



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

165th Council Meeting
March 15-17, 2016
Laniakea YWCA Fuller Hall
Honolulu, Hawaii

AMERICAN SAMOA ARCHIPELAGO

Regarding American Samoa Fisheries, the Council:

1. Directed staff to determine ways to support and encourage local participation in fishing tournaments by providing for a tournament perpetual trophy or tournament category for American Samoa participants that will enhance fishery science and management and build interest and participation in fishing with residents of the Territory.
2. Directed staff to draft a letter to DMWR to identify proposed FAD locations that are currently unauthorized and to submit permit applications to the USCG and the Army Corps of Engineers (ACE), and further directs staff to draft a letter to the USCG and ACE to coordinate with DMWR to expedite the permitting process.



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PELAGICS AND INTERNATIONAL

Regarding the US EPO longline bigeye tuna limit, the Council:

1. Directed staff to work with NMFS and IATTC Scientific staff to evaluate the impacts of IATTC management options that could provide relief to the Hawaii longline fishery while not resulting in bigeye overfishing in the future. Further, the Council recommended the US delegation to the IATTC propose that reporting of catches by countries of bigeye tuna and other species be broken down by vessels greater than 24 m and less than 24 m, in the same manner as the USA.

Regarding North Pacific EPO swordfish, the Council:

2. Recommended continued logbook and observer program monitoring by NMFS of the incidental catch of swordfish in the EPO in the HI deep set longline fishery, and notes that any non-retention of EPO swordfish is not warranted for the Hawaii deep set longline fishery because (1) fishing mortality is primarily the result of overfishing pressure at the international level; (2) HI fishermen harvest an insignificant fraction of EPO swordfish and (3) non-retention would disadvantage HI fishermen while providing negligible conservation benefits.

Further, in regards to international management, the Council recommended the US Delegation to the IATTC put forward a proposal that the IATTC take action to eliminate overfishing on this stock by reducing the fishing mortality on North Pacific EPO swordfish by at least 10%.

Regarding spatial management of longline fisheries, the Council:

3. Recommended that the US should request that longline spatial management options be evaluated by the SPC and to have the WCPFC Science Committee endorse this work program in 2016.

Regarding reporting of the Hawaii Longline fishery, the Council:

4. Requested that reports generated by NMFS PIFSC for the Hawaii longline fishery include maps showing trends of catch and fishing effort over time because these would be useful for understanding spatial trends in the fishery.

Regarding the proposed longline vessel dock extension of the Malaloa Marina in American Samoa, the Council:

5. Recommended the staff request the American Samoa Government make known the planned funding source that will be utilized for the construction of the future longline dock and provide a timeframe to complete the project.

Regarding the NMFS economic analysis on the impact of US purse seine effort limits on American Samoa, the Council:

6. Reiterated its recommendation that NMFS expedite this analysis and to make a determination, so that an appropriate management decision is made on the attribution of US purse seine catch or effort.

Regarding Free Trade Agreements, the Council:

7. Directed staff to request information from the appropriate federal agencies on discussions and plans held to prevent negative impacts of recently signed FTAs to the domestic tuna canning industry and subsequently the economy of American Samoa.

Regarding the American Samoa Large Vessel Prohibited Area, the Council:

8. Requested NMFS PIFSC provides pelagic catch rates and other fishery statistics for the newly opened sections of the American Samoa Large Vessel Prohibited Area.

Regarding catch rates of PMUS in the American Samoa longline fishery, the Council:

9. Directed the Plan Team to review CPUE variability with regards to the implementation of turtle mitigation measures in the fishery.

Regarding the small vessel pelagic fisheries in Hawaii, the Council:

10. Requested NMFS PIFSC provide a report on the Hawaii small-vessel pelagic fisheries each year to complement reporting on the longline fishery. Topics of interest would include the State DAR fishermen's reporting on pelagic catch by major species and gear categories, and boat-based catch estimates of major species from HMRFS.

Regarding 2016 Amendment 7 specifications, the Council:

11. Requested NMFS PIRO not repeat the non-seamless administrative rule making processes experienced in 2015 in relation to US WCPO bigeye limits and Amendment 7 specifications, and further, requested NMFS PIRO expedite the completion of the 2016 specification package including NEPA and ESA consistency determinations to reduce impacts on Hawaii longline fishing vessels and Hawaii seafood markets.

Regarding observer coverage levels in the Hawaii longline fishery, the Council:

12. Directed staff to follow-up on the analyses by NMFS PIFSC staff on observer levels in the Hawaii shallow-set longline fishery to examine what level of observer coverage is required to provide an appropriate trigger (relative to management under a hard cap scenario), and develop this into a simple risk curve tool to advise management. The Council expects to take action in its June 2016 meeting to consider recommending a reduced level of observer coverage in the Hawaii shallow-set longline fishery.

Further, the Council recommended that NMFS PIRO explore how more resources can be devoted to the quality control process to relieve the observer data bottleneck which slows down the provision of observer data for science and management. The Council also requested NMFS identify what level of Hawaii longline observer coverage would reduce data quality processing time lags.



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PROTECTED SPECIES

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

1. Directed staff to continue to monitor interactions between leatherback turtles and the Hawaii deep-set longline fishery.
2. Recommended PIFSC explore the use of time series regression-based analysis rather than the current laborious process given remaining uncertainties. Further, such an analysis could include environmental and other covariates to provide take rate estimates that are just as reliable but with much less analytical effort.
3. Recommended pursuing a follow-up analysis to evaluate patterns of leatherback interactions by spatial, temporal, environmental, operational characteristics, ecosystem characteristics and natural variability. Leatherback turtles are known to aggregate at frontal areas and make directed movements, which may inform understanding of leatherback interaction patterns in the longline fishery.

Regarding the Scientific Review Group Meetings, the Council:

4. Requested PIFSC provide further information to the SSC on topics related to fishery interactions with spotted dolphins and the California swordfish drift gillnet bycatch as discussed at the Pacific SRG meeting on Feb 25-26, 2016.
5. Requested NMFS to fill the membership gap for the PSRG with appropriate expertise in commercial fishing technology and practices for the Hawaii and U.S. Pacific Islands.

Regarding the Green Turtle Proposed Rule, the Council:

6. Reiterated its request that NMFS and USFWS extend the period for making a final determination by six months as allowed under ESA Section 4(b)(6)(B)(i) given the

substantial disagreement and uncertainty regarding the sufficiency or accuracy of the available data relevant to the proposed rule.

Regarding the Green Turtle and Coral Critical Habitat Determination Process, the Council:

7. Requested NMFS to consult with the Council and potentially affected fishermen and communities in preparation of the Economic Analysis required during the determination process.



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PROGRAM PLANNING AND RESEARCH

Regarding the Kona Crab assessment, the Council:

1. Directed staff to pursue funding to support research on Kona crab post-release survival and methods for improving survival. Further, the Council directed staff to work with scientists and Division of Aquatic Resources to explore the effects of female release on the stock to inform potential management measure involving release or retention of non-gravid female crabs.

Regarding Management Strategy Evaluation (MSE) Priorities, the Council:

2. Directed staff to finalize and send the regional MSE priorities to the Pacific Island Fisheries Science Center and direct staff to develop project proposals addressing some of the priorities through the Regional Fishery Management Council's Coral Reef Conservation Program grants.

Regarding National bycatch issues, the Council:

3. Directed staff to review and provide comments to the NMFS National Bycatch Strategy and the Standardized Bycatch Reporting Methodology proposed rule. Staff should ascertain whether FEPs will need to be amended, whether bycatch data collection will have to be described in more detail than at present and whether NMFS and the island fisheries agencies will have to modify existing bycatch data collection or introduce new bycatch data collection programs.

Regarding the recent request to expand the Papahānaumokuākea Marine National Monument, the Council:

4. Directed staff to write to President Obama to articulate information regarding the lack of conservation benefit that the expansion would provide and the negative impacts that would occur to the Hawaii fisheries, Hawaii's seafood market, and the Nation. Further the Council directed staff to work with American Samoa, Guam and CNMI to develop language to express opposition to further expansion of other Western Pacific monuments.

Regarding draft revised FEPs and FEP objectives, the Council:

5. Approved the proposed modifications below to the FEP objectives that were voted on at the 164th meeting, and directs staff to 1) work with NMFS PIRO to facilitate their timely review of all five revised FEPs and 2) transmit the revised plans for Secretarial review as soon as possible. The Council noted that the revised plans do not change the current regulatory or management regime but rather set forth considerations that will be taken into account during future management decisions.

FEP Objectives with proposed modifications (in red):

Support Fishing Communities

- *Identify the various social and economic groups within the region's fishing communities and their interconnections.*
- *Ensure that regulations designed to meet conservation objectives are written to be as minimally-constraining as possible*
 - ***Ensure that regulations designed to meet conservation objectives do not unnecessarily constrain fishing operations.***
- *Select management alternatives that minimize adverse economic impacts to fishing communities when possible.*
- *Eliminate regulations that are no longer necessary (i.e., eliminate access barriers)*
 - ***Identify and consider removing conservation and management measures that are no longer necessary or are ineffective in meeting management goals and objectives.***
- *Increase communication between the Council and the various fishery sectors.*
- *Support fishery development, training and processing opportunities.*
- *Support projects, programs and policies that increase sustainable fishing opportunities.*

Prevent Overfishing while Achieving on a Continual Basis the Optimum Yield from Each Fishery

- *Develop status determination criteria for all stocks and stock complexes in the fisheries.*
 - ***Develop status determination criteria for all stocks and stock complexes that require conservation and management.***
- *Monitor fisheries to understand when overfishing may be close to occurring*
 - ***Monitor fisheries to understand when overfishing is occurring and when a stock may be approaching an overfished condition.***

Improve Fishery Monitoring and Data Collection

- *Increase the number of fishery ecosystem elements being monitored.*
 - ***Increase the number of fishery ecosystem parameters being monitored.***
- *Improve the timeliness of data availability.*
- *Improve the quantity and quality of relevant fishery data.*
- *Encourage research to improve precision of data regarding protected species populations and distributions.*

- Increase research coordination between the Council, the state, and federal agencies.
- Increase the quality and quantity of monitoring and enforcement data through improved technology.

Promote Compliance

- Understand factors that may result in non-compliance.
- Consider ways to develop or increase buy-in from affected parties.
 - **Consider and develop ways to increase compliance with fishing regulations.**
- Ensure that regulations are written and implemented so as to be easy to follow and enforce
 - **Ensure that regulations are written and implemented so they are easy to follow and enforce, to the extent possible.**
- Develop codes of conduct specific to individual fisheries.

Reduce Bycatch and Minimize Interactions and Impacts to Protected Species to the Extent Practicable

- Promote viable methods and technologies that may reduce interactions with seabirds, marine mammals, sea turtles, corals, and other protected species.
 - **Promote the development and use of viable methods and technologies that may reduce interactions with seabirds, marine mammals, sea turtles, corals, and other protected species.**
- Increase fishermen's knowledge about protected species issues and regulations and ways to minimize interactions.
- Continue to work with federal and state agencies to protect relevant threatened and endangered species.
 - **Continue to work with federal and state agencies to protect threatened and endangered species that are relevant to Council-managed fisheries and Council-identified fishing communities.**
- Encourage programs to obtain or improve information regarding the status of relevant threatened or endangered species.
 - **Encourage programs to obtain or improve information regarding the status of threatened or endangered species that are relevant to Council-managed fisheries and Council-identified fishing communities.**
- Encourage research that examines whether and what extent bycatch is an issue in fisheries covered by this management plan.
 - **Encourage research to understand and reduce bycatch to the extent practicable in Council-managed fisheries.**

Refine Essential Fish Habitat (EFH) Designations and Minimize Impacts to EFH

- *Review and update EFH and HAPC designations on a regular schedule (5 years) based on the best available scientific information of a higher EFH level than was used for the original designation*
 - ***Regularly review EFH and HAPC designations and update such designations based on the best available scientific information, when available.***
- *Identify and prioritize research to: assess adverse impacts to EFH and HAPC from fishing and non-fishing activities, including, but not limited to, offshore energy developments, aquaculture, and mining; and activities that introduce non-point source pollution into the coastal environment .*
 - ***Identify and prioritize research to: assess adverse impacts to EFH and HAPC from fishing (including aquaculture) and non-fishing activities, including, but not limited to, offshore energy developments, and mining; and activities that introduce non-point source pollution into the coastal environment.***

Increase Traditional and Local Knowledge in Decision-making

- *Identify relevant indigenous and local practices and knowledge that may improve scientific inquiry regarding Council-managed fisheries.*
- *Utilize cultural practitioners, concepts, and bodies in the analysis of management alternatives.*
- *Consider fishermen's knowledge when analyzing management alternatives.*

Rebuild Overfished Stocks [Hawaii]

- *Maintain the Hancock Seamounts Ecosystem Area*
 - ***Consider maintaining the Hancock Seamounts Ecosystem Area until best scientific information available indicates a management action is in order.***
- *Maintain the fishing moratorium within the Hancock Seamounts Ecosystem Area, until surveys show that the armorhead stock has been rebuilt.*
 - ***Consider maintaining the fishing moratorium within the Hancock Seamounts Ecosystem Area, until surveys show that the armorhead stock has been rebuilt.***
- *Participate in international conservation and management efforts to rebuild armorhead stocks.*
- *Identify research priorities for armorhead and other relevant species within the Hancock Seamounts Ecosystem Area.*
 - ***Identify research priorities for armorhead and other species as determined appropriate within the Hancock Seamounts Ecosystem Area.***

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

- *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 the Bottomfish Fishing Restricted Areas, military installations, NWHI restrictions, and Marine Life Conservation Districts.*

- *Identify and prioritize research that examines the positive and negative consequences of areas that restrict or prohibit fishing to fisheries, fishery ecosystems, and fishermen, such as the Bottomfish Fishing Restricted Areas, military installations, NWHI restrictions, and Marine Life Conservation Districts.*
- ***REMOVE: Consider whether the goals of any spatial-based fishing restrictions proposed in Federal waters appear to be achievable.***
- *Establish effective spatially-based fishing zones.*
- *Remove spatial-based fishing restrictions that are no longer necessary.*
 - *Consider modifying or removing spatial-based fishing restrictions that are no longer necessary or are ineffective in meeting their management objectives.*
- ***ADD: As needed, periodically evaluating the management effectiveness of existing spatial-based fishing zones in federal waters.***

Consider the Implications of Climate Change in Council Decision-making

- *Identify and prioritize research that examines the effects of climate change on Council-managed fisheries and fishing communities.*
 - ***Identify and prioritize research that examines the effects of climate change on fishing communities and fisheries covered by this management plan.***
- *Ensure climate change considerations are incorporated into the analysis of management alternatives*
 - ***Consider the potential effects of climate change in the analysis of management alternatives.***
- *Monitor climate-change related variables via the Council's Annual Reports.*
 - ***Identify and monitor climate-change related variables via the Council's Annual Reports.***
- *Engage in climate change outreach with US Pacific Islands communities.*
 - ***Engage in outreach and communication activities with US Pacific Islands communities related to fisheries.***



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HAWAII FISHERIES

Regarding Offshore Wind Energy, the Council:

1. Directed staff to request inclusion in the BOEM Hawaii Intergovernmental Task Force, as renewable energy projects undergoing the leasing process directly impact fisheries in the Council's jurisdiction. In addition, the Council directed staff to work with offshore wind energy developers through the BOEM leasing process to ensure access to fishing grounds is not restricted and/or fishing is allowed around/near these wind energy structures and to provide comments on fishing impacts during the public environmental review process.

Regarding Hawaii Fisheries, the Council:

2. Directed staff to assess the impacts of a proposed closure at Kaupulehu, Hawaii on the Hawaii bottomfish fishery, as the proposal includes bottomfish habitat 300 to 1200 ft. (50 to 200 fm) extending into the Federal EEZ and communicate the findings to the State of Hawaii.
3. Requested NMFS PIFSC prioritizes Kaupulehu in the Kona Integrated Ecosystem Assessment to determine non-fishing impacts in this area. Further, the Council recommended NMFS expand the IEA effort to South Oahu and Mamala Bay where there is intense use from a high human population.
4. Directed staff to develop and hold community meetings on the future of FAD fishing in Hawaii.



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MARIANAS ARCHIPELAGO

Regarding Guam Fisheries, the Council:

1. Requested the Guam Department of Agriculture to review the information available from the enforcement reports on the sea cucumber harvest and report back to the Council in June 2016.
2. Recommended the Guam Department of Agriculture include the fishing community in the development of Sportsfish Restoration funds, grant proposals, projects and priorities.

Regarding capacity building and marine education and training, the Council:

3. Directed its Advisory Panel and staff to work with NMFS PIRO and the fishing community to develop a regional approach to developing a marine mechanics training/certification program.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Made the following changes to its advisory bodies:
 - a. Add David Benavante, CNMI DFW, to the Plan Team and FDCRC Technical Committee
 - b. Add Augustin M. Kaipat, DLNR, to the Education Committee to replace Todd Miller.
 - c. Add Cecilio Raiukiulipiy, CNMI, to the Marianas AP to replace Juan Tenorio
 - d. Solicit for alternatives to the American Samoa AP to replace Romero Veavea.
 - e. Add Stefanie Dukes, PIFSC, to the Plan Team
2. Recommended the revised ROA be adopted as presented including the ESA-MSA Integration Agreement, Action Plan Template and Council diagram as appendixes and directs staff to finalize the EFH Policy to include the five-year EFH review and the EFH consultation coordination processes. The Council endorsed the inclusion of major federal actions with more than minimal adverse effect on EFH and those identified by the Council or its advisory bodies in the scope of the EFH consultation agreement.
3. Endorsed the continued development of the SSC three year plan and encourages staff to work with NMFS PIRO and PIFSC to define their roles within the plan. The Council understands that SSC members have until April 30 to provide review and comment on the plan, and looks forward to the next iteration at the June Council Meeting.
4. Regarding non-commercial fisheries and MRIP, recommended NMFS include the Council's Federal Data Coordination and Research Committee (FDCRC) as the Western Pacific analog to the State Marine Fisheries Commissions in MRIP activities. Further, the Council supports instituting a mail survey for non-commercial data collection in Hawaii and directed staff to prepare a project for the next MRIP funding opportunity.

5. Directed staff to finalize the SOPP for final approval by the June 2016 Council meeting.
6. Modified the staff retirement requirement from 20 years of employment with the Council to 15 years. All other requirements remain.
7. Regarding data collection and research:
 - a. Directed staff to coordinate with state and territorial agencies to ensure that the marine catch being sold through social media is captured, as such transactions are not being recorded through existing reporting requirements.
 - b. Recommended NMFS PIFSC to conduct an evaluation of the creel survey program in American Samoa, Guam and CNMI on how effective the surveys are in engaging the fishing community and explore other data collection systems, including permit and reporting.