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MANAGEMENT  
COUNCIL

MEMORANDUM

August 13, 2021

TO: Interested Parties

FROM: *Kitty M. Simonds*  
Kitty M. Simonds

SUBJECT: Summary of Action Items for the 187th Meeting of the Western Pacific Regional Fishery Management Council

1. **Standardized Bycatch Reporting Methodology & Fishery Ecosystem Plan Amendments for Updating Consistency**
2. **Options for Revising Seabird Mitigation Measures in the Hawaii Deep-set Longline Fishery**
3. **American Samoa Bottomfish Management Unit Species Rebuilding Plan**
4. **Specifying Annual Catch Limits for the Main Hawaiian Island Uku Fishery**

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The 187th meeting of the Western Pacific Regional Fishery Management Council will convene September 21-23, 2021, by web conference (WebEx) with host sites at the following locations:

- Tedi of Samoa Building, Suite 208B, Fagatogo Village, American Samoa
- Cliff Pointe, 304 W. O'Brien Drive, Hagatña, Guam
- BRI Building, Suite 205, Kopa Di Oru St. Garapan, Saipan, CNMI

The WebEx link is <https://tinyurl.com/187CouncilMtg> (if prompted, enter event number: 177 946 5402; password: CM187mtg).

The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments on final action items should be received by the Council's executive director by 5 p.m. (HST), Friday, September 17, 2021, by postal mail, fax or email as indicated below.

Instructions for connecting to the WebEx and providing oral public comments during the meeting will be posted on the Council website at <https://www.wpcouncil.org/event/187th-council-virtual-meeting>.

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## Summary of Action Items at the 187th Council Meeting

### **1. Standardized Bycatch Reporting Methodology & Fishery Ecosystem Plan Amendments for Updating Consistency (Final Action)**

In 2017, the National Marine Fisheries Service (NMFS) published a final rule providing guidance on the requirement of the MSA that all fishery management plans (FMPs), with respect to any fishery, establish a standardized bycatch reporting methodology (SBRM) to assess the amount and type of bycatch occurring in a fishery. The final rule establishes requirements and provides guidance to regional fishery management councils and the U.S. Secretary of Commerce regarding the development, documentation and review of such methodologies, and requires that all FMPs be consistent with the new guidance by February 2022. Council staff, in coordination with NMFS, conducted a review of the Council's five Fishery Ecosystem Plans (FEPs) for consistency with the new guidance.

The Council at the 186<sup>th</sup> meeting in June 2021 received a report of the consistency review, which concluded that housekeeping amendments to the FEPs are warranted to update the SBRM tables with the current primary fishery data collection methods for each fishery and remove identification of SBRMs from fisheries that target Ecosystem Component species, and add explanations of how the SBRMs meet the purpose as defined in the 2017 final rule. The Council took initial action recommending that staff work with the Pacific Islands Regional Office (PIRO) Sustainable Fisheries Division to develop an 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.

The Council at its 187<sup>th</sup> meeting will consider final action on the omnibus amendment.

### **2. Options for Revising Seabird Mitigation Measures in the Hawaii Deep-set Longline Fishery (Initial Action)**

The Council at the 184<sup>th</sup> Meeting in December 2020 directed staff to initiate development of a regulatory amendment to evaluate options for allowing the use of tori lines (also known as bird scaring lines or streamer lines) in lieu of blue-dyed bait and removing the strategic offal discharge requirement in the Hawaii deep-set longline fishery, and schedule further action when the results of a second tori line field trial was available.

Two field trials to develop and test tori lines in the Hawaii deep-set longline fishery were conducted in 2019-2021 under a joint Cooperative Research Project by the Council, Hawaii Longline Association, NMFS Pacific Islands Fisheries Science Center (PIFSC) and PIRO. The studies show that tori lines are significantly more effective in preventing longline gear interactions with black-footed and Laysan albatrosses than blue-dyed bait, which is currently required as part of the seabird interaction mitigation measures implemented under the Council's Pelagic FEP. Discharge of offal and spent bait is also required under the existing measures, but available information suggest that this practice may increase interactions over time by attracting more seabirds to the fishing vessels.

The Council at the 187<sup>th</sup> Meeting will consider initial action on the regulatory amendment, and may provide further direction to prepare the regulatory amendment for final

action at the December 2021 Meeting or another future meeting. The purpose of the action is to modify the seabird mitigation measures for the Hawaii deep-set longline fishery to reflect the results of the recent cooperative research and the best available scientific information, and to improve the overall operational practicality and mitigation efficacy of the required measures. The Council will consider the following options:

- 1) Status Quo/No Action – Continue managing the Hawaii deep-set longline fishery under existing seabird interaction mitigation measures
- 2) Allow use of tori lines in the Hawaii deep-set longline fishery as a third option
- 3) Replace blue-dyed bait with tori line in the required measures for the Hawaii deep-set longline fishery
- 4) Modify strategic offal discard requirement in the Hawaii deep-set longline fishery

### **3. American Samoa Bottomfish Management Unit Species Rebuilding Plan (Final Action)**

In February 2020, NMFS informed the Council about the change in stock status for the American Samoa bottomfish management unit species complex from not overfished and not subject to overfishing to overfished and subject to overfishing. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) and National Standard 1 requires the Council to develop a rebuilding plan and submit the amendment package within 15 months from notification. This is the first rebuilding plan for American Samoa. For one year, the Council has worked with NMFS and the territory of American Samoa to develop a rebuilding plan to comply with MSA section 304(e)(3) and implementing regulations at 50 CFR 600.310(j)(2). An interim catch limit was implemented in the American Samoa bottomfish fishery through an interim measure emergency rule making to curb the impact of the change in stock status and sudden drop in the annual catch limit (ACL) (85 FR 73003, Nov. 16, 2020). This level of catch is 13,000 pounds, with the possibility of extension if this is not reached.

The biomass projection is now based on the most recent catch data in the American Samoa FEP Annual Stock Assessment Fishery Evaluation (SAFE) Report published in June 2021. The catch for 2020 was below the interim catch limit and is no longer based on an estimate as it was done in the January 2021 projection.

The Council at its 187<sup>th</sup> meeting will consider taking final action on the American Samoa Rebuilding Plan and will consider the following alternatives:

- 1) Status quo – continue to utilize an ACL of 13,000 pounds with an in-season accountability measure (AM).
- 2) Implement an ACL of 1,500 pounds with an in-season AM and higher performance standard that would close the federal waters until measures are in place to control the additional source of fishing mortality. If the total catch is maintained below this level, the bottomfish stock will be rebuilt in 9 years.
- 3) Apply a temporary moratorium on bottomfish fishing in federal waters. If the territory is able to apply a similar moratorium in territorial waters, the bottomfish stock will be rebuilt in 8 years.
- 4) Implement an ACL of 5,000 pounds with an in-season AM and higher performance standard that would close the federal waters until measures are in place to control the additional source of fishing mortality. If the total catch is maintained below this level, the bottomfish stock will be rebuilt in 10 years

#### **4. Specifying Annual Catch Limits for the Main Hawaiian Island Uku Fishery (Final Action)**

At the 183<sup>rd</sup> meeting in September 2020, the Council selected a preliminary preferred alternative and recommended to set an Annual Catch Target of 291,010 lbs at 36 percent risk of overfishing for fishing year 2022 to 2025. The Council also directed staff to convene an Action Team to develop the accountability measures to explore the in-season AM applied only to the commercial fishery in federal waters. This would track catch using the fisher monthly reports and close both the commercial and non-commercial uku fishery if the commercial limit is projected to be reached. Another AM is the post-season adjustment to reduce the ACL and annual catch target (ACT) if the ACL is exceeded by the amount of the overage. No post-season adjustment of only the ACT is breached. Part of the post-season AM is the monitoring of the overall fishery performance by combining the commercial and non-commercial uku catches in the previous fishing year and compare that with the total ACT and ACL.

At the 186<sup>th</sup> meeting in June 2021, the Council received a presentation from staff on the results of the analysis. With proper application of the in-season AM, the Council may consider allocating the total ACT to the commercial and non-commercial sector and apply the in-season monitoring. However, the consequences of sector allocation outweighs the benefits in that it may create user conflicts, the bi-monthly wave data from the non-commercial data collection is highly variable, and the State of Hawaii does not support the closure of the non-commercial fishery. The Council thus recommended managing the commercial and non-commercial fishery in its entirety and apply the in-season AM.

At the 187<sup>th</sup> meeting in September 2021, the Council will consider taking final action on the ACL specification and review the effects analyses of the preliminary preferred alternative. Upon review of the effects analyses, the Council may reiterate its previous recommendation of an ACT of 291,010 lb at 36% risk of overfishing with an in-season AM and post-season adjustment for fishing year 2022-2025, or may select another alternative.