



147th Council Meeting
Garapan, Saipan and Tumon, Guam
March 22-26, 2010

Synopsis of Action Item Issues

Action Items

A. Pelagics

1. Recommendations on Hawaii Longline Bigeye Tuna Management under a Catch Limit

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).

At the 146th Council Meeting, the Council considered a wide range of potential options for managing the fishery and narrowed its choice to changing the fishing year and to consider effort limitation as an additional measure to keep the fishery below the 3,763 mt catch limit. Options under consideration include:

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.

Change fishing year– under this approach the fishing year would begin in 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.

Effort limits (sets, trips, hooks)- under this approach, the Hawaii deep set longline fishery would operate under an effort regime which would limit the fishing effort in the fishery, either by through set limits, number of trips or the number of hooks that could be deployed on each set.

2. Recommendations on Options to Modify the Hawaii Deep-set Tuna Longline Swordfish Trip Catch Limit

The final rule which implemented the Western Pacific Council's management of shallow set swordfish longline fishery (FR Vol. 69, No. 18 4098-4105) in 2004 included a limit of 10 swordfish per trip for the deep set tuna targeting fishery. The purpose of the trip limit was to prevent vessels departing ostensibly to deep set longlines to catch bigeye and yellowfin tuna, from switching to shallow set gear and targeting swordfish. Since 2004, shallow-set swordfish longlining has been stringently regulated with required gear (18/0 circle hooks, mackerel type bait), 100% observer coverage, and 50% of the average pre 2000 level of fishing effort in shallow sets, with set certificates distributed to the longline fishermen. In 2009, the Council amended the Pelagics Fishery Ecosystem Plan to remove the set limits on the swordfish longline fishery for the fishing year 2010 onwards.

North Pacific swordfish stocks are currently healthy and not approaching an overfished or overfishing condition. Current regulations define deep set tuna longline fishing and with the set limit removed from the shallow-set fishery, the ten swordfish per trip limit is unnecessarily duplicative and burdensome for longline fishermen. Moreover, the ten swordfish per trip limit creates regulatory discards which contribute to bycatch and which have market value. For these reasons, the Council generated the following recommendation at its 146th meeting:

Regarding the deep set longline swordfish trip catch limit, the Council recommended staff review the impact of the catch limit on swordfish incidental catch and draft an options paper with alternatives that may include among other options, modifying the swordfish catch limit, removing the limit altogether, as well as the no action alternative.

Therefore an amendment was prepared for Council review. It includes alternatives for modifying the current limit of 10 swordfish per trip for the deep set tuna targeting fishery. The need for this measure is that the removal of the swordfish trip limit acts as a disincentive for fishermen to switch to shallow-set fishing since the supply of swordfish to the Honolulu and U.S. market is no longer constrained by fishing effort.

3. Recommendations on Modifications to the American Samoa Longline Limited Entry Program

A review of the American Samoa Department of Marine and Wildlife Resources (DMWR) Daily Effort Census for the pelagic longline fishery indicates that only 26-28 of the 60 limited entry permitted vessels were engaged in longline fishing between 2007 and 2009. Of the 28 vessels engaged in pelagic longline fishing in 2009, two vessels were in the Class A category, zero vessels in Class B category, eight vessels in Class C category

and 19 vessels in Class D category. Several potential reasons that may explain the declines in participation include:

- Decrease in albacore catch rates resulting in difficulties in obtaining a full load, vessels having to travel farther to find albacore thus putting smaller vessels at a disadvantage;
- Increase in fuel and other operational costs;
- Prohibition of canneries from accepting or receiving pelagic fish with a core temperature higher than 40 ° F. Hence small vessel fishermen had to freeze fish at home before delivering to the cannery, incurring delays in delivery, increased costs, and delayed revenue; and
- Increase in costs and declining revenues of longline fishery caused many to switch to bottomfishing or leave fishing for other employment.

The current management program and restrictions could also be exacerbating the decline in participation, especially by indigenous American Samoans. Longline permits expire three years after the effective date. Permits may be renewed after the expiry date if, in addition to other requirements, Class A or B permittees meet minimum landing requirements of at least 1,000 lb (455 kg) of pelagic fish over three consecutive calendar years; and Class C or D permittees have landed a total of at least 5,000 lb (2,273 kg) of pelagic fish over three consecutive calendar years. In addition, initial permit eligibility criteria included proof of pelagic landings prior to a 2002 date which was based on rapid expansion of the fishery with an influx of large longline vessels taking place around that time. There may no longer be a need for the 2002 prior landings requirement and, therefore, options to change or remove the eligibility criteria were also described.

The limited entry program in American Samoa may be unnecessarily restrictive and therefore simplifying the program may be prudent. A public meeting on this and other topics was held in American Samoa during February 2010. Participants suggested including an option to simplify vessel size classification by including two vessel class sizes – “large” (> 50 ft) and “small” vessels (< 50ft) and to reduce minimum landing requirements for small vessels.

B. Program Planning

4. Marine National Monument Non-commercial Fishing Management Measures

In January 2009, former President George W. Bush designated the Rose Atoll, Marianas Trench, and Pacific Remote Islands as Marine National Monuments. The Proclamations establishing the monuments identified the Magnuson-Stevens Fishery Conservation and Management Act as the statutory authority to develop regulations related to fisheries. In following the MSA process, NMFS requested that the Council recommend definitions and fishing regulations for the types of non-commercial fishing activities including sustenance, recreational, or traditional indigenous fishing.

For the Rose Atoll Monument, the Proclamation identified that non-commercial and sustenance fishing may be permitted and, after consultation with the American Samoa government, traditional indigenous fishing may also be permitted. For the Islands Unit of the Marianas Trench Marine National Monument, sustenance, recreational, or traditional indigenous fishing may be permitted and managed as a sustainable activity. In consultation with the CNMI government, the Marianas Trench Marine National Monument may provide for traditional access by indigenous persons for culturally significant subsistence, cultural and religious uses within the Islands Unit. For the Pacific Remote Islands Marine National Monument, non-commercial fishing may be permitted, as well as a process to ensure that recreational fishing be sustainable.

5. Recommendations on a Process for Establishing Annual Catch Limits

National Standard 1 guidelines [50 CFR 600.310(e)(1)] requires that for all stocks and stock complexes that are “in the fishery ” the Councils must evaluate and describe the following items in their FMPs and amend their FMPs, if necessary, to align their management objectives to prevent overfishing:

1. Maximum Sustainable Yield
2. Status Determination Criteria
3. Optimum Yield
4. ABC Control Rule
5. Mechanisms for Specifying ACLs
6. Accountability Measures
7. Stocks and Stock Complexes that have statutory exceptions from ACLs

The purpose and need for this action are to identify the specific provisions of National Standard 1 that the Council is expected to take action upon (at this meeting and the June 2010 meeting, and if necessary the October 2010 meeting) in order to bring the fishery ecosystem plans (FEPs) into compliance with National Standard 1 requirements. The document addresses the following issues:

- Species in the management unit.
- Status Determination Criteria and Acceptable Biological Catch Control Rules
- Schedule for setting ABCs and ACLs and accountability measures
- SSC and Council Action

6. Recommendation on Framework Measures for Fishery Ecosystem Plans of the Western Pacific

This amendment would make the framework processes consistent across all FEPs and could identify items that may be adjusted via framework action. The Council, at its 146th meeting, was presented with options for revising the framework process and selected the preliminarily preferred alternative to address the inconsistencies and lists.

7. Recommendations on Management Measures for Aquaculture in the Western Pacific

NMFS states that “fishing” includes aquaculture under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and bases this on a 1993 legal opinion issued by NOAA General Counsel. NMFS has also approved aquaculture management measures developed for various parts of the United States. The regional fishery management councils in New England, the Gulf of Mexico, South Atlantic and Western Pacific, in turn, developed aquaculture policies, or guidelines, for any potential aquaculture operations in their respective regions. In 2009, The Gulf of Mexico Fishery Management Council took it a step further and developed, and NMFS accepted a fishery management plan for offshore aquaculture in the Gulf of Mexico. However, the implementing regulations have been delayed due to the development of a National Policy on Offshore Aquaculture being developed by NMFS.

At its 146th meeting in October 2009, the Council voted to consider including management measures for offshore aquaculture in the FEPs. Council staff will present the following alternatives (with analysis):

- 1: No Action
- 2: Require permitting and reporting for aquaculture activities
- 3: Permit aquaculture operations in designated areas and not within X miles from shore
- 4: Require aquaculture operations to follow a Council-established review process
- 5: Limit the number of aquaculture operations in EEZ waters of the Western Pacific region
- 6: Prohibit aquaculture operations in EEZ waters of the Western Pacific region

8. Recommendations on Management Measures for Hancock Seamount

The Council, at the 146th Council meeting, selected the preliminarily preferred alternative of creating a Hancock Seamount Ecosystem Management Area. Three alternatives will be presented for final action: 1) continuation of another 6-year moratorium, 2) allowing the moratorium to expire, thus allowing the probability of fishing at Hancock Seamounts on armorhead and other seamount groundfish and bottomfish, or 3) creation of the Hancock Seamounts Ecosystem Management Area, which would continue the moratorium for no less than 10 years. The other part of the amendment is the establishment of a rebuilding time, per MSA requirements, for armorhead, which has been in an overfished condition for more than 20 years.

9. Recommendations on Options for Exemptions from Federal Fishery Permits

At its 146th meeting in October 2009, the Council recommended staff examine options for exempting persons less than 16 years of age from fisheries permitting processes. Through research and presentations at the Hawaii Community Fishery Workshops in January and February 2010, the staff has developed management options for exemptions to non-commercial Federal fishing permits. The options being considered range from no action, to exempting the following groups of fishers:

- Those under the age of 16
- Those over the age of 65
- Disabled (blind, mental disorders, physically disabled, etc)
- U.S. military veterans

The Council may also consider providing exemptions to fees for Federal permits for these groups and/or for indigenous persons in their ancestral homelands.

C. Hawaii Archipelago

10. Recommendations on Options for Refining Essential Fish Habitat for the main Hawaiian Islands Bottomfish Fishery

A review of the current EFH designations for BMUS was conducted relative to the main Hawaiian Islands bottomfish sub-management. The review did not include sub-areas of the northwestern Hawaiian Islands, American Samoa, Guam, CNMI and Pacific Remote Island Areas. To facilitate this review, PIRO facilitated the review, compilation and evaluation of new information to conduct the EFH review for main Hawaiian Island Bottomfish Management Unit Species (BMUS). The EFH review examined:

- 1) EFH/HAPC definition requirements,
- 2) Current EFH/HAPC definitions for Hawaiian bottomfish, and
- 3) New information relevant to Hawaiian bottomfish EFH/HAPC issues from published and non-published sources.

Based on the assessment of new scientific research and an extensive literature review, a presentation on the findings and preliminary options were provided to the Scientific and Statistical Committee and Council at their 102nd and 146^h meetings in October 2009, respectively. The SSC and Council found the analysis and scope of options presented helpful and directed staff to develop options for refining MHI bottomfish EFH.

Staff worked with scientists to develop three options for further consideration in refining EFH designations for BMUS species in the MHI. The options that will be presented include:

1. No Action – EFH designation remain the same – 0-400 m for juvenile and adults BMUS species.

2. Shallow (0-240 m), Mid (40-320m) and Deep-water (80-400m) Components with Seamount Groundfish Component will remain unchanged.
3. Individual species designations – specific depth ranges for each BMUS species.