



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

TO: Interested Parties

February 17, 2012

FROM: Kitty M. Simonds

A handwritten signature in black ink that reads "Kitty M. Simonds".

SUBJECTS: Recommendations on Options for American Samoa-set Longline Fishery; Recommendations on Territory Bigeye Tuna Catch Limits; Recommendations on Fishing Regulations for the Rose Atoll, Marianas Trench, and PRI Marine National Monuments

The Council will consider the issues summarized below, including any public comments on these initiatives. The Council is expected to take action on them at its 153rd Council Meeting to be held March 4-6, 2012 at the Saipan Fiesta Resort and Spa in the Commonwealth of the Northern Mariana Islands, and March 8-9, 2012, at the Hilton Guam Resort and Spa. Written comments should be sent to the Council's Executive Director by 5:00 p.m. March 1, 2012 by mail, FAX or email as indicated below.

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1. Recommendations on Options for American Samoa-set Longline Fishery

This amendment would permit shallow-set longline fishing for swordfish and other pelagic species by the American Samoa longline fleet, an activity now not possible under current longline fishery regulations.

The American Samoa longline fishery developed in the mid 1990s and matured at the beginning of this decade. Initially, it was primarily a nearshore coastal longline fishery dominated by outboard powered catamaran vessels known locally as *alias*, using hand deployed and retrieved longline gear. From 2000 onwards, the fishery came to be dominated by conventional large mono-hulled longline vessels (approx 65 ft in length), comparable in size to those in the Hawaii longline fisheries, and which had observed interactions with protected green sea turtles.

In 2008, the Council took action to reduce green sea turtle interaction rates with the American Samoa longline fishery through an amendment to the Pelagics Fishery Ecosystem Plan (PFEP). The final rule from this amendment was published in September 2011 and requires the fishery to modify the deployment of longline gear such that all hooks are set at least 100 meters deep. However, as a result of this amendment, shallow-set swordfish longlining is not possible under the current regulations.

Some American Samoa vessels have targeted South Pacific swordfish in the past. Unfortunately, transporting the fresh fish to the lucrative mainland swordfish market did not yield the expected financial returns. If marketing barriers could be solved, American Samoa fishermen are likely to regain interest in targeting swordfish. As such, at the 150th Council Meeting, the Council directed staff to prepare a draft amendment to the PFEP that would specify regulations for an American Samoa shallow-set longline fishery, which would operate under the American Samoa longline limited entry program, to target swordfish and other pelagic species.

At the 151st Council Meeting, the Council considered different mechanisms for implementing a shallow-set longline fisheries including:

1. Amending the Pelagics FEP to permit shallow-set longline fishing
2. Using an Exempted Fishing Permit to allow for shallow-set swordfish fishing
3. Establishing a Community Development Program (CDP) to allow American Samoa communities to be exempted from the deep-set requirements of the PFEP

At its 151st Meeting, the Council made the following recommendation: “regarding a potential American Samoa longline shallow-set fishery, the Council recommended staff prepare a draft FEP amendment to establish measures for an American Samoa shallow-set longline fishery.” The 152nd Council Meeting reiterated this recommendation.

The purpose of this action item is to choose a preferred alternative that would permit shallow-set swordfish fishing by American Samoa longline vessels and which will minimize the potential for interactions with sea turtles and seabirds.

Council staff have now completed an amendment document in which the following alternatives are analyzed in detail:

1. No Action
2. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish without any sea turtle or seabird mitigation measures
3. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish employing the full suite of mitigation measures required for sea turtle in the Hawaii shallow set fishery but without specific seabird mitigation measures.
4. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish employing the full suite of mitigation measures required for sea turtle mitigation and including seabird mitigation measures required in Hawaii.
5. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish employing sea turtles mitigation measures and seabird mitigation measures required in Hawaii, and include spatial restrictions on shallow set fishery, i.e. exclude fishing from within the US EEZ around American Samoa and permit fishing below 20 deg S line of latitude.

The Council may choose a preferred alternative and recommend final action at its 153rd Meeting

2. Recommendations on Territory Bigeye Tuna Catch Limits

At its 148th meeting (June 2010), the Council recommended Amendment 20 to the Pelagics FEP that would implement the following:

- 1) Establish annual longline bigeye catch limits of 2,000 mt for the U.S. Pacific Island Territories of American Samoa, Guam, and Commonwealth of the Northern Mariana Islands (collectively, Territories), which is consistent with and more conservative than what was agreed to for the Territories by the Western and Central Pacific Fisheries Commission, of which the U.S. is cooperating member;
- 2) Provide limited authority to the Territories to assign up to 750 mt per year of their annual longline bigeye catch limits through domestic charter arrangements or similar mechanisms with only U.S. vessels permitted under the FEP;

3) Establish criteria for U.S. vessels operating under domestic charter arrangements or similar mechanisms to be further integrated with the Territory's domestic fleet by supporting fisheries development within the Territory.

Transmittal of this Amendment 20 has been held up due to continued reviews of the document between Council staff and NMFS PIRO. In November 2011, Congress passed the FY2012 appropriations bill for the Department of Commerce that included Section 113. This legislation provided American Samoa, Guam, and CNMI the authority to use, assign, allocate, and manage catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the WCPFC through arrangements with U.S. Vessels with Pelagic FEP permits. The effect of Section 113 accomplished much of what Amendment 20 was to establish, but in a much simpler manner. Section 113 also states that the legislation shall remain in effect until December 31, 2012, or if earlier than this date, the Council transmits, and the Secretary of Commerce approves and implements, an amendment to the Pelagics FEP. **Recognizing that Section 113 provides a more simpler approach than Amendment 20 that could be replicated, and that there may be other options (e.g. region wide limited entry program) that could also accomplish responsible fisheries development in the U.S. Pacific Territories through the use of their assigned WCPFC catch limits, the Council will consider directing staff to develop options for further consideration or to maintain Amendment 20 as recommended.**

3. Recommendations on Fishing Regulations for the Rose Atoll, Marianas Trench, and PRI Marine National Monuments

In September 2011 (one year after the draft amendment document was sent to PIRO for review), the Council received a letter from Michael Tosatto, NMFS PIRO Regional Administrator, indicating that NOAA has reviewed the Council's Draft Fishery Ecosystem Plan Amendments on Fishery Management Measures for the Rose Atoll, Marianas Trench, and Pacific Remote Island Area Marine National Monuments. The letter states, amongst other things, that the draft measures provide a basis for identifying customary exchange as important to traditional indigenous fishing in the region; however, the reviewed draft does not identify adequate safeguards to ensure that the practice of customary exchange does not blur the line of commercial fishing. The letter suggests that the Council consider revising the definition of customary exchange to exclude, or clearly limit, cost recovery of trip expenses as well as consider imposing bag limits for non-commercial fishing. Further, the letter also suggests that the Council may wish to clarify the definition of "non-commercial fishing" to specify that traditional indigenous fishing is limited to traditionally and culturally significant fishing practices in existence at the time the Monuments were established. In addition, the letter states that that recommended no-fishing zones around Pacific Remote Island Areas, as currently drafted, are inconsistent with the proclamations, particularly with respect to Palmyra Atoll where noncommercial fishing is currently permitted by the FWS. NMFS has recommended the Council consider make it clear that the no-fishing zones in the PRI Monument are subject to USFWS authority to issue permits for non-commercial permits, in consultation with NOAA.

At its 152nd meeting, the Council directed to staff to develop a range of options related to issues identified above for consideration at the 153rd meeting. In addition, the Council endorsed the SSC recommendation to form a small working group to further consider issues associated with the definition of customary exchange. Staff has developed a range of options for review by the Council at its 153rd meeting which include trip cost limits, bag limits, and acceptable levels of harvests associated with estimated MSY and potential annual production values per Monument area. **The Council will consider the SSC recommendations as well as the range of options and is anticipated to take final action on these issues at the 153rd meeting.**