



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

September 29, 2011

To: Interested Parties

From: Kitty M. Simonds

A handwritten signature in black ink that reads "Kitty M. Simonds".

Subject: Action item summary for the 152nd Council Meeting

The Western Pacific Regional Fishery Management Council will consider the issues summarized below, including any public comments, and is expected to take action on them at its 152nd meeting. For background documents on these actions, please contact the Council or, after October 7, go to www.wpcouncil.org/meetings. The meeting will be held October 19-22, 2011, at the YWCA-Fuller Hall, Honolulu, HI. Written comments should be sent to the Council's Executive Director by 5 p.m. on October 14, 2011, by mail, FAX, or email as indicated below. After October 14, the commenter must provide 40 copies at the meeting to Council members.

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- Action Items:
1. Annual Catch Limits, including non-Deep7 Main Hawaiian Islands (MHI) Bottomfish
 2. Community Development Plan (CDP) Proposal: Traditional Fishing Training Program and Exemption to the MHI Pelagic Longline Closed Area
 3. Non-Commercial Data Collection Options for Hawaii
 4. Hawaii Bottomfish Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC)
 5. American Samoa Swordfish Fishery
 6. Striped Marlin Catch Limits

1. Annual Catch Limits (ACLs)

The 2006 reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) included requirements to end overfishing and rebuild overfished stocks. Under the MSA, Regional Fishery Management Councils (RFMCs) are to amend their fishery management plans to include a mechanism for specifying annual catch limits (ACLs) for all fisheries so overfishing does not occur and to implement measures to ensure accountability (AMs) for adhering to these limits. To establish an ACL, first the Science and Statistical Committee (SSC) must determine the acceptable biological catch (ABC) based on maximum sustainable yield (MSY). The Council will be making decisions on ACLs based on the ABCs determined by the SSC.

a) Species with No MSY, Existing Quota, or Reference Points

At the 107th SSC Meeting and 151st Council Meeting, the ABCs and ACLs specification process had been applied to the Tier 5 stocks. Tier 5 stocks are mostly coral reef fish, mollusk, and crustaceans that have catch time-series data but do not have MSY estimates. However, since some values have changed due to further analyses, the updated MSY estimates will be presented at the 108th SSC meeting. The Council will then need to endorse the ABC values and recommend ACLs based on the ABCs. The four alternatives for ABC are based on a percent of habitat-expanded biomass and include: 50%, 25%, 10%, or 5% of the habitat-expanded biomass. The ACL alternatives include either 1) No Action or 2) ACL equals ABC.

b) Species with MSY, Existing Quota, or Reference Points

1. Coastal Pelagics in Hawaii

At the 107th SSC meeting, the SSC recommended that ABC be set equal to MSY for Hawaii akule and opelu because both are coastal pelagics with short lifespans and high turnover rates. The Council endorsed the recommendation because recent catch relative to biomass is relatively small. The Council will review its decision.

2. Non-Finfish for All Island Areas

The Council will review the SSC's recommended ABCs and then specify ACLs for deepwater shrimp, Kona crab, spiny and slipper lobsters, and precious corals of American Samoa, Commonwealth of the Northern Mariana Islands (CNMI), Guam, and Hawaii.

3. Bottomfish in American Samoa, CNMI, and Guam

The Council will review the SSC's recommended ABCs and then specify ACLs.

4. Non Deep-7 Bottomfish in Hawaii

The Council will review the SSC's recommended ABC and specify an ACL.

2. CDP Proposal: Traditional Fishing Training Program and Exemption to the MHI Pelagic Longline Closed Area

Pursuant to Section 305(i)(2)(A) of the MSA, eligibility requirements and procedures for reviewing and approving community development plans (CDP) were established (75 FR 54044, September 3, 2010; 75 FR 68119, November 5, 2010). An exemption has been requested under this authority to longline within the longline closed area around Hawaii using traditional basket gear for the purpose of training youth. This request to grant the exemption is now entering one year since the process began. The Council will hear a report on the progress of this request.

3. Non-Commercial Data Collection Options

Although some information is available on most of the fisheries under the Council's jurisdiction, detailed information many fisheries is incomplete. The MSA defines "fishery" as (A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and (B) any fishing for such stocks. The Council had recommended, and NMFS implemented, data collection as part of the requirement for permits for most of its fisheries in the EEZ. The data that are collected are vital for fishery scientists to develop stock assessments and provide estimates to managers to develop quotas, catch shares, or annual catch limits. The data also provides a way to monitor the fishery from year to year to ensure that current regulations are working and to see if further regulations (or relaxation of regulations) are needed. However, gaps remain where data are either not collected or the data collection programs in place may not be sufficient.

The State of Hawaii requires reporting of fishing effort and catch by all commercial fishermen (i.e., those who sell one or more fish during the year) and collects non-commercial fishing information through the Hawaii Marine Recreational Fishery Survey (HMRFS). However, some fishermen may sell their fish and not report or they may not report all of their catch.

In Hawaii, the HMRFS program is part of the larger, national Marine Recreational Fishery Statistical Survey (MRFSS), which was found to be deficient in many areas. MRFSS is being supplanted by the Marine Recreational Information Program (MRIP) to address these deficiencies, but MRIP has been a long and slow process. According to a review of the HMRFS program data, the new MRIP estimation method cannot be used to correct historic HMRFS data because the HMRFS and MRFSS programs differ in their policies and procedure practices

The costs of reviewing HMRFS independently and providing improvements need to be weighed against the potential outcomes to determine if a stock assessment usable for creating ACLs can be developed more cost effectively by other methods, such as federal permitting and reporting.

The Council, at its 151st meeting, recommended developing alternatives to require federal permitting and reporting for all fisheries in Hawaii that currently do not have federal permits or reporting requirements. Because the Council has, for the most part, deferred to the State of Hawaii for commercial fishery reporting, those fisheries that would be affected by these

regulations would include non-commercial/recreational pelagic species and currently harvested coral reef taxa.

Collecting complete data from the fisheries in the WPR has even greater importance today, as the deadlines for mandates such as ACLs begin to lapse. The Council, at its 152nd Meeting, will consider the following alternatives, and may make a recommendation to NMFS for non-commercial fishery data collection in Hawaii:

- 1) No Action
- 2) Require Federal permits and monthly logbooks for non-commercial coral reef fish and pelagic fish in the US EEZ around Hawaii
- 3) Require a single non-commercial Federal permit and monthly logbooks for all non-commercial fisheries in the US EEZ around Hawaii
- 4) Require a single Federal permit for owners of vessels that conduct non-commercial fishing in the US EEZ around Hawaii and require catch reports on a per-trip basis

4. Hawaii BMUS EFH and HAPC

Staff will provide the Council alternatives to consider revising the Hawaii BMUS EFH and HAPC designations based on new scientific information, contractor review recommendations and WPSAR findings. Three options are presented in the draft amendment, which include:

1. No Action – EFH designation for bottomfish remain the same.
2. Shallow, Intermediate and Deep-water Complexes with individual EFH definitions for all species and life stages (eggs, post hatch pelagic, post settlement and sub-adult – adult).
3. Shallow, Intermediate and Deep-water Complexes with individual EFH definitions for Deep-7 Species and life stages (eggs, post hatch pelagic, post settlement and sub-adult – adult)

Three options presented for refining EFH designations for seamount groundfish species in the Hawaii Archipelago include:

1. No Action – EFH for groundfish remain the same
2. Define EFH for specific life stages and add area specific boundary designations for groundfish at Cross Seamount
3. Define species specific EFH for life stages and remove the area specific designation for groundfish

Three options are presented for refining and/or designating HAPC for bottomfish in the Hawaii Archipelago include:

1. No-Action – Current Designations
2. Sixteen Defined HACP Areas – Review Recommendations
3. Seven Defined HAPC Areas – WPSAR Recommendations

Two options are presented for defining HAPC for seamount groundfish in the Hawaii Archipelago. They include:

1. No Action – No defined HAPC areas
2. Two Defined HAPC areas – WPSAR Recommendation

5. American Samoa Swordfish Fishery

The American Samoa longline fishery developed in the mid 1990s and matured at the beginning of this decade. Initially, it was primarily a nearshore coastal longline fishery dominated by outboard powered catamaran vessels known locally as alias, using hand deployed and retrieved longline gear. From 2000 onwards, the fishery came to be dominated by conventional large mono-hulled longline vessels, comparable in size to those in the Hawaii longline fisheries.

The advent of conventional large longline vessels meant that NMFS observers could be deployed to record effort, catch, and protected species interactions in the American Samoa longline fishery. Extrapolation of these observations made between 2006 and 2010 suggests that an average of 33 green turtles interacted annually with the fishery, with a mortality rate estimated at 92 percent. In 2008, the Council took action to reduce this interaction rate by requiring longline sets to be at least 100 m deep because most green sea turtle interactions occurred on the first and second hooks nearest the float, likely at less than 100 m depth.

This amendment was implemented in September 2011 and effectively prohibits any shallow-set longline fishing for swordfish or other fishes by American Samoa longliners. Although swordfish are caught in the waters of the U.S. EEZ around American Samoa, and the gear modifications would allow the retention of up to 10 swordfish, this species shows an anti-tropical distribution in terms of abundance and are often found at the confluence of cold and warm ocean currents where productivity is high. Spanish and Cook Islands longline vessels, for example, fish for swordfish predominantly in latitudes between 20 and 40 deg S, in high seas waters approximately 800 nm south of American Samoa. Some American Samoa vessels have successfully targeted swordfish in these waters. Unfortunately, transporting the fish to the lucrative East Coast swordfish market did not yield the expected financial returns. If marketing issues could be solved or become more favorable, American Samoa fishermen are likely to regain interest in targeting swordfish. At the 150th Council Meeting, the Council directed staff to prepare a draft amendment specifying regulations for an American Samoa shallow-set longline fishery, which would operate under the American Samoa longline limited entry program, to target swordfish and other pelagic species.

At the 151st Council Meeting, the Council considered different mechanisms for implementing a shallow-set longline fisheries including amending the Pelagics FEP to permit shallow-set longline fishing, using an Exempted Fishing Permit to allow for shallow-set swordfish fishing, and establishing a Community Development Program (CDP) to allow American Samoa communities to be exempted from the deep-set requirements. The Council then recommended that staff prepare a draft FEP amendment to establish measures for an American Samoa shallow-set longline fishery.

At the 152nd Council meeting, the Council will consider various options to be included in an amendment to the Pelagics Fishery Ecosystem Plan (PFEP) to permit shallow-set swordfish fishing by American Samoa longline vessels, particularly requirements to mitigate the potential for interactions with sea turtles and seabirds. Without this amendment, vessels are unable to shallow-set their gear.

The following alternatives are analyzed:

1. No Action
2. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish without any sea turtle or seabird mitigation measures
3. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish employing the full suite of mitigation measures required for sea turtle in the Hawaii shallow set fishery but without specific seabird mitigation measures.
4. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish employing the full suite of mitigation measures required for sea turtle mitigation and including seabird mitigation measures required in Hawaii.
5. Amend the PFEP to permit the use of shallow set longline fishing to target swordfish employing sea turtles mitigation measures and seabird mitigation measures required in Hawaii, and include spatial restrictions on shallow set fishery, i.e. exclude fishing from within the US EEZ around American Samoa and permit fishing below 20 deg S line of latitude.

The Council may select a preferred alternative for Council action or suggest another preferred alternative. The Council may also consider the current swordfish trip limit for the American Samoa longline fishery in response to concerns expressed by American Samoa longline fishermen on the application of the Hawaii limit (10 swordfish per trip) to American Samoa.

6. Striped Marlin Catch Limits

The 7th Meeting of the Western and Central Pacific Fisheries Commission (WCPFC) adopted Conservation and Management Measure (CMM) 2010-01, which requires Commission members and Cooperating non-members (CCMs) to reduce total catches of North Pacific striped marlin in a phased reduction (10%, 5%, and 5%) from 2011 to 2013 such that by January 1, 2013, the catch is 80% of the levels caught in 2000 to 2003. US historical longline catches of North Pacific striped marlin in the WCPFC convention area have ranged between 200-700 mt. Applying CMM 2010-01 to the period 2000-2003 where the maximum catch was 573 mt produces catch limits of 516 mt in 2011, 487 mt in 2012, and 458 mt in 2013.

The Interim Scientific Committee (ISC) stock assessment for North Pacific striped marlin scheduled for release in 2011 was not completed in time for the WCPFC Scientific Committee's 7th meeting (SC7). At SC7, CCMs expressed both their concern over the status of the North Pacific striped marlin stock and their disappointment that the planned ISC stock assessment had not been completed, which was largely due to delays in data submission by ISC members. They further called into question the ability of the ISC process to deliver on this issue. They subsequently recommended that the Secretariat of the Pacific Community – Oceanic Fisheries Program, as science providers to the Commission, be tasked with undertaking a new stock assessment in 2012 as part of the work program of the SC.

The 2011 US catch of striped marlin is being monitored in relation to the possibility that the US fishery (all gears combined) might reach a total catch level equal to the 2000-2003 maximum annual catch (573 mt) in the WCPFC Area reduced by 10% (516 mt; reduction for the first year). A forecast similar to those conducted for bigeye tuna and yellowfin tuna was based on 2005-2010 monthly catch data. The forecast indicates the striped marlin catch that might be

reached by the end of the year but with considerable uncertainty. Average weight data for 2011 indicate that striped marlin were much smaller than in 2005-2010. The Council may make a recommendation on striped marlin conservation, although the results of any WCPO stock assessment will not be available until 2012.