



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

178th Council Meeting

June 25-27, 2019

Fuller Hall YWCA Laniākea

Honolulu, Hawaii

HAWAII ARCHIPELAGO AND PRIA ARCHIPELAGO

Regarding the Kona crab fishery, the Council:

1. Selected Alternative 4 and recommended that the ACL be set equal to the SSC's ABC at 38 percent risk of overfishing with a catch level of 30,802 lb and further sets an ACT at 20 percent risk of overfishing corresponding to an annual catch level of 25,491 lb fishing year 2020 to 2023;
2. Recommended that, in order to prevent the ACT from being exceeded, an in-season closure will be used as an accountability measure based on the projected date on when the ACT will be reached for the MHI Kona crab fishery. In an event that the ACT has been exceeded, there will be no overage adjustment to be applied. In the event that the ACL is exceeded and overage adjustment in the amount of the overage will be applied to the ACL and ACT in the subsequent fishing year.

Further, the Council deemed 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. Encouraged the Hawaii Division of Aquatic Resources establish a process through Chapter 91 to close the State waters once the ACL of Kona crab (including other remaining MUS) is projected to be reached in order to attain consistency in the management of the stock between the State and Federal Waters. The Council further encouraged the State, as part of the Chapter 91 process, to consider bringing the monthly reporting requirement to trip level similar to the deep 7 bottomfish fishery.

4. Reiterated its previous recommendation requesting the Hawaii Division of Aquatic Resources to work with State of Hawaii Legislature in removing the no-take of female statute to allow the redevelopment of the commercial Kona crab fishery

Regarding the monitoring of the management unit species catch and ACLs, the Council

5. Requested the Hawaii Division of Aquatic Resources to provide the Council and NMFS monthly summaries of numbers caught, pounds caught, number of trips, number of licenses to track fisheries performance for in-season monitoring of the Kona crab and the *Aprion virescens* fisheries relative to their respective ACLs. Furthermore, the Council recommended DAR to reinitiate the collection of fishery data for crustaceans from the non-commercial fisheries as part of the certification process of the Hawaii Marine Recreational Fishing Surveys.
6. Directed staff to work with Hawaii Division of Aquatic Resources and NMFS PIFSC to develop CPUE indices and indicators for Hawaii small-boat fisheries (troll, handline, etc) and investigate data filtering criteria to define fishing effort and targeting.

Regarding the FEP Amendment for refining precious coral Essential Fish Habitat, the Council

7. Approved the draft amendment for final action and directs staff to send the document to NMFS PIRO for completion.

Further, the Council deemed 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 Hawaii Fishery Issues, the Council:

8. Directed staff to work with the AP to provide education and outreach on the Council and Fishery Issues to the community at the larger fishing tournaments and expos in Hawaii.
9. Directed staff to draft a letter to the State of Hawaii Board of Land and Natural Resources to address misinformation published by an article in Civil Beat, particularly inaccuracies regarding the status of bottomfish and regarding re-opening bottomfish restricted fishing areas (BRFAs).



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PROTECTED SPECIES

Regarding False Killer Whales, the Council:

1. Requests NMFS PIFSC to provide a presentation to the SSC and Council at the October 2019 meetings on the new abundance estimates for the pelagic stock of false killer whales based on the 2017 EEZ-wide survey.
2. Requests NMFS PIRO to provide an update to the SSC and Council at the October 2019 meetings on the potential date for reopening the SEZ, taking into consideration the new abundance estimates for the pelagic stock.

Regarding Ecosystem-based Fishery Management, the Council:

3. Directs staff to continue to work with NMFS on the Ecosystem-based Fishery Management Turtle Project and to validate the assumptions in TurtleWatch through this project. Future versions of TurtleWatch should consider including information on target catch as well as potential for interactions with other protected species of concern.

Regarding Green Turtles, the Council:

4. Requests NMFS PIFSC to provide updates at Council meetings on the status of the NWHI research, including green turtle nesting habitat changes in French Frigate Shoals.
5. Requests NMFS to explore options for allowing cultural use of green sea turtles for the indigenous communities of the Western Pacific under the ESA.

Regarding ESA Recovery Plans, the Council:

6. Requests NMFS PIRO to provide regular updates at future Council meetings on the status of recovery plan implementation for Pacific green turtle populations, including the outlook for considering downlisting of distinct population segments occurring in the Marianas and American Samoa.



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PROGRAM PLANNING AND RESEARCH

Regarding the compliance to NMFS Procedure 01-101-10 Framework for Determining that Stock Status Determinations and Catch Specifications are Based on the Best Scientific Information Available, the Council

1. Recommended NMFS PIFSC, NMFS PIRO and the Council jointly develop the Regional BSIA Framework as stated in part III of the NMFS Procedure 01-101-10. Further, the Council recommends utilizing the WPSAR Coordinating Committee to take the lead in the drafting of the Regional BSIA framework with support from other Council, PIFSC, and PIRO staff, and appropriate SSC members. Further the Council recommends that this regional process be incorporated in the WPSAR policy, when appropriate.
2. Recommended utilizing provisions from Procedure 01-101-10 in resolving potential issues regarding the scheduled release of the Territory Bottomfish Benchmark Stock Assessment in October 2019. Further, the Council recommended that NMFS PIRO, NMFS PIFSC, NOAA GC and the Council staff meet as soon as possible to resolve the stock status issue.

Regarding the Modernizing Recreational Fisheries Act of 2018, the Council

3. Endorsed the process developed by the SSC to address section 201 of the Modernizing Recreational Fisheries Act of 2018 and recommends NMFS PIRO utilize the information from the Process Paper when developing the regional report to be submitted to Congress.

Regarding the spatial management of highly migratory species, the Council

4. Endorsed a workshop developed by the SSC Spatial Working Group on “Spatial Management of Blue Water Ecosystems” with the themes: 1) spatial management objectives and performance metrics, 2) alternative to spatial management, and 3) evaluation and monitoring, and 4) policy and outreach approaches to spatial management.
5. Directed Council staff to explore sources of funding and investigate venues for a workshop on spatial management.

Regarding the revisions to the Annual Stock Assessment and Fishery Evaluation Reports, the Council

6. Directed staff to work with NMFS to convene the Plan Team working group for American Samoa, Guam, CNMI and Hawaii to define the ecosystem component species

that will be monitored as species that comprise the functional groups ('parrotfish', 'browsing surgeon', 'mid-size targeted surgeon', 'medium large snappers', 'non-planktivorous butterflyfishes'), and those that comprise key species in the fisheries (top 5 consistently monitored important species and the 10 annual catch landings)

7. Directed staff to work with NMFS and American Samoa DMWR, CNMI DFW, Guam DAWR, Hawaii DAR on the revisions to the fisheries modules of the Archipelagic SAFE Reports due to the changes in the Management Unit Species brought about by the Ecosystem Component designation;
8. Directed staff to work with NMFS PIFSC Ecosystem Science Division and Division of Aquatic Resources on applying the GLM framework to the survey data in order to validate the modeling results;
9. Requested American Samoa DMWR to include the time series of number of commercial permit holders and number of citation for non-compliance to the commercial permit in the American Samoa Annual SAFE Report.

Regarding Territory bottomfish management unit species list, the Council

10. Directed staff to work with NMFS PIFSC, American Samoa DMWR, Guam DAWR, and CNMI DFW to evaluate the representativeness of the BMUS list relative to the all species caught using the bottomfishing gear
11. Directed staff to work with NMFS PIFSC to conduct a data exploration on the feasibility to split the Territory BMUS stock complex using ecological rational (e.g. shallow deep or by life history trait etc.)

Regarding the Observer Program, the Council:

12. Requested NMFS PIRO and NMFS PIFSC to work with the Council to improve coordination of observer program data collection, database access and other needs.

Regarding Data Collection for Sharks in Hawaii, the Council:

13. Directed staff to work with the State of Hawaii to improve shark species identification by fishermen with a goal of facilitating improved data collection on oceanic whitetip shark interaction data. The Council requested the State of Hawaii to coordinate with the Council in the State's efforts to improve reporting of protected species sightings.

Regarding improvements in the fishery data collection, the Council

14. Directed staff to work with the DFW, DAWR, DMWR and PIFSC staff in the implementation of the electronic reporting for the bottomfish fishery;
15. Supported the Pacific Insular Fisheries Monitoring and Assessment Planning Summit and requests the Territory fishery agencies to review the recommendations from the summit for implementation to improve the fishery data collection. Furthermore, the Council directed staff to send the SSC Subgroup Report to the organizers for consideration in the upcoming summit.

Regarding the FDCRC Strategic Plan, the Council

16. Directed staff to convene a strategic planning session with the Technical Committee members accounting for the recommendations generated by the Pacific Insular Fisheries Monitoring and Assessment Planning Summit



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PELAGIC AND INTERNATIONAL FISHERIES

Regarding the FEP Amendment 9 for territorial bigeye tuna catch and/or allocation limits, the Council:

1. Taking into account the Western and Central Pacific Fisheries Commission provisions addressing Small Island Developing States and Participating Territories for which the US Participating Territories are categorized, and the Council's prior recommendation to revise 50 CFR 665.819 to remove the requirement to set Territory catch limits before setting allocation limits, recommended no bigeye tuna longline catch limit for American Samoa, Guam, and the Commonwealth of the Northern Marianas Islands for each of 2020, 2021, 2022, and 2023.
2. Recommended that each U.S. Pacific Territory (American Samoa, Guam, and the Commonwealth of the Northern Marianas Islands) may annually allocate up to 1,500 metric tons of bigeye tuna under specified fishing agreements with eligible US longline vessels.
3. Recommended that the allocation limits identified in paragraph 2 shall be effective each year from 2020 through 2023. The Council shall annually review and, as appropriate, recommend changes to these allocation limits, taking into account new information relevant to the conservation status of bigeye tuna, applicable law, and Commission decisions.

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 Electronic reporting in Hawaii longline fisheries, the Council:

4. Requested NMFS PIFSC to convene a longline Electronic Report Plan Development and Implementation Team with suggested constituents of NMFS PIFSC, NMFS PIRO, the Council, industry and Office of Law Enforcement (OLE).

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

5. Requested NMFS PIFSC work with the Council to determine the extent to which the higher loggerhead turtle interactions in the Hawaii shallow-set longline fishery may be attributed to higher reproductive outputs at Japanese nesting beaches in the last decade. The Council further directed staff to work with NMFS PIFSC to consider developing approaches to adjust hard caps and any other applicable limits in the Hawaii shallow-set longline fishery to population status.

Regarding Oceanic Whitetip Sharks, the Council:

6. Directed staff to work with NMFS PIFSC to evaluate the temporal variability in oceanic whitetip shark interactions in the Hawaii deep-set and American Samoa longline fishery to better understand the drivers influencing the inter-annual variability. These may include, but not limited to: operational characteristics of fisheries, spatial distribution of effort, and management areas.

Regarding BBNJ, the Council:

7. Requested the US State Department provide US positions on BBNJ (especially on area-based management tools) to the Council at the October 2019 meeting.



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AMERICAN SAMOA ARCHIPELAGO

Regarding American Samoa Fisheries, the Council:

1. Directed staff to work with American Samoa DMWR, bottomfish fishermen and NMFS to explore alternative data collection methods that would more accurately capture information to reflect the bottomfish fishery. The Council further requests NMFS PIFSC staff to conduct a series of community meetings in American Samoa explaining the results of the most recent bottomfish assessment for American Samoa on Tutuila as well as in the Manu'a Islands.



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MARIANA ARCHIPELAGO

Regarding the Marianas Trench Marine National Monument, the Council:

1. Recommended NMFS PIRO include the Government of Guam in the review of the draft Marianas Trench Marine National Monument Management Plan

Regarding Guam enforcement issues, the Council:

2. Requested that the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources (DAWR) to clarify and provide the notification scheme of the military regarding spatial closures with mariners.

Regarding Guam Fisheries, the Council:

3. Directed staff to work with both the AP to review the Guam fishery data to identify gaps as well as opportunities in the data collection in order to provide the best data possible for future stock assessments.
4. Requested NMFS PIFSC to explore assessing the bottomfish management unit species at a higher resolution rather than a single stock complex.

Regarding the Guam Fisheries, the Council:

5. Directed staff to work with Guam DAWR, bottomfish fishermen and NMFS to explore alternative data collection methods that would more accurately capture information to reflect the bottomfish fishery. The Council further requests NMFS PIFSC staff to conduct a series of community meetings in Guam explaining the results of the most recent bottomfish assessment for Guam.

Regarding CNMI Mandatory License and Reporting Regulation, the Council:

6. Requested NMFS PIFSC and the Council be engaged with the CNMI on data collection initiatives, should proposed regulatory actions in CNMI to require mandatory fishery reporting be approved.

Regarding CNMI Fisheries, the Council:

7. Requested the US Coast Guard's assistance for the deployment of Fish Aggregation Devices in the region.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Approved the new Administrative Award for 2020-2024 and Protected Species Award for 2020-2024 and directs staff to prepare and transmit the final grant application packages to NMFS.
2. Directed staff to communicate its concerns to NMFS Leadership regarding the lack of Western Pacific representation on the Marine Fisheries Advisory Committee and request that Mr. Roy Morioka, from whom NMFS received an application, be appointed to the Committee.
3. Regarding Council Family changes,
 - a. Appointed Lawrence Concepcion, Ray Delacruz, and George Moses to the CNMI AP as Alternates
 - b. Appointed Stefanie Dukes to replace Kimberly Lowe in the Technical Committee of the FDCRC
4. Directed staff to continue development of the Geographic Strategic Plan with NMFS PIRO and NMFS PIFSC staff addressing the comments raised by staff and discussed by the Executive Committee. The revised draft should be brought before the Executive Committee for review and comment prior to the revised draft being sent to NMFS HQ. The Council should also be provided a report on the final draft at the October 2019 meeting.
5. Directed staff to begin the process to review and revise the PRIA/Hawaii Marine Conservation Plan and work with the Guam and CNMI to review and update their respective MCPs prior to the Council's March 2020 meeting.
6. Directed staff to draft and deliver a resolution from the Council to Mr. Peter Fithian celebrating the 60th anniversary of the Hawaii International Billfish Tournament Diamond Jubilee to be held from July 27, 2019 to August 3, 2019 in Kailua-Kona, Hawaii.
7. Directed staff to send a letter to President Trump requesting the fishing prohibitions within the Pacific Island Region Marine National Monuments (MNM) be removed

returning management of fishery resources within the MNMs to the Council under the authority of the MSA.

8. Acknowledged that Territories need to work with their governors and congressional representatives to amend legislation that will exempt them from the prohibition of commercial use of existing docks paid for by Dingle-Johnson funds.
9. Directed staff to meet with NMFS PIRO Sustainable Fisheries staff after each Council meeting to review actions, develop timelines, set priorities and agree to plans to complete tasks.
10. Directed staff to write a letter to NMFS requesting expedited development of a global agreement to streamline the process for providing Council contractor access to confidential fishery data.

Regarding the Management of Loggerhead and Leatherback Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery, the Council:

11. Deferred final action at this meeting and recommends staff convene teleconference 179th Council meeting in late July or early August 2019 to consider final action, and to convene teleconference meetings of the SSC and the Hawaii AP in advance of the Council action.
12. Directed staff to work with NMFS PIRO to prepare necessary analysis, incorporating the final Biological Opinion and associated Reasonable and Prudent Measures, to inform Council final action at the July Council meeting and to ensure timely review and transmittal of the amendment package following the 179th Council meeting.

Regarding ESA consultations the Council:

13. Requested NMFS complete ESA Section 7 consultations for the Hawaii deep-set and American Samoa longline fisheries by September 1, 2019, and for the U.S. tropical purse seine fishery by October 1, 2019, in accordance with the schedule presented at the 178th Council meeting and without further delay. The Council at its 176th meeting in March 2019 requested that NMFS complete these consultations as they pertain to oceanic whitetip sharks by June 1, 2019. These consultations have not been completed to date and continue to put the region's largest domestic commercial fisheries at risk of litigation. The Council directs staff to keep apprised Chris Oliver, Assistant Administrator for NOAA Fisheries, of the status of the consultations and the Council's concerns regarding the significant risk posed to the fisheries as a result of continued delays, and request that Oliver continue to provide oversight to ensure expeditious completion of high quality consultations.
14. The Council further requested NMFS provide the Council with any draft Reasonable and Prudent Measures or Reasonable and Prudent Alternatives prior to the release of the entire draft BiOp, as well as the full draft BiOp, consistent with NMFS Policy Directive 01-117 (Integration of ESA Section 7 with MSA Processes). Pursuant to the ESA-MSA Integration Agreement, the Council Executive Director will determine the appropriate

method of review (e.g., staff review or advisory body review) for reviewing the draft documents.