

National Marine Fisheries Service

Pacific Islands Regional Office



REPORT TO THE 189th WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING

The National Oceanic and Atmospheric Administration (NOAA), 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. 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 activities since the 187th Council meeting.

Main Hawaiian Islands Insular False Killer Whales

NOAA Fisheries recently published the Final Recovery Plan and accompanying Recovery Implementation Strategy for the endangered main Hawaiian Islands insular false killer whale distinct population segment. These plans will be used by federal and state agencies, researchers, fishermen, conservation partners, etc. to guide actions and funding for recovery of the species.

This is a notable achievement because it is the first of its kind in NOAA Fisheries to use the new 3-part recovery planning framework—that is, a Recovery Status Review, Recovery Plan, and Recovery Implementation Strategy. The Recovery Status Review provides all the detailed information on the species' biology, ecology, status and threats, and conservation efforts to date. This document will be updated as necessary with new information and used for various purposes, including 5-year reviews, section 7 consultations, and section 10 conservation plans. The Recovery Plan provides a high-level blueprint for how to conserve and recover this species while focusing on the statutory requirements of the ESA such as site-specific management actions; objective, measurable criteria; and estimates of the time and funding required to achieve the Plan's goals. Lastly, the Recovery Implementation Strategy is a flexible, operational document intended to assist with planning and implementing recovery actions. These stepped-down recovery activities can be adapted or modified as the science evolves to reflect changes in the information available as well as progress towards recovery.

This recovery planning model—including developing the recovery plan with stakeholder input from an informative and collaborative workshop rather than by a closed and independent recovery team—has been the prototype for at least four recovery planning

workshops led out of not only the Pacific Islands Region (15 species of Indo-Pacific corals) but also the Office of Protected Resources (Pacific and Atlantic oceanic whitetip shark), and the Southeast Regional Office (Rice's whale [néé Bryde's whale (Gulf of Mexico subspecies)]).

RULEMAKING

In July 2021, NMFS approved separate specified fishing agreements between the Hawaii Longline Association (HLA) and the governments of the Commonwealth of the Northern Mariana Islands (CNMI) and American Samoa. On August 30, 2021, NMFS began attributing bigeye tuna catch to the CNMI. If HLA harvests the entire 1,500 t allowed by the agreement, NMFS will begin attributing catches to American Samoa.

On September 28, 2021, NMFS published a final rule to enhance the protection of Hawaiian spinner dolphins and prevent their disturbance. This rule prohibits swimming with, approaching, or remaining within 50 yards of a Hawaiian spinner dolphin, including approach by interception, or placing a vessel, person, or other object in the path of a Hawaiian spinner dolphin so that the dolphin approaches within 50 yards. The final rule applies within 2 nautical miles from shore of the MHI and in designated waters bounded by the islands of Lanai, Maui, and Kahoolawe.

On September 28, 2021, NMFS published a proposed rule to establish time-area closures at five sites in the MHI. The proposed rule would establish mandatory time-area closures of Hawaiian spinner dolphins' essential daytime habitats from 6 a.m. to 3 p.m. daily in areas of Kealahou Bay, Honaunau Bay, Kauhako Bay (Hookena), and Makako Bay on Hawaii Island, and La Perouse Bay on Maui. NMFS is accepting comments on the proposed rule through December 27, 2021.

On October 7, 2021, NMFS issued a proposed rule (86 FR 55790) for public review and comment that would establish fish aggregating device (FAD) design requirements, International Maritime Organization (IMO) number requirements, and bycatch restrictions for sharks and rays. This rule applies to owners and operators of U.S. fishing vessels used for commercial fishing in the Convention Area of the Western and Central Fisheries Commission. The public comment period closed on November 8, 2021.

On October 7, 2021, NMFS implemented Amendment 9 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific to modify the American Samoa longline fishery limited entry program (86 FR 55743). The final rule consolidates vessel size classes into small (< 50 ft) and large (≥ 50 ft) vessels, limits permit eligibility to U.S. citizens and nationals, and reduces to 500 lb the 3-yr minimum harvest requirement for small vessels. The intent of this rule is to reduce regulatory barriers that may be limiting small vessel participation in the fishery, and provide for sustained community and American Samoan participation in the fishery. The rule was effective November 8, 2021. NMFS reissued permits to current permit holders consistent with the new vessel class sizes, while retaining their original expiration dates.

On October 27, 2021, NMFS published proposed fishing year 2022 catch limits of 2,000 t of longline-caught bigeye tuna for each of American Samoa, Guam, and the CNMI (86 FR 59357). Each territory may allocate up to 1,500 t of their catch to U.S. longline vessels through specified fishing agreements, although the overall allocation limit among all territories may not exceed 3,000 t. The comment period on the proposed action ended November 12, 2021; NMFS is considering comments and preparing the final specifications.

On November 1, 2021, NMFS published a proposed rule to implement an annual catch limit (ACL) of 492,000 lb for main Hawaiian Islands (MHI) Deep 7 bottomfish for fishing years 2021-22, 2022-23, and 2023-24 (86 FR 60194). As an in-season accountability measure (AM), if NMFS projects that the fishery will reach the ACL in any given fishing year, NMFS would close the commercial and non-commercial fisheries in Federal waters for the remainder of the fishing year. As a post-season AM, if NMFS determines that the catch exceeded the ACL in a fishing year, NMFS would reduce the ACL for the following fishing year by the amount of the overage. The proposed rule supports the long-term sustainability of MHI Deep 7 bottomfish. The comment period for the proposed rule ended November 16, 2021; NMFS is considering comments and preparing the final rule.

On November 15, 2021, NMFS published a notice of availability for Amendment 6 to the Fishery Ecosystem Plan for the Mariana Archipelago to establish a rebuilding plan for the Guam bottomfish stock complex (86 FR 62982). The plan includes an ACL of 31,000 lb from both Federal and territorial waters that would remain in place until the stock complex is rebuilt, which is expected to take eight years. As an in-season AM, if NMFS projects that the fishery will reach the ACL in any fishing year, NMFS would close the fishery in Federal waters for the remainder of that year. As a post-season AM, if subsequent analysis indicates that the fishery exceeded the ACL during a fishing year, NMFS would close the fishery in Federal waters until NMFS and the Territory of Guam implement a coordinated management regime to ensure that the catch in both Federal and territorial waters is maintained at levels that allows the stock to rebuild. This action is necessary to rebuild the overfished stock consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. NMFS must receive comments by January 14, 2022. NMFS expects to publish a proposed rule for public comments soon.

PROGRAM ACTIVITIES

International Fisheries

NMFS participated in the 17th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee hosted virtually from October 5-7, 2021. NC17 recommended that the WCPFC adopt a revised conservation and management measure for Pacific bluefin tuna and adopt revisions to the harvest strategy for Pacific bluefin tuna fisheries.

NMFS staff participated in the Pacific Community's (SPC) 4th Regional Technical Meeting on Coastal Fisheries and Aquaculture, from October 11-14, 2021. PIRO staff coordinated with the Territories in participating in the Pacific Community's (SPC) 4th Regional Technical Meeting on Coastal Fisheries and Aquaculture, from October 11-14, 2021. Opportunities for further engagement on coastal fisheries and aquaculture were identified, including technical support and partnership on these issues among the Pacific Island Countries and Territories.

NMFS staff hosted a teleconference of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the WCPFC, on October 13-15, 2021. The PAC provided recommendations on a number of topics that will be considered by the WCPFC at its regular annual session in December, including tropical tunas, Pacific bluefin tuna, North Pacific striped marlin, South Pacific albacore, cetaceans, sharks, the regional observer program, crew labor safety, and at-sea transshipment. In particular, the PAC discussed the development of a new tropical tuna measure, including bigeye tuna catch limits for longline fisheries, effort and fish aggregating device (FAD) controls in purse seine fisheries, and impacts of current and proposed conservation and management measures on the economy of American Samoa, which is heavily dependent on deliveries of fish from purse seine vessels to its cannery.

NMFS staff participated in the resumed 98th Meeting of the Inter-American Tropical Tuna Commission (IATTC) hosted virtually from October 18-22, 2021. The IATTC adopted measures on tropical tunas, Pacific bluefin tuna, and port State inspections, among other matters.

NMFS staff participated in a workshop to develop a risk-based assessment framework to guide the WCPFC's monitoring of compliance by its members hosted virtually on November 10, 2021.

NMFS staff led the WCPFC intersessional working group on transshipment, in its review of minimum data standards for transshipment reporting forms.

Sustainable Fisheries

As of November 10, 2021, observer coverage is 18 percent in the Hawaii deep-set longline fishery. Coverage in the Hawaii shallow-set longline fishery is 100 percent. After more than a year's hiatus, NMFS has resumed placing observers on American Samoa longline vessels. Coverage in the American Samoa longline fishery is 3 percent. More information about the Observer Program is at www.fisheries.noaa.gov/pacific-islands/pacific-islands-region-observer-program.

NMFS staff continue to participate in national programs that support efforts to improve the management and sustainability of U.S. fisheries, including the Fisheries Information System (FIS) Program. In October, FIS announced funding for four projects supporting for the NMFS Pacific Islands Region. These include support for testing cameras to electronically monitor protected species interactions, development of an electronic

reporting application for observers, modernization of territorial databases, and support of the CatchIt-LogIt app suite for American Samoa, Guam, and the CNMI. More information is at www.fisheries.noaa.gov/national/commercial-fishing/fisheries-information-system-program.

NMFS continues to provide required annual Protected Species Workshop (PSW) training to the longline fleet. From January 1 through November 1, 2021, NMFS completed 267 PSW certifications for Hawaii and American Samoa pelagic longline vessel owners and operators. NMFS offers an online PSW recertification training that may be taken two out of every three years. NMFS also offers in-person live webinar PSW certification courses every Friday morning for all vessel owners and operators participating in the Hawaii and American Samoa permitted pelagic longline fishery.

NMFS continues to update information on fish catch limits at www.fisheries.noaa.gov/pacific-islands/commercial-fishing/pacific-islands-annual-catch-limits.

NMFS continues to manage fisheries in consideration of status changes and incidental take events of protected species. Information about interactions between the Hawaii shallow-set longline fishery and sea turtles is at www.fisheries.noaa.gov/pacific-islands/bycatch/sea-turtle-interactions-hawaii-shallow-set-longline-fishery.

NMFS continues to process all applications for fishing permits in the region electronically. Application and payment instructions for all permit types are at www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-fishing-permits. Applicants may also contact NMFS for individual assistance at piro-permits@noaa.gov or (808) 725-5190. Current fishing permit status, applications, and other information are available at www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-permit-holders.

Permits as of November 15, 2021:

Permit	Number
Pelagic	
Hawaii longline (limited entry)	148 (of 164)
American Samoa longline (limited entry)	42 (of 60)
Western Pacific general longline	-
Receiving vessel	3
Pacific Remote Island Areas troll & handline	-
Pelagic squid jig	-
Experimental fishing permit	-
Hawaii	
Main Hawaiian Islands non-commercial bottomfish	-
Special coral reef ecosystem	1
Precious coral	-

Crustaceans	3 (shrimp)
American Samoa	
Special coral reef ecosystem	-
Precious coral	-
Crustaceans	-
Mariana Islands	
Guam large vessel bottomfish	-
Northern Mariana Islands bottomfish	8
Special coral reef ecosystem	-
Precious coral	-
Crustaceans	-
Pacific Remote Island Areas	
Bottomfish	-
Special coral reef ecosystem	-
Precious corals	-
Crustaceans	-
Monuments	
Non-commercial and recreational charter	-

Protected Resources

NMFS observers have recorded 13 interactions with false killer whales in the deep-set longline fishery in 2021. Three false killer whale interaction occurred inside the U.S. exclusive economic zone (EEZ) and ten interactions occurred outside the EEZ. One of the interactions inside the EEZ resulted in a mortality and two interactions in the EEZ resulted in serious injuries. Based on the new abundance estimate of the pelagic stock of false killer whales and resulting new potential biological removal (PBR) (16 whales), the trigger value for the Southern Exclusion Zone closure is four observed mortality or serious injuries of false killer whales incidental to the deep-set longline fishery within the EEZ (85 FR 81184). The False Killer Whale Take Reduction Team convened on October 27, 2021 to discuss the draft report from the study evaluating catch retention of 4.2 and 4.5 mm diameter hooks.

Habitat Conservation

NMFS staff located in American Samoa, CNMI, Guam, and Hawaii continue to work with local and Federal resource partners to implement local projects that prioritize the management and conservation of coral reefs and other valuable habitats in the Pacific Islands Region, as part of the NMFS Coral Reef Program and an extension of the NOAA Coral Reef Conservation Program (CRCP).

In American Samoa, NMFS continues to provide support to the Department of Marine and Wildlife Resources (DMWR) and local resource partners to develop a Sustainable Jurisdictional Coral Reef Fisheries Management Plan (JCR-FMP). NMFS coordinated with local agencies to develop best management practices through facilitating community outreaches to reduce village-based impacts to coral reefs from debris and sediment runoff, by applying a ridge-to-reef management approach. NMFS continues to support the implementation of the American Samoa Coral Restoration Action Plan. NMFS also continues to coordinate and support related initiatives to conserve coral reefs and promote stewardship of marine resources in American Samoa.

In the CNMI, NMFS continues to oversee the growth and management of the Saipan Coral Nursery Pilot Project and serve as the technical monitor for the first project designed to test coral sexual propagation techniques in the jurisdiction. NMFS is coordinating funding, reviewing methods, and identifying partners for reef resilience surveys that are planned for Rota and Tinian in 2022. The study will examine demonstrated resilience at forereef sites around each island, building upon the baseline study published in 2015. NMFS continues to collaborate on multiple coastal resilience and marine debris projects, funded in response to recovery efforts following Super Typhoon Yutu (October 2018).

In Guam, NMFS continues to enable the development of Guam's JCR-FMP by providing a foundational document and appropriate guidance to the Division of Aquatic and Wildlife Resources (DMWR) in setting sustainable fishery targets and baseline conditions of coral reef fisheries and associated habitats. Additionally, NMFS continues to build local capacity in the application of nature-based solutions as a multifaceted approach for mitigating hazards while supporting social, economic, and environmental benefits of the coral reef ecosystem. NMFS recently attended a coastal erosion hazard scoping meeting and provided comments on the proposed gray and green hybrid installation of a submerged wave break.

In Hawaii, NMFS continues to provide technical assistance and support to the Department of Land and Natural Resources and Division of Aquatic Resources (DLNR-DAR) for sustainable coral reef fisheries management, coastal protection, and coral restoration. Recruitment is underway to fill the vacant NMFS Hawaii Fisheries Extension Agent contractor position. NMFS also continues to co-coordinate the Pacific Islands Managed and Protected Areas Community (PIMPAC) that supports capacity-building activities in the U.S. Pacific Flag Islands and Freely Associated States of Micronesia for adaptive management planning, biological and socioeconomic monitoring, enforcement, fisheries management, and environmental law. PIMPAC trainers recently assisted partners in Yap to complete an enforcement training. Also, PIMPAC is currently supporting an environmental law intern from the University of Hawaii, who is working remotely with Guam's Office of the Attorney General.

NMFS's public comment period on the Mariana Trench Marine National Monument (MTNM) Draft Management Plan and Environmental Assessment comment period closed on July 26, 2021. NMFS held virtual public meetings Guam and the CNMI during the first two weeks of June 2021. NMFS received over 50 public comments. NMFS will

address these comments in the Final Management Plan, which is anticipated to be complete by mid-2022.

NMFS and the U.S. Fish and Wildlife Service are making progress in preparing the Pacific Remote Islands Marine National Monument Management Plan. NMFS will publish an updated Notice of Intent to prepare the management plan, adding in the 2014 expanded areas, in the Federal Register by the end of 2021.

NMFS staff have conducted 17 essential fish habitat (EFH) consultations since August 18, 2021, including the Army's Kawaihae Harbor dolphin project, the U.S. Army Corps of Engineers' (USACE) maintenance dredging project in Haleiwa Harbor, two submerged telecommunications cable projects in Guam (USACE), a green infrastructure pilot project at the Heeia National Estuarine Research Reserve, and the Federal Aviation Administration's SpaceX activities. The telecommunications cable consultations should result in a substantial effort by the permit-Applicant to avoid, minimize, and offset adverse effects to EFH, including relocation of corals and securing loose corals outside of the immediate project area.

Lastly, NMFS continues to participate in the interagency response for planning and restoration of coral reef along the Honolulu Harbor Entrance channel, which was damaged during a recent USACE maintenance dredging activity.