

# Summary of Action Items at the March 2023 Council Meeting

**The Council will consider and may take action on the issues summarized below.**

## 1. NWHI Fishing Regulations - Native Hawaiian Subsistence Permit and Cost Recovery (Final Action)

In 2016, President Obama created an area called the Monument Expansion Area (MEA) near the Papahānaumokuākea Marine National Monument (PMNM), which stretches 50-200 nautical miles. The Secretary of Commerce (NOAA) and the Secretary of the Interior (U.S. Fish and Wildlife Service) are responsible for managing activities and species within the MEA. Commercial fishing and anchoring on coral is prohibited, but regulated fishing activities are allowed, including Native Hawaiian practices and noncommercial fishing.

At the 193rd meeting, the Council recommended regulations for fishing in the MEA, including Native Hawaiian subsistence fishing permits and cost recovery for those permits. The cost recovery maximum was set at \$15,000 per trip, and permittees must document and report direct costs and any catch sold, bartered, or traded. NOAA conducted an analysis of historical trip costs and current prices and Council staff will present the findings at the 194th meeting.

The Council also recommended a meeting with advisors and Native Hawaiian groups to provide details of Native Hawaiian practices and a review process for the Native Hawaiian subsistence fishing permit. *At the 194th meeting, the Council will consider a process for reviewing Native Hawaiian subsistence permits and an analysis of total cost recovery, and may make a final recommendation to the Secretary of Commerce.*

## 2. MHI Kona Crab Status Determination Criteria

The latest stock assessment on Kona crab in the MHI found that the stock is not being overfished or experiencing overfishing. However, the Fishery Ecosystem Plan (FEP) for the Hawai'i Archipelago does not have criteria for

determining the status of the Kona crab species being managed. As a result, despite the study's results, the Kona crab stock's status remains unknown in the national database for stock assessments and status determination.

Furthermore, since the Hawai'i FEP lacks criteria for the Kona crab species, it does not meet the requirements of National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and it cannot determine or report the stock's status under section 304(e) of the MSA.

*At its 194th meeting, the Council will discuss establishing criteria for the Kona crab species under the Hawai'i FEP to comply with MSA's requirements and enable the determination and reporting of stock status.* This action aims to support sustainable management of the Kona crab fishery in the MHI.

The Council will consider three alternatives, including taking no action, amending the Hawai'i FEP to establish criteria based on technical guidance and the most recent Kona crab stock assessment, or establishing criteria based on management provisions for crab fisheries outside of the Western Pacific Region.

## 3. Gold Coral Management (Final Action)

The gold coral fishery in the Western Pacific Region is currently not active, although research on gold coral is still ongoing. Studies have shown that gold coral growth is slower than previously thought, leading to a recommendation by the Council to impose a five-year moratorium on gold coral harvest, which the National Marine Fisheries Service (NMFS) implemented in 2008. This moratorium will expire June 30, 2023.

Annual catch limits have been established for all marine species in the Western Pacific Region except for gold coral due to the moratorium. Recent studies suggest that gold coral growth may be slower than originally estimated, but only when established on older substrates. Extending the moratorium

would provide time to reassess gold coral estimates and incorporate this information into a better assessment of the stocks and the development of an appropriate annual catch limit.

The Council and NMFS have yet to develop a management strategy for the gold coral fishery that takes into account the recent changes in the science of gold coral growth. *At its 194th meeting, the Council will review options prior to the expiration of the moratorium and may choose to extend it while developing a long-term management strategy for the gold coral fishery.* This strategy is necessary to ensure the sustainability of the fishery and prevent overfishing under regulations that may not be adequate.

## 4. Review of MCPs for Guam, the CNMI and the PRIA/Hawai'i

The MCPs for Guam, the CNMI and the PRIA/Hawai'i are set to expire in 2023. *At its 194th meeting, the Council will assess the MCPs for agreement and approval.* Once approved by the Council and the Secretary of Commerce, the MCPs will be valid for three years. However, the plans can be adjusted at any time and resubmitted for approval.

The MSA authorizes the Secretary of State to negotiate and sign a Pacific Insular Area Fishery Agreement (PIAFA), provided that the Secretary of Commerce and the Council concur. A PIAFA would allow foreign fishing within the 200-mile U.S. exclusive economic zone (EEZ) around American Samoa, the CNMI, Guam or the PRIA with the concurrence of the appropriate governors. Before entering into a PIAFA, the appropriate governor must develop a three-year MCP providing details on the use of any funds collected by the Secretary under the PIAFA, with the concurrence of the Council.

In addition to PIAFA funds, fines and penalties resulting from violations by foreign vessels in the EEZ around the Pacific Insular Areas are to be deposited into the local government's treasury and used to implement the respective MCP. The Council is also authorized by the MSA to use funds from the

Western Pacific Sustainable Fisheries Fund to implement MCP projects.

The MCPs must be consistent with the Council's FEPs. The MSA mandates that the MCPs comprise conservation and management objectives, such as Pacific Insular Area observer programs, marine and fisheries research, and conservation, education, and enforcement activities related to marine and coastal management. Education and training in sustainable marine resources development, scientific research, and conservation strategies are also required. The MCPs must also include Western Pacific community-based demonstration projects to promote the management, conservation, and economic enhancement of the Pacific Insular Areas.

### 5. Multi-Year Territorial Bigeye Tuna Catch & Allocation Specifications

Bigeye tuna, found in the Pacific Ocean, is managed and assessed separately in the Western and Central Pacific Ocean (WCPO) and Eastern Pacific Ocean by international organizations. The most recent assessment conducted in 2020 shows that the bigeye tuna population in the WCPO is not overfished or experiencing overfishing. In December 2021, the Western and Central Pacific Fisheries Commission agreed on a conservation and management measure that maintained the 2016 longline bigeye limits for six countries, including the United States. However, no individual limit was established for Small Island Developing States and Participating Territories, including American Samoa, Guam and the CNMI. This measure will expire at the end of 2023, and the commission may decide to establish new catch limits.

Amendment 7 to the Council's Pacific Pelagic FEP created a framework that allows catch or effort limits for the U.S. Participating Territories to be managed through specified fishing agreements. In June 2019, the Council established multi-year catch and allocation limits for U.S. Participating Territories. The Council recommended an amendment to the Pacific Pelagic FEP to allow multi-year limits and remove the requirement for separate total catch or effort limits for the territories. The Council would annually review any established limits to determine whether to modify or rescind them. The Council also recommended removing catch limits for the U.S. Participating Territories and establishing allocation limits for 1,500 metric tons (mt) per territory for 2020-2023, based on their minimal impact on the bigeye stock. This action was delayed due to administrative prioritization, among other reasons.

In the process of developing regulations to implement the framework modifications to Amendment 7, Council and NMFS staffs identified additional considerations. These include the timing of multi-year specifications, if multiple concurrent agreements may be made with U.S. Participating Territories, if catch limits for U.S. Participating Territories are necessary, allocation limits from Territories to U.S.-flagged Hawai'i longline vessels, and the scope of the framework with respect to applicable pelagic managed species.

**The Council may provide direction on further analysis for these issues at its 194th meeting, where it will also consider taking initial action to specify multi-year territorial bigeye tuna catch and/or allocation limits to take effect in 2024 or later. The Council will consider three options specifically for WCPO bigeye tuna, including no catch or allocation limits, a 2,000 mt catch limit and up to 2,000 mt allocation limits, or no catch limit and up to 2,000 mt allocation limits.** 🐟

## Seafood Miso Soup with Dipping Sauce

MAKES ABOUT 4 SERVINGS OF ABOUT 2 CUPS



### INGREDIENTS

- 2 pieces dashi kombu (*dried seaweed, 4 in x 4-in square*)
- 1 slice ginger, crushed (*about 1-in piece*)
- 6 cup water
- 1/2 cup bonito flakes (*2 individual packets*)
- 1/2 lb clams (*or mussels, scrubbed*)
- 8 large shrimp
- 12 oz swordfish fillet, cut into 1-in pieces (*can substitute opah or mahimahi*)
- 1/4 cup sake
- 3 tbsp miso
- 4 tsp soy sauce
- 1/4 cup daikon radish, grated fine (*use a ginger grater for best results*)
- 4 tsp lemon juice or ponzu
- Steamed baby bok choy or Shanghai cabbage, sliced green onions (*optional*)

### DIRECTIONS

1. In a pot, bring kombu, ginger and water to a boil. Remove from heat, add bonito and cover the pot. Let steep at least 15 minutes, strain and discard kombu and bonito. Reserve 2 tbsp of the broth for the dipping sauce.
2. Bring the rest of the broth to a boil, and add clams and shrimp. As soon as clams begin to open and shrimp start to turn opaque (about 2 minutes), remove from heat and add fish. Mix sake with miso, adding 1 tbsp of sake at a time until smooth. This is the broth. Cover and rest 5 minutes or until fish is cooked through.
3. Meanwhile, prepare dipping sauce. In a mixing bowl, combine reserved broth, soy sauce, daikon and lemon juice or ponzu.
4. Divide sauce into 4 small bowls or deep saucers (about 2 tbsp each). Gently re-heat soup (do not bring to a boil).
5. Top each portion with baby bok choy and sliced green onions (if using).
6. Serve with brown rice on the side. Dip fish in sauce as you eat.

RECIPE