



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

TO: Interested Parties

September 19, 2017

FROM: Kitty M. Simonds

SUBJECT: Action Items for 171st Council Meeting

1. **American Samoa Large Vessel Prohibited Area (LVPA)**
2. **American Samoa Longline Permits**
3. **Annual Sea Turtle Interaction Limits in the Hawai'i-based Shallow-Set Longline Fishery**
4. **Offshore Aquaculture**
5. **Species in Need of Conservation and Management**
6. **Annual Catch Limits for 27 Coral Reef Fish Species in the main Hawaiian Islands.**
7. **Gold Coral**

The Council will consider the issues summarized below, including any public comments on this initiatives. The 171st Meeting of the Western Pacific Regional Fishery Management Council will convene October 17 to 19, 2017, at the Gov. H. Rex Lee Auditorium (Fale Laumei) in Utulei, American Samoa. The Council may act upon the following 7 items. The public is invited to provide comments for Council consideration. Written comments should be received by the Council's Executive Director by 5:00 p.m. (Hawaii time) Friday October 13, 2017, FAX or email as indicated below.

Mail: Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

FAX: (808) 522-8226

E-mail: info.wpcouncil@noaa.gov

1. American Samoa Large Vessel Prohibited Area (LVPA)

The Council will consider taking initial action on options to provide an exemption to US-flag longline vessels over 50 feet in length to fish within the American Samoa LVPA. The purpose of this action is to address continued poor economic performance in the American Samoa longline fishery and to eliminate regulations that may be unnecessarily restricting fleet movement and harming fishing efficiency. In the early 2000s, there were around 40 small scale longline vessels (alia) and 25 larger vessels, both targeting albacore for the local canneries. The LVPA was established in 2002 to separate large vessels and small longline vessels to prevent potential gear conflict and catch competition. Since 2006, there have been less than 3 alia operating, with only one alia longline vessel in operation since 2010. Around 15 large longline vessels continue to operate out of Pago Pago Harbor, but under severe economic stress. The Council will consider LVPA options that may serve to improve economic efficiency of large vessels taking while taking into consideration, among other things, the need to prevent overfishing, impacts on small vessels, and protecting American Samoa cultural fishing practices.

LVPA Spatial Fishing Options

Options	LVPA
1	Status Quo: maintain LVPA regulations which generally prohibit large vessels (>50 ft) from fishing within 50 nm around Tutuila, Manua Islands, and Swains Island
2	25 nm LVPA exemption area north of Tutuila and Manua Island but maintain 50 nm southern boundaries and 12 nm around Swains Island
3	LVPA exemption area seaward from 25 nm north of Tutuila and Manua Islands; within designated areas south of Tutuila and Manua; seaward from 12 nm around Swains Island
4	25 nm LVPA exemption area seaward of Tutuila, Manua, and Swains Islands
5	25 nm LVPA exemption area seaward of Tutuila and Manua Islands, seaward from 12 nm around Swains Island
6	LVPA exemption area seaward o 12 nm around Tutuila, Manua, and Swains Islands (Council 2015 preferred)
7	Apply exemption throughout LVPA area

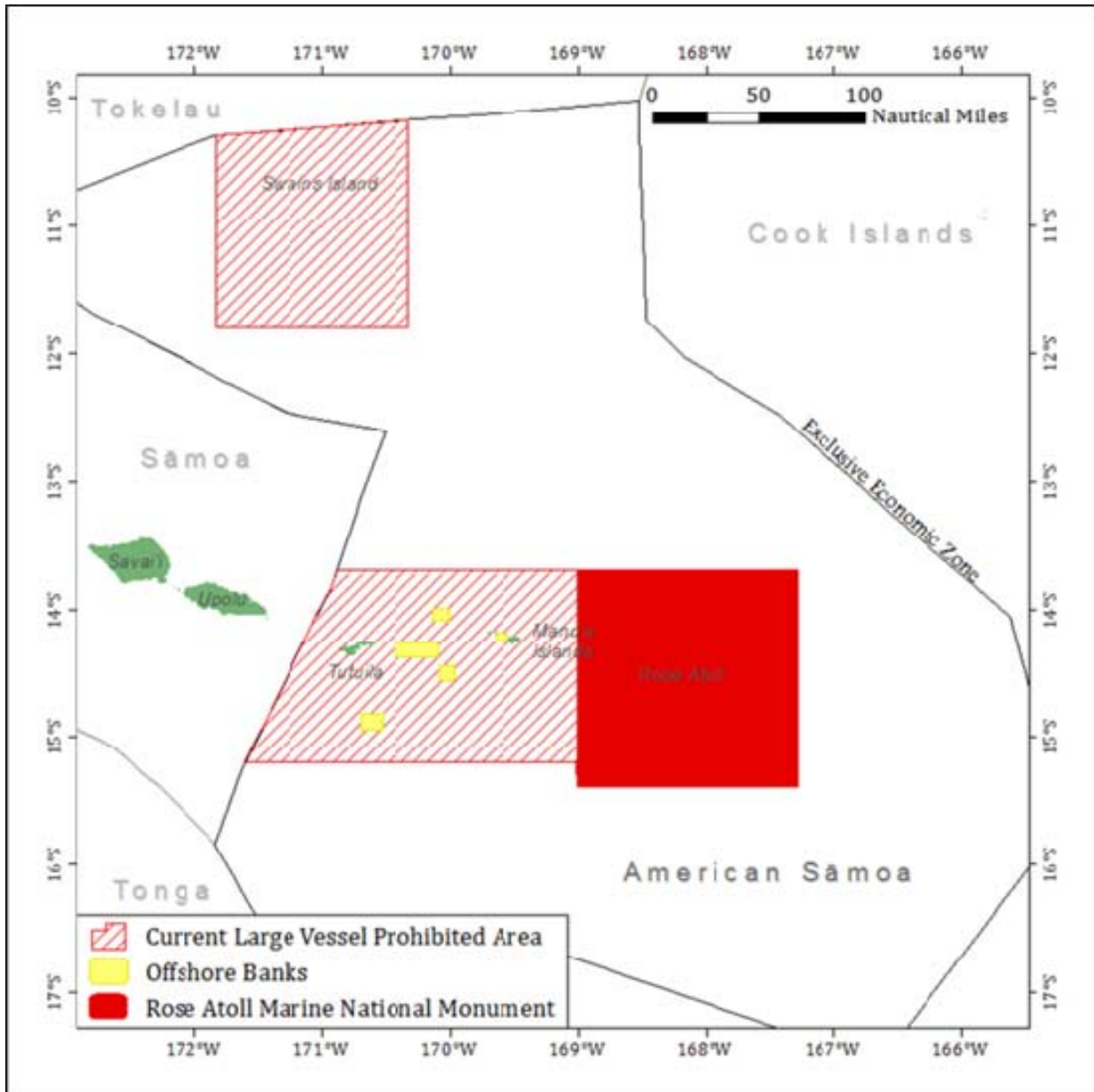


Figure 1: US EEZ around American Samoa showing boundaries of the LVPA around Tutuila, Manua Islands, and Swains Islands (generally 50 nm closure to vessels greater than 50 ft) and Rose Atoll Marine National Monument closed to commercial fishing

The Council will consider taking initial action on this matter at it October meeting.

2. Modifications to the American Samoa Limited Entry Longline Permit Program

The American Samoa longline limited entry program was developed by the Council in 2002 to limit access to a booming fishery. The program was implemented under federal regulations by the National Marine Fisheries Service in 2006. Since then, the small-boat alia fishery has shrunk to a single vessel and the larger vessels are facing economic hardship. In 2011, the Council recommended modifying the program to remove potential regulatory barriers to new entry and to streamline the permit process. At the 170th meeting, the Council reviewed that recommendation and new information such as recent fishery performance and impacts to cultural fishing.

The Council endorsed its 2011 recommendation augmented by the following: a) Reduce the “small” vessel class minimum harvest requirement to 500 pounds of pelagic management unit species within a three-year period, but maintain the existing 5,000-pound harvest for the “large” vessel class; b) Require that the entire minimum harvest amounts for the respective vessel classes are to be landed in American Samoa within a three-year permit period, but do not require the minimum harvests to be caught within the US exclusive economic zone around American Samoa; c) Specify a fixed three-year permit period that is the same as the three-year period to make a minimum harvest requirement; and d) Require that the minimum harvest period not restart in the event of a permit transfer, and, if the minimum harvest amount has not been caught at the time of transfer, require the new permit owner to meet the harvest requirement based on the percentage of time left within the three-year permit period and the minimum harvest amount.

The Council will consider taking final action this matter at its October meeting.

3. Annual Sea Turtle Interaction Limits in the Hawai‘i-based Shallow-Set Longline Fishery

The Council will consider options regarding the annual limits on loggerhead and leatherback sea turtle interactions in the Hawai‘i-based shallow-set longline fishery. The Council will review whether the continuation of annual limits on sea turtle interactions (“hard caps”) is necessary to achieve the objectives of the 2004 suite of measures that implemented the hard caps under the Pelagic Fishery Management Plan (FMP; currently the Pelagic Fishery Ecosystem Plan (FEP)). The objectives of the 2004 measures were to achieve optimum yield and promote domestic marketing of management unit species on a long-term basis from the region’s pelagic fishery, without likely jeopardizing the continued existence of any threatened or endangered species. A pending reinitiation of Section 7 consultation of the fishery under the Endangered Species Act (ESA) is anticipated to change the incidental take statement (ITS) for loggerhead and leatherback turtles, which form the basis for the hard cap measures implemented under the Pelagic FEP.

Options to be considered include the following:

- 1) Option 1: Status Quo/No Action – Continue managing the Hawaii shallow-set longline fishery with the existing hard cap measure
- 2) Option 2: Modify the annual limits for loggerhead and leatherback turtles and retain existing fishery closure procedure
 - a. Sub-option 2a: Do not specify annual limits

- b. Sub-option 2b: Specify new annual limits
 - c. Sub-option 2c: Change annual limit to a multi-year limits
- 3) Option 3: Remove hard cap measure

Regulatory Amendment 3 to the Pelagic FMP established a limited “model” Hawaii shallow-set longline swordfish fishery and implemented a suite of measures in 2004 to achieve optimum yield while not jeopardizing the long term existence of sea turtles and other listed species. Included in the measures were annual interaction limits for loggerhead and leatherback turtles that applied to the Hawaii shallow-set longline fishery. These hard caps were set equal to the annual estimated ITS in the Biological Opinion (BiOp) issued by the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA.

Since the reopening of the shallow-set fishery and implementation of the hard cap measure in 2004, the fishery has reached the hard cap twice: once for reaching the loggerhead hard cap in 2006; and once for reaching the leatherback hard cap in 2011. The average number of observed interactions for the 2005-2016 period was 9.9 loggerhead turtles and 7.8 leatherback turtles per year, well below the original hard caps of 17 loggerhead and 16 leatherback turtles, as well as the revised hard caps of 34 loggerhead and 26 leatherback turtles implemented in 2012. All loggerhead and leatherback turtles observed interacting with the fishery have been released alive and following proper handling protocol to maximize post-hooking survival. In majority of the years, the annual observed interactions remained below 50 percent of the hard cap for each species.

At its 171st Meeting, the Council will consider options related to the annual interaction limits in the Hawai‘i-based shallow-set longline fishery and consider taking initial action.

4. Offshore Aquaculture

This action would establish a federal management program to develop a sustainable aquaculture industry in the US EEZ waters around American Samoa, Hawai‘i, Guam, CNMI and the Pacific Remote Island Areas. The program would provide a framework for the Council and NMFS to review and authorize where, how and how much aquaculture is developed and to regulate and manage aquaculture activities in the EEZ.

5. Species in Need of Conservation and Management

The Council will review the species deemed as in need of federal conservation and management and decide whether to remove the remaining species from the Fishery Ecosystem Plans or reclassify them as Ecosystem Components, which will be monitored and managed using an ecosystem-based fishery management approach.

Option 1: No Action (Status Quo) – Continue to manage thousands of species in the Fishery Ecosystem Plans as species that are in-need of conservation and management

Under the No Action option, the Council would not recommend changes to the existing management unit species list in the American Samoa, Marianas, Hawaii, and Pacific Remote Island Area FEPs.

Option 2: Classify species based on the ten factors described in National Standard 1

Under Option 2, the Council would recommend classifying all of the MUS in the American Samoa, Marianas, Hawaii and the Pacific Remote Island Area FEPs using the ten factors described in §600.305(c)(1) of the NS1 guidelines. The classification would be based both the analytical framework and the Ecosystem Component Expert Working Group deliberations. The Council may consider several sub-options for the classification of the MUS in the four FEPs. Each sub-option will have repercussions on the compliance with National Standard 1 requirements as well as retention of existing rules and regulations associated with the species/stocks/fishery.

Sub-option 2.1: Designate species in-need of federal conservation and management (reduce the species into manageable numbers and determine the ones that would benefit from federal CM)

Under sub-option 2.1, the Council will designate species remaining after the analytical framework has been applied and the species that the Ecosystem Component Expert Working Group recommended as species in need of federal conservation and management. These are the species to which all the NS1 requirements would apply including but not limited to specification of MSY, SDC, harvest reference points, EFH, and will be monitored through the SAFE reports. Under this option, these species will be subject for stock assessments and review. These species will be prioritized for research under the MSRA Research Priorities.

Sub-option 2.2: Designate species that are not in-need of federal conservation and management

Under sub-option 2.2, the Council will designate species that got filtered out of the analytical framework and the species that the Ecosystem Component Expert Working Group removed from the preliminary list. These are the species that are not in need of federal conservation and management. These species have low values in terms of the variables analyzed or no available information. These species are also the ones the expert working group deemed as not occurring and not likely to occur in the federal waters and/or of no or very small socio-cultural significance.

Under this sub-option, the species are not subject to specification of the management reference points, SDCs, harvest reference points, and EFH. Included under this sub-option is the removal of species-specific regulations that are considered directed management like quotas, species specific minimum sizes, species specific ban on take and retentions etc. However, regulations that would affect the ecosystem rather than a specific species will remain (e.g. destructive gear restrictions, area closures, etc.)

The Council may consider two options under this sub-option of designating species that does not need conservation and management. These two sub-options under 2.2 would dictate whether the species will be retained in the FEP as Ecosystem Component Species or will be removed entirely from the FEPs.

Sub-option 2.2.1: Species will be retained in the FEP and be designated as ecosystem components

The sub-option 2.2.1 would allow the Council to retain the species deemed not in need of conservation and management in the FEPs as Ecosystem Component species. The NS1 requirements for harvest reference points, SDCs, management reference points, EFH are no longer required to be specified in the FEPs and monitored through the SAFE reports. These species are retained in the FEPs for ecosystem considerations and can be managed through non-directed management means. These species will continue to be monitored through programs assigned by the Council.

Under this sub-option 2.2.1, species-specific regulations will be removed. Ecosystem-related management measures (e.g. area and seasonal management, ban on destructive gear) and monitoring (permit and reporting) will be retained. The Council will continue to monitor the fishery through the SAFE report and determine if the species needs to be re-classified as in-need of conservation and management via an amendment action.

Under this sub-option 2.2.1, the Council can qualitatively consider the remaining factors in §600.305(c)(1) not included in the analytical framework to designate species as EC. This was done through the Ecosystem Component Expert Working Group and the rationales are found in the working group report.

Sub-option 2.2.2: Species will be removed from the FEPs

Under this sub-option 2.2.2, the Council may consider removing the species that were analyzed and deemed not in need of conservation and management from their respective FEPs. By removing it from the FEPs, the Council will be relinquishing management authority over these species. Under this sub-option, Councils should prepare a thorough analysis of factors in paragraphs §600.305 (c)(1)(i) through (x), and any additional considerations that may be relevant to the particular stock. This thorough analysis was only done on five of the ten factors and no through analysis was done on the remaining five factors.

At its 171st Meeting in October 2017, the Council will consider options for the classifying management unit species that are in need of conservation and management, designation as ecosystem components, or candidate species for removal from the FEPs. The Council may recommend a preliminary preferred option for further analysis, recommend inclusion of additional options, or recommend no action be taken at this time.

6. Annual Catch Limits for 27 Coral Reef Fish Species in the Main Hawaiian Islands

The Council will review a peer-reviewed stock assessment of 27 species of coral reef fish in Hawai‘i; a SSC working group’s evaluation of the new scientific information and its recommendation to provide new specifications for five species; and the P* working group’s risk level determinations for the species.

The Council may recommend new annual catch limits for the coral reef management unit species in Hawai‘i.

7. Gold Coral

The Council placed a five-year moratorium on the harvest of gold coral in 2008 due to discrepancies in growth estimates for the species in the Western Pacific Region. This moratorium was continued in 2013 due to the need for additional information and study of gold coral growth rates. The moratorium will expire in 2018.

The Council may propose an action to ensure the sustainability of the gold coral fishery.