



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

TO: Interested Parties

July 2, 2009

FROM: Kitty M. Simonds

A handwritten signature in black ink that reads "Kitty M. Simonds". The signature is written in a cursive style with a large initial 'K'.

SUBJECTS: Fishing regulations in the new Pacific monuments; Hancock seamount groundfish moratorium; MHI 2009-2010 bottomfishing total allowable catch; Catch shares; Annual catch limits; Hawaii offshore non-longline pelagic fisheries; Longline tuna quota management; Longline tuna quota monitoring.

The Council will consider the issues summarized below, and public comments related to these initiatives, and is expected to take action on them at its 145th meeting to be held July 22-25, 2009 at the King Kamehameha Hotel in Kona. Written comments should be sent to the Council's Executive Director by 5:00 p.m. July 15, 2009 by mail, FAX or email as indicated below.

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1. Fishing regulations in the new Pacific monuments

President Bush's designation of the Marianas Trench Marine National Monument instructed the Secretaries of Commerce and Interior (Secretaries) to prohibit commercial fishing in the Islands Unit and to ensure that any *sustenance, recreational, or traditional indigenous fishing* in the Islands Unit be managed as a sustainable activity. The proclamation also states that Monument management plans shall provide for *traditional access by indigenous persons*, as identified by the Secretaries in consultation with the CNMI government, *for culturally significant subsistence, cultural and religious uses* within the Islands Unit. President Bush's designation of the Rose Atoll Marine National Monument instructed the Secretaries to prohibit commercial fishing within the boundary of the Rose monument. The Secretaries may permit *non-commercial and sustenance fishing*, and after consultation with the American Samoa government, may permit *traditional indigenous fishing* within the Rose monument. President Bush's designation of the Pacific Remote Islands Area Marine National indicates that *non-commercial fishing* may be permitted and directs that any *recreational fishing* be sustainable. In his Proclamations, President Bush identified the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 et seq.) as the statutory authority to develop regulations related to fisheries. In following the MSA process to promulgate fishing regulations for the new Pacific monuments the National Marine Fisheries Service (NMFS), which acts on behalf of the Secretary of Commerce, has requested that the Western Pacific Regional Fishery Management Council (Council) undertake the process to recommend definitions and fishing regulations for the types of fishing activities mentioned above.

2. Hancock Seamount groundfish fishery moratorium

When the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP) was implemented, it was determined that a six year moratorium on fishing at the Hancock Seamounts was needed to aid the recovery of the pelagic armorhead (*Pseudopentaceros wheeleri*, formerly known as *Pentaceros richardsoni*). Although no domestic fishery has ever targeted this stock, foreign vessels fished all areas of the Emperor seamounts prior to the passage of the Fishery Conservation and Management Act, now called the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 1976. After the MSA was implemented foreign vessels were excluded from fishing the southern limit of the Emperor seamounts (i.e., the Hancock Seamounts) which are located within U.S. waters; however they have continued to fish the remaining area which is in international waters. The Hancock Seamounts pelagic armorhead have been considered overfished and have been subject to a moratorium on domestic fishing to allow for their recovery since the inception of the Bottomfish FMP in 1986. Periodic reviews since that time have consistently determined that the stock has not recovered and remains overfished, and the Council consequently extended its rebuilding plan to address the overfished condition in 1992, 1998 and again in 2004. The current moratorium expires in August 2010. Although only pelagic armorhead are considered overfished, the Hancock moratorium is applied to all three seamount groundfish managed under the Bottomfish FMP as they are caught using the same gear type and targeting one species would likely result in incidental catches of the others.

The Council recognizes that because only a small percent (approximately three to five percent) of the Hancock Seamounts armorhead stock and habitat lies within U.S. jurisdiction, rebuilding of the stock must be accomplished through coordinated international management. However a prohibition on all catches provides the maximum protection available for Hancock Seamounts' groundfish stocks in waters under U.S. jurisdiction.

The Council will consider several options for the continued management of pelagic armorhead stocks on the Hancock Seamounts. The following options assume that the U.S. (Council and NMFS) will continue to participate in negotiations as part of the developing international North West Pacific Ocean Regional Fishery Management Organization (RFMO) to establish appropriate international management measures.

Option 1. No action – this option would allow the domestic fishery to reopen when the current moratorium expires in August 2010.

Option 2. Six year moratorium – this option would extend the current moratorium until August 2016.

Option 3. Hancock Seamounts Large Marine Ecosystem Management Area – this option would designate the Hancock Seamounts as a Large Marine Ecosystem Management Area (LMEMA), would prohibit fishing for armorhead and other seamount groundfish on the Hancock Seamounts and would establish the area as a control site for scientific research on seamount fisheries. Under this option NMFS in consultation with the Council and the North West Pacific Ocean RFMO would develop and implement a five year research plan to facilitate the establishment of management measures to effectively rebuild the armorhead stock throughout its range. This plan would also identify protocols and criteria for conducting research in the LMEMA.

3. Main Hawaiian Islands commercial Deep 7 total allowable catch for 2009-2010

Bottomfish stocks in the Hawaii Archipelago are managed under the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish FMP) developed by the Western Pacific Regional Fishery Management Council (Council), and implemented by the National Marine Fisheries Service (NMFS). To support the continued sustainability of Hawaii's bottomfish stocks, provisions were implemented in 2008 to end overfishing that was occurring on seven species of bottomfish ("Deep 7" bottomfish) in the Hawaii Archipelago. Continuing provisions for the main Hawaiian Islands (MHI) bottomfish fishery include requirements for vessel registration; Federal fishing permits, logbooks and Deep 7 bag limits for non-commercial participants in EEZ waters around Hawaii; and an annual Total Allowable Catch (TAC) limit for commercial catches of Deep 7 species in the MHI. When the annual TAC is reached, the MHI bottomfish fishery closes for the remainder of the fishing year. A recent update to the Hawaiian bottomfish stock assessment conducted by scientists at the National Marine Fisheries Service's Pacific Islands Fishery Science Center (PIFSC) indicates that stocks are healthier than previously indicated. At its 145th meeting the Council will consider

a range of TACs and the potential risk of overfishing associated with each, and recommend a commercial TAC for MHI Deep 7 species for the 2009-2010 fishing year which begins September 1, 2009.

The Council will consider five alternatives that have been developed based on a 2009 NMFS assessment that provides the risk of overfishing associated with various TACs. These alternatives include a range of fishing levels and associated risks of overfishing. Under the MSA, bottomfish stocks around Hawaii are evaluated for fishing on an archipelagic basis, with overfishing occurring when the fishing mortality rate (F) is greater than that which produces the maximum sustainable yield (F_{MSY}). Thus if F / F_{MSY} greater than 1, overfishing is occurring. None of the alternatives are expected to result in overfishing on an archipelagic basis; however they would allow varying levels of fishing pressure in the MHI and could result in F / F_{MSY} ratios greater than 1 in waters around the MHI.

Alternative	Total allowable MHI commercial catch of Deep 7 species	Risk of Hawaii overfishing	Risk of MHI F / F_{MSY} greater than 1
<i>Alternative 1: No action</i>	<i>No TAC is specified</i>	Unknown	Unknown
<i>Alternative 2</i>	<i>241,000 lbs</i>	0%	25%
<i>Alternative 3</i>	<i>249,000 lbs</i>	0%	34%
<i>Alternative 4</i>	<i>253,000 lbs</i>	0%	39%
<i>Alternative 5</i>	<i>262,000 lbs</i>	0%	50%

4. Catch shares

Catch shares is a general term for fishery management programs which allocate allowable catches, or portions of allowable catches to individuals or groups. Individual fishing quotas are a type of catch shares system, as are limited access privilege programs which allocate catches to individuals or groups. Subject to some limitations, eligible groups can be composed of fishery participants using the same gear type to target the same species (“sectors”); groups of participants who join together to form regional fishery associations; members of a community, or other types of groups. The Council is considering the development of catch share systems for Hawaii’s Main Hawaiian Islands commercial Deep 7 bottomfish fishery and for the Hawaii-based pelagic longline fleet. Because the initial allocation of catch shares is likely to be based on the catch history of fishery participants, the Council will consider the following options for compiling these catch histories:

Option 1: Link catches to Federal permits (longline vessels only) – in this case the vessel’s catch history is attributed to the permit number and is transferred with the permit if the permit is sold.

Option 2: Link catches to Federal permit holders (longline vessels only) –in this case the vessel’s catch history is attributed to the permit holder, it is not transferred to the new owner if the permit or vessel is sold

Option 3: Link catches to vessels (by vessel name, USCG number and/or state registration number) – in this case the vessel’s catch history is attributed to and transferred with the vessel to the new owner if the vessel was sold.

Option 4: Link catches to vessel owners - in this case the vessel’s catch history is attributed to the individual who owns/owned the vessel, it is not transferred to the new owner if the vessel was sold.

Option 5: Link catches to vessel captains - in this case the vessel’s catch is attributed to the individual who captained the vessel on each trip, it is not transferred if the vessel was sold.

Option 6: Link catches to each crew member – in this case the appropriate portion of the catch history is attributed to each crew member, it is not transferred if the vessel was sold.

5. Annual catch limits for species with known maximum sustainable yields

The reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), created new responsibilities and authorities for regional fishery management councils (Councils) and their advisory bodies. One of the most important changes was the inclusion of new mandates for Councils to set annual catch limits (ACLs) for its managed fisheries based on advice from their Scientific and Statistical Committees (SSCs). Specifically Councils must transmit to the National Marine Fisheries Service (NMFS, also known as NOAA fisheries) amendments to their fishery management plans that establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability. At its 142nd meeting (June 2008) the Western Pacific Regional Fishery Management Council (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 MSA, 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.

Based on advice from the SSC regarding ABCs, the Council will consider the development of ACLs for the following managed species with known MSYs:

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

6. Hawaii offshore non-longline pelagic fisheries

The Council will consider new management measures for Hawaii's offshore non-longline pelagic fisheries (NLPF). There are four principal reasons for considering this action. The first stems from periodic expressions of concern at Council meetings by fishermen and the general public that Hawaii's NLPF fisheries tend to land juvenile bigeye tuna, especially from Cross Seamount and the NOAA weather buoys, and that this may be detrimentally depleting the stocks available to the Hawaii-based longline and nearshore small boat pelagic fleets. Although research suggests that the rate of exchange of bigeye between Cross Seamount and the inshore fisheries is relatively low and need not be of great management concern, apprehensions about effects on other fisheries persist. The second reason is the possibility that Hawaii's NLPF fisheries may expand. Although the current level of non-longline fishing activity at the Cross Seamount, and the NOAA weather buoys is low relative to years past, analysis of commercial license data indicates that participation rates tend to be cyclic in nature and that they increase when Hawaii's economy declines. The third reason is the need to address the implementation of annual catch limits as mandated by the Magnuson-Stevens Act (MSA) and the quality of data available to do so. The MSA requires that the Council establish annual catch limits for managed species by 2011. Consequently, there is a need for a comprehensive data collection program to ensure that the Council has reliable data with which to evaluate the fishery and establish annual catch limits. Lastly, the Cross Seamount is a unique structure and the shallowest seamount within Federal waters around Hawaii, rising to within 300 m of the surface. It is the only relatively shallow seamount that is accessible to NLPF vessels, which use a variety of hook and line gears to catch tuna and other pelagic fish. Most recently, shortlines (longlines less than 1 nm in length) and conventional longlines have been used to target seamount monchong (*Eumegistis illustris*) at Cross Seamount. The seamount monchong exhibits a greater degree of site fidelity than unlike the tunas which aggregate on and around the Cross Seamount. Although it is present at other seamounts in the Hawaii Archipelago and elsewhere, its stock structure is unknown and it may be more analogous to demersal species such as bottomfish or lobsters. Seamount monchong has increased in the catch from this fishery from negligible quantities to about 36,000 lbs per year from the Cross Seamount. The Council has previously discussed implementing a limited entry program for one or more gear types or areas fished by Hawaii's NLPF fisheries and is expected to make recommendations on the following issues:

Issue 1: Affected area - Over which area should the limited entry program apply, Cross Seamount only, Cross Seamount and NOAA weather buoys, or Cross Seamount, NOAA weather buoys and other areas?

Issue 2: Affected gear types - Which gear types should be included in a limited entry program, longlines only, longline and shortline, longlines shortlines and handlines, or these and other gears?

Issue 3: Participation criteria - What criteria will be used to establish eligibility to participate in a limited entry program? Should a control date be set, and if so when? Should a points system be used instead, or should a combination of both points and a control date be used?

Issue 4: Permit transferability - Should permits be freely transferable (as in the Hawaii longline fishery) or revert to NMFS when surrendered (as in the NWHI bottomfish fishery)?

Issue 5: Control date – Control dates are published to provide current and potential future fishery participants with advance notice that future entry to a fishery may be limited to those who can demonstrate that they participated in the fishery prior to the control date. Publication of a control date does not guarantee that a limited entry program will be established, nor does it guarantee that all prior participants will be admitted if a limited entry program is implemented. A June 2005 control date for Hawaii’s NLPF was previously published however it is now considered not likely to be useful as several new participants are now active in the fishery. The Council will consider establishing an updated control date of approximately July 25, 2009/

7. Longline tuna quota management

The U.S. participates in two international Regional Fishery Management Organizations for the management of pelagic species. The first is the Western Central Pacific Fisheries Commission (WCPFC) in the Western and Central Pacific Ocean (WCPO), and the second is the Inter-American Tropical Tuna Commission (IATTC) in the Eastern Pacific Ocean (EPO).

In December 2008 the WCPFC members agreed to WCPO bigeye and yellowfin tuna catch limits for Western and Central Pacific longline fisheries for the years 2009-2011. Under this agreement, U.S. longline catches of bigeye tuna in the WCPO must either be no more than 90 percent of the fleet’s 2001-2004 annual average landings. U.S. longline landings of yellowfin tuna in the WCPO must be limited to the fleet’s 2001-2004 annual average landings. NMFS has informed the Council that it will publish the 2009-2011 WCPFC bigeye catch limits for the U.S. longline vessels under the WCPFC Implementing Act, and has requested the Council to take action on the 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. As it is anticipated that one or both of these limits may be reached prior to the end of the year and the important holiday season, the Council will consider a range of approaches 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. These approaches are not all mutually exclusive as some could be used in conjunction with others. The emphasis is on the Hawaii-based fleet; however, some approaches include other island areas. This is an initial exploration of different approaches which are available and within each approach a range of alternatives will subsequently be constructed as necessary for further consideration by the Council. Some

approaches focus on bigeye tuna as this is the most valuable for the Hawaii longline tuna fishery. Other approaches could also be applied to yellowfin tuna.

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 in 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. Establishment of domestic bigeye catch limits for Guam, CNMI and American Samoa – Under this approach, 2,000 metric ton catch limits for longline-caught bigeye tuna would be established for the three U.S. territories as part of a program for responsible fisheries development.

12. Waiver of observer requirements when no observers are available – Under this approach NMFS would waive any WCPFC or IATTC observer requirement if it is not able to provide observers, to keep the fishery operating. This is consistent with the measures proposed by NMFS in their proposed rule (74 FR 26160) and associated Environmental Assessment for US purse seine fisheries subject to WCPFC measures.

13. 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.

8. Tuna quota monitoring

In 2008 the Western and Central Pacific Fisheries Commission (WCPFC) agreed on a bigeye and yellowfin tuna conservation and management measure that resulted in a Western and Central Pacific Ocean (WCPO) U.S. longline bigeye quota for 2009, 2010, and 2011 (see above). In order to monitor the quota and to take management action when the catch limit is reached, it is recognized that the current system is inadequate. For example, there is generally a 30 day time lag from when the fish is caught to when the fishery logbook is transmitted to NMFS, followed by additional time required for data entry and checking.

Electronic logbook reporting has been recognized as a tool to reduce the time lag it takes from reporting fish catches to publishing catch statistics. Not only does electronic reporting save time and money for NMFS and fishermen alike, but it also results in improved data accuracy. In 2004 the Council recommended that NMFS allow the optional use of electronic logbook reporting in all FMP managed fisheries. In 2006 NMFS published a final rule allowing the use of this reporting method. The Council will consider the following options to improve monitoring of tuna quotas applicable to Hawaii's longline fishery.

Option 1: No Action- under this option the current system of mandatory hardcopy logbook reporting to NMFS (72 hrs upon landing) would be maintained and daily electronic reports would not be required.

Option 2: Require daily electronic logbook reporting - under this option all Hawaii longline vessel operators would be required to input complete logbook information into electronic logbook software and to transmit that data to NMFS on a daily basis using their VMS throughout each longline fishing trip.

Option 3: Require daily email reporting of bigeye tuna - under this option all Hawaii longline vessel operators would be required to email NMFS to report the number and estimated pounds of bigeye caught on a daily basis using their VMS throughout each longline fishing trip.

Option 4: Require daily reporting by federal observers via satellite phone - under this option all federal observers on Hawaii longline vessels would be required call NMFS via satellite phone to report the vessel's catch (number and estimated weight) of bigeye on a daily basis throughout each longline fishing trip.

Option 5: Require daily reporting by vessel operators via satellite phone - under this option Hawaii-based longline vessel operators would be required to use satellite phones to report their vessels' catches and estimated weight of bigeye on a daily basis.