



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

ACTION MEMORANDUM

186th Council Meeting

June 21-24, 2021

Via Webex from Honolulu, Hawaii

AGENCY REPORTS

Regarding the Marianas Trench Monument Advisory Committee, the Council

1. Requested USFWS and NMFS extend the public comment period on the Mariana Trench Monument Management Plan (MTMMP) until the Marianas Trench Monument Advisory Committee (MTMAC) is reconstituted and reaches out to the community for comments.

Regarding the Enforcement report, the Council

2. Requested NMFS General Counsel (GC) Enforcement Section to follow-up with the Council and NMFS PIRO on status of settlement funds to be deposited into the Western Pacific Sustainable Fisheries Fund (SFF) resulting from fines on a Republic of Marshall Islands vessel due to an illegal incursion inside the US EEZ around Howland and Baker.



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PELAGICS & INTERNATIONAL FISHERIES

Regarding 2022 US Participating Territory Bigeye Specifications, the Council:

1. Recommended setting a catch limit of 2000 mt for each US Participating Territory, with a 1500 mt transfer limit from any US Participating Territory to US vessels permitted under the Fishery Ecosystem Plan (FEP) and operating under approved specified fishing agreements; and limiting total transfers to 3000 mt.

Regarding Multi-Year Participating Territorial Specifications, the Council:

2. Directed staff to proceed with finalizing an FEP Amendment framework setting multi-year US Participating Territory catch and allocation specifications for pelagic management unit species.
3. Directed staff to develop a preliminary preferred alternative requiring no catch limits of bigeye tuna for US Participating territories and allowing each territory to specify up to 1,500 mt of bigeye tuna to be allocated from each US Participating Territory to US vessels permitted under the FEP and operating under specified fishing agreements, for fishing years 2023 to 2026. This is recognizing a new WCPFC Conservation and Management Measure for Tropical Tunas is likely beginning 2022 and stock assessment for WCPO bigeye tuna are expected in 2023 and 2026.

Regarding Gear and Release Requirements in the Longline Fisheries, the Council:

4. Recommended the following regulatory amendments to improve post-hooking survivorship of oceanic whitetip sharks:
 - a. Prohibit wire leaders in the Hawaii 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 1 meter of the hook on any longline vessel, or below the weighted swivel in the Hawaii 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 Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs

Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

5. Recommended that observer data on leader material used in the Hawaii 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.
6. Recommended Pacific Island Regional Observer Program (PIROP) considers 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.

Regarding Potential Management for the Western and Central Pacific Silky Shark Under MSA 304(i) Obligations , the Council:

7. Recognized that the prohibition of wire leaders in the Hawaii 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.
8. Directed staffs to write a letter to NMFS and the US 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.
9. Recommended NMFS and the US State Department to encourage the reduction of fishing mortality of silky sharks, especially juveniles, resulting from object-associated purse seine fishing effort.

Regarding Monterey Bay Aquarium Seafood Watch Evaluation of Hawaii Longline Fisheries, the Council:

10. Directed staff to write a letter to Monterey Bay Aquarium Research Institute (MBARI) asking for an opportunity to evaluate the current Seafood Watch Scoring for the fishery, noting some of the scores pertaining to non-target catch and management may not reflect the fishery accurately, as well as opportunities for advance review of any future evaluations of Council-managed fisheries.



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PROTECTED SPECIES

Regarding Draft Tori Line Specifications for the Hawaii Deep-set Longline Fishery, the Council:

1. 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 non-regulatory guidelines. The Council directed staff to refine the draft specifications and non-regulatory design guidance for inclusion in the Council action to revise seabird mitigation measures at a future meeting.

Regarding the Proposed Coral Critical Habitat Designation, the Council:

2. Directed staff to address the critical habitat issues in the letter to the Biden Administration regarding EO 13985.

Regarding False Killer Whales, the Council:

3. Requested NMFS PIRO to provide a presentation on the weak hook study results at the September SSC and Council meetings.
4. 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 (FKW) research.



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AMERICAN SAMOA FISHERIES

Regarding the American Samoa Bottomfish Rebuilding Plan, the Council:

1. Directed staff to add the 5,000 lb Annual Catch Limit (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 lb ACL in the Environmental Assessment. The Council will review the EA for final action at the 187th meeting in September 2021.
2. Encouraged the Department of Marine and Wildlife Resources (DMWR) to complete the Territorial Bottomfish Fishery Management Plan and the Community Development Plan (CDP) for presentation at the 187th meeting in September 2021.

Regarding American Samoa Fisheries Issues, the Council:

3. Requested DMWR to support the fishermen by constructing a boat ramp on the Far East Side (between Fagaitua and Breaker's Point) and far West Side (Leone).
4. Requested DMWR to report on the status of the boat repair infrastructure that affects the repair of fishing vessels preventing fishermen from fishing.

Regarding the American Samoa Marine Conservation Plan (MCP), the Council

5. Directed staffs to write to the Governor of American Samoa indicating the Council's review and concurrence with the MCP at its 186th meeting and requests the Governor provide the MCP to NMFS for approval.



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MARIANA ARCHIPELAGO FISHERIES

Regarding the Guam Bottomfish Rebuilding Plan, the Council:

1. Selected Alternative 4 that implements an Annual Catch Limit (ACL) of 31,000 lb that would rebuild the stock in eight years (T_{target}) an in-season accountability measure and a higher performance standard to rebuild the stock to BMSY. The T_{min} and T_{max} are two and ten years, respectively. The ACL shall provide the highest level of catch to rebuild the stock in the shortest time practicable and prevents overfishing at 41 percent 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).
2. Alternative 4 includes an in-season accountability measure 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 towards 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 Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council the Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.



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PROGRAM PLANNING & RESEARCH

Regarding National Standard 1 (NS1) Technical Guidance memorandum on data limited stocks, the Council:

1. Directed staff to draft the comment letter based on the SSC review of the draft NS1 Technical Guidance memo on data limited stocks and submit the comments to NMFS Office of Sustainable Fisheries prior to the October 1, 2021 deadline; and
2. Directed staff to convene a workshop with the territories, in collaboration with NMFS, on the application of the NS1 Technical Guidance for data-limited stocks to the Western Pacific management unit species.

Regarding the Draft Electronic Monitoring (EM) Procedural Directive on Applying Information Law, the Council:

3. Directed staff to draft comments responding to the procedural directive prior to the July 15 deadline, including a request to NMFS to clarify whether FOIA requests for EM data would include release of video imagery.

Regarding the Standardized Bycatch Reporting Methodology (SBRM) review, the Council:

4. Directed staff to work with PIRO Sustainable Fisheries Division (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.

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

5. Endorsed the Archipelagic and Pelagic Plan Team 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 non-commercial fishery modules; 4) revision of the Essential Fish Habitat (EFH) module; and 5) inclusion of the longline bycatch data from the Observer Program; and the Plan Teams are to report back to the Council on the status of the actions at the September meeting.
6. Directed the Social Science Planning Committee (SSPC) to work with the Advisory Panels (AP) to explore conducting periodic check-ins with the fishing communities to provide information for the Fishery Observations Section of the Annual SAFE Report.

Regarding fishery data collection, the Council:

7. Endorsed the FDCRC Technical Committee recommendations for improvements in the data collection systems: 1) increasing the resolution of the type of fishing activity in the Hawai'i Marine Recreational Fishing Survey (HMRFS) data collection; 2) development of a fisherman registry; and 3) adoption of Catchit Logit by the territorial agencies; and the Technical Committee is to report back to the Council on the status of the actions at the September meeting;
8. Requested Marine Recreational Information Program (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 requests MRIP to determine the feasibility of HMRFS to increase the frequency of catch interview surveys to allow for increased coverage; and
9. 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.

Regarding the changes to the Bottomfish Management Unit Species (BMUS) complex and feasibility of an archipelagic wide assessment, the Council:

10. Directed staff to work with the Plan Team working group composed of staff from Fishery Research and Monitoring Division, Ecosystem Science Division, territory and state agencies, PIRO Plan Team 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;
11. After the development of the new BMUS list, the Council directed staff to work with the Plan Team working group to evaluate the available information for the new BMUS list and determine the feasibility of conducting an archipelago-wide assessment in the Marianas; and
12. Directed staff to work with the Plan Team working group to develop an options paper for revising the territory BMUS list and present the options paper at the December 2021 Council meeting.

Regarding Social Science Planning and Research, the Council:

13. Endorsed the SSPC recommendations for improving the integration of socioeconomic considerations in Council actions: 1) include socioeconomic expertise in the ROA/Action Team process; and 2) request PIFSC to explore potential for updating community profiles; and the SSPC is to report back to the Council on the status of the actions at the September meeting.
14. Endorsed the following emerging socio-economic 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 impacts and resilience/adaptation to future natural or social disasters; and the SSPC is to report back to the Council on the status of the actions at the September meeting.

Regarding Biden Administration EO 13985 and 14031

15. 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 identifies barriers to providing equity, justice and opportunity to the underserved communities of the Western Pacific Region.



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HAWAII ARCHIPELAGO AND PRIA FISHERIES

Regarding the Main Hawaiian Islands Deep 7 bottomfish annual catch limit specification, the Council:

1. Reviewed the Supplemental Environmental Assessment and recommends NMFS implement the 492,000 lb Annual Catch Limit (ACL) with an in-season accountability measure for fishing years 2021-22, 2022-23, and 2023-24. Further, the Council directs staff to transmit the Supplemental Environmental Analysis to the National Marine Fisheries Service 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 Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Regarding the monitoring and management of the Main Hawaiian Island uku fishery, the Council:

2. Recommended an in-season accountability measure that tracks the commercial catch using the monthly Fishery Reporting System combined with the bi-monthly wave estimates from the Marine Recreational Information Program. The total commercial and non-commercial catches will be compared against the total ACL and Annual Catch Target (ACT) of 295,419 lbs and 291,010 lbs, respectively.
3. Requested NMFS PIFSC to develop a method that determines the date when the ACT is projected to be reached using the combined Fisher Reporting System (FRS) and MRIP data to allow for a timely closure of the federal waters.
4. Requested NMFS PIFSC to conduct a Management Strategy Evaluation (MSE) 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.

5. Requested the Hawaii Bottomfish Principals to work on the uku management measures that are consistent with the deep 7 bottomfish management.

Regarding Hawaii passed legislation, the Council:

6. Encouraged the State of Hawaii Division of Aquatic Resources (DAR) to prioritize and put in place the new Vessel License rule through the Chapter 91 rulemaking process.

Regarding Hawaii-sourced seafood production, the Council:

7. Requested NMFS PIFSC further quantify the impacts of foreign imports on local fish supply and demand, noting that the current situation has near-zero imports of foreign fish coming into the Hawaii market and the stable high prices of locally-caught fish, and to report back to the Council at its September 2021 Meeting.



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ADMINISTRATIVE MATTERS

Regarding Council Family Changes, the Council:

1. Appointed the following people to the Non-Commercial Fishing Advisory Committee (NFAC):
 - a. Lee Alameida
 - b. Alex Castro, Jr.
 - c. Wayne Pangelinan
 - d. Leonard Yamada
 - e. Brian Yoshikawa
2. Removed Michael Lee as a member of the Hawaii Advisory Panel (AP) and appoints him to the Fishing Industry Advisory Committee (FIAC)
3. Appointed Cody Schrader to the Hawaii AP as an alternate member
4. Appointed Nate Ilaoa to the American Samoa AP as an alternate member
5. Removed Stefanie Dukes from the Pelagic Plan Team and replaces her with Lynn Rassel
6. Removed Al Yanger from the Guam AP and directs staff to solicit for a replacement

Regarding operations, finances, personnel and policies, the Council:

7. Endorsed the 186th Council Meeting financial and administrative reports as provided by staff.
8. 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.
9. 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.
10. Directed staff to finalize the draft Financial Management System and Guidance document putting in practice award controls and procurement procedures.