



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

ACTION MEMORANDUM

185th Council Meeting

March 22-25, 2020

Via Webex from Honolulu, Hawaii

AGENCY REPORTS

Regarding the PIRO Report, the Council:

1. Recommended NMFS extend the public comment period on the Mariana Trench Monument Management Plan until Marianas Trench Monument Advisory Committee is reconstituted.

Regarding the U.S. Fish and Wildlife Service (USFWS) Report, the Council:

2. Requested the State of Hawaii provide the Hawaii Council members with a breakdown of the projects funded or to be funded by its apportionment from the Sportfish Restoration Grant funding.



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PELAGICS & INTERNATIONAL FISHERIES

Regarding Measures to Address the Council's MSA 304(i) Domestic Obligations for Western and Central Pacific Ocean (WCPO) Oceanic Whitetip Sharks, the Council:

1. Recognized that the development of a regulatory amendment to prohibit the use of wire leaders in Hawaii-based US longline fisheries may address the Council's domestic obligations to address the relative impacts of US vessels on international overfishing of WCPO oceanic whitetip sharks.

Regarding Measures to Address the Council's MSA 304(i) International Obligations for WCPO Oceanic Whitetip Sharks, the Council:

2. Requested the State Department and NMFS endeavor to increase observer coverage and/or electronic monitoring (EM) in areas with high vulnerability of oceanic whitetip shark capture. This recognizes that fishery monitoring is a critical point, and there is a reasonable basis to increase coverage to at least 10% in equatorial waters (10°S northward to 10°N). Furthermore, EM technology could potentially be a more cost effective monitoring tool for fisheries with insufficient resources to develop or expand human observer monitoring infrastructures.
3. Requested the State Department advance the reduction of wire leader usage and the use of circle hooks in international longline fisheries as important steps to reduce fishing mortality.
4. Recognizing that existing handling guidelines are currently non-binding for sharks in longline fisheries, requested the State Department and NMFS to promote handling practices into internationally binding measures to appreciably reduce mortality of those species.

Regarding Wire Leader Prohibition Regulatory Amendment, the Council:

5. Recommended Alternative 2, prohibition of wire leaders in the Hawaii deep-set longline fishery, as a preliminary preferred alternative, and develop a regulatory requirement to remove trailing gear from oceanic whitetip sharks as part of Alternative 2. The Council further directed staff to work with the Action Team to develop the necessary documentation including draft regulations, National Environmental Policy Act (NEPA), and Regulatory Impact Review (RIR), for consideration of final action at the June 2021 meeting.

6. Requested NMFS PIFSC to complete the Monte Carlo analysis for both the Hawaii deep-set longline fishery and WCPO in advance of the June 2021 meeting.

Regarding Improving Oceanic Whitetip Shark Handling in Longline Fisheries, the Council:

7. Recommended NMFS PIRO provide support to Hawaii Longline Association's (HLA's) efforts for captain and crew training on proper shark handling and gear removal to promote post-release shark survivability, including proper implementation of line-cutter, and with attention to innovations that further safety at sea. The Council further directed staff to provide support to HLA for this effort.

Regarding the Oceanic Whitetip Shark Working Group, the Council:

8. Directed staff to continue its work plan with the Oceanic Whitetip Shark Working Group to proceed with analyses already in progress.

To Address the Council's MSA 304(i) International Requirements for Western and Central North Pacific Ocean (WCNPO) Striped Marlin, the Council:

9. Requested the State Department and NMFS propose to the Western and Central Pacific Fisheries Commission (WCPFC):
 - a. a measure requiring the use of circle hooks in all WCNPO longline fisheries;
 - b. develop a standardized billfish catch and discards reporting mechanism for WCNPO longline fisheries; and
 - c. that no member of the WCPFC land and retain more than 500 mt of striped marlin per annum by 2025.
10. Directed staff to liaise with PIRO International Fisheries Division in support of a U.S consultative draft to revise WCPFC CMM 2010-01.

To Address the Council's MSA 304(i) domestic requirements for WCNPO Striped Marlin, the Council:

11. Recognized that there is substantial uncertainty with respect to the relative impact of U.S. vessels on the WCNPO striped marlin stock. This is due largely in part to uncertainties in foreign catch and discards on the stock, particularly among those fisheries that have been a leading source of fishing mortality. This is likely due to lack of monitoring and uncertainty in catch reporting among other WCPFC members. The U.S. acting unilaterally would not end overfishing of the stock and other WCPFC members have not demonstrated a commitment to reduce their impacts on the stock. The Council further noted uncertainty in best scientific information available (BSIA) information that is to be reconciled in 2022.

Taking into account BSIA and the associated uncertainties, the Council therefore recommended an FEP amendment to establish a management framework, using a phase-in approach, to accomplish the following:

- a. Establish an initial catch limit of 457 mt for 2022, in order to limit the relative impact of US vessels on the WCNPO striped marlin stock, as described in Alternative 4.
- b. Beginning in 2023, recommend specified catch limits proportional to stock-wide

catch reductions consistent with U.S. obligations in WCPFC that reduce fishing mortality to a rate approaching F_{MSY} , consistent with rebuilding the stock through a phased catch reduction approach as described in Alternative 2.

- c. Establish an in-season accountability measure to cease retention and landing of WCNPO striped marlin by U.S. longline fisheries once U.S. fisheries have caught 95% of the catch limit.

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 Improving upon Conservation and Management of WCNPO Striped Marlin, the Council:

12. Requested PIFSC include discard mortality within future rebuilding scenario analyses when a new stock assessment (SA) is made available.



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PROTECTED SPECIES

Regarding the American Samoa Longline Fishery ESA Consultation, the Council:

1. Recommended NMFS PIRO provide an equal opportunity for the American Samoa longline fishery industry representatives as the Hawaii Longline Association (HLA) and the American Tunaboat Association (ATA) to review and provide comments on the draft Biological Opinion (BiOp), and to work with the Council and the representatives to develop any Reasonable and Prudent Measures (RPM) and/or Alternatives.

Regarding the Shallow-set Longline Fishery Reasonable and Prudent Measures, the Council:

2. Reiterated its request from the 183rd meeting to NMFS PIRO to provide observer data access to the Hawaii shallow-set longline industry representatives for the purpose of an industry information sharing program among participating permit holders and vessel owners. Such a program could provide an innovative approach to minimizing interactions with loggerhead and leatherback turtles as well as other protected species, and may help Sustainable Fisheries Division (SFD) to fulfill RPM Terms and Condition 1c, which requires SFD to develop additional mitigation measures that may help replace or modify the trip limits implemented under Amendment 10.

Regarding False Killer Whale Interactions in the Hawaii Longline Fishery, the Council:

3. Directed the SSC Working Group to develop an issues paper to inform future direction of interaction avoidance and minimization measures, as well as improvements in analyzing the biological significance of take that may occur in the fishery.
4. Requested NMFS PIRO to coordinate with the Council in identifying funding priorities for false killer whale interactions in the Hawaii longline fishery.

Regarding Seabird Mitigation Measures in the Hawaii Longline Fishery, the Council:

5. Recommended NOAA-NMFS provide support for additional resources to conduct research and development of appropriate measures for the shallow-set fishery under an Experimental Fishing Permit (EFP), with high priority placed on identifying combination of mitigation measures that maintain effectiveness of seabird deterrence during dusk compared to the existing night-setting suite of measures, to provide operational flexibility in starting the setting operations before sunset.

6. Requested NMFS PIRO to provide staff resources to develop the necessary regulatory amendment package for Council final action on the deep-set longline fishery as soon as the results of the ongoing EFP study become available.

Regarding the Coral Critical Habitat Proposed Rule, the Council:

7. Directed staff to finalize and send the comment letter in response to the proposed rule incorporating issues and concerns identified by the working group and Council discussion.

Regarding Green Turtles in the Marianas, the Council:

8. Requested NMFS PIRO to provide an anticipated timeline of downlisting and recovery based on the current population status.



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AMERICAN SAMOA FISHERIES

Regarding the American Samoa Bottomfish Fishery Management, the Council:

1. Recommended the American Samoa Department of Marine and Wildlife Resources (DMWR) continue the development of the Territorial Bottomfish Fishery Management Plan and work with the community and pertinent agencies to approve and implement the plan.
2. Encouraged DMWR to complete the Community Development Plan (CDP) and submit it to the Council at its 186th meeting in June 2021.
3. Directed staff, in coordination with the American Samoa Rebuilding Plan Action Team, to complete the rebuilding plan amendment including a comprehensive draft Environmental Assessment (EA) and Regulatory Impact Review (RIR), and present the package for final action at its 186th meeting in June 2021.
4. Recommended NMFS find a viable solution to provide flexibility in the management of data limited stocks. Further, the Council recommended NMFS engage the fishing communities in American Samoa and Guam to explain how the data from the territory data collection program is generated, summarized and used in the stock assessment as part of the Data Workshop in 2021 for American Samoa and in 2023 for Guam
5. Directed staff to work with the Social Science Planning Committee (SSPC) to review the socio-cultural-economic information for American Samoa to provide additional context in interpreting the results of the stock assessment prior to the Data Workshop in 2021.



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MARIANA ARCHIPELAGO FISHERIES

Regarding the Guam Bottomfish Fishery Management, the Council:

1. Expressed concerns that the Council's preferred alternative of 31,000 lb is no longer approvable based on the new biomass projection using the same creel survey data that resulted in this current management crisis. The participation of the Guam 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. Bottomfish fishing in federal waters is higher in Guam compared to other Territories thus federal closures will disrupt access to deep water snappers.
2. Deferred action on the 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 the stock is rebuilt.
3. Encouraged the Guam Department of Agriculture - Division of Aquatic and Wildlife Resources (DAWR) to initiate the development of a Territorial Bottomfish Fishery Management Plan in collaboration with the bottomfish fishing community and pertinent agencies; The Council further encouraged DAWR to consider the development of a Community Development Plan and submit it to the Council at its 186th meeting in June 2021.
4. Requested NMFS PIFSC provide a presentation to the Guam Advisory Panel (AP) on how catch is estimated and expanded in order for the AP to provide additional outreach on data needs. The Council further requested NMFS PIFSC provide the plans for the next bottomfish stock assessment (split of stocks, incorporation of non-commercial, etc.) and NMFS PIRO provide information on the process of rebuilding plan removal if stock status changes to not overfished in future assessments.
5. Requested NOAA/NMFS advise the Council on ways to exempt data limited stocks from the Annual Catch Limit (ACL) requirements.

Regarding Guam Fishery Issues, the Council:

6. Requested appropriate federal government agencies conduct research to determine any possible impacts from the nuclear testing areas in the Marshall Islands to Guam waters and fisheries.

7. Requested appropriate federal government agencies determine the ability for fisheries in Guam to be compensated for compact impact issues.



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PROGRAM PLANNING & RESEARCH

Regarding President Biden's Executive Order 14008, the Council:

1. In accordance with the request for written input from interested parties pursuant to Section 216(c), directed staff to draft and send a letter to the Department of Commerce (DOC) providing information on how to increase the resilience of fisheries and protected species prior to the April 2, 2021 deadline;
2. Directed staff to draft and send a letter to the Department of Interior (DOI) and DOC regarding strategies and conservation of 30 percent of waters by 2030 prior to the 90-day deadline of April 27, 2021;
3. Endorsed the SSC Subgroup composed of Ray Hilborn, Don Kobayashi, Frank Camacho, Erik Franklin, Milani Chaloupka, and Jim Lynch to provide the scientific recommendations to the Council for fisheries management to consider climate change resilience in fisheries and protected resources.

Regarding EO 13985 to advance racial equity and support underserved communities through the federal government, the Council:

4. Directed staff to review and analyze the provisions of the EO as applied to the Council's fishery ecosystem plans, programs and Pacific Island fishing communities that may have been historically underserved, marginalized and adversely affected by persistent poverty and inequality.

Regarding the territorial fishery data collection, the Council:

5. Recommended DMWR, DAWR, and CNMI Division of Fish and Wildlife (DFW) provide the Council the list of fishermen from the CARES Act and any list of fishermen and vendors required by the local regulations to support the implementation of the Catch-It, Log-It electronic reporting;
6. Directed staff, in collaboration with NMFS PIFSC and the territorial fishery agencies, to conduct the strategic planning to develop the 2021-2025 FDCRC Strategic Plan;
7. Directed staff and Council contractors to conduct regular meetings with the territorial fishery agencies and NMFS PIFSC to enhance coordination with the agencies data collection activities;

8. Directed staff to work with NMFS to improve the pilot version of Catch-It, Log-It app suite based on Federal and Territorial data needs and further directs staff to work with the territorial agencies and NMFS on integrating established data collection systems with the associated review of the creel for certification and collection implementation with any new licensing and reporting requirements;
9. Requested NMFS PIFSC expands the Recreational Snapshot to Management Unit Species (MUS) species in each of the island areas to be able to develop an Annual SAFE Report module that also identifies the problems in the data.

Regarding the SSC Three Year Plan, the Council:

10. Directed staff to work with the SSC subgroup to finalize the SSC Three Year Plan incorporating the PIFSC recommendations and the socio-economic priorities identified by the Social Science Planning Committee in April 2021

Regarding fishery prohibitions in the monuments, the Council:

11. Directed staff to draft a letter to the Biden Administration to explore options to remove commercial fishing prohibitions in the Pacific Remote Islands Marine National Monument (PRIMNM) to allow fishery resources to be managed under the authority of the MSA.

Regarding the Young Fishermen's Development Act, the Council:

12. Requested NMFS provide information and plans (including funds) on how stakeholders will be included regionally and nationwide in the implementation of the Act's provisions.



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HAWAII ARCHIPELAGO AND PRIA FISHERIES

Regarding the Main Hawaiian Island Deep 7 Bottomfish Fishery, the Council:

1. Recommended an ACL of 492,000 lb. corresponding to a risk of overfishing level of 39-40 percent for fishing year 2021-22, 2022-23, and 2023-24. Further, the Council recommended continuing with the current Accountability Measures using in-season closure based on the projected date of when the ACL will be reached for the MHI deep 7 bottomfish fishery. In an event that the ACL has been exceeded, any overage will be applied in the subsequent fishing year.
2. Directed staff, in collaboration with the MHI Deep 7 Bottomfish Action Team, to develop the appropriate documentations and present the report to the Council at its 186th meeting in June 2021 for final action.
3. Requested NMFS PIFSC provide an explanation on how the deep 7 Hawai'i Marine Recreational Fishing Survey (HMRFS) data will be used for future assessments and present the findings to the Hawaii AP. Further, Council requested NMFS PIFSC conduct an update of the bottomfish commercial / non-commercial ratio to provide an alternative to HMRFS data for the next benchmark assessment.



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ADMINISTRATIVE MATTERS

Regarding Council Family Changes, the Council:

1. Appointed Jay Gutierrez from DAWR to the Scientific and Statistical Committee;
2. Appointed the following to the Archipelagic Plan Team:
 - a. Jude Martinez from DAWR to replace Jay Gutierrez for Guam;
 - b. Danika Kleiber from PIFSC to replace Kirsten Leong on socio-economics;
 - c. Bryan Ishida to replace Reginald Kokubun as the ex-officio member from Hawaii DAR;
 - d. Keith Bigelow from PIFSC for data reporting and bycatch
 - e. Robert Ahrens from PIFSC for management strategy evaluation
 - f. Removes Annette Tagawa (retired)
3. Appointed the following to the Pelagic Plan Team:
 - a. Bryan Ishida from DAR to replace Mike Fujimoto
 - b. Frank Roberto from DAWR for Guam
 - c. Frank Villagomez to replace Trey Dunn for DFW
 - d. Chelsey Young for PIRO
 - e. Robert Ahrens from PIFSC for management strategy evaluation
4. Appointed the following to the Fishery Data Collection and Research Committee-Technical Committee:
 - a. Jason Helyer to replace Reginald Kokubun (retired)
 - b. Jay Gutierrez to replace Tino Aguon (retired)
5. Appointed the following to the Education Committee
 - a. Jay Gutierrez to replace Tino Aguon for the DAWR.
 - b. Leah Beth Naholowaa to replace Eloise Sanchez for the Guam Department of Education.
6. Removes Carlos Herrera as a Guam member on the Fishing Industry Advisory Committee (FIAC).

Regarding the South Pacific Regional Fishery Management Organization, the Council:

7. Directed staff to send a letter to the State Department recommending Archie Soliai, Council Member and Chair, to be appointed to serve as a Commissioner on the management organization.

Regarding Council Reports, the Council:

8. Endorsed the financial and administrative reports as presented.

Regarding Council Policy, the Council:

9. Directed staff to develop guidelines controlling timely receipt and distribution of briefing documents/powerpoints for Council, SSC and other advisory body deliberations at their respective meetings.