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REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

MEMORANDUM

November 9, 2023

TO: Interested Parties  
FROM: *Kitty* Kitty M. Simonds

SUBJECT: Summary of Action Items for the 197th Meeting of the Western Pacific Regional Fishery Management Council

- 1. Fishing Regulations for the Proposed Pacific Remote Island National Marine Sanctuary**
  - 2. Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications for the American Samoa Bottomfish Fishery for 2024-2026**
  - 3. Hawaii FEP Uku Essential Fish Habitat Revision Amendment**
  - 4. Amending the Multi-year US Territorial Bigeye Tuna Catch Limit and Allocation Specification Action**
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The 197<sup>th</sup> meeting of the Western Pacific Regional Fishery Management Council will convene December 12-13, 2023, by web conference (Webex).

The Webex link is <https://tinyurl.com/197CouncilMtg> (if prompted, enter event number: 2630 593 6741; password: CM197mtg). 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/197th-council-meeting/>

The following venues will be the host sites for the 197th Council meeting web conference:

- **Hawaii:** Council Conference Room, 1164 Bishop Street, Suite 1400, Honolulu
- **American Samoa:** Tedi of Samoa Building Suite 208B, Fagatogo Village
- **Guam:** Cliff Pointe, 304 W. O'Brien Drive, Hagatna
- **CNMI:** BRI Building Suite 205, Kopa Di Oru St. Garapan, Saipan

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, December 8, 2023, by postal mail, fax or email as indicated below.

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## Summary of Action Items at the 197th Council Meeting

### 1. Fishing Regulations for the Proposed Pacific Remote Island National Marine Sanctuary (Final Action)

In 2009, President George W. Bush through Presidential Proclamation 8336 designated the Pacific Remote Islands (PRI) 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 Barack 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 overlaying the current monument with 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 (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 196<sup>th</sup> meeting, the data presented to the Council by NMFS showed that the impacts of the existing fisheries as managed under current fisheries regulations are well below measurable and objective thresholds established by NOAA pursuant to requirements set forth under the Magnuson Stevens Fishery Conservation and Management Act (i.e., no fish stocks are overfished or subject to overfishing, and no essential fish habitats are being adversely affected), Endangered Species Act (i.e., no fisheries are jeopardizing species or destroying/adversely modifying critical habitat listed under the ESA), and other applicable laws. The data also showed the importance of fishing to the culture of American Samoa and a reduction of fishing would represent a disproportionate socioeconomic burden to the Territory of American Samoa and the US longline and purse seine fleets.

Recognizing that a goal of the proposed sanctuary is to support cultural heritage, and that fishing is central to the culture of Pacific island communities, the Council took initial action on draft fishing regulations for the proposed sanctuary in the PRI. The Council preliminarily found that the existing fishing regulations under the current structure may already meet the goals and objectives of the proposed sanctuary (as written) and directed staff to continue discussing the issue with NMFS and the Office of National Marine Sanctuaries to determine if additional regulations may be necessary.

At its 197<sup>th</sup> meeting in December 2023, the Council will be provided with additional information from these discussions for consideration on final action for fishing regulations for the proposed PRI National Marine Sanctuary. The final decision from the Council is due to NOAA by December 20, 2023. The Council may choose to:

1. Determine that fishing regulations are sufficient to meet the goals and objectives of the proposed sanctuary; or
2. Revise/add fishing regulations that may be needed to meet the goals and objectives of the proposed sanctuary.

## **2. Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications for the American Samoa Bottomfish Fishery for 2024-2026 (Final Action)**

In 2018, a stock assessment was published that determined that the American Samoa bottomfish complex was overfished and experiencing overfishing. With that determination, the Council was informed by NMFS to a change in stock status for the American Samoa bottomfish requiring the Council to end overfishing and to develop a rebuilding plan within 15 months. In response, the Council specified lower catch limits to less than 5,000 lbs. to reduce overfishing and developed a rebuilding plan that would help to restore the bottomfish stocks. The Council, however, noted the issues with the data and stock assessment and requested NMFS to reassess the stocks.

A new benchmark assessment for the American Samoa bottomfish management unit species (BMUS) was presented to the Council in June 2023 that used previous recommendations to split the bottomfish species complex into individual species and include other data sources. The benchmark assessment has a higher species-level resolution and found that the fishery was not overfished nor experiencing overfishing. While some species exhibited a decline in catch rate, fishing pressure had also been declining. The new assessment was reviewed by the Western Pacific Stock Assessment Review (WPSAR) panel and the Council's Scientific and Statistical Committee (SSC) and deemed the Best Scientific Information Available (BSIA) for the American Samoa bottomfish stock.

In August 2023, the Council's P\* (Risk of Overfishing) and SEEM (Social Economic Ecological and Management) Working Groups evaluated the scientific, social, ecological, economic, and management uncertainties and recommended a risk level to the Council. The SSC at its September 2023 meeting provided the Council with levels of Acceptable Biological Catch (ABC) for American Samoa BMUS based on the stock assessment. Utilizing the ABC and the results of the P\* and SEEM analyses, the Council, at its 196<sup>th</sup> meeting, took initial action and recommended preliminarily preferred Alternative 2a to discontinue the rebuilding plan and specify an aggregated annual catch limits (ACLs) and accountability measures (AMs) for the American Samoa bottomfish fishery for fishing years 2024-2026. Following the 196<sup>th</sup> meeting, there was further analysis and discussion on the preliminarily preferred alternative's consistency with MSA National Standard 1 to prevent overfishing for the nine assessed species if their respective overfishing limits are exceeded. The Council may therefore consider other alternatives for its final action.

At its 197<sup>th</sup> meeting, the Council will consider taking final action on an alternative for discontinuing the rebuilding plan and specifying the ACL and AMs for the American Samoa Bottomfish fishery for fishing years 2024-2026. The Council will consider the following alternatives:

- 1) Alternative 1: No Action. Do not discontinue the rebuilding plan.
- 2) Alternative 2: Discontinue the rebuilding plan and
  - a. Specify an aggregated ACL for the nine assessed BMUS for fishing years 2024-2026. (*Preliminarily Preferred*)
  - b. Specify nine single BMUS ACLs for fishing years 2024-2026 based on P\* and SEEM
  - c. Specify nine single BMUS ACLs for fishing years 2024-2026 lower than P\* and SEEM

### **3. Hawaii FEP Uku Essential Fish Habitat Revision Amendment**

In 1999, the Council developed and NMFS approved Amendment 6 to the Bottomfish and Seamount Groundfish Fishery Management Plan (FMP; 74 FR 19067, April 19, 1999) that defined Essential Fish Habitat (EFH) for Hawai'i bottomfish, inclusive of uku. As a part of the 2009 reorganization of the Council's species-based FMPs into spatially-oriented Fishery Ecosystem Plans (FEPs; 75 FR 2198, January 14, 2010), EFH definitions and provisions were carried forward. The Council also described Habitat Areas of Particular Concern (HAPC) in addition to and as a subset of EFH. Descriptions of HAPC were based on whether ecological function of the habitat is important, habitat is sensitive to anthropogenic degradation, development activities are or will stress the habitat, and/or the habitat type is rare.

In 2016, the Council developed and NMFS approved Amendment 4 to the Hawai'i FEP (81 FR 7494, February 2, 2016), which refined the descriptions of EFH and HAPC for Hawai'i Archipelago bottomfish management unit species (BMUS) by categorizing them into three assemblages (i.e., shallow, intermediate, and deep) and identifying EFH and HAPC for each group by life stage. This review and revision occurred over seven years ago, and there have been recent studies furthering the foundational knowledge regarding uku habitat in the waters surrounding the Hawai'i Archipelago.

In 2022, two new models were developed that redefined uku EFH around Hawaii. These models were reviewed by the Western Pacific Stock Assessment Review (WPSAR) process and the SSC and deemed the Best Scientific Information Available. The Council's Scientific and Statistical Committee (SSC), at its 145th meeting, reviewed the uku EFH models developed by Franklin (2021) and Tanaka et al (2022) and recognized that the models were vast improvements over the status quo and considered both models as best scientific information available. The models were then provided to the Council for its consideration who recommended staff develop an options paper for revising the current Uku EFH.

The purpose of this action is to refine EFH designations and associated provisions for Main Hawaiian Islands (MHI) uku in the Hawaii FEP using the best scientific information available. The need for this action is to ensure the Hawaii FEP complies with the NMFS regulatory guidelines (67 FR 2376, January 17, 2002), implementing regulations (50 CFR 600.815(a)(10)), and National Standard 2 (16 USC 1851(a)(2)) that recommends the Council and NMFS periodically review the EFH provisions of the FEPs and revise or amend EFH provisions

as warranted based on the best scientific information available. This action is also needed to further support the economic and social benefits of MHI uku fisheries and other activities that take place around uku EFH while ensuring long-term sustainability of the MHI uku stock and habitat.

At its 195th meeting in June 2023, the Council took initial action and recommended revising and updating the MHI uku EFH for sub-adults and adults based on the two new WPSAR-reviewed EFH models. As a result, the Council will need to take final action to determine which alternative is most appropriate at this time to describe uku EFH. The alternatives are to retain the current EFH description and maps (Alternative 1), or to amend the Hawai'i FEP to update EFH descriptions and maps for subadult and adult uku in the MHI using best scientific information available (BSIA) (Alternative 2). Two sub-alternatives under Alternative 2 are based on the presence/absence model (Level 1 data; Franklin 2021) outputs only or an overlay of the presence/absence model outputs and the density model outputs (Level 2 data; Tanaka et al. 2022).

At its 197<sup>th</sup> Meeting, the Council may take final action to revise EFH for uku in the Hawaii Archipelago Fishery Ecosystem Plan. The Council will consider the following alternatives:

- 1) No action (status quo/current EFH).
- 2) Amend the Hawaii FEP to revise uku EFH in the MHI.
  - a) Revise uku EFH in the MHI based on only Presence-Absence information.
  - b) Revise uku EFH based on an overlay of Presence-Absence and Density information.

#### **4. Multi-year US Territorial Bigeye Tuna Catch Limit and Allocation Specifications (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. In December 2021, the WCPFC agreed on conservation and management measure (CMM) 2021-01, which maintained the 2016 longline bigeye limits of six countries, including the United States, which has a limit of 3,554 metric tons (mt). Like earlier measures, it does not establish an individual limit on bigeye tuna catch that may be harvested annually in the Convention Area by Small Island Developing States and Participating Territories, including American Samoa, Guam and the CNMI. This measure will expire at the end of 2023 with a possibility of new catch limits for fishery sectors and flag states under the WCPFC.

Stock assessments conducted in August 2023 for the WCPO indicate the bigeye tuna stock is not subject to overfishing, nor overfished. The stock is about 35% unfished biomass. In September, the SPC provided future stock projection analyses showing that significant increases in bigeye catch, relative to recent 2019-2021 levels, could occur over the next 30 years without significant overfishing risk.

Amendment 7 to the Council's Pacific Pelagic FEP established a management framework that puts limits on the catch and effort of pelagic management unit species (MUS) for the U.S. Participating Territories. The framework also includes the ability for the territories to use, assign, allocate and manage the pelagic MUS catch and effort limits through agreements with U.S.

fishing vessels. This framework has been used by the Council since 2014 to manage the bigeye tuna catch by the U.S. fishing vessels in the Western Pacific. It has provided the territories the ability to make an agreement with the Hawaii longline fleet to allocate a portion of its bigeye tuna catch in exchange for funding fishery development projects.

In 2019, the Council took final action to modify the management framework to provide multi-year catch and effort allocation limits. The modifications allow the Council to: improve an unnecessarily restrictive catch, effort and allocation limits protocol; provide flexibility in managing pelagic MUS limits in support of fisheries development in the territories; reduce disruptions to the fishery related to administrative work required to implement annual specifications; and continue to ensure harvests are sustainable. That action also specified catch limits for the 2021 to 2023 fishing years. However, due to the development of a new stock assessment for bigeye tuna as well as new Biological Opinions on the Hawaii longline fishery, these actions are yet to be implemented.

Since then, the Council's recommendation for modifying the management framework still stands but the territorial bigeye tuna catch and allocation limit specifications has lapsed. In order to continue with the Council's action, the Council at its 194th Meeting in March 2023, took initial action and recommended a preliminarily preferred alternative of no catch limits and 1,500 t allocation limits for each U.S. participating territory for fishing years 2024 through 2026.

At its 197<sup>th</sup> Meeting, the Council may take final action for specifying the multi-year territorial bigeye tuna catch and allocation limits through the Council's previously recommended modification of the management framework. The Council will consider allocation limits and the option to set catch limits for territories through the following alternatives with associated sub-alternatives, specifically for WCPO bigeye for the fishing years 2024 to 2026:

1. No catch or allocation limits (No Action); or
2. Catch limit of 2,000 per territory and 1,500 allocation limits, limiting total transfers to 3,000 mt (status quo); or
3. Specify for each U.S. participating territory up to a 1,500 t allocation limit, with the option to set a catch limit without the requirement to do so; or
4. Specify for each U.S. participating territory an 2,000 t allocation limit, with the option to set a catch limit without the requirement to do so.