



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

MEMORANDUM

August 28, 2020

TO: Interested Parties

FROM: Kitty M. Simonds

SUBJECT: Summary of Action Items for the 183rd Meeting of the Western Pacific Regional Fishery Management Council

1. **Specification of Annual Catch Limit and Accountability Measures for the Main Hawaiian Islands Uku Fishery for Fishing Year 2022-2025**
2. **Mandatory Electronic Reporting in the Longline Fisheries**
3. **Reasonable and Prudent Measures and/or Reasonable and Prudent Alternatives for the Deep-Set and American Samoa Longline Fisheries**
4. **Modifications to Pacific Remote Island Area (PRIA) Objectives and Projects in the PRIA Marine Conservation Plan**
5. **Options for Mandatory Permitting and Reporting for Hawai'i's Small-Boat Fishery**

The 183rd meeting of the Western Pacific Regional Fishery Management Council will convene Sept. 15-17, 2020, by web conference (WebEx). The WebEx link is <https://tinyurl.com/183CouncilMtg> and the password is: CM183mtg. Host sites will be available at the following locations (subject to local and federal safety and health guidelines regarding COVID-19; please check Council website for updates):

- Cliff Pointe, 304W. O'Brien Dr., Hagatna, Guam;
- Hyatt Regency Saipan, Royal Palm Ave., Micro Beach Rd., Saipan, CNMI; and
- Department of Port Administration, Airport Conference Room, Pago Pago Int'l Airport, Tafuna Village, American Samoa.

The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments on final action items should be received by the Council's executive director by 5 p.m. (Hawai'i time), Friday, Sept. 11, 2020, by postal mail, fax or email as indicated below.

Instructions for connecting to the WebEx and providing oral public comments during the meeting will be posted on the Council website at www.wpcouncil.org/event/183rd-council-meeting.

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Summary of Action Items at the 183rd Council Meeting

1. Specification of Annual Catch Limit and Accountability Measures for the Main Hawaiian Islands Uku Fishery for Fishing Year 2022-2025

The Council will consider specifying multi-year harvest limits for the main Hawaiian Island uku (*Aprion virescens*) for fishing years 2022-2025. The best scientific information available is the 2020 benchmark stock assessment with catch projection to 2026. Based on this new information, the maximum sustainable yield was estimated to be at 93 metric tons (mt) (204,972 pounds) and the overfishing limit at 137 mt (301,948 pounds). The Council's P* and SEEM Working Groups and the Scientific and Statistical Committee (SSC) evaluated the scientific, social, ecological, economic, and management uncertainties and recommended a risk level for the Council to consider. The SEEM Working Group used a new standardized process developed by the Council's Social Science Planning Committee (SSPC), in which the social, ecological, and economic dimension is used to determine the risk of overfishing and the monitoring and compliance/management criteria are used to determine management uncertainty. The risk of overfishing informs the Council's consideration of annual catch limit (ACL) specification, and the management uncertainty informs the Council's consideration in setting the annual catch target (ACT).

The Council will consider the following options:

- 1) No Action. No harvest limits will be specified for fishing year 2022-2025.
- 2) Specify the previous harvest limit at 58 mt (127,205 pounds) using the 2016 assessment for fishing year 2022-2025.
- 3) Specify an ACL at P*=41% equivalent to 134 mt (295,419 pounds) based on the SEEM analysis using the 2020 benchmark stock assessment.
- 4) Set an ACT at P*=36% equivalent to 132 mt (291,010 pounds) based on the SEEM analysis using the 2020 benchmark stock assessment.
- 5) Set an ACT 10% lower than the SEEM analysis at P*=26% equivalent to 128 mt (282,192 pounds) using the 2020 benchmark stock assessment

Regarding the accountability measures (AMs), actions that prevent exceeding the ACLs, the Council will consider the following options:

- 1) Allocate the ACL/ACT between the commercial and non-commercial sectors and apply and in-season AM whereby catch is tracked using the Fisher Reporting System for the commercial fishery and Hawaii Marine Recreational Fishing Survey for the non-commercial fishery. The federal uku fishery (caught in waters seaward of 3 miles from shore) will close if the ACT is projected to be reached. The federal rule would not limit the catch for the State fishery (0 to 3 miles from shore).
- 2) Decide on an appropriate allocation level for the commercial fishery sector and apply in-season AMs for the commercial sector of the fishery only.

- 3) Do not utilize allocation and apply a post-season AM, whereby the annual commercial catch from FRS (three-year average) and the non-commercial catch from HMRFS (five-year average) would be added and compared to the ACT and ACL. No overage adjustment will be made if the total average catches exceeded the ACT and an overage adjustment will be applied based on the amount of the overage if it exceeded the ACL.

2. Mandatory Electronic Reporting in the Longline Fisheries

The Hawai‘i and America Samoa longline fisheries operate under limited entry permits under the Pelagic Fishery Ecosystem Plan (FEP). Vessel operators under these permits must submit federal logbooks with an accurate and complete record of catch, effort and other data. A regulatory amendment implemented in 2007 authorized the optional use of electronic logbook forms and submission of data through over-the-air transmissions (e.g., satellite systems) for federal permit holders who fish for Western Pacific management unit species (MUS) under any of the Council’s FEPs (formerly Fishery Management Plans), including the Pelagic FEPs. Electronic Reporting (ER) allows for near real-time data submissions, which increase accuracy, reduce data processing time and more rigorously monitor and forecast catch limits.

Since the implementation of the optional ER program, the National Marine Fisheries Service (NMFS) and the Council have supported development of Elog-It, an electronic logbook application for use in the Hawai‘i and American Samoa longline fisheries. Approximately 60 vessels in the Hawai‘i fleet are currently using Elog-It, with training in progress to provide the ER tablet and training to that fleet’s remaining vessels.

The Council at its 174th meeting in October 2018, recommended as initial action requiring mandatory ER in the Hawai‘i longline fishery operating under the Pelagic FEP. Subsequently, the Council at its 178th meeting in June 2019, requested the NMFS Pacific Islands Fisheries Science Center (PIFSC) to convene an Electronic Technologies Steering Committee (ETSC) to address implementation challenges. In response to the initial recommendations from the ETSC, the Council at its 180th meeting in October directed staff, in coordination with the ETSC, to develop an options paper regarding mandatory ER cost allocation, the necessary regulatory and non-regulatory changes for requiring daily ER transmissions and the system requirements for providing data access to vessel owners and/or operators.

At its 181st meeting in March 2020, the Council reviewed the options paper and recommended setting a target implementation date of Jan. 1, 2021, for requiring mandatory ER in the Hawai‘i longline fishery. The Council directed staff to prepare the necessary amendment package with analysis and draft regulations for requiring mandatory reporting for the Hawai‘i longline fishery with a target final action schedule for the September 2020 Council meeting.

At its 182nd meeting in June 2020, the Council reviewed the Pacific Islands Region ER Implementation Plan and considered inclusion of the American Samoa longline fishery in the action. The Council directed staff to work with NMFS PIFSC to convene a meeting with American Samoa longline owners to discuss the inclusion of American Samoa in the ER Implementation Plan and to include an American Samoa representative in its ETSC. The Council also directed staff to include the American Samoa longline fishery in the mandatory ER amendment package scheduled for final action at the September meeting and recommended setting a target implementation date of Oct. 1, 2021, for requiring mandatory electronic reporting

in the American Samoa longline fishery. The Council also requested NMFS PIFSC work with the American Samoa longline fishery to begin training and rollout of the ER system as soon as possible.

The Council, at its 183rd meeting, will review the draft regulatory amendment and draft regulations and will consider taking final action on mandatory ER for longline fisheries in the Western Pacific Region. The Council will consider the following alternatives:

Alternative 1: Mandatory ER – Require vessel operators to record and submit logbook data electronically using a NMFS-certified electronic logbook application

- Sub-Alternative 1a: Require mandatory ER for vessels operating under the Hawaii longline limited entry permit
- Sub-Alternative 1b: Require mandatory ER for vessels operating under the Hawai‘i longline limited entry permit and the American Samoa limited entry permit vessel size classes C and D (50ft or greater)

Alternative 2: No Action/Status Quo (Optional ER)

3. Reasonable and Prudent Measures and/or Reasonable and Prudent Alternatives for the Deep-set and American Samoa Longline Fisheries

The Council at its 181st meeting in March 2020 reiterated its recommendation to NMFS that it works with the Council to develop any necessary reasonable and prudent measures (RPMs) or reasonable and prudent alternatives (RPAs) under the ongoing Endangered Species Act (ESA) Section 7 Consultations for the Hawai‘i deep-set longline fishery and the American Samoa longline fishery to ensure that such measures are appropriate and practicable to ensure the sustainability of the fisheries. Prior to the 182nd meeting in June 2020, NMFS Pacific Island Regional Office (PIRO) Protected Resources Division (PRD) indicated to Council staff that it is not yet in a position to discuss development or RPMs or RPAs but encouraged the Council to work with PIRO Sustainable Fisheries Division (SFD) on the following:

- Consider any actions that the fishery could take to avoid adversely impacting listed species and, if impacts cannot be avoided, work to minimize impacts of incidental take;
- Start with Hawai‘i shallow-set longline RPM applicability and offer new measures; and
- Focus on leatherback turtles (concern with species status), oceanic whitetip shark (taken in large numbers) and giant manta rays (demographic units poorly understood).

At its 182nd meeting, the Council reviewed available information regarding leatherback turtles, oceanic whitetip sharks and giant manta rays and recommended a range of considerations for the initial development of any draft RPMs and/or RPAs. The Council further directed staff to continue working with PIRO, PIFSC, advisory group members and industry to develop any necessary RPMs and to provide a report and options, if applicable, to the SSC and Council at the September meetings.

The Council at its 183rd meeting may consider new information from the ongoing consultations, if available, and may consider initial action on mitigation measures under the Pelagic FEP consistent with potential or draft RPMs/RPAs.

4. Pacific Remote Island Area Marine Conservation Plan

Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary) and in consultation with the Western Pacific Regional Fishery Management Council, to negotiate and enter into a Pacific Insular Area Fishery Agreement (PIAFA). A PIAFA would allow foreign fishing within the 200-mile US exclusive economic zone (EEZ) adjacent to American Samoa, Commonwealth of the Northern Mariana Islands (CNMI), Guam or the Pacific Remote Island Areas (PRIAs) with the concurrence of, and in consultation with, the applicable Governor(s). According to the MSA, before entering into a PIAFA, the appropriate Governor, with the concurrence of the Council, must develop a three-year Marine Conservation Plan (MCP) providing details on uses for any funds collected by the Secretary under the PIAFA. In the case of the PRIAs, the MSA directs the Council to develop and submit the MCP (MSA §204(e)(4)(b)).

The MCP for the PRIAs expired in August 2020. At its 182nd meeting, the Council approved the PRIA MCP and directed staff to transmit the document to the Regional Administrator for review, approval and publication in the Federal Register.

Upon review and completion of the edits by Council staff, it was found that the PRIA objectives and activities were inconsistent with the longline fisheries for the region and should be updated. Council staff updated the objectives and including projects supporting the longline fisheries of the region. The Council will provide the document for its concurrence.

At its 183rd meeting, the Council will review the PRIA objectives and projects in the PRIA MCP for concurrence and approval. After review by the Council, the MCP will be transmitted to the Secretary of Commerce for approval.

5. Options for Mandatory Permitting and Reporting for the Hawai‘i Small-Boat Fisheries

The Hawai‘i small-boat fisheries are defined as commercial and noncommercial operations using troll, handline or other non-longline gear from a vessel (regardless of size) in federal waters for MUS listed under the Hawai‘i Archipelago and/or Pelagic FEP. These MUS include such species as tuna, billfish, mahimahi, ono (wahoo), uku (jobfish), Kona Crab and monchong (pomfret).

At the 180th Council meeting in October 2019, the Council directed staff to evaluate the effectiveness of the Council’s management measures for the Hawai‘i small-boat pelagic fisheries and to identify information gaps in the existing data collection programs needed for effective management of these fisheries. Public scoping sessions were held around the state in February 2020 to gather feedback from the community. The public comments focused on the benefits and downsides of being part of the federal management system and recognition that good data is needed for management and enforcement.

At its 181st meeting, the Council heard a report of the scoping sessions and directed staff to explore options for providing mandatory federal permits and reporting requirements for the Hawai‘i small-boat fisheries.

Federal permits are currently not required for Hawai‘i small-boat commercial and noncommercial fisheries for pelagic MUS, uku and Kona crab. The ability of the Council to monitor and manage these fisheries is compromised by the lack of available, reliable data. The Hawai‘i small-boat fisheries may harvest an equal or greater level of some pelagic MUS in both numbers and weight as the Hawai‘i longline fisheries. While some of the small-boat catch may be captured in the State of Hawai‘i’s commercial marine license (CML) reporting system, the non-commercial fisheries are believed to account for a greater harvest than the commercial fisheries. Based on the CML reports, it appears that the majority of fishing by the small boat vessels for some species occurs in federal rather than state waters.

Data is needed on these fisheries as national and international policies for highly migratory species and protected species may have a direct or indirect impact on them in the not so distant future. A new stock assessment for Eastern Pacific yellowfin tuna may show the stock to be less healthy than in the past. Climate change is expected to impact the location of species and possibly population structures.

At its 183rd meeting, the Council will consider the following options for small-boat fishermen intending to fish for or possess catch or gear of Hawai‘i Archipelago or Pelagic FEP MUS in the EEZ around Hawai‘i:

1. No Action

The no action option would be the status quo, meaning that the small-boat fisheries in Hawai‘i would continue to fish under existing federal and/or state permits and report catch and effort as required. The fisheries would be managed utilizing existing data from commercial fisheries with potential quotas and management measures based on this partial data. Understanding of the effects of the fisheries on the stocks, protected species and habitats will continue to be based on current methods of data collection.

2. Mandatory Permit and Reporting

This option would require a federal permit for anyone fishing, intending to fish or in the possession of fish or gear in the EEZ. Those fisheries that are already required to have a federal permit would be exempt. Permit holders would be required to submit reports through logbooks or any NMFS-approved electronic reporting system for the Western Pacific Region.

Sub-options:

- a. Only non-commercial small-boat fisheries: Any person fishing or possessing fishing gear or catch in the EEZ waters (seaward of 3 miles from shore) around Hawai‘i would require a federal fishing permit and to report his/her catch. This would be required for noncommercial small-boat pelagic fisheries only. Non-commercial fishing is defined as all fishing that does not meet the MSA definition of commercial fishing (fishing in which the fish harvested, either in whole or in part, are intended to enter commerce through sale, barter or trade (MSA § 3(4)). Commercial fishermen would still be required to have a license from the State of Hawai‘i.

- b. All federal MUS: Any person fishing for any MUS listed in the Pelagic or Hawai'i FEP would require a permit and to report his/her catch. This includes pelagic fishes (such as tunas and marlins), uku and Kona crab.
- c. Pelagic MUS only: Any person fishing for MUS listed in the Pelagic FEP would require a federal permit and to report his/her catch.

3. Registry System

This option would require anyone fishing in the EEZ to be a part of a Hawai'i EEZ fishing registry. Similar to the National Saltwater Angler Registry, this option would be for anyone fishing or intending to fish in the EEZ for commercial or noncommercial purposes and for any species. A reporting system could be included in this option.

4. Pilot Permitting System

This option would develop a pilot permit and reporting system for one area in Hawai'i for those fishing in the EEZ commercially and/or non-commercially for any species. The pilot system would be reviewed for future expansion to all areas.

The Council at its 183rd meeting will review these options and may consider initial action to select a preferred option for staff to further analyze in a draft amendment to the Hawai'i and Pelagic FEPs.