

Status of Implementing the Reasonable and Prudent Measures and Terms and Conditions of the 2019 Biological Opinion for the Hawaii Shallow-set Longline Fishery

PIRO Sustainable Fisheries

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Introduction

On June 26, 2019, the National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO) completed a final biological opinion (2019 BiOp) on the effects of the continued operation of the Hawaii shallow-set pelagic longline fishery as managed under the existing regulatory framework of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP) and other applicable laws. Based on the analyses in the 2019 BiOp, NMFS concluded that the continued operation of the shallow-set fishery is not likely to jeopardize the continued existence of any ESA-listed species under NMFS jurisdiction.

However, because the fishery incidentally takes certain ESA-listed species through hooking and entanglement, NMFS, in the 2019 BiOp identified six Reasonable and Prudent Measures (RPM) it deemed necessary and appropriate to minimize the impacts i.e., amount or extent of the incidental take. NMFS also identified 23 non-discretionary Terms & Conditions (T&C) that set out the specific methods by which the RPMs are to be accomplished (e.g., who is to be educated when, for what, and how, the actions necessary to reduce predation, how to avoid the species, or monitoring protocols. The 23 T&Cs fell into five basic categories: regulatory changes, recommended research, outreach and education for fishermen, monitoring requirements and reporting needs. Upon receiving the 2019 BiOp, NMFS Sustainable Fisheries Division (SFD) formed the BiOp Action Team (BAT), consisting of staff from PIRO, NMFS Pacific Islands Fisheries Science Center (PIFSC) and the Western Pacific Fishery Management Council (Council) to address the RPMs and T&Cs.

Table 1 summarizes the current status of activities that the BAT is undertaking to implement the RPMs and T&Cs. Of the 23 T&Cs identified in the BiOp, 18 are now completed, or initiated and underway, four are on hold pending the completion of other ongoing research projects and/or availability of funding, and one is overdue.

Table 1. Summary and Status of the Activities Related to the RPMs and T&Cs in the 2019 BiOp.

RPM	Term and Condition	Type	Status	Implementation Method	Next Steps
1. Sea Turtle Mitigation	1a. Annual interaction limit for the leatherback sea turtle	Regulatory	Completed	FEP Amendment 10 (LB limit: 16)	None Required
	1b. Trip Limits	Regulatory	Completed	FEP Amendment 10 (LB Trip Limit: 2) (LH Trip Limit: 5)	None Required
	1c. Development of new mitigation measures (e.g., Turtle Watch)	Research	Pending	Joint effort between PIRO, PIFSC, and Council Staff	Pending completion of ongoing research and availability of funding.
	1d. Analysis of fleet behavior and interaction rates	Research	Overdue	SFD Internal Project	Preliminary analysis completed and under review.
	1e. Leatherback Workshop	Education	Initiated and Underway	Joint effort between PIRO, PIFSC, Council Staff, and Industry	Consult research into a final report
	1f. Analysis of post-interaction mortality of the leatherback sea turtle	Research	Pending	Joint effort between PIRO, PIFSC, Council Staff, and Industry	Pending completion of ongoing research and availability of funding.
	1g. Annual Report on the effectiveness of mitigation strategies	Reporting	Initiated and Underway	Incorporate into existing Pelagic SAFE Report	Pelagic SAFE report for 2021
	1h. Fishery Reopening	NA	Completed	NA	NA
2. Data Collection	2a. Observer Coverage	Monitoring/Data Collection	Completed	SFD OBS Operations Plan	None Required

RPM	Term and Condition	Type	Status	Implementation Method	Next Steps
Protocols	2b. Observer Collection Protocols	Monitoring/D ata Collection	Completed	SFD OBS Operations Plan	Update observer program database
	2c. Observer Quarterly and Annual Reports	Reporting	Completed	SFD OBS Operations Plan	Post OBS reports to intranet via HTML.
3. Protected Species Handling and Release	3a. Protected Species Workshops	Education	Completed	In-person and online workshops	None Required
	3b. Report on Protected Species Workshop Success	Reporting	Initiated and Underway	Incorporate into existing Pelagic SAFE Report	Pelagic SAFE report for 2020
	3c. Observer Training	Education	Completed	SFD OBS Operations Plan	None Required
	3d. Hook Removal and Line Cutters	Mitigation/Regulatory	Completed	50 CFR 665.812	None Required
	3e. Dip Nets	Mitigation/Regulatory	Completed	50 CFR 665.812	None Required
	3f. Bolt Cutters	Mitigation/Regulatory	Completed	50 CFR 665.812	None Required
	3g. Handling GMR	Mitigation/Education	Initiated and Underway	Protects Species Workshop and Outreach Materials	Development of handling and release illustrations for inclusion in the PSW handling and release guide.
	3h. Handling listed Sharks (WCPFC Measures)	Mitigation/Education	Completed	Protects Species Workshop and Outreach Materials	None Required
4. Sea Turtle Resuscitation	4a. Sea Turtle Resuscitation	Mitigation/Regulatory	Completed	50 CFR 665.812(3)	None Required
5. Retention of	5a. Sea turtles must be	Mitigation/	Completed	50 CFR 665.812(4)	None Required

RPM	Term and Condition	Type	Status	Implementation Method	Next Steps
Sea Turtle Carcass	released unless otherwise requested by NMFS	Regulatory			
6. Temporal and Spatial Data on Oceanic Whitetip Sharks and Giant Manta Rays	6a. Mitigation Measures	Research	Pending	Joint effort between PIRO, PIFSC, and Council Staff	Pending completion of research and availability of funding.
	6b. Mitigation Measures (cont.)	Research	Pending	Joint effort between PIRO, PIFSC, and Council Staff	Pending completion of research and availability of funding.