



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

164th Council Meeting
October 21-22, 2015
Governor Rex Lee Auditorium
Utulei, American Samoa

AMERICAN SAMOA ARCHIPELAGO

Regarding American Samoa archipelago, the Council

1. Encouraged participation of the American Samoa local tuna industry, as well as all various fishing sectors, in discussions at local, national, regional and international meetings that may affect the American Samoa fishing industry.
2. Directed staff to work with the US Coast Guard to address fishing industry concerns to maintain consistent inspection and enforcement actions for both land-based and at sea operations for the American Samoa fishing industry. In addition, efforts should be explored to improve the response time of the USCG to distress and emergency calls initiated from vessels within American Samoa's fishing fleet.
3. Requested NMFS and American Samoa government to resolve the remaining issues between the national and local shark finning laws as soon as possible and to allow for the capture and landing of the whole shark as allowed in federal regulation.
4. Encouraged the American Samoa Government Department of Commerce and the Department of Marine and Wildlife Resources (from the Disaster Relief Fund if necessary) to repair the Alia vessels, preferably in Manu`a first, to be seaworthy for fishing and meet safety standards.
5. Requested DMWR provide a report on the community based fishery management program to the American Samoa Advisory Panel and Council regarding the evaluation of the effectiveness of marine managed areas in American Samoa.
6. Directed staff to work with the local alia fleet and Am. Samoa government on training opportunities to improve on-board and shore side handling of bottomfish to ensure product quality required to meet export markets standards.



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PELAGICS AND INTERNATIONAL

Regarding longline bigeye limits for the US Participating Territories of American Samoa, Guam, and CNMI under the Amendment 7 framework, the Council:

1. Maintained the recommendation it made at its 162nd meeting to specify 2016 US Participating Territory longline bigeye tuna limits at 2,000 metric tons (mt) per territory, and whereby up to 1,000 mt per territory would be authorized to be allocated to US fishermen through specified fishing agreements authorized under Amendment 7. The Council further recognized that these limits are consistent with the WCPFC conservation and management framework and are not impeding international conservation objectives to eliminate bigeye overfishing.

Further, the Council deemed that regulations implementing the recommendation 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 future Council Amendment 7 specifications, the Council:

2. Requested NMFS PIFSC continue to assist in conducting analyses using a range of catch assumptions to evaluate future US Participating Territory bigeye longline limits.

Regarding compliance monitoring and the uneven playing field for US fisheries operating in the WCPO, the Council:

3. Recognized that there are serious concerns of an uneven playing field with regards to compliance and monitoring within the WCPFC, and recommended that the US significantly increase its efforts to gain improvements in enforcement and monitoring of fisheries of other CCMs to a level that is comparable to the United States, and further

recommended that the US not agree to any further reductions in effort or catch for US purse seine, US longline, and US troll fisheries until there is a high-level of confidence that other CCMs are enforcing and monitoring their fisheries to same standard as the United States.

4. Recommended the US develop proposals to improve the WCPFC compliance monitoring review process and including mechanisms to appropriately sanction CCM non-compliance.

Regarding impacts to US fishery participants, the Territory of American Samoa, and Hawaii seafood markets from WCPFC conservation and management measures, the Council:

5. Recognized that US fisheries operating in the WCP-Convention Area meet or exceed numerous safety, monitoring, reporting, environmental, and protected species standards that are not met by the fisheries of many other CCMs. US purse seine vessels need access to the high seas, and whereas limitations on high seas effort is damaging to the US purse seine fleet and the canneries in American Samoa. The Council further noted that the United States is the only nation to have provided notice of having reached its bigeye quota for longline vessels, and having closed the WCPO to the Hawaii longline fishery in 2009, 2010, and 2015. When these US fisheries are excessively restricted or closed, domestic demand is satisfied by foreign fleets that fall far short of the rigorous standards applicable to US fleets. Therefore, the Council recommended the US, at WCPFC12, invoke Article 10 paragraph 3 of the Honolulu Convention with regards to allocations and work to restore the bigeye catch limit applicable to the Hawaii longline fishery to the 2009 level (3,763 mt), and also, restore the US high seas purse seine effort limit to historical levels of approximately 3,000 days.

Regarding potential impacts to American Samoa from reduced access to historic fishing grounds for US purse seine vessels based in American Samoa, the Council:

6. Requested NMFS expedite its economic analysis on impacts of the US rules on purse seine effort limits.

Regarding spatial management of longline bigeye fisheries, the Council:

7. Recommended the US develop, introduce, and strongly advocated for a spatial management proposal regarding bigeye conservation for the longline fishery at WCPFC12 and further evaluate the following spatial management options:
 - a. Catch limits applying only to equatorial region where bigeye catches are highest (e.g. between 15 deg S and 15 deg N latitude). Fisheries in areas outside of the equatorial region of the Western and Central Pacific Ocean would not be subject to catch limits
 - b. Catch limits in the WCPFC stock assessment regions according to estimated proportion of the total stock in each region.
 - c. Closure of high seas to longline fishing west of 150 deg W and south of 5 deg N, the area near the Line Islands, suspected to be a BET spawning area to be complementary to options (a) and (b) above.

Regarding longline transshipment on the high seas, the Council:

8. Recommended the US support WCPFC decisions to prohibit the transshipment of frozen bigeye on the high seas, or at a minimum that the US support measures to tighten control and monitoring of at-sea transshipment by longline vessels.

Regarding a WCPFC tuna research plan, the Council:

9. Recommended the US propose that the Commission direct the Scientific Provider to develop a WCPFC Tuna Research Plan to improve science and management. Research needs to support management include, but are not limited to:
 - a. Further characterization of the nature of the problem of high incidental catch of juvenile bigeye (ex: net depth and mesh size);
 - b. Increased research on bigeye population dynamics and mixing;
 - c. Additional technological research to improve selectivity (echo sounder buoy ability to discern yellowfin/bigeye from skipjack) of purse seine fishing;
 - d. Improved sampling to reduce uncertainties in the estimated proportion of bigeye in purse seine sets (associated and unassociated);
 - e. Factors determining the association of tuna with FADs (school dynamics, residence times, aggregation times, etc.);
 - f. FAD tracking and monitoring (FAD data, tracking, biomass to characterize hotspots); and
 - g. Movement and residency (to inform spatial management) patterns.

Regarding the impact of purse seine vessels on bigeye fishing mortality, the Council:

10. Recommended the US advocate that the WCPFC support further investigation of individual vessel dynamics and operational characteristics with respect to purse seine bigeye catch, noting between 9 and 14 vessels catch approximately 25% of the purse seine bigeye catch, and that approximately 50% of the bigeye purse seine catch was from 34-43 vessels.
11. Recommended the US request that the Commission task the Scientific Committee, at its 2016 meeting, to develop a table of the reduction in FAD set limits by country that would be required to achieve the necessary reductions to end overfishing of bigeye mortality and submit those findings to the Commission prior to the 2016 annual meeting.

Regarding the new the WCPFC tropical tuna measure, the Council:

12. Recommended the US government be proactive regarding the next iteration of the tropical tuna measure, including undertaking consultations with US stakeholders and other WCPFC members during 2016 and 2017, and well in advance of WCPFC annual meetings.

Regarding South Pacific albacore, the Council:

13. Recommended the US support measures to facilitate effective international management of South Pacific albacore which may include WCPFC agreement on appropriate target reference point for this stock and further to ensure that the interests of Am. Samoa longline fishery and US troll fishery are fully protected.

Regarding the issue of disproportionate conservation burden with the WCPFC, the Council:

14. Recalled the findings of the workshop it convened in 2014 on the issue of disproportionate conservation burden (DB) that there is a need to establish a process to evaluate the issue of DB that includes independent expert panels and peer review, and recommended the US establish a group of experts to complete economic modeling that can be used to prevent and/or address assertions that WCPFC measures are resulting in the transfer of a disproportionate conservation burden on Small Island Developing States and Participating Territories.

Regarding the status of American Samoa, Guam, and CNMI as Small Island Developing States within the WCPFC, the Council:

15. Recommended the US government ensure that the US Participating Territories to WCPFC are linked with SIDS in terms of WCPFC conservation and management measures and that they are afforded the same recognition and opportunities as other SIDS in the region.

Regarding the Tokelau arrangement and American Samoa, the Council:

16. Noted the challenges identified with formal participation by American Samoa under the Tokelau Arrangement, and recommended American Samoa continue to participate, as invited, to observe the meetings of the Tokelau Arrangement.

Regarding potential Marine Stewardship Certification for the American Samoa longline fishery, the Council:

17. Recommended initiating further discussions with American Samoa longline participants, American Samoa canneries and other interested parties on the costs and benefits of obtaining Marine Stewardship Certification.

Regarding seafood traceability, the Council:

18. Continued to recommend NMFS work with the fishing industry on the development of the national traceability program and to limit impacts on US fishermen and US seafood products.

Regarding longline observer coverage in the WCPO, the Council:

19. Endorsed the SSC recommendation that of 5% of all longline trips for carrying ROP certified observers be the primary metric for measuring observer coverage and for the US to recommend this metric to the WCPFC.
20. Recommended the US ensure that the WCPFC analyze resulting data to estimate coverage from the perspective of hooks, sets, and days fished to help evaluate the efficacy of the observer program, and further that computing coefficients of variation for key factors to be estimated from the observer data to ensure that the data collected can statistically inform management.



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PROTECTED SPECIES

Regarding the American Samoa Longline Fishery Biological Opinion, the Council:

1. Requested NMFS PIRO work with the Council to clarify the procedure for assigning incidental take of green turtles to distinct population segments (DPSs) in preparation of the DPS-specific incidental take statement, which would be implemented if the green turtle listing decision is finalized as proposed.

Regarding the Leatherback Turtle Interaction in the Hawaii Deep-set Longline Fishery, the Council:

2. Requested NMFS PIFSC to provide presentations of the leatherback analysis results to the SSC at the March 2016 meeting and other meetings of applicable advisory groups reviewing the new annual report in 2016.

Regarding the Marine Mammal Protection Act Imports Provisions Proposed Rule, the Council:

3. Directed staff to draft a letter responding to the proposed rule comment period and including the following:
 - a. Support the general intent of the provision, which is to level the playing field for U.S. fisheries by requiring similar marine mammal bycatch mitigation provisions for foreign fisheries exporting fish and fish products to U.S.; and
 - b. Express concern that the process and requirements outlined in the proposed rule are extremely complex and burdensome, and has the potential to divert resources necessary to implement MMPA provisions for domestic fisheries, may impact the U.S. seafood import industry, and result in other unintended consequences to the domestic fishing and seafood industries.

Regarding Hawaiian Monk Seals, the Council:

4. Directed staff to work with NMFS to address the Advisory Panel's concern that monk seal haul outs at boat ramps and other public areas may temporarily block public access, by clarifying appropriate procedures that may be followed in such situations and ensuring such information are readily available to fishermen, ocean users and members of the public.



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PROGRAM PLANNING AND RESEARCH

Regarding Annual Catch Limits (ACLs), the Council:

1. Set the ACLs equal to the Acceptable Biological Catches (ABCs) for the Bottomfish Management Unit Species in American Samoa, Guam, and Commonwealth of Northern Mariana Islands for fishing year 2016 and 2017. The corresponding ACLs and probabilities of overfishing are as follows:

Jurisdiction	ABC	ACL	P*2016	P*2017
American Samoa	106,000 lb	106,000 lb	22.9%	37%
Guam	66,000 lb	66,000 lb	25%	36%
CNMI	228,000 lb	228,000 lb	24.2%	36%

The Council considered the reductions recommended by the SEEM Working Group for the 2016 and 2017 fishing years, but determined that the difference between recent harvest levels and ACLs in all three island areas were sufficient to ensure the ACLs will not be exceeded. However, if bottomfish catch in a particular jurisdiction nears any ACL, the Council may consider implementing the relevant SEEM Working Group recommendation in the future.

2. In the event that the catch exceeded the ACLs, recommends applying a downward overage adjustment in the following fishing year as the accountability measure. The overage adjustment shall be determined using a three-year average of recent catch.

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 the annual report modifications, the Council:

3. Appreciated the willingness of the Committee members to participate in the production and review of the annual archipelagic and pelagic fishery ecosystem reports and directed staff to work with REAC member agencies and organizations to obtain relevant data, as well as to investigate the feasibility of the American Samoa Community College's offer to serve as a local data repository for these efforts

Regarding the five year review of and proposed revisions to its fishery ecosystem plans, the Council:

4. Approved the proposed management policy, goals, and objectives for the American Samoa, Hawaii, Mariana, Pelagic, and Pacific Remote Islands Area FEPs (below), as well as the revised plan format and incorporation by reference approach and directs staff to work with NMFS PIRO and PIFSC staff to review the draft plans to provide comprehensive agency feedback, input, and guidance regarding the draft plans by December 15, 2015.

Policy

The Council's management policy is to apply responsible and proactive management practices, based on sound scientific data and analysis and inclusive of fishing community members, to conserve and manage fisheries and their associated ecosystems.

Goals

- Goal 1. Conserve and manage target and non- target stocks
- Goal 2. Protect species and habitats of special concern
- Goal 3. Understand and account for important ecosystem parameters and their linkages
- Goal 4. Meet the needs of fishermen, their families, and communities

Objectives

OBJECTIVE: Support Fishing Communities

- a. Identify the various social and economic groups within the region's fishing communities and their interconnections.
- b. Ensure that regulations designed to meet conservation objectives are written to be as minimally-constraining as possible.
- c. Select alternatives that minimize adverse economic impacts to fishing communities when possible.
- d. Eliminate regulations that are no longer necessary (i.e., eliminate access barriers).
- e. Increase communication between fishery sectors.
- f. Support fishery development, training and processing opportunities.
- g. Support projects, programs and policies that increase sustainable fishing opportunities.

OBJECTIVE: Prevent Overfishing on Council-managed Stocks

- a. Develop status determination criteria for appropriate stocks.
- b. Monitor fisheries to understand when overfishing may be close to occurring.

OBJECTIVE: Rebuild Overfished Stocks [Hawaii]

- a. Maintain the Hancock Seamounts Ecosystem Area.
- b. Maintain the fishing moratorium within the Hancock Seamounts Ecosystem Area, until surveys show that the armorhead stock has been rebuilt.
- c. Participate in international conservation and management efforts to rebuild armorhead stocks.
- d. Identify research priorities for armorhead and other relevant species within the Hancock Seamounts Ecosystem Area.

OBJECTIVE: Improve Fishery Monitoring and Data Collection

- a. Increase the number of fishery ecosystem elements being monitored.
- b. Improve the timeliness of data availability.
- c. Improve the quantity and quality of relevant fishery data.
- d. Encourage research to improve precision of data regarding protected species populations and distributions.
- e. Increase research coordination between the Council, the state, and federal agencies.
- f. Increase the quality and quantity of monitoring and enforcement data through improved technology.

OBJECTIVE: Promote Compliance

- a. Understand factors that may result in non-compliance.
- b. Consider ways to develop or increase buy-in from affected parties.
- c. Ensure that regulations are written and implemented so as to be easy to follow and enforce.
- d. Develop codes of conduct specific to individual fisheries.

OBJECTIVE: Reduce Bycatch and Minimize Interactions and Impacts to Protected Species

- a. Maintain minimal impacts to protected species and other bycatch species while maintaining the viability of fisheries.
- b. Encourage non-regulatory approaches to reducing protected species and bycatch impacts where necessary and appropriate.
- c. Increase fishermen's knowledge about protected species issues and regulations and ways to minimize interactions.
- d. Continue to work with federal and state agencies to protect relevant threatened and endangered species.
- e. Improve assessment of protected species and bycatch species impacts through improvements in data collection, research and monitoring.
- f. Encourage research that examines whether and to what extent bycatch is an issue in the fisheries covered by this management plan.

OBJECTIVE: Refine and Minimize Impacts to Essential Fish Habitat

- a. Review and update EFH and HAPC designations on regular schedule (5-years) based on the best available scientific information of a higher EFH level than was used for the original designation.
- b. Identify and prioritize research to: assess adverse impacts to EFH and HAPC from fishing and non-fishing activities, including, but not limited to, activities that introduce land-based pollution into the marine environment.

OBJECTIVE: Increase Traditional and Local Knowledge in Decision-making

- a. Identify relevant indigenous [**Samoan, Hawaiian, Chamorro**] practices and knowledge that may improve scientific inquiry regarding Council-managed fisheries.
- b. Utilize cultural practitioners, concepts, and bodies in the analysis of management alternatives.
- c. Utilize fishermen knowledge in the analysis of management alternatives.

OBJECTIVE: Consider the Implications of Spatial Management Arrangements in Council Decision-making

- a. Identify and prioritize research that examines the positive and negative consequences of current no-take fishing areas to fisheries, fishery ecosystems, and fishermen, such as (but not limited to) [**Bottomfish Fishing Restricted Areas; NWHI Islands restrictions; Marine Life Conservation Areas; military installations; Monuments and Marine Conservation Areas**].
- b. Consider whether the goals of any spatial-based fishing restrictions proposed in federal waters appear to be achievable.
- c. Establish effective spatially-based fishing
- d. Remove spatial-based fishing restrictions that are no longer necessary.

OBJECTIVE: Consider the Implications of Climate Change in Council Decision-making

- a. Identify and prioritize research that examines the effects of climate change on Council-managed fisheries and fishing communities.
- b. Ensure climate change considerations are incorporated into the analysis of management alternatives.
- c. Monitor climate-change related variables via the Council's Annual Reports.
- d. Engage in climate change outreach with US Pacific islands communities.



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HAWAII FISHERIES

Regarding Maui bag and size limit fish regulations, the Council:

1. Directed staff to work with HDAR to assess the effectiveness of the Maui bag and size limit regulations and the impacts of those regulations on subsistence fishermen.

Regarding subsistence fishing in Hawaii, the Council:

2. Directed staff to work with HDAR in the development of a definition for subsistence fishing and other definitions of fishing practices as necessary.

Regarding impacts to marine habitat in Hawaii, the Council:

3. Supported the State's efforts to implement a mitigation bank to address impacts to marine habitat.

Regarding co-managers for the sanctuary and monument, the Council:

4. Supported the State's efforts to fund two State of Hawaii co-manager positions, one for the sanctuary and one for the monument, to improve management capacity for the State.

Regarding FADs in Hawaii, the Council:

5. Directed staff to work with HDAR to evaluate the effectiveness of the Hawaii Island FADs in attracting marine fish taking into account FAD characteristics, ocean conditions, FAD sub-structures, local fishermen knowledge, and to report back to the Council at its March 2016 meeting.

Regarding State Harbors in Hawaii, the Council:

6. Requested DOBOR undertake improvements to State harbors that take into account the needs of Hawaii's fishing community, for example, Kona's Honokahau Small Boat Harbor is home to fishing vessels operating in the marlin capital of the world, yet the infrastructure lacks adequate electrical power and restroom facilities, has only one fuel service provider, and unpaved parking lots and roads.



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MARIANAS ARCHIPELAGO

Regarding enforcement of the Guam Marine Preserves, the Council:

1. Thanked DAWR for the reports on the Marine Preserves as requested. After hearing the results of the Atlantis Model as applied to Guam's fishery resources and the Marine Preserves providing limited ecosystem benefits, the Council directed staff to work with NMFS PIFSC, DAWR and UOG to further evaluate model outcomes and assess potential management strategies. In addition, the Council suggested that the installation of bio-socks and other tree planting programs in areas highly subject to soil erosion be considered in the Atlantis Model discussions.
2. Understood that local enforcement resources are limited, and therefore recommended the NMFS Office for Law Enforcement (OLE) and USCG explore options to assist Guam's conservation officers in monitoring and enforcing the Marine Preserves.

Regarding Mariana Archipelago fisheries, the Council:

3. Requested the USCG to provide training for the deployment, storage and proper disposal of expired safety pyrotechnics (i.e. flares).
4. Directed staff to work with the Guam Advisory Panel to develop fish species identification education and outreach tools, such as smartphone apps and water proof ID cards, to help novice fishermen and visitors with Mariana species identification.
5. Directed staff to investigate the lack of access to certified marine mechanics on Guam and explore options for providing to marine mechanic training and certification.
6. Directed staff to print the Fishermen Code of Conduct in Chinese and Korean for distribution in CNMI.

7. Requested NMFS-PIFSC to explore the applicability of the ecosystem modeling framework to the American Samoa, CNMI, and Hawaii near-shore ecosystems that would support fisheries management.
8. Supported Guam's effort to establish a fishery council consisting of all fishing sectors, non-government organizations, and interested parties to advise the government on the conservation and management of Guam fisheries.
9. Requested that the governments of Guam and CNMI provide the Council with the applicable laws or policies that pertain to the authorization of fishing in waters under state or territory jurisdiction, and further notes that this information will assist the Council in its education and outreach activities in these areas.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Appointed to the American Samoa Advisory Panel,
 - Mr. Peter Crispin to replace Mr. Michael Crook (unable to participate) on Pelagic Fisheries Sub-Panel
 - Mr. Nonu Tuisamoa to fill Mr. Stephen Haleck (passed) position on Ecosystem and Habitat Sub-Panel
2. Appointed to the Hawaii Advisory Panel,
 - Mr. Daniel Roudebush to replace Mr. Steven Yamasaki (unable to participate) on Ecosystem and Habitat Sub-Panel
 - Mr. Geoff Walker to replace Mr. Sean Asuncion (unable to participate) on Pelagic Fisheries Sub Panel
3. Appointed Archie Taotasi Soliai, StarKist Manager, to the Fishing Industry Advisory Committee
4. Appointed to the Scientific and Statistical Committee,
 - Mr. Mike Tenorio to replace Dr. Todd Miller
5. The Council directs staff to request the Department of Justice consider directing funds received from fines and penalties from marine pollution violations that occur in waters of the Territory of American Samoa or in the US EEZ around America Samoa be provided to American Samoa government to support conservation and management activities identified in American Samoa's Marine Conservation Plan.

6. Reappointed the Council Officers for 2016:

- Mr. Edwin Ebisui Jr., Chair
- Ms. William Sword, Vice Chair for American Samoa
- Mr. John Gourley, Vice Chair for the CNMI
- Mr. Michael Duenas, Vice Chair for Guam
- Mr. Fredrick McGrew Rice, Vice Chair for Hawaii