WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

PRELIMINARY DRAFT

2026–2028 Annual Catch Limits and Accountability Measures for Main Hawaiian Islands Deepwater Shrimp and Precious Coral Fisheries

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Prepared by the Western Pacific Regional Fishery Management Council

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List of Abbreviations

ABC – Acceptable Biological Catch
ACL – Annual Catch Limit
AM – Accountability Measure
CFR – Code of Federal Regulations
EA – Environmental Assessment
FEP – Fishery Ecosystem Plan
FR – Federal Register
kg – Kilogram
km - Kilometer
lb - Pounds
m - Meters
MHI – Main Hawaiian Islands
MSY – Maximum Sustainable Yield
MUS – Management Unit Species
NEPA – National Environmental Policy Act
NMFS – National Marine Fisheries Service
OFL – Overfishing Limit
OY – Optimum Yield
P* - Risk of Overfishing
PIRO SFD – Pacific Islands Regional Office Sustainable Fisheries Division
SSC – Scientific and Statistical Committee
WPFMC – Western Pacific Fishery Management Council

1 INTRODUCTION

1.1 Background and Overview of the Action under Consideration

The Western Pacific Fisheries Management Council (Council) is developing a recommendation to the National Marine Fisheries Service (NMFS) for annual catch limits (ACL) and accountability measures (AM) for main Hawaiian Islands (MHI) deepwater shrimp in fishing years 2026, 2027, and 2028 and for precious corals in fishing years 2025–26, 2026–27, and 2027–28. The Council will consider the best available scientific and commercial information and make a recommendation consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Hawai‘i Archipelago Fishery Ecosystem Plan (FEP), implementing regulations, and other applicable law. This document provides information for use by the Council in making a recommendation to NMFS for a proposed rule to implement the ACLs and AMs.

Consistent with the National Environmental Policy Act (NEPA), NMFS previously prepared an environmental assessment (EA), "2022–2025 Annual Catch Limits and Accountability Measures for Main Hawaiian Islands Deepwater Shrimp and Precious Coral Fisheries," which analyzed the environmental effects of the ACLs (**Table 1**) and post-season three year average overage adjustment for 2022 through 2025 fishing years for deepwater shrimp and 2022–2023 through 2024–2025 fishing years for precious corals (NMFS 2023, herein referred to as 2023 EA). The 2023 EA supported a NEPA Finding of No Significant Impact for the management action.

Table 1: Summary of ACLs implemented in the deepwater shrimp and precious coral fisheries of the Hawai‘i archipelago for fishing years 2022–2025.

Management Unit Species	ACL	Fishing Years
Deepwater shrimp (*Heterocarpus spp*)	250,773 lb	2022, 2023, 2024, and 2025
Au‘au Channel Black Coral	5,512 lb (2,500 kg)	2022–23, 2023–24, and 2024–25
Makapu‘u Bed	Pink: 2,205 lb (1,000 kg) Bamboo: 551 lb (250 kg)	2022–23, 2023–24, and 2024–25
180 Fathom Bank	Pink: 489 lb (222 kg) Bamboo: 123 lb (56 kg)	2022–23, 2023–24, and 2024–25
Brooks Bank	Pink: 979 lb (444 kg) Bamboo: 245 lb (111 kg)	2022–23, 2023–24, and 2024–25
Ka‘ena Point Bed	Pink: 148 lb (67 kg) Bamboo: 37 lb (17 kg)	2022–23, 2023–24, and 2024–25
Keahole Bed	Pink: 148 lb (67 kg) Bamboo: 37 lb (17 kg)	2022–23, 2023–24, and 2024–25
Precious Coral Exploratory Area	2,205 lb (1,000 kg)	2022–23, 2023–24, and 2024–25

Since completing the 2023 EA, NMFS has new information related to the performance of the fishery, and other information that the Council may consider in developing a recommendation for future ACLs and AMs.

1.2 Action Under Consideration

The Council is considering management options to recommend ACLs and AMs for the deepwater shrimp and precious coral stock complexes managed under the FEP. The management measures under consideration would maintain the current ACLs and AMs in fishing years 2026, 2027, and 2028 for deepwater shrimp and in fishing years 2025–2026, 2026–2027, and 2027–2028 for precious corals:

- 250,773 lb (113,748 kg) of *Heterocarpus* spp.
- 5,512 lb (2,500 kg) for Au‘au Channel black coral
- 2,205 lb (1,000 kg) for Makapu‘u Bed pink coral
- 551 lb (250 kg) for Makapu‘u Bed bamboo coral
- 489 lb (222 kg) for 180 Fathom Bank pink coral
- 123 lb (56 kg) for 180 Fathom Bank bamboo coral
- 979 lb (444 kg) for Brooks Bank pink coral
- 245 lb (111 kg) for Brooks Bank bamboo coral
- 148 lb (67 kg) for Ka‘ena Point and Keahole Bed pink coral
- 37 lb (17 kg) for Ka‘ena Point and Keahole Bed bamboo coral, and
- 2,205 lb (1,000 kg) for precious coral harvested in the Hawaii Precious Coral Exploratory Area each year

Catches from each fishing year would be counted towards the ACL for the stock or stock complex based on catch data collected by the State of Hawai‘i Division of Aquatic Resources through their commercial marine license and reporting program and by NMFS through Federal logbook reporting. The AM under consideration for this action would maintain the current post-season AM. An in-season AM is not practicable for the precious coral or deepwater shrimp fisheries in Hawai‘i because catch statistics are generally not available until at least six months after the data have been collected (2023 EA, Section 3.1). Thus, after the end of each fishing year, if NMFS and the Council determine that the average catch from the most recent three-year period exceeds the ACL, NMFS would reduce the ACL in the subsequent fishing year by the amount of the overage (2023 EA, Section 1.1.2). If a fishery exceeds an ACL more than once in a four-year period, the Council is required to re-evaluate the ACL process, and adjust the system, as necessary, to improve its performance and effectiveness.

1.3 Purpose and Need for Action

The purpose and need for this action is the same as described in the 2023 EA, Section 1.3. The purpose of this action is to comply with the requirements of the Magnuson-Stevens Act, the FEP and implementing regulations that require implementation of ACLs and AMs for deepwater shrimp and precious coral fisheries in Hawai‘i. The need for this action is to prevent overfishing and to provide for long-term sustainability of the fishery resources while allowing fishery participants to continue to benefit from their utilization. AMs in this fishery are needed to correct or mitigate overages of the ACL should they occur.

1.4 Action Area

The action area for this action is where fishing for deepwater shrimp and precious corals occurs in State and Federal waters around the MHI. Harvest of deepwater shrimp occurs offshore at depths ranging from 350 m to 1,200 m in benthic environments. Harvest of black coral occurs at around 20 to 100 m depth, and sometimes deeper, on solid substrate, and while fishing for other precious coral MUS is not currently conducted in Hawai‘i, pink and bamboo corals tend to occur in deeper

waters of 275 to 1,370 m depth on solid substrate. Waters around islands northwest of Niʻihau are not part of the action area because commercial fishing is prohibited in the Papahānaumokuākea Marine National Monument (50 CFR 404.6).

1.5 Preparers and Reviewers

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2 DEVELOPMENT OF ACCEPTABLE BIOLOGICAL CATCH

2.1 Hawaiʻi Deepwater Shrimp

The Hawaiʻi deepwater shrimp stock complex does not have a specified overfishing limit (OFL), so the maximum sustainable yield (MSY) is used as a proxy for the OFL. The most current estimate of MSY for the deepwater shrimp stock complex in Hawaiʻi is 125 mt/year or 275,575 lb/year (Tagami and Ralston 1988). At their 108th meeting in October 2011, the Scientific and Statistical Committee (SSC) determined that the Hawaiʻi deepwater shrimp stock complex can be regarded as Tier 4 because MSY is known, but there was no substantial harvest at that time. The Council's ACL process is described in the FEP and describes how the OFL can be reduced to generate an acceptable biological catch (ABC) based on scientific uncertainties through the Risk of Overfishing Analysis (P* Analysis). However, since deepwater shrimp are Tier 4[1] stocks, a P* Analysis cannot be applied. Therefore, consistent with the Tier 4 ABC control rule described in the FEP, the SSC recommended the ABC be set equal to 0.91*MSY or 250,773 lb[2] for 2012. As explained in the FEP, the application of this control rule would result in a fishing mortality rate of $0.70*F_{MSY,}$ which would maximize yield while minimizing biomass impacts and account for scientific uncertainty. Since there is no new information on stock status or MSY, the option considered remains the same as the current ABC.

2.2 Hawaiʻi Precious Corals

The most current estimate of MSY for black coral in the Auʻau Channel is provided by Grigg 2004, which is 3,750 kg/year (8,267 lb/year). At its 108th meeting held on October 17–19, 2011, the Council's SSC considered the MSY estimate, the participation in the fishery, and average annual landings for 2000–2010 relative to the biennial harvest quota of 5,000 kg (11,000 lb) from the FEP. The SSC determined that the black coral fishery in Hawaiʻi can be regarded as Tier 4 because MSY is known, but there is little-to-no harvest due to the sporadic nature of the fishery. Since the black, pink and bamboo coral are Tier 4 stocks, a P* Analysis cannot be applied.

[1] Tier 4 ABC control rule is for species with stock assessments and/or MSY estimates but no current harvest. The ABC is set at 0.70 F_{MSY} as a precautionary measure to maximize yield while minimizing biomass impacts and accounting for scientific uncertainty (WPFMC 2011)

[2] In calculating the ABC, the SSC originally incorrectly applied the value for exploitable biomass in its ABC calculations instead of MSY (Tagami and Ralston, 1988), resulting in calculated an ABC of 544,000 lb using the Tier 4 control rule. This was corrected by NMFS, with concurrence by the Council's Executive Director and Chair, on January 3, 2012 (77 FR 66), and reaffirmed by the SSC at their 116th meeting on June 17–19, 2014.

Consistent with the Tier 4 ABC control rule described in the FEP, which requires the ABC be set equal to 0.91*MSY, the SSC calculated the ABC to be 3,413 kg (7,524 lb) and recommended a rounded ABC of 7,500 lb to the Council for the 2012 and 2013 fishing year. As explained in the FEP, the application of this control rule would result in a fishing mortality rate of $0.70*F_{MSY}$, which would maximize yield while minimizing biomass impacts, and account for scientific uncertainty.

In the FEP, MSY estimates or Makapuʻu Bed pink, gold, and bamboo coral, were reduced for ecological considerations to identify optimum yields (OY) of 1,000 kg/yr (2,205 lb/yr), 300 kg/yr (661 lb/yr), and 250 kg/yr (551 lb/yr), respectively (WPFMC 2009). Similar to the ABC for black coral, these values are slightly lower than 0.91*MSY. MSY and OY values are presented in Table 2. A moratorium on gold coral harvest is currently in place throughout the Pacific Islands through June 30, 2028 (89 FR 37986, May 7, 2024), so this complex is not a part of the current action and will not be discussed further.

Table 2: Estimates of MSY and OY of Precious Corals in the Makapuʻu Bed.

Precious Coral Complex	MSY (kg/yr)	0.91*MSY (kg/yr)	OY (kg/yr)
Pink coral	1,185	1,078	1,000
Gold coral	1,148	1,045	1,000
Bamboo coral	285	259	250

Prior to 2012, the Council set the harvest quotas for pink and bamboo coral at the four Conditional Beds in Hawaiʻi based on bed size as compared with that of the Makapuʻu Established Bed using the following formula described in the FEP.

$$\frac{\text{MSY for Makapuʻu Bed}}{\text{Area of Makapuʻu Bed}} = \frac{\text{MSY for Conditional Bed}}{\text{Area of Conditional Bed}}$$

Amendment 1 to the Precious Coral FMP estimated the area of the Makapuʻu Established Bed as 3.60 km² (WPFMC 2001). For the Conditional Beds, the area estimates are as follows: 180 Fathom Bank (0.8 km²), Brooks Bank (1.6 km²), and Kaʻena Point and Keahole Point (0.24 km²). Based on the OY of 1,000 kg/yr for pink coral and 250 kg/yr for bamboo coral at the Makapuʻu bed, and applying the formula above, WPFMC (2001) estimated OY for all Conditional Beds as shown in Table 3, which are the ABCs/ACLs listed in Table 4.

Table 3: Estimated area and OY for pink and bamboo coral in Established and Conditional Beds of the Hawaiʻi Archipelago.

Bed	Pink Coral OY	Bamboo Coral OY
Makapuʻu Established Bed	$\frac{1{,}000 \text{ kg}}{3.60 \text{ km}^2} \times 3.60 \text{ km}^2 = 1{,}000 \text{ kg}$	$\frac{250 \text{ kg}}{3.60 \text{ km}^2} \times 3.60 \text{ km}^2 = 250 \text{ kg}$
180 Fathom Conditional Bed	$\frac{1{,}000 \text{ kg}}{3.60 \text{ km}^2} \times 0.8 \text{ km}^2 = 222 \text{ kg}$	$\frac{250 \text{ kg}}{3.60 \text{ km}^2} \times 0.8 \text{ km}^2 = 56 \text{ kg}$

Bed	Pink Coral OY	Bamboo Coral OY
Brooks Bank Conditional Bed	$\frac{1{,}000 \text{ kg}}{3.60 \text{ km}^2} \times 1.6 \text{ km}^2 = 444 \text{ kg}$	$\frac{250 \text{ kg}}{3.60 \text{ km}^2} \times 1.6 \text{ km}^2 = 111 \text{ kg}$
Ka‘ena Point Conditional Bed	$\frac{1{,}000 \text{ kg}}{3.60 \text{ km}^2} \times 0.24 \text{ km}^2 = 67 \text{ kg}$	$\frac{250 \text{ kg}}{3.60 \text{ km}^2} \times 0.24 \text{ km}^2 = 17 \text{ kg}$
Keahole Point Conditional Bed	$\frac{1{,}000 \text{ kg}}{3.60 \text{ km}^2} \times 0.24 \text{ km}^2 = 67 \text{ kg}$	$\frac{250 \text{ kg}}{3.60 \text{ km}^2} \times 0.24 \text{ km}^2 = 17 \text{ kg}$

3 CURRENT TASK FOR THE SSC – SETTING THE ABC

The SSC’s current task is to specify the ABC for the MHI deepwater shrimp and precious coral stocks for fishing years 2026 through 2028 and 2025–2026 through 2027–2028, respectively. ABCs may not exceed the OFL proxy (i.e., MSY).

3.1 ABC Options for MHI Deepwater Shrimp

3.1.1 Option 1: No Action – Do not specify an ABC

Under this option, the SSC would not specify an ABC for the MHI deepwater shrimp stock complex. This option would not comply with the Magnuson-Stevens Act or provisions of the FEP, which require ABCs to be specified for all managed stocks and stock complexes in the FEP.

3.1.2 Option 2: Status Quo – Retain the existing ABC

Under this option, the SSC would retain the previously specified ABC for the MHI deepwater shrimp stock complex at 250,773 lb, which is 91 percent of the estimated annual MSY of 275,575 lb/yr. This ABC would apply for fishing years 2026 through 2028. Option 2 continues to utilize the best scientific information available, which would be in compliance with National Standard 2. This option would prevent overfishing while continuing to allow fishery participants to benefit from harvest of a sustainable resource. The fishery had two permits from 2020 to 2021 and three permits from 2022 to 2023 and catch has not exceeded the ACL (Table 4). There is no new benchmark stock assessment or MSY estimate to consider to reevaluate the existing ABC.

Table 4: Annual landings of deepwater shrimp landed from fishing years 2014 to 2023.

Fishing Year	Licenses	Trips	Total Reported Catch (lb)
2014	9	323	48,707
2015	6	200	27,775
2016	5	133	17,203
2017	3	80	5,984
2018	3	131	11,598
2019	3	196	12,692
2020	n.d.	n.d.	n.d.
2021	n.d.	n.d.	n.d.
2022	3	112	13,864
2023	3	118	24,710
Three-Year Average	3	115	19,287

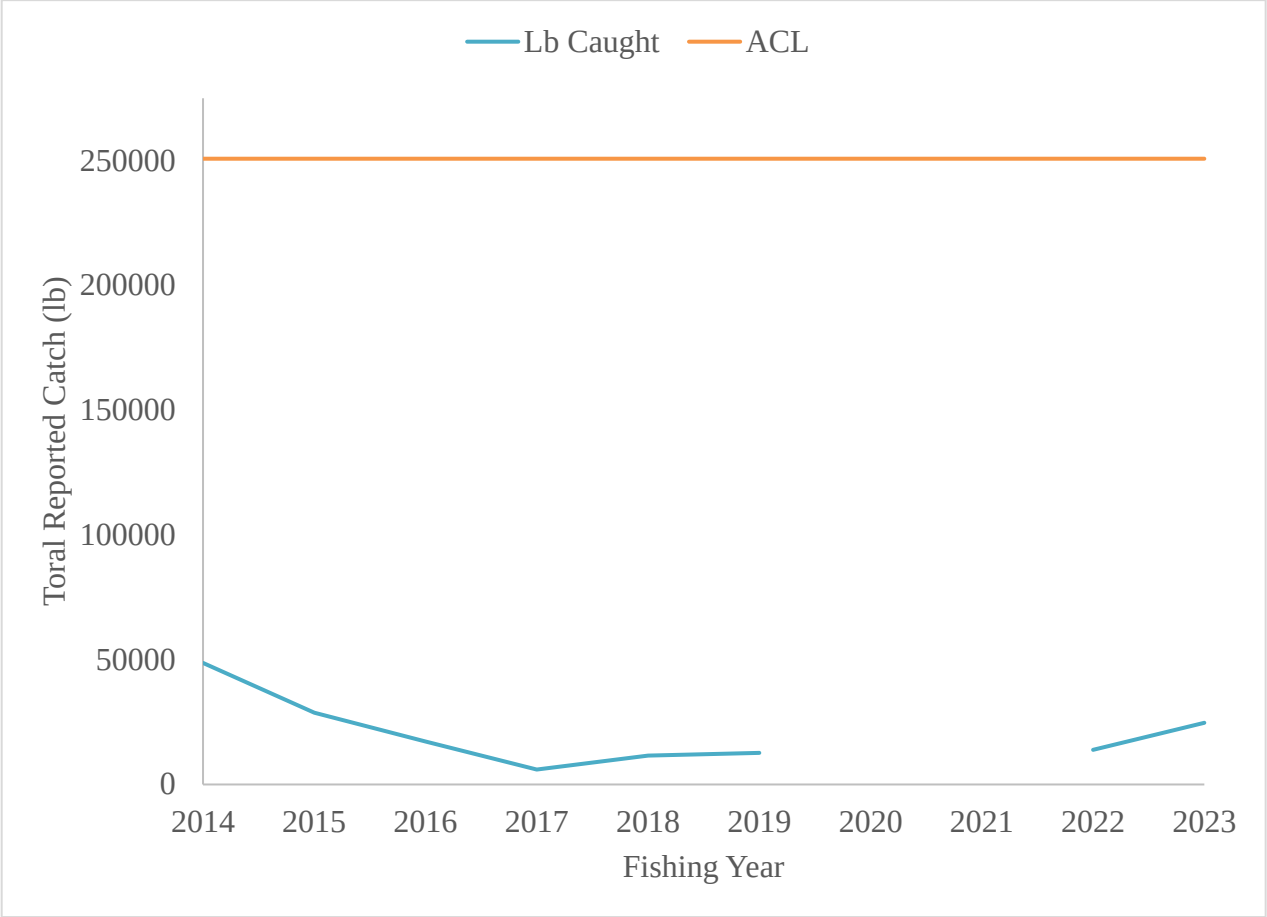

Figure 1. Summary of total reported catch (lb) of deepwater shrimp in Hawaii from 2014 to 2023 compared to the ACL at 250,773 lbs. Source WPFMC 2024.

3.2 ABC Options for MHI Precious Corals

3.2.1 Option 1: No Action – Do not specify ABCs

Under this option, the SSC would not specify an ABC for the black coral fishery in the Auʻau Channel, or for pink or bamboo coral in any Established or Conditional Bed. This option would not comply with the Magnuson-Stevens Act or the provisions of the FEP, which requires ABCs to be specified for all managed stocks and stock complexes in the FEP.

3.2.2 Option 2: Status Quo – Retain existing ABCs

Under this option, the ABC for the black coral fishery in the Auʻau Channel would be retained at 7,500 lb for fishing years 2025–2026 through 2027–2028. The SSC recommended an ABC lower than 91 percent of the estimated MSY proxy to prevent overfishing and provide a buffer against scientific uncertainty. The fishery had one permit holder in 2024 and catch has not exceeded the ACL. More detailed data on catch cannot be disclosed due to the number of permit holders being fewer than three. There is no new benchmark stock assessment or MSY estimate to consider to reevaluate the existing ABC.

Under this option, the ABCs for pink or bamboo coral in Established and Conditional Beds would be retained at current levels for fishing years 2025–2026 through 2027–2028 (Table 5). These

ABC values are maintained at slightly less than 91 percent of the estimated MSY to prevent overfishing and provide a buffer against scientific uncertainty with little to no harvest due to the sporadic nature of the fishery. The pink and bamboo coral fisheries are currently inactive. There is no new benchmark stock assessment or MSY estimate to consider to reevaluate the existing ABC.

Table 5: Summary of the alternatives for ABCs and ACLs in the precious coral fisheries of the Hawai‘i Archipelago for fishing years 2025–26 through 2027–28.

Fishery	Alternative 1	Alternative 2	Most Recent Average Annual Landings (Years)[1]
	No Management	*ABC/ACL*	
Au‘au Channel Black Coral	No ACL	5,512 lb (2,500 kg)	697 lb (2011–2021)
Makapu‘u Bed	No ACL	Pink: 2,205 lb (1,000 kg) Bamboo: 551 lb (250 kg)	0 lb
180 Fathom Bank	No ACL	Pink: 489 lb (222 kg) Bamboo: 123 lb (56 kg)	0 lb
Brooks Bank	No ACL	Pink: 979 lb (444 kg) Bamboo: 245 lb (111 kg)	0 lb
Ka‘ena Point Bed	No ACL	Pink: 148 lb (67 kg) Bamboo: 37 lb (17 kg)	0 lb
Keahole Bed	No ACL	Pink: 148 lb (67 kg) Bamboo: 37 lb (17 kg)	0 lb
Precious Coral Exploratory Area	No ACL	2,205 lb (1,000 kg)	0 lb

[1]Catch reported to Hawai‘i Department of Aquatic Resources (HDAR) through their data collection program.

4 CURRENT TASK FOR THE COUNCIL

4.1 ACL and AM Options for MHI Deepwater Shrimp

4.1.1 Option 1: No Action – Do not specify an ACL or AM

Under this option, the Council would not recommend an ACL or AM for the Hawai‘i deepwater shrimp stock complex, and AMs would not be necessary. However, this option would not comply with the Magnuson-Stevens Act or provisions of the FEP, which require ACLs and AMs for all managed stocks and stock complexes in the FEP.

4.1.2 Option 2: Status Quo – Retain existing ACLs and AMs based on the previous specifications

Under this option, the Council may recommend retaining the current ACL and AM for the Hawai‘i deepwater shrimp at 250,773 lb in each fishing year from 2026 to 2028. The ACL would be set equal to the SSC-specified ABC, which is 91 percent of the estimated MSY of 275,575 lb/yr. This option would be in compliance with National Standard 2, requiring the use of the best scientific information available. This option would prevent overfishing while continuing to allow fishery participants to benefit from harvest of a sustainable resource.

Because the fishery had not reached the current ACL and this option would not change current management, it is not expected to change the nature or the dynamics of the fishery. There were three federal permits issued to fish deepwater shrimp in the EEZ in 2022 and 2023 (WPFMC 2024). Given that the fishery participation and catch are low and have been so in the past several

years, retaining the existing ACL and AM is not expected to have any adverse impact to the target stock, non-target stocks, protected species, physical and biological environment, or human communities.

4.2 ACL and AM Options for MHI Precious Corals

4.2.1 Option 1: No Action – Do not specify ACLs or AMs

Under this option, the Council would not specify an ACL or AM for the black, pink, or bamboo corals in any Established or Conditional Bed, and AMs would not be necessary. This option would not comply with the Magnuson-Stevens Act or the provisions of the FEP that require ACLs to be specified for all stocks and stock complexes.

4.2.2 Option 2: Status Quo – Retain existing ACLs and AMs based on the previous specifications

Under this option, the ACLs and AM for black, pink, and bamboo corals in Established and Conditional Beds would be retained at current levels (Table 5). Each of the proposed ACLs is equal to the ABCs as shown in **Error! Reference source not found.**, and the ABCs are less than the OFL proxy (i.e., MSY) to prevent overfishing. The pink and bamboo coral fisheries are currently inactive. There was one permit issued by NMFS in 2024 and the data is treated as confidential. This option would be in compliance with National Standard 2, requiring the use of the best scientific information available. This option would prevent overfishing while continuing to allow fishery participants to benefit from harvest of a sustainable resource.

Because the fishery has not reached the current ACLs and this option would not change current management, it is not expected to change the nature or the dynamics of the fishery. Given that the fishery participation and catch are low and have been so in the past several years, retaining the existing ACL and AM is not expected to have any adverse impact to the target stock, non-target stocks, protected species, physical and biological environment, or human communities.

5 REFERENCES

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6 DRAFT PROPOSED REGULATIONS

PART 665 – FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for 50 CFR part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 665.253, revise paragraph (a) (1) to read as follows:

§ 665.253 Annual Catch Limits (ACL) and Annual Catch Targets (ACT).

(a) *Deepwater shrimp.*

(1) In accordance with § 665.4, the ACLs for each fishing year are as follows:

Fishing year	**2026**	**2027**	**2028**
ACL (lb)	250,773	250,773	250,773

* * * * *

3. In § 665.269, revise paragraph (c) to read as follows:

§ 665.269 Annual Catch Limits (ACL).

(c) In accordance with § 665.4, the ACLs for MHI precious coral permit areas for each fishing year are as follows:

Type of coral bed	**Area and coral group**	**2025-26 ACL (lb)**	**2026-27 ACL (lb)**	**2027-28 ACL (lb)**
Established bed	Auau Channel – Black coral	5,512	5,512	5,512
	Makapuu Bed – Pink and red coral	2,205	2,205	2,205
	Makapuu Bed – Bamboo coral	551	551	551

Conditional Beds	180 Fathom Bank – Pink and red coral	489	489	489
	180 Fathom Bank – Bamboo coral	123	123	123
	Brooks Bank – Pink and red coral	979	979	979
	Brooks Bank – Bamboo coral	245	245	245
	Kaena Point Bed – Pink and red coral	148	148	148
	Kaena Point Bed – Bamboo coral	37	37	37
	Keahole Bed – Pink and red coral	148	148	148
	Keahole Bed – Bamboo coral	37	37	37
Exploratory Area	Hawaii – precious coral	2,205	2,205	2,205

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