



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**ACTION MEMORANDUM**

184<sup>th</sup> Council Meeting

December 1-4, 2020

Via Webex from Honolulu, Hawaii

**PELAGICS & INTERNATIONAL FISHERIES**

***Regarding the Reasonable and Prudent Measures for the Hawaii Deep-set Longline Fishery, the Council:***

1. Commended the Hawaii Longline Association's initiative to further reduce interactions and post-hooking mortality of oceanic whitetip sharks, leatherback turtles, and other protected species while also addressing associated crew safety issues through its comprehensive proposal consisting of replacement of wire leaders with monofilament, crew training, handling improvements, and research.
2. Directed staff to prepare a regulatory amendment to the Pacific Pelagics Fishery Ecosystem Plan (FEP) to evaluate options to prohibit the use of wire leaders in the Hawaii deep-set longline fishery for Council action at the March 2021 meeting.
3. Requested National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) to consider the Hawaii Longline Association (HLA) proposal and the regulatory amendment in the ongoing Section 7 consultation for the Hawaii deep-set longline fishery.

***Regarding Oceanic Whitetip Sharks, the Council:***

4. Directed staff to work with the Oceanic Whitetip Shark Working Group and the Pelagic Plan Team to draft an options document for the Council, for its March 2021 Meeting, to guide the Council to take action on its obligation(s) under MSA Section 304(i). This may include a compendium of recommendations identified by the Working Group and Plan Team, including increased observer coverage for all international fisheries, improved handling, and reducing trailing gear in US longline fisheries.

***Regarding North Pacific Striped Marlin, the Council:***

5. Directed staff develop a preferred option for US catch limits of North Pacific striped marlin using 2013-2017 US catch biomass implemented in the ISC 2019 stock assessment as a reference, consistent with BSIA, and 21.8% of total catches needed to rebuild the stock (from NMFS Pacific Islands Fisheries Science Center (PIFSC) projections) under the Western and Central Pacific Fisheries Commission (WCPFC) rebuilding plan.
6. Directed staff to develop a preferred catch limit option through 2024 (Phase 1) whereas the probability of overfishing relative to  $F_{MSY}$  is below 50%. The Council recognized a

new stock assessment in 2024 can evaluate total catch levels needed to further rebuild the stock and recruitment assumptions for stock projections through 2034, consistent with WCPFC rebuilding plan terms.

***Regarding Western and Central Pacific Fisheries Commission, the Council:***

7. Directed staff to draft a letter to Head of the US Delegation in support of the US proposal to revise Conservation and Management Measure (CMM) 2018-01 (tropical tuna measure) and the US proposal to revise CMM 2010-01 (North Pacific striped marlin measure).
8. Requested the US Head of Delegation to not accept a roll-over of the current CMM 2018-01, recognizing that US longline fisheries in the WCPFC have a disproportionately low catch quota of bigeye tuna, despite having the highest level of catch monitoring and observer coverage and lack of transshipment history. The Council further recommended an inter-sessional meeting in the Spring of 2021 if no agreeable revision to the tropical tuna measure can be adopted.



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**PROTECTED SPECIES**

***Regarding the Experimental Fishing Permit, the Council:***

1. Recommended issuance of the Experimental Fishing Permit (EFP) to the Hawaii Longline Association and requested NMFS PIRO process the application as expeditiously as possible to allow field trials to start in early 2021.

***Regarding the Options for Including Tori Lines in the Hawaii Longline Fishery Seabird Mitigation Measures, the Council:***

2. Directed staff to form an Action Team, initiate the development of a regulatory amendment to evaluate options for allowing the use of tori lines in lieu of blue-dyed bait and removal of the strategic offal discharge requirement in the deep-set longline fishery, and schedule Council action when the results from the EFP study are available.
3. Directed staff to work with the Action Team to develop draft regulatory specifications for tori lines in the Hawaii deep-set longline fishery for Council review at the March 2021 meeting.
4. Directed staff to work with the Action Team and industry representatives to further develop options for the shallow-set longline fishery for Council consideration at the March 2021 meeting.
5. Recommended NMFS support additional research and development for tori line designs suitable in the Hawaii shallow-set fishery to inform future Council action to modify seabird mitigation measures for this sector.

***Regarding the Main Hawaiian Islands Insular False Killer Whale Draft Recovery Plan, the Council:***

6. Directed staff to send a comment letter incorporating the following issues:
  - a. Recommend NMFS to prioritize information gathering to verify assumptions and anecdotal information regarding potential non-longline fisheries impacts to ensure that recovery actions are based on robust scientific evidence.
  - b. Encourage NMFS to work with social scientists to better characterize potential for interactions between non-longline fisheries and insular false killer whales
  - c. Request NMFS to coordinate with the Council on matters related to non-longline fisheries that target pelagic Management Unit Species, including actions to address data gaps and reduce impacts.

- d. Remove unsubstantiated assumption of longline vessels converting to shortline gear and associated recovery action in the draft recovery implementation strategy (6.6.1).

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

7. Directed staff to work with the Scientific and Statistical Committee (SSC) working group composed of David Itano, Milani Chaloupka, Craig Severance and Jim Lynch to develop recommendations on alternative approaches to weak hooks for reducing impacts to false killer whales in the Hawaii deep-set longline fishery for SSC and Council consideration at the March 2021 meeting.
8. Recommended that NMFS suspend the Southern Exclusion Zone (SEZ) provision for at least the duration of the additional one-year exemption provided to foreign fisheries under the Marine Mammal Protection Act (MMPA) imports provision.

***Regarding the Coral Critical Habitat Proposed Rule, the Council:***

9. Requested NMFS PIRO to conduct public hearings for each of the areas with proposed coral critical habitat designations in the CNMI (Saipan, Tinian, and Rota), Guam, and American Samoa (Tutuila and Manu'a), and extend the comment period for an additional 60 days to allow sufficient time after the hearings for public to submit comments.
10. Requested NMFS depict the proposed critical habitat boundaries, using bottom contours as appropriate, on current nautical charts of all affected islands and make them available to the general public at least 30 days prior to closure of the public comment period.
11. Formed an ad hoc working group to collaborate and coordinate comments on the proposed critical habitat for AS, CNMI, Guam, and Pacific Remote Island Areas (PRIAs) prior to the comment deadline on January 26, 2021.



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**AMERICAN SAMOA FISHERIES**

***Regarding American Samoa Fishery Issues, the Council:***

1. Requested the American Samoa Department of Marine and Wildlife Resources (DMWR) expedite repairing the floating dock in Fagatogo Village to allow small vessels to dock.

***Regarding the American Samoa Interim Measure, the Council:***

2. Requested NMFS extend the interim measure with an Interim Catch Limit of 13,000 pound and in-season accountability measure for another 185 days from the expiry date of May 17, 2021 while the Council finalizes the conservation and management measure to end overfishing in the bottomfish fishery.

***Regarding the Annual Catch Limits for the American Samoa bottomfish fisheries in fishing year 2021 and 2022 and rebuilding plan actions, the Council:***

3. Acknowledged that none of the options, even the prohibition of bottomfish fishery in federal waters will prevent overfishing and achieve rebuilding of the overfished stock within ten years. The participation of the American Samoa Government in managing the bottomfish fishery within Territorial waters is crucial in order to meet the MSA section 304(e) and NS1 50CFR 600.310(j) requirements. The Council also acknowledged the Fono resolution S.C.R. no 36-20 that supports the DMWR in the development of a Territorial Bottomfish Fishery Management Plan. Therefore, the Council directed staff to work with the DMWR to complete the draft Territorial Bottomfish Fishery Management Plan.
4. Deferred action on the ACL specification and rebuilding plan actions to a future meeting to allow for the coordination of efforts in developing both the Council's rebuilding plan and the Territorial Bottomfish Fishery Management Plan, which is essential to ensure overfishing is ended and the stock is rebuilt.
5. Directed staff to work with the Action Team to further analyze the impacts and prepare a FEP amendment with Environmental Analysis and present the information at the 185<sup>th</sup> meeting in March 2021.

***Regarding the American Samoa bottomfish fishery, the Council:***

6. Directed staff to continue to work with NMFS and the American Samoa Government to develop alternative management measures that would end overfishing and rebuild the stock.

***Regarding the Large Vessel Prohibited Area, the Council:***

7. Directed staff to monitor the fishing operation and fishery performance of the American Samoa Longline and Alia fisheries and report back to the Council at its September 2021 meeting. Based on this performance review, the Council may reconsider its 2017 Large Vessel Prohibited Area (LVPA) modification action at that meeting.



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**MARIANA ARCHIPELAGO FISHERIES**

***Regarding the Guam Bottomfish Rebuilding Plan, the Council:***

1. Selected Option 4 that allows for an annual catch of 31,000 pounds corresponding to 36-40 percent risk of overfishing and decreasing risk thereafter and allows the Bottomfish Management Unit Species (BMUS) stock to rebuild in six years ( $T_{\text{target}}$ ) as the preliminary preferred alternative. The  $T_{\text{min}}$  is two years, Target is six years, and  $T_{\text{max}}$  is 10 years pursuant to implementing regulations at 50 CFR 600.310(j)(3)(b)(1). Taking into account the factors in 50 CFR 600.310(j)(3), the Council selected a target time for rebuilding ( $T_{\text{target}}$ ) of six years because this level of catch and rebuilding timeframe allows for the stock to rebuild to  $B_{\text{MSY}}$  and meet the commercial and subsistence needs of the bottomfish fishing community. The Council acknowledged that this option has a two out of ten chance of exceeding that level of catch which has the least chance of extending the rebuilding timeline.
2. An in-season accountability measure would be applied that would track catch of bottomfish in both Federal and territorial waters against the annual catch limit. If the annual catch limit is projected to be reached then bottomfishing will be prohibited in federal waters.
3. Because there is still a chance of exceeding the annual catch limit due to the ability for fishermen to continue to fish in territorial waters, a post-season Accountability Measure (AM) would be applied to correct the overage if it occurs. At the end of the fishing year, a three-year average will be used to compare the annual catch to the ACL and if the average exceeds the ACL a post-season adjustment will be applied reducing the ACL by the amount of overage in the following fishing year.
4. Directed staff to work with the Action Team to further analyze the impacts and prepare an FEP amendment with Environmental Analysis and present the information at the 185th meeting in March 2021

***Regarding Marianas Bottomfish Issues, the Council:***

5. Requested NMFS PIFSC ensures that the next stock assessment correctly accounts for the catch and effort of Guam fishermen fishing in the CNMI Exclusive Economic Zone (EEZ).

6. Directed staff to conduct outreach efforts in Guam towards the importance of fishery data in order to get buy-in from the fishing community.
7. Directed staff to convene a meeting with NMFS PIFSC and CNMI representatives to review the BMUS complex to reflect the bottomfish fishery



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**PROGRAM PLANNING & RESEARCH**

***Regarding the Electronic Technologies Implementation Plan, the Council:***

1. Directed staff to work with NMFS to incorporate the Electronic Technologies Implementation Plan (ETIP) with the Region's strategic planning and to establish goals for incorporating electronic technologies in fisheries monitoring.

***Regarding the Fishing Industry Advisory Committee recommendations, the Council:***

2. Directed staff to send a letter to the NMFS Assistant Administrator reiterating the point that US commercial fisheries managed through the Magnuson Stevens Act and Council process are accountable and sustainable and that NMFS support a Pacific Island region-wide seafood promotion program highlighting Pacific Island fisheries and seafood as:
  - a. domestic, wild caught, and fresh, frozen and value added sustainable seafood;
  - b. Environmentally responsible and accountable; and
  - c. Safe, wholesome and healthy.
3. Directed staff to send a letter to NMFS requesting that an industry representative from the Pacific Island region be included on the Marine Fisheries Advisory Committee to ensure the issues and perspectives from the Pacific Islands are fully represented.
4. Requested NMFS provide a briefing to the Fishing Industry Advisory Committee (FIAC) at its next meeting on the status of the green sea turtle population in the Marianas and the work being done to recover the species.
5. Directed staff to send letters to the US Coast Guard and the State of Hawaii Harbors Division to work with the Hawaii longline industry to review existing policies that will allow longline vessels under 250 gross tons to shelter in place during tropical storms and hurricanes.
6. Directed staff to work with the USFWS and local fishery agencies to review policies governing the spending authority of the Sportfish Restoration Funds and how it can be better used to support harbor/marina maintenance and improvements for charter and non-commercial fisheries.
7. Directed staff to work with local fishery agencies to explore options to improve public fish aggregation device (FAD) construction to maximize the use of environmentally responsible materials that may also extend the time at which FADs remain on station.

***Regarding the Marianas Trench Marine National Monument, the Council:***

8. Recommended NMFS and USFWS delay the release of the Marianas Trench Marine National Monument Management Plan until the Marianas Trench Monument Advisory Council is seated and provides a review.

***Regarding Legislation, the Council:***

9. Directed staff to respond to Congressman Case's request for input on how to support communities and meet mutual goals regarding ocean legislation in coordination with NOAA General Counsel.



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**ADMINISTRATIVE MATTERS**

***Regarding Council Advisory Group Changes, the Council:***

1. Appointed the following members to the Pelagics Plan Team:
  - a. Jason Helyer to replace the retired Reginald Kokubun from the State of Hawaii
  - b. Rebecca Walker and Ashley Tomita to replace the retiring Michael Quach from WPacFIN
  
2. Removed Dean Sensui from the Fishing Industry Advisory Committee

***Regarding Council Reports, the Council:***

3. Endorsed the financial and administrative reports as presented.

***Regarding the Coronavirus Aid, Relief, and Economic Security Act, the Council:***

4. Requested that the State of Hawaii Department of Land and Natural Resources and the American Samoa Department of Marine & Wildlife Resources work with the Pacific States Marine Fisheries Commission to further extend deadlines of the Coronavirus Aid, Relief, and Economic Security (CARES) Act applications, noting that many within the commercial fishing sector were unable to apply during application periods. The fishermen were at sea when the notice was published and were still at sea when the application process closed.

***Regarding Council Officers, the Council:***

5. Appointed the following as its officers for 2021:
  - a. Archie Soliai, Chair
  - b. Howard Dunham, American Samoa vice Chair
  - c. John Gourley, CNMI vice Chair
  - d. Michael Duenas, Guam vice Chair
  - e. Edwin Watamura, Hawaii vice Chair