



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
186th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

**June 22-24, 2021 Council Plenary
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Approved by Council:



Archie Soliai, Chair

Western Pacific Regional Fishery Management Council

Table of Contents

I.	Welcome and Introductions	1
II.	Approval of the 186th Agenda.....	1
III.	Approval of the 185th Meeting Minutes.....	2
IV.	Executive Director’s Report	2
V.	Agency Reports.....	4
A.	National Marine Fisheries Service.....	4
1.	Pacific Islands Regional Office	4
2.	Pacific Islands Fisheries Science Center.....	6
B.	NOAA Office of General Counsel Pacific Islands Section	10
C.	Enforcement.....	10
1.	U.S. Coast Guard	10
2.	NOAA Office of Law Enforcement.....	11
3.	NOAA Office of General Counsel Enforcement Section	12
D.	U.S. State Department.....	13
E.	U.S. Fish and Wildlife Service	13
F.	Public Comment.....	14
G.	Council Discussion and Action.....	14
VI.	Pelagic and International Fisheries	14
A.	Oceanic Whitetip Sharks.....	14
1.	Oceanic Whitetip Shark Working Group Update and Monte Carlo Analyses of Longline Mitigation Measures	15
2.	Regulatory Amendment: Gear and Release Requirements to Improve Post- Hooking Survivorship of Oceanic Whitetip Sharks in the Longline Fisheries (Final Action)	17
B.	Territorial Bigeye Tuna Catch Limit and Allocations	19
1.	2022 U.S. Territorial Bigeye Tuna Catch/Effort Limit and Allocation Specifications (Final Action)	19
2.	Multi-Year U.S. Territory Longline Bigeye Catch and Allocation Limits (Initial Action)	21
C.	Potential Management for the Western and Central Pacific Ocean Silky Shark Under MSA 304(i) Obligations	22
D.	Monterey Bay Aquarium Seafood Watch Assessment of the Hawai‘i Longline Fisheries	23
E.	International Fisheries.....	24
1.	Preparations for WCPFC Science Committee	24

	2.	Outcomes of WCPFC Tropical Tuna Workshop	25
F.		Advisory Group Report and Recommendations	25
	1.	Advisory Panel.....	25
	2.	Pelagic Plan Team.....	26
	3.	Fishing Industry Advisory Committee.....	26
	4.	Non-Commercial Fishing Advisory Committee.....	27
	5.	Scientific and Statistical Committee.....	27
G.		Standing Committee Report and Recommendations	28
H.		Public Comment.....	28
I.		Council Discussion and Action.....	29
VII.		Public Comment on Non-Agenda Items	31
VIII.		Protected Species	31
	A.	Developing Draft Tori Line Specifications for the Hawai‘i Deep-Set Longline Fishery.....	31
	B.	SSC Working Group Issues Paper on Alternative Approaches to Reduce Impacts to False Killer Whales.....	33
	C.	Integration of the Endangered Species Act Section 7 Under the Magnuson- Stevens Act	34
	D.	Endangered Species Act Consultations for the Hawai‘i Deep-Set Longline Fishery, American Samoa Longline Fishery and Bottomfish Fisheries	35
	E.	Endangered Species Act and Marine Mammal Protection Act Updates	36
	F.	Coral Critical Habitat Working Group Update.....	40
	G.	Advisory Group Report and Recommendations	42
	1.	Advisory Panel.....	42
	2.	Fishing Industry Advisory Committee.....	42
	3.	Non-Commercial Fishing Advisory Committee.....	42
	4.	Scientific and Statistical Committee.....	42
	H.	Public Comment.....	43
	I.	Council Discussion and Action.....	43
IX.		American Samoa Archipelago	43
	A.	Motu Lipoti	44
	B.	Department of Marine and Wildlife Resources Report	45
	C.	American Samoa Marine Conservation Plan (Action Item).....	46
	D.	American Samoa Bottomfish Fisheries	47
	1.	American Samoa Bottomfish Rebuilding Plan (Final Action).....	47
	2.	American Samoa Bottomfish Community Development Program Request ..	48

E.	Advisory Group Report and Recommendations	49
1.	Advisory Panel.....	49
2.	Fishing Industry Advisory Committee.....	50
3.	Non-Commercial Fishing Advisory Committee.....	50
4.	Scientific and Statistical Committee.....	50
F.	Public Comment.....	50
G.	Council Discussion and Action.....	50
X.	Mariana Archipelago	51
A.	Guam.....	51
1.	Isla Informe.....	51
2.	Department of Agriculture / Division of Wildlife and Aquatic Resources Report.....	52
3.	Guam Bottomfish Fishery Management.....	54
a)	Guam Bottomfish Rebuilding Plan (Final Action).....	54
b)	Guam Territorial Bottomfish Fishery Management Plan	57
B.	Commonwealth of the Northern Mariana Islands.....	57
1.	Arongol Falú.....	57
2.	Department of Lands and Natural Resources/Division of Fish and Wildlife Report.....	58
C.	Advisory Group Report and Recommendations	59
1.	Advisory Panel.....	59
2.	Fishing Industry Advisory Committee.....	60
	There were no FIAC recommendations.....	60
3.	Non-Commercial Fishing Advisory Committee.....	60
	There were no NCFAC recommendations.....	60
4.	Scientific and Statistical Committee.....	60
D.	Public Comment.....	60
E.	Council Discussion and Action.....	60
XI.	Program Planning and Research	61
A.	National Standard 1 Technical Guidance Memorandum on Data-Limited Stocks	61
B.	Draft Electronic Monitoring Procedural Directive on Applying Information Law ...	63
C.	National Legislative Report	64
1.	Update on Congressional Actions.....	64
2.	Update on Executive Orders	65
a)	Executive Order 14008 – National Marine Fisheries Service Report and Council Coordination Committee Area-Based Management	

	Working Group *This item will be taken up as the first item on Thursday	65
	b) Executive Order 13985 - Advancing Racial Equity and Support for Underserved Communities.....	69
D.	Standardized Bycatch Reporting Methods and Fishery Ecosystem Plan Amendments for Updating Consistency (Initial Action).....	71
E.	Draft 2020 Annual Stock Assessment and Fishery Evaluation Report	71
	1. Archipelagic Report Overview and Highlights.....	71
	2. Pelagic Report Overview and Highlights	73
F.	Update on Aquaculture Management Programmatic Environmental Impact Statement.....	73
G.	Endorsement of the Scientific and Statistical Committee Three-Year Plan	75
H.	Regional Communications and Outreach Report	75
I.	Advisory Group Report and Recommendations	75
	1. Advisory Panel.....	75
	2. Archipelagic Plan Team.....	75
	3. Pelagic Plan Team.....	77
	4. Social Science Planning Committee	77
	5. Fishing Industry Advisory Committee.....	78
	6. Non-Commercial Fishing Advisory Committee.....	78
	7. Scientific and Statistical Committee.....	79
	8. Fishery Data Collection and Research Committee Technical Committee	79
J.	Public Comment.....	80
K.	Council Discussion and Action.....	80
XII.	Hawai‘i Archipelago and Pacific Remote Island Areas	83
	A. Moku Pepa	83
	B. Department of Land and Natural Resources/ Division of Aquatic Resources Report.....	84
	C. Main Hawaiian Islands Deep-Seven Bottomfish Fishery Annual Catch Limits for Fishing Years 2021-23 (Final Action)	86
	D. Monitoring and Managing the Hawai‘i Uku Fishery.....	87
	E. Proposed National Marine Sanctuary for the Northwestern Hawaiian Islands	89
	F. Advisory Group Report and Recommendations.....	92
	1. Advisory Panel.....	92
	2. Archipelagic Plan Team.....	93
	3. Fishing Industry Advisory Committee.....	93

4.	Non-Commercial Fishing Advisory Committee.....	93
5.	Scientific and Statistical Committee.....	93
G.	Public Comment.....	94
H.	Council Discussion and Action.....	94
XIII.	Administrative Matters	95
A.	Financial Reports	96
B.	Administrative Reports	96
C.	Report of the Council Coordination Committee Meeting.....	96
D.	Council Family Changes.....	96
E.	Meetings and Workshops.....	97
F.	Standing Committee Report and Recommendations	97
G.	Public Comment.....	97
H.	Council Discussion and Action.....	97
XIV.	Other Business	98

I. Welcome and Introductions

The following members of the Western Pacific Regional Fishery Management Council were in attendance:

- Taotasi Archie Soliai, chair (American Samoa) and American Samoa Department of Marine and Wildlife Resources (DMWR)
- John Gourley, vice chair (Commonwealth of the Northern Mariana Islands [CNMI])
- Michael Dueñas, vice chair (Guam)
- Howard Dunham, vice chair (American Samoa)
- Ed Watamura, vice chair (Hawai'i)
- Roger Dang (Hawai'i)
- Monique Amani (Guam)
- McGrew Rice (CNMI)
- David Sakoda, Hawai'i Department of Land and Natural Resources (Hawai'i DLNR) (designee for Suzanne Case)
- Michael Tenorio, CNMI Department of Lands and Natural Resources (CNMI DLNR) (designee for Anthony Benavente)
- Chelsa Muña-Brecht, Guam Department of Agriculture (DOAG)
- Michael Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Brian Peck, U.S. Fish and Wildlife Service (USFWS)
- Maile Norman, U.S. Coast Guard (USCG) (designee for Rear Adm. Matthew Sibley, commander for USCG District 14)

Also in attendance were Council Executive Director Kitty M. Simonds; Fred Tucher, Elena Onaga, Kristen Johns, and Laurie Beale from NOAA Office of General Counsel Pacific Islands (GCPI); and the Scientific and Statistical Committee (SSC) Chair James Lynch. Council member David Hogan, U.S. Department of State, was absent.

Soliai opened the 186th Council meeting with a prayer.

II. Approval of the 186th Agenda

Soliai announced that agenda item 10.C.2 on Executive Order (EO) 14008, will be taken up as the first item.

Gourley announced that agenda item 10.I.8 Fishery Data Collection and Research Committee Technical Committee (FDCRC-TC) Report will be added to the agenda.

The 186th meeting agenda was approved by general consent.

III. Approval of the 185th Meeting Minutes

The 185th meeting minutes was approved by general consent.

IV. Executive Director's Report

Simonds reported that more than 50% of Hawai'i's population has been vaccinated and O'ahu has entered tier 4 of their restriction plan. Tourism is up, and the outdoor mask requirement has come down for those vaccinated. The State of Hawai'i has also lifted the quarantine restriction for vaccinated individuals, which allows interisland families to reconnect. Pacific-wide COVID-19 travel protocols have continued to change, but American Samoa's borders have remained closed. American Samoa is considering double quarantine guidelines for visitors, while Guam has eliminated the need for traveler's quarantine.

President Biden appointed Hawai'i's Krystal Ka'ai as the executive director for the White House Initiative on Asian Americans, Native Hawaiians and Pacific Islanders (AA and NHPI). The Biden Administration has tasked the initiative to coordinate the federal government's response to the spike in anti-Asian violence, improve access to funding and resources, increase participation in federal programs and encourage these groups to pursue public service. They previously established the White House initiative in 1999 and only included Asian Americans and Pacific Islanders. Native Hawaiians have now been included.

Erika Moritsugu, born in California and raised in Hawai'i, was appointed as the deputy assistant to the president and Asian American and Pacific Islander senior liaison. She has a background in social justice and the empowerment of communities and individuals. She has served as the deputy legislative director for the late Daniel K. Akaka, focusing on economic policy and health issues.

Rick Spinrad was nominated as the NOAA administrator. He previously served as the chief scientist and other positions in NOAA.

Janet Coit was appointed as the assistant administrator for fisheries. She previously served as the acting assistant secretary of commerce for oceans and atmosphere and acting deputy NOAA administrator. Before working with the administration, she served at the Rhode Island Department of Environmental Management for ten years under then-Governor Gina Raimondo, the current secretary of commerce. Coit previously served as the director of the Providence, Rhode Island chapter of The Nature Conservancy, and worked for Senator Chaffee and his son, Lincoln, who later became the governor of Rhode Island.

Monica Medina was appointed as the assistant secretary of state for International Environmental and Science Affairs in the U.S. State Department. She served as the principal deputy undersecretary of commerce for oceans and atmosphere. Jane Lubchenco, a former

NOAA administrator, was appointed as the first deputy director of climate and environment in the White House Office of Science and Technology.

Simonds reported that a House Committee on Natural Resources hearing on a long list of fisheries, ocean and natural resource bills was ongoing. Hawai'i State Senator Chris Lee testified at the hearing on how climate change affects Hawai'i. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) reauthorization bill is expected to come out soon, and House Committee on Natural Resources members Jared Huffman and Ed Case, virtually, and Don Young, via video, provided a briefing on their plans at the May Council Coordination Committee (CCC) meeting.

At the Council's March 2021 meeting, Sam Rauch, NMFS deputy assistant administrator for regulatory programs, reviewed the various EOs that the Biden Administration proclaimed. Simonds noted that Rauch planned to update the Council on EO 14008, the 30x30 goal of the president on day 3 of the meeting. The Council's comments were quoted in the summary report, "Conserving and Restoring America the Beautiful."

A review on EO 14031 Advancing Equity, Justice and Opportunity for AA and NHPI will be presented to the Council at this meeting. Simonds reminded the Council that their mantra for the last 40 years has been, "We are not asking for more, we are asking for different." This EO established the Presidential Advisory Commission on AA and NHPI to deliver key policy directives. This EO also identifies focus areas of language, education, housing, economic opportunity, civic engagement, public health and environmental justice. The Council's interest remains in advancing racial equality and supporting underserved communities through the federal government. The Pacific Islands fishing communities, as defined under the MSA, fit in this category as an underserved community. The proportion of the population living under poverty level is 9.3% in Hawai'i, 57.8% for American Samoa, 22.9% for Guam, and 52.3% in the CNMI, compared to 12.3% nationally. The Biden Administration, through the EO, tasked the heads of federal agencies to identify systemic barriers in accessing benefits and opportunities available for policies and programs. Examples in the Western Pacific Region include the data-poor annual catch limit (ACL) and the unfunded MSA Community Demonstration Project Program mandate that need remedies.

The CCC also received briefings on the EOs, and in response, the committee established a working group to support decision-making and implementation of the 30x30 goal of the president. Simonds also highlighted a publication resulting from the 2020 International Area-Based Management Workshop on Blue Water Ecosystems, which was peer-reviewed and submitted for publication in *Fish and Fisheries*.

The Council's goal is a coordinated, responsive, meaningful approach when working with PIRO and the Pacific Islands Fisheries Science Center (PIFSC) to deliver public services, quality research and ecosystem-based fisheries management. Simonds noted progress on the wire leader prohibition amendment, which helps to satisfy the Council's MSA obligation for oceanic whitetip sharks.

The CCC discussed the NMFS's Policy Directive on the Integration of Endangered Species Act (ESA) Section 7 with MSA Processes. Five of the regional fishery management

councils (RFMCs) have experienced issues. The ESA policy directive may benefit from an update based on the Council's experiences dating back to 2015. The Council will hear more about this issue during the meeting. Simonds noted that the Council continues to seek ways that it can provide meaningful input on the consultation process before biological opinions (BiOps) become available to the public.

NMFS and the Office of National Marine Sanctuaries (ONMS) will brief the Council on the congressional mandate to include Papahānaumokuākea Marine National Monument (PMNM) in the NOAA sanctuary program. There were proposals for a sanctuary in the early 2000s, but the Bush Administration instead established a monument over the Council's 1991 Northwestern Hawaiian Islands (NWHI) 50-mile protected species zone.

The Council and territory governments have submitted their comments on coral critical habitat designation. According to the ESA, the next step is for NMFS to issue the final rule at the one-year mark. The Council looks forward to hearing how NMFS plans to address its comments, along with those of the territory governments.

A presentation was given on NMFS's National Standard (NS) 1 Technical Guidance Memorandum on data-limited stocks at both the May 2021 CCC meeting and the last SSC meeting. The Council continues to believe this guidance does not consider the Western Pacific's situation, and asks if a stock assessment is appropriate for management decisions if the data is too poor. As NMFS tries to figure out the answer, the Western Pacific Region's underserved communities suffer from data-poor scenarios.

There will be more discussion on the ACLs for the territories and the associated rebuilding plans. The Council also looks forward to working with PIFSC staff on future rebuilding analyses for the 2022 North Pacific striped marlin assessment. The Council and the SSC plan to host a workshop during summer 2021 for the advisers and fishermen to provide input on the NS1 guidance memo and bottomfish management unit species (BMUS) rebuilding plans.

The Council expects to hear a report from the Western and Central Pacific Fisheries Commission (WCPFC) Tropical Tuna Workshop held in April 2021. The next workshop has been scheduled for September 2021. Simonds reiterated that the Council's goal has been to increase the U.S. bigeye quota from 3,500 metric tons (mt) to 6,500 mt. This goal will require working with all the countries in the commission.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto presented the PIRO report. He noted that several items in his report will be discussed in other parts of the agenda, so he would be brief and highlight those that remained.

The comment period for the draft Marianas Trench Marine National Monument (MTMNM)'s Management Plan and Environmental Assessment (EA) was extended until July 25, 2021. PIRO is also working to obtain nominations for the Marianas Trench Monument Advisory Council (MTMAC). NMFS is working on the secretarial nominations from the Departments of Commerce and the Interior, the governor's office, the Department of Defense (DOD) and USCG. Tosatto noted that while he was hopeful these tasks could be completed before the end of the public comment period, the MTMAC would have the ability to provide advice to both NMFS and the USFWS outside of any public comment period.

The Habitat Conservation Division, aside from Monument Program's work, consults on proposed activities occurring within essential fish habitat (EFH) areas that have the potential to adversely affect that habitat. In doing so, NMFS provides conservation measures for the activity. Tosatto said that although conservation measures were in place for a recent Army Corps of Engineer's dredging project, 17,000 square yards of damage occurred in Honolulu Harbor. NOAA and other affected agencies are a part of the response to this action.

PIRO is supporting American Samoa and Guam agencies in the development of their Coral Reef Fishery Management Plans (FMPs) and will also assist the CNMI. NMFS is also supporting a coral nursery project in the CNMI, which started in the aftermath of Super Typhoon Yutu. PIRO provided funding and two Hollings Scholars for this project, which is focused on testing various coral propagation techniques. He explained that having coral in local nurseries will aid in future disaster recovery efforts.

Gourley thanked NOAA for the public meetings regarding the draft MTMNM Management Plan and EA. He noted a concern over the lack of overlap between the timing of the first MTMAC meeting and the public comment period. Gourley requested that the public comment period be extended again to account for this discrepancy and noted that the management plan was already nine years overdue. He thought this approach would position the MTMAC best in their role as liaison between the community and the federal managers. He offered that the MTMAC is the only official body in place that the CNMI and Guam have to provide input into the management of the monument.

Tosatto said that the comment period was open to get input from members of the public, whereas the MTMAC is not considered the general public per the proclamation. PIRO intends to meet with the MTMAC during the public comment period, or after the public comment period closes and well into the plan implementation. The proclamation also stated that NOAA should operate in cooperation with local government, so they will be included in partnership with NOAA and USFWS in considering, finalizing and implementing the management plan. Tosatto explained that there would be ample opportunities within the process for the CNMI government, including the MTMAC members, to engage with the public and obtain public comment on the work. Tosatto noted that the MTMAC is an enduring body and their meetings would not be dependent on public comment periods.

Gourley noted that when the federal government holds hearings, the public often have misunderstandings. He said the MTMAC would serve as local, involved community members to explain the issues. Gourley said that the CNMI government, while a partner, was not a site comanager, so the MTMAC plays a important role in his view.

Tosatto offered that the MTMAC could potentially hold public meetings after the current comment period to solicit public comment during the draft finalization time period. He also explained that the MTMAC is advisory to the federal managers and is comprised of members of the CNMI government. Tosatto said that PIRO's intent is for the CNMI government, through their representatives, to provide advice and guidance to the monument managing agencies through their membership on the MTMAC.

Soliai thanked Tosatto for agency support in developing the American Samoa Coral Reef FMPs. He asked about the criteria for assessing the qualification of a vessel for an American Samoa longline fishery permit, noting that some of the permitted vessels do not deliver fish to American Samoa.

Tosatto said that the process for the American Samoa longline permit was evolving, noting that the rule package development for Council recommendation regarding vessel size classes and permit qualification was ongoing. He explained that initially the permittees had to demonstrate that they had been in the fishery for some time and maintain landings to retain those permits. He acknowledged that slight changes had occurred with this qualification process and a few more changes were planned.

Soliai expressed interest in further information and a process that would include local government input on the matter.

Tosatto said his staff and Council staff could pull together some of the history on this topic. He said the Council recommendations on the vessel size class have not yet been implemented and some changes are anticipated in the near future. Tosatto wanted Soliai to have a thorough understanding in order to better support industry and community engagement.

Tosatto committed to providing the history of the criteria for assessing the qualification of a vessel for an American Samoa longline fishery permit.

2. Pacific Islands Fisheries Science Center

Michael Seki, PIFSC director, provided the PIFSC report. Reduction in white ship access has led many activities to instead use small-boat support and/or be shore-based when possible. While the NOAA ship *Rainier* efforts in the CNMI did not occur, some Coral Reef Conservation Program sites on O'ahu were surveyed. June 7, 2021, marked the start of small-boat based benthic and fish monitoring around O'ahu. This fixed site monitoring effort will last about six weeks in support of the annual National Reef Monitoring Program.

Electronic reporting and electronic monitoring (EM) training activities continued. Some vessels assisted with the High-Frequency Acoustic Recording Package (HARP) deployments intended to collect ambient sound for marine mammal studies.

Marine turtle field research occurred on O'ahu, given some novel nesting that occurred. A Hawaiian monk seal (HMS) gave birth at Kaimana Beach in Waikiki on O'ahu. After a risk evaluation process, NMFS determined it was best to translocate the pup to an undisclosed

location on O‘ahu. PIFSC staff, partners and PIRO staff conducted the translocation and the pup reportedly remained at the new location.

The NOAA ship *Oscar Elton Sette* conducted cetacean surveys in the Mariana Archipelago after many months of careful COVID-19 protocol planning. The team retrieved a stationary acoustic recorder that had been deployed for three years off Wake Atoll on their initial transit from Pearl Harbor to Guam. In Guam, the team began their first leg May 3, 2021. The team deployed and recovered stationary acoustic recorders, and deployed 15 acoustic spar buoy recorders. Between survey legs, the team conducted a shelter-in-place in Guam for one week. On the second leg, intended to conclude July 14, 2021, the team surveyed whales, dolphins and seabirds throughout the U.S. exclusive economic zone (EEZ) around Guam and the CNMI.

PIFSC received external review comments and recommendations on the Main Hawaiian Islands (MHI) Deep-Seven Stock Assessment. PIFSC incorporated these comments into the assessment and the assessment is moving through final documentation.

Another agenda item that will be covered during the Council meeting details the Monte Carlo Analysis that PIFSC staff used to examine the take and mortality of oceanic whitetip sharks.

Fisheries program efforts are long-term. The current goal is to modernize and validate data collection processes while coordinating with the Western Pacific Fisheries Information Network (WPacFIN) partner agencies in the territories. PIFSC will begin a reassessment and potential redesign of their creel surveys this fall. The intent is to best meet the needs of the assessment, while also contributing to the Marine Recreational Information Program (MRIP) review and certification.

The sample collection for life history information is an ongoing effort. In the Mariana Archipelago, collection was restructured to target BMUS, and in American Samoa meetings are taking place to best determine a shore-based research approach. Sampling is planned for the fall around Tutuila and Manu‘a Islands.

PIFSC will hold data workshops with the fishing communities as a new step before finalizing the data input for the territorial bottomfish assessments. The data workshop for the 2023 American Samoa stock assessment is planned for November 2021. PIFSC staff is finalizing a descriptive analysis of all American Samoa bottomfish fishery data, which will be available as a technical memorandum in October 2021.

WPacFIN is continuing the multi-year process of modernizing the creel survey and commercial landings data collection systems. The program has submitted funding proposals to support the territorial database modernization, creel survey electronic reporting application development and enhancement to the Catchit Logit app.

The Archipelagic Plan Team (APT) explored the use of hierarchical cluster analyses to develop a better understanding of fishery species associations in territorial waters and evaluate the composition of the complexes. Preliminary results were completed for the American Samoa boat-based creel survey. PIFSC staff also plan to join the Guam Division of Aquatic and Wildlife

Resources (DAWR) Fishery Management Plan Team to provide data and conduct the hierarchical cluster analysis for Guam fisheries.

The Pacific Islands Benthic Habitat Mapping Center is the best available information source for high-quality bathymetric backscatter data for the development of fishery-independent surveys.

The Bottomfish Fishery-Independent Survey effort in Hawai‘i is being conducted by local cooperative research fishers. Given data variants, PIFSC will expand the number of sampling grids to optimize these efforts. The Modular Optical Underwater Survey System camera system was deployed at six of the eight MHI and, in doing so, increased spatial area distribution of sampling.

PIFSC expanded OceanEYES Project, a crowd sourcing application wherein the public can get involved in annotating Hawai‘i’s deep-seven bottomfish underwater videos. The project produced nearly two million annotations across approximately 200,000 images. Project goals include providing an opportunity for the public to engage and learn as well as training data, and improve automated machine learning algorithms.

The Cetacean Research Program conducted research and development to improve the precision and accuracy of abundance estimates for false killer whales. The program adopted BANTER, an automated acoustic classification algorithm that classifies false killer whale encounters.

The HMS Research Program staff continued to explore the relationship between toxoplasmosis-related HMS strandings and rainfall patterns on O‘ahu. They attributed 13 deaths directly to toxoplasmosis and analyzed a correlation between incidence timing and rain events. Program staff is using a charter vessel to deploy the 2021 field camps to the NWHI. Since there was no 2020 field season, the priorities for the 2021 season also include tagging and vaccinating the 2020 cohort.

The Marine Turtle Biology and Assessment Program transited to the NWHI via a charter vessel in March 2021, the earliest calendar start for a French Frigate Shoals population assessment since the surveys began in 1973. Program staff also established an exploratory Steering Committee for the Asia-Pacific Marine Turtle Genetic Working Group. The goals are to standardize methodologies, to identify the research priorities and to establish a regional collaborative network to facilitate turtle genetic studies.

Marine debris removal efforts occurred in spring 2021 with nongovernmental organization partners. Via the M/V *Imua*, the group brought back approximately 95,000 pounds of debris from the NWHI to Honolulu. The organizations also conducted shoreline marine debris accumulation rate surveys on the beaches of the various islands that they monitored.

Rice asked how the staff identifies false killer whales, as opposed to another species, from the acoustic surveys.

Seki said that cetaceans all have unique sound signatures and provided an overview of the various moored or towed listening arrays that PIFSC staff use to gather acoustic data.

Dueñas asked if the HARP recordings would be able to record any spikes or the frequency of military-type sonars.

Seki said in short, yes. He added that passive acoustics collect ambient noise. They have been used in some areas to monitor vessel traffic and in others to decipher manmade noise from reef organism or marine mammal noise. He noted the utility of machine learning and the capability of passive auditory systems supporting more than marine mammal research.

Watamura requested more information regarding modernizing the Territorial Creel Survey Program, in particular how many bottomfishers there are in American Samoa. Watamura thought there were only 12 or 13 fishers.

Seki could not confirm the number offhand, but thought 12 fishers was in the right range.

Watamura asked whether the methodologies would include going directly to the fishers for information, given the low number of fishers.

Seki said that the need to know what is being extracted from the fishery is also coupled with the abundance estimate for the data-limited fishery. Seki also said that there are many approaches for the stock assessment itself, and PIFSC is discussing which approach is best. Seki explained life history approaches and the related data workshops.

Watamura said that it seemed counterintuitive to put all that effort into such a small amount of fishers when PIFSC could go directly to the fishers and get all their data needs met.

T. Todd Jones, PIFSC, referred to his presentation on the Catchit Logit application from the previous Council meeting. Jones described the application system's utility in capturing anywhere from 10 to 20% of the commercial catch. He then pointed out the noncommercial aspect of the fishery and the need for creel surveys to get to the total catch-and-effort and removals. Jones offered to summarize further from his last Council presentation.

Watamura expressed a desire for that summary as well as a way to characterize the composition of the noncommercial fishers. Watamura mentioned the Hawai'i bottomfish registration for vessels and similar issues in American Samoa, and suggested a similar bottomfish registry as another data option.

Jones reiterated the focus on increased communication and collaboration with the territorial agencies, NMFS and the Council for these issues. Jones described this modernization and referred to the efforts of the APT, refining and aligning the BMUS list to focus on the current fishery and fishery planning efforts and focusing the creel survey in all aspects. Jones relayed it as a multi-faceted informational approach that includes looking at biosampling, any gaps in bio sampling and the Catchit Logit app.

Seki said the importance of the noncommercial catch is a critical element across all of the fisheries in all the island locations. He noted the challenges of needing to rely on partner agencies for this noncommercial aspect of the fishery to fill data gaps and improve stock assessments moving forward.

Soliai had a follow up question on the timing of the descriptive analysis of all the American Samoa bottomfish data.

Jones clarified that the technical report would be coming out this fall, but would be shared with Soliai, the APT members and anyone else from DMWR prior to release.

B. NOAA Office of General Counsel Pacific Islands Section

Onaga provided the report from GCPI.

Regarding the Territory of American Samoa v. NMFS court case, the Supreme Court denied the appeal filed by American Samoa Feb. 22, 2021. American Samoa filed the petition for a writ of certiorari with the U.S. Supreme Court, seeking a review of the Ninth Circuit's decision and whether it failed to address if the Deeds of Cession establishes binding and enforceable U.S. obligations.

NMFS received a new Notice of Intent to Sue May 17, 2021, from the Center of Biological Diversity alleging that NMFS and the U.S. Navy violated the ESA Section 7, for failing to reinitiate and complete consultation relating to the impacts of U.S. Navy training in the Hawai'i-Southern California Training and Testing Study Area. The Notices of Intent to Sue also alleges that NMFS should reexamine determinations under the Marine Mammal Protection Act (MMPA) relating to endangered marine mammals in the area and supplement the National Environmental Policy Act (NEPA) document.

Onaga also reported on two continuing Notices of Intent to Sue, one from Conservation Council of Hawai'i and one from the Hawaii Longline Association (HLA). Both organizations are receiving periodic updates on the status of the various BiOps.

Soliai asked if the notice regarding the Supreme Court decision was released yet, and if it could be shared.

Onaga stated that she believed that it had been released and offered to send it to Council staff for distribution.

C. Enforcement

1. U.S. Coast Guard

Norman, USCG, presented an overview of the written report summarizing activities in the Western Pacific Region from March through May 2021. During this period, USCG District 14 noticed an increase in search and rescue, law enforcement, maritime environmental protection and ports, waterways and coastal security response missions. Norman reported that the agency believe this coincides with increased vaccination rates and an emergence out of the pandemic.

A new USCG fast response cutter (FRC) *Frederick Hatch* began its transit from Key West, Florida, with its final destination being Apra Harbor, Guam. This will be the third FRC supporting sector Guam and is scheduled to arrive in July 2021. USCG Cutter *Myrtle Hazard*, an FRC based out of Guam, provided emergency supplies to areas in Palau that were impacted by Typhoon Surigae in April 2021. The *Myrtle Hazard* was also used to complete the Operation Blue Pacific patrol for high seas boarding inspections performed under the WCPFC's authority. Additionally, USCG provided support to the Forum Fisheries Agency's Operation Rai Balang. Along with USCG air crews, the agency provided a maritime security presence against illegal, unreported and unregulated fishing and focused on collaboration with Micronesia and Nauru. Another FRC based out of Guam, the USCG Cutter *Oliver Henry*, participated in Operation Blue Pacific and accomplished WCPFC high seas boardings and inspections.

The Oceania Maritime Security Initiative occurred during this period. This included embarking USCG Law Enforcement Detachment teams onboard U.S. Navy vessels to conduct maritime security throughout the Pacific. The USS *Tulsa*, a littoral combat ship from the U.S. Navy, housed the USCG Law Enforcement Detachment team, along with a liaison officer from the enforcement office at District 14. The team conducted WCPFC high seas boardings and inspections, as well as at-port inspections. Another initiative asset, the USS *Charleston*, also conducted WCPFC high seas boardings and inspections. The initiative allows USCG to increase the number of platforms and boardings throughout the Pacific.

Air crews from USCG Air Station Barbers Point conducted a repatriation flight in May from Guam to Micronesia for passengers that were stranded due to COVID-19 quarantine requirements. On another mission, air crews responded to a conservation assistance request from NOAA to transport two HMSs from The Marine Mammal Center in Kona on the Big Island back to their home islands of Kaua'i and O'ahu. In February, USCG supported the transport of each seal on separate occasions for care in Kona.

Watamura said he was interested in viewing video of the HMS transport.

Norman planned on following up with NOAA partners to see if that was possible.

2. NOAA Office of Law Enforcement

Martina Sagapolu provided the NOAA OLE report.

From March 1, 2021, to May 31, 2021, there were 213 protected resource incidents, 54 fishery violations and zero sanctuary complaints. Sagapolu highlighted several incidents. OLE responded to numerous complaints received from several sources relating to recreational vessels approaching within 100 yards of a pod of humpback whales. The complainants provided photos. The operator of the vessel was interviewed and was issued a summary settlement for violations of the MMPA. OLE also responded to a report of a YouTube video that showed a scuba diver off of Maui interacting with juvenile HMSs. An MMPA level B harassment penalty was assessed for that incident.

Operation Marshall Law is focused on checking incoming cargo at the Honolulu Airport from the Marshall Islands in concert with Transportation Security Administration and the

Department of Homeland Security. The federal officers noted opihi, *Cellana sp.*, being transported by gallons and referred the matter to the Hawai‘i DLNR/Division of Conservation and Resources Enforcement for prosecution. OLE moved to the Kona airport for Operation Marshall Law and intercepted different types of giant clams smuggled into the state in coolers. OLE is planning to continue these operations and has a special agent and enforcement officer assigned at the Kona airport location.

There was increased attention for the HMS mother and nursing pup pairing on a Waikiki beach. Hawai‘i Police Department issued a local leash law ticket for an incident involving two corgis running on the beach. The owner of the second corgi is still being sought.

There are several patrol monitoring inspection efforts utilizing their vessel asset in Maui. The patrols are focused on protected species and have observed the increase in ocean user interactions as the state lifts COVID-19 restrictions. OLE will continue these neighbor-island patrols beyond humpback whale season. Also, OLE responded to a complaint involving a suspicious large vessel reportedly transshipping tuna off Hawai‘i Island. This patrol was coordinated with USCG, and although they did not find their target, the patrols and monitoring will continue. Lastly, OLE has been working with partners to document commercial spinner dolphin violations. Once the final rule is issued, Sagapolu anticipates a switch from compliance documentation to the issuance of summary settlement notices.

Officer Lonetona Conaway will report to American Samoa at the end of boating school. Conaway brings experience as a federal air marshal and with conducting water patrols in Hawai‘i.

Watamura said that many fishermen encounter spinner dolphins and asked for more details on the anticipated interaction final rule language.

Tosatto said his office is looking to add regulations through a proposed rule under the MMPA regarding spinner dolphins. Tosatto explained that the MMPA includes take and harassment prohibitions, level A and level B, and these provisions are difficult to enforce. The proposed rule puts forward more definitions for boaters, fishermen, swimmers, etc., describing what activities would not be allowed around the animals.

Watamura noted the vagueness regarding enforcement.

Tosatto agreed and said that the proposed regulations are intended to add clarity both for the public and for enforcement as they describe what specific activities would be prohibited and allowed when in the vicinity of the animals.

3. NOAA Office of General Counsel Enforcement Section

Elizabeth O’Sullivan presented the GCES report. The F/V *Lomalo* case involved Pan Pacific RMI, a Republic of Marshall Islands-flagged vessel owned by a Chinese conglomerate that was fishing illegally in U.S. waters. The Notice of Violation and Assessment was issued for \$99,300, and settled relatively quickly with a standard 10% discount, for \$89,370. The F/V *Christine N* owners/operators were charged with fishing in a closed are in the MHI. They paid a

reduced penalty of \$2,875. The owner/operator of the F/V *Queen Diamond* was charged with failure to submit logbooks under the MSA. It remains unsettled, in default, and has been referred to the NOAA Finance Office for collection.

Sakoda asked if the longline permittee could lose their permit if they fail to comply.

O'Sullivan said that there are opportunities for permit sanctions in a few ways. If the fee is not paid, then the respondent is a candidate for permit sanctions on the existing permit, and/or either a permit denial when requesting a future permit or when renewing an existing permit.

Simonds ask where the two foreign incursions occurred, as the Council receives fines and penalties for foreign incursions in the Pacific Remote Island Areas (PRIA).

O'Sullivan said that they occurred in the U.S. EEZ around Howland and Baker Islands. O'Sullivan noted some complexity given the vessels are owned by a Chinese company, and confirmed that GCES will redirect payment as appropriate.

Simonds requested that O'Sullivan check the payment status and follow up with the Council.

Tosatto confirmed that the penalties from encroachment cases around the PRIA go to the Western Pacific Sustainable Fisheries Fund (SFF). He said that the penalty payment may be directed by paper check, or even electronic, but the latter is more difficult. Tosatto offered to assist with how to get that penalty payment through the NOAA Finance Office and into the SFF explaining that his office executed a similar process for the territorial arrangements.

O'Sullivan said that she will work with the Council, PIRO and NOAA OLE regarding the disposition of those penalty payments.

D. U.S. State Department

No report was presented.

E. U.S. Fish and Wildlife Service

Peck presented the USFWS report. Peck, along with colleagues from DMWR, the Coral Reef Advisory Group and the American Samoa Visitors Bureau, visited Rose Atoll in May. The team conducted seabird and coral monitoring, videotaped segments for an upcoming outreach video and collected marine debris. The group collected two fish aggregating devices (FADs) and their associated gear from the reef, noting damage to coral. The USFWS is maintaining documentation on any FADs, provided that their buoy and associated identification is attached when found.

There is a proposed communication cable right-of-way that would transverse the Rose Atoll National Wildlife Refuge and the MTMNM. The public comment period recently closed and the draft EA continues through the NEPA process. The U.S. is a party to an 1885 treaty that recognizes seafloor cables. As such, the USFWS role for the proposed cable projects is to provide mitigation measures and best management practices.

The Friends of the MTMNM held a Healthy Ocean and People Empowerment outreach event that included science, technology, engineering and math principles, and traditional and cultural methodologies. This approach brought in local elders with a lifetime of ocean experience as part of the event.

Soliai asked Gourley if he was a part of this friends group.

Gourley said that he considers himself a “friend,” and that even if the group doesn’t consider him a friend, they are all working toward the same goal. He said that they all want the monument to succeed because it is already in place. Gourley said that there is shared desire for everyone to work together and get things moving.

Watamura said that Project HOPE sounded good and he would like to see it expand to Hawai‘i.

Peck said that he would pass Watamura’s comments regarding Project HOPE over to his Guam colleague.

Rice asked Tosatto and Peck if there were any fishing permit requests for the monument.

Peck said that he was not aware of any such requests.

F. Public Comment

There were no public comments.

G. Council Discussion and Action

Regarding the MTMAC, the Council requested USFWS and NMFS extend the public comment period on the MTMNM Management Plan until the MTMAC is reconstituted and reaches out to the community for comments.

Moved by Gourley; seconded by Dunham.
Motion passed with Tosatto opposing.

Regarding the Enforcement report, the Council requested NMFS GCES follow up with the Council and NMFS PIRO on the status of settlement funds to be deposited into the Western Pacific SFF resulting from fines on a Republic of Marshall Islands vessel due to an illegal incursion inside the U.S. EEZ around Howland and Baker Islands.

Moved by Rice; seconded by Dunham.
Motion passed.

VI. Pelagic and International Fisheries

A. Oceanic Whitetip Sharks

1. Oceanic Whitetip Shark Working Group Update and Monte Carlo Analyses of Longline Mitigation Measures

Keith Bigelow, PIFSC, reported on Monte Carlo analyses of longline mitigation measures, including the removal of wire leaders to transition to monofilament nylon leaders, removal of surface hooks in longline fisheries and other measures. Bigelow and Felipe Carvalho, PIFSC, analyzed the Hawai‘i deep-set fishery, which interacts with about 1,700 oceanic whitetip sharks each year. The purpose of this analysis is to estimate the mortalities of those interactions. The report was distributed to PIRO, PIFSC, Council and HLA May 12, 2021, in advance of the Council meeting.

Bigelow described the five-step process for the analyses. The first component was the number of interactions, which considered the status quo and reduction in shallow hooks. The second component was change in catchability for the species in the transition from wire leaders to monofilament. The third component was mortality at longline retrieval and the fourth is attribution of mortality to crew handling. The first four components are estimated from observer datasets. The final component is estimating post-release mortality, using data from Melanie Hutchinson’s (PIFSC) tagging studies on oceanic whitetip sharks and other shark species.

Bigelow described the three scenarios analyzed for the Hawai‘i deep-set longline fishery. The first scenario is status quo fishing operations in the deep-set fishery using wire leaders and shallow hooks. The second scenario is the conversion of wire leaders to monofilament nylon leaders. The third scenario is removal of wire leaders and the removal of the three shallowest hooks from longline sets. The effects of the leader material and shallow hook removal were estimated for a total of 15 pelagic management unit species (MUS).

Based on observer data, approximately 40% of oceanic whitetip sharks are caught on the initial three hooks surrounding the buoys—the shallow hooks represent six out of approximately 30 hooks between two floats. The removal of shallow hooks as considered in the analysis is a theoretical exercise because there has been no field research conducted on the effects of removing shallow hooks. Removal of the three shallowest hooks may result in the interaction being redistributed to the fourth hook, and there are economic implications to consider.

The effects of the leader material on the catchability were analyzed using a generalized linear model that considers and removes some of the spatial and temporal effects. Significant catchability changes were seen with albacore, skipjack, swordfish, mahimahi, blue shark and shortfin mako shark. Even with 15 years of observer data, sets with monofilament leaders only caught about 146 whitetip sharks, while sets with wire leaders caught several thousand. Due to this paucity in data for monofilament sets with oceanic whitetip interactions, Bigelow and Carvalho chose to assume a catchability reduction of 33% based on interactions with shortfin mako sharks to be representative of oceanic whitetips given similar dentation and activity levels. The mortality of oceanic whitetip sharks at retrieval based on observer data is about 19% of oceanic whitetip sharks, and a minimal handling mortality between retrieval and release of about 1.4%. The post-release survival after 60 days was estimated to be about 92% for wire leaders with 10 meters of trailing gear, and 97% for monofilament leaders with no trailing gear.

The analysis results show that a transition from wire to monofilament leaders in the Hawai‘i deep-set longline fishery is estimated to have a 32% and 30% reduction in catch and mortality of oceanic whitetip sharks, respectively, from a status quo of 362 mortalities per year to 255 mortalities per year. Removal of shallow hooks results in an estimated mortality of 150 oceanic whitetip sharks per year, but this also results in reduced catch of target and incidental species.

Based on a slight increase of bigeye tuna catch, revenues could increase by \$2.6 million per year by transitioning from wire to monofilament leaders. In contrast, the analyses estimate a decrease of about \$11.5 million if the fishery were to convert from wire to monofilament and not set the shallow hooks.

Bigelow and Carvalho also conducted a broader analysis of the Western and Central Pacific Ocean (WCPO) to update an earlier study conducted in 2015. If a prohibition of wire leaders is applied to all longline vessels operating in the WCPFC area, the reduction in oceanic whitetip shark mortality was estimated at 35% region-wide, compared to an earlier study that estimated the reduction to be around 23%. The difference is due to a greater proportion of fleets using wire leaders now compared to when the earlier analysis was conducted.

Watanabe noted in the WCPO analysis that oceanic whitetip mortality would be reduced by 36% if wire leaders were banned internationally, and asked what percentage of that reduction would come from the Hawai‘i deep-set fishery switching from monofilament.

Bigelow said the Hawai‘i contribution to that stock-wide reduction would be small given the small proportion of Hawai‘i longline effort in the preferred habitat area for oceanic whitetip sharks.

Watanabe asked how such a change would be accepted in the WCPO.

Bigelow said the current WCPFC management measure states that vessels can either use shark lines or wire leaders. The current analysis shows that shark lines are no longer prevalent in the WCPFC, but use of wire leaders may be increasing. However, the lack of information on gear characteristics of the distant water fleets tends to hamper the analysis.

Dang asked Bigelow to further explain the challenges of operationalizing a potential mitigation measure to remove shallow hooks.

Bigelow said that the analysis simply removes the shallowest hook and the corresponding fish catch, but it is unknown whether sharks and other species may be caught on the fourth hook if the first three hooks are removed. The larger issue is the difficulty of regulating and monitoring compliance with such a measure. The longline snap (that connects the branchlines to the main line) is not stationary and moves considerably during a set and with movement of the fish caught on the lines.

Dang asked if the American Samoa longline fishery sea turtle mitigation measure that basically removes the shallow hooks has resulted in any reduction in oceanic whitetip shark catch in that fishery and if that measure has been evaluated.

Bigelow said that measure has not been fully evaluated due to several complexities, including uncertainties with how observers are identifying the hook position following the removal of shallowest hooks.

Dang asked Sakoda how many oceanic whitetip sharks are caught in the Hawai‘i shortline and handline fisheries.

Sakoda said he does not know, stating there are depredations, but likely little take in terms of mortality.

2. Regulatory Amendment: Gear and Release Requirements to Improve Post-Hooking Survivorship of Oceanic Whitetip Sharks in the Longline Fisheries (Final Action)

Asuka Ishizaki presented on a draft regulatory amendment on gear and release requirements to reduce mortality of oceanic whitetip sharks. Ishizaki provided a brief timeline of Council action to date, highlighting the initial action taken at the 185th meeting in March 2021 when the Council recommended including as part of the preliminarily preferred alternative a regulatory requirement to remove trailing gear from oceanic whitetip sharks. As part of the final action, the Council was asked to consider which longline sector the trailing gear removal requirement should apply, and to consider specifications for trailing gear removal. The purpose of the action is to increase post-hooking survival of oceanic whitetip sharks and potentially other ESA-listed species while minimizing negative economic impacts of the affected fishery. The action is needed to address impacts to the oceanic whitetip sharks, which was listed under the ESA as a threatened species since the WCPO stock is subject to overfishing and is overfished.

Ishizaki presented the three alternatives for Council consideration. Alternative 1 is the no action alternative, with no prohibition on leader material or requirement to remove trailing gear from oceanic whitetip sharks. The impacts analysis assumes that the deep-set longline fishery would continue to use mostly wire leaders, while all other longline fisheries would continue to use monofilament nylon leaders. Alternative 2 would prohibit wire leaders in the Hawai‘i deep-set longline fishery and require removal of trailing gear from oceanic whitetip sharks. Alternative 2 has two subalternatives with respect to the requirement to remove trailing gear, with subalternative 2A applying to the Hawai‘i deep-set longline fishery only, and subalternative 2B applying to all Western Pacific pelagic longline fisheries operating under the Pelagic Fishery Ecosystem Plan (FEP). Based on the results of the Monte Carlo analysis, oceanic whitetip shark catch and mortality is expected to be reduced by approximately 30% as a result of the deep-set fishery’s transition away from wire leaders, and the associated economic impact is expected to be minor. A small additional conservation benefit is expected from all longline fisheries removing trailing gear compared to the deep-set longline only subalternative. Alternative 3 would prohibit wire leaders and require removal of trailing gear from oceanic whitetip sharks in all Western Pacific pelagic longline fisheries.

Considerations for specifying the details of trailing gear removal include minimal difference in survival when comparing between one meter of trailing gear and none, presence of a weighted swivel within one meter of a hook for the deep-set fishery, existing regulations for sea turtle release not specifying length of gear removal and crew safety. Additionally,

compliance for this measure is likely to be monitored through observer reports. The preliminary draft regulatory language specifies leaving the animal in the water, using a dehooker or line clippers to remove trailing gear as safely as practicable, and additional optional language to specify target length of trailing gear removal.

Rice said that removing trailing gear “as close as possible” to the hook makes the most sense, noting crew safety concerns and that the extra handling to remove gear could result in further injury to the animal.

Watamura asked for clarification on the justification of not including the Hawai‘i shallow-set longline fishery under the wire leader prohibition under alternative 2.

Ishizaki said that the Council selected alternative 2 as the preliminarily preferred alternative recognizing that the wire leader usage is only an issue in the deep-set longline fishery, and that a regulatory prohibition was not needed for sectors that already use monofilament nylon leaders.

Watamura said, from the general public’s perspective, a prohibition of wire leaders for all longline sectors would be easier to understand if all of the U.S. longline fisheries would be using monofilament leaders, considering that the general public does not understand the difference between the deep-set and shallow-set sectors.

Dang acknowledged Watamura’s comments and said that it takes some industry knowledge and experience to understand the differences between alternative 2B and 3. From his perspective, gradual and informed steps toward a goal is useful, and subalternative 2B provides an incremental step that achieves the necessary conservation goal without potential unintended consequences.

Rice said that specifying the amount of line still on a shark is problematic and cutting gear as close as possible to the animal would be a better requirement. He said that trying to remove the hook from a marlin has resulted in harming the fish more than cutting the line.

Dang said that Rice’s comment is an important point for the Council to consider, and noted that safety is a paramount issue when he talks with the captain and crew.

Dunham said that a long-poled modified gaff could be used to cut line 2 to 3 inches near the hook.

Tosatto said his general approach is not to regulate something that does not need regulating. Regulations should be considered based on the purpose and need, but sending a message is not necessarily a need under the mandates. He reminded the Council that while it is true that the issue is in the deep-set fishery, the Council is required to look at bycatch in all of its fisheries and reduce that bycatch as much as possible. The ongoing ESA consultations are consulting on the fishery as they operate now in terms of wire leaders, but Tosatto noted that there is a difference between a fishery that generally uses monofilament nylon leaders but wire could be used, and one that generally uses monofilament leaders and must be used. Tosatto said regulatory certainty can be beneficial. He appreciates the Council keeping the shallow-set fishery

as part of the consideration of measures to address the Incidental Take Statement for the shallow-set fishery that requires NMFS to continue considering reducing oceanic whitetip sharks bycatch. He said that he could probably support alternative 3 to require removal wire leaders in all fisheries, but said that alternative 2 could be sufficient because the other fisheries already use monofilament leaders. Removal of trailing gear should be commensurate with the need across all longline fisheries, making sure that the language provides for a safe and meaningful measure that does not cause more damage to the animal.

B. Territorial Bigeye Tuna Catch Limit and Allocations

1. 2022 U.S. Territorial Bigeye Tuna Catch/Effort Limit and Allocation Specifications (Final Action)

Mark Fitchett, Council staff, presented on a single year specification for 2022 U.S. Territorial bigeye catch and effort limits. Amendment 7 to the Council's Pelagic FEP established a management framework to set catch or effort limits applicable to the U.S. Participating Territories. The amendment also authorized the U.S. Participating Territories to use, assign, allocate and manage catch and effort limits through Specified Fishing Agreements with U.S. vessels permitted under the Pelagic FEP for the purposes of responsible fisheries development. The amendment requires the Council to specify territorial catch limits on an annual basis. Not all U.S. Participating Territories have agreed to participate in specified fishing agreements in recent years, leaving the possibility of the U.S. fishery to close before the end of the year. Therefore the Council's actions for fishing years 2020 and 2021 under amendment 7 limited total transfers to 3000 mt for consistent impacts, but allowed territories to allocate up to 1500 mt per territory in case one territory cannot reach an agreement.

WCPFC conservation and management measure (CMM) 2020-01, 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 and U.S. Participating Territories, including American Samoa, Guam and the CNMI. The WCPFC recognizes the territorial agreements. CMM 2020-01 will expire at the end of 2021 with a possibility of new catch limits for fishery sectors and flag states under the WCPFC. The WCPFC may also decide to resume current catch limits for flag states and participating members through 2022. At present, the United States (U.S.) has the lowest catch rate of any nation with a specified catch limit under the WCPFC at 3,554 mt per year. In order to maintain the Hawai'i-based fishery operationally through the fishing year, territorial agreements are needed to be made so that catch allocations can be transferred from a U.S. Participating Territory to Hawai'i-permitted U.S. vessels. Such transfers are not unique by WCPFC members, including transfers from more than 325 charter arrangements and transfers of quota from Japan to other WCPFC members.

The Council's action at this meeting would be for a single year specification because the process for specifying multi-year limits is still pending implementation of amendment 11. Fitchett presented other considerations for the 2022 single year specification, including the potential reduced fishing impacts on nontarget species due to the removal of wire leaders in the deep-set longline fishery, and potential displacement of deep-set fishing effort by shallow-set fishing in the near future under the status quo condition. Food security is another consideration for Hawai'i, given the seafood trade deficit and the reliance on foreign products which have

negative impacts on the environment. The U.S. may have a new catch limit in 2022 if there is progress on revisions to the current tropical tuna measure.

Options for the 2022 territorial catch and effort limits were as follows: 1) no management action - no specification of catch or allocation limits; 2) status quo - specify a 2,000-mt catch limit for each U.S. Participating Territory and allocation limits that do not collectively exceed 3,000 mt among all Participating Territories, similar to fishing years 2020 and 2021; and 3) specify a 2,000-mt catch limit and up to a 2,000-mt allocation limit for each U.S. Participating Territory with no limits in total allocation transfers. Since 2014, U.S. Participating Territories have agreed to limit catches to 2,000 mt per territory with up to 1,000 mt transfers per territory. Past Council actions have permitted a potential of 3,000 mt of transfers from U.S. Participating Territories to augment the U.S. fleet. This level of catch has been thoroughly analyzed under the EA and commensurate to expected protected species interactions. The analyses presented considered impacts of up to 2,000 mt transferred per U.S. Participating Territory (6,000 mt total transfers), which would not lead the WCPO bigeye tuna stock to an appreciable overfishing risk. Territorial agreements allow for fishery development funds for the U.S. Participating Territories and allow the U.S. fishery to maintain operations through the year, especially in the culturally important holiday seasons. Economically, it allows the U.S. fishery to main profitability and reduce the reliance on imported tuna products.

Rice asked Soliai if American Samoa could agree with the total allocations limited to 3,000 mt.

Soliai asked Fitchett to clarify the potential issues with the territories competing under option 3.

Fitchett said option 3 would specify a 2,000 mt limit with the flexibility of increasing the amount of total transfers per territory up to 2,000 mt. The American Samoa fleet has historically caught 500 mt or less of bigeye, and thus would still be able to transfer up to about 1,500 mt out of the 2,000 mt limit. CNMI and Guam would not have any conflict as there are no longline fisheries currently operating in those waters.

Muña-Brecht said that the Guam Advisory Panel (AP) wanted to consider option 2, but limiting the allocation limit to 1,000 mt for each territory. Regarding option 3 with the allocation of up to 2,000 mt per territory, she asked if the Hawai'i fishery has ever needed that fulfillment in addition to the 3,554 mt quota.

Fitchett said catches have historically been up to about 8,000 mt and the Hawai'i fishery would likely not need a full 6,000 mt from territorial agreements in addition to the WCPFC limit. There is also catch coming from the east within the Inter-American Tropical Tuna Commission (IATTC) convention area.

Rice said the disadvantage of limiting transfers to 1,000 mt per territory is that the Hawai'i longline fleet would be limited to about 5,000 mt if one territory does not participate, and thus the 1,500 mt option makes more sense.

Soliai asked for confirmation that the situation that Rice referred to has occurred in the past.

Fitchett confirmed, noting that the Hawai‘i-based longline fishery has not been able to make a third agreement with the third territory since 2019, and thus the Hawai‘i fishery was only able to make agreements with two of the territories in 2019-2021.

Muña-Brecht suggested a consideration for specifying an allocation limit of up to 1,500 mt per territory, with a total limit on transfers of 4,500 mt.

Fitchett said the EA for this action does account for catches that exceed 4,500 mt in transfers. He said he would need to check to see if there may be other obstacles for that potential option, which would be a hybrid of options 2 and 3.

Tosatto said that while the question at hand is whether the hybrid option would be compliant with current analysis to make the processing of the action easy, the Council can and should consider the management needs commensurate with the status of the stocks and needs of the fisheries. Whether the supporting analysis will be difficult is something that PIRO and Council staff would work through, which could result in a delay of the action. He added that the ESA coverage along with the current analysis will need to be considered in detail for this action.

Onaga said that the Council final action needs to be based on information presented at the meeting and documented, and asked if there is sufficient information to make the decision at this time.

Soliai said that option 2 is the best way forward.

2. Multi-Year U.S. Territory Longline Bigeye Catch and Allocation Limits (Initial Action)

Fitchett presented on the modification of the multi-year catch/effort and allocation limits for U.S. Participating Territories. The Council previously took final action to amend the Pelagic FEP to remove the requirement for establishing separate total catch or effort limits for the U.S. Participating Territories prior to establishing an allocation limit, and allowing specification of multi-year limits. At its 178th meeting in June 2019, the Council had recommended removing catch limits for the U.S. Participating Territories and establishing allocation limits for 1,500 mt per territory for 2020 through 2023, based on the marginal impact on the bigeye tuna stock. Implementation of this amendment and associated multi-year allocation limits have been delayed due to administrative prioritization and anticipation of a BiOp, thus the Council has continued to rely on the existing single-year specification process under amendment 7. The current action considers the modification of the previously recommended limits under the new amendment, taking into account new information and an updated timeframe.

Fitchett presented potential options for the Council to revisit the multi-year framework, and to recommend territorial bigeye tuna catch and/or allocation limits to take effect beginning no earlier than 2022, taking into account the Council’s action for a 2022 single year specification under the existing amendment 7. The Council was also asked to consider the fishing years in

which the limits will take effect and expire. Stock assessments are planned for the WCPO bigeye tuna stock in 2023 and 2026. The Council may indicate a preferred alternative for final action at a later date, specifically for WCPO bigeye tuna. Options presented were: 1) no action toward modifying catch or allocation limits for U.S. Participating Territories; 2) 2,000 mt catch limit and up to 2,000 mt allocation limits; or 3) no catch limit and up to 2,000 mt allocation limits.

Fitchett noted that a WCPFC tropical tuna measure may be developed at the 2021 annual meeting in December 2021, rendering a possibly new U.S. catch limit. Removal of wire leaders in the deep-set longline fishery may also reduce fishing impacts on nontarget species, and some deep-set fishing effort under the status quo condition may be displaced by shallow-set fishing in the near future. The Council and NMFS are also awaiting an overdue BiOp for the deep-set fishery, which may necessitate analyses updates prior to rulemaking. Lastly, the Council may consider the applicability of the measure to other pelagic MUS, aside from bigeye tuna.

Rice asked Tosatto for his opinion on a three-year allocation limit.

Tosatto said he supports the framework for multi-year specifications and allocations for three years, possibly longer. He added that there is a difficult dynamic to manage multi-year specifications in concert with the WCPFC, noting that while the territories do not have a limit under the WCPFC, there may be one in the future. Tosatto said there is a need to be more effective with WCPFC management, and it would be more efficient to have a multi-year limit instead of a single year, now that the bigeye tuna stock is no longer subject to overfishing.

C. Potential Management for the Western and Central Pacific Ocean Silky Shark Under MSA 304(i) Obligations

Fitchett presented on the MSA 304(i) obligations for WCPO silky sharks. The range of the species is through the tropical oceans, similar to oceanic whitetip sharks, with most of the abundance appearing to be in the tropical belt between 10 degrees S and 10 degrees N throughout the WCPO. WCPFC endorsed a WCPO-wide stock assessment and noted limitations with a Pacific-wide assessment. PIFSC deemed the 2018 WCPO stock assessment to be the best scientific information available (BSIA). The WCPO stock was deemed not overfished according to the Pelagic FEP minimum stock size threshold. However the stock was considered to be experiencing overfishing according to the Pelagic FEP maximum fishing mortality threshold. NMFS developed a Status Determination Memorandum in the beginning of October 2020. PIRO sent a letter Oct. 20, 2020, notifying the Council of its obligations to develop recommendations under MSA 304(i) within one year.

Fitchett presented background information for the Council's recommendations to address 304(i). The silky shark is listed as a vulnerable species by the International Union for the Conservation of Nature. There are also nonretention measures for the WCPO stock under a WCPFC CMM, and a domestic nonretention measure has been in place since 2015. U.S. fisheries managed by the Council only account for 0.2 to 2% (on average 0.8%) of the total WCPO silky shark catch.

Due to the similarities between oceanic whitetip sharks and silky sharks, the Council may consider applying its previous recommendations made to satisfy MSA 304(i) obligations for

oceanic whitetip sharks to the current silky shark issue. These previous recommendations included a domestic recommendation for a regulatory amendment to remove wire leaders in Hawai‘i tuna longline fisheries, and international recommendations for increasing observer coverage in waters from 10 degrees S to 10 degrees N, reduction of wire leaders, use of circle hooks and binding measures for the improved handling of captured sharks. The Pelagic Plan Team (PPT) endorsed that the Oceanic Whitetip Shark Working Group’s recommendations be applicable to silky sharks, and also suggested that the Council recommend NMFS and the U.S. State Department work toward reducing impacts of FAD-associated purse seine fishing on juvenile mortality. The Council was asked to consider whether the low U.S. relative impact warrants a domestic MSA 304(i) action, and what international recommendations could be applicable for silky sharks.

Watamura said that the impact of U.S. fisheries is pretty low, but he would like to see the Council adopt the prior recommendations for the oceanic whitetip sharks to silky sharks, and adopt the PPT’s recommendation.

Tosatto said he supports Watamura’s comments. He added that the MSA does not set a level of relative impact that would trigger the Council’s obligation to address overfishing, but rather what the Council can recommend to address its relative impact. The MSA does envision the Council as a key stakeholder in the development of the U.S. positions, and the agency should be looking at the variety of issues and making salient recommendations, including considerations for the U.S. purse seine fishery in the WCPO that has a greater impact than the Council-managed longline fishery.

D. Monterey Bay Aquarium Seafood Watch Assessment of the Hawai‘i Longline Fisheries

Fitchett presented on the evaluation of the Hawai‘i longline fishery by the Monterey Bay Aquarium Seafood Watch program released in early 2021. The best choice and good alternative ratings indicate that these species are well managed and caught in ways that cause little harm to habitats or other wildlife. Target species evaluated for the Hawai‘i longline fisheries, including bigeye, yellowfin, swordfish and albacore, were rated positively with little concern for their sustainability. The biggest issues were with scoring pertaining to bycatch due to the apparently high ratio of discards to landings. All fisheries receive a moderate concern score for ecosystem-based management because of the policies that are in place to protect ecosystem function, such as area closures and turtle and marine mammal bycatch limits. But the efficacy of these ecosystem-based measures is unknown for a number of vulnerable species and apex predators, including sharks, turtles and some finfish and baitfish species. All fisheries reviewed in this assessment, including the Hawai‘i longline fishery, received a "good alternative" rating under the Seafood Watch criteria.

Gourley asked what role Monterey Bay Aquarium has in disseminating this information in the Western Pacific Region and how actively it disseminates information.

Fitchett said they do have a program, which had invited the Council to review the Seafood Watch evaluation in 2014, but not in this most recent evaluation.

Gourley said it was a little disturbing that the Seafood Watch Program did not coordinate with the local RFMC. Gourley asked if there is a way that the Council can offer input before the final reports are published for the general public.

Fitchett said the Monterey Bay Aquarium may be receptive to having the Council be a participant in the process if that is requested.

Gourley asked how responsive the Monterey Bay Aquarium is in updating their classification in response to management changes, such as when a fishery is no longer overfished or experiencing overfishing.

Fitchett said Monterey Bay Aquarium did change their rating quickly for yellowfin tuna in the eastern Pacific following an IATTC stock assessment that no longer indicated overfishing.

Simonds said the Monterey Bay Aquarium could pay closer attention to data that are available because Seafood Watch has such a broad reach for the public. She said the Council can continue to reach out with a letter and ask to be involved in the review process.

Gourley agreed that the Council should write a letter to Seafood Watch and be involved in the process to ensure that the correct information is put out to the public.

Fitchett said that the Hawai'i longline fishery is also seeking Marine Stewardship Council certification, which is a group that does seafood product labeling.

Soliai asked if Seafood Watch also evaluates foreign fisheries.

Fitchett said it does evaluations for many sources, but said he would check to see if it does similar evaluations by fishery for foreign fisheries as the U.S. fisheries.

Watamura said that the Monterey Bay Aquarium was held in high regard at the Capitol Hill Ocean Week.

E. International Fisheries

1. Preparations for WCPFC Science Committee

Fitchett presented on upcoming issues at the 17th WCPFC Science Committee which will be held virtually in August 2021. A new South Pacific albacore stock assessment is expected, and while the 2018 stock assessment for South Pacific albacore stated that the stock is healthy and in good shape, the American Samoa longline fishery remains in poor condition. Alex Kahl, PIRO International Fisheries Division, is leading an intersessional working group for the albacore stock. The stock was assessed to be approximately 52% spawning stock biomass in the absence of fishing and a target reference point is at 56% so that catch per unit effort (CPUE) can increase for small island fisheries such as American Samoa. The peak years for American Samoa in terms of CPUE and performance were 2006 to 2008, and since then it has been a downward trend, noting that some other fleets, such as Japan, have also experienced a decline in their longline fishery CPUE. The proposed model alternative for the 2021 stock assessment this

summer is a four-region assessment grid that will include all of the South Pacific, including IATTC waters.

Fitchett also discussed necessary analyses to inform the WCPFC Tropical Tuna Workshop. Bigeye tuna catch and effort limits may also be related to skipjack tuna and associated fishing levels to achieve candidate target reference points for skipjack. Council staff is proposing a separate tropical tuna and temperate longline catch limit, which would provide the opportunity to augment catches relative to the historical baseline based on the level of observer coverage. Risk levels of breaching limit reference points under varying levels of fishing mortality for longline and purse seine sectors will be discussed at the 17th WCPFC Science Committee, along with candidate target reference points for bigeye tuna.

2. Outcomes of WCPFC Tropical Tuna Workshop

Tom Graham, PIRO International Fisheries Division, presented on the outcomes of the First WCPFC Tropical Tuna Workshop and U.S. positions for the second workshop to be held in July 2021. The first workshop, which was held in late April 2021, covered the scope of the tropical tuna measure, stock-specific management objections, which will drive the specific fishery controls and potential allowable exploitation levels relative to limits in particular fisheries. Many members made it clear they do not want much change from the status quo fishing levels and arrangements with purse-seine fisheries with respect to the vessel-day scheme. For bigeye and yellowfin, which are more important for the longline sector, most of the members are comfortable with a status quo approach. Current objectives are based on specific historical spawning stock sizes, specifically 2012 to 2015 biomass levels. The U.S. supported a risk-based target reference point with upward of a 20% risk of breaching the limit reference point. This would result in an approximately 100,000 mt total allowable catch for bigeye, and an increase in the U.S. catch limit. The U.S.-proposed longline sector increase did not get much support. Regarding the purse-seine sector—the FAD-set fishery—the country’s position has been to keep the status quo because of the fisheries’ relatively high impact on juvenile fish.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Richard Farrell, CNMI AP vice chair, presented the AP report and recommendations.

Regarding improving the survivability of oceanic whitetip sharks, the American Samoa AP deferred to the Hawai‘i AP position on this issue since it mainly affects the Hawai‘i fishery and recommended the Council encourage the use of this measure by the international fleets.

Regarding improving the survivability of oceanic whitetip sharks, the Hawai‘i AP recommended the Council select alternative 2B and suggested that regulatory language on trailing gear removal should prioritize crew and observer safety while having a target of less than one meter from the hook.

Regarding the 2022 territory bigeye specification, the American Samoa AP recommended the Council select alternative 2.

Regarding the 2022 territory bigeye specification, the CNMI AP recommended the Council maintain the status quo and select alternative 2.

Regarding the 2022 territory bigeye specification, the Guam AP recommended the Council select alternative 2, but with an allocation limit for each territory of 1,000 mt to allow Guam a chance to participate in the agreements.

2. Pelagic Plan Team

Don Kobayashi, PPT chair, presented the PPT report and recommendations.

Regarding the regulatory amendment to prohibit wire leaders and require removal of trailing gear from oceanic whitetip sharks, the PPT recommended the Council consider applying the requirement to remove trailing gear to all U.S. longline vessels operating under the Pelagic FEP. This would provide a strong basis for the U.S. to promote similar measures at the regional fishery management organizations (RFMOs) to address impacts in foreign fleets.

Regarding the regulatory amendment to prohibit wire leaders and require removal of trailing gear from oceanic whitetip sharks, the PPT recommended the Council consider specifying a target length of trailing gear removal as part of the requirement to be less than one meter, while not impeding crew safety. For the deep-set fishery, the PPT recommended that the line be cut as safely as possible below the weighted swivel.

Regarding the regulatory amendment to prohibit wire leaders and require removal of trailing gear from oceanic whitetip sharks, the PPT recommended Pacific Island Regional Observer Program (PIROP) consider recording data on bite-offs. At minimum, branchlines with missing hooks should be recorded. The PPT further recommended the Council and PIFSC support improving research to determine sources of bite-offs in collaboration with the fishing community and PIROP.

Regarding addressing the Council's MSA304(i) obligations on WCPO silky sharks, the PPT recommended the Council adopt its previous domestic and international recommendations to address MSA 304(i) obligations on oceanic whitetip sharks as applicable to its obligations to address the overfishing status of WCPO silky sharks.

Regarding addressing the Council's MSA304(i) obligations on WCPO silky sharks, the PPT recommended the Council work with NMFS and the U.S. State Department to encourage the reduction of fishing mortality of silky sharks, especially juveniles, resulting from object-associated purse-seine fishing effort.

3. Fishing Industry Advisory Committee

Michael Goto, Fishing Industry Advisory Committee (FIAC) chair, presented the FIAC report and recommendations.

Regarding gear and release requirements in longline fisheries, the FIAC recommended that the Council adopt alternative 2B, prohibition of wire leaders in the Hawai'i deep-set longline fishery, and requirement to remove trailing gear from oceanic whitetip shark in all longline fisheries operating under the Pelagic FEP. FIAC supported regulatory language that would prioritize crew safety when removing trailing gear, with a target of removing line as much as practicable to below the weighted swivel in the Hawai'i deep-set longline fishery or to less than 1 meter of the hook.

Regarding U.S. Participating Territories bigeye tuna catch and allocation specifications for 2022, the FIAC recommended the Council proceed with option 2 - setting a catch limit of 2,000 mt for each U.S. Participating Territory, with a 1,500 mt transfer limit from any U.S. Participating Territory to U.S.-permitted vessels, and limiting total transfers to 3,000 mt total.

4. Non-Commercial Fishing Advisory Committee

There were no recommendations from the Non-Commercial Fishing Advisory Committee (NCFAC).

5. Scientific and Statistical Committee

Justin Hospital, PIFSC member on the SSC, presented the SSC report and recommendations.

Regarding gear and release requirements for oceanic whitetip sharks, the SSC found that the available scientific information, including PIFSC's Monte Carlo Analysis, provide support for prohibiting wire leaders and requiring the removal of trailing gear under either alternative 2 or 3. The SSC recognized the importance of addressing fishery impacts to oceanic whitetip sharks at the international level due to the small relative impact from U.S. longline fleets. Members expressed varying level of support for alternatives 2A, 2B and 3, with some members supporting an incremental approach of applying requirements to the deep-set longline fishery only at this time, and others supporting consistent requirements across all longline fleets operating under the Pelagic FEP to help facilitate similar changes at the RFMOs. Available scientific information provides support for removing as much trailing gear as possible, including the weighted swivel. The SSC recommended the Council continue to work with NMFS and the industry to research methods and practices that facilitate additional safety measures in preventing fly-back. The SSC also noted the importance of bringing the animal alongside the vessel to facilitate removal of trailing gear from oceanic whitetip sharks, and for ensuring species identification.

Regarding 2022 bigeye tuna territorial specifications, the SSC found that options 2 and 3 appear to be the primary candidates for the 2022 bigeye tuna U.S. Participating Territory specification. The SSC supports these levels of allocation and notes the current scientific

information indicates that territorial allocations are appropriate given the latest WCPFC stock assessment.

G. Standing Committee Report and Recommendations

Dang, Pelagic and International Standing Committee chair, reported that the committee met to discuss pelagic agenda items and deferred recommendations to the full Council.

H. Public Comment

David Gershman, Ocean Foundation, provided comments regarding oceanic whitetip sharks. He urged the Council to adopt alternative 3, prohibit use of wire leaders and require trailing gear to be removed for all of the U.S. fisheries in the Western Pacific Region. Gershman said it is important to apply these regulations consistently across the U.S. longline fleet in the Western and Central Pacific Region; that would give the U.S. the best possible platform to then champion an action internationally to conserve oceanic whitetip shark. The largest source of fishing mortality on the shark comes from the combined impact of the international fleets, and less than five percent of the population of oceanic whitetip sharks is left in the U.S. Central Pacific. U.S. leadership is critical for international cooperation. With respect to the length of trailing gear, Gershman recommended requiring less than one meter of the line remain attached to the hook in the shark, rather than using language that is vague. Gershman also urged the Council to consider incorporating impacts of other species such as manta rays and silky sharks with respect to trailing gear removal.

Connor Lie-Spahn, Earthjustice, provided comments on oceanic whitetip sharks and silky sharks. Regarding the regulatory amendment for gear and release requirements, Lie-Spahn supports the Council's adoption of the monofilament leader requirement and urged the Council to choose alternative 3. The amendment will be important to provide protections for oceanic whitetips in U.S. fisheries and also to provide the U.S. with a stronger position to advocate for similar protections at the international level. Lie-Spahn said the Council should consider the results of the recent Monte Carlo analysis, which showed that while a monofilament requirement could decrease post-release mortality of oceanic whitetips by 30%, that decrease doubled when combined with the elimination of shallow hooks and the Council should not prematurely reject alternatives to remove shallow hooks. Lie-Spahn also supported leaving no more than one meter of trailing gear on released animals to specifically reduce mortality. Regarding recommendations for addressing the overfishing of silky sharks, Lie-Spahn said the Council should adopt all of the same recommendations that it made to address oceanic whitetip sharks for the purposes of protecting silky sharks. Lie-Spahn also urged the Council to recommend the reduction of the impact from U.S. purse-seine fisheries on the species, noting it was estimated that nearly 113,000 silky sharks were caught in purse-seine fisheries with more than 36,000 of them dying at vessel, and many more dying post-release with up to 80% post-release mortality.

Eric Kingma, HLA, provided comments on gear and handling regulations affecting oceanic whitetip sharks. Kingma said the transition to monofilament leaders and the requirement to use them in the Hawai'i fleet is the right step and sufficient to address the fishery's relative impact, as well as any of the ESA conservation requirements. In the absence of the Hawai'i longline fleet, the WCPO stock of oceanic whitetip sharks would only see a minor increase of 2

to 4% in terms of stock rebuilding in the next 20 or 30 years, which is indicative of the small impact the Hawai'i fishery is having in a much larger Pacific Ocean. Kingma said the Hawai'i fleet is a global leader in marine conservation and fisheries mitigation. Kingma said that the removal of shallowest hooks is a tough issue and HLA does not support it. The fleet is the largest food producer in Hawai'i and removing shallowest hooks reduces food security by reducing catches of other species of market value. There is also much-needed research on the removal of shallow hooks. Kingma also said the HLA is fully engaged in crew training and presented a video for the Council to view.

I. Council Discussion and Action

*Regarding 2022 U.S. Participating Territory bigeye specifications, the Council **recommended setting a catch limit of 2,000 mt for each U.S. Participating Territory, with a 1,500 mt transfer limit from any U.S. Participating Territory to U.S. vessels permitted under the FEP and operating under approved specified fishing agreements, and limiting total transfers to 3,000 mt.***

Dueñas said Guam has not been able to participate in any of the quota transfers and the Guam Council members and AP members have tried to push the Guam governor to assist and participate. He said that it is sad to see American Samoa and CNMI benefitting from the funding while Guam does not, despite the work that has gone in to develop projects for the marine conservation plan (MCP). He said that given his start in the Council family as an AP member, he will be supporting their recommendation. Aside from loss of developing funding, Guam is not going to have a historic catch attributed to it, which is a concern for what may happen in the future.

Muña-Brecht said she and others pushed to get Guam to participate and they lost an opportunity due to bureaucracy timing. She also supports the Guam AP recommendation so that Guam is not excluded again.

Tosatto said that he would abstain because it is a final action that will come before him for a decision.

Moved by Rice; seconded by Dunham.

Motion passed with Dueñas, Amani and Muña-Brecht opposing and with Tosatto abstaining.

*Regarding multi-year U.S. Participating Territory specifications, the Council **directed staff to proceed with finalizing an FEP amendment framework setting multi-year U.S. Participating Territory catch and allocation specifications for pelagic MUS.***

The Council directed staff to develop a preliminary preferred alternative requiring no catch limits of bigeye tuna for U.S. Participating Territories and allowing each territory to specify up to 1,500 mt of bigeye tuna to be allocated from each U.S. Participating Territory to U.S. vessels permitted under the FEP and operating under specified fishing agreements, for fishing years 2023 to 2026. This is

recognizing a new WCPFC CMM for tropical tunas is likely beginning in 2022 and stock assessments for WCPO bigeye tuna are expected in 2023 and 2026.

Moved by Dunham; seconded by Rice
Motion passed.

Regarding gear and release requirements in the longline fisheries, the Council recommended the following regulatory amendments to improve post-hooking survivorship of oceanic whitetip sharks:

- a. Prohibit wire leaders in the Hawai‘i deep-set longline fishery; and**
- b. Require removal of trailing gear from oceanic whitetip sharks for all longline vessels operating under the Pelagic FEP. To remove trailing gear, vessel owners and operators should leave the animal in the water, use a dehooker or line clipper or cutters to remove trailing gear from the animal as safely as practicable, and if using a line clipper or cutter, the line should be cut as close to the hook as possible. The target for removing trailing gear, if safe to do so, is less than one meter from the hook on any longline vessel, or below the weighted swivel in the Hawai‘i deep-set longline fishery.**

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the 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 chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the commerce secretary on behalf of the Council. The executive director and chair 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.

Moved by Rice; seconded by Dunham.
Motion passed with Tosatto abstaining.

Regarding gear and release requirements in the longline fisheries, the Council recommended that observer data on leader material used in the Hawai‘i deep-set longline fishery be reported in the Annual Stock Assessment and Fishery Evaluation (SAFE) Report to track proportion of effort using leader material other than monofilament nylon.

The Council recommended PIROP consider recording data on bite-offs, with the number of branchlines with missing hooks recorded at minimum. The Council further recommends that PIFSC support improving research to determine sources of bite-offs in collaboration with the fishing community and PIROP.

Sakoda asked why the recommendation on the leader material is only looking at the Hawai‘i deep-set longline fishery and not all of the longline fisheries.

Fitchett said the Hawai'i deep-set fishery has used the mixed leader material while the American Samoa fishery has historically been using monofilament nylon. So the idea was not to further burden the staff compiling the SAFE report with including data on fisheries that only use nylon leaders.

Moved by Dunham; seconded by Rice
Motion passed.

Regarding potential management for the WCPO silky shark under MSA 304(i) obligations, the Council recognized that the prohibition of wire leaders in the Hawai'i deep-set fishery will help to address the low relative impact of U.S. fishing vessels, estimated at 0.8% of total WCPO catches, and that no additional domestic measures specific to silky sharks are necessary to address this level of impact.

The Council directed staff to write a letter to NMFS and the U.S. State Department notifying its previous domestic and international recommendations to address MSA 304(i) obligations on oceanic whitetip sharks are applicable to its obligations to address the overfishing status of WCPO silky sharks.

The Council recommended NMFS and the U.S. State Department encourage the reduction of fishing mortality of silky sharks, especially juveniles, resulting from object-associated purse-seine fishing effort.

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding Monterey Bay Aquarium Seafood Watch evaluation of Hawai'i longline fisheries, the Council directed staff to write a letter to the Monterey Bay Aquarium Research Institute asking for an opportunity to evaluate the current Seafood Watch scoring for the fishery, noting some of the scores pertaining to nontarget catch and management may not reflect the fishery accurately, as well as opportunities for advance review of any future evaluations of Council-managed fisheries.

Moved by Rice; seconded by Dunham.
Motion passed.

VII. Public Comment on Non-Agenda Items

There was no public comment on nonagenda items.

VIII. Protected Species

A. Developing Draft Tori Line Specifications for the Hawai'i Deep-Set Longline Fishery

Ishizaki presented the development of draft tori line specifications for the Hawai‘i deep-set longline fishery, initiated in response to the Council’s December 2020 directive and as part of the consideration for revising seabird mitigation measures. Ishizaki asked the Council to provide further direction in refining the draft specifications taking into account advisory body recommendations. Refined specifications based on Council direction will be considered again by the Council at a later time when it takes up the action on modifying the mitigation measures.

The tori line design used in the ongoing experimental fishing permit (EFP) study is the same design developed during the 2019-2020 cooperative research project, and is a short streamer design with a 50-meter aerial section and a 55-meter drag section. A portion of the aerial section does not have any streamers attached to minimize entanglements with fishing gear. The design was based on existing research from similar fisheries with similar vessel sizes such as those in Japan and New Zealand, and generally meets the WCPFC and IATTC standards for tori lines. Fishermen participating in the EFP study continue to provide positive feedback on this design.

The draft specifications were developed based on the experience from the recent and ongoing tori line studies, and focused on minimum standards for the tori line length and height of the attachment point to achieve the necessary aerial extent, and the length and spacing of the streamers. Considerations for the specifications include compliance monitoring, which are likely to be conducted through dockside inspections, and additional nonregulatory design guidance that may supplement the regulatory specifications.

The preliminary draft specification includes: 1) a minimum aerial section length of 40 or 50 meters coupled with either a minimum drag length or minimum total length of three times the vessel length; 2) an attachment point at minimum five meters above water if attachment point is within two meters of the vessel stern—if attachment point is more than two meters from stern, add one-half meter for every five-meter distance from the stern; and 3) a streamer length of at least 30 cm placed less than one meter apart, with streamers not being required for the last 20 meters of the aerial section. The draft design guidance includes materials for the main design components, additional guidance on the attachment point, alternative streamer configurations and safety considerations, such as a breakaway mechanism and safety line.

Sakoda asked for clarification on the discrepancy in the streamer length between the draft specifications (30 cm) and the design used in the studies (one meter).

Ishizaki clarified that the tori line used in the study used a one-meter streamer material woven into the tori line, making two 50-cm segments. The 30-cm streamer length in the draft specifications is based on the international standards, which should be sufficient for the specifications.

Sakoda asked if tori lines with 30-cm and 50-cm streamers have been shown to have the same effect.

Ishizaki said that she is not aware of any studies that have evaluated the effectiveness of streamer lengths in 10-cm increments, but did not think that such minimal length difference would affect the mitigation effectiveness. She added that it would be important to keep the

Hawai‘i fishery’s standards consistent with those for the RFMOs so that the Hawai‘i fishery is not being overregulated.

Rice asked if data from the study evaluating blue-dyed bait are available.

Ishizaki said that the results of the EFP study are expected at the September 2021 Council meeting.

B. SSC Working Group Issues Paper on Alternative Approaches to Reduce Impacts to False Killer Whales

Lynch provided a report of the SSC working group, comprised of SSC members Lynch, Craig Severance, David Itano and Milani Chaloupka. The goal of the working group was to review the work of the False Killer Whale Take Reduction Team (FKWTRT) and to try to advance the work, acknowledging that there has been a lack of consensus within the process. The working group has developed a draft issues paper to assist the SSC with playing a more meaningful role in discussions about measures to reduce the take of false killer whales and the associated science. The draft paper is under review with the SSC members, following a presentation to them at their meeting the prior week. The working group plans to have a complete version of the paper ready for the Council at the September 2021 meeting.

The draft issues paper reviews existing methods to reduce interactions, including acoustic deterrents, move-on strategies, catch shielding gears, weak hook and reducing trailing gear and line cutting devices. The draft paper also reviews the available science on whether data exist to support the premise that the fishery is causing adverse impacts to false killer whales. The working group’s preliminary conclusion thus far is that data are lacking.

Lynch summarized the draft recommendations under review by the SSC, which is expected to be presented at the September Council meeting in its final form. The recommendations included: 1) developing measures that recognize the level of impact of the fishery; 2) conducting post-release studies on false killer whales to assess the sublethal effects; 3) implementing decision-making tools, such as the Population Consequences of Disturbance, to address the data limitations and make better use of available data; 4) evaluating the applicability of the potential biological removal (PBR) concept to data limited species such as false killer whales; 5) having greater SSC involvement in the FKWTRT process; and 6) reporting anomalies in interactions in the SAFE report using a conformance-based monitoring approach.

Watamura thanked the working group for addressing many of the issues that he has frequently wondered why no one is addressing.

Tosatto also thanked the working group members and Lynch’s leadership on the issue and efforts over the years, and said he looks forward to the report. He said he has been looking for opportunities on how the MMPA structure could be improved and updated. While MMPA has many benefits, it also has many unfortunate statutory requirements that NMFS has to follow but have not benefited from a hard look at the data available today. The PBR framework is mandatory under the MMPA, and an amendment is needed to provide greater management flexibility. He noted that some of the working group’s draft recommendations are usable without

an amendment to the MMPA. He said that the Council's conduit for these ideas is through its representation on the FKWTRT, and he committed his part in convening the FKWTRT to consider these issues to make the False Killer Whale Take Reduction Plan effective and meet the objectives of the MMPA, even if they are outdated.

Lynch said that part of his job as the SSC chair is to educate its members on the constraints of the law but also not stop there. If the law needs to be changed, it is the SSC's job as scientists to inform the policymakers, legislators, Congressmen and the president that changes are necessary, and to challenge things that do not make sense. Another part of the working group's effort is to put the information in one place to make it useful to guide the studies necessary to answer some of the questions. Many of the issues will benefit from collaboration with PIFSC and PIRO, as will be publishing the report in the literature.

Rice said he hopes all of the information will come together to will help address the issues surrounding false killer whales and the MMPA.

C. Integration of the Endangered Species Act Section 7 Under the Magnuson-Stevens Act

Ishizaki provided an overview of the recent CCC discussion on the status of the 2015 NMFS Policy Directive on the Integration of ESA Section 7 with MSA Processes. The policy directive recognizes the unique role councils have in ESA consultations, and provides for a process to allow reviews of draft BiOps as well as draft reasonable and prudent measures (RPMs)/reasonable and prudent alternatives (RPAs) in advance of the draft BiOp. The Council has been requesting opportunities to review the draft BiOps and have received them, but not in advance of a public draft.

The eight RFMCs have utilized the policy directive to differing degrees. The CCC discussion highlighted continuing issues with the lack of communication and coordination from NMFS on fishery consultations. One council has had a more positive experience. The West Coast Regional Office typically initiates the request for the Pacific Fishery Management Council's assistance and coordinates before reinitiating consultations to develop mitigation measures ahead of time to proactively address the issues through the Council process, if necessary. The CCC recommended that NMFS work to strengthen the relationship with the councils on fishery consultations by updating the policy directive to improve the process and timing for council involvement in ESA consultations. Ishizaki noted that at the CCC meeting Rauch indicated interest in pursuing the recommendations with the councils.

Soliai asked if there has been a response from NMFS on the CCC recommendation.

Simonds said that the CCC is expecting one, and she has asked Rauch to provide a point of contact. She was happy that Rauch indicated he would look into ways that advance review of the draft BiOps and draft RPMs/RPAs could be provided to the Council. Rauch also suggested utilizing the Marine Fisheries Advisory Committee (MAFAC) to help address the recommendations, but MAFAC membership has changed since their initial involvement leading up to the development of the 2015 policy directive and it would be better for the CCC to work directly with NMFS.

Soliai agreed that working with NMFS is the right approach.

Watamura said that collaborative efforts with everyone lending their expertise are useful in all matters, and hoped that this effort continues along this path.

Tosatto said that while Rauch committed to reviewing the policy directive, there were some key issues that he raised that were missed. Specifically, Rauch made clear that the Council's special relationship is based on its special function in fisheries management, and that the councils have no special role in consultations, which reinforces the Council's connection being with the action agency. It is through the action agency that NMFS is inviting the Council in to integrate MSA and ESA. Tosatto also said that the relationship is with the voting members of the Council, not Council staff, and he advised the Council not to have high expectation on receiving drafts in advance of the public. He also said that he made an error during the shallow-set consultation by breaking up pieces of the consultation document and provided it to the applicant and the Council, which was not consistent with the policy directive. The policy directive gives an opportunity to provide a draft BiOp, which would include draft RPMs, and the draft BiOp is the first opportunity for the Council to see the draft RPMs in writing and in the context of the analysis. The intent is for the action agency to work with the Council to consider the draft RPMs as the agency is going through the consultation. He urged the Council to work with the action agency, as he has been doing in recent months, to consider what RPMs are necessary to reduce impacts. Those measures may be needed in the development of RPAs if the consultation concludes with a jeopardy BiOp, or they may be used as RPMs.

Soliai said the CCC recommendation pertaining to Council staff receiving drafts should not hold up the Council receiving a draft BiOp in advance of the public.

Gourley asked if the Council chair could form a working group for specific BiOps and request early consultation for BiOps and draft RPMs.

Tosatto said the Council has different ways to operationalize its special role, and that can involve Council staff, but that needs to be directed through a Council decision, which may include forming a subcommittee or directing Council staff to review and provide input to the Council members. However, breaking up the BiOp and providing them in pieces would be contrary to the policy directive, as the intent is to present the justification for the RPMs in the rest of the BiOp. He reiterated that the Council has the opportunity to be involved through the action agency.

D. Endangered Species Act Consultations for the Hawai'i Deep-Set Longline Fishery, American Samoa Longline Fishery and Bottomfish Fisheries

Diana Kramer, PIRO Protected Resources Division, provided a brief update on the ESA consultations. Kramer presented the anticipated completion dates for the BiOps as follows: Hawai'i deep-set longline, January 2022 (anticipating new information on the transition from wire leader to monofilament); U.S. Pacific purse seine, August 2021; American Samoa longline, August 2021; and bottomfish, July 2021.

Soliai asked what is causing the delays for the BiOps.

Tosatto said that there are a variety of issues. The largest overarching factor is that these consultations are being conducted at the same time while having chronic staffing shortfalls combined with overtasking of consultation requirements. Consultations require a lot of work with only a few people with the expertise to do the work. For the deep-set longline consultation, there have been at least three occasions of awaiting new information, which the Council has been well informed and involved in some of the delays awaiting the new information. He said that technically, even updating the information restarts the consultation clock (of 135 days), and he does not want to argue over whether PIRO is statutorily still on a clock. He acknowledged that the BiOps are overdue. The delays in the deep-set longline fishery involved waiting for the turtle model that PIFSC chose to do, and the Council and the applicant wanted, as well as the change to monofilament leaders changing the nature of the fishery and updating the action. For the purse-seine fishery, NMFS was sued in the middle of the process, which provided a draft BiOp review opportunity for the American Tunaboat Association, and is now addressing a series of comments. The nature of the action has also changed for the purse-seine fishery, as that fishery has changed since 2018 and the consultation needs to be conducted on what the fishery is expected to be in the future. The American Samoa longline consultation was initiated the latest, but the general staff and time limitations have led to slow progress. As many of these fisheries are alike in terms of the species affected, what is learned from one consultation analysis is being applied to the others. He said that the consultations are in the last stages, with a few individuals from PIRO and GCPI still pending reviews, but not necessarily being able to do two things at once. He will be prioritizing getting one done before moving to the next one.

Soliai said that the moving targets with the completion dates having moved over the last couple of years is a concern, and asked if the American Samoa longline and the bottomfish consultation completion dates are definite.

Tosatto said they are as definite as their estimates are, noting that they have draft BiOps that are in their final stages of review prior to making them available for review by the Council and the industry representatives in American Samoa. He said he is working on fine-tuning the timing for when the draft BiOp will be provided, and he did not have those exact dates. He reiterated that the purse seine draft BiOp was already reviewed by the American Tunaboat Association, and staff is working to finalize the draft to start the final reviews. He said that only an estimated timing at the month level can be provided, but those days may change, as the reviews will take as long as they need to get it right.

Simonds said that the ESA statutory requirement is 135 days for the consultations. If the Hawai'i deep-set longline BiOp is completed Jan. 1, 2021, that would be 1,187 days from the initiated date. She asked why Tosatto has not asked NMFS headquarters to help with the consultations if there is a staff shortage. She expressed her disappointment, noting that there are only three main fisheries to manage in the region, and that the Council has offered to help. If staff shortage is the bottom line issue, it is not anyone else's fault, and PIFSC should not be blamed for the delays. Simonds said that the delays point to a management flaw, because the longer the consultations take, the longer it takes for any necessary management measures to be implemented to reduce the interactions with the species of concern. She offered to reach out to headquarters to help fill the staff shortage.

E. Endangered Species Act and Marine Mammal Protection Act Updates

Kramer presented on other ESA and MMPA updates. She provided an overview of the recovery planning workshop for the 15 ESA-listed Indo-Pacific corals convened in May 2021 through a series of four virtual sessions. The workshop goal was to connect stakeholders and experts to harness their collective expertise to inform the development of an effective and practical coral recovery plan. Sixty experts participated. Workshop topics included identifying: approaches to help address the challenges in coral recovery planning and implementation, such as options for identifying management units; recovery criteria that need to be met to delist the coral species; and recovery actions to reduce the threats to the listed corals, and prioritization of recovery actions to ensure actions are implemented in an order that is most effective for achieving recovery.

NMFS published a positive 90-day finding April 15, 2021, on a petition from Defenders of Wildlife to list the shortfin mako shark as threatened or endangered under the ESA. NMFS has subsequently initiated a status review to determine whether listing is warranted. Public comment to solicit scientific and commercial information regarding the species was closed June 14, 2021. Kramer provided a brief overview of the ESA listing petition response process.

NMFS published a final rule April 21, 2021, designating critical habitat for three listed distinct population segments (DPSs) of humpback whales. No critical habitat has been designated in the Pacific Islands Region.

NMFS received \$1 million from the fiscal year 2021 federal appropriations bill to study interactions between the U.S. fishing fleet and false killer whales in the Western Pacific Region. Selected projects under this funding included the following: 1) acoustic monitoring of the longline fleet to identify and mitigate potential acoustic cues leading to false killer whale depredation; 2) telemetry deployments on pelagic false killer whales to examine interaction rates and response to longline vessels; 3) analysis and reporting of hook corrosion rates and breaking strength; 4) development and testing of a camera system to document how a whale is hooked; 5) development and assessment of tools for safer handling of hooked or entangled whales; and 6) EM to examine rates of empty hooks per longline set.

NMFS initiated a false killer whale “weak” hook study to compare 4.5 mm and 4.2 mm hooks in March 2021, and approximately 75% of the target trips have been completed or are underway. The study is projected to be completed by around July 15, 2021, with a draft report due at the end of August 2021. Kramer reported that seven confirmed false killer whale interactions were observed from Jan. 1, 2021, to present in the Hawai’i deep-set longline fishery— three of which occurred inside the U.S. EEZ and were determined to be mortalities or serious injuries. The current Southern Exclusion Zone trigger under the False Killer Whale Take Reduction Plan is four observed mortalities or serious injuries inside the EEZ.

Gourley asked if John Veron, a world renowned coral expert, was invited to the recovery workshop.

Kramer said she was not sure, but said that the workshop was attended by a number of participants and the organizers made an extensive effort to invite as many experts as possible.

Gourley said that he was curious if Veron was invited to the workshop, because NMFS did not contact the expert for the coral critical habitat issue. He asked how the U.S. would recover threatened coral species when U.S. waters in the Mariana Archipelago and American Samoa represent approximately 1% of the range.

Kramer said that the question was discussed in multiple workshop sessions, but did not elaborate on the details, given that the workshop summary report was still in preparation and had not yet been shared with the participants for their review.

Gourley asked if the draft workshop report could be provided to the Council prior to publication on the NMFS website.

Tosatto said no, because the Council, while it is a key constituent, is not the responsible manager of the listed corals. He said that it would only be fair to other constituents like the state and territories to make it available equally and evenly. Regarding Gourley's question about the small proportion of the listed corals' range being in U.S. waters, Tosatto said that the characteristic is not unique to corals, and few marine species that NMFS conserves as a threatened or endangered species occur solely within the U.S. jurisdiction. NMFS nonetheless has an obligation under the ESA to develop recovery plans and pursue recovery of the species. The range issue adds complexity to the impact of the recovery actions, including engaging internationally with partners where recovery actions can benefit the species.

Gourley said that it seems like a waste of energy for the U.S. to develop a recovery plan when it only has control over 1%, and that energy could be used toward completing the BiOps. He expressed his concern that splitting species up into DPSs and getting into the smaller details give NMFS more opportunity to claim them as threatened or endangered.

Muña-Brecht asked what the status review or peer review during the petition response process entails.

Kramer said that a status review considers the best available scientific and commercial data, and covers species information and evaluates the ESA risk factors.

Tosatto said that NMFS may put the status review through a peer-review process, although the peer review is not statutorily required.

Muña-Brecht asked if the status review requires updating the BSIA, recognizing that the information is sometimes decades old.

Tosatto said that even if the BSIA is decades old, that would still be considered the best available. The obligation is not necessarily to generate new science, but to use the best available. For new information, such as the evolving scientific studies on corals, a draft status review can be updated before it is finalized to reflect the latest studies, if those are significant enough to change the outcome of an issue. For the coral critical habitat, NMFS will consider any new information before a final decision is made.

Gourley agreed, and said that NMFS should not designate the critical habitat until all of the information is available. The coral status review report is underway, but it is expected to be completed after the coral critical habitat is finalized.

Tosatto said that the two documents have different purposes; one to identify habitat features that are essential, and the other an overall status review. Until NMFS designates critical habitat, the status of that habitat cannot be evaluated.

Gourley said that any management decision, such as a critical habitat designation, should have all the information available before the final decision, especially if there are ongoing research projects.

Muña-Brecht asked if it is possible to review the documents from the petition process for a species that has been listed.

Tosatto said yes, that they would be part of the record made available when a listing decision is made.

Muña-Brecht asked if a slide on the process for delisting a species could be provided.

Tosatto said that the delisting criteria are developed by a recovery team and included in the recovery plan, and when those criteria are determined to be met, NMFS would consider delisting. He said a slide on the process could be provided if necessary.

Muña-Brecht asked if that information would be included in the recovery workshop report.

Tosatto said that the workshop likely has not gotten to the point of considering the delisting criteria, but the criteria are part of the recovery planning process, and that will be described in the recovery plan. He said that the recovery planning process is evolutionary, and the plans should be addressed periodically to ensure the BSIA is incorporated in the decision-making, including when the species may be prepared to delist.

Kramer said that NMFS can also be petitioned to delist a species, in which case the process is the same as the listing petition response.

Watamura echoed Gourley's comments regarding the energy and effort directed toward the 1% when the main impacts are occurring outside of the U.S. He said that the top threat for corals is global warming, followed by ocean acidification, pollution and fishing. In Hawai'i and in U.S. waters, coral depletion is not being caused by fishing. He said that resources should be redirected to efforts that can make meaningful changes. Regarding false killer whales, Watamura asked if the PBR includes the insular false killer whale population, or if it is considered as a whole.

Tosatto said that PBR is an MMPA concept, and false killer whales are protected broadly by the MMPA. The insular population is a DPS that is listed under the ESA, which receives extra protection. In general the PBR requirement and MMPA obligations apply to marine mammal

stocks in the U.S. EEZ, which is further complicated by the understanding that pelagic false killer whales occur inside and outside of the EEZ. Additionally, under the MSA, the Council has a requirement to minimize bycatch wherever the fishery exists, adding another layer of relevance for a false killer whale population. Regarding corals, Tosatto reiterated that the ESA is a statute that has extraterritorial responsibilities on NMFS, and it compels NMFS to participate in international management and structures. He acknowledged that the problems for corals are global and that some problems, such as fishing, may be worse elsewhere, but listing decisions are based on the extinction risk. NMFS is prioritizing resources based on those with critical conservation issues, have litigation risks or have priorities by the administrations.

Rice asked if the \$1 million funding was provided to private contractors.

Tosatto said that federal contracting rules are followed for any contract or grant that NMFS issues to any organization, and NMFS looks for its contracts or grants to produce reliable and reputable science with integrity. He said he would need to look for the list for who was funded for each project, but noted that some of the funded projects are led by PIFSC, in conjunction with the cooperative institute at the University of Hawai'i.

Rice said a list of the funded entities, as well as any additional projects that could be funded out of the \$1 million, would be useful for the next Council meeting.

Simonds asked Tosatto to provide information on a contract to develop a coral tool from several years ago, which was in the amount of approximately \$500,000.

Tosatto said that it was not \$500,000, but it was a series of efforts over a number of years to develop a tool that would be used by the regulatory agencies such as the DOD and Army Corps of Engineers. The tool would be used when projects are occurring in the coral reef environment to meet ESA, EFH and Clean Water Act requirements, and describe how project areas should be assessed in terms of impacts, and how those impacts could be prevented, minimized, mitigated or compensated. While the tool was envisioned as a multi-agency collaborative tool, NMFS has been doing a lot of the development work. The tool is near completion and will be vetted by the other agencies, after which it will be fine-tuned for adoption in the region. Tosatto said that PIRO could provide the Council with a more thorough update on the coral tool at the September 2021 Council meeting.

Simonds said that her understanding was that the contract was with Craig Johnson.

Tosatto said that Johnson was key to integrating the assessment and assessing listed coral impacts under the ESA, and how to merge the ESA aspect with the other requirements, such as EFH and the Clean Water Act.

Simonds asked Council members to consider whether the coral issue should be included in the letter to the president about the EO on underserved communities.

F. Coral Critical Habitat Working Group Update

Gourley provided a report of the ad hoc Coral Critical Habitat Working Group comprised of Soliai, Muña-Brecht, Tenorio and himself, and the responses to the proposed rule from the governments of American Samoa, Guam and the CNMI. The comment period for the proposed rule ended May 26, 2021, after being extended in response to requests from the Council, governor and head of the resource agency from each area. NMFS received 64 public comments. NMFS conducted two public hearings in January 2021, also in response to requests. Local newspapers ran stories on the issue, including *Pacific Daily News*, *Marianas Variety*, *Samoa News*, *Honolulu Civil Beat* and *Saving Seafood*, highlighting the concerns from the affected communities about the potential impacts of critical habitat designation. The head of the resource agency from each area additionally requested a meeting with NMFS headquarters to ask NMFS to reconsider the prudence of determining whether the coral critical habitat is needed, or to postpone the designation until the status report and recovery plan are completed. In response, NMFS extended the comment period through May, and indicated their staff would work directly with the resource agencies. However, NMFS still has not made any contact to date. NMFS also indicated that it cannot delay the critical habitat action due to time constraints under the ESA.

The letters from the Council, American Samoa, Guam and the CNMI highlighted common themes, including the lack of courtesy consultation with local resource agencies, the lack of BSIA used in determining critical habitat, redundancy of critical habitat with existing local regulations and poorly drawn maps. Guam DOAG requested shape file maps of the critical habitat, but did not receive them. The CNMI and Guam Coastal Zone Management Program managers rejected the negative federal consistency determination that was submitted by NMFS for the proposed critical habitat, and NMFS has not yet responded to date. The governors suggested convening a workshop with American Samoa, Guam and CNMI resource agencies to address the issues. The resource agencies provided revised maps and technical information to help identify areas that should be exempted from the designation. The regional legislatures also passed resolutions requesting a delay in the designation.

The Council's comment letter included a review of NMFS' critical habitat information by Veron, a world-renowned coral taxonomist and ecologist. NMFS did not contact Veron in developing the critical habitat. Veron's review indicates that the information report does not support the proposed designation of critical habitat for the seven coral species considered, and the report omits critical scientific information about these species. Veron also found that the information report fails to provide a global context, and does not consider the range-wide distribution of the species. The U.S. territories considered for designation have a minor global importance for the seven species' conservation and recovery, and six of the seven species are considered to be least concern in terms of conservation status. Veron also indicated that the proposed designations are overly broad because large areas of the ocean around the reef areas are not essential for the conservation or recovery of the species, and that habitat delineation should be based on maps that have been verified on the ground for accuracy of reef areas.

Gourley said that the coral critical habitat rollout was disappointing at best, and alienated the affected island communities with mistrust and highlighted the federal agency's top-down approach on the underserved communities. He added that the process is undermining the credibility of critical habitat as a tool under the ESA, and hoped that the process is improved for the pending green sea turtle critical habitat.

Tosatto said that Veron is one of many coral experts in the world whose information were used in the development of the critical habitat proposal, but not contacted in person as that would not have been necessary or useful in the process. He acknowledged receiving the territories' comments and said that NMFS will be considering them. He was baffled by Veron and others actually reading the proposed rule, as he was certain that they are not experts in the obligations of the ESA in the way that NMFS is. He said that the working group could use a refresher on the requirements and obligations under the ESA as it appeared that the sense of what NMFS needs to do in considering critical habitat is not coming across clearly.

Soliai said that consultation with the local agencies is a necessity for these issues, noting that American Samoa holds more recent datasets that were not taken into consideration. He hoped that information could still be considered.

Muña-Brecht said that while Veron may be one of many international experts, local experts were also not consulted, with the exception of one scientist who provided information for the initial ESA listing process, indicating that he saw some of the corals but species identification was uncertain. NOAA used maps from 2004, but more recent and ground-truthed benthic habitat maps funded by NOAA are available. She said that the local agencies should have been consulted.

Soliai read a quote from the American Samoa governor's letter; "Although I support conservation efforts, I do not support additional federal regulations for coral critical habitat when these protections are covered under the local statute."

G. Advisory Group Report and Recommendations

1. Advisory Panel

Clay Tam, AP chair, presented the AP report and recommendation.

Regarding the draft tori line specification, the Hawai'i AP supported the preliminary draft tori line specifications, with the length to be specified as a 50-meter aerial length and a total length of three times the vessel length.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations.

3. Non-Commercial Fishing Advisory Committee

There were no NCFAC recommendations.

4. Scientific and Statistical Committee

Lynch presented the SSC report and recommendation.

Regarding ESA and MMPA updates, the SSC requested that the committee be provided with an opportunity to provide advanced input on projects under future funding opportunities for

false killer whale research. The SSC further requested that NMFS provide a presentation on the results of the weak hook study at the September 2021 meeting.

H. Public Comment

There were no public comments.

I. Council Discussion and Action

Regarding draft tori line specifications for the Hawai‘i deep-set longline fishery, the Council concurred with the approach of focusing the regulatory requirements on tori line length, attachment point height and streamer design, and having additional design and safety recommendations as nonregulatory guidelines. The Council directed staff to refine the draft specifications and nonregulatory design guidance for inclusion in the Council action to revise seabird mitigation measures at a future meeting.

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding the proposed coral critical habitat designation, the Council directed staff to address the critical habitat issues in the letter to the Biden Administration regarding EO 13985.

Tosatto asked staff to make sure that the comments on this issue are informed as best as possible by a good understanding of NMFS’ obligations under the ESA. He acknowledged that addressing the many issues under the EO in the underserved region is important.

Simonds said that the staff will draft a letter.

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding false killer whales, the Council requested NMFS PIRO to provide a presentation on the weak hook study results at the September SSC and Council meetings.

The Council requested NMFS PIRO to provide an opportunity to the SSC and Council to provide advanced input on projects under future funding opportunities for false killer whale research.

Tosatto clarified for the record that the recommendation involves studies that PIFSC is participating in and that research by nature is under PIFSC’s purview, so it would be involved in addressing these recommendations.

Moved by Rice; seconded by Dunham.
Motion passed.

IX. American Samoa Archipelago

A. Motu Lipoti

Dunham provided an update on island fisheries in the Territory of American Samoa. Alia fishermen caught large amounts of yellowfin, wahoo and skipjack tuna. Fishermen experienced good weather and calm waters in April and May, with bad weather in June. According to Dunham, one commercial alia was bottom fishing, one alia used longlining and another alia used trolling gears for yellowfin and skipjack. Fishermen still had issues with shark depredation.

The longline fleet has experienced a worker shortage since the beginning of 2021. Dunham said that longline owners hired foreign nationals to work on their vessels due to crew members not showing up for work. Some vessels experienced a slowdown in repairs due to COVID-19 causing a delay in shipping and fewer cargo flights.

The StarKist Samoa facility has had a shortage of workers since the last Council meeting in March 2021. The American Samoa government allowed foreigners with expired immigration documents to get their documents renewed on the condition that they would work for StarKist Samoa. The government also issued entry permits for workers from Samoa to fill the labor shortage. StarKist operated at a 60% workforce after the release of the third Economic Impact Payment from the American Rescue Plan Act of 2021.

The Catchit Logit Flag Day Fishing Tournament was hosted by the Pago Pago Game Fishing Association and DMWR as part of the territory's holiday celebration. The tournament, held April 15-16, 2021, was the first of its kind in recent years. Captains and anglers were trained to use the Catchit Logit app prior to the tournament. Nineteen boats were registered, and nearly 100 anglers participated, mostly catching wahoo, yellowfin tuna and masi masi.

The Alia Vessel Upgrade Project was funded through the SFF to upgrade the current alia design and introduce technology to improve catchability. This has been identified as a priority by the local government, the American Samoa Alia Fishing Association and as part of the American Samoa MCP. The project would provide large insulated coolers and weather-proof electronics to improve their operating efficacy, safety-at-sea and chances of catching fish. DMWR has developed a vessel criteria and application that will soon be available to the public.

Soliai said the cannery was operating at one-third of their staffing level and the American Samoa government was supporting with recruiting workers from Samoa to fill staff vacancies.

Simonds asked why the cannery was not hiring the same people that were employed from Samoa before the COVID-19 outbreak.

Soliai said cannery employees are predominantly from the Independent State of Samoa, and those that were hired before the COVID-19 outbreak are still in American Samoa. Some cannery workers have not reported to work because of the economic stimulus payments and other social programs.

Simonds asked if the Ronald Reagan Marine Slipway facility is operating since there are reports of vessel repair delays, preventing boat owners from going out to fish.

Soliai said he does not have direct knowledge on the operations of the slipway and completion dates for repairs. He said that there are government boats and fishing vessels waiting for repairs since the first boat was brought on the slipway.

Simonds asked if that meant only a few vessels were albacore fishing.

Soliai said the majority of the longliners are out fishing for albacore, with some vessels waiting for repairs.

B. Department of Marine and Wildlife Resources Report

Domingo Ochavillo, DMWR, provided the agency report. The shore-based spearfish fishery landed 1,280 pounds and rod and reel landed 8,800 pounds from January to March 2021. Top subsistence species were *Myripristis berndti* (6,900 pounds), octopus (500 pounds), *Caranx lugubris* (400 pounds), *Acanthurs lineatus* (400 pounds), *Myripristis murdjan* (300 pounds) and atule (300 pounds).

Boat-based creel data covered a longer period from October 2020 to March 2021. Pelagic fisheries landed 20,000 pounds of fish from 11 alia boats. Top species caught were albacore (7,600 pounds), mahimahi (4,600 pounds) and skipjack (4,200 pounds). Commercial invoices showed 59,000 pounds of pelagic species, which were mostly caught by larger pelagic fishing boats. Top species reported through commercial invoices were marlin (22,000 pounds), wahoo (10,600 pounds), sailfish (8,000 pounds), swordfish (6,000 pounds), tunas (3,700 pounds), bigeye tuna (2,300 pounds), yellowfin tuna (1,800 pounds) and mahimahi (1,400 pounds). The bottomfish fishery landed 1,600 pounds. Top species caught were grey jobfish (460 pounds), humpback snapper (350 pounds) and assorted bottomfish (700 pounds). The majority of the landings (1,145 pounds) were caught during mixed bottomfishing-trolling trips. Commercial invoices showed that only 450 pounds of bottomfish were sold. Soliai said this indicates that most of the landed bottomfish is consumed by the fishermen and their families. 350 pounds from the commercial invoices are pink snapper imported from Samoa. Another 40 pounds from the commercial invoices are resold fish.

Boat-based spearfishing landed 1,300 pounds of fish in the six-month period. Top species include red-lipped parrotfish (260 pounds), unicornfish (200 pounds) and *Acanthurus lineatus* (200 pounds). Commercial invoices reported 4,600 pounds of reef fish. This means that most of the spearfishermen are missed during creel surveys, as they usually return in the early morning.

DMWR has been working with Joseph O'Malley, PIFSC, on life history data of bottomfish in American Samoa. Ochavillo said for *Lutjanua kasmira*, the data shows an asymptotic growth curve. The species grows quickly in the first three years and then stops growing in length until the maximum recorded age of 13 years. In comparison to data from Hawai'i, *L. kasmira* in American Samoa live longer and grow faster.

Ochavillo reported on the plasticity in life history of surgeonfish between Manu'a and Tutuila. Female surgeonfish in Manu'a have a higher maximum size than those in Tutuila. Female fish also have a lower growth curve than male fish on both islands. Ochavillo said one

possible reason for differences in life history between the sexes and between islands is Tutuila might have a higher chlorophyll a productivity compared to Manu‘a.

DMWR received and deployed new FADs shipped from New Zealand. The new design is much cheaper than previously deployed FADs, although modifications had to be made to the lighting system due to poor visibility. DMWR faces problems with vandalism and a loss of marker buoys.

Other initiatives include working with PIRO on the American Samoa Coral Reef FMP. Ochavillo said DMWR staff is being trained with FishPath to diagnose the reef fishery and explore management options. DMWR has also worked on developing the Territorial Bottomfish Management Plan and MCP for American Samoa.

DMWR Enforcement Division inspected 17 stores and restaurants, giving out two citations. The division also conducted 33 land patrols and eight at-sea patrols, inspected 58 fish containers and boarded seven longline, one purse seiner and four carriers. The division also confiscated undersized gillnets.

DMWR made an official statement to NMFS regarding the coral critical habitat designation for American Samoa. The agency worked with the American Samoa Department of Commerce (ASDOC) GIS Team to generate a historical critical habitat map for the territory. Instead of the coral critical habitat map proposed by NMFS, the map generated by ASDOC shows that the ESA-listed corals are only found in certain areas around the Islands of Tutuila, Ofu, Olosega and Ta‘u.

Ochavillo said that the Catchit Logit Flag Day Fishing Tournament, cohosted by the agency, was a big success. Governor Lemanu Mauga attended the award ceremony to congratulate anglers for a great tournament.

C. American Samoa Marine Conservation Plan (Action Item)

Ochavillo reported on the American Samoa MCP developed pursuant to Section 204 of the MSA. The MCP was vetted by the American Samoa AP, ASDOC and American Samoa Port Administration. DMWR developed six objectives for the MCP:

- 1 - Maximize social and economic benefits through sustainable fisheries.
- 2 - Support quality scientific research to assess and manage fisheries.
- 3 - Promote and ecosystem approach in fisheries management.
- 4 - Recognize the importance of island culture and traditional fishing in managing fishery resources and foster opportunities for participation.
- 5 - Promote education and outreach activities and regional collaboration regarding fisheries conservation.
- 6 - Encourage development of technologies and methods to achieve the most effective level of enforcement and to ensure safety at sea.

Ochavillo said that during the vetting process, ASDOC recommended the MCP prioritize identifying domestic and international markets for local fishery products.

Soliai added there is no market for fish from Manu‘a and small markets for fish from Tutuila.

D. American Samoa Bottomfish Fisheries

1. American Samoa Bottomfish Rebuilding Plan (Final Action)

Marlowe Sabater presented on the American Samoa Bottomfish Rebuilding Plan, reviewing the options presented at the March 2021 Council meeting. The first option was the status quo of retaining the interim measure catch limit level of 13,000 pounds, with a post-season accountability measure (AM) and no in-season AM. The second option was an ACL of 1,500 pounds with an in-season AM. The third option was a moratorium on bottomfish fishing in federal waters.

Sabater also discussed the impact analysis that looked at the effects on the activities of the fishery, physical resources, biological resources, EFH, the socioeconomic setting, biodiversity, invasive species, management setting and environmental justice. During the review of the EA, the action team requested that PIFSC provide a projection on the highest level of catch that would allow rebuilding.

The stock assessment estimated that the biomass at maximum sustainable yield (B_{MSY}) is 272,800 pounds. The highest level of catch by which the stock is allowed to rebuild with a target of 10 years (T_{max}) is at 5,000 pounds. The minimum time of rebuilding is eight years in absence of fishing mortality. The average catch based on recent data is at 12,687 pounds, which also accounts for other BMUS harvested using other methods. Under an ACL of 5,000 pounds, the expected catch in the first year will be 11,534 pounds. After the first year, federal waters would close if there is no complementary management applied, and rebuilding time would be 19 to 21 years.

Expected revenue if fishing still continues with no complementary measure is around \$3,313 per year. If there is complementary management of territorial waters with the Territorial Bottomfish Management Plan, the fishery can expect to catch 5,000 pounds a year. With a 13,000-pound ACL (alternative 1), the catch is approximately 12,687 pounds, and revenue generated would be \$3,645, since most of the catch is noncommercial. For alternative 2, with a 1,500-pound ACL, the revenue generated the first year would be minute, and in subsequent years it would be zero after the closure of the fishery in both territorial and federal waters. For alternative 3 no revenue would be generated due to complete closure. Alternative 4, with a 5,000-pound limit, would generate approximately \$1,400 during the first year, and no revenue during subsequent years.

The Council was asked to provide direction on whether an alternative for 5,000 pounds should be included in the EA. Adding an alternative for a 5,000-pound ACL would add an additional year to the rebuilding timeline compared to the previous alternative of 1,500 pounds. This allows more catch in federal waters, which American Samoa can apply to a community development plan (CDP).

Gourley asked what percentage of bottomfish is caught in federal versus territorial waters.

Marlowe said the current survey system does not separate bottomfish caught in territorial waters from federal waters.

Watamura commented the boats in American Samoa lack electronics and electric gear used in Hawai‘i. The CPUE measurement should be different across the regions, given the different gear used during fishing.

Dunham echoed concerns raised by Watamura, that American Samoa fishermen use manual fishing gear and therefore the effort is different than if fishermen were to use electric reels.

Soliai said bottomfish fishermen start their fishing trips by trolling for bait. He said that time trolling and fishing for bait is attributed to determining bottomfish CPUE. He added that there are few bottomfish fishermen so the data can be obtained by approaching the fishermen directly.

Simonds suggested that fishermen use the workshops to bring up issues like different types of gear and catchability so scientists understand what goes into the models.

Tosatto said he supports adding the alternative of 5,000 pounds and reminded the Council of the upcoming deadline of the requirement to address the overfished status. He said there is a need to better understand how the status quo alternative is characterized. The current interim catch limit put in by DMWR should not be characterized as a sustainable alternative. He said any ACL based on catch histories or previous formulations should not be an alternative given the current stock status. He encouraged the incorporation of new information into the rebuilding plan to rebuild the stock.

2. American Samoa Bottomfish Community Development Program Request

Ochavillo reported on DMWR’s Bottomfish Community Development Program request. There is an MSA provision that authorizes the Council and NMFS to establish a Western Pacific Community Development Program for any fishery under their authority. The intent of the program is to provide Western Pacific communities access to fisheries that they have traditionally depended upon, but may not have the capabilities to support continued and substantial participation in, possibly due to economic, regulatory or other barriers.

In preparation for the bottomfish rebuilding plan catch limits, DMWR will work with fishermen and fishing communities to develop a CDP to preserve and protect cultural fishing practices, support customary and ceremonial fish distribution and provide a framework for culturally informed fishery management. EFH for bottomfish is located in closed areas upon which fishermen have customarily relied. The CDP will include options to ease the burden on fishermen when catch limits are low. Ochavillo stated that some of these options may be fisheries diversification or economic assistance for fishermen. A permitting system for

bottomfish subsistence, cultural and commercial fishing will be incorporated into the plan. DMWR is working to develop regulations for mandatory catch reporting.

Watumura commented that bottomfish fishermen in Hawai‘i did not know how to properly report fishing data. It is important for fishermen to have a consultation with PIFSC scientists, as fishermen need to know how the data are used so they can report accordingly. He said that it is important for DMWR to have a consultation with PISFC to develop mandatory reporting regulations so that accurate data are being captured.

Soliai said that effort may not be accurately captured since most bottomfish boats spend time catching bait and transitioning to fishing grounds.

Tosatto said that the provision in place goes along with the EO discussion on why these regions are unique and need special accommodations.

Soliai asked Tosatto if NMFS would consider providing economic relief or benefit to the fishermen if the bottomfish fisheries were closed.

Tosatto said that there are provisions for fishery disasters due to stock status, however there are still discussions to be had regarding what is needed by undeserved communities under the EO.

E. Advisory Group Report and Recommendations

1. Advisory Panel

William Sword, American Samoa AP Chair, presented the AP report and recommendations.

Regarding American Samoa bottomfish, the American Samoa AP recommended the Council include alternative 4 into the rebuilding plan for analysis.

Regarding American Samoa bottomfish, the American Samoa AP recommended the Council request DMWR to complete a CDP that includes opportunities for stock enhancement, economic relief and more frequent assessments.

Regarding American Samoa fisheries issues, the American Samoa AP recommended the Council request DMWR to assist fishermen by putting a boat ramp on the far east side (between Faga‘itua and Lauli‘i) and the far west side (Leone).

Regarding American Samoa fisheries issues, the American Samoa AP recommended the Council commend American Samoa Power Authority on including ice machines in Ofu and encourages them to do something similar in Ta‘u.

Regarding American Samoa fisheries issues, the American Samoa AP recommended the Council ensure that DMWR includes infrastructure improvements in the American Samoa MCP.

Regarding American Samoa AP administrative matters, the American Samoa AP recommended the Council appoint Nate Ilaoa, former Council staff, to the AP as an alternate member.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations.

3. Non-Commercial Fishing Advisory Committee

There were no NCFAC recommendations.

4. Scientific and Statistical Committee

There were no SSC recommendations.

F. Public Comment

Jones, director for the PIFSC Fisheries Research and Monitoring Division, addressed comments made by Council members. He stated that scientists work with fishermen and territorial agencies that are responsible for collecting data to provide the best science assessments and advice possible. He said that CPUE standardization does not include time for an entire fishing trip, rather, on time fishing only. He invited Council members to join in the Western Pacific Stock Assessment Review of the bottomfish assessment to have a stronger understanding of the quantitative analysis that goes into stock assessments.

Watamura added that that is why it is important for fishermen to report data correctly, because the time recorded does not include time transitioning to fishing grounds or fishing for bait.

G. Council Discussion and Action

*Regarding the American Samoa Bottomfish Rebuilding Plan, the Council **directed staff to add the 5,000-pound ACL as an alternative in the rebuilding plan for Council consideration. Further, the Council directs staff to analyze the environmental impacts of a 5,000-pound ACL in the EA. The Council will review the EA for final action at the 187th meeting in September 2021.***

The Council encouraged DMWR to complete the American Samoa Territorial Bottomfish FMP and the CDP for presentation at the 187th meeting in September 2021.

Tosatto said that he supports both of the recommendations. For the recommendation on the CDP, he said that it is important for Council and PIRO staff to go over the framework for CDPs to help develop the American Samoa Territorial Bottomfish FMP and CDP. He encourages DMWR to complete the CDP and submit it for review.

Simonds said that the Council and PIRO staffs have been following the outline and guidelines provided for CDPs.

Moved by Dunham; seconded by Rice.
Motion passed.

Regarding American Samoa fisheries issues, the Council requested DMWR to support the fishermen by constructing a boat ramp on the far east side (between Faga'itua and Breaker's Point) and the far west side (Leone).

The Council requested DMWR to report on the status of the boat repair infrastructure that affects the repair of fishing vessels preventing fishermen from fishing.

Moved by Dunham; seconded by Rice.
Motion passed.

Regarding the American Samoa MCP, the Council directed staff to write to the governor of American Samoa indicating the Council's review and concurrence with the MCP at its 186th meeting and request the governor provide the MCP to NMFS for approval.

Moved by Dunham; seconded by Rice.
Motion passed.

X. Mariana Archipelago

A. Guam

1. Isla Informe

Dueñas reported on the status of Guam fishing. With the arrival of the summer months, more marlin was caught. Although it is not yet in full season, small catches of atulai (akule) were brought in by a few fishers doing night fishing. A lot of bonita were caught at the banks and FADs. A fisherman caught a bonita May 22, 2021, tagged in the Sea of Japan by a Japanese high school student Nov. 15, 2019. During its nearly year and a half journey, it grew 8.8 cm from its original 55 cm. There is no known record of tagged fish caught in Guam's waters. Regarding the status of Guam's marinas, the Port Authority of Guam is addressing issues related to the corrosion of the railings at the Agaña Marina near the boat launch ramp, height of the railings and the electronic pressurized pump for the water wash down.

The cost for the new Guam Fishermen's Cooperative Association's building is estimated at approximately \$6 million, of which \$900,000 has already been expended. The contractor is proceeding with preparations to build a seawall behind the existing facility with a short boardwalk and fish offloading area. With the additional funding, engineers were able to build a temporary structure nearby, allowing the boating community to continue to fuel their boats and

sell their fish. The new building will be further away from the seawall than originally planned due to poor soil which would be costly to reinforce.

Dueñas reported that Guam had one of the biggest runs of mañahak (juvenile rabbitfish) in recent years, with some gallon-sized bags initially selling for \$40 before dropping to approximately \$25.

Amani reported the Guam DAWR is hosting two kids fishing derbies—one July 17, 2021, for ages 7 to 12, and one July 31, 2021, for ages 13 to 16. Shut Up & Fish Guam will host a pelagic fishing derby June 26, 2021. The Council plans to support these events with outreach materials and promotional items.

Three teams from Guam, including Amani, will participate in the freshwater World Spearfishing Championship to be held in Arkansas from July 19 to 22, 2021. This will be the third time Team Guam will join this event and is the only available spearfishing event this year. Guam placed in the last two events, held in Lake Taupo, New Zealand in 2019 and Lake Mead in 2018.

Amani added there are plans to host spearfishing training for ages 13 and up in Guam targeting December 2021 as the start date. The program was created to address deaths with the younger spearfishers who are trying to learn the sport and will augment a current initiative hosted by the University of Guam 4-H Program.

2. Department of Agriculture / Division of Wildlife and Aquatic Resources Report

Muña-Brecht presented the Guam DOAG DAWR report. Restrictions from the COVID-19 pandemic were eased for boat-based surveys. Six participation surveys were initially conducted with four out of six surveys done between January and March 2021. Trolling was the dominant fishing method and made up 73% of all trips, 79% of all fishing hours and 70% of the fishers interviewed, followed by bottomfish fishing and spearfishing. The top five species caught were skipjack tuna at 51.8-mt and yellowfin tuna at 15-mt landed, followed by barracuda, mahimahi and dogtooth tuna. Jigging had the highest CPUE of all methods. Shore-based survey data for January through March 2021 were not available. Staff was unable to retrieve the data due to a computer hard drive issue. Data are being reentered and will be included in the report at the next Council meeting.

DAWR is still waiting for the Guam Economic Development Authority to finalize their feasibility study of the Talofoto Boat Ramp. The agency has an engineer working on the design and is drafting a request for proposal package for new design bids which should be completed by August 2021. The Agat Marina memorandum of understanding was signed by Muña-Brecht and the Port Authority of Guam, and is being routed to the attorney general and the governor for their final signatures. The procurement and bidding process for the Harbor of Refuge project and the Merizo Pier and Boat Ramp project are moving forward.

DAWR hired two fisheries technicians assigned to work on removal of algae at the launch ramps using pressure washers, which has been well received by boaters who are happy the maintenance frequency has increased.

Muña-Brecht reported on arrests made by conservations officers in February and April, both for illegal spearfishing in the marine preserves. The April arrest resulted in the seizure of a motorized vessel. Fishermen recovered their seized vessel by going to the attorney general's office and paying a \$500 fine. She has stated her concern regarding this issue at legislative public hearings and during media interviews. Going forward, DOAG will do what it can to hold vessels and vehicles if someone breaks the law by fishing in the marine preserves.

Regarding fishing licenses, DOAG's dialogue with oversight chair Senator Clynton Ridgell about necessary changes to the statute continues. The senator asked DOAG to have the governor appoint individuals to sit on the fishing council. To address this, the agency formed a group to work on the Guam Territorial FMP and created a subgroup that was tasked with drafting a list of recommended names for the governor. The Guam Territorial FMP may provide an alternative approach for implementing permitting regulations and mandatory reporting. The five subgroups of the FMP are Science and Data, Economy and Business, Enforcement and Regulations, Community and Outreach and Education. Subgroup meetings included DAWR staff, members of the community and stakeholder groups. The main team will meet monthly to go over inputs from the subgroups with the next meeting in July 2021.

The Coronavirus Aid, Relief and Economic Security (CARES) Act funding for Guam was divided into three categories. The first category is commercial businesses operating for five years or more, which can include charter-for-hire businesses or commercial fishers. A sub-category was created in this group to allow fishers who had been operating for less than five years to qualify. The second category was subsistence fishers with sales, which include fishers who may sell fish but do not have a business license. The third category is subsistence fishers. DOAG requested and received approval for several deadline extensions to allow more fishermen to submit applications. The agency did extensive outreach to the fishing community, resulting in 468 applications received by the May 31, 2021, deadline. Eleven tier 1 commercial fishers will share \$205,788.72, six subsistence fishers with sales will share \$7,200, and 451 subsistence fishers will share \$471,619, totaling \$684,608.44 out of the \$988,803 CARES Act I funding. The spend plan was amended to allow distribution of the remaining \$340,194.56 across all 468 applicants who may receive a second check of \$649.98. Work on the CARES Act II spend plan, with an allocation of \$783,727, will be submitted by Monday.

Muña-Brecht also reported on sea turtle interactions with five strandings between February and May 2021. Two were found in the Naval Base Guam's Apra Harbor area, one on Cocos Island and two in Talafofo Bay. Three of the five had fibropapillomatosis. At least seven live sea turtles have been observed with tumors, all in the Piti Bomb Holes/Piti Marine Preserve. Discussions with DAWR biologists are being held to determine if the tumors have been observed in that area of the island only. Findings from laboratory tests show the sea turtles have a 31 to 43 week-incubation period before the tumors start to develop. The tumors develop quicker in warmer waters and may be a result of global warming. Active nests were found at two locations on Guam, four at Achugao Point and 11 at Sagua Beach.

Muña-Brecht also reported on DAWR's issuance of special fishing permits for atulai, i'e, ti'ao and mañahak, progress on FAD deployments, status of shallow-water mooring buoys, installation progress of solar-powered lights atop the Paseo Fishing Platform and replacement of cultural signs.

Rice asked if tourism has returned.

Muña-Brecht said Guam's reopening is slow. The government was considering offering vouchers to have people fly to Guam. A drive through Tumon show it is completely empty except for locals and the military who are staying and eating at hotels.

Dunham asked if the cause for the sea turtle tumors has been found since there is worry it might be contagious. Such instances are not present in American Samoa.

Muña-Brecht said not yet. The testing on how the tumors developed used extractions from some of the tumor cells. When these samples were used to inoculate other sea turtles, tumors did not start to grow until between 31 and 43 weeks after inoculation. It may seem contagious, but it remains unknown.

3. Guam Bottomfish Fishery Management

a) Guam Bottomfish Rebuilding Plan (Final Action)

Sabater presented on the Guam Bottomfish Rebuilding Plan. Sabater provided a brief history of the action to date. At the March 2021 meeting, staff informed the Council of the new projections generated by PIFSC that made the Council's preliminary preferred alternative of 31,000 pounds no longer viable because the rebuilding time frame for that amount would be 19 years. The projection used a three-year average catch from 2017-2019 to fill in the estimates for 2020 and 2021. In April 2021, PIFSC provided the 2020 BMUS catch estimates for the annual SAFE report, which was low at around 19,000 pounds due to COVID-19 impacts. The updated catch estimates also included a reestimation for 2019, from the earlier 41,000 pounds down to 31,000 pounds. Staff requested PIFSC to run the projection again based on the updated catch estimates rather than the 2017-2019 average catch used in the earlier projections. The low catch means more biomass in the water resulting in a more optimistic biomass projection, and the Council's preliminary preferred alternative has become a viable alternative again.

Based on the updated projections, the minimum time of rebuilding for the alternatives considered is two years, and the maximum time is 10 years. The probability of overfishing ranges from a 35% to 40% risk. The highest catch that would rebuild the stock within the maximum 10 years is 31,500 pounds. Comparing this with the Council's preliminary preferred alternative of 31,000 pounds, it would only gain 500 pounds per year of catch, but it would also extend the rebuilding timeline by two years.

In terms of AMs, Council, NMFS and DAWR staffs would track the catch in-season, which requires timely data transcription from DAWR. Staffs will conduct a pulse-check

approach by looking at the number of catch interviews as the year progresses. Once there are enough catch interviews, then the expansion would be done. The alternatives that would apply a higher performance standard would close federal waters once the ACL is reached and the waters would not reopen until the rebuilding period or complementary measure is put in place that would control the catch below the Council's recommended level.

Alternative 1 is the status quo with an ACL of 27,000 pounds, with a post-season adjustment, but no in-season AM. The stock would be rebuilt in five years—the effect would be the same as in previous years and would not concern the fishery. The fishery will likely exceed this level based on the average recent catch of 27,306 pounds, and the five-year rebuilding timeframe would likely be extended.

Alternative 2 would also set the ACL at 27,000 pounds, but has an in-season AM and a higher performance standard. This would rebuild the stock in five years at a 35% risk of overfishing, assuming there is complementary management in place and the catch is controlled in territorial waters. There are currently no FMPs for bottomfish within zero to three miles in Guam that would control this scenario, and thus the ACL would likely be reached and would constrain the fishery assuming that a complementary measure is applied. There would be an effort displacement once federal waters close, which would extend the target timeframe of rebuilding because the ACL would be exceeded. The federal waters would remain closed until the stock is rebuilt or a new management measure is developed. This would provide the level of catch to rebuild, but also takes into account the needs of the fishing community.

Alternative 3 is more conservative with a 16,299-pound ACL, the shortest rebuild time (three years) and an approximately 24% risk of overfishing. Assuming there is complementary management, there would be some effort displacement. Federal waters would remain closed until the stock is rebuilt or a new management measure is developed.

Alternative 4, which is the Council's preliminary preferred alternative, would set the ACL at 31,000 pounds and take eight years to rebuild at a 40% risk of overfishing. If an assumption is made that there is complementary management in place, there is no effort displacement that would occur because the most recent three-year average is approximately 27,000 pounds. Federal waters would remain open and the fishery would not likely reach the ACL. This would promote rebuilding but may take longer compared to alternatives 2 and 3. This would also provide a higher level of catch to address the needs of the community. The higher risk of overfishing would allow the maximum economic and cultural benefit for the community while preventing overfishing.

Alternative 5 would put a moratorium in place with an ACL of zero and a rebuild target timeframe of two years, making it the alternative with the shortest rebuild time. Risk of overfishing is also zero and there is no need for an in-season AM because the fishery would be closed. Assuming there is complementary management, there should not be any bottomfish catch with a moratorium in place. However, it is expected that fishing will continue because there is no complementary management in place to control catch in territorial waters. A catch of around 20,000 pounds instead of zero is expected. At this level, the stock would be rebuilt in three years.

This is also the highest action the Council can take to rebuild the stock in the shortest possible time.

Sabater presented a summary of the impact analysis. Regarding impacts to the fishery, alternative 5 would have the biggest change because the fishery would be closed. Changes to the fishery would decrease with higher catch limits, while a lower ACL with complementary measures in place would increase the impact. Alternative 4, with an average catch of 27,306 pounds, would not change the fishery.

In terms of fishing operations, effects on fishing gear, fishery participation and fishery intensity, a substantial change is expected in both territorial and federal waters if a complementary measure is in place. Without complementary measures, only a slight change on the fishery operation would be expected. Alternative 4 would not change the fishery operations regardless of the complementary measures.

In terms of target species, a substantial decrease in catch would be expected if a complementary measure is in place due to the closure on territorial and federal waters, although this would have the largest biological benefit for the target stocks. If there is no complementary measure in place, a slight decrease in catch would occur due to the closure of only the federal waters in which 26% of the habitat occurs and thus will have a lower biological benefit. In terms of nontarget species, this fishery is target-specific and has a low bycatch rate.

For management setting, additional burden would be expected on DAWR to manage the fishery within territorial waters if complementary measures are in place. Without complementary measures, no change is expected because there is existing administrative cost to implement the ACLs. There are also additional costs if the fishery closes.

On the socioeconomic side, if complementary measures are in place, the revenue would decrease by 100% because of the total closure. Without complementary measures in place, revenue would decrease from less than 1% to 26%. On environmental justice, if complementary measures are in place, members of the fishing community could be significantly impacted due to loss of locally harvested bottomfish resources.

No significant effects are expected on the physical environment, protected species, public health and safety, biodiversity, EFH, habitat areas of particular concern or vulnerable ecosystems.

In terms of the 31,500-pound ACL, the highest catch possible to rebuild within 10 years, the effects would be roughly close to the 31,000-pound preferred alternative since there is only a 500-pound difference. This would generate slightly higher revenue, but other effects are probably going to be the same as the 31,000-pound ACL.

Muña-Brecht asked if the information presented by Sabater has already been shared with the AP.

Sabater said that it was presented at their recent meeting.

Soliai asked what percentage of the catches are from local waters compared to federal waters.

Sabater said the current creel surveys cannot split the catch from local and federal waters because there is no grid system. The surveys are not currently collecting information on where the fish was caught. Therefore, a proxy based on the ratio of EFH in territorial and federal waters is being used.

Sakoda asked if the ACLs are based on a calendar year or on a fiscal year and if the fishery is already halfway into the 2021 season. Sakoda also asked if the Council decides on any of the alternatives, if there is a possibility to update the data as was done in 2020 to reflect the COVID-19 impacts so the rebuilding timeframe is shorter.

Sabater said Guam's bottomfish fishing year is on a calendar year, but the rebuilding plan will not start until 2022. NS1 requires a review of the rebuilding performance every two years and an evaluation can be done through the annual SAFE report.

Muña-Brecht asked if alternative 4 is selected, whether it would be possible to conduct a new stock assessment within four to five years to see if the stock or the data has improved to reevaluate the rebuilding time of eight years.

Sabater said Guam is scheduled for a new benchmark stock assessment in 2024, three years into the rebuilding period. There is also a data workshop that will start in 2022. He said there would be an opportunity to remove the eight-year rebuilding time frame, noting that such an action would be based on the new benchmark stock assessment as a starting point.

b) Guam Territorial Bottomfish Fishery Management Plan

This item was discussed in the DOAG DAWR Report.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Gourley provided the CNMI island report. The CNMI is currently in COVID-19 Travel Health Notice Level 1, or state of green, with 60% of the population being vaccinated. Effective May 17, 2021, off-island travelers from other level 1 jurisdictions who have been vaccinated will be allowed to enter without the quarantine restriction. Travelers from level 2 jurisdictions or higher must quarantine for five days. All travelers will be encouraged to complete a health declaration. Due to the current green level, there will no longer be curfew restrictions at this time. This means that fishing activities will no longer directly be impacted by COVID-19, however they will still be affected indirectly due to the markets being dependent only on the local population for their fish sales.

A boat supplying bottomfish samples from the Northern Islands for the CNMI Biosampling Program sank a couple of weeks prior. The CNMI Department of Public Safety, along with a cargo vessel that was traveling nearby, helped rescue the crew and dropped the fishermen off on Saipan; no one was injured.

Conversations within the administration are in progress to bring in South Korean tourists into the island. CNMI issued a request for proposal to identify which hotel will be accommodating all of the tourists during their stay, and a COVID-19 protocol will be implemented for the tourists. There is speculation that the duration of their stay will be one to two weeks rather than the typical four to five days. The target month for Saipan to start opening up for South Korea is July. Federal disaster funds are starting to flow into the economy and are providing support for construction and other segments of the economy.

The Garapan Fishing Base Improvement Project funded under SFF IX is ongoing with a list of construction bids, and the CNMI DLNR working group is working with the CNMI Procurement Office to issue a contract for the winning bidder. The Shoreline Revetment Project is also ongoing. A team is working with NOAA and the state permitting agency to fulfill all permitting requirements.

The bottomfish training and demonstration project funded under SFF XI is tentatively ending June 30, 2021. The bottomfish team from Micronesian Environmental Services, accompanied by one Division of Fish and Wildlife (DFW) staff, went to Rota June 4-5, 2021, to conduct a few bottomfish training sessions. The Micronesian Environmental Services biosampling staff accompanied the trip to process the catch and samples. Prior to June 2021, CNMI DLNR completed a series of training for more than 40 individuals with presentations on a range of topics related to bottomfishing and hands-on practice. The training was well received and the bottomfish stocks are in good shape.

SFF XII will add new funds for fishery development projects, such as the continuation of the Garapan Fishing Base Improvement Project, which includes building a fishing platform, walkway and railings. SFF XII will also be used to help improve the first fishery resource monitoring to improve fishery data collection, and hire an SFF project coordinator. The SFF XIII has four projects: the U.S. Pacific Territories Fishery Capacity-Building Scholarship Program, Smiling Cove Transient Dock Repairs, vessel maintenance and operations for Rota and Saipan and an MCP project coordinator.

2. Department of Lands and Natural Resources/Division of Fish and Wildlife Report

Tenorio reported provided the CNMI DLNR report covering fishery activities between March and May 2021. The Fishery Dependent Data Collection Program has hired a new data officer, Maria Angela Dela Cruz, and the hiring process for two additional data technicians is in progress with a target to fill the positions by July 2021. An intern, Jude Lizama, has also been assisting the new data officer with organizing the data in the Fishery Data Section. The DFW information technology staffer trained Lizama on the development and implementation of the the mandatory data reporting program and trained fishery and data staff on operating the identity

card machine at the agency's office. In addition, there is a research section biologist who continues to provide assistance and a pending recruitment of a permanent data section manager.

DFW is working on improving participation with the new vendors within the commercial receipts system, and with the CNMI Customs Office on improving access to the importation data that they hold. In addition, DFW submitted a proposal to install a camera system at the Smiling Cove Marina to improve the documentation of ramp usage by fishers.

Shore-based creel program surveys are being conducted during the scheduled hours of midnight and 6 a.m, with the temporarily suspended 2 a.m. to 4 a.m time slot to resume due to the lifting of curfew restrictions. Sixty-three shore-based interviews were conducted between March and May 2021, with 47 hook-and-line fishermen, eight fishers using catch-nets and eight more spearfishing. For the boat-based surveys, 48 interviews were conducted, with 27 trollers, 14 bottomfishers, three hook-and-line fishers and four spearfishers.

DFW compiled receipts into the commercial purchase data collection system from participating vendors, hotels and restaurants through May 2021. A reported 7,079 pounds of bottomfish, 2,530 pounds of reef fish and 30,165 pounds of pelagic fish were sold.

Enforcement staff has been reinstated, increasing from two to ten personnel, and are performing regular patrols and vendor visits. Staff provides education and outreach on state and local regulations during community events and individual interactions.

Tenorio noted that plans are in place to continue the maintenance of existing FAD systems and replace the FADs at the inactive sites. DFW has also developed a proposal to fund the development of a CNMI Territorial Coral Reef FMP in collaboration with other natural resource agencies and nongovernmental organizations, as well as the recruitment of a coral restoration coordinator.

Saipan Marina and Dock's plans to repair the revetment within the Smiling Cove Marina are ongoing. The National Park Service is spearheading the effort and received additional funding for repairs to the marina caused by previous storms.

C. Advisory Group Report and Recommendations

1. Advisory Panel

Ken Borja, Guam AP vice chair, presented the AP report and recommendations.

Regarding the Guam Bottomfish Rebuilding Plan, the Guam AP recommended the Council select alternative 4, the 31,000-pound ACL, to provide the fishery with less of a chance of exceeding the ACL while still allowing the stock to rebuild.

Regarding territory bigeye specifications, the Guam AP recommended the Council select alternative 2, but with an allocation limit for each territory of 1,000 mt to allow Guam a chance to participate in the agreements.

Regarding Guam fishery issues, the Guam AP recommended the Council communicate to NMFS PIFSC that the fishery research priorities for Guam should include bottomfish biomass and habitat research, i.e., mapping habitat, movement and genetic structure, as well as baseline information.

Regarding the territory bigeye specifications, the CNMI AP recommended the Council maintain the status quo and select alternative 2.

Regarding the CNMI fishery issues, the CNMI AP recommended the Council request USCG invite local enforcement agencies to join them on surveillance training around the region.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations.

3. Non-Commercial Fishing Advisory Committee

There were no NCFAC recommendations.

4. Scientific and Statistical Committee

There were no SSC recommendations.

D. Public Comment

There were no public comments.

E. Council Discussion and Action

Regarding the Guam Bottomfish Rebuilding Plan, the Council **selected alternative 4 that implements an ACL of 31,000 pounds that would rebuild the stock in eight years (T_{target}) an in-season AM and a higher performance standard to rebuild the stock to B_{MSY} . The T_{min} and T_{max} are two and 10 years, respectively. The ACL shall provide the highest level of catch to rebuild the stock in the shortest time practicable and prevents overfishing at a 41% risk “taking into account the status and biology of the stock, the needs of fishing communities, and interaction of the stock within the marine ecosystem” consistent with MSA§304(e)(3) and 304(e)(4).**

Alternative 4 includes an in-season AM that would track the catch relative to the ACL and close federal waters once the ACL is projected to be reached. Catches from both federal and territorial waters would be counted toward the ACL. This alternative would implement a higher performance standard in which, if the ACL is exceeded during any fishing year over the course of the rebuilding plan, NMFS would close the fishery in federal waters until a coordinated management approach is developed that ensures catch in both federal and territorial waters can be maintained at levels that allow the stock to rebuild.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the 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 chair 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 chair 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.

*Moved by Dunham; seconded by Rice.
Motion passed with Tosatto abstaining*

XI. Program Planning and Research

A. National Standard 1 Technical Guidance Memorandum on Data-Limited Stocks

Stephanie Hunt, NMFS Office of Sustainable Fisheries, presented the NS1 Technical Guidance on data-limited stocks, a product of the NMFS subgroup three to provide guidance on the application of the 50 CFR 600.310(h)(2) flexibility of NS1. Jason Cope, NMFS Office of Science and Technology, and Kobayashi, PIFSC, were present to answer questions. NMFS discussed this technical guidance with the CCC in May 2021 and requested comments from the RFMCs by Oct. 1, 2021. The technical guidance provides the legal context of the 600.310(h)(2) provision in light of the need to prevent overfishing and to specify the ACL expressed as amounts of fish (either weight or number). The (h)(2) flexibilities allow the Council to recommend an alternative approach that complies with the MSA, which must be in the FMP through an amendment. Hunt described the details of the flexibility provision and the situations under which it can be used.

Improvements in the stock assessment methods for data-limited stocks allow scientists and managers to effectively use the data that are available, identify manageable metrics and increase the understanding of uncertainties. NMFS developed a decision tree to guide users on the type of data-limited assessment that can be applied depending on data availability. Hunt reviewed the subgroup recommendations, such as identifying data and research gaps, improving data and exploring uncertainties in the input data. If other data-limited methods are used, such as length-based and indicator-based approaches that have limited ability in defining removal targets in terms of amount of fish, this can support the use of the (h)(2) provision since it provides a science-based metric and reference point to support compliance with the MSA.

For stocks that lack data needed to effectively specify or manage with an ACL expressed as amount of fish, councils may use ACLs expressed as rate, such as fishing mortality or maximum fishing mortality threshold. An example is using length data applied to a length-based spawning potential ratio assessment, where mean length is monitored against fishing mortality by reference points. Management options could include size limits, time/area closures, or gear

modifications. If a council utilizes the (h)(2) provision, it must amend its FMP to describe how monitoring would ensure compliance with the MSA. An example is running the data-limited model to compare F to F_{ACL} annually or monitor the indicator (in this case, mean lengths). The amendment must also include AMs.

Stocks that would qualify for (h)(2) but lack rate data must comply with MSA by using the BSIA and consider whether a data-collection program to support movement toward rate-based ACL would be appropriate. In the end, the goal is to progress toward the use of the standard ACL approach.

Gourley asked if existing data is BSIA when they are unreliable, referencing the data used for the recent American Samoa bottomfish benchmark stock assessment. Gourley asked about the threshold between unreliable data and BSIA, and if a length-based assessment approach is acceptable, if the data are deemed unreliable.

Hunt said NS2 Guidance discusses how managers should determine BSIA, including a peer-review process among various other steps, and the Council's SSC determined that the American Samoa bottomfish stock assessment data were BSIA.

Cope said managers should be critical about the data incorporated into any model because poor data inputs can lead to poor result outputs, but different types of issues with data exist. Data may be unreliable because of uncertainty due to variance or because of major bias in the collection of the data. Each data issue would be handled differently in the context of a stock assessment. One method is that NMFS spends a lot of time analyzing the uncertainty of data and the sensitivity of assessment results to different data treatments. Another method is utilizing risk policy decisions by choosing to acknowledge the uncertainty of the data despite being BSIA. Determining why data may be unreliable is also important.

Gourley said the Council's attempts to specify certain datasets as BSIA may be misguided since poor data inputs lead to poor result outputs. The amount of uncertainty in current datasets for territorial bottomfish is high. Data quality is an important issue for bottomfish in the Western Pacific Region because challenges exist in collecting appropriate data and determining whether the data are BSIA. Discussing the data with fishermen is important to get their perspective, but the perspective of fishermen and the perspective of scientists are two different things.

Cope said the Council should prioritize including those who might be able to help collect better data, such as fishermen on the water. If only bad data are available for a particular stock, the quality of information to generate a number-based ACL may not exist, and the Council may utilize options from 600.310(h)(2), such as fishing rate options. The Council can implement a new sampling protocol to support a different method of assessment as specified in 600.310(h)(2). For example, the Council can establish a sampling protocol for fish lengths with the fishing community or through scientific surveys to obtain an unbiased sample of fish lengths. Such an effort could be a stepping stone to allow fishery managers to provide information to make good management decisions while setting better data collection protocols for the future. The options in 600.310(h)(2) provide a more hopeful way of viewing unreliable data and may inspire a new, simple data collection method to allow progress.

Soliai asked if Cope could clarify if he was referring to the territories when he mentioned starting off with bad data.

Cope said he was making a general remark for anyone using data in a stock assessment. If issues with the data for a stock assessment exist, fisheries managers can take several different possible actions as outlined in the NS1 Technical Guidance Memorandum.

Soliai said that the determination of unreliable bottomfish data to be BSIA is a similar situation to the designation of critical habitat for threatened coral, given that consultations with the local governments were not as effective as they should have been.

Gourley asked about the viability of utilizing the FishPath framework for Western Pacific MUS.

Cope said the purpose of FishPath, which is a decision-support tool that combines knowledge from scientists, managers, stakeholders and the local community to determine the best methods for data collection, assessment and management, is for situations where the best path forward is unclear because of unreliable data or issues with data collection. In the NS1 Technical Guidance Memorandum, NMFS provided examples of applying FishPath. The tool holds promise to help synergize available information and expertise from people working together to manage fisheries and should be considered.

Gourley asked when comments are due on the NS1 Technical Guidance Memorandum.

Hunt said the deadline is Oct. 1, 2021.

B. Draft Electronic Monitoring Procedural Directive on Applying Information Law

Brett Alger, NMFS Office of Science and Technology, provided an update on EM and the repercussions of other information law to the data generated through EM. Alger described the different EM programs around the various council regions. He then described the relationship between the EM Procedural Directive with the existing policies particularly the National ET Policy Directive, EM Cost Allocation Procedural Directive, and EM 3rd Party Data Retention Procedural Directive. He explained the difference between a federal record and nonfederal record, what is part of a third-party agreement and when the Freedom of Information Act (FOIA) applies. The Federal Records Act, MSA 402(b) and FOIA all apply to NMFS data, while only the MSA 402(b) applies to NMFS contractors, NMFS financial assistance recipients and fishing industry contractors.

The EM Procedural Directive explains the role of web portals for video review. This is to monitor the EM service provider performance and ensure data quality is met. Section 2 of the directive describes the third-party reporting requirements, which would be established by the FMP and the monitoring programs. The FMP and monitoring programs drive the video review standards and sampling rates. Section 2 also includes access and use of information submitted to the system. Other use of this information includes nonfishing-related events like enforcement and data-sharing for other purposes. Access may be given to other federal agencies, but must be

in support of fisheries conservation and management, or under the exceptions for confidential data authorized under the MSA.

As next steps, NMFS and councils should develop appropriate regulations and guidance for EM programs, as soon as practicable. The EM programs should examine current practices, data collected under pilot projects and EFPs. NMFS requests feedback on the procedural directive by July 15, 2021, and the agency will develop and publish the final directive in fall 2021.

Watamura asked if EM is a live event or recorded for later review.

Alger said NMFS records everything and watches it afterwards. However, the use of artificial intelligence within EM programs may allow processing of the data in near-real-time in the future. NMFS could use satellites and other forms of data transmission to send information back to scientists and managers, moving away from the situation where NMFS records data and reviews it weeks later.

Dang asked if a FOIA request for EM would result in the requester receiving the video or just the data.

Alger said NMFS to date has received few, if any, FOIA requests for EM programs, but the product would be dependent on what is requested. NMFS would need to examine whether the full video, portions of the video or images from the video are necessary. The question leads into discussion about how NMFS would obscure the confidential information on the video. Since NMFS has no precedent about how to treat this kind of request, the agency has no complete answer. Alger said he would follow-up with a better answer.

Dang said he is curious what a FOIA request for EM information would hypothetically look like.

Tosatto said the answer depends on what the individual making the FOIA request is looking for, as FOIA requests can be either relatively general or more specific. The EM program is just beginning, but as the program becomes more sophisticated, FOIA requests could also become sophisticated.

Gourley said the Council looks forward to reviewing the draft EM Procedural Directive and developing comments before the July 15, 2021, deadline.

C. National Legislative Report

1. Update on Congressional Actions

Gourley provided a brief update on the bills that have fishery and resource management relevance. The Grijalva Ocean-Based Climate Solutions Act will have a great impact in the island areas as it will affect everything including oil and gas. The Council should pay attention to sections 303, 304, 308 and 1408. The House Natural Resource Committee held a hearing June 22, 2021, on 12 different House bills. Dave Whaley noted that the democrats will be considering

the larger omnibus bill to have this pass Congress. Gourley pointed to the EO sections of the agenda for more details on the presidential EOs.

Rice said the increase in fuel price is problematic for fishermen. The cost of fuel increased a dollar from the previous summer, and the recreational and charter fleets consider this increase a notable issue.

2. Update on Executive Orders

a) Executive Order 14008 – National Marine Fisheries Service Report and Council Coordination Committee Area-Based Management Working Group *This item will be taken up as the first item on Thursday

Rauch, NMFS Regulatory Programs, briefed the Council on President Biden's EO 14008. Of particular interest to the Council is Section 216(a) that requires identified agencies to submit a report to the Task Force within 90 days, in consultation with various stakeholder groups and local governments, to achieve the goal of conserving at least 30% of the U.S. lands and waters by 2030. The U.S. Department of the Interior, NOAA, U.S. Department of Agriculture and the Council on Environmental Quality conducted outreach, engaged in listening sessions and received feedback from a wide range of stakeholders. The preliminary engagement helped in the drafting of the "Conserving and Restoring America the Beautiful" inter-agency report that was released May 6, 2021. The report affirms the need to pursue a first-ever national conservation goal to combat key threats, particularly, loss of natural areas and resources, climate change and disparities in access to the outdoors.

The report described the eight core principles: 1) pursue collaborative and inclusive approach; 2) conserve for the benefit of all people; 3) support locally led efforts; 4) honor tribal sovereignty; 5) pursue approaches that create jobs; 6) honor private property rights and voluntary stewardship efforts; 7) use science as a guide; and 8) build on existing tools and strategies. The agencies involved are establishing baselines (American Conservation and Stewardship Atlas) and metrics to monitor progress (America the Beautiful annual reports). The report also described the six areas of focus: 1) create more parks and safe outdoor opportunities in nature-deprived communities; 2) support tribally led conservation and restoration priorities; 3) expand collaborative conservation of fish and wildlife habitat and corridors; 4) increase access for outdoor recreation; 5) incentivize and reward the voluntary conservation efforts of fishermen, ranchers, farmers and forest owners; and 6) create jobs by investing in restoration and resilience. The next steps include formal and informal engagement of tribes, states, territories, stakeholders and the American public through tribal consultations, public comment, advisory councils and federal-state and federal-tribal working groups. Rauch posed four key questions for future engagement that the Council members responded to in the discussion.

Gourley asked if the federal government would give Pacific Island indigenous people equal status as federally recognized groups in the U.S. mainland.

Rauch said that granting Pacific Island indigenous people equal status is a complicated issue given the Deeds of Cession versus tribal treaties and other related concerns. Any answer he

would be able to provide on the fly may be incorrect because the meaning of the statuses has been developed across long periods of time. The report focuses on tribes and other indigenous groups with respect to equitable access, indigenous communities and what comprises a tribe. NMFS would like to consider the needs of indigenous groups during the design of the system.

Gourley said that the involvement of the regional councils in the early discussions to determine what constitutes conservation and what actions are acceptable for conservations measures will be important. The Western Pacific Region has area-based management in the form of the marine monuments, and NMFS could use the region as a model to determine the effectiveness of area-based management and its impacts on indigenous peoples. Discussions on what constitutes conservation could include examining whether the designation of marine monuments was based on science or political motivations. The Council implemented regulations to prohibit certain fishing activities that were destructive to habitat, such as trawling, drift net fishing and indiscriminate catch. The Western Pacific Region has policies that meet EO 14008 and could guide remaining participants to meet the order's objectives.

Rice said conservation is in place for two-thirds of the U.S. EEZ around Hawai'i in the form of area-based management. Rice asked if the federal government would remove regulations for the proportion of the U.S. EEZ around Hawai'i that is in excess of what is specified in EO 14008. Rice said monument areas could remain monuments while allowing for other use, including fishing outside of the 50-mile boundary previously designated. A monument would still be a conservation area. Rice also said the federal government should involve regional councils in the effort to address EO 14008 since foreign fleets surround the U.S. EEZ around Western Pacific island areas. U.S. fishermen fish outside of the U.S. EEZ, but the foreign fleets do not adhere to the same regulations as U.S. fishermen. If NMFS implements additional regulations on U.S. fishing fleets, it would indicate that NMFS has no desire to support and collaborate with stakeholders.

Rauch said NMFS would be interested in the Council's perspective about the use of monuments as conservation tools that could meet the overall goals of EO 14008. The kinds of questions posed by Council members are the kind of questions the president would like addressed in achieving the objective of the EO. The ultimate goal is not necessarily hitting 30% of areas being conserved, but to address natural resources laws, climate change resiliency and equitable access. NMFS welcomes the Council's views on whether marine monuments address these issues. NMFS does not expect that this process would be the forum in which any Council action, monument action or state action for national parks would be revisited or amended. The EO states that the president does not view the EO as superseding any of these actions. The process may create questions for NMFS to consider for each action. Whether large-area marine monuments effectively meet the objectives of the president as stated by the EO is a legitimate question.

Dueñas, in reference to the question of what baseline conservation actions are currently effective, said that the Western Pacific Region banned the use of drift gill nets, bottom trawling and the use of explosives, and NMFS should recognize these longstanding prohibitions. Additionally, NMFS should consider both temporary and permanent longline prohibitions as a conservation baseline since the measures are highly surveilled and enforced.

Muña-Brecht said, with regard to the aspects of the EO that address social justice, especially in native communities, that one of the core principles of the EO is addressing voluntary stewardship efforts. The federal government should also consider the efforts of fisheries managers. Muña-Brecht asked if these considerations would provide guiding criteria for issues such as the ongoing critical habitat designation for threatened species of Indo-Pacific corals. The proposed rule for the critical habitat designation does not seem to consider the efforts of local fisheries managers, but accounts for efforts by the DOD and Integrated Natural Resource Management Plan in consideration of the Sikes Act. Muña-Brecht asked if EO 14008 would provide a foundation to allow for the consideration of efforts by local fisheries managements in their own intent to preserve coral species.

Rauch said the relevant questions are if the designation of critical habitat contributes to the conservation actions specified by the president and how NMFS should consider it with respect to conservation. NMFS made efforts to reach out to the Guam government to get its perspective on the critical habitat designation proposed for threatened corals around Guam. NMFS also extended the public comment period to better understand how to amend the proposed rule to reflect local management efforts and where the corals are situated. Local management efforts do not have the same statutory provision as the DOD because requirements exist for consideration under the national defense exception. NMFS did not issue the final rule for the threatened coral critical habitat designation yet, so how NMFS will consider these comments and considerations in the final rule remains unclear.

Muña-Brecht referenced the eight core principles guiding the intent of the EO, which included voluntary stewardship efforts and the efforts of local fishery managers, and asked if NMFS will include considerations for efforts by local fishery managers and existing laws in the final rule. The coral critical habitat designation is duplicative of processes already in place in the territories while adding more restrictions on local management agencies.

Rauch said the EO will govern whether measures that NMFS considers, including the designation of critical habitat, would be included in the 30% specified by the EO. Other, pre-existing EOs encourage NMFS to consider the impacts of state, territorial and other local efforts with respect to the designation of critical habitat and other applications of the ESA. NMFS extended the comment period for the designation of coral critical habitat explicitly to get more information from the territories, but how NMFS will address the issues raised by the comments is unclear. NMFS considers territorial governance and processes as a guide, but territorial governance and processes are separate with respect to other various procedural mechanisms that NMFS must also consider.

Soliai said NMFS should develop a definition of conservation or explicit goals since conservation goals may not be universally applicable. With respect to spatial accounting, NMFS should consider areas with existing area-based management such that the addition of another bureaucratic layer may not necessarily enhance conservation management for that area. NMFS and the Council need to evaluate the effectiveness of existing area-based management and improve it with better monitoring and regular evaluation. NMFS should also account for areas that are managed on a temporal basis. Additionally, NMFS should account for areas with existing management measures in place to develop the equivalencies and determine how the

measures contribute to the conservation goals of the EO. The Western Pacific Region already fulfilled the mandate of conserving 30% of its area.

Rauch said a unified definition of conservation that is equally applicable to all areas would be difficult to develop. NMFS has interest in determining what a singular definition could be or, if a singular definition does not exist, what principles should a conservation area meet or try to achieve. A singular definition may not exist because it cannot be broad enough, but a list of important criteria could be meaningful. NMFS would appreciate recommendations from the Council about these criteria.

Watamura said, in reference to Rauch's question about how NMFS should support and collaborate with stakeholders, that the regional councils are bottom-up fishery management organizations that already collaborate with stakeholders. Additionally, since the EO is a national initiative inclusive of both state and federal waters, NMFS should consider that Hawai'i has an existing initiative to actively manage 30% of its nearshore waters. Watamura asked if NMFS would collaborate with the State of Hawai'i with respect to EO 14008 and what kind of authority NMFS possesses to initiate such collaboration given the authority that the state has over its waters.

Rauch said NMFS would like to involve the Council since, in addition to the expertise it provides, the Council plays an important role in outreach, stakeholder engagement and other activities within the Council process that are difficult for NMFS. Because a representative of the State of Hawai'i is on the Council, collaboration with the state on federal fishery issues already occurs. NMFS efforts to fulfill EO 14008 recognize the important leadership and sovereignty roles that the state and territorial governments have over their lands and waters and recognizes the desire of the federal government to collaborate to the extent that the Council allows. NMFS does not currently have the structure to determine how discussions could be held with each state, territory and local landowner, but NMFS will likely develop a structure as needed. The federal government will not dictate the implementation of EO 14008, and the provided report mentions the need to respect local processes and help state and territorial agencies meet their objectives.

Simonds said that initiatives like EO 14008 typically include how the Council conducts work under the MSA. The Council embraces the EO and will fully participate in joining the work it has done in the past 40 years with the objectives of the EO. Simonds asked if Rauch would be present at the September 2021 Council meeting in person.

Rauch said his presence at the September 2021 Council meeting is doubtful given the pace at which the Department of Commerce is dealing with COVID-19, and travel restrictions for most federal employees have not been lifted. Rauch said the difference in EO 14008 from past EO processes is the explicit recognition of the regional councils, which is a tribute to the work of the Council by the new administration.

Fitchett, Council staff, reported on the workgroup created by the CCC to deal with area-based management. This was in response to the "Conserving and Restoring America the Beautiful" report, where the 30x30 initiative has the potential to greatly impact fisheries and fisheries management in the U.S. The councils should be involved in the planning and implementation of achieving the goal of conserving 30% of the ocean by 2030. The report directs

that “NOAA should work closely with the RFMCs to identify areas or networks of areas where their fisheries management efforts would support long-term conservation goals.” The CCC intends to elevate the councils’ position to inform agency decisions about area-based management. The CCC proposed to develop a common understanding among the regional councils of area-based management measures, and assist the councils in coordinating with NOAA to achieve these goals. The CCC Working Group would assist the CCC with tracking and reacting to the 30x30 initiative and associated America the Beautiful annual reports. The working group intends to publish a journal article on U.S. fishery conservation areas that would become the authoritative reference from which all can base future CCC letters on monuments, sanctuaries and other area designations. Council staff described the tasks and the scope of the committee work identified in the first meeting. The working group also identified the issues for further discussion.

Gourley said that the CCC Working Group could play an important role in helping the Council protect the integrity of the MSA and for implementation of EO 14008.

Muña-Brecht asked Fitchett to elaborate on the option not to include state managed areas.

Fitchett said the CCC wants to focus first on federal waters since the councils’ responsibility lies outside state-mandated areas. The CCC also wants to work in coordination with the states and allow them to contribute.

Watamura said having baseline data about an area, such as the abundance of fish and other marine species, is important when implementing closures. Without these data, determining the effectiveness of the closure is difficult. For example, Hawai‘i implemented bottomfish restricted fishing areas without an established baseline, so any new data cannot be compared to the conditions of the areas prior to being closed.

Tosatto said, in reference to Muña-Brecht’s question to Rauch, the U.S. EEZ acts as the boundary for state waters under the MSA. The U.S. waters include inland areas, including fresh and estuarine waters within three miles, as well as offshore areas. While states have authority in their waters, the federal government still has some authority in those waters, such as under the ESA or for EFH designation. For the EO briefing, the Council considers the MSA such that federal authority ends where state waters begin, and the Council’s focus on the U.S. EEZ is a good effort. The Council should monitor the advancement of the EO to determine how to incorporate what is known from other areas.

b) Executive Order 13985 - Advancing Racial Equity and Support for Underserved Communities

Zach Yamada, Council staff, presented the review on EO 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government as applied to the Council’s FEPs, programs and communities. At the May CCC meeting, NOAA reported developing a roadmap and has created a working group in response to this EO. At that meeting, the Council chair pointed out that the Pacific Islanders are continuously faced with barriers. NOAA recognized that the Western Pacific Region is disadvantaged and will look at ways to address barriers. Following the CCC meeting, President Biden issued EO 14031, which

explicitly identifies AA and NHPI. Section 5 and 7 of EO 13985 call for the head of agencies to identify and produce a plan for addressing barriers to participation in programs, procurements and contracts.

The Council has previously identified many of the barriers that it has to overcome at the regional level. The barriers to access federal programs and benefits have two common themes—limited technical and administrative capacity to compete for national funds, and meaningful engagement, which requires different strategies to address diverse cultural protocols and community structures. Recent changes to government procurement created a list of prequalified contractors, bypassing the requirements to consider minority and women’s qualifications.

Section 5 also calls for a review of new policies, regulations or guidance to advance equity. Yamada said that policy designs need to provide an equal and meaningful representation of Western Pacific perspectives, noting the need for greater regional representation on groups such as the MAFAC and the U.S. Coral Reef Task Force. Policies, regulations and guidance should be flexible and responsive to meet the region’s needs, such as in the case of NS1 guidance.

There are opportunities to better support underserved communities and mechanisms exist that are underutilized, such as the Western Pacific Community Demonstration Project Program. There are also opportunities for the federal government to incorporate traditional perspectives by hiring local island people.

Over the years, the Council has continued to address these barriers through capacity building with its scholarship program, high school summer course and multilingual outreach. There have been many SFF projects for fishery development in the different island areas. The Council hosted 10 conferences for Hawaiian practitioners to develop the Aha Moku consultation process. Yamada concluded that the Council is not asking for more, but asking for different.

Dueñas said the coronavirus pandemic unemployment and fisheries funding application processes are relevant to the presentation. Initially, Guam had only 270 applications from fishermen. Six months later, after extensive outreach with help from the Council, the number of fishermen who applied for financial assistance increased to more than 468. The increase in applications by fishermen illustrates some of the barriers that the territories face in accessing technology.

Muña-Brecht said Guam had more than 800 people registered for the CARES Act fisheries relief, but only 160 people turned in applications. The Guam government implemented several extensions and performed extensive outreach to increase the number of applicants to 468. Language and education barriers, and application requirements, such as signing an affidavit for an upcoming federal audit, intimidated many in the Guam fishing community. The significant barriers that exist in providing financial assistance to the fishing community surprised the Guam government.

Watamura asked about possible solutions to address the barriers that have been identified. The pandemic emphasized a possible need to subsidize fishermen since fishing is an expensive activity and the cost of fishing is continuously rising, which can be observed through increasing

fuel prices. Other countries subsidize their fishermen, and it could be time for the U.S. to start thinking about assisting compromised fishing communities.

Simonds said the World Trade Organization attempted to develop recommendations to reduce fishing subsidies in countries like China and Japan that subsidize their fisheries with billions of dollars. The U.S. does not subsidize their fisheries. The Western Pacific longline fisheries have no subsidies, and no one is paying for access for the longliners to fish anywhere. The U.S. does aid at least five countries in the WCPFC at a cost of about \$1.6 billion. While issues are apparent, they may not be resolved by subsidizing U.S. fisheries.

D. Standardized Bycatch Reporting Methods and Fishery Ecosystem Plan Amendments for Updating Consistency (Initial Action)

Sarah Pautzke, Council contractor, presented the outcome of the joint Council-NMFS review of the Council's FEPs for consistency with the requirements of the standardized bycatch reporting methodology (SBRM) rule published in 2017. The review includes how the FEPs describe the bycatch characteristics, the feasibility of monitoring bycatch, data uncertainty and data use. Pautzke described the content of the review document. The next step is to amend the FEPs to the consistency language in each of the FEPs and update the SBRM tables.

Muña-Brecht asked if NMFS would require federal logbooks for those harvesting coral reef ecosystem species, crustaceans or precious corals in the U.S. EEZ around the Mariana Archipelago.

Pautzke said the Council is not implementing anything new. The data sources listed in the presented table mean that logbooks could be used to determine bycatch.

Ishizaki said that there is an existing federal coral reef ecosystem species permit and a federal logbook associated with that permit, but few fishermen operate under that federal permit. For fisheries targeting ecosystem component species, the proposal under consideration would not identify SBRM explicitly in the FEP. Existing data collection methods would remain in place because those data collection methods are not being removed from the FEP.

E. Draft 2020 Annual Stock Assessment and Fishery Evaluation Report

1. Archipelagic Report Overview and Highlights

Thomas Remington, Council contractor, presented the highlights of the combined Annual Archipelagic and Pelagic SAFE Reports. Fishery performance, landings, effort and participation were presented for bottomfish fisheries in American Samoa, Guam, the CNMI and Hawai'i and for crustacean fisheries in Hawai'i. He also presented the data for the top-10 ecosystem component species harvested and time series of prioritized species. In American Samoa, total estimated catch from creel surveys, commercial catch from the receipt books, effort and CPUE for BMUS declined in 2020. Sampling was slightly hindered due to restrictions associated with COVID-19. In the CNMI, there was a substantial increase in total estimated catch of BMUS from the creel surveys and effort, but commercial catch only slightly increased. In Guam, total estimated catch from creel surveys, effort and CPUE decreased, and commercial data were

confidential. The COVID-19 government shutdown paused several months of creel survey interviews, which may have caused decreases in the creel survey data values. In Hawai‘i, all presented catch, effort and CPUE parameters for bottomfish species decreased relative to historical averages. Data for MUS crustaceans also showed decreases in catch and effort relative to historical averages, but CPUE for Kona crab increased. Data for deep-water shrimp were confidential in 2020.

Regarding the pelagic fisheries performance, in American Samoa, there was an overall decrease in pelagic catch and effort. In the CNMI, there were increases in both pelagic catch and effort. In Guam, pelagic fishing effort was consistent with 2019 in 2020, but there was a large decrease in total estimated catch. In Hawai‘i, catch and effort decreased for the deep-set longline fishery. The shallow-set longline fishery had the same number of active vessels as 2020 and an increase in the number of fishing trips. Though the module presenting noncommercial pelagic data was still under development, Hawai‘i Marine Recreational Fishing Survey (HMRFS) data showed an increase in boat-based pelagic catch and effort. The international catch data showed a record high catch in 2019. In 2020, there were new stock assessments for North Pacific albacore, Pacific bluefin tuna, WCPO bigeye tuna and WCPO yellowfin tuna. Each stock assessment indicated that the stock is not overfished or experiencing overfishing except for bluefin tuna, which is both overfished and experiencing overfishing.

In the archipelagic fisheries socioeconomics module, the data showed that commercial revenues and price per pound for Hawai‘i MUS generally declined in 2020 relative to 2019. For American Samoa, BMUS revenue and price dropped significantly. In Guam, BMUS revenue and price increased, despite the data being confidential. For the CNMI, BMUS revenue decreased substantially, and price per pound for BMUS decreased. Across island areas, the cost of a bottomfish fishing trip in 2020 was relatively consistent with 2019 except for in the CNMI.

In the pelagic fisheries socioeconomics module, for American Samoa, the total longline and nonlongline pelagic MUS revenue decreased. The cost of a fishing trip and the price for both longline and nonlongline pelagic MUS decreased as well. Revenues for the CNMI trolling fishery and the price per pound decreased in 2020, with trip cost remaining relatively consistent. In Guam, revenues decreased substantially due to reduced commercial landings. Fish price per pound, however, slightly increased, and the cost per fishing trip decreased. The total revenue from Hawai‘i’s pelagic fisheries decreased, both longline and nonlongline. Net revenue for longline fisheries decreased, and fish price for bigeye and yellowfin dropped but rose for swordfish.

Regarding the protected species section, insular fisheries remain low-risk. For pelagic fisheries, the COVID-19 pandemic had an impact on observer coverage, which affected protected species interaction data. Notable trends in longline interactions included fur seal interactions in the Hawai‘i shallow-set longline fishery, lower false killer whale interactions but higher rough-toothed dolphin interactions in the Hawai‘i deep-set longline fishery, and continuing higher black-footed albatross interactions in the deep-set longline fishery since 2015. While these are noted in the report, there is no immediate biological concern for these species, and their interactions will continue to be monitored through the SAFE report. The protected species module in the pelagic report now includes tracking of fishery performance against the

new loggerhead and leatherback turtle trip interaction limits implemented in the Hawai'i shallow-set longline fishery in September 2020.

The climate and oceanic indicators module for the archipelagic and pelagic fisheries were updated with 2020 data. Atmospheric carbon dioxide continued to increase exponentially, and pH continued to decrease. The El Niño Southern Oscillation transitioned from neutral to La Niña, while the Pacific Decadal Oscillation was in a negative phase. Sea surface temperature continued to increase, and there were associated mass mortality events for corals in the Mariana Archipelago and American Samoa. Chlorophyll a concentration had weak negative anomalies. Generally, tropical storm activity was below average, and precipitation had more negative anomalies in the first half of the year than the second half. Sea surface temperature in the area in which the Hawai'i longline fishery operates continued to increase in 2020, exceeding the long-term average. Temperature at 200 to 300 meters depth was within historical averages. The North Pacific Subtropical Front was north of average to the west and south of average to the east, and the Transition Zone Chlorophyll Front was north of average along most of the front. The median phytoplankton size was within historical averages. Fish community size structure showed that pelagic species were slightly larger than usual. The bigeye tuna weight per unit effort showed that there is no expected peak of four to five-year old bigeye expected in 2021 or 2022. The bigeye recruitment index indicated that there was no recruitment pulse observed. The bigeye catch rate forecast showed that catch rates for bigeye may increase over the next four years.

Fishermen observation sections were added to the Annual Archipelagic and Pelagic SAFE Reports for the first time in 2020 along with catch from federal logbooks for archipelagic fisheries, however there were no available federal logbook data. The fishermen observation sections described information that fishermen provided regarding their “on the water” experience over the previous year. Additionally, a module on the impacts of COVID-19 to fisheries and fishing communities was added to the reports in 2020 as a limited-time section.

Watamura said the increased emphasis on fishermen’s input is good to see because much of what is reported can be tied to information fishermen provide.

Tosatto said that the annual SAFE reports currently do not track fishery performance against imports, noting that bottomfish were not imported during the pandemic. He wondered why local fish were not sold when imports ceased and if the market dried up. A good fishery performance indicator could be to compare fishery performance against imports in the annual SAFE reports to determine if the gap between imports and local fishery production is closing.

2. Pelagic Report Overview and Highlights

Note: this agenda item was included with agenda item 10.E.1.

F. Update on Aquaculture Management Programmatic Environmental Impact Statement

Tori Spence, PIRO Sustainable Fisheries Division (SFD), presented the status of the Aquaculture Management Programmatic Environmental Impact Statement (PEIS). The Council first recommended an aquaculture program in 2009. NMFS held six scoping listening sessions

throughout the region in 2016. NMFS was preparing the draft PEIS from 2017 to 2021, and is out for public comment until Aug. 5, 2021. The draft PEIS includes three alternatives: 1) no action or no program; 2) establish a limited program; and 3) establish an expanded program. The main differences between alternatives 2 and 3 are the key management features, duration of the permits and allowable species and gear types. The document also describes the 13 management features and Spence highlighted the commercial and research permit durations and the allowable systems and species sections. The impact analysis covered effects on effluents, ecosystem function, wild fish stocks, socioeconomics and other wildlife and protected species. There were several public meetings held virtually from June 15 to 24, 2021.

Soliai asked if NMFS has local sites for people to attend the public hearings.

Spence said that NMFS did not organize host space because doing so was not aligned with their current policy, and she was not sure if any were organized by the Council.

Joshua DeMello, Council staff, said that the Council did not set up host sites, mainly because of the time differences as well as the overlap with SSC and Council meetings. The Council members can ask the Council's island coordinators if they can attend the public hearings.

Soliai said he would suggest the island coordinators attend since the deadline for comments is in August 2021. Holding virtual meetings is challenging since a number of people do not have internet access. NMFS could engage more people from the outer villages by organizing a host site.

Spence said she would see if NMFS or its partners can do anything, but NMFS was unsuccessful in securing host sites so far.

Soliai reiterated that holding host sites are important to reach key stakeholders, especially for those without technological capabilities such as in American Samoa.

Watamura said that NMFS should consider open ocean pen escapees as part of the impact analysis, as fishermen in the waters around Hawai'i experience this issue. The escapees, including kahala, impact catch composition and bottomfish fishermen have trouble fishing for their target species, 'opakapaka. Both 'opakapaka and kahala inhabit the same depth, and kahala are much more aggressive. Watamura said he had to move his vessel away from a school of what he thought was 'opakapaka due to the influx of kahala.

Spence said NMFS considered escapees under the impact criteria for both wild fish stocks and ecosystem function. The impacts depend on whether the concern is the effects of the escapees as competition for resources or a competition among genetics, either for the same species or a different species. Spence said she welcomes any additional data or information about impacts from escaped kahala.

Watamura said that fishermen know that the impacts are a result of escaped kahalas, because out of the two types of kahala caught around Hawai'i, fishermen are catching the type of kahala utilized in aquaculture operations.

Spence asked if Watamura would be willing to submit a public comment.

Watamura said he would.

Rice asked if NMFS has considered the impacts of aquaculture activities on migratory patterns relevant to fishing. Fishermen are concerned with placement of offshore energy in good fishing areas, which could act as FADs, move fish from their ko‘a and disrupt their migratory patterns throughout the island chain. Tunas typically first arrive around O‘ahu before going to the Big Island, and if the tunas get stuck around the structures, the disruption would impact tuna fishing everywhere in the state except for O‘ahu. Fishermen have already observed a similar problem with illegal FADs. Additionally, the structures could accumulate sharks, including endangered species.

Spence said NMFS considered the impacts of aquaculture facilities as FADs frequently throughout the impact analysis, and Rice’s comment illustrates many important components for considerations regarding specific sites that could be used for aquaculture. NMFS hopes that incorporating the potential for certain sites as FADs in the PEIS would allow future analyses to also incorporate these considerations.

G. Endorsement of the Scientific and Statistical Committee Three-Year Plan

Lynch, SSC chair, provided an update on the status of the development of the new SSC Three-Year Research Plan. The comments from PIFSC and the Council Social Science Planning Committee (SSPC) were incorporated into the June draft. The chair intends to enhance the SSC’s ability to provide scientific advice through better coordination with the PIFSC programs and other science providers.

Lynch said that he asked members for comments on the current version of the SSC Three-Year Research Plan. Lynch plans to conduct additional discussions before presenting a final version of the plan, and the SSC hopes to produce a plan that shows how the committee can best use its resources in the next three years.

H. Regional Communications and Outreach Report

Amy Vandehey, Council staff, presented the communications and outreach efforts conducted between the March and June 2021 Council meetings, which included the spring issue of the *Pacific Islands Fishery News*, articles published in *Hawai‘i Fishing News* and three fact sheets coordinated with the other RFMCs. Vandehey also described the summer projects for the 2021 student interns from American Samoa and the CNMI. Regional initiatives included fishing tournaments, student outreach and radio interviews.

I. Advisory Group Report and Recommendations

1. Advisory Panel

There were no AP recommendations.

2. Archipelagic Plan Team

Jones, APT chair, presented the APT report and recommendations.

Regarding the Mariana Archipelago Annual SAFE Report, the APT recommended the Council work with DAWR, DFW and PIFSC to improve the accounting of the catches and fishing activities occurring in Rota Banks that may have an effect on the catch attribution against their respective ACLs.

Regarding the Mariana Archipelago Annual SAFE Report, the APT noted the importance of reducing noise from the fishery-dependent data. The APT recommended the Council direct staff to work with the territory fishery agencies, in collaboration with PIFSC, to review and improve the survey sampling design to reduce the noise attributed to sampling biases.

Regarding the development of the noncommercial modules in the annual SAFE reports, the APT recommended the Council request PIFSC analyze the fishery-dependent data: 1) total estimated creel catch minus commercial receipts for noncommercial catch; and 2) expand the creel intended sold and unsold, and determine which approach could be used for the noncommercial estimates in the annual SAFE reports. The progress of this work will determine if an intersessional meeting of the APT is warranted and where noncommercial estimates may be incorporated into the annual SAFE reports, such as into an existing module or require the development of an additional module.

Regarding changes to the BMUS complex and feasibility of an archipelagic-wide assessment, the APT formed a working group composed of PIFSC Fisheries Research and Monitoring Division and Ecosystem Sciences Division, territory and state agencies and PIRO members to analyze existing data and solicit inputs from the AP members and representatives of the bottomfishing community to revise the list of species caught in the bottomfish fishery.

Regarding changes to the BMUS complex and feasibility of an archipelagic-wide assessment, the APT recommended that, after the development of the new BMUS list, the working group evaluate the available information to determine the feasibility of conducting an archipelago-wide assessment in the Mariana Archipelago. The progress of the working group will determine if an intersessional meeting of the APT is warranted.

Regarding changes to the BMUS complex and feasibility of an archipelagic-wide assessment, the APT recommended the Council direct staff work with the APT Working Group to develop an options paper for revising the territory BMUS list and present it at a future intersessional APT meeting.

Regarding the improvement of the HMRFS data collection, the APT recommended the Council request the Hawai'i Division of Aquatic Resources (DAR) consider, as part of the certification process, increasing the resolution of the type of fishing activity in the data collection, to provide catch estimates for more specific fishing activities. This could involve adding slightly more information on the type of boat-fishing activity (e.g., bottomfishing, trolling) and shore-fishing activity (e.g., spearfishing, hook-and-line). The current "Fishing Mode" categories are only "Shore," "Private/Rental Boat" and

“Party/Charter Boat,” which likely contribute to the high variability of noncommercial catch estimates.

Regarding updates to the EFH modules of the Archipelagic Annual SAFE Reports, the APT formed a working group composed of Frank Parrish, Tom Oliver and Michael Parke to review and advise efforts to update and improve the EFH modules in accordance with Lynker’s final report to the Council.

Regarding updates to the EFH modules of the Archipelagic Annual SAFE Reports, the APT recommended that the Council work with NMFS regarding funding allocation for implementing updates to the EFH modules.

3. Pelagic Plan Team

Kobayashi, PPT chair, presented the PPT report and recommendations.

Regarding bycatch data tables in the Pelagic Annual SAFE Report, the PPT formed a working group composed of PIRO, PIFSC and Council staff to consider inclusion of longline bycatch data using observer data for future reports. The working group may identify priority species for generating expanded estimates from the prior year in time for the SAFE report, and a list of species and species groupings for remaining fish bycatch to supplement the existing tables based on logbook data.

Regarding the development of the noncommercial modules in the annual SAFE reports, the PPT recommended the Council request PIFSC analyze the fishery-dependent data: 1) total estimated creel catch minus commercial receipts for noncommercial catch; and 2) expand the creel intended sold and unsold, and determine which approach could be used for the noncommercial estimates in the annual SAFE reports. The PPT noted that there may also be discrepancies in the commercial data for the American Samoa nonlongline sector stemming from the estimation of pounds sold from the creel survey expansion.

Regarding the fishermen observations section of the annual SAFE reports, the PPT recommended the Council consider directing its SSPC to work with the APs to explore conducting periodic check-ins with the fishing communities to provide information for this section.

4. Social Science Planning Committee

Severance, SSPC chair, presented the SSPC report and recommendations.

The SSPC supported the next steps identified by the Working Group on Integrating Socioeconomic Considerations for Council Actions:

- a. Explicitly identify socioeconomic expertise in the Regional Operating Agreement/Action Team process.
- b. Explore potential for updating community profiles, including SAFE reports, community snapshot tool and regional fishing directories.

The SSPC identified the following emerging priorities for the near-term:

- 1) Explore socioeconomic context for regional data collection programs, including:
 - a. Evaluate factors that affect participation in existing and new data collection, especially with the Catchit Logit application in the context of American Samoa and Guam bottomfish fisheries.
 - b. Identify incentives and barriers linked to factors that affect participation in new data collection programs, such as the application.
 - c. Evaluate community understanding of importance of data reporting (commercial, noncommercial and subsistence).
- 2) Support community engagement throughout the bottomfish stock assessment process, including:
 - a. Gathering information relevant to the community.
 - b. Building capacity of stock assessment scientists to communicate and engage with the fishing community at milestones throughout the stock assessment process.
 - c. Sharing and validating scientific results with the fishing community and creating opportunities for feedback on results prior to results being used in management decisions.
- 3) Monitor changes resulting from COVID-19 impacts and resilience/adaptation to future natural or social disasters that disrupt fishery production, supply chains and markets, or otherwise act as external shocks to fishing communities.

The SSPC formed a working group to assist council staff for American Samoa bottomfish socioeconomic information comprised of Severance, Hospital, Debra Cabrera and Kirsten Leong.

The SSPC recommended that new members from American Samoa and the CNMI be added to the committee.

The SSPC recommended holding an intersessional meeting to focus on SAFE report updates and any updates to the strategic plan.

5. Fishing Industry Advisory Committee

There were no FIAC recommendations.

6. Non-Commercial Fishing Advisory Committee

Dean Sensui, NCFAC chair, presented the NCFAC report and recommendations.

Regarding noncommercial fishery data collection, the NCFAC recommended the Council request MRIP calibrate the HMRFS data prior to 2018 to account for the switch from telephone to mail in the effort survey. Further, the NCFAC recommended the Council request MRIP to determine the feasibility of HMRFS to increase the frequency of catch interview surveys to allow for increased coverage.

Regarding noncommercial fishery data collection, the NCFAC recommended the Council look at participatory mapping of noncommercial fisheries to allow noncommercial fishermen to have a seat at the table in ocean-use discussions.

7. Scientific and Statistical Committee

Hospital, SSC member, presented the SSC report and recommendations.

Regarding the Archipelagic Annual SAFE Reports, the SSC supported the inclusion of a fishermen observation module in the SAFE reports, but recommended standardizing the topics covered by the fisher observations to allow for archipelagic comparisons.

8. Fishery Data Collection and Research Committee Technical Committee

Ochavillo, Fishery Data Collection and Research Committee Technical Committee (FDCRC-TC) Data Collection Subpanel chair, presented the subpanel's report and recommendations.

Regarding fishery data collection, the Data Collection Subpanel of the FDCRC-TC recommended the Council request DMWR, DFW and DAWR to develop a registry of fishermen to support the improvements in the data collection in the territories. The subpanel requested the Council, in collaboration with PIFSC, support the agencies in this endeavor.

Regarding fishery data collection, the Data Collection Subpanel of the FDCRC-TC recommended the Council support a third-party service provider to work with the FDCRC-TC to conduct a crosswalk of the 2015-2019 FDCRC Strategic Plan, the PIFMAPS recommendations and the needs identified by the FDCRC-TC from the individual agency consultation and the 2021 FDCRC-TC meeting.

Regarding fishery data collection, the Data Collection Subpanel of the FDCRC-TC recommended the FDCRC at its 2021 regular meeting consider the adoption of the Catchit Logit app as one of the official tools in its data collection toolbox.

Regarding fishery data collection, the Data Collection Subpanel of the FDCRC-TC recommended the Council request PIFSC to provide information on the logistics involved to increase the resolution of the spatial reporting grids to better account for territorial/state and federal catches.

Amani said she supports the Catchit Logit app and the number of users in Guam is rising. Amani asked when the app will take effect, and if it will replace the creel surveys or work together with the creel surveys.

Sabater said the Council cloud server stores the app data, and the Council would like to have an official transfer of the ownership of the cloud systems to local management agencies. The application will be an additional tool in the data collection toolbox, but it will not

necessarily replace the creel surveys. It will help cover the commercial portion of data collection once the territories enact mandatory license and reporting regulations.

Jones said the app cannot replace the creel surveys due to the nature of the noncommercial portions of the region's fisheries. It will work in tandem with the creel surveys due to the inability to expand self-reported data if the territorial governments do not implement a mandate for complete reporting.

Amani said the creel surveys will help by cross-checking the data from the app. It also has fishermen information for those that participate.

J. Public Comment

There were no public comments.

K. Council Discussion and Action

Regarding the NS1 Technical Guidance Memorandum on data-limited stocks, the Council directed staff to draft the comment letter for SSC review of the draft memo on data-limited stocks and submit the comments to NMFS Office of Sustainable Fisheries prior to the Oct. 1, 2021, deadline.

The Council directed staff to convene a workshop with the territories, in collaboration with NMFS, on the application of the NS1 Technical Guidance Memorandum on data-limited stocks to the Western Pacific MUS.

Moved by Rice; seconded by Gourley.
Motion passed.

Regarding the draft EM Procedural Directive on Applying Information Law, the Council directed staff to draft comments responding to the procedural directive prior to the July 15, 2021, deadline, including a request to NMFS to clarify whether FOIA requests for EM data would include release of video imagery.

Moved by Rice; seconded by Gourley.
Motion passed.

Regarding the SBRM review, the Council directed staff to work with PIRO SFD to develop a draft omnibus amendment to update the SBRMs and associated descriptions in the FEP for consistency with the 2017 final rule, and as identified in the consistency review document.

Moved by Rice; seconded by Gourley.
Motion passed.

Regarding the annual SAFE reports, the Council endorsed the APT and PPT recommendations regarding improving the data used to monitor the fisheries performance and improve the reporting in the annual SAFE reports: 1) better

accounting of catches from Rota Banks; 2) improvements in the creel sampling survey design to reduce bias and noise; 3) development of the noncommercial fishery modules; 4) revision of the EFH module; and 5) inclusion of the longline bycatch data from the PIROP. The plan teams are to report back to the Council on the status of the actions at the September 2021 meeting.

The Council directed the SSPC to work with the APs to explore conducting periodic check-ins with the fishing communities to provide information for the fishery observations section of the annual SAFE report.

Tosatto said that he did not have a problem with endorsing the recommendations, but noted that they lack an action component. Some of the recommended items would go back to the plan teams, but the Council's recommendations should lead to things that the Council can do. He asked that Council staff break out the list into several different items so they do not get lost, and the Council could consider what external drivers are needed.

[The Council took a vote on an earlier version of the above motion, and later reopened the motion to vote on a revised version that provides further direction to the recommendations. The maker, the seconder, and the results of the original and revised motions were the same.]

Moved by Rice; seconded by Gourley.
Motion passed.

Regarding fishery data collection, the Council endorsed the FDCRC-TC's recommendations for improvements in the data collection systems: 1) increasing the resolution of the type of fishing activity in the HMRFS data collection; 2) development of a fisherman registry; and 3) adoption of the Catchit Logit app by the territorial agencies. The FDCRC-TC is to report back to the Council on the status of the actions at the September 2021 meeting.

The Council requested MRIP to calibrate the HMRFS data prior to 2018 to account for the switch from telephone to mail in the effort survey. Further, the Council requested MRIP to determine the feasibility of HMRFS to increase the frequency of catch interview surveys to allow for increased coverage.

The Council directed staff to engage the AP and other Council advisory groups to look at developing participatory mapping efforts to assist fishermen in identifying important fishing locations.

Tosatto said that he had a similar concern as the previous recommendation. If the Council simply endorses something like the development of a fishermen registry, it sits idle since the Council is not directing anybody to create that directory. There is a variety of work that does not come from the Council's endorsement of a recommendation, and it does not become an action unless the Council makes it an action. If there is an action, the Council needs to ensure the action is specified.

Soliai asked if the language for the recommendation should be revised.

Tosatto said that some of the recommendations are written such that the Council would endorse its committees to take further action, while others look like they could get lost. The recommendation could state that the Council suggests or recommends the territories to develop a fishermen registry, for example. Tosatto said he had no issues with the intent of the motion, but some of the recommendations may require an action verb.

Rice asked if a fishermen registry would be similar to the State of Hawai‘i’s bottomfish registry.

Tosatto said yes, but the recommendation, as written, simply endorses a recommendation of a subordinate committee, which could mean the recommendation sits. If the Council wants an action to result from it, the Council must write the recommendations as actions.

Simonds said that the committees should be asked to report to the Council at its next meeting on the status of these projects.

Tosatto agreed with the suggested language.

Soliai asked Council staff to revise the language of the recommendation to add that the committee reports back to the Council at its September 2021 meeting.

Onaga agreed with Tosatto’s concern and suggested a grammatical change to the recommendations.

Rice and Gourley agreed to the language changes.

Onaga asked if previous recommendations would also be amended.

Tosatto said that the previous recommendation would have to be reopened to revise the language.

Moved by Rice; seconded by Gourley.

Motion passed.

*Regarding the changes to the BMUS complex and feasibility of an archipelagic-wide assessment, the Council **directed staff to work with the APT working group composed of staff from PIFSC Fishery Research and Monitoring Division, Ecosystem Science Division, territory and state agencies and PIRO members to analyze existing data and solicit inputs from the AP members and representatives of the bottomfishing community to revise the list of species caught in the bottomfish fishery.***

After the development of the new BMUS list, the Council directed staff to work with the APT Working Group to evaluate the available information for the new BMUS list and determine the feasibility of conducting an archipelago-wide assessment in the Mariana Archipelago.

The Council directed staff to work with the APT Working Group to develop an options paper for revising the territory BMUS list and present the options paper at the December 2021 Council meeting.

Moved by Rice; seconded by Gourley.

Motion passed.

Regarding social science planning and research, the Council endorsed the SSPC recommendations for improving the integration of socioeconomic considerations into Council actions: 1) include socioeconomic expertise in the Regional Operating Agreement/Action Team process; and 2) request PIFSC to explore potential for updating community profiles. The SSPC is to report back to the Council on the status of the actions at the September 2021 meeting.

The Council endorsed the following emerging socioeconomic priorities identified by the SSPC and directs staff to incorporate the priorities into the Council's priority and planning documents as appropriate: 1) explore socioeconomic context for regional data collection programs; 2) support community engagement throughout the bottomfish stock assessment process; and 3) monitor changes resulting from COVID-19 impacts and resilience/adaptation to future natural or social disasters. The SSPC is to report back to the Council on the status of the actions at the September 2021 meeting.

Simonds suggested that the same language about reporting back to the Council at its September 2021 meeting be added to the recommendation, similar to the previous recommendations.

Moved by Rice; seconded by Gourley.

Motion passed.

Regarding Biden Administration EO 13985 and 14031, the Council directed staff to send the Council's letter to President Biden's Administration on EO 13985, incorporating policy areas and directives outlined in EO 14031 that identify barriers to providing equity, justice and opportunity to the underserved communities of the Western Pacific Region.

Moved by Rice; seconded by Gourley.

Motion passed.

XII. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Watamura provided a report on fisheries in Hawai'i, noting that things are getting closer to normal as vaccinations increase. The Waialua Boat Club held its annual Memorial Day Tournament May 29-31, 2021, and the next tournament, called Old Futs versus Young Punks, is scheduled for the fourth of July weekend. However, due to COVID-19 protocols limiting

gatherings, the annual picnic will not be held. The Lokahi fishing app is growing with currently 1,700 members, and Watamura acknowledged the sponsors and prizes for the virtual tournaments run on the app. The annual ‘ahi run is a little later this year as they have yet to see the big busts of fish in the nearshore waters with catches being sporadic and in Kane‘ohe and Hale‘iwa rather than Wai‘anae like normal.

Rice reported that with COVID restrictions easing, the charter fleet has had a really good run in the last four months. The small-boat fishermen who sell their fish have been lucky because the prices have been up and Kona is booming due to the increase in tourists. He said that the charter industry was concerned about the legislation that was passed that would mandate fishing permits for tourists.

Dang reported that tourist numbers have increased but restaurants were still capped at 50% of capacity. He was hopeful that the capacity would increase with the increase in vaccinations, and an eventual removal of all restrictions. Fish production was still 20 to 30% lower compared to previous years as the fish is not running as usual. Fish prices have been at the highest sustained prices in a long time for close to three months. Based on his observations, the prices have remained high because the two largest distributors in the region that source the majority of their product from Southeast Asia and the South Pacific are unable to access those resources due to low production in those fleets and challenges with logistics out of Southeast Asia. This has resulted in increased presence of those two distributors at the auction and a large increase in their purchase for the last few months. He expected prices to remain high even with the reopening of tourism due to those reasons. Dang said that there is a need to look at the impacts of foreign imports on local fish production and this would be the time to do it because foreign fish imports have been low for the last couple of months.

B. Department of Land and Natural Resources/ Division of Aquatic Resources Report

Bryan Ishida, Hawai‘i DAR commercial fisheries biologist, provided the State of Hawai‘i report for March through April 2021. As of the end of April, the deep-seven bottomfish fishery 2020-21 season had 292 commercial marine licenses (CMLs) reporting 1,699 trips and catching 133,314 pounds of bottomfish. The fishery is below the past five-year average but similar to the 2019-20 season. Typically, ‘opakapaka represents approximately 50% of the catch, but in the current year, it is unusually low at approximately 35%. The difference in weight corresponds with the difference in catch percentage—where the fishery normally catches 104,000 pounds by this time of the year, this season the total is less than 50,000 pounds. However, this low catch is not seen across all of the other six species. Ehu is near or above average catch but gindai is well over the five-year average.

The 2021 Kona crab season has had 14 CMLs reporting 41 trips and catching 2,853 pounds, as of the end of April. The catch is high in comparison to the past five years but relatively low compared to historical catches. The uku fishery in 2021 has had 109 CMLs reporting 344 trips and 16,881 pounds landed, as of the end of April. The fishery is tracking closely with the 2019 season and the catch for May and June is expected to follow the normal trend, with an increase in the summer months or relatively flat similar to the 2020 season. That

bump in catch in the summer months is typically from the banks. As of the end of April, a total of 1,146 CMLs were issued or renewed for total revenue of \$114,450. The number of licenses and revenue for 2021 is about average, but most requests for licenses come in the summer months.

Ishida reported that three access permits, one research permit, one education permit and one native Hawaiian practices permit were granted for the PMNM. As COVID-19 restrictions began to ease, there was an initial increase in the number of access permits requested as people planned to resume their activities in the monument. Requests for the next application period of late summer or fall 2021 are coming in at a normal rate. The number of permits DAR grants will likely be contingent on state and national infection rates and the policies of the agencies accessing the monument. The Permit Working Group and the Resource Protection Working Group met and discussed potential revisions to two monument best management practices, both in response to the risk and trying to stop the spread of an invasive algae within the monument.

March was an uneventful month for FADs as one was reported missing at the Hale'iwa buoy, but April had more activity as the Kane'ohe buoy was reporting missing and FADs D and U were recovered. The Vessel Incidental Discharge Act is being discussed again as the Environmental Protection Act intends to reengage with states regarding the proposed National Standards of Performance, which came out in October 2020. The next steps will be initial meetings with state governors to seek input on the best approach for more in-depth discussion of proposed standards.

The Board of Land and Natural Resources adopted June 10, 2021, a rule amendment to increase the nonresident CML fee from \$100 to \$250. The amendment is pending final approval by the governor. Hawai'i DLNR will also be busy developing rules for legislation that passed this session, including bills to develop a CML and changes to spiny lobster and Kona crab rules. HB 1023 passed, which would establish a recreational marine fishing license for nonresidents of Hawai'i. Any nonresident fishing in the ocean will need to have a license, including fishing charter customers. Fees are \$20 for a one-day license, \$40 for seven days and \$70 for an annual license. Children under 15 and active duty military and their families are exempt. Revenues will go to the state for use in marine fisheries management.

An additional \$3.6 million in federal CARES Act funding has been allocated to Hawai'i fishery participants. Eligibility requirements will generally be the same as the first round of CARES Act funds. Ishida said DAR is in the process of updating the Hawai'i spend plan, which must be reviewed and approved by NOAA, and anticipates applications becoming available in July 2021.

Rice said that he liked the commercial marine vessel license as it helps the charter fishery not be required to have individual licenses for everyone on the boat, including customers. However, HB 1023, which would establish a nonresident recreational fishing license, would affect the charter fleet. Ninety percent of the money coming from those licenses will be coming from the charter fleet because of the inability to identify those nonresidents that conduct fishing from shore. He recommended that when DAR implements the rules that that they involve stakeholders, including charter-boat owners and captains, as part of the process. The charter

fishing industry will have to make accommodations more than anyone else so they want to be involved early in the process to make sure that it is done right and efficiently. Rice said the industry would also like to have input on where the money goes. The revenue from the licenses will go to DAR but the harbors are covered by the Division of Boating and Ocean Recreation (DOBOR). He asked if DOBOR would get funds to improve harbor facilities, seeing that the charter fishery would be contributing most of that funding. He said that the charter fishery does not see where the existing funds are going through the Sport Fish Restoration Program.

Sakoda replied that the point is well taken and said that DAR is hiring a contractor to do an implementation plan and learn from other jurisdictions that have recreational license experiences. He noted that direct meetings with boat operators can be incorporated into the plan. He said that the commercial marine vessel license will cover commercial fishers, not recreational fishing clients. The licenses will be online so charter fishing patrons can purchase the licenses themselves as long as they have internet access. Sakoda also said that DAR will be required to put the funds from the nonresident recreational fishing licenses into the Sport Fish Special Fund. DOBOR has their own source of funding for harbor improvements that comes from commercial-use permits. This source of funding will likely not go toward that, but rather other fishery management projects with input from fishers.

Rice said that the funding needs to be looked at to be equitable to the charter industry. He said that the charter and recreational fishermen should get together to see where the funding could be most helpful to the fisheries.

Muña-Brecht said that Guam could look at Hawai'i's legislation as examples, noting that DOAG cannot do fishing permits, but a commercial license may be an alternative.

Watumura said that there were a lot more missing FADs than what was reported. He said that on Maui, FADs DD, JJ, SO, K, FF, N and NL were missing; on Hawai'i Island, FADs C, D, OT and TT were missing; on O'ahu, FADs R, U, V, T, CO, HH, P, BO, J, and II were missing; and on Kaua'i, BB, DK, Z and WK were missing. He said he understands that the FAD program is waiting for parts from overseas to replace those FADs, but wanted to include those missing FADs as part of the report.

Tosatto noted that a couple of the bills presented were a long time coming and that the adaptability law is one that Guam might want to look at to be able to respond to climate change or new resource extractions and have in the toolbox for management purposes. He offered assistance to DAR for the second round of the CARES Act funding if they needed advice or assistance.

C. Main Hawaiian Islands Deep-Seven Bottomfish Fishery Annual Catch Limits for Fishing Years 2021-23 (Final Action)

Sabater presented the specification for the next three-year ACL for the deep-seven bottomfish fishery in the MHI for Council's final action consideration. He provided a recap of the SSC's review of the stock assessment update and its recommendation at the 139th SSC meeting in March 2021 to retain the 42% risk of overfishing, which corresponds to an acceptable

biological catch (ABC) of 510,000 pounds. The Council at its 185th meeting in March 2021 recommended retaining the 492,000-pound ACL and the in-season AM, which is tracking the catch using the trip level reporting relative to the ACL and closing the federal waters, along with the state closing its waters, when the ACL is projected to be reached. Since then, Council staff had worked with the action team to develop a supplemental EA.

Sabater presented a summary of the supplemental EA. There are no significant impacts on physical resources, since this fishery fishes at depth and is comprised of small vessels. Regarding the target stock, new information from the stock assessment indicate that the stock is still not overfished and is still not experiencing overfishing. While B_{MSY} slightly decreased, biomass increased from 20.3 million pounds to 21.88 million pounds. The uku stock is not overfished, nor experiencing overfishing, and uku as a bycatch in the deep-seven bottomfish fishery is low. Retention of the 492,000-pound ACL would not change the interaction rates for protected resources and that the bottomfish fishery is currently undergoing an ESA Section 7 consultation for oceanic whitetip sharks and giant manta rays. The recommended ACL would not change the potential revenue that could be generated if the ACL is maximized and this level of ACL would continue to provide the highest economic benefit for the deep-seven fishery. Cumulatively, all five parameters are not likely to have any adverse effects on these resources.

Rice said that three of the high-liners from Hawai'i Island have been catching ono and 'ahi instead of bottomfish because of the price being so high. This might help to explain why bottomfish catch has been lower recently.

D. Monitoring and Managing the Hawai'i Uku Fishery

Sabater presented on the monitoring and management of the Hawai'i uku fishery. Existing federal management measures for the uku fishery includes an ACL, a noncommercial fishing permit for BMUS, a prohibition on the use of destructive gear and an at-sea observer requirement if need is determined by the regional administrator. A recent benchmark assessment by Marc Nadon, PIFSC, and colleagues in 2020 showed that the uku stock is not overfished and not subject to overfishing. However, this assessment also included a noncommercial data input rather than a ratio estimator used in the deep-seven stock assessment, and generated a total catch and a total ACL. The SSC accepted it as BSIA after the assessment went through a Western Pacific Stock Assessment Review process.

In September 2020, the SSC set the ABC at a 43% risk of overfishing, corresponding to 297,624 pounds. The Council then recommended an ACL of 294,419 pounds based on a risk of overfishing 2% lower than the ABC at 41%, due to the management uncertainty. The Council also recommended an acceptable catch target (ACT) for the fishery of 291,010 pounds, which lowered the risk of overfishing by 5% to 36%, due to the monthly level reporting. The Council also recommended that the in-season AM be applied to the commercial fisheries only. This AM would be implemented using the Fisher Reporting System (FRS) monthly report to project when the commercial ACT would be reached. A post-season adjustment would be made by comparing the three-year average of commercial catch with the commercial portion of the ACT. No overage adjustment would be made if the catch is above the ACT but below the ACL, whereas a downward adjustment would be applied by the amount of the overage if the catch is above the

ACT and ACL. For evaluation purposes, the FRS commercial data would be combined with the HMRFS noncommercial data to compare the overall fishery performance against the total ACT. However, this method presents issues in monitoring.

Sabater presented a time series of catch from the commercial FRS and compared it to the noncommercial HMRFS catch, noting that the commercial catch is more stable in the last five years before a gradual decline, whereas the noncommercial data has higher variability. Combining the two datasets with the total ACT of 291,010 pounds over time, there is only one year (2012) in which the total catch surpassed the limit. This results in a 10% chance of exceeding the ACT, if the data sets are combined. The commercial FRS reports could experience a two-week delay in estimates due to the monthly reporting. If the catch were split evenly between the two sectors, the commercial FRS data shows that a commercial ACT would not be reached, but the commercial reporting frequency would need to be increased to trip-level reporting similar to the deep-seven bottomfish fishery to reduce uncertainty and provide a timely closure. The noncommercial HMRFS data is expanded by the MRIP and estimates are produced every two months. Assuming the same even split between sectors, there are some years in the historical dataset that the limit would have been reached in the first three to four months, others during the middle of the year and some toward the end of the year. Taking three- or five-year averages can dampen the effects of the fluctuations, but the noncommercial sector ACT would still be exceeded in some scenarios. The issue then is to determine if an in-season approach is needed to track the noncommercial catch of uku to avoid the sudden jumps in data, or whether sector allocation needs to be done at all.

Sabater provided an analysis of uku fishery data from 2003 to 2020 to show the difference in the sector allocations depending on how the data is evaluated, and showed that the shorter the length of time used for the average, the greater the noncommercial sector allocation. Depending on the ratio used, the chance of the commercial fishery exceeding the ACT would be 50 to 60%, whereas the chance of the noncommercial sector exceeding the ACT would be 20 to 30%. However, complementary closure through parallel management with the State of Hawai‘i similar to the deep-seven bottomfish fishery would be needed to lower the risk of exceeding the total ACL. At the 183rd Council meeting, the State of Hawai‘i indicated that it is not interested in closing the noncommercial sector of the uku fishery, so sector allocation could provide for post-season adjustments to be applied separately to each sector. However, the risk of exceeding the total ACL without a sector allocation is lower than either of the sectors alone, so by keeping the fishery to a total ACL would reduce conflict between sectors and reduce the chance of a closure. The state is interested in bag limits rather than an ACL for the noncommercial sector, but that bag limit would need to be calculated and monitored against a total ACL. Sabater asked the Council to provide direction on whether the fishery should be managed as a whole or by sector, and if by sector, what ratio scenario should be used and what management measures should be used to avoid reaching the ACT.

Rice said the 2012 catch was high because the deep-seven bottomfish fishery was closed. This resulted in restaurants and hotels finding out that uku was a good fish to cook and an increase in catch due to the commercial and noncommercial sectors fishing specifically for uku. Now that chefs like uku, more people are targeting that species.

Sakoda said that the state's position is that the uku fishery should be managed as a whole rather than allocated by sector. A lot of the past issues with the variability in the data have been with the HMRFS data. He said that DAR is looking at ways to get more accurate information and the idea behind a noncommercial bag limit is to temper that variability. Regarding trip level reporting, Sakoda said that it may be difficult because uku is caught using many different gear types so compliance will be a challenge. DAR would consider requiring trip level reporting for certain methods, but an alternative approach to improving delayed reporting is to build in that uncertainty into the model when looking at projecting the catch, which would provide a conservative estimate.

Watamura said that the HMRFS data are bothersome and may not be reliable. The commercial catch is believable because he can personally attest to what many bottomfish fishers are doing in the fishery. The commercial catch is more indicative of what the fishery is experiencing. He said that incidences of shark depredation have grown, especially out at the banks where most of the uku is being caught. A lot of fishermen will start fishing for uku, but switch methods and target other species due to depredation. He said that expanding the existing State of Hawai'i bottomfish registry to include uku would allow scientists and managers to have a better pulse on who the fishing universe is and the fishing of both commercial and noncommercial sectors. The next steps would be to ask those fishers on the registry about what they catch and hopefully someday evolve into a mandatory reporting system.

E. Proposed National Marine Sanctuary for the Northwestern Hawaiian Islands

Eric Roberts, PMNM deputy superintendent, provided an overview of NOAA's process to designate the monument as a national marine sanctuary. Historically, NOAA would have waited to engage the Council until it issued a Notice of Intent to initiate the formal National Marine Sanctuaries Act (NMSA) section 304(a)(5) fishing regulation process. Recognizing that the Council is an important partner in sanctuary designation, the presentation was provided as part of the preplanning process to give an overview of how the Council will be incorporated into the overall process. He provided the current boundaries of the PMN, noting the original PMNM from 0 to 50 miles as well as the expansion area designated in 2016 from 50 to 200 miles. There have been several presidential documents, including an EO and proclamation, asking the secretary of commerce to either consider or initiate a process to designate the NWHI as a national marine sanctuary.

Roberts said the law directs NOAA to initiate the process to designate PMNM as a national marine sanctuary and to "supplement and complement rather than supplant existing authorities." He highlighted current restrictions and regulated activities in PMNM specifically relating to fishing and native Hawaiian practices, noting the prohibition on removing or harvesting any living or nonliving monument resources unless otherwise allowed under regulated activities. Commercial lobster harvest and commercial bottomfish fishing was phased out in 2011 and commercial fishing is prohibited in the expansion area. A joint permitting process exists that includes for review and approval from NOAA ONMS, NMFS, USFWS, the State of Hawai'i and the Office of Hawaiian Affairs. Native Hawaiian activities consisting of traditional, customary, cultural, subsistence, spiritual and religious practices are allowed, as they benefit the resources of the NWHI and the native Hawaiian community to support the local vast traditional

knowledge. Any authorized monument resource harvested within the original monument boundary is to be consumed within the same boundary. The proclamation for the monument expansion area allows noncommercial fishing within the area, provided the fish do not enter commerce through sale, barter or trade and that the resource is managed sustainably.

The sanctuary designation process will be done collaboratively and concurrently with the PMNM Management Plan update. A sanctuary designation would be for the marine waters only, not including terrestrial areas, and would build on the monument's current resource protection framework. The comanagement structure and joint permitting process would remain in place. The benefits of a sanctuary designation are that the process: 1) is highly consultative, both for the government partners as well as the broader public; 2) provides for additional consultation requirements for federal agencies conducting activities within the sanctuary; 3) strengthens the permanence outside of the state, Midway Atoll and the Hawaiian Islands National Wildlife waters, being that it is a public process requiring congressional action; 4) would enhance enforcement through additional sanctuary tools and resources, including a civil penalty schedule that would allow violations to be pursued outside of the current limitations associated with the Antiquities Act; and 5) provides the strength in citizen engagement through the allowance of a broader National Marine Sanctuary Advisory Council.

Roberts provided the process under the NMSA section 304(a)(5), noting that NOAA expects to send the Council a formal letter in fall 2021 initiating the process and including sanctuary-specific goals and objectives. The Council will have 120 days to respond and NOAA can continue to coordinate and clarify issues and address questions, while providing preliminary feedback. Within the 120-day period, the Council will be requested to provide a response and may determine MSA regulations are not necessary and recommend that no action be taken; prepare draft fishing regulations; or decline to make a determination with the respect to a need for regulations. If the Council decides to draft fishing regulations, a projected timeline should accompany the recommendation, which does not extend beyond the time needed to designate a sanctuary. The Council action will then undergo a NOAA analysis by the ONMS, NMFS and GCPI, followed by a recommendation to the commerce secretary to either accept or reject the Council's proposal. The secretary will then make a determination of whether the proposed Council actions fulfill the purposes and policies of the NMSA and the goals and objectives of the proposed action. If NOAA accepts the Council's proposed action, fishing regulations may be issued under NMSA, MSA or both. If NOAA rejects the Council's proposed action, the agency will prepare proposed fishing regulations for the sanctuary.

Roberts said that NOAA is currently in the preplanning and early scoping phase, and the next step will be to issue a public Notice of Intent for sanctuary designation and to initiate the 304(a)(5) process with the Council. NOAA anticipates this will happen in fall 2021 and would be available to come back as desired during the December 2021 or any subsequent meeting in a more formal capacity once that process is initiated.

Gerry Davis, assistant regional administrator for the Habitat Conservation Division at PIRO, reported that NMFS is working with PMNM to help manage expectations to improve the partnership between fisheries and sanctuaries in NOAA. He said that the presentation was to provide early coordination and that there is an opportunity to develop a good strategy for

working together to manage expectations. He strongly encouraged the Council to consider that and to think about how they want to define coordinating and moving forward.

Watamura asked if NOAA would be providing a draft proposal to the Council to consider.

Roberts said that the NMSA 304(a)(5) process will initiate the formal consultation, but NOAA is willing to collaborate before that formal letter goes out as well.

Watamura asked what management gaps NOAA is looking to fill with a sanctuary designation.

Roberts said that the benefits mentioned earlier are what they are looking at right now. One of the big pieces is the public engagement and interaction that did not come with the proclamation and declaration. The sanctuary process allows that public process to occur and to engage with the public throughout the process. The Reserve Advisory Council that exists under the reserve does not necessarily translate over to the monument. A sanctuary would provide the ability to create a broader National Marine Sanctuary Advisory Council that could be adapted to what is needed for current times. Another benefit is the congressional action required to create the sanctuary.

Watamura asked what the boundaries of the sanctuary will be and if it would include federal waters, state waters or both.

Roberts said that the boundaries will come out in the public process and through consultations. The public did ask NOAA to look at the entirety of the monument, which includes both the original boundaries out to the expanded area at 200 miles. That is what NOAA will be looking at and a set of proposed alternatives will come through the public process.

Watamura said the monument is presently managed by USFWS, NOAA NMFS, the State of Hawai'i through DLNR and the Office of Hawaiian Affairs, and asked what roles and responsibilities these members would play in the sanctuary designation process.

Roberts said that the process for initiating sanctuary designation will be collaborative with the monument comanagers. The monument management board will be consulted throughout the process and they will be just as involved in the designation process as they are under the current monument management plan.

Tosatto said that the sanctuary designation would not remove the monument structure. ONMS would be implementing the sanctuary, if designated. The monument would still exist, but NOAA would be in charge of their portion of the monument as well as the sanctuary aspect, similar to how USFWS is in charge of the refuges in the NWHI. He said that there are two management gaps in fisheries management in the area, including the prohibition of commercial fishing in the expansion area. The Council was asked to consider taking action to prohibit commercial fishing and that has not taken place yet and the secretary has not taken action outside of the Council process. The other management gap is within the original monument area, where

a number of aspects within the Council's FMPs might need housekeeping or true management change to make sure it is living up to the objectives. He said NMFS is looking to close any gaps in existing regulations to foreclose those activities that are no longer authorized.

Rice asked for clarification on the need for the Council to prohibit commercial fishing as he thought it was unnecessary because it was prohibited by the proclamation.

Tosatto said that the president, in the proclamation, directed the commerce secretary to prohibit commercial fishing. Commensurate with that, NMFS requested the Council consider action some time ago and the Council has failed. If the Council continues to fail, secretarial action under the MSA is an option. The NMSA section 304(a)(5) process allows the Council to weigh in and if the Council chooses that it does not see taking MSA action to prohibit commercial fishing in a sanctuary area, secretarial action could be taken in absence of Council action.

Simonds said that after the 2016 monument expansion, there was an opportunity to engage with fishermen and with the Hawaiian community about fishing in the expanded area. The Council did that with meetings on customary exchange, but did not get much traction. Now that the expansion is final and challenges have been exhausted, the Council will deal with the obligations. Simonds said that the expansion allows noncommercial fishing and asked what can be allowed in the zero to 50-mile area of the NWHI, and if indigenous people would be able to fish and bring back fish to their families, and if things have to stay the same as they are currently in that area.

Roberts said that is a tough question and that the Council will have an opportunity to propose regulations for the entire sanctuary and that the sanctuary could include both the original monument and the expanded area. The Council can explore that during the process and propose what it thinks would be the right set of regulations for the proposed sanctuary.

Rice said that there are owners of larger vessels that can stay out for days and would like to have the opportunity to fish noncommercially in the NWHI, particularly in the three to 50-mile area, rather than in the 50 to 200-mile area.

Tosatto said that whatever the Council recommends would be analyzed through the lens of the proclamations and the proclamations would still bind. Those are the strictest rules and it would not be fruitful for the Council to recommend commercial fishing in the expanded area because the proclamation prohibits it. The Council needs to look at the findings for permitted activities and the constraints, including the consumption within the boundaries and there might be ways to work throughout.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Gil Kualii, Hawai'i AP vice chair, presented the AP report and recommendations.

Regarding the MHI deep-seven bottomfish, the Hawai‘i AP recommended the Council roll over the 492,000-pound ACL.

Regarding the MHI uku fishery, the Hawai‘i AP supported managing the uku fishery as a whole under the ACL and ACT. Sector allocation will create a user-conflict in the uku fishery. The current monitoring and enforcement are not up to par with the requirements of the sector-based management.

2. Archipelagic Plan Team

Jones, APT Chair, presented the APT report and recommendation.

Regarding the monitoring and management of the MHI uku fishery, the APT recommended the Council work with PIRO and the State of Hawai‘i to evaluate the need and options for implementation of sector allocation and the associated in-season monitoring, and other CMMs to manage the uku fishery.

3. Fishing Industry Advisory Committee

Goto, FIAC chair, presented the FIAC report and recommendations.

Regarding the MHI deep-seven bottomfish ACL specification, the FIAC supported the Council recommendation specifying the ACL at 492,000 pounds, corresponding to the 39 to 40% risk of overfishing and the in-season AM for fishing years 2021-22, 2022-23 and 2023-24.

Regarding Hawai‘i-passed legislation, the FIAC recommended the Council encourage DAR to prioritize and put in place the new vessel license rule through the Chapter 91 rulemaking process.

4. Non-Commercial Fishing Advisory Committee

Sensui, NCFAC chair, presented the NCFAC report and recommendation.

Regarding the MHI uku ACLs, the NCFAC recommended the Council manage the Hawai‘i uku fishery ACL as a whole rather than split by sectors.

Sensui said that there is high variability in the noncommercial catch rates, making it difficult to conduct active monitoring for an ACT. Keeping it as a single managed unit would prevent possible conflicts between the two sectors and make it more practical to accurately track the catch.

5. Scientific and Statistical Committee

Hospital, SSC member, presented the SSC report and recommendations.

Regarding the monitoring and management of the MHI uku fishery, given the robust status determination (neither overfished nor is overfishing occurring) from the recent benchmark assessment, the SSC recommended that the Hawaiian uku be managed as a single stock. If the Council decides to manage the commercial and noncommercial sectors separately, the SSC recommends that PIFSC conduct a risk assessment and include characterizing the size-frequency and selectivity of the two sectors and specifically address the data issues from the noncommercial sector to support the risk analysis.

G. Public Comment

There was no public comment.

H. Council Discussion and Action

Regarding the MHI deep-seven bottomfish ACL specification, the Council reviewed the supplemental EA and recommended NMFS implement the 492,000-pound ACL with an in-season AM for fishing years 2021-22, 2022-23 and 2023-24. Further, the Council directed staff to transmit the supplemental EA to NMFS for review and implementation.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the 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 chair 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 chair 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.

Moved by Rice; seconded by Gourley.
Motion passed with Tosatto abstaining.

Regarding the monitoring and management of the MHI uku fishery, the Council recommended an in-season AM that tracks the commercial catch using the monthly FRS combined with the bimonthly wave estimates from MRIP. The total commercial and noncommercial catches will be compared against the total ACL and ACT of 295,419 pounds and 291,010 pounds, respectively.

The Council requested NMFS PIFSC to develop a method that determines the date when the ACT is projected to be reached using the combined FRS and MRIP data to allow for a timely closure of the federal waters.

The Council requested NMFS PIFSC to conduct a management strategy evaluation of the uku fishery to quantify the risk in managing the fishery jointly versus using sector allocation and to determine the effects of incongruent objectives between state and federal management.

The Council requested the Hawai'i bottomfish principals to work on the uku management measures that are consistent with the deep-seven bottomfish management.

Tosatto asked for clarification on whether the AM was included to indicate a preference or if the Council would be recommending action.

Sabater said that final action would be taken in September 2021, so the intent of this recommendation would be to indicate a preference prior to final action.

Tosatto said that conducting a management strategy evaluation is not a low resource effort. There is a PIFSC staff that is focused on this evaluation, but this could be a big ask, and PIFSC would have to take a look at what it is capable of doing to see if it is viable.

Sabater said this recommendation stems from the SSC's discussion and staff has coordinated with the PIFSC staffer to further refine the language of the recommendation.

Moved by Rice; seconded by Gourley.
Motion passed.

Regarding Hawai'i passed legislation, the Council encouraged DAR to prioritize and put in place the new vessel license rule through the Chapter 91 rulemaking process.

Sakoda said that this is on DAR's priority list and the agency has no problem with the recommendation.

Moved by Rice; seconded by Gourley.
Motion passed.

Regarding Hawai'i-sourced seafood production, the Council requested NMFS PIFSC further quantify the impacts of foreign imports on local fish supply and demand, noting the current situation has near-zero imports of foreign fish coming into the Hawai'i market and the stable high prices of locally caught fish, and to report back to the Council at its September 2021 meeting.

Moved by Rice; seconded by Gourley.
Motion passed.

XIII. Administrative Matters

A. Financial Reports

Simonds reported that the Council did not receive funding in 2021 for the high school summer course and the SAFE report coordinator, and that funding for the U.S. Pacific Islands Fishery Capacity-Building Scholarship program had been reduced from \$50,000 to \$25,000. The total reduction of funding was \$117,500. Projects such as the scholarship program are part of the capacity-building shared between PIRO, PIFSC and the Council. Simonds referred to the multi-year, coral reef, protected species, sustainable fisheries and turtle programs included in the briefing materials and noted staff was available for questions.

Soliai reiterated the importance of additional funding for the scholarship program and its importance to the territories and for capacity-building.

B. Administrative Reports

Simonds said the Council hired Maria Carnevale May 15, 2021 as the NEPA coordinator. Carnevale previously worked as the comanager for PMNM and was the acting state comanager for the Hawaiian Islands Humpback Whale Marine National Sanctuary with the State of Hawai‘i.

The 2019 audit has been completed and the Council is starting on the 2020 audit. The Council is also expecting a draft report from the Office of Inspector General from the audit that started in November 2019.

Regarding recent FOIAs, the Council received a request from Nathan Eagle at *Civil Beat* for all e-mails related to the PMNM or its expansions for the years 2014 and 2016. The second request came to NMFS from the Center for Food Safety for all communications regarding the Aquaculture PEIS from the year 2016 to present.

Simonds noted that the Council renegotiated the Honolulu office lease for another five years.

C. Report of the Council Coordination Committee Meeting

Soliai identified key action items from last CCC meeting which included coordination on the ESA consultations, the establishment of the Area-Based Management Subcommittee to address the EO mandates and the draft NS1 Technical Guidance Memorandum for data-limited stocks and other subcommittee activities. The Council Member Ongoing Development was endorsed by the CCC and Eric Reid from the New England Fishery Management Council was appointed chair.

D. Council Family Changes

DeMello reported the NCFAC wanted to include five new members. The Hawai‘i AP vice chair requested the Council appoint Cody Schroeder as an alternate member and also proposed removing Michael Lee and adding him to the FIAC. The American Samoa AP vice chair requested the Council appoint Ilaoa as an alternate member. For the PPT, the staff

requested Stephanie Dukes be removed as she is no longer with NMFS and to replace her with SFD staff Lynn Rassel.

Dueñas proposed a change to the Guam AP for the removal of Al Yanger as an alternate member and solicit his replacement. Yanger has relocated off island for work.

E. Meetings and Workshops

Simonds reported the 141st SSC meeting will be held the week of Sept. 14, 2021, and that the 187th Council meeting will be the week of the Sept. 20, 2021. The CCC meeting is scheduled to be in person Oct. 19-21, 2021, in Monterey, California. The Executive Committee will be discussing this summer whether the 142nd SSC meeting in November 2021 and 188th Council meeting in December 2021 will be held in-person, but for now all meetings will be virtual.

Simonds reported that staff sent a letter to the Biden Administration to remove fishing prohibitions in response to the Council's March 2021 recommendation, and included a recommended to allow fishing from 50 to 200 miles around Johnston and Wake Atoll, and Jarvis Island. The letter is included in the briefing materials.

F. Standing Committee Report and Recommendations

Soliai referred to the briefing materials for further information and that the report included the prior agenda items discussed.

G. Public Comment

There were no public comments.

H. Council Discussion and Action

Regarding Council family changes, the Council appointed the following people to the NCFAC:

- **Lee Alameida**
- **Alex Castro, Jr.**
- **Wayne Pangelinan**
- **Leonard Yamada**
- **Brian Yoshikawa**

The Council removed Michael Lee as a member of the Hawai‘i AP and appointed him to the FIAC.

The Council appointed Cody Schrader to the Hawai‘i AP as an alternate member.

The Council appointed Nate Ilaoa to the American Samoa AP as an alternate member.

The Council removed Stefanie Dukes from the PPT and replaced her with Lynn Rassel.

The Council removed Al Yanger from the Guam AP and directed staff to solicit for a replacement.

Moved by Rice; seconded by Dueñas.

Motion passed.

Regarding operations, finances, personnel and policies, the Council endorsed the 186th Council meeting financial and administrative reports as provided by staff.

The Council recommended NMFS restore funding for the Council’s undergraduate and graduate student scholarship program, high school summer course program, Territorial Science Initiative and annual SAFE report coordinator.

The Council directed staff to update personnel procedures to incorporate employee criteria to allow staff that meet retirement requirements to request once per annum distribution of half of their accrued sick leave.

The Council directed staff to finalize the draft Financial Management System and Guidance document putting in practice award controls and procurement procedures.

Moved by Rice; seconded by Dueñas.

Motion passed.

XIV. Other Business

Soliai thanked Tosatto and NMFS for releasing the American Samoa Longline Limited Entry Program per the modifications.

The Council recognized Watamura and Dueñas as they will be completing their term before the next Council meeting.

[Meeting adjourned.]