleint.html.

PIRO continues to host monthly non-commercial meetings at Pier 38. Meeting days are the second Thursday of every month from 6 to 8 pm. Meetings highlight a topical issue of concern to the recreational/non-commercial fishing community.

Hawaii longline permit holders may now apply to renew their permits on line. PIRO is sending instructions to permit holders on how to apply on line at the National Permit System. You may find more information on the National Permits System at www.st.nmfs.noaa.gov/fis/projects/permits.html.

On April 10-17, 2014, PIRO staff attended the 34th Annual International Sea Turtle Symposium (ISTS) held in New Orleans, Louisiana. The symposium attracted about 1000

attendees from nearly 80 countries. The theme this year was "Cultures", in honor of all the cultures that have interacted and continue to interact today with sea turtle populations around the world. The 2014 ISTS featured a special session on Collaborative Fisheries, and program topics included marine turtle ecological interactions and the linkages among scientists, coastal communities, turtles, humans, consumptive and non-consumptive use, collaborative research, community-based conservation, policy-makers and managers.

Protected Resources

Hawaiian Monk Seal Critical Habitat Proposed Revision (ESA)

On July 9, 2008, NMFS received a petition from Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise critical habitat for the Hawaiian monk seal. On June 12, 2009, NMFS published a 12-month finding announcing that a revision was warranted (74 FR 27988). On June 2, 2011, NMFS published a proposed rule to revise critical habitat for the Hawaiian monk seal by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands (76 FR 32026). Public comment periods were open for 150 days, and six public hearings were held. NMFS continues to consider all public comments received, and is working to ensure that any new information is incorporated and significant issues are addressed.

Proposed Rule to List 66 Corals (ESA)

On October 20, 2009, NMFS was petitioned by the Center for Biological Diversity to list 83 species of coral under the ESA. A proposal was published in the Federal Register on December 7, 2012, announcing the proposed listing of 66 coral species, 59 of which are found in the Pacific, and 7 in the Caribbean. In the Pacific, 7 species are proposed as endangered and 52 as threatened. Three species are proposed in Hawaii as threatened, 30 in Guam as threatened, 29 in CNMI (28 as threatened, 1 endangered), and 46 in American Samoa (43 as threatened, 3 endangered). A total of 19 public hearings were held nationally in January and February 2013, including 11 in Hawaii, Guam, CNMI, and American Samoa. In response to high public interest, the public comment period was extended to April 6, 2013, for a total of 120 days. NMFS received about 1,200 verbal and written public comments, not counting about 32,000 identical form letters that were included as an attachment to the comment letter from the petitioner. On September 20, 2013, NMFS announced a six-month extension to the deadline for the final listing rule due to substantial scientific disagreement, and to solicit additional data and information to help resolve that disagreement. The Council and the Pet Industry Joint Advisory Council hired coral expert Dr. Charlie Veron to provide new distribution and abundance information for 64 of the 66 species, and his draft report was received by PIRO on January 22, 2014. This new information will help inform the final listing rule, which is due in June 2014.

Scalloped Hammerhead Proposed Rule (ESA)

On August 14, 2011, NMFS received a petition from WildEarth Guardians and Friends of Animals requesting that the scalloped hammerhead (*Sphyrna lewini*) be listed as endangered or threatened under the ESA, and that critical habitat be designated. The petitioners requested that we list either the entire global species, or any of the Distinct

Population Segments (DPSs). On November 28, 2011, NMFS made a positive 90-day finding (76 FR 72891), determining that the petitioned action may be warranted. A comprehensive status review was conducted to inform the 12-month finding and underwent peer review. On April 5, 2013, NMFS published a 12-month finding and proposed rule (78 FR 20718) to list four of six identified DPSs. In the Pacific Islands region, the Indo-West Pacific DPS (which includes the U.S. Pacific territories and all Pacific Remote Island Areas except Johnston Atoll) is proposed as threatened, the Central Pacific DPS (which includes the Hawaiian archipelago and Johnston Atoll) is not warranted for listing, and the Eastern Pacific DPS is proposed as endangered. The public comment period closed on June 4, 2013 and approximately 670 comments were received. The final rule was statutorily due on April 5, 2014.

Eight Reef Fish Species Petition to List (ESA)

On September 14, 2012, NMFS received a petition from the Center for Biological Diversity (CBD) to list 8 species of pomacentrid reef fish, including 1 orange clownfish and 7 damselfish, as threatened or endangered under the ESA and that critical habitat be designated concurrently with any listing (1 species is in the Caribbean and 7 in the Pacific). The 90-day finding was statutorily due by December 13, 2012 to the maximum extent practicable. On September 25, 2013, NMFS received from CBD a 60-day Notice of Intent to sue for failure to issue a timely 90-day finding. PIRO is currently evaluating the petition and reviewing information to determine if the petition presents enough information to indicate that a listing may be warranted.

Humphead Wrasse Status Review (ESA)

On November 1, 2012, NMFS was petitioned by WildEarth Guardians to list the humphead wrasse (*Cheilinus undulatus*) as either endangered or threatened under the ESA. NMFS reviewed the petition and on February 28, 2013, announced that the petitioned action may be warranted (78 FR 13614). A 60-day public comment period was open until April 29, 2013, and eight comments were received. A status review of the species is underway to inform the 12-month finding.

Great Hammerhead Petition to List (ESA)

On Dec 21, 2012, NMFS was petitioned by WildEarth Guardians to list the great hammerhead shark (*Sphyrna mokarran*) as either endangered or threatened under the ESA. Petitioners also claim that if scalloped hammerheads are listed under the ESA, then the great hammerhead should be listed under the similarity of appearance clause of the ESA. NMFS received a second petition from Natural Resources Defense Council on March 15, 2013, to list the species. After reviewing the petitions and information, NMFS determined that the petitioned action may be warranted and published a positive 90-day finding on April 26, 2013 (78 FR 24701). Public comments were accepted until June 25, 2013. A status review of the species was conducted and has undergone peer review. The review will inform the 12-month finding.

Loggerhead Turtle - Critical Habitat Proposed Rule (ESA)

On September 22, 2011, NMFS and the U.S. Fish and Wildlife Service published a final rule to list nine distinct population segments (DPSs) of the loggerhead turtle under the ESA, in response to two 2007 petitions (Center for Biological Diversity and turtle Island Restoration Network). A proposed rule to designate critical habitat was published on July 18, 2013 (78 FR 43005). Specific areas proposed for designation include 36 occupied marine areas within the range of the Northwest Atlantic Ocean DPS. The 60-day public comment period, as well as an extended 60 day period, have ended and the agencies are working on the final rule. There is no proposed critical habitat in the Pacific Islands Region for loggerhead turtle DPSs.

Green Turtle Status Review (ESA)

On February 15, 2012, NMFS and the U.S. Fish and Wildlife Service (USFWS) received a petition from the Association of Hawaiian Civic Clubs to classify the green sea turtle in Hawaii as a DPS and delist the DPS. On August 1, 2012, NMFS and USFWS published a 90-finding that the petitioners presented substantial scientific and commercial information indicating that petitioned action may be warranted. A global status review of the species has been conducted and undergone peer review, and the agencies are in the process of drafting their finding.

Humpback Whale Status Review (ESA)

On April 17, 2013, NMFS received a petition from the Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. to delist the north Pacific population of humpback whales (*Megaptera novaeangliae*). After reviewing the petition and information in the files, NMFS determined that the petitioned action may be warranted and published a positive 90-day finding on August 29, 2013 (78 FR 53391). A status review of the species to determine if an endangered listing is still appropriate for the global taxon is being completed and will inform the 12-month finding.

New Hawaiian Monk Seal Research and Enhancement Actions:

ESA-MMPA Permit

On March 1, 2013, NMFS issued public notice of a permit application for NMFS to take Hawaiian monk seals for research and enhancement purposes under the ESA and MMPA; the public review period was 45 days. The permit application requests authorization to undertake key Hawaiian monk seal recovery actions that NMFS intends to implement over a five-year period beginning in mid 2014. The recovery actions proposed in the permit application are among those evaluated in the Programmatic Environmental Impact Statement (PEIS) and National Historic Preservation Act Section 106 compliance processes (see below). The permit is expected to be issued in early summer 2014, following the release of the Record of Decision for the PEIS.

The permit application and related documents are provided online at:
<http://www.nmfs.noaa.gov/pr/permits/monkseal16632.htm>.

NEPA Compliance

The Final Programmatic Environmental Impact Statement (PEIS) for Hawaiian Monk Seal Research and Recovery Actions was released on April 4, 2014 and is available for public review. The Preferred Alternative identified in the Final PEIS is Alternative 3, Limited Translocation. **Reflecting the ESA-MMPA permit application, the Preferred Alternative does not include any translocation option that involves moving seals born in the Northwestern Hawaiian Islands to the main Hawaiian Islands.** The Notice of Availability (NOA) for the Final PEIS was published in the Federal Register on April 11, 2014. Comments were accepted on the Final PEIS until Monday, May 12, 2014. While NMFS is not required to respond to the comments received on the Final PEIS, we will review and consider them prior to issuing a Record of Decision. The Record of Decision will include information on the alternatives considered, the preferred alternative and why we chose it, and required mitigation and monitoring.

The Final PEIS and related documents are provided online at:
<http://www.nmfs.noaa.gov/pr/permits/eis/hawaiianmonkseal.htm>

National Historic Preservation Act Section 106 Compliance

NMFS has completed the consultation process under the National Historic Preservation Act (NHPA) Section 106 for a suite of proposed Hawaiian monk seal recovery actions, and has made a determination of no historic properties affected. This determination means there are historic properties present in the area in which the recovery actions will occur, but the undertaking will have no effect, as described in 36 C.F.R. Pt. 800.16.(i), upon the historic properties. The NHPA Section 106 compliance report presents a summary of our NHPA Section 106 compliance process, and documents the determination of no historic properties affected, as specified in 36 C.F.R. Pt. 800.11.(d). The proposed Hawaiian monk seal recovery actions include a suite of research and enhancement activities intended to promote the recovery of Hawaii's endangered monk seals. NMFS provided documentation of the determination to the State of Hawaii State Historic Preservation Officer (SHPO) on November 12, 2013. NOAA Fisheries received no response from the SHPO within 30 days of receipt of the documentation.

The NHPA Section 106 report is provided online at:
http://www.fpir.noaa.gov/Library/PRD/Hawaiian%20monk%20seal/11-08-2013_NHPA%20106_rpt_FINAL.pdf

Main Hawaiian Islands Hawaiian Monk Seal Management Plan (ESA)

The Hawaiian Monk Seal Recovery Plan (2007) directs NMFS to create a Main Hawaiian Islands (MHI) Hawaiian Monk Seal Management Plan that addresses the full scope of monk seal management needs in the MHI. PIRO is developing management strategies and policies to address threats to monk seals in the MHI. In September 2012, a non-profit organization, the Monk Seal Foundation, hosted a three-day workshop to facilitate community involvement in monk seal management and conservation by bringing NMFS staff together with experts from partners, stakeholders, and the community to develop key components of the plan. PIRO has and will continue to engage important groups, such as

fishermen, ocean safety, law enforcement, partner agency staff, and the Hawaiian Monk Seal Recovery Team. The MHI Hawaiian Monk Seal Management Plan will serve as a non-regulatory guiding document to the Hawaiian Monk Seal Recovery Program and partners. A draft is currently in internal NMFS review. NMFS will be conducting focus group workshops in June to discuss and receive feedback from community stakeholders and members of the public (many of whom we have had meetings with, who attended the planning workshop, or have otherwise expressed interest in the plan). After input from focus groups and State of Hawaii Department of Land and Natural Resources has been incorporated, the draft plan will go to review by the Recovery Team (at an August meeting), other partner review, and public availability. A draft version of the plan is expected to be completed by late 2014.

Sea Turtle Recovery Program (ESA)

The Sea Turtle Management and Conservation Program continues to provide oversight and support to multiple projects which implement priority activities of the U.S. Sea Turtle Recovery Plans. Sea turtle recovery-based projects are ongoing in Hawaii, the territories, and other parts of the Pacific. These efforts include sea turtle fishery bycatch mitigation research, sea turtle research and conservation projects, and community educational outreach and public management. PIRO also continues to implement the "Fishing Around Sea Turtles" program. This is a multi-agency program that includes NOAA, the State of Hawaii (including the Division of Conservation and Resource Enforcement), U.S. Fish and Wildlife Service, and the Council. The program provides mitigation options to recreational hook-and-line fishers through practical fishing tips, increased awareness, and best practice suggestions to reduce injury to sea turtles following an accidental interaction. For additional information, visit:
http://www.fpir.noaa.gov/PRD/prd_fishing_around_sea_turtles.html.

2014 List of Fisheries (MMPA)

The 2014 List of Fisheries final rule published on March 14, 2014 (79 FR 14418). Changes to Pacific Islands fisheries include: notation indicating the main Hawaiian Island insular false killer whale stock no longer drives the Hawaii deep-set longline fishery's Category I classification (though the fishery remains Category I because of mortality and serious injury of Hawaii pelagic false killer whales); a revision to the list of species injured/killed in the Hawaii and American Samoa longline fisheries based on updated observer data, fishermen-reported injuries or mortalities not accounted for by observed interactions, and updated bycatch estimates (2007-2011 data from draft 2013 Stock Assessment Reports); removal of several high seas fisheries because the fishery categories (gear types) are no longer valid under High Seas Fishing Compliance Act (HSFCA) permits; and updates to the number of participants in high seas fisheries (number of HSFCA permits).

Hawaii False Killer Whale Take Reduction (MMPA)

Section 118(f)(1) of the MMPA requires NMFS to establish a Take Reduction Team (TRT) to develop a Take Reduction Plan (TRP) designed to assist in the recovery or prevent the depletion of each strategic stock of marine mammals. In January 2010, a TRT was established to address the bycatch of Hawaii pelagic and Main Hawaiian Islands insular

false killer whales in the Hawaii-based deep-set and shallow-set longline fisheries. On July 18, 2011, NMFS published a proposed rule to implement a False Killer Whale Take Reduction Plan, based on the TRT's recommendations. The final rule published in the Federal Register on November 29, 2012 (77 FR 71260). All regulations became effective December 31, 2012 except for gear requirements for the deep-set fishery, which went into effect February 27, 2013. The Take Reduction Plan includes a "Southern Exclusion Zone" (SEZ), which will be closed to deep-set longline fishing if there are two observed false killer whale serious injuries or mortalities in the fishery inside the U.S. Exclusive Economic Zone around Hawaii in a single year. There was only one observed false killer whale serious injury that counted toward this SEZ trigger in 2013, so the area was not closed in 2013. In 2014 to date, there has been one observed false killer whale serious injury that counted toward the SEZ trigger.

Habitat Conservation Division

Pacific Islands Region Habitat Blueprint

NOAA endorsed the Pacific Islands Region Habitat Blueprint Focus Areas of West Hawaii and Manell-Geus Guam in February 2014. The Pacific Islands NOAA family submitted a proposal to the NMFS Office of Habitat Conservation for funding to help implement the NOAA efforts in the focus areas. Any funding to come from this effort will be available in October 2014. Additionally, the Habitat Blueprint Co-chairs made a site visit to West Hawaii in April to meet with a cross section of partners to facilitate building an implantation plan for the West Hawaii site. These meetings were well received and provided significant incite to the opportunities for this effort. NOAA intends to internally define how each of the NOAA offices will contribute to the two focus areas while also reaching out to Federal, State, non-profit and community entities to form an integrated and collaborative effort. NOAA also met with Council staff in April 2014 to provide and update and continue to define opportunities where efforts can be partnered or supportive in both focus areas.

CNMI

PIRO is now implementing the Rota Creel Pilot project with a developing data stream. Staff also partnered with PIFSC to help process the CNMI Harbors Biosecurity Autonomous Reef Monitoring Structures (ARMS), where preliminary results did not identify any obvious matches to invasive motile marine organisms of concern. Field work was also successfully conducted this quarter around Tinian and Rota for the expanded reef resiliency study. Essential Fish Habitat (EFH) consultation and scope of projects review continue on the Mariana Islands Training Testing as well as the CNMI Joint Military Training efforts with the U.S. Navy and the U.S. Marines.

Guam

In Guam, PIRO staff have provided technical assistance for the response and salvage of a grounded fishing vessel in Apra Harbor, helped coordinate a climate change adaptation workshop, collected data to better understand sediment impacts on fish habitat, continued to expand the Guam Community Coral Reef Monitoring Program sites and partners, and provided support for the Habitat Blueprint Initiative. NMFS also received the supplemental

Environmental Impact Statement for proposed military building and is coordinating review with the Navy.

American Samoa

In American Samoa, efforts included facilitating a management plan review for the Faga'alu priority watershed with the village community and the Land-based Sources of Pollution working group; providing support to American Samoa Department of Marine and Wildlife Resources in conducting reef flat surveys for sea cucumbers to determine management measures on regulating the commercial export of sea cucumbers; assisting the local Coastal Management Program in the development of the Leone wetland management plan; contributing to the revision of the Fisheries Local Action Strategy, and facilitating the NOAA Coral Reef Conservation Program process in soliciting priorities and needs from the local management community for the upcoming FY15 Spend Plan to help improve coral reef management in American Samoa.

USAKA

PIRO continues to work under the U.S. Army Kwajalein Atoll (USAKA) Environmental standards completing environmental reviews as well as coral consultations. Recent efforts included working with the U.S. Coast Guard to evaluate servicing Aid to Navigation.

International Fisheries

PIRO staff attended and chaired the Western and Central Pacific Fisheries Commission (WCPFC) E-monitoring and E-reporting Workshop March 31-April 1, 2014 in Honiara, Solomon Islands. The workshop was held in response to a decision at WCPFC10 as a forum for further discussions on existing and future research involving E-reporting and E-monitoring. Nineteen member countries and participating territories were in attendance. A report on the meeting was circulated by the chair and will be considered at the tenth regular session of the Technical and Compliance Committee.

PIRO participated in the fourth meeting of the technical drafting group for the renegotiation of the South Pacific Tuna Treaty May 7-8, 2014 in Auckland, New Zealand. The meeting was focused on resolving a number of outstanding issues related to the current renegotiation of the Treaty and its associated documents. The next meeting of the technical drafting group is tentatively scheduled for July 2014 in Honiara, Solomon Islands.

PIRO staff plans to attend the eighty-seventh annual meeting of the Inter-American Tropical Tuna Commission (IATTC) July 14-18, 2014 in Lima, Peru.

PIRO staff will also attend the tenth regular session of the WCPFC Scientific Committee, August 6-14, 2014 in Majuro, Republic of Marshall Islands.

Observer Program

The coverage for 2014 (through April 2014) for the Deep Set fishery was 14.3%, and for the Shallow Set fishery was 100%. Forty-nine departures were observed, and 17 observers

deployed out of California. The coverage for the American Samoa Fishery was 14.8%. An observer training class was completed on May 12, 2014. Out of the 19 observer graduates, seven were from the Alu Like Program.

Indonesia

The PIRO Observer Program will host a capacity building workshop to establish an Indonesian national fishery observer program. New dates were identified for the 2014 workshop which will be held in Honolulu. A total of 10 Indonesian fisheries managers and scientists will participate. The workshop will address program policies, administration, data quality control procedures and developing observer trainers.

Korea

The PIRO Observer Program is collaborating with Korea in the development of an observer program for its domestic mackerel purse-seine fishery. PIRO will assist with the development of operational procedures, sampling design, and data needs of the fishery managers.

Marine National Monuments Program

Marianas Trench Marine National Monument

The Secretary of the Interior transferred the oil, gas, and other mineral deposit rights found in its 3-mile submerged lands to the CNMI Government in March 2014, with the exception of the submerged lands of the Islands Unit of the Marianas Trench Marine National Monument, and around Tinian and Farallon de Medinilla. These lands are to be temporarily withheld until management agreements can be completed with the Governor. Discussions on a memorandum of agreement between the Secretaries of Commerce, the Interior and the CNMI Government to transfer the 3-mile submerged lands around the islands of Maug, Asuncion, and Uracus in the Monument are to begin in June.

PIRO and U.S. Fish and Wildlife Service (USFWS) staff are making progress on development of the Marianas Trench Management Plan and Environmental Assessment. The goal is to have a draft plan available for public review this fall or winter. More information will be provided in the widely distributed NOAA/USFWS Planning Update in September.

The Marianas Trench Monument Advisory Council (MTMAC) held a quarterly teleconference meeting in March. The grounding of a Japanese pleasure vessel at Maug (December 2013) was discussed, and follow-up plans to coordinate response protocols with the U.S. Coast Guard for future incidents were made. The MTMAC visitor center sub-committee submitted its initial recommendations to NOAA and the USFWS, and the MTMAC requested support for soliciting recommendations from the public on the type, location, and potential funding sources. Plans are in development to do so through public listening sessions to be held this summer or fall. More information will be shared with the

Council as it becomes available. The next MTMAC meeting is scheduled for June 11, 2014.

Pacific Remote Islands Area Marine National Monument

PIRO completed 8 Essential Fish Habitat consultations for Special Use Permits submitted to USFWS for research to be conducted at Palmyra Atoll during the 2014 research season.

Rose Atoll Marine National Monument

In early March 2014, the Intergovernmental Committee for Rose Atoll held a conference call for the purpose of providing agency updates. One topic of discussion was planning for an in-person meeting of representatives of the different agencies to be held in American Samoa. The month of September was proposed. A date will be finalized during the next quarterly meeting.

Papahānaumokuākea Marine National Monument

As of the May 1, 2014 deadline, 30 applications for work in the Papahānaumokuākea Marine National Monument (PMNM) were submitted:

- 10 Conservation and Management (3 issued)
- 10 Research (1 issued)
- 6 Special Ocean Use
- 3 Native Hawaiian Practices
- 1 Recreational Activities (allowed only at Midway Atoll)

Six of these applications were submitted but subsequently withdrawn. PIFSC submitted one permit application for shark removal activities at French Frigate Shoals. All submitted PMNM permit applications will be reviewed by PIRO to ensure compliance with regulations pursuant to the Endangered Species Act, Marine Mammal Protection Act, and Magnuson Stevens Act. Three permit amendments were also submitted and approved.