



**148<sup>th</sup> Council Meeting**  
**Honolulu, Hawaii**  
**June 28 – July 1, 2010**  
**Synopsis of Action Item Issues**

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## **A. Pelagics**

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

In July 2009, NMFS published a proposed rule for Western and Central Pacific Fisheries Commission (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 3763 mt catch limit.

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 alternative, 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.

At the 147<sup>th</sup> Council Meeting the Council was presented with a range of alternatives which included four options for changing the fishing year (May-June, September-August, November-October and December-November) as well as maintaining the calendar years (January-December). Also presented were alternatives to limit fishing effort though caps on hooks set, number of sets or number of fishing trips

The 147<sup>th</sup> Council recommended revisions to amendment document based on Pelagic Plan Team comments for consideration at the June 2010 Council meeting. This would

include examination of the variance associated with the change in the fishing year and to expand the analysis of impacts to the Hawaii economy of any closures associated with changing the fishing year.

The revised document also considered in more detail the limit to yellowfin catches for the Hawaii fishery, which were also part of the WCPFC Conservation and Management Measure (2008-01). This established longline yellowfin catch limits in the western and central Pacific Ocean (WCPO) as the average of the 2001-2004 catches, or 771 mt for the Hawaii longline fishery. The document shows that managing the Hawaii fishery to maintain the catch at 3,763 mt would have only a 5% chance of exceeding the upper bound of the mean estimated catch of 655 mt (106.3 mt) or exceeding a catch of 761.3 mt.

The revised amendment document will be considered at the 148<sup>th</sup> Council Meeting and includes an additional fishing year alternative (October-September) and incorporates an economic input-output model that looks at the broader economic impacts of the alternatives to the Hawaii economy. At the 148<sup>th</sup> Council Meeting, the Council will likely decide on a preferred alternative for the future management of the Hawaii deep set tuna longline fishery in the WCPO, including No Action. The Council will consider any recommendations from the 104<sup>th</sup> SSC on this measure in the formulation of its own recommendations.

## **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.

At the 147<sup>th</sup> Council meeting the Council considered the alternatives for the Hawaii deep-set longline swordfish trip limit and recommended as the preferred alternative establishing a 25 swordfish trip limit for deep set tuna targeting longline vessels using circle hooks, and 10 swordfish per trip for vessels using tuna-hooks, if vessels are not carrying observers. If an observer is being carried by a deep-set tuna vessel then there is no limit to the amount of swordfish that can be retained by a longline vessel.

The 148<sup>th</sup> Council Meeting will consider final action for the deep set longline swordfish trip catch limit, and may endorse its selection of the preferred alternative made at the 147<sup>th</sup> Meeting.

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

At the 147<sup>th</sup> Meeting, the Council recommended that Council staff prepare a draft amendment analyzing options including the following preliminarily preferred options for the American Samoa longline limited entry program:

#### **Option 2C: Remove Eligibility Criteria**

Under Option 2C, eligibility would be limited to U.S. nationals and U.S. citizens, with no other qualifying criteria, and

#### **Option 1C: Modify to Have Two Vessel Class Sizes and Minimum Landing Requirements**

Under Option 1C, the four vessel size classes would be replaced with two vessel class sizes (small and large) whereby Class A and B vessels (<50 ft) would be considered “small” and Class C and D vessels (50 ft and larger) would be considered “large”. All those currently possessing permits would have their permits modified into one of the two class sizes. In addition, under this option, existing minimum landing requirements would be modified to a 3-year.

Since this meeting, Council staff held American Samoa Plan Team, Advisory Panel, and REAC meetings in American Samoa on April 19-21, 2010; and a Western Pacific Longline Fisheries Regional Meeting on April 27-28, 2010. Recommendations pertaining to this action include the following:

- The AP recommended the longline limited entry program modifications consider changing the program to provide the American Samoa community the priority to obtain permits.

- The Plan Team recommended that the Council should re-visit the efficacy and purpose of the existing large vessel closed area, and that Council staff should look into adding spatial alternatives to the limited entry program amendment.
- The longline meeting participants made two recommendations on the American Samoa longline program at the meeting, as follows:
  - That combining vessel class sizes A and B may be appropriate and look forward to further analysis and development of potential modification to the American Samoa longline limited entry program.
  - That options for spatial management be considered in the Council's review of the American Samoa longline limited entry program including reducing the large vessel closed area around Swains Island as well as reducing the large vessel closed area around Tutuila and Manua Islands on a temporary basis and until the small-vessel fleet is rebuilt.

As a result of this meeting, another alternative reflecting recommendation 1 above was added for consideration under Topic 1, whereby under Alternative 1E, the two vessel size classes, Class A and B for small vessels (less than 50 ft) would be combined and the two vessel size classes for large vessels, Class C and D (50.1' and larger) would be maintained.

Recommendation 2 and the plan teams recommendations to include consideration of modifying the large vessel closed areas in American Samoa was not added to the current draft amendment because staff decided area management is a separate issue which should be analyzed in a stand-alone document, if recommended by the Council.

The Council may take final action on the American Samoa limited entry program modifications at the 148th Council Meeting.

#### **4. Recommendations on Territory Fishery Development**

Last October, the Council recommended to amend the Pelagics fishery ecosystem plan (FEP) to: 1) Establish longline bigeye catch limits of 2,000 mt for the U.S. Pacific Island Territories, which is consistent and more conservative than what is provided for under CMM 2008-01 of the WCPFC; 2) Provide limited authority to the Territories to utilize their annual longline bigeye catch limits through charter arrangements with FEP permitted vessels only; and 3) Establish criteria for U.S. vessels operating under charter arrangements or similar mechanisms to do so in an integral manner with the Territory's domestic fleet. The Council made these recommendations recognizing that the Territories would benefit from the development of its fisheries, including longline fisheries targeting bigeye tuna and other highly migratory pelagic species. The Council was also aware of that the Hawaii market is substantial and cannot be solely supplied by the Hawaii based longline fleet, and imports threaten to overtake U.S. supplied tuna to the Hawaii market.

Since last October, Staff has been developing the draft amendment and draft regulations. The Council will be asked to consider the draft regulations regarding this amendment as well as consider new the role NMFS and the Council will play in the oversight of any potential Territory charter arrangement.

## **B. Program Planning**

### **5. Recommendations on a Process for Establishing Annual Catch Limits**

The reauthorized Magnuson Stevens Act (MSA) requires that all Councils implement a mechanism for establishing Annual Catch Limits (ACLs) and accountability measures for all stocks and stock complexes considered “in the fishery.” National Standard 1 guidelines [50 CFR 600.310(e)(1)] recommend that for all stocks and stock complexes that are “in the fishery” the Councils should evaluate and describe the following items in their FEPs:

- Maximum Sustainable Yield
- Status Determination Criteria
- Optimum Yield
- Allowable Biological Catch (ABC) Control Rule
- Mechanisms for Specifying ACLs
- Accountability Measures
- Stocks considered in the fishery and those that are ecosystem components
- Stocks and Stock Complexes that have statutory exceptions from ACLs

An amendment document has been developed that outlines the mechanism for establishing ACLs, as well as alternatives for classifying ecosystem component species and acceptable accountability measures.

The Council will:

- Review recommendations from the SSC on species and species complexes for which catch limits will be established
- Decide if it wishes to endorse or adopt SSC recommendations on approaches to setting harvest controls (ABCs, OFLs, etc)
- Decide or endorse of adopt recommendations on accountability measures.

### **6. Recommendations on Management Measures for Aquaculture in the Western Pacific**

Aquaculture in the Pacific is a multi-million dollar industry that cultivates everything from algae and pearls to crustaceans and pelagic fish. While most of these activities are land-based operations, Hawaii has been the pioneer for developing and successfully operating aquaculture operations in the ocean. There are currently two operations

producing fish for commercial purposes in Hawaii with up to three more in different proposal stages. Offshore aquaculture is also being considered in other areas of the western Pacific as a means to reduce overfishing and provide seafood for island communities as well as commerce.

In managing fishery resources on an ecosystem scale, the Council needs to consider the effects of all operations on fishery stocks, including aquaculture. At its 146<sup>th</sup> meeting in October 2009, the Council voted to consider including management measures for offshore aquaculture in the FEPs. At its 147<sup>th</sup> meeting in March 2010, the Council considered options and selected preliminarily preferred alternatives, including limiting the number of operations, permitting and reporting, and a Council review process. Council staff will present an analysis of the following alternatives for the Council to consider:

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

The Council may take final action to select a preferred alternative at its 148<sup>th</sup> meeting.

## **7. Recommendations on Options for Exemptions from Federal Fishery Permits**

At its 146<sup>th</sup> meeting in October 2009, the Council recommended staff explore 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. These options were presented to the Council at its 147<sup>th</sup> meeting in the Marianas in March 2010. At this meeting the Council preliminarily preferred the alternatives to exempt permit requirements and associated fees for fishers under 16 years of age. They also recommended staff further develop the paper to include options for exemptions for all types of fishing permits beyond non-commercial fishing and options to facilitate fisheries catch information if logbook requirements are exempted.

- 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

Council staff will also present options for collecting fishing information from those persons that may be exempted from Federal permitting and reporting.

The Council, at its 148<sup>th</sup> meeting, may take final action to select a preferred alternative to provide exemptions to the Federal fisheries permitting process and select an option for collecting data from exempted persons.

## **8. Recommendations on Cooperative Research Priorities**

Throughout the year, Council staff have been soliciting ideas for cooperative research needs for 2011 from the Council's various groups including plan team, advisory panels, REACs, SSC, and public meetings. The Council will review the list and may recommend to add to, modify, or accept the list and recommend it be provided to PIFSC for consideration at next year's funding cycle.

### **C. Hawaii Archipelago**

## **9. Recommendations on Options for Refining Essential Fish Habitat for the main Hawaiian Islands Bottomfish Fishery**

### **a. Review of new habitat and life history information**

Chris Kelley conducted a review of the current EFH designations for BMUS relative to the main Hawaiian Islands bottomfish sub-management area. The review did not include sub-areas of the northwestern Hawaiian Islands, American Samoa, Guam, CNMI and Pacific Remote Island Areas. Kelley reviewed, compiled and evaluated new information related to EFH for main Hawaiian Island Bottomfish Management Unit Species (BMUS). The EFH review was conducted on:

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

Kelley will provide the Council with updated life history summaries of each BMUS species found in the Hawaiian Archipelago and suggest revisions to EFH and HAPC designations based on his findings.

### **b. Draft alternatives for Hawaii Bottomfish EFH/HAPC**

Council and PIRO Staff worked with Kelley to develop a draft amendment document to the Hawaii Archipelago Fishery Ecosystem Plan that includes three alternatives which are summarized below.

The alternatives to be considered by the SSC will include:

- No Action – EFH designation remain the same – 0-400 m for juvenile and adults BMUS species
- Shallow (0-240 m), Mid (40-320m) and Deep-water (80-400m) Components with Seamount Groundfish Component will remain unchanged.
- Individual species designations – specific depth ranges for each BMUS species (see document table)

The Council will be asked to select a preliminary preferred alternative and direct staff to finalize the amendment to the Hawaii Archipelagic FEP to revise EFH and HAPC descriptions for BMUS in the Hawaiian Archipelago.

Council and PIRO staff are also working to finalize the “terms of reference” to solicit contractors to review and compile all new biological, habitat and ecological scientific information for the pelagic and demersal MUS included in the American Samoa, Mariana, Hawaii, PRIA and Pelagic FEPs. PIRO has committed funding this year to facilitate this review.

## **10. Recommendations on the 2010/2011 MHI Bottomfish Total Allowable Catch (TAC)**

### **a. Review of MHI bottomfish fishery performance**

HDAR and NMFS Fishery Monitoring Division staff produced the final calculation of 2009/10 main Hawaiian Islands commercial bottomfish landings. The report indicates that the agencies collectively made data processing mistakes, combined with the poor weather in late March-early April, resulted in the fishery being closed before the TAC was reached. The closure occurred fairly significantly before (i.e., approximately 12% short) the TAC was reached. PIFSC will provide an explanation of what happened that resulted in the monitoring error.

The 2009/2010 main Hawaiian Island bottomfish fishery closed on April 20, 2010. The total accumulated catch in this fishing year is 224,000 as of April 24, 2010 which represents about 88% of the TAC. The fishery is scheduled remain closed through end of the fishing year and reopen on September 1, 2010.

### **b. 2010/2011 TAC determination**

The Council will be asked to select at TAC for the MHI Bottomfish fishery for the 2010/2011 fishing year. The new fishing year opens on September 1, 2010 and will continue until the 2010/2011 TAC is reached. A new stock assessment is not available at this time and Council will based its recommendations on the 2009 PIFSC Hawaii Bottomfish Stock assessment. Within that report, the Council has previously referenced “Table 9. Projected TACs, probabilities of overfishing, relative biomasses, and probabilities of depletion of MHI bottomfish under the constant MHI TAC alternative in fishing years 2009-2010” to determine the risk associated with various TAC selections.

## **11. Adjustment to NWHI Mau and Ho`omalulu zone boundaries for consistency with NWHI Monument**

This proposed action began nearly five years ago after the NWHI Monument was established. In October 2006, four months after the establishment of the Monument, at the 93rd meeting of the Council's SSC, a representative of the NWHI commercial pelagic handline and troll fishers requested the ability to retain certain BMUS incidentally caught while trolling for pelagic species in the NWHI. Based on this request, the SSC reviewed the available information on the Hawaii's bottomfish population and found that the incidental catch of uku outside the Monument probably has little impact on uku stocks in the NWHI. The SSC also noted that uku is not one of the Deep-7 bottomfish species which are species of most concern, and recommended that the Council explore options to enable the retention of uku and kahala caught incidentally in the NWHI pelagic troll and handline fishery. Therefore, at the 137th meeting in March 2006, the Council reviewed available information including the alternatives contained in this document, and took final action to recommend the geographic boundaries of the Hoomalu and Mau Zones be redefined to be consistent with the outer boundary of the Monument.

The amendment document has gone through many revisions and reviews and was last sent to PIRO in February, 2010. Since the bottomfish fishery has ended in the NWHI some changes to the document will need to be made to reflect this event. Additional alternatives to include permitting and reporting for fishing in the NWHI, outside the Monument boundaries, and others, may be included. The Council may recommend a new preferred alternative, or make other recommendations.

### **D. Marianas Archipelago**

## **13. Recommendations on Fishery Management Measures for the Marianas Trench Marine National Monument**

In January 2009, Former President George W. Bush issued Proclamation 8335 (Proclamation 8335) to establish the Marianas Trench Marine National Monument (MTMNT). In the Proclamation, the Secretaries of Commerce and Interior (Secretaries) are instructed to prohibit commercial fishing within the boundaries of the Islands Unit (0-50 nm around Uracus, Maug, and Asuncion Islands) within the Monument. While commercial fishing is to be prohibited in the Islands Unit, the Proclamation identifies potential fishing activities that could be allowed. Examples of allowed fishing activities include non-commercial, sustenance, recreational, and traditional indigenous. For the purposes of management, the Council generally defines non-commercial fishing to include, but not limited to, sustenance, recreational, and traditional indigenous fishing.

In following in Proclamation which instructs the Secretaries to promulgate fishing regulations under the MSA, the Council has recommended to amend its FEP for the Marianas Archipelago to establish management measures for non-commercial fishing in the Islands Unit. Specially, the Council recommended to authorize sustenance,

subsistence, recreational, and traditional indigenous fishing in the Islands Unit, and to require permit and reporting for these types of fishing. In addition, fishery participants conducting these types of fishing, except recreational fishing, could harvest fishery resources for customary exchange. The Council has defined “customary exchange” as:

The non-market exchange of marine resources between fishers and community residents for goods, services and/or social support for cultural, social, or religious reasons, and may include cost recovery through monetary reimbursements and other means for actual trip expenses (e.g. ice, bait, food, fuel) that may be necessary to participate in fisheries in the Western Pacific Region.

The Council also recommended that for-hire charter fishing be allowed in the Islands Unit, but that separate permit and reporting regulations be required for this type of fishing.

At the 148<sup>th</sup> Council meeting, Council staff will present options for prohibiting commercial fishing in the Islands Unit as well as the draft regulations related to the Council’s recommendations from its 147<sup>th</sup> meeting for consideration and action. Staff will also provide an update on the draft amendment review process.

## **E. American Samoa Archipelago**

### **14. Recommendations on Fishery Management Measures for the Rose Atoll and Pacific Remote Islands Marine National Monuments**

Former President George W. Bush also issued Proclamation 8337 (Proclamation 8337) in January 2009, which established the Rose Atoll Marine National Monument (RAMNM). The boundaries of RAMNM are 0-50nm around Rose Atoll, which is traditionally known as *Muliava*. Similarly to the MTMNM, he instructed the Secretaries to prohibit commercial fishing within RAMNM, but also identified that non-commercial fishing activities such as sustenance, recreational, and traditional indigenous may be allowed. At its 147<sup>th</sup> meeting, the Council recommended to amend its FEP for the American Samoa Archipelago to establish management measures for allowed fishing activities. Specifically, the Council recommended to authorize sustenance, subsistence, recreational, and traditional indigenous fishing, and to require permit and reporting for these types of fishing. In addition, fishery participants conducting these types of fishing, except recreational fishing, could harvest fishery resources for customary exchange (as defined above). The Council also recommended that for-hire charter fishing be allowed in RAMNM, but that separate permit and reporting regulations be required for this type of fishing. The Council also recommended that a no-take Marine Protected Area be established from 0-12 nm around *Muliava*.

At the 148<sup>th</sup> Council meeting, Council staff will present options for prohibiting commercial fishing in the RAMNM as well as the draft regulations related to the Council’s recommendations from its 147<sup>th</sup> meeting for consideration and action. Staff will also provide an update on the draft amendment review process.

Also in January 2009, then President Bush established the Pacific Remote Islands Marine National Monument (PRIMNM) which encompasses 0-50 nm boundaries around Wake, Johnston Jarvis, Howland, and Baker Islands, Kingman Reef, and Palymra Atoll. The Secretaries are also instructed to prohibit commercial fishing, but non-commercial and recreational fishing may allowed. At its 147<sup>th</sup> meeting, the Council recommended to amend its FEP for the Pacific Remote Islands Areas, to allow non-commercial and recreational fishing and that existing FEP permit and reporting regulations be maintained for these types of fishing. The Council also recommended to allow for-hire charter in the PRIMNM, but that separate permit and logbook requirements be established for for-hire fishing in to monitor the sustainability of this type of fishing as well as potentially limit the number of participants. The Council recommended to establish no-take Marine Protected Areas from 0-12 nm around Wake, Johnston Jarvis, Howland, and Baker Islands, Kingman Reef, and Palymra Atoll.

At the 148<sup>th</sup> Council meeting, Council staff will present options for prohibiting commercial fishing in the PRIMNM as well as the draft regulations related to the Council's recommendations from its 147<sup>th</sup> meeting for consideration and action. Staff will also provide an update on the draft amendment review process.