



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

172nd Council Meeting
March 14-16, 2018
Laniākea YWCA Fuller Hall
Downtown Honolulu, Hawai‘i

FISHERIES ENFORCEMENT

Regarding the derelict foreign vessel recently grounded off Leone, American Samoa, the Council:

1. Directed staff to write to the US Coast Guard to request information on its policy regarding the at-sea tracking of abandoned, derelict vessels and actions they take to inform mariners.

Regarding the lack of US Coast Guard assets stationed in American Samoa and safety at sea concerns, the Council:

2. Directed staff to write to the US Coast Guard to request that visits by their vessels to American Samoa coincide with the American Samoa cyclone season.

Regarding enforcement of federal bottomfish permit and reporting regulations, the Council:

3. Requested the federal and local enforcement agencies in Hawaii and CNMI to assess potential non-compliance with Federal bottomfish permitting and reporting regulations in the Western Pacific Region and to develop a plan of action to address this issue.



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AMERICAN SAMOA ARCHIPELAGO FISHERIES

Regarding the Rose Atoll Marine National Monument and National Marine Sanctuary of American Samoa, the Council:

1. Requested NOAA and USFWS provide a report and presentation to the Council at its 173rd meeting in June that reviews resultant benefits to fish populations, protected species, and coral reef, deep-slope, and pelagic ecosystems from the establishment of the monument and sanctuary.

Regarding the 2018 Marine Conservation Plan, the Council:

2. Directed staff to assist DMWR in the development of the Am. Samoa MCP including adding specificity to the projects where appropriate and adding evaluative criteria as required to finalize for Council concurrence at its 173rd meeting in June.

Regarding the grounded, foreign longline vessels in Leone and the Pala Lagoon the Council:

3. Recommended the American Samoa Government look into NOAA's derelict vessel fund, and other sources of funding, to assist in removing the grounded vessels in American Samoa.



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PELAGIC AND INTERNATIONAL FISHERIES

Regarding framework for Managing Sea Turtle Interactions in the Hawaii Shallow-set Longline Fishery, the Council:

1. Recommended the development of a management framework under the Pelagic FEP to effectively manage impacts to leatherback and loggerhead sea turtles, consistent with the requirements of the Endangered Species Act and the Magnuson-Stevens Act, while maintaining fishing opportunities during peak swordfish season. The framework may include, among other measures, a) specification of hard caps; b) in-season measures to implement a temporary closure when a certain proportion of the loggerhead or leatherback limit is reached; c) real-time spatial management measures to monitor and manage interaction hotspots and fluctuations; and d) establishment of a fleet communication program to facilitate implementation of real-time spatial management measures and dissemination of interaction information to the fleet.
2. Directed staff to work with Hawaii shallow-set longline fishery participants to consider an industry-implemented cooperative framework where industry has discretion to manage fleet-wide sea turtle interactions based on hard caps identified by the Council and NMFS and may include industry-implemented transferable interaction quotas or other innovative and efficient methods (e.g. risk pools).
3. Directed staff to work with SSC members (Martell, Hospital, and Lynch) to review examples of industry-led transferable bycatch quota systems including the application of such systems to ESA-listed species for consideration by the industry, Council, and SSC. The Council further directed staff to identify any necessary management framework changes under the Pelagic FEP to allow an industry-led turtle interaction management system, and to provide a report to the Council at the June 2018 meeting.
4. Directed staff to work with fishery participants to identify communication pathways that may be implemented to provide more timely information to the fleet on sea turtle interactions.

Regarding TurtleWatch, the Council:

5. Recommended NMFS PIFSC displays both the number of turtle interactions and the number of turtles per unit of swordfish weight in its TurtleWatch program.

Regarding US Territory Longline Bigeye Specifications, the Council:

6. Recommended for 2018 that NMFS specify for each U.S. participating territory, a 2,000-mt longline bigeye catch limit and specify that each territory can each allocate up to 1,000-mt of their bigeye catch limit. The Council further recommended that NMFS implement these specifications by July 1, 2018.

The Council directs Council staff to finalize and transmit the specifications for Secretarial review, as appropriate. Further, the Council deems 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 Amendment 7 regulations, the Council:

7. Recommended as initial action the modification to Amendment 7 regulations to allow the Council to specify allocation limits without having to first specify total catch or effort limits and directed staff to work with PIRO to prepare an FEP amendment and associated analyses for final action at the 173rd Council meeting in June.

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

8. Reiterated its previous recommendation that it supports all fishing activities that occur in American Samoa waters and within US EEZ. The Council recognizes that the longline fishery, which targets albacore for landing at the local cannery, has experienced poor economic conditions for over a decade and dozens of vessels have left the fishery. Remaining longline vessels continue to face declining catch rates and increasing operating costs, and available information indicates that the current LVPA restricts fishing operations and adversely affects efficiency.
9. The Council also recognized that alia fishermen who troll for yellowfin, skipjack, and wahoo perceive that their fishing would be harmed if LVPA regulations are modified; however, available information while the 2016 LVPA Rule was in effect shows no adverse impacts to the catch rates of pelagic troll vessels, including alias.
10. The issue of the LVPA has resulted in disagreement within the American Samoa fishing community and is the subject of litigation between the governments of American Samoa and the United States. The Council notes that last year's court decision requires the consideration and protection of American Samoa cultural fishing. To this end, the Council requested that PIFSC conduct research on American Samoa cultural fishing to facilitate understanding and potential impacts under a changed LVPA. The Council notes that all fishing in American

Samoa has cultural importance, whether longline, alia vessels, other small vessels, because catch from these vessels is flowing into the community for cultural purposes.

11. On July 6, 2017 and November 11, 2017, the Council requested consultation with the Government of American Samoa on preserving and protecting cultural fishing under a new LVPA Rule. Consistent with this request, the Council requested that the American Samoa Government consider all relevant information, including the PIFSC research paper, available data on fishing impacts under the 2016 LVPA Rule, and input from longline and alia fishermen and other stakeholders, and identify an option consistent with the Magnuson Stevens Act that might resolve this disagreement. The Council requested that the American Samoa Government forward its recommendation to the Council by May 30, 2018 or sooner for action at its June 2018 (173rd) meeting.

Regarding the American Samoa Longline Swordfish Trip Limit, the Council:

12. Recommended to remove the swordfish trip limit that applies to the American Samoa longline fishery when operating south of the equator.

The Council directs Council staff to finalize and transmit the amendment for Secretarial review, as appropriate. Further, the Council deems 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 electronic monitoring and reporting, the Council:

13. Requested that PIRO and PIFSC expedite completion of their EM/ER projects and that they provide progress updates to the SSC and Council at their next meetings.

Regarding the WCPFC Tropical Tuna measure, the Council:

14. Requested NMFS PIRO complete documentation that will be used to respond to paragraph 40 of CMM 2017-01 which states that the Commission may take into account in setting any bigeye catch limits any plan submitted to the Secretariat by a CCM listed in Attachment 1, Table 3 to increase the level of monitoring and control of its longline vessels fishing in the Convention Area. The Council further requested NMFS PIRO develop such plan for review by the Council at its 173rd meeting in June.

Regarding yellowfin tuna, the Council:

15. Recognized that based on prior analysis and community scoping by the Council and DAR on changing the minimum size of juvenile ahi, an increase of the current minimum size from 3 pounds was not supported at that time as there would be minimal biological benefits to the

resource and the socioeconomic impacts to the community could be significant. However, the Council encouraged the State of Hawaii to evaluate the continued use of the “damashi-type” gear that uses hundreds of hooks on a branchline to target undersized ahi (<3 lbs) for commercial sale. In addition to evaluating enforcement options, the State may also consider alternate management options such as gear restrictions and/or bag limits that may address the social concerns in the fishery.

Regarding the Pelagics FEP, the Council:

16. Moved to amend the motion adopted at the 161st meeting from "to amend the Pelagics FEP to establish a FEP framework to implement RFMO conservation and management measures applicable to pelagic fisheries of the Western Pacific Region" to "amend the Pelagics FEP to establish a FEP framework to implement conservation and management measures adopted by the WCPFC, IATTC, and other RFMOs that authorize rulemaking consistent with the MSA which would be appropriate for Council consideration and implementation under the MSA.”

The Council directs Council staff to finalize and transmit the FEP amendment for Secretarial review, as appropriate. Further, the Council deems 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.



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PROTECTED SPECIES

Regarding the Albatross Workshop Report, the Council:

1. Directed staff to work with the Protected Species Advisory Committee and Pelagic Plan Team to consider next steps from the workshop in the 2017 SAFE Report review process.

Regarding the False Killer Whale Take Reduction Plan, the Council:

2. Directed staff to send a letter to NMFS in advance of the April 2018 TRT meeting conveying the following, and to convey these positions to the TRT at the upcoming meeting:
 - a. The Council finds that minimizing trailing gear on false killer whales may provide greater reduction in impacts than the weak hooks, which have exhibited low success rates in hook straightening. The Council recommends that NMFS increase its efforts to develop gear-based solutions to release false killer whales without hooks and/or with minimal amounts of trailing gear, including development of mechanisms that assist quick and safe removal of trailing gear.
 - b. The Council will not support any changes to gear or additional closures under the FKWTRP until the updated abundance estimates resulting from the 2017 HICEAS survey is available for review by the SSC and Council.
 - c. The Council finds that the Southern Exclusion Zone should be considered for removal when the TRP measures are revised as it is not necessary to achieve the goals of the TRP.
 - d. The Council requests NMFS to forward any TRT recommendations regarding changes to the operation of the fishery (e.g., gear, effort, spatial measures) to the Council for SSC and Council consideration to ensure consistency with the Pelagic FEP and ongoing deliberations of Council actions.

Regarding Protected Species Handling Requirements and Guidelines, the Council:

3. Directed staff to work with PIRO, PIFSC, industry representatives and other partners as appropriate to evaluate the current handling requirements and guidelines for various species (e.g., sea turtles, seabirds, marine mammals, sharks) to determine whether streamlining of the requirements and guidelines may facilitate improved handling responses from captain and crew.



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PROGRAM PLANNING AND RESEARCH

Regarding the ecosystem component amendment, the Council:

1. Approved the final list of management unit species that will be listed/reclassified as ecosystem components for inclusion in the Fishery Ecosystem Plans (as presented);
2. Provided the following guidance to staff and the Action Team in the development of the regulatory amendment reclassifying certain Western Pacific management unit species (MUS) as ecosystem component species (ECS):
 - a. For ECS, retain the following management measures and implementing regulations: 1) permit and fees; 2) reporting and record keeping; 3) prohibitions; 4) allowable gear and gear restrictions; 5) notifications; 6) at-sea observer coverage; 7) vessel marking and gear identification; 8) area closures; and 9) quotas, seasons and minimum sizes for American Samoa and Mariana precious coral ECS. These measures allow for the collection of data on EC species and protect the associated role of EC species in the ecosystem, and/or to address other ecosystem issues (600.305(c)(5)).
 - b. Revise, as appropriate, the definitions in the FEPs of MUS and ECS to reflect the final list of EC species and the MUS retained for conservation and management;
 - c. Revise, as appropriate, the definitions of Currently Harvested Coral Reef Taxa (CHCRT) and Potentially Harvested Coral Reef Taxa (PHCRT) consistent with the Council’s recommendation. As appropriate, carry forward the management measures and implementing regulations unique to the CHCRT to the coral reef MUS and those unique to the PHCRT to the coral reef ECS.
 - d. For purposes of the living fishery ecosystem plans, revise those sections of the FEP which are not required for ECS.

Regarding Aquaculture Management, the Council:

3. Recommended, as a preliminarily preferred alternative, Alternative 2 for all proposed program components and directs staff to prepare an amendment for final action.

Regarding non-fishing impacts to EFH:

4. The Council recommends that staff develop an omnibus amendment updating the non-fishing impact to EFH sections of the FEPs, incorporating the Minton 2017 EFH review report by reference.

Regarding Management Strategy Evaluation, the Council:

5. Directed staff to convene the SSC working group to review and update the insular fisheries and pelagic fisheries/protected species MSE priorities considering efforts related to the RFMOs MSE efforts. The pelagic fisheries/protected species working group members are Don Kobayashi, Shelton Harley, Graham Pilling, Kurt Schaefer, Justin Hospital staffed by Eric Kingma. The insular fisheries working group members are Ryan Okano, Michael Tenorio, David Itano and Frank Camacho staffed by Marlowe Sabater. For the pelagic fisheries/protected species MSE, the Council recommended the following for the working group's consideration:
 - a. trade-offs between the longline and purse seine fishery as it relates to maximum sustainable yield and conservation measures for bigeye tuna stocks in the Pacific; and
 - b. alternative rules for the conservation and management of protected species beyond the potential biological removal (PBR) approach looking at trade-offs and impact to the fishery and protected species.

Regarding Ecosystem-based Fisheries Management, the Council:

6. Requested NMFS to provide the Council with the draft Ecosystem-Based Fishery Management Regional Implementation Plan for the Council and its advisory bodies to review and comment.



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HAWAII ARCHIPELAGO AND PRIA FISHERIES

Regarding the main Hawaiian Island deep 7 bottomfish, the Council:

1. Endorsed the SSC's findings that the 2018 Stock Assessment for the Main Hawaiian Islands Deep 7 Bottomfish Complex to be the Best Scientific Information Available for the purposes of setting harvest level reference points and determining stock status.
2. Recommended NMFS PIFSC explore the use of a unified modelling approach based on for instance the Tweedie likelihood which was shown to be a better approach than a 2-stage approach like the delta-Normal¹ that may be able to better address area by year effects. The SSC continues to be concerned about the use of two separate models and then having to combine by post-model multiplication with the attendant problems with variance estimation for the combined model. The Council requested a report on this exploratory analysis prior to embarking on the next benchmark assessment in 2024.
3. Directed staff to convene the P* working group to evaluate the benchmark assessment to quantify the scientific uncertainties and determine the level of risk of overfishing to set the harvest limits.
4. Directed staff to convene the SEEM working group to evaluate the management uncertainties and initiate the discussion on the potential use of the carry over provision of NS1 in the management of the deep 7 bottomfish fishery.

¹ Foster S, Bravington M (2012) A Poisson–Gamma model for analysis of ecological non-negative continuous data. *Environmental and Ecological Statistics* 150: 250–258

Swallow B, Buckland S, King R, Tom, M (2016) Bayesian hierarchical modelling of continuous non-negative longitudinal data with a spike at zero: An application to a study of birds visiting gardens in winter. *Biometrical Journal* 58: 357–371

Regarding Kona crab WPSAR, the Council:

5. Appointed Dr. Steven Martell to serve as the Chair of the WPSAR Panel for the 2018 Main Hawaiian Islands Kona Crab Benchmark Stock Assessment Review on June 25-29, 2018 and endorses the SSC's approval of the terms-of-reference.



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MARIANA ARCHIPELAGO FISHERIES

Regarding Guam Fishery Issues the Council:

1. Requested NMFS, USFWS, Homeland Security, NOAA Enforcement and other agencies provide federal funding for law enforcement to have a separate dock in Guam’s existing boat marinas.

Regarding CNMI Fishery Issues, the Council:

2. Directed staff to encourage the Mariana Visitor Authority to utilize the fishermen’s code of conduct to create a brochure to be issued to visitors upon arrival to ensure proper care of the fishery resources in CNMI.

Regarding the Mariana Trench Marine National Monument, the Council:

3. Requested NMFS and USFWS provide an update on the MTMNM management plan and timeline for completion, including public commenting options, at the June Council Meeting.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Directed staff to continue to work with the NMFS Administration to address Council funding shortfalls related to vacant staff positions, increased administrative costs and unfunded programmatic activities.
2. Endorsed the proposed changes to the Advisory Panel Structure to reduce the total number of AP members in each island area from 12 to 6 members. In addition to the 6 advisors per island area, an overall AP chair and 4 island area vice-chairs shall also be appointed. The Council should direct staff to amend the SOPP to reflect these changes and initiate the solicitation process for new Advisory Panel members for the next four year term, 2019-2022.
3. Supported the following Advisory Body Changes:
 - a. add Tia Brown to the Education Committee
 - b. add Melanie Hutchinson to the Protected Species Advisory Committee, replaces Carl Meyer
 - c. add Ryan Okano to the Plan Team, fill seats vacated by Jo-Anne Kushima and Alton Miyasaka
 - d. add Mike Seki to the SSC as an *ex-officio* member
4. Directed staff to explore options that would facilitate the direct transfer of funds derived from specified fishing agreements between the US Participating Territories and Pelagics FEP permitted vessels.
5. Regarding the State of Hawaii’s consideration to open half of the Bottomfish Restricted Fishing Areas (BRFAs), reiterates its prior position, based on input from its SSC, that the State removes all BRFAs extending into federal waters and strongly recommended the closures in State waters also be removed. The opening of all BRFAs is supported by the recent outcome of the PIFSC benchmark stock assessment, independent peer review of the assessment and ongoing state-wide independent bottomfish research that has determined that the MHI deep-7 bottomfish stock is and has been healthy prior to and throughout the period that the BRFAs have been in place. The Council directed staff to

send a letter to the State reiterating its position on opening of the BFRAs and to offer support in developing a plan to improve data collection when the BRFAs reopen.

6. Endorsed the formation of a working group comprised of Lynch (SSC lead), Hilborn, Franklin, and Itano to work with Council staff in drafting a comment letter addressing the Best Scientific Information Available Framework. The letter will be submitted to the CCC on April 15, 2018. The working group will also provide recommendations to the WPSAR Steering Committee on potential improvements to the WPSAR process that would support the BSIA determination process.
7. Directed staff to write to the Secretary of Commerce, cc. the NMFS Assistant Administrator, to communicate the Council's concerns with the proposed amendments to the Billfish Conservation Act of 2012, whereby proponents have stated the legislation as being a "technical amendment" to fix an existing loophole. The legislation would equate Hawaii billfish landings as foreign catch and ban the sale of Hawaii caught billfish in the US mainland, which would serve no conservation purpose. The letter should note that the amendment would be contrary to Secretary Ross' initiative to combat the seafood trade deficit as over 500,000 lbs. of Hawaii caught billfish are marketed in the US mainland annually.
8. Requested the NMFS Administration provide the Council an opportunity to review the draft recusal and attribution policies prior to final publication.