

Recent Fishery Closures & Interruptions Due to Federal Agency Delays

Closure/Interruption Dates	Reason for Closure/Interruption	Closure or Interruption Description and Affected Fishery
Aug. 5 – Oct. 9, 2015 (65 days)	Administrative processing	Hawaii longline fishery closure in the Western and Central Pacific (WCPO) and Eastern Pacific. Council took action in March 2015 to recommend specification of US Participating Territory bigeye limits pursuant to Pelagic Fishery Plan (FEP) Amendment 7; rulemaking process not completed before WCPO limit reached.
July 22 – Aug. 9, 2016 (50 days)	Administrative processing	Hawaii longline fishery closure in the WCPO. Council took action on 2016 US Participating Territory bigeye specifications in October 2015; rulemaking process not completed before WCPO limit reached.
Sept. 1 – Oct. 13, 2017 (43 days)	Administrative processing and errors	Hawaii longline fishery closure in the WCPO. Council took action on 2017 US Participating Territory bigeye specifications in October 2016; rulemaking process not completed before WCPO limit reached. NMFS Regional Office briefed NMFS HQ officials that reason for delay was to ensure sufficient quota for the end of the year; however, all three Territory agreements were in place with a total of 3,000 mt available.
May 8 – Dec. 31, 2018 (237 days)	Settlement agreement	Hawaii shallow-set longline fishery closure due to settlement agreement resulting from 9 th Circuit Court decision on the 2012 Biological Opinion (BiOp) pursuant to Section 7 of the Endangered Species Act (ESA).
March 19 – Dec. 31, 2019 (288 days)	ESA consultation delay	Hawaii shallow-set longline fishery closure due to fishery reaching low loggerhead turtle hard cap of 17 pursuant to settlement and based on old 2004 BiOp. Council-recommended loggerhead hard cap of 37 could have been implemented on or around Mar. 15, 2019, had the NMFS Regional Office completed new BiOp by its original deadline on Oct. 31, 2018. The delayed BiOp was completed on June 26, 2019.
May 2018 – present (>26 months)	ESA consultation delay & Administrative processing	Hawaii shallow-set longline fishery subject to low loggerhead turtle hard cap of 17 since May 2018 pursuant to settlement, which was intended as a temporary measure. At the time, new BiOp was anticipated in Oct 2018, with higher hard caps based on the Council's June 2018 recommendation (Pelagic FEP Amendment 10) anticipated to be implemented by early 2019. BiOp completion was delayed until June 2019. Rulemaking for Amendment 10 occurred in early 2020, but final rule pending as of July 2020 due to NMFS delays in addressing public comment, and the fishery continues to be restricted under the low hard cap.
Sept. 2017- present (>34 months)	Litigation, lack of agency prioritization & ESA consultation delays	American Samoa longline fishery not able to fully operate in US Exclusive Economic Zone (EEZ) since September 2017 when NMFS, pursuant to a court order, removed a regulatory exemption that allowed American Samoa longline vessels (> 50 ft length) to fish in portions of the large vessel prohibited area (LVPA), specifically in waters 12-50 miles from the main port of Tutuila. Council subsequently recommended a new exemption to the LVPA in June 2018, but implementation has been delayed due a combination of the appeals process, lack of agency prioritization, and ESA consultation delays.
March 2018 - present (>28 months)	Lack of agency prioritization	American Samoa longline fishery operating under unnecessary trip limits since March 2018 when the Council took action for an American Samoa Longline Swordfish Trip Limit Regulatory Amendment which would allow the fishery to retain swordfish under relaxed limits. Rulemaking delayed due to lack of prioritization by NMFS Regional Office. Delay in implementing this action results in continued economic impacts from unnecessary trip limit in an economically distressed fishery.
Feb. 2019-present (>17 months)	Agency delays	Portion of US EEZ around Hawaii closed to longline fishing due to delayed completion of NMFS scientific product needed to reevaluate reopening of the Southern Exclusion Zone (SEZ) under the False Killer Whale Take Reduction Plan, and subsequent delays in agency decision-making. New scientific information indicating that reopening of SEZ is warranted has been available since March 2020, but agency decision to reopen is still pending, leaving only 17% of the EEZ available to the Hawaii longline fishery.

Fishery Interruptions Due to Federal Agency ESA Consultation Delays

Consultation	Consultation Start Date	Statutory Deadline (135 days from start date)	Actual Completion Date	Total Days	Closure or Interruption Description and Affected Fishery
2014 Hawaii deep-set longline fishery BiOp	June 5, 2013	Oct. 18, 2013	Sept. 19, 2014	472 days	Delay to implementing Pelagic FEP Amendment 7, which specifies transfer of bigeye catch and effort limits from US Participating Territories to US-flagged vessels operating out of Hawaii. The current US quota allocated under the Western and Central Pacific Fisheries Commission is the lowest of six nations with specified catch limits.
2018 Hawaii shallow-set longline fishery BiOp	April 20, 2018	Sept. 2, 2018	June 26, 2019	432 days	Pelagic FEP Amendment 10 rulemaking delayed until BiOp was complete.
Hawaii deep-set longline fishery re-consultation	Oct. 4, 2018	Feb. 16, 2019	TBD (Anticipated Oct. 2020)	TBD (666 days as of 7/31/20)	Pelagic FEP Amendment 9 cannot proceed until this consultation is complete. This action allows multiple year specifications of catch and effort limits for US Participating Territories and allocation transfer limits with US fishing vessels. This action was to reduce administrative burden of single-year specifications.

Annual Western and Central Pacific Bigeye Tuna Longline Catch Limits Adopted by the Western and Central Pacific Fisheries Commission (WCPFC).

Catch Limit Allocations Adopted in 2018 and expire at the end of 2020

Member States	Recent catch (mt)	2018 Catch limit (mt)	2019-2020 Catch limit (mt)
Japan	11,921	17,765	17,765
Korea	13,828	13,942	13,942
Chinese Taipei	9,068	10,481	10,481
China	8,695	8,724	8,724
Indonesia	1,255	5,889	5,889
USA	3,392	3,554	3,554
Australia	325	2000	2000
New Zealand	135	2000	2000
Philippines	0	2000	2000
EU	39	2000	2000
SIDS & PTs	--	N/A	N/A

WCPFC Members: Australia, China, Canada, Cook Islands, European Union, Federated States of Micronesia, Fiji, France, Indonesia, Japan, Kiribati, Republic of Korea, Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Samoa, Solomon Islands, Chinese Taipei, Tonga, Tuvalu, United States of America, Vanuatu.

Participating Territories (PTs): American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna

Cooperating Non-member(s): Ecuador, El Salvador, Liberia, Mexico, Panama, Thailand, Vietnam.

SIDS: WCPFC Members deemed “small island developing states”