



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

TO: Interested Parties

September 21, 2016

FROM: Kitty M. Simonds

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

SUBJECT: Action Items for 168th Council Meeting

- 1) 2017 US Participating Territory Longline Bigeye Catch Limit Specification**
 - 2) Expansion the Papahānaumokuākea Marine National Monument**
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The Council will consider the two issues summarized below, including any public comments on this initiative. The Council is expected to take action on these issues at its 168th Council Meeting to be held between October 12 and 14, 2016 at the Laniakea YWCA Hall, 1040, Richards St, Honolulu. Written comments should be received by the Council's Executive Director by 5:00 p.m. (Hawaii time), October 7, 2015, by mail, FAX or email as indicated below.

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1. 2017 US Participating Territory Longline Bigeye Catch Limit Specification (Action)

Pursuant to the Amendment 7 of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FEP) and implementing regulations (50 CFR 665.819), the Council will consider recommending the specification of 2017 longline bigeye catch limits for American Samoa, Guam, and the Northern Mariana Islands (collectively, the US Participating Territories). The US Participating Territories have formal participation status in the Western and Central Pacific Fisheries Commission (WCPFC). The Council will also consider limits on the amount of catch that could be transferred under Specified Fishing Arrangements by the US Participating Territories to vessels permitted under the Pelagics FEP. The Council will consider the following limits:

- A) Specify 2,000 mt longline bigeye catch limits for each Territory, of which 1,000 mt per Territory could be transferred to US vessels permitted under the Pelagics FEP (status quo).
- B) Specify 2,000 mt longline bigeye longline limits for each Territory, of which up to 2,000 mt per Territory could be transferred to US vessels permitted under the Pelagics FEP.
- C) Specify greater than 2,000 mt longline bigeye limits for Territory, of which greater than 2,000 mt per Territory could be transferred to US vessels permitted under the Pelagics FEP.

Bigeye tuna comprises a Pacific-wide population that is internationally managed and assessed as separate stocks in the Western and Central Pacific (WCPO) and Eastern Pacific Ocean (EPO) by the WCPFC and the Inter-American Tropical Tuna Association (IATTC), respectively. Stock assessments were conducted in 2014 for the WCPO and 2016 in the EPO. According to the stock status determination reference points in the Pelagic FEP, the most recent stock assessments indicate that bigeye overfishing is occurring in the WCPO, but the stock is not overfished in the WCPO or EPO.

The WCPFC, of which the United States is a member, develops and agrees on conservation and management measures (CMMs) for highly migratory species caught by WCPFC members and Participating Territories (CCMs) in the WCPO. In December 2015, the WCPFC agreed on CMM 2015-01, which builds off earlier conservation and management measures (e.g. CMM 2008-01, 2012-01, 2013-01, 2014-01). Members that are not considered Small Island Developing States and Territories (non-SIDS) have been subject to longline catch limits, which have been annually reduced since 2009, which collectively approximate a 40 percent reduction from 2001-2004 longline bigeye catch levels. The existing WCPFC conservation measure also limits members that harvested less than 2,000 mt of bigeye in 2004 with longline gear to no more than 2,000 mt for each of the years 2014 through 2017. However, CMM 2015-01, like earlier conservation measures, does not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the Convention Area by SIDS and Participating Territories, including American Samoa, Guam and the CNMI. Limits are not provided to the SIDS and Participating Territories in recognition of their fisheries development aspirations.

In 2014, Amendment 7 to the Council's Pelagic FEP was approved and implemented. Amendment 7 established a management framework that provides for the following:

- Catch or effort limits applicable to the US Participating Territories that include the authority of the US Participating Territories to use, assign, allocate and manage the pelagic management species catch and effort

limits agreed to by the WCPFC through Specified Fishing Agreements with US vessels permitted under the Pelagic FEP for the purposes of responsible fisheries development.

- Authorization for the Council to recommend and the National Marine Fisheries Service (NMFS) to specify catch or effort limits in the absence of such limits or additional or more restrictive limits than the WCPFC for conservation and management purposes.
- Consistency review of Territory arrangements with the Pelagic FEP and other applicable laws by the Council and NMFS, as well as annual review and specification recommendations by the Council.

In 2014, NMFS approved the Council's recommended specification of annual bigeye tuna longline limits of 2,000 mt per year for each of the US Participating Territories, of which 1,000 mt may be transferred annually under Specific Fishing Agreements consistent with the Pelagic FEP and other applicable laws to eligible US vessels permitted under the Pelagic FEP. Under these agreements, funds have been provided to the Territories to assist them with fisheries development. Amendment 7 requires the Council to recommend Territory longline bigeye specifications on an annual basis.

In 2015, the Council recommended the specification of 2106 bigeye tuna longline limits of 2,000 mt per year for each of the US Participating Territories, of which 1,000 mt may be transferred annually under specified fishing agreements as defined under Amendment 7.

At its 168th meeting, the Council will consider options related to the specification of the annual Territory bigeye longline limits applicable for 2017.

2. Expansion of Papahānaumokuākea Marine National Monument (Action)

a) Recommendations on Implementing Fishing Provisions of the Papahānaumokuākea Marine National Monument Expansion Proclamation

b) Economic impact of lost EEZ fishing grounds

On August 26, 2016, President Obama issued a proclamation expanding the Papahānaumokuākea Marine National Monument (monument) subject to the unilateral authority provided to the President of the United States under Antiquities Act of 1906. The proclamation expanded the monument from 139,797 square miles (362,073 km²) to 582,578 square miles (1,508,870 km²). See <https://www.whitehouse.gov/the-press-office/2016/08/26/presidential-proclamation-papahanaumokuakea-marine-national-monument>.

The proclamation outlines that the Secretaries of Commerce and of the Interior shall share management responsibility for the monument expansion and instructs them to prepare a joint management plan, and after consultation with the State of Hawaii, for the monument expansion. The proclamation also instructs the Secretaries to promulgate implementing regulations, within their respective authorities, that address any further specific actions necessary for the proper care and management of the objects and areas identified in the proclamation. The respective statutory authority with respect to fisheries regulations is the Magnuson Stevens Fisheries Conservation and Management Act (MSA).

The proclamation instructs the Secretaries to prohibit, amongst other things, commercial fishing. However, the proclamation also provides that the Secretaries may permit certain activities such as non-commercial fishing including native Hawaiian subsistence fishing.

It is anticipated that the Secretary of Commerce, working through the National Marine Fisheries Service, will request that the Western Pacific Regional Fishery Management Council begin a process to recommend regulations under the MSA to implement the fishing provisions of the proclamation. This course of action occurred after the issuance of the proclamations establishing the Rose Atoll, Marianas Trench, and Pacific Remote Islands Marine National Monuments, and whereby the Council took action to amend its Fishery Ecosystem Plans as appropriate. For these monuments, the Council undertook a public process to develop fishing regulations for non-commercial fishing including recreational and traditional indigenous fishing activities. The Council's recommended regulations included spatial no-take areas, permits and fish catch reporting, and authorizing customary exchange for non-commercial fishing (see 78 Federal Register 32996, June 2013, for more information).

At its 168th meeting, the Council will consider recommendations on initiating a process to develop fishing regulations applicable to the expanded monument, which may require amending the Fishery Ecosystem Plan of the Hawaii Archipelago and the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region. Any process recommended by the Council to develop regulations applicable to non-commercial fishing activities will involve opportunities for public participation, review, and comments. At its 168th meeting, the Council will also consider recommendations on the evaluation of economic impacts to Hawaii commercial fisheries as a result of monument expansion and loss of fishing grounds within the US Exclusive Economic Zone.