

# 192nd Council Meeting Highlights, September 20-22, 2022



Keone Nakoa

Deputy Assistant Secretary for Insular and International Affairs Keone Nakoa, provided the opening remarks Sept. 20, 2022, at the Council meeting noting he is a native son of Hawai'i. He said he was pleased the Council has always ensured that it has territorial representation in the leadership, and in accordance with the Magnuson-Stevens Act. Nakoa is the lead Department of the Interior (DOI) official directly responsible for managing the administration of the Compact of Free Association between the United States and the freely associated states. The DOI coordinates with other federal agencies to implement regional and national level coastal policy and actions, and works closely with the governments of the U.S. Pacific Territories.

New Council members Will Sword (American Samoa), Judith Guthertz (Guam) and Shaelene Kamaka'ala



Judith Guthertz

(Hawai'i) were sworn in at the beginning of the Council meeting. The U.S. Department of Commerce appoints members chosen from a list of people recommended by regional governors. Members serve a three-year term, starting Aug. 11, 2022, and can be reappointed to three consecutive terms.

Sam Rauch, Deputy Assistant Administrator for Regulatory Programs at the National Marine Fisheries Service (NMFS) reported on priority areas for Headquarters including climate change, the National Seafood Strategy and conservation. "We've been successful because of the Fishery Management Councils," said Rauch. "90% of stocks are not subject to overfishing and 80%

not overfished." Rauch also noted two large appropriation bills, the Infrastructure Investment and Jobs Act and Inflation Reduction Act, which have \$1 billion for habitat and coastal restorations and \$2.6 billion for coastal resiliency work, respectively. Much of this funding will go to competitive grants for states and territories.



Sam Rauch and Will Sword (r)

Council members questioned the progress of the Biden Administration's America the Beautiful 30x30 initiative regarding the definition of conservation, pointing out the many area-based measures currently in place. Rauch said at the end of the year, the federal government is to provide an atlas of conservation areas and a working definition for conservation.

The eight regional fishery management councils developed a definition of conservation and are awaiting the federal government definition. The Councils provided a report at the May 2022 Council Coordination Committee meeting to inform the atlas.

## Marine National Monument Proposed Expansion for the PRIA

The Council's advisory groups reported key discussion points on the proposed expansion to the Pacific Remote Islands Marine National Monument. The Scientific and Statistical Committee found the proposal "conceptually challenged and factually shallow" because it lacked data or an analytical framework to evaluate or support the stated benefits. The Pacific Remote Islands Coalition, who developed the

proposal, "lacked engagement with the territories, specifically American Samoa."

Michael Goto, chair of the Council's Fishing Industry Advisory Committee, said U.S. fisheries are in jeopardy of "death by a thousand cuts" with actions like the proposed monument expansion that further undermines well-managed U.S. fisheries that "will only benefit China."

Since the meeting, Council staff has followed up on several recommendations. One was to inform the White House and relevant federal agencies about the lack of scientific justification for the previous and proposed expansion of marine national monuments in the Pacific that prohibit U.S. tuna fisheries. The letter reiterated the Council's June 2022 recommendation to request a comprehensive evaluation of the unintended consequences, including social and economic impacts, be conducted and evaluated through a transparent and public process if further closures are considered.

Another recommendation was to contact the Pacific Remote Islands Coalition to request the group directly addresses and consults with fishing communities and local fishery management agencies in the U.S. Pacific Territories. The Council also asked NMFS to assist the territories on a scientific evaluation of the proposal, including unintended consequences to American Samoa fisheries.

At the September meeting, Council members were disappointed that Hawai'i leaders lent support to the proposed monument expansion without considering the potential impacts on the territories, which are comprised of mostly underserved communities.

Council member Judith Guthertz from Guam said, "This is an emotional issue for people in the territories. We don't really have a voice in Congress. We don't elect the president and we have to depend on Hawai'i's support. Just

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because we live in the territories, doesn't mean it should rob us of the opportunity to be treated as Americans."

"The expansion will only benefit a few, and will severely impact the American Samoa economy that is 90% dependent on the tuna industry," said Council Chair Archie Soliai, Council chair and director of American Samoa Department of Marine and Wildlife Resources. "I am disappointed at the lack of aloha coming from Hawai'i. We were not asked for our opinion prior to the announcement; it is not the Samoan way to disregard others." Soliai asked the DOI and NMFS to weigh in on the impact that the proposed expansion would have on American Samoa, pointing out that if the tuna industry collapses, the territory will be 100% dependent on the federal government.

## Mixed Performance in 2022 Hawai'i and American Samoa Longline Fisheries Reports

The Council discussed a Pacific Islands Fisheries Science Center report on the performance of the 140 Hawai'i longline vessels during the first half of 2022.

Compared to 2021, the fishery had a relatively low bigeye tuna catch (89K fish, down 14K) and catch per unit effort. Even though the catch was low, the fish price was high, so fishermen were able to recoup their operating costs. Yellowfin tuna catches have trended upward since 2015, increasing 5K fishes from 2021 to 42K, and swordfish catch is up about 1K to 9K fishes.

The nine vessels of the American Samoa longline fleet had an increased albacore tuna catch rate from January to June 2022 compared to the same period last year—13.26 versus about 9 fish per 1,000 hooks. Approximately 12 fish caught per 1,000 hooks is considered a "break-even" point for fishermen in terms of the costs and benefits of each fishing trip. American Samoa longline fishery catch rates have declined by at least 50% since 2002, so such a significant increase in fishery performance is encouraging.

## Aquaculture Plans in the Western Pacific Move Forward

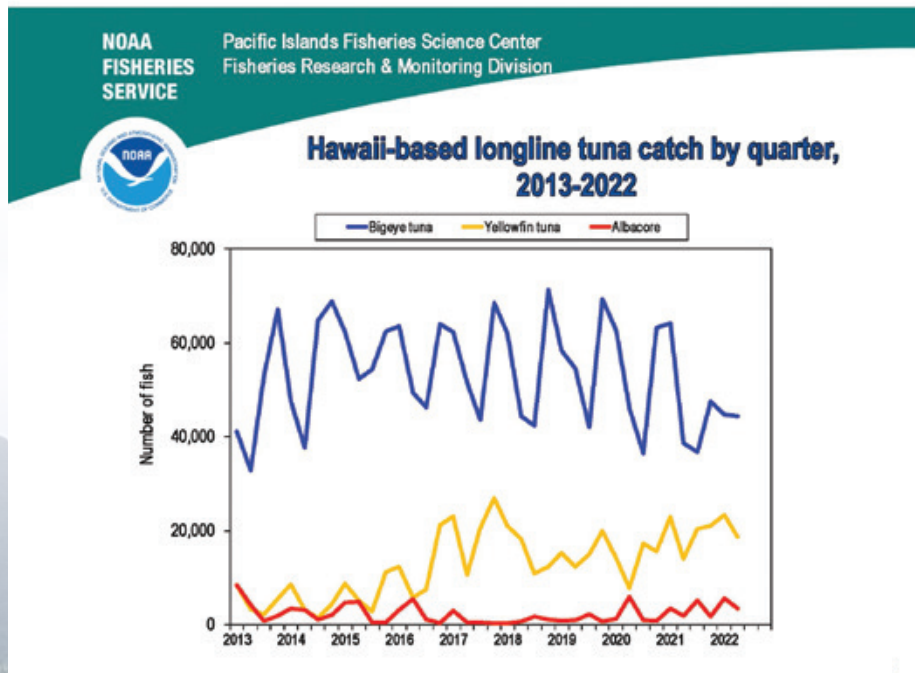
The Council recommended establishing an expanded aquaculture management program in the Western Pacific Region.

A program is needed to provide the Council and NMFS with a framework to review and authorize where, how and how much aquaculture is developed in federal waters of the U.S. exclusive economic zone. The Council will finalize an amendment to the Hawai'i and Pacific Pelagic Fishery Ecosystem Plans for transmission to NMFS.

## Support Needed for Purse Seiners in American Samoa

Council members discussed the importance of maintaining tuna supply to the StarKist cannery in Pago Pago, American Samoa, which relies heavily on tuna brought in from U.S.-flagged purse seiners. The Council requested that NMFS proceed with a 2015 proposed rulemaking to recognize a distinct American Samoa purse seine fleet comprised of some U.S.-flagged vessels. This rulemaking could potentially recognize an American Samoa fishery that would be entitled to privileges within the Western and Central Pacific Fisheries Commission (WCPFC) granted to small island developing states (SIDS) and participating territories. These privileges include exemptions to seasonal fish aggregating device closures and limits to high seas fishing access. This would incentivize U.S.-flagged American Samoa vessels to fish in WCPFC waters and offload in American Samoa, but NMFS has yet to proceed with this.

Adding to this disappointment was a proposed rulemaking in September to separate U.S. purse seine effort limits into a high seas effort limit and an effort limit within the U.S. exclusive economic zone (EEZ). Council members expressed their concern that there was not a sufficient public comment period for this rulemaking and about the disproportionate burden this places on the territory. In previous years,





American Samoa purse seiners (U.S. owned vessels). Photo: WPRFMC.

NMFS had combined limits to high seas and U.S. EEZ purse seine fishing days as a single limit to optimize fishing opportunities.

Council Chair Archie Soliai expressed his dismay with NMFS not proceeding with rulemaking to recognize a distinct American Samoa fleet, yet moving forward with regulations for limits that could potentially drive U.S.-flagged purse seiners to fish in the eastern Pacific and be less likely to offload in Pago Pago. “This proposed rule will have significant negative consequences for American Samoa and put the territory at significant risk. I realize the United States needs to comply with the WCPFC. But why does our government not regulate the U.S.-flagged vessels in American Samoa under the WCPFC as a SIDS?”

“Incoming tuna to supply the cannery has been going down since 2008,” said Will Sword, Council vice chair for American Samoa. “The feds keep giving away what we need to keep our production going. This does not provide justice for us with what we

produce for the nation.” Approximately 100,000 metric tons of tuna are offloaded in Pago Pago each year, of which the majority is provided by U.S.-flagged purse seine vessels.

The Council sent a letter to NMFS regarding the proposed rulemaking for separate high seas and U.S. EEZ effort limit for U.S. purse seine vessels, requesting the agency consider the negative impacts that the rule will have on American Samoa and an extension for the comment period to Nov. 1, 2022. The results of a 2016 study on the Effort Limit Area for Purse Seine closure in 2015 found it had an impact of up to \$110 million during that period.

Other Council recommendations included requesting an update from the NOAA Office of National Marine Sanctuaries on the status of the Marianas Trench Marine National Monument on the sanctuary nomination inventory list, and revisions to a NMFS proposed rule on coral critical habitat to reflect new species information and comments from the Council and Territory governments.

## 2023-2026 Advisory Panel Members

The Council appointed new members to its Advisory Panel for the 2023-2026 term. The Council receives advice from a panel of recreational and commercial fishermen, charter boat operators, buyers, sellers, consumers and others knowledgeable about fisheries in the region, including indigenous fisheries. The panel includes subpanels for the American Samoa Archipelago, Hawai‘i Archipelago and Mariana Archipelago. Clayward Tam was chosen as the chair, and the vice chairs are Gil Kualii (Hawai‘i), Nathan Ilaoa (American Samoa), Richard Farrell (Marianas - CNMI) and Judy Amesbury (Marianas - Guam). A full list of names will be available soon on the Council website.

The meeting agenda and summary of action items are available at [www.wpcouncil.org/event/192nd-council-meeting](http://www.wpcouncil.org/event/192nd-council-meeting).