



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

ACTION MEMORANDUM

194th Council Meeting

March 27-28, 2023

March 30-31, 2023

Crowne Plaza Hotel

Guam Hilton Resort

Garapan, Saipan, CNMI

Tumon, Guam

AGENCY REPORTS

Regarding a Process to Designate a Marine National Sanctuary in the Pacific Remote Island Areas (PRIAs), the Council:

1. Requested NOAA, and all other involved agencies, consults with the U.S. Pacific Territories beyond the public comment opportunity on the proposed sanctuary.
2. Directed staff to invite the National Ocean Service (NOS) to provide a presentation on the proposed Pacific Remote Island Sanctuary to get a better understanding of the Council's responsibilities and role in the process.

Regarding the U.S. Coast Guard (USCG) Report, the Council:

3. Requested the USCG to provide aids for navigation at the Agat Marina to ensure the safety of fishermen and other boaters of Guam.



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MARIANA ARCHIPELAGO

Regarding the Commonwealth of the Northern Mariana Islands (CNMI) Marine Conservation Plan (MCP), the Council:

1. Directed staff to write to the Governor of CNMI indicating the Council's review and concurrence with the MCP at its 194th meeting and requests the Governor provide the MCP to NMFS for approval.

Regarding the CNMI Fisheries Issues, the Council:

2. Directed staff to re-engage with the Northern Islands' Mayor Office and other stakeholders on community based fishery management plans.
3. Requested NMFS Pacific Islands Fisheries Science Center (PIFSC) and Pacific Islands Regional Office (PIRO) to tailor its Equity and Environmental Justice (EEJ) regional community engagement plan for each island in the CNMI (Saipan, Rota, Tinian and the Northern Islands).
4. Recommended NMFS PIFSC Fisheries Research and Monitoring Division (FRMD) and CNMI Division of Fish & Wildlife (DFW) communicate their plans and efforts for electronic data collection to the general public.
5. Recommended the Council request NMFS and U.S. Fish and Wildlife Service (USFWS) continue to work with the territories to improve their sea turtle programs to collect the necessary data to move towards delisting and a cultural take.
6. Requested NMFS PIFSC conduct a study on stomach contents and parasites in pelagic management unit species (MUS) in the Marianas.
7. Directed staff to explore opportunities to assist the CNMI with developing opportunities for longline fishing in the CNMI exclusive economic zone (EEZ).

Regarding the Guam Fisheries Issues, the Council:

8. Directed staff and the Guam Department of Agriculture (DoAg) to continue discussions with the Mayors Council of Guam on the development of community based fishery management plans.

9. Directed staff to request Joint Region Marianas and Guam DoAg to consult with the University of Guam (UOG) and Guam Community College regarding positions available in an effort to develop suitable curriculums for local graduates instead of importing personnel and requests a report on how many local people have been hired over the last five years to support natural resource protection.

10. Directed staff to request Guam Government Office of Military Affairs to include fishing community issues and mitigation solutions (e.g. FADs, boat ramps, etc.) on the Civil-Military Coordination Council (CMCC) agenda.



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PROTECTED SPECIES

Regarding the Ecosystem-Based Fishery Management (EBFM) Turtle Model Workshop, the Council:

1. Requested NMFS PIFSC explore further application of the Protected Species Ensemble Random Forests model to the Hawaii deep-set longline fishery data and continue to explore alternative Machine Learning modeling approaches.

Regarding the review of the Hawaii deep-set and American Samoa longline fisheries draft Biological Opinions (BiOps), the Council:

2. Concurred with the no-jeopardy findings for all ESA-listed species in the Deep Set Longline (DSLL) and American Samoa Longline (ASLL) fisheries BiOps, and finds that the conclusions are well supported by the available scientific and commercial information.
3. Recommended DSLL Reasonable and Prudent Measures (RPM) Terms and Conditions (T&C) 2.b.i include a provision to reevaluate the risk of Insular False Killer Whale (IFKW) fishery interaction in the overlap area using updated satellite tagging data to determine whether mandatory observer coverage is warranted in the overlap area. The Council further recommends NMFS consider potential impacts to fishing operations, and the overall integrity of the observer program's random sampling design and bycatch estimates prior to implementation of this T&C.
4. Requested NMFS to provide a map of the insular false killer whale "overlap area" in the DSLL with the latest satellite tracking data to better understand the amount of habitat usage that occurs in the area.
5. Requested NMFS PIRO to work with the Council on the implementation process for applicable RPMs once the BiOps are finalized, and to provide an update at the June Council meeting.
6. Directed staff to send comments to NMFS PIRO by April 7, 2023, in response to the review of the draft BiOps, incorporating the recommendations from the AP, FIAC, SSC and the Council.

Regarding the False Killer Whale Take Reduction Plan, the Council:

7. Endorsed the recommendations from the SSC and the Joint AP-FIAC, and adopts the following positions for the 2023 Take Reduction Team meeting:
 - a. Supports the development and implementation of a fighting line device as a priority measure to improve the success rate of weak hooks.
 - b. Develop appropriate handling guidelines and crew training for the fighting line device that prioritizes crew safety as well as incentives for crew to cut the line close to the hook if hook straightening is not successful in a reasonable amount of time.
 - c. Priority should be placed in conducting research to estimate species-specific post-hooking survival rates.
 - d. Reiterates its previous position that:
 - i. The Council does not support adoption of weaker hooks under the TRP due to the potential economic impacts and lack of clear conservation benefit
 - ii. Priority should be placed on developing strategies for reducing trailing gear and finding solutions to reduce depredation
 - iii. SEZ should be considered for removal when the TRP measures are revised, noting the tradeoffs of the closure on other protected species interactions and competition with foreign fishing vessels

Regarding the Draft Oceanic Whitetip Shark Recovery Plan, the Council:

8. Directed staff to send a comment letter incorporating the SSC recommendations and the following issues:
 - a. Requests NMFS to identify the Council as a partner in recovery actions related to U.S. fisheries in the region;
 - b. Requests that NMFS reevaluate the threat level of commercial longline fisheries bycatch in the Western and Central Pacific Management Unit based on the latest scientific information considering the potential benefit of conservation measures; and
 - c. Requests NMFS to evaluate fishery threats separately for domestic and international fisheries so that recovery actions may be appropriately prioritized.

Regarding the Pacific Scientific Review Group, the Council:

9. Requested NMFS to include a fishery expert from the Pacific Islands region to its membership.



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PACIFIC PELAGICS AND INTERNATIONAL

Regarding the options for multi-year bigeye tuna (BET) catch and allocation limits, the Council:

1. Directed staff to reconvene an Action Team to proceed with revising the territorial catch and effort allocation framework, to allow for a territory to allocate pelagic management unit species (PMUS) to fishing vessels via a specified fishing agreement without first setting catch limits for the U.S. Participating Territories. The Council also clarified that the framework should retain the ability for the Council to establish a catch and allocation limit should the conservation and management need of the stock require it.
2. Directed staff to proceed with analyzing multi-year longline BET allocation options with a preliminary preferred alternative of up to 1,500 mt transfer limits from U.S. Participating Territories to U.S. longline vessels. This action should be effective for fishing years 2024-2026.
3. Directed staff to provide any available information on previous longline bigeye tuna catch allocations between U.S. Participating Territories and U.S. longline vessels, including how much each attribution may be valued from previous specified agreements.

Regarding President Biden's request for a National Marine Sanctuary in the Pacific Remote Islands, the Council:

4. Directed staff to draft a letter to NOAA requesting:
 - a. NMFS and NOS meet with the Governors and staff of the Territories of American Samoa, Guam, and the CNMI and that NOS describe in detail the process that will be followed for President Biden's request for a National Marine Sanctuary in the Pacific Remote Islands; and
 - b. A review of the process with the Council as soon as possible.

Regarding Council's Pelagic Research Plan, the Council:

5. Recommended a working group comprised of SSC members Itano, Harley, Camacho, Ochavillo, Severance, Kobayashi, and Hospital work with Council staff, AP members, and the Pelagic Plan Team to revise the Council's Pelagic Fisheries Research Plan and report back to the SSC and Council at its June 2023 meeting.

6. Recommended the Pelagic Research Plan include priorities looking into: 1) the economic impact of territorial fisheries in terms of their benefits and needs to support and sustain the local fishing communities, especially the local longline fishery which provides food security for American Samoa, and 2) research on mitigating and reducing shark depredation.

Regarding Hawaii Longline Fishery Reports, the Council:

7. Recommended that trends in hooks per set over time be included in future annual longline reports.

Regarding Pelagic Life History Research, the Council:

8. Requested NMFS PIFSC provides an information paper on the International Billfish Biological Sampling project to the Western and Central Pacific Fisheries Commission (WCPFC) Scientific Committee (SC).
9. Requested NMFS PIFSC Life History Program to report on progress for all pelagic and insular species to the SSC.
10. Requested NMFS PIFSC determines the maximum sustainable yield for shark populations in order to ensure sustainable stock management.

Regarding meta-analyses to inform management decisions, the Council:

11. Encouraged the use of approaches such as meta-analyses, when available, to support assessment of bycatch mitigation policies.

Regarding scientific needs to negotiate a new tropical tuna measure, the Council:

12. Directed staff to convene a working group composed of SSC members to examine the availability of vessel specific information to support linear programming or other forms of optimization to develop an analytical relationship between longline effort (fishing days) and catch.

Regarding Hawaii non-longline pelagic fisheries, the Council:

13. Directed staff to work with FIAC members to develop an information paper that characterizes the Hawaii shortline fishery.



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HAWAII ARCHIPELAGO AND PRIA

Regarding the next steps to refine uku essential fish habitat in the Hawaii Fishery Ecosystem Plan (FEP), the Council:

1. Directed staff to convene a working group with NMFS PIFSC, PIRO and the State of Hawaii to review the available data and Essential Fish Habitat (EFH) Western Pacific Stock Assessment Review (WPSAR) outcomes to assist in the development of an options paper for refining uku EFH and provide initial options for the Council's consideration at its June meeting.

Regarding the proposed establishment of status determination criteria for Kona crab in the Hawaii FEP, the Council:

2. Recommended option 2, providing Status Determination Criteria (SDC) for Kona crab fisheries that is consistent with the previous stock assessment, as a preliminarily preferred alternative. The Council noted that SDC from other regions or fisheries may not be well suited for application in this fishery and directs staff to develop an amendment with the appropriate range of alternatives for final action at its June meeting.

Regarding Gold Coral Management, the Council:

3. Recommended extending the existing gold coral moratorium until 2028. The Council further recommends NMFS PIFSC work towards calculating a maximum sustainable yield (MSY) for gold coral, based on the best scientific information available, in order for the Council to consider a long-term solution for the fishery.

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 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 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 Hawaii and PRIA Marine Conservation Plan (MCP), the Council:

4. Approved the PRIA MCP as finalized at the 194th Council meeting and directs staff to transmit the document to the Regional Administrator for review, approval and publication in the Federal Register.

Regarding Hawaii Fishery Issues, the Council:

5. Directed staff to work with the State of Hawaii and NMFS to move forward with the Hawaii small boat engagement and community meetings to address critical data needs.

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

6. Stressed the importance of allowing cost recovery for fishing in the MEA in order for the community to participate in the fishery. Native Hawaiians are at the top of several socio-economic indicators including the highest rates of poverty, unemployment, negative health conditions, lowest home ownership, etc. A decision to disallow cost recovery, including sales will continue to disenfranchise the Native Hawaiian community. The Council believes that limited cost recovery may be conducted on a small scale within the community consistent with Proclamation 9478's prohibition on commercial fishing. We further believe that the Council's recommended prohibition on commercial gear and comprehensive process for applying and approving requests for NH subsistence practice permits will provide effective safeguards against commercial fishing. The distance from the Main Hawaiian Islands to the MEA requires a large cost for fuel, bait, ice, food and other fishing needs may prohibit fishers from participating in Native Hawaiian cultural and traditional fishing practices in the MEA. Cost recovery allows for the disadvantaged communities to participate in cultural and traditional fishing practices by promoting equity amongst fishers as directed by Executive Order 13985 in particular for Asian American, Native Hawaiian and Pacific Island (AANHPI) communities as directed in Executive Order 14031. The Council also acknowledges the comments of an independent cultural working group and that other Native Hawaiian groups have commented at the Council's recent public meetings with a differing opinion. Nevertheless, to achieve resolution on this issue the Council amended its 193rd Council meeting recommendation as follows:

a. Revised the Disposition of Native Hawaiian Subsistence Practices Catch section to read:

- 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 *community sharing, barter and trade customary exchange*. Additionally, permittees may request NMFS consider the ability to recover costs through sale of catch associated with the trip to the MEA. ~~Additionally, permittees may sell, barter or trade catch to recoup costs associated with the trip to the MEA, not to exceed the actual costs associated with the trip, subject to the limit below. 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.~~

b. Revised the Native Hawaiian Subsistence Practices Fishing Permit Application Process section to read:

- Native Hawaiian Subsistence Practices Fishing Permit Application Process: 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 cost recovery is requested through sale, the application must include estimated costs for fuel and ice, and other trip costs to make a trip from the main Hawaiian Islands to the MEA along with a statement explaining why cost recovery is necessary for the intended action.*
 - If an application contains all of the required information, NMFS will forward copies of the application to the Council, the USFWS, the ONMS, the Office of Hawaiian Affairs (OHA), and the Chair of the Hawaii Department of Land and Natural Resources. *The Council may consult with any of its Federal Advisory Committee Act (5 U.S.C. App. 2) exempt advisory bodies established pursuant to Section 302(g) of the Magnuson-Stevens Act to provide comments on the application. NMFS will also make the permit application available for public review for no less than 30 days.*
 - *Within 30 days following receipt of a complete application*, NMFS will consult with the Council through its Executive Director, and the USFWS, NOAA Office of National Marine Sanctuaries (ONMS), Office of Hawaiian Affairs (OHA), and the Chair of the Hawaii Department of Land and Natural Resources (DLNR) concerning the permit application and will receive their recommendations for approval or disapproval of the application.

c. In addition, to provide EEJ for Hawaii communities to participate in Native Hawaiian fishing practices in the MEA, applications for funding through Western Pacific Community Demonstration Projects (CDPP) and Community Development Plans (CDP) under the authority of MSA section 305(i) are to be submitted in accordance with 67 FR 18512 (April 16, 2002) and this action. The Council requested NMFS provide funding to support the approval of such grants. This could provide communities seeking to access the MEA the funding needed to assist with costs for their trip.

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 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 the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.



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PROGRAM PLANNING & RESEARCH

Regarding the Territorial BMUS Revision, the Council:

1. Directed staff to incorporate the Archipelagic Plan Team (APT) recommendations for the territorial bottomfish management unit species (BMUS) revisions into a draft amendment for initial action by the Council at its June meeting. The draft amendment should include, but is not limited to, options for status determination criteria, EFH, and Annual Catch Limit (ACL) processes. Further, the Council directs staff to begin the process with American Samoa and continue with Guam and CNMI as new stock assessments are made available.
2. Directed staff to request NMFS PIFSC work with the territorial agencies to review current protocols to augment the length-based monitoring of catch from bottomfish fishing trips and ensure that the proposed BMUS lists are properly identified and measured for length (and weight if possible). Further, the Council requests NMFS PIFSC assist the territorial agencies in conducting training sessions for data collectors on fish identification and length measurements for the proposed BMUS.
3. Directed staff to request NMFS PIFSC to develop technological solutions to support length-based monitoring through the use of mobile devices equipped with image recognition technology to identify and optically measure fish-length.
4. Recommended the APT consider updating the Council's annual Stock Assessment and Fisheries Evaluation (SAFE) reports to be consistent with the proposed revised species list such that historical and current data are representative of the updated BMUS.

Regarding EEJ, the Council:

5. Directed staff to request NMFS include territorial representatives on the EEJ Working Group to provide expertise needed to identify, effectively engage with, and address the needs of Pacific Island communities.

Regarding Planning, the Council:

6. Directed staff to work with NMFS PIRO and PIFSC to finalize comments and identify program priorities for inclusion in the draft Pacific Island Region's Geographic Strategic Plan (GSP).



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AMERICAN SAMOA ARCHIPELAGO

Regarding American Samoa Bottomfish Stock Assessment and Management, the Council:

1. Directed staff to work with NMFS PIFSC and AS Department of Marine & Wildlife Resources (DMWR) to provide next steps for American Samoa bottomfish fishery management to the Council at its meeting in June.
2. Directed staff and requests NMFS PIFSC to evaluate the use of *Ikasavea* for American Samoa data reporting, and report to the Council at its meeting in June.

Regarding American Samoa Fishery issues, the Council:

3. Continued to request the U.S. Coast Guard increase assets and patrols in American Samoa to address Illegal, Unreported, and Unregulated (IUU) fishing and enhance safety at sea.
4. Reiterated its request for NMFS to proceed with rulemaking to recognize a distinct American Samoa purse seine fleet, so it may be fully entitled to privileges of Small Island Developing States (SIDS) and Participating Territories with regard to conservation and management measures under the Western and Central Pacific Fisheries Commission (WCPFC).



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Executive Committee:

1. Approved the 194th Council Meeting financial and administrative reports.
2. Directed staff to send a letter to the NMFS Assistant Administrator requesting funds be restored that were removed over the past few years and that NMFS provide funds for upcoming unfunded program activities such as climate change and equity and environmental justice.
3. Requested NMFS PIFSC collect baseline information and implement a monitoring system for the Marianas seamount habitats.
4. Requested the Governors of Guam and CNMI draft a letter to the Joint Region Marianas /U.S. Department of Defense (DOD)/Office of Economic Adjustment to provide funding to the Marianas MCPs to mitigate the impacts on existing and potential fishery opportunities due to the ongoing and future military activities in the Marianas.

Regarding CCC effort to review National Standards 4, 8 and 9, the Council:

5. Established a working group, to be chaired by the Council Chair and with representatives from the SSC, Advisory Panel, Fishing Industry Advisory Committee, Plan Teams, Social Science Planning Committee and other members as appropriate, to work on the national review of National Standards 4, 8, and 9.

Regarding Council Family Changes, the Council:

6. Recommended the following changes to its advisory groups:
 - a. Add Dr. Sean Hanser, NMFS PIRO Habitat Conservation Division, and Ms. Irene Kelly, PIRO Protected Resources Division, to the Archipelagic Plan Team.
 - b. Add Jason Philibotte, NMFS PIRO International Fisheries Division, and Melissa Snover, NMFS PIRO Protected Resources Division, to the Pelagic Plan Team.
 - c. Replace Alfredo De Torres with Kelsey McClellan as the Northern Marianas College representative to the Education Committee.
 - d. Replace Agustin Kaipat with Christina Tudela as the CNMI Department of Lands and Natural Resources representative to the Education Committee.

- e. Replace Leah Beth Naholowaa with Sylvia Calvo as the Guam Department of Education representative to the Education Committee.

Regarding Coordination and Planning, the Council:

- 7. Directed staff to work with advisory bodies to review and update the 5-year Pelagic Research Plan for Council consideration and endorsement at the 195th meeting in June.
- 8. Directed staff to continue coordination and strategic planning efforts with NMFS, local agencies and advisory bodies to develop the next 5-year Council Program Plan and Budget (2025-2029) and provide an update at the next Council meeting.
- 9. Directed staff to continue to work with the Governors of American Samoa, CNMI, Guam and Hawaii to identify a pathway to allowing green turtle harvest in the U.S. Pacific Islands.