



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

MEMORANDUM

February 4, 2020

TO: Interested Parties

FROM: Kitty M. Simonds

SUBJECT: Summary of Action Items for the 181st meeting of the Western Pacific Regional Fishery Management Council

- 1. Specifying Annual Catch Limits for the Mariana Archipelago Bottomfish Fishery;**
- 2. Options Paper to Amend the Bottomfish Management Unit Species in American Samoa and the Mariana Archipelago**
- 3. US Territory Longline Bigeye Catch/Allocation Limits**
- 4. Marine Conservation Plans for Guam, Commonwealth of the Northern Mariana Islands and the Pacific Remote Island Areas/Hawai'i**

The 181st meeting of the Western Pacific Regional Fishery Management Council will convene March 10-12, 2020, at the Laniakea YWCA, Fuller Hall, Honolulu, Hawai'i. The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments should be received by the Council's executive director by 5 p.m. (Hawai'i time), Thursday, March 5, 2020, by postal mail, fax or email as indicated below. After March 5, it is the submitter's responsibility to provide at least 40 copies of the written comment to Council staff at the Council meeting.

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Summary of Action Items at the 181st Council Meeting

1. Specifying Annual Catch Limits for the Mariana Archipelago Bottomfish Fishery;

The Council will consider final action to specify the annual catch limits (ACLs) for the Territories of Guam and Commonwealth of the Northern Mariana Islands (CNMI) bottomfish fisheries for fishing years 2020-2023. The specifications will be based on the 2019 Benchmark Stock Assessment of the Mariana Archipelago Bottomfish Fisheries, which is the best scientific information available. This recent assessment utilized a new methodology and found the Guam fishery to be overfished but not experiencing overfishing, and the CNMI fishery to be neither overfished nor experiencing overfishing.

In determining the ACLs, the Council will consider the acceptable biological catches (ABCs) for the fisheries and any management uncertainties. The ABCs are provided to the Council by its Scientific and Statistical Committee, which sets the ABCs based on the overfishing limit reflected in the stock assessment minus any scientific uncertainties.

The management and scientific uncertainties were determined by working groups in the Territories, which conducted social, economic, ecological and management (SEEM) analyses to determine management uncertainties and risk of overfishing (P*) analyses to determine the scientific uncertainties.

Based on this information, the Council will consider the following options:

- 1) No action (status quo): Do not specify ACLs
- 2) Specify new ACLs based on the SSC-recommended ABC and SEEM analysis
- 3) Specify ACLs lower than the SSC-recommended ABC and SEEM analysis

2. Options Paper to Amend the Bottomfish Management Unit Species in the American Samoa and the Mariana Archipelago Fishery Ecosystem Plans

The Council will consider taking initial action to revise the Bottomfish Management Unit Species (BMUS) in the American Samoa and Mariana Archipelago (Guam and CNMI) Fishery Ecosystem Plans (FEPs). The original Bottomfish Fishery Management Plan (FMP) for the Western Pacific Region listed 20 fish species that dominated the landings, which included both shallow and deep-water species. The BMUS were grouped into a single bottomfish complex for management purposes.

The Data 2000 Workshop in 1996 recommended that the BMUS be refined. The first revision of the BMUS was in connection with the transition from region-wide FMPs to place-based FEPs in 2009, with American Samoa, Guam and CNMI each having its own BMUS list, which continued to be treated as a complex for management purposes. The BMUS lists for the territories were most recently revised in 2018 when some MUS were designated as Ecosystem Component Species, which do not require ACLs. In October 2019, the Advisory Panel recommended further refining the BMUS in response to the 2019 benchmark stock assessment.

The territory bottomfish fisheries have evolved over time with the rise and fall of large vessel fleets and various sporadic fishery development projects. The current bottomfish fisheries consist of small boats undertaking single-day trips with low number of participants targeting both coral reef fish and deep-water snappers using the same pole-and-line gear.

The Council will consider the following options:

- 1) No action – Retain the BMUS lists as single complexes and do not generate a new assessment
- 2) Retain the current language in the FEPs that allow the Council to apply the control rules from single species to complex level and initiate the development of a new benchmark assessment
- 3) Amend the FEPs to refine the BMUS lists to fixed sets of grouping with a predetermined status determination criteria and initiate the development of a new benchmark assessment.

3. US Territory Longline Bigeye Catch/Allocation Limits

Bigeye tuna comprises a Pacific-wide population that is internationally managed and assessed as separate stocks in the Western and Central Pacific Ocean (WCPO) and Eastern Pacific Ocean (EPO) by the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission, respectively. Stock assessments conducted in 2017 (updated in 2018) for the WCPO indicate the bigeye tuna stock is not subject to overfishing nor overfished, according to the stock status determination reference points in the FEP for Pacific Pelagic Fisheries of the Western Pacific Region.

The WCPFC, of which the United States is a member, develops and agrees on conservation and management measures (CMMs) for highly migratory species caught by WCPFC members and Participating Territories (CCMs) in the WCPO. In December 2018, the WCPFC agreed on CMM 2018-01, which builds off earlier CMMs. Under CMM 2018-01, the longline bigeye limits of six countries are maintained at 2016 levels, including the United States with a limit of 3,554 metric tons (mt). CMM 2018-01, like earlier conservation measures, does not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the Convention Area by Small Island Developing States (SIDS) and Participating Territories, including American Samoa, Guam and the CNMI. Limits are not provided to the SIDS and Participating Territories in recognition of their fisheries development aspirations. CMM 2018-01 will expire at the end of 2020 with new allocation limits between fishery sectors and flag states under the WCPFC.

In 2014, Amendment 7 to the Council's Pelagic FEP was approved and implemented (50 CFR 665.819). It established a management framework that provides for the following:

- Catch or effort limits applicable to the US Participating Territories that include the authority of the US Participating Territories to use, assign, allocate and manage the pelagic management species catch and effort limits agreed to by the WCPFC through Specified Fishing Agreements with US vessels permitted under the Pelagic FEP for the purposes of responsible fisheries development.
- Authorization for the Council to recommend and NMFS to specify catch or effort limits in the absence of such limits or additional or more restrictive limits than the WCPFC for conservation and management purposes.
- Consistency review of Territory arrangements with the Pelagic FEP and other applicable laws by the Council and NMFS, as well as annual review and specification recommendations by the Council.

The Council will consider taking final action on the specification of the annual Territory bigeye longline limits applicable for American Samoa, Guam and the CNMI. The Council will

also consider limits on the amount of catch that could be transferred under Specified Fishing Arrangements by the US Participating Territories to vessels permitted under the Pelagic FEP.

The Council will consider the following limit options for 2020:

- 1) No management action: No specification of catch or allocation limits
- 2) Status quo: Specify for each US Participating Territory, a 2,000-mt catch limit and 1,000-mt allocation limit
- 3) Specify for each US Participating Territory, a 2,000-mt catch limit and up to a 2,000-mt allocation limit:
 - a. 2,000 mt allocation for Guam and CNMI; 1,500 mt allocation for American Samoa
 - b. 1,500 mt allocation per territory
 - c. 1,500 mt allocation for Guam and the CNMI; 1,000 mt for American Samoa
- 4) Other total and allocation limit combinations

4. Marine Conservation Plans for Guam, Commonwealth of the Northern Mariana Islands and the Pacific Remote Island Areas/Hawai'i

The Marine Conservation Plans (MCPs) for Guam, CNMI and the Pacific Remote Island Areas/Hawaii expire in 2020. At its 181st meeting, the Council will review the MCPs for concurrence and approval. After review by the Council, the MCPs are transmitted to the Secretary of Commerce for approval.

Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary) and in consultation with the Western Pacific Regional Fishery Management Council, to negotiate and enter into a Pacific Insular Area Fishery Agreement (PIAFA). A PIAFA would allow foreign fishing within the 200-mile US exclusive economic zone (EEZ) adjacent to American Samoa, CNMI, Guam, or the Pacific Remote Island Areas with the concurrence of, and in consultation with, the applicable Governors. According to the MSA, before entering into a PIAFA, the appropriate Governor, with the concurrence of the Council, must develop a three-year MCP providing details on uses for any funds collected by the Secretary under the PIAFA.

In addition to PIAFA funds, the MSA provides that fines and penalties of violations by foreign vessels occurring within the EEZ around the Pacific Insular Areas, including sums collected from forfeiture and disposition or sale of property seized by the federal government, are to be deposited into the applicable local government's treasury and to be used to implement the respective MCP. Also authorized by the MSA is the Western Pacific Sustainable Fisheries Fund, which allows the Council to use funds to implement MCP projects.

The MSA requires that the MCPs shall be consistent with the Council's FEPs. The MSA also requires that the MCP include, but not be limited to, the following conservation and management objectives:

- (i) Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;

- (ii) Conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation and reporting;
- (iii) Conservation, education and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;
- (iv) Education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and
- (v) Western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation, and economic enhancement of the Pacific Insular Areas.

If approved by Council and Secretary of Commerce, the MCPs are valid for a period of three years; however, an MCP can be modified at any time and resubmitted for approval.