



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
185th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

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Approved by Council:



Archie Soliai, Chair

Western Pacific Regional Fishery Management Council

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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) (and designee Jay Gutierrez)
- Michael Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Brian Peck, U.S. Fish and Wildlife Service (USFWS)
- LCDR Jason Holstead, 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 Sarah Sheffield from NOAA Office of General Counsel Pacific Islands (GCPI); and the Scientific and Statistical Committee (SSC) Chair James Lynch. Council member Michael Brakke, U.S. State Department, was absent.

Soliai opened the 185th Council meeting with a prayer.

II. Approval of the 185th Agenda

Soliai announced that agenda item 10.B, NMFS Briefing on the Executive Order (EO) 14008, will be taken up after agenda item 3.

The 185th meeting agenda was approved by general consent.

III. Approval of the 184th Meeting Minutes

The 184th meeting minutes was approved by general consent.

IV. Executive Director's Report

Simonds reported that the Western Pacific Region has continued to carry the burden of the 30x30 initiative. This initiative recommends that the United States “conserve” 30% of U.S. land and waters by 2030. The Council has wonderful suggestions for the Secretary of Commerce and the Interior on how they should deal with the 30x30 in other parts of the nation since the Western Pacific has achieved this goal.

The Council's working group members and staff have been reviewing and addressing the NMFS proposed rule to establish critical habitat in the U.S. Pacific Territories. The territory agencies and the Council working group have asked NMFS to postpone the consideration of the designation until the five-year review has been complete. This extension would allow the territories to complete their maps and take their time to properly address the designation. The territories have raised concerns on local projects that are federally funded, permitted and/or authorized within the same areas of the designations. Simonds pointed out that action similar to this coral critical habitat designation can really impact the island areas and they have to continuously reiterate that they are just dots in the Pacific and any small reach is a big reach. The Council looks forward to the continued work and Simonds believed that NMFS will work closely with the territories on this issue.

The staffs have been working on the Regional Operating Agreement, which describes the working relationship between the Council and NMFS in support of the development, review, process and implementation of Council actions.

Simonds said that the draft Environmental Impact Statement for developing an aquaculture management framework for the Western Pacific Region is currently with GCPI for review and clearance. If GCPI approves and clears this Environmental Impact Statement, then NMFS will forward the document to the U.S. Environmental Protection Agency for publication in the *Federal Register*. Once it is published, the Council could take final action on its management plan and transmit it to NMFS for review and approval for final rule.

The Council will discuss the rebuilding plans for bottomfish for American Samoa and Guam this week. Development of these plans has been difficult since the catch for rebuilding is low. The Council continues to look for ways to alleviate the potential impacts, but has yet to find a solution. Simonds said that Congress could exempt data-poor, data-limited areas from annual

catch limits (ACLs). Simonds asked NMFS leadership and GCPI what the consequences may be if the Council decides to close federal waters and walk away.

The staff continues to work on the Fishery Ecosystem Plan (FEP) transition to a living document, which is an effort that started several years ago but has not been a top priority as priorities continuously shift. Although this living document does not have a deadline, it will help the public better understand the work of the Council and the measures it has taken.

Watamura reiterated his concerns about the American Samoa bottomfish and how it should be treated differently in the data-poor system.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto presented the PIRO report. He noted that some items will be discussed later in the protected resources and international sections of the agenda.

NMFS published a temporary rule Nov. 16, 2020, implementing an interim catch limit of 13,000 pounds of American Samoa bottomfish for fishing years 2020 and 2021. The rule expires May 17, 2021. NMFS is considering extending the temporary rule for another six-month time frame, which will require a rule-making.

Tosatto highlighted the new framework for the bigeye tuna limit for the territories. This framework maintains a 2,000 metric ton (mt) catch limit for each of the territories and allows them to allocate up to 1,500 mt toward a specified fishing agreement with a total of 3,000 mt cap per agreement. Having the framework in place has ensured there will be no regulatory gap in pursuing the bigeye tuna this year.

Tosatto said that the Marianas Trench Marine National Monument (MTMNM) Management Plan and Environmental Assessment is available to the public and PIRO is working on scheduling public sessions to request input in the Mariana Archipelago.

Gourley asked Tosatto the status for reconvening the Marianas Trench Monument Advisory Council (MTMAC) and when the first meeting will be.

Tosatto said he had no update on the timeline but had received nominations for MTMAC from the CNMI governor. The deliberation process is hindered by transition associated with the new Administration. PIRO wants to see the approval process of the MTMAC membership streamlined by delegating the process to PIRO and USFWS counterpart. Currently, PIRO is working on vetting the names and getting approval at the Secretarial level. He said he could make the commitment that the final plan would not proceed until the MTMAC is approved.

Gourley said he agreed and suggested extending the public comment period until after the MTMAC is reconstituted. The MTMAC will represent the people, communities and governments, so their involvement is important.

Soliai asked for clarification on the six-month extension of the interim measure.

Tosatto said that a Magnuson-Stevens Fishery Conservation and Management Act (MSA) provision allows PIRO to take emergency action, which is limited to six months with a one-time extension for an additional six months. This is why it is termed an interim catch limit versus an ACL. This gives the Council more time to deliberate on how to best address overfishing of the American Samoa bottomfish. As the deadline nears, Tosatto said he will engage with the Council and check the status of the fishery and decide whether or not to extend.

Sakoda asked who the point-of-contact is for the Coral Reef Sustainable Fisheries Management Plans.

Tosatto said Gerry Davis's group in PIRO's Habitat Conservation Division. The division has also been engaging with the territories to improve their coral reef fisheries management plans.

Watamura asked if any of the Endangered Species Act (ESA)-listed coral species are found in Hawai'i.

Tosatto said none of the listed coral species are historically present in Hawai'i.

2. Pacific Islands Fisheries Science Center

Michael Seki, Pacific Islands Fisheries Science Center (PIFSC) director, presented the PIFSC report. Many field activities have been postponed due to COVID-19, such as the Marianas coral surveys and life history work that have been pushed to Fiscal Year '22. The NOAA ship *Oscar Elton Sette* was able to keep the schedule for the cetacean survey for 2021, although that effort was challenged by the Office of Marine and Aviation Operations and the University of Hawai'i having different COVID-19 protocols that did not always align. This pushed the schedule back and the *Sette* will not be able to conduct the life history survey. This year, the *Sette* will operate for 94 days. Staff participating in the cetacean survey are required to do a 7-day Hawai'i quarantine starting on April 6. Then staff will head to the Mariana Archipelago on April 13, where they will do another 14-day quarantine before the *Sette*'s May 3rd departure.

Last year, NMFS was unable to have seal and turtle field work camps due to COVID-19 restrictions. This year, the turtle field camp made it out to the French Frigate Shoals and the marine debris field camp will soon be joining them.

NMFS completed multiple small-boats surveys such as a bleaching recovery, Kahekili Watershed Monitoring with the State of Hawai'i, West Hawai'i Integrated Ecosystem Assessment and some data collecting for the U.S. Economic Development Administration. These will continue to increase as the State of Hawai'i continues to open up COVID-19 restrictions.

NMFS restructured its Fisheries Research and Monitoring Division to increase efficiency and enhance its cross-program collaboration into two parts—Data-In and Data-Out programs. This does not impact the Stock Assessment or Life History programs. The Data-In program will

manage the fisheries-dependent data received from partners and fishermen who are subject to federal reporting requirements. The program will provide partners with technical expertise, data management support and programming codes to meet federal data requirements. The division will maintain and modernize the fishery-dependent data systems and provide technical support to the longline and purse seine fishermen. In addition, the program will administer the funds to local and federal fishery monitoring projects to maintain efficiency. The Data-Out program is responsible for sharing U.S. fisheries data to support the domestic international management of highly migratory species in the Pacific and insular fisheries managed within the U.S. exclusive economic zone (EEZ). It is also responsible for conducting both domestic and international research aimed to mitigate fisheries bycatch of sharks and protected species.

NMFS completed a main Hawaiian Islands (MHI) onaga reproduction study to update a previous 1989 assessment and provide contemporary estimates for stock assessments and identify any temporal changes to the onaga life history. NMFS worked directly with the fishing industry and traveled to Mau‘i to collect samples, but travel was halted due to COVID-19 restrictions before staff had collected enough samples. With the help of Mama’s Fish House and local fishermen Layne Nakagawa and Roy Morioka, who gathered and shipped samples directly to NMFS, staff were able to complete the project. Samples included the new state record onaga caught by Marvin Lum and donated by Kevin DeSilva. A general publication with finalized estimates will be available soon.

PIFSC’s Electronic Reporting (ER) Team and PIRO Communications group completed an instructional tutorial video for eLog-It. The video complements the in-person and phone training to help fishers to do ER on the eLog -It app. The video covers common troubleshooting procedures such as what to do if eLog -It or the tablet stop working. As of March 11, 2021, 94 vessels have been equipped with ER tablets.

The Hawaiian Monk Seal Program has reported fewer cases of toxoplasmosis so far this year. In January, the program was able to rescue a small female monk seal, RM90, whose condition in the wild was not improving. RM90 was moved to the Hawaiian Monk Seal Hospital in Kona and is recovering.

NMFS continues conducting passive acoustic assessments using towed hydrophone arrays for their cetacean surveys. The towed array data are used to track and localize cetacean groups to assist the visual observers and can be used to estimate perpendicular distance estimates, a key parameter in abundance estimates. Recently, Yvonne Barkley and co-authors developed a new model-based localization approach for towed array data to improve the localization of deep-divers by accounting for animal depth, the effects of sound propagation and other sources of error not previously incorporated. This allowed them to estimate a sperm whale’s location and distance. The continued effort for continuing application of passive acoustic data will hopefully turn into direct estimates of cetacean abundance.

The Marine Turtle Biology and Assessment Program has increased its efforts in the deployment of satellite tags on loggerhead turtles by the Hawai‘i shallow-set fleet. All shallow-set observers are equipped with satellite tagging kits and have successfully tagged three turtles since the start of the calendar year. The tags will provide movement data and could help establish spatial and temporal regions of potential high sea turtle bycatch. The program also examined sex

ratios to determine the extent of feminization in incidentally captured olive ridley sea turtles. The ratio of female to male was 2.2:1 with an average carapace size of 55-65 centimeters for those taken between 2006 to 2018, but the program also found an increase in the number of males captured in recent years. This ratio data will provide a baseline for future examination of sea turtle sex ratios and possible effects of climate change.

Seki highlighted a recently published technical memorandum on including human well-being in resource management with cultural ecosystem services. This study included human well-being in resource management with cultural ecosystem services. They used interviews with community members and identified a range of potential place-based biocultural indicators that are critical to human well-being. The study highlights that human well-being depends not only on abundant ecosystems, but on the opportunity for reciprocity between people and place.

NMFS completed the fall annual bottomfish management unit species (BMUS) survey for the MHI in November 2020. This effort was possible because of the dedication and perseverance of the Hawai'i fishing community and cooperative research partners who were responsible for 100% of the sampling efforts. Between Aug. 15 and Nov. 20, 2020, they completed 453 researched fishing survey stations and 47 Modular Optical Underwater Survey System camera sampling stations. Preliminary biomass estimates are expected by the beginning of April 2021.

Seki gave an update on the ongoing efforts in the current Territorial Bottomfish Stock Assessment Improvement. Some of the improvements will not be realized in this round of assessments. There is a planned Center for Independent Experts review of the boat-based expansion algorithm. Any necessary changes will be implemented in the data collection and managed work flow and these changes may also be applied to the shore-based algorithm. NMFS will hold data workshops with the fishing community as a new step before finalizing data input for the assessments.

The Center for Independent Experts has started the multi-year process of modernizing the creel survey and commercial landing by first creating an app that will have a tablet interface for creel surveyors. This will revise data validation procedures, allow input from stock assessment data workshops, and the data will flow directly to collection staff. The rollout of this project will be coordinated with the advancement of the territorial licensing and reporting requirements. Second, the Marine Recreational Information Program will review the creel surveys as part of its Pacific Island Regional implementation plan. Third, Western Pacific Fisheries Information Network (WPacFIN) will support territorial agencies in increasing sample size, improving species-level identification and making adjustments to the creel survey sampling framework to ensure it is reflective of the sample fisheries, as resources allow. Fourth, incorporate revised life history information into the assessment, as available. The Mariana Archipelago life history program has been restructured to target BMUS. The stock assessment program is looking at alternative models for relevant species and adding to the BMUS list.

NMFS is exploring the feasibility of conducting fishery-independent surveys. The first step is understanding the bathymetric and backscatter data that is currently available.

PIFSC's Annual Guidance Memorandum is a high level document that identifies work flow for a given fiscal year and which activities will be carried out. Seki noted that the memo in the briefing materials provides guidance for fiscal year 2022, starting in October 2021.

Seki provided PIFSC staff updates, noting that Tia Brown is the new PIFSC deputy director and Stuart Merrill is the new Operations, Management and Information Division director.

Simonds thanked NMFS for its diversity for hiring a Brown, a woman of color, as the PIFSC deputy director. Simonds also asked what the costs of the territorial bottomfish stock assessment improvements are, how it is budgeted and over what time period.

Seki said NMFS used previously allocated territorial science funds and is actively seeking additional funding. Current funding is from temporary funds through proposal requests, base funds and staff. NMFS did not receive extra funds and is utilizing available center resources.

Rice asked if the eLog-It app has worked and been efficient for the 94 boats using it.

Seki deferred to Keith Bigelow who is presenting during the pelagic section of the agenda.

Dueñas said Guam has been advocating for improvements on territorial bottomfish stock assessment and the creel survey and said he is happy that NMFS is moving forward.

Soliai said that he became aware last week that the PIFSC Life History Program engaged the local fishermen without his knowledge. While he understands that there was communication to the previous DMWR director, Soliai asked that PIFSC be mindful that American Samoa is in a new Administration and include DMWR when engaging with the local fishermen, as it behooves the parties to work together and be as transparent as possible.

Seki apologized and said he was also not aware of PIFSC staff engaging fishermen, but said he would get the word out and fix it.

Soliai said will be sending an official communication to NMFS.

Watamura commended PIFSC on working with the local fishermen and Mama's Fish House for the life history project. He asked for more information about the human resource project in West Hawai'i and who conducted the interviews.

Seki said the people who worked the project are listed in the appendix of the publication and said he would send an electronic copy.

Simonds said to send it to Council staff, who will distribute to the members.

B. NOAA Office of General Counsel Pacific Islands Section

Sheffield provided the report from GCPI.

Regarding the Territory of American Samoa v. NMFS court case update on the appeal, American Samoa filed a petition for a writ of certiorari with the U.S. Supreme Court Feb. 22, 2021, seeking a review of the Ninth Circuit's decision and whether it failed to address if the Deeds of Cession establishes binding and enforceable obligations on the United States. NMFS' response is due March 29, 2021.

Center for Biological Diversity v. Ross filed in August 2019 alleged that NMFS failed to timely designate critical habitat for 12 coral species listed under the ESA. It resulted in a stipulated settlement and agreement to submit a proposed critical habitat determination by July 31, 2020, later extended to Oct. 6, 2020. The proposed rule was published Nov. 17, 2020 and the case was subsequently dismissed with prejudice, meaning that it has been concluded.

Soliai asked if NMFS's response to Territory of American Samoa v. NMFS case will be publically available.

Sheffield said it will be made publically available after it is filed with the court.

C. Enforcement

1. U.S. Coast Guard

Rear Admiral Sibley and Holstead presented the USCG report.

Sibley highlighted that the USCG commandant signed an illegal, unreported and unregulated (IUU) Fisheries Strategic Context last fall leading to Operation Blue Pacific. The USCG Cutter *Kimball* and three of the USCG fast response cutters (FRCs) are patrolling in support of IUU fisheries. Two of the FRCs are stationed out of Guam and one out of Hawai'i. An additional Area of Responsibility FRC *Frederick Hatch* will be joining the fleet in a couple weeks from Key West, FL, and will be stationed in Guam. These FRCs will operate in support of the ongoing initiatives. Sibley said the USCG will also be upgrading their aircraft in the Pacific area, which will increase their surveillance capabilities.

Holstead showed a new recruiting video for the U.S. Coast Guard. Parts of the video highlighted the way the USCG conducts its missions. The video focused on some of the training and operations on the newest FRCs in the fleet. The majority of the missions are search and rescue and enforcement operations, which means boarding fishing vessels both foreign and domestic. These new cutters increase the range of the fleet and its ability to consistently transit from Hawai'i and American Samoa. The video showed examples of how boarding and field operations take place and how they transit in rough seas.

From Nov. 1, 2020, to Feb. 28, 2021, the USCG responded to 241 cases of search and rescue, law enforcement, ports, waterways and coastal security missions. USCG also transported Hawaiian monk seals for treatment and rehabilitation.

Amani said Guam was grateful for the cutters in Guam.

Soliai asked if USCG would consider stationing a vessel or increase enforcement for the EEZ around American Samoa and nearby waters. While New Zealand is mostly responsible for these waters, IUU fishing is a problem with China building nearby.

Sibley said that USCG will have six FRCs in the area plus some buoy tenders that will be conducting more operations throughout Oceania. USCG shares the concern about IUU fisheries and about China's infringement. A couple months ago, a former National Security advisor also brought up the idea of stationing a cutter in American Samoa and USCG is looking into it. At worst, USCG will continue to operate by sending their cutters and aircraft to patrol in that area.

Watamura asked what the normal procedures are when discovering an IUU fishing boat.

Holstead said USCG starts with the regimes associated with how they are able to enforce specific regulations. The Western and Central Pacific Fisheries Commission (WCPFC) Convention governs most of the rules and regulations that are on the high seas around foreign fishing vessels. USCG uses those rules to look for violations. In many cases, USCG and its partners identify unregistered vessels using aircraft support and surveillance. If an unregistered vessel is found, USCG attempts to approach the vessel to board and investigate the circumstances, then creates a case package and notifies the flag state of the violation.

Watamura asked what happens after the violation is reported to the flag state. He found that through being on the U.S. delegation for the WCPFC that consequences oftentimes did not become reality.

Holstead said the USCG's job is to find those vessels, document the violation and notify the next link in the chain. The Council and the U.S. delegates follow up with what happens after the violation is reported.

Elizabeth O'Sullivan, NOAA Office of General Counsel Enforcement Section (GCES), said the United States responds by having a meeting about the incident, but unfortunately the United States does not have a lot of "teeth" in an international process. There are discussion and actions of accountability that countries may take. Also, the United States has to report actions it takes when similar situations arise. But everyone is very sensitive about having people question whether or not penalties were high enough and so forth. There is a forum to discuss it, but it can be unsatisfactory because of the lack of teeth in the process.

Simonds said there was an incident several years ago where an abandoned foreign fishing vessel was in American Samoa waters. American Samoa notified USCG, as it was worried the ship would end up on the coral reef. USCG said that it was under New Zealand's area of responsibility.

Soliai said the abandoned foreign fishing vessel did end up on the reef.

Simonds said the concern is that another country is tasked with enforcing the EEZ around America Samoa.

Dunham said a second boat that has been on the reef for almost three years is getting broken into pieces that are drifting into the lagoon and beach. Dunham asked if the USCG can get some funds to get rid of the boat by going after the owner or the insurance since it is damaging the reef and habitat.

Sibley said he was unfamiliar with the case and will look into it.

Soliai commended the USCG for establishing rules and protocols to work with the local American Samoa government and health department to help prevent the spread of COVID-19 from coming to the islands, while fulfilling their mandates with respect to enforcement. The USCG relationship with the maritime and fishing fleets has improved by doing so.

2. NOAA Office of Law Enforcement

Martina Sagapolu provided the NOAA Office of Law Enforcement (OLE) report. From Nov. 17, 2020, to Feb. 28, 2021, there were 285 incidents. Sagapolu highlighted that there was an increase of 87 cases from the November report and the bulk of these were additional cases related to protected resources. The uptick in visitors has increased OLE's enforcement efforts. OLE has a new special agent assigned to American Samoa and a new enforcement officer, which increased staff to 22 people.

Sagapolu highlighted a couple investigations relating mainly to the domestic fleet. The first investigation involved a U.S. purse seine vessel that set on live marine mammals in the Western and Central Pacific. The case was forwarded to GCPI and settled for \$184,000 for seven separate occasions. The second investigation was settled for \$2,250 for a Notice of Violation Assessment (NOVA) against a Hawai'i-based longline vessel captain that failed to follow proper seabird mitigation techniques. The third investigation was against a Hawai'i-based longline vessel that fished within the Southern Exclusion Zone of the MHI. The summary settlement was paid in full.

OLE continues to have joint patrols focusing on the Kona coastline. During COVID-19, OLE looked at some of the domestic fishing operations occurring on the outer islands. During one of the patrols, officers found an illegal fish aggregating device (FAD) and removed it. There was a joint investigation with the USCG into a charter vessel that was shooting at oceanic whitetip sharks. This case was turned over to the State of Hawai'i and local police department.

Sagapolu mentioned two separate cases involving interactions with marine mammals that were posted on social media. One of the cases resulted in a summary settlement and the second case is still active.

The USCG has helped move OLE assets between islands and participates in joint area patrols. One area investigated was offshore, relating to potential transshipments occurring in the EEZ, although no incidents were reported.

An OLE officer is investing a YouTube video showing a scuba diver interacting with a juvenile Hawaiian monk seal. The investigation is ongoing.

OLE has acquired two additional patrol vessels, bringing the total to three. They will be permanently stationed on the Big Island, Maui and O‘ahu respectively.

Two enforcement officers conducted multiple sea patrols within the Hawaiian Islands Humpback Whale National Marine Sanctuary. The surface patrols increase interaction time with the public during the particular protected resources operations, giving the public regulation updates and viewing guidelines. The officers interacted with 75 vessels during these patrols, few of which resulted in monetary penalties.

OLE provided assistance to PIFSC by transporting animals or providing additional patrol efforts in remote locations. A Fraser’s dolphin became stranded in Miloli‘i village (near Kailua-Kona, HI), and later died. Staff was able to stay on scene and help remove the carcass. This was the fourth whale stranding report on the Big Island this year.

3. NOAA Office of General Counsel Enforcement Section

O’Sullivan presented the GCES report, focusing on a couple of pending cases. First, the Rooshvelt case, where a respondent killed and butchered a green sea turtle in violation of the ESA. He was issued a NOVA for \$34,262 for intentional take of an endangered species. The second case was *Christine N*, a longline vessel setting in closed MHI waters was issued a NOVA for \$5,750. Lastly, the *Queen Diamond* case, in which respondents failed to submit logbooks on time as required by the MSA. They did submit the logbooks later, but still received a penalty of \$2,500. All cases are pending and some are in negotiations.

Two cases were settled—the *Ocean Expedition* case in which a purse seine vessel made multiple sets on marine mammals and was settled for \$184,206, and the *Pacific Dragon* case for failing to fish in accordance with MSA-required bycatch mitigation for seabirds, settled for \$2,250.

D. U.S. State Department

Brakke was not present for the meeting, but provided a letter with brief updates for the briefing documents. Mark Fitchett, Council staff, said that Brakke will be taking a new position with NMFS Headquarters.

Soliai asked who the replacement representative for the State Department would be.

Simonds said there was no communication yet, but the Council should find out before the next meeting.

E. U.S. Fish and Wildlife Service

Peck presented the USFWS report. The Wildlife and Sport Fish Restoration Program in coordination with the Hawai‘i Department of Aquatic Resources is working on ESA permitting for their FAD network. NMFS recently concluded that FADs are not likely to adversely affect ESA-listed species and the project is moving forward.

The Wildlife and Sport Fish Restoration Program awarded Hawai'i \$1.5 million for multiple wetland restoration projects, including projects in Pearl Harbor and Kaneohe Bay. On Dec. 16, 2020, program staff met with the Council to answer questions about how program funds are annually apportioned to the state and territorial wildlife agencies and how these agencies then decide how the funds will be used for recreational boating access facilities.

As previously reported by Tosatto under agenda item 5.A(1), the draft MTMNM Management Plan and Environmental Assessment is now available. Additional documents are under agenda item 9.2 and there are links provided in the report to access online.

Peck said the goal is have the MTMAC membership and the MTMNM Management Plan finalized this calendar year. All MTMAC nominees have been provided a hardcopy of the draft plan for review, although not an in official capacity.

The Pacific Remote Islands Marine National Monument (PRIMNM) Management Plan is in draft form and not yet available to the public. The goals, objectives and targets are being developed, which will be shared with the PRIMNM community group.

Six personnel from USFWS, DMWR and the American Samoa Community College and volunteers visited the Rose Atoll Marine National Monument. They collected feather samples from sooty terns to be analyzed for heavy metals and other toxins for use in a worldwide toxicity study. They discovered a FAD with 30 feet of rope tangled around a coral head, damaging coral colonies. The FAD was labeled "Tuna 8 Explorer."

Gourley said the finalization of the MTMNM Management Plan should not be done simultaneously with finalization of MTMAC membership. MTMAC is the advisory body for the monument and will need to go out into the community, gather comments and present their findings to USFWS. They need to be official members. He said that having them review the management plan as unofficial members and submitting comments as individuals is not right. Also, the USFWS should reopen the comment period after the MTMAC is officially reconstituted.

Peck said the goal is to convene the MTMAC officially, then have them review and finalize the plan by the end of the year.

Rice asked about the outcome of the Dec. 16, 2020, meeting between the Wildlife and Sport Fish Restoration Program staff and the Council, and where the money goes for Hawai'i. He said that the charter and recreational fleets do not see any monies besides those for buoys.

Peck said the Program portions the funding to the states and territories, which in turn determine the allocation of those funds.

Sakoda said he could provide Rice with the breakdown of the funds.

Tenorio asked for more details about the MTMAC establishment process.

Peck said the nomination packages have been received from the governor and have been forwarded to solicitors for review and approval, which would then require final signature.

Dunham asked if USFWS has reviewed the health of the coral after a boat was stranded on the beach in the Rose Atoll Marine National Monument and USFWS removed the boat.

Peck said the boat in question ran aground in 1993, which led to iron contamination, which in turn created a cyanobacteria algal bloom. This led to a major giant clam die-off and negatively impacted the corals, both of which have not fully recovered. Some iron still needs to be removed, but with continued restoration efforts and time, the coral, clams and other communities will recover.

Soliai requested USFWS to publicize the April 8, 2020, webinar for the PRIMNM community group early to get the word out as soon as possible.

F. Public Comment

There were no public comments.

G. Council Discussion and Action

Regarding the PIRO agency report, the Council recommended NMFS extend the public comment period on the MTMNM Management Plan until the MTMAC is reconstituted.

Moved by Rice; seconded by Gourley.

Motion passed.

Regarding the USFWS report, the Council requested the State of Hawai'i provide the Hawai'i Council members with a breakdown of the projects funded or to be funded by its apportionment from the Wildlife and Sport Fish Restoration Program grant funding.

Moved by Rice; seconded by Dunham.

Motion passed.

VI. Pelagic and International Fisheries

A. American Samoa Longline Annual Fishery Report

Bigelow, PIFSC, provided the 2020 annual logbook report for the American Samoa longline fishery. The report covered fishery statistics including participation, effort and catch. Bigelow noted that 809 longline sets were included in the report, but an additional 257 sets, or about 30%, were still outstanding. Participation in the fishery declined to 10 active vessels in 2020 compared to 18 vessels in 2019. Number of trips reported declined from 200 trips in 2019 to 76 trips in the 2020 report so far. Fishing effort peaked in 2007 with 17 million hooks, declining to 5 million in 2019 and is projected to decline to less than 3 million in 2020. The catch per unit effort (CPUE) in 2020 was about 8.3 albacore per thousand hooks, which was likely the

lowest in the time series. The 2020 yellowfin tuna catch may surpass 2019 catches, with the CPUE being about twice as high in 2020.

Soliai asked if the final number of participating longline vessels is 10 even with the outstanding logsheets.

Bigelow confirmed that is likely the case for 2020.

Soliai asked when the final 2020 data would be available.

Bigelow said that there is an April 30, 2021, deadline to submit the reports to the WCPFC. He said he can provide the final American Samoa and Hawai'i reports for 2020 at the September 2021 Council meeting.

Watamura asked what has caused the decline in the fishery.

Bigelow said there are three factors: the lack of a supply chain in American Samoa; an increase in non-U.S. albacore longline vessel activity in the South Pacific (principally from Taiwan and China) competing for the resource outside of the U.S. EEZ around American Samoa; and Class C and D American Samoa permits tied up in dual permits.

Watamura asked if the decline could be attributed to the local attitude in American Samoa.

Bigelow deferred to other social scientists to address that question.

Soliai asked about recent albacore jigging outside the U.S. EEZ and if that fishery is considered a separate category.

Bigelow said that four or five of the American Samoa longline vessels went albacore jig fishing far south of the U.S. EEZ around American Samoa. The log sheets for those trips go to the American Samoa Field Sampling Station, which forwards them to the Southwest Fisheries Science Center. Historically, the Center processes the data for the jig boats operating out of Washington and Oregon that fish in the South Pacific. Bigelow said that he would like to see the longevity of the fishery over the upcoming years before answering the question of whether they fishery could be considered a separate component.

Soliai said that whether the jig fishing will be temporary is a valid question, but the jig fishing provides an opportunity to help a fishery that is in decline. He hoped to see fishery performance data for the jig fishery at the next Council meeting, given that the season recently ended.

Bigelow said he would follow-up with his Southwest Fisheries Science Center colleagues to see what data could be provided.

Rice asked Soliai if the jig-caught albacore is offloaded in American Samoa or sent to the United States.

Soliai said the fish is being delivered to StarKist in Pago Pago.

Gutierrez asked if reported values are expected to increase when all of the log sheets are processed.

Bigelow said reported effort is expected to increase, but likely not CPUE. Given the March SSC meeting timeline, PIFSC could only process American Samoa data up to Feb. 19, 2020, so that it can focus on the Hawai'i fishery report. The priority for processing data is on the Hawai'i longline fishery due to the higher effort (60 million hooks per year for Hawai'i and two million hooks in American Samoa) and the international catch limits for bigeye tuna. Bigelow said that the rollout of ER in American Samoa may streamline the data-reporting process.

B. Hawai'i Longline Annual Fishery Report

Russell Ito, PIFSC, provided the 2020 annual logbook report for the Hawai'i longline fishery. The report covered fishery statistics including participation, effort and catch. Ito said that 2020 was a tumultuous year with the COVID-19 shutdown and many of the boats were tied up for an extended duration of time. There were 147 vessels operating in 2020 compared to a record of 150 vessels in 2019, and 132 deep-set vessels fished exclusively for tuna, while 14 vessels also fished for swordfish in the shallow-set sector for part of the year. There were 73 fewer trips than the previous year and catches were also lower than 2019, mostly due to the COVID-19 pandemic. 2020 had slightly higher shallow-set effort. There were 60.2 million hooks set in 2020, down from a record 63.5 million hooks recorded in 2019. The fleet caught 208,000 bigeye, which was down 16,000 compared to 2019, although albacore catches increased to 9,000 fish, or double the previous year. CPUE for bigeye was stable compared to the previous year. There were 8,400 swordfish caught in 2020, of which 4,500 was by the shallow-set sector representing a slight increase in that sector from 2019. Ito also reported other pelagic management unit trends, including the status of ER tablet distribution, noting that ER tablets have been distributed to 94 vessels so far.

Rice asked if the reason behind vessels fishing more to the south of Hawai'i toward the beginning of the year had to do with the low price of fish that led to vessels fishing closer to the islands to use less fuel.

Ito said that Rice was correct and that it was fortunate that fuel prices were low during the time when the fish prices were also low. Much of the fish at Pier 38 were sold right off the dock and some were donated for food banks.

Rice asked if fishing south was also a response to high billfish catches.

Ito said he believed catches of blue marlin to be higher to the south, but striped marlin catches decreased. Swordfish catches in the last two years have been lower due to truncated fishing seasons.

Rice asked if the 94 boats using ER tablets helped compile the report more efficiently.

Ito said he was impressed and it is much more convenient.

Watamura asked if the decline in swordfish price compared to bigeye was due to seasonality and if the lack of shallow-set effort contributed to lower catches of ono, mahimahi and other surface fish.

Ito said surface and deep incidental species have declined, not just ono and mahimahi. He could not provide further explanation at the time.

C. Oceanic Whitetip Shark Working Group Report and Options Document to Address Magnuson-Stevens Act 304(i) Obligations

Bigelow reported on the Oceanic Whitetip Working Group, its findings and options to address the Council's statutory requirements to act under its MSA 304(i) obligations. These include: 1) domestic regulatory actions to address the relative impact of U.S. fishing vessels on the Western and Central Pacific Ocean (WCPO) oceanic whitetip shark stock; and 2) international recommendations to the State Department or Congress on actions that will lead to ending overfishing and rebuild the WCPO oceanic whitetip shark stock, taking into account the relative impact of vessels of other nations and vessels of the United States on the stock.

Bigelow discussed how the working group developed the options to address these MSA obligations, which include improved handling, reduction of trailing gear left on sharks in domestic and international fisheries, increased international observer coverage in particular regions where risk of interactions are highest and development of effective line-cutter devices/protocols. The working group report consisted of a synopsis from 12 different studies. Bigelow highlighted the Ecosystem Based Fishery Management project, which looked at oceanographic factors that may influence oceanic whitetip shark catch rates, and the tagging study conducted by Melanie Hutchinson, PIFSC, and her colleagues targeting blue, oceanic whitetip, silkie, bigeye thresher and short-fin mako sharks. Their tags were programmed to pop off between 60 to 360 days. Hutchinson estimates about 92% of the sharks survive when released on wire and 10 meters of trailing gear, whereas sharks caught on monofilament leaders and released after trailing gear removal had a higher survival at about 97%. Therefore, the working group endorsed the transition from wire leaders to monofilament leaders in longline fisheries.

PIFSC is conducting Monte Carlo analyses to look at a variety of factors that affect the catchability and the condition of a shark or pelagic species. No significant difference in catch rates between monofilament and wire leaders was found for oceanic whitetip sharks, bigeye tuna, yellowfin tuna and striped marlin. However, the analyses shows a reduction in catch rates for the monofilament for blue, bigeye thresher and shortfin mako sharks, presumably due to their ability to bite off of monofilament leaders.

Bigelow summarized the working group findings, saying it endorsed the Hawaii Longline Association (HLA) proposal to end the use of wire leaders in Hawai'i longline fisheries and recognized this as a potentially significant means to reduce catch of the species, trailing gear and post release mortality.

Secondly, the working group noted the critical importance of further reducing or removing extraneous trailing gear for increasing oceanic whitetip shark survival and that the implementation of an effective line-cutting process through existing crew training and additional

outreach is urgent. The working group recognized that the HLA proposal includes crew training on proper shark handling and gear removal, with attention to innovations that further safety-at-sea and to promote post-release oceanic whitetip shark survivability.

Internationally, the working group highlighted the need for increased observer coverage and/or electronic monitoring (EM) in areas with high vulnerability of oceanic whitetip shark capture. Working group members said that increased fishery monitoring is a critical point, and there is a reasonable argument to increase coverage to at least 10% in equatorial waters between 10 degrees S to 10 degrees N. EM technology could potentially be a more cost-effective tool for fisheries with insufficient resources to develop or expand human observer monitoring infrastructures. The working group noted that existing WCPFC and Inter-American Tropical Tuna Commission (IATTC) handling guidelines for sharks are nonbinding and these could progress into internationally-binding measures to appreciably reduce mortality of those species.

Gourley asked how Hawai'i longline fishermen feel about going from wire to monofilament and if they have any concerns.

Bigelow said the HLA is supportive and released a press conference on the matter in December 2020.

Gourley asked what it will take for regional fishery management organizations (RFMOs) to actually do something to minimize the catch of the oceanic whitetip shark or if the conservation measures would remain as nonbinding.

Bigelow said that getting international agreement on shark mitigation is rather difficult. There have been five different shark conservation and management measures (CMMs), and the 2019 measure collated them all into a single CMM.

Gourley said that the understanding of the total number of shark captures is questionable given so little monitoring of international fisheries.

Bigelow said both commissions have a 5% longline observer coverage requirement, but that is not sufficient for some rare species such as the oceanic whitetip shark.

Rice asked when the Monte Carlo analyses will be completed.

Bigelow said that the analysis for the Hawai'i deep-set sector will be completed within a month, after which the report would go through a variety of NMFS review and clearance processes.

Rice said that these analyses are important for the Council's decision on the wire leader amendment and the Council should receive the information by the next meeting.

Bigelow said that he understands and that PIFSC staff are doing their best to produce thorough science.

Wamura asked about the efficacy of nonstainless steel hooks in longline fisheries, noting based on his cursory online research that they would not make a huge difference because

fish are able to shed hooks regardless of the hook material. He said that the best approach would be to cut the line as close to the hook as possible.

Bigelow said stainless steel hooks are prohibited for some fisheries under the Atlantic Highly Migratory Species Fishery Management Plan, as well as in the Gulf of Mexico. HLA still prefers the stainless steel because the hooks would not be replaced as frequently. Bigelow also said that Rice may have seen sharks and other fish with multiple hooks in their mouths.

D. Wire Leader Regulatory Amendment in Hawai‘i Longline Fisheries (Initial Action)

Asuka Ishizaki, Council staff, presented a draft regulatory amendment evaluating the options to prohibit the use of wire leaders in the Hawai‘i deep-set longline fishery. Following the HLA proposal to voluntarily eliminate use of wire leaders by July 2021, the Council at the December 2020 (184th) meeting directed staff to prepare the regulatory amendment to the Pelagic FEP for Council action at the March meeting. Preliminary analysis for the amendment was presented for Council’s consideration for initial action at this meeting, with final action pushed to a later meeting so that the Council can consider PIFSC’s Monte Carlo analysis in its decision-making.

The HLA proposal is also focusing on crew safety to ensure captain and crew are equipped with the tools and safety gear to deal with potential flyback, as well as working with NMFS and the Council to lead captain and crew training on implementing proper handling protocols. The majority of vessels (95-99%) in the Hawai‘i deep-set longline fishery use steel trace wire leaders in the terminal portion of the branchline between the hook and a weighted swivel, intended to reduce the risk of crew injuries resulting from the flyback of weighted branchlines.

Wire leaders make it difficult to remove the terminal portion of the branchline from sharks or other protected species that cannot be brought on board. Longer trailing gear left on sharks and sea turtles have been shown to reduce post-hooking survivorship. The draft purpose and need for the action is to amend the regulations that implement the Pelagic FEP to prohibit the use of steel trace wire leaders in the Hawai‘i longline fishery to make it easier for the crew to release sharks and other larger animals, and to remove the trailing gear as much as possible. Improving the ability to cut extraneous line would increase the post-hooking survival of oceanic whitetip sharks and potentially other ESA-listed species, such as leatherback turtles. This not only helps address concerns under the ESA and the ongoing consultation, but to also minimize bycatch and bycatch mortality to the extent practicable as required under MSA National Standard 9. The action is also expected to help the Council fulfill its obligation to address the relative impact of U.S. fishing vessels on the WCPO oceanic whitetip shark stock under MSA section 304(i). Moreover, the action needs to ensure that all vessels that are operating under the Hawai‘i longline limited entry permit transition away from wire leaders and not just the HLA vessels under the voluntary action.

Existing State of Hawai‘i and federal protections implemented in the early 2000s prohibit either the retention, landing or practices that lead to shark finning. These measures increased the proportion of oceanic whitetip sharks released alive in the Hawai‘i longline fishery from 10% to

more than 70%. The IATTC and WCPFC binding nonretention measures were also implemented domestically, which require the release of all silky and oceanic whitetip sharks. Additionally, eliminating the use of “shark lines” is considered to be a viable shark conservation measure internationally, but this practice is not used by Hawai‘i-based vessels.

Ishizaki reviewed the relevant regulations under the Pelagic FEP that pertain to gear requirements, including the definition of deep-set longline fishing and leaders. The regulatory amendment could modify the regulatory definition of deep-set longline fishing and prohibit the wire leader material. Regulations under the False Killer Whale Take Reduction Plan developed pursuant to the Marine Mammal Protection Act specifies a minimum width for monofilament branchline and leaders and a breaking strength for any other branchline and leader material. Another relevant measure is the seabird mitigation measure for the deep-set longline fishery, which requires fishermen to use weighted branchlines when fishing north of 23 degrees N. This is the reason the fishery prefers to use wire leaders. Currently, all vessels use circle hooks in the deep-set fishery as part of the weak hook requirement under the False Killer Whale Take Reduction Plan.

Ishizaki presented a summary of available information regarding the impact of removing wire leaders in longline fisheries. There is uncertainty as to the extent of bite-offs expected given that the deep-set fishery is using circle hooks, which tend to result in sharks getting hooked in the mouth. Sharks are more likely to bite off the line with tuna or J-hooks, which tend to result in gut-hooking. Based on the available information, leader material is not expected to substantially change the initial hooking rates for sharks, although this is a difficult area to quantify. However, the reduction in trailing gear and minimization of stress on the animal is likely to reduce mortality. Additionally, experimental studies indicate higher catch rates of some of the target species on monofilament leaders. These same studies do indicate lower CPUE for sharks on monofilament compared to wire leaders. Monofilament leaders are likely to require more frequent repairs and replacements, but this may be offset by the lower cost of monofilament leaders compared to wire.

Ishizaki provided a preliminary estimate of the anticipated reduction in oceanic whitetip shark mortality in the Hawai‘i deep-set longline fishery based on the available data on bite-off post-hooking mortality rates. An average of approximately 1,700 oceanic whitetip shark interactions are expected per year, based on PIFSC’s estimates. A 17 to 36% reduction in oceanic whitetip shark mortality may be expected from the leader material change, depending on the amount of bite-off and the ability to remove all of the trailing gear from the sharks before they can be released. These estimates will be updated with PIFSC’s Monte Carlo analysis results.

Ishizaki described the following alternatives: 1) no action, 2) prohibit wire leaders in the Hawai‘i deep-set longline fishery; and 3) prohibit wire leaders in all Western Pacific longline fisheries under the Pelagic FEP. Under no action, most but not all deep-set longline vessels are expected to convert to monofilament leaders, but the extent of conservation gain will depend on the degree of voluntary compliance and permanence. Alternative 2 would ensure that all of the vessels that fish under the Hawai‘i longline limited entry permit would transition away from wire leaders. Alternative 3 is expected to have similar effects to alternative 2 because all other longline vessels under the Pelagic FEP already use monofilament leaders, but this alternative could prevent these vessels from transitioning to wire in the future. The Council was asked to

consider a preliminary preferred alternative for further analysis, or identify additional alternatives.

Rice asked how many boats are not part of HLA and how many would not be affected if there is no action.

Dang said he would double check the numbers, but said that only a handful of vessels currently fishing out of California are not HLA members.

Rice asked if the vessel owners are supportive of a regulatory change, or if they would prefer to do it voluntarily.

Dang said that when the initiative was first being pitched, he thought that it would provide the conservation benefit. He was not sure how many vessels had switched over so far, but HLA members are on track to adopt monofilament leaders voluntarily by July 1, 2021. He said that a regulatory measure would be helpful to have all the vessels on the same page, provide a clear and consistent message and ensure long-term adoption.

Dang asked Tosatto regarding the anticipated timing of the deep-set biological opinion (BiOp).

Tosatto said that it is uncertain given that PIFSC is conducting the necessary analysis for PIRO to update the proposed action so that the ESA consultation can continue. He has communicated with HLA, which is an applicant to the consultation, and is working through the timing issue. He anticipated that the BiOp would be completed sometime after receiving PIFSC's information and some additional months on PIRO's end after receiving the information.

Dang noted that PIRO reported at the last meeting that the anticipated completion was February, which suggests that PIRO had already developed some reasonable and prudent measures (RPMs) for the fishery. He asked Tosatto to elaborate on those measures so that the Council can consider that as part of the range of alternatives.

Tosatto said that PIRO had previously delayed the consultation to incorporate PIFSC's sea turtle model at the request of the Council and HLA, and that there is a robust BiOp developed. However, NMFS cannot share that information until the analysis is complete. He noted that the latest change is predominantly focused on oceanic whitetip sharks, but it could also have an effect on other species. He said that NMFS would never share the workings of the opinion until it is formed.

Simonds showed a slide with the consultation timeline and reminded Tosatto that the consultation started in October 2018 and the turtle modeling was done in 2019. She expressed concern over the already long process.

Tosatto said that there has been a variety of factors that have affected the progress. He is reminded how hard Bigelow is working, yet it is hard to predict when the information will be available. The PIRO Sustainable Fisheries Division (SFD) staff would then use that information to update the consultation. They are still working on other portions and learning things every day

that update the consultation. The action agency does not produce a jeopardy determination, but rather a description of an action and an estimation of the impacts, after which the consulting agency conducts the jeopardy analysis. He noted PIRO has an obligation to share a draft with the applicant, HLA. He said that PIRO is not expecting to see the usable results from the PIFSC analyses until June or July and so the final BiOp would be anticipated around Oct. 31, 2021.

Simonds said the PIFSC analyses was expected initially in March, but is now expected in April. The Council would like to move quickly on this amendment rather than waiting until the end of the year to take final action and she hoped that the Council would be able to work with SFD staff on this amendment. Simonds also said that a draft BiOp for the Atlantic right whale was made available for public review and comments earlier in the year and would like to see a similar process for this region to get public input before a final BiOp is made available. Simonds also expressed disappointment for the further delay, but noted that if the BiOp is not going to be available until later in the year, the Council should proceed with the amendment and any subsequent RPMs or reasonable and prudent alternatives (RPAs) can be addressed at a later time.

Gourley asked Tosatto if alternatives 2 or 3 would complicate the BiOp analysis, or if additional conservation measures may be required for alternative 2.

Tosatto said either action is relevant to the BiOp. PIRO is proceeding with considering HLA's voluntary commitment and understand that the Council is considering a mandatory requirement for all deep-set longline vessels. However, they are only consulting on the Hawai'i deep-set fishery at this point, with a separate consultation for the American Samoa longline fishery.

Soliai asked what is at stake with the BiOp delays and whether the regulatory amendment could proceed without the BiOp.

Tosatto said that the delay opens NMFS and the participants in the fishery to legal risk that they are not complying with the ESA and NMFS also has a certain amount of responsibility to HLA as an applicant to produce a timely BiOp. HLA has also filed a Notice of Intent to Sue regarding the delay of the BiOp. Another entity has filed a Notice of Intent to Sue for not completing a consultation on the Hawai'i deep-set fishery and American Samoa fishery with regard to the listing of the oceanic whitetip shark. The overall challenge is coming from a legal risk of injunction on the fishery or penalty of NMFS for noncompliance with the ESA.

E. Addressing MSA 304(i) Obligations for Western and Central North Pacific Striped Marlin

1. Addressing Mitigation Measures to Move Towards Ending International Overfishing

Fitchett presented on potential international measures for addressing the status of the western and central North Pacific Ocean (WCNPO) striped marlin stock under MSA 304(i), which is overfished and experiencing overfishing per the FEP criterion. The PIRO regional administrator sent a letter to the Council on June 4, 2020, communicating the Council's

obligations to develop, within one year, domestic and international recommendations to address the relative impact of U.S. fisheries.

The relative impacts may be based on the FEP metrics, catch history or effort history. Under WCPFC's CMM 2010-01, the target reduction is about 20% of 2000-2003 catch levels, or 457 metric tons for the United States. Under the WCPFC rebuilding plan adopted in 2019, the biomass target to be achieved by 2034 with at least a 60% probability is 20% unfished biomass levels.

Issues with international reporting of billfish and discards are also factors in discussing relative impacts of U.S. fisheries on the stock. Over the entire stock assessment horizon of 1975-2017, the relative impacts of U.S. vessels based on catch history would be about 6% of total catch biomass used in stock assessments. The United States' relative impact based on catch data increased to about 19% in the last five years (2013-2017), with the last year (2017) being about 15%. However, the United States is the only country that reports discards in addition to retained catch as part of its catch reporting.

The Council previously made an international recommendation to limit all WCPFC members' striped marlin catch to no more than 500 mt. The Council at its 184th meeting also endorsed the U.S. consultative draft to revise the CMM, but the draft was met with pushback by certain members at the WCPFC meeting. The Council may consider supporting these previous recommendations.

Fitchett presented other potential international measures that would help reduce overfishing on the stock. A standardized catch reporting system for billfish is needed to improve striped marlin reporting to include live and dead discards and to account for the misidentification of billfish species. Circle hooks may reduce catchability and improve upon the condition of fish at capture and increase survivorship at release. The United States uses circle hooks nearly exclusively while other fleets do not, such as the Japanese longline fisheries, which use about 90% tuna hooks. Removing wire leaders could improve upon the condition of fish at haulback and decrease catchability according to published analyses. Live releases alone may not satisfy rebuilding objectives—international compliance would need to be 100% in order to appreciably reduce fishing mortality.

Gourley asked if a working group would be useful to review different measures for minimizing regulatory discards.

Fitchett said that the Pelagic FEP Plan Team was in favor of having a working group that would operate similarly to the Oceanic Whitetip Shark Working Group under the team. He noted the need for analyses looking at the condition of striped marlin at haulback which could increase the efficacy of live releases and inform international mitigation measures.

Gourley asked if the chances of the Japanese transitioning to using circle hooks would be low, given they use 90% tuna hooks.

Fitchett said that it is likely to be difficult, but that should not prevent the Council or the United States from making an attempt to push for a measure internationally. Many

nongovernmental organizations also support the use of circle hooks to increase the survivability of oceanic whitetip sharks and striped marlin.

Rice said that PIRO mentioned at the Permanent Advisory Committee meeting (to advise the U.S. Commissioners to the WCPFC) that the United States likely will not submit a draft rebuilding plan to the WCPFC based on the uncertainty with the stock and a new assessment anticipated in 2022, and asked if that would also affect the United States. Rice said he would recommend that the United States proceed with drafting a rebuilding plan.

Tosatto clarified that an adopted rebuilding plan is in place, but the current CMM is not effective in accomplishing rebuilding and a new CMM is needed. With a new stock assessment likely in 2022, he sees the potential of advancing a new CMM successfully, but the United States would not be advancing the CMM that was in development last year. He said that advancing the CMM may not be completely relevant to the Council's domestic obligations to address relative U.S. impacts.

Rice said that HR 4576 titled "Ensuring Access to Pacific Fisheries Act" states that the United States should not disadvantage itself internationally if other nations are not adopting CMMs on an issue that is largely international.

Tosatto agreed and said Rice's statement reinforces the Council's obligation to provide a recommendation to address the United States' relative impact, but does not have to end overfishing by themselves.

Rice asked what objections were brought up at the International Science Committee for Tuna and Tuna-Like Species in the North Pacific (ISC) Billfish Working Group.

Fitchett said that an update to the 2019 stock assessment was reviewed by the ISC Billfish Working group the previous week. U.S. scientists noted there was a small but significant error in the amount of U.S. catch that was accounted for in the 2019 stock assessment, which was about 3 to 7% in any given year of the last seven or eight years in the stock assessment. The previous assessment had catches from the United States outside the stock boundaries, so the stock assessment was reran with the new U.S. catch data. Japanese scientists had objections to the stock assessment and the stock projections. Japan delegates noted that with the removal of the high seas driftnet fishery, which was a major contributor of fishing mortality prior to 1993, catches declined greatly and fishing mortality should have also declined. However, the assessment model estimated that fishing mortality immediately increased after 1993.

Rice asked if discards need to be retained, noting that fishers will have to discard dead fish if a quota or catch limit is met.

Fitchett said that there is no provision to retain discards. Any catch limit is based on accounting for retained catch or landing values that are commonly associated with the WCPFC reporting. If a catch limit is met, then fishers would be required to release the fish, which would be considered regulatory discards.

Rice said that would be similar to Gulf of Mexico bluefin tuna that have regulatory discards, which is wasteful.

Tosatto said that the Council should consider the issue of regulatory discards under one of the National Standards in its decision-making for addressing the relative impact of U.S. vessels.

Rice said circle hooks would be one way to reduce mortality.

Soliai said the relative impacts of U.S. vessels are not very clear at the moment and asked Tosatto to clarify.

Tosatto said that the Council needs to act with the best scientific information available (BSIA), and in his view the information available passes the threshold of best available for management purposes. As a new stock assessment comes out, it will provide new information that the Council can consider at that time. As a new measure for the stock is developed, the Council can address its management structure at those times, using the BSIA at that time.

Watamura said that with the voluntary changeover away from wire leaders, the difference in survivability should be factored into rebuilding plans.

2. U.S. Catch Limits for Western and Central North Pacific Striped Marlin (Final Action)

Fitchett presented the alternatives for establishing catch limits for North Pacific striped marlin under the Council's Pacific Pelagic FEP. This action would address the relative impacts of U.S. fishing vessels to reduce overfishing on the WCNPO striped marlin stock under the MSA 304(i) obligations.

U.S. relative impacts on the stock could be quantified by its catch history, with U.S. catches representing 6% of all catch biomass since 1975, and 15 to 19% over the last decade. U.S. relative impacts are lower over the longer time period because Japan catches contributed around 80 to 85% of total catches in the early years, but has since declined. Other distant water fishing fleets also still catch an appreciable amount of striped marlin. However, only the data provided by the United States include discards and correction factors and projections show that the stock would still be experiencing overfishing and overfished in the absence of U.S. catches.

Fitchett provided an overview of the 2019 stock assessment, the 2021 update and rebuilding analyses. An update to the 2019 stock assessment did not change the stock status. A new assessment benchmark is expected in 2022 in response to issues presented at the ISC Billfish Working Group, including inconsistencies in Japan's fishery changes and associated fishing mortality and unaccounted changes in Japan's logbook data collection system.

In March 2020, the Council recommended that NMFS request the ISC Billfish Working Group to consider conducting stock projections that would incorporate scenarios of phased catches to reach a rebuilding target in the adopted 15-year rebuilding horizon. These phased reductions would maximize catch revenue while rebuilding the stock within the rebuilding

timeline. Phased catches would be incremental reductions in four phases, starting in 2022-2024 with a 13.1 % reduction from the reference year. These phased catch would reduce fishing mortality below fishing mortality at maximum sustainable yield (F_{MSY}), effectively ending overfishing. An immediate constant catch limit, which would represent a 34% reduction in catch relative to the 2013-2017 reference years, would achieve the international target soonest.

The purpose of the Council action is to develop a catch limit with an in-season accountability measure (AM) to move toward ending overfishing while accounting for the relative impacts of U.S. vessels on the WCNPO striped marlin stock. The alternatives under consideration are: 1) no action on catch limits and the Council may explore other means to reduce relative impacts; 2) catch limits from 2021-2024 that correspond to a 13.4% reduction from 2013-2017 U.S. catch biomass as part of the phased catch reductions, which would rebuild the stock within 15 years; 3) catch limit of 34% reduction from 2013-2017 levels, which would end overfishing and rebuild the stock “soonest”; and 4) catch limit of 457 mt, consistent with previous Council action and WCPFC CMM 2010-01. Under all alternatives, the affected vessels would be all longline vessels possessing a Hawai‘i longline limited entry permit, and the in-season AM for all catch limit options would be to cease retention after 95% of catch is projected to be met. The Council may also consider appropriate years to set a catch limit.

Fitchett reviewed the alternatives for Council action with their applicable impacts on the North Pacific striped marlin stock, as well as impacts to the Hawai‘i-based longline fisheries. Based on a comparison of the catch limit alternatives and historical retention levels, the catch limits under alternative 2 and 3 would be lower than the historical catch levels for most years. Estimating the economic impacts of the alternatives is confounded by the impacts of the 2018 amendment to the Billfish Conservation Act and COVID-19, which contributed to an approximately 50% decline in striped marlin price per pound between 2016-2020. Based on the 2016-2020 average price per pound, the ex-vessel annual revenue for striped marlin under alternative 2 would be about \$1.2 million, which would be a loss of approximately a quarter million dollars per year compared to taking no action. Under alternative 3, the ex-vessel revenue would be about \$900,000, which would be a loss of \$550,000 per year compared to taking no action. Economic impact is expected to be minimal under alternative 4. Fitchett said that the Council may also consider the effect of other ongoing management actions such as the wire leader prohibition on the striped marlin stock and issues regarding regulatory discards.

Gourley asked if anything has changed to increase the catch of the stock, noting the apparent increase in landings in later years of the historical landings data.

Fitchett said there are recruitment pulses that result in catch rate variability, leading to high catches in certain years. This could be indicative of a productive stock if catch rates are increasing. However, historically speaking, catch rates and catches have declined.

Gourley asked for confirmation that the increase is likely attributed to a biological response from good recruitment years rather than a change in the fishing industry.

Fitchett said these changes could be due to the distribution of fishing fleets, but would need to check with PIFSC. In recent years, the Hawai‘i fleet has been at its capacity and effort has stabilized.

Rice recalled that in a previous presentation by Ito, striped and blue marlin catches in 2020 were about half of the catches compared to 2019, which could be the result of more fishing in the south. Rice asked when the U.S. longline fleet moved over to circle hooks.

Fitchett said it was around 2013.

Rice said his biggest concern is the boats hitting the limits and having the wasteful discards, and analysis should be done to determine the proportion of striped marlin that are brought to the vessel alive and whether the dead ones can be retained to minimize waste.

Fitchett said the SSC requested future rebuilding plan analyses to incorporate discards.

Soliai asked what would happen to discards under a catch limit.

Fitchett said that the fishery would cease to retain striped marlin after a limit is reached, and would be required to release them whether they are dead or alive. Fitchett said that approximately half of those fish would be mortalities at haulback or would not survive after being released.

Soliai said that would be a waste of food.

Watamura asked if the United States would get an allotment of striped marlin through the WCPFC.

Tosatto said that the United States has a limit under the existing CMM that went in place in 2010, which was 457 mt based on a 20% reduction of the historical baseline. Since that time, the US has not been at risk of exceeding that limit, so NMFS did not establish a limit in regulation under the WCPFC Implementing Act. NMFS instead offered the Council the opportunity to address the obligation regarding striped marlin domestically through the MSA. However, the United States is now at risk of exceeding the limit of 457 mt and there is now an obligation to meet with some urgency to implement controls in place so the catch can be limited to at least 457 mt. The Council is contemplating again a second question of what is an appropriate action to address their obligation under 304(i) to address their relative impact on the stock to address overfishing. Tosatto believes that at minimum a limit should be in place, and that number should be smaller than 457 mt.

Watamura said the stock is internationally overfished and would prefer to see the WCPFC develop a measure internationally. Watamura said the relative impact may be uncertain due to the absence of data and IUU fishing.

Rice said that the U.S. relative impact to the North Pacific striped marlin stock is unknown because the stock boundaries used to define the stock are not corresponding with science and tagging data.

Tosatto said the Council should be focusing on its obligation and its timing, as NMFS needs to hear from the Council by the June deadline.

Dang said his concern was the uncertainty with the U.S. relative impacts and recalled that the Hawai'i fishery has a relatively small impact on the overfishing of the stock. The reality is that even if the U.S. fishery was removed altogether, the stock would remain overfished. Dang said that the Council should remain humble and not overreach to the point that would be detrimental to the fishery without any real conservation benefit. Dang also said that maybe the Council should wait for the new stock assessment so that it can act upon the better information. Dang said that U.S. fisheries are working in good faith and doing a good job with respect to their obligations.

Rice said that the U.S. vessels can only fish in about 17% of their EEZ, so they are fishing alongside foreign boats.

F. International Fisheries

1. Report on the Outcomes of the South Pacific Regional Fisheries Management Organisation Meeting

Tosatto reported the outcomes of the South Pacific Regional Fisheries Management Organisation (SPRFMO) meeting held virtually Jan. 25 to Feb. 8, 2021. SPRFMO's jurisdiction is the South American Coast Jack mackerel fishery, the squid fishery and similar fisheries in the Western Pacific south of the equator and the bottomfish fisheries on the seamounts around Australia and New Zealand. Many proposals were introduced, with notable resistance from China on all fronts, especially with respect to management of the squid fisheries. Jack mackerel has been rebuilt in SPRFMO and is growing healthily. Brakke was elected vice chair in his role at the State Department and NMFS expects him to maintain that position when he moves into his new position at NOAA to become Alexa Cole's deputy in the Office of International Affairs.

2. Report of Outcomes of the 17th Session of the Western and Central Pacific Fisheries Commission

Alex Kahl, PIRO International Fisheries Division, presented on outcomes of the 17th Regular Session of the WCPFC, which was held virtually Dec. 7-15, 2020. The CMM for tropical tuna stocks, CMM 2018-01, was set to expire in early 2021, and was rolled over for another year as CMM-2020-01, with an expiration date of Feb. 15, 2022. The other substantive decision was the adoption of CMM 2020-02, the CMM for Pacific bluefin tuna. This included provisions increasing the allowable carryover of the unused portion of a catch limit from the previous year from 5 to 17%, and allowed members to transfer some of their small fish catch limit to their large fish catch limit. On Feb. 15, 2021, the WCPFC made an intersessional decision to further extend its waiver of their requirements for at-sea transshipment observers, purse-seine observers and at-sea transshipment, which is set to expire May 15, 2021.

3. Conceptual Frame for Workshop on Bigeye Tuna Management in Western and Central Pacific Ocean Longline Fisheries

Fitchett reviewed a conceptual frame of a proposed workshop for tropical tuna management in WCPO fisheries, to be held the last week in April 2021. There are some major issues to be reconciled, including some exemptions on the seasonal FAD closure of Parties of the

Nauru Agreement (PNA) and Pacific Island vessels that are fishing in the WCPFC jurisdiction. Also, the Hawai‘i-based longline fishery still has the lowest specified catch limit of members subject to limits. Three major topics will be covered: 1) CMM 2018-01 performance review; 2) management objectives and scope of a new tropical tuna measure; and 3) discussion of upper bound or target exploitation level that would allow a potential increase in the level of longline catch, which could be allocated to many fisheries, including the United States. PIRO International Fisheries Division provided a proposal on the last topic. The United States wants to develop qualitative and quantitative objectives for tropical tunas, creating acceptable target levels commensurate with breaching limit reference points for bigeye tuna and yellowfin tuna and not changing the existing skipjack tuna target reference point.

Fitchett described the United States’ longline fisheries objectives. These include stability in the market and maintaining constant catch and constant catch stability, an increase in allocation for a total allowable catch (probably the biggest longline objective moving into the WCPFC next year) and an increased prevalence of larger fish in U.S. longline catch composition.

Fitchett said WCPFC members will need to examine flag-based versus zone-based longline catch or effort limits with the objective of coming up with an agreeable formula and guiding principles to combine several area-based and zone-based management tenets that many Pacific Island and PNA countries favor.

4. Outcomes of the 34th Food and Agriculture Organization Committee on Fisheries

Fitchett presented the outcomes of the United Nations Food and Agriculture Organization (FAO) 34th Committee on Fisheries (COFI34), which was held virtually Feb. 1-5, 2021. Simonds was a member of the U.S. delegation. A Subcommittee on Fisheries Management was proposed and will be discussed at the next COFI meeting. This subcommittee is unique because there are existing subcommittees on seafood trade and aquaculture, but not on fisheries management. The Council is interested in incorporating the International Workshop of Area-based Management Tools into COFI, and that subcommittee would provide a mechanism to do so. The FAO will continue its estimation of IUU fishing and improved guidelines for monitoring transshipment. COFI is looking into nonbinding practical guidance on social responsibility in aquaculture and fisheries, improving upon agreements to reduce IUU fishing and incorporating climate change into fisheries management. In the FAO Workplan, there was a call for expert consultation in “regional learning events.” The FAO recognized the criticism of area-based management tools and marine protected area implementation and there was an intervention by Canada for the FAO to continue working on regional implementation of area-based management tools.

G. Advisory Group Report and Recommendations

1. Pelagic Plan Team

Don Kobayashi, PIFSC and Pelagic Plan Team chair, presented the Pelagic Plan Team report and recommendations.

Regarding domestic options presented by the Oceanic Whitetip Shark Working Group, in order to satisfy MSA 304(i) obligations, the Pelagic Plan Team endorsed the HLA proposal to replace wire leaders with monofilament nylon or other similar material as a potentially significant means to reduce catch rate, trailing gear and post release mortality of oceanic white tip sharks, as well as to provide potential conservation benefits to other species of concern, including sea turtles, marine mammals, billfish, other shark species and rays. The Pelagic Plan Team recommended the Council further consider a regulatory amendment, if needed.

The Pelagic Plan Team recommended the Council work with HLA and NMFS to implement captain and crew training on proper shark handling and gear removal in U.S. fisheries, as proposed by HLA, with attention to innovations that further safety-at-sea and promote post-release shark survivability. This training should include proper implementation of line-cutters.

Regarding international options presented by the Oceanic Whitetip Shark Working Group, in order to satisfy MSA 304(i) obligations, the Pelagic Plan Team recommended the Council work with the State Department and NMFS to support an increase in international observer coverage and/or EM in areas with higher likelihood of oceanic whitetip shark capture. Fishery monitoring is a necessity for nontarget species and there is a reasonable argument to increase coverage to at least 10% in equatorial waters (10° S northward to 10° N).

The Pelagic Plan Team recommended the Council work with the State Department and NMFS to advance the reduction of wire leader usage and the use of circle hooks in international longline fisheries as important steps to reduce fishing mortality of nontarget species.

The Pelagic Plan Team recommended the Council work with the State Department and NMFS to progress best handling practices of sharks and rays into internationally binding measures to appreciably reduce total mortality of those species.

Regarding WCNPO striped marlin, the Pelagic Plan Team recommended the Council use the phase-in approach to implement catch limits of WCNPO striped marlin, adapting future catch limits from catches from previous years or as best scientific information becomes available.

The Pelagic Plan Team recommended the Council assemble a working group of subject matter experts to prioritize research needs to reduce discard mortality, improve monitoring and develop options for international fisheries to reduce overfishing of the WCNPO striped marlin stock after the 17th WCPFC Scientific Committee.

2. Advisory Panel

Clay Tam, Hawai'i Advisory Panel (AP) chair, presented the AP report and recommendations.

Regarding the regulatory changes for the prohibition of wire leaders in Hawai‘i longline fisheries, the Hawai‘i AP supported the wire leader measure as it provides an industry-led effort to resolve the shark tissue but was concerned about the potential unknown impacts of costs and catch rates. The AP also noted that the effects of different metals on a wire leader may allow for a continued use of wire leaders and might be looked at should costs and catch be impacted negatively.

Regarding U.S. catch limits for North Pacific striped marlin, the Hawai‘i AP recommended the Council select the no action alternative.

Tam said the AP noted changes in catch rates on striped marlin as well as the inability to sell billfish to domestic markets in the continental United States. The AP felt that catch limits on the fishery at the time would be unfair due to the unlevel playing field between the United States and international fleets. The United States should be rewarded with higher bigeye catch for its effort and support for conservation such as implementing mitigation measures for ESA species.

3. Fishing Industry Advisory Committee

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

Regarding wire leaders, the FIAC supported regulatory implementation of a wire leader prohibition to follow the industry’s voluntary transition. The FIAC additionally recommended the Council consider a regulatory requirement to remove trailing gear from oceanic whitetip sharks as part of the regulatory amendment.

Regarding WCNPO striped marlin, the FIAC recommended the Council defer selecting an alternative that specifies a catch limit based on current information, but rather endorse a framework to adjust catch limits that account for the U.S. relative impact on the resource as better scientific information is presented.

Regarding international fisheries management, the FIAC recommended the Council request a stronger negotiation system to ensure fisheries in the Western Pacific Region are protected.

4. Non-Commercial Fishing Advisory Committee

There were no recommendations from the Non-Commercial Fishing Advisory Committee (NCFAC) regarding pelagic and international fisheries.

5. Scientific and Statistical Committee

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

Regarding the Oceanic Whitetip Shark Working Group, the SSC endorsed the Working Group findings.

Regarding MSA 304(i) international obligations for WCNPO striped marlin, the SSC recommended the Council consider: an improved standardized reporting system of billfish catch and discards for all WCPFC fisheries; the use of circle hooks in all WCPFC longline fisheries; limiting WCPFC-member catches to 500 mt per year; and supporting a consultative draft to rebuild WCNPO striped marlin. The SSC noted that the inclusion of both the 500 mt WCPFC member limit provision and the current U.S. consultative draft text may conflict, therefore the SSC recommended Council staff liaise with PIRO on the development of the draft rebuilding plan.

Regarding U.S. catch limits for North Pacific striped marlin, the SSC recommended that discard mortality be included within future rebuilding scenario analyses. The SSC recommended that once a new benchmark stock assessment is completed (tentative 2022) future rebuilding efforts by the United States should utilize the phase-in approach based on a target fishing mortality rate rather than a rebuilding timeline.

H. Standing Committee Report and Recommendations

Dang reported that the Standing Committee met on March 22, 2021, discussed the action items and deferred recommendations to the full Council.

I. Public Comment

Teresa Labriola, Wild Oceans, addressed overfishing of WCNPO striped marlin. Noting that international and domestic management measures taken to date meant to reduce catch have failed to improve the stock status, Labriola said domestic measures that the United States may advance to reduce its catch will set the stage for commensurate international action. Labriola noted the Hawai'i longline fleet has already adopted some mitigation measures that can reduce the catch of striped marlin and increase post-release survivorship, such as the use of circle hooks. Noting that the United States now accounts for nearly 20% of the ocean-wide catch of striped marlin, Labriola said that alternatives 2 and 3 begin to address the U.S. relative impact. Wild Oceans supports the recommendation of the Pelagic Plan Team to adopt the phased rebuilding plan that allows international fishing to rebuild striped marlin with a lower initial reduction in catch. She said that other measures should be explored as well, such as removing surface hooks from longlines, requiring release of live striped marlin and area-based measures for areas identified with greater CPUE of striped marlin. Labriola cautioned against alternatives 1 and 4, citing it actually allows greater potential harvest and is inconsistent with the MSA. Labriola also noted that the AM still allows regulatory discards after a catch limit is met. Studies on post-release survivorship of striped marlin may not show better survivorship for smaller striped marlin and other accountability measures need to be considered.

David Gershman, Ocean Foundation's International Fisheries Conservation Project, provided comments regarding oceanic whitetip sharks. The HLA, Ocean Foundation and the Pew Charitable Trust jointly sent a letter supporting the move to remove wire leaders from longlines. Gershman urged the Council to adopt a regulatory prohibition on wire leaders in all domestically managed Western Pacific pelagic longline fisheries because banning wire leader has been shown to be one of the most effective ways to reduce shark mortality and it has the benefits of ease of implementation and enforcement. The Ocean Foundation also urged the Council to coordinate

with HLA to facilitate the methods of release in crew training to cut the gear as close as possible to the shark to promote post-release survivability. Internationally, the authors of the joint letter urged the Council to recommend the U.S. delegations of the WCPFC and IATTC to immediately promote a ban on wire leaders in those RFMOs, promote increases in longline observer coverage to 20% as soon as possible, including the use of EM and promote measures to transition those RFMO's voluntary shark handling guidelines to mandatory measures. The three organizations are asking the United States to take these actions to level the playing field internationally, and both these actions would position this region in a leadership role in shark conservation. Gershman noted that the scientists at the WCPFC, members of the Oceanic Whitetip Shark Working Group and the Council's Pelagic Plan Team all agree that there is a conservation benefit of removing wire leaders. Gershman also noted some other countries prohibit wire leaders in longlines.

Seth Atkinson, EarthJustice, commented on domestic and international measures that the Council should identify and recommend pursuant to the MSA, as well as measures that could shape how the stock is recovered under the ESA. EarthJustice supports a monofilament leader requirement for all U.S. longline fisheries, which is alternative 3 in the draft regulatory amendment, to ensure the whole fleet is on equal footing. Atkinson said that while the Hawai'i shallow-set and American Samoa longline fleets already use monofilament leaders, making them mandatory for all fleets puts the United States in a position to push for a similar requirement at the international level. Atkinson also said that the Council should recommended nonstainless hooks, which would complement the monofilament leader measure. Atkinson alluded to a study by the University of Hawai'i on this matter, cited in a letter from EarthJustice. Earth Justice encouraged the Council to recommend a strong package of measures for the U.S. delegations to take to the RFMOs.

J. Council Discussion and Action

*Regarding measures to address the Council's MSA 304(i) domestic obligations for WCPO oceanic whitetip sharks, the Council **recognized that the development of a regulatory amendment to prohibit the use of wire leaders in Hawai'i-based U.S. longline fisheries may address the Council's domestic obligations to address the relative impacts of U.S. vessels on international overfishing of WCPO oceanic whitetip sharks.***

Moved by Gourley; seconded by Dunham.
Motion passed.

*Regarding measures to address the Council's MSA 304(i) international obligations for WCPO oceanic whitetip sharks, the Council **requested the State Department and NMFS endeavor to increase observer coverage and/or EM in areas with high vulnerability of oceanic whitetip shark capture. This recognizes that fishery monitoring is a critical point, and there is a reasonable basis to increase coverage to at least 10% in equatorial waters (10° S northward to 10° N). Furthermore, EM technology could potentially be a more cost effective monitoring tool for fisheries with insufficient resources to develop or expand human observer monitoring infrastructures.***

The Council requested the State Department advance the reduction of wire leader usage and the use of circle hooks in international longline fisheries as important steps to reduce fishing mortality.

The Council, recognizing that existing handling guidelines are currently nonbinding for sharks in longline fisheries, requested the State Department and NMFS to promote handling practices into internationally binding measures to appreciably reduce mortality of those species.

Moved by Gourley; seconded by Dunham.
Motion passed.

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

The Council requested PIFSC to complete the Monte Carlo analyses for both the Hawai'i deep-set longline fishery and WCPO in advance of the June 2021 meeting.

Moved by Gourley; seconded by Dunham.
Motion passed.

Regarding improving oceanic whitetip shark handling in longline fisheries, the Council recommended that PIRO provide support to HLA's efforts for captain and crew training on proper shark handling and gear removal to promote post-release shark survivability, including proper implementation of line-cutter, and with attention to innovations that further safety-at-sea. The Council further directed staff to provide support to HLA for this effort.

Watamura requested that the Council continue to be updated with safety-at-sea innovations pertaining to this recommendation.

Simonds said Watamura's point could be added to the letter transmitting this recommendation.

Moved by Dunham; seconded by Gourley.
Motion passed.

Regarding the Oceanic Whitetip Shark Working Group, the Council directed staff to continue its work plan with the Oceanic Whitetip Shark Working Group to proceed with analyses already in progress.

Moved by Dunham; seconded by Gourley
Motion passed.

To address the Council's MSA 304(i) international requirements for WCNPO striped marlin, the Council requested the State Department and NMFS propose to the WCPFC:

- a. a measure requiring the use of circle hooks in all WCPO longline fisheries;*
- b. develop a standardized billfish catch and discards reporting mechanism for WCPO longline fisheries; and*
- c. that no Commission Members, Cooperating Non ~~Members~~ Participating Territories of the WCPFC land and retain more than 500 mt of striped marlin per annum by 2025.*

The Council directed staff to liaise with PIRO International Fisheries Division in support of a U.S. consultative draft to revise WCPFC CMM 2010-01.

Tosatto said that while this is not an action that would be forwarded to him for decision-making, he will be abstaining so as not to prejudice the U.S. government position taken in the WCPFC. He also said he does not support item c (a maximum catch limit of 500 mt for any WCPFC member).

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

To address the Council's MSA 304(i) domestic requirements for WCNPO striped marlin, the Council recognized that there is substantial uncertainty with respect to the relative impact of U.S. vessels on the WCNPO striped marlin stock. This is due largely in part to uncertainties in foreign catch and discards on the stock, particularly among those fisheries that have been a leading source of fishing mortality. This is likely due to lack of monitoring and uncertainty in catch reporting among other WCPFC members. The U.S. acting unilaterally would not end overfishing of the stock and other WCPFC members have not demonstrated a commitment to reduce their impacts on the stock. The Council further noted uncertainty in BSIA that is to be reconciled in 2022.

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

- a. Establish an initial catch limit of 457 mt for 2022, in order to limit the relative impact of U.S. vessels on the WCNPO striped marlin stock, as described in alternative 4.**

- b. Beginning in 2023, recommend specified catch limits proportional to stock-wide catch reductions consistent with U.S. obligations in the WCPFC that reduce fishing mortality to a rate approaching F_{MSY} , consistent with rebuilding the stock through a phased catch reduction approach as described in alternative 2.**
- c. Establish an in-season AM to cease retention and landing of WCNPO striped marlin by U.S. longline fisheries once U.S. fisheries have caught 95% of the catch limit.**

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with section 303(c) of the MSA. In doing so, the Council directed 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 Secretaries of Commerce and State 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.

Tosatto said that he would abstain because it is an action that would come to him for final decision-making. He expressed his concerns with the recommendation because he does not believe this measure is adequate to meet requirements of MSA 304(i). The first part of the measure only meets the international obligation, but does not meet domestic obligation to address the relative impact on overfishing based on the present BSIA. U.S. catch levels used in the stock assessment were well below the recommended catch limit of 457 mt, therefore the current impact of U.S. fisheries based on catch history is not met by this catch limit. He said that alternatives 2 and 3 would be viable in meeting the obligation, but 457 mt does not. He acknowledged that the recommendation does consider future action, but the Council must take action now for 2022 on measures that address the relative impact.

Fitchett said that the BSIA Tosatto alluded to was a 2019 stock assessment that has since been updated (February 2021) given a notable mistake in U.S. catch accounting. He asked if the 2021 update could be considered BSIA even if it has not been reviewed by the ISC or WCPFC Scientific Committee.

Sakoda said he is voting no based on Tosatto's comments.

Moved by Dunham; seconded by Gourley

Motion passed with Tosatto abstaining and Sakoda opposing.

Regarding improving upon conservation and management of WCNPO striped marlin, the Council requested PIFSC include discard mortality within future rebuilding scenario analyses when a new stock assessment is made available.

Moved by Dunham; seconded by Gourley
Motion passed.

VII. Public Comment on Non-Agenda Items

There were no public comments on non-agenda items.

VIII. Protected Species

A. Seabird Mitigation Measures

1. Options for Modifying Shallow-Set Longline Fishery Seabird Mitigation Measures

Ishizaki presented options for shallow-set longline seabird mitigation measure modifications, developed in response to a Council recommendation from the December 2020 meeting. The Council recommended development of a regulatory amendment for the deep-set longline fishery and specifically considering the adoption of tori lines in lieu of blue-dyed bait and strategic offal discards. The Council is awaiting results of a study conducted under an Experimental Fishing Permit (EFP) issued in January 2021 before considering further action on the deep-set fishery, which provides an opportunity for the Council to consider whether any changes could be made in the shallow-set fishery at the same time as the deep-set fishery. Ishizaki also asked the Council to consider research needs for the shallow-set longline fishery to inform future direction on management changes, given that the recent seabird mitigation efforts using tori lines have focused on the deep-set fishery.

Ishizaki described the difference in required seabird mitigation measures between the two longline sectors, noting that all shallow-set vessels in recent years have used the stern-setting option, which requires that vessels use a combination of blue-dyed bait, strategic offal discard and night-setting. Most of the seabird interactions in the shallow-set fishery occur during the hauling operations because the night setting requirement is effective at mitigating interactions.

Ishizaki said the first set of options would consider changes to the shallow-set fishery similar to the deep-set fishery, specifically considering the removal of blue-dyed bait from the shallow-set fishery seabird mitigation measures. To remove the blue-dyed bait, the Council would need to know that the removal would not result in an increase in interactions. However, there are no available data to quantify the blue-dyed bait effectiveness when combined with night-setting because earlier studies from which the existing measures were based only tested mitigation measures one at a time and did not measure the combined effect. Commercial fishery data since 2004 do not provide these data because both measures are required to be used together. In general, night-setting is known to be more effective on dark nights, so blue-dyed bait may be more effective on nights around a full moon. The option to remove both blue-dyed bait and offal discards would only leave night-setting in place and this option would not be consistent with international requirements under the WCPFC and IATTC. One of the options would consider removal of blue-dyed bait and offal discards and add a replacement measure, such as

tori lines or weighted branchlines. Additional research would be necessary to determine suitable tori line and weighted branchline designs for the shallow-set longline fishery.

The next option would consider modifications to the night-setting requirement. Discussions with some of the active shallow-set longline vessel owners and operators indicated that removal of blue-dyed bait is not a high priority, but instead there was significant interest in having more flexibility to start setting earlier than the current night-setting requirement allows. Conventionally, shallow-set longline vessel operators used to adjust their setting time depending on the moon phase to optimize swordfish catch. Vessel owners and operators expressed interest in testing out a new combination of mitigation measures, such as using tori lines in conjunction with blue-dyed bait and offal discards, if that would allow them to start setting earlier than sunset. One of the vessel owners also noted that night-setting results in greater fuel usage during setting because the vessels set gear at higher speeds to compensate for lost time. The final option would consider a broader range of modifications, such as changes to the side-setting option and considering additional mitigation measures to the hauling operations.

Based on the available information and input from the industry representatives, considering modifications to the night-setting measure is the priority for the shallow-set fishery. This would require additional research to identify measures that have comparable mitigation effectiveness to night-setting, and would require an EFP.

Gourley asked if there are any safety issues with night-setting compared to day time.

Ishizaki said that shallow-set vessels have conventionally set mostly at night so that the gear soaks at night, and she was not aware of any safety issues associated with the night-setting requirement.

Gourley said that the Council should look at the option to fix the night-setting issues.

Dang said that the shallow-set longline vessel owners are willing to try out new combinations of mitigation measures if that would allow the operational flexibility to set gear earlier. He reminded the Council members that the shallow-set trips have 100% observer coverage and any interactions would be recorded. He said that allowing people on the water to fish as efficiently as they can is a good step forward. He asked the Council and NMFS to provide assistance for additional trials to see if the night-setting requirement could be changed and to allow the swordfish fishermen to do their good work.

Rice agreed that additional experimental trials are needed. He said that the best time to catch swordfish is four days before and after the full moon, noting that the shallow-set vessels would be fishing during the bright moon periods.

Tosatto cautioned that the agenda item was not noticed as an action item, so the Council needs to make sure its recommendation conforms with the requirement to notice the public when taking an action versus directing staff work.

2. Draft Tori Line Specifications for Deep-Set Longline Fishery

Ishizaki provided a status update on the Council directive from the December 2020 meeting to start developing draft regulatory specifications for tori lines in the deep-set fishery for review at the current meeting. Due to delays in convening the Action Team, this item will be further developed for Council consideration at the June meeting. Ishizaki noted that additional captain and crew feedback from the ongoing EFP study would be considered, but the same tori line design as the last year's study is used in the current study. If the study completes field trials in May, the Council is expected to hear a preliminary report of the results at the June meeting, and would consider final action on the deep-set fishery regulatory amendment at the September meeting. The timeline for Council action will be pushed back if the trials continue into June.

B. Shallow-Set Longline Reasonable and Prudent Measures Working Group Update

David O'Brien, PIRO SFD, provided a brief update on the working group addressing the 2019 shallow-set longline BiOp RPMs. The BiOp concluded that the fishery is not likely to jeopardize the continued existence of any ESA-listed species and included six RPMs that the SFD must undertake to maintain the ESA coverage provided by the BiOp. The RPMs also have 23 associated terms and conditions (T&Cs), of which 14 have been completed, four are initiated and underway, four are pending and one is overdue. O'Brien reviewed the status of each of the T&Cs, which were also described in the briefing document. The overdue item is an analysis of fleet behavior and interaction rates. SFD has prepared an initial draft that is in review, after which, a revised draft will be provided to Council staff for review.

Watumura asked how the post-interaction mortalities are tracked, noting the T&C pertaining to this topic that is pending further research.

O'Brien said that PIFSC is conducting satellite tagging efforts and added that minimizing trailing gear is a focus to reduce mortalities.

Watumura asked if there is coordination with other RFMOs or countries on the T&C regarding temporal and spatial data for oceanic whitetip shark and giant manta rays.

O'Brien said that there has been some discussion on best release practices in the international forum, but he was not aware of any specific countries that might be able to help with the data.

Dang reiterated his previous request to PIRO to provide observer data to industry for an initiative to develop an information sharing program on sea turtle bycatch in the shallow-set fishery. He noted that this program could help fulfill T&C 1c, which requires SFD and the Council to develop additional mitigation measures to replace or modify the trip limit requirement.

O'Brien said that he would bring that message back to SFD.

Tosatto said that PIFSC's tagging effort is done in coordination with the observer program. Regarding Dang's request for observer data, Tosatto said they have an issue with the statutory restraints on confidentiality for the use of observer data. He encouraged the captains to

directly report the turtle interaction information, because they would be experiencing the same interactions as what the observers see and encouraged the industry to share data amongst its fleet. He said that the data may not be shared once it becomes observer information because NMFS is bound by the confidentiality provisions in the statute. He said that there may be ways forward and PIRO is working through them, but encouraged that there may be an industry-only solution to the initiative.

C. Endangered Species Act Consultations for the Hawai‘i Deep-set Longline Fishery, American Samoa Longline Fishery and Bottomfish Fisheries

Joel Moribe, PIRO Protected Resources Division (PRD), provided a brief update on the ESA consultations. Moribe presented the anticipated completion dates as follows: Hawai‘i deep-set longline, paused; U.S. Pacific purse seine, in review; American Samoa longline, May 2021; and bottomfish, June 2021.

Soliai said he was disappointed as he thought the Council would receive more information on the consultations. On March 5, 2021, the American Samoa longline representatives sent a letter to Tosatto requesting a copy of the draft BiOp. Soliai asked Tosatto if a decision has been made on that request.

Tosatto said he has received the letter and said it would be extraordinary to share the draft of the BiOp outside the agency. In limited circumstances, PIRO has shared draft BiOps. In the Hawai‘i longline fishery, HLA is an applicant, which is covered under the ESA. NMFS also has a policy to integrate MSA and ESA decision-making when appropriate, and PIRO follows that policy and the pursuant regional agreement with the Council, under which the Council has requested a review of the draft BiOps. The decision on whether the Council will be provided with a draft will be made at an appropriate time. For the request from the American Samoa representatives, Tosatto said it would probably not be accommodated outside of the potential review in the Council process.

Soliai asked when he thinks there will be a draft ready for American Samoa.

Tosatto said that PIRO is looking to have a draft available in the near term, after the draft has been reviewed by GCPI and the applicable divisions. At some point ahead of May, Tosatto said he will make the decision on whether or not to share with the Council. He said he does not have a date for the draft because of uncertain review steps that have yet to occur. He will communicate with the Council whether or not a review would be accommodated and then would proceed along the timeline.

Soliai said he appreciates that the request is out of the ordinary, but he noted that the consultation processes have been extraordinarily long. The American Samoa longline representatives’ request was to be afforded with the same opportunities given to HLA and the American Tunaboat Association, and to allow them to provide input on the development of any mitigation measures, the cost of which would fall on the fleet. He noted the importance of the industry having the opportunity for input, considering the challenges and issues that the fleet is facing. He urged Tosatto to consider the request and for the Council to also consider it in its recommendations.

D. Endangered Species Act and Marine Mammal Protection Act Updates

Moribe presented on other ESA and Marine Mammal Protection Act updates. He provided an overview of the critical habitat designation proposal for ESA-listed corals, the public comment for which had been recently extended again through May 26, 2021. He presented on the basis of the proposed designation, highlighting the essential features and areas excluded from the proposal. The economic impact analysis for the proposal found that the impacts would be low because of the small number of future federal projects within the proposed areas and because listed corals that are already found in the proposed designation areas and additional economic impacts beyond those from the ESA listing are limited. Moribe presented the proposed designation maps for Tutuila, Guam and Saipan.

NMFS is also planning a coral recovery workshop to inform the development of the recovery plan. The workshop will be convened as eight online sessions throughout May 2021 and Council staff and state government representatives have been invited to attend.

The public comment period for the MHI Insular False Killer Whale Recovery Plan has closed and NMFS plans to finalize the plan later in the year.

Moribe provided an update on false killer whale interactions, with two outside the EEZ and one inside the EEZ so far in 2021. The False Killer Whale Take Reduction Team (FKWTRT) finalized their recommendations in late 2020, which included crew training, depredation research, post-hooking mortality research and data synthesis. NMFS received \$1 million from the FY2021 appropriations bill to study interactions between the U.S. fishing fleet and false killer whales in the Western Pacific. NMFS is determining actions to execute projects under this funding.

NMFS solicited for sea turtle funding opportunities in October 2020, with Hawai'i, Guam and CNMI applying for the funding and awaiting review panel results. American Samoa supports their sea turtle program through USFWS.

Gourley said the territories had issues with NMFS' critical habitat maps, which are not detailed and do not match the regulatory text that describes the various exemptions, making them unusable. The territories are redoing the maps using NMFS benthic cover and geomorphic data to depict where coral habitat is found along the coastlines. Gourley asked when the results of the five-year status review would be available and noted that the review should be completed before the critical habitat designation.

Tosatto said that the status review completion date is not known at this time. The ESA requires NMFS to consider critical habitat designation at the time of the listing, but NMFS made the decision to not designate critical habitat at the time given the complicated listing decision. NMFS has been proceeding expeditiously since then to consider critical habitat, commensurate with the law. He said that what does not seem to be embraced by the working group is that the maps are meaningful, but the regulatory description of the critical habitat is the important part. The focus of the critical habitat is the essential features and where they may occur, whereas the maps show the bathymetric line. NMFS would consider improved maps and the territories could potentially make that available to their consumers. However, the action agencies have to

consider the corals as well as activity away from critical habitat that are relevant to account for indirect impacts. He said that a lot of effort is going into identifying where sandy substrate is, which largely is not meaningful for NMFS to present back to the public and that the essential features and the analysis NMFS conducted should be the focus of review and comment.

Gourley disagreed with Tosatto and pointed out that NMFS failed to designate critical habitat when the species were listed, whereas NMFS is proceeding with this now because the court is forcing NMFS to do it and the five-year status review is also ongoing. The situation has now changed and the five-year status review and the critical habitat designation are ongoing at the same time. NMFS is considering critical habitat without having the full information about the corals. There is uncertainty with the taxonomic stability of the corals and identification is challenging. Gourley said that the NMFS contractor who came to the CNMI and gave a lecture on coral identification admitted that even he has trouble identifying the corals. He said that the information from the five-year status review is necessary for completing the critical habitat designation. Speaking from his experience working on critical habitat consultations for terrestrial species, Gourley said that USFWS provides detailed critical habitat maps and provides information on the principal component elements that describe the habitat found within the designated critical habitat. He said that maps are important for planning purposes and determining whether a project is going to impact critical habitat, but NMFS has used a broad brush to circle the islands for critical habitat, including tens of acres of sandy areas that are not critical habitat. He suggested the working group meet with PIRO staff to revise the maps. NMFS should have done the mapping of the habitat types before the critical habitat proposal was issued and he feels that the territories are doing NMFS' work.

Moribe encouraged comments to be submitted by May 26. He emphasized that this is a proposed rule with preliminary maps and that NMFS could refine the details of the maps. He clarified that the designation is the hard substrate within the lines on the map and that the sandy areas within the lines will not be critical habitat.

Tenorio said that if Hawai'i was on the receiving end of the critical habitat designation, there would be more consideration to details in generating the maps. He asked for clarification on the statement in the proposal that hard substrate that is covered with fleshy algae is considered unsuitable for coral settlement. He noted that many of the hard substrate areas have more than 50% algae cover based on NOAA's maps.

Moribe said that NMFS would not identify critical habitat down to every rock at the time of the designation. Speaking from his experience with Section 7 consultations, if a project that may affect an area that has rocky areas with fleshy algae, then NMFS can discuss with the action agency whether this area is critical habitat and whether the project is likely to affect that habitat.

Muña-Brecht echoed Gourley's sentiments and agreed that the maps are painted with broad strokes. The territories are not being particular or picky about small areas, but rather looking at them objectively through the lenses that NMFS defined. The broad stroke approach assumes that the maps are current and accurate. She noted that for Guam, an entire bay was included in the map, even though there is no hard substrate. More recent surveys and basic consultation with the territory agencies would have helped in mapping the critical habitat and much of the frustrations could have been avoided.

Kevin Brindock, PIRO PRD, said he appreciated the members' concerns. He clarified that the maps are defined based on depth to define the area and that the essential features identified in the proposals are equivalent to the principal component elements. He reiterated that the essential features define the critical habitat, rather than everything within the map area. He requested that these comments be provided during the public comment period.

Amani agreed with Gourley and Muña-Brecht's comments and noted that she understands the corals are important. She expressed the concern that the designation would affect people's livelihoods and fishing, similar to how the firing ranges have affected the islands.

Moribe and Brindock clarified that the critical habitat does not affect individual fishermen from fishing.

Amani said that the critical habitat may affect federally funded projects and the FADs and shallow-water moorings as well as fishing platforms, which are all federally funded, and thus may affect fishing in the islands.

Soliai said that all the territories stand in unison with Gourley's comments and those being developed by the working group. He said he also has some issues with the maps and American Samoa will be generating a map based on better BSIA. He encouraged NMFS to work with the local agencies and communities to accomplish the goals and to make sure that greater weight is given to the input from the territories. He urged the Council to consider a recommendation that the working group coordinate with NMFS staff to develop the maps and the critical habitat designation.

Dang asked how PIRO plans to implement the recently-finalized FKWTRT recommendations.

Brindock said that NMFS is moving forward with implementing the recommendations and developing actions to address them. The first priority stated by the FKWTRT is the handling training, which will be progressed in coordination with the FKWTRT.

Simonds said she was excited to hear PIRO is receiving \$1 million. She asked how PIRO plans to spend the funds and whether PIRO will consult with the Council on what projects would be implemented.

Brindock said PIRO is working with PIFSC internally to identify the needs, using the FKWTRT recommendations. Once the actions are identified, PIRO will work with external partners, primarily through the FKWTRT, and will coordinate with the FKWTRT once a draft plan is available.

Simonds said that over the years in developing the Council's research plans, the staff has worked with the State of Hawai'i and others on projects for false killer whales. She said she will have staff look those up and will follow up with PIRO.

Tosatto said that he looks forward to seeing those projects, but clarified that the funds are focused on longline fishery interactions with false killer whales and PIRO's principal advisor for those matters is the FKWTRT.

E. Coral Critical Habitat Working Group and Council Response

Gourley provided a report of the ad hoc Coral Critical Habitat Working Group comprised of Soliai, Muña-Brecht, Tenorio and himself, acting as the chair. One of the initial frustrations was that NMFS did not coordinate with any of the local territorial governments before the proposed rule was published. The working group recognized the need for additional time to review the proposed rule due to the amount of information. The Council, CNMI DLNR and the three governors of American Samoa, Guam and CNMI submitted letters requesting comment period extensions. The three territorial resource agencies also sent a letter to NMFS and requested a teleconference to discuss the critical habitat issues. The teleconference was held March 8, 2021, which led to the additional comment period extension through May. In addition to the issues surrounding maps and information pertaining to habitat areas, the working group has also discussed whether the designation is prudent, considering the numerous regulatory programs that protect corals in U.S. waters and that U.S. waters are at the fringes of these corals' distribution. The territories are also considering resolutions in their respective legislatures. Gourley also reported that the CNMI Division of Coastal Resources Management rejected the NMFS negative determination on federal consistency approval. Gourley noted a draft letter responding to the proposed rule for Council consideration.

Soliai said that all of the territories have local regulations that provide protections and any further regulatory burdens would continue to hinder progress or development.

Watumura said that when he had done research in the past, the largest threat to corals and coral reefs was global warming and ocean acidification, whereas fishing-related threats were of lower concern. He said for the critical habitat subject, global warming and ocean acidification are not mentioned and asked what has changed.

Tosatto said that nothing has changed except for the action under consideration. When considering the species listing, an assessment of threats against species status is considered. The corals were listed because of those threats and because existing regulatory mechanisms were not adequate to address them. The current action is considering critical habitat, focusing on essential features for the species, which are considered in making decisions in consultations with federal action agencies. He added that outcomes of consultations are not likely to affect fishing activities or activities that support fishing, such as FADs. Tosatto said that the critical habitat public comment period is the opportunity for the Council to provide comments, but the territory governments are different and under the ESA there are opportunities for continued dialogue if more information is needed or regarding compliance with other laws. NMFS will be working with the territory government officials beyond the public comment period.

Gourley clarified that the driving force of the resolution in the legislature is the CNMI DLNR, stemming from their concerns that they were not consulted in advance of the proposed rule.

F. Advisory Group Report and Recommendations

1. Pelagic Plan Team

There were no Pelagic Plan Team recommendations regarding protected species.

2. Advisory Panel

Tam presented the AP report and recommendations regarding protected species.

Regarding the seabird mitigation measures in the Hawai‘i longline fisheries, the Hawai‘i AP recommended the Council prioritize research under an EFP to evaluate effectiveness and practicality of seabird mitigation measure combinations for the shallow-set longline that would provide greater operational flexibility (e.g., two measures out of tori lines, blue-dyed bait, offal discards and weighted branchlines).

3. Fishing Industry Advisory Committee

Goto presented the FIAC report and recommendations regarding protected species.

Regarding green sea turtles in the Mariana Archipelago, the FIAC recommended that the Council request PIRO to provide an anticipated timeline of downlisting and recovery based on the current population status. The FIAC further recommended the Council work with the Biden Administration to ensure conservation actions for ESA-listed species are carried out in a manner that respect the cultures and values of local indigenous communities and consistent with EO 13985 calling to Advance Racial Equity and Support Underserved Communities Through the Federal Government.

Regarding ESA consultations, the FIAC recommends the Council request NMFS to provide an opportunity to American Samoa longline fishery representatives to review and provide comments on the draft BiOp and to work with the representatives to develop any RPMs/RPAs to ensure such measures do not negatively impact a declining U.S. fishery.

4. Non-Commercial Fishing Advisory Committee

There were no NCFAC recommendations regarding protected species.

5. Scientific and Statistical Committee

Hospital presented the SSC report and recommendations regarding protected species.

Regarding seabird mitigation measures, the SSC recommended that the Council support an experimental study to evaluate the effectiveness of various mitigation combinations to reduce seabird interactions in the shallow-set longline fishery.

Hospital reported on findings from an SSC working group on false killer whale take reduction measures. The SSC at the December 2020 meeting formed a working group composed of David Itano, Milani Chaloupka, Craig Severance and Lynch to develop recommendations on

alternative approaches to weak hooks for reducing impacts to false killer whales in the Hawai‘i deep-set longline fishery. The Council endorsed the working group at the 184th meeting. The working group is proposing to develop a comprehensive issues document on the topic.

Regarding the SSC working group on false killer whale take reduction measures, the SSC endorsed the working group paper outline and recommended that the working group continue to develop the paper for consideration at an upcoming SSC meeting.

G. Public Comment

Richard Farrell, Tinian resident, commented on the coral critical habitat. He urged NMFS representatives to take the initiative to travel to the other islands when travel restrictions are lifted and provide the opportunity for residents to give comments in person. In the past, the military took the time and initiative to sit down with the delegations from each island to gather comments when they were developing their proposal for the CNMI and Guam. Tinian residents only have access to one-third of the island, as the remaining is set aside for the military. Many people on Tinian would like to submit comments regarding the coral critical habitat, but online access can be challenging and intimidating for many of the older population.

Clay Tam, Pacific Islands Fisheries Group, suggested creating a short video for the public on various protected species efforts for purposes of communicating with the general public, such as for the tori line research. These short videos could be archived in the library along with all of the other Council efforts. Noting earlier discussion that critical habitat does not impact fishing activity, Tam sought clarification on whether the false killer whale critical habitat was used to determine the closure area for the longline fishery.

H. Council Discussion and Action

*Regarding the American Samoa longline fishery ESA consultation, the Council **recommended NMFS PIRO provide an equal opportunity for the American Samoa longline fishery industry representatives, such as the HLA and the American Tunaboat Association, to review and provide comments on the draft BiOp, and to work with the Council and the representatives to develop any RPM and/or RPAs.***

Tosatto said he will abstain, noting that the recommendation is not a formal decision-making, but it gives him pause.

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

*Regarding the shallow-set longline fishery RPMs, the Council **reiterated its request from the 183rd meeting to NMFS PIRO to provide observer data access to the Hawai‘i shallow-set longline industry representatives for the purpose of an industry information sharing program among participating permit holders and vessel owners. Such a program could provide an innovative approach to minimizing interactions with loggerhead and leatherback turtles as well as other protected species, and may help SFD to fulfill RPM T&C 1c, which requires SFD to develop***

additional mitigation measures that may help replace or modify the trip limits implemented under Amendment 10.

Tosatto said that he has already spoken to the limitations of MSA on being able to share observer data, but since the recommendation goes further and PIRO is looking into this issue, he would vote in favor.

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding false killer whale interactions in the Hawai‘i longline fishery, the Council **directed the SSC working group to develop an issues paper to inform future direction of interaction avoidance and minimization measures, as well as improvements in analyzing the biological significance of take that may occur in the fishery.**

The Council requested NMFS PIRO to coordinate with the Council in identifying funding priorities for false killer whale interactions in the Hawai‘i longline fishery.

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding seabird mitigation measures in the Hawai‘i longline fishery, the Council **recommended NOAA NMFS provide support for additional resources to conduct research and development of appropriate measures for the shallow-set longline fishery under an EFP, with high priority placed on identifying the combination of mitigation measures that maintain effectiveness of seabird deterrence during dusk compared to the existing night-setting suite of measures, to provide operational flexibility in starting the setting operations before sunset.**

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

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding the Coral Critical Habitat Proposed Rule, the Council **directed staff to finalize and send the comment letter in response to the proposed rule incorporating issues and concerns identified by the working group and Council discussion.**

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding green sea turtles in the Mariana Archipelago, the Council **requested NMFS PIRO to provide an anticipated timeline of downlisting and recovery based on the current population status.**

Tosatto said he may have missed the discussion on this topic and he is at a loss as to where this recommendation came from. He said that the recommendation may not be accurately worded in that there is no timeline for delisting or downlisting and that there is only a timeline for status reviews and recovery. He said that with that understanding, he can provide appropriate information.

Moved by Rice; seconded by Dunham.
Motion passed.

IX. American Samoa Archipelago

A. Motu Lipoti

Dunham provided an update on COVID-19 impacts in the Territory of American Samoa. He stated that there were still no cases of COVID-19 in the territory and commercial flights remained suspended. The first repatriation flight to transport residents back to Tutuila, was March 1, 2021. That flight returned home more than 150 stranded individuals or medical referral patients. Outbound flights took only medical referral patients and people stranded in American Samoa. The suspended flights continue to affect fishing operations, especially the tuna industry. Vessel owners could not recruit off-island crew members or technicians to work on their vessels. He said shipping delays due to COVID-19 restrictions have also affected fishing operations and seafood vendors.

Dunham reported the DMWR has completed the application process for the Coronavirus Aid, Relief and Economic Security (CARES) Act funding. He said that members of the American Samoa Longline Association submitted applications, as well as a large number of subsistence fishers. Dunham said no funding has yet been distributed.

Dunham reported on the alia fishery in American Samoa, noting that the alia boats have experienced low catch numbers in the last three months. While some species caught were abundant, the catches were generally small. Alia fishermen reported an abundance of tagi (dogtooth tuna) and skipjack in January and February. The fish caught were around eight to 10 pounds each. There was a brief increase in asi asi (yellowfin tuna) caught in January and early February.

Overall, Dunham said there were low catch numbers for pelagic trolling and bottomfish fisheries in American Samoa. The high wind and surf days reduced the fishing effort in the past months. Shark depredation has also resulted in many pelagic and bottomfish catch losses. Dunham said there have been confirmed sightings of bull sharks in Pago Pago Harbor.

Nate Ilaoa, Council staff, provided an update on the longline diversification project. He said that eight vessels of the local longline fleet will be entering the jig albacore fishery in the southern waters of the U.S. EEZ around American Samoa. Three of those vessels have started jigging with limited success in their initial trips. Albacore caught from these trips are delivered to the cannery, with any other pelagic species landed being sold to local businesses. Ilaoa said that the fleet normally targets albacore with deep-set longline gear between April and December.

During the off-season, longline vessels hope to enter the jig fishery from mid-November through early spring. This will increase fishing operations after longline season, with more catch and increased effort.

B. Department of Marine and Wildlife Resources Report

Domingo Ochavillo, DMWR, provided the agency report. He said that the spearfish fishery landed 6,000 pounds, rods and reels landed 600 pounds and thrownets landed 400 pounds from December to February. The top species caught were *Acanthurus lineatus* and *Myripristis berndti* (two species of unicornfish), and mullets. The unicornfish are caught mostly by spearfishing and the mullets by thrownet. Boat-based creel surveys showed that the top-recorded species were marlin, with more than 20,000 pounds caught, and wahoo with 8,000 pounds. Swordfish and yellowfin tuna were the top commercial landings. Bottomfishing, trolling and a mix of bottomfishing and spearfishing were the most commonly used gear by boat fishermen.

Ochavillo reported that DMWR also held a Seafood Vendors Forum in December 2020 to discuss reporting issues and other matters related to the Vendors' Receipt Program.

Ochavillo said there are two FADs being assembled for the upcoming fishing tournament in April. Satellite buoys will also be deployed soon to provide information on species and the number of fish that aggregate around the FADs. Ochavillo also reported that the Giant Clam Program is still ongoing, noting that DMWR is working with the University of Hawai'i to look at the genetics of giant clams found around the Samoan Archipelago.

Other initiatives include working with PIRO on the Coral Reef Fishery Management Plan (CRFMP) and the Territorial Bottomfish Fishery Management Plan (TBFMP). Ochavillo said that working groups for the CRFMP have been identified and hopes that the group will contribute to the TBFMP. Ochavillo said DMWR is planning meetings with fishermen in Tutuila and Manua in the upcoming months to discuss the TBFMP. The American Samoa AP reviewed the Marine Conservation Plan and had one recommendation related to bottomfish research.

DMWR developed a Creel Data Collection Improvement Plan. Ochavillo said funding has been made available for DMWR to develop its Creel Data Collection Program and is working with WPacFIN staff to make improvements.

Ochavillo reported that his staff has coordinated with the Coral Critical Habitat Working Group to develop a local marine habitat map to show those coral critical habitats are not found everywhere. He said data used to develop these maps are the BSIA. He also noted that critical habitat for ESA-listed corals is only found in small areas southwest of Tutuila and Manu'a, and none at Rose Atoll.

Ochavillo reported that the Coral Reef Advisory Group has been working on watershed planning for the villages of Aua and Faga'alu, which are local priority watersheds. There are also efforts to develop a Coral Reef Restoration Program for American Samoa. There are concerns about invasive algae in Tutuila and Manu'a. Ochavillo said there have been recent discoveries of large Porites coral off of Ta'u. The Coral Reef Advisory Group found and documented large Porites in Manu'a, especially around Ta'u.

The DMWR Enforcement Division has inspected 18 stores and 11 restaurants, giving out five citations. The Enforcement Division also conducted land and sea patrols, inspecting 47 fish containers and 10 vessels.

DMWR continues to develop a genetic seascape of the Samoan Archipelago. Ochavillo said the project will identify if there are fish stocks that share the same genetics with independent Samoa, which is critical for management measures taken in the territory.

Gourley asked which species of giant clam DMWR is planning to use to repopulate American Samoa reefs.

Ochavillo said DMWR is looking at using mostly *Tridacna maxima* and *Tridacna noae*, which are both found in the territory. There have been discussions on importing giant clams, *Tridacna derasa* and *Tridacna gigas*, which are currently under ESA review. Importing foreign marine organisms also raises concerns for disease and invasive species, so DMWR is focusing on local species.

Watamura said that he has worked with the developer of the Lokahi fishing app to have virtual monthly and annual tournaments. He said prizes are awarded by a random draw instead of by catch size. This encourages everyone to participate and log their data on the Catchit Logit app since anyone can be a winner.

Ochavillo thanked Watamura for his insight and asked if Watamura would share more information about the app used in Hawai'i.

1. CARES Act Distribution of Funds

Soliai gave a brief update on CARES Act funding for American Samoa. He said the deadline for the application was in December 2020. At the close of the deadline, there were close to 10,000 applications for American Samoa. He said the process of screening applications has been lengthy, but is now complete. The next phase is to have the Review Committee review the applications and send them to the Pacific States Marine Fisheries Commission. Soliai said that his staff hopes to send the applications to the commission sometime in April.

2. Coral Reef Fishery Management Plan

This item was covered under a previous agenda item.

C. Department of Commerce Alia Tele Project

Michael McDonald, American Samoa Department of Commerce (ASDOC), provided an update on the Alia Tele Project. He said that as of Nov. 25, 2020, the Economic Development Administration awarded \$4.3 million for the project. The grant is to purchase four upgraded commercial alias, known as alia tele or super alias. One of the four vessels will serve as a training platform, while the other three will be used as business incubators. He said the goal is to support improved diversification of local economy with an emphasis on the local fishery. The project is currently in the initiation phase of completing administrative tasks and duties, and

administering of the grant through the grantor and American Samoa Government Treasury. He reported that ASDOC plans to hire a project manager, administrative assistants, trainers and other key staff.

McDonald said that he has been writing the request for proposals and expects to publish them through the American Samoa Procurement Office by mid-April. When the contract is awarded, ASDOC expects the delivery time to be 10 to 12 months. His staff is focusing on development of the training and business incubator project, which will include a crew track and an owner track. Other plans to identify or construct facilities to process, store and distribute catches are also underway. McDonald said that the Council and other key stakeholders play important roles in the successful implementation of the project.

Dunham asked if the super alias will be built locally or fabricated off-island.

McDonald said that any U.S.-based organization or business is eligible to submit a proposal. He said though the preference is to build local capacity, it is not certain whether the skills or capability exist on-island. He also noted that private operators will have the opportunity to incubate their business using one of the super alias, secure their own fishing vessel and graduate out of the incubation program, allowing a new candidate to enter the program.

Dunham asked what type of fishing the alias will be designed for, and if the program aims at furthering the bottomfish, pelagic, or longline fishery.

McDonald said the super alia will be designed to be a multi-purpose vessel that could be used for bottomfishing and longlining.

Rice asked Tosatto if the Jones Act applies to American Samoa, since foreign-built hulls that come to Hawai'i are not allowed to sell fish.

Tosatto said that the Nicholson Act amendments to the Jones Act allows for foreign-built hulls to be used for fisheries out of American Samoa.

D. Post Authority Malaloa Commercial Dock Extension Update

Ilaoa provided an update on the Malaloa Commercial Dock Extension based on a report from the Department of Port Administration (DPA) Director Chris King. Ilaoa said the project was funded through the Sustainable Fisheries Fund (SFF) in response to a request from the longline fleet for the extension of the dock space. The groundbreaking ceremony was May 7, 2020, however, the construction has been delayed due to COVID-19 restrictions and the closure of territorial borders. DPA is working with DMWR to complete an environmental assessment (EA) to satisfy the conditions for the permit. The most recent draft of the EA was sent to the Department of the Interior (DOI) in November 2020 for review. Comments and concerns from this review are currently being address by DPA.

E. American Samoa Bottomfish Fisheries

1. Territorial Bottomfish Fishery Management Plan

Ochavillo reported that the TBFMP aims to address the bottomfish stock status, recognizing that 85% of the fishing grounds for bottomfish are within territorial waters. The TBFMP is to complement the American Samoa Fishery Management Plan (FMP), the rebuilding plan and the American Samoa Community Development Plan that is being drafted. The TBFMP will include current regulations and proposed regulations for the conservation and management of American Samoa bottomfish.

Ochavillo presented some objectives of the management plan, noting that additional objectives and comments are anticipated after meeting with fishermen in Tutuila and Manu'a. The meeting with the fishermen is an opportunity to raise awareness about the TBFMP, but also to incorporate fishermen's recommendations. DMWR wants to collect fishery information, enhance DMWR capacity for bottomfish research and implement culturally sensitive management measures.

Ochavillo presented on current territorial management measures, existing federal management measures and proposed management measures. The proposed management measures include mandatory reporting, dealer licensing, vessel registration and notification, seasonal and area-based management, and catch-based management. DMWR plans to formulate an enforcement and compliance monitoring plan.

2. Approaches for Bottomfish Fishery Management

Marlowe Sabater, Council staff, presented information on fish landings in American Samoa and neighboring countries based on a FAO report. He noted that American Samoa annually lands 120 mt for subsistence and 42 mt in commercial landings. In neighboring Samoa, 5,000 mt are landed for commercial and subsistence combined. Niue, Tokelau and the Cook Islands also land more fish for subsistence than commercial. He said that in this region, most fisheries are noncommercial. Sabater also showed figures from 2009, showing that 57% of the population in American Samoa lived under the poverty level. In 2017, the governor at the time reported that that number increased to 65%.

Sabater presented on approaches for bottomfish fishery management. There are three different elements in managing the small bottomfish fishery in American Samoa: the federal BMUS Rebuilding Plan, TBFMP and Community Development Plan. Ochavillo reported on the TBFMP under the previous agenda item and Sabater focused on the two other elements.

Sabater provided a brief overview of the rebuilding plan requirements and the Council actions through its 184th meeting in December 2020. PIRO notified the Council in February 2020 of the obligation to end overfishing and implement a plan to rebuild the bottomfish stock. Upon receiving the stock assessment in October 2019, the Council requested NMFS to implement an interim measure to reduce overfishing while the BMUS Rebuilding Plan was being developed. The BMUS Rebuilding Plan will be implemented to replace the interim measure later in 2021. The Council at its 184th meeting directed staff to work with the action team to further analyze the impacts of the BMUS Rebuilding Plan.

Following the December 2020 meeting, the action team noticed that the definition of the biomass projection used in the stock assessment did not reflect the National Standard 1(NS1)

language requirements. The assessment defined biomass projection as the medium biomass projected over time and the number of years to reach B_{MSY} (maximum sustainable yield), whereas NS1 defines it as the 50% probability of the biomass reaching B_{MSY} . The projection should also start in 2022 instead of 2020, which was used in the assessment. The new projections are slightly more optimistic for American Samoa than the original assessment. Sabater described other changes made since the December 2020 presentation, which were that the ACL action is now merged with the BMUS Rebuilding Plan action, the catch history is now based on the time series used in the assessment and the baseline scenario is using the status quo under the interim measure.

Sabater reviewed the three options in the BMUS Rebuilding Plan. The first option was the status quo of retaining the interim measure catch limit of 13,000 pounds, with a post-season AM and no in-season AM. The average catch was estimated to be about 14,789 pounds and this catch level is expected to remain the same under the status quo option, which would result in the ACL being exceeded. Rebuilding was expected to take more than 40 years under this option and, while the biomass would increase slightly, this option would not end overfishing.

The second option was an ACL of 1,500 pounds with an in-season AM. This alternative would rebuild the stock within nine years. It was expected that fishing would continue despite a catch limit since federal waters would be open to fishing. The expected catch would remain around 14,800 pounds, so the stock would rebuild in about 40 years. The option would also have a higher performance standard, which means that if the ACL is reached once, the federal fishery will remain closed until the stock is rebuilt or a new management approach is developed.

The third option was a moratorium on bottomfish fishing in federal waters. In the absence of catch, the stock would rebuild in eight years. However, displacement of fishing effort from federal to territorial waters can be expected without a complementary closure within three miles of shore.

Under all options, the action would start after the interim measure. Catch would continue to be monitored using DMWR creel surveys summarized by WPacFIN and all regulations would remain the same. Each option only considers actions that NMFS can take within its regulatory authority, which is in federal waters, while the majority of territorial bottomfish fishing, using habitat as a proxy, is mostly within zero to three miles from shore.

For the in-season monitoring plan, the Council would work closely with WPacFIN and DMWR for timely collection and processing of data, given that there is currently no in-season monitoring of the catch. Should there be enough information to do a with-the-year expansion, a comparison with the potential ACL would be done, with an additional expansion to be done thereafter.

Sabater provided an overview of the NEPA analysis for the impacts of rebuilding options. Alternatives 2 and 3 would both provide a slight change to the impacts due to the conservation benefits from the closure of federal waters, but the change is expected to be limited because territorial waters could remain open. The action alternatives would slightly decrease catch if the closure is implemented. For socioeconomic impacts, a revenue decrease of 12 to 13% is expected.

There is a provision under the MSA 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 the indigenous community of American Samoa access to fisheries that they have traditionally depended on, but may not have the capabilities to support and participate in due to economic and regulatory barriers. The process would entail DMWR developing a Community Development Plan (CDP), submitting it to the Council for approval and the Council submitting the plan to NMFS for approval. The American Samoa CDP would aim to provide limited access to deepwater snappers for traditional, cultural and community purposes, while collecting fishery information to better understand the amount of catch. Fishermen would obtain permits from DMWR to fish in federal waters and would be required to report their fishing activity.

Rice said that he was struck by the potential economic impact of 12 to 13% revenue reduction by taking away their fishing grounds, while 65% of American Samoa's population falls under the poverty level.

Amani said that Guam is in the same boat as American Samoa.

Soliai said that American Samoa is in the current situation due to poor data. He thinks that NMFS has failed to support improving data collection in the territories in the past, and that federal actions are now being used on poor data not designed for stock assessments. Any action taken will impact the fishing community. Fishermen should utilize improved data collection measures, like the Catchit Logit app. Soliai asked that NMFS find ways to support the fishing community rather than taking federal action on a small fishery. The BMUS Rebuilding Plan hinges on the ability of the bottomfish fishery to provide cultural resources for the community. Soliai did not think that the intent of MSA and NS1 would be to take away the livelihood of fishermen when the poverty level is already high. He asked that NMFS recognize and support the territory's efforts of creating a TBFMP and the CDP for the bottomfish fishery.

Watamura asked how many bottomfish fishermen there are in American Samoa.

Ochavillo said that there are only two boats in the fishery.

Dunham added that there are six fishermen.

Watamura said that the federal action is aiming at managing a small fishery. He said he is encouraged by the Catchit Logit app, but feels that if there is a catch limit, the fishermen will stop reporting their catch once that limit is reached. It would be difficult to get a true picture of how much fish are out there.

Tosatto said that NMFS has been working on improving data collection. Data collection is moving away from fisher-dependent to fishery-independent. NMFS is looking at ways to apply National Standards in data-poor situations. However, NMFS is on a timeline to take action necessary even if that may result in some impacts, but NMFS' goal is to keep the impacts as low as possible to produce the livelihoods and resources that communities count on.

Simonds informed the members that there is a discussion later in the meeting about the different EOs, including one on advancing racial equity and support for underserved communities through the federal government. There is discussion of an Equitable Data Working Group and identifying inadequacies in existing data collection programs, policies, infrastructure across agencies and strategies for addressing deficiencies.

Soliai said that many of DMWR's initiatives are to improve data collection and bottomfish management and DMWR needs the support from the Council and NMFS to make these initiatives successful.

F. Advisory Group Report and Recommendations

1. Advisory Panel

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

Regarding the CDP and the TBFMP, the American Samoa AP recommended the Council request DMWR work with the AP to schedule outreach with local fishermen.

The American Samoa AP recommends the Council work with DMWR on the development of the CDP and request NMFS to provide access to bottomfish resources in federal waters for cultural and traditional purposes.

2. Fishing Industry Advisory Committee

Goto presented the FIAC recommendations.

Regarding the territorial bottomfish fishery, the FIAC recommends NMFS find a viable solution to provide flexibility in the management of data-limited stocks. Further, the FIAC recommends NMFS engage the fishing communities of American Samoa to explain how data from the territory data collection program are generated, summarized and used in the stock assessment. In addition, the FIAC recommends NMFS review the socio-cultural-economic information for American Samoa to provide an alternative perspective from the results of the assessment.

Goto said that this recommendation stems from the FIAC's concerns regarding the veracity of the data used in the development of the stock assessments and fishery management measures.

3. Non-Commercial Fishing Advisory Committee

There were no NCFAC recommendations.

4. Scientific and Statistical Committee

There were no SSC recommendations.

G. Public Comment

William Sword, a fisherman in American Samoa, commented on the purse seine fishery and longline fishery in the territory. He said that in eight years, American Samoa went from 48 purse seine boats to 13. He believes that as the number of vessels decrease, NMFS and the State Department should be concerned. He asked that NMFS support local longliners and purse seiners to supply the canneries. Sword also said that there have been a lot of shark sightings in Pago Pago Harbor and more shark predation in local fisheries. Sword urged NMFS to work with the Coral Critical Habitat Working Group in American Samoa to create maps that meet NMFS standards. He said the maps can minimize federal overreach, while still implementing reasonable and prudent solutions to coral and bottomfish fishery management.

H. Council Discussion and Action

Regarding American Samoa bottomfish fishery management, the Council recommended the American Samoa DMWR continue the development of the TBFMP and work with the community and pertinent agencies to approve and implement the plan.

The Council encouraged DMWR to complete the CDP and submit it to the Council at its 186th meeting in June 2021.

The Council directed staff, in coordination with the American Samoa Rebuilding Plan Action Team, to complete the rebuilding plan amendment including a comprehensive draft EA and Regulatory Impact Review and present the package for final action at its 186th meeting in June 2021.

The Council recommended NOAA NMFS find a viable solution to provide flexibility in the management of data-limited stocks. Further, the Council recommended NMFS engage the fishing communities in American Samoa and Guam to explain how the data from the territory data collection program is generated, summarized and used in the stock assessment as part of the data workshop in 2021 for American Samoa and in 2023 for Guam.

The Council directed staff to work with the Social Science Planning Committee (SSPC) to review the socio-cultural-economic information for American Samoa to provide additional context in interpreting the results of the stock assessment prior to the data workshop in 2021.

Tosatto emphasized the importance of communication between DMWR, Council staff and NMFS in the development of the CDP. He said that there are some limitations in using the program in addressing overfishing circumstances.

Soliai stated that that is the goal for all involved.

Moved by Rice; seconded by Dunham.
Motion passed.

X. Mariana Archipelago

A. Guam

1. Isla Informe

Dueñas reported a fishing derby was held March 13, 2021, hosted by local charter organization Shut up & Fish Guam. He asked the Council for a moment of silence to acknowledge the death of a derby participant who suffered a fatal heart attack right after landing a blue marlin.

Dueñas said Guam had been a tuna transshipment hub from the early 1980s with a purse seine industry. By the 1990s, Guam had 135 to 150 foreign longline vessels transshipping tuna to Japan. But for various reasons, including the COVID-19 pandemic, the industry closed with the last operation shutting down Dec. 28, 2020. Although tuna was caught outside of the U.S. EEZ off Guam, the local community benefited with some of the fish from the vessels, supplementing local catch. Other than the continued importation of gassed tuna, there is only one local artisanal fisherman providing fresh tuna now. The decline in tuna transshipment through Guam resulted in increased potential for revitalization of pelagic fishing in Guam.

Dueñas updated the Council on the Guam Fishermen's Cooperative Association's (Co-op) new facility. Co-op board members, led by Joaquin Flores, are actively working on getting the project underway. Construction of the new facility is estimated to start in August 2021. The governor of Guam secured \$1 million through the Guam Economic Development Authority (GEDA) and Port Authority of Guam to assist with the construction of a seawall. Congressman Michael San Nicolas was scheduled to meet with Co-op President Manuel Dueñas and the board of directors in the upcoming weekend to seek additional funding from Congress.

Amani reported that COVID-19 restrictions limited pelagic fishing to larger vessels, while spearfishing dropped off. Fishing was not considered an essential activity and was not allowed until later when two fishers were allowed but had to be from the same household. When all restrictions were lifted, an increase in fishing activity was observed, especially during the calm summer months where there was an increase in new fishers with new boats, especially for deep bottomfish fishing. Catches were posted on social media. Fishers caught fish regardless of where they fished. Amani said her restaurant purchased many different species from many of the new fishers, including from kayakers. The charter fleet was hit hardest by the pandemic. COVID-19 restrictions on charter fishing were eventually lifted but operators continued to struggle because there are no tourists. The military remained the only source of customers.

2. Department of Agriculture, Division of Aquatic and Wildlife Resource Report

Muña-Brecht presented the DOAg, Division of Aquatic and Wildlife Resources (DAWR) report. During the pandemic, DAWR did not conduct boat-based creel surveys, but increased the number of participation surveys. From August through December 2020, DAWR conducted 52 participation surveys, which does not provide a complete picture of fishing activities, but is an indication of the number of fishers who used boats. Of 117 surveys from July 1 to Dec. 31, 2020,

DAWR noted the largest fishing activity was trolling, followed by bottomfish fishing then spearfishing. Through the expansion system, 103.5 mt of boat-based fish were estimated to be harvested during this period. The top two species caught were bonita (75.3 mt) and yellowfin tuna (10.4 mt). Yearly CPUE values for fishing from July 1 to Dec. 31, 2020, show the following kilograms per gear hour: trolling - 1.37, bottomfishing - 0.46, atulai night jigging - 13.5, spearfishing - 0.11 and castnet - 3.0.

Muña-Brecht said GEDA advised DAWR the agency did not need DAWR funding to conduct soil boring tests with the Talofof Boat Ramp. Instead, GEDA is shifting its approach to advertise a request for proposal that would include design and the building of the facility. GEDA will soon call a meeting to discuss and review progress. On the Agat Marina Dock B replacement project, the memorandum of understanding is currently being reviewed by DOAg before returning it back to the attorney general's office for signatures. The memorandum of understanding for the harbor of refuge was finalized and is now with the governor for signature. The Merizo Pier and Small Boat Ramp repair project had the work request forwarded to the Bureau of Budget Management Resources and the Department of Administration in January 2021. Once signed by these two agencies, funding will be deposited with the Department of Public Works and work can begin.

DAWR had been issuing special fishing permits for the Tumon Bay and Piti Bomb Holes Preserves and for limited fishing activity at the Achang Reef Flat Marine Preserve for the harvest of atulai (scad mackerel), i'e (juvenile jacks) and mañahak (juvenile rabbitfish) during the pandemic.

Regarding FADs, Muña-Brecht reported a work request is already with the Department of Administration and Bureau of Budget Management Resources, bringing the project closer to replacing those missing. This will be done before there is a new permitting process, after critical habitat designation is established.

New requisitions are being submitted to replace the 17 shallow water mooring buoys that are missing. Regarding the fishing platform, a DAWR biologist conducted a biological assessment to install solar-powered lights on the top and the Fishermen's Code of Conduct sign on the fascia and the assessment is now being reviewed by the USFWS.

Muña-Brecht said two sea turtles were found stranded between November 2020 and February 2021. Fibropapillomatosis was confirmed from tissue samples of the first turtle sent to Honolulu for testing, which was the first confirmed incidence in Guam. The turtle was later euthanized. The second turtle was found with suspected fibropapillomatosis and confirmation is pending. A sea turtle carcass was observed in the inner harbor of the U.S. Navy base, but was not retrieved. DAWR has two biologists who conducted sea turtle nesting surveys, one on Cocos Island Dec. 20, 2020, and another at Jinapsan Beach Feb. 17, 2021. Between December 2020 and February 2021, DAWR conducted an inventory of sea turtle activity at Seaplane Ramp and found six nests. Hatching success varied between 4 and 74% and emergence success between 4 and 72%.

Muña-Brecht also provided updates on the replacement of cultural signs placed around the island and recent man-o-war jellyfish reports.

a) CARES Act Distribution of Funds

Muña-Brecht provided an update on the Guam CARES Act Fisheries Spend Plan. DAWR drafted four amendments to the plan with some fishers having already received payouts from the first set of applications sent to the Pacific States Marine Fisheries Commission. 79 subsistence fishers have been paid \$1,045.72 each, totaling \$82,611. An additional 52 payments and part of the next batch are pending. 86 fishers have received, or will be receiving, payments within the next week totaling \$152,000, of which, seven are commercial fishers, with their funds totaling \$70,000. About 285 fisher applications have been processed or are being processed, far short of the 800 who registered. Challenges with the process include hesitancy by fishers to fill out or complete application forms. To address these issues, DAWR staff visit boat ramps, platforms and marinas three times per week to assist fishers with their application forms. DAWR issued press releases and made phone calls to fishers who have registered, asking them to fill out application forms.

b) Mandatory Licensing and Reporting

Muña-Brecht reported that the status of Guam's mandatory fishing license and reporting has not changed. There had been discussion with DOAg Oversight Chair Senator Clynton Ridgell whether there is a need to rescind the law which established the Guam Ocean and Fisheries Management Council, which was created to oversee fishing activities and regulations offered through DAWR. Muña-Brecht said this is a duplicative process already being exercised through public hearings and adds another layer for DAWR before regulations can be introduced. The oversight chair thinks the governor can appoint members to the Guam Ocean and Fisheries Management Council, even if it no longer exists.

c) Coral Reef Fishery Management Plan

Muña-Brecht provided updates on the status of the Guam CRFMP. The first CRFMP meeting was convened in late February, with stakeholders from nonprofit organizations, the University of Guam, Guam Council staff, all DAWR biologists and government of Guam agencies such as the Environmental Protection Agency, Coastal Zone Management and the Bureau of Statistics and Plans. The group has since broken up into subgroups, each led by DAWR biologists. These subgroups include enforcement, regulatory and policy, economy and business, and data, which was further subdivided into fishery, life history, socioeconomic and habitat data. All are making progress, with three of the five subgroups having held their first meetings. An invitation will be extended to interested federal counterpart agencies to participate.

Sakoda said that he noticed the spearfishing CPUE was low in the boat-based creel survey data. He asked if there are any trends since the SCUBA spearfishing ban was implemented and if DAWR is tracking the trends through either fishery-dependent surveys or fishery-independent surveys.

Muña-Brecht said she is hesitant to say if there are any changes or trends because behavior changes cannot be determined due to inability for conservation officers to observe illegal fishing since their boats do not have chart plotter equipment necessary to conduct night investigations.

3. Environmental Assessment of the Guam Bottomfish Stock Rebuilding Plan (Final Action)

Sabater presented on the EA of the Guam Bottomfish Stock Rebuilding Plan. At its 184th meeting in December 2020, the Council directed staff to work with the action team to develop an FEP amendment and an EA to be presented at this March meeting. The rebuilding plan has to be submitted within 15 months of the finding and the rebuilding timeline has to be the shortest time possible, while considering the needs of the fishing community.

Following the December meeting, PIFSC generated a new biomass projection to be consistent with the MSA NS1 language. The projections for Guam are pessimistic, with the rebuilding timeline increased for each of the alternatives. The rebuilding projection from the stock assessment show that at 31,000 pounds, which was the Council's preliminary preferred alternative, it will take six years to rebuild and would have been rebuilt by 2025. In the new projection, the stock will be rebuilt in 19 years, which makes the primarily preferred alternative no longer viable. The rebuilding plan includes a higher performance standard for ACL alternatives where, if the ACL is exceeded once, the federal waters would be closed until a reasonable method is implemented for restricting fishing mortality at the level needed to rebuild in the target timeframe (10 years or less).

Sabater presented the four alternatives. Alternative 1, which is the status quo, is a 27,000-pound ACL specification through 2022. This alternative has a post-season AM. The recent 29,000-pound average catch indicates that the fishery would likely exceed the ACL if this level of fishing continues and would take 13 years to rebuild. There is no AM to close the fishery prior to hitting the 27,000-pound ACL. Fishing will be unrestricted despite the ACL, which may allow sustainable harvest to be exceeded in the years of high catch rates.

Alternative 2 would specify the ACL at 27,000 pounds, and would have an in-season AM and a performance standard. This alternative would promote rebuilding, while considering the needs of the community, and the rebuilding timeline would be eight years. The fishery would close in federal waters if NMFS projects the catch will be exceeded with the algorithm used in the assessment. Recent average catches suggest that the ACL is likely to be exceeded and the higher performance standard would likely close the fishery in federal waters until rebuilt, or a new management approach is developed.

Alternative 3 would specify the ALC at 16,300 pounds, with in-season AM and performance standard. This alternative is more conservative and would rebuild the stock in four years if the catch is kept below this ACL. Effects may be similar to Alternative 2, and it is highly likely that the catch would be exceeded. The rebuilding timeline could take at least five to eight years since fishing is likely to continue.

Alternative 4 would implement a moratorium of bottomfish fishing in federal waters. The stock would be rebuilt in two years in the absence of catch. There would be no in-season AM because there is no catch to be tracked against an ACL, although fishing is expected to continue in territorial waters. Catch in territorial waters is expected to be around 21,736 pounds, and this

level of catch would rebuild the stock in five years. This would be the maximum action the Council would recommend to address Guam's overfished state of BMUS.

Under all action alternatives, the rebuilding plan package would start in 2022. The data will continue to be collected through WPacFin and DAWR and all regulations remain the same. For in-season monitoring, a pulse-check will be done to look at the available data to determine whether credible expansion can be made. Then that number can be compared to the ACL, with additional expansions to be done thereafter to look at the trend.

Sabater presented a summary of the impact analysis in the EA, noting that while alternative 4 would have the highest potential changes to the fishery, overall the changes would be limited because territorial waters will still be unrestricted to fishing. For the action alternatives, target species catch is expected to slightly decrease due to the ACL and the federal water closure, but the level of fishing displacement to territorial waters is unknown. As for the socioeconomic effects, revenue for the boat and fishing community is expected to decrease, with alternative 4 having the largest decrease in revenue, followed by alternative 3, then alternative 2 and alternative 1. The range of revenue decrease is between 2.3 to 26.4%, depending on the alternative.

Dueñas said that poor data had been an issue for as long as he has been with the Council. Fishermen have also been talking about shark depredation for many years, but if there is no fish there would be no shark depredation problems. It took scientists collecting DNA swab samples and videos of sharks to prove that shark interactions exist, because fishermen are not believed. Photos from fishermen with fish after shark bites are not enough to confirm the presence of sharks. He said he heard PIFSC talk about creel surveys and how they want to improve it and asked when that would happen. He said there is so much disparity between Hawai'i, Guam and the territories in terms of the amount of data collected. This is about a hook-and-line fishery which never changes, while the technology keeps changing. Terms like BRUVS (Baited Remote Underwater Video Station), BotCams (Bottom Camera Bait Station) and MOUSS (Modular Optical Underwater Survey System) are being used and so much money and technology are used. He pointed out that the essential fish habitat maps are wrong, because there are so many fishing grounds around Guam, including Rota Banks and 45 Degrees in the north and Eleven Mile Reef, Galvez, Santa Rosa and White Tuna Banks to the south. There is also Bank A to the west and a whole chain of submerged banks that parallel the Mariana Archipelago.

Dueñas said there is a lot of biomass on a hook-and-line fishery. The stock assessment scientists say data is poor, but also say they have a great model. Dueñas said the model does not work for Guam, and asked that scientists find a model that works for data-poor areas and to think about the cumulative impacts and of the COVID-19 pandemic. Fishers cannot access the east side of Guam because of the lack of boat ramps for many years, yet Guam is considered overfished. There are no longer any highliners because of the cumulative effects, including ESA, corals, sea turtles, sharks, bumphead parrotfish and now COVID-19.

Dueñas asked how long Guam has been managed under ACLs. There are the Micronesian Challenge, firing range closures, dredging, surface danger zones and marine protected areas (MPAs). Fishermen supported MPAs because the data showed they are needed. When fishermen

wanted to revisit the MPAs, they were told they cannot be revisited because the data show they are working and fish are flourishing and creating overspill. Then 10 years later, SCUBA spearfishing is banned because the data show there are no fish. Shark finning was outlawed even though he knows of no one who fins sharks in Guam. There is also pollution, erosion and runoffs. On top of all of these issues, he said he is disgusted to hear that 4,000 pounds is going to set Guam back 19 years in a hook-and-line fishery.

Amani said that Guam just went through a pandemic and unemployment is at an all-time high resulting in many more fishers and fishing activity than Guam has ever had. Fishers are not employed and are feeding their families. Amani asked how it is possible that the stock is considered overfished where there are only about 12 commercial fishers in Guam and the rest of the fishermen are just feeding their families. The only data given to scientists were from the creel surveys which have been proven to be inaccurate. This is why she supports the Catchit Logit app and is on board with the process, but now the Council is told data from the app will not be used. If the data from the app will not matter, fishers will not turn in their logs. She questioned how it is possible for the rebuilding to go from six years to 19 years with just 4,000 pounds. If that is possible, then that shows the information is wrong. Amani also said there has been talk about separating the deep and shallow bottomfish species, similar to the deep-seven in Hawai'i. With new issues, such as the coral critical habitat, firing range and now the bottomfish restrictions, she said it seems like there are efforts to stop fishing altogether.

Amani added she joined the Council to make a difference for fishers in Guam and make things better because she is a fisher herself and fishing means the world to her. Guam is treated as if it is a huge place when it is just a tiny island and said that the bottomfish and pelagic fish are not overfished. The only thing keeping fishers from catching more pelagic fish is because there are no FADs in place. There are data from creel surveys, but it is showing Guam is being overfished. And if data is not turned in, then there will still be an impact, creating a lose-lose situation. Fishers are ready to do the surveys and have participated in the process, but they are not being given any leeway. If no leeway is given to fishers, then there will be push back and fishers will ignore it. Amani purchases local fish daily, working with a group of local fishers who primarily catch bottomfish and who are consistently bringing in bottomfish weekly.

Muña-Brecht said that with the sudden change in options, more time is needed for consideration and discussion, especially with the local fishing community. She recommended a delay in any Council decision. She also said the preference is to continue working on the development of a TBFMP, but also incorporate socioeconomic discussion and the impact it would have with fishers. With COVID-19 hitting in 2020, people losing their jobs and unemployment at a record high, people are turning to fishing to support themselves to survive. Putting a limit on that ability would further harm the people socioeconomically. She suggested incorporating the socioeconomic considerations for the American Samoa data review. She also requested that Guam representatives be provided an opportunity to listen into the American Samoa data review, so that fishers can be informed about how the data is analyzed rather than waiting for that opportunity in 2023.

Muña-Brecht asked about social justice. With the small number and scale of Guam's fishermen and fisheries, there is no logical sense in determining Guam is overfishing the

bottomfish population. It is going to come to the point where each territories' governor will need to discuss with their congressional representatives and House Resources Committee to ask for exemptions from the ACLs. She said that something needs to be done now to change how the data is collected and analyzed, rather than continuing to move forward with making bad decisions based on incomplete data.

Dunham said he empathizes with Guam Council members. He said he has been telling scientists to give fishers a break. There are only a handful of fishers in American Samoa, most of whom are from Manu'a where they fish to feed their families. Help will surely come with scientists who approach the decision-makers to make the right decisions for the territories. With COVID-19, everyone is trying to survive. It is not like it was before where 10 fish a day is enough. When he goes fishing today, the catch rate is slowing down. Now scientists come in and try to slow things down even more and just for a handful of fishers. He told scientists in Hawai'i if they bring a submarine, they can see how healthy the fish stock is. He hopes the president is listening to what the islands of the South Pacific are saying. He said that fishing is their livelihood and that is being threatened, and suggested that everyone who is unable to fish should receive \$5,000 per month. He encouraged the federal government to do the right thing.

Soliai said everyone is on the same boat and shared the frustrations. Solia recommended revisiting the expansion algorithm to make sure the data is accurately interpreted, knowing the data is poor. He said if garbage is put in, the output will be garbage.

Wamura said he remembers what it was like for bottomfish fishers in Hawai'i who were burdened with an ACL, or formally called total allowable catch. Before being a Council member, he stood before the Council and did what the Guam members did. Bottomfish is managed by weather and skill level. It is a very difficult fishery with many variables, including current, wind, predation by sharks and kahalas (amberjack) that bite off gear. He said he wanted to be a Council member so he has a voice on these matters.

Tosatto said he hears and understands the frustration, but reminded the Council that it is obligated to act on the BSIA. He does not share some of the sentiment toward the science that this Council must use to make its decisions. He also reminded the Council that American Samoa is overfished and overfishing is occurring, and the Council must make decisions within the mandated timelines.

Rice said the BSIA applies to everything, including the longline fishery, protected species and bottomfish. He said that NMFS and the Council need to work on making the science right.

4. Socioeconomic Context for Fisher-Shark Interaction in the Marianas

Mia Iwane, PIFSC, presented the results from a 2020 study on the socioeconomic context for fisher-shark interactions in the Marianas. The project was designed in response to Guam and CNMI fishers' concerns about shark interactions increasing through time, as well as impacts from those interactions. The goal was to document observations that appear to be conflicting stakeholder perspectives around sharks to initiate discussion around potential solutions.

Iwane engaged with more than 100 stakeholders from across Guam, Saipan, Tinian and Rota through structured interviews, fishing community meetings and informal discussions. She also attended Council and Council AP meetings, and engaged with 10 fishery researchers and three fishery managers. There were three research questions posed to research participants: how stakeholders define the shark problems; what socioeconomic, cultural and political contexts frame this issue; and potential solutions.

On the first question, loss of gear and catch made up a large portion of what fishers talked about with their on-water impacts. Fishers also described the increasing cost and decreasing CPUE, as well as off-the-water issues, such as confusion about shark regulations and the need to better understand shark research. In the discussions, pelagic sharks are talked about as more problematic than reef sharks. This is notable because there are more data available on reef shark populations in the Mariana Archipelago. A fisher commented sharks are getting smarter and may even follow fishers. There was a high agreement that shark behavior is changing, with increasing shark responsiveness to fishing sounds and smells, sharks attacking unbaited lures for the first time in recent years and the species being preyed changing. One fisher said that in the past, when a shark preyed a fish, the fisher knew the fish was a yellowfin tuna, but now it can be anything.

On the second question, the costs of fishing are increasing through time. Fishers are investing more in fishing materials, like fuel and gear, and they adapt to changing fish distributions and environmental changes. If fishers take their catch to the market, they are competing with their peers to offload or with imported seafood. Fishers also said the price of fish remains low while fishing costs continue to increase, complicating monetary returns to the fishers, whether they are fishing for profit or to cover expenses. The dynamics of community are layered onto an economic context. Some participants described shifts in the community away from fishing livelihoods to more stable occupations and being less willing to gamble on a fishing trip, deciding instead to rely on their friends and family for fish.

Iwane noted the third question brought up discussion on solutions to the issues. Fishers talked about shark population control strategies connected to the ecosystem imbalance idea. They also talked about various ways to sell sharks and its consumption, including incentivizing targeting sharks. There is confusion about what is allowed in terms of shark use and education and outreach is one way to help clarify the regulations.

Many fishers identified research as a first step toward shark population control. Others discussed the development of a shark deterrent tool that could be used on the water to mitigate impacts. One fisher said there is a fear shark studies will be funded in Guam, deploying Baited Remote Underwater Video Stations and BotCams that do not actually study the issue at hand. Then the resulting data from these studies would be used to say the fishers are not being honest. Cooperative research was mentioned as an approach to collect data that would be valid across stakeholder groups, and members of the fishing community expressed their willingness to collaborate. Some fishers said success to them is a decrease in shark interactions or a return to some sort of a baseline. Research participants also highlighted the role of researchers and managers in allocating funds and research effort to issues about which they are concerned .

Rice asked Dueñas if the study results spoke to what he would like to see done with fishers being a part of the cooperative research.

Dueñas concurred.

Watamura said that fishers in Hawai‘i are also seeing an increase in shark depredation, with some bottomfish highliners experiencing more than 70% of catch taken by sharks. He also experienced this while uku (blue-green snapper) fishing. He said it is a conundrum because the Council is working on measures to protect sharks, while on the other hand, fishers are seeing an increase in shark depredation.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Gourley provided the COVID-19 update, noting that the CNMI had been doing great two weeks ago, with 200-plus days without community spread. However, over the weekend there were 11 confirmed community infections over a four or five-day period. It was later identified that this was a cluster that occurred within a family group. The government was able to identify and get in contact with the individuals and it is now under control. CNMI remains at level blue, which is one step above green.

The CNMI has administered about 24,000 vaccine doses. The first responders and seniors were the first to receive the vaccine doses and are currently accepting individuals over the age of 16. According to Guam Pacific Daily News, the CNMI had the best community vaccination rate nationally. The CNMI was also authorized to be a trusted testing partner for the State of Hawai‘i, which will make traveling between the two areas easier. This trusted testing partner status allows travelers from the CNMI to bypass the 14-day quarantine period in Hawai‘i, provided that the traveler completes the required testing.

While CNMI still has a curfew put in place from two to four o’clock in the morning, most fishing activities are minimally impacted, with the exception of spearfishing activities that occur at night. The overall fish sales are decreasing due to the lack of tourism market and the island residents are the primary customers for fresh fish.

Under the MTMAC, Gourley reported that nominees are the current DLNR Secretary Anthony Benavente, DFW Fisheries Supervisor Michael Tenorio and Senior Policy Advisor for the Office of the Governor Robert Hunter. The CNMI continues to ask USFWS and NMFS to start a new comment period after the MTMAC is reconstituted.

Gourley also briefly reported on the local economy, noting that tourism recovery has not yet happened. He noted that the update on the coral critical habitat proposed rule was discussed earlier on the agenda.

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

Tenorio reported that CNMI DLNR DFW is continuing to conduct boat-based and shore-based creel surveys as scheduled with adherence to the two to four a.m. COVID-19 curfew. Data entry is ongoing for the commercial purchase system with the receipts collected from participating vendors, hotels and restaurants. During the months of July to December 2020, 207 pounds of bottomfish, 315 pounds of reef fish and 339.5 pounds (actual poundage, not expanded) of pelagic fish were sold. The data section staffing has been improving with the recruitment of a new fisheries data officer. DFW is still in the process of recruiting additional technicians and a fishery data analyst for the Fisheries Data Section.

DFW continues to work on the rule-making and legislation for mandatory reporting and has forwarded the draft purchase reporting form and logbook to the WPacFIN program personnel for comments.

Regarding CNMI's CARES Act funding, Tenorio reported that DFW has received 437 applications as of Feb. 22, 2021. With the additional applications received since then, DFW has received 1,057 applications.

Enforcement activities, routine dockside inspections, launching ramp inspections, shoreline inspections and at-sea patrols are being conducted.

Tenorio also reported that approximately 14 federal bottomfishing permits are currently active in the CNMI. FADs are still in operation and there is a plan to change one of the FADs on Rota with a newer buoy and upper rope.

The Sea Turtle Program did not have any poaching or stranding reports. The program continues to receive community reports on turtle tracks and nests. Three nesting sea turtles are currently being monitored. The nesting numbers are expected to increase during the peak nesting season, which is March through July.

The DLNR DFW Boating Access Program received public assistance funds from the Federal Emergency Management Agency for the island of Saipan, and the notice of award has been issued for the repairs of the Smiling Cove Marina caused by storms from previous years.

Tenorio said DFW is working with U.S. Army Corps of Engineers representatives and local permitting agencies on permit requirements for the Sugar Dock Maintenance Dredging Project. The situation for Tinian is unchanged, with DFW having received a notice of award for the replacement of the marina. The agency is trying to hire an engineering firm to finalize the scope of work and oversee the project. Tenorio also reported that rehabilitation for the Rota West Harbor Marina is slowly moving forward.

Under the Fish Life History Program, *Scarus rubroviolaceus* (ember parrotfish) gonad samples were sent to Hawai'i for processing and additional work to collect samples from other species is ongoing. 745 samples will also be sent next month to the same vendor for processing. Tenorio also reported on recent reports of jellyfish in nearshore waters, as well as recent mahimahi and wahoo derbies.

a) CARES Act Distribution of Funds

(Reported under the previous agenda item.)

b) Mandatory Licensing and Reporting Implementation

(Reported under the previous agenda item.)

C. Advisory Group Reports and Recommendations

1. Advisory Panel

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

Regarding the Guam bottomfish rebuilding plan, the CNMI AP recommended the Council select alternative 2, a bottomfish ACL of 27,000 pounds.

The CNMI AP recommended the Council request NMFS PIFSC provide a presentation to the AP on how catch is estimated and expanded in order for the AP to provide additional outreach on data needs.

The CNMI AP recommended the Council request NMFS PIFSC confirm the stock separation for the next bottomfish stock assessment and NMFS PIRO confirm that the rebuilding plan will be removed if the stock status changes.

2. Fishing Industry Advisory Committee

Joshua DeMello, Council staff, presented the FIAC recommendations.

Regarding the territorial bottomfish fishery, the FIAC expressed concerns regarding the veracity of the data used in the development of the stock assessments and fishery management measures. The FIAC recommended NMFS find a viable solution to provide flexibility in the management of data-limited stocks. Further, the FIAC recommended NMFS engage the fishing communities in Guam and American Samoa for to explain how the data from the territory data collection program are generated, summarized and used in the stock assessments.

Regarding the Federated States of Micronesia Compact Impact Agreement, the FIAC recommended the Council request NMFS investigate the ability for fisheries to be compensated for compact impact issues in Guam.

3. Non-Commercial Fishing Advisory Committee

There were no NCFAC recommendations.

4. Scientific and Statistical Committee

Hospital presented the SSC recommendations.

Regarding the EA of the Guam bottomfish rebuilding plan, the SSC reiterated its previous recommendation of a 27,000-pound ACL because the 31,000-pound ACL is no longer viable based on the updated projection. The 27,000-pound ACL is estimated to rebuild the Guam BMUS stock in eight years.

D. Public Comment

Tam provided some insights from Hawai'i in terms of Guam's bottomfish being determined as overfished. He said the data and model is wrong and taking food off the table of the territories and the people is irresponsible. It is well known there are fish in the water and the fish being caught are big fish. The Guam fishery is a small hook-and-line fishery with few fishers. He said that a model can be found to make it right but a one-size-fits-all model is not right. Hawai'i experienced the same issues in the past. Meetings with scientists seem to result in a cancel culture and scientists sometimes do not listen to what is being said. He suggested that the scientists have more dialogue with the community. Tam said PIFSC and those managing the fishery should give the territories the same help, support and opportunities given to Hawai'i, to make things right. The community will support that.

T. Todd Jones, PIFSC, said the comments from the Council are emotional and difficult. He said everyone cares about the Pacific Islands Region, the fishing that takes place there and its fishers and hopes there is open dialogue under the Catchit Logit agenda item scheduled for the following day about the ways forward. Comments directed toward stock assessment and life history staff who work with others on bottomfish surveys is not the path forward. The solution is everyone working together to figure out how to improve systems and data enterprise and incorporating those into the stock assessments. He asked that the rhetoric be toned down and to work together because there are good people at PIFSC and there is a need to improve the creel surveys. The Archipelagic Plan Team agreed to look at regrouping the BMUS list to see if they can be changed or if they reflect commercial fishing for the stock assessments. He said he has reached out to all the heads of the territorial agencies and looks forward to having more meetings with them. Jones asked the Council executive director and staff to work together as a team. He cannot talk about what happened 30 years ago, as he has only been director for the Fisheries Research and Monitoring Division for 14 months. The division participates in Council meetings, is listening and looks forward to working together. Talks with territorial agency staff happen all the time. Jones said he understands the comments that were made. He added he is looking at how things like the upcoming 750 grids can be done in the territories going forward.

Simonds said the Council members are talking about what has happened to them because of the past and what Jones was talking about is the future. Simonds said Jones should not come down hard on what the Council members have to say about the past that has ended up this way. It is all of the past and is why the fisheries are in the BSIA condition that they are. The discussion is what PIFSC is planning to do today going forward. She added that results will not be seen for several years, or even more. It is good that there is talk about the future, but it is not Jones' place to criticize the Council members' comments about what happened in the past and where we are today.

E. Council Discussion and Action

Regarding Guam bottomfish fishery management, the Council expressed concerns that the Council's preferred alternative of 31,000 pounds is no longer approvable based on the new biomass projection using the same creel survey data that resulted in this current management crisis. The participation of the Guam government in managing the bottomfish fishery within territorial waters is crucial in order to meet the MSA section 304(e) and NS1 50CFR 600.310(j) requirements. Bottomfish fishing in federal waters is higher in Guam compared to other territories, thus federal closures will disrupt access to deepwater snappers.

The Council deferred action on the rebuilding plan actions to a future meeting to allow for the coordination of efforts in developing both the Council's rebuilding plan and the TBFMP, which is essential to ensure the stock is rebuilt.

The Council encouraged the DOAg DAWR to initiate the development of a TBFMP in collaboration with the bottomfish fishing community and pertinent agencies. The Council further encouraged DAWR to consider the development of a CDP and submit it to the Council at its 186th meeting in June 2021.

The Council requested NMFS PIFSC provide a presentation to the Guam AP on how catch is estimated and expanded in order for the AP to provide additional outreach on data needs. The Council further requested NMFS PIFSC provide the plans for the next bottomfish stock assessment (split of stocks, incorporation of noncommercial, etc.) and provide information on the process of rebuilding plan removal if stock status changes to not overfished in future assessments.

The Council requested NOAA NMFS advise the Council on ways to exempt data-limited stocks from the ACL requirements.

Tosatto informed members that the last recommendation did not focus on the rebuilding plan. For the second recommendation, he noted that the Council has an obligation and a timeline to provide recommendations for the rebuilding plan. For the third recommendation, Tosatto also noted that advice to DOAg, similar to American Samoa's development of the CDP. There are some limitations in our CDP framework regarding when that stock is overfished or overfishing is occurring to keep in mind. PIRO and the Council staff can talk with DOAg and DAWR about that being incorporated into the framework. For the last recommendation, Tosatto noted that NMFS is working on the development of ACLs to prevent overfishing due to poor stocks and a NOAA guidance is forthcoming in the upcoming Council Coordination Committee (CCC) meeting in May. Tosatto also noted that he is unsure how the guidance will be helpful on the use of alternatives in using ACL management to prevent overfishing within fisheries in American Samoa and Guam, which are overfished.

Muña-Brecht shared her concerns with regard to the third recommendation in terms of the timeline for submitting a draft plan by the 186th Council Meeting in June.

Simonds clarified that the language for the recommendation is for DOAg to consider developing it for the June meeting.

Moved by Gourley; seconded by Dueñas.
Motion passed.

Regarding Guam fishery issues, the Council **requested appropriate federal government agencies conduct research to determine any possible impacts from the nuclear testing areas in the Marshall Islands to Guam waters and fisheries.**

The Council requested appropriate federal government agencies determine the ability for fisheries in Guam to be compensated for compact impact issues.

Tosatto said that he will let PIFSC respond to the first recommendation and also said he was unsure if this type of research would be a priority for NMFS to conduct. He also noted that this may be viable under the territories MCP, if interested. Regarding the second recommendation, he noted that this issue should be addressed to NMFS Headquarters and not to PIRO.

Simonds suggested changing the recipient to “appropriate federal agencies.”

The maker and the second agreed to the changes.

Moved by Dueñas; seconded by Dunham.
Motion passed.

XI. Program Planning and Research

A. National Legislative Report

Gourley provided an update on national legislation and EOs, noting the changes in committee membership with the 117th Congress and the lack of representation from the Western Pacific Region in natural resource and ocean-related committees, with the exception of Senator Brian Schatz serving on the Oceans, Fisheries, Climate Change and Manufacturing Subcommittee of the Senate Commerce, Science and Transportation Committee.

Gourley highlighted the following bills: House of Representatives bill 849 titled the Scientific Integrity Act, which would establish certain scientific integrity policies for federal agencies, was referred to the House Science, Space and Technology Committee; H.R.59 Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, introduced by Representative Don Young of Alaska; H.R.160 Restoring Resilient Reefs Act of 2021, introduced by Representative Darren Soto of Florida; and H.R.406 Shark Sales Elimination Act of 2021, introduced by Representative Ted Lieu of California, which would prohibit the sale of shark parts and for other purposes. The MSA reauthorization discussion draft has not been officially submitted. Gourley said that the draft bill is likely being revised for consistency with recent EOs regarding climate change, fisheries and other topics.

Muña-Brecht said that Austin Shelton, director of Sea Grant at the University of Guam, provided testimony at a hearing held by Congressman Raúl Grijalva of Arizona, and Guam was also part of the testimony for the Restoring Resilient Reefs Act, which she is closely monitoring.

B. National Marine Fisheries Service Briefing on Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad

[The following presentation and discussion was taken up on the first day of the meeting.]

Samuel Rauch, assistant deputy administrator for regulatory programs, provided the briefing on EO 14008 on Tackling the Climate Crisis at Home and Abroad. The president and the new Administration issued a series of EOs on the first day dealing with wind energy, climate, oil and gas, one of which was EO 14008. Section 216(c) of EO 14008 directed the Secretary of Commerce through NOAA to initiate efforts in the first 60 days to collect information from fishermen, regional ocean councils, fishery management councils, scientists and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures and improvements in science, monitoring and research.

NMFS is explicitly asking the Western Pacific Council for its input on how to make fisheries and protected resources more resilient to climate change, including those various things mentioned in the order. The president has put great emphasis on addressing climate change, as well as gathering feedback from important groups such as the councils that have clear regulatory roles. NMFS understands the importance of the councils, the unique role and perspective they have, not only in terms of advice, but in the ability to actually carry out some of that advice. NMFS is interested in hearing the Council's thoughts on how to make fisheries more resilient to climate change, whether or not there would be changes in management and conservation or improvements in science monitoring and research to do that. NMFS issued a *Federal Register* notice to also gather comments from the general public by email with a deadline of April 2, 2021. The EO did not indicate a deadline in taking in comments and NMFS intends to be flexible with the dates in gathering input from the councils.

Rauch also provided an overview of section 216(a) of EO 14008. This section directs the DOI, in consultation with NOAA, to submit a report to the Climate Task Force within 90 days with recommendations that the United States should take working with important partners to achieve the goal of conserving at least 30% of U.S. land and waters by 2030. NOAA expects the DOI to provide some guidance on what "conserving" may mean and some indication of where the United States is when that definition is applied, how much of the land and water is currently conserved, how far away in the process and what the process might be.

Soliai asked if the information generated by the NOAA MPA Center indicate that the Western Pacific Region is already carrying much of the nation's burden on meeting the "30x30" goal because of the marine national monuments.

Rauch said that it is not clear that the DOI will be adopting the MPA Center definition. He acknowledged that based on the way the MPA Center looks at conserved areas, the vast majority of the acreage in the MPA Center's network is covered by the marine national monuments in the Western Pacific Region.

Rice said that section 216(c) calls for recommendations and improving science monitoring and cooperative research, but the science for managing data-limited stocks is not

adequate because of problems with monitoring. He asked if NMFS will provide additional resources to support the Western Pacific Region's monitoring improvements, especially for bottomfish.

Rauch said that he has long been an advocate of additional investments in applying NMFS science endeavors to the territories' needs. NMFS made investments over the years in that prospect and intends to continue to do that. He said that the EO is not a budget document, but rather gathering input, to the extent that monitoring is important to ensure that species are resilient to climate change and it should be taken into consideration.

Gourley expressed concern regarding the definition of conservation. Based on the experience with the Micronesia Challenge, conservation was on the forefront in the initial implementation and now it turned to preservation. He was hoping that the DOI will take the fishermen's input on the definition of conservation of resources rather than preservation.

Rauch encouraged the Council to put those in writing and share it with the DOI.

Dueñas asked if the DOI would take into consideration private property that is not easily accessible to the public, the military bases, existing MPAs and firing ranges.

Rauch said this is a DOI report and he does not know what is going to be in it. He encouraged the Council to share its concerns and the definition, what should and should not be taken into account.

Watamura asked is there will be meetings that fishermen can attend to address the 30x30 issue. He said he has attended meetings of Hawai'i's 30x30 effort and found that the participants had an actively-managed attitude instead of a preservationist attitude. He hoped that the same would be true at the national level.

Rauch said that part of the requirement of the DOI report is an engagement strategy to determine how to bring various constituents into the process. He expects the report due in 90 days to set out a process for defining conservation and engaging the public, rather than a list of areas that would be closed.

Muña-Brecht asked that NMFS consider additional opportunities for fishermen to provide input beyond the email in the *Federal Register* notice, such as outreach to the fishermen through social media or advertisement, because the fishing community does not read the *Federal Register* notice. She suggested that NMFS staff develop social media-ready flyers or advertisements that the local agencies can share on their own social media pages.

Rauch said that currently they have website that has some resources and NMFS will also be hosting another webinar on April 1, 2021. He is open to suggestions on how to disseminate the information better. Rauch assigned NMFS staff Heather Sagar to reach out to Muña-Brecht on how to distribute the information on the upcoming webinar more broadly.

Simonds said that Council members and staff have been developing draft letters, which will describe the Council's ecosystem work starting in the 1990s. An SSC subgroup was formed to provide additional recommendations, which will be included in the Council's letter.

Rauch acknowledged that the councils have already done a great deal of work in addressing resiliency and climate change in the overall management objective since its creation.

[Additional discussion on this agenda item occurred on the third day, as follows.]

Gourley provided a recap of Rauch's presentation on the first day of the meeting. Gourley said that if asked, the Council should be providing comments on section 216(a) that addresses the 30x30 to conserve 30% of the land and waters by 2030. Gourley said there needs to be a fair amount of work on clarification on certain terms like "conserving." On section 216(c) on resilience of fisheries and protected species to climate change, Gourley said that the Council should respond with a letter and be part of the answer and discussion. He also highlighted two additional EOs: EO 13990, which includes a section pertaining to restoring national monuments to reinstate fishing prohibitions for the Northeast Canyons and Seamount; and EO 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.

Muña-Brecht said that EO 13985 piqued her interest because there may be some opportunities as a Small Island Developing States and Member Island Territories to find footing to support research before rules are made.

Soliai asked Tosatto to provide comments first on EO 14008 before other Council members chime in.

Tosatto said he has nothing more to add beyond what Rauch presented. Tosatto said that effort is underway to address EO 13985 and is focused on ensuring the delivery of federal services, such as CDPs and the Marine Education and Training in NMFS' case, are equitable across the nation. He said he would provide more information to the Council as NMFS proceeds on that effort.

Gourley said the recent Supreme Court case regarding national monuments sparked a glimmer of hope for those who would like to see fishing activities in monuments regulated under MSA. The case has relevance for addressing section 3 of EO 13990 titled Protecting Public Health and Environment and Restoring Science to Tackle the Climate Crisis. Gourley highlighted sections of Chief Justice Robert's statement and encouraged members to read it in full.

Muña-Brecht asked if NMFS will assist in defining conservation given that DOI is the lead for section 216(a), and whether the Council will be allowed to provide input on what defines conservation. She also asked whether individual jurisdictions should help shape that policy that they will eventually be force to abide by.

Tosatto reiterated Rauch's advice, which was to use a definition that works for the jurisdiction (territorial and regional) in providing comments and to provide the definition early to the DOI so they have a frame by which to read the comments.

Simonds said that when the Council was first formed, the members discussed management and conservation and defined conservation as "wise use." She plans to use that definition for the Council's letter to the Secretary of the Interior. Simonds pointed to the draft letters in the briefing books for Council members to review.

Soliai sought clarification on Tosatto's statement that work is underway for EO 13985 and what sort of work is being conducted.

Tosatto said a government-wide interagency group has been established and Rauch is the representative for NOAA. He said that Rauch being the representative is an advantage for the region because Rauch is a strong proponent of territorial science and he would be pushing to support that initiative. To support Rauch in the national level platform, NMFS is forming a group across all regions that will bring key staff members together to gather input from each region. Tosatto has not decided who that person will be from the Pacific Islands. The group will be looking at the different MSA mandates and identify ones that affect underserved communities like the CDP and Marine Education and Training and determine the compliance to those mandates.

Simonds suggested that Council members read EO 13985 and the draft letter in the briefing materials. The federal agencies are conducting an equity assessment across the board. Simonds noted that of particular interest is the data working group, which is tasked with studying and providing recommendations through consultation with agencies, identifying inadequacies and existing federal data collection programs, policies and infrastructure across agencies and strategies for addressing any deficiencies identified. The staff is drafting a letter as instructed by the executive committee.

Soliai said given the agenda items on data collection improvement that generated some emotional discourse, the Council should review the EO and analyze whether these local communities are historically underserved.

Watamura said that there is a need to get to the root of the problem in the territory data collection because the one being used right now will force the territories into a position where they cannot fish. He also said that the fishing ban within the marine national monuments had no scientific basis and it only created negative situations, such as losing eyes on foreign vessels within the EEZ. Watamura said the Global Fishing Watch map shows that foreign vessels are fishing around the outskirts of the Papahānaumokuākea Marine National Monument and he suspected that without eyes on the water from local fishermen, foreign vessels may be fishing within U.S. waters.

Gourley asked Sakoda about their 30x30 efforts.

Sakoda said it is called Holomua Marine 30x30 and pointed to the newsletter in the briefing materials.

Simonds said that regarding EO 13985, the Billfish Conservation Act is a perfect example of inequity, where Hawai'i fishermen are not allowed to sell their sustainable healthy billfish to the U.S. mainland or to foreign countries. She noted that this example will be mentioned in the letter.

Holstead responded to Watamura's comment on the foreign vessels that are believed to be fishing in the monument areas. He said that is not the case, noting that there are foreign vessels transiting within the monument area and it is USCG's responsibility to monitor and apprehend if they are suspected to be fishing and enforcement will make the case. The vessels are estimated to be fishing a mile or two from the EEZ and that is allowed through the WCPFC convention. The USCG is doing a good job in monitoring fishing activities within the EEZ and they are not seeing a rush to fish within the EEZ.

Soliai commented on EO 14008 and 13985 that more than 50% of the U.S. EEZ around the Pacific Islands is closed to commercial fishing and that is a hindrance. He recommended allowing commercial fishing in some of the areas like the Pacific Remote Island Areas.

Rice added to Soliai's comment on the potential 30x30 closure that it may encroach closer to the islands and would disallow recreational or charter fishing. The State of Hawai'i already closed some nearshore areas north of Kona. It goes back to the underserved communities where these efforts are taking food out of people's mouths.

Gourley said that if the 30x30 is to be done on a regional basis, and the Pacific Islands Region has more than 30% of its waters in no-take areas, the Council could ask to rescind some of the monuments to cut back to 30% so it can meet the rest of the goal of the legislation, although that is not likely to happen.

Simonds said the question could be asked because the little dots on the map should not have to carry the burden of the nation. Simonds said that based on the EOs, the current Administration may be open to discussion.

Gourley said the region being on the forefront in shutting fisheries down is not the Council's position, but was forced upon it by the federal government.

Simonds said the council executive directors are looking at the entire U.S. picture and reviewing reports put out by different agencies and scientists about MPAs, closures and what the 30x30 may look like. Environmental groups aim to close the areas to all fishing, while the councils intend for these areas to be accessible to some fishing. This is something that will be discussed at the May 2021 CCC meeting.

Muña-Brecht said that these monument designations always target fishermen, even though other activities like sea mining and undersea cable laying are more disruptive than recreational or subsistence fishing.

Gourley said that there are issues with using the Antiquities Act of 1906 as a fishery management tool.

Rice said that the wind farms in Maine may get rid of fishing.

Tenorio said the term conservation has always been associated with closures, but it should also consider everything the Council has been doing as a form of conservation.

C. Three-Year SSC Plan

Hospital presented the elements of the Three-Year SSC Plan. The plan supports the SSC and Council to project the SSC workload in a three-year horizon. Hospital reported on the task and activities for the SSC under the following thematic areas: 1) limit specification; 2) stock assessment development; 3) protected species; 4) document reviews; 5) workshop planning; 6) project to support fisheries management; and 7) ecosystem-based fishery management. PIFSC provided the Council with some suggested changes in the language that needs to be reviewed and incorporated. Hospital also noted the plan is short on the socioeconomic activities. Socioeconomic priorities will be discussed by the SSPC and staff will incorporate appropriate priorities into the SSC Three-Year Plan. The plan will be finalized at the June 2021 meeting.

Gourley sought confirmation about the timeline and steps for finalizing the plan.

Hospital said that the SSC will be reviewing the revision to the document based on PIFSC recommendations and will finalize the plan at the June SSC meeting.

Watamura asked about the timeline of setting the acceptable biological catch (ABC) for the American Samoa BMUS.

Sabater said that the new assessment will be developed and reviewed in 2023 and the SSC will be considering the new ABCs around then.

Watamura said that it is imperative to improve the data before then.

D. Updates on the Catchit Logit Implementation

Sabater presented the updates on the Catchit Logit implementation covering activities from October 2020 to February 2021. The Council hired contractors for each island area to conduct the day-to-day task of registering fishermen and vendors, training and outreach. The Council, in collaboration with the AP and the territorial fishery agencies conducted a series of training for fishermen and fish vendors. Guam could not conduct a general fishermen training due to COVID-19 restrictions and had resorted to small group and individual fisher training. Sabater presented the number of registered fishermen and vendors, number of fisher and vendor reporting and the number of fisher and vendor reports submitted from November 2020 to February 2021. There was an increasing trend in Guam and CNMI in terms of the number of fishers and vendors reporting during this period. There was a 20% usage rate of the app (number of fishers reporting over the total number registered) for fishermen and close to 80% for the vendors in the Mariana Archipelago. Sabater described the outreach activities and identified some issues and challenges in the implementation, highlighting the lack of a list of participants that are required to report and the delayed development and implementation of the mandatory license and reporting regulations (MLRRs).

Amani asked when the data for Catchit Logit would go into effect where it might make a difference as additional data to the existing creel survey data.

Gourley deferred Amani's question to a later PIFSC presentation on the agenda.

Soliai said that there are challenges associated with the hardware and will be reserving additional questions after the next agenda item.

Watamura asked which fishing sectors are represented in Catchit Logit, whether shoreline fishermen are represented and whether the app is focused on fisheries in federal waters.

Sabater said that the app has the ability to cover all fishing sectors but currently the app is catered to bottomfishing, trolling and spearfishing. Most of the registered people are trolling and bottomfishing fishermen. Sabater said that the American Samoa spearfishery is mostly shore-based and they are encouraged to report through the app. The app targets both federal and territorial waters. The data can be separated in the catch reports by reporting where they fished and the map can be refined to reflect the fishing areas.

Sakoda asked if the Council has considered developing a Catchit Logit or Sellit Logit app for Hawai'i. DAR is considering the idea of having fishermen and dealers report on their mobile devices rather than an online system. He asked whether the technology is transferable to Hawai'i.

Sabater said that it would be doable. He said that the Lokahi app is also available for the recreational fisheries. The Catchit Logit app considered the commercial marine license (CML) reporting framework in the development of the app and the framework could be adjusted to add Hawai'i as an instance in the system if there is interest in moving that direction.

Watamura encouraged Sakoda to download the Lokahi app and advised not to reinvent the wheel. The Lokahi app has been refined over four years and Watamura invited Sakoda to talk offline.

Sakoda said that they were thinking about an application for the required commercial and dealer reporting.

Watamura said that the Lokahi app can do anything he wants it to do.

E. Integration of the Catchit Logit app information into fisheries assessments and monitoring

Jones, Felipe Carvalho and Robert Ahrens, PIFSC, and Brett Schumacher, PIRO, presented the scope of the three territorial data collection systems (creel surveys, commercial receipt books and Catchit Logit) and how each will generate information for fisheries assessment and monitoring.

Jones gave the introduction and addressed Amani's earlier statement that the app will not be used for assessment and monitoring, clarifying that PIFSC will be adopting the app and the data will be used for assessment and monitoring. The app will be integrated as part of the data collection toolbox. He noted the importance of being clear on the utility and limitations of any

data sources. He invited open and honest dialogue following the presentation about the paths forward and hoped to have direct dialogue with the territorial agencies after the meeting.

Schumacher provided an overview of the Catchit Logit app system and how it is tied to the mandatory license and reporting. He reviewed the existing federal and territorial regulations, including the status of the MLRRs. The MLRRs only cover commercial fisheries. Without the MLRRs, fishery data collection will be voluntary. Schumacher presented a comparison between the Logit apps and the current data sources in terms of data generated for total catch, catch composition, length and weight, total effort and in-season monitoring, highlighting advantages and disadvantages of each.

Ahrens presented the statistical rationale for each system. The Logit app system with fully implemented MLRRs is census-based, where the data is collected from the entire sampling frame. No expansion is necessary and there is no uncertainty if there is full compliance. Creel surveys are sampling methods that fall between a probability sampling and nonprobability sampling frame. Creel surveys fall under the probability sampling where the unit from the sampling frame is known based on the sampling design. The data can then be expanded to represent the general population. Voluntary reporting or opportunistic sampling falls under nonprobabilistic sampling because there is no sampling design and the biases introduced to the population level expansion are unknown. Without the MLRRs, the app-based reporting will become voluntary and falls under the non-probabilistic sampling design. The total catch it would generate would not represent the fisheries its meant to represent.

Carvalho said that the Logit apps can be used to support stock assessments when combined with the other data collection tools, although these other systems need to be improved as well. The current creel survey data combined with the biosampling information can be used to generate a surplus production model-based assessment for a complex level ACL. Length information gathered through the Logit apps can be combined with biosampling to generate length-based spawning potential ratio-type assessments for a species level ACL. However, combining the length and catch data from the creel surveys and the app system can generate an assessment using a statistical catch-at-length approach and produce a species level ACL.

Carvalho said that an app-based collection of length data can be problematic if not all of the catch are measured. Biases will be introduced by selecting only a few pieces to measure. The current version of the app can support stock assessments by improving the commercial landings data through full compliance of the MLRRs. In the future, the noncommercial sector can be included in the app through improvements in the features like ensuring the species identification using measured weights and having enough size observations.

Schumacher presented how the app relates to the current catch monitoring. Over time, the app will become a valuable tool for the commercial landings data, but it has yet to establish itself with the fishing community and create a time series because the app is relatively new. The app would contribute to in-season monitoring if the territories adopt the system and implement it with MLRRs. The Logit apps combined with the creel surveys will capture most of the fisheries segments and will generate information that would contribute to science and management. Schumacher outlined the steps needed to attain the comprehensive data collection and monitoring goal. The first step is the adoption by the territories and implementation with

MLRRs. Second is a need to understand the reporting and compliance with the regulations. Third is the calibration of the app data with the creel and commercial receipt books. Fourth, it can be used for tracking catch against the ACL. There are fisheries for which the commercial portion is higher or equal to the noncommercial portion, such as the MHI uku fishery. There are also some examples of fisheries where the commercial portion is minute relative to the total and this is where the app performance needs to be understood and calibrated. The potential for the app's data stream increases over time and could be used in assessments after undergoing calibration.

Jones summarized the points raised in the presentation. The MLRRs are designed for commercial fisheries and, in some instances, the commercial component is a small fraction of the total catch. The voluntary nature of reporting must be understood to replace the current data streams in stock assessment. Therefore, the need to improve the creel surveys is a high priority. Part of the overall improvement is the integration of creel surveys, the app and biosampling. The next step is for the local fishery management agency to make a decision to drive the adoption of the software and the coordinated implementation and compliance of the commercial MLRRs. There are some elements of the app that can be improved in the future, including refinements to the fields, particularly the species composition, and the integration of the prototype fish identification and length estimation software the Council developed. Continued training and outreach to emphasize the importance of submitting accurate data are needed to ensure better data for stock assessments and management.

Jones described other activities that contribute to the refinement of stock assessments. Improvements to the creel survey include the following: 1) Center for Independent Experts review of the boat-based expansion; 2) PIFSC redesign of the data systems from Visual FoxPro to MySQL (Structured Query Language), which could include the development of a tablet-based data entry for creel surveys; 3) Marine Recreational Information Program review of the surveys as part of the certification process; 4) support for agencies to increase sample size, improve species level identification and adjust the sampling frame. Other improvements include the following: revise the life history information and incorporate that information into stock assessments; conduct data workshops leading up to assessments; explore the use of alternative assessment models for relevant species and regroup the BMUS list; and explore the feasibility of conducting fishery-independent surveys.

Gourley said that he is getting complaints from the fishermen that they have to get a federal license, the license from DFW for the MLRRs and report in Catchit Logit. There are data streams out there that the federal government is requiring the fishermen to get and perhaps there needs to be an evaluation whether to keep that data stream or delete it. He asked whether the data from the federal bottomfish license is worthwhile reviewing.

Carvalho said that he is not familiar with the data stream that Gourley referred to. He added that there are opportunities to discuss this with everyone during the data workshop scheduled for 2024 for the Guam assessment. Every data stream that is available will be considered and a decision will be made whether to incorporate that into the assessment.

Tosatto said that NMFS implements the Council decision. The Council found a purpose and need for the federal bottomfish license data to be collected and NMFS implement them. The Council can address its need at the time and come collectively to the right purpose for 2021.

Jones said that PIFSC has not received any logsheets under the federal bottomfish license since 2017.

Simonds asked whether these concerns can be brought up at the workshop that PIFSC is holding in August 2021.

Carvalho said that the data workshop is an excellent opportunity to look at all the data.

Simonds said that Council members should realize the importance of the data workshop. Council staff can work with Council members on their issues and concerns related to data leading up to those workshops to make sure those questions are answered.

Gourley said that efforts should be directed to enhancing the fishermen's fish identification for MUS. The CNMI Commercial Biosampling Program also gathers detailed catch and effort information, along with life history data. In the shift to focusing on bottomfish, the program started purchasing the entire catch to collect the data in the lab and bring the fish back to the vendor to sell the fish.

Dueñas sought clarification on Jones's statement that it is necessary for the app to incorporate lengths while PIFSC used data from creel surveys that do not incorporate length information. He asked why the app could not move forward without collecting length when the creel survey does not consistently collect length data.

Jones said that the limitation for the use of the app data stems from implementation on a voluntary basis and that a full census of the fishery through MLRRs is needed for the data to be useful. Collecting length information does not need full census of the data and can be collected on a voluntary basis. As for the creel surveys, the length data is collected if fishermen allow the surveyors to measure the fish and PIFSC receives that length data.

Carvalho said that the PIFSC Stock Assessment Program is looking at length data from the creel surveys and evaluating its potential use in the next assessment.

Jones added that the app could speed up the collection of length data.

Dueñas asked about the fishery-independent cooperative research and whether PIFSC will be coming out to the Mariana Archipelago to do it.

Jones said unfortunately, due to COVID-19, they are not able to do so. PIFSC is planning to travel to the Mariana Archipelago when allowed to conduct the data workshops. Independent of the workshops, PIFSC's goal is to increase the frequency of engaging the territory agencies and the fishing communities with their Life History, Stock Assessment and Fishery Monitoring Programs.

Amani supported the use of the Catchit Logit app, noting that she uses it to report her catch when she goes out fishing and the Sellit Logit app for her restaurant. She encourages fishermen and vendors to follow her lead. She expressed concerns on the implementation of the creel surveys because she rarely interacts with the data collectors. She asked if there is a way to

utilize the information in the app given that they know how many people are registered and reporting and compare that with the creel results. She is concerned that the data the fishermen provide are being used against them by shutting fisheries down. She emphasized the need to work together and the need to move forward. She affirmed Simonds's statement that the past is the past and there is a need to fix the current situation where there is a potential to lose fishing access, which upsets the community.

Jones said that it is their goal to work with the territory agencies and fishing communities and be transparent on how these data collection programs work. Jones emphasized the need for enhanced communication and reiterated the improvements planned for the assessment, including the advancements in territorial data collection. Jones said that the AP could help message these improvements to the fishing community. The app can be changed to start collecting length data. The length data are not used in the surplus production model, but moving forward it can be used in the length-based surplus production model assessments. On the question about when the app data can be used, Jones said the length data can be used if that is the direction that the stock assessment team decides to go. The data from the commercial side would require the MLRRs be in place.

Carvalho added that the length data from creel surveys are not currently being used in the assessment, but his program is looking into the possibility of using such data and will be presenting the exploration to the stakeholders.

Ahrens said that PIFSC is interested in working with the territorial agencies to review the creel survey and consider improvements for gathering better data streams. It is a matter of striking the balance between gathering the data without disrupting the fishermen's schedule and how to equip the surveyor with the tools and resources they need to get it done more efficiently. Regarding Amani's question about cross referencing the app data with the creel data, Ahrens said that if there is disparity between the two data sets, it raises flags as to what each is actually monitoring. One challenge with the app data is understanding which trips have been reported. One approach is to take the voluntary nature of the app reporting into a probability sampling by asking if the fisherman will be fishing for the day and whether they are going to report their catch.

Soliai said that he and his staff are working on the mandatory reporting regulation for American Samoa. Soliai added that he is still critical of the data collection methods and affirmed that working together is the only way to resolve this issue.

Watamura encouraged the use of a mandatory registry to define the universe of fishery participants.

F. Fisheries 101 Capacity Building

John Kaneko, Hawai'i Seafood Council, reported on the Saltonstall-Kennedy grant-funded project to support sustainable fisheries management and development in U.S. Pacific Islands through fisheries education and community outreach. The focus was on fishery education to promote fisheries management, science and related jobs in the Pacific Islands, with the idea of looking for homegrown students and people to get into the business. The effort took a train-the-

trainer approach, assembling island teams of trainers, with each one of the teams consisting of a fisherman, fishery management or fishery science expert and an educator. The island teams came from CNMI, Guam and American Samoa, and were assembled in Honolulu for an intensive fisheries short course, followed by educational seminars and fishing community outreach workshops with the island teams. Workshops were also conducted in each of the island areas. Hawai'i Seafood Council also conducted a tour of the Honolulu Fish Auction for PIFSC and PIRO staff to better understand the commercial fisheries and the importance of the fish auction.

Kaneko introduced the island team members, which included Carey Demapan from CNMI who was one of the Council's U.S. Pacific Territories Fishery Capacity-Building Scholarship Program recipients. Kaneko described the fishery short course agenda and the different learning components of the curriculum. He hoped that through this effort the ability of the educators was enhanced to utilize the firsthand experience of the program to develop and customize their own fisheries-related training. He also hoped that the fishermen participants started to understand the importance of accurate catch reporting for enhancing the quality and quantity of fishery-dependent data and improving the quality of stock assessments.

Watamura suggested creating a public service announcement-type video that encapsulates the Fisheries 101 course for Hawai'i fishermen.

G. Updates to the Pacific Island Stock Assessment Prioritization

John Syslo, PIFSC, provided updates on the Stock Assessment Prioritization for the Pacific Island MUS. The Stock Assessment Prioritization process was developed by NMFS to guide and provide advice on identifying and ranking stocks for assessment development based on a standardized set of criteria. This process was to be implemented on a regional level to assist the councils and NMFS regions in ranking stocks for assessment. The PIFSC scientists identified the relevant factors from the Stock Assessment Prioritization document and provided their factor scores based on available data and expert opinion for each of the MUS in all of the FEPs. The fishery managers (the Council, territory fishery management agencies and PIRO) provided the weighting scores for each factor and MUS. Results showed the clear effect of the stock status situation in American Samoa and Guam bottomfish MUS, where it ranked first and second, respectively, in the scoring. Pelagic species such as mahimahi and ono (wahoo) ranked third and fourth, which are currently not listed for assessment in the Western Pacific Stock Assessment Review (WPSAR) schedule. The results are meant to advise the WPSAR Steering Committee in planning the assessments on a five-year horizon.

H. Regional Communications and Outreach Report

Amy Vandehey, Council staff, reported on the various communications and outreach efforts. Four new monographs have been published: *History of the Billfish Fisheries and Their Management in the Western Pacific Region* by Michael Markrich; *University of Hawai'i Pelagic Fisheries Research Program* by Paul Dalzell; *Fishery Ecosystem Management in the Western Pacific Region* by Liz Martell and Sylvia Spalding; and *Fishery Data Collection Systems: Evasive as an Elusive Fish* by Sabater. Vandehey also reported on the latest quarterly *Pacific Islands Fishery News* newsletter that highlighted the new government changes including articles on the COVID-19 relief law and CARES Act updates. Vandehey reported on the U.S. Pacific

Territories Fishery Capacity-Building Scholarship Program and the status of the scholarship recipients. She also reported on the outreach plans by the four regional Council Advisory Panels, the articles published in *Hawai'i Fishing News*, the Mike Buck Go Fish! radio show, lunar calendars and on-air media public service announcements.

I. Advisory Group Report and Recommendations

1. Advisory Panel

There were no AP recommendations regarding Program Planning.

2. Fishery Data Collection and Research Committee

Soliai, Fishery Data Collection and Research Committee (FDCRC) chair, reported on the outcome of the committee's 2021 intersessional meeting. Committee members reported on the challenges of COVID-19 that impacted data collection in the past year. All of the territories experienced similar challenges. The committee also talked about the status of the mandatory license and reporting in light of the Catchit Logit app implementation. The recommendations were as follows.

The FDCRC recommended DMWR, DAWR and DFW provide the Council the list of fishermen from the CARES Act and any list of fishermen and vendors required by the local regulations to support the implementation of the Catchit Logit electronic reporting.

The FDCRC recommended the Council direct staff, in collaboration with PIFSC and the territorial fishery agencies, to conduct strategic planning to develop the 2021-2025 FDCRC Strategic Plan focused on the Pacific Insular Fisheries Monitoring, Assessment and Planning Summit recommendations.

The FDCRC recommended the Council direct staff and Council contractors to conduct regular meetings with the territorial fishery agencies and PIFSC to enhance coordination with the agencies data collection activities.

The FDCRC recommended the Council request DMWR and DAWR to coordinate with the Council and PIFSC on the development of any Fishery Management Plan which has implications on other existing or planned FMPs being developed, data collection, the monitoring of the Council's ecosystem component species and the science that would support the FMPs.

3. Fishing Industry Advisory Committee

Goto presented the FIAC recommendations.

Regarding the PRIMNM, the FIAC recommended the Council request the Administration remove commercial fishing prohibitions allowing fishery resources to be managed under the authority of the MSA.

Regarding the Young Fishermen's Development Act, the FIAC recommended the Council request NMFS to provide plans (including funds) on implementing the Act in the region and nationwide and to involve stakeholders in the process.

Regarding nuclear testing impacts, the FIAC recommended the Council request NMFS PIFSC or other appropriate federal agencies conduct research to determine any possible impacts from the nuclear testing areas in the Marshall Islands to Guam waters and fisheries.

4. Non-Commercial Fishing Advisory Committee

Dean Sensui, NCFAC Chair, presented the NCFAC recommendations.

The NCFAC recommended the Council develop a list of noncommercial issues for the NCFAC to address and include a roadmap; the list should address the low-hanging fruit and then the longer-term.

The NCFAC recommended the Council request the summary data from self-reporting apps for discussion by its advisory groups.

The NCFAC recommended the Council work with NMFS to expand the recreational snapshot to MUS in each of the island areas to develop an Annual Stock Assessment and Fishery Evaluation Report module that also identifies the problems in the data.

5. Scientific and Statistical Committee

Hospital presented the SSC recommendations.

Regarding the NMFS briefing on EO 14008 on Tackling the Climate Crisis at Home and Abroad, the SSC recommended a subcommittee consisting of Ray Hilborn, Kobayashi, Chaloupka, Frank Camacho, Erik Franklin and James Lynch be assigned to work with Council staff to provide scientific input in response to section 216(a) and 216(c).

Regarding the integration of the Catchit Logit app information into fisheries assessments and monitoring, the SSC recommended the integration of creel survey, commercial receipt book, biosamplin, and app-based data collection systems to generate the data elements from the different sectors of the territorial fisheries to meet the requirements of stock assessments. The SSC acknowledged the need to modernize the creel surveys to account for recent changes in the fisheries and provide an improved probability sampling design to generate catch estimates and quantifiable variability. These data shall be augmented by the mandatory app-based data collection system through Catchit Logit. For noncommercial fisheries, further development of the app should be undertaken to provide useful information, which may include length data, on this important sector of the territorial bottomfish fisheries.

Hospital also reported that the SSC deferred endorsement of the Three-Year SSC Plan for the SSC working group to review the revisions suggested by PIFSC and to add socioeconomic

priorities to the SSC plan after the SSPC meets in April 2021. The SSC intends to review and finalize the Three-Year Plan at its June 2021 meeting.

J. Public Comment

Tam provided comments regarding bottomfish data, noting that a boating registry could provide a universe of bottomfish participants because a boat is a prerequisite for catching bottomfish. If there is a registry, then a check box could be created on the application for vessel permit renewals to determine if the person fishes for bottomfish. The vessel registry data combined with the data on known commercial participants could be used to extrapolate the noncommercial participants.

K. Council Discussion and Action

Regarding President Biden's EO 14008, the Council in accordance with the request for written input from interested parties pursuant to section 216(c), directed staff to draft and send a letter to the DOC providing information on how to increase the resilience of fisheries and protected species prior to the April 2, 2021 deadline.

The Council directed staff to draft and send a letter to the DOI and DOC regarding strategies and conservation of 30% of waters by 2030 prior to the 90-day deadline of April 27, 2021.

The Council endorsed the SSC subgroup composed of Ray Hilborn, Don Kobayashi, Frank Camacho, Erik Franklin, Milani Chaloupka and James Lynch to provide the scientific recommendations to the Council for fisheries management to consider climate change resilience in fisheries and protected resources.

Tosatto said that the Council is on a reasonably short timeline to provide comments and asked if the SSC subgroup is providing input for those letters or for input after the letters are sent. He said that additional details on what the staff is expected to include in the letters would be useful.

Simonds said that drafts were sent out to the executive committee, but are not yet ready for review. The drafts will be revised to reflect the discussion in the Council meeting. The SSC subgroup will convene after the Council meeting and provide additional comments since NMFS is still going to accept comments from the Council after the deadline. She said she would include Tosatto in the draft review before the letters are finalized.

Sakoda asked that the drafts also be provided to the State of Hawai'i for review before they are finalized.

Simonds confirmed and asked for DAR to make note of the deadlines.

Moved by Rice; seconded by Dunham.
Motion passed.

Regarding EO 13985 to Advance Racial Equity and Support Underserved Communities Through the Federal Government, the Council **directed staff to review and analyze the provisions of the EO as applied to the Council’s FEPs, programs and Pacific Island fishing communities that may have been historically underserved, marginalized and adversely affected by persistent poverty and inequality.**

Moved by Rice; seconded by Dunham.

Motion passed.

Regarding territorial fishery data collection, the Council **recommended DMWR, DAWR and CNMI DFW provide the Council the list of fishermen from the CARES Act and any list of fishermen and vendors required by the local regulations to support the implementation of the Catchit Logit electronic reporting.**

The Council directed staff, in collaboration with NMFS PIFSC and the territorial fishery agencies, to conduct the strategic planning to develop the 2021-2025 FDCRC Strategic Plan.

The Council directed staff and Council contractors to conduct regular meetings with the territorial fishery agencies and NMFS PIFSC to enhance coordination with the agencies’ data collection activities.

The Council directed staff to work with NMFS to improve the pilot version of the Catchit Logit app suite based on federal and territorial data needs, and further directs staff to work with the territorial agencies and NMFS on integrating established data collection systems with the associated review of the creel surveys for certification and collection implementation with any new licensing and reporting requirements.

The Council requested NMFS PIFSC expand the recreational snapshot to MUS in each of the island areas to be able to develop an Annual Stock Assessment and Fishery Evaluation Report module that also identifies the problems in the data.

Moved by Rice; seconded by Dunham.

Motion passed.

Regarding the SSC Three-Year Plan, the Council **directed staff to work with the SSC subgroup to finalize the plan incorporating the PIFSC recommendations and the socioeconomic priorities identified by the SSPC in April 2021.**

Moved by Rice; seconded by Dunham.

Motion passed.

Regarding fishery prohibitions in the monuments, the Council **directed staff to draft a letter to the Biden Administration to explore options to remove commercial fishing prohibitions in the PRIMNM to allow fishery resources to be managed under the authority of the MSA.**

Tosatto said that the wording of the recommendation is unusual in that it is a recommendation to the Administration rather than directing Council staff to write a letter. He suggested rewording the recommendation to direct staff to write a letter to the Administration.

Soliai also suggested clarifying whether the letter would be sent to NMFS or to the Biden Administration.

Peck clarified that the correct name for the monument is the PRIMNM.

The mover and the second agreed with the changes.

Moved by Rice; seconded by Dunham.

Motion passed.

*Regarding the Young Fishermen’s Development Act, the Council **requested NMFS provide information and plans (including funds) on how stakeholders will be included regionally and nationwide in the implementation of the Act’s provisions.***

Gourley asked if the intent of the recommendation is to request for request for funds instead of asking NMFS to provide information on funding.

Simonds said that the Council is always in need of funds.

Moved by Rice; seconded by Dunham.

Motion passed.

XII. Hawai‘i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Watamura presented a report on Hawai‘i’s fisheries, noting the impacts of COVID-19 restrictions on gatherings by the community and carrying capacity aboard fishing vessels. This resulted in an increase in shoreline noncommercial recreational fishing, as people have more time due to unemployment and are also trying to meet the need to feed their families. This increase also caused a depletion of fishing supplies.

He also reported that the Lokahi fishing app is gaining traction due to publicity from local media as well as the success of virtual tournaments. The concept of the virtual tournaments having random weight and even mystery fish winners encourages all to participate.

Watamura said that legislation important to the fishing community was being considered and the community has been working to have these bills recognized and passed into law for years. The first bill would allow fishermen to get a commercial marine vessel license (CMVL) instead of having to meet the requirement of everyone on board needing to possess a CML. This would alleviate the need to purchase a CML for family, friends, crew and visitors. The other bill under consideration is the inclusion of wild-caught seafood as a viable food source in the State of Hawai‘i’s plan of self-sufficiency. Seafood is an important part of people’s diet and it has been

taken for granted, as Hawai‘i consumes seven times more seafood per capita than any other state in the nation.

Rice reported that the Big Island charter fleet businesses picked up during the Christmas and New Year’s period when tourism started to open up. The small-boat commercial fleet has had a good run of ahi in the winter, and with hotels opening up, the prices have stayed up. The fishing community is surviving, but the state needs to open up tourism because it is the life blood of the charter and commercial fleets.

He said that the legislative bills that are of great interest to the fishermen on the Big Island include one for a CMVL and another to make the harbor a state-private partnership. He said that he received comments from fellow fishermen about observations made regarding offshore aquaculture and provided those comments as part of the written report.

Dang reported that the COVID-19 impacts continued into 2021 and that it continues to affect the HLA that has lost about 40 to 45% of its revenue. At the end of the year, Christmas and New Year season, sales were promising with about 70% of the pre-COVID-19 local market for fish. The market fell off the cliff in January when the tourists left and there were no breaks or holidays for travel in February. The first half of March was similar. The second, third and potentially fourth week of March is looking strong, with high demand as hotel capacity and booked flights increase. However, there are still some boats tied up as they take their time on preventive maintenance while waiting for things to get back to normal. The fleet has also diversified with more vessels adopting the shallow-set fishing method and the swordfish prices have been strong with decent demand.

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

Bryan Ishida, Division of Aquatic Resources (DAR), provided the State of Hawai‘i report. For the 2020-2021 MHI deep-seven bottomfish fishery season, the catch is currently at 108,221 pounds of mixed deep-seven species. The first four months of the season catch tracked close to previous seasons, which shows that in spite of the economic effects of COVID-19, fishers were still targeting deep-seven at typical rates, at least during the holiday season. After that period, the catch leveled off in February and March. Prices are looking better but the fishery is highly dependent upon fishing conditions, the ability to find and locate fish and rates of depredation, all of which have been challenging in recent times. There has also been an atypical contribution of catch by the different species, with opakapaka (pink snapper) making up only 23% of the total catch when the species normally represents closer to half of the catch. This is likely due in part to the challenging conditions and fishermen having a hard time finding opakapaka, as aggregations are in places that they do not expect or missing where they are usually found. While opakapaka catch is relatively low this year, other species are seeing above average catch, notably gindai (oblique-banded snapper), which has already surpassed 130% of what is normally caught in the entire year.

The 2020 Kona crab season finished with 4,265 pounds landed and, as of the end of this reporting period, the 2021 season has seen 873 pounds landed. This is continued improvement over the historical low catch in 2016, but still relatively low compared to the landings in the past.

The 2020 uku season produced 47,927 pounds and, as of January 28, the fishery has landed 7,279 pounds in the 2021 season. Catch was low in 2020 and along with the effects of COVID-19, which were substantial, a lot of the issues that the deep-seven bottomfish fishers reported in the last year also affected uku and contributed to this low catch. The fishery missed out on the late spring to early summer bump in catch that has been seen in the past.

In 2020, there were 3,102 CMLs issued or renewed for total revenue of \$308,220. There was a reduction in licenses requested and while COVID-19 may have impacted the requests, the downward trend has been occurring since 2012. Adding to this was the temporary hold that DAR put on some CMLs in December 2020 while updating terms and conditions relating to the commercial take of fish for aquarium purposes.

Ishida said that two conservation and management access permits for the Papahānaumokuākea Marine National Monument were granted to the state. FAD activity across the state in terms of missing or recovered FADs was moderate. The state also held a public hearing on a proposal to increase the nonresident CML fee from \$100 to \$250 and plan to make the proposal to the Board of Land and Natural Resources (BLNR) for final rulemaking in April or May 2021.

Ishida also provided a legislative report. DAR received final approval on crustacean housekeeping rule amendments. The amendments repealed Hawai'i Administrative Rules (HAR) 13-84, HAR 13-89 and incorporated substantive provisions in HAR 13-95, including statutory provisions of Hawai'i Revised Statutes (HRS) §188-58.5, which prohibits the taking or killing of female Samoan crab, Kona crab and spiny lobster. This took effect Jan. 31, 2021, and did not result in any substantive changes to crustacean laws. The next step is for the Legislature to repeal HRS 188-58.5 and, if successful, DAR intends to reassess the current Kona crab regulations, particularly the prohibition on take of females. Many administrative bills for the 2021 legislative session were introduced and fishing-related bills included the following: House Bill (HB) 1016, which would give DLNR the authority to establish a CMVL; HB 1017, which would repeal section 188-58.5 for crustaceans; HB 1018, which would give DLNR the authority to establish a lay net permit; HB 1020, which would give the BLNR adaptive management authority to temporarily adopt, amend and repeal certain natural resource rules by formal BLNR action in response to rapidly changing resource conditions; and HB 1023, which would establish a nonresident recreational marine fishing license. DLNR also provided testimony on fishing-related bills introduced by other parties, including HB 553, relating to the protection of sharks and Senate Bill 255, relating to CMVLs.

Watamura said that he personally experienced shark predation on uku and that he was able to find schools of opakapaka in their normal places, but they would not bite. He said that other fishers noted that the water was too warm and when it cooled off the bite got better, but the weather changed and made it impossible to go fishing.

Rice said that Big Island fishermen were told to hold off on bottomfish by the fish brokers because tourists left, which could be a reason why the catch tapered off in January. Last week the fishermen were informed to provide bottomfish again because the tourists are coming back and that might account for the recent upward trend. He said that the Big Island was missing more buoys, one for quite a while.

1. CARES Act Funding Distribution

Ishida reported that the CARES Act disbursement of \$4.3 million in federal funding was completed in December 2020 in accordance with the Hawai'i Spend Plan. An additional \$780,000 in state CARES Act funds was disbursed to eligible charter and nonlongline fishery participants.

C. Main Hawaiian Islands Deep-Seven Bottomfish Fishery

1. Updates to the Deep-Seven Bottomfish Complex Stock Assessment

Syslo provided a report on the updated stock assessment for the MHI deep-seven bottomfish complex. This 2021 assessment is a follow-up to the 2018 benchmark assessment. The timeframe of the assessment is 1949 through 2018 for the fishery dynamics, with projections for years 2021 through 2025. Under the WPSAR framework, an update means that the scientists were constrained to using the same methodology as the 2018 benchmark assessment, with three years of additional data.

He reviewed the data sources, the projections for fishing years 2021 through 2025 and the results of an opakapaka-only model. The model uses total catch, which is the sum of the reported catch and the unreported catch. 2018 was the first time PIFSC implemented improved data selection methods based on input from five data workshops with bottomfishing constituents. These same methods were used in 2021. The model found that the fishery was not overfished and that overfishing was not occurring. The model also provided probabilities of overfishing at various levels of reported catch projected for the years 2021-2025. The projections for the probability of overfishing from zero to 50% were provided. The first opakapaka-only model was developed and resulted in the status for opakapaka being not overfished nor experiencing overfishing.

Watamura asked what happens when the ACL is not reached and if the surplus production is taken into account for the following years.

Syslo said that surplus production is not taken into account in the model. It is hard to know at the time of the assessment what is going to happen in that first year. They could simulate different scenarios to say what if 50% is taken, or what if 75% is taken, but it is not something that was done in the benchmark or in the update.

2. Report on the Western Pacific Stock Assessment Review of the Deep-Seven Bottomfish Update

Erik Franklin, WPSAR chair, provided a report on the review for the deep-seven bottomfish stock assessment update. The WPSAR review panel members also included Itano and Steve Martell and the review was held online in December 2020. The panel interacted with the assessment team and coordinating committee, and addressed the eight terms of reference for this WPSAR, which resulted in individual and a panel summary report.

Franklin said the panel found that the prior deep-seven fishery data workshops involving the fishing community were extremely useful and highly encouraged the continued pursuit and collaboration with PIFSC in future stock assessments, both for this complex and other assessments. One of the primary sources of uncertainty found was in the noncommercial and unreported catch. The assessment suggested that the noncommercial recreational catch likely exceeds reported commercial catch and this highlighted the need to reduce the uncertainty in these catch estimates for future assessments. To accommodate this, various catch scenarios were examined to model the influence of those on assessment results and the approach was found to be adequate.

The Bottomfish Fishery-Independent Survey Hawaii video surveys were found to have provided sufficient detail to evaluate the sampling design and biomass estimation, but there is still some uncertainty with what is called the effective sampling area. What is essential is the area of capture so that an area estimate can be calculated for how much of an abundance or biomass estimate. Potential species-specific selectivity issues, given things like the daytime-only sampling, demersal orientation of the cameras and potential difference in diurnal schooling feeding and vertical movements between the different species of the complex were also identified as an uncertainty.

Franklin reported that the panel found the CPUE standardization was properly applied and appropriate for this species, fishery and available data. There were still some improvements that could be made and those were provided as recommendations to the assessment team. The panel also found that the assessment model and method were the same as those used in the 2018 benchmark stock assessment and that primary sources of uncertainty were documented and presented. The two primary sources of uncertainty were the unreported catch, which was termed the noncommercial or recreational catch, and the fishery-independent stereo video surveys. The panel noted that the results include stock status with relation to biological reference points and other results that can address management goals. The methods used to project future populations stayed the same as those used in the benchmark and, in consideration of future benchmarks, the panel provided suggestions for recommendations.

High priority recommendations included: maintaining direct communications with fishers about stock assessment activities; conducting data workshops with the fishing community to develop collaborative contributions to data and methods in the next benchmark assessment; and continuing collaborative efforts between NOAA, the Council, the State and the fishing community to improve collection of noncommercial catch data. Medium priority recommendations included: continuing to present both deep-seven complex and single-species assessments for species with sufficient information in the next benchmark assessment with recommendations for future data collection and life history studies for other species in the complex to facilitate stock assessments; performing research activities to provide improved empirical estimates of the survey area for the stereo-video method; investigating species-specific issues regarding diurnal schooling characteristics and vertical behavior in relation to the orientation and the field-of-view for these cameras; exploring the inclusion of additional factors that may impact deep-seven CPUE identified at previous and future workshops on data standardization; and interacting with fishers and the scientific community for additional ideas to improve the standardization process and, where data is lacking for potentially important factors,

conducting further research and collecting these data. A low priority recommendation was to update software to avoid limitations in propagating process errors.

Watamura thanked the panel for prioritizing the integration and collaboration of the fishermen.

3. Update to the Deep-Seven Bottomfish Annual Catch Limits (Initial Action)

Sabater presented the options for ACLs for the MHI deep-seven bottomfish fishery, based on the 2021 stock assessment update. Sabater presented a comparison of the new information from the update with the 2018 benchmark assessment, noting that the same modeling software, catch data and assumptions were used, with the 2012 update including updated data. Comparing the outcomes of the two assessments, there was a decrease in the MSY from the 2018 benchmark to the 2021 update, similar harvest rate and an increase in biomass. The stock is not being overfished or experiencing overfishing. The overfishing limit from the 2021 update dipped slightly by 2,000 pounds in the terminal year compared to the benchmark assessment. Considering the P-Star (P*) level of 40% risk that the Council selected in specifying the current ACL of 492,000 pounds, the ACL would increase by 4,000 pounds to 496,000 pounds with the new assessment. Since there is no new information that was considered in the update to revise the P* analysis, the SSC recommended rolling over the 42% risk of overfishing and recommended an ABC of 510,000 pounds. The previous Social, Economic, Ecological and Management analysis accounted for the uncertainty related to the increase in the CML fee and new fishing methods and sales of fish on social media and took a 2% reduction. Since the last Social, Economic, Ecological and Management analysis, four of the 12 bottomfish restricted fishing areas were opened, although not much fishing is happening in those areas. The Council could decide whether there is any information that warrants changing the current ACL of 492,000 pounds.

Sakoda asked whether increasing the ACL to 496,000 pounds would be a lengthy, complicated process.

Sabater said that the Council and NMFS would be required to prepare a new EA if the number changed. Rolling over the previous ACL would be a simpler administrative task.

D. Hawai'i Noncommercial Data Collection Plans

Watamura presented on the Council's efforts to improve noncommercial data collection. He noted that the previous presentations highlighted the dire need to improve noncommercial data as the current fisheries management is based on the commercial fisheries data. The stock assessment scientists are using percentage value for noncommercial fisheries data, and it would behoove the scientists and managers to collect better noncommercial data.

The Hawai'i Marine Recreational Fishing Survey (HMRFS) has been improving their methodologies, conducting roaming effort and airplane effort surveys. The National Saltwater Angler Registry has declined from 8,000 people registered in 2010 to seven in 2021, with only

one resident. Options for improving the noncommercial data collection could include a mandatory federal bottomfish permit or state noncommercial permits.

He reported that the Council met with the State of Hawai'i to discuss using the mandatory bottomfish vessel registry as a starting point to identify the known universe of bottomfish fishermen both commercial and noncommercial. Similarly, an effort to look at the vessel registration database to identify commercial and noncommercial pelagic fishermen was started by meeting with the Division of Boating and Ocean Recreation. This would result in registries of fishermen that could be used for data collection.

DeMello added that in discussions with the State, the idea of using a registry was broached and there are some steps that would need to be taken before it could be used. The next step is for the Council, the State and PIFSC to talk about what those steps are.

E. Advisory Group Report and Recommendations

1. Advisory Panel

Tam presented the AP report and recommendation.

Regarding the MHI deep-seven bottomfish fishery ACL specification, the Hawai'i AP recommended the Council request PIFSC provide an explanation on how the HMRFS is appropriate to be used for assessments. Further, the AP recommended the Council request PIFSC conduct an update on the bottomfish commercial/noncommercial ratio to provide an alternative to HMRFS data for the next benchmark assessment.

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

Hospital presented the SSC report and recommendations.

Regarding updates to the deep-seven bottomfish complex stock assessment, the SSC accepted the stock assessment update as the BSIA for the Council to use for management decisions.

Regarding the WPSAR of the deep-seven bottomfish update, the SSC accepted the results of the WPSAR review and supported the panel's conclusions and recommendations.

Regarding the update to the deep-seven bottomfish ACLs, the SSC recommended retaining the risk of overfishing level at 42%, accounting for scientific uncertainty. The catch level associated with this level of risk is 510,000 pounds, which corresponds to the ABC for

the MHI deep-seven bottomfish fishery for the fishing years 2021-2022, 2022-2023 and 2023-2024.

F. Public Comment

There were no public comments.

G. Council Discussion and Action

Regarding the MHI deep-seven bottomfish fisheries, the Council recommended an ACL of 492,000 pounds, corresponding to a risk of overfishing level of 39 to 40% for fishing year 2021-22, 2022-23 and 2023-24. Further, the Council recommended continuing with the current AMs using in-season closure based on the projected date of when the ACL will be reached for the MHI deep-seven bottomfish fishery. In an event that the ACL has been exceeded, any overage will be applied in the subsequent fishing year.

The Council directed staff, in collaboration with the MHI Deep-Seven Bottomfish Action Team, to develop the appropriate documentation and present the report to the Council at its 186th meeting in June 2021 for final action.

The Council requested NMFS PIFSC provide an explanation on how the deep-seven HMRFS data will be used for future assessments and present the findings to the Hawai'i AP. Further, Council requested NMFS PIFSC conduct an update of the bottomfish commercial/noncommercial ratio to provide an alternative to HMRFS data for the next benchmark assessment.

Tosatto said he supported the recommendations, but that it is too early to tell whether it would be appropriate to use an alternative to HMRFS data. As PIFSC is preparing for the next assessment, it will decide which alternatives are appropriate to use.

Onaga said that she was unsure what developing a Supplemental Information Report meant or intended to do.

Sabater said that the Supplemental Information Report would be used as part of NEPA as the current ACL would be rolled over.

Onaga said that the recommendation would be worded better by saying to develop the appropriate NEPA document and present that to the Council.

Moved by Rice; seconded by Dunham.

Motion passed.

XIII. Administrative Matters

A. Financial Reports

Simonds referred to the report on last year's multi-year expenditures and noted that the Council will have the full five-year report at the June meeting. The current year expenditures up to March included Council compensation, personnel and other contracts related to equipment, maintenance and transportation. Simonds said staff was available to report on other grant projects.

DeMello summarized a few of the ongoing projects for the coral reef grant, such as biosampling on nenue (rudderfish) with the State of Hawai'i and ecosystem indicators. That grant started in October 2020 and is scheduled to end in September 2022.

Under the protected species grant, Ishizaki said the Leatherback Turtle Tag Head project is in collaboration with PIFSC and involves developing a tag head that would allow vessel-side deployment of satellite tags for leatherback turtles. The Ecosystem-Based Fisheries Management project is in collaboration with PIFSC and University of Florida and will be completing the TurtleWatch validation project soon. The final project under the award is the Mariana Archipelago Shark Sampling project.

Mitsuyasu reported on the projects under the four open SFF grants. The Garapan Fish Base Revetment project under SFF IX is working through permitting and they are hoping to conclude before the grant ends in September 2021. The CNMI Fishery Training and Demonstration project and the American Samoa Malaloa Dock and fuel subsidies for the American Samoa longline fleet were supported under the SFF X grant, which also ends in September 2021. The SFF XI grant supports the CNMI Fishery Training and Demonstration project and the American Samoa Longline Diversification project, which are ongoing. The remaining project under this grant was reprogrammed to support American Samoa fisheries outreach and education related to bottomfish data collection. The SFF XII grant will support an albacore tuna study, alia boat improvements, ice transport projects and other education and outreach for American Samoa. That grant will also support the Garapan Fish Base improvements and electronic data collection for CNMI.

Ishizaki reported on the projects under turtle 2020 and 2021, which support the ongoing tori line EFP project. Ishizaki said this project is scheduled to conclude by September 2021.

B. Administrative Reports

Simonds reported that Diana Kitiona started with the Council Jan. 5, 2021, and was previously one of the participants in the Council's Capacity-Building Scholarship Program funded by PIRO, PIFSC and the Council. The annual audit for fiscal year 2019 started last year, but will end later on March 31, 2021, due to COVID-19. The Council has been working with the U.S. Office of Inspector General since November 2019 and completed the process for supporting documents in November 2020. Simonds referred to briefing materials for recent Freedom of Information Act requests and recusal determination from GCPI for this Council meeting.

C. Council Coordination Committee

Soliai said the report for the previous CCC meeting is included in the briefing materials and noted the dates for the upcoming meeting in May 2021.

Simonds added that members should email any comments about the CCC agenda and said the region will be selecting participants for the Council Member Ongoing Development workshop and referred to the briefing materials for further information.

D. Council Family Changes

Simonds said the Council is obligated under the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific to recommend a U.S. commissioner from the Council and the Council discussed recommending Soliai. Simonds also noted that the three Council member obligatory seats for Hawai'i, American Samoa and Guam are up and that March 15, 2021, was the deadline for governors to send their nominations to Paul Doremus.

Sabater reported on the list of Council family changes, which are included under Council Discussion and Action.

E. Meetings and Workshops

Simonds referred members to the list of meetings included in their briefing materials. Most meetings will be virtually hosted and members should let the Council know if they are interesting in attending.

F. Standing Committee Report and Recommendations

Soliai reported that the Executive and Budget Standing Committee met earlier in the week and that most issues were discussed through the plenary.

G. Public Comment

There were no public comments.

H. Council Discussion and Action

Regarding Council family changes, the Council:

- 1. Appointed Jay Gutierrez from DAWR to the SSC;**
- 2. Appointed the following to the Archipelagic Plan Team:**
 - a. Jude Martinez from DAWR to replace Jay Gutierrez for Guam**
 - b. Danika Kleiber from PIFSC to replace Kirsten Leong on socioeconomics**
 - c. Bryan Ishida to replace Reginald Kokubun as the ex-officio member from DAR**
 - d. Keith Bigelow from PIFSC for data reporting and bycatch**
 - e. Robert Ahrens from PIFSC for management strategy evaluation**
 - f. Removes Annette Tagawa (retired)**
- 3. Appointed the following to the Pelagic Plan Team:**
 - a. Bryan Ishida from DAR to replace Mike Fujimoto**

- b. Frank Roberto from DAWR for Guam
 - c. Frank Villagomez to replace Trey Dunn for DFW
 - d. Chelsey Young for PIRO
 - e. Robert Ahrens from PIFSC for management strategy evaluation
4. Appointed the following to the Fishery Data Collection and Research Committee-Technical Committee:
- a. Jason Helyer to replace Reginald Kokubun (retired)
 - b. Jay Gutierrez to replace Tino Aguon (retired)
5. Appointed the following to the Education Committee:
- a. Jay Gutierrez to replace Tino Aguon (retired) for DAWR
 - b. Leah Beth Naholowaa to replace Eloise Sanchez (retired) for the Guam Department of Education
6. Removes Carlos Herrera as a Guam member on the FIAC.

Moved by Dunham; seconded by Dueñas.
Motion passed.

Regarding the South Pacific Regional Fishery Management Organization, the Council directed staff to send a letter to the State Department recommending Archie Soliai, Council member and chair, to be appointed to serve as a commissioner on the management organization.

Tosatto said he has no changes to the recommendation but requested that the letter is copied to his office.

Moved by Gourley; seconded by Dunham.
Motion passed.

Regarding Council reports, the Council endorsed the financial and administrative reports as presented.

Moved by Gourley; seconded by Dunham.
Motion passed.

Regarding Council policy, the Council directed staff to develop guidelines controlling timely receipt and distribution of briefing documents/PowerPoints for Council, SSC and other advisory body deliberations at their respective meetings.

Moved by Dueñas; seconded by Gourley.
Motion passed.

XIV. Other Business

There was no other business.

[Meeting adjourned.]