



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

MEMORANDUM

August 18, 2023

TO: Interested Parties
FROM: Kitty M. Simonds
SUBJECT: Summary of Action Items for the 196th Meeting of the Western Pacific Regional Fishery Management Council

1. Options for Fishing Regulations in Proposed PRIA Sanctuary
 2. American Samoa Bottomfish: Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications
 3. 2024 US Territorial Bigeye Tuna Catch Limit and Allocation Specification
 4. Review of the Guam and CNMI Marine Conservation Plans
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The 196th meeting of the Western Pacific Regional Fishery Management Council will convene in-person September 18-20, 2023, at the Ala Moana Hotel, Hibiscus Ballroom, Honolulu, HI. Remote participation option will be available by web conference (Webex).

The Webex link is <https://tinyurl.com/196WPCouncilMtg> (if prompted, enter event number: [2631 174 1476] password: [CM196mtg]). Specific information on joining the meeting, instructions for connecting to the Webex and providing oral public comments during the meeting will be posted on the Council website at: <https://www.wpcouncil.org/event/196th-council-meeting/>

The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments on final action items should be received by the Council's executive director by 5 p.m. (HST), Thursday, September 14, 2023, by postal mail, fax or email as indicated below.

Mail: Ms. Kitty M. Simonds, Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop St., Suite 1400
Honolulu, HI 96813

FAX: (808) 522-8226

E-mail: info@wpcouncil.org

Summary of Action Items at the 196th Council Meeting

1. Options for Fishing Regulations in Proposed PRIA Sanctuary (Initial Action)

In 2009, President George W. Bush through Presidential Proclamation 8336 designated the Pacific Remote Islands of Baker, Howland, Jarvis and Wake Islands, Johnston and Palmyra Atolls, and Kingman Reef as a Marine National Monument through the Antiquities Act. The Pacific Remote Islands Marine National Monument (PRIMNM) encompassed 490,343 square miles and included the waters from 0-50 nm. The PRIMNM included prohibitions on commercial fishing but allowed for non-commercial and charter fishing. In 2014, President Barrack Obama, under this same authority (Presidential Proclamation 9173), expanded the PRIMNM to include all waters out to the 200 nm outer limit of the US EEZ around Wake, Johnston, and Jarvis while leaving in place the 50 nm boundary for the other islands. In March 2023, President Joe Biden directed the Secretary of Commerce to consider making the monument and additional areas within the US EEZ a national marine sanctuary.

As part of the sanctuary designation process under the National Marine Sanctuaries Act, section 304(a)(5) requires the appropriate fishery management council be given the opportunity to prepare draft regulations for fishing within the EEZ. NOAA has identified that proposed fishing management actions are necessary, and provided the Western Pacific Regional Fishery Management Council a package of materials intended to help the Council make a determination of what would best fulfill the sanctuary goals and objectives. The Council may decide to prepare draft fishing regulations and recommendations, determine that regulations are not necessary, or decline to make a determination with respect to the need for recommendations.

At its 196th meeting, the Council will consider taking initial action on whether draft fishing regulations are necessary and if they are, what regulations will need to be developed in order to make a final decision by December 20, 2023 in order to meet the NMSA consultation deadline. The Council's will consider the following:

1. Are fishing regulations are necessary for the proposed sanctuary?
2. If fishing regulations are necessary, would the Council like to prepare those fishing regulations?
3. If yes, what fishery regulations would the Council like to see regarding commercial fishing and non-commercial fishing in the proposed sanctuary?

2. American Samoa Bottomfish: Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications (Initial Action)

At its 195th meeting, the Council heard a presentation on the 2023 American Samoa bottomfish management unit species (BMUS) benchmark stock assessment that found that the fishery was not overfished nor experiencing overfishing. The Council accepted it as best scientific information available on the status of the fishery and directed staff to develop an FEP amendment to discontinue the current rebuilding plan, and to convene the P* (Risk of Overfishing) and SEEM (Social, Economic, Ecological and Management Uncertainty) Working Groups. In August 2023, the Council's P* and SEEM Working Groups and the Scientific and Statistical Committee (SSC) evaluated the scientific, social, ecological, economic, and management uncertainties and recommended a risk level to the Council. Based on the results of the P* and SEEM Working Group meeting, the Council will consider taking initial action on discontinuing the rebuilding plan and specifying annual catch limits (ACLs) and accountability measures (AMs) for the American Samoa bottomfish fishery for fishing years 2024-2026.

At its 196th meeting, the Council will consider taking initial action on discontinuing the rebuilding plan and specifying the ACL and AMs for the American Samoa Bottomfish fishery for fishing years 2024-2027.

- 1) Option 1: No Action. Do not discontinue the rebuilding plan.
- 2) Option 2: Discontinue the rebuilding plan (Nadon et al. 2023)
 - a. Specify 11 single BMUS ACLs for fishing years 2024-2027.
 - b. Specify an aggregated ACL for all 11 BMUS for fishing years 2024-2027.
 - c. Specify aggregated ACLs by shallow and deep species groups for fishing years 2024-2027
- 3) Accountability Measures to consider:
 - a. In-season monitoring using the creel survey expansion monitoring
 - b. Post-season overages
 - i. Single year adjustment
 - ii. Three year average overage adjustment

3. 2024 US Territorial Bigeye Tuna Catch Limit and Allocation Specification (Final Action)

Bigeye tuna comprises a Pacific-wide population that is internationally managed and assessed as separate stocks in the Western and Central Pacific Ocean (WCPO) and Eastern Pacific Ocean by the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission, respectively. The most recent stock assessment conducted in 2023 for the WCPO indicate the bigeye tuna stock is not subject to overfishing, nor overfished.

The WCPFC, of which the United States is a member, develops and agrees on conservation and management measures (CMMs) for highly migratory species caught by fisheries (longline and purse seine) and flag states in the WCPO. Since December 2018, the WCPFC agreed on CMM 2018-01, CMM 2020-01 and CMM 2021-01 which maintains the 2016 longline bigeye limits of six countries, including the United States, which has a limit of 3,554 metric tons (mt). The current CMM 2021-01, like earlier conservation measures, does not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the Convention Area by Small Island Developing States and Participating Territories, including American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI). CMM 2021-01 will expire at the end of 2023, with a possibility of new catch limits for fishery sectors and flag states under the WCPFC. The WCPFC may also decide to resume current catch limits for flag states and participating members through 2024 and beyond.

Amendment 7 to the Council's Pacific Pelagic FEP established a management framework that provides catch or effort limits applicable to the U.S. Participating Territories. The framework includes the authority of the territories to use, assign, allocate and manage the pelagic management species catch and effort limits agreed to by the WCPFC through specified fishing agreements with U.S. vessels permitted under the Pelagic FEP for responsible fisheries development. The Council is advising on the use of single year specification for 2024 under Amendment 7 until there is clarity on any possible changes to longline catch limits of bigeye. The Council may revisit taking final action on a multi-year specification package when there is an established WCPFC catch limit beyond 2024.

In 2019 and in years prior, the Council's specifications limited each U.S. Participating Territory's bigeye longline catch to 2,000 mt and its allocation limit with U.S.-flagged vessels to up to 1,000 mt. However, in 2019, only two agreements were made with U.S.-flagged vessels and the fishery closed before the end of the fishing season on Dec. 28, 2019, during a period in which availability of fresh tuna has cultural significance. For fishing years 2020 through 2023, the Council took action at its 181st (March 2020), 182nd (June 2020), 186th (June 2021), 191st (June 2022) meetings to specify territorial bigeye longline catch limits up to 2,000 mt for each territory and allocation transfer limits up to 1,500 mt per territory, with total allocations from all U.S. Participating Territories not to exceed 3,000 mt. Under the 2020, 2021, and 2022 specifications, U.S.-flagged vessels operated through the entire fishing year. The final rule for the 2023 specification was issued in June 2023.

At its 196th meeting, the Council will consider taking final action on the specification of the 2024 U.S. territorial bigeye longline limits for American Samoa, Guam and the CNMI. The Council will also consider limits on the amount of catch that could be transferred under specified fishing agreements by the U.S. Participating Territories to vessels permitted under the Pelagic FEP.

The Council will consider the following limit options for 2024:

- 1) No management action - No specification of catch or allocation limits.
- 2) Status quo - Specify a 2,000-mt catch limit for each U.S. Participating Territory, with allocation limits that do not collectively exceed 3,000 mt among all territories, as was taken for fishing years 2020 through 2023.
- 3) Specify a 2,000-mt catch limit and up to a 2,000-mt allocation limit for each U.S. Participating Territory (see options below):
 - a. 2,000 mt allocation for Guam and the CNMI and 1,500 mt allocation for American Samoa
 - b. 1,500 mt allocation for each U.S. Participating Territory
 - c. 1,500 mt allocation for Guam and the CNMI and 1,000 mt for American Samoa
- 4) Other total and allocation limit combinations.

4. Review of the Guam and CNMI Marine Conservation Plan

Section 204(e) of the MSA authorizes the Secretary of State, with the concurrence of the Secretary of Commerce and in consultation with the Council, to negotiate and enter into a Pacific Insular Area Fishery Agreement (PIAFA). 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, and in consultation with, the applicable governors. According to the MSA, before entering into a PIAFA, the appropriate governor, with the concurrence of the Council, must develop a three-year MCP providing details on uses for any funds collected by the Secretary under the PIAFA.

In addition to PIAFA funds, the MSA provides that fines and penalties of violations by foreign vessels occurring within the EEZ around the Pacific Insular Areas, including sums collected from forfeiture and disposition or sale of property seized by the federal government, are to be deposited into the applicable local government's treasury and to be used to implement the respective MCP. Also authorized by the MSA is the Western Pacific Sustainable Fisheries Fund, which allows the Council to use funds to implement MCP projects.

The MSA requires that the MCPs shall be consistent with the Council's FEPs. The MSA also requires that the MCP include, but not be limited to, the following conservation and management objectives:

- i. Pacific Insular Area observer programs, or other monitoring programs, that the Secretary determines are adequate to monitor the harvest, bycatch and compliance with the laws of the United States by foreign fishing vessels that fish under Pacific Insular Area fishing agreements;
- ii. Conduct of marine and fisheries research, including development of systems for information collection, analysis, evaluation and reporting;
- iii. Conservation, education and enforcement activities related to marine and coastal management, such as living marine resource assessments, habitat monitoring and coastal studies;
- iv. Education and training in the development and implementation of sustainable marine resources development projects, scientific research, and conservation strategies; and
- v. Western Pacific community-based demonstration projects under section 112(b) of the Sustainable Fisheries Act and other coastal improvement projects to foster and promote the management, conservation and economic enhancement of the Pacific Insular Areas.

The Marine Conservation Plan (MCP) for Guam expired in August 2023 and the CNMI government is requesting an amendment to its MCP. At its 196th meeting, the Council will review the MCPs for concurrence and approval. After review by the Council, the Governor transmits the MCP to the Secretary of Commerce for approval. If approved by the Council and Secretary of Commerce, the MCP is valid for three years; however, an MCP can be modified at any time and resubmitted for approval.

