



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

Pelagic and International Standing Committee Meeting
Monday, September 19, 2022
8:30 a.m. – 11:30 a.m.
Hybrid Meeting

MEETING REPORT

Roger Dang, chair, opened the meeting at 8:42am. Members in attendance were Dang, Archie Soliai, McGrew Rice, Sarah Malloy, Colin Brinkman (virtual). Also in attendance were Manuel Duenas, Judy Guthertz, Kitty Simonds, Mark Fitchett, and Asuka Ishizaki.

Non-member sign-ins (for the record; no need to list in report): Dawn Golden, Rebecca Walker, Marlowe Sabater, Eric Kingma

1. Status and Review of the Hawaii Deep-set and American Samoa Longline Fishery Biological Opinions

Dawn Golden, PIRO Protected Resources Division, provided a status update on the Hawaii deep-set longline (DSLL) and American Samoa longline (ASLL) fishery draft biological opinions (BiOps). Both consultations are expected to be completed in early 2023. In the interim, NMFS will issue a supplement to the 2014 DSLL BiOp focusing on oceanic whitetip shark and giant manta rays by September 30, 2022, and a supplement to the 2015 ASLL BiOp for the same two species by October 30, 2022. Due to the timeline of the supplemental BiOps, the Council will not be receiving a draft review, but PIRO plans to provide drafts of the full BiOps for detailed review at a later time.

Soliai asked if the dates on the supplements are firm. Golden responded that the dates are set in stone; the DSLL draft BiOp has been returned from GC and will be completed by Sept 30, and the ASLL is on track to be completed by Oct 30.

Duenas asked if there has been any studies to evaluate the effectiveness of WCPFC measure to prohibit landing of oceanic whitetip sharks. Duenas also expressed concern about giant manta ray populations in the coastal areas and potential impact of the listing on coastal communities, noting equity and environmental justice issues for small island communities. Golden responded that PIRO has incorporated all available information on the populations, and will continue to review new information as they become available.

Rice asked if the giant manta ray is the same species that are the target of swim-with tours off Kona. Golden responded that her understanding is that most of the animals closer to shore are primarily reef manta rays with occasional giant manta rays, and noting the two species do have overlap in the nearshore environment.

2. Opportunities for Fishery Development for US Pacific Territories

Council staff presented on fishery development opportunities for the US Pacific Territories, including exploratory fisheries (monchong in CNMI and swordfish in American Samoa). Monchong do not have a directed fishery in the Marianas and have ideal habitat. They also have a relatively high price point in the archipelago. The Council's Marine Conservation Plans (MCPs) are up for review in the next year. The MCPs capture many projects to facilitate fishery infrastructure, research, market development, and capacity building for the territories.

Simonds noted that the issue with developing an American Samoa swordfish fishery has been transportation of flying fish out of the island. Simonds also noted that lack of steady-stream funding is a major issue for fishery development in the region as demonstrated by challenges of maintaining infrastructure and continuing projects such as ice production and data collection, and cautioned the Council investing in infrastructure projects given past experiences.

The standing committee discussed avenues for fishery development in the region, including ensuring fishing community involvement in the development of the Marine Conservation Plans (MCPs), utilizing Saltonstall-Kennedy (S-K) grants, potential for using FADs to increase mahi mahi production, and seeking opportunities to the cold storages available in the Hawaiian Airlines hangar.

The Executive Director reminded the standing committee that the Governor of CNMI had circulated the MCPs and that Guam should use that model. The Council is willing to help Guam fishing communities to be involved in the MCP revision coming up this next year.

3. US Commitments through South Pacific Tuna Treaty

Colin Brinkman, State Department, and Council Chair Archie Soliai discussed commitments the US has made as part of the Forum Fisheries Agency (FFA) Economic Assistance Agreement (EAA) to Pacific Island nations. Vice President Harris reported the US was prepared to allocate the \$60 million per year for 10 years to the FFA EAA. Priorities are combatting IUU fishing, climate change, and plastic pollution. There has not been specific progress on the Tuna Treaty.

Soliai asked about the timelines for the EAA this year. Brinkman noted that there was the previously committed \$21 million for 2022, but the ten year agreement will be starting after appropriations for the next year. Soliai said that discussions on financial assistance are often contentious.

Soliai reported on the recent trip to Kiribati in which the South Pacific Tuna Treaty was negotiated. While he is not privy to the discussions of a working group drafting an MOU for the Treaty annex text, he noted there has been some small progress. The annex text seems to be 'acceptable' to the industry and industry is satisfied with how things are proceeding and they await a working group on drafting the Tuna Treaty MOU. The delegation noted the need to have one-on-one meetings and to engage with more frequency.

Brinkman said that making the trip to Kiribati was a gesture that was well-received and sent a

message that the US is serious about finding an agreeable Treaty.

Duenas said that the US needs to improve its posturing with the FFA, noting the regulations the US is subject to already curtails its ability to supply fishery products. Duenas said that in the past, FFA members considered US Pacific Islanders separate from the US. Duenas supported the EAA funding because it helps the US strengthen its WCPFC negotiations and helps the US garner a better relationship in the Pacific to compete with China. Duenas said the US longline fishery should be included in the Tuna Treaty talks, and said this is also an EEJ issue because the US Pacific Islands are underserved communities.

Simonds said that Kelly Kryc, NOAA Deputy Assistant Secretary for International Fisheries, reported that the meeting was a showing of goodwill. Simonds asked what kind of strings are attached and conditions of the EAA are to be finalized. Brinkman said it would be unusual for the EAA to include multilateral conditions under the WCPFC. Brinkman said it is clearly frustrating for the US Territories that this money does not benefit them, but US assistance is not to benefit US citizens.

Simonds said that Keone Nakoa, Deputy Assistant Secretary for Insular and International Affairs will be attending the Council meeting this week. She said that all of the departments are to work together, and that the US longline fishery is not seeking money but an opportunity to increase quota. The US cannot continue on the same path.

Soliai said that the US should engage with parties of the Treaty to consider American Samoa receiving the same benefits as SIDS under the WCPFC. Simonds asked if that conversation could happen at the State Department level. Brinkman said it may be dangerous to explicitly link the EAA under the Tuna Treaty with WCPFC negotiations, noting it could lead to the 'price' of negotiations under the Tuna Treaty going up. Brinkman suggested American Samoa could indirectly gain leverage without explicitly linking the Tuna Treaty, the EAA, and WCPFC negotiation conditions.

Simonds said we cannot wait much longer to have productive bilateral negotiations and that the 2021 tropical tuna measure proposal should be reprocessed. She said that the Council would like an informal workshop on longline management that could lead to a drafting session for a new proposal, noting that Marshall Islands officials are willing to meet and discuss zone-based management. Simonds is unsure if purse seine issues could be added to this endeavor, but the discussion is focused on longline fisheries.

Council staff asked if some projects, like the MCP projects, while intended for the FAA, could benefit the US Territories. Brinkman said that could happen as long as the money is not directly spent on benefiting the US and its entities. Brinkman noted that SPC resources supported by the EAA could be beneficial to the Territories but the Territories are currently behind on their SPC dues. Brinkman will follow-up with Simonds.

Duenas said that the Territories have not seen the benefits of increased WCPFC production and revenue. The Territories should also receive separate monies in the order of \$3-\$5 million as the Tuna Treaty and EAA are fleshed out. Simonds said the Governors should request this to the

Department of Interior.

Soliai reported on the Two Samoas Forum that took place July 25-28, 2022 in Apia. The group met for the first time in four years, and there is another meeting the second week in October where formal discussions can occur. Samoa has lost some fishery management capacity recently.

4. Outcomes of BBNJ Fifth Session

Council Staff provided updates on the Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ). BBNJ Fifth Conference was held August 15 to 26, 2022, at the UN Headquarters in New York. BBNJ did not reach an agreement and another session will be held at a later date. The US head of delegation, Dr. Elizabeth Kim, will brief the Council in mid-October on BBNJ and US positions at the next meeting.

The standing committee discussed prior Council recommendations regarding this issue as well as prior requests for tagging studies.

Duenas asked if there is any tagging or research on fish movement inside and outside of the PRIAs and the high seas.

5. Issues Leading into US Permanent Advisory Committee to WCPFC

Council staff discussed 2021 recommendations to the US Permanent Advisory Committee (PAC) to the WCPFC and anticipated items for the upcoming PAC meeting to be held October 27 and 28, 2022. The PAC will inform US positions going into the WCPFC annual meeting held November 27 to December 4, 2022, in Da Nang, Vietnam. Additionally, emerging issues will be provided to the SSC with respect to outcomes of the SC18 and SMD.

The issue of the proposed expansion of the Pacific Remote Island Marine National Monument (PRIMNM) will also be proposed for the agenda for the next PAC meeting. The PAC will also deliberate on tropical tunas, noting the current conservation and management measure (CMM) expires at the end of 2023. In December 2021, the US proposed amending the current CMM which included a bigeye catch limit increase for the US longline fishery and provisions for recognition of an American Samoa purse seine fleet. Findings from recent PIFSC analyses of the oceanic whitetip shark is also proposed for the agenda for this upcoming meeting.

Duenas asked if there has been any progress or evaluation of oceanic whitetip shark conservation and striped marlin.

6. Advisory Group Report and Recommendations

Council staff presented the Fishing Industry Advisory Committee (FIAC) recommends as follows:

Regarding the WCPFC, the FIAC recommended the Council request NMFS to draft a proposal towards amending components of the tropical tuna measure at the December 2022

WCPFC Regular Session, in order to introduce potential changes of the measure well in advance of the expiration of CMM 2021-01 at the end of 2023.

Council staff presented the Advisory Panel (AP) recommendations as follows:

Regarding the Proposal to Expand the Pacific Remote Islands Marine National Monument, the American Samoa AP recommended the Council to request updates from NMFS on its previous recommendations to consider unintended consequences to American Samoa and its previous request for the scientific evaluation of the proposal.

Council staff presented the Scientific and Statistical Committee (SSC) recommendations as follows:

Regarding the Hawaii Longline Fishery Reports, the SSC recommended that PIFSC staff report on recent information on market prices and trends to better understand underlying market dynamics and targeting in the Hawaii longline fishery.

Regarding the LVPA and American Samoa Fishery Performance, the SSC recommended that the Council request PIFSC to work with vessel owners to infer socioeconomic impacts of the LVPA (and the recent exemption of large vessels) and inform trends in fishery participation.

Regarding Longline Gear Modifications and Catch Rates of Target and Non-Target Species, the SSC recommended that a SSC subgroup and Council staff prepare a 1-page infographic to provide a simple communication tool on the potential cross-taxa impacts for various management measures in place for the Hawaii-based pelagic longline tuna fishery. The draft infographic should be provided for review at the next SSC meeting.

Regarding North Pacific Striped Marlin, the SSC recommended that PIFSC prioritize life history work on species that lack contemporaneous information and that are considered overfished or experiencing overfishing.

Regarding Recommendations to the PAC, the SSC recommended the Council to request the PAC support the Council's position against the proposed expansion of the PRIMNM.

Regarding the Proposed Expansion of the PRIMNM, the SSC recommended the Council inform the White House and relevant federal agencies on the lack of scientific justification for previous and proposed expansion of marine national monuments in the Pacific that prohibit US tuna fisheries based on input from the SSC. The Council should also reiterate the SSC's June 2022 recommendation to request a comprehensive evaluation of the unintended consequences, including social and economic impacts, be conducted and evaluated through a transparent and public process if further closures are considered.

The SSC recommended the Council request the Pacific Remote Island Coalition to directly address and consult with fishing communities in the US Pacific Territories along

with territorial agencies.

7. Other Business

Council staff presented on the proposal of the Pacific Remote Island Marine National Monument and impacts the proposal would have on American Samoa.

Simonds asked what the Pacific Island nations oppose and are willing to offer regarding the American Samoa request for recognition for privileges entitled small island developing states and territories. Council staff mentioned that the Pacific Island nations rebuked American Samoa's request last year at the Commission meeting and only offered for American Samoa purse seine vessels to be exempt from FAD closures if fishing the US EEZ around American Samoa.

8. Public Comment

There were no public comments.

9. Discussion and Recommendations

Regarding Fishery Funding for the Territories, the Standing Committee:

1. Recommends the Council write a letter to the Department of Interior and other departments requesting that the Territories get a percentage of matching funds commensurate with the FFA Economic Assistance Agreement.

Regarding BBNJ, the Standing Committee:

2. Recommends the Council write a letter to the State Department requesting that the US position maintain provisions that the RFMOs are not undermined by the new BBNJ negotiations.
3. Requests that NOAA and other federal agencies conduct research to determine the possible impacts of the PRIMNM and other potential closed areas on the high seas.

Regarding WCPFC, the Standing Committee:

4. Requests NMFS and Council staff to begin drafting a joint proposal with Pacific Island nations exploring a revision to the tropical tuna measure to explore the use of zone-based management but with provisions to potentially incentivize the US fishery. This effort is in order to introduce potential positive changes of the measure well in advance of the expiration of CMM 2021-01 at the end of 2023.
5. Requests NMFS and relevant agencies conduct a holistic review of conservation and management measures for sharks and other species of conservation concern.

Soliai asked that the proposed rulemaking for the Effort Limit Area for Purse Seine fisheries be discussed at the Council plenary.

The meeting adjourned at 11:09.