



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

**ACTION MEMORANDUM**

176<sup>th</sup> Council Meeting  
March 19-21, 2019  
Fuller Hall YWCA Laniākea  
Honolulu, Hawaii

**HAWAII ARCHIPELAGO AND PRIA ARCHIPELAGO**

***Regarding the Kona crab fishery, the Council:***

1. Endorsed the SSC's findings that the 2019 Stock Assessment for the Main Hawaiian Islands Kona Crab to be the Best Scientific Information Available for the purposes of setting harvest level reference points and determining stock status;
2. Recommended NMFS PIFSC explore the use of other models that would account for sex-specific dynamics rather than the sex-aggregated production model in the next benchmark assessment;
3. Directed staff to convene a working group to conduct the P\* and SEEM analyses to support the ABC and ACL specifications, respectively;
4. Requested Hawaii Division of Aquatic Resources (DAR) record female crab and minimum size discards separately on the fisherman trip reports to provide a more comprehensive record of commercial catch. However, this would no longer be required if the no-take of female statute is removed. Further, the Council requests DAR:
  - a. Pursue actions for the removal of the no-take of female statute;
  - b. Revise the regulations pertaining to Kona crabs to extend or shift the closed season to ensure that berried females are protected;
  - c. Explore options for changing the mesh size of the Kona crab nets
5. Directed staff to work with Poseidon Fisheries Research in expanding its Saltonstall-Kennedy funded project to include the estimation of sex-ratio in Penguin Banks to evaluate the potential effects on the stock from sex-selective fishing;

***Regarding the charter fishery cost earning survey, the Council:***

6. Encouraged PIFSC to maintain a regular schedule of the economic evaluations and monitoring of the fisheries in the Pacific islands;



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**PROTECTED SPECIES**

***Regarding Seabird Bycatch Mitigation Measures, the Council:***

1. Endorsed the strategies for identifying alternative mitigation measures and improving seabird measure effectiveness for the Hawaii longline fishery as outlined in the discussion paper, including addressing captain effects through strategic outreach, identifying tori line designs suitable for the Hawaii fishery, encouraging trials for making minor modifications to existing required measures, and progressing international bycatch assessments for North Pacific albatross species. The Council further directed staff to work with industry, NMFS, Pelagic Plan Team and other expertise as appropriate to identify draft minimum standards for tori lines, taking into consideration existing standards established for other fisheries, designs currently used voluntarily by Hawaii longline vessel operators, and diversity of vessel size and configuration in the Hawaii longline fishery.
2. Requested NMFS to facilitate coordination with USFWS regarding any potential issues or concerns in the process of identifying and testing alternative mitigation measures.
3. Recommended NMFS to prioritize conducting international bycatch assessment for North Pacific albatross species to improve impacts assessment of relative risk of the Hawaii longline fishery compared to other fisheries operating in the region.
4. Requested NMFS to evaluate whether blue-dyed bait has a negative impact on target species catch rates. Impacts on catchability may result in increased effort to compensate for the loss in target catch, which in turn could increase seabird interactions across the fleet.

***Regarding False Killer Whales, the Council:***

5. Directed staff to send a letter to NMFS in response to the Southern Exclusion Zone (SEZ) temporary rule requesting that NMFS:
  - a. Establish a protocol for evaluating the 5-year average estimated level of false killer whale mortality and serious injury for the 2015-2019 period at the close of the 2019 calendar year to allow reopening of the SEZ on January 1, 2020, if the evaluation based on the protocol determines that the M&SI level inside the EEZ remain below PBR; and

- b. Consider the reopening criteria based on the best scientific information available at the close of 2019 and to expedite the review of available information and reopening criteria.
6. Recommended that NMFS work with Council staff to develop and implement effective captain and crew training program to reduce the risk of FKW mortality or serious injury from gear interactions while also promoting crew safety in the Hawaii longline fishery.
7. Requested NMFS to develop approaches for incorporating comprehensive population viability analysis (PVA) to supplement the use of potential biological removal (PBR) and to reduce uncertainty in PBR estimates under its policy guidelines for preparing MMPA Stock Assessment Reports. The Council further requested that NMFS provide data on the pelagic stock of false killer whales sufficient for the SSC to develop a PVA in parallel to the NMFS process.
8. Requested NMFS to consider developing probability-based serious injury determination criteria for false killer whales.



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**PROGRAM PLANNING AND RESEARCH**

***Regarding legislation, the Council***

1. Directed staff to draft a letter to the Secretary of Commerce regarding proposed legislation that prohibits the commercial sale of shark parts from legally caught sharks, which appears to conflict with the MSA and existing federal regulations that allow and require the sustainable harvest and landing of whole sharks.

***Regarding the Saltonstall Kennedy Grant Program, the Council***

2. Reiterated its previous recommendation to regionalize the solicitation for the Saltonstall-Kennedy grant program to allow more flexibility in the prioritization of the projects and provide better opportunities for community-based projects to receive SK funding. In addition, the Council directed staff to draft a letter to Chris Oliver requesting similar funding to Expand Annual Stock Assessments under the Operations, Research, and Facilities Account budget to be allocated for critical priorities pertaining to US Pacific Islands pelagic fisheries research and development.

***Regarding the SSC Working Group on Developing a Roadmap to Effective Spatial Management, the Council***

3. Directed staff and the spatial working group (SWG) to develop a white paper describing the following recommendations to be set as guidelines for any existing or proposed spatial management activity:
  - a. Prior to developing spatial management areas, objectives and performance metrics must be explicitly specified to evaluate the effectiveness of spatial management. Performance metrics must concurrently address conservation objectives (e.g. increase in abundance or decrease in bycatch), economic objectives (e.g. net economic benefit, price per pound, quality of product), social objectives (e.g. crew safety, equitable access, food security, cultural value, transfer of local/cultural knowledge).
  - b. Monitoring of performance metrics is needed with regularity to gauge efficacy of existing closures and suitability for future spatial fishing closures or modifying existing closures. Monitoring needs to account for changes in performance metrics before and after management action, such as counterfactual analyses.
  - c. Modifying fishing gear or methods are likely to be more effective to minimize protected species bycatch rather than permanent closed areas.

- d. Maintain flexibility in regulations so that industry can find voluntary means to reduce bycatch interactions and have input in the development of mitigation measures.
- e. Research should evaluate whether existing closures meet stated objectives and performance metrics.
- f. Prior to implementing any closure or other spatial management action of any kind, compliance monitoring and enforcement should be planned and tenable.

***Regarding the SSC Work Group on the Modern Fish Act, the Council***

4. Directed staff, in collaboration with the SSC Chair Jim Lynch, develop a white paper that describes the process on how non-governmental sources of data and scientific information is incorporated in the fishery management process and present the paper at the June 2019 meeting

***Regarding the Council's Five Year Research Priorities, the Council***

5. Directed staff to transmit the revised research priorities to the Secretary and the Pacific Island Fisheries Science Center

***Regarding the US Pacific Territories Fishery Capacity Building MOU, the Council***

6. Amended the MOU title to US Pacific Islands Fishery Education and Employment Capacity-Building MOU and expands the purpose to support vocational training opportunities and K-12 fishery-related education and community outreach efforts throughout the US Pacific island region. The Council further supported the changes as presented by staff to revise the goals and amends the list of signatories to include the University of Hawai'i Department of Education Curriculum Studies, Hawaii Department of Land and Natural Resources, American Samoa Department of Education, Guam Department of Education, Guam Community College and CNMI Public School System.



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**PELAGIC AND INTERNATIONAL FISHERIES**

***Regarding Hawaii longline statistics, the Council:***

1. Endorsed the SSC recommendation that PIFSC work with California fish dealers and the Southwest Fisheries Science Center to obtain weight information for landed catch by Hawaii longline limited entry permitted vessels.

***Regarding review of the draft Biological Opinion for the Hawaii shallow-set longline fishery, the Council:***

2. Directed staff to establish a Biological Opinion Review advisory panel consisting of the following members: Jim Lynch, Steve Martell, Shelton Harley, Milani Chaloupka, Justin Hospital, Ray Hilborn, and Don Kobayashi.
3. Directed staff to provide the draft Biological Opinion to the BiOp review advisory panel and convene the group on April 2, 2019. The BiOp review advisory panel shall focus their review on the effects analysis, conclusions, and any Reasonable and Prudent Measures/Alternatives, if applicable, and provide their recommendations to the Council at its meeting scheduled on April 4, 2019.

***Regarding the US Participating Territory Longline Bigeye Specifications, the Council:***

4. Recommended, for 2019, that NMFS specify for each U.S. participating territory (American Samoa, Guam, CNMI), a 2,000-mt longline bigeye catch limit and specify that each territory can allocate up to 1,000-mt of their bigeye catch limit through specified fishing agreements. The Council further recommended NMFS implement these specifications by July 1, 2019.

The Council directed Council staff to finalize and transmit the specifications 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 North Pacific Striped Marlin, the Council:***

5. Endorsed the SSC recommendation that PIFSC complete an ongoing histological maturity study for striped marlin sampled from the Hawaii longline fishery and further that PIFSC should provide the information to the ISC prior its July 2019 meeting which is when North Pacific striped marlin stock assessment is scheduled to be presented.

***Regarding the UN Intergovernmental Conference on Biodiversity Beyond National Jurisdiction, the Council:***

6. Directed staff to write to the Department of State to convey concerns with the proposed convention text, including a request that high seas fisheries targeting tuna and tuna-like species be exempt from any potential high seas closures established under the new BBNJ convention. The letter should also include recommendations made by the spatial working group and endorsed by the SSC.

***Regarding economic impacts from the 2018 amendment to the Billfish Prohibition Act, the Council:***

7. Requested NMFS PIFSC Socio-economics Program to evaluate the economic impacts on US Pacific Island fisheries from the 2018 amendment to the Billfish Prohibition Act.



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**AMERICAN SAMOA ARCHIPELAGO**

***Regarding the assignment duration for the USCG head of the Marine Safety Detachment in American Samoa, the Council:***

1. Directed staff to communicate with USCG 14<sup>th</sup> District requesting their assistance in finding a solution, or innovative methodology, to address continuity concerns caused by a one year rotation of the active duty member service for the Marine Safety Detachment in American Samoa.





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**MARIANA ARCHIPELAGO**

***Regarding Mandatory Licensing and Reporting in the Marianas, the Council:***

1. Directed staff to work with the Guam Department of Agriculture and the CNMI Department of Land and Natural Resources on the development of licensing and reporting applications (i.e. online or mobile platform) for Mariana Archipelago fishermen and dealers to report their catch and/or fish purchases.



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**ADMINISTRATIVE MATTERS**

***Regarding Administrative Matters, the Council:***

1. Directed staff to send a letter to the NMFS Assistant Administrator (AA) requesting:
  - a. A meeting be convened of HQ leadership, Pacific Island Regional Office (PIRO), Pacific Island Science Center (PIFSC), and Council in April 2019 to address processing of outstanding Council actions, consultations and NEPA issues and initiate coordination of regional planning to support NMFS’s Regional Strategic Planning initiative; and
  - b. Funds be provided to host a facilitated joint strategic planning workshop for the Pacific Islands that will include staff from the PIRO, PIFSC and the Council prior to the national CCC meeting in May 2019.
  
2. Endorsed the draft Council 2020-2024 Program Plan, revised program areas, priorities, advisory body changes and schedule and directs staff to finalize the plan and budget for transmittal to NMFS.
  
3. The Council endorsed the following advisory body changes:

<b>Body</b>	<b>Remove</b>	<b>New Appointment</b>
Hawaii Advisory Panel	Clarence Yamamoto resigned as Alternate	None
Guam Advisory Panel	Felix Reyes hired as Council coordinator for Guam	Myles Driscoll
CNMI Advisory Panel	Juan Diego Blanco resigned as alternate	To be solicited
	Ray Teregeyo resigned as member	Ray Tebuteb from alternate
	Floyd Masga stepped down as alternate as he was hired as Council coordinator for CNMI	To be solicited
Pelagics Plan Team	N/A	Ashley Tomita, PIFSC
Archipelagic Plan Team	Alton Miyaska	Paul Murakawa, DAR
Archipelagic Plan Team	Jo-Anne Kurshima	Annette Tagawa, DAR

Archipelagic Plan Team	Kimberly Lowe	Stefannie Dukes, PIFSC (as ex officio status)
Education Committee	N/A	Jon Fernandez, GU DOE
Education Committee	N/A	Pauline W.U. Chinn, UH
Education Committee	N/A	Magdalene Leauanae, AS DOE
Education Committee	N/A	Asap Ogumoro, CNMI Public School System
FDCRC	Matt Sablan	Chelsa Muna-Brecht, Dept of Ag
FDCRC	Carl Dominguez	Tyrone Taitano, BSP
FDCRC	Bruce Anderson	Brian Neilson, DAR

4. Recommended the Chair and Executive Director continue to raise issue with NMFS regarding the arbitrary nature of the recusal attribution policy as applied to employees on the March 28, 2019 CCC teleconference and at the May CCC meeting. In addition, staff should resend its letter to NMFS reiterating the need to remove employee as an affected individual in the recusal policy.
5. Supported amending the staff benefit package to include the option for staff to participate in a Flexible Spending Account program.
6. Directed staff to send a letter to PIFSC to publish the methodology for sampling and estimating bycatch of the Hawaii deep-set longline fishery, which was independently peer reviewed by the Center for Independent Experts (CIE) in 2015.

***Regarding the timely completion of ESA consultations, the Council:***

7. Requested that the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) complete Endangered Species Act (ESA) Section 7 consultations on oceanic whitetip sharks for four of the Western Pacific Region’s most important pelagic fisheries (Hawaii deep- and shallow-set longline; tropical purse seine; and American Samoa longline) by June 1, 2019. The Council makes this request to ensure expeditious completion of the consultations to reduce litigation risks associated with the continued operation of these vital fisheries. The Council and its staff are ready to assist NMFS to complete these consultations according to the existing ESA-MSA Integration Agreement. To date, PIRO leadership has not ensured timely completion of ESA consultations for these fisheries as well as MSA fishery actions (e.g., territory bigeye specifications, American Samoa Large Vessel Prohibited Area amendment, ACL specifications, FEP review, etc.), leaving the Council highly uncertain about its confidence in PIRO leadership to meet statutory deadlines and ensure the sustainability of the region’s fisheries as mandated by MSA. If PIRO leadership cannot ensure completion by the requested deadline, the Council may take a vote at the June Council meeting on whether or not it has confidence in the Regional Administrator to lead NMFS PIRO. The Council directs staff to notify Chris Oliver, Assistant Administrator for NOAA Fisheries, of this timeline as well as concerns with the lack of timely completion of the ESA consultations for the region’s pelagic fisheries.