



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

**MEMORANDUM**

TO: Interested Parties

June 5, 2014

FROM: Kitty M. Simonds

**SUBJECT: Action Items for 160<sup>th</sup> Council Meeting**

- 1. Stock assessment Prioritization Review**
  - 2. Specifying Annual Catch Limits for the crustacean, precious corals, coral reef, Main Hawaiian Islands non-deep 7 bottomfish, Main Hawaiian Island Deep 7 bottomfish in the Western Pacific Region**
  - 3. Evaluation of 2013 catch relative to 2013 ACLs**
  - 4. Marianas Bottomfish Area Closure Modification (Action Item)**
  - 5. Modification of American Samoa Large Vessel Prohibited Area**
  - 6. Experimental Fishing Permit- American Samoa large vessel prohibited area**
  - 7. Overfished determination of North Pacific WCPO Striped Marlin**
  - 8. Removal of the MHI Bottomfish non-commercial bag limit and establishment of a market delay for the sale of deep-7 bottomfish after the fishery closure (Action Item)**
  - 9. American Samoa, CNMI, Guam, and PRIA/Hawaii Marine Conservation Plans**
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The Council will consider this issue summarized below, including any public comments on this initiative. The Council is expected to take action on this at its 160th Council Meeting to be held between Wednesday June 25, and Friday June 27 at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu Ahupuaa, Kona Moku Honolulu, Hawaii. Written comments should be sent to the Council's Executive Director by 5:00 p.m. (Hawaii time) June 20, 2014, by mail, FAX or email as indicated below.

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**1. Stock assessment Prioritization Review**

The National Marine Fisheries Service (NMFS) has published a draft protocol for national prioritizing stock assessments for federally managed fish stocks. The draft protocol uses the following aspects of fish stocks to create a numerical score for a given stock:

1. Fishery importance (commercial and recreational value to the regional fishing communities, with additional considerations);
2. Ecosystem importance (role of the stock in the ecosystem and strength of its interactions with other species);
3. Stock status (relative to target and limit levels of abundance and fishing mortality);
4. Stock biology (how much change is expected per year, on average);
5. History of assessment, including availability of new information to resolve extant issues or indicate a change in stock abundance.

The prioritization process uses the above factors in two steps. First is the setting of goals for the comprehensiveness and timeliness of assessments for each stock. This needs to be conducted as an initial step and updated occasionally, but not annually. This step includes consideration of which stocks need assessments and which of these assessments can be simple baseline monitoring.

The second prioritization step is near annual evaluation of changing stock status, new information, fishery importance, etc. in order to establish priorities for conducting assessments to achieve, to the extent possible, goals of comprehensiveness and timeliness.

Council staff and an SSC Subcommittee reviewed the protocol. The Subcommittee made numerous comments on the process, while agreeing that a stock assessment prioritization process was a worthwhile goal.

One of the main criticisms was the scoring of stock importance based on pounds of fish landed, which would be biased against fisheries such as in Hawaii where landings are low volume but high value. Further, the concept of social and cultural importance also needs to be considered plus additional regional “multiplier” impacts and nonmarket values that should be accounted for as “importance modifiers,” for example, lobsters to New England, shrimp to Louisiana, bigeye sashimi to Hawaii.

### **The Council may take action on the stock assessment prioritization process and formulate its own recommendations for transmission to NMFS**

#### **2. Specifying Annual Catch Limits for the crustacean, precious corals, coral reef, Main Hawaiian Island non-deep 7 bottomfish, Main Hawaiian Island deep 7 bottomfish in the Western Pacific Region**

Magnuson-Steven Act requires the Council to specify Annual Catch Limits (ACLs) for all stock managed under the FEPs on an annual basis. The initial ACL specification was only good for one year. The Council needs to specify ACLs for fishing year 2015 and may consider doing a multi-year specification similar to the recommendations at its 159<sup>th</sup> meeting for the bulk of the coral reef management unit species up to 2018 for the crustacean, coral reef (species of particular concern), precious corals, Hawaii deep 7 bottomfish, and the non-deep 7 bottomfish.

#### **There are three options for the Council to consider:**

##### **Option 1: roll over the existing ACLs for all of the fisheries**

##### **Option 2: set the ACL equal to the new acceptable biological catch (ABC) using new information available (if applicable)**

**Option 3: set the ACL lower than the ABC based on pre-existing social, economic, ecological, and management uncertainty (SEEM) analysis.**

**3. Evaluation of 2013 catch relative to 2013 ACLs**

ACL management requires annual accounting of catch relative to its respective ACL for each of the management unit species in the FEPs. American Samoa did not exceed any of its ACL for all of its stock. Guam exceeded one ACL for the Carangidae (jacks) species complex. Two ACLs were exceeded for the CNMI for the Mullidae (goatfish) species complex and *Selar crumenophthalmus* (atulai). Seven species complex had exceeded its ACLs: spiny lobsters, non-deep 7 bottomfish (primarily uku), parrotfish, surgeonfish, mollusk, coral reef crustaceans, and squirrelfish.

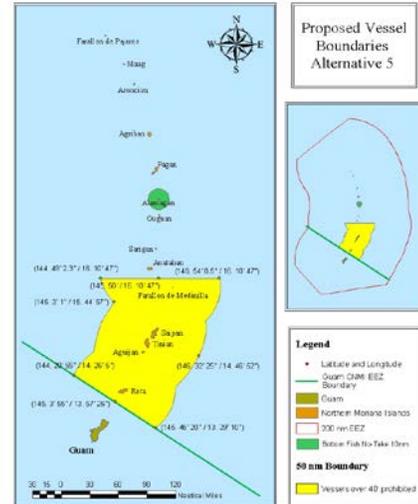
The Plan team provided an explanation on why the overages had occurred. For Guam, after a thorough review of the interview data, there was one fisherman that had *Caranx melampygus* that measured 30lbs. This had inflated the expanded catch. The CNMI overage was due to better coverage of the fishing method that captures this species complex. The Hawaii overage can be attributed to the implementation of the Civil Resource Violation System in 2009.

**The Council may take action on addressing the overage for the stock complexes that exceeded the ACLs.**

**4. Mariana Archipelago Large Bottomfish Vessel Area Closure Modification (Action Item)**

The Council will consider taking final action on alternatives to modify the closure areas in the Northern Mariana Islands to large bottomfish vessel (>40 feet). The draft amendment document presents analysis of two alternative management actions: 1) keeping the 50 nm closures around Tinian, Rota, Saipan and Farallon de Medinilla and 10 nm around Alamagan in place and 2) removing the closures (the preferred alternative).

An additional course of action that was previously considered in the development of this amendment, reducing the closed area from 50 to 30 nm, was determined to be ineffective, after bathymetrical analysis revealed that no additional bottomfish fishing grounds would become available to fishermen under that scenario.



The analysis included a description of the baseline (no action) alternative and potential impacts of action alternatives on the fisheries and their target fish stocks, non-target fishes, bycatch, protected resources, Essential Fish Habitat (EFH) and Habitat areas of Potential Concern, and special resources or management areas. Direct, indirect, short-term, long-term, and cumulative impacts of each alternative were considered, as were potentials impacts associated with environmental justice and climate change.

The preferred alternative was developed using the best available information. Results of these analyses suggest the preferred alternative will balance the needs of CNMI's small-scale quasi-commercial bottomfish fishery with those of the larger commercial fishery in a manner that allows both sectors to continue fishing at sustainable levels. Analyses also indicate that the preferred alternative will provide for the sustained participation of the CNMI fishing community in the fishery and minimize adverse social and economic impacts on CNMI fishing community members, including fishery participants, as well as potentially improve the safety of human life at sea. In addition, the commercial fishery data reporting allows for timely tracking of fishery trends. The preferred alternative may reduce the potential for fishing pressure to expand to distant seamounts (greater than 50 nm from CNMI) that exist in the EEZ waters around CNMI.

## **5. Modification of American Samoa Large Vessel Prohibited Area**

The American Samoa longline fishery has suffered a catastrophic economic collapse. Most vessels are no longer fishing since current catches are insufficient to cover operating costs. The majority of American Samoa vessels fish for albacore that is destined for the StarKist cannery in Pago Pago.

The collapse is not confined solely to the American Samoa fleet. Fleets across the Central South Pacific from Fiji to the Cook Islands have suffered the same scale of fleet contraction, stemming from a mix of high operating costs—mainly fuel—lower prices for albacore and low longline catch rates of albacore.

An influx of Chinese longline vessels is perceived by the longline fishermen across the region to be responsible for the collapse in the fishery. Chinese vessels enjoy substantial subsidies on fuel, licensing, freight costs, vessel construction, exports, tax, loans and labor. The influx of these vessels has caused the catch to double from around 40,000 mt in 1990 to over 80,000 mt in 2012 .

However, most of this catch is taken in the EEZs of Pacific Island Countries (PICs) through access agreements for foreign longline vessels. Over roughly the same period, the catch rate of the American Samoa longline catch has increased to a maximum of over 300,000 fish or about 6,000 mt in 2007, and a low of 117,000 fish or about 2000 mt in 2013.

Following public meetings held in American Samoa in February 2014, the Council at its 159<sup>th</sup> Meeting made the following recommendation:

**The Council directed staff to prepare a draft regulatory/FEP amendment/Framework measure to the Pelagics FEP to modify the Large Vessel Prohibited Area (LVPA) and identify options to reduce, for a period of one year, the northern boundary of the LVPA around Tutuila, Manua, and Rose to 25 nautical miles and to reduce the LVPA around Swains to 12 nautical miles, as the preliminarily preferred.**

The Council held additional public meetings in American Samoa in May 2014 to receive public comments on the preliminary preferred alternative from the 159<sup>th</sup> Council Meeting

At the 160<sup>th</sup> Meeting, the Council will review the range of alternatives—including the preliminary preferred alternative—to implement a temporarily modification to the American Samoa Large Vessel Prohibited Area Closure. These are as follows:

## **1. No Action.**

Under this alternative the areas closed to longline fishing by vessels > 50ft overall length would remain unchanged. Only those American Samoa longline vessels that had been grandfathered into the fishery prior to March 1 2002 would be able to fish within the LVPA

**2a. One year exemption for longline vessels holding an American Samoa longline limited entry permit to be able to fish seaward 25 nm to the north of Tutuila and Manua Islands and seaward from 12 nm around Swains Island for a period of**

**2b. Same as 2a, except that the exemption would for American Samoa longline limited entry permit holders would be for three years**

Under this alternative, those vessels holding American Samoa longline limited entry permits would receive an exemption to allow them to fish within LVPA to a distance of 25 nm to the north of Tutuila and Manua Islands, and to within 12 nm of Swains Island for a period of one year, or for a longer period of three years. Alternative 2a, a one year reduction is the Council's preliminary preferred alternative.

**3a. One year Exemption for longline vessels holding an American Samoa longline limited entry permit to be able to fish in waters of the LVPA (excluding Monument waters):**

- i. seaward of 25 nm to the north of Tutuila and Manua Islands;**
- ii. seaward from 12 nm around Swains Islands; and,**
- iii. within designated waters south of Tutuila and Manua**

**3b. Same as 3a, except that the exemption would for American Samoa longline limited entry permit holders would be for three years.**

Under this alternative, the northern boundary of the LVPA around Tutuila, Manua, and Rose would be reduced from 50 nm to 25 nm, and to within 12 nm of Swains Island. There would also be two exempted areas the south of Tutuila and Manua Islands. These exemptions would be for a period of one year or for a period of three years.

A detailed description of the alternatives and analysis of impacts are included in the amendment document **Modification of the Large Pelagic Vessel Area (LVPA) in American Samoa.**

**After reviewing the alternatives for temporarily modifying the American Samoa Large Vessel Prohibited Area (LVPA) the Council may take final action on this measure.**

## **6. Experimental Fishing Permit- American Samoa large vessel prohibited area**

In March 2014, an American Samoa longline fishery participant applied for an Experimental Fishing Permit to fish within the Large Vessel Prohibited Area (LVPA) with a vessel greater than 50 ft in length. The experimental fishing would involve longline and handline gear fished in association with drifting Fish Aggregation Devices (FADs) used in the tropical purse seine fishery. In May 2014, the applicant provided

additional information requested from NMFS PIRO about the proposed experimental fishing operation.

Under existing federal regulations applicable Western Pacific Region, there is section applicable to Experimental Fishing Permits, including the process to follow and information required in an application (see 50 CFR § 665.17). If an EFP application is submitted, and if NMFS Pacific Islands Region Office (PIRO) deems that application to be complete, the Council will consider the information provided in the application and make a recommendation to PIRO to approve or disapprove the EFP.

Required elements of the application, include but are not limited to, the following information: a) the species (directed and incidental) to be harvested under the EFP and the amount of such harvest necessary to conduct the experiment; b) for each vessel covered by the EFP, the approximate times and places fishing will take place, and the type, size, and amount of gear to be used; c) a statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP; and d) a statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

NMFS has yet to deem that the EFP application is complete pending the completion of an Environmental Assessment (EA) and other associated reviews with applicable law. Council staff has drafted an EA, which will be reviewed at the Council meeting. The Council will consider available information provided by the applicant and draft EA and make recommendations to NMFS regarding the EFP application. If approved by NMFS, the EFP would be valid for a period of one year.

## **7. Overfished determination of North Pacific WCPO Striped Marlin**

The Western and Central North Pacific Ocean (WCPNO) striped marlin stock was officially determined by NMFS to be overfished in a letter received by the Council dated December 5 2013. This was followed a notice in the Federal Register on May 19, 2014.

The overfishing and overfished condition of WCNP striped marlin is due largely to excessive international fishing pressure. However, NMFS believes that the two tuna Regional Fishery Management Organizations IATTC<sup>1</sup> and WCPFC<sup>2</sup> have inadequate measures in place to correct the problem. The WP Council is thus obliged to take international and domestic management action under the relevant sections of the Magnuson-Steven Act to address international and domestic impacts, respectively.

The Council must develop domestic regulations to address the relative impact of the domestic fishing fleet on the stock, and develop recommendations to the Secretary of State and Congress for international actions to end overfishing and rebuild WCNP striped marlin.

The International Scientific Committee to study the tuna and tuna-like species of the North Pacific Ocean (ISC) provided the following scientific information as conservation advice:

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<sup>1</sup> Inter-American Tropical Tuna Commission

<sup>2</sup> Western and Central Pacific Fisheries Commission

- Fishing at FMSY would lead to spawning biomass increases of roughly 45% to 72% from 2012 to 2017.
- Fishing at a constant catch of 2,500 mt would lead to potential increases in spawning biomass of between 133% to 223% by 2017.
- Fishing at a constant catch of 3,600 mt would lead to potential increases in spawning biomass of from 48% to 120% by 2017.

By comparison:

- Fishing at the current fishing mortality rate would lead to spawning biomass increases of 14% to 29% by 2017,
- Fishing at the average 2001-2003 fishing mortality rate would lead to a spawning biomass decrease of 2% under recent recruitment to an increase of 6% under the stock-recruitment curve assumption by 2017.

The Seventh Meeting of the WCPFC adopted CMM 2010-01 required CCMs to reduce total catches of North Pacific Striped Marlin in a phased reduction that by January 1, 2013, the catch would be at 80% of the levels caught in 2000 to 2003. The CMM covered all fisheries, not just longliners. Most striped marlin in Hawaii is landed by the longline fishery (~93%), and most of this longline striped marlin catch comes from WCPO (~90%). US historical longline catches of striped marlin in the NP WCPO have ranged between 200-700 mt. Applying CMM 2010-01 to the period 2000-2003, where the maximum catch was 573 mt, produces a 2013 catch limit of 458 mt. Total catches of striped marlin in 2012 and 2013 amounted to 293 mt and 401 mt respectively.

**The Council will likely take action on domestic and international measures to end overfishing on Western and Central North Pacific striped marlin. Unlike measures for bigeye, however, any domestic management measures would likely apply to all fisheries catching striped marlin.**

#### **8. Removal of the MHI Bottomfish non-commercial bag limit and establishment of a market delay for the sale of deep-7 bottomfish after the fishery closure (Action Item)**

The SSC will consider preliminary options to improve the MHI Bottomfish management regime with regard to non-commercial bag limits and market delays for the sale of bottomfish once the fishery is closed. Currently, the federal regulations stipulate that vessels targeting and landing deep-7 bottomfish from federal waters in the MHI must obtain a federal permit and report their catch on the per-trip basis. In addition, non-commercial fishermen are limited to a total of 5 deep-7 bottomfish per person per day, in any combination, that they are able to retain on a given trip. This provision was included in the initial regulatory package implemented in 2007 as a preventative measure to limit non-commercial deep-7 landings while the commercial sector quota was being implemented and refined. Given that the fishery monitoring and management transition to an ACL-based fishery is fully implemented, the Council will now revisit the purpose and function of this management provision in the larger context of the regime.

The second element of this action is to consider establishing a market grace period or delay for the sale of deep-7 bottomfish after the fishery has been closed. During the first few years of the quota based management regime, the fishery hit its quota which triggered the State and Federal agencies to close fishery for part of the year. As the MHI bottomfish fishery has transitioned to being primarily a single day fishery, fishermen

would fish up until the end of the closure date then deliver their product to the market/auction. The regulations prohibit the possession of deep-7 bottomfish caught from the MHI creating a problem for restaurants, markets and seafood processors who purchase deep-7 species after the fishery has been closed. In response, some markets have rejected purchasing deep-7 bottomfish caught and delivered to market up to one week prior to the closure. To address this issue, the Council will consider establishing market delays for the sale of deep-7 bottomfish of 3 days and 5 days after the closure of the fishery.

## **9. American Samoa, CNMI, Guam, and PRIA/Hawaii Marine Conservation Plans**

Section 204(e) of the MSA authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary) and in consultation with the Western Pacific Regional Fishery Management Council (Council), to negotiate and enter into a Pacific Insular Area Fishery Agreement (PIAFA). A PIAFA would allow foreign fishing within the 200-mile U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, CNMI, and Guam, with the concurrence of, and in consultation with, the applicable Governors. According to the MSA, before entering into a PIAFA, the appropriate Governor, with the concurrence of the Council, must develop a 3-year Marine Conservation Plan (MCP) providing details on uses for any funds collected by the Secretary under the PIAFA.

In addition to PIAFA funds, the MSA provides that fines and penalties of violations by foreign vessels occurring within the EEZ around the Pacific Insular Areas, including sums collected from forfeiture and disposition or sale of property seized by the federal government, are to be deposited into the applicable local government's treasury and to be used to implement the respective MCP. Also authorized by the MSA is the Western Pacific Sustainable Fisheries Fund, which allows the Council to use funds to implement projects contained in the MCPs.

The MSA requires that the MCPs shall be consistent with the Council's Fishery Ecosystem Plans (FEP). The MSA also requires that the MCP include, but not limited to, the following conservation and management objectives:

- (i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch, and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;
- (ii) conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation, and reporting;
- (iii) conservation, education, and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;
- (iv) education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and
- (v) western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.

The MCPs can be modified at any time. The Guam and CNMI MCPs are set to expire in June 2014. The American Samoa MCP will expire in August 2015. The Pacific Remote Island Area (PRIA)/ MCP expires in 2016. The Council is expected to consider revised MCPs for American Samoa, CNMI, Guam, and PRIA/Hawaii at its 160<sup>th</sup> meeting. If

approved by Council and Secretary of Commerce, the MCPs are valid for a period of three years.