



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

ACTION MEMORANDUM

193rd Council Meeting

December 5-8, 2022

Pagoda Hotel

Honolulu, Hawaii

AGENCY REPORTS

Regarding the NMFS Pacific Islands Regional Office (PIRO) Agency Report, the Council:

1. Requested NMFS to consider holding a future Leadership Council meeting in the U.S. Pacific Islands Territories of American Samoa, Guam, or CNMI.
2. Reiterated its request to U.S. Fish and Wildlife Service (USFWS) and NMFS to meet with the Territory Governments of American Samoa, CNMI and Guam to review the information at least 30 days in advance of publishing the green sea turtle critical habitat proposed rule.
3. Requested NMFS consider nominating a new vice-chair to the Northern Committee of the Western and Central Pacific Fisheries Commission (WCPFC).

Regarding the USFWS Report, the Council:

4. Requested USFWS and NOAA re-convene the Mariana Trench Monument Advisory Council (MTMAC) with expanded participation from Guam to expedite the completion of the Mariana Trench Marine National Monument (MTMNM) Management Plan.

Regarding the State Department, the Council:

5. Petitioned the U.S. State Department (DOS) to consider returning 1,200 square miles of U.S. Exclusive Economic Zone (EEZ) waters off Guam forfeited to the Federated States of Micronesia (FSM) to the patrimony of Guam.



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HAWAII ARCHIPELAGO AND PRIA

Regarding the Paper Inferring Spillover Benefits of the Papahānaumokuākea Marine National Monument (PMNM), the Council:

1. Requested NMFS staff to work with SSC members to evaluate the impacts of large static closed areas in the Pacific Islands Region (including the Marine National Monuments) on target and non-target species, address the SSC's concerns on a lack of reproducibility of findings by a recent paper published in *Science*, and also evaluate socioeconomic impacts.
2. Reiterated its previous recommendation from its 191st Meeting for NOAA to allocate funding support for external experts to evaluate the impacts that Marine National Monuments have on fisheries, working in collaboration with NOAA and the Council's advisory bodies.

Regarding NWHI fishing regulations for the Monument Expansion Area, the Council:

3. Recommended amending the Hawaii and Pelagic Fishery Ecosystem Plan (FEP) to prohibit commercial fishing and allow for sustainable non-commercial fishing and Native Hawaiian subsistence fishing practices in the Monument Expansion Area (MEA), including bringing back resources to the Main Hawaiian Islands (MHI). Fishing regulations would include:
 - Commercial Fishing Prohibition: Commercial fishing as defined in 50 CFR 665 – Western Pacific Fisheries would be prohibited in the MEA.
 - Allowable Species: Only Hawaii bottomfish management unit species (MUS) as defined at [50 CFR 665.201](#) and western Pacific pelagic MUS as defined at [50 CFR 665.800](#) would be allowed to be caught in the MEA. Fishing for all other Hawaii FEP MUS and Hawaii FEP ecosystem component species (ECS), as defined in [50 CFR 665 - Subpart C, Hawaii Fisheries](#) would be prohibited.
 - Allowable Gear Types: Only handline, hook and line, rod and reel and spear as authorized at [50 CFR 600.725 – General Prohibitions](#) would be allowed to be used to catch bottomfish MUS and pelagic MUS in the MEA. All other gear types, including longline, bottom set longline, trawl and poisons would be prohibited from use in the MEA.
 - Catch Limits: Establish a preliminary annual catch limit for bottomfish MUS at 350,000 lbs. and pelagic MUS at 180,000 lbs. for the MEA. NMFS and the

Council would monitor catches from within the original monument authorized by NOAA, and in the MEA authorized by NMFS towards this limit. As an accountability measure (AM), if NMFS forecasts the limit would be reached NMFS would prohibit all fishing in the MEA for the remainder of the fishing year.

- NMFS and the Council will annually report fishery performance (e.g., number of permits issued, catch and effort information, etc.) in the annual Hawaii FEP and Pelagics FEP Stock Assessment and Fisheries Evaluation (SAFE) Reports. NMFS and the Council will also evaluate fishery performance after an appropriate time not to exceed 5 years from the effective date of the fishery regulations and will continue to conduct evaluations as necessary in order to ensure the resources are managed sustainably. Such evaluations will take into consideration the best scientific information available and evaluate whether additional specific actions are necessary for the proper care and management of monument objects, including fishery resources, consistent with Proclamation 9478.
- Non-Commercial Fishing Permit and Reporting: Any person engaging in non-commercial fishing in the MEA must obtain a MEA non-commercial fishing permit and comply with reporting and record keeping requirements codified at [50 CFR 665.14 – Reporting and Recordkeeping](#), as required for all Magnuson-Stevens Act permits issued by NMFS.
- Disposition of Non-Commercial Catch: Bottomfish MUS and pelagic MUS legally caught by an individual holding a valid MEA non-commercial fishing permit may be brought back to the MHI for consumption, including community sharing. However, fish caught from within the MEA under this permit cannot enter commerce through sale, barter, or trade and may not recoup costs associated with the trip to the MEA.
- Native Hawaiian Subsistence Practices Fishing Permit and Reporting: Any person engaging in Native Hawaiian subsistence practices must obtain a Native Hawaiian Subsistence Practices Fishing Permit and comply with reporting and record keeping requirements codified at [50 CFR 665.14 – Reporting and Recordkeeping](#), as required for all Magnuson-Stevens Act permits issued by NMFS. In addition, under this alternative, there would be specific permit review and issuance processes for a Native Hawaiian Subsistence Practices Fishing Permit.
- An applicant for a Native Hawaiian Subsistence Practices Permit must complete and submit an application to NMFS that includes, but is not limited to a statement describing the objectives of the fishing activity for which a permit is needed, including a general description of the expected disposition of the resources harvested under the permit.
 - If an application contains all of the required information, NMFS will forward copies of the application to the Council, the U.S. Fish and Wildlife Service (USFWS), the Office of the National Marine Sanctuaries (ONMS), the Office of Hawaiian Affairs (OHA), and the Chair of the Hawaii Department of Land and Natural Resources (DLNR). The Council may consult with its advisory bodies to provide comments on the application.

- Following receipt of a complete application, NMFS will consult with the Council through its Executive Director, and the USFWS, ONMS, OHA, and the Chair of the Hawaii DLNR concerning the permit application and will receive their recommendations for approval or disapproval of the application.
- Disposition of Native Hawaiian Subsistence Practices Catch: Bottomfish MUS and Pelagic MUS legally caught by an individual holding a valid MEA Native Hawaiian Subsistence Practices fishing permit may bring catch back to the main Hawaiian Islands for consumption, including customary exchange. Additionally, permittees may sell, barter or trade catch to recoup costs associated with the trip to the MEA, not to exceed the actual direct costs associated with the trip, subject to the limit below. Direct costs include costs of supplies such as bait, fuel or ice needed for the trip, but do not include purchase, berthing, or maintenance of vessels or other costs external to the trip. This restriction ensures that the activity is not for commercial purposes.
- NMFS and the Council would limit the total value of catch traded, bartered or sold not to exceed the cost for fuel and ice, and other trip costs to make a trip from the main Hawaiian Islands to the MEA and in no case exceed \$15,000 per trip. A permittee would also be required to document and report to NMFS, the direct costs associated with each trip conducted to the MEA and the amount and value of any catch that is sold, bartered or traded.
- Trip Mixing: To ensure fish caught from inside the MEA for non-commercial and Native Hawaiian practices are not commingled with fish caught commercially seaward of the MEA, NMFS and the Council would prohibit any person from fishing both inside and outside the MEA on the same trip. Similarly, to ensure fish caught inside the original monument area for sustenance purposes are not commingled with fish caught in the MEA for non-commercial and Native Hawaiian practices and sharing in the MHI, NMFS and the Council would prohibit any person from engaging in both non-commercial fishing inside and outside the MEA as well as sustenance fishing in the original monument area on the same trip. However, sustenance fishing in the original monument and MEA on the same trip shall not be prohibited.
- Observer and VMS Requirements: All fishing vessels must carry an activated and functioning NOAA-provided VMS unit on board at all times whenever the vessel is in the Monument, and an observer if directed to do so by NMFS.
- Notification: Permit holders must notify NMFS prior to making any fishing trip to the MEA so NMFS may place a VMS unit and/or an observer on board as directed. Additionally, permit holders must contact NMFS at least 24 hours before landing any catch harvested under an MEA permit, and report the port and the approximate date and time at which the catch will be landed.
- Other Requirements: All fishing vessels must also comply with regulations codified at 50 CFR 665 – Western Pacific Fisheries applicable in the Exclusive Economic Zone (EEZ) comprising the MEA.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens

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

4. Directed staff to organize a meeting with Council advisors and Native Hawaiian groups to provide the Council with the details of Native Hawaiian practices and a review process for the Native Hawaiian subsistence fishing permit for its consideration at its next meeting.

Regarding Hawaii Fishery Issues, the Council:

5. Requested the State of Hawaii provide a presentation on the Holomua Marine 30x30 to the Council and its advisory groups in order to determine the impacts on fisheries managed by the Council.



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MARIANA ARCHIPELAGO

Regarding the Marianas Fisheries Issues, the Council:

1. Requested NMFS evaluate the efficiency and value of the existing CNMI bottomfish (BF) permitting program and data collection efforts to provide recommendations on potential changes to the Council that would assist in meeting management goals.
2. Requested NMFS Pacific Islands Regional Office (PIRO) and Pacific Islands Fisheries Science Center (PIFSC) to provide an analysis of potential impacts of military activities on the marine and coastal environments in the following areas situated at or near the northern military boundaries in Guam:
 - a. Open detonation areas
 - b. Open burn pits
 - c. Turtle nesting, transit and foraging areas



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PROGRAM PLANNING & RESEARCH

Regarding Final Action on the Aquaculture Management Framework, the Council:

1. Amended the previous 192nd Council Meeting recommendation which was “to establish an expanded aquaculture management program, as a preferred alternative for managing aquaculture in the Western Pacific region and directs staff to finalize the amendment to the Hawaii and Pacific Pelagics Fishery Ecosystem Plans (FEP) for transmission to PIRO”.
2. Recommended Alternative 3, to establish an expanded aquaculture management program, as a preferred alternative for managing aquaculture in the Western Pacific region and directs staff to finalize the amendment to the Hawaii Archipelago, American Samoa Archipelago, Marianas Archipelago, PRIA and Pacific Pelagics FEPs for transmission to NMFS Pacific Islands Regional Office (PIRO).

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Regarding the EBFM Workshop, the Council:

3. Recommended a working group that consists of program staff participate in quarterly meetings with NMFS Pacific Islands Fisheries Science Center (PIFSC) and PIRO to develop an Ecosystem Based Fishery Management (EBFM) process and prioritize projects.

Regarding the Territorial Bottomfish Management Unit Species (BMUS) Revision, the Council:

4. Directed staff to develop an action team with participation by PIFSC, PIRO, and the territorial agencies to begin drafting the amendment.



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PROTECTED SPECIES

Regarding the Review of Cross-taxa Impacts of Longline Management Measures, the Council:

1. Endorsed the SSC recommendation to develop two versions of the infographic and directs staff to continue development of the infographic.

Regarding the False Killer Whale Take Reduction Team (FKWTRT), the Council:

2. Directed staff to coordinate with SSC and Advisory Panel members as appropriate for the FKWTRT working groups, and further directed staff to provide an update on considerations for FKWTRP modifications at the March 2023 Council meeting in preparation for the next FKWTRT meeting.

Regarding the Biological Opinions (BiOps), the Council:

3. Directed staff to coordinate SSC, Advisory Panel, and Council review of the draft full BiOps and any necessary mitigation measures in advance of the March 2023 meeting.



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PACIFIC PELAGICS AND INTERNATIONAL

Regarding the Western and Central North Pacific Striped Marlin Catch Limits, the Council:

1. Took into consideration the following:
 - a. Uncertainties noted in the current 2019 Western and Central North Pacific (WCNPO) striped marlin stock assessment and by the ISC Billfish Working Group related to historical catch, stock structure, life history inputs, among other referenced issues;
 - b. The historical relative impact of U.S. fisheries on the stock is: 6% based on total historical catches, 14.8% based on recent catches, while catches by U.S. fisheries have not demonstrated a trend, as indicated in the 2019 stock assessment;
 - c. Other fishery management actions on U.S. fisheries have likely further reduced the relative impact of U.S. fisheries on WCNPO striped marlin stock as presented, including: the use of circle hooks for which published studies demonstrate reduced mortality, the prohibition of wire trace in U.S. tuna longline fisheries which published studies indicate may reduce mortality and catchability, and spatial closures to areas with higher historical catch rates of striped marlin.

Therefore the Council recommended the development of a regulatory amendment to set a WCNPO striped marlin catch limit of 457 t applicable to U.S. fisheries, consistent with previous Council action and a WCPFC measure. As an accountability measure, the Council recommends the specification of an annual retention limit of 443 t of WCNPO striped marlin applicable to the Hawaii-permitted U.S. longline fishery. If the 443 t limit is reached, the U.S. longline fishery would not be allowed to retain WCNPO striped marlin, whereas other fisheries would not be restricted. The Council will evaluate this catch limit again when a new stock assessment is provided, anticipated 2023.

Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with

this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

Regarding the Electronic Monitoring, the Council

2. Recommended the Electronic Technologies Steering Committee (ETSC) and Pelagic Plan Team (PPT) begin development of options and scenarios for the implementation of electronic monitoring in U.S. longline fisheries in the Western Pacific by September 2023.

Regarding International Fisheries Issues, the Council

3. Requested financial support from NOAA for a series of informal follow-up workshops on Western and Central Pacific Longline Management to run in concert with workshops by Western and Central Pacific Fisheries Commission (WCPFC) on development of a new tropical tuna measure in 2023.
4. Directed staff to engage with the Marshall Islands and other WCPFC members to refine follow-up workshop objectives and identify a facilitator for these workshops.



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AMERICAN SAMOA ARCHIPELAGO

Regarding the Western Pacific Stock Assessment Review (WPSAR) Terms of Reference for American Samoa Bottomfish Stock Assessment, the Council:

1. Endorsed the SSC recommendation to approve the terms of reference for the American Samoa bottomfish stock assessment and directs staff to initiate the review.

Regarding Supporting American Samoa Fisheries, the Council:

2. Requested U.S. departments and agencies to assist and support American Samoa in its collaboration with Samoa in “Atoa o Samoa”.
3. Directed staff to prepare a letter reiterating its recommendation that NMFS proceed with rulemaking to distinguish an American Samoa purse seine fleet.
4. Directed staff to prepare a letter to the U.S. Coast Guard (USCG) with rationale to provide a waiver on requirements for a U.S. Masters certification for operators of American Samoa longline vessels.
5. Directed staff to prepare a letter requesting NMFS expedite discussions on a tropical tuna measure leading up to the 20th Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC), noting the urgent need to recognize that U.S.-flagged vessels based in American Samoa are to be distinguished as American Samoa vessels entitled to privileges under Article 30 of the WCPFC Convention.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Approved the 193rd Council Meeting financial and administrative reports.
2. Directed staff to continue to work with NMFS to restore funding for the Council's protected species staff and program, capacity building program, annual Stock Assessment and Fishery Evaluation (SAFE) report coordinator and territorial science initiative; and send a letter to the Assistant Administrator for Fisheries informing her of the Council's efforts to work with NMFS Pacific Islands Regional Office (PIRO) and Pacific Islands Fisheries Science Center (PIFSC) regarding program and funding issues.

Regarding the Pacific Islands Forum Fisheries Agency, the Council:

3. Directed staff to write a letter to the Director General of the Forum Fisheries Agency (FFA) requesting the Council be reinstated with Observer Status in FFA meetings.

Regarding Council Family Changes, the Council:

4. Appointed Kisei Tanaka to the Archipelagic Plan Team (APT) replacing Michael Parke.
5. Appointed Tia Brown as an Ex-officio member of the SSC to replace Michael Seki.

Regarding regional planning, the Council:

6. Directed staff to work with the PIRO and PIFSC on strategic planning efforts to review and coordinate on program priorities, activities and funding.

Regarding capacity building and fisheries development, the Council:

7. Directed staff to review the U.S. Territorial Scholarship/Fellowship program for opportunities to expand the program scope to include technical fishery training opportunities (eg. diesel and outboard engine mechanics, boat building, fiberglass fabrication).

Regarding 2023 meetings, the Council:

8. Directed staff to plan for four Council meetings of which three will be in person and one will be a virtual meeting.

Regarding Council Officers, the Council:

9. Appointed the following members as its 2023 officers:
 - a. John Gourley, Chair
 - b. William Sword, American Samoa vice Chair
 - c. Anthony Benavente, CNMI vice Chair
 - d. Manny Duenas, Guam vice Chair
 - e. Roger Dang, Hawaii vice Chair