



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**ACTION MEMORANDUM**

195<sup>th</sup> Council Meeting

June 27-29, 2023

Gov. Rex Lee Auditorium

Utulei, American Samoa

**AMERICAN SAMOA ARCHIPELAGO**

***Regarding the American Samoa Bottomfish Management Unit Species (BMUS) Benchmark Stock Assessment, the Council:***

1. Accepted the 2023 assessment as the best scientific information available on the status and the management reference points for the American Samoa bottomfish MUS and directs staff to develop a fishery ecosystem plan (FEP) amendment to discontinue the current bottomfish rebuilding plan.

***Regarding the American Samoa Annual Catch Limits (ACLs) for 2024-2027, the Council:***

2. Directed staff to convene the P\* and SEEM working groups to quantify the scientific uncertainties in the 2023 assessment to set the Acceptable Biological Catch (ABC) and the management uncertainties, respectively, and develop potential ACL alternatives for initial action at the 196th meeting in September.

***Regarding the American Samoa BMUS revision, the Council:***

3. Selected alternative 2 as its preliminarily preferred alternative. Further the Council directs the Action team to further develop the FEP amendment document for final action at a future meeting.

***Regarding the Annual Stock Assessment and Fishery Evaluation (SAFE) reports, the Council:***

4. Endorsed the American Samoa module of the 2023 Annual SAFE Report and directed staff to finalize the report for publication as soon as possible.

***Regarding American Samoa issues, the Council:***

5. Requested the American Samoa Government to address the US masters certification issue that is limiting the ability to find qualified US masters for the American Samoa longline (ASLL) fishery, including a possible exemption from the US masters certification for the ASLL fleet.
6. Requested AS Department of Marine and Wildlife Resources (DMWR) and AS Department of Commerce (DOC) to develop fisheries capacity in American Samoa through including training opportunities in the next American Samoa Marine

Conservation Plan (MCP). The training opportunities should include such programs as engine repair and licensing for captains/masters, and local internship opportunities on fishing vessels.

7. Directed staff to work with DMWR and National Park Service (NPS) to determine how the Council can partner in the new wave buoys.
8. Directed staff to follow-up with NOAA Office of National Marine Sanctuaries (ONMS) and National Marine Fisheries Service (NMFS) for responses to letters sent by the American Samoa Governor regarding the proposed Pacific Remote Islands (PRI) national marine sanctuary and Effort Limit Area for Purse Seine (ELAPS), respectively.
9. Directed staff to work with DMWR to review the National Marine Sanctuary of American Samoa (NMSAS) sanctuary management plan, its goals and objectives, specifically as it relates to fisheries and unfulfilled promises.
10. Directed staff to work with the Plan Teams to document information on tuna and preferences for oceanographic conditions and how they might shift with El Niño Southern Oscillation (ENSO) and climate change. This information should be provided to fishermen to assist them in knowing where the fish will shift from, or to, in the region.



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**PROTECTED SPECIES**

***Regarding the Status of Green Sea Turtles, the Council:***

1. Requested NMFS and US Fish and Wildlife Service (USFWS) to prioritize the 5-year status review for the distinct population segments of green sea turtles applicable to American Samoa, CNMI, Guam, and Hawaii.

***Regarding the Implementation of the Reasonable and Prudent Measures in the Hawaii deep-set and American Samoa Longline Fisheries Biological Opinions (BiOps), the Council:***

2. Requested NMFS, in coordination with Council staff and Hawaii Longline Association, conduct an evaluation to determine the minimum level of coverage needed to estimate main Hawaiian Islands insular false killer whale (MHI IFKW) interactions in the overlap area with the Hawaii deep-set longline fishery (DSLL), and report back to the Pelagic Plan Team no later than May 2024.
3. Requested NMFS to work with the HLA and the Tautai o Samoa Longline Fishing Association to develop and fund a crew training program.

***Regarding the Pelagic False Killer Whale Abundance Estimates, the Council:***

4. Endorsed the SSC and FIAC recommendations and requests PIFSC to provide comprehensive explanations, explore alternative approaches including all known sources of information, perform spatial cross validation to test the spatial distribution model (SDM), and quantify foreign fleet interaction rates to determine whether a reduction in recovery factor is warranted.
5. Requested NMFS to conduct an independent peer review outside of the Pacific Scientific Review Group (e.g., Center for Independent Experts) on the new pelagic false killer whale assessment approach, including validation of the underlying SDM, consistent with the Level 3 tiered peer review process in the Guidelines for Assessing Marine Mammal Stocks.

***Regarding the MHI Insular False Killer Whale Abundance Estimates, the Council:***

6. Endorsed the SSC recommendations and requests PIFSC to prepare a clear set of insular false killer whale model runs that start with the same approach used in the Bradford 2018 assessment with incremental additions of: 1) adding more recent Cascadia Research

Collective data, 2) adding the other sightings data, 3) adding the pseudo-spatial correction, and 4) adding distinctive individuals; with the goal being to better understand the relative impacts of the methodological changes. The Council further requests that PIFSC provide the trends in the key demographic parameters necessary to diagnose the abundance, including survival rates, detection rates and recruitment rates.

7. Requested NMFS PIFSC to make available to the public, information on the individual mark-recapture histories, satellite tagging, and sightings data, and to clarify the procedure to obtain these data.



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**PROGRAM PLANNING AND RESEARCH**

***Regarding the National Standards 1 (NS1) Technical Memo, the Council:***

1. Endorsed the comments and report provided by SSC members and directed staff to write a letter to NMFS requesting the NS1 guidance incorporate these considerations.

***Regarding Magnuson-Stevens Fishery Conservation and Management Act (MSRA) and Cooperative Research Priorities, the Council:***

2. Endorsed the pelagic research priorities and linked management objectives and directed staff to incorporate these into the Magnuson-Stevens Act (MSA) Research priorities and the Cooperative Research priorities.
3. Directed staff to proceed with developing program area priorities linked with management objectives for the 2025-2029 MSA Research Priorities and ensure that these are included in annual Cooperative Research Requests for Proposals (RFPs). The Council further directed staff to form a working group of SSC members and other advisory committee members to develop these further and report on progress at the September 2023 meeting.
4. Directed staff to work with NMFS PIFSC to develop a process for cooperative research that removes duplication of RFPs and ensures that MSA Research Priorities are annually included.

***Regarding Data Collection, the Council:***

5. Directed staff to convene an ad hoc working committee to discuss and develop the Marine Recreational Information Program (MRIP) Transition Plan for Hawaii and changes to the MRIP Pacific Islands Regional Implementation Plan.
6. Directed staff to work with NMFS PIFSC to develop a workshop with the territorial agencies to discuss the challenges and issues with creel survey implementation to find solutions and provide support; and with the creel survey data technicians to stress the importance of the data.

***Regarding the Annual SAFE Reports, the Council:***

7. Requested NMFS PIFSC continue its effort to develop the territorial non-commercial module and related R-scripts for approval and inclusion in the annual SAFE reports for 2023, noting that other time series data streams (e.g., commercial receipt book) may also be updated in pursuit of a single data summarization and/or expansion process for the Western Pacific region.
8. Directed Plan Team to include in future Equity and Environmental Justice (EEJ) modules a focus on impacts of regulations, especially with respect to disproportionate burden and distributional justice issues (e.g. the potential disproportionate impact on American Samoa fisheries from the proposed PRI sanctuary that prohibits commercial fishing) associated with the higher impact on some fishers than others or favoring one sector more than another sector.
9. Endorsed the Social Science Planning Committee (SSPC) recommendations regarding Fishers Observations, and directs staff and SSPC to coordinate broader engagement, provide support for the monthly data collection efforts, provide feedback on the Fishers Observations in a popular outlet to inform the fishing community about the process, and generate a synthesis to be incorporated into the Annual SAFE report.

***Regarding Non-commercial Fisheries, the Council:***

10. Directed staff to communicate to NMFS the continued disappointment in the lack of, or disproportionate representation of, the Pacific Islands region at national non-commercial meetings like the recreational fishing summit and economics workshop and requests for equitable representation at future meetings.
11. Directed staff to work with the non-commercial fishing community to document those areas used for non-commercial fishing to provide offshore development projects the means to identify the fishing communities that should be consulted during the review process.



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**HAWAII ARCHIPELAGO AND PRIA**

***Regarding Hawaii fisheries, the Council:***

1. Requested Hawaii Department of Land and Natural Resources (DLNR) Department of Aquatic Resources (DAR) to provide outreach to the fishing community on the potential impacts, and spending plan for the funds from the implementation of the non-resident recreational marine fishing license.
2. Requested NMFS provide funding to PIRO to hire a full-time Recreational Fisheries Specialist for the Pacific Island Region.

***Regarding the main Hawaiian Island (MHI) Kona Crab fishery ACL, the Council:***

3. Selected Alternative 2 and recommended that the Annual Catch Limit (ACL) be set equal to the Allowable Biological Catch (ABC) for the MHI Kona crab fishery with a catch level of 30,802 lbs, or 38 percent risk of overfishing, and further sets an Annual Catch Target (ACT) at 20 percent risk of overfishing corresponding to a catch level of 25,491 lbs for fishing years 2024-2026.

The Council also recommended that, in order to prevent the ACL from being exceeded, an in-season closure will be used as an accountability measure based on the projected date on when the ACT will be reached for the MHI Kona crab fishery. In an event that the ACT has been exceeded, there will be no overage adjustment to be applied. In the event that the ACL is exceeded in a single year an overage adjustment in the amount of the overage will be applied to the ACL and ACT in the subsequent fishing year.

Further, the Council deems 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 main Hawaiian Island Kona Crab fishery SDC, the Council:***

4. Recommended option 2, providing SDC for Kona crab fisheries that is consistent with the previous stock assessment. Further the Council directs staff to work with NMFS PIRO to finalize the amendment for transmittal.

Further, the Council deems 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 main Hawaiian Island Kona Crab, the Council:***

5. Requested NMFS PIFSC to develop an Ecosystem and Socioeconomic Profile Report Card for the Main Hawaiian Island (MHI) Kona Crab Fishery.

***Regarding options for revising uku Essential Fish Habitat (EFH), the Council:***

6. Recommended Option 2 that refines EFH utilizing the level 1 data, as a preliminarily preferred alternative. Further the Council directs staff to form an Action Team to develop the amendment document for final action at its December meeting.
7. Requested NMFS PIRO to provide clarification on the application of EFH in the Papahānaumokuākea Marine National Monument (PMNM) and directed the action team to consider expanding the EFH refinement to the NWHI.

***Regarding the Annual Stock Assessment and Fishery Evaluation (SAFE) reports, the Council:***

8. Endorsed the Hawaii and Pacific Remote Island Areas (PRIA) modules of the 2023 Annual SAFE Report and directed staff to finalize the report for publication as soon as possible.
9. Approved the inclusion of new archipelagic bycatch summaries that describe both the amount and type of bycatch in Hawaii's bottomfish fisheries (BF) in the fishery performance module of the Hawaii Archipelago annual SAFE report.
10. Approved the inclusion of the draft Hawaii non-commercial module based on Hawaii Marine Recreational Fishing Survey (HMRFS) data into the Hawaii Archipelago annual



SAFE report as presented, noting that additional investigation is needed to determine if there may be biases in the interview-derived data.

***Regarding national marine sanctuaries, the Council:***

11. Directed staff to review the Council's current fishing regulations for the PRIA and Pacific Pelagics Fishery Ecosystem Plans (FEPs) and other applicable laws to provide the Council with a determination of whether existing regulations meet the goals and objectives, proclamations, and National Marine Sanctuaries Act. The Council further directed staff to develop a range of options for fishing regulations in the proposed sanctuary including extending existing Pacific Remote Islands Marine National Monument (PRIMNM) regulations to the full spatial extent of the EEZ for Council consideration at its next meeting.
12. Requested NOAA, in its evaluation of the proposed PRI sanctuary, evaluate the holistic impacts of prohibiting tuna fishing 50 to 200 nm of the island areas, that that sector of the U.S. purse seine fleet and possibly the Hawaii Longline fleet that has historically fished in the PRIA EEZ around Howland and Baker and Palmyra and Kingman reef be considered a "community of practice" and be given prominence as an "affected community" along with the whole larger fishing community of American Samoa, and that resuming sustainable fishing be made an objective in the designation.
13. Requested NOAA conduct an economic study that considers the individual and cumulative effects, including multiplier effects, to American Samoa-based fishery on the proposed ELAPS rulemaking, lack of acknowledgement of a distinct American Samoa fleet in international management, and effects of a proposed National Marine Sanctuary that may prohibit purse seine-based commercial fishing in the entire U.S. EEZ of the Pacific Remote Islands.
14. That for the NWHI Monument Expansion Area (MEA), noted that the ONMS' letter of May 31, 2023, rejecting the Council's cost-recovery provision in the permitting process simply referred to its February 22, 2023 letter for disapproval rationale. However, the latter is unclear on exactly *how* the Council's recommendation is inconsistent with Goal 4 and Objectives 3, 5, and 6 because sale can be denied by NMFS after consultation with monument management partners. The Council directed staff to respond to ONMS requesting they provide a more detailed explanation of how the recommendation is inconsistent with each goal and objective.
15. Directed staff to prepare a letter to the President of the United States of America (POTUS), conveying its concerns about the proposed sanctuary in the Pacific Remote Islands and potential negative consequences to U.S. Pacific Territories, and to request that ONMS and the Office of the White House respond to letters from U.S. Pacific Territorial governors on the matter.



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**MARIANA ARCHIPELAGO**

***Regarding the Marianas Archipelago CNMI bottomfish fishery the Council***

1. Selected Option 3 that continues to use Langseth et al. 2019, P\* analysis, and SEEM analysis and recommended an Annual Catch Limit (ACL) of 82,000 lbs, with a 39 percent risk of overfishing, and an Annual Catch Target (ACT) of 75,000 lbs, with a 34 percent risk of overfishing, for fishing years 2024-2025.

Further, the Council acknowledged that the current data collection systems in CNMI do not allow for real-time tracking of catches, thus in-season monitoring is not possible and an in-season closure of the fishery is unlikely. Therefore, the Council continued to recommend a post-season accountability measure (AM) that if the average catch of the three most recent years exceeds the specified ACL in a fishing year, the ACL and ACT for the subsequent fishing year will be reduced by the amount of the overage.

Further, the Council deems 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 Marianas Fisheries Issues, the Council:***

2. In light of the recent typhoon and its impacts to the fisheries of Guam, requested the Government of Guam review the challenges to deploying FADs around Guam and recommend expediting FAD deployment to help Guam's fisheries recover.

***Regarding the Guam Marine Conservation Plan (MCP), the Council:***

3. Deferred action on the Guam MCP until its next meeting in order to provide Guam additional time in light of the recent typhoon.

***Regarding the Annual Stock Assessment and Fishery Evaluation (SAFE) reports, the Council:***

4. Endorsed the Marianas module of the 2023 Annual SAFE Report and directed staff to finalize the report for publication as soon as possible.



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**PACIFIC PELAGIC AND INTERNATIONAL FISHERIES**

***Regarding the Western and Central Pacific Fisheries Commission (WCPFC) issues, the Council:***

1. Recommended that the NMFS request the Pacific Community (SPC) to conduct the following:
  - . Stock projections, on both assumptions of near and long-term recruitment and provide biomass depletion estimates as well as limit reference point risks. This request should also prioritize bigeye tuna over yellowfin tuna
  - a. Analyze specific scenarios of biomass depletion estimates associated with candidate management objectives (ie, 2012-2015 biomass depletion, 2004 biomass depletion, depletion associated with a risk level). With these results, the SPC should indicate what scalars of longline and purse seine fishing achieve those biomass depletion levels. Based on those scalars, relative to the most recent years in the stock assessment, how do they correspond to longline catch and purse seine FAD closures.
2. Directed staff to work with NMFS to hold another Western and Central Pacific longline management workshop following the August 2023 WCPFC Science Committee.
3. Recommended the Permanent Advisory Committee (PAC) discuss the PRI Sanctuary process and its impacts on U.S. tuna fisheries within the WCPFC at its next meeting

***Regarding South Pacific Albacore, the Council:***

4. Recommended that NMFS not support a proposal made by the South Pacific Group, as provided to the South Pacific Albacore Intersessional Working Group in May 2023.
5. Recommended that NMFS seek advice from the Scientific Services Provider on the issues with biomass estimates in terminal years in the stock assessment, called the “big dip.”
6. Recommended that NMFS develop or support a proposal for South Pacific albacore that:
  - a. Revises CMM 2015-02 to recognize the entire stock boundary, up to the Equator

- b. Implements some level of catch or effort control for Region 2, the stock assessment region around American Samoa which has shown the greatest level of stock depletion. This is noting fishery performance issues of the American Samoa fleet since the increase in nearby distant water fishing effort in the 2000's.

***Regarding the Annual Stock Assessment and Fishery Evaluation (SAFE) reports, the Council:***

7. Endorsed the 2023 Pelagic Annual SAFE Report and directed staff to finalize the report for publication as soon as possible.
8. Requested NMFS PIFSC analyze the effect of protected species population trends on predicted interactions and impacts of climate/environmental drivers, with priority placed on loggerhead sea turtles and leatherback sea turtles.
9. Directed staff to form a working group of Pelagic Plan Team members and Council staff to initiate a detailed review of fishery performance under the loggerhead and leatherback turtle trip interaction limits in the Hawaii shallow-set longline fishery (SSLL). Review must include data since implementation of the trip limits in September 2020 through the 2022-2023 fishing season. The working group should take into account loggerhead and leatherback turtle interaction patterns as they relate to oceanographic factors, potential effect of population trends on interaction trends, and industry feedback received at the November 2022 Ecosystem-Based Fisheries Management (EBFM) Spatial Decision Making Workshop. The Council further directed the working group to provide a report to the Pelagic Plan Team at the May 2024 meeting.
10. Requested PIFSC to continue to pursue funding for the SEES program to conduct cost-earnings surveys for the Hawaii longline fishery at their regular five-year intervals to better inform socioeconomic data summaries in the SAFE Report, noting that the last survey was conducted in 2013.



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**ADMINISTRATIVE MATTERS**

***Regarding Administrative Matters, the Council:***

1. Accepted the 195th Council meeting financial and administrative reports.
2. Directed staff to immediately explore options to address the Council's 2023 budget deficit and future funding issues.

***Regarding the anti-harassment model policies, the Council:***

3. Adopted the Council Coordination Committee (CCC) 'Model Fishery Management Council Policies on Addressing Allegations of Harassment of Council Employees and Process Participants' and directed staff to post on the Council website.
4. Adopted the amendments to the Statement of Organization, Practices, and Procedures (SOPP) and Handbook language with references to the posted CCC anti-harassment model policies.

***Regarding Coordination and Planning, the Council:***

5. Directed staff to complete a comprehensive holistic review and revision of the Council's current 5-year Program Plan including identification of goals, objectives, programs and activities in coordination with NMFS, local agencies and advisory bodies to support the Council's research and management needs. The review should also consider current priorities on climate change, EEJ, potential funding sources (Cooperative Research, BREP, IRA, SK, etc) and partners to support these priorities. The updated plan will be presented at the September Council meeting.

***Regarding the Council's representation on the US Coral Reef Task Force (USCRTF), the Council:***

6. Selected Council Member, William Sword, for representation at the USCRTF for 2023 and sets the rotation as follows: American Samoa, Guam, CNMI, and Hawaii, to be selected at the Council's first meeting of the year in subsequent years. Further, the Council directs staff to communicate the Council's decision to NOAA and the USCRTF.
7. Requested USCRTF include the Council representative in the All Islands Committee.

***Regarding Council family changes, the Council:***

8. Appointed Charles Littnan, PIFSC Director, to the SSC as an ex-officio member replacing Tia Brown, Acting Director.
9. Appointed Council Member, William Sword, as Chairman for the remainder of 2023, replacing John Gourley when his term expires in August 2023. Council Member Archie Soliai will replace William Sword as the American Samoa Vice-Chair.