



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
182nd MEETING (VIRTUAL) OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

June 23-25, 2020

By WebEx and at Host Sites in the Territories

Host Sites:

Hilton Guam Resort and Spa, Chuchuko Room, 202 Hilton Rd., Tumon Bay, Guam

Hyatt Regency Saipan, Royal Palm Ave., Micro Beach Rd., Garapan,
Commonwealth of the Northern Mariana Islands

Department of Port Administration, Airport Conference Room,
Pago Pago International Airport, Tafuna Village, American Samoa

Approved by Council:

A handwritten signature in blue ink, appearing to read 'Archie Soliai', is written over a horizontal line.

Archie Soliai, Chair
Western Pacific Regional Fishery Management Council

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I. Welcome and Introductions

The following members of the Western Pacific Regional Fishery Management Council were in attendance:

- Taotasi Archie Soliai, chair (American Samoa)
- John Gourley, vice chair (Commonwealth of the Northern Mariana Islands [CNMI])
- Michael Duenas, vice chair (Guam)
- Howard Dunham, vice chair (American Samoa)
- Ed Watamura, vice chair (Hawai‘i)
- Michael Goto (Hawai‘i)
- Monique Amani (Guam)
- McGrew Rice (CNMI)
- David Sakoda, Hawai‘i Department of Land and Natural Resources (Hawai‘i DLNR) (designee for Suzanne Case)
- Michael Tenorio, CNMI Department of Lands and Natural Resources (CNMI DLNR) (designee for Anthony Benavente)
- Chelsa Muna-Brecht, Guam Department of Agriculture (DOAg)
- Henry Sesepasara, American Samoa Department of Marine and Wildlife Resources (DMWR)(designee Domingo Ochavillo also in attendance)
- Michael Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Brian Peck, US Fish and Wildlife Service (USFWS)
- LCDR Jason Holstead, U.S. Coast Guard (USCG) (designee for Rear Adm. Kevin Sibley, commander for USCG District 14)
- Michael Brakke, U.S. Department of State

Also in attendance were Council Executive Director Kitty M. Simonds; Fred Tucher, Elena Onaga, and Kristen Johns from NOAA General Counsel; and the Scientific and Statistical Committee chair (SSC), James Lynch.

Soliai opened the 182nd Council meeting with a traditional Samoan greeting and protocol.

II. Approval of the 182nd Agenda

Soliai asked for a motion to approve the 182nd meeting agenda.

Moved by Rice; seconded by Gourley.

Motion passed.

III. Approval of the 181st Meeting Minutes

Soliai asked for a motion to approve the 181st meeting minutes.

Moved by Rice; seconded by Gourley.

Motion passed.

IV. Executive Director's Report

Simonds provided the Executive Director's report, focusing on the new norms of video-conferencing and teleworking. She reported that on March 16, 2020, Gov. David Ige ordered Hawai'i residents to follow government social distancing regulations and that Commerce Secretary Wilbur Ross ordered all eligible employees to telework effective March 23, 2020.

Simonds reported that the Council has been diligently working to implement electronic reporting by Jan. 1, 2021, but training with longline captains and owners have not been completed due to the pandemic. The Council is waiting for Pacific Islands Fisheries Science Center (PIFSC) Director Michael Seki to release Russell Ito to work with the Council contractor to complete this task. She noted that some fishermen are using the electronic reporting system on a voluntary basis.

Due to the orders and travel restrictions, the Council has hosted, coordinated and attended a number of virtual meetings, including the Council Coordination Committee (CCC), Plan Team and SSC meetings. The Council also hosted the Workshop on Area-Based Management of Blue Water Fisheries with scientists and non-governmental organizations (NGOs) from around the world. Simonds reported that the workshop participants developed a product that can be used in the international arena for looking at how to develop management closures on the high seas.

President Donald Trump issued Executive Order (EO) 13921 on Promoting American Seafood Competitiveness and Economic Growth, and EO13924 on Regulatory Relief to Support Economic Recovery in May 2020. Chris Oliver, Assistant Administrator for NOAA Fisheries, followed up with a letter to the Regional Fishery Management Councils requesting that they prioritize a list of actions for discussion on reducing burdens on domestic fishing and to increase production within sustainable fisheries as required under Section 4. The Council is to recommend what should be rescinded, modified, waived and provided exemptions from regulations while protecting public health. Council staff developed a list of regulations for the Council to review. She asked the Council to consider other regulations that could be modified. Simonds highlighted protected species as one of the Council's biggest issues, noting the delays in completing biological opinions (BiOps) for the longline fisheries. The statutory timeline for NMFS to complete a BiOp is 135 days, but the Hawai'i shallow-set longline fishery BiOp took

435 days. She expressed concern that the fishery has yet to operate under the Council's Pelagic Fishery Ecosystem Plan (FEP) amendment due to additional delays since the BiOp completion.

Simonds highlighted other major issues for the 182nd meeting. Regarding the American Samoa Bottomfish Rebuilding Plan, she noted that Council members have been concerned by the best scientific information available (BSIA) that indicates the American Samoa stock is overfished and in an overfishing condition in American Samoa and Guam. In response, the SSC has recommended that consideration be given to American Samoa's fishing culture.

Simonds also highlighted the agenda item on the impact of foreign fisheries to be presented by Council staff. The report shows that the Hawai'i and American Samoa longline fleets take very small amounts of leatherbacks and loggerheads compared to foreign fisheries. Simonds said such information should also be considered for green sea turtles, which is listed as threatened in Hawai'i and endangered in American Samoa, Guam and CNMI.

Simonds noted the significant uncertainty of what each of the governors' may do in terms of removing restrictions related to COVID-19. She said that the Council may continue to hold meetings virtually through to the end of the year.

V. Agency Reports

A. NOAA Office of General Counsel Pacific Islands Section

Johns reported on the following.

NMFS provided an exemption in 2016 to eligible longline vessels from fishing in the Large Vessel Prohibited Area. In 2017, the District Court in Hawai'i found that NMFS had not adequately considered cultural fishing as required under the Deeds of Cession, which the court found to be other applicable law under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). NMFS appealed the decision. The Ninth Circuit Court of Appeals heard oral arguments on Feb. 5, 2020, and is yet to make its final decision.

Conservation Council of Hawai'i (CCH) and local cultural practitioner Mike Nakachi filed a lawsuit in April 2020 alleging that NMFS failed to notify the Council that the oceanic whitetip shark is overfished and subject to overfishing under MSA and that NMFS arbitrarily determined that the stock status is "unknown" in the annual report to Congress. NMFS determined that the shark is overfished and subject to overfishing May 1, 2020, so there are discussions about possibly disposing the case but nothing has been finalized. NMFS's responsive pleading was due July 2, 2020.

A pending complaint in the District Court of District of Columbia filed by the Center for Biological Diversity (CBD) in August 2019 alleges that NMFS failed to designate critical habitat for 20 threatened species of coral in the Caribbean and Pacific. NMFS entered a stipulated settlement agreement that was filed in February 2020 under which it agrees to submit a proposal to the Federal Register to designate critical habitat by July 31, 2020.

A second CBD v. Ross case is in regards to a missed deadline to issue a 12-month determination as to whether listing under the Endangered Species Act (ESA) is warranted for cauliflower coral. NMFS entered into a stipulated settlement agreement on March 4, 2020, and has agreed to submit its 12-month finding to the Federal Register by June 30, 2020.

A 60-day notice of intent (NOI) from the CCH alleges that NMFS failed to complete ESA consultations for the threatened oceanic whitetip shark regarding the two Hawai'i longline fisheries, American Samoa longline fishery and the U.S. purse-seine fishery. The consultation on the Hawai'i shallow-set longline fishery is now complete. The CCH has not filed a complaint, and NMFS has been providing updates to the plaintiff regarding the consultation status.

The Hawaii Longline Association (HLA) filed a 60-day NOI from for NMFS's failure to meet its statutory deadline to complete an ESA consultation on the Hawai'i deep-set longline fishery. The consultation was initiated in October 2018. HLA argues that NMFS has passed the statutory deadline for finishing the consultation, but HLA has not filed a complaint on this NOI.

B. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto presented the PIRO report. He noted that some of the written sections would be covered in greater detail in other agenda items.

NMFS published a notice of availability of Pelagic FEP Amendment 10 (regarding hard caps and trip limits for loggerhead and leatherback turtles in the shallow-set longline fishery) responding to the Council's recommendation for the Pelagic FEP implementing the reasonable and prudent measures (RPMs) of the shallow-set BiOp. The public comment period on the proposed rule ended March 20, 2020, and Amendment 10 went into effect April 22, 2020. PIRO is reviewing and responding to comments and preparing a final rule for publication. Tosatto said the fishery is operating but not under the new terms of the current BiOp.

NMFS published a final rule on May 5, 2020, to implement annual catch limits (ACLs) and accountability measures for precious corals and uku for the next three years and for Kona crab for the prior year so that it can assess against that ACL. Tosatto also reported that PIRO completed the review and notice of the approval of the Marine Conservation Plan (MCP) for the CNMI in May 2020.

Over the course of the COVID-19 pandemic, NMFS has curtailed the placement of fishery observers on vessels in the Hawai'i longline fisheries, American Samoa longline fishery and the Western and Central Pacific Ocean (WCPO) purse-seine fishery. NMFS placed some observers in the Hawai'i fishery over the last few months on a case-by-case basis but not on American Samoa or WCPO vessels due to travel restrictions. This is expected to have an impact on NMFS's ability to estimate bycatch, but NMFS plans to nonetheless prepare a bycatch estimation that is rigorous.

The majority of the longline fishery permits were set to expire in March 2020, but PIRO renewed almost all of them before going on mandatory telework due to the pandemic. A large

portion of the permits, application, payment and issuance have since been shifted to electronic processing. PIRO renewed a special coral reef ecosystem fishing permit for the Forever Oceans Aquaculture Project of Kona kampachi off the Island of Hawai‘i, which will allow it to operate through June 30, 2021.

PIRO Sustainable Fisheries Division (SFD) developed a new grant competition to fund recreational and noncommercial fishing projects in the region. Originally, up to five projects totaling \$100,000 were planned to be awarded, but extra funding received from the National Recreational Fish Program increased the total to \$120,000. Seventeen proposals were received before the extended deadline. PIRO is in the final stages of project selection. Selected projects will be awarded in fall 2020.

The draft Management Plan for the Marianas Trench Marine National Monument (MTMNM) is close to being available for public comment. Normally, a series of public meetings would follow the release of the draft plan. While Tosatto does not want to hold up the release of the draft plan, NMFS will not be able to hold in-person public meetings until the travel restrictions are lifted. The draft plan will be published for public comment, and the comment period will remain open until NMFS is able to travel to CNMI to talk directly with the local partners.

Tosatto said that the Council will hear more about the upcoming Western and Central Pacific Fisheries Commission (WCPFC) meetings later in the agenda. Many of these meetings will likely shift to virtual formats and prioritized topics. Specifically, the Council will discuss U.S. priority topics for which NMFS is seeking advice from the Permanent Advisory Committee (PAC) to Advise the U.S. Commissioners to the WCPFC.

Gourley asked if Tosatto plans to provide a timeline to the CNMI for the MTMNM Management Plan public review period and if that timeline would be protracted due to travel restrictions.

Tosatto said typically a short time for review is provided when a draft plan is released, which is followed by in-person meetings to answer questions, with a total public review timeline of 90 to 120 days. In this case, the review period will be extended until the in-person meetings are possible.

Duenas asked Rice how deep the aquaculture net pens in Kona were moored.

Rice said the pen is at 1,000 fathoms and is anchored to a buoy more than 6,000 feet deep.

Simonds asked Tosatto what the Management Plan for the MTMNM says.

Tosatto said he did not know the exact details, but it should include a section on management actions that need to take place to prevent harm and establish a framework for permitting activities.

Simonds asked Tosatto to clarify what type of “harm” exists in the MTMNM and whether activities such as mineral mining may take place within the MTMNM.

Tosatto said the plan would set up a framework for research and exploration. The Islands Unit has a typical set of issues with harm potentially coming from past or future actions that are naturally occurring. Commercial fishing is already prohibited, and the plan would increase the regulations on noncommercial fishing. The purpose of the monument is for the benefit of the public, including people locally in the CNMI.

Simonds asked about PIRO Habitat Conservation Division’s development of a fishery management plan for Guam. How would this plan be different from ones the Council and NMFS have both developed in the past?

Tosatto said that PIRO has had a well-established framework for coastal fisheries management for some time and upon request has provided capacity building in all of the Territories. The framework was developed by the U.S. Agency for International Development and has provided good coastal fisheries management throughout Micronesia and the Coral Triangle Region. This fishery management plan is similar but focuses on issues in Guam.

Muna-Brecht asked if PIRO planned to hold public meetings about the MTMNM Management Plan in Guam.

Tosatto said the plan for the in-person meetings was not finalized before it was put on hold. Past Guam administrations have said they did not want to have a hearing. Since Muna-Brecht is interested, he will bring up the issue with NMFS and USFWS.

Tenorio asked Tosatto if the MTMNM Management Plan addresses military exercises within the area.

Tosatto said the Trench and Volcano Units encompass only the ocean floor. If lead were dropped into the water, it may become a consideration. There are no current plans for the three islands within the Islands Unit to the north of CNMI and Guam.

Gourley suggested that with the public review of the draft Management Plan it would be prudent to resurrect the currently inactive Monument Advisory Committee.

Tosatto said he will take that suggestion.

2. Pacific Islands Fisheries Science Center

Seki presented the PIFSC report. NOAA entered mandatory telework on March 23, 2020, due to the COVID-19 pandemic, which also affected the research vessel schedule controlled by the NOAA Office of Marine and Aviation Operations. The NOAA ships *Oscar Elton Sette* and *Rainier* have been docked at Ford Island since then. The Leeward O’ahu Pelagic Ecosystem Characterization Study, Kona Integrated Ecosystem Assessment Survey and Bigeye Tuna Oceanography Survey scheduled on the *Sette* were canceled. Two survey efforts for the *Sette* were still in limbo: the Hawaiian monk seal and green sea turtle field camps and the Bottomfish

Modular Optical Underwater Survey System Survey. The former trip was not only to stage the camps but also return four rehabilitated seals that were at Ke Kai Ola since the end of the last field season to the Northwestern Hawaiian Islands (NWHI). NOAA is putting protocols in place to allow the ships to return to service. The trips are currently still scheduled to occur, but a final decision has not been made. The survey efforts around the Mariana Islands scheduled on the *Rainier* were canceled, including the Mariana Archipelago Reef Assessment and Monitoring Program survey to monitor coral reefs. The *Rainier* is uniquely capable of conducting habitat surveys that are required for PIFSC to launch a fishery-independent survey.

Most research and monitoring activities, fisheries data collection and Hawai'i longline and electronic reporting training have been reduced or suspended. All of the Territorial creel surveys to Guam, Saipan biosampling and Hawai'i Marine Recreational Fishing Survey (HMRFS) work have been suspended. Due to the determination of bottomfish in American Samoa as overfished, PIFSC had decided to refocus part of its life history activities to work with local fishermen to start biosampling, but this was also impacted by travel restrictions. Suspended access to the Inouye Regional Center (IRC) affected the Biosampling Program, stranding and response for protected species and education opportunities such as the summer PIFSC Young Scientist Opportunity. One staff member goes to the IRC every two weeks for in-season monitoring of the bigeye tuna limit, which was a priority due to data confidentiality. PIFSC is developing protocols to resume training for electronic reporting in the longline fleet and a phased return to the IRC.

Seki highlighted a sea turtle bycatch study in Indonesia on a small-scale coastal gillnet fishery that targets pomfret (monchong). The main finding was that the catch per unit effort (CPUE) of sea turtles was significantly reduced (about 61%) with net illumination and the market value remained similar to a control unit.

Before the shutdown due to COVID-19, PIFSC completed legs 1 and 2 (51 days) of the winter Hawaiian Islands Cetacean Ecosystem and Assessment Survey. A total of 320 groups of cetaceans were sighted: 164 humpbacks, 14 sperm whales, 12 spotted dolphins and many unidentified groups. Complementary passive acoustics were completed at the same time with 92 sonobuoys deployed to monitor baleen whales. Fourteen drifting spar buoy recorders were deployed, recovered and archived for later analysis.

PIFSC counted 1,428 Hawaiian monk seals in 2019 compared to 1,427 in 2018. The Stock Assessment Report says that there is a 99% probability that the population increased during the 2013 to 2019 period, equating to an estimated 2% growth rate per year. Forty-eight births in the main Hawaiian Islands (MHI) in 2019 was a documented high compared to previous years, but pup survival from birth, which was a record low in 2018 and only slightly improved in 2019, is of concern.

Seki also provided personnel updates. Rob Ahrens was hired as a management strategy evaluation scientist to look at various management options and models to provide decision-making tools. Danika Kleiber has returned as a social scientist with the Socioeconomics Program after completing a postdoc.

Gourley asked if there are any restrictions for a student in CNMI or someone interested in data collection to join one of the research cruises as a capacity-building experience.

Seki said there are no restrictions and PIFSC makes an effort to engage the local agencies to get participation when it does research in the Territories. The issue is more about timing, scheduling and priority locations for activities like data collection.

Rice asked about the reason for high Hawaiian monk seal pup mortality in 2018 and 2019. He was interested because fishing was banned in the NWHI in part due to concerns that fishing gear was harming wildlife.

Seki said he did not know the answer for sure but it could be due to natural predation, food supply, marine debris or habitat loss. Seki said he can follow up on the reason.

Watamura asked why the high density of humpback whales seen by fishermen at Penguin Banks did not show up on his frequency map of sightings.

Seki said the data can be limited because scientists have only one opportunity to gather information and the whales could coincidentally not be present that day. If the whales were present, the sonobuoys should pick up their unique acoustic signature.

Simonds asked for an update on the training for electronic reporting implementation since the goal to complete it is Jan. 1, 2021.

Seki said PIFSC is considering alternate options to in-person training, but he did not have a timeline.

Simonds clarified that she was not referring to the entire training, just the introduction of the trainer to the fishermen and transfer of tablets to report.

Soliai asked Seki to coordinate with himself and Sesepasara to help facilitate one of NOAA's vessels going to American Samoa to conduct research even during this restricted period.

Seki agreed to do so.

C. U.S. State Department

Brakke reported that COVID-19 has dominated activities at the U.S. State Department and in the Office of Marine Conservation under international fisheries issues. Purse-seine observer coverage and logistics caused issues; embarkation became impossible as travel was shut down throughout the region. The U.S. State Department was successful in working with parties under the South Pacific Tuna Treaty and with members of the WCPFC in obtaining a suspension to observer coverage requirements through July 31, 2020. The Department is also addressing observer coverage and waivers in the Inter-American Tropical Tuna Commission (IATTC), which would allow the fisheries to continue operating. Brakke is working with NMFS regarding requests to repatriate observers to their home countries, many of whom are in Pago Pago, American Samoa.

The State Department covers a range of Regional Fishery Management Organizations (RFMOs) around the world, and every agreement has had to confront its response to COVID-19. The State Department has attempted to adhere to best practices to ensure that any decisions to waive or exempt the measures that currently apply are done so transparently, ideally in advance to any changes to the operations and with minimum disruptions.

Information is changing daily with respect to future meetings and formats for the WCPFC, IATTC and RFMOs. A virtual Tuna Treaty consultation was convened to discuss implementation of the treaty with the revised framework for fishing access, which provided an opportunity to touch base on current progress and to discuss the process for negotiating terms of access for 2021 and 2022. The annex that governs access for the purse-seine industry in the Pacific Islands country waters last through 2022. Brakke also reported that all United Nations meetings have been postponed until 2021.

Brakke addressed Council requests for official information from the U.S. State Department from the March 2020 meeting. Regarding the interaction between a Taiwan-flagged longline vessel and a Hawai'i longline vessel on the high seas, the State Department has been in contact with HLA. The State Department does not maintain formal diplomatic relations with Taipei consistent with the "One China" policy but did engage through the Taipei Economic and Cultural Representative Office, which is the representative office for Taiwan authorities in Washington, D.C., to raise serious concerns about this incident. The State Department's goals were to express concern about the incident, ask for an investigation, put its concerns on record and ask Taiwan to engage with its industry to ensure such incidents are avoided in the future. Brakke said the Department has made progress in these areas, although during the investigation it was revealed that the Taiwanese vessel captain had a different perspective on the sequence of events.

Regarding the inappropriate boarding of a U.S.-flagged longline vessel out of American Samoa in the U.S. exclusive economic zone (EEZ), the State Department contacted the stakeholder regarding his concern and had staff at the U.S. Embassy in New Zealand raise the issue with the Pacific Island country involved in a November 2019 meeting. The State Department and NOAA discussed this on multiple occasions on the margins of several international meetings to register their concerns and to clear up miscommunications about how and where the incident occurred. The Cook Islands sent a letter in March 2020 to both the State Department and NOAA to apologize for the accidental boarding and reiterate its recognition and respect for U.S. sovereign rights in the U.S. EEZ, including around American Samoa. The Cook Islands investigated the incident to understand how the accidental boarding occurred and outlined steps it is taking to address the deficiency that led to it and ensure such a mistake does not happen again.

The State Department has been in touch with the Office of Oceans and Polar Affairs regarding a request concerning the potential impacts on fisheries of deep-sea mining in the Clarion-Clipperton Zone and the process for considering this in the International Seabed Authority. This process has been postponed due to COVID-19.

The fourth and potentially final session of the United Nations Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) has been postponed with no date set for the next meeting.

Gourley asked about the current viewpoints of the U.S. delegation regarding the BBNJ.

Brakke said the issues are complex but the one issue with the most direct relevance and greatest potential to impact the fishing industry and how the United States manages fisheries on the high seas is the implementing agreement related to the Law of the Sea Convention. Some of the key parts of that include area-based management tools. There are also discussions about environmental impact assessments, further elaborating on what is required under the Law of the Sea Convention, issues related to marine genetic resources and any benefit-sharing regimes that may be established, as well as capacity building and tech-transfer. The United States and many other U.N. delegations have strong and often opposing views and desired outcomes on these issues. The general focus and position for the United States is to not undermine the competency and mandates of RFMOs to manage fish stocks on the high seas. The key debate in the BBNJ is how global any process under a BBNJ instrument would be to adopt measures directly versus make U.N. level recommendations that would then be adopted in a science-based way through RFMOs. The U.S. position has been to defer to and work through the RFMOs on the adoption of any area-based management measures on the high seas.

Soliai confirmed that there were several observers in American Samoa and that the American Tunaboat Association (ATA) wrote a request to the governor to send a charter flight for their return, which has been approved. He said the flight is scheduled for July 2, 2020. Soliai asked Brakke if the boarding of the longliner in the U.S. EEZ was an effort by a joint patrol of several island governments or just the Cook Islands.

Brakke said, based on his communications with the Cook Islands government, it was responsible for the incident, including controlling the patrol and its decision to conduct the boarding.

Soliai said that the situation was scary since the patrol vessel's weapons were drawn on a vessel well within the U.S. EEZ and that there should be better international communication via the USCG or the State Department. He asked if the letter of apology from the Cook Islands could be shared with the Council.

Brakke said he will ask for permission to release it to the Council to get closure on the matter and so that the Council can see the steps taken. He said the patrol vessels have a right to transit the U.S. EEZ, but boarding should never have occurred unless the United States is involved. It has been made clear that it was a mistake on the part of the vessel as opposed to any policy or decision by the Cook Islands government. The Department has taken actions to ensure this does not happen in the future.

Goto asked what the State Department's position was on the indigent crew that died aboard a Chinese vessel and were dumped overboard.

Brakke said the State Department is still formulating a response and waiting to see when it can have a meeting to address it. He said the situation may have been related to COVID-19 and the Department has been concerned for the health and safety of observers. Brakke will work closely with NMFS on best practices on limiting exposures and infections. Labor standards and concerns about human trafficking, more generally, have become a high priority across the range of RFMOs.

Simonds asked that Brakke keep the Council updated on the deep-sea mining issues.

D. U.S. Fish and Wildlife Service

Peck provided the USFWS report. USFWS hired Ric Lopez as the new refuge and monuments supervisor for the Pacific Islands Refuges and Monuments Office. USFWS, the Udall Foundation, NMFS and Department of Defense held two virtual meetings via webinar regarding the Pacific Remote Islands Marine National Monument (PRIMNM) management planning process. During the first meeting, scientific experts discussed the plan's conservation targets. The second meeting included the Monument Community Group to discuss and refine these targets. Peck said he was able to visit Rose Atoll National Wildlife Refuge and Marine National Monument along with people from American Samoa to conduct follow-up archeology, entomology, coral-health and seabird surveys. They found only minor bleaching and little coral mortality during summer. In November 2019, Public Broadcasting Service News Hour Weekend traveled to Rose Atoll and produced a nine-minute video along with 360° interactive camera footage.

The Ritidian Unit of the National Wildlife Refuge in Guam is now open and following safe guidelines. Guam reef restoration stakeholders and government research institutes have been discussing and ranking sites on Guam for coral reef restoration, and the Ritidian Unit is one of those sites.

On O'ahu, many green sea turtles have been observed nesting in the past month, including at the James Campbell National Wildlife Refuge on the windward north shore.

At Palmyra Atoll National Wildlife Refuge, a major Coconut Control Project has been ongoing since the coconuts have taken over the island. The project to reduce the number of coconuts and restore some of the native vegetation is over halfway done, with nearly 1 million coconuts controlled. Since the project involves volunteers flying in from the mainland, it is temporarily suspended due to COVID-19 restrictions.

Gourley asked how the coconuts were being controlled.

Peck said several methods were tested due to the scale of the project and the fatigue of the volunteer crews. Young coconut trees are cut down with a machete. Since coconuts are basically a large grass, for larger coconut trees, about 5 milliliters of Roundup is drilled into the trunk to kill it. The benefit to using Roundup is the tree will die slowly so it will come down slowly instead of potentially crashing down upon a seabird nest.

Dunham asked if the coral bleaching occurs around the island in Rose Atoll or is it limited to the area of a shipwreck.

Peck said the coral bleaching is assessed atoll-wide, both on the outside reef and inside the lagoon. The bleaching is patchy and variable each year. Corals can recover from bleaching if the waters cool off, so a bleaching event can lead to mortality but this year it did not appear to be too severe. Peck clarified that the shipwreck remnants are from a Taiwanese longline vessel that ran aground in 1993. The remaining iron causes a cyanobacteria bloom, which is a mechanism separate from coral bleaching but has a similar effect.

Dunham asked if the coral would return to its natural pink color if the iron was removed.

Peck said the USFWS in the 1990s and early 2000s removed about 95% of the iron from the vessel. The remaining amount still leaches iron and puts the ecosystem off balance since the coral is limestone-based. USFWS's hope is that by removing the last of the iron, the cyanobacteria will no longer grow and the crustose coralline algae, which cause the pink hue, will recover and improve the health of the reef.

Sesepasara asked if anyone from Manu'a accompanied him on his trip to Rose Atoll.

Peck said that Sabrina Woofter, the American Samoa Coral Reef Advisory Group coordinator, accompanied a teacher and student from the American Samoa Community College, but he was not aware of anyone from Manu'a.

Watamura said he has noticed an increased frequency of green sea turtles nesting on beaches where they have not nested in the recent past. He wondered why green sea turtles are viewed as endangered if the turtles are able to nest outside of their primary nesting area in French Frigate Shoals, which is slowly disappearing due to sea level rise. He said the turtles will find alternate locations to nest if their primary nesting grounds are no longer available.

E. Enforcement

Soliai asked the Council members to acknowledge Holstead, who recently received a promotion to lieutenant commander.

1. U.S. Coast Guard

Holstead reported that Rear Admiral Kevin Lunday is moving to Washington, D.C., to be the deputy for Mission Support, a Headquarters-based unit, and Rear Admiral Matt Sibley is taking his place. Sibley has operational experience on a USCG cutter.

Holstead said it is the USCG's policy to not comment on the disposition of a fisheries or MSA violation case until the case is complete. Those cases are documented and sent to NOAA's Office of Law Enforcement (OLE) and then to NOAA General Counsel for review and prosecution.

Holstead reported that, from Feb. 1 to May 31, 2020, COVID-19 had a huge impact on living marine resource and law enforcement operations. During this period, the USCG handled

254 cases of search and rescue, law enforcement and marine environmental response. The USCG cutter *Midgett*, one of the national security cutters based in Hawai‘i, patrolled the U.S. EEZ and high seas around the MHI and Palmyra Atoll. During this trip, seven boardings and inspections were completed, four domestic and three in the WCPO high seas. One of the living marine resource enforcement operations involved the *Koholo Guardian*, which focuses on deterring the harassment and illegal approach of animals such as dolphins or turtles.

Internationally, the USCG supported Operation Rai Balang, which is under the Pacific Islands Forum Fisheries Agency (FFA), designed to combat illegal, unreported and unregulated fishing in the Pacific. Eight Pacific Island countries participated, as well as the Pacific Quadrilateral Defense Coordinating Group Partners of the United States, Australia, New Zealand and France. A USCG C-130 supported the cutter *Sequoia* during a two-week effort. During this period, the combined FFA resources covered 5 million square miles in Oceania and resulted in 108 sightings of fishing vessels and 24 boardings, both at sea and in port.

2. NOAA Office of Law Enforcement

Martina Sagapolu reported that NOAA OLE saw 157 protected species, fishery management and sanctuary incidents during the period, which is about half of what is normally seen. While COVID-19 has seriously impacted how many people are conducting business, OLE personnel had continued its field monitoring. The annual protected resource operation shows an increased interaction with people on the beaches due to more of the animals coming ashore. With PIRO and PIFSC staffs not being able to be in the field, OLE personnel has collected protected species data that is important to them. During this period, the number of domestic fisheries boardings has decreased and Port State Measures boardings on Guam has increased slightly. Work in American Samoa has been suspended due to COVID-19 related travel restrictions. OLE has a Joint Enforcement Agreement with the American Samoa government to check foreign vessels as they deliver to the cannery.

Sesepasara asked about a longline vessel that sailed close to one of the Manu‘a Islands that is not a vessel stationed in American Samoa.

Sagapolu said that OLE had reviewed the longline vessel *Adelita*’s tracks and determined the vessel had not engaged in fishing. The vessel owner said the reason the vessel sailed within the Territorial waters of Manu‘a was to enable its crew to utilize cell phones. Sagapolu said she encouraged the Manu‘a group posting on social media to contact Marine Patrol if it sees vessels that linger within Territorial waters instead of passing through.

Sesepasara asked Holstead for his comments.

Holstead said he concurred with Sagapolu about the description of the vessel’s activities around Manu‘a. If the vessel’s behavior indicated it was fishing, then enforcement action would be considered.

Dunham asked Sagapolu if there was any vessel monitoring system (VMS) data to show that the vessel was in China prior to coming close to Manu‘a.

Sagapolu said OLE checked the VMS data to verify the claim that the vessel had been in China, which showed that the vessel was never in China.

Soliai asked if the boat was a U.S.-flagged vessel based in American Samoa.

Sagapolu confirmed that it was.

Tosatto asked if there was any news about the identity of the new Pacific Islands chief.

Sagapolu said that she has been selected as the new assistant director for the Pacific Islands Division.

Soliai congratulated Sagapolu on her new position.

3. NOAA Office of General Counsel Enforcement Section

Elizabeth O’Sullivan gave the NOAA Office of General Counsel, Enforcement Section (GCE) report. GCE had eight cases pending consideration on the issuance of a civil penalty and five cases that were charged. The first two were intentional sets on marine mammals—one with a written warning and the second was settled with a penalty. Ongoing cases include the *Ocean Conquest*, which interfered with the onboard NMFS observer in violation of the WCPFC Implementation Act, and the *Ocean Galaxy*, which failed to release silky sharks as required by the WCPFC Implementation Act. GCE is negotiating a case against *Green Mountain*, a longliner that did two partial sets inside the Southern Exclusion Zone (SEZ) in violation of the Marine Mammal Protection Act (MMPA).

F. Public Comment

There were no public comments.

G. Council Discussion and Action

Regarding the PIRO report, the Council reiterated its request from the 178th Council meeting that NMFS PIRO include the Territory of Guam in the review of the MTMNM Management Plan and provide a report back to the Council on Guam's participation. Further, the Council recommended NMFS PIRO look at reconvening the Monument Advisory Committee in CNMI to provide a review of the management plan.

*Moved by Gourley; seconded by Watamura.
Motion passed.*

Regarding the PIFSC director's report, the Council requested NMFS PIFSC to coordinate with the Council Chair Archie Soliai and DMWR Director Henry Sesepasara to determine viable logistical solutions for the continuation of the American Samoa research cruise.

Regarding the Department of State, the Council requested the Department of State to provide the Council with any correspondence with officials from the Cook Islands regarding a vessel boarding incident inside the US EEZ of American Samoa during a FFA operation that took place in November 2019.

[The above two recommendations were taken together as a single motion.]

Moved by Duenas; seconded by Watamura.

Motion passed.

VI. Regional Reports on COVID19 Impacts and Activities

A. American Samoa

Dunham reported that American Samoa is fortunate to not have any confirmed cases of the novel coronavirus, but the effort to protect the community has come with great sacrifices. Nearly four months of government-imposed social curfew, business restrictions and total border closure has impacted the Territory's economy, especially small-scale fishing activities. Only a handful of small-scale fishing vessels (alias) are currently active. Demand for fresh fish is always high, but supply has been limited due to uncertainty in the market. Some restrictions have been eased such as the extension of food markets and stores hours of operation until 9 p.m., the acceptance of dine-in customers at restaurants and the allowance of limited-size social gatherings. However, passenger flights have not resumed, effectively shutting down any potential revenue from fishing charters. Dunham expressed his gratitude that the federal government is aiding American Samoa in this time of crisis.

Soliai reported that all of the fishing tournaments for American Samoa have been postponed for the beginning part of the year. While there are no COVID-19 cases on island, government restrictions still prohibit gatherings of more than 150 people. The StarKist cannery is still operating, which is helping to sustain the economy.

B. Guam

Duenas reported on a joint letter to the governor dated April 14, 2020, from the Guam Fishermen's Cooperative, the Marianas Underwater Fishing Federation and various charter-boat companies. The letter included a brief summary of anticipated monetary losses to the charter companies, commercial fishermen on Guam and others. The letter's intent was to highlight the importance and the value of fisheries to Guam's economy. As a result, fishing was deemed an essential activity and was allowed in most locations except at a few closed public beaches. The only hindrance was the reduction in the various outlets to sell the fish, including hotels, restaurants and the Guam Fishermen's Coop, which experienced about a 70% loss in business due to COVID-19.

C. Commonwealth of the Northern Mariana Islands

Gourley reported that the CNMI was relatively lucky with COVID-19 with only 40 confirmed cases and two deaths, one of which was a fish vendor. Community testing was

initially conducted but was suspended June 12, 2020. CNMI took an isolationist approach to controlling the spread of the virus. On April 1, 2020, the government stopped all direct international passenger traffic to Saipan, and, on April 2, 2020, all interisland passenger air traffic to and from the islands of Saipan, Tinian and Rota was stopped, while cargo and emergency air traffic was allowed to continue.

Unrelated and prior to the arrival of COVID-19, the CNMI government faced a \$65 million shortfall in operating funds and had announced that it would have to furlough a significant portion of its 3,500 employees. This started on June 17, 2020, when reportedly about 500 employees received furlough notices. In addition to this, and compounding the economic lows, the Imperial Pacific International Casino is facing numerous lawsuits over unpaid bills and non-remittances to the Community Benefit Fund, purported to be approximately \$37 million. The COVID-19 pandemic intensified a preexisting financial disaster.

CNMI's first COVID-19 related measure was enacted on March 30, 2020, when a CNMI-wide curfew was implemented, not allowing anyone to be in public from 7 p.m. until 6 a.m. All boat ramps, except one, were closed. No vessels were allowed to go beyond the reef line. Public beaches and parks were closed. This initial action devastated the fishing community. All of the local fish markets closed as fishermen were not allowed to fish and no product was available for public sale. Fish demand from residents remained high, but fish sales to restaurants were non-existent.

On April 3, 2020, restrictions began to ease. Public beaches opened for individual use and for shoreline fishing from 6 a.m. to 6 p.m. due to a community petition to the governor. On May 2, 2020, the governor decreased the curfew hours to 10 p.m. to 5 a.m., which allowed limited nighttime spearfishing and the pelagic trollers to leave the dock before sunrise. Passenger air traffic from Guam to Saipan resumed on May 2, 2020. Interisland travel amongst Saipan, Tinian and Rota commenced on May 22, 2020. Government offices, which had shut down on March 16, 2020, reopened for half days starting on May 17 and for full days on May 24.

On May 25, the Community Vulnerability Level dropped to yellow. Curfew hours decreased to 11 p.m. to 5 a.m. Restaurants were allowed to open for dine-in service but could not exceed 25% occupancy. On June 15, the Community Vulnerability Level dropped to blue. Curfew hours decreased to midnight to 4 a.m. Restaurants and bars were allowed to offer dine-in services at 50% occupancy. Ninety percent of the restaurants have reportedly re-opened for local residents, but there is still no tourist industry. The CNMI government tentatively plans to re-open tourism on July 15, 2020. Hotels and restaurants are planning increased safety measures.

The fishing industry is starting to return to normal. Trollers and bottomfishers are free to fish outside of curfew hours, while commercial spearfishers remain hampered by this restriction. The local and fresh fish markets have re-opened. Sales are brisk to local residents. However, without the tourism market, overall sales have not reached pre-pandemic levels. The CNMI was allocated \$1 million from the Coronavirus Aid, Relief and Economic Security (CARES) Act to distribute among affected fishing community members. CNMI DLNR Division of Fish and Wildlife (DFW) Director Manny Pangelinan is heading a task force under the leadership of the lieutenant governor to develop a spend plan that would guide distribution of the funds.

D. Hawai‘i

Watamura said the effects from COVID-19 have devastated the economy, including fisheries and fishermen, especially in the beginning. Once the quarantine went into effect in late March, there was no tourism and everyone stayed at home. The demand for fish decreased to almost nothing. Fish at the auction sold at a very low price—\$1 to \$2 a pound for prime sashimi-grade fish. The result was people lining up in their cars at Pier 38 to purchase fish at unheard of prices. Small-boat fishermen found it very difficult to justify going out to fish since the cost of fuel and provisions was more than what they could recoup selling their fish.

The one segment revitalized by the shutdown was the noncommercial sector because everyone was staying at home and people started fishing to feed their families. A Facebook page was started called Hawaii Fishers Feeding Families to keep track of this activity and many people responded. The latest total was estimated at 6,700 pounds of fish caught that fed close to 9,000 people.

Rice reported that the charter boat industry was essentially shutdown completely, with commercial permits being taken away by the State of Hawai‘i. One of the State’s restrictions was that only two people could be on a boat at a time, which for charter boats means only the captain and one crew member. This restriction was eased on June 3, 2020, allowing boats to go out with up to 10 people not from the same household or more than 10 people from the same household, including passengers and crew. However, the mandatory 14-day quarantine for everyone arriving in Hawai‘i translated to no tourists coming to fish. The State returned commercial permits two weeks ago, but there is not enough local demand to supply the industry, which means it is essentially still closed until tourism resumes. The owner-operators are taking the biggest hit because they do not qualify for many of the available grants. The CARES Act does not have enough money to split between the longline and charter industry to make up for the losses.

Watamura said Hawai‘i is slowly starting to reopen with restaurants serving at reduced capacity and musicians being allowed to perform. The quarantine for interisland travel has been lifted, but a 14-day quarantine for incoming trans-Pacific visitors remains. Prior to the reopening, the confirmed number of COVID-19 cases was very low, especially on Kaua‘i under the leadership of Mayor Derek Kawakami (at zero for more than a month). But once the government started to ease restrictions, the number of cases started to climb. Watamura said he fears that with the increasing number of trans-Pacific visitors the coronavirus cases will also increase and it will be even more difficult for people in quarantine to be monitored and enforced. The solution that will make residents feel safe is to test passengers for the virus before they get on the plane. Until something like that happens, Hawai‘i’s economy will continue to suffer.

E. Pelagic and International Fisheries

Justin Hospital, PIFSC, provided a report on COVID-19 impacts to Pacific Island fisheries. It focused mainly on the State of Hawai‘i and monitoring efforts by PIFSC in collaboration with the fishing and seafood industry to understand COVID-19 impacts. The Honolulu Fish Auction crashed on March 14, 2020, and on March 16, PIFSC started working with the seafood industry to provide information and monitor the situation. On March 30, PIFSC submitted a COVID-19 Rapid Baseline Assessment Report for Hawai‘i, American Samoa, Guam

and the CNMI within three core sectors: commercial fisheries, dealers/processors and for-hire/charter fisheries. PIFSC used existing dealer data summaries to generate baseline revenue estimates to allow a comparison between the current situation and how they have been in recent years. PIFSC documented local developments at the different locations and what closures and restrictions were enacted. Hospital said that the national report is under review, but he can share it when it becomes available.

The United Fishing Agency, which runs the Honolulu Fish Auction, provided PIFSC with daily auction reports since March 17, 2020, and data was compiled from Jan. 4 to June 22, 2020. Hospital described a figure that represented the percentage change in weekly revenue for that time period with a pre-COVID baseline, a sharp decline during the week of March 16 and a highly variable price since then, with post-COVID revenues down overall about 47% compared to pre-COVID numbers.

PIFSC developed a suite of tools with the Hawai'i industry to meet their interests. Figures for bigeye tuna showed several key trends: prices and revenues were down about 28% and 41%, respectively; relatively stable landings due to industry-imposed landing restrictions, limitations on the number of vessels fishing and daily target values; and a seven-day average of demand which closely mirrors the prices. Another figure showed the volatility in the swordfish market. Hospital said the challenge with the demand for swordfish is the difficulty of getting the product to the main market on the U.S. East Coast. Demand for whitefish or mixed species (non-tuna) has fundamentally collapsed largely due to restaurant closures and the low amount of tourism. Many of the seafood dealers and processors reported up to 80% to 90% reduction in food service orders. Aggregate longline species prices are down about 41%, and revenues are down almost 50%. The prices for some species such as bigeye and yellowfin tuna have shown a slightly increasing trend.

PIFSC worked with the industry to understand the current demand in the new market, compare it to the historic average and determine what flexibilities the industry had in maintaining a desired price. PIFSC built a decision-support tool or interactive application specific to bigeye tuna that allows the industry to see different market responses or demand based on different prices and fish supply amounts. Hospital said that PIFSC plans to expand the app so that it can be used in other areas and with other species in the future.

Hospital also reported that Danika Kleiber, a PIFSC social scientist, is leading a new oral history project to conduct short talk-story style interviews with people involved in all aspects of fisheries to understand and share how people have responded and adapted to the COVID-19 pandemic. She has conducted about 12 interviews until now with three open-ended questions to guide the discussion. Hospital provided contact information for anyone who is interested in participating in this project.

Hospital highlighted that regional fisheries are adapting their operations to continue to feed local communities in the face of unprecedented disruptions. One example of this is the Hawai'i Longline Association partnering with the Hawaii Foodbank and donating 2,000 pounds of fresh local seafood. Hospital also mentioned the Hawaii Fishers Feeding Families Facebook group that was started in mid-April and has over 1200 members and posts from people all over Hawai'i. Within the first couple of weeks, nearly 5,000 pounds of fish were reported that fed

more than 9,000 people. High school students from Mid-Pacific Institute volunteered their time to tally the contributions.

Soliai pointed out that no data from the Territories were shown in Hospital's presentation and recommended that information from the Territories be compiled for future reports.

Hospital said that the Baseline Assessment report included some of this information but that he will work with Soliai and others on this moving forward.

Rice said that July fishing tournament fees are typically worth more than \$2.5 million in Hawai'i, which does not include money spent on hotels, cars, food and fishing charters. Most tournaments have been moved to August in the hopes that travel restrictions will be lifted by then.

Watamura said Gyotaku artist Naoki Hayashi has been kept busy with people asking him to record their fish catches, many of them "firsts." He has noticed the local community is more conscious of the importance of fishing.

Rice said that the people who are fishing are averaging four marlins per boat.

Goto acknowledged Cody Schroeder, who recently started working for the United Fishing Agency and has been Hospital's main contact on tracking the seafood market deterioration. He also highlighted the effect of the exclusion of fresh foreign imported seafood products had on the Hawai'i market. The fishery was able to survive on the limited amount of market demand because the imported products were not further diluting and saturating the market. Goto stressed that limiting the influx of foreign imported products, specifically carbon-monoxide treated tuna, should be a priority. Goto asked if Brakke could address this.

Brakke said current tools to block imports are limited and not something in which the U.S. State Department plays a direct role. Agencies such as U.S. Customs and Border Protection are responsible for enforcing current trade rules and perhaps the Food and Drug Administration, if there are health concerns. Changing trade policy to block imports is not allowed under current laws. In terms of considering that in setting up policy, Brakke said it would be more an issue for the U.S. trade representatives based out of the White House and the Executive Office of the President for NOAA or Department of Commerce that is more directly involved in international seafood trade. Brakke said this might best be handled in the context of the Seafood Trade Task Force that is being established under the president's Executive Order that specifically focused on the seafood trade deficit and how to maximize advantages for the United States or at least ensure a level playing field.

Goto said the MMPA has provisions to restrict foreign imports from fisheries that do not have the same management standards as the U.S. longline fleet. Goto asked Tosatto to address the issue.

Tosatto said that MMPA certifications are being handled by NOAA Headquarters. If the Council wants an update for the next Council meeting, it should request it through himself or directly at NOAA Headquarters.

VII. Program Planning and Research

A. National Legislative Report

Gourley reported on the current national legislative activities. Issues with COVID-19, social unrest and the November 2020 election has stagnated fisheries-related legislation. There have only been seven regional listening sessions on MSA reauthorization to date sponsored by Congressman Jared Huffman. An MSA reauthorization bill sponsored by Congressman Don Young, HR 3697, is stalled. The more pertinent bill during this period was the passage of the CARES Act on March 27, 2020, which contained \$339.855 billion in emergency supplemental appropriations to aid Americans during the COVID-19.

Sakoda said that he had a phone call with people in Florida regarding Senate Bill 2346 on changing the way the Fishery Disaster Relief is handled, which the State of Hawai‘i is looking to support. He suggested that other jurisdictions may consider supporting the bill.

Gourley asked Sakoda to clarify the status of the bill.

Sakoda said that it passed the Senate Committee and the House subsequently held one hearing on it, but it has not yet passed.

B. 2019 Annual Stock Assessment and Fishery Evaluation Reports

Thomas Remington, Council contractor, presented the highlights of the Archipelagic and Pelagic Annual Stock Assessment and Fishery Evaluation (SAFE) reports. Fishery performance, landings, effort and participation were presented for bottomfish fisheries in American Samoa, Guam, CNMI and Hawai‘i and for crustacean fisheries in Hawai‘i. Changes associated with the ecosystem component amendment were highlighted, including the top-10 ecosystem component species harvested and time series of prioritized catch selected by the local agencies. Catch, effort and participation for bottomfish management unit species (MUS) declined for all areas in 2019, except for Guam, relative to historical averages.

The trophic level and functional group biomass estimates for coral reef fish showed an increase in herbivores in American Samoa and the Pacific Remote Island Areas (PRIAs) and a decrease in Guam, CNMI and Hawai‘i and mixed trends in other trophic levels. The estimated coral cover showed a general decline.

The socioeconomic data showed mixed trends in pounds sold and revenue. For example in American Samoa, fewer bottomfish were caught in 2019 but the amount sold and revenue increased, while more bottomfish were caught in CNMI, which was reflected in the increase in the amount sold and revenue.

The changes to the protected species section included the recent listings of oceanic whitetip sharks and giant manta rays for bottomfish fisheries and updates to emerging issues. Data showed that interactions with oceanic whitetip sharks were rare or nonexistent in bottomfish fisheries in all areas and there were no recorded interactions with giant manta rays.

The oceanic indicator trends were updated with basin-wide information, including indicators such as CO₂, which has been increasing exponentially through recent years, and the Pacific Decadal Oscillation, which transitioned from a positive phase to neutral in 2019. Area-specific indicators such as ocean color were in line with climatological values for each area, and sea level continues to rise.

The essential fish habitat (EFH) section remained similar to previous years, although new data and data collection methods for benthic communities were included at a finer resolution than in previous years. The 2019 habitat review of crustaceans in Guam and Hawai‘i was appended to the reports. The additions to the marine planning section of the report were limited to minor updates on military activities in the Mariana Archipelago and aquaculture operations in Hawai‘i.

Remington presented the pelagic fishery performance, landings, effort, and participation for pelagic fisheries in American Samoa, CNMI, Guam, and Hawai‘i. Pelagic catch for all areas decreased slightly, with mixed trends for participation and effort. The international catch data from WCPFC and IATTC showed a slight increase for tuna species between 2018 and 2019. The report included completed stock assessments for pelagic MUS, such as WCPO skipjack, North Pacific striped marlin and oceanic whitetip sharks in 2019. The pelagic report included available noncommercial data for each area under the Council’s jurisdiction. The report focused on HMRF data from Hawai‘i that showed notable decreases from 2018 to 2019.

The socioeconomic trends for the pelagic fisheries showed mixed trends for the amount of pounds sold and revenue, and the fish price and fuel cost were relatively stable in 2019. The changes to the protected species section of the 2019 report included updates to interaction data, consultation and Amendment 10 summaries and emerging issues. The oceanic indicators included physical indicators such as sea surface temperature, which showed an increase. The El Niño–Southern Oscillation, transitioned from weak El Niño to neutral conditions. New to the 2019 report was a bigeye tuna catch rate forecast for Hawai‘i included in the oceanic indicator section.

The EFH section did not change other than updated research and data needs. Updates to the marine planning section of the report were similar to the changes made in the Archipelagic reports.

Remington provided a summary of the work items identified by the Plan Team to improve next year’s report. He noted that the 2019 reports will be completed by the end of June 2020.

Gourley said that he read the reef fish section and would be reaching out to Remington for his questions and comments.

Wamura said that regarding segment of the report that showed a decrease in catch and effort of the deep-seven bottomfish, weather was bad in 2019 and shark depredation was high. The amount of kahala being caught instead of ‘opakapaka was alarming. The snake mackerel bite on the mainline was out of control. The uku fishing in O‘ahu, especially Penguin Banks, is impacted by shark depredation.

C. Standardized Bycatch Reporting Methodology

Asuka Ishizaki, Council staff, provided an update on the review of the Standardized Bycatch Reporting Methodology (SBRM). According to new requirements went into effect in 2017, FEPs must identify procedures that constitute SBRM for each fishery and explain how they meet the purpose of the SBRM. In establishing or reviewing the SBRM, the new guidance also requires specific analysis, including considerations for the characteristics of bycatch, feasibility of the methodology, uncertainty of the data and how the data resulting from the methodologies are used. All FEPs must be consistent with that rule by Feb. 21, 2022.

The ongoing review was discussed with the Plan Teams at its annual meetings. The annual reports will be revised to include bycatch data consistent with SBRM. Council staff is working with PIRO SFD and NOAA General Counsel on whether an amendment to the FEPs is necessary to remove SBRM for fisheries that target ecosystem component species. The review is currently incomplete, and an update will be provided in future meetings. Ishizaki provided a summary of the existing SBRM in the FEPs.

D. Electronic Technologies Implementation Plan

Keith Bigelow, PIFSC, presented on the Electronic Technologies Implementation Plan that replaces the 2015 plan and will cover the period to the end of 2025. The plan establishes a regional vision for implementing electronic reporting and monitoring and includes four attributes: 1) It will include the Council actions and research and development across all forms of electronic technologies, including VMS, electronic reporting, electronic monitoring and human observer technologies; 2) It will be used by PIRO, PIFSC, and NMFS leadership to prioritize funding from internal and external sources. 3) It will highlight efforts to integrate these technologies through coordination and standardization of fishery-dependent programs within and across regions; and 4) It will identify challenges with implementing electronic technologies, cost information on electronic technology programs and a funding transition plan that includes sampling and administrative costs for electronic monitoring programs. NMFS extended the deadline for the plan completion to Feb. 1, 2021, to ensure adequate opportunity for engagement with the Regional Fishery Management Councils, States, Commissions, fishing industry groups and other stakeholders.

E. President Executive Order on Seafood Competitiveness

Marlowe Sabater, Council staff, provided an overview of the President Trump EO 13921 issued on May 7, 2020. The EO promotes the competitiveness of American seafood industry. Section 4 of the EO deals with changes to regulations, guidance, policies and other similar agency actions. Other sections cover illegal, unreported and unregulated fishing, enhancing aquaculture opportunities, animal health and creation of an Interagency Seafood Taskforce. Section 4 requests the Regional Fishery Management Councils to submit within 180 days a prioritized list of recommended actions to reduce burdens on domestic fishing and also to increase production within sustainable fisheries, including a proposal for initiating each recommended action. The actions should follow the consistency requirements of MSA, ESA and MMPA. Consistent with MSA 302(f), the EO also directs the Secretary of Commerce to provide administrative and technical support to the Regional Fishery Management Councils to carry out

this work. At the CCC meeting in May 2020, Oliver encouraged the Councils to cast a broad net and be creative.

Gourley said the document is due on Nov. 2, 2020. One recommendation could be to change the management authority of the marine national monuments to MSA rather than the existing management regime.

Lynch said the SSC recommended a small working group of SSC members review and make recommendations on revisions to the draft document, which would be presented at the next Council meeting.

Gourley recommended including the critical habitat designation to be determined by the responsible agency and not necessarily mandated by the ESA. That would allow critical habitat to be designated on a case-by-case basis according to the conservation needs of the listed species. He said development projects are challenged by interpretations of the EFH definition.

Tenorio said the reassessment of management options should be considered for data-poor areas like CNMI, Guam and American Samoa.

Duenas said Guam lost the southern part of the EEZ to the Federated States of Micronesia (FSM) during renegotiation of the Compact of Free Association and would like to entertain negotiations to regain some if not all of that area. Alternatively, Guam and CNMI could be provided access to FSM waters without paying for a permit, should a longline fishery develop in the Mariana Archipelago. Duenas also said that the Billfish Conservation Act should be revisited, considering that billfish stocks in the Western Pacific Region are not overfished, and fisheries from the region should be allowed to sell billfish for interstate commerce.

Soliai recommended providing fishing access to the marine national monuments in the Pacific. He said the Council was the first to send the letter in response to the EO, which drew a lot of attention. He added the recusal determination issue should also be included, stating that attribution of shares of a company to an employee is a very unfair process.

Watamura said fishing restrictions imposed on fishermen especially during the pandemic should be rolled back due to economic hardship. He recounted the fisheries that used to operate in the waters that are now marine national monuments. He said the EEZs were created to give U.S. fishermen an advantage over the overpowering foreign fleets and make it more economically possible for U.S. fleets to stay profitable, by minimizing travel to the fishing grounds, which is especially important in these trying times. The Billfish Conservation Act prohibiting commercial sale of billfish in the continental United States and the transshipment from Hawai'i, the U.S. Territories and the Commonwealth is another law imposed on Pacific Island fishermen that has no scientific basis as the billfish stocks, other than the North Pacific striped marlin, are all healthy and are not overfished or experiencing overfishing. After the passage of this law, prices plummeted. He said the ESA and MMPA restrictions are additional unnecessary and unwarranted actions hampering the region's fishing fleets. When analyzing the big picture of how these protected species are being threatened, the least impactful threats are from the region's fishermen. The closures of the SEZ due to exceeding the false killer whale take and the entire closure of the shallow-set longline fleet due to turtle interactions are

unconscionable and of no consequence to the overall survivability of these species. After the recent research showing higher abundance of pelagic false killer whales, it is even more important to open up the SEZ, he said.

Rice said that the Billfish Conservation Act prevents Hawai‘i-caught fish to be transported to the mainland United States. This issue should have been addressed through the MSA. Ten marlins between 300 to 600 pounds were killed in the past month in tournaments held in the Gulf, but it is unknown where the fish ended up because it is illegal to sell them. Tournaments in Hawai‘i release more billfish than in the Atlantic, whose fishermen supported the bill.

Goto said that the billfish prohibitions severely restrict the market, which is an issue that needs to be at the forefront as well as the bigeye tuna limit, which denies the capacity of the Hawai‘i longline fleet. He said another consideration is reopening of the SEZ, which is a part of the U.S. EEZ that is not accessible to fishing.

Sakoda said the Hawai‘i DLNR did not agree with the Council’s letter to President Trump to open up the monument to fishing. He said fishing operations were not hurt by the closure, and the department believes it provides a conservation benefit. However, Hawaii DLNR supports efforts that would help fishermen and would like to be part of the process to develop suggestions.

Brakke said that he views the issues around the maritime boundary with the FSM and the Compacts of Free Association as falling outside the scope of this EO, which is to recommended actions to the Secretary of Commerce with a focus on regulations, orders, guidance documents or other similar agency actions.

Tosatto recommended sticking to the EO’s request. Some access to fishing grounds issues should be considered as they could increase productivity of the fisheries to the extent they remain consistent with the ESA and the MMPA. He said the Council should think big but at the same time focus on those items that have a chance of being successfully initiated within one year. The Council should also think about how the recommended actions could be accomplished. If it requires a change in the law, then it would not likely to be successful under the EO. He suggested that Council staff communicate with staffs from other regions on their process and the ideas they are fielding, as other Councils may disagree on the removal of certain policies.

Gourley said that several aspects of ESA should be considered to help the fishing industry, such as ensuring that the RPMs are actually reasonable and prudent and to implement RPMs under MSA requirements.

Simonds said that recommendations regarding congressional changes to laws can be made to the Administration for consideration in Administrative bills and noted that most of the issues discussed by the Council members have to do with policy and directives that can be changed by the Administration. She assured the Council that the Regional Fishery Management Council executive directors are working together to identify shared issues by the fall CCC meeting scheduled for the week of Sept. 22, 2020.

Sabater said that the Council is also considering recommendations for EO 13924 that allows rescinding, modifying, waiving and providing exemptions from regulations and other requirements, including regulatory standards, which may inhibit economic recovery for the purposes of promoting job creation and economic growth.

F. Stock Definitions in the Bottomfish and Pelagic Fisheries

Mark Fitchett, Council staff, and Sabater presented on stock definitions for MUS under Council purview. An SSC working group was formed to provide guidance on defining stocks for MUS in the region, as well as to provide guidance to Regional Fishery Management Councils and agencies to inform the National Standard (NS) 3 stock definitions at the national level. The Western Pacific Region's noncontiguous and unique nature with high diversity in fisheries and MUS was the impetus for convening the working group. The group will first review stock definitions pursuant to NS3 and conduct a literature review of how stocks are classified for insular and pelagic fisheries. The working group will then develop a hierarchy of scientific criteria for stock definitions based on data availability, distribution and life history commonalities.

No technical guidance exists for NS3, unlike for NS1 and 2. NS3 under MSA states that "to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination." The purpose for NS3 clarifies that "the geographic scope of the fishery, for planning purposes, should cover the entire range of the stocks(s) of fish, and not be overly constrained by political boundaries." However, RFMO-managed stocks are often defined based on political boundaries. Fitchett presented various existing definitions of a stock from the literature, and noted that new scientific tools have become available in recent years to inform stock definitions.

Sabater provided examples of the Mariana bottomfish complex and reef fish species, which are managed separately along the political boundary between Guam and CNMI, while scientific evidence indicates that the two areas have no genetic separation. Fitchett provided the example of striped marlin, which has stock boundaries defined based on the RFMO boundaries. Tagging and genetic studies clearly show that striped marlin caught around the Hawai'i archipelago are comprised of multiple distinct groups of striped marlin, which is not fully considered in the definitions of currently assessed stocks.

Fitchett presented the proposed review process and schedule for the working group to develop best practices guidelines, with the goal of having the Council and the National SSC endorse the guidelines.

Rice asked if studies have been conducted on striped marlin to evaluate the genetic differences between Baja California and Hawai'i.

Fitchett said the 2011 study looked at samples from Southern California and Northern Mexico. Council staff is working with scientists to collect genetic samples and analyze the samples in collaboration with a scientist at Australia's Commonwealth Scientific and Industrial Research Organisation. The Council is also supporting tagging studies to look at transboundary movements.

Rice said that if the striped marlin in Baja California and the North Pacific are part of one stock, they should be combined.

Fitchett said that there is genetic differentiation between what is considered the Eastern Pacific Ocean stock between Central America and Northern Mexico/California, so only a portion of the Eastern Pacific Ocean stock could be connected to the North Pacific.

Watamura said he worked with Michelle Gaither in providing fin clips for ‘opakapaka for a genetic study for bottomfish to look at connectivity between the MHI and NWHI. The common knowledge is the genetic flow goes from the MHI to the NWHI with no evidence of the genetic flow in the other direction. He asked whether there are updates to this study.

Fitchett said he is not aware of any updates to these studies but noted that this type of study is difficult to do because of the closure of the NWHI.

Tosatto reminded the Council that, while this is an important question to answer, there is a more pressing issue on the overfished determination for Guam bottomfish and overfishing determination for striped marlin. The Council has one year to provide recommendations.

G. Advisory Group Report and Recommendations

1. Advisory Panel Report

Clay Tam, Advisory Panel (AP) chair, presented the report and recommendations.

Regarding EO 13921, the CNMI AP recommended the Council request the removal of the fishing prohibitions in the marine national monuments in response to the President’s EO 13921; further, the CNMI AP recommended the Council request the removal of the green sea turtle from the ESA. There should also be an effort to look at including Pacific Islanders as indigenous so that indigenous fishermen can benefit from those same rights.

Regarding EO 13921, the American Samoa AP recommended the removal of fishing prohibitions of the marine national monuments in the Pacific as the highest priority to address President Trump’s EO on Promoting American Seafood Competitiveness and Economic Growth.

Regarding EO 13921, the Hawai‘i AP agreed with the Council’s recent letter to the President and recommended the Council continue to follow up with the President on removing the fishing prohibitions within the marine national monuments.

Tam said, regarding the Council’s discussion on the movement of fish between the NWHI and the MHI, the State of Hawai‘i’s ulua tagging program has documented kahala tagged at Maro Reef and French Frigate Shoals being caught off Keahole Point on the Big Island.

2. Archipelagic Plan Team Report

Stefanie Dukes, Archipelagic Plan Team chair, presented the report and recommendations.

Regarding SBRM, the Archipelagic Plan Team recommended the Council direct staff to work with local fisheries management agencies to develop outreach materials on the importance of reporting and recording bycatch.

Regarding the bottomfish life history, the Archipelagic Plan Team recommended the Council direct staff to work with the local fishery agencies to better identify the recently recognized species *Etelis* sp. (giant ruby snapper) in future data collection.

Regarding the annual SAFE report socioeconomics module, the Archipelagic Plan Team recommended the Council direct staff to work with the PIFSC Socioeconomic Program, Western Pacific Fisheries Information Network (WPacFIN) and Hawai‘i Division of Aquatic Resources (DAR) to investigate the landings of kahala in the top 10 species caught and track the disposition of these incidental catches.

3. Pelagic Plan Team Report

Donald Kobayashi, Pelagic Plan Team chair, presented the report and recommendations. The Pelagic Plan Team developed and reviewed the 2019 SAFE report and identified work items to improve future reports in a virtual meeting early May 2020.

Regarding the SAFE report, the Pelagic Plan Team recommended the Council to work with PIFSC and PIRO to explore any factors that may have contributed to observed sea turtle mortalities in the Hawai‘i shallow-set longline fishery since 2018.

Kobayashi said that there were no sea turtle mortalities in the Hawai‘i shallow-set longline fishery until 2018, when two loggerhead mortalities were observed. One olive ridley mortality was subsequently observed in 2019. Due to the small sample size, a statistical analysis is not feasible, but the Plan Team thought that a review of gear characteristics over time in close coordination with industry may provide some insights on factors that may have contributed to the observed mortalities.

4. Fisheries Data Collection and Research Committee Report

Sabater presented the Fishery Data Collection and Research Committee (FDCRC) report and recommendations.

Regarding fishery data collection, the FDCRC recommended the Council direct staff to work with the Territory agencies in establishing the Amazon Web Services (AWS) cloud account to initiate the electronic reporting data collection.

Regarding fishery data collection, the FDCRC recommended the Council request DMWR, DFW and Division of Aquatic and Wildlife Resources (DAWR) for documentation of the boat- and shore-based creel survey protocols and the agencies to work with Marine Recreational Information Program (MRIP) to initiate the creel survey reviews for certification.

Regarding fishery data collection, the FDCRC recommended the Council work with PIFSC and Territory agencies in hiring one full-time employee (FTE) for each territory to launch and maintain the system.

Regarding fishery data collection, the FDCRC recommended the Council request the MRIP Pacific Island Regional Implementation Team convene and address the review of the memorandum of agreement (MOA) and engage MRIP on the review process.

5. Scientific and Statistical Committee Report

Lynch presented the SSC report and recommendations.

Regarding the annual SAFE reports, the SSC approved the American Samoa, Mariana, Hawai‘i, PRIAs and Pelagic Annual SAFE Reports.

Regarding EO 13921 and 13924, the SSC recommended the Council direct staff to convene the SSC subgroup composed of James Lynch, Shelton Harley and Erik Franklin to identify and prioritize the regulations, orders and guidance that create a burden on domestic fishing.

Regarding stock definitions in the insular and pelagic fisheries, the SSC recommended the Council direct staff to work with the SSC subgroup composed of Erik Franklin, Steve Martell and Frank Camacho for the insular fisheries and Dave Itano, Graham Pilling, Shelton Harley and Kurt Schaefer for the pelagic fisheries.

H. Public Comment

Eric Kingma, HLA executive director, provided public comments concerning the economic impact facing the Hawai‘i longline fishery, which is estimated to be \$15 million in lost revenue on the vessels alone, not counting the supply chain, due to the pandemic. Without tourism, the market for fresh fish will remain vulnerable. Regarding the Electronic Technologies Implementation Plan and electronic reporting, Kingma said it should be optimally designed for fishery participants and vessel owners so they can receive daily data to incentivize the use of the system. Regarding video monitoring, the Hawai‘i longline industry supports the continued development and would like to make sure that the Implementation Plan is clear that these systems are for protected species and it correctly references the NMFS policy directive related to video monitoring. Regarding EO13921 on seafood competitiveness, Kingma highlighted the issue pertaining to the SEZ closure and the recent information on the false killer whale abundance that the closure is no longer necessary and that a quick reopening would help support the longline industry. He said the industry can provide additional input on the draft Council response to the EO and provided an example on the urgency of getting the swordfish measure in place. He said actions could be done quickly rather than waiting on the deadline in the fall.

I. Council Discussion and Action

Regarding legislation, the Council **requested NMFS consider the disproportionate hardship on some states from legislation such as shark conservation and billfish that prohibits**

interstate commerce and determine its impacts on the seafood trade deficit and how this can be addressed.

Moved by Rice; seconded by Gourley.

Motion passed.

Regarding the annual SAFE reports, the Council approved the 2019 archipelagic and pelagic reports and directed staff to post the reports on the website.

The Council directed staff to work with the PIFSC Socioeconomic Program, WPacFIN and Hawai'i DAR to investigate the landings of kahala in the top 10 species caught and track the disposition of these incidental catches.

The Council directed staff to work with PIFSC and PIRO to explore any factors that may have contributed to observed sea turtle mortalities in the Hawai'i shallow-set longline fishery since 2017.

The Council directed the Plan Team to account for the impacts of COVID-19 to the fisheries by noting these impacts in the annual SAFE reports for 2020.

The Council requested the Pelagic Plan Team look at South Pacific albacore indicators, provide more information on spatial catches within the region including American Samoa and investigate ecosystem drivers for inclusion in the SAFE report.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding bycatch reporting, the Council directed staff to incorporate the importance of accurate bycatch reporting in the current ongoing outreach effort related to data collection in the Territories.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding the stock definitions in the bottomfish and pelagic fisheries, the Council endorsed the SSC subgroup and directed staff to continue developing guidance on stock definitions. The SSC subgroup is composed of Erik Franklin, Steve Martell and Frank Camacho for the insular fisheries and Dave Itano, Graham Pilling, Shelton Harley and Kurt Schaefer for the pelagic fisheries.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding the Territory fishery data collection, the Council directed staff to work with the local fishery agencies to better identify the recently recognized species Etelis sp. (giant ruby snapper) in future data collection.

The Council directed staff to work with the Territory agencies in establishing the AWS cloud account to initiate the electronic reporting data collection.

The Council directed staff to work with NMFS PIFSC and Territory agencies in hiring one contractor for each territory to launch and maintain the electronic reporting system.

The Council requested the MRIP Pacific Island Regional Implementation Team convene and address the review of the National Saltwater Angler Registry MOA and engage MRIP on the review process.

The Council requested documentation of the boat- and shore-based creel survey protocols from DMWR, DFW and DAWR and for the agencies to work with MRIP to initiate the creel survey reviews for certification.

Tosatto asked for clarification on the acronym FTE to ensure that the Council is not expecting a federal position in each Territory to run the electronic reporting system, in which case he would vote against that recommendation.

Sabater said that the position would be a contractor and not a federal position.

Tosatto asked if the expectation is that the electronic reporting system would be supported by federal funds.

Sabater said the FDCRC members discussed that, in order to support the electronic reporting deployment and launch, having a contractor for each Territory would provide support to the local agencies in terms of manpower, and the technology transfer would happen at a later time.

Simonds said that the FDCRC's expectation was that the source of the funds would be discussed at a later time.

Tosatto emphasized the words "work with" in the recommendation and said the discussion can proceed from there.

Soliai requested the record reflect that "FTE" has been replaced with "contractor".

*Moved by Rice; seconded by Watamura.
Motion passed.*

Regarding EFH, the Council requested NMFS work with the Council to determine "non-essential" fish habitat to look at ways to remove areas that are degraded from being considered as EFH.

Tosatto said that he would be voting against the recommendation as the Council has an obligation to identify EFH and Habitat Areas of Particular Concern. There is an ongoing effort to refine EFH definitions. Most of the harbors that were identified in the discussion remain important EFH for many species' life cycles, including those EFH that are dredged. He

recognized the need to understand the impacts of EFH on infrastructure projects. He said NMFS consulting with the Action Agencies undertaking such actions is an important part of what NMFS does in support of the Council's fishery management. He said he could not support looking at non-essential EFH as if it were something under the MSA.

Moved by Rice; seconded by Watamura.

Motion passed with Tosatto opposing.

Regarding COVID-19 impacts, the Council requested NMFS PIFSC to coordinate with Territory agencies and industry representatives to provide market monitoring analyses and demand tracking app for each area.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding EO 13921 and EO 13924, the Council directed staff to review and finalize with the Executive Committee at the September meeting the list of regulations, guidance and policies that unnecessarily burden domestic fisheries. Further, the Council should also identify the regulatory standards that may inhibit economic recovery for the purpose of promoting job creation and economic growth. Furthermore, the Council directed staff to work with the SSC working group composed of Jim Lynch, Shelton Harley and Erik Franklin to prioritize the regulations, orders and guidance that create burdens on domestic fishing.

Tosatto said that the Council's discussion so far has focused on one aspect of the EO, removing unnecessary burden, while the EO also focuses on increasing productivity. He added that there could be other ideas that are not related to the removal of burdens that could promote productivity. He reiterated that the Council should focus on the whole task that would include the proposal to implement or initiate the action within the year.

Simonds said that it would be burdensome to put everything in the presentation and the recommendation, but that staff would be following the EOs. She also noted that the recommendation states that this will be taken up again at the September meeting.

Sakoda requested that State of Hawai'i be given the opportunity to review before it gets finalized and submitted to the Council and that all Council members also have the opportunity to review in advance.

Simonds said that there could be several iterations and it would also be possible to have a one-day meeting with the Council members on the EO.

Soliai agreed with Simonds.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding recent fishery actions by the President, the Council directed staff to send a letter to the President thanking him for including Section 12005 in the CARES Act, which authorized the Secretary of Commerce to provide \$300 million in appropriated funds to assist fishery participants affected by the novel coronavirus (COVID-19), including \$4.3 million to the State of Hawai‘i, \$2.5 million to American Samoa and \$1 million each to Guam and the CNMI.

Additionally, the letter should commend the President for Proclamation 10049 Modifying the Northeast Canyons and Seamounts Marine National Monument, which allows for well-regulated commercial fishing use in that monument and recognizes that “the objects in the monument can be, and are currently, protected pursuant to carefully tailored regulation and management under existing Federal law” and that the MSA “regulates commercial fishing to ensure long-term biological and economic sustainability for our nation’s marine fisheries, taking into account the protection of associated marine ecosystems” and establishes regional fishery management councils “that develop fishery management plans to regulate our Nation’s fisheries, using the best available science and observing strict conservation and management requirements.”

Sakoda said that he will vote no because the Hawai‘i DLNR would not support that portion that thanks the President for modifying the Northeast Canyons and Seamount National Monument.

*Moved by Rice; seconded by Watamura.
Motion passed with Sakoda opposing.*

VIII. Community Engagement and Public Relations

Amy Vandehey, Council staff, presented on the various activities related to education and outreach in Hawai‘i and the Territories. She reported on the publication of the newsletter with a significant portion dedicated to the impacts of COVID-19; the Council scholarship with students supported from American Samoa, Guam and CNMI; the printed media outreach materials including the handout on Council 101, a “How does the Council Work with Fishermen to Collect Good Fishery Data” and “History of Protected Species Conservation in the Western Pacific”; the Council’s Fisheries 101 and COVID-19 webpages targeting the fishing community; and a series of public service announcements (PSAs), the first of which is for American Samoa regarding the Malaloa Dock project. She also reported that the Mike Buck GoFish that has 7,300 weekend listeners and that publication of articles in *Hawaii Fishing News* and *Lawaia* are ongoing.

Zachary Yamada, Council staff, reported on the activities associated with Hawai‘i outreach, including tournament outreach work by the AP, hosting of an uku category for tournaments, creation of an uku and yellowfin fact sheets, brochures for the community scoping meetings, lunar calendars and plans for the small boat public scoping meeting series.

Sabater reported on the infographics on data collection flow, ACLs and Catchit Logit app that will be printed as posters and flyers to support the launch of the electronic reporting app. The data flow and ACL process infographic was translated to Samoan. A website was developed

for the app. Radio ads were developed to support the upcoming training workshops in American Samoa, Guam and CNMI.

Nate Ilaoa, Council staff, talked about the AP Curriculum and Community Outreach Project funded under Sustainable Fisheries Funds (SFF) grant. This includes 12-episode video PSA series and outreach strategies to gathering fishery information from community events. He also reported on the lunar calendar development.

Felix Reyes, Council staff, reported on the Guam outreach activities that included the 2021 lunar calendar featuring the different fishing spots around Guam.

Floyd Masga, Council staff, reported on the CNMI activities including the impacts of COVID on tournaments and social media outreach efforts.

Watamura suggested that the next newsletter include a story on the Hawaii Fishers Feeding Families Facebook page and include some gyotaku prints. He said what seems to be missing is education and outreach targeting kids. He said kids in the elementary school level are getting a preconceived idea that fisheries are bad. He provided a positive comment on Catchit Logit and recommended to collaborate with Jim Horii on the Lokahi app, which has had significant improvements. Watamura thought that the noncommercial data would improve if this app is widely used.

IX. American Samoa Archipelago

A. Motu Lipoti

Soliai reported that American Samoa is free of COVID-19 cases. To help ensure this continues, Gov. Lolo Moliga extended the emergency declaration, which includes no flights into the territory. Flights will be cancelled through July 2020, which Hawaiian Airlines has confirmed. August remains a possibility for travel, but due to recent spikes in the United States and particularly Hawai'i, he was unsure about whether flights would resume in August.

The suspended flights have drastically reduced the airfreight into and out of the territory. This reduction has affected local businesses. The cannery has been affected as the company has had trouble bringing in needed supplies. In addition to the lack of flights to carry cargo, there are also extensive ocean cargo delays over the past three months. Those ocean cargo delays had not only impacted the cannery, but also commerce in the territory as many businesses have struggled without goods such as perishables which have been delayed by shipping issues. Another shipping line recently announced another three-week delay of a container vessel. Outbound container shipments have also been delayed, causing problems for the cannery as it deals with ways of ensuring that finished products for U.S. markets are sent out to keep up with demand. Despite the current situation, production has increased for the cannery due to the recent increase in demand. The company, however, has had to deal with an all-time high absenteeism rate and has worked to fill vacant positions. That absenteeism has coincided with the release of stimulus checks and tax refunds. Gov. Moliga assisted the company in finding an alternative means of employment recruitment, filling vacant positions with individuals that have been on the amnesty program. This process has resulted in the recruitment of more than 200 new employees, which has

sustained the cannery's operations and production levels. Soliai anticipated a return of a portion of the workforce when stimulus and tax refund checks were depleted. He also acknowledged that Gov. Moliga's exemption for StarKist from the emergency declaration restrictions placed on local businesses has not only sustained the company, but it has buoyed the economy in American Samoa. The cannery is one of the main pillars of the economy.

The shutdown of all flights into the territory has impacted the longline vessels and their ability to fill crews. Despite that challenge, the boats are out fishing. He was unsure if they were able to fill crews with existing people or if they had to recruit as he was aware of them advertising locally for fishermen. He was pleased that the boats were able to go fishing and find alternative measures to take trips. Regarding purse seine vessels, observers are still on island and waiting to be repatriated back to their home countries. Gov. Moliga has approved a charter flight after a letter was written to him by the ATA. Soliai anticipated that flight to happen sometime in the next week. Soliai said the company was fortunate that the vessels were granted a waiver by the WCPFC, which was supported by NOAA, for the required observer coverage and that the waiver was extended through the end of July. Without the exemptions the fleet received, the supply to the cannery would be a serious issue.

Soliai added that a number of the planned projects for the cannery had been put on hold due to the flight suspension. None of them is an emergency project. The company will wait until flights resumed to continue with those projects.

Dunham provided an update on American Samoa island fisheries. The COVID-19 pandemic has affected the small-boat fisheries in American Samoa. The restrictions on local businesses have drastically reduced the need for locally caught fish during the government's emergency declaration. Businesses are allowed to open for only limited hours. Additionally, businesses are forced to limit the number of customers to 10 at a time. Between the reduced hours and limited patron capacity, some businesses have been forced to close temporarily. This has affected fishermen who normally supply those restaurants, stores and bars.

Dunham expressed gratitude to Congresswoman Aumua Amata Radewagen for her efforts in helping to secure the \$2.5 million in funding for the fisheries through the CARES Act. The relief was widely applauded by the commercial fishermen on island. Dunham said the American Samoa DMWR was in the process of developing a spending plan for the distribution of those CARES Act funds. Sesepasara has been in contact with local fishermen as part of the process to draft the spending plan.

Dunham also updated the Council on the current fishing situation in American Samoa. The weather and conditions have been poor since March with rough seas and high winds, and the number of fishing trips has been limited. Poor conditions contributed to the capsizing of an alia vessel used to transport passengers between the main island of Tutuila and Aunu'u Island, leading to the death of two passengers. He added that a small craft advisory has been in effect recently with the current poor weather conditions.

Brakke asked if any purse-seine crew issues have become a severe problem for the cannery. He said a significant number of the crew members are Pacific Island nationals from other countries in the region. He wanted to know if there have been issues in getting employees

for the cannery from other countries in the region. Additionally, he asked if Soliai could expand on the market conditions and dynamics for the cannery, given Soliai's comments that production had increased. Brakke said canneries in countries such as Ecuador have been negatively affected. He said that this was important information for potential meetings with other Pacific Island countries under the South Pacific Tuna Treaty or other related contexts to provide updates on American Samoa's tuna industry.

Soliai said that recruitment efforts for employees have been somewhat successful locally. There have not been any flights coming into the territory from other Pacific Islands, which would prevent recruitment from the region. Longline owners in the territory were also recruiting fishermen. He was not sure how successful those efforts were; they may be operating with limited crew numbers. Soliai said he would try to find out more information from the owners about their recruitment and current crew situation. He said the outlook for the cannery was positive as long as it can sustain the fish supply. The exemptions for observers, he said, would be well-received; with the deadline for that exemption approaching, there was a need for an extension. He explained that the demand had increased in the United States, but the cannery business remained very volatile as an industry, with much of the success depending heavily on determinations and decisions made outside of American Samoa. He cited fishing access as an example. He thanked Brakke and said it was important to know that the State Department finds the cannery's information important. He said if there was any further need for information, he would be willing to provide it.

B. Department of Marine and Wildlife Resources Report (Legislation and Enforcement)

Ochavillo provided the agency report covering DMWR's activities since the previous Council meeting. Regarding the Marine Protected Areas Program, he said the department is still reviewing the management plans for participating villages. The department is also assisting those villages with removal of land-based sources of pollution. Village cleanups have been scheduled over the next few months.

Regarding COVID-19 impacts, the statistics in the presentation are based on surveys prior to March 2020 and do not include statistics during the COVID-19 shutdown. More information will be presented to the Council during the September Council meeting. The major impact from COVID-19 was the decrease in creel staff capturing fisheries data. The government has put all nonessential departments on 20-hour per week schedules, and employees 60 years old and above are ordered to work from home. Regarding the shore-based creel survey, the top five species or species groups for the first quarter of 2020 were limu (sea grapes), alogo, cone snails, parrotfish and mullet. The top gears for landed catch were gleaning and thrownet. As for the boat-based creel survey, 12 alia, nine pelagic trolling and one longlining vessels were recorded operating from October 2019 through March 2020 as well as five spearfishing and three bottomfish fishing boats.

Regarding the commercial receipt book vendor program, DMWR staff has worked with the 69 vendors who purchased fish from those fishermen. The top pelagic species landed by alia vessels were bigeye barracuda, bigeye tuna, marlin, dogtooth tuna, mahimahi, skipjack, wahoo

and yellowfin tuna. Invoices from vendors showed that those same species and swordfish and sailfish were the most purchased. Those numbers include fish from larger longline vessels.

Regarding bottomfish, the staff's collection of data indicate that redgill emperors, tomato groupers, longtail snappers, bluefin trevally and gray jobfish were the most landed species. The numbers of catch presented were the raw numbers and were not expanded. For the commercial invoices, the top species included ruby snappers and mackerel.

The spearfishing data between October of last year and March show that striped and unicorn surgeonfish were the top landed species along with parrotfish, peacock grouper and yellow-edged lyretails. According to commercial invoices from the fishery, striped surgeonfish and pompano were the top species along with parrotfish and other assorted reef species of fish. Ochavillo added that species such as pompano, swai, pollock and tilapia were imported.

Regarding the Fish Aggregating Device (FAD) Program, Ochavillo said only one FAD currently existed and three had been lost. The department is in the process of ordering preassembled FADs from New Zealand. He anticipated they would be received before the end of the year. DMWR is also working on a giant clam restocking program and has been in communication with other countries including the Philippines to supply the territory with giant clams. DMWR is also participating in a NOAA Coral Reef Restoration Workshop online.

In regard to the construction of the Malaloa Marina Dock extension, Ochavillo reported that DMWR's staff has been coordinating with the Port Administration and other local government agencies to provide technical guidance for the dredging of the area (landward basin of the marina).

Speaking on education and outreach activities, Ochavillo said DMWR's education staff developed posters for bottomfish and reef species and a new commercial fisherman license template, which he presented to the Council. Ochavillo also provided an updated on DMWR's social media plans and reported that the department now has both a Facebook and Instagram account.

According to Ochavillo, a minor coral bleaching was recorded in May 2020. He showed photos taken by the Coral Reef Advisory Group of American Samoa staff, which depicted partial coral bleaching of *Acropora muricata* in the airport pools.

C. American Samoa Bottomfish Fishery

1. Status of the Interim Measure

Brett Schumacher, PIRO SFD, presented the status of the interim measure for American Samoa bottomfish. In August, PIFSC published a new benchmark stock assessment for the bottomfish fishery showing American Samoa was both overfished and experiencing overfishing, which would result in a drastic reduction in ACL. At the October 2019 meetings in American Samoa, the Western Pacific Stock Assessment Review (WPSAR) report and the stock assessment were presented to the SSC and Council, and American Samoa fishermen provided testimony. The Council would have to try to immediately end overfishing, requiring catch being

reduced to 8,000-pound level or lower depending on P-star (P*) process. Council voted to request Secretarial action on an interim measure. Simonds sent a letter to NMFS in November regarding the interim measure. One stipulation of the interim measure is that biomass is supposed to increase. He said this was a response to the local community's concerns, and the goal was to mitigate cultural and socioeconomic impacts of reduced fish catch. To determine a catch level that could reduce overfishing but still allow an increase in biomass, PIRO requested PIFSC expand catch projections to determine the threshold. Schumacher said that the PIFSC Stock Assessment Program in December provided 13,000 pounds as a threshold for 2020.

PIRO then looked at habitat distribution for bottomfish and overlap with EFH in federal versus territorial waters and found that 85% of the habitat was in territorial waters. PIFSC drafted a memo declaring the stock assessment was the BSIA for management, and PIRO convened an action team to review the information and potential actions. That action team included DMWR, the Council and PIFSC.

In January 2020, the Intersessional Archipelagic Plan Team presented findings, and, in February, the status determination memo was finalized. A letter was sent to the Council notifying it of the stock status of American Samoa and Guam bottomfish and its obligation to develop a plan to end overfishing and rebuild the stock. During the March 2020 Council meeting, updates were provided on the interim measure and the preferred alternative was a 13,000-pound catch limit with an in-season accountability measure.

After the March meeting, PIRO SFD started working on a summary to address the necessary National Environmental Policy Act (NEPA) analysis and convened a NEPA frontloading meeting, which is an internal meeting involving PIRO SFD, General Counsel and the PIRO NEPA coordinator. The NEPA document has been sent to General Counsel and the NEPA coordinator for review, after which it will then go to headquarters for review. Following those reviews, July or August 2020 is the anticipated target for publishing of the rule.

Dunham said that there are only three bottomfish fishing boats operating in American Samoa and the issue of overfishing affects many people. The fishermen are doing their best to assist the scientists when they visit American Samoa. He said when he goes fishing there are a lot of fish, and the proposed limit could be caught and exceeded in a single month. He said the Council's electronic reporting app would assist those involved to provide more accurate data. He said the overfishing determination is being made by people looking at papers and not out in the ocean. A number of fishing boats are under construction or being repaired, and only three boats have been fishing for bottomfish for nearly a year. He suggested the scientists come and see the situation firsthand. Dunham said he is a captain and trained his children who go out fishing with him on the banks six months out of the year. He said weather now prevents fishing on the banks in the south, and fishermen have to travel to the north shore to fish for another six months. He said this limits the time for fishing and provides a chance for bottomfish to restock over those six months when little fishing occurs. He said there are so many spots to fish that all of those areas cannot be fished in six months or even a year. He said fishing is a way of life and how fishermen in American Samoa put food on the table. If fishing were to be stopped, it would create a lot of chaos and many people would be upset. He said American Samoa is *Motu O Fiafiaga*, or the islands of happiness with good-hearted people. He asked the scientists to also have hearts, consider the families and come up with a solution that will support fishermen as the people of the

territory look forward to good news. He said the fishermen would support the process however they could.

Schumacher thanked Dunham for his perspective and information and acknowledged that this is a difficult situation and that the importance of the fishery is understood. However, when looking at options, NMFS has to operate within the regulatory constraints based on the science that is available. He acknowledged that 13,000 pounds is not a large number, but the science available has determined that was the ceiling, which limits the options. He said an interim measure could be short-term and in place for only 180 days initially.

Soliai said that the Council is well aware of its obligations to end overfishing and rebuild the stock but that there are questions about the data. He reminded Schumacher that the fishermen raised many questions at the 180th Council meeting in American Samoa and the realities on the ground from the people's perspective are not reflected in the model realities, especially in Manu'a. He asked how such a reduction in limit could support a viable fishery and if a phased-in approach with a 13,000-pound limit with step reductions would be a viable option.

Schumacher said it would be possible to revisit the question after Sabater's presentation as he would be presenting on the rebuilding more than the interim measure.

2. Status of the Annual Catch Limit Specification

Sabater presented on the status of the ACL specification for the American Samoa bottomfish fishery for 2021-2024. The American Samoa P* Working Group convened the P* analysis meeting on April 16, 2020. The group quantified the scientific uncertainty at 20%, which would reduce management of the fishery to 30% risk of overfishing, corresponding with a catch level of 2,000 pounds. The average catch for the American Samoa fishery is 18,352 pounds per year or 9.3 times higher than a 2,000-pound limit. The Council was not able to convene a Social, Economic, Ecological and Management Uncertainty (SEEM) working group due to COVID-19 as well as the limited amount of catch on which to conduct the SEEM analysis. Regardless of what catch limit is set, the ACL would still not prevent overfishing from occurring since there is no near-real-time monitoring and in-season closure of the fishery. The fishery would more than likely exceed the ACL and trigger a post-season adjustment setting the ACL for the following year as zero. The ACL specification action should be done in conjunction with the development of the Rebuilding Plan.

Watamura said the stock assessment should not have been accepted when it was presented in October 2019 due to the data-poor situation for American Samoa. He took personal responsibility for having voted on it when he now feels he should have voted against it. He said he is looking forward to the improvement of the data situation and that the Council's Catchit Logit app would help. He encouraged the Council to bring fishermen from Hawai'i to American Samoa again to demonstrate that the stock assessment does not reflect reality.

Tosatto said that Watamura did not need to take any blame because, while the Council may have accepted the stock assessment, it was ultimately a NMFS decision. The stock assessment was presented, and the SSC and Council provided their advice, which NMFS considered and then decided that the stock assessment is BSIA. He also said that the Council

now has obligations, including establishing ACLs and taking action to end overfishing. If it fails to do so, NMFS will have to do it. He said that the Council has options and that Soliai's request to phase in numbers is a possibility as long as overfishing can be ended and a rebuilding plan gets developed. Tosatto said the Council needs to recognize the realities and limitations of the stock assessment, but he was hopeful that there are options to reduce the risk of noncompliance while considering the interests of the American Samoa fishermen. He said he saw a way forward, including the data improvement initiatives, but that there may be a significant impact in the short-term to get the stock back to where it needs to be for the long-term.

Soliai said that realities that Tosatto alluded to are not necessarily what the locals in the territory are facing. He said, in order to have a viable bottomfish fishery, having a limit of 1,500 pounds would mean the rebuilding timeline would be 10 years or more. In order to justify a rebuilding timeline over 10 years, a decision should be based on the biology of the stock or on the stock complex alone. He asked how 10 years or longer is justifiable if the stock complex is made up of only 11 species that are in question. He also asked if it would be more logical to have a determination based on a socioeconomic and sociocultural standpoint.

Schumacher said one of the starting points for the rebuilding plan is the T-min, the minimum time for the stock to rebuild in the absence of any fishing. The projections for the bottomfish were estimated to take two years for the stock to rebuild in the absence of fishing, and the language on overfishing in the MSA NSs dictate that if T-min is 10 years, there is an option for a T-max, or maximum time for rebuilding, that takes into account a wider range of factor. If T-min is 10 years or less, T-max could be 10 years. If T-min goes over 10 years, there are different ways to track the maximum rebuilding time. At the previous Council meeting, T-min plus one generation time was considered. In this case because T-min is at 10 years, it will be challenging to integrate that method and also address socioeconomic and cultural concerns that are being raised. The implementing agency is constrained by regulations.

Tosatto said that NMFS is working to find a way to comply with the MSA and accommodate socioeconomic concerns. NMFS has to figure out how to rebuild the fishery in 10 years. The fishery is likely 85% outside of federal control. Success would take the right combination of federal and local actions or, if the local government is not willing to go as far as federal action, then activities would have to be controlled in federal waters, outside of three miles. Tosatto said a plan could succeed on the timeline but whether it succeeds or not is unknown. He said in the long-run there is probably a way the Council could meet its obligation and comply with the law appropriately given that only a small portion is in federal waters.

Soliai said that all parties are hoping for success and that American Samoa joins NMFS in making sure to find the right way to proceed. He asked how the benefits can be equitable if the limits to bottomfish catch are so restrictive on local fishermen. He noted that the MSA's NS1 states that Council action addressing an overfished fishery must allocate both overfishing restrictions and recovery benefits fairly and equitably among the sectors of the fishery. He said that all involved should be mindful of that standard moving forward to make sure there is equity when the rebuilding plan is developed.

Ochavillo said there have to be options because the numbers presented cannot make a fishery viable. The stock assessment is BSIA and triggered the actions, but the data-poor nature

of the fishery must be recognized. The stock assessment was not the appropriate approach to assess the fishery. Ochavillo said that DMWR is looking forward to developing a territorial fishery management plan with options that will keep the fishery viable and that may require an approach besides looking at maximum sustainable yield (MSY). He said the fishery is mainly cultural, and perpetuating the local culture requires access to deep-water species.

Watamura raised the possibility of defining the species in the stock and asked if separating the deep-water species from the stock would help the process.

Sabater said that splitting up the complex was something was discussed at the March Council meeting. Sabater said that splitting up the complex was something was discussed at the March Council meeting. The current language in the FEP provides flexibility to apply the maximum sustainable yield (MSY) control rule on individual species or a species complex or to utilize an indicator species. If the assessment were not done on the complex, all deep-water snappers would be grouped together and have their own stock status determination and the shallow species would be assessed at a species level using the length-based approach as was used for reef fish. He said that the shallow species are technically reef fish anyway. Sabater said this method would likely have different results and multiple catch limits and assessments, but that would be the direction for the next benchmark assessment. He said data is needed to apply to that assessment.

Watamura said that would likely create a more accurate depiction of the fishery.

Sabater referenced comments from others: SSC member David Itano said the only way to get the deep-water snapper was to go to the offshore banks. Dunham said the majority of the fishery takes place within three miles of the island due to the limitations of the alia vessels. Tenorio said imposing fishery restrictions in federal waters would affect bottomfish data collection in both territorial and federal waters and would not address the current data limited situation.

Tosatto said that the limitation is not on collecting information, rather the federal regulations would control fishing in federal waters. He said the territory would need to put in place regulations to control fishing in its own waters or take action based on reaching a limit in federal waters, as is done in Hawai'i. Tosatto said the stock assessment and boundaries of where a stock is assessed is guided by the information on where the stock exists and that usually means across both territorial and federal waters regardless of the data collection methodology. He said this provides the BSIA. Regarding Watamura's question, he added that it is unknown whether splitting the complex would be beneficial and any secondary results from this possible route would need to be guided by the Council's plan.

Dunham said the bottomfish fishery is mainly in territorial waters and the people of the territory would like to manage the fishery with the help of the Council and NMFS. Additionally, the Alia Fishing Association would contribute to the improvement of data collection by requiring its members to report on the Catchit Logit app developed by the Council. He thanked the Council for that technology. He asked what NMFS would contribute to help to improve the data collection situation.

Tosatto said that the answer is unclear. He talked about efforts by PIRO and PIFSC to improve data collection and said decision-making for American Samoa would be guided by steps necessary to inform improved management.

Simonds said the Council's concern has been to allow fishing to continue and it looks like that may not happen. She said there is very little surveying occurring, which is part of the stock assessment review that is supposed to take place in three years. She asked if it was possible to extend the interim measure for a year while the Council works on a rebuilding plan.

Tosatto said that the MSA provides initial authority for 180 days, which may be extended once for a second 180-day period. This provides a one-year time period from the effective date of the measure being put in place. He said the clock had not yet started on the interim measure's first 180 days. He said NMFS is working on putting a measure in place but bureaucracy is slow paced even under emergencies. This would address overfishing without taking true action to end overfishing based on the provisions of the act thus far.

Simonds asked that if the one year begins when NMFS implements the interim measure, or when the rebuilding plan dates started when the Council voted or when a letter was received with the overfished and overfishing determination.

Tosatto said the 180 days begin after the date of notification of the obligation, which was Feb. 6, 2020.

3. Development of the Bottomfish Rebuilding Plan

Sabater presented on the American Samoa bottomfish rebuilding plan. He said this is the first time the region is dealing with such an issue. He presented an overview of the issue, the goals and federal requirements, and the different scenarios available to the Council to address the issue. The plan needs to address implementation of the ACL using in-season monitoring and closure and to end overfishing immediately. Additionally, the plan is to rebuild the bottomfish stock within 10 years and use alternative approaches to address the overfishing and overfished status.

Sabater described problems with the data collected from the fishery and whether it adequately captures the state of the fishery. He acknowledged that the SSC has also made recommendations for mandatory permitting and reporting. The Council has worked for years to address data collection in the territories, and even the fishermen have expressed their feelings about the data not representing the fisheries as recently as the October 2019 Council meeting and speaking about their willingness to support data collection efforts. Sabater also spoke about the need for an alternative data stream to verify creel survey data.

Sabater said the American Samoa Government has requested to keep the federal waters open for cultural harvest. In addition to ending overfishing and developing a rebuilding plan, Sabater addressed various methods of achieving this and also discussed the interim measure as well as management scenarios available to the Council and NMFS. He provided six options that meet the NS1 guidelines:

- Treat the issue as strictly a federal action;
- Engage in collaborative management or parallel rule-making;
- Support local fishery management actions;
- Use flexibility in the application of NS-1 guidelines provision;
- Multi-year interim measure; or
- Exemption to the requirements of overfishing.

Gourley said that data was at the root of the problem. He asked what the status was for the improvement of data collection for American Samoa.

Sabater said the main Council initiative was the electronic reporting app. He asked Ochavillo to elaborate on DMWR's plans.

Ochavillo said that COVID-19 had delayed plans and limited the government's ability to address data collection issues.

Gourley said that now seems like the ideal time to start action on those data issues. He said DMWR has the opportunity to collect data and it should do so before any further restrictions are implemented for the bottomfish fishery. He said trust issues possibly exist and may need to be restored between the fishermen and managers based on what he observed at the Council meeting and public hearings in American Samoa in October. He said agency staff would have to work closely with bottomfish fishermen to make sure data is accurate.

Soliai agreed with Gourley's assessment and said that DMWR could do a lot to improve the current situation. Soliai said he was glad Ochavillo was in attendance to hear and understand all the concerns of the Council. He asked Sabater how a data lag of four to six months was possible with only three to six boats fishing.

Sabater said that was a good question and that it might be more efficient to go directly to the fishermen and ask them for the data rather than using creel surveys. He said the survey is designed for an annual expansion and looks at the fishery as a whole, not just bottomfishing but also trolling and spearfishing. The blanket data collection system generates a total catch estimate at the end of the year allocated between the different fishing methods based on certain parameters. The lag comes from the transcription of data, which is then input into the system, goes through quality assurance and control and then is transmitted to WPacFIN in Honolulu where it is summarized for the annual report. WPacFIN assists the territories with summarization and putting data into the system for the Plan Team meetings; the process is tedious.

Soliai said that there is room for improvement and asked Sabater about the next benchmark assessment.

Sabater said that it would be in 2023.

Soliai asked if a research vessel was still going to travel to American Samoa in the next year. He said a vessel was scheduled to visit American Samoa to continue the research and asked if this was still part of the plan.

Simonds said she communicated to NMFS Headquarters the importance for the vessels to travel to American Samoa and Guam for those research surveys and to prioritize those areas to be first next year for habitat surveys. She added that this also created concern about the scheduled 2023 benchmark assessment in the absence of survey data this year. She said it will depend on whether Gov. Moliga allows travelers to enter the territory. In the absence of the survey, the Council has the electronic reporting app that needs to be rolled out as soon as possible to provide some further data collection. PIRO needs to be clear about what might happen and whether there is a nuclear option.

Sabater said the SSC discussed a nuclear option, which would be to establish the sector of the fishery separating out the shallow and deep-water species and changing both the complex and the status determination criteria. He also said Lynch would discuss the possible use of a Tier 5 control rule for setting the acceptable biological catch (ABC) and compare that with P* results.

Soliai said he asked the question because, given the territory's data poor situation, not being able to have the research vessel come down in 2020 would create uncertainty when the data needs to be improved immediately. He said that he hoped PIRO could work something out to make it happen, adding that he would be willing to meet with Gov. Moliga to speak about allowances for the vessel to enter if that were to happen during the shutdown.

D. American Samoa Community Activities

Ilaoa reported on the following American Samoa community activities.

The Council's Catchit Logit electronic reporting app is not entirely new to American Samoa as an early version was first tested in American Samoa at the Council's 2nd Pago Pago Open Fishing Tournament in October 2019. Four fishing boats in that event volunteered to test an early version of the app.

The Tautai O Samoa Longline and Fishing Association plans to outfit some of the vessels of its fleet with gear to do pelagic trolling in southern waters when they are not in the albacore season. The Council assisted in supporting this diversification project with SFF funding.

One of the businesses based in Pago Pago Harbor had plans to install a five-ton per day flake ice machine and a walk-in, refrigerated storage bin at their Malaloa location near the alia floating dock and the Malaloa Marina Dock. This will address the need for ice for the fishermen on Tutuila Island.

The extension to the Malaloa Marina Dock is set to begin construction this year. A groundbreaking ceremony was held last month to kick off the construction phase of the project with a 400- by 40-foot extension to the existing dock. The Council supported the project with SFF funding to complete the design of the extension. The construction is estimated to cost between \$3 million and \$4 million.

The American Samoa Department of Commerce is re-submitting its application to the Economic Development Administration for the Alia Tele project. The new proposal will add additional vessels to be constructed for the captain and crew training program as well as a business incubator program.

E. Advisory Group Report and Recommendations

1. Advisory Panel Report

William Sword, AP vice chair for American Samoa, presented the report and recommendations.

Regarding the American Samoa bottomfish fishery, the American Samoa AP recommended the Council request DMWR work with the American Samoa Fisheries Task Force to address issues with data collection that have led to the current bottomfish MUS status of overfished and experiencing overfishing, and coordinate with the Council and PIFSC to develop a strategy to address those issues.

Regarding the American Samoa bottomfish fishery, the American Samoa AP recommended the Council work with the AP to identify ways the members can assist with training fishermen in American Samoa on using the Catchit Logit self-reporting data app in the event of extended suspension of flights into American Samoa.

2. Archipelagic Plan Team Report

Dukes presented the Archipelagic Plan Team report and recommendations.

Regarding the American Samoa ACL for fishing year 2021-2024, the majority of the Archipelagic Plan Team recommended the Council consider option 2 that specifies the ACL at 30% risk of overfishing equal to the ABC with an annual limit of 2,000 pounds. The Archipelagic Plan Team highlighted the importance of co-management between the local and federal government for the ACL action to be effective and to ensure sustainability of the bottomfish stock. The Archipelagic Plan Team also noted that the data collection may be affected by the ACL action and subsequently affect the ongoing efforts to improve the data collection.

The American Samoa representative (of the Archipelagic Plan Team) expressed reservations in choosing an ACL level and selected Option 1 with the caveat that an extensive education and outreach be conducted to inform the fishermen about the federal action and improve the fishery data collection. Therefore, the Archipelagic Plan Team recommended the Council work with the DMWR in conducting education and outreach on bottomfish management and projects to improve the fishery data collection in American Samoa.

3. Scientific and Statistical Committee Report

Lynch presented the SSC report and recommendations regarding program planning.

Regarding the American Samoa bottomfish rebuilding plan, the SSC recommended that Council direct staff to continue working with the SSC subgroup (Don Kobayashi, Craig Severance, Domingo Ochavillo and David Itano) to further explore alternative (non-MSY and non-catch based) approaches to address the management issues (Scenario 4) in accordance with NS1 600.310(h)(2).

Regarding the American Samoa bottomfish rebuilding plan, the SSC recommended that Council direct staff to work with the DMWR in the development of a Fishery Management Plan and concurrently explore the applicability of the flexibility provision of NS1 600.310(h)(2) which includes but is not limited to effort and biological limits and area management.

Regarding the American Samoa bottomfish rebuilding plan, the SSC recommended the rebuilding plan should include cultural harvest in the off-shore banks for deep-water snappers.

Regarding the American Samoa bottomfish rebuilding plan, the SSC recommended that the Council direct staff to explore the use of Tier 5 Control Rule for seeing the ABC and overlay because this information has elements of a rebuilding plan. The SSC further recommended that the Council direct staff to explore the creation of sectors of the American Samoa bottomfish fishery that would separate the species complexes between nearshore and bottomfish fisheries from the offshore deep-water and snapper fishery.

Regarding the American Samoa bottomfish fishery, the SSC recommended that Council request PIFSC to prioritize the development of a fishery-independent survey in American Samoa.

F. Public Comment

T. Todd Jones, PIFSC, addressed some of the questions and concerns from Council members regarding the improvement of American Samoa's data and assessment. He said the current data sources that feed into the next bottomfish assessment are the boat-based creel survey, shore-based creel survey, commercial receipt books and life history parameters from published sources for some bottomfish MUS species.

New sources of information may be used for the 2023 benchmark assessment and may include the electronic reporting app, but issues related to data storage and data use agreements would need to be worked out between PIFSC and NOAA General Counsel before the data can be used in the assessment. PIFSC is reviewing diver abundance estimates for some of the shallower species as a potential opportunity. The PIFSC Stock Assessment Program is also exploring options for assessing the bottomfish MUS using different groupings as the complex could be broken down by shallow and deep species or single species. The stock assessment process includes data workshops with SSC members, fishermen and territorial agencies. The fishermen and dealer app could provide additional data. Jones said the Pacific Insular Fisheries Monitoring,

Assessment and Planning Summit recommended that survey statisticians need to provide guidance for optimizing the survey design. The WPSAR Steering Committee has approved proceeding with a Center for Independent Experts (CIE) review of the expansion algorithm for the boat-based creel survey that estimates the catch and effort used in the assessment. PIFSC will consider the peer review results and may modify the algorithm, which could in turn affect the stock assessment by changing species-specific estimates of catch in the historical timeline. Jones also said that PIFSC's new hire, Rob Ahrens, will review the boat-based creel survey design to assess what improvements may be needed. Electronic reporting and cloud storage are the goal for fishermen and dealer data, and PIFSC will work with the Council and territorial agencies to make sure the data can be stored in a manner that maintains confidentiality while allowing legal access to fishermen and vendors. Jones also said that joint outreach efforts are an essential component of improving fishery data quality and that plans for PIFSC to travel to American Samoa will have to wait until the travel restrictions are lifted.

Jones said any fish caught by a NOAA vessel during a research trip would count against American Samoa's quota. If the research cruise reaches the quota, the survey will have to end at that point. As it is felt that this is not a responsible way to conduct research, the PIFSC Life History Program plans to instead travel to American Samoa as soon as is possible to work directly with fishermen to collect lengths and biological samples such as otoliths, gonads and fin clips. As soon as possible after the samples are collected, species-specific life history parameter estimates would be published. Jones said that this data collection will depend on the ability to collaborate with fishermen and asked Dunham to help to ensure that this happens. Because no biosampling program exists in the territory, the Life History Program may have to make multiple trips to American Samoa in the coming years.

Jones also referenced a letter from PIFSC to Gov. Moliga explaining the decision for a shore-based research approach rather than a ship-based approach. Jones offered to have further discussions with Soliai to clarify why PIFSC has made that decision. The letter explained that PIFSC is confident that the shore-based approach will accomplish more than the ship-based approach. The SSC recommended visual surveys, and PIFSC researchers are exploring the use of the Baited Remote Underwater Video Station (BRUVS) for the shallow-water bottomfish MUS and are also annotating existing videos from the past.

While alternative assessment methods such as the Length-Based Spawning Potential Ratio (SPR) approach could be used, the existing creel survey data would still be used to estimate the current population biomass needed to generate an overfishing limit (OFL) estimate. PIFSC has discussed with the Council and PIRO the need to amend status determination criteria and reference points if length-based approaches are to be used. There are many steps and a lot of coordination with the Council and PIRO to accomplish the multi-faceted approach that PIFSC will be taking to improve the benchmark assessment in 2023. He noted that the outcomes are unknown at this point so there are no guarantees that there will be differences or change.

Soliai said that anything aside from the status quo would be helpful. He also asked if a report on the previous research cruise would be forthcoming.

Joseph O'Malley, PIFSC, said the last survey included Independent Samoa and information was presented in American Samoa at the end of that cruise to the local agencies. He said he could provide a one-page synopsis from the *Sette* research cruise to the Council.

Simonds asked if Soliai was asking whether the data from that research cruise was used in the model for the stock assessment or if he was asking if the samples of data from 2012 had already been analyzed.

Soliai said he wanted to know if that data was included in the stock assessment last year.

Felipe Carvalho, PIFSC, said that data was not directly included in the newest assessment because of the modeling framework that was used. The new life history information may be incorporated into the 2023 stock assessment, but it will depend on the progress of the research and on the decision regarding the framework.

Simonds said that the concern is about what will happen between now and the 2023 benchmark assessment and whether PIFSC will have the necessary data for the assessment. She acknowledged all of the work being done, but said there is concern that there are multiple data sets and there have been discussions about a comparison of those surveys for American Samoa in order to gauge what the electronic reporting app will provide. Simonds added that Council has been working with General Counsel on a solution about the collection and depository of the app data. She asked how PIFSC would account for this year of no survey in the 2023 assessment.

Jones said that the last assessment included data through 2017, so the next assessment would include new creel survey data from 2018 to 2021, albeit partial data for 2020 due to the pandemic. If on Jan. 1, 2021, the electronic reporting app were to be fully functioning, one year of that data would be available to look at removals and effort. He reiterated PIFSC's plans for the Life History Program, diver data and BRUVS and said PIFSC would have what it can use for the next assessment.

Simonds asked if Jones understood the concern and said the stock assessment needs to be done well.

Jones said a lot of things need to be done. At a minimum there is the ability to break up the complex and look at a single complex in a surplus production model, but the outcome is unknown. They are committed to the task and each assessment will be improved with the multi-faceted approach, but that does not necessarily mean the result will not be overfished or experiencing overfishing.

Watamura said it is bothersome that fish caught during research cruises count against the ACL, knowing how small the limit is compared to what some fishermen can catch.

Jones said that is why PIFSC decided to use a shore-based approach and work with fishermen.

Tosatto said that NMFS' actions are guided by the Council's plans which account for total removal including research catch. It is difficult when the catch limit is so low to allow the

end of overfishing and address the overfished status. He supported the general approach for non-research fishing to prevent additional removals to allow the fisheries, commercial and noncommercial, to be as large as possible. He said the Council in the long term could manage the limits using research set-asides and sector allocations. It was up to the Council to define those management approaches and to solve the problem.

G. Council Discussion and Action

Regarding American Samoa bottomfish, the Council directed staff to work with the AP to identify ways the members can assist with training fishermen using the Catchit Logit self-reporting data app.

The Council requested DMWR to work with American Samoa Fisheries Task Force to address the issue with data collection that have led to the current bottomfish MUS status of overfished and experiencing overfishing and coordinate with the Council and NMFS PIFSC to develop a strategy to address those issues.

Moved by Gourley; seconded by Duenas.

Motion passed.

Regarding the American Samoa ACL specification, the Council directed staff to explore the use of the Tier 5 control rule for setting the ABC and overlay this information with the elements of the rebuilding plan. Further, the Council directed staff to explore the creation of sectors in the American Samoa bottomfish fishery that would separate the species complex between the nearshore bottomfish fishery and the offshore deep-water snapper fishery.

Tosatto said that tying the creation of sectors, which is an allocation management scheme, to the question of ACL specification is an apples and oranges situation. He said there is a need for the ACL and how it is allocated into sectors may be a separate consideration. He said the recommendation on the sectors is a viable effort in line with the ACL, but not a direct response to the Council's task to develop and recommend ACLs.

Sabater said the recommendation came from the SSC and is another option that the Council can look at separate from the ACL specification. It is not looking into allocating the existing proposed ACL but to consider an amendment to independently create two different sectors that better reflects the fishery in American Samoa.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding American Samoa Bottomfish Rebuilding Plan, the Council directed staff to work with the SSC Subgroup (Don Kobayashi, Craig Severance, Domingo Ochavillo and David Itano) to further explore alternative (non-MSY and non-catch-based) approaches to address the management issue (Scenario 4) in accordance with NS1 600.310(h)(2) and the development of the American Samoa Rebuilding Plan.

The Council directed staff to work with DMWR in the development of a Territory Fishery Management Plan and concurrently explore the applicability of the flexibility provision of NS 1 600.310(h)(2), which includes but is not limited to effort limits, biological limits and area management.

The Council directed staff to explore including cultural harvest at the off-shore banks for deep-water snappers as an option in the Rebuilding Plan.

The Council requested NMFS PIFSC to prioritize the development of a fishery-independent survey in American Samoa.

Moved by Duenas; seconded by Gourley.

Motion passed.

X. Mariana Archipelago

A. Guam

1. Isla Informe

Duenas presented the current fishing activities on Guam. The mahimahi and wahoo season was slow and just started to turn around as the summer months approach. Marlin is appearing together with juvenile aku and yellowfin. He recently caught a 350-pound black marlin. In the 21 years he has worked at the Guam Fishermen's Coop, fewer than five black marlins have been caught. Bottomfishing has been occurring for one to two days in between rough weather periods. Shark depredation is still occurring. One fisherman reported that six out of 12 tuna were taken by sharks resulting in a 50% depredation rate. Various agencies are distributing DNA test kits and samples are being collected to identify the species of sharks involved in depredation events.

Amani reported on Guam's restaurant industry. She said she may be one of the restaurant owners who purchase the most local fish from Guam fishermen. They experienced a big decline in local fish sales, and most local fishermen have been keeping their catch for family and friends due to fishing being slow. Her restaurant is seeing only bottomfish, including onaga and monchong, at this time. Not many fishermen are catching marlin. Her restaurant will take what is available at this time. She added that about 20 to 25 military service members who tested positive for Covid-19 had recently visited several restaurants, including her restaurant. She was told two weeks later. Back tracing is now being done.

Amani said that one of the priorities for Guam fishermen is to get FADs back in the water. Only five to six FADs currently remain, down from 16 originally launched in 1979. Most fishermen say that FAD reduction is the biggest reason for decline in their fishing. Coordination with a federal agency is ongoing to try to deploy the buoys as soon as possible to get fishermen back on track and reduce the expense of having to go out farther and stay out longer.

Rice asked Duenas to send him a side profile photograph of the marlin because it looked like blue marlin rather than a black marlin.

Watamura said that the ono run in O‘ahu was also unusually slow this year.

Duenas said Guam also did not see the usual November and December run of juvenile wahoo in the 5- to 7-pound range. It is interesting that Hawai‘i is experiencing the same thing.

2. Department of Agriculture/Division of Aquatic and Wildlife Resources Report (Legislation and Enforcement)

Muna-Brecht provided the Guam agency report for DOAg. Much of the creel survey data is skewed due to COVID-19. Staff was not able to collect data due to the lockdown from March 16 through June 1, 2020. Shore-based creel surveys began in January 2020 and were stopped halfway through March. **Marine preserves were opened for harvest of smaller fish, and she will report on the outcome at the next Council meeting.** As for reported gear types, no SCUBA gear fishing activity was reported, but it was unclear if it is because fishermen are not going out or they have stopped reporting due to the SCUBA fishing ban. According to anecdotal reports, boats previously known to SCUBA fish are still going out, but evidence has not been available to confirm whether they have SCUBA gear on board. The gear data show increased numbers of hook and line and some talaya. Her staff has been trained to start entering data and began the process but things slowed down due to the resignation of her data technician and the lockdown. She anticipated having more updated boat-based creel survey data for the next Council meeting.

Muna-Brecht reported on headway in the Boating Access Program. The MOA needed to build the boat ramp was finalized with the Guam Attorney General’s office. It was a very long process involving DOAg, Port Authority of Guam and the Attorney General’s office. Another MOA, between the Guam Economic Development Authority and the Attorney General, was finalized, and the money has been transferred. These MOAs cover several different projects, including the Agat Marina and the Harbor of Refuge. For the Merizo Pier, the MOA was signed and her department has received the award letter which, together with the work request with the Department of Public Works, was routed for signature.

Conservation officers were detailed to the Guam Police Department due to COVID-19 and were not observing the preserves or conducting any of their regular routine patrols. When they were able to go to the beaches they were advised to just give warnings for violations out of consideration for the hardships the community is enduring. A lot of people are not working and have lost their jobs or have been furloughed.

Muna-Brecht briefed the Council on the passage of the SCUBA bill signed into law by the governor on March 11, 2020. It bans the use of any underwater breathing apparatus, including SCUBA and SNUBA, while fishing.

Regarding the Guam fishing license, Muna-Brecht has worked with Council staff and the Guam AP to finalize the commercial mandatory reporting legislation. This was forwarded to the DOAg’s oversight chair Sen. Clynt Ridgell, who made it clear he wants to have open discussions with members of the fishing community about commercial regulations and night-time fishing ban before introducing a bill.

Muna-Brecht noted that DOAg initiated the process to identify the local fishermen for the CARES Act funding before any guideline came out. Working with the Guam AP, Council members and DAWR, it created a registration form, which was vetted through the Guam Fishermen's Cooperative. The funding information was released to the community through a press release, uploaded to the department's website and shared through social media, including Instagram, Facebook and WhatsApp. Through the process, the department learned that the idea that fishermen do not want to participate in social media or digital communication is a misconception. Only 104 out of the 438 registration forms received at DAWR were hard copies; the remaining copies were submitted digitally. DOAg is calling fishermen who submitted incomplete forms to get final data. She spoke with the Pacific States Marine Fisheries Commission (PSMFC) about how it wanted the process to roll out. DOAg is now developing an application form and finalizing the spend plan for Guam to distribute the money to the fishermen. She anticipated completing the process by the end of June so that Guam can receive the funds sooner than later. She anticipated a single payout through the PSFMC to simplify the process of distributing the funds to the community, rather than having the Government of Guam pay it out, seek reimbursement and then have to deal with the paperwork and audit process.

Muna-Brecht also reported on Guam's seasonal special permits issued from March and into June for two of Guam's marine preserves for bigeye scad, juvenile jacks, juvenile goatfish and juvenile rabbitfish. She kept the preserves open for shore fishermen using hook-and-line and talaya.

On Guam's FAD issue, DOAg is working to deploy more FADs and hopes to see more progress this year. Both the FADs and the shallow-water mooring buoys are about 50% online.

DOAg is submitting a grant amendment to install solar lights on the fishing platform and to procure a Fishermen's Code of Conduct sign to promote traditional, cultural values and environmental awareness to the fishing platform. She is revisiting with the governor about the HLA contract so funding can be secured to finish the fishing platform.

Conservation officers have not had any sea turtle-related arrests. An injured green sea turtle found at Talofofu Bay was sent to Underwater World for treatment and is pending release back into the water. Sea turtle remains of a possible hawksbill turtle and a green turtle were reported in April, and both carcasses are in the freezer until necropsies can be performed. Muna-Brecht also provided updates on recent box jellyfish and man-o-war reports.

Rice asked whether the \$170,000 from the Sport Fish Restoration Fund that that was used to fix the dock was the total amount available or amount needed to fix the dock.

Muna-Brecht said it was the entire amount to fix the Merizo dock. The restoration work included replacing some bolts and slats rather than the entire pier. For the Agat Dock, DAWR has committed up to 50% of the total cost of about \$500,000.

Watamura recalled visiting the different locations while in Guam and hearing about the plans to put in boat ramps and improve areas. He wished Muna-Brecht all the best because progress appeared to be limited since his visit.

Muna-Brecht said progress should be made within the next year as it has taken time to get through the red tape and drafting the MOA. Once the MOA is signed, she hopes some work will start this year.

Sesepasara asked Muna-Brecht about her experience obtaining U.S. Army Corps of Engineers permits and Environmental Protection Agency clearances, noting his experience with the lengthy time to get a permit for repair or construction of a new project in American Samoa.

Muna-Brecht said that DAWR did go through the process but it had initiated permitting work in advance so the permits and agreements are now in place. Having a U.S. Army Corps of Engineers representative on island helped move the process along, but that person has since moved off island and DAWR is currently working with a representative in Hawai'i and awaiting for the permanent replacement for Guam.

3. Review of Guam Marine Conservation Plan (Action Item)

Muna-Brecht reported on the Guam MCP, which was submitted to the Council at the last Council meeting. She wanted to update the MCP with imported fish data received from the Guam Bureau of Statistics and Plans around the time that the MCP was submitted. An extensive process was followed to gather input on the projects for the MCP. Projects were submitted by the Port Authority of Guam and the University of Guam. She said there were quite a few project changes to the MCP and expressed her excitement about implementing them.

4. Guam Community Activities

Reyes reported on the Guam community activities. He shared a photo of Duenas' 80-pound dogtooth tuna caught while trolling and referenced a photo of a No Fishing sign at the Merizo Pier to show the concern the government had about fishing, especially from shore. The sign was placed not because of any physical danger but because of COVID-19. All restrictions on fishing were lifted, and fishing was considered an essential activity.

Reyes also reported that the AP and Manny Duenas of the Guam Fishermen's Cooperative have been working to get Guam's first Community FAD template together and deployed, with a target deployment date of July 31, 2020. A final budget is being put together to attach a satellite beacon to the post of the buoy. The buoy is on island and is sitting outside the Guam Fishermen's Cooperative. With the help of Amani, they were able to connect with a military contractor who is able to deploy it at no cost.

Reyes said the boat and trailer wash-down machine installed about a year ago has been working only about four months out of the year due to vandalism and lack of maintenance by the Port Authority of Guam. Fishermen have complained that they are unable to wash their trailers.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Gourley provided the CNMI Island Report. He focused on the CNMI Biosampling Program, which has shifted sampling efforts from reef fish to bottomfish due to the uncertainty around the CNMI data highlighted through the recent stock assessment. Bottomfish is very seasonal in the Marianas. While the season has only started recently as the weather has calmed down, the Biosampling Program was able to process 10 bottomfish catches since January. The Program currently has measurements from 856 fish and a total of 25 species of bottomfish in its data collection. Staff is following COVID-19 protocols by wearing face masks as the fish are processed. Gourley's program is working closely with PIFSC's Life History Program. PIFSC staff visited the CNMI Biosampling Program office and held two conference calls. The program is currently focusing on collecting otolith and gonad samples from *Pristipomoides zonatus*, with 62 samples collected so far for PIFSC's stock assessment.

The program is following the same data collection sampling procedures developed for reef fish over the past eight years, collecting complete catch effort data along with the samples. Switching from reef fish to bottomfish was more difficult than anticipated and involved purchase of additional equipment as well as remodeling the outside work area. The program has also started collecting bycatch data. Data collection sheets are being revised to capture information from multiple fishing areas in a single trip. The program is working to collect meristic data from the heads of onaga and ehu to investigate possible correlation between snout length and eye orbit. Such a correlation could allow estimation of total length from fish depredated by sharks.

2. Department of Lands and Natural Resources/Division of Fish and Wildlife Report

Tenorio provided the report for DFW. Activities for the Enforcement Section were limited due to the COVID-19 restrictions and responding to turtle issues around the islands. DFW continues to work with contractors on the tagging study. DFW has tagged about 1,100 fish at various locations around the Saipan Lagoon, with certain species (such as emperors, trevally and unicorn fish) targeted. DFW is also submitting a revised proposal for this project to try to cover information that describes habitat use with those fish species.

FAD deployment has been a big project for the Fisheries Development Program over the past several years, with eight systems deployed and two more deployments planned to complete the systems around Saipan, Tinian and Rota. The program is also building up its supplies within the office in case another storm comes by and materials are needed to replace existing systems.

Activities for the Sea Turtle Program have been limited beyond providing media and outreach updates to the program's Facebook page. A couple poaching incidents have occurred over the past three months.

DFW has been reviewing the Mariana Islands Training and Testing Supplemental environmental impact statement for over the past couple of weeks. It will continue to work with other natural resource agencies within the Islands to further develop a Coral Reef Restoration

Plan. DFW has also established a CARES Fund Task Force, which has been developing a spending plan for the CNMI so that the funds can be made available. The progress has been slowly moving forward, but Tenorio believed CNMI is ahead of the game with regards to the spend plan.

3. Commonwealth of the Northern Mariana Islands Community Activities

Masga reported on CNMI community activities. Bottomfish Development Project activities have been limited due to COVID-19. CNMI DLNR has been working with the Administration and the DFW to train staff on the use of depth sounders and Global Positioning System and to assist in the deployment of FADs. DFW and DLNR also conducted a bottomfish identification and data collection training.

The Garapan Fishing Base Improvement Project is in the first phase with regard to the revetment of the southern portion parking lot area. Engineering work is underway. A final scope of work will be provided to DLNR so that the procurement process can begin.

Limited activities have taken place on the mandatory data reporting regulations due to COVID-19. DFW has not fully implemented the regulations. It has been struggling due to economic constraints. The majority of the staff has been furloughed; only three staff members remain.

The CNMI MCP was approved by NMFS on May 8, 2020. Two fishing tournaments remain on schedule: 36th Saipan Internal Fishing Tournament on July 25, 2020, and Marianas Apnea Spearfishing Tournament on Aug. 8, 2020.

Under the CARES Act, Masga said he is working with CNMI DLNR and DFW on the Task Force under the Office of the Lieutenant Governor. The Taskforce is developing a spending plan methodology and the application form.

C. Advisory Group Reports and Recommendations

1. Advisory Panel Report

Kenneth Borja, AP vice chair for Guam, presented the report and recommendations.

Regarding the tuna quota transfer, the Guam AP recommended Council members from Guam work with staff and fishermen to continue to push for Guam's participation in the bigeye tuna quota transfer with the HLA.

Regarding the Guam MCP, the Guam AP recommended the Council approve the Guam MCP at its next meeting.

Richard Farrell, AP vice chair for CNMI, presented the report and recommendations.

Regarding Marianas Archipelago research, the CNMI AP requested NMS PIFSC to provide presentations to the fishing community on the research and results from the work that it does in the CNMI.

Regarding data collection, the CNMI AP recommended the Council to look at potential reporting duplication between the CNMI mandatory reporting and Federal reporting.

Regarding the AP membership, the CNMI AP acknowledged the resignation of George Moses (AP alternate) from the AP and recommended that the Council solicit for a replacement alternate.

2. Scientific and Statistical Committee Report

There were no SSC recommendations regarding the Mariana Archipelago.

D. Public Comment

There were no public comments.

E. Council Discussion and Action

Regarding the Guam MCP, the Council **directed staff to write to the governor of Guam indicating the Council’s review and concurrence with the MCP at its 182nd meeting and requesting the governor provide the MCP to NMFS for approval.**

*Moved by Tenorio; seconded by Duenas.
Motion passed.*

Regarding the tuna quota transfer, the Council **requested Council members from Guam to work with staff and fishermen to continue to push for Guam’s participation in the bigeye tuna quota transfer with HLA.**

Duenas reported that the Guam members have a meeting scheduled with the governor on July 1, 2020.

Tosatto asked General Counsel to weigh in whether there is a point of order issue with non-voting members being asked for their input on the recommendation and whether it should be voting member discussion only at this time..

Tucher clarified that the non-voting members can deliberate but cannot vote.

Tosatto said that the wording directing Guam Council members is problematic, as it would mean the Council would be directing Council members to do something. He suggested an edit to change “directs” to “encourages.”

Simonds suggested that it be changed to “request.”

Tucher agreed that the Council as a body cannot direct individual Council members to take a position on any particular matter, notwithstanding their support on the issue. Directing Council members would invade the decision-making authority of individual Council members, and he agreed with the proposed edit of encourage or request.

Duenas and Tenorio agree to the change from “directs” to “requests.”

Moved by Duenas; seconded by Tenorio.

Motion passed.

Regarding Marianas Archipelago research, the Council requested NMFS PIFSC provides presentations to the fishing community in the Marianas on the research and results from the work that is conducted in the archipelago.

Moved by Duenas; seconded by Gourley.

Motion passed.

Regarding data collection, the Council directed staff to look at the potential reporting duplication between the CNMI’s mandatory reporting and the current federal reporting system and report its findings back to the Council at its next meeting.

Moved by Gourley; seconded by Duenas.

Motion passed.

XI. Hawai‘i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Goto reported that the United Fishing Agency has done the most in-depth study on the socioeconomic effects of a market decline ever, referring to the impacts of COVID-19. As visitors are allowed back into Hawai‘i, he hoped that the pelagic longline market would begin to recover. Catch rates have been low over the past few weeks, and the market for incidental catches such as marlin, mahimahi and ono are weak as these species are dependent upon the return of visitors to the islands and wholesalers distributing to hotels and restaurants. He said getting back to some semblance of normalcy with regard to seafood demand is vital or else many businesses associated with the Hawai‘i seafood industry would continue to lose revenue and may ultimately close.

Rice reported on the Hawai‘i charter fleet, which has seen a major hardship in the past three months because of the COVID shutdown. Owner-operators were hit the hardest. These boat owners have not been able to receive help from the grants and have been turned down for the loans. Other funding through the CARES Act does not help much. A problem remains in valuing the charter fleet in both the allocation to the State of Hawai‘i and to the fleet. He said, if the State does not open travel soon, a lot of boats and businesses surround the fishing industry would no longer exist. He noted the problems with Honokohau Harbor and the problems caused by the shutdown, including closing the restrooms and inundation by homeless. The tournament season, which generates millions of dollars for the State, captains and crews, is in jeopardy. The

only bright side is that fishermen who have gone holoholo have good action with marlin and tuna.

Watamura reported that while COVID hit fishermen pretty bad, things have been easing up with restaurants starting to open and as a result fish prices have started to recover. Even though the tourists are not here yet, the amount of fish being brought in is still leaving a pretty good demand. He said a Facebook group called “Hawaii Fishers Feeding Families” is drawing a lot of attention. People are posting daily to share their noncommercial catch and disposition. He said he is collaborating with the developer of the Lokahi fishing smartphone application to gather more data from the noncommercial sector. To get more interest in the app, a monthly and annual tournament is being developed with prizes and bragging rights. He reported on the Waialua Boat Club’s activities noting the annual Fourth of July Tournament, which pits “Old Futs” against “Young Punks.”

B. Department of Land and Natural Resources/Division of Aquatic Resources Report (Legislation, Enforcement)

Bryan Ishida, Hawai‘i DAR, provided the agency report. He reviewed the current catch of the deep-seven bottomfish fishery, noting that 3,223 licensed fishermen as of early June made a total of 1,663 trips and caught a total of 146,682 pounds, or 30% of the ACL. He said the effects of the pandemic will likely keep total catch low through the remainder of the season. The COVID-19 pandemic has not affected Commercial Marine License (CML) issuance or renewals, but DAR staff had largely switched over to telework. Of the \$300 million in CARES Act funds for fisheries, the State of Hawai‘i received \$4.3 million. DAR is consulting with stakeholder representatives and fishery managers on the most equitable way to distribute the funds.

Ishida provided preliminary data on the fishery performance to date comparing 2020 with 2019 and 2018 data for the same time period. As of June 4, pounds caught, pounds sold and total value of Hawai‘i’s commercial fisheries are far below what they have seen in the past couple of years. It is unclear what the long-term effect of COVID-19 will be on the CML requests as in the past periods of economic downturn, CML issuance increased as fishermen took up commercial fisheries to supplement their incomes. However, the current situation is unique as the main drivers of Hawai‘i’s seafood industry (the hotels and restaurants) are greatly limited in their consumption. This has resulted, at least initially, in fewer CMLs requested, used or reported being used, as fishermen opt to focus primarily on subsistence fishing. He also reported on the State’s FADs, invasive species management and administrative changes.

Under legislative issues, Ishida reported that House Bill 2211 would give DLNR authority to issue commercial marine vessel licenses to satisfy the licensure requirements for all persons aboard the licensed vessel. This would require any person who provides fishing charter services to obtain a CML. Senate Bill 2717 would prohibit knowingly capturing, possessing, abusing, entangling or killing a shark in State marine waters. There will be exemptions for sharks taken outside of State marine waters and possessed on a vessel in State marine waters pursuant to any federally managed fishery with the required documentation of the location of where the capture occurred. DAR had a hearing on Senate Bill 2717, which passed the House Committee on Energy and Environmental Protection and will move to the House Judiciary Committee.

Sakoda said that the State is gathering information for the CARES Act request and has not made any final decisions. The initial document provided a starting point for discussion that generated a lot of comments including those from the charter industry. The State intends to incorporate those comments to make it a stronger proposal.

Rice said that there are a lot of avenues to get the right information for the charter fishery, noting that they have to pay 3% of their gross revenues as harbor fees as well as a couple charter boat surveys that show how much the charter fleet brings in each year. Regarding House Bill 2211, Rice said that charter vessel captains are already required to have a CML.

Sakoda clarified that the bill is for both vessel and non-vessel charters.

Rice said the bottom line is the State already requires the charter industry to have licenses. He requested the State do something about Honokohau Harbor having closed restrooms as the homeless and boat owners do not have anywhere to go. He said some of the sportsfish funding the State gets should be used for infrastructure.

Sakoda said he believed a percentage of that funding goes to the Division of Boating and Ocean Recreation to administer for that purpose. He said he would get back to him if he has any more information that he can provide.

C. Update on Managing Hawai‘i’s Small-Boat Fishery

Joshua DeMello, Council staff, provided an update on the Council’s recommendation to develop options for mandatory permitting and reporting of Hawai‘i small-boat fisheries. He gave a background of the recommendation noting the scoping sessions held in February 2020 and the need for data being apparent. A working group comprised of fishermen, the State of Hawai‘i, PIRO, PIFSC and NOAA OLE met in May 2020 to discuss the options. They are basically to implement mandatory permitting and reporting or not implement, but implementation could be done in different ways. A lot of the plans were pushed back due to COVID-19, but he is looking to finishing up the options paper and talking with the working group and the public by the end of August. The final options paper will be presented to the Council at its September 2020 meeting.

Watamura said it was a shame that COVID-19 interrupted the process as he was excited about the prospect of engaging the fishing community even more than the first time.

Rice said the scoping session in Kona did not have a lot of people but did provide passionate comments. The main concern was, if data were provided, would fishermen be penalized for it. A major comment was fish vendors on the side of the road are not getting counted and are undercutting prices of those who do have licenses.

Simonds asked if the State would be asking the legislature to approve DLNR collecting recreational data.

Sakoda said a noncommercial license bill will probably not be introduced in the next session. DLNR wants to do its own scoping to make sure it is done adequately before introducing anything.

D. Main Hawaiian Islands Uku Fishery

1. Western Pacific Stock Assessment Review Report on the Uku Benchmark Stock Assessment

Erik Franklin, WPSAR chair, provided a report on the outcome of the 2020 MHI uku benchmark stock assessment convened in Honolulu on Feb. 24-28, 2020. He presented on the findings with respect to each of the terms of reference and provided the recommendations from the panel. The consensus of the panel was that the results of the stock assessment can be used to address management goals.

2. Peer-Reviewed Benchmark Stock Assessment of Uku in Main Hawaiian Islands

Marc Nadon, PIFSC, presented the 2020 benchmark assessment for the MHI uku fishery developed by the PIFSC Stock Assessment Program. The assessment provides the first implementation of a stock synthesis for a U.S. domestic stock, which is a major upgrade from the previous assessments. Stock synthesis allows combining of data from multiple sources into a single framework, mainly CPUE, size composition and commercial catch from 1948 to present. It was the first assessment that directly used the HMRFS data for recreational catch.

Nadon provided background on the species, including its range and life history characteristics, and basic information on the commercial fisheries, including a time series and spatial distribution of the catch throughout the Hawai'i archipelago. Before providing key outputs, he described the data types that feed into the stock assessment (catch and effort, size structure and life history), how the stock synthesis analyses works and the diagnostics of the model. Final model results included a trend in total uku biomass from 1948 to 2018, with a long term average of about 2.6 million pounds and an overall increase from 2003 to 2018 that drives the CPUE indices. The relationship between how much fish is in the water and how many juveniles are recruited to the fisheries in the following year was positive, which explains the increasing trend in the CPUE in recent decades. The Kobe Plot that resulted from the model shows that the stock was never overfished and overfishing occurred only in 1988 and 1989, when the catch had a huge peak. Currently the stock is not overfished and overfishing is not occurring.

Nadon presented the projections and probability of overfishing at different annual catch values for the period 2020-2026. He noted that Hawai'i is in a period of positive recruitment but the MSY is much smaller than the recent catch, so the catch limits may become lower if recruitment returns to average in the upcoming years or decades. He also noted that bottomfish camera and fishing surveys will provide another source of fishery-independent abundance index in the future.

Sakoda said that the State is concerned about having to shut down all fisheries if an ACL is reached. He asked what it would take to run the model by splitting an allocation between commercial and noncommercial fisheries.

Nadon said that allocations are more of a management issue. The model tries to recreate what is going on as closely as possible, meaning recreational and commercial fishermen catch

estimates are inputs and the model spits out a total sustainable catch. What the management decides to do with the total limit is a discussion for the Council. He said that the noncommercial catch estimates from the HMRFS could provide an estimate of the ratio of commercial to noncommercial, which was estimated at 50/50, and is one way management could look at any allocation split.

Watamura said that unless robust data from the noncommercial sector is available, allocation cannot be done because there is no way of knowing what the present catch ratios are. He said the improvement in the CPUE seen in the model can be attributed to fishermen's methods for targeting uku becoming refined in the past few years. He also said the uku fishery is experiencing shark depredation, particularly at Penguin Bank, where almost every drop results in a shark taking the fish.

Rice said that the higher numbers of recorded uku catches that were presented are reflective of a couple of years when the bottomfish season closed and the commercial fishermen concentrated on uku.

Watamura said fishermen refined their methods for uku during those closure years.

Nadon shared the concern with the CPUE trend noting they tried to remove anything unrelated to abundance but the existing gear codes in the commercial reporting system do not reflect the different gear configurations fishermen may be using to target certain species. All of the catch is recorded with the same gear code, so it is difficult to determine if uku or bottomfish is driving the trend. Data were analyzed based on species catch composition to see which species are caught together and which showed an apparent distinction with uku that suggested uku-focused trips. He said the shark depredation was brought to their attention by a fisherman and can be seen in the data with a sharp drop in the reported commercial catch in 2018. He wondered if the prevalence of shark depredation was related to the new ways of catching uku.

E. Review of Pacific Remote Island Areas Marine Conservation Plan (Action Item)

DeMello provided a background on the PRIA MCP noting that the requirement in the MSA is for the Council to develop and submit the PRIA MCP and that, if funds are available after meeting the MCP, they may be used for conservation and management objectives in the State of Hawai'i. He said the previous MCP was approved on Aug. 4, 2017, and the three-year expiration would occur on Aug. 3, 2020. The PRIA MCP objectives include supporting research, conducting education and outreach, promoting regional cooperation and capacity building, and encouraging development of technologies. Objectives for Hawai'i include promoting an ecosystem approach, recognizing the importance of island cultures and traditional fishing practices, and promoting responsible domestic fisheries development.

DeMello provided a summary of the revisions and changes suggested by Council members. The USFWS recommended separate mention of Midway Atoll, addition to the objectives that research conducted within monument boundaries to be coordinated and approved by USFWS and NOAA, addition of a project to quantify and produce a report on all commercial fishing data in the PRIAs and the deletion of a project for an observer program to monitor

compliance of foreign fishing vessels the Pacific Insular Area Fishing Agreement. The State of Hawai‘i suggested deletions of language referring to community-based management, ahupua‘a, nearshore activities and Aha Moku. Other revisions included a new section on transparency and accountability in expenditures from the SFF and clarification that MCP only applies to Council-managed fisheries in federal waters.

Sakoda said the State of Hawai‘i’s suggestions were proposed in the spirit of collaboration. The State feels that any SFF funds should be spent on MUS projects and that, while the State has an interest in communities and community-based management, the State should be the lead in those efforts. The way the MCP is set up, those projects are Council-driven so he did not think those types of projects should be incorporated into the MCP.

Peck said that the overview is fine and captures all of the edits the USFWS provided. Some of the comments were provided to help clarify what can be confusing as far as the different fishing regulations within the areas.

Rice said that he agreed with the harbor improvement additions from the State of Hawai‘i but he did not see the State of Hawai‘i being able to handle a lot of the projects proposed by the Council, especially the community-based ones. He disagreed with removing programs for a group of people who have become interested over the last three to five years.

Goto agreed with Rice that there are resources at the disposal of the entire program that could be used to propagate fisheries in Hawai‘i. He said he has never experienced the kind of disconnect between the state and federal jurisdictional issues that have come up recently. He said he was disturbed by the trend toward a non-cooperative situation and would be better if the effort was collaborative rather than segregated into specific areas.

Rice said that the biggest thing is everybody has to leave his/her ego at the door so that everyone can work together and get things done.

Sakoda said he appreciated the concerns and felt that the State has the capacity to take the lead on community-based matters for state-managed resources. The intent was to focus the list of projects on MUS and for the State to be consulted or collaborated with on decision making on which of these projects get funded. The American Samoa, Guam and CNMI MCPs require the respective governor’s approval but this MPC does not have that requirement. The State would appreciate a similar process even though it is not a legal requirement.

Watamura said that collaboration is something they all strive for as that is the only way things are going to get done the right way.

Tosatto said that some of the suggested edits could risk approvability of the MCP as some statements in it may be contrary to the MSA. Council’s activities are not limited to Council-managed species in federal waters. The entire ecosystem including state waters are incorporated in EFH, and projects listed in the MCP should address EFH in the State of Hawai‘i. The Council’s responsibility in the PRIAs does not end where the monument prohibition on commercial fishing begins. The projects in the PRIAs should consider the noncommercial activities that can continue throughout the EEZ around the PRIAs including 0 to 12 miles. He

said not to look at this MCP as a jurisdictional document but a project list to benefit fisheries in each of these two areas. The language that limits the Council's responsibility would be problematic for this being an effective MCP going forward. The Council has the mandate and responsibility to involve the fishing communities in the State of Hawai'i, including looking to the use of SFF availability to further these. The Council must incorporate traditional ecosystem knowledge of Native Hawaiians and are mandated to seek input of the indigenous peoples. Trying to limit that exposure through the use of these funds could be problematic. He hoped the State of Hawai'i could look at this as a means to mutually beneficial ends.

Tucher said that the MCP is about a federal spending authority, which is quite different than a regulatory and management authority. The Council is not asserting management jurisdiction over inshore or terrestrial State activities and the State is free to continue management and exercise over State fisheries. This is a spending issue and is completely different and separate from any jurisdictional restrictions. He said the State's concerns about collaboration is valid but he could not advise the Council or NMFS to agree to restrictions based on management and authority restrictions that limit the federal spending authority.

Sakoda said that he appreciated the distinction between the federal spending authority and management authority. He said what is most important is that the State is consulted and collaborated with to ensure that any expenditure of funds on projects that are affecting State-managed fisheries has the State's agreement. If this is going to be a Council-driven process that goes forward without State concurrence, then the State would not want those things that are primarily under State jurisdiction to be included in the MCP. If the State can be a part of that process and weigh in on what projects are funded the State would consider it.

Watumura said that the State has certain priorities that need attention first and that is something the State could have input with. The fishermen also want to have input because they have priorities and they feel that certain monies should be spent in certain areas.

Simonds suggested that the Hawai'i Council members convene after the meeting adjourns for the day to review the document and reach an agreement on a redraft for approval the next day.

The Hawai'i Council members and the USFWS member agreed.

F. Hawai'i Community Activities

Yamada presented on Hawai'i community activities since the last Council meeting. He noted the NMFS Scientist and Fishermen Exchange meeting that discussed the effects of COVID-19 on fisheries and reported on the different activities that NMFS, the State of Hawai'i and others were working on to catalog the effects. He also noted Council staff participation in the NWHI Coral Reef Ecosystem Reserve Advisory Council (RAC), where the RAC was interested in the Council's response to the President's EO on American Seafood Competitiveness and Economic Growth. The RAC delayed action until its next meeting to see what the Council's request was to remove the fishing prohibition in the Papahānaumokuākea Marine National Monument. Council staff also tracked the nominations for the Aha Moku Advisory Council

(AMAC), but the nominations were deferred in favor of taking a deeper look at the AMAC to understand how it can move forward as a functional advisory group.

G. Advisory Group Report and Recommendations

1. Advisory Panel Report

Gil Kualii, AP vice chair for Hawai‘i, presented the AP report and recommendations.

Regarding Hawaii fishery issues, the Hawai‘i AP recommended the Council take into account the impacts of COVID-19 to Hawai‘i’s fisheries in developing the annual SAFE report for 2020 and requested the Council look at the impacts of COVID-19 on all fishing around Hawai‘i.

Regarding Hawai‘i fishery issues, the Hawai‘i AP was concerned with impacts of vandalism to fishing boats and facilities and recommended the Council request the State of Hawai‘i to work with fishermen to address and resolve the issues.

Regarding Hawai‘i fishery issues, the Hawai‘i AP was concerned that there may be fishing impacts with a potential monument at Ka‘ena Point and requested the Council monitor the impacts this area may have to the fisheries.

2. Pelagic Plan Team Report

There were no Pelagic Plan Team recommendations regarding Hawai‘i Archipelago and PRIAs.

3. Scientific and Statistical Committee Report

Sabater presented the SSC report and recommendations.

Regarding the uku stock assessment, the SSC accepted the 2020 benchmark assessment for the MHI uku fishery as BSIA. The SSC recommended the Council direct staff to convene the P* and SEEM working groups to quantify the uncertainties to set the ABC and specify the ACL for the MHI uku fishery.

H. Public Comment

There were no public comments.

I. Council Discussion and Action

Regarding Hawai‘i fisheries, **the Council requested the State of Hawaii to work with fishermen to address and resolve the issues concerning vandalism and impacts on fishing boats and facilities at Honokohau Harbor.**

The Council directed the Hawai‘i AP to monitor potential impacts to fisheries from a National Heritage Area designation at Ka‘ena Point, O‘ahu, and report back to the Council at its next meeting.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding the MHI uku benchmark stock assessment, the Council directed staff to convene the P and SEEM working groups to quantify uncertainties to set the ABC and specify the ACL for the MHI uku fishery.*

The Council directed staff to explore splitting the ACL between the noncommercial and commercial fisheries to be monitored independently through the CML and HMRFS.

Watamura expressed his hesitancy about splitting the ACL because of the track record and the reliability of the HMRFS Program.

Tosatto said for Council staff to make sure, as it explores splitting of that ACL between the two sectors, that the plans can arrange the allocation to addresses some of the uncertainty in the recreational catch and, if there is some certainty of the commercial sector’s catch, to understand that an assessment is trying to capture all of that information. He said the Council can explore the ACL management structure within the framework of the MSA to use available data to manage the fishery and for setting and keeping track of a commercial ACL and to have an accountability measure responsive to the commercial ACL. He said it is all in the exploration and to make sure the Council considers the available information to set up the right framework.

Moved by Rice; seconded by Watamura.

Motion passed.

Regarding the PRIA MCP, the Council approved the PRIA MCP as finalized at the 182nd Council meeting and directed staff to transmit the document to the Regional Administrator for review, approval and publication in the Federal Register.

In doing so, the Council directed Council staff to work with NMFS to complete edits on the MCP to implement the Council’s action. Unless otherwise explicitly directed by the Council, the Council authorized the executive director and chair to review the MCP to verify that it is consistent with the Council action before submitting it to the Secretary on behalf of the Council. The executive director and chair are authorized to withhold submission of the Council action and take the action back to the Council if, in their determination, the proposed changes are not consistent with the Council action.

Sakoda said that he appreciated the Council considering the State of Hawai‘i’s input and the changes that were made to allow collaboration with the State as it is a good step forward in improving this MCP. He noted ongoing issues that he raised earlier regarding the broadness of the language pertaining to all kinds of fisheries. He understood the legal concerns but felt it does

not adequately address some of the State's concerns for potential abuse and does not include language about transparency. He said that will not fully prevent the State's collaboration and its intent to make this a collaborative effort. But for those reasons, he would be voting no.

Onaga clarified which document was being reviewed and submitted for review.

Council staff noted the correct document.

Moved by Goto; seconded by Rice.

Motion passed with Sakoda opposing.

XII. Public Comment on Non-Agenda Items

There were no public comments on Non-Agenda items.

XIII. Protected Species

A. Endangered Species Act and Marine Mammal Protection Act Updates

1. Status of Endangered Species Act Consultations

Chelsey Young, PIRO Protected Resources Division (PRD), provided a status of the ESA consultations and other ESA and MMPA actions. On the ESA consultations, the consultation for the Hawai'i deep-set longline fishery initiated in October 2018 is anticipated to be completed in October 2020. The U.S. purse-seine fishery consultation is anticipated to be completed by August 2020, and the American Samoa longline fishery consultation by September 2020. The consultation for the bottomfish fisheries in MHI, American Samoa, Guam and CNMI is anticipated to be completed by August 2020.

NMFS is conducting an ESA status review for a reef coral species *Pocillopora meandrina* and expects to publish a range-wide status review report and the 12-month finding. Pursuant to a settlement agreement with the petitioner CBD, NMFS is required to file the 12-month finding for publication by the end of June 2020. Additionally, NMFS and USFWS are conducting a global status review on leatherback sea turtles in response to a petition filed in 2017 by the Blue Water Fishermen's Association. The leatherback turtle status review is expected to be published in 2020 and will include an assessment to determine whether any subpopulations constitute distinct population segments (DPS) under the ESA.

NMFS and USFWS completed a five-year status review for the North Pacific loggerhead turtle in April 2020, which concluded that no listing status change is recommended. Based on the best available data, NMFS and USFWS determined that the species continues to be endangered due to a number of factors, including intense fisheries bycatch and climate change threats, numerous persistent impacts that are likely to become major threats with climate change, low abundance of nesting female and relatively few females returning to nest on a regular basis.

A critical habitat proposed rule for seven reef coral species in the Pacific Islands region is expected by July 31, 2020, pursuant to a settlement agreement with CBD. NMFS also received a

complaint from the CBD and Turtle Island Restoration Network for failing to designate critical habitat for green sea turtles concurrent with the 2016 listing of six DPSs.

Young also reported on recovery planning efforts for the MHI insular false killer whale, giant manta ray, and oceanic whitetip shark. The draft false killer whale recovery plan is in internal review. NMFS expects to release it in 2020, followed by a 60-day public comment period. For the giant manta ray, PIRO is in the early planning stages for a regionally focused recovery planning workshop in early 2021, depending on the status of the COVID-19 pandemic. For oceanic whitetip sharks, NMFS convened two expert workshops in 2019 to inform the recovery plan. Young was the National Recovery Coordinator for oceanic whitetip sharks before moving back to PIRO six months prior and will be heavily involved in the recovery planning efforts in her current capacity.

Young also provided updates on the False Killer Whale Take Reduction Plan, noting that no interactions had been observed to date, with the caveat that the observer coverage and fishing effort have been low due to the pandemic. NMFS will evaluate the SEZ reopening criteria following finalization of mortality and serious injury estimates up to 2019 and the new potential biological removal (PBR) estimate; the availability of both is anticipated within the next month.

Gourley asked what specific issues with climate change are affecting the North Pacific loggerhead turtle population that led to NMFS' decision to keep the DPS listed.

Young said she believed the threat is related to habitat degradation, such as sea level rise inundating nesting areas and temperature affecting sex ratios. She was not involved in the review and did not have specific details, but details are available in the five-year review document.

Soliai asked if the completion dates for the ESA consultations are hard or tentative dates.

Young said the dates are pretty tentative based on the most up-to-date information from the week prior to the SSC and subject to change.

Watamura asked which fisheries are of concern for the North Pacific loggerhead turtles, noting that the Hawai'i fishery has a limited number of interactions.

Young did not have the information on hand but said many foreign international fisheries catch loggerhead turtles as bycatch.

Tosatto said that the details are available in the review document. He said the number of turtles taken in foreign fisheries is well-documented. The threat clearly points to foreign fisheries operating in coastal waters with fixed or semi-fixed gear types having high mortalities, such as the Mexico gillnet fisheries and Japan pound net fisheries.

Goto asked if there are any updates for reopening the SEZ.

Tosatto said PIFSC's mortality and PBR estimates have been completed and are available to the public. PIRO can now use in evaluating the reopening criteria. He said that NMFS is working through the decision-making, guided by the regulation, and is expediting the process

given that the HLA, Council and others have requested the action to be expedited. The process is moving quickly, and PIRO is developing the Federal Register notice package for NMFS headquarters action to be cleared by the NMFS assistant administrator.

Goto asked if Tosatto could provide any indication on timing for the reopening decision.

Tosatto said it is always hard to pick a timeline, but it is being expedited. Review time for PIRO, General Counsel and headquarters will likely add up to 30-plus days in addition to time needed to publish in the Federal Register.

Goto asked if there would be a public comment period once it is published in the Federal Register.

Tosatto said that comments are taken on notices, but this action will not have a proposed reopening notice as it is a determination of whether the reopening criteria are met based on the process described in the regulations. The Federal Register notice would announce the date the SEZ will be open, and whether a cooling-off period would be needed would be guided by the Administrative Procedures Act.

Rice asked if Tosatto could elaborate on Soliai's question regarding ESA consultation dates and delays.

Tosatto said PIRO is proceeding with the consultations. All four consultations are in their final draft stages and being prepared for review. The deep-set consultation was delayed for the purpose of waiting the delivery of PIFSC's take-model results. Since that work is done, PIRO is incorporating that into the BiOp. PIRO has also received the American Samoa longline take-model results from PIFSC, which is also being incorporated into the consultation. PIRO anticipates completing the purse-seine consultation first, the American Samoa longline second then the deep-set longline. Given that the same individuals are involved in the review of all three consultations, they are being done sequentially. Tosatto said the Council has requested opportunity to review BiOps for fisheries that it manages, and HLA is an applicant for the deep-set longline consultation, so review opportunities for those will add to the timeline. Delays in one consultation creates a domino effect for the others.

Goto asked if there is an existing draft BiOp for the purse-seine consultation.

Tosatto said that the consulting agency and action agency are currently consulting on an internal draft and are seeking concurrent review from General Counsel. For the purse-seine fishery, the ATA petitioned and sued NMFS to be an applicant in the consultation. NMFS denied that request and succeeded in the legal challenge to that decision. As a result, the ATA is not an applicant, but NMFS has offered it a review opportunity. Timelines for the remaining consultations will become clear after the purse-seine BiOp is in a format that can be shared with the ATA. Tosatto getting each of the review drafts out of NMFS and into the hands of the applicant, non-applicant ATA or the Council for their review is a significant milestone.

B. Assessing Population Level Impacts of Marine Turtle Interactions in the American Samoa Longline Fishery

Jones presented on assessing population level impacts of marine turtle interactions in the American Samoa longline fishery, which builds on the earlier population viability model and trend analysis for the Western Pacific leatherback and North Pacific loggerhead turtle populations for the Hawai'i shallow-set and deep-set longline fisheries. Jones provided a background on the model development, which was initiated in support of the ESA consultation for the shallow-set fishery with a request to generate estimates of population growth rate, population projections and the mean time for the probability of the population reaching certain thresholds. Earlier versions of the model underwent external and SSC review. Two technical memorandums summarize the population modeling for the three longline fisheries.

The American Samoa longline fishery tends to interact with slightly smaller leatherback turtles than the Hawai'i longline fisheries. The fishery is observed at about 20% coverage; the total interactions are estimated from the observed interactions. Jones provided an overview of the modeling framework previously presented to the Council and the nesting data used in the analysis. The results of the American Samoa longline analysis compared the historical population trends with and without fishery interactions and showed that the population is declining at 6% per year with or without the impacts from the fishery, which suggests that the American Samoa longline fishery is not a driver of having a large impact on the population. While a small difference can be seen in the upper 95% confidence interval of the population growth rate, this is a result of running the modeling 100 years into the future. The mean number of years that the population will fall below 50% of current abundance without the fishery take is 12.67 years, compared to 12.55 with take, which is a difference of about one month. The results show mean years the population will fall below 12.5% of the current abundance is approximately 35 years, with the difference in the no-take and take scenarios being about 10 months.

Watamura asked how PIRO plans to incorporate the American Samoa and deep-set longline take models into the ongoing consultations.

Tosatto said he could say little beyond the model results are being incorporated into the consultation. PIRO did not originally request the take model runs for a variety of reasons as PIRO is taking what it would call a superior approach to estimate jeopardy for these species and the PIFSC analyses are not modeling jeopardy determinations.

Watamura asked Tosatto to comment on the fact that the SSC has determined the take model to be BSIA for evaluating impacts of the fisheries on these turtle populations and that the model results show that the fisheries do not change the population trends.

Tosatto reminded the Council that the SSC advises the Council on fishery management decisions, but the MSA does not have a parallel for SSC to advise the Council on ESA mandates. He welcomed that the SSC values the models as the best use of available information PIFSC has at its disposal. Where PIRO needs to go beyond PIFSC's work is in the limitations of that information and its availability for use, noting there are significant issues around the use of these models. NMFS is addressing these issues within the specific consultations and more holistically at the national level on how NMFS can best use sea-turtle modeling efforts during consultations.

Watamura reiterated that more attention should be paid to the actual threats causing declines of sea turtle species.

Tosatto said that the impact of foreign fisheries is meaningful in NMFS' work on domestic and international fisheries management. NMFS pursues these foreign fishery impact issues bilaterally under the MSA and through MMPA imports provision. In the BiOps, NMFS is guided by the core requirements of ESA Section 7 to look at the impacts of the specific action on the species and whether the action jeopardizes the species recovery or their continued existence.

C. Summary of Available Information on Sea Turtle Interactions in Foreign Pelagic Fisheries

Asuka Ishizaki, Council staff, provided an overview of available information on sea turtle interactions in foreign pelagic fisheries. The presentation and the corresponding document was prepared in response to a directive from the Council at its March 2020 meeting for staff to work with NMFS to obtain publicly available reports and other data on sea turtle interaction rates in foreign fisheries operating in the areas overlapping with loggerhead and leatherback turtle distributions. Staff with assistance from PIFSC staff reviewed available literature, which indicate a lack of robust Pacific-wide bycatch estimate at this time.

Earlier efforts to estimate Pacific-wide bycatch included Lewison et al. (2004), which estimated about 30,000 loggerhead and 20,000 leatherback turtle interactions in the year 2000 for all pelagic longline fisheries throughout the Pacific. Beverly and Chapman (2007) found that the earlier analysis by Lewison and colleagues overestimated interactions and estimated that the tuna deep-set fishery turtle interactions were 20,000 sea turtle annually worldwide for all species and 28,000 sea turtles in swordfish shallow-set fisheries. These earlier estimates used the best interaction rate available and expanded the estimates based on available data on fishing effort.

The first WCPFC Convention Area-wide estimates based on the Pacific Community (SPC) observer database were presented at the Science Committee in 2018. Peatman et al. (2018) estimated the loggerhead turtle annual median catch for years 2003-2017 to be between 91 and 5,208 and the leatherback median catch to be between 617 and 2,153. These estimates are considered preliminary, and the authors acknowledged that the region-wide estimates for north of 10° N are unlikely to be robust given that there are large areas in the region with limited observer data. For example, two fleets that account for 80% of the expanded effort in the region have annual observer coverage of less than 3%. Most of the north of 10° N data is from the Hawai'i longline fleet. A comparison of the analysis results to an earlier analysis also suggests that the estimates in the Peatman study are likely overestimated. The study nevertheless provides an order of magnitude of the scale of Pacific-wide bycatch estimate. Ishizaki presented a comparison of the WCPFC-wide estimates and the Hawai'i and American Samoa longline interaction data. The comparison shows that loggerhead and leatherback turtle interactions in each of the Hawai'i and American Samoa longline fisheries are typically less than 1% of the total WCPFC-wide estimate and are no more than 1% to 2% of the total estimate in higher years.

Ishizaki also reviewed available information from recent NMFS publications on the impact of foreign fisheries other than pelagic longline fisheries. The 2019 Hawai'i shallow-set longline fishery BiOp and the recent North Pacific loggerhead status review include information

on loggerhead turtle interactions in coastal and artisanal fisheries in Mexico and Asia, but robust time series data of those bycatch are not available. For leatherback turtles, the 2019 BiOp focuses on nesting beach threats and directed take rather than incidental catch, suggesting that those impacts pose a greater threat to the population than fisheries.

Rice asked if there are data on green turtle bycatch.

Ishizaki said that, following a discussion at the Pelagic and International Standing Committee meeting, she calculated the proportion of green turtle interactions in the Hawai‘i and American Samoa longline fisheries compared to the WCPFC-wide estimates. The results are similar to the loggerhead and leatherback turtle comparisons, with the proportion of Hawai‘i and American Samoa longline fishery interactions representing less than 1% of the region-wide estimates.

Soliai asked which two fleets account for 80% of the effort.

Ishizaki said she did not have the information on hand but would review the source document and follow up with Soliai.

Watamura said that numbers are staggering. Based on this information, shutting down the Hawai‘i shallow-set longline fishery from sea turtle interactions is ludicrous. Any logical person would look at the situation and question it.

Goto said another consideration is that the product caught in those foreign fisheries enters the US market and dilutes the value of domestic fisheries that are more regulated.

D. Advisory Group Report and Recommendations

1. Advisory Panel Report

There were no AP recommendations regarding protected species.

2. Pelagic Plan Team Report

There were no Pelagic Plan Team recommendations regarding protected species.

3. Scientific and Statistical Committee Report

Lynch reported that the SSC did not have any formal recommendations regarding protected species. Regarding the take model presented under 12.B, Lynch reiterated that the SSC previously found the take model to be BSIA and that the SSC noted in discussion at prior meetings that there are no significant effects of the fishery interactions on the long-term population viability of the Western Pacific leatherback population. The reality is that very few leatherback turtles are incidentally caught in the fishery.

E. Public Comment

Eric Kingma, HLA, provided comments on the development of the deep-set longline BiOp. He expressed concern that both sectors of the Hawai‘i longline fisheries seem to be under an unfair microscope nationally, subject to a considerable amount of litigation, when the impacts of the Hawai‘i fisheries are minimal compared to foreign fisheries impacts. He wanted to make sure that the deep-set BiOp is completed in a timely manner but also that it is defensible, utilizing BSIA. He supported SSC’s conclusion that the PIFSC take model represents BSIA. He pointed out that the average level of leatherback turtle interactions in the Hawai‘i deep-set fishery is 11 turtles, while the average in the foreign pelagic longline fisheries is 1,600. He said the RPMs for the Hawai‘i fisheries must be commensurate with the impact taking into account the level of foreign fisheries interactions. He thanked the Council for presenting the information on foreign fisheries impacts, noting that the importance of quantifying and evaluating the impact of the highly regulated and highly monitored Hawai‘i fishery relative to foreign fisheries.

Stuart Chikami, American Samoa longline vessel owner, echoed comments made by Kingma and noted that the interaction rates in the American Samoa longline fishery are very low and the fishery has experience a severe decline over the past 20 years due to economic reasons. These impacts as well as the high level of observer coverage for Hawai‘i and American Samoa longline fleets need to be considered when looking at RPMs. He said the American Samoa longline fishery already has many mitigation measures implemented.

F. Council Discussion and Action

Regarding the marine turtle population assessments, the Council requested NMFS consider the assessment of the population-level impacts of North Pacific loggerhead and Western Pacific leatherback turtle interactions for the Hawai‘i deep-set and American Samoa longline fisheries in the ongoing ESA consultations for these fisheries.

Moved by Rice; seconded by Watamura.

Motion passed.

XIV. Pelagic and International Fisheries

A. Status of Council Actions and Amendments

Tosatto presented the status of the following Council actions and amendments under the Pelagic FEP:

1. Amendment 8: International Measures Implemented into Pelagic Fishery Ecosystem Plan and Western and Central Pacific Ocean Striped Marlin Catch Limits

Amendment 8 was initiated in 2013 and the Council took final action in 2018. This amendment had two parts: 1) establish a framework that would allow the Council to take timely action when requested to implement measures adopted by the WCPFC, IATTC and potentially other RFMOs; and 2) respond to WCPFC Conservation and Management Measure (CMM) for

Western and Central North Pacific Ocean (WCNPO) striped marlin. The Council recommended NMFS develop management measures and a catch limit of 457 metric tons per year per CMM 2011-01. Council staff and PIRO are developing the package, which may come with new catch limits to be recommended after the WCPFC Regular Session in December 2020. In 2019, the stock was again deemed overfished and the WCPFC adopted a new rebuilding plan but with no specific catch/effort terms. Amendment 8 was held up due to personnel limitations and pending a new stock assessment and new WCPFC rebuilding plan.

2. Amendment 9: Multi-year Specifications for U.S. and Territorial Bigeye Longline Allocation Limits

Amendment 9 would allow the Council and NMFS to set allocation limits for bigeye and other species without having to establish a total catch or effort limit and would provide flexibility to implement catch or effort limits or allocation limits through specifications and over multiple years. NEPA analysis would need to consider the outcomes of the ongoing BiOps and whether or not the implementation of measures required by those BiOps may need to precede the approval of the amendment.

3. Amendment 10: Shallow-Set Trip Limits for Sea Turtle Interactions

Amendment 10 would implement the incidental take statements from the Hawai‘i shallow-set longline fishery ESA consultation completed in 2019. The amendment would remove the hard cap for loggerhead turtles, adjust the fleet-wide interaction limit for leatherback turtles and create individual trip interaction limits. The Council took final action in 2019. Amendment 10 went into effect on April 22, 2020, and is in the final stages of review to get final rule implemented in the summer of 2020.

Goto said the amendments would allow the Hawai‘i fisheries to be better situated. He asked when the rules will be published and if they are imminent.

Tosatto said that Amendment 10 is in the final stages of the review of the documents before publishing the final rule in the Federal Register.

Goto asked about the status of Amendment 9 due to its importance for the Hawai‘i deep-set fishery to operate throughout the year.

Tosatto said Amendment 9 is important in that it would provide necessary flexibility for the specification process, but the fishery is able to operate under Amendment 7 and the 2020 specifications are proceeding at a pace such that the final rule should be published before reaching the WCPFC limit.

Goto said that Amendment 9 should proceed because it would streamline the process and allow the fishery to move away from the ACL timelines.

Tosatto concurred with the intent of Amendment 9 and said that PIRO and Council staffs have placed a priority on preparing the package for clearance.

Rice asked if Amendment 8 can proceed while WCPFC is working through its process.

Tosatto reiterated the two components in Amendment 8. On the striped marlin catch limit side, the stock status is not improving and the 2010 limit may not be sufficiently low. PIRO along with Council as a collaborator needs to address the issue of continued overfishing and overfished status and consider approaches such as phased limits or catch allocations. Tosatto said workload and loss of Council staff who handled international pelagic issues in the past are the primary reasons for the lack of progress.

Rice said that data suggests movement of striped marlin between jurisdictions.

Tosatto said the Council must act upon the current assessment. If the Council has recommendations to address the relative impact and international issues, including better understanding of the stock, NMFS would welcome them.

B. Mandatory Electronic Reporting for the Hawai'i Longline Fishery (Initial Action)

Fitchett presented on electronic reporting. The Council recommended at the 181st Council meeting for Hawai'i permitted vessels to have mandatory electronic reporting by Jan. 1, 2021. The purpose for electronic reporting is to expedite reporting of bigeye catch and other pelagic species based on the Limited Entry Program. It would allow for quicker management of quotas and accountability measures pursuant to WCPFC and IATTC and also domestically, while adding precision to bigeye tuna catch forecasts. Electronic reporting also eliminates burdens of filling out paper log sheets for operators and for PIFSC to manually enter data from the paper log sheets. Fitchett presented examples of underage and overages in past fishing years.

Issues discussed at the 180th meeting included requirements for daily reporting and transmission, types of needed regulatory requirements and cost allocation. Since the 180th Council meeting, PIFSC and OLE confirmed that they will cover 100% of the costs of hardware and transmissions, using VMS as a conduit for data transmission. The Council also supported a Vietnamese translator to assist in training, but outreach has been suspended due to COVID-19 pandemic. Fitchett said the implementation plan details technical and operational needs for the program. Discussions are ongoing between PIFSC and NMFS Office of Science and Technology regarding a secure web portal to provide end-to-end data on a near-real time basis and access to the permit holders or vessel owners. For this meeting, the Council was asked to consider the inclusion of the American Samoa longline fishery in the mandatory electronic reporting action. The Council was also asked to consider the implementation plan and regulatory changes to require daily submission of logbook data. Fitchett presented the timeline for Council action, with the goal of Council taking final action at its September 2020 meeting.

Rice asked if operators are keeping hard copies of their reports even when they send in data through the tablets.

Bigelow said that is an operator preference but the reports are stored on the tablets. Paper log sheets are presumably to remain a back-up in case of electronic reporting failures.

Sakoda asked if protected species interactions are also included in electronic reporting.

Bigelow said yes, the software mimics the longline logbook forms, which has data entry sections for all pelagic species, including protected species.

Goto asked if operators will have data access, emphasizing the importance of data access to the fleet.

Bigelow said the idea behind providing data access is to incentivize the voluntary use as the permit holder would have access to the near real-time submitted data. Discussions are ongoing, and the Office of Science and Technology has volunteered to host a secured website for accessing data.

C. 2021 US and Territorial Longline Bigeye Specifications (Final Action)

Fitchett presented on options on the 2021 specification of the annual Territory bigeye longline limits applicable for American Samoa, Guam and CNMI. Staff also presented on considerations for limits on the amount of catch that could be transferred under Specified Fishing Arrangements by the U.S. Participating Territories to vessels permitted under the Pelagic FEP. Amendment 9, which would set limits for multiple years, has not yet been implemented.

Under Pelagic FEP Amendment 7, the Council can authorize a management framework to establish catch or effort limits applicable to the U.S. Participating Territories, which was 2,000 metric tons in prior years. To keep the environmental impacts consistent with prior years while adding some flexibility for some arrangements between U.S. vessels and Territories, the Council recommended a 1,500 metric ton allocation limit per Territory for 2020, but total allocation limits were limited to 3,000 metric tons. In 2019, the Council's specifications limited each U.S. Participating Territory's bigeye longline catch to 2,000 metric tons and its allocation limit with U.S.-flagged vessels to up to 1,000 metric tons. However, only two agreements were made with U.S.-flagged vessels, and the fishery closed on Dec. 28, 2019, before the fishing season ended.

Options for 2021 include 1) No management action: No specification of catch or allocation limits; 2) Status quo: Specify a 2,000-metric ton catch limit for each U.S. Participating Territory and allocation limits that do not collectively exceed 3,000 metric tons among all Participating Territories; 3) Specify a 2,000-metric ton catch limit and up to a 2,000-metric ton allocation limit for each U.S. Participating Territory. The existing NEPA analyses and environmental assessment considered all possible outcomes under these options and up to total catches exceeding 10,000 metric tons and found no significant impact.

The bigeye tuna stock is neither overfished nor experiencing overfishing. Stock projections show that none of the possible catch levels for U.S. flagged vessels leads to any significant impact on breaching reference points for the stock in the 30-year horizon. The juvenile fishing mortality of this bigeye stock due to purse-seine fisheries is much greater than fishing mortality on the adult stock, which is being harvested by the longline fishery. Other nations have a much higher catch limit than the United States and transfer of quota is not unique, such as the 8,000 metric tons transferred from Japan to China and Korea in the WCPFC and

IATTC. The United States has a considerably lower catch limit than all of the other distant-water fishing nations that have catch limits.

Sakoda asked how transfers are resolved if each territory wants to allocate the maximum 1,500 metric tons.

Fitchett said that, as a precautionary approach, total transfers would be limited to 3,000 metric tons so environmental impacts remain the same.

Goto said that it is dependent on the actual agreement. In recent years only two territories have entered into multi-year arrangements.

Goto asked Council members to keep foreign impacts in mind and the importance of the fishery remaining open year-round. Domestic supply is critical, especially in times like the COVID pandemic. Reliance on foreign products is not good for the local economy or for other considerations like protected species.

Rice sought clarification on the total amount of bigeye catches under Option 2 and asked whether the fishery caught close to that amount.

Fitchett said that potential catches under Option 2 would be 7,095 metric tons.

Bigelow said that U.S. catch for 2019 was about 5,540 metric tons but has been higher in previous years when the catch limit was higher.

Simonds said that, regarding the seafood deficit, the late Sen. Daniel Inouye worked with the Food and Drug Administration (FDA) to try to prohibit the import of gassed tuna, similar to regulations imposed by Japan and Europe. Simonds asked Brakke if the Council could recommend that the appropriate federal agency temporarily halt the import of foreign seafood into Hawai'i during this period.

Brakke said that he is not aware of any executive action that could bar seafood import either generally to the United States or to a specific state. The question would be whether the intent is for market competitiveness reasons or because of safety concerns, if there are any, around gassed tuna. Congressional action is likely necessary to provide for that authority, and FDA or Customs and Border Patrol would act on that. Brakke said that the NMFS representatives with expertise on seafood inspection may provide further insight. He suggested raising the issue through the interagency conversations on the Seafood Trade Task Force, chaired by Department of Commerce and Office of the US Trade Representative.

Rice said that, with COVID-19 and seafood security issues and a lot of help coming from Washington, D.C., to support U.S. businesses, it would seem that some temporary measure could be put in place.

Simonds said that in addition to the agencies Brakke suggested, the Council's letter could be addressed to the White House Trade Office.

Fitchett said that having a third agreement is still possible, given that Council members will be meeting with the Guam governor July 1, 2020, on bigeye tuna specified fishing agreements.

D. Stock Status Determination for Oceanic Whitetip Shark and Striped Marlin

Jarad Makaiau, PIRO SFD, presented an overview of the stock status determination letters for oceanic whitetip sharks and WCNPO striped marlin, which will require actions within one year under MSA Section 304(i) to address both domestic and international overfishing. Striped marlin and oceanic whitetips will require action based on BSIA, which shows both stocks are well below status determination criteria for biomass in the Pelagic FEP and deemed overfishing occurring with respect to fishing mortality rates at MSY.

Oceanic whitetip sharks were assessed in 2019 with data through 2016 for the portion of the stock within the WCPFC boundaries. Fishing mortality in 2016 exceeded the fishing mortality threshold in the Pelagic FEP and thus the overfishing determination was made. Spawning biomass in 2017 fell below the minimum stock size threshold (MSST), hence the stock was overfished. This species in the WCPFC jurisdiction is a no-retention fishery (as of 2013). The WCPFC measure also requires member countries to take responsible steps to ensure sharks are released and handled properly. The IATTC adopted similar measures. In 2018, American Samoa longline fishery was 1.7% of the total deep-set longline catch in the entire Western Pacific by all fishing fleets and the Hawai‘i-based fishery was 4.8% and the shallow-set is less than 1.0%. The assessment was completed in August 2019 and reviewed by the WCPFC Scientific Committee and presented to the WCPFC plenary in December 2019, which accepted the assessment. In April 2020, PIFSC determined that the information represents BSIA. On May 1, 2020, NMFS determined that the stock is subject to overfishing and overfished. On that same day, PIRO informed the Council of its obligations to address the problem under Section 304(i).

WCNPO striped marlin is one of at least three populations: one in the North Pacific, one in the Eastern Pacific and one in the South Pacific. Some anecdotal information suggests that adults and juveniles around Hawai‘i could be different stocks. Other information suggests mixing among all three of the populations. The stock being discussed is within jurisdiction of the WCPFC in waters north of the equator. Fishing mortality in 2017 exceeded the fishing mortality threshold, so overfishing is occurring, and spawning biomass fell below the MSST, thus the stocks remains overfished. It was determined to be overfished in 2016 and previously in 2013. A measure presently in place aims to reduce catch by all fishing nations by about 20% from 2003 to 2005 levels (CMM-2010-01). The United States is supposed to reduce its catches to below 457 metric tons per CMM-2010-01. Striped marlin catch by U.S. fleets in the WCPO have remained below this level. All U.S. domestic landings combined account for about 13% of total catch on average, between 2011 and 2017, which is relatively low. At the 16th meeting, the WCPFC adopted a rebuilding plan. The IATTC has not adopted any management measures related to striped marlin. The WCNPO stock assessment was completed in August 2019 and presented and adopted at the WCPFC plenary in December 2019. In April 2020, PIFSC and the Southwest Fisheries Science Center made a concurrent determination that the 2019 WCNPO striped marlin assessment is BSIA. On June 4, 2020, NMFS made the determination for stock status, and on the same day PIRO informed the Council of its obligations.

For both oceanic whitetip sharks and striped marlin, the Council is required to develop and submit recommendations to the Secretary of Commerce or domestic regulations within one year of overfishing notification from NMFS and PIRO to address the relative impact of U.S. fishing vessels. The second obligation is to within one year submit recommendations to the Secretary of State and Congress for international actions to end overfishing and rebuild the stock and take into account of the relative impacts of vessels of other nations and the United States.

Fitchett clarified in the Eastern Pacific, striped marlin was deemed not overfished or experiencing overfishing with respect to MSY, per an assessment in 2010. The WCPFC CMM 2010-01 was not necessarily intended to end overfishing but rather a precautionary measure to reduce total catches by 20%. Council staff is working with PIRO staff on a future catch horizon for striped marlin in the WCPFC using phased reductions throughout the WCPFC rebuilding period of 15 years. Emerging catch limits from the WCPFC can be wrapped into the Pelagic FEP Amendment 8.

Fitchett also said the Council is working with a contractor to provide projections for oceanic whitetip sharks. The stock assessment only considered three years of data following implementation of WCPFC CMM 2011-01, while oceanic whitetip sharks mature at age 8, so the total impact of that retention ban is not necessarily seen in spawning stock biomass estimates using three terminal years of data. Additional data will be considered in the projections to account for the effect of CMM 2011-01, the results of which are anticipated for the September 2020 Council meeting. Fitchett said the Hawai'i fishery suspended the finning and retention of oceanic whitetip for the most part in 2001.

Rice said, given the small, limited impacts of U.S. fisheries on these populations compared to other fisheries and other fleets, no measure implemented for the U.S. fleet would have significant impact on recovery. Any measures that would add regulatory restrictions on U.S. fisheries would be contrary to the President's EO on seafood competitiveness and would add a burden to an industry struggling with COVID-19 impacts.

Makaiau said that, in the NS1 Guidelines, NMFS recognized it should not be placed on the shoulders of U.S. fishermen to unilaterally deal with the overfishing that is occurring because of international fisheries. He said it would be helpful for the Council to articulate in its response why additional measures may not be necessary, given the relative impact of the U.S. fishery.

Tosatto said the requirements for the Council acting on the highly migratory stocks are two-fold, one of which would welcome Council input into the international forum, particularly for these stocks.

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

Ishizaki presented on considerations for developing RPMs and/or reasonable and prudent alternatives (RPAs) for the ongoing ESA consultations for the Hawai'i deep-set and American Samoa longline fisheries. During the Hawai'i shallow-set longline BiOp process, the Council had an ongoing action to address higher loggerhead interactions in the shallow-set fishery at the time.

The Council had developed trip limits and other options well in advance of the BiOp being developed. When the RPMs were included in the draft BiOp, the Council incorporated them into the ongoing action and recommended implementing them through Pelagic FEP Amendment 10. With no ongoing actions for the Hawai‘i deep-set and American Samoa longline fisheries, the Council requested that NMFS coordinate with the Council in developing any RPMs or RPAs.

Council staff reached out to the PIRO PRD in advance of the Council meeting. PRD said it was not prepared to discuss but encouraged the Council and PIRO SFD to consider any actions that the fisheries could take to avoid adversely impacting listed species and, if those impacts cannot be avoided, to work to minimize impacts on the incidental take. PRD also advised starting with the applicability of RPMs included in the shallow-set BiOp and to offer up new measures based on the Council’s expertise in these fisheries. PRD advised focusing on leatherback turtles, oceanic whitetip sharks, and giant manta rays. Council staff subsequently coordinated with PIRO SFD, SSC, the Pelagic Plan Team and Advisory Panels. The Council was asked to provide direction on considerations for mitigation measures based on available information on interaction characteristics, identify high and low priority measures for each species, and recommend any additional analysis to inform consideration of mitigation measures.

Available pertinent information on leatherback turtles, oceanic whitetip shark and giant manta ray interactions were summarized. For leatherback turtles, Council staff in coordination with PIRO and PIFSC had previously evaluated potential interaction patterns in the deep-set fishery, which indicated that while some seasonal and temporal patterns are apparent, the rare nature of interactions makes interpretations of such patterns challenging. Mortalities of leatherback turtles are generally attributed to smaller individuals, which have a higher natural mortality relative to larger turtles. PIFSC’s take-model shows that the interactions in the deep-set and American Samoa longline fisheries on the population trends are minimal.

Interactions with giant manta rays are also rare, with less than a handful of observed interactions in both fisheries in most years, with exception of 17 observed interactions in the deep-set fishery in 2010, which drive the interaction patterns. There is considerable uncertainty in species identification with giant manta rays, especially in early years of the observer data. Limited abundance data exist for the species.

Oceanic whitetip shark has not been retained in the deep-set and American Samoa longline fisheries for some time due to finning regulations and non-retention measures implemented at the international level. Oceanic whitetip shark is also subject to requirements under MSA section 304(i) due to its stock status. Tagging studies show that sharks released in good condition and with no trailing gear have higher post-release survival. Simulation modeling results are available that evaluated different types of measures to reduce impacts to the species.

Ishizaki presented additional considerations for potential RPMs or RPAs, including the disproportionately high observer coverage in the Hawai‘i and American Samoa longline fishery compared to international fleets and the lower interaction rates in the two fisheries compared to the Hawai‘i shallow-set longline fishery. The Pelagic Plan Team noted that improving handling practices to reduce post-hooking mortality will likely provide the “best bang for the buck.” The ongoing ecosystem-based fishery management (EBFM) project led by PIFSC is developing a tool to explore potential impacts of effort removal and redistribution from closed area on fishery

performance, which will allow evaluation of potential spatial measures. Ishizaki provided an overview of the Pelagic Plan Team and SSC recommendations, which would be presented in further detail later in the agenda.

Gourley asked if it is true that PRD has not been willing to discuss development of RPMs and RPAs thus far for the two fisheries discussed.

Ishizaki reiterated that PRD indicated it was not ready to discuss as its consultation analyses are still underway.

Gourley asked if PRD is participating in the working groups.

Ishizaki said that the working group is comprised of SSC members and that Council staff have been coordinating with SFD staff.

Gourley said that he felt the Council is missing opportunities to get involved early in the process to develop RPMs. He hoped PRD would discuss with the Council before it decides on the RPMs.

Tosatto said that PRD will not enter into a conversation with the Council but NMFS may. PRD is consulting with the Action Agency, which is SFD. The Council's point of contact for the consultation is SFD. PRD will communicate internally with SFD in the development of the RPMs. At an appropriate time in the ESA-MSA Integration Agreement, the Council will have an opportunity to review draft RPMs and RPAs, if appropriate. Tosatto said the advice from the PRD presented by Ishizaki was the advice he provided to PRD. Council should communicate with SFD and focus on giant manta rays, oceanic whitetip sharks and leatherback sea turtles. He said that is the extent of what he is lawfully allowed to share at this time. The Council would have the opportunity to review draft RPMs after they are vetted through SFD and cleared for release to the Council by the General Counsel.

Watamura asked why the line-cutter project (to reduce trailing gear) with industry is taking so long.

Ishizaki said that as far as she is aware, additional development to improve upon the early prototype is ongoing with funding from the Bycatch Reduction Engineering Program to make the tool more usable and safe. She was uncertain of the project completion date. The project is ongoing in coordination with PIFSC and an outside engineering firm.

Goto said it is good to see that industry will be involved in the development of the RPMs and RPAs. Noting recent struggles with the pandemic and associated market issues, he said further restrictions on the fishery that would exacerbate the hardships would be intolerable.

F. Pre-Assessment Workshop Outcomes for Yellowfin and Bigeye Tunas

Fitchett presented on the SPC Pre-Assessment Workshop, held electronically due to COVID. The WCPFC is expecting new stock assessments for bigeye tuna and yellowfin tuna. Twenty participants from 13 organizations participated, including those from the United States.

Work on Project 82, which is the age and growth for yellowfin tuna for the 2020 assessment, is ongoing. Age and growth parameterization in both yellowfin and bigeye tuna stock assessments are very important and drive outcomes. Filtering out high confidence tagging data was also considered, given lots of uncertainty with tagging information to discern spatial movement patterns through stock assessment regions and growth. High confidence pertains to precision and measurements of size of the fish and location and then combining otoliths for direct observations of age. The influence of choice of parameters and stock assessment assumptions will be discussed at the WCPFC Science Committee in August 2020. The stock assessments in 2020 will also utilize geostatistical approaches to considered abundance patterns on finer spatial scales rather than assume spatial homogeneity. The stock assessments are not expected to deviate dramatically from the 2017 and 2018 models.

Watumura asked if there are any preliminary results to share.

Fitchett said it is too early and the stock assessment is not completed. He said new estimates of yellowfin growth using direct estimates from otoliths render a more optimistic outcome than growth estimated internally in the stock assessment model.

Watumura said that, according to Itano, age and growth are well-known and that Itano and an Australia scientist took genetic samples and otoliths from juvenile yellowfin caught at buoys off Hawai‘i.

G. International Fisheries

1. WCPFC Permanent Advisory Committee Report

Tosatto presented on the PAC to the WCPFC U.S. Commissioners. The PAC meeting in October is usually after a couple of the preliminary meetings, the Scientific Committee meeting and Northern Committee meeting and ahead of the annual meeting in December. The October timing gives the agency 30 days to prepare any submissions, which have to be in 30 days ahead of a meeting, which usually is an early November time frame. U.S. priorities discussed at the April 2020 PAC meeting teleconference included tropical tuna allocations, North Pacific striped marlin rebuilding plan, South Pacific albacore harvest strategies, bluefin tuna, transshipments and compliance monitoring. Tosatto provided a brief status of each of these issues.

Simonds asked about FFA nations not wanting an annual meeting and referenced a letter from the U.S. delegation to the WPCFC chair. She also mentioned the WCPFC wanting to use Zoom as videoconference platform and a heads of delegation meeting beforehand.

Tosatto said the letter was sent in to ensure that a meeting occurs and to make it clear that the Convention requires having a meeting at least virtually. His understanding is that FFA is concerned that lack of in-person meetings makes negotiations problematic. He noted that NOAA cannot use Zoom at the time but that may change for official international matters.

Goto asked if the U.S. delegation would have an in-person meeting.

Tosatto said they have not worked that out. He said the Science Committee and joint working group meetings are using virtual platforms. He hoped that by the end of the year at least the U.S delegation would be able to travel to be in the same room.

Simonds commented on the complexity of having 56 delegations at the Commission table, coordinating with their own delegations internally.

Soliai expressed concerns over transshipments, with COVID-19 spreading rapidly among crews in some documented cases and risks of bringing the pandemic to islands.

Tosatto mentioned Korea made proposals for crew swaps and provisioning of ships without pulling into ports and measures to quarantine crews.

Wamura said that, from his time participating on the PAC, violations of compliance appear to lack repercussions. He asked if WCPFC would start holding violators responsible.

Tosatto said the United States has attempted to make repercussions for violating compliance and failures on compliance monitoring. Twenty-two WCPFC members blocked any such measures.

2. Workshop on Area-Based Management of Blue Water Fisheries

Fitchett presented on outcomes of the workshop held June 15-17, 2020, virtually through Zoom. Ray Hilborn (University of Washington) and Vera Agostini (United Nations FAO) chaired the workshop, which included 34 of the top area-based fishery management experts from intergovernmental agencies, NGOs, RFMOs and academia. Many of them bridged the gap between conservation goals and industry and between science and policy.

Council staff and SSC members initiated developing the workshop in 2019, formulating a plan to develop a high-level peer-reviewed document entitled “Roadmap to Effective Area-Based Management of Blue Water Fisheries.” A series of preparatory papers were drafted.

The workshop had three plenary sessions plus two series of regional inter-sessional breakout meetings to correspond with multiple time zones. Participants noted that implementation of area-based management tools (ABMTs) such as closures or restrictions are done without weighing objectives, having a proof-of-concept beforehand to achieve these objectives or planning on how to evaluate area-based measures thoroughly through time. These planning steps are critical especially for highly dynamic ecosystems that support blue water fisheries where “set it and forget it” may not be appropriate. Not considering monitoring and unintended consequences could lead to a situation like the one in Palau where spatial closures have deleterious unintended impacts on conservation.

Workshop participants all agreed that ABMTs are not a silver bullet for managing fisheries or their ecosystems. Marine protected areas are often most synonymous with ABMT but are merely a single tool in a vast ABMT tool box and are not strictly permanent closures. Workshop participants discussed several static vs. dynamic ABMTs and their benefits and limitations. Static implies management with a fixed area delineated while dynamic implies

managing area(s) that may shift in time and space. The reports and manuscripts will be finalized in September 2020.

Brakke said he will plan to share the report with colleagues at the State Department and NOAA who cover BBNJ and the ABMT process. He asked about the negative consequences in Palau and if workshop participants discussed their views on the ABMT selection process within BBNJ.

Fitchett said that the problem in Palau was increased consumption from other sectors not considered in designating closures. Closing one area increased and exacerbated the diminishing local supply of fish into the local markets and contributed to local overfishing. Fitchett also said that the workshop has a section in its Roadmap document that will address moving forward with ABMT to address international governance issues. The workshop made it clear, as does BBNJ, that ABMT is not and should not be exclusively about closures.

Watamura asked how ABMTs are effective for highly migratory species, citing bottomfish restricted fishing areas in Hawai'i as examples of how they are not needed.

Fitchett said that technical advances allow for the management of very dynamic parcels in the ocean to achieve very precise and specific objectives.

Goto asked Fitchett to provide a report on the IATTC.

Fitchett reported on the IATTC Science Advisory Committee (SAC), which was meeting intermittently throughout the summer. The IATTC has had new stock assessments for bigeye tuna and yellowfin tuna. The outlook is much more optimistic for yellowfin tuna and slightly more optimistic for bigeye tuna. However, there is little indication the SAC will be augmenting catch levels of bigeye tuna. At present, there is a 10% risk of breaking the limit reference point for bigeye tuna and a 95% probability of exceeding MSY under the current model runs. So even though only 10% of the models are below the limit reference point, at least the science provider would not comment any further versus saying that the stock is likely not overfished.

H. Advisory Group Report and Recommendations

1. Advisory Panel Report

Tam presented the AP report and recommendations regarding pelagic and international fisheries.

Regarding South Pacific albacore, the American Samoa AP recommended the Council request that the Pelagic Plan Team look at the South Pacific albacore indicators, provide more information on spatial catches within the region including American Samoa, and investigate ecosystem drivers for inclusion in the SAFE report.

Regarding electronic reporting, the American Samoa AP recommended the Council request NMFS PIFSC work with staff to convene a meeting with American Samoa longline owners to discuss inclusion of American Samoa in the Electronic Reporting

Implementation Plan and to include American Samoa representatives in its Electronic Technologies Steering Committee.

Regarding electronic reporting, the American Samoa AP recommended the Council request NMFS to work with the American Samoa longline fishery to begin implementation of electronic reporting as soon as possible and set a target date of Oct. 1, 2021 for mandatory electronic reporting.

Regarding considerations for developing RPM and/or RPAs for the Hawai'i deep-set longline fishery, the Hawai'i AP recommended the Council prioritize improving handling and release methods to improve post-hooking survival rate in developing potential mitigation measures in the Hawai'i deep-set longline fishery, noting that the interactions with leatherback turtles and giant manta rays are rare and tagging data indicate handling methods can improve post-hooking survival. The Hawai'i AP further recommended the Council work with the Hawai'i longline fishery participants in evaluating potential impacts of mitigation measures on fishing operations and fishery participant.

Tam said support for the local fishery and tagging work to discern stock boundaries of fish, such as striped marlin, such continue.

2. Pelagic Plan Team Report

Kobayashi presented the report and recommendations.

Regarding the oceanic whitetip stock status determination and RPM considerations, the Pelagic Plan Team recommended that the Council convene an interdisciplinary working group to develop a roadmap for generating analyses and/or potential measures for oceanic whitetip sharks regarding emerging requirements under the MSA and ESA. Bigelow agreed to lead this group. The Plan Team further recognized that prioritizations of scientific needs for target and non-target species, as well as protected species, are imperative.

Regarding RPM considerations and protected species distributions, the Pelagic Plan Team recommended that the Council request PIFSC scientists to incorporate phytoplankton distribution from remote-sensing data into the existing EBFM framework regarding giant manta ray habitat that may overlap with the distribution of longline fisheries.

3. Scientific and Statistical Committee Report

Lynch presented the SSC report and recommendations regarding pelagic and international fisheries. He explained that a small subgroup of the SSC was formed to address considerations for developing RPMs and RPA for the deep-set American Samoa longline fishery. The intent was to provide some preliminary thoughts and recommendations for consideration by PRD and SFD as they develop the BiOps. The small working group reviewed the RPMs and Terms and Conditions in the Hawai'i shallow-set longline fishery and had a discussion with industry to try to identify measures that the working group felt would be appropriate and those that may not be appropriate in view of how the fishery is operated.

Regarding considerations for developing RPMs and RPA for the deep-set American Samoa longline fishery, the SSC adopted the working group report and recommended that the Council take into account the following considerations for developing RPMs/RPAs in the deep-set and American Samoa longline fisheries:

- Relative impact of leatherback, giant manta ray and oceanic whitetip shark interactions in the deep-set and American Samoa longline fisheries are low compared to other fisheries, and thus any measures implemented in the deep-set and American Samoa longline fisheries are likely to have only a limited effect at the population level.
- Hard caps and trip limits are not considered feasible measures in the deep-set and American Samoa longline fisheries at this time without 100% observer coverage or an effective electronic monitoring program in place given the current observer coverage of about 20%.
- Development of time-area closures or move-on rules should consider tradeoffs of target catch and protected species interactions as well as potential impacts of effort displacement. Several projects are underway (e.g., the PIFSC EBFM project on longline bycatch covariates) to evaluate potential impacts of effort removal/redistribution from closed areas on fishery performance.
- Mitigation measures for protected species should create incentives for industry to report and reduce impacts, such as allowing industry to develop a bycatch management plan to be implemented across the fleet and approved by the Council each year. Exploring the feasibility of an industry-led program coupled with establishment of management incentives through the Council process should be considered as a high priority.
- Given the low levels of verification for foreign fleets operating on the high seas in the North Pacific, data from the Hawai‘i longline fleet gives almost the only reliable information on the possible overall number of interactions with protected species by longline fishing. Therefore, there is significant conservation value in the information collected by the fleet and from the fleet through observer coverage and electronic monitoring.

I. Standing Committee Report and Recommendations

Goto reported that the Pelagic and International Standing Committee deferred all recommendations to the Council.

J. Public Comment

Moana Bjur, CCH executive director, said her organization is in current litigation to protect the oceanic whitetip shark, which the NMFS listed in March 2018 as being threatened throughout its global range under the ESA and more recently on May 1, 2020, NMFS made the determination that the WCPO stock of oceanic whitetip sharks overfished and subject to

overfishing. She claimed the most recent assessment showed that if the current levels of bycatch continue oceanic whitetip sharks will go extinct. She said swift action is need and thanked the Council for taking its responsibility seriously to develop and submit recommendations for regulations to address the impacts of U.S. fishing vessels on the population and to develop and submit recommendations to the Secretary of State and to Congress for international actions that will end overfishing and rebuild the population within the next year. She said international conservation measures that prohibit vessels from retaining sharks and require steps for safe release have not gone far enough. CCH strongly recommends a catch limit be set, adopted and implemented domestically and internationally to reduce bycatch of oceanic whitetip. CCH appreciates the Council's research efforts to assess post-release survival rates and encourages support for its continued efforts to identify and implement alternative handling methods to reduce post-release mortality.

Mike Nakachi, representing Moana Ohana, said his family members are Hawai'i practitioners and he aims to collectively do what is best for the ocean and its inhabitants while taking care of kanaka and people throughout this world. He said the International Union for the Conservation of Nature listed oceanic whitetip sharks as critically endangered. He wished the Council would identify and implement safe handling practices, citing cultural approaches that have long been forgotten and suppressed because of Western ways and exploitation of fishing pressure on all of its inhabitants.

Brittney Hardy, Earthjustice, reiterated that the Council is required to develop recommendations to address international overfishing and the impacts of domestic U.S. fisheries. She highlighted and stressed that, even if the relative impact of U.S. vessels is smaller compared to international vessels, the Council is still required to develop measures to address that U.S. contribution to overfishing. She said BiOps will be coming soon for the Hawai'i deep-set and the American Samoa longline fisheries and will ultimately have domestic take limits for oceanic whitetip shark. She said it makes sense for the Council to get a head start and develop domestic measures that will reduce the take and to comply with both its ESA and MSA obligations.

David Gershman, Ocean Foundation International Fisheries Conservation Program, said that, in light of the status of the oceanic whitetip shark stock, he is concerned that action needs to be taken beyond looking at handling practices. His organization urged the Council as it reviews the status of the species and looks both at the impact of the U.S. fleet and to the international fisheries in the Pacific to examine a full range of strategies and/or fishing, including bait and gear modifications, and rebuild the stock. He said, if removing wire leaders continues to be unacceptable to the fishery, to consider other options such as removal of shallow hooks, which have been assessed and evaluated. He urged the Council to identify nursery or hotspot areas of oceanic whitetip sharks. He said many of these strategies could be applied to striped marlin.

Kingma noted the delays with Amendment 9 and hardships with the shallow-set fishery. He urged NMFS to show urgency in support of the fisheries. Regarding striped marlin and oceanic whitetip, the Hawai'i fishery is 4% of fishing effort. Mitigation of the Hawai'i fishery will not change direction of the stock status, unless what is done is innovative and is able to transfer measures to foreign fleets. There is an opportunity to do so, but the legal aspects should match the measures with the impact. HLA supports recommendations from the SSC and Pelagic Plan Team regarding RPMs, and is working to develop RPMs from the industry side with the

aim of presenting that to SFD. He encouraged the Council to work with SFD and match the impact with the appropriate RPMs. He also raised concerns with respect to WCPFC tropical tuna measures, the United States losing vessels in its purse-seine fleet and foreign fisheries, such as China, outcompeting the United States for longline caught fish. He said the Chinese fishing industries will supplant the U.S. industries, which is a food security issue.

K. Council Discussion and Action

*Regarding imports of tuna and tuna products into Hawai'i and Guam, the Council **directed staff to work with the Seafood Trade Task Force, created by Presidential EO on May 7, 2020, to evaluate all impacts of foreign-sourced fishery products on domestic fisheries and markets. The evaluation should focus on foreign-sourced fishery products into Hawai'i and Guam with known seafood safety concerns such as carbon-monoxide gassed tuna including the potential suspension of such products during the COVID-19 pandemic.***

The Council requested the director of the NMFS Office of International Affairs and Seafood Inspection to provide a status update to the Council at its September 2020 meeting on the certification of foreign fisheries that meet the MMPA equivalency provisions.

Gourley requested the recommendation not refer to the Territories.

Muna-Brecht asked that Guam be included in the recommendation, as the purpose is to evaluate the impacts.

Goto and Rice agreed to the changes.

Moved by Goto; seconded by Rice.

Motion passed.

*Regarding 2021 U.S. and Territorial longline bigeye specifications, the Council **recommended specifying a 2,000-metric ton catch limit for each U.S. Participating Territory, allowing each U.S. Participating Territory to specify up to 1,500 metric tons and limiting total allocations to not collectively exceed 3,000 metric tons among all Participating Territories.***

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed 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 authorized the executive director and the chair 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 chair were 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.

Tosatto said he would abstain as this is final action that would come before NMFS for a decision.

Moved by Goto; seconded by Dunham.
Motion passed with Tosatto abstaining.

Regarding electronic reporting, 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 electronic reporting implementation plan and to include an American Samoa representative in its Electronic Technologies Steering Committee.

The Council directed staff to include the American Samoa longline fishery in the mandatory electronic reporting amendment package scheduled for final action at the September meeting. The Council recommended setting a target implementation date of Oct. 1, 2021, for requiring mandatory electronic reporting in the American Samoa longline fishery.

The Council requested that NMFS PIFSC work with the American Samoa longline fishery to begin training and rollout of the electronic reporting system as soon as possible.

Moved by Goto; seconded by Dunham.
Motion passed.

Regarding oceanic whitetip sharks, the Council directed staff to organize appropriate participants from NMFS PIFSC, NMFS PIRO, the State of Hawai‘i, industry and other collaborative partners to convene an interdisciplinary working group to develop a roadmap for generating analyses and measures for oceanic whitetip sharks regarding requirements under the MSA Section 304(i) and ESA consultations.

Tosatto said he would support this measure but cautioned against entangling the requirements of ESA and MSA actions. He said developing a roadmap to generate analyses seemed to be a time-consuming process, which should happen quickly because of the one-year timeframe to meet the MSA deadline.

Moved by Goto; seconded by Dunham.
Motion passed.

Regarding striped marlin, the Council directed staff and requested NMFS to proceed with Amendment 8 as soon as possible. Staff should continue to work with NMFS on any future rebuilding plan terms for WCNPO striped marlin.

The Council directed staff to work with NMFS to formulate a working group on striped marlin to plan actions to satisfy required actions under MSA Section 304(i).

Moved by Goto; seconded by Dunham.

Motion passed.

Regarding considerations for developing RPMs and/or RPAs for the Hawai'i deep-set longline and American Samoa longline fisheries, the Council directed staff to continue to work with NMFS PIRO, NMFS 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.

Moved by Goto; seconded by Dunham.

Motion passed.

Regarding considerations for developing RPMs and/or RPAs for the Hawai'i deep-set longline and American Samoa longline fisheries, the Council recommended NMFS take into account the following considerations in its initial development of any draft RPMs:

- a. **Due to the ongoing impacts from COVID-19 on Hawai'i deep-set and American Samoa longline fisheries, any RPMs/RPAs should not create additional regulatory or economic burden, consistent with the intent of the EO on Promoting American Seafood Competitiveness and Economic Growth and the EO on Regulatory Relief to Support Economic Recovery.**
- b. **Relative impact of leatherback, giant manta ray and oceanic whitetip shark interactions in the Hawai'i deep-set and American Samoa longline fisheries are low compared to other fisheries, and thus any measures implemented in the Hawai'i deep-set and American Samoa longline fisheries are likely to have only a limited effect at the population level.**
- c. **Priority should be placed on improving handling and release methods to improve post-hooking survival rate in developing potential mitigation measures in the Hawai'i deep-set longline fishery, noting that the interactions with leatherback turtles and giant manta rays are rare and that tagging data indicate handling methods can improve post-hooking survival.**
- d. **Hard caps and trip limits are not considered feasible measures in the Hawai'i deep-set and American Samoa longline fisheries at this time without 100% observer coverage or an effective electronic monitoring program in place given the current observer coverage of ca 20%.**
- e. **Development of time-area closures or move-on rules should consider tradeoffs of target catch and protected species interactions as well as potential impacts of effort displacement. Several projects are underway (e.g., PIFSC EBFM project on longline bycatch covariates) to evaluate potential impacts of effort removal/redistribution from closed areas on fishery performance.**

- f. **Mitigation measures for protected species should create incentives for industry to report and reduce impacts, such as allowing the industry to develop a bycatch management plan to be implemented across the fleet and approved by the Council each year. Exploring the feasibility of an industry-led program coupled with the establishment of management incentives through the Council process should be considered as a high priority.**
- g. **Given the low levels of verification for foreign fleets operating on the high seas in the North Pacific, data from the Hawai'i longline fleet gives almost the only reliable information on the possible overall number of interactions with protected species by longline fishing. Therefore, there is significant conservation value in the information collected by the fleet and from the fleet through observer coverage and electronic monitoring.**

Tosatto said he would abstain, mostly given the length of the list but also because some items are not supportable and he could not agree with some statements.

*Moved by Goto; seconded by Rice.
Motion passed with Tosatto abstaining.*

*Regarding considerations for developing RPMs and/or RPAs for the Hawai'i deep-set longline and American Samoa longline fisheries, the Council **requests NMFS PIFSC to incorporate phytoplankton distribution from remote sensing data into the existing EBFM project framework regarding giant manta ray habitat that may overlap with distribution of longline fisheries.***

*Moved by Goto; seconded by Rice.
Motion passed.*

*Regarding imports of tuna and tuna products into Hawai'i and Guam, the Council **directed staff to write a letter to the Department of Commerce representative on the Seafood Trade Task Force to include the Regional Fishery Management Councils in its activities.***

*Moved by Goto; seconded by Rice.
Motion passed.*

XV. Administrative Matters

A. Financial Reports

1. Current Grants

Simonds reported on current FY 2020 funding the Council received under the multi-year administration budget and also thanked PIFSC and PIRO for the add-on funds received. This included funding for territorial science, high school summer courses, education scholarships and electronic reporting support. Expenditures have been lower due to travel changes. She said staff

is available to respond to any questions regarding the multi-year, coral reef, turtle and sustainable fisheries budget and project reports.

B. Administrative Reports

Simonds reported no staff change since the March 2020 Council meeting. Staff has been primarily teleworking and in the office at least one day a week. Teleworking ended on the last week of May, as all staff returned to the office to provide support for the CCC meeting and other meetings through June. The Council's annual audit started in May and the Office of Inspector General audit requested by the House Resources Committee is ongoing. The Council continued to receive more Freedom of Information Act requests than any other Council, the latest being from Nathan Eagle, who asked for the Council's general ledger from 2017 to present, and for a list of the Council staff members and their salaries.

C. Council Coordination Committee Meetings

Simonds reported on the CCC meeting. Letters and reports are available on the CCC website along with the CCC letter from the Council chairs to Commerce Secretary Ross.

D. Council Family Changes

DeMello reported that the Council received an email from George Moses of the CNMI AP noting his resignation. The Council also received a few recommendations regarding alternates for the American Samoa AP. The State of Hawai'i requested replacing Ryan Okano with Jason Helyer on the SSC. The staff has requested to reconstitute the Noncommercial Fisheries Advisory Committee and Fishing Industry Advisory Committee amid the pandemic and new information.

Simonds said Tosatto mentioned the PRIA Marine National Monument Community Group in his report and requested adding two fishery groups to that community group.

E. Meetings and Workshops

Simonds reported that the majority of meetings are being done by webinar and that the Council plans on hosting the September and December SSC and Council meetings virtually. This includes the Fall CCC meeting for which the Council is still developing an agenda with the other executive directors.

F. Standing Committee Report and Recommendations

Soliai reported the Executive and Budget Committee met on June 22, 2020, and discussed items that Simonds had noted in agenda items A-E so there are no further reports. Recommendations will be included in Council discussion and action.

G. Public Comment

There were no public comments.

H. Council Discussion and Action

Regarding Council family changes, the Council recommended the following AP changes:

- a. **Appointed Pafuti Ana Tupua, Frank L. Barron and Jerome Ierome as alternates to the American Samoa AP; and**
- b. **Accepted the resignation of George Moses and directed staff to remove him as an alternate on the CNMI-Mariana AP.**

The Council directed staff to develop a Terms of References to re-constitute the Non-Commercial Fisheries Advisory Committee and Fishing Industry Advisory Committee and solicit new members for Council consideration and approval in September 2020.

The Council approved Jason Helyer as the Hawai‘i DAR representative to the SSC.

Moved by Watamura; seconded by Goto.

Motion passed.

Regarding the CCC, the Council endorsed the draft May CCC report and recommendations and directed staff to work with NMFS to coordinate and host the September 2020 CCC meeting.

Moved by Watamura; seconded by Goto.

Motion passed.

Regarding offshore wind, the Council directed staff to draft a Council offshore wind policy that considers the following concerns:

- **The potential area closure around the offshore wind areas will take away fishing grounds;**
- **The wind turbines will act as FADs that will affect the annual migration patterns of yellowfin tuna;**
- **Schools of juvenile fishes around these turbines attract seabirds and may interact with these protected species; and**
- **The undersea cables from these offshore wind farms will impact the bottom substrate further compromising the benthic habitats.**

Watamura said he was part of Hawaii Fishermen’s Alliance for Conservation and Tradition (HFACT) at the time that it met with wind farm companies and heard about their proposals. HFACT sought input from fishermen. He said the recommendation in large part stems from those discussions with fishermen and HFACT regarding the potential problems with the wind farm companies. One of the main issues was fish aggregation and impacts on the migration pattern.

Tosatto said that Council staff could explore what other Councils have done on the issue in developing this Council policy. He said that further research would be needed to determine if it would affect migration patterns beyond an episodic diversion and that the Council may want to look at other programmatic considerations.

Simonds said that the Pacific and New England Councils had a lot of discussion on this issue at the CCC meeting. This Council has also met with BOEM several times over the last several years to discuss these concerns. She said that a programmatic environmental impact statement is warranted due to the big-picture nature of the issue.

Onaga said that, while this issue was discussed at the CCC, the Council's jurisdiction in regards to MSA on this issue is unclear and should be examined more closely.

Moved by Watamura; seconded by Goto.
Motion passed.

Regarding the PRIMNM, the Council recommended that NMFS PIRO and USFWS include American Samoa longliners, HLA and the ATA on the PRIMNM Community Group as these groups have historically utilized the areas around the PRIAs.

Moved by Rice; seconded by Watamura.
Motion passed.

XVI. Other Business

Council staff read the resolution for Council member Michael Goto, thanked him for his service and wished him a fond farewell as this was the last meeting within his appointed term.

Henry Sesepasara directed a question to Tosatto inquiring if the StarKist canning company and purse seiners in American Samoa qualify for a portion of the CARES Act as that will impact the distribution of funding.

Tosatto said that it would be best to contact his staff and the PSMFC regarding its plan to help develop and disburse funds and what would be appropriate between fisheries and processing. He said vessels operating out of American Samoa are eligible for funding as participants in U.S. fisheries and a cannery enterprise also operating out of American Samoa is allowed to access funds. The amount that was distributed to American Samoa included revenues derived by the U.S. landing of the purse-seine fishery that contributed to the calculation of the \$2.3 million.

There was no other business.

[Meeting adjourned.]