



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

181st Council Meeting
March 9-12, 2020
Laniākea YWCA, Fuller Hall
Honolulu, Hawaii

AGENCY REPORTS

Regarding the NEPA Procedural Provisions, the Council:

1. Directed staff to send the comment letter, as drafted by staff, providing comments on the proposed revisions to the NEPA Procedures.

Regarding Enforcement issues, the Council:

2. Requested the State Department provide and update and further information about the boarding of a US longline vessel by foreign government officers in the American Samoa EEZ last year.
3. Requested the State Department follow-up on the complaints of assault by foreign fishing vessels on the Hawaii Longline fishery and take the appropriate diplomatic actions.



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HAWAII ARCHIPELAGO AND PRIA FISHERIES

Regarding the Hawaii Pelagic Small-boat Fisheries, the Council:

1. Directed staff to work with DAR to explore options for mandatory Federal permitting and reporting of pelagic small-boat fishermen in the EEZ waters around Hawaii.

Regarding Precious Corals EFH, the Council:

2. Directed staff to continue to push forward with the EFH amendment as is and work with NOAA GC and NMFS PIRO SFD to ensure that it is transmitted. The Council further directed staff to develop options for designating the new EFH areas as precious coral beds under the Hawaii FEP.

Regarding WPSAR, the Council:

3. Requested that an Advisory Panel representative be invited to all future WPSAR reviews.

Regarding Hawaii Fisheries, the Council:

4. Directed staff to provide greater engagement and transparency with the fishing community through public meetings across the State and collaborate with DAR, PIFSC and others in order to provide for increased collaboration and participation.



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PROTECTED SPECIES

Regarding the False Killer Whale Abundance Estimates, the Council:

1. Recommended NMFS use both design- and model-based results to develop false killer whale abundance estimates for the stock assessment report. The Council further recommended that a simulation-based evaluation of the two estimators be undertaken to better determine the relative value of each approach for management decision making purposes.
2. Requested NMFS explore options for reopening the Southern Exclusion Zone in light of the new abundance estimates.



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PROGRAM PLANNING & RESEARCH

Regarding the interim measure for the American Samoa bottomfish fishery, the Council

1. Directed staff to work with NMFS and DMWR to develop and implement consistent in-season monitoring and accountability measure in order to prevent overfishing and ensure that the stock is rebuilding.
2. Directed staff to work with DMWR, in collaboration with PIFSC, to train bottomfish fishermen on the use of the electronic reporting application as soon as possible.
3. Directed staff, in collaboration with NMFS and DMWR, to explore the feasibility using a temporal-spatial closure approach as a longer term measure to reduce the fishing effort and catch to prevent overfishing and rebuild the stock.

Regarding the specification of annual catch limits (ACLs) for the Marianas bottomfish fisheries for fishing year 2020 to 2023, the Council

4. Selected option 2 that uses the results from Langseth et al. 2019, P* analysis and SEEM analysis to specify the ACLs. For the Commonwealth of Northern Mariana Islands, the Council specifies the ACL equal to the ABC at 84,000 lb at 39 percent risk of overfishing AND sets an annual catch target (ACT) of 78,000 pounds 34 percent risk of overfishing. For Guam, the Council specifies the ACL equal to the ABC at 27,000 lb at 31 percent risk of overfishing. At this level of catch, it allows the catch to be maximized while preventing overfishing and allow the stock to rebuild within 5 years. This would have a 50 percent chance of not exceeding the ACL.
5. Acknowledged that the current data collection systems in Guam and CNMI do not allow for near-real time tracking of catches thus an in-season monitoring is not possible and an in-season closure of the fishery is unlikely. Therefore, the Council recommended a post-season accountability measure where the ACL for the succeeding year will be reduced by the amount of the overage determined by the three-year average of recent catch.

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 the regrouping of the Territory bottomfish management unit species, the Council

6. Selected option 2 that retains the flexibility in the application of the control rules to the management unit species. Further, the Council requested NMFS PIFSC to initiate the development of a new benchmark assessment on a species resolution that is deemed appropriate during the data preparation workshop and apply the appropriate status determination criteria for the assessment that would be subject to WPSAR at the soonest time practicable.
7. Recommended NMFS PIFSC to explore other data sets aside from the creel surveys and commercial receipt books (e.g. electronic self-reporting) and other modeling approaches for next BMUS benchmark assessment
8. Requested NMFS PIFSC to engage fishermen user groups throughout the stock assessment process. Workshops and other forms of engagement should be held with a sample of local fishermen in each island group to inform any pending stock assessments. Throughout the process, fishermen can speak to their knowledge of the stocks, stock condition, and to data collection and data quality issues.
9. Directed staff to work with NMFS and Territory agencies to review the BMUS list and to discuss the available options and the regulatory consequences of add and removing species from the list.
10. Directed staff to work with NMFS PIFSC in the 5-year Essential Fish Habitat reviews of the Territory Bottomfish and incorporate this in the WPSAR schedule.

Regarding the development of a rebuilding plan for the overfished BMUS stock in American Samoa and Guam, the Council

11. Directed staff to form an action team comprised of Council, NMFS PIFSC, NMFS PIRO, and select SSC members and gather the information required for the development of the rebuilding plans.
12. Directed staff to conduct scoping meetings in American Samoa and Guam to determine the range of potential management measures that would constitute the rebuilding plans.

Regarding the standardized bycatch reporting methodology (SBRM), the Council

13. Directed staff to work with PIRO to develop a review document to evaluate consistency of existing FEP SBRM with the 2017 requirements, and identify any steps needed to

bring FEPs into compliance. The document should be reviewed by the Plan Team and SSC prior to Council consideration of next steps.

Regarding outreach efforts on bottomfish data collection and management, the Council

14. Directed staff to work with NMFS and the Territory agencies to develop a coordinated plan to conduct targeted outreach on the importance of accurate and robust data collection and the management efforts for the bottomfish fisheries in American Samoa, Guam, and CNMI

Regarding the PRIA/Hawaii Marine Conservation Plan, the Council:

15. Deferred decision and directed staff to work with the State of Hawaii, Commonwealth of the Northern Mariana Islands, Territory of Guam, Territory of American Samoa, Fish and Wildlife Service in reviewing the MCP for further revisions and to provide to the Council for approval in June 2020.



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PELAGICS AND INTERNATIONAL FISHERIES

Regarding Electronic Reporting in the Hawaii Longline Fishery, the Council:

1. Recommended setting a target implementation date of January 1, 2021, for requiring mandatory electronic reporting (ER) in the Hawaii longline fishery.
2. Directed staff to prepare the necessary amendment package with analysis and draft regulations for requiring mandatory reporting for the Hawaii longline fishery with a target final action schedule for the September 2020 Council meeting. The analysis should build on the options paper, including considerations for the 2013 NMFS Policy on Electronic Technologies and Fishery-dependent Data Collection (revised May 2019).

Regarding the Shallow-set Longline Fishery Reasonable and Prudent Measures (RPM) Working Group, the Council:

3. Recommended NMFS PIRO include a social scientist and industry representative in the membership.

Regarding the Sea Turtle Interactions in Pelagic Fisheries, the Council:

4. Directed staff to work with NMFS to obtain publicly available reports and other data on sea turtle interaction rates in foreign fisheries operating in the areas overlapping with the loggerhead and leatherback turtle distributions, and to provide a presentation to the SSC at its June 2020 meeting.

Regarding ESA Consultations, the Council:

5. Reiterated its request to review draft Biological Opinions and any applicable reasonable and prudent measures (RPMs) or reasonable and prudent alternatives (RPAs) for all ongoing consultations for fisheries managed under the Council's Fishery Ecosystem Plans. The Council further reiterates its recommendation that NMFS work with the Council to develop any necessary RPMs or RPAs for the Hawaii deep-set longline fishery and the American Samoa longline fishery to ensure that such measures are appropriate and practicable to ensure the sustainability of the fisheries.

Regarding 2020 Bigeye Tuna US Participating Territory Catch Limits and Allocation Limits under the Amendment 7 Framework, the Council:

6. Recommended a catch limit of 2,000 mt for each US Participating Territory (Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa) and specify that each US Participating Territory can allocate up to 1,500 mt of their bigeye tuna catch limit through specified fishing agreements with eligible US longline vessels permitted under the Pelagic FEP. The Council further recommended NMFS not authorize more than 3,000 mt in total allocations in 2020.

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 Deep-Sea Mining and Spatial Planning in the Pacific, the Council:

7. Directed staff to request formal annual updates from the US State Department on international activity on the matter within the Clipperton-Clarion Zone to the Council as well as activity in proximity to Guam, the CNMI, and American Samoa.

Regarding a North Pacific Striped Marlin Rebuilding Plan, the Council:

8. Directed staff to write a letter to NMFS on issues pertaining to specifying the regional definition of stock for striped marlin in the North Pacific Ocean.
9. Recommended NMFS request the ISC Billfish Working Group to consider conducting stock projections incorporating scenarios of phased catch reductions and to consider using a 'medium term recruitment' scenario as suggested by the SSC in order to reach the rebuilding target in an appropriate timeframe.
10. Recommended NMFS include any new projections with phased catch reductions in any proposal for North Pacific striped marlin to WCPFC17.

Regarding BBNJ, the Council:

11. Requested that the State Department organize a bloc of nations with similar fisheries interests to propose an exemption from BBNJ for internationally-managed fisheries and that any area-based management proposals considered under BBNJ incorporate all recommendations from the Scientific and Technical Body as outlined in the Convention's negotiations.

Regarding Hawaii Longline Annual Reports, the Council:

12. Requested NMFS PIFSC to incorporate the following modifications to future annual reports:
 - a. Catch of bigeye per hook to be mapped at an appropriate geographic scale in future presentations and in annual fishery reports;
 - b. Data presented in figures to be denoted in the final two years with numerical values in annual reports.
 - c. Include total Hawaii istiophorid billfish catch per annum, by species, by gear type (from longline, troll, and any other gears), and specify how many of these fish were retained, discarded, released, and sold

Regarding Marine National Monument Expansions, the Council:

13. Directed staff to compile comments from a SSC small working group and distribute to members for a response to the analyses presented in published works examining impacts of marine monument expansions. The Council further directed staff to examine data on size composition of bigeye and yellowfin tunas from trips observed in areas closed to fishing in monument expansion versus size composition in areas where corresponding vessels fished elsewhere.



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AMERICAN SAMOA ARCHIPELAGO FISHERIES

Regarding the PIFSC research work in American Samoa, the Council:

1. Requested NMFS PIFSC to provide the detailed description of research activities to DMWR to facilitate better coordination of the research with the bottomfish communities

Regarding the American Samoa Marine Conservation Plan, the Council:

2. Recommended that the American Samoa Department of Marine & Wildlife Resources begin the process of reviewing the American Samoa Marine Conservation Plan in anticipation of its expiration in 2021. The Council further requests that the department include the fishing community in the process by providing opportunities for public input.



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MARIANA ARCHIPELAGO FISHERIES

Regarding Guam Fisheries, the Council:

1. Directed staff to send a letter of support for the Guam Fishing Platform to the US Fish and Wildlife Service, noting the intent of the platform and providing photos and information on its use.

Regarding CNMI MCP, the Council:

2. Directed staff to write to the Governor of CNMI indicating the Council's review and concurrence with the MCP at its 181st meeting and requested the Governor provide the MCP to NMFS for approval.



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ADMINISTRATIVE MATTERS

Regarding the Advisory Body Changes, the Council:

1. Approved the following advisory group changes:
 - a. Archipelagic Plan Team:
 - Michael Quach to replace Stefanie Dukes for the WPacFIN seat;
 - Remove Yvonne Mika from the APT;
 - Bryan Ishida to replace Ryan Okano for the Hawaii seat;
 - Marc Nadon to replace Ivor Williams for the Reef Ecosystem seat
 - b. Pelagic Plan Team:
 - Donald Kobayashi as a member of the Pelagic Plan Team
 - Michael Quach to replace Stefanie Dukes for the WPacFIN seat;
 - Michael Kinney to replace Joseph O'Malley for the Life History seat;
 - Sean Felise to replace Tepora Lavatai in the Pelagic Plan Team
 - c. FDCRC Technical Committee
 - Michael Quach to replace Stefanie Dukes for the WPacFIN seat
 - Joseph O'Malley to replace Brett Taylor for the Life History seat
 - d. Education Committee
 - Alexandra Bayless to replace Tia Brown for the PIFSC seat
 - Malia Vaofanua to replace Lusila Minonetti for the DMWR seat
 - e. American Samoa Advisory Panel
 - Nonu Tuisamoa to fill one vacant seat
 - Joseph Faaita to fill one vacant seat

Regarding the Council Coordination Committee Meeting, the Council:

2. Requested the Chair and Executive Director to continue to work with NMFS leadership and other regional councils to assess the impacts of COVID-19 on planning efforts and hosting of the CCC meeting on May 26- 29, 2020 at the Turtle Bay Hotel and Resort.

Regarding financial matters, the Council:

3. Approved the financial statements and status of awards and contracts as provided by staff.

Regarding the Hawaii DLNR Chair's letter of March 3, 2020, the Council:

4. Directed the Executive Director to respond to the issues raised based on Council discussion at the 181st meeting.