



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

ACTION MEMORANDUM

182nd Council Meeting

June 22-25, 2020

Via Webex from Honolulu, Hawaii

AGENCY REPORTS

Regarding the PIRO Report, the Council:

1. Reiterated its request from the 178th Council Meeting that NMFS PIRO include the Territory of Guam in the review of the Mariana Trench Marine National Monument Management Plan and provide a report back to the Council on Guam's participation. Further, the Council recommended NMFS PIRO look at reconvening the Monument Advisory Committee in CNMI to provide a review of the management plan.

Regarding the PIFSC Director's Report, the Council:

2. Requested NMFS PIFSC to coordinate with the Council Chair Archie Soliai and American Samoa DMWR Director Henry Seseapasara to determine viable logistic solutions for the continuation of the American Samoa research cruise

Regarding the Department of State, the Council:

3. Requested the Department of State to provide the Council with any correspondence with officials from the Cooks Islands regarding a vessel boarding incident inside the US EEZ of American Samoa during a Forum Fisheries Agency operation that took place in November 2019.



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PROGRAM PLANNING & RESEARCH

Regarding legislation, the Council:

1. Requested NMFS consider the disproportionate hardship on some states from legislation such as shark conservation and billfish that prohibits interstate commerce and determine its impacts on the seafood trade deficit and how this can be addressed.

Regarding the Annual Stock Assessment and Fishery Evaluation (SAFE) Report, the Council:

2. Approved the 2019 archipelagic and pelagic reports and directed staff to post the reports on the website.
3. Directed staff to work with the NMFS PIFSC Socioeconomic Program, WPacFIN, and Hawaii DAR to investigate the landings of kahala in the top 10 species caught and track the disposition of these incidental catches.
4. Directed staff to work with NMFS PIFSC and PIRO to explore any factors that may have contributed to observed sea turtle mortalities in the Hawaii shallow-set longline fishery since 2017.
5. Directed the Plan Team to account for the impacts of COVID-19 to the fisheries by noting these impacts in the Annual SAFE Report for 2020.
6. Requested the Pelagic Plan Team look at South Pacific albacore indicators, provide more information on spatial catches within the region including American Samoa, and investigate ecosystem drivers for inclusion in the Annual SAFE Report.

Regarding the Bycatch Reporting, the Council:

7. Directed staff to incorporate the importance of accurate bycatch reporting in the current ongoing outreach effort related to data collection in the Territories.

Regarding the Stock Definitions in the Bottomfish and Pelagic Fisheries, the Council:

8. Endorsed the SSC subgroup and directed staff to continue developing guidance on stock definitions. The SSC subgroup is composed of Erik Franklin, Steve Martell, Frank Camacho for the insular fisheries; Dave Itano, Graham Pilling, Shelton Harley, and Kurt Schaefer for the pelagic fisheries.

Regarding the Territory Fishery Data Collection, the Council:

9. Directed staff to work with the local fishery agencies to better identify the recently recognized species *Etelis* sp. (giant ruby snapper) in future data collection.
10. Directed staff to work with the Territory agencies in establishing the AWS cloud account to initiate the electronic reporting data collection.
11. Directed staff to work with NMFS PIFSC and Territory agencies in hiring 1 contractor for each territory to launch and maintain the electronic reporting system.
12. Requested the MRIP Pacific Island Regional Implementation Team convene and address the review of the National Saltwater Angler Registry Memorandum of Agreement and engage MRIP on the review process
13. Requested Department of Marine and Wildlife Resources (DMWR), Division of Fish & Wildlife (DFW), and Division of Aquatic and Wildlife Resources (DAWR) for documentation of the boat and shore-based creel survey protocols and the agencies to work with MRIP to initiate the creel survey reviews for certification

Regarding Essential Fish Habitat (EFH), the Council:

14. Requests NMFS work with the Council to determine “non-essential” fish habitat to look at ways to remove areas that are degraded from being considered as EFH.

Regarding COVID-19 Impacts, the Council:

15. Requested NMFS PIFSC to coordinate with Territories agencies and industry representatives to provide market monitoring analyses and demand tracking app for each area.

Regarding EO 13921 and EO 13924, the Council:

16. Directed staff to review and finalize with the Executive Committee the list of regulations, guidance and policies that unnecessarily burden domestic fisheries at the September meeting. Further, the Council shall also identify the regulatory standards that may inhibit economic recovery for the purpose of promoting job creation and economic growth. Furthermore, the Council directed staff to work with the SSC working group composed of Jim Lynch, Shelton Harley, and Erik Franklin to prioritize the regulations, orders, and guidance that creates burden on domestic fishing.

Regarding recent fishery actions by the President, the Council:

17. Directed staff to send a letter to the President thanking him for including Section 12005 in the CARES Act, which authorized the Secretary of Commerce to provide \$300 million in appropriated funds to assist fishery participants affected by the novel coronavirus (COVID–19), including \$4.3 million to the State of Hawaii, \$2.5 million to American Samoa and \$1 million each to Guam and the CNMI.

Additionally, the letter should commend the President for Proclamation 10049 Modifying the Northeast Canyons and Seamounts Marine National Monument, which allows for

well-regulated commercial fishing use in that monument and recognizes that “the objects in the monument can be, and are currently, protected pursuant to carefully tailored regulation and management under existing Federal law” and that the Magnuson-Stevens Fishery Conservation and Management Act “regulates commercial fishing to ensure long-term biological and economic sustainability for our nation’s marine fisheries, taking into account the protection of associated marine ecosystems” and establishes regional fishery management councils “that develop fishery management plans to regulate our Nation’s fisheries, using the best available science and observing strict conservation and management requirements.”



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AMERICAN SAMOA ARCHIPELAGO FISHERIES

Regarding American Samoa Bottomfish, the Council:

1. Directed staff to work with the Advisory Panel (AP) to identify ways the members can assist with training fishermen on using the Catch-it, Log-it self-reporting data app
2. Requested Department of Marine and Wildlife Resources (DMWR) to work with the AS Fisheries Task Force to address issues with data collection that have led to the current bottomfish management unit species (BMUS) status of overfished and experiencing overfishing and coordinate with the Council and NMFS PIFSC to develop a strategy to address those issues.

Regarding the American Samoa Annual Catch Limit (ACL) Specification, the Council:

3. Directed staff to explore the use of tier 5 control rule for setting the Acceptable Biological Catch (ABC) and overlay this information with the elements of the rebuilding plan. Further, the Council directed staff to explore the creation of sectors in the American Samoa bottomfish fishery that would separate the species complex between the nearshore bottomfish fishery from the off-shore deepwater snapper fishery.

Regarding American Samoa Bottomfish Rebuilding Plan, the Council:

4. Directed staff to work with the SSC subgroup (Don Kobayashi, Craig Severance, Domingo Ochavillo, and David Itano) to further explore alternative (non-MSY and non-catch based) approaches to address the management issues (Scenario 4) in accordance with NS1 600.310(h)(2) and the development of the American Samoa rebuilding plan
5. Directed staff to work with the DMWR in the development of a Territorial Fishery Management Plan and concurrently explore the applicability of the flexibility provision of NS1 600.310(h)(2) which includes but is not limited to effort limits, biological limits, and area management.
6. Directed staff to explore including cultural harvest at the off-shore banks for deep-water snappers as an option in the rebuilding plan.

7. Requested NMFS PIFSC to prioritize the development of a fishery-independent survey in American Samoa



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MARIANA ARCHIPELAGO FISHERIES

Regarding the Guam Marine Conservation Plan (MCP), the Council:

1. Directed staff to write to the Governor of Guam indicating the Council's review and concurrence with the MCP at its 182nd meeting and requests the Governor provide the MCP to NMFS for approval.

Regarding the Tuna Quota Transfer, the Council:

2. Requested Council Members from Guam to work with staff and fishermen to continue to push for Guam's participation in the BET Quota Transfer with Hawaii Longline Association (HLA)

Regarding Marianas Archipelago Research, the Council:

3. Requested NMFS PIFSC provides presentations to the fishing community in the Marianas on the research and results from the work that is conducted in the archipelago.

Regarding data collection, the Council:

4. Directed staff to look at the potential reporting duplication between the CNMI's mandatory reporting and the current Federal reporting system and report its findings back to the Council at its next meeting.



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HAWAII ARCHIPELAGO AND PRIA FISHERIES

Regarding Hawaii Fisheries, the Council:

1. Requested the State of Hawaii to work with fishermen to address and resolve the issues concerning vandalism and impacts on fishing boats and facilities at Honokohau Harbor.
2. Directed the Hawaii Advisory Panel to monitor potential impacts to fisheries from a National Heritage Area designation at Kaena Point, Oahu and report back to the Council at its next meeting.

Regarding the Main Hawaiian Island (MHI) Uku Benchmark Stock Assessment, the Council:

3. Directed staff to convene the P* and SEEM working groups to quantify uncertainties to set the Acceptable Biological Catch and specify the Annual Catch Limits (ACLs) for the MHI Uku fishery.
4. Directed staff to explore splitting the ACL between the non-commercial and commercial fishery to be monitored independently through the CML and HMRFS.

Regarding the PRIA Marine Conservation Plan (MCP), the Council:

5. Approved the PRIA MCP as finalized at the 182nd Council meeting and directs staff to transmit the document to the Regional Administrator for review, approval and publication in the Federal Register.

In doing so, the Council directed Council staff to work with NMFS to complete edits on the MCP to implement the Council's action. Unless otherwise explicitly directed by the Council, the Council authorized the Executive Director and the Chairman to review the MCP to verify that it is consistent with the Council action before submitting it to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and take the action back to the Council if, in their determination, the proposed changes are not consistent with the Council action.



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PROTECTED SPECIES

Regarding the Marine Turtle Population Assessments, the Council:

1. Requested NMFS consider the assessment of the population-level impacts of North Pacific loggerhead and Western Pacific leatherback turtle interactions for the Hawaii deep-set and American Samoa longline fisheries in the ongoing ESA consultations for these fisheries.



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PELAGIC & INTERNATIONAL FISHERIES

Regarding Imports of Tuna and Tuna Products into Hawaii and Guam, the Council:

1. Directed staff to work with the Seafood Trade Task Force, created by Presidential Executive Order on May 7, 2020, to evaluate all impacts of foreign-sourced fishery products on domestic fisheries and markets. The evaluation should focus on foreign-sourced fishery products into Hawaii and Guam with known seafood safety concerns such as carbon-monoxide gassed tuna including the potential suspension of such products during the COVID-19 pandemic.
2. Requested the Director of the NMFS Office of International Affairs and Seafood Inspection to provide a status update to the Council at its September 2020 meeting on the certification of foreign fisheries that meet the MMPA equivalency provisions.
3. Directed staff to write a letter to the Department of Commerce representative on the seafood trade task force to include the Regional Fishery Management Councils in its activities

Regarding 2021 US and Territorial Longline Bigeye Specifications, the Council:

4. Recommended specifying a 2,000-mt catch limit for each US Participating Territory, allow each US Participating Territory to specify up to 1,500 mt, and limit total allocations to not collectively exceed 3,000 mt among all Participating Territories.

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 Reporting, the Council:

5. Directed staff to work with NMFS PIFSC to convene a meeting with American Samoa longline owners to discuss the inclusion of American Samoa in the electronic reporting implementation plan and to include an American Samoa representative in its Electronic Technologies Steering Committee.
6. Directed staff to include the American Samoa longline fishery in the mandatory electronic reporting amendment package scheduled for final action at the September meeting. The Council recommends setting a target implementation date of October 1, 2021, for requiring mandatory electronic reporting in the American Samoa longline fishery.
7. Requested NMFS PIFSC work with the American Samoa longline fishery to begin training and rollout of the electronic reporting system as soon as possible.

Regarding Oceanic Whitetip Sharks, the Council:

8. Directed staff to organize appropriate participants from NMFS PIFSC, NMFS PIRO, the State of Hawaii, industry, and other collaborative partners to convene an interdisciplinary working group to develop a roadmap for generating analyses and measures for oceanic whitetip sharks regarding requirements under the MSA Section 304(i) and ESA consultations.

Regarding Striped Marlin, the Council:

9. Directed staff and requests NMFS to proceed with Amendment 8 as soon as possible. Staff should continue to work with NMFS on any future rebuilding plan terms for WCNPO striped marlin.
10. Directed staff to work with NMFS to formulate a working group on striped marlin to plan actions to satisfy required actions under MSA Section 304(i).

Regarding Considerations for Developing Reasonable and Prudent Measures (RPMs) and/or Reasonable and Prudent Alternatives (RPAs) for the Hawaii Deep-set Longline (DSLL) and American Samoa Longline (ASLL) Fisheries, the Council:

11. Directed staff to continue to work with NMFS PIRO, NMFS PIFSC, advisory group members, and industry to develop any necessary RPMs, and to provide a report and options, if applicable, to the SSC and Council at the September meetings.
12. Recommended NMFS take into account the following considerations in its initial development of any draft RPMs:
 - a. Due to the ongoing impacts from COVID-19 on DSLL and ASLL fisheries, any RPMs/RPAs should not create additional regulatory or economic burden, consistent with the intent of the Executive Order on Promoting American Seafood Competitiveness and Economic Growth, and the Executive Order on Regulatory Relief to Support Economic Recovery.
 - b. Relative impact of leatherback, giant manta ray, and oceanic whitetip shark interactions in the DSLL and ASLL are low compared to other fisheries, and thus

any measures implemented in DSLL and ASLL are likely to have only a limited effect at the population level.

- c. Priority should be placed on improving handling and release methods to improve post-hooking survival rate in developing potential mitigation measures in the Hawaii deep-set longline fishery, noting that the interactions with leatherback turtles and giant manta rays are rare, and tagging data indicate handling methods can improve post-hooking survival.
 - d. Hard caps and trip limits are not considered feasible measures in the DSLL and ASLL at this time without 100% observer coverage or an effective Electronic Monitoring program in place given the current observer coverage of ca 20%.
 - e. Development of time-area closures or move-on rules should consider tradeoffs of target catch and protected species interactions as well as potential impacts of effort displacement. Several projects are underway (e.g., PIFSC Ecosystem-based Fishery Management (EBFM) project on longline bycatch covariates) to evaluate potential impacts of effort removal/redistribution from closed areas on fishery performance.
 - f. Mitigation measures for protected species should create incentives for industry to report and reduce impacts, such as allowing the industry to develop a bycatch management plan to be implemented across the fleet and approved by the Council each year. Exploring the feasibility of an industry-led program coupled with the establishment of management incentives through the Council process should be considered as a high priority.
 - g. Given the low levels of verification for foreign fleets operating on the high seas in the North Pacific, data from the Hawaiian longline fleet gives almost the only reliable information on the possible overall number of interactions with protected species by longline fishing. Therefore, there is significant conservation value in the information collected by the fleet, and from the fleet through observer coverage and electronic monitoring.
13. Requested NMFS PIFSC to incorporate phytoplankton distribution from remote sensing data into the existing EBFM project framework regarding giant manta ray habitat that may overlap with distribution of longline fisheries.



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ADMINISTRATIVE MATTERS

Regarding Council Family Changes, the Council:

1. Recommended the following changes to the Advisory Panel (AP)
 - a. Appoints Pafuti Ana Tupua, Frank L. Barron, Jerome Ierome as Alternates to the American Samoa Advisory Panel
 - b. Accepts the resignation of George Moses and directs staff to remove him as an alternate on the CNMI-Marianas Advisory Panel
2. Directed staff to develop a Terms of References to re-constitute the Non-Commercial Fisheries Advisory Committee (NCFAC) and Fishing Industry Advisory Committee (FIAC) and solicit new members for Council consideration and approval in September 2020.
3. Approved Jason Helyer as the Hawaii Division of Aquatic Resources representative to the Scientific and Statistical Committee.

Regarding the Council Coordination Committee (CCC), the Council:

4. Endorsed the draft May CCC report and recommendations and directs staff to work with NMFS to coordinate and host the September 2020 CCC meeting.

Regarding Offshore Wind, the Council:

5. Directed staff to draft a Council offshore wind policy that considers the following concerns:
 - the potential area closure around the offshore wind areas will take away fishing grounds;
 - the wind turbines will act as fish aggregating devices that will affect the annual migration patterns of yellowfin tuna;
 - Schools of juvenile fishes around these turbines attract seabirds and may interact with these protected species; and
 - The undersea cables from these offshore wind farms will impact the bottom substrate further compromising the benthic habitats

Regarding the Pacific Remote Islands Marine National Monument (PRIMNM), the Council:

6. Recommended NMFS PIRO and USFWS include American Samoa longliners, Hawaii Longline Association, and the American Tunaboat Association on the PRIMNM Community Group as these groups have historically utilized the areas around the PRIA.