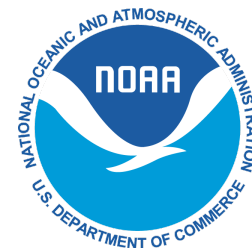


National Marine Fisheries Service

Pacific Islands Regional Office



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## REPORT TO THE 187th 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 186th Council meeting.

### **RULEMAKING**

On June 11, 2021, NMFS issued an interim final rule (86 FR 31178) to establish a framework to implement short-notice decisions of the WCPFC. Using the framework established in the interim final rule, NMFS issued temporary specifications to implement three short-notice WCPFC decisions on purse seine observer coverage, at-sea transshipment observers, and purse seine transshipment at sea, which are in effect until September 14, 2021.

On June 17, 2021, NMFS established the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands for calendar year 2021 at zero lobsters (86 FR 32239).

On June 21, 2021, NMFS published a final temporary rule (86 FR 32361) to implement an interim catch limit (ICL) of 13,000 lb. (5,897 kg) of American Samoa bottomfish in fishing year 2021. As an accountability measure, NMFS will monitor catches, and if the fishery reaches the ICL within the fishing year, we will close the fishery in Federal waters through November 18, 2021. This temporary rule extends the interim measures implemented by NMFS (November 16, 2020, 85 FR 56208), which expired on May 17, 2021, and is necessary to reduce overfishing of American Samoa bottomfish while the Council develops a long-term plan to address overfishing and rebuild the fishery.

On June 30, 2021, NMFS published the notice of availability for Amendment 9 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (86 FR 34711). If approved, Amendment 9 would modify the American Samoa longline limited entry program by consolidating vessel class sizes, modifying permit eligibility requirements, and reducing the minimum harvest requirements for small vessels in the longline fishery. The intent of Amendment 9 is to reduce regulatory barriers that may be limiting small vessel participation in the fishery, and provide for sustained community and indigenous American Samoan

participation in the fishery. The comment period for Amendment 9 ended on August 30, 2021. The Secretarial Decision deadline is September 29, 2021. On July 19, 2021, NMFS published a proposed rule (86 FR 37982) that would implement the regulatory changes proposed in Amendment 9. The comment period for the proposed rule ended on September 2, 2021.

On July 7, 2021, NMFS issued a final rule (86 FR 35653) establishing requirements to safeguard fishery observers and establishing pre-trip notification procedures for observer placement. This rule applies to fishing trips operating under WCPFC Regional Observer Programme.

On July 15, 2021, NMFS approved a specified fishing agreement between the CNMI and the Hawaii Longline Association. That agreement allows the CNMI to allocate 1,500 t of bigeye tuna to identified U.S. fishing vessels. NMFS forecasted that the fishery would reach the U.S. bigeye tuna limit of 3,554 t by September 6, 2021, and began attributing catch to the CNMI on August 30, 2021.

On July 16, 2021, NMFS approved a specified fishing agreement between American Samoa and Hawaii Longline Association (HLA). The agreement allows American Samoa to allocate 1,500 t of bigeye tuna to identified U.S. fishing vessels. If the fishery reaches the CNMI allocation before the end of 2021, NMFS will start attributing catch to American Samoa.

On August 5, 2021, NMFS published a final rule to require the use of electronic logbooks in the Hawaii longline fisheries and on Class C and D vessels in the American Samoa longline fishery. This rule is effective on September 7, 2021, but will apply to a specific vessel only after the NMFS assigns an electronic logbook to the vessel and trains the captain on its use. NMFS will provide hardware, training, and associated communications at no cost to fishermen. The intent is to reduce human error, improve data accuracy, save time, and provide more rigorous monitoring and forecasting of catch limits.

On August 5, 2021, NMFS announced the approval of a three-year Marine Conservation Plan (MCP) for American Samoa (86 FR 42792). The MCP identifies priority conservation and management projects using funds from the Western Pacific Sustainable Fisheries Fund. The MCP is valid from July 25, 2021, through July 24, 2024.

## **PROGRAM ACTIVITIES**

### **International Fisheries**

#### ***Spotlight On: Developing a WCPFC Conservation and Management Measure on Crew Labor Standards***

NMFS is supporting the Acting Deputy Assistant Secretary for International Fisheries (DAS) in efforts to develop a WCPFC conservation and management measure (CMM) for crew labor standards.

The WCPFC agreed to a non-binding resolution on labor standards for crew on fishing vessels in 2018. Indonesia put forward a proposal for a binding WCPFC CMM on labor standards at the

17th Regular Session of the WCPFC in 2020, and the WCPFC agreed to progress work on this matter during the intersessional period.

Representatives from Indonesia and New Zealand are leading the intersessional work and hosted an online workshop discussion on July 12, 2021. Participants at the workshop reviewed language in a draft proposal, which included provisions for crew working conditions as well as crew safety. WCPFC members offered disparate views on specific language, including how different responsibilities for flag States and port States should be treated, which existing standards to reference (e.g., standards developed by the International Labour Organisation), as well as how much language to include from the existing WCPFC observer safety CMM. The United States proposed that the CMM should focus on crew safety, human trafficking, and forced labor.

The United States delegation of 10, led by the DAS, included representatives from NOAA, Department of State, U.S. Coast Guard, and industry, including Hawaii Longline Association. Discussions will continue via email and a second workshop may be held later this summer in the hopes of developing a proposal for consideration by the WCPFC Technical and Compliance Committee at its 17th Regular Session.

### ***Other Activities***

Coordinating closely with American Samoa officials, NMFS led the United States' participation in a meeting of the WCPFC south Pacific albacore roadmap intersessional working group hosted virtually on June 25, 2021.

NMFS participated in a workshop on labor standards for crews on fishing vessels in WCPFC hosted virtually on July 13, 2021.

NMFS led the U.S. delegation to the Sixth Inter-American Tropical Tuna Commission/WCPFC/Northern Committee Joint Working Group Meeting on the Management of Pacific bluefin tuna hosted virtually from July 27-29, 2021.

NMFS participated in the 17<sup>th</sup> Regular Session of the WCPFC Scientific Committee hosted virtually from August 11-19, 2021. The Scientific Committee reviewed stock assessments for south Pacific albacore, southwest Pacific blue shark, southwest Pacific swordfish, and Pacific blue marlin.

NMFS participated in the 98<sup>th</sup> Meeting of the IATTC hosted virtually from August 23-27, 2021.

PIRO staff will participate in the second WCPFC tropical tuna management workshop hosted virtually from September 6-10, 2021.

PIRO staff will participate in the 17<sup>th</sup> Regular Session of the WCPFC Technical and Compliance Committee hosted virtually from September 22-28, 2021.

### **Sustainable Fisheries**

From June through August 2021, NMFS completed National Environmental Policy Act compliance reviews and analyses for 31 regional grants totaling over \$3 million across four funding programs – Marine Education and Training, Saltonstall-Kennedy, Pacific Islands Region Sustainable Recreational and Non-Commercial Fishing, and the Western Pacific Sustainable Fisheries Fund. These programs provide critical support for fishing communities to optimize economic benefits through sustainable fisheries management, increase both commercial and noncommercial fishing opportunities, provide essential education and training in fisheries management, conservation and industry, and preserve traditional fishing practices and culture.

As of August 3, 2021, observer coverage is 17% (164 of 983 trips) in the Hawaii deep-set longline fishery. Coverage in the Hawaii shallow-set longline fishery is 100% (46 of 46 trips). In American Samoa, NMFS has not been able to deploy an observer on any of the 22 longline trips. More information about the Observer Program is available at:

[www.fisheries.noaa.gov/pacific-islands/pacific-islands-region-observer-program](http://www.fisheries.noaa.gov/pacific-islands/pacific-islands-region-observer-program).

On August 5, 2021, the 90-day public comment period closed for the draft programmatic environmental impact statement (DPEIS) that NMFS published on May 7, 2021. The DPEIS, for a potential offshore aquaculture management program in the Pacific Islands, analyzes the potential environmental effects of various management alternatives. Public comments are available for review at: [www.regulations.gov/document/NOAA-NMFS-2021-0044-0003](http://www.regulations.gov/document/NOAA-NMFS-2021-0044-0003). NMFS also recorded verbal comments at four virtual public meetings in June 2021. NMFS and Council staff are reviewing all comments and preparing responses for inclusion in a final PEIS, expected to publish later this year.

NMFS staff continue to participate in national programs that support efforts to improve management and sustainability of U.S. fisheries, including the Bycatch Reduction Engineering Program (BREP) and the Fisheries Information System (FIS) Program. FY22 BREP proposals were due April 2, 2021, and NMFS will announce awards soon. More information is available at: [www.fisheries.noaa.gov/national/bycatch/bycatch-reduction-engineering-program](http://www.fisheries.noaa.gov/national/bycatch/bycatch-reduction-engineering-program). FY22 FIS proposals were due June 25, 2021, and NMFS staff are currently reviewing these proposals. NMFS anticipates announcing proposals selected for funding in September 2021. More information is available at:

[www.fisheries.noaa.gov/national/commercial-fishing/fisheries-information-system-program](http://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 August 15, 2021, NMFS completed 174 PSW certifications for Hawaii fishermen and 22 certifications for fishermen in American Samoa. NMFS offers an online PSW recertification training that vessel operations may take two out of every three years. NMFS also offers in-person live webinar PSW certification courses every Friday morning, including American Samoa.

NMFS is updating its protected species “Handling, Release, and Identification Guidelines for Pacific Islands Pelagic Fisheries” to add giant manta rays. NMFS also is developing animated handling and release videos for all protected species groups. These outreach and education tools will improve protected species workshop instruction for vessel owners and operators, and expand crew training efforts by NMFS and the fishing industry. More information is available at: [www.fisheries.noaa.gov/pacific-islands/commercial-fishing/pacific-islands-protected-species-workshops](http://www.fisheries.noaa.gov/pacific-islands/commercial-fishing/pacific-islands-protected-species-workshops).

NMFS continues to update information on fish catch limits at:  
[www.fisheries.noaa.gov/pacific-islands/commercial-fishing/pacific-islands-annual-catch-limits](http://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 available at:  
[www.fisheries.noaa.gov/pacific-islands/bycatch/sea-turtle-interactions-hawaii-shallow-set-longline-fishery](http://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. NMFS does not accept paper applications or payments. Application and payment instructions for all permit types are available at:  
[www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-fishing-permits](http://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](mailto: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](http://www.fisheries.noaa.gov/pacific-islands/resources-fishing/pacific-islands-permit-holders). Permits as of August 18, 2021:

Permit	Number
<b>Pelagic</b>	
Hawaii longline (limited entry)	148 (of 164)
American Samoa longline (limited entry)	43 (of 60)
Western Pacific general longline	0
Receiving vessel	3
Pacific Remote Island Areas troll & handline	0
Pelagic squid jig	0
Experimental fishing permit	1 (tori lines)
<b>Hawaii</b>	
Main Hawaiian Islands non-commercial bottomfish	0
Special coral reef ecosystem	1
Precious coral	0
Crustaceans	3 (shrimp)
<b>American Samoa</b>	
Special coral reef ecosystem	0
Precious coral	0
Crustaceans	0
<b>Mariana Islands</b>	
Guam large vessel bottomfish	0
Northern Mariana Islands bottomfish	11
Special coral reef ecosystem	0
Precious coral	0
Crustaceans	0
<b>Pacific Remote Island Areas</b>	
Bottomfish	0

Special coral reef ecosystem	0
Precious corals	0
Crustaceans	0
<b>Monuments</b>	
Non-commercial and recreational charter	0

### **Protected Resources**

On October 16, 2020, NMFS published draft recovery planning components for the main Hawaiian Islands insular false killer whale (MHI IFKW) (85 FR 65791). At that time, NMFS also announced the initiation of a 5-year review for the MHI IFKW to determine if an endangered listing is still appropriate. These documents are posted on the false killer whale species profile page: <https://www.fisheries.noaa.gov/species/false-killer-whale#conservation-management>. The final Recovery Plan and Recovery Implementation Strategy are currently in internal NMFS review, with plans to publish in 2021. We also plan to finalize the 5-year review in 2021.

On April 15, 2021, NMFS published a positive 90-day finding on a petition to list the shortfin mako shark (*Isurus oxyrinchus*) as threatened or endangered under the Endangered Species Act (ESA), finding that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. The public comment period closed on June 14, 2021. NMFS is initiating a status review of the species to determine whether listing under the ESA is warranted.

On July 30, 2021, NMFS published a Notice of Availability of the Final Environmental Impact Statement (FEIS) for Enhancing Protections for Hawaiian Spinner Dolphins. This FEIS analyzes the environmental, social, and economic effects of proposed actions to enhance protections for Hawaiian spinner dolphins and reduce the impact of viewing and interaction on these animals. The preferred alternative identified in the FEIS (Alternative 3A) is to adopt regulations to prohibit swimming with and approaching within 50 yards of Hawaiian spinner dolphins that would apply within 2 nautical miles of the Main Hawaiian Islands and in designated waters bounded by Lanai, Maui, and Kahoolawe. NMFS is also considering establishing time-area closures in certain bays on the islands of Hawai'i and Maui, as presented in Alternative 4 of the FEIS. If NMFS decides to proceed and issue a proposed rule on time-area closures, the agency will seek public comments under a separate rulemaking. Publication of the FEIS begins a 30-day public review period. Following the review period, NMFS will make a final decision regarding the proposed action and complete a Record of Decision.

NMFS observers have recorded nine interactions with false killer whales in the deep-set longline fishery to date in 2021. Three false killer whale interactions occurred inside the U.S. exclusive economic zone (EEZ) and six 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. 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).

### **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 provides support and assistance 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) for territorial waters. NMFS has been participating in multiple FishPath tool training sessions to understand the tool and determine different management options and best approaches to support the American Samoa JCR-FMP efforts. As a member of the American Samoa Coral Restoration Team, NMFS provided technical support to develop the American Samoa Coral Restoration Action Plan. NMFS collaborates with DMWR's Coral Reef Advisory Group (CRAG) to update the Faga'alu watershed management plan. NMFS continues to coordinate with local resource partners in planning and facilitating community outreach meetings on best management practices to minimize land-based sources of pollution that impacts coastal ecosystems.

In the CNMI, NMFS continues to oversee the growth and management of the Saipan Coral Nursery Pilot Project and is a technical monitor for the first project designed to test coral sexual propagation techniques in the jurisdiction. NMFS completed mentoring two Hollings Scholar interns, who worked this summer on projects applying Structure from Motion (SfM) techniques at coral out-planting sites, and on a preliminary study examining coral larvae settlement substrate preferences. NMFS continues to collaborate on multiple coastal resilience and marine debris projects, recently funded in response to recovery efforts following Super Typhoon Yutu (October 2018), including the removal of the grounded Fishing Vessel Lady Carolina, which was completed in July 2021.

In Guam, NMFS continues to assist the Division of Aquatic and Wildlife Resources (DAWR) with the development of its JCR-FMP for territorial waters. Subgroups representative of individual sectors have been formed and are collecting information and data to support the JCR-FMP. NMFS also continues to explore hazard mitigation assistance for Guam using natural or green infrastructure, such as living shorelines, and is coordinating with local agencies to bridge a connection between Guam's hazard mitigation and coral restoration plans. NMFS is also in the beginning phase of completing the original intent of its Friends of the Reef Guam (FOR-Guam) project, by transitioning project ownership to Guam's Department of Agriculture by 2022 or 2023.

In Hawaii, NMFS continues to provide technical assistance and support to the Department of Land and Natural Resources (DLNR) on sustainable fisheries management and enforcement programs. NMFS also continues to provide support through the Hawaii Fisheries Extension Program (HFEP), to serve as an information conduit to fishers, managers, and scientists. In July, the HFEP facilitated a Scientist and Fisherman Exchange (SAFE) meeting, which focused on fisher engagement and participation in management. NMFS also continues to co-coordinate the Pacific Islands Managed and Protected Areas Community (PIMPAC), which supports capacity-building activities in the U.S. Pacific Flag Islands and Freely Associated States for adaptive management planning, biological and socioeconomic monitoring, enforcement and fisheries management. PIMPAC hosts monthly coordination calls. July's call focused on a

presentation by Cole Hendrickson, Database Manager at the Hawaii Division of Conservation and Resources Enforcement (DOCARE), on the management of the Division's database on enforcement operations in natural resource-related rules and regulations.

The Mariana Trench Marine National Monument (MTMNM) Draft Management Plan and Environmental Assessment comment period closed on July 26, 2021 after an extended open public comment period. NMFS and U.S. Fish and Wildlife Service (USFWS) held virtual public meetings in Guam and CNMI during the first two weeks of June 2021. NMFS and USFWS received over 50 public comments, which will be addressed in the final management plan, anticipated to be complete by the end of 2021.

The Papahānaumokuākea Marine National Monument (PMNM) co-management agencies recently published and released *Mai Ka Pō Mai*, a Native Hawaiian guidance document for incorporating traditional ecological knowledge and Hawaiian culture and language into management and scientific activities. *Mai Ka Pō Mai* reflects community voices through the PMNM Native Hawaiian Cultural Working Group as well as a long-standing desire from the co-management agencies to better understand and emulate Native Hawaiian values and knowledge systems in a way that advances NOAA's mission and goals. The document will serve as a foundation for management planning efforts going forward.

NMFS staff have consulted on 23 essential fish habitat (EFH) consultations since May 1, 2021, including the Navy's Underwater Electromagnetic Measuring System (UEMS) project at Naval Base Guam, maintenance dredging in Kahului and Kaunakakai Harbors (U.S. Army Corps of Engineers (USACE)), U.S. Coast Guard riprap repairs and trainings, and various special use permits in Monuments (USFWS). The UEMS consultation will result in a substantial effort by the Navy to avoid, minimize, and offset adverse effects to EFH, including relocation of thousands of corals and habitat restoration in Apra Harbor.

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.