



MEMORANDUM

TO: Interested Parties

October 10, 2014

FROM: Kitty M. Simonds

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

SUBJECT: Action Items for 161<sup>st</sup> Council Meeting

- 1) **Specifying 2015 annual catch limits (ACLs) for the American Samoa, Guam and Commonwealth of the Northern Mariana Islands bottomfish**
- 2) **Review of 2015-18 annual catch limits for the crustacean and coral reef fish in the Western Pacific Region and non-Deep 7 bottomfish in the main Hawaiian Islands**
- 3) **Review of the main Hawaiian Islands Deep-7 bottomfish 2014-15 annual catch limit specification**
- 4) **Establishment of a market delay for the sale of Deep-7 bottomfish after the fishery closure**
- 5) **Draft proposed regulations to address overfishing and overfished status of Western and Central Pacific Ocean North Pacific striped marlin**
- 6) **Pacific bigeye tuna management**
- 7) **Hawai`i yellowfin and bigeye tuna commercial minimum size limit**
- 8) **American Samoa albacore catch limit in the exclusive economic zone**
- 9) **Pacific Remote Islands Marine National Monument expansion**

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The Western Pacific Regional Fishery Management Council will consider the issues summarized below, including any public comments on these initiatives. The Council is expected to take action on these issues at its 161<sup>st</sup> Council meeting to be held between Tuesday October 21-23, 2014 at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu Ahupua`a, Kona Moku, Honolulu, Hawai`i. Written comments should be sent to the Council's Executive Director by 5:00 p.m. (Hawai`i time) October 16, 2014, by mail, FAX or email as indicated below. After October 16, 2014, it is the submitter's responsibility to provide Council staff with an adequate number of copies at the meeting to ensure coverage of the Council (a minimum of 40 copies).

**Mail:** Executive Director  
Western Pacific Regional Fishery Management Council  
1164 Bishop Street, Suite 1400  
Honolulu, Hawai`i 96813

**FAX:** (808) 522-8226

**Email:** [info.wpcouncil@noaa.gov](mailto:info.wpcouncil@noaa.gov)

## **1) Specifying annual catch limits for the American Samoa, Guam and Commonwealth of the Northern Mariana Islands bottomfish**

The Council will specify 2015 annual catch limits (ACL) specifications for the American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI) bottomfish. The existing ACLs cover fishing years 2013 and 2014. During its deliberations, the Council will consider any recent stock assessments and changes in the fishery.

Since specification of the 2013-2014 ACLs, no recent updates on the assessment for these stocks have occurred. The stock assessment update is scheduled in 2015.

There have also been no significant changes in the fishery, and the 2013 landings are well below the established ACLs:

- American Samoa: 5,355 pounds caught / 101,000 pounds ACL = 5.3 percent
- Guam: 31,026 pounds caught / 66,800 pounds ACL = 46.4 percent
- CNMI: 18,045 pounds caught / 228,000 pounds ACL = 7.9 percent

Given that the stock assessment and the fishery remain unchanged, the approach that was used for the 2013-2014 ACLs to account for scientific uncertainty and the risk of overfishing, i.e., the P\* analysis, is still current with American Samoa at P\* = 39 percent; Guam at P\* = 40 percent; and CNMI at P\* = 39 percent.

In specifying the ACLs for the territory bottomfish, the Council will consider the following options:

- a) Maintain status quo and roll-over the existing ACL set at ACL = acceptable biological catch
- b) Specify a different ACL

## **2) Review of annual catch limits for the crustacean and coral reef fish in the Western Pacific Region and non-Deep 7 bottomfish in the main Hawaiian Islands**

At its 160<sup>th</sup> meeting in June 2014, the Council recommended four-year ACL specifications for coral reef ecosystem species and crustaceans in the Western Pacific Region and non-Deep 7 bottomfish in the main Hawaiian Islands (MHI). These 2014-2018 ACLs were based on P\* analysis that took into consideration the outputs of the Biomass Augmented Catch–Maximum Sustainable Yield (BAC-MSY) model as well as consideration of the scientific uncertainties in the model. The recommended ACLs improved upon the Council's previous specification process, which used the 75<sup>th</sup> percentile of historic catch, did not consider any biological information or uncertainties, and did not specify any overfishing limits (OFLs).

Following the 160<sup>th</sup> Council meeting, the Center for Independent Experts (CIE) conducted a National Marine Fisheries Service (NMFS) independent review of the BAC-MSY model. The CIE reviewers said some of the scores were optimistic and proposed a new P\*.

At its 117<sup>th</sup> meeting, October 14 to 16, 2014, the Council's Scientific and Statistical Committee (SSC) will deliberate on the CIE review and may consider adjustments to the acceptable biological catch (ABC) specifications, which the Council uses to set the ACLs.

The Council at its 161<sup>st</sup> meeting will review the SSC's recommendation and may consider adjusting the 2015-2018 ACLs for the crustacean and coral reef fish in the Western Pacific Region and MHI non-Deep 7 bottomfish.

### **3) Review of the main Hawaiian Islands Deep-7 bottomfish 2014-15 annual catch limit specification**

At its 160<sup>th</sup> meeting in June 2014, the Council recommended that the main Hawaiian Island (MHI) Deep 7 bottomfish fishery 2013-14 ACL of 346,000 pounds be rolled over for fishing year 2014-15. The Deep 7 fishery includes six deep-water snappers and a grouper. The Council decision was based on the ABC presented to them by its SSC. The SSC utilized the 2011 stock assessment for the fishery to determine the ABC as a draft 2014 stock assessment had yet to go through the NMFS independent review process, i.e., the CIE.

On Aug. 28, 2014, NMFS Pacific Islands Fishery Science Center Director Sam Pooley notified PIRO Regional Administrator Mike Tosatto that PIFSC considers the draft 2014 assessment to be superior to the 2011 assessment, that the 2014 draft assessment will be reviewed by the CIE in December 2014 and that the final 2014 assessment will be published later in the year as a NOAA NMFS Technical Memorandum.

On Aug. 29, 2014, Tosatto notified Council Chair Arnold Palacios that the Council action on the 2014-15 ACL specification on MHI Deep 7 bottomfish is “inconsistent with National Standards [NS] 1 and 2” of the MSA for the following reasons: 1) The ACL of 346,000 has a 41 percent risk of overfishing based on the 2011 stock assessment but more than a 50 percent risk of overfishing based on the draft 2014 stock assessment, making it inconsistent with NS1; and 2) The Council did not have adequate information regarding the 2014 stock assessment at the time of its decision because PIFSC did not respond in writing to SSC concerns; therefore, the Council’s recommendation didn’t consider all available scientific information and is inconsistent with NS2.

Council members will review the position presented by NMFS PIRO on the use of the draft 2014 MHI bottomfish stock assessment to set the 2014-15 Deep-7 MHI bottomfish ACL and consider options for setting the 2014-15 Deep-7 bottomfish ACL.

### **4) Establishment of a market delay for the sale of main Hawaiian Islands Deep-7 bottomfish after the fishery closure**

The Council will consider final options to improve the MHI bottomfish management regime. Specifically, the Council will 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, created in 2007, the fishery hit its quota which triggered the State and Federal agencies to close the 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 and 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 and take action establishing market delays for the sale of Deep-7 bottomfish of three days and five days after the closure of the fishery.

Current federal regulations for the noncommercial MHI Deep-7 bottomfish fishery stipulate that vessels targeting and landing Deep-7 bottomfish from federal waters in the MHI must have a federal permit and must report catches on a per-trip basis. In addition, noncommercial fishermen are limited to a total of five

Deep-7 bottomfish (in any combination) per person per day on a given trip. The noncommercial provision was included in the initial regulatory package implemented in 2007 as a preventative measure while the commercial sector quota was being implemented and refined. The Council may discuss the noncommercial provisions given that the fishery monitoring and management transition to an ACL-based fishery is fully implemented.

#### **5) Draft proposed regulations to address overfishing and overfished status of Western and Central Pacific Ocean North Pacific striped marlin**

The Council is scheduled to take action on an amendment to the Pacific Pelagic Fishery Ecosystem Plan (FEP) for the Western Pacific Region that would include a framework process to implement domestic regulations stemming from conservation and management measures (CMMs) by tuna Regional Fishery Management Organizations (RFMOSs). The amendment also considers domestic limits for striped marlin in the United States (i.e., Hawai'i) fisheries as detailed in CMM 2010-01 by the Western and Central Pacific Fisheries Commission (WCPFC) and also in response to the Dec. 5, 2013, NMFS announcement that the Western and Central North Pacific Ocean striped marlin are in a condition of being overfished. Under MSA section 304(i) the Council must develop domestic regulations to address the relative impact of US fishing vessels on the stock.

The Council will consider alternatives that include 1) no action, 2) implement the framework and 3) set a domestic limit of 457 metric tons (mt) of striped marlin for all commercial pelagic fisheries. Since the Hawai'i longline fishery catches >95 percent of the striped marlin catch, an alternative for an accountability measure is requiring non-retention of striped marlin by the longline fishery when 95 percent of the 457 mt limit (i.e., 434 mt) is reached. Troll and handline fisheries, which typically catch < 5 percent of the Hawai'i striped marlin catch would continue to land fish if the longline limit is reached. This is especially important to the charter vessel fishery, which accounts for about 38 percent of the non-longline striped marlin catch.

The Council will review and may take final action on a draft amendment to the Pelagic FEP.

#### **6) Pacific bigeye tuna management**

Bigeye tuna is a Pacific-wide stock that is internationally managed and assessed separately in the Western and Central Pacific (WCPO) and Eastern Pacific Ocean (EPO) by the WCPFC and the Inter-American Tropical Tuna Association (IATTC), respectively. Stock assessments were conducted in 2014 for bigeye in the both areas of the Pacific.

According to the stock status determination reference points in the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region, the most recent stock assessments indicate that bigeye overfishing is occurring in the WCPO, but the stock is not overfished in the WCPO or EPO. Bigeye, however, is generally understood to be approaching an overfished condition in the WCPO. The WCPFC and IATTC are managing bigeye through separate management measures, with varying degrees of success.

The Council will be reviewing international management measures, with particular focus on the WCPFC CMM 2013-01, which contains provisions for flag-based longline bigeye catch limits and a seasonal fish aggregation device (FAD) closure and FAD set limits for purse seine vessels. The bigeye catch limits applicable to the Hawai'i longline fishery and to the US Territories are established under WCPFC CMM 2013-01.

The Council will review available information and make management recommendations to NMFS, which will be leading the US delegation to the 11<sup>th</sup> Regular Session of the WCPFC, convening Dec. 1-5, 2014, in Apia, Samoa. Options under consideration will include purse seine bigeye limits and spatial management for longline fisheries.

#### **7) Hawai`i yellowfin and bigeye tuna commercial minimum size limit**

The current size limit for commercially caught `ahi (yellowfin and bigeye tuna) in Hawai`i is 3 pounds, which means that fish less than one year old of both species can be commercially caught and sold.

Scientific evidence from tagging and otolith microchemistry indicates that between 80 percent and 90 percent of the yellowfin that are spawned in waters around Hawai`i stay in these waters. Research also shows that natural mortality rates of Hawai`i yellowfin drop to their lowest levels when individuals reach about 24 inches in length or 10 pounds in weight. In other words, many yellowfin tuna in Hawai`i waters will survive and grow after this age and will not be lost to natural mortality or migration. Yellowfin that reach two years old (about 30 pounds) will quickly grow to reproductive size and contribute to local spawning and stocks.

While bigeye live longer and grow more slowly to their maximum size, they have a similar biology to yellowfin when small and also experience their lowest natural mortality rates at between 10 and 20 pounds.

Options are presented for establishing a new commercial size limit for yellowfin and bigeye tuna caught in federal waters of either 10 pounds or 20 pounds. To make this measure truly effective, the State of Hawai`i would need to amend its own regulation and raise the minimum size of commercially caught `ahi if the Council sets a new minimum size for these two tuna species.

The Council will review and may take action on an options paper for changing the size of yellowfin and bigeye tuna caught commercially in federal waters surrounding Hawai`i.

#### **8) American Samoa albacore catch limit in the exclusive economic zone**

South Pacific albacore is a highly migratory species that requires international cooperation for effective management. Existing international management measures have been ineffective to restrict the rapid catch increases observed in the last decade. There is growing concern for the future of the South Pacific albacore stock and the domestic South Pacific longline fisheries that depend primarily on this stock. To address what many are considering a dire situation, Forum Fisheries Agency (FFA) member countries are proposing the establishment of exclusive economic zone (EEZ)-based catch limits, flag-based high seas catch limits and a total catch limit of South Pacific albacore with the WCPO. The Council will consider amending the Pelagic FEP to establish a South Pacific albacore ACL in the US EEZ waters surrounding American Samoa consistent with the regional approach proposed by the FFA.

The American Samoa longline fishery primarily targets South Pacific albacore tuna. Most of the albacore caught by the fishery is landed in Pago Pago for processing at the local canneries. In 2013, the American Samoa longline fishery experienced a difficult year, with its lowest catch rates of South Pacific albacore on record and revenues that were unable to exceed operating costs. Other domestic longline fisheries in neighboring South Pacific countries faced similar conditions in 2013.

The total catch of South Pacific albacore in the WCPO has more than doubled in the past decade, with about 82,000 mt caught in 2013 (the estimated MSY of this stock is approximately 99,000 mt). Although the stock is considered biologically healthy, lower catch rates of longline vessel targeting adult fish, when

coupled with prevailing operating and ex-vessel fish prices, are resulting in conditions that are likely economically unsustainable. In other words, longline catch rates are higher than those associated with maximum economic yield.

To meet the objective of coordinated, effective international management of South Pacific albacore, high levels of cooperation among Pacific Island countries and distant water fishing nations are required. American Samoa plays a central role in the management of South Pacific albacore. Its longline fishery is well-managed, highly monitored and serves as example to other fisheries in the region. Its tuna process facilities make Pago Pago a strategic port in the South Pacific.

At its 161st meeting, the Council will consider options to establish an albacore ACL in the EEZ around American Samoa that range from the highest historical catch in the EEZ, recent average catches and the long-term average.

#### **9) Pacific Remote Islands Marine National Monument expansion**

On Sept. 25, 2014, President Obama issue Proclamation 8336 to expand certain areas of the Pacific Remote Islands Marine National Monument (Monument). Specifically, the boundaries of the Monument were expanded from 50 miles to 200 miles offshore around Jarvis and Wake Islands and Johnston Atoll.

Proclamation 8336 states that the Secretary of the Interior, in consultation with the Secretary of Commerce, shall have primary responsibility for management of the Monument Expansion pursuant to applicable legal authorities. The Secretary of Commerce, through NOAA, and in consultation with the Secretary of the Interior, shall within the Monument expansion have primary responsibility with respect to fishery-related activities regulated pursuant to the MSA (16 U.S.C. 1801 et seq.), and any other applicable legal authorities.

Proclamation 8336 further states that the Secretaries of the Interior and Commerce shall not allow or permit any appropriation, injury, destruction or removal of any object of the Monument expansion except as provided for by the proclamation and shall prohibit commercial fishing within the boundaries of the Monument expansion. The Secretaries of the Interior and Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act, the MSA and such other authorities as may be available to implement this proclamation, to regulate fisheries and to ensure proper care and management of the Monument expansion.

Pursuant to the MSA, the Council manages fisheries occurring in Pacific Remote Islands Areas through the the Pacific Remote Island Areas FEP and the Pelagic FEP of the Western Pacific Region. After President Bush established the Monument in early 2009, the Council took action to amend these FEPs to incorporate the provisions of the proclamation issued by President Bush. The Council anticipates taking similar action to incorporate the provisions of Proclamation 8336.

The Council will consider recommending a regulatory amendment to the Pacific Remote Island Areas and Pelagic FEPs to expand the boundaries of the Monument around Jarvis and Wake Islands and Johnston Atoll and to prohibit commercial fishing within the expanded Monument areas.