



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

TO: Interested Parties

October 6, 2009

FROM: Kitty M. Simonds

A handwritten signature in black ink that reads "Kitty M. Simonds". The signature is written in a cursive, flowing style.

SUBJECTS: Management of Hawaii's longline tuna quota; Territorial longline tuna quotas; Recommendations for Options for Shortline Management in the Main Hawaiian Islands Longline Exclusion Zone; Options for Management of Tuna and Seamount Monchong at the Cross Seamount; Recommendations for Annual Catch Limits for Known-MSY Species in the Western Pacific; Recommendations on Recreational Fishery Permitting and Reporting in the Western Pacific Region; Recommendations for Aquaculture Management in the Western Pacific including Changes to the Council's Aquaculture Policy; Recommendations for Framework Process for Council Actions.

The Council will consider the issues summarized below, including any public comments on these initiatives; and is expected to take action on them at its 146th meeting to be held October 20-23, 2009 at the Laniakea YWCA in Honolulu. Written comments should be sent to the Council's Executive Director by 5:00 p.m. October 13, 2009 by mail, FAX or email as indicated below.

Mail: Executive Director

Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

FAX: (808) 522-8285

E-mail: info.wpcouncil@noaa.gov

1. Recommendations for Management of Hawaii Longline Tuna Quota

In July 2009, NMFS published a proposed rule for WCPFC bigeye catch limits for the U.S. longline vessels under the WCPFC Implementing Act, and has requested the Council to take action on yellowfin catch limits. NMFS also requested the Council to consider additional measures (beyond the publication of the 2009-2011 bigeye catch limits) to effectively manage the longline fishery.

For fresh fish longline fisheries catching less than 5,000 mt annually (such as the Hawaii-based longline fleet), the reduction applies only to 2009, with 2010 and 2011 catches to be maintained at the 2009 level, i.e., at a 10 percent reduction. If the actual 2004 bigeye tuna landings of 4,181 mt (9,198,200 lb) are used as a baseline, the Hawaii annual longline bigeye quota would be 3,763 mt (8,278,600 lb). CMM 2008-01 states that the catch of yellowfin tuna is not to be increased in the longline fishery from the 2001-2004 levels. The 2001-2004 average yellowfin catch by the Hawaii longline fleet was 771mt (1,696,200 lb).

It is expected that the Hawaii longline fleet would reach the 3,763 mt quota in December, although in some years the bigeye catch limit could be achieved as early as October or possibly earlier. October-February are prime bigeye fishing months for Hawaii-based vessels in terms of market demand, and restrictions on targeting or retaining bigeye during this time would be expected to have higher negative economic impacts than during other time periods.

These requests have created the need for the actions considered here. The purpose of this action is to minimize adverse impacts to the human environment, including fishery participants and fishing communities, optimize yields and socioeconomic benefits, and maintain viable longline fisheries in the Western Pacific Region. The amendment document considers a range of approaches for managing the regions longline fisheries under tuna catch limits. Appropriate approaches are likely to vary by species and area fished (i.e. WCPO bigeye is likely to be managed differently than EPO yellowfin).

1. **No Action** – under this approach bigeye tuna catch limits established by the Pacific tuna RFMOs for U.S. longline fleets would be implemented through NMFS rule making.
2. **Region-wide limited entry longline program** – under this approach the longline fisheries in Hawaii, American Samoa, Guam and CNMI would all be brought into a single limited entry program with a single permit which would allow fishing and landing inside any WPR EEZ.
3. **Region-wide port access program** – under this approach the separate limited entry programs would remain in place but all WPR longline vessels would be allowed to land in all ports. However only vessels holding a valid Hawaii permit

could fish in Hawaii's EEZ, only vessels holding a valid American Samoa permit could fish in American Samoa's EEZ, etc.

4. **Catch shares or limited access privilege program (a.k.a. LAPPs/IFQs/ITQs)** – under this approach tuna catch limits would be apportioned among individuals to fish them when they wish.
5. **Sector allocations** – under this approach tuna bigeye and/or yellowfin catch limits would be apportioned among Hawaii longline sectors (e.g. shallow vs deep set) to prevent the entire fishery from having to cease targeting/retaining bigeye and/or yellowfin tuna when one sector reaches its quota.
6. **Trip limits for non-target sector** – under this approach a limited number of bigeye tuna would be allowed to be landed from each shallow-set trip. This limit would likely be 17-20 bigeye as this is their average catch and would be intended to prevent waste while still making it uneconomical to target bigeye tuna for part of a supposedly shallow-set trip.
7. **Temporary bigeye or yellowfin prohibition triggered by reaching X percent of quota** – under this approach targeting/retaining bigeye and/or yellowfin would be prohibited when a certain portion of the quota was reached. Bigeye and/or yellowfin tuna fishing would then open to take advantage of the winter season/market.
8. **Seasonal tuna prohibition** – under this approach targeting/retaining bigeye and/or yellowfin tuna would be prohibited during a pre-specified portion of the year. Bigeye fishing would then reopen to take advantage of the winter season/market.
9. **Change fishing year** – under this approach the fishing year would begin in October or whatever month would maximize the likelihood of maximizing fishery revenues as well as providing a steady, optimal, or at least workable flow of fish to markets.
10. **Monthly landing limits** – under this approach monthly landing limits would be implemented for the fishery (or sector). This option aims to ensure that there is a constant supply of fresh fish at the auction.
11. **Three year rolling catch limits**- Under this approach a three-year rolling bigeye and/or yellowfin quota would be established for the Hawaii longline fishery. If catches were below the annual limit in a given year, then the underage would be transferred to the following year, or vice versa where catches exceed the annual limit and would be subtracted from succeeding years.

12. Effort limits – Under this alternative, the Hawaii deep set longline fishery would operate under an effort regime which limited the number of vessels that could be out of port and fishing on either a daily or monthly basis.

2. Recommendations for Territorial Longline Quotas

The Pelagics FMP provides the regulatory and management structure for U.S. pelagic fisheries operating in the Western Pacific Region. While the Western and Central Pacific Fisheries Commission (WCPFC) has provided 2,000 mt bigeye catch limits for American Samoa, Guam, and Northern Mariana Islands (collectively, the Territories), as well as no bigeye catch limits if undertaking responsible fisheries development, the Pelagics FMP does not currently contain the management structure that would provide the Territories the assignable interest to utilize those catch limits either through domestic charter arrangements. This draft amendment to the Pelagics FMP would:

- 1) Establish longline bigeye tuna catch limits for the Territories,
- 2) Delegate limited management authority under the FMP to the Territories for the utilization of their longline bigeye catch limits, and
- 3) Establish criteria for integrating vessels under charter arrangements with a Territory's domestic fleet. In addition, this amendment would satisfy the U.S. obligation as a Contracting Party and Member of the WCPFC to recognize, implement, and manage the special rights of the Territories provided under the WCPFC.

3. Recommendations for Options for Shortline Management in the Main Hawaiian Islands Longline Exclusion Zone

There is some speculation that shortline use may increase in the near future due to: the closure of the commercial bottomfish fishery in the Northwestern Hawaiian Islands in 2011, other sectors of the economy going further into recession, or with implementation of the longline fishery bigeye tuna quota and potential concomitant early annual closure of the fishery if/when the quota is reached. Concerns have been expressed by some fishery participants and managers that currently the use of shortline gear is unregulated except for the required adherence to the State of Hawaii's commercial marine license (CML) reporting requirements. Whereas Hawaii-based longline fishery participants must adhere to a multitude of regulations, including a prohibition on fishing in the longline closed area around the main Hawaiian Islands which varies seasonally and by area from 25 to 75 nm. Increased shortlining activity may lead to gear and user conflicts between shortliners and other gear types (e.g., longliners outside the longline closed area, trollers and other non-longline pelagic fishers (NLPF) inside the closed area) depending on how many vessels participated and in what areas, and localized depletion of bigeye or other pelagic species

4. Options for Management of Tuna and Seamount Monchong at the Cross Seamount

At the 145th Council meeting, the Council decided not to proceed with a limited entry program for the offshore non-longline pelagic fishery in Hawaii, which has periodically been an issue for over 20 years. Instead the Council directed staff to develop an options paper for the October 2009 Council Meeting that provides available data for the consideration of a TAC on the Cross Seamount for both tuna and monchong. The options paper summarizes catch data from the Cross Seamount, focusing primarily on seamount monchong and bigeye tuna.

1. NO ACTION: under the no action alternative, any total allowable catch would be set for catches of seamount monchong and bigeye tuna on the Cross Seamount.
2. TAC based on average catch: Under this alternative, the Council would establish a TAC for seamount monchong and bigeye tuna based on catch history from the Cross seamount.
3. TAC based on equilibrium surplus production models: Under this alternative, a TAC for seamount monchong and bigeye tuna would be set based on surplus production models.
4. TAC based on dynamic surplus production models: Under this alternative, a TAC for seamount monchong and bigeye tuna would be set based on dynamic surplus production models.

5. Recommendations for Annual Catch Limits for Known-MSY Species in the Western Pacific

At its 142nd meeting the Council approved a process for the development and implementation of ACLs under which the Council would, based on its SSC's recommendations regarding allowable biological catches (ABCs), establish and implement ACLs for those stocks with reliable estimates of their maximum sustainable yields (MSYs). As specified under the MSRA, species subject to international agreements (i.e., managed under international organizations and treaties) will not receive ACLs. Species for which MSYs have not been estimated are being prioritized for stock assessments followed by ACL development and implementation based on the likelihood and consequences of overfishing.

At the 101st SSC, Council staff advised that the SSC must soon set ABCs (allowable biological catch) for US insular fisheries. There only a few SSC meetings left before the deadline or ABCs will be set by NMFS. The MSRA requires that SSCs establish fishery-specific ABCs. An SSC recommends an ABC that is no more than an OFL (overfishing limit) set for a fishery where an MSY estimate exists. A Council then sets an ACL (annual catch limit) for that fishery based on the SSC's recommended ABC. The WPRFMC insular fisheries with MSY estimates that need ABCs are as follows:

- Hawaii Precious Coral Beds
- Hawaii Akule

- Hawaii Opelu
- Hawaii Deepwater Shrimp
- CNMI Deepwater Shrimp
- Hawaii Bottomfish Complex
- American Samoa Bottomfish Complex
- CNMI Bottomfish Complex
- Guam Bottomfish Complex

At its 101st Meeting the SSC noted that this is a critical task with a very short deadline and has agreed to create a small working group to review the data needed to develop ABCs for some of the species for the October SSC meeting. Council staff convened working group meetings on August 25th and October 1st in order to develop recommendations for ABCs to the SSC and hence for the SSC to recommend to the Council.

6. Hancock Seamount Armorhead Management

The Council directed staff at the 145th Council meeting to develop an amendment for the management of armorhead at Hancock Seamount. There were three alternatives: 1) No Action (implementation of a subsequent 6-year moratorium), 2) 6-year moratorium expires, and 3) creation of Hancock Seamount Large Marine Ecosystem Management Area. After receiving comments from staff and PIFSC, the staff will present the amendment and recommend changes to the alternatives (some substantive, some technical).

7. Recommendations on Recreational Fishery Permitting and Reporting in the Western Pacific Region

Although much information is available on major fisheries under the Council's jurisdiction, detailed information on some smaller fisheries is incomplete. For most areas and fisheries under the Council's jurisdiction, a combination of creel surveys (for both commercial and recreational vessels), and various types of dealer reporting systems (for commercial catches only) are used to provide information to fishery managers. In Hawaii, recreational fisheries data are collected through HMRFS and the State requires reporting of fishing effort and catch by all commercial fishermen (i.e. those who sell one or more fish during the year). However, there are many fisheries where the data is not being collected, creating data gaps, and management decisions are made on the best available science.

Individually, these gaps can be addressed through increased funding and resources. A better approach may be to have a single reporting requirement for all fishing of Federal MUS throughout the region that indicates who fished, where they fished, what they fished for (and caught), and their fishing effort or any other information needed.

With new mandates for Annual Catch Limits (ACLs) and catch shares, the Council will look at options for collecting the missing fishery data from non-commercial fisheries at its 146th meeting.

8. Recommendations for Aquaculture Management in the Western Pacific

A. Proposed Changes to the Council's Aquaculture Policy

At its 137th Council Meeting, March 13-16, 2007, the Council adopted a Policy for dealing with aquaculture in the Western Pacific region. At its 145th Council meeting, the Council asked staff to include a section for tracking escapes of fishes from aquaculture facilities. Staff will provide a revised policy for the Council's consideration at its 146th Council meeting that includes a section on tracking escapes as well as other modifications addressed by aquaculture experts.

B. Options for Aquaculture Management in the Western Pacific

In 1993, NOAA General Counsel issued an opinion that stated that "fishing" encompasses aquaculture. In the Western Pacific region, no aquaculture facilities currently exist in the Exclusive Economic Zone, however there are two current operations in State of Hawaii waters with another three in the proposal stages. To date, the Council has been given courtesy visits from all potential offshore aquaculture projects as well as been kept inform through meetings at the Hawaii Aquaculture Development Program. Currently, the Council has an aquaculture policy to deal with potential projects on a case-by-case basis. This policy is given to potential projects as guidelines that the Council would like to see abided by when developing their facilities.

With the growing industry of offshore aquaculture and the lack of direction by NMFS on how to manage it, the Council may want to look at developing additional management measures for offshore aquaculture. Options for management include:

- Managing by the current aquaculture policy
- Developing an FMP for aquaculture similar to the Gulf Council;
- Developing FEP amendments for managing aquaculture in our current FEPs; or
- Wait on NMFS to develop guidance on offshore aquaculture.

At its 146th meeting, the Council will be presented with options for management as well as a background on the current status of offshore aquaculture in the United States.

9. Recommendations for Framework Process for Council Actions

The framework process for Council actions in each of the FEPs needs to be revised to provide firm legal basis for taking final actions under the MSA for (at a minimum) quotas, TACs, ACLs and other types of catch (or effort) limits in a one meeting process. This revision should clarify the MSA process that the Council will use to make and transmit its recommendations, and the process that NMFS will use to review and approve/disapprove or partially approve them. It should also clarify the document(s) that will be used and provided to the Council and the public and transmitted NMFS to comply

with MSA, NEPA, ESA, MMPA and other applicable laws and statutes. The Council, at its 146th meeting, will be presented with options for revising the framework process across all FEPs.