



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

173rd Council Meeting
June 11-13, 2018
Wailea Beach Resort
Wailea, Maui, Hawaii

AGENCY REPORTS

Regarding the Status of Stocks Report to Congress, the Council:

1. Requested NMFS fix the Status of Stocks report to Congress on its website to change the WCPO bigeye status as it is not subject to overfishing.

Regarding the USFWS video on Rose Atoll Marine National Monument, the Council:

2. Requested the USFWS include NOAA and the American Samoa government in developing the Rose Atoll MNM video production.

Regarding derelict vessels, the Council:

3. Requested the USCG develop a process to notify local governments, neighboring countries, and mariners of derelict vessels and potential hazards to navigation and threats for vessel grounding and further requests the USCG investigate market available satellite tracking technologies that could be deployed on derelict vessels.



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HAWAII ARCHIPELAGO AND PRIA FISHERIES

Regarding the main Hawaiian Islands deep-7 bottomfish fishery, the Council:

1. Selected Alternative 3 and recommended the ACL be set at 40 percent risk of overfishing corresponding to an annual catch limit of 492,000 pounds for fishing year 2018-19, 2019-20, and 2020-21.
2. Recommended to prevent the ACL from being exceeded through an in-season closure as an accountability measure based on the projected date of when the ACL will be reached for the MHI Deep 7 Bottomfish fishery. In an event that the ACL has been exceeded, any overage will be applied in the subsequent fishing year.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

3. Requested the State of Hawaii review and consider previous SSC recommendations and advice on research priorities in the decision to the opening of BRFA's in order to scientifically monitor and measure the impact of this action on the fishery and assessment.
4. Directed staff to further investigate the feasibility of the application of the carry-over provision based on the National Standard 1 guidelines (81 FR71858 October 18, 2016)

for setting future ACLs and Accountability Measures for the main Hawaiian Islands Deep 7 bottomfish fishery.

5. Directed the Council's Social Science Planning Committee to review the SEEM framework and findings, both past and present, to provide recommendations to the Council on any potential changes to the dimensions and scoring processes relevant to future SEEM analysis.



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PROGRAM PLANNING AND RESEARCH

Regarding the Ecosystem Component Amendment, the Council:

1. Continued to support the preferred alternative 2 to reclassify some of the management unit species in the American Samoa, Marianas, and Hawaii Fishery Ecosystem Plans (FEPs) to Ecosystem Components.
2. Directed staff to finalize and transmit the draft Amendment 4 to the American Samoa FEP and Amendment 5 to the Marianas and Hawaii FEPs with a draft Environmental Assessment and Regulatory Impact Review for Secretarial review, as appropriate.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Regarding the monitoring of the management unit species, the Council:

3. Directed staff to work with the territory fishery agencies to identify and resolve issues with real-time accurate reporting by identifying regulatory gaps and support the agencies by facilitating the development of regulatory solutions such as mandatory licensing/permit and reporting (e.g. log book).
4. Supported the development and improvement to data collection systems and directed Council staff to work with the State/Territory fishery management agencies to:
 - a. Explore options of a dedicated port sampler to conduct a full census of the bottomfish catch;
 - b. Improve the timeliness of the data transcription; and

- c. Explore the improvement and expansion of the commercial receipt book program. Further, the Council direct staff to work with a contractor and coordinate with WPacFIN in the planning and development of an online cloud database and application to support the improvements in the Commercial Receipt Book system. Such application will facilitate the data collection needs under the Territory Science Initiative project and the local agency's data programs.

Regarding evaluation 2017 catch relative to the 2017 ACL, the Council:

5. Recommended applying the accountability measure and set the ACL at 0 lb for CNMI slipper lobster for fishing year 2018. However, the Council noted that the CNMI slipper lobster is recommended to be an ecosystem component species and ACLs may no longer be applied to this species complex.

Regarding the refinement of the precious coral essential fish habitat, the Council:

6. Directed staff to develop an analysis of options to redefine EFH and any HAPC for precious corals in Hawaii for Council consideration for an FEP amendment.

Regarding the Research Priorities, the Council:

7. Approved the changes to Five-Year Research, Cooperative Research, and Management Strategy Evaluation priorities. Further, the Council directed staff to identify the top priorities and send the priorities to PIFSC for consideration in their Annual Guidance Memo.

Regarding annual SAFE reports, the Council:

8. Recommended PIFSC conduct an economic cost-benefit analysis on the use of large circle hooks in the American Samoa longline fishery to determine whether modifying the green turtle mitigation measures in the fishery may contribute to further reductions in interactions in the fishery without significant negative impacts on fishery operations and revenue.
9. Directed staff to work with the PIRO Observer Program to streamline the process of accessing observer data to facilitate data access for the Annual SAFE Report development and other purposes.
10. Directed staff to further develop the standardized metric for monitoring protected species interactions for the Annual SAFE Report.
11. Directed staff to determine the utility of having species-level data in the Hawaii and American Samoa recreational fisheries modules of the Pelagic Annual SAFE Report.
12. Requested WPacFIN work with local territory agencies to develop an automated module to estimate pounds sold versus not sold for expanded creel survey catch of PMUS in the Pelagic Annual SAFE Report.
13. Requested WPacFIN explore other means of expanding the data collected through creel surveys that are used in the Archipelagic Annual SAFE Reports.

14. Requested Guam Bureau of Statistics and Plans report on their import-export database project, which received Saltonstall-Kennedy funding, and directed Council staff to evaluate the inclusion of PMUS import data into the Human Dimensions module of the Pelagic Annual SAFE Report.

Regarding Marine Planning and Climate Change, the Council:

15. Directed staff to investigate whether harbor vulnerability studies have been conducted in the Western Pacific Region, and if they are lacking, write to the appropriate federal and/or local agencies requesting that the studies be conducted.

Regarding Fishery Data Collection and Research, the Council:

16. Directed staff to work with PIRO Federal Programs Office to investigate potential mechanisms to improve the territory/state agencies ability to address their logistical issues for data collection.
17. Directed staff to convene the MRIP Ad-hoc Committee to finalize the plan for implementing activities described in the MRIP Regional Implementation Plan.
18. Requested NMFS conduct research in the Mariana Archipelago regarding local shark abundance and fishery interactions with the objective to document species involved and interaction rates.

Regarding the Pelagics Research Plan, the Council:

19. Endorsed the research plan for its purposes in advancing conservation and management of pelagic fisheries in the region.



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PELAGIC AND INTERNATIONAL FISHERIES

Regarding the Framework for Managing Sea Turtle Interactions in the Hawaii Shallow-set Longline Fishery, the Council:

1. Recommended amending the Pelagic FEP to establish a management framework for the Hawaii shallow-set longline fishery that consists of the following measures:
 - a. Establish an annual limit on the number of North Pacific loggerhead and leatherback turtle interactions that the Council will recommend to NMFS consistent with the anticipated level of annual interactions that is set forth in the current valid biological opinion. Once either one of these interaction limits is reached, the fishery closes for the remainder of the calendar year.
 - b. Establish individual trip interaction limits for loggerhead and leatherback turtles for the Hawaii limited entry permit vessels that declare their trips as a shallow-set trip
 - i. Upon determining that a vessel has reached either the loggerhead or leatherback turtle trip interaction limit based on data from NMFS observers, shallow-set vessels will be required to return to port without making additional sets.
 - ii. The vessel may resume shallow-set fishing operations after returning to port and providing the required 72-hour notification under 50 CFR 665.803 prior to departure.
 - iii. The Council may make recommendations to NMFS to revise the individual trip limits upon periodic review of the effectiveness of the limits.

Using the framework described above, the Council also recommended the following specifications:

- a. Specify the annual limit on the number of North Pacific loggerhead and leatherback turtle interactions.
 - i. The Council anticipates that NMFS will complete a new biological opinion not later than October 31, 2018. Based upon the current Biological Evaluation (BE), the Council anticipates that the new biological opinion will authorize take of no more than 37 North Pacific loggerheads and 21 leatherbacks. Accordingly, the Council recommends an annual limit of 37 North Pacific loggerheads and 21 leatherbacks, effective January 1, 2019.

- ii. The Council will review its recommendation if the new biological opinion results in a jeopardy decision or a different incidental take statement for North Pacific loggerheads or leatherbacks.
- b. Specify the individual trip limit of 5 North Pacific loggerhead turtles. The Council does not recommend specifying a leatherback turtle trip limit at this time. The Council further recommended annual monitoring of the effectiveness of the loggerhead turtle trip limits and the potential need for leatherback turtle limit specifications as part of the Annual SAFE Report review process.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

- 2. Recommended the following non-regulatory measures:
 - a. Establish the following timeline for monitoring the development and review of a sea turtle interaction avoidance pilot program utilizing fleet communication to be implemented by the industry:
 - i. Support the development of the pilot program by working with the Hawaii shallow-set longline fishery participants, NMFS, and other partners, and providing assistance as necessary and appropriate to set up the data sharing and fleet communication platform or other program components;
 - ii. Monitor the development and implementation of the pilot program over 3 year period through periodical meetings between Council staff and industry participants;
 - iii. After the three-year development and implementation period, the Council will conduct a review of the pilot program through the Pelagic Plan Team and/or the appropriate Council advisory bodies. As part of the review, the Council will determine whether the program may be further improved and incentivized by modifying the management measures for mitigating sea turtle impacts in the fishery by establishing incentives as part of the management measures for mitigating sea turtle impacts in the shallow-set longline fishery under the Pelagic FEP.
- 3. Requested NMFS provide funding to support research in minimizing trailing gear to further reduce post-hooking mortality rates of loggerhead and leatherback turtles.

Regarding Loggerhead Turtle Interactions in the Hawaii Shallow-set Longline Fishery, the Council:

4. Requested PIFSC analyze loggerhead turtle interaction data from recent seasons and suggested that a range of statistical modeling approaches be applied to better understand factors associated with high number capture events.

Regarding the ESA Section 7 Consultation for the Hawaii Shallow-set Longline Fishery, the Council:

5. Requested NMFS provide the Council with the Biological Opinion analysis plan and draft Biological Opinion for review, in accordance with the ESA-MSA Integration Agreement. The Council further directed staff to form a SSC Working Group to review the analysis plan for the ongoing consultation when it is made available to the Council. The working group members are: James Lynch, Steve Martell, Shelton Harley, Justin Hospital, and Donald Kobayashi.
6. Requested NMFS evaluate the potential ‘transfer effect’ in the Biological Opinion as an indirect effect of the proposed action rather than part of the environmental baseline.

Regarding the Marine Turtle Population Assessment, the Council:

7. Requested PIFSC consider the following in finalizing the modeling approach:
 - a. The modelling consider a range of approaches including demographic models as well as Population Viability Analysis (PVA);
 - b. The modelling consider cross-validation techniques to test the robustness of approaches being considered to impute missing count data;
 - c. The modelling consider the robustness of the conclusions to the inclusion or exclusion of the winter nesting population that is thought to not interact with the Hawaiian longline fleet; and
 - d. The modelling consider additional details, including any assessment of effectiveness or of interventions on the nesting grounds (e.g., effort to reduce human or animal related mortalities).
8. Requested NMFS include an SSC member as one of the independent reviewers of the loggerhead and leatherback population model.

Regarding the Large Vessel Prohibited Area (LVPA) Applicable to the American Samoa Limited Entry Vessels, the Council:

9. Reiterated its previous recommendation that it supports all fisheries occurring in American Samoa waters and within the US exclusive economic zone (EEZ). The Council recognized that the American Samoa longline limited entry fishery, which targets albacore for landing at the local cannery, has experienced poor economic conditions for more than a decade; as a consequence, dozens of vessels have left the fishery. The remaining longline vessels continue to face lower catch rates and increasing operational costs; available information indicates that the current LVPA restricts fishing operations and optimal yield and adversely affects efficiency by preventing vessels from “following the fish.”

10. Recognized that alia fishermen who troll for yellowfin, skipjack, and wahoo perceive that their fishing would be harmed if LVPA regulations are modified. However, available scientific information gathered when the 2016 LVPA rule was in effect showed no adverse impacts to the catch rates of pelagic troll vessels, including alias.
11. The LVPA rule has led to disagreement within the American Samoa fishing community and is the subject of litigation. The Council noted that last year's court decision requires the consideration and protection of American Samoa cultural fishing. To this end, the Council requested PIFSC conduct research on American Samoa cultural fishing practices to facilitate understanding and potential impacts of opening some restricted fishing areas within the US EEZ for American Samoa vessels that primarily target albacore. PIFSC presented the results of this research at the Council's 172nd meeting in March 2018. The PIFSC research indicates that all fishing in American Samoa has cultural importance, whether commercial longline, commercial alia vessels, troll or other fishing sectors, because catch from all locally-based fishing sectors flows into the American Samoa community for cultural purposes.
12. On July 6, 2017, and November 17, 2017, the Council requested consultation with the Government of American Samoa on preserving and protecting cultural fishing under various options for prohibited areas in the US EEZ after taking into account community comments at a Council hearing in American Samoa in October 2017. Consistent with these requests, the Council requested at its 172nd meeting that the American Samoa Government consider all relevant information, including the PIFSC research paper, available data on fishing impacts under the 2016 LVPA rule, and input from longline and alia fishermen and other stakeholders, and identify an option consistent with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) that might resolve this disagreement. The Council requested that the American Samoa Government forward its recommendation to the Council by May 30, 2018, or sooner for action at its June 2018 (173rd) Council meeting. The Council received one response from the American Samoa government in October 2017 that Council member Henry Seseapasara is the point of contact on cultural fishing, but did not receive responses to the Council's requests to consult with the American Samoa government on cultural fishing, and the Council did not receive a response from the American Samoa government by May 30, 2018 to its request for an option that would address its concern over the proposed action.
13. On June 12, 2018, during Council discussion on the LVPA rule at its 173d meeting, Council Member Henry Seseapasara offered the Government of American Samoa's position on the alternatives presented to the Council and indicated that the American Samoa Government supports the status quo (alternative 1).
14. The Council continued to take into account various considerations regarding the LVPA rule, including the importance of the American Samoa longline fishery to the local economy and canning industry, more than a decade of poor economic conditions facing this longline fleet, attrition in vessel participation, catch rates for longline vessels and troll vessels while operating under the 2016 LVPA rule, PIFSC research on cultural fishing, Council Member Seseapasara's statements, public comments on this issue, and the MSA National Standards.

In light of these considerations, the Council recommended a regulatory amendment to provide a four-year exemption for vessels permitted under the American Samoa longline limited entry program to fish within the LVPA seaward of:

- 12 nm around Tutuila;
- 12 nm around Manua;
- 12 nm around Swains; and
- 2 nm around the offshore banks.

The Council further recommended annual monitoring of the American Samoa longline and troll catch rates, small vessel participation, and local fisheries development initiatives.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Regarding the Pelagics FEP Amendment to Modify the Amendment 7 framework and regulations, the Council:

15. Recommended amending the Pelagics FEP and implementing regulations as follows:
 - a. Removal of the requirement for establishing separate total catch or effort limits for the US participating territories prior to establishing allocation limits; and
 - b. Removal of the requirement that the Council must annually specify catch and allocation limits by permitting the Council to recommend that NMFS promulgate multi-year catch and or allocation limits in regulations.

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Regarding bigeye growth estimates used in WCPO and EPO stock assessments, the Council:

16. Requested NMFS support WCPFC and IATTC initiatives to convene a workshop to compare techniques and age estimates between otolith reading labs in the WCPO and EPO for the purposes of evaluating aging techniques and differences in growth models across the Pacific.

Regarding the WCPFC longline bigeye limits, the Council:

17. Directed staff to work with NMFS PIRO on the draft Monitoring and Control Plan for the United States Tropical Tuna Longline Fishery for review by the Council and US WCPFC Permanent Advisory Committee.

Regarding the EPO stock of skipjack tuna, the Council:

18. Acknowledged that the EPO skipjack is a major fishery without a stock assessment, and directed staff to write to the IATTC to encourage research by IATTC that could support a formal stock assessment.

Regarding Seabird Management Measures in the Hawaii Longline Fishery, the Council:

19. Directed staff to convene a workshop to review seabird mitigation requirements and the best scientific information available while taking into account operational aspects of the fisheries, seasonality, the location of seabird interactions, alternative mitigation measures, and cost/benefit analyses.

Regarding the National Saltwater Angler Registry, the Council:

20. Directed staff work with NMFS to evaluate monitoring and enforcement issues associated with the National Saltwater Angler Registry in Hawaii, including potential mandatory reporting requirements.



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AMERICAN SAMOA ARCHIPELAGO FISHERIES

Regarding the American Samoa Marine Conservation Plan, the Council:

1. Concurred with the MCP with the addition of the following project:
 - Support research activities on pelagic fisheries that include the collection of life history information, ecosystem indicators, economics and fishing communities, and fisheries interactions and management.



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PROTECTED SPECIES

Regarding the False Killer Whale Take Reduction Team, the Council:

1. Requested NMFS provide reports of the follow-up Take Reduction Team meetings at the October SSC and Council meetings.

Regarding the Marine Mammal Serious Injury Determination, the Council:

2. Recommended that NMFS review its serious injury determination policy as it pertains to false killer whales, and support additional research to obtain scientific information on species-specific post-hooking morality information to inform revision of the policy.

Regarding ESA-listed Shark Species: the Council:

3. Recommended that NMFS address the following data gaps and research needs:
 - a. Improve data collection for oceanic whitetip shark capture data in non-longline pelagic fishery.
 - b. Outreach to fishermen to improve species identification for shark species to facilitate improved accurate catch data reporting.
 - c. Identify nursery ground habitat for ESA-listed scalloped hammerhead sharks unknown for American Samoa and the Mariana Archipelago.
 - d. Improve the observer program associated with shark data collection:
 - i. Record release condition, handling and trailing gear.
 - ii. Sex and size for ESA-listed oceanic whitetip sharks to be collected for every observed interaction, rather than every third fish.

Regarding Protected Species Research Priorities, the Council:

4. Recommended NMFS prioritize the following specific projects to be implemented to address the Council's 5-year research priorities:
 - a. Meta-analysis of sea turtle post-hooking mortality rate studies to inform future ESA consultations.
 - b. Studies to evaluate post-hooking mortality for marine mammals difference depending on amount of remaining gear (including the use of model or cadaver to improve understanding of the impacts of pulling gear to straighten weak hooks).
 - c. Identify nursery areas for Indo-Pacific scalloped hammerheads for American Samoa and the Mariana Archipelago.

- d. Expand shark interaction studies with small-scale commercial fishers to improve baseline biological and ecological studies for oceanic whitetips.
- e. Evaluate the level of current shoreline interaction take of Hawaii green turtles as a proxy for evaluating potential level of sustainable take.



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MARIANA ARCHIPELAGO FISHERIES

Regarding Mariana Archipelago Fisheries, the Council:

1. Directed staff to communicate the fishermen's concerns to Gov Guam regarding the ongoing issues with FAD deployment in Guam.
2. Requested the CNMI DLNR provide the Council with the data and justification for the potential size change regulations being considered.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Appointed the following members to its advisory bodies:
 - a. Brett Schumacher to the Archipelagic Plan Team to replace Melanie Brown.
 - b. Josh Lee to the Pelagic Plan Team to replace Melanie Brown.
 - c. Emily Crigler to the Pelagic Plan Team to replace Tom Graham.

Regarding Offshore Aquaculture, the Council:

2. Recommended PIRO/GC expedites its review process to ensure publication of the DPEIS and public comment period ahead of the October meeting in order for the Council to take final action.
3. Directed staff to communicate to the Administration the Council's policy and position on aquaculture, including potential impacts, due to any potential aquaculture legislation.