



**WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL**

**ACTION MEMORANDUM**

162<sup>nd</sup> Council Meeting  
March 16-18, 2015  
Laniakea YWCA-Fuller Hall  
Honolulu, Hawaii

**PROGRAM PLANNING AND RESEARCH**

***Regarding the revisions to the National Standard 1, 3, & 7 guidelines, the Council:***

1. Directed staff to work with the SSC subgroup to finalize the comments to the proposed rule and officially transmit the comments to NMFS prior to the June 30, 2015 deadline..

***Regarding the five year FEP review, the Council:***

2. Endorsed the review activities timeline as discussed at the 162nd meeting and directed staff to:
  - Revise the annual report outline to include important missing ecosystem elements.
  - Identify the most appropriate Plan Team expertise to address the new annual report elements and develop contents.
  - Develop an outline for the revised FEPs that addresses internal and external critiques related to information, process, and modus operandi, including the various recommendations from the three ecosystem management workshops the Council held in 2006-2007.
  - Develop or implement existing mechanisms to improve communication between the Council and its advisory groups prior to and following Council meetings.
  - Develop a process and timeline to engage the region's fishing communities and stakeholders to identify FEPs goals and objectives, under the direction of the Executive Director.

***Regarding the Draft Marine Planning and Climate Change Policy, the Council:***

3. Approved the Policy as presented and directed staff to implement it.

***Regarding the NOAA Fisheries Draft Climate Science Strategy, the Council:***

4. Directed staff to draft comments on behalf of the Council and requested the Council's Executive Director to make revisions as appropriate.



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**AMERICAN SAMOA**

*Regarding American Samoa Data Collection, the Council:*

1. Recommended NMFS PIFSC-WPacFIN provide American Samoa DMWR assistance in developing a database for its non-commercial data collection program for annual report module creation.
2. Recommended NMFS PIFSC provide reports on the results of the bio-sampling program in American Samoa for consideration in catch size monitoring.

*Regarding Marine Conservation Plans, the Council:*

3. Recommended the DMWR include the Council's Advisors in future revision of the MCP and offered the AP meeting as a forum for MCP revision discussions, as needed.



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**MARIANA ARCHIPELAGO**

***Regarding the Manell-Geus Habitat Blueprint Focus Area, the Council:***

1. Recommended the following:
  - a. NOAA provide regular updates to the Council on the initiative's progress in meeting habitat conservation objectives;
  - b. NOAA Blueprint staff involve Council advisors with local and traditional knowledge about the focus area as part of stakeholder engagement;
  - c. A copy of the Fish Team Abundance survey final report be provided to the Council when available;
  - d. The Implementation Plan incorporate the draft Malessa Community-Based Management Plan objectives to the extent that they fulfill the Blueprint mission and a copy of the Implementation Plan be provided when available.

***Regarding monitoring of the US EEZ around the Mariana Archipelago, the Council:***

2. Understands that the Sea Dragon Aerial Surveillance program will be demonstrated in April in the Federated States of Micronesia and directed staff to write to the project coordinators of the program and request that monitoring patrols also be conducted for the Marianas Archipelago in conjunction with the US Coast Guard during the April timeframe.

***Regarding USCG marine safety enforcement in Guam, the Council:***

3. Requested the USCG to communicate with Sector Guam regarding reports of disproportionate enforcement between local fishermen and FAS fishermen in terms of safety and other relevant enforcement issues and report back at the 163<sup>rd</sup> meeting.

***Regarding the CNMI Combined Joint Military Training Draft Environmental Impact Statement/Overseas Environmental Impact Statement, the Council:***

4. Directed staff to draft Council comments on the draft EIS/OEIS and to develop comments in consultation with local CNMI agencies and Council advisory bodies;
5. Directed staff to request a 30-day extension of the comment period to enable the public to fully review impacts of the proposed action and to submit comments after its 163<sup>rd</sup> meeting in June.

***Regarding the impacts of sharks on Mariana fisheries, the Council:***

6. Continued to request NMFS PIFSC to work with the Council and local fishing communities to support (for the fifth time) cooperative research study on identifying shark species and shark depredation rates in pelagic and bottomfish fisheries.

***Regarding the military prepositioning ships, the Council:***

7. Directed staff to follow up on the letter sent regarding mooring impacts to corals and fisheries.



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**PROTECTED SPECIES**

***Regarding the 4(d) Take Prohibitions for Corals, the Council:***

1. Directed staff to finalize the comments in response to the Advanced Notice of Proposed Rulemaking and transmit the letter to NMFS with an additional comment conveying the Council's concern regarding the difficulty in enforcing take prohibitions due to species identification issues.

***Regarding the ESA-listed Coral Species, the Council:***

2. Expressed its concern that basic questions on distribution and abundance are not answerable at this time, and that there are difficulties regarding species identification. The Council therefore recommended NMFS continue to improve coral habitat maps and make such maps available to the public.

***Regarding the False Killer Whale Take Reduction Plan (TRP), the Council:***

3. Requested NMFS provide a briefing on the effectiveness of the TRP at least annually to the SSC and Council, and provide reports from future TRT meetings to the SSC and Council in a timely manner.
4. Concurred with the SSC's concern that the TRP measures currently in place to reduce false killer whale interactions may never be analyzed conclusively due to the rare event nature of these interactions and thus alternative approaches should be explored. The Council recommended NMFS consider the utility of pre- and post-intervention control charts to evaluate the effectiveness of TRP and variability in false killer whale interactions since TRP implementation.

***Regarding the ESA Policy Directive, the Council:***

5. Directed staff to work with PIRO to develop an ESA/MSA Integration Agreement to implement the policy directive. The agreement should include, at minimum, the following:
  - a) Roles, responsibilities and expectations for the Council and the Region; and
  - b) Areas of Council involvement and coordination with PIRO in the ESA Section 7 consultation process, including considerations for reviewing draft Biological Opinions and “Reasonable and Prudent Alternatives” (RPAs) or “Reasonable and Prudent Measures” (RPMs).



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**HAWAII ARCHIPELAGO**

***Regarding the SSC comments on the CIE review of the 2014 MHI Deep-7 Bottomfish Stock Assessment, the Council:***

1. Supported and directed staff to transmit their findings to NMFS PIFSC and PIRO for reference and guidance in developing terms of reference for future WPSAR and CIE reviews:
  - a. *The WPSAR and CIE terms of reference should include specifics regarding what constitutes best available science at the time of the assessment and not after the assessment process has been initiated. If an assessment is found not to be “best available science”, then guidance must be given as to what the reviewers consider best science, including guidance as to what should be addressed immediately, in the short-term, or in the long-term.*
  - b. *All available information (previous assessments, previous assessment reviews [WPSAR and CIE], supportive documents, etc.) should be provided to SSC, WPSAR, and CIE peer reviewers in advance. The three agencies who established the WPSAR process should collaborate on this effort.*
  - c. *Information not available at the time of the assessment but made available subsequently should not invalidate the assessment unless it drastically changed the conservation status of the stock and it should be considered in a future assessment.*
2. Requested NMFS PIFSC deliver the assessment results for SSC consideration, no later than April 15, 2015, for use in setting Acceptable Biological Catch (ABC) for the 2015-16 fishing year using the 2011 unmodified assessment model, with 3 years of additional data. This would allow for the P\* process to be performed before the June SSC meeting.
3. Directed staff to work with State of Hawai‘i and other groups to conduct statewide education and outreach to explain to fishers how to fill out the Hawai‘i commercial catch report, and why it needs to be done correctly.
4. Directed staff to immediately engage NMFS PIFSC staff to organize the 2015 Data Workshop for the Main Hawaiian Island Deep 7 Bottomfish Stock Assessment and

requested NMFS PIFSC to develop a matrix of data related comments from the 2014 PIFSC-Bottomfish fishermen meeting, SSC, and CIE review for consideration at the data workshop.

***Regarding the West Hawai‘i Habitat Blueprint Focus Area, the Council:***

5. Recommended NOAA provide regular updates on the initiative’s progress in meeting habitat conservation objectives; involve Council advisors with local and traditional knowledge about the focus area as part of stakeholder engagement; and a copy of the Implementation Plan be provided to the Council when available.

***Regarding the Hawaii Fish Waste Report, the Council:***

6. Directed staff to disseminate the Hawaii Fish Waste report to the Council family and other interested parties.

***Regarding the Hawaiian Island Humpback Whale National Marine Sanctuary, the Council:***

7. Directed staff to review and draft comments on the proposed Sanctuary plan for consideration by the next Council.





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**PELAGICS AND INTERNATIONAL**

***Regarding a temporary exemption to the American Samoa Large Vessel Prohibited Area, the Council:***

1. Recommended a regulatory amendment for the temporary exemption to the LVPA by American Samoa longline limited entry permitted vessels greater than 50ft in length. The LVPA exempted area is defined as the area seaward of 12 nautical miles from Tutuila, Manua Islands, and Swains Island. The temporary exemption is authorized for an indeterminate period, but the Council will review the LVPA exemption on an annual basis with regards, but not limited to, the following topics:
  - a. Catch rates of fishery participants
  - b. Small vessel participation
  - c. Fisheries development initiatives

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs 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 authorizes the Executive Director and the Chairman 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 Chairman are 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.

***Regarding an American Samoa longline albacore catch limit, the Council:***

2. Recommended the specification of an annual longline catch limit of 5,425 metric tons of albacore within the Exclusive Economic Zone around American Samoa for 2015 and 2016.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs 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 authorizes the Executive Director and the Chairman 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 Chairman are 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.

***Regarding regional cooperation in the conservation and management of south Pacific Albacore, the Council:***

3. Recommended the Department of State, NOAA, the Council, and the American Samoa government evaluate the potential benefits, drawbacks, and complexities for the American Samoa government to obtain formal status under the Tokelau Arrangement.

***Regarding US Territory Bigeye Longline Specifications, the Council:***

4. Recommended the specification of a 2,000-mt total annual bigeye longline catch limit and 1,000-mt transferable longline bigeye limit per US Participating Territory for 2015 and 2016.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs 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 authorizes the Executive Director and the Chairman 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 Chairman are 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.

***Regarding stocks assessments of highly migratory species in the WCPO, the Council:***

5. Directed staff to work with NMFS and the Secretariat of the Pacific Community to ensure that future yellowfin and bigeye stock assessments identify suitable realignments of the MFCL regions in the North Pacific and devise means to include all sources of fishing mortality in the assessment. The Council further recommended US participation in WCPFC stock assessment endeavors should be strengthened.

***Regarding bigeye longline limits agreed to by the Western and Central Pacific Fisheries Commission, the Council:***

6. Recognized that the total WCPO longline bigeye catch has been reduced by approximately 30 percent from 2001-2004 average levels which meets the identified conservation objective in CMM 2008-01, while the catch of bigeye by purse seine vessels has increased by 40 percent over same period, recommended NMFS PIFSC evaluate the level of purse seine bigeye catch needed to eliminate bigeye overfishing if the scheduled longline catch limit reductions for 2015 and 2017 applicable to WCPFC members are removed and longline catch was maintained at 2014 longline catch levels.

***Regarding juvenile 'ahi' issues, the Council:***

7. With regard to the yellowfin 'ahi' minimum size issue, directed staff to work with DAR and NMFS staff to develop more rigorous and representative information state-wide about potential social and economic impacts of eliminating smaller 'ahi from the formal market.

***Regarding engagement on Hawaii pelagic issues, the Council:***

8. Directed staff to engage the Hawaii AP, Fishing Industry Advisory Committee, Pelagic Plan Team, Hawaii Longline Association, and other interested parties to review and evaluate:
  - a. Recent fishing trends and interview information regarding the Cross Seamount fishery to develop recommendations for further consideration at the next Council meeting.
  - b. New information regarding changing the 'ahi' minimum size and associated impacts of those options being considered.



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### **ADMINISTRATIVE MATTERS**

***Regarding the Stock Assessment and Review Framework, the Council:***

1. Directed staff to work with PIFSC to finalize the framework agreement as presented.

***Regarding the Plan Team Membership, the Council:***

2. Supported the findings from the FEP review and the changes to the Annual Report and Plan Team structure and directed staff to work with the Directors of DMWR, DFW, Department of Agriculture-DAWR, DLNR, NMFS PIFSC, NMFS PIRO, and other appropriate organizations to identify Archipelagic and Pelagic Plan Team members.

***Regarding Advisory Panel membership, the Council:***

3. Supported the changes as presented below.

American Samoa

- Appoint Krista Corry to replace Craig Double on the Pelagic Fisheries Sub-Panel
- Appoint alternate Faasala Augafa to replace Krista Corry on the Indigenous Fishing Rights Sub-Panel

Hawaii

- Move Clay Tam to Island Fisheries Sub-Panel
- Move Nathan Abe to indigenous Fishing Rights Sub-Panel
- Appoint Lynn McNutt and Clay Tam as AP representatives on the Council's Protected Species Advisory Committee
- Appoint James Kuwada to replace Ed Watamura on the Hawaii Advisory Panel.

CNMI

- Appoint alternate Michael Fleming to replace Richard Seman on the Pelagic Fisheries Sub-Panel

4. Directed Staff to re-solicit for Advisory Panel Alternates in each of the island areas to replace those alternates that were moved to the advisory panel.

***Regarding the Marine Planning and Climate Change Committee, the Council:***

5. Endorsed Augustine M. Kaipat, CNMI DLNR, to fill the position left vacant by Therese Ogumoro, Zoning Administrator, CNMI Zoning Office, who has stepped down.

***Regarding the Education Committee, the Council:***

6. Endorsed the inclusion of Lusila Minoneti to replace Saopapa (Honcho) Taifane as the American Samoa Department of Marine and Wildlife Resources representative and inclusion of Dr. Todd Miller to replace Vina Saures as the CNMI Department of Lands and Natural Resources representative.
7. Endorsed the Education Committee's nominations of Eileen Shea as the Committee's chair and Frank Villagomez as its vice chair.