



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
195th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

By Web Conference and Host Site:

**June 27-29, 2023 Council Plenary
Rex Lee Auditorium
Pago Pago, American Samoa
Phone: (684) 633-5155**

Approved by Council:

A handwritten signature in blue ink, appearing to read 'Will Sword', is written over a horizontal line.

Will Sword, Chair

Western Pacific Regional Fishery Management Council

Table of Contents

| | | |
|-------|---|----|
| I. | Welcome and Introductions | 8 |
| II. | Opening Protocol | 8 |
| III. | Opening Remarks: The Honorable Lemanu Peleti Mauga, Governor of American Samoa | 9 |
| IV. | Approval of the 195th Council Meeting Agenda..... | 13 |
| V. | Approval of the 194th Council Meeting Minutes | 13 |
| VI. | Executive Director’s Report | 13 |
| VII. | Agency Reports..... | 15 |
| A. | National Marine Fisheries Service..... | 15 |
| 1. | Pacific Islands Regional Office | 21 |
| 2. | Pacific Islands Fisheries Science Center..... | 22 |
| B. | NOAA Office of General Counsel Pacific Islands Section | 25 |
| C. | Enforcement..... | 25 |
| 1. | U.S. Coast Guard | 25 |
| 2. | NOAA Office of Law Enforcement..... | 26 |
| 3. | NOAA Office of General Counsel Enforcement Section | 28 |
| D. | U.S. State Department..... | 29 |
| E. | U.S. Fish and Wildlife Service | 30 |
| F. | Public Comment..... | 31 |
| G. | Council Discussion and Action..... | 31 |
| VIII. | American Samoa Archipelago | 31 |
| A. | Motu Lipoti | 32 |
| B. | Department of Marine and Wildlife Resources Report | 32 |
| C. | National Marine Sanctuary of American Samoa Report | 34 |

| | | |
|-----|---|----|
| D. | 2022 American Samoa Fishery Ecosystem Plan Annual Stock Assessment and Fishery Evaluation Report | 35 |
| E. | 2022 Pelagic Annual Stock Assessment and Fishery Evaluation Report – American Samoa Module | 37 |
| F. | American Samoa Bottomfish..... | 37 |
| 1. | American Samoa Bottomfish Stock Assessment Western Pacific Stock Assessment Review Report..... | 37 |
| 2. | 2023 Benchmark American Samoa Bottomfish Stock Assessment | 40 |
| 3. | American Samoa Fishery Ecosystem Plan Bottomfish Management Unit Species Revision Amendment (Initial Action) | 42 |
| G. | Advisory Group Report and Recommendations | 43 |
| 1. | Advisory Panel..... | 43 |
| 2. | Fishing Industry Advisory Committee..... | 44 |
| 3. | American Samoa Regional Ecosystem Advisory Committee | 44 |
| 4. | Archipelagic Plan Team..... | 44 |
| 5. | Pelagic Plan Team..... | 45 |
| 6. | Social Science Planning Committee | 45 |
| 7. | Scientific and Statistical Committee..... | 45 |
| 8. | American Samoa Archipelago Standing Committee | 46 |
| H. | Public Comment..... | 47 |
| I. | Council Discussion and Action..... | 47 |
| IX. | Protected Species | 49 |
| A. | Hawai‘i Deep-Set and American Samoa Longline Fishery Final Biological Opinions | 49 |
| 1. | Overview of the Final Biological Opinions | 49 |
| 2. | Implementation Plans for the Deep-Set and American Samoa Longline Fishery Biological Opinions Reasonable and Prudent Measures | 50 |

| | | |
|----|--|----|
| B. | False Killer Whale Take Reduction Team Meeting Report..... | 51 |
| C. | Endangered Species Act and Marine Mammal Protection Act Updates | 54 |
| D. | Advisory Group Report and Recommendations | 55 |
| 1. | Advisory Panel..... | 55 |
| 2. | Fishing Industry Advisory Committee..... | 55 |
| 3. | American Samoa Regional Ecosystem Advisory Committee | 56 |
| 4. | Archipelagic Plan Team..... | 56 |
| 5. | Pelagic Plan Team..... | 56 |
| 6. | Scientific and Statistical Committee..... | 56 |
| E. | Public Comment..... | 57 |
| F. | Council Discussion and Action..... | 58 |
| X. | Program Planning and Research | 59 |
| A. | National Legislative Report | 59 |
| B. | Research Priorities | 59 |
| 1. | Magnuson-Stevens Act Five-year Research Priorities Review | 59 |
| 2. | Cooperative Research Review | 60 |
| C. | National Standards Guidance and Review..... | 61 |
| 1. | National Standards 1 Reference Points Guidance | 61 |
| 2. | National Standards 4, 8, and 9 Advanced Notice of Proposed Rulemaking | 62 |
| D. | Regional Communications and Outreach Report | 63 |
| E. | Advisory Group Report and Recommendations | 63 |
| 1. | Advisory Panel..... | 63 |
| 2. | Fishing Industry Advisory Committee..... | 64 |
| 3. | American Samoa Regional Ecosystem Advisory Committee | 64 |
| 4. | Archipelagic Plan Team..... | 64 |

| | | |
|------|--|----|
| 5. | Pelagic Plan Team..... | 64 |
| 6. | Social Science Planning Committee | 65 |
| 7. | Non-Commercial Fishery Advisory Committee..... | 65 |
| 8. | Federal Data Coordination and Research Committee..... | 66 |
| 9. | Scientific and Statistical Committee..... | 66 |
| F. | Public Comment..... | 66 |
| G. | Council Discussion and Action..... | 67 |
| XI. | Public Comment on Non-Agenda Items | 69 |
| XII. | Hawai‘i Archipelago and Pacific Remote Island Areas | 71 |
| A. | Moku Pepa | 71 |
| B. | Department of Land and Natural Resources / Division of Aquatic Resources Report..... | 73 |
| C. | 2022 Hawai‘i Archipelago Fishery Ecosystem Plan Annual Stock Assessment and Fishery Evaluation Report | 74 |
| D. | Kona Crab | 75 |
| 1. | Specifying Annual Catch Limits for Kona Crab (Final Action)..... | 75 |
| 2. | Main Hawaiian Islands Kona Crab Status Determination Criteria (Final Action) | 76 |
| E. | Options for Revising Uku Essential Fish Habitat (Initial Action)..... | 76 |
| F. | Status Report on Monument Expansion Area and Proposed Pacific Remote Island Areas Sanctuary | 78 |
| G. | Advisory Group Report and Recommendations | 84 |
| 1. | Advisory Panel..... | 84 |
| 2. | Archipelagic Plan Team..... | 85 |
| 3. | Pelagic Plan Team..... | 86 |
| 4. | Fishing Industry Advisory Committee..... | 86 |

| | | |
|-------|--|-----|
| 5. | Social Science Planning Committee | 86 |
| 6. | Scientific and Statistical Committee..... | 87 |
| H. | Public Comment..... | 87 |
| I. | Council Discussion and Action..... | 89 |
| XIII. | Mariana Archipelago | 94 |
| A. | Guam..... | 94 |
| 1. | Department of Agriculture / Division of Aquatic and Wildlife Report | 94 |
| 2. | Isla Informe | 95 |
| 3. | Review of the Guam Marine Conservation Plan (Action Item) | 97 |
| 4. | 2022 Annual Stock Assessment and Fishery Evaluation Report-Guam Module | 97 |
| B. | Commonwealth of the Northern Mariana Islands..... | 98 |
| 1. | Arongol Falú | 98 |
| 2. | Department of Lands and Natural Resources / Division of Fish and Wildlife Report | 99 |
| 3. | Options for Commonwealth of the Northern Mariana Islands Bottomfish Annual Catch Limits (Final Action) | 100 |
| 4. | 2022 Annual Stock Assessment and Fishery Evaluation Report- Commonwealth of the Northern Mariana Islands Module | 101 |
| C. | Advisory Group Report and Recommendations | 102 |
| 1. | Advisory Panel..... | 102 |
| 2. | Archipelagic Plan Team..... | 103 |
| 3. | Pelagic Plan Team..... | 103 |
| 4. | Fishing Industry Advisory Committee..... | 103 |
| 5. | Scientific and Statistical Committee..... | 103 |
| D. | Public Comment..... | 103 |

| | | |
|------|---|-----|
| E. | Council Discussion and Action..... | 103 |
| XIV. | Pelagic and International Fisheries | 104 |
| A. | 2022 Pelagic and Pacific Remote Island Areas Annual Stock Assessment and Fishery Evaluation Report | 104 |
| B. | International Fisheries Issues | 105 |
| 1. | 2nd Western and Central Pacific Ocean Longline Management Workshop | 105 |
| 2. | Western and Central Pacific Fisheries Commission South Pacific Albacore Working Group | 107 |
| 3. | U.S. Permanent Advisory Committee to the Western and Central Pacific Fisheries Commission..... | 108 |
| 4. | Inter-American Tropical Tuna Commission Science Advisory and General Advisory Committees | 109 |
| C. | Council Pelagic Fisheries Research Plan | 110 |
| D. | Advisory Group Report and Recommendations | 110 |
| 1. | Advisory Panel..... | 110 |
| 2. | Fishing Industry Advisory Committee..... | 110 |
| 3. | American Samoa Regional Ecosystem Advisory Committee | 110 |
| 4. | Pelagic Plan Team..... | 110 |
| 5. | Social Science Planning Committee | 111 |
| 6. | Scientific and Statistical Committee..... | 112 |
| E. | Public Comment..... | 112 |
| F. | Council Discussion and Action..... | 112 |
| XV. | Administrative Matters | 114 |
| A. | Financial Reports | 114 |
| B. | Administrative Reports | 114 |

| | | |
|------|--|-----|
| C. | Council Family Changes..... | 115 |
| D. | Meetings and Workshops..... | 115 |
| E. | Council Coordination Committee Meeting Report..... | 115 |
| F. | Executive and Budget Standing Committee Report | 115 |
| G. | Public Comment..... | 115 |
| H. | Council Discussion and Action..... | 115 |
| XVI. | Other Business | 117 |

I. Welcome and Introductions

The following members of the Western Pacific Regional Fishery Management Council were in attendance:

- John Gourley, chair (Commonwealth of the Northern Mariana Islands [CNMI])
- Roger Dang, vice chair (Hawai‘i)
- Manny Dueñas, vice chair (Guam)
- Will Sword, vice chair (American Samoa)
- Sylvan Igisomar, vice chair (CNMI) and CNMI Department of Lands and Natural Resources (CNMI DLNR)
- Judith Guthertz (Guam)
- Shaelene Kamaka‘ala (Hawai‘i)
- Matthew Ramsey (Hawai‘i)
- McGrew Rice (CNMI)
- Sarah Malloy, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Taotasi Archie Soliai, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Chelsa Muña, Guam Department of Agriculture (DOAG)
- David Sakoda, Hawai‘i Department of Land and Natural Resources (Hawai‘i DLNR) (designee for Dawn Chang)
- LCDR Jessica McCollum (designee for Rear Adm. Michael Day, commander for U.S. Coast Guard [USCG] District 14)
- Brian Peck, U.S. Fish and Wildlife Service (USFWS)

Also in attendance were Council Executive Director Kitty Simonds; Janet Coit, NMFS Assistant Administrator; Elena Onaga, NOAA General Counsel Pacific Islands (GCPI); and Domingo Ochavillo, Scientific and Statistical Committee (SSC) representative. Colin Brinkman, U.S. State Department attended the Council meeting the first day to present the agency report but was otherwise absent.

II. Opening Protocol

Soliai opened the 195th Council meeting with a prayer.

III. Opening Remarks: The Honorable Lemanu Peleti Mauga, Governor of American Samoa

The Honorable Lemanu Peleti Mauga, Governor of American Samoa gave opening remarks. He spoke in Samoan first emphasizing their culture and protocol. Mauga welcomed the Council to American Samoa, the heart of the Pacific and the pride of the South Pacific, made reference to the 'ava ceremony in which Council members participated, and encouraged full participation. He expressed gratitude for American Samoa's participation in the Council Meeting. Mauga said he hoped this meeting will shed some light on a way forward in how American Samoa handles the Pacific and its relationship with the federal government.

Mauga welcomed Coit, NMFS assistant administrator, recognized the Council chairman, the officials, and the Council family, and invited the members to visit the other islands of American Samoa: the Manu'a Islands, Muliava (Rose Atoll), and Olohega (Swains Island). Historically, the people of American Samoa rarely had a voice in what goes on in the Pacific. He hopes throughout this meeting that these issues will be addressed and discussed.

Mauga emphasized the ancestral connection of Samoans to the ocean and its resources, which have sustained their culture and daily life for thousands of years. Samoa's legends, cultural practices and daily lives revolved around the ocean and fishing. The abundant natural resources have provided the people with food to eat, a means to support their families, especially during times of struggle. The Samoa community returned to farming and fishing when its borders closed due to the COVID-19 pandemic. The ocean is what sustained Samoa and will continue to sustain Samoa for years to come.

In comparison to Guam, the CNMI and Hawai'i, American Samoa's near-shore and boat-based fisheries are small scale and participation is declining, perhaps due to the territory's lower population and limited tourism industry. Currently, only one commercial boat is engaged in bottomfishing. Thankfully, it was declared that the American Samoa's bottomfish stocks are not overfished, and nor are the stocks experiencing overfishing. Mauga thanked the Pacific Islands Fisheries Science Center (PIFSC), Council and DMWR for their hard work over the last few years to make that determination.

Global climate change is imminent and already putting pressure on Pacific Islands. Extreme weather is damaging infrastructure, roads, utilities, property, homes, as well as agricultural and fishery infrastructure have all been affected by the severe changes in climate. American Samoa is vulnerable to the widespread food and water insecurity, increased health risks, a lack of access to social services and in the worst cases, forced displacements due to climate change. The ocean that has sustained Samoa for millennium is now threatening their daily lives. Despite American Samoa's minimal carbon footprint, Samoans are disproportionately affected by climate impact due to the actions of industrialized nations. American Samoa needs greater assistance and coordination to access climate adaptation strategies, medication, data, and knowledge.

American Samoa's local economy heavily relies on the tuna industry. It serves as the largest private sector employer, sustaining one-third of its workforce. Research indicates that without the tuna industry, the cost of living in American Samoa would triple. As leaders, Mauga said they bear the responsibility of ensuring the economic stability of American Samoa in an

equitable and sustainable manner, benefiting all parties, including the underserved and marginalized indigenous population. Unfortunately, this economic foundation is endangered by the actions of the federal government. The proposed Effort Limit Area for Purse Seine (ELAPS) rule and the planned national marine sanctuary (NMS) in the Pacific Remote Islands (PRI) pose a direct threat to the tuna fleet that sustains the local cannery.

Regarding the ELAPS matter, Mauga inquired with NMFS about their decision not to regulate the US purse seiners fleet, which directly supports American Samoa as a locally-based fleet. Regrettably, American Samoa is still awaiting a response. This fleet supplies nearly 75% of the tuna utilized by the cannery, underscoring its essential role in sustaining the industry's viability. To identify this local fleet, the American Samoa Government (ASG) created a local record of vessels that support American Samoa's economy by issuing tuna landing licenses. This mandate was implemented June 14, 2023. Mauga thanked the vessel owners who have supported the economy for decades and may be in attendance today.

Regarding the proposed NMS, American Samoa received a data report from PIFSC outlining fishing activity and catch within the Pacific Remote Island Areas (PRIA). This official dataset shows that the percentage of retained catch for the local purse seine fleet in this water reached 25%. Fishing effort by the purse seiners have increased in recent year benefiting the local cannery and local economy. Unfortunately, the importance of these waters to the American Samoa territory has been downplayed. Most, if not all, of the fish caught in this water is landed in the American Samoa territory. These fish contributes to job creation, community support, and, most importantly, food for the people of American Samoa.

The recent public meeting held in American Samoa concerning the proposed NMS displayed strong local opposition to this federal action. The designation process was conducted without due diligence regarding the impact on the community and without consultation and engagement from the indigenous communities. There is no equity when the people who are impacted by these federal actions have no say and no voice. These policies and actions have profound impacts on fragile economies and communities such as American Samoa. Mauga requested from NOAA an extension for the comment period, to allow further dialogue with federal stakeholders about the action's effects on the American Samoa people. Although Mauga awaits NOAA's response, he is committed to continuing to advocate for and urging the agency to consider the voice of the people of American Samoa on these matters.

During this meeting, the Council will address vital matters concerning the nation's fisheries in the region and Pacific territories. The core principles of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) remain as crucial today as when it was enacted nearly 50 years ago. Mauga urged both the Council and federal agencies to make decisions mindful of safeguarding the interests of small fishing communities. Mauga said as a leader, his challenge is to find ways to sustain American Samoa's economy, provide for the Samoan people, and uphold their resilience amid these challenges. He asked the Council to prioritize these concerns on the agenda, not only for this week but for the future. Drawing from American Samoa's cultural values, he encouraged the Council to embrace American Samoa's collective knowledge and wisdom to overcome these challenges.

Mauga concluded with an ancient Samoan proverb that resonates with the ocean and fishing, "Aua le naunau ile i'a, ae manumanu ile upega." This proverb serves as a reminder that

each action carries consequences. It cautions fishermen not to solely focus on a single catch, neglecting the need to safeguard the net for future days. Without the net, one cannot provide for their family and village. This proverb calls for wisdom, foresight, and the exercise of extreme caution. The fishing industry resembles the net that has provided for American Samoa for decades. American Samoa needs to protect the fishing industry and keep it safe so that opportunities for the territory are sustained. Mauga urged the federal government, the Council, and all individuals to harness their inherent wisdom, foresight, and exercise extreme caution like the proverb.

Gourley thanked Governor Mauga for welcoming the Council to American Samoa. The fisheries issues that are important to American Samoa are equally important to Hawai'i, the CNMI and Guam. The proposed NMS in the PRIA is a sensitive subject in the Western Pacific. At the American Samoa public hearing, there was a lot of local opposition voiced, including the protests along the side of the road. Videos of the protests were shared at the May 2023 Council Coordination Committee (CCC) meeting. American Samoa appears to be bearing the burden of this top down federal action as the potential impacts on American Samoa are more significant than on the Mariana Archipelago or Hawai'i. The question is whether the Biden Administration and NOAA will consider the comments in context of its own priorities supporting equity and environmental justice (EEJ) in underserved and underrepresented communities. 3000 comments on the sanctuary proposal were submitted, the majority of which came from the league of conservation voters and places like Kansas or Arkansas. The interpretation of these comments remains uncertain. Gourley said it would be logical that greater consideration should be given to impacted communities rather than individuals who may lack a deep understanding of the issues at hand. The National Standard (NS) 8 of the MSA requires consideration of fishery resources to fishing communities in making management decisions. The formation of a sanctuary has become a management decision. Only the future will tell whether NOAA will listen and examine the repercussions of making a sanctuary that would shut off U.S. fishing access to domestic waters. Pacific Island communities' daily lives revolve around the ocean and fishing to provide food on the table. Fishermen, cannery employees, local agencies, Governor Mauga, and Congresswoman Amata Radewagen have collectively stood firm against this proposal. On March 27, 2023, Governors Arnold Palacios of the CNMI, Lourdes Leon Guerrero of Guam and Mauga of American Samoa wrote President Biden requesting consultation before any decisions are made. The letter expressed alarm and concern over the prospect of expanding potential fishery closers to US fishermen in the full U.S. exclusive economic zone (EEZ) around the PRIA. To date, the Biden Administration have not responded, nor acknowledged the letter. Four days ago, the Council received the PRIA sanctuary proposal from NOAA and has until Dec. 23, 2023, to respond. Commercial fishing is prohibited. The Council will request help from the ASG gathering the data and rationale to continue providing an argument to allow commercial fishing in the PRIA. This is going to be a difficult fight. Gourley said they must actively engage, submit comments, and persevere in their commitment to this matter.

Coit thanked Governor Mauga for his warm welcome to American Samoa. On behalf of President Biden, Secretary of Commerce Gina Raimondo, and NOAA Administrator Richard Spinrad, Coit emphasized the importance of Governor Mauga's words regarding respecting communities. She apologized for not having responded yet to some of the data requests as she is working with Malloy on gathering more information before responding. She said she is present to learn the culture so she can bring that back the messages and concerns to Washington, D.C. The President has asked the federal agencies to consider the creation of a sanctuary, and Coit

said she places heavy weight on the word “consider”. She is looking forward to touring the cannery and learning more about the importance of tuna to the community, noting the importance of economic resilience to the communities and the larger ecosystem.

Soliai asked Coit about the status of the ELAPS proposed rule.

Coit said the ELAPS is a proposed rule and the public comments received are currently under consideration to determine the timing and necessity of a final rule, which is connected with some of the discussions surrounding the upcoming Western and Central Pacific Fisheries Commission (WCPFC) meeting and associated decisions regarding high seas, EEZ and tuna quotas.

Igisomar said CNMI Governor Palacios extends warm regards and deep gratitude for the warm reception and hospitality. He said Governor Palacios echoes Mauga’s concerns about the lack of response from NOAA partners and stands behind American Samoa’s endeavors, offering continuous support.

Mauga said a significant concern shared by the wider Pacific is the perceived lack of responsiveness from the federal government regarding communication and engagement. While the federal government acts swiftly to establish initiatives in the Pacific, they do not address concerns or provide any response to questions posed or concerns raised. These decisions may be progressing without incorporating input from the Pacific Islanders who have been living in the islands for thousands of years. Mauga said the federal government should consider what the Pacific Islanders have to say. The governors of American Samoa, the CNMI and Guam have sent a joint letter seeking answers, which has gone unanswered. Mauga urged Washington, D.C. to address the Pacific Islands’ concerns. The main priority is ensuring effective ongoing communication that genuinely represents the voices of the Pacific Islanders.

Dueñas thanked Governor Mauga for his presence and understanding of the Council’s role, which is to have community involvement in all their actions. The Council process facilitates equity but Dueñas said NOAA is not standing up to defend the process even though they are the Council’s sister agency. Pacific Islanders need to be involved in the sanctuary discussion, instead of the sanctuary co-opting the discussion as if they are protecting the area’s heritage. The sanctuary is not considering the jobs that will be lost in American Samoa, and the negative effects on the local economy.

Guthertz thanked Governor Mauga and federal partners for attending the Council meeting. She said having reviewed the sanctuary proposal, the history, goals and objectives do not line up. One of the objectives is to serve the local communities that live there, but no one lives in the sanctuary. The proposed area would cut off the local traditional fishermen that go there to fish, and the designation does not address the needs of the fishermen. At the PRIA sanctuary proposal hearing on Guam and CNMI, the local people overwhelmingly did not support the proposal. The idea of designating areas where local people cannot access is wrong, and hurts people’s ability to provide for their families and put food on the table. As an illustration of the inequities in decision making in the nation, Guam has a restricted voice as the people cannot vote in the presidential election, has no representation in the Senate and have nonvoting delegates in the House. Guam recently faced Typhoon Mawar, resulting in widespread damage and injuries. While the military community managed to maintain power and water, the

civilian areas suffered. Over the past seven years, a military buildup has been pursued, but its benefits have primarily served the military itself, neglecting civilian infrastructure. This uneven development, contrary to the "one island, one people" motto, and leaves the civilian population vulnerable during disasters. China and Russia observe this disparity and exploit it in social media, weakening the perception of the United States government. The focus should have been on a balanced military buildup that also fortifies civilian infrastructure, ensuring the community's resilience in calamities. Unfortunately, limited funding hampers the ability to invest in underground infrastructure. This experience highlights both fishing inequities and broader disparities within the territories, which require rectification.

Sword said the letter received June 23, 2023, regarding sanctuaries' regulations is disheartening, as it suggested that Council consider regulations other than commercial fishing. He said the Pacific Islanders need to fight harder, and urged the governor to utilize legal means based on MSA to combat the issue if necessary. It will be a long battle, but it is crucial for the well-being for the people in American Samoa, the CNMI, Guam and the broader Pacific. These top-down policies clash with community-based approaches of MSA. Sword trusts in the strength and determination of Governor Mauga, to stand up for the Samoan people.

IV. Approval of the 195th CM Agenda

The 195th meeting agenda was approved by general consent.

V. Approval of the 194th CM Meeting Minutes

The 194th meeting minutes was approved by general consent.

VI. Executive Director's Report

Simonds presented the executive director's report. She thanked Coit for traveling 7,024 miles from NMFS headquarters in Maryland to the unique and culturally rich American Samoa, which depends on tuna to drive its economy. By attending, Coit will experience the Pacific Island way and how the different jurisdictions of the Council have addressed its MSA mission, and how the Council shows respect and recognition to the Islands for its thousands of years of managing natural resources. The Council's fisheries support underserved communities across the region, including Hawai'i, American Samoa, the CNMI and Guam. The Council is guided by the principles of the MSA that reflect democracy in action.

The majority of fish stocks under the Council's management are healthy. NMFS has improved its stock assessment program that includes working closely with fishermen, revisiting old catch reports and to better understand data input, which resulted in a new assessment that showed the American Samoa bottomfish stocks as not overfished and not experiencing overfishing.

The bottom-up approach of the MSA is a fundamental principle that has proven successful in managing fisheries resources effectively. Throughout the week, the Council will engage in discussions on various issues, aiming to propose solutions. Many of these matters align with the Executive Orders and directives of the Biden Administration, including initiatives like "America the Beautiful," which emphasize advancing equity, racial justice, and supporting underserved communities through government actions.

The proposed sanctuary for the PRIA will be a focus during the Hawai‘i section of the agenda. President Biden directed the Commerce and Interior Secretaries to initiate this process. The Council has received a package from NOAA that clearly states the prohibition of commercial fishing in the proposed sanctuary area. Before discussion begins, it is essential to carefully review NOAA’s stated goals and objectives, as some of them are inappropriate or unattainable. The Council should also bear in mind the history of previous sanctuaries and monuments, where promises remained unfulfilled, such as a research plan, a scientific laboratory for American Samoa, and a management plan for Rose Atoll. The Council has an opportunity to respond to the package by Dec. 20, 2023. A 2018 NMFS report highlighted that the PRIA were not suitable for permanent residences by Hawaiians or other Pacific Island communities due to limitations in water resources and land for cultivating food. These islands historically served as temporary locations for extractive activities, commercial operations, and guano harvesting by transient Hawaiians and Pacific Islanders. This historical context is crucial to consider when evaluating the proposed goals and objectives, as allowing commercial fishing would be consistent with the cultural legacies of those islands.

Regarding international fisheries, the Council was told that 2021 would be the year of success at the Commission for increasing the United State’s bigeye quota, but that did not come to fruition. Now in 2023, the success of the US longline fishery must be prioritized within the international context. The U.S. Pacific Islands are also underserved within the international community, so the Council with NMFS’ support has been working with the Marshall Islands and other Pacific Islands to conduct workshops over the last eight months. The parties are finding common ground to meet objectives for Pacific Island fisheries, including protecting fisheries in the face of climate change, strengthening international monitoring and control and surveillance of tuna fisheries. In the workshops, it is acknowledged that the stocks are healthy and it is time to start revising conservation and management measures on tropical tuna, which means increasing bigeye catch limits for the Hawai‘i-based longline fishery.

One of the Council’s goals is to provide support to the NMFS negotiator to achieve momentum toward attaining a catch limit of 6,500 metric tons for the Hawai‘i fishery. Progress in enhancing U.S. fisheries extends to American Samoa's purse seine fleet. Its current classification as a distant water fishery is unjust. American Samoa is entitled to the same benefits of small island developing states and territories (SIDS), and these benefits should include exemptions to fish aggregating device (FAD) closures and assurance from the Commission that measures do not present a disproportionate burden to the fleet. The albacore fleet also needs considerations as the Commission engages in improving the management of South Pacific albacore. NOAA and NMFS need to make sure the objectives of American Samoa's fleet to serve and achieve through international measurements.

At the March 2023 meeting, the new abundance estimates for the pelagic false killer whale was discussed. These were delivered to the False Killer Whale Take Reduction Team (FKWTRT) a week before meeting to reach consensus on recommendations to modify the False Killer Whale Take Reduction Plan (FKWTRP). The new estimate of the pelagic population was calculated for an area that includes areas outside the EEZ around Hawai‘i where NMFS has never conducted systematic cetacean surveys for the purpose of estimating abundance to inform management. The results of the impact assessment went from one mortality and serious injury over potential biological removal (PBR) to 14. The implications are significant. This abrupt change in the FKWTRT's short-term target for reducing the impacts of Hawai‘i's deep-set

longline (DSLL) fishery, following a year-long process to formulate recommendations for FKWTRP adjustments, were concerning. The consequence of this unexpected delivery of new abundance data was that FKWTRT members were unable to reach a consensus on the necessary measures to lower interactions below PBR. The SSC discussed the new assessment in detail at their June 2023 meeting, and recommended an independent peer review of the assessment. While the new approach to draw the boundary on the high seas has gone through review by the Pacific Scientific Review Group established by the Marine Mammal Protection Act (MMPA), the SSC found that more comprehensive documentation and exploration of alternative approaches were needed. This will be discussed further in the protected species section.

FKWs are not analogous to the critically endangered North Atlantic right whales. FKWs have a global distribution in tropical and warm temperate waters, and they are recognized for causing depredation to longline fisheries on a global scale. According to NMFS's estimates, the population of these whales within the EEZ around Hawai'i has remained relatively stable at approximately 2,000 individuals across three survey periods since 2002. Additionally, NMFS estimates that there are approximately 34,000 FKWs in the broader Central Pacific region surrounding Hawai'i. For years, the Council asked NMFS to conduct post-release survival studies to verify the assumption that FKWs released with hooks left in its mouth are likely to die. The Council has asked for frequent surveys so that the population trend can be analyzed, as well as demographic studies so that a robust population modeling can be done. These data gaps continue to exist and NMFS continues to rely on the precautionary principle to assess the impact that the Hawai'i DSLL fishery has on FKWs.

A federal court ruled that in the context of Endangered Species Act (ESA) consultations, NMFS when faced with uncertainty may not give the benefit of the doubt to an endangered species by relying upon worst case scenarios or pessimistic assumptions. While the case was about ESA, the judge's opinion speaks to similar assumptions and uncertainties that NMFS faces with FKWs under the MMPA. As Justice Ginsburg wrote, "The Service's role as an expert is undermined, not furthered, when it distorts that scientific judgment by indulging in worst-case scenarios and pessimistic assumptions to benefit a favored side."

VII. Agency Reports

A. National Marine Fisheries Service

Coit thanked the Council asking her to attend the Council meeting in American Samoa and thanked all who are engaged in person and virtually. The involvement of constituents and stakeholders gives significance and effectiveness to the MSA and the Council's efforts in striving to achieve the objectives set out by the law. Coit congratulated Simonds on her 40 years as executive director and thanked her for her leadership. Before the term environmental justice was coined, Simonds was talking about the importance of engagement of indigenous communities, of respecting cultural knowledge, practice and has led the way with Ecosystem-Based Fisheries Management (EBFM).

Coit highlight the fiscal year 2023 to 2026 Geographic Strategic Plan for the Pacific Islands Region on which the Council and NMFS collaborated. The Council's engagement, meetings with NMFS staff and comments on the draft have been crucial in pursuing the national strategic goals. NMFS is looking forward to sharing the final plan.

The discussions around WCPFC and the negotiations on the conservation and management of tropical tunas have been significant. Kelly Kryc, the NOAA deputy assistant secretary for international fisheries, is leading the delegation. The successful Permanent Advisory Committee to the WCPFC U.S. delegation (PAC) meeting held as part of the preparations has been important, and the Council's involvement was greatly welcomed. NMFS is committed to pursuing a successful strategy and negotiations at WCPFC 20 that recognizes the value of the fisheries and the ongoing allocation of healthy stocks to drive the economy in American Samoa and other Pacific Island territories. The stakes are high, and NMFS eagerly anticipate ongoing collaboration in pursuit of these negotiations.

NMFS and the Council have had many conversations about cooperative research. The efforts the Council is undertaking to gather and enhance data, alongside collaborating with local fishermen, holds tremendous value. The outcomes of the American Samoa bottomfish stock complex assessment is an example of that effort. Collaborations have contributed to enhancing creel surveys, conducting bottomfish data workshops, and establishing a strong groundwork for improving life history data collection. These assessments considered input from the American Samoa fishing community and the American Samoa DMWR. NMFS will work with the Council and the advisory bodies on implementing the recommendations from the updated stock assessment results.

Confronting climate change is a top priority for the Biden Administration and nobody sees the impacts of climate change more than some of the Pacific island territories and states. Climate change is fundamentally altering management approaches, forcing reevaluation of conventional scientific methods, and prompting questions about the adequacy of data collection and ecosystem comprehension. Heightened storm occurrences and global geographical changes underscore the pervasive influence of climate change. The fishery management councils in particular have a need to understand what is going on and to help people to adapt and mitigate impacts and plan for the future. Coit appreciates the work that Councils has put into these efforts.

Several Council members have raised concerns about EEJ, which are areas of significant importance to NMFS. These are also domains where this Council has been at the forefront of addressing due to its composition and geographical context. The Council's call for action and the emphasis on meaningful consultation resonates deeply. Coit acknowledged that there is more to accomplish, and has taken the messages regarding the PRIA expansion and the imperative of genuine engagement with the utmost seriousness. NMFS has an EEJ strategy that they are working to implement. The comments from the workshop held in American Samoa proved to be enlightening. The thoughtful feedback was invaluable, particularly regarding NOAA's role in the community and the need for stronger economic resilience and a secure future for the fishing sector. The EEJ strategy centers on direct engagement and emphasizes the importance of on-the-ground presence and listening to communities. As part of this effort, NMFS requested additional funding in the president's budget to support enhanced data collection and scientific endeavors in the territories, including the Pacific Islands. These funds would significantly aid local fisheries management agencies. As the budget advances through Congress, NMFS is committed to prioritizing these resources to strengthen science-based management.

Another priority is the National Seafood Strategy, which underscores the significant contributions made by the councils in promoting a robust seafood sector that benefits the U.S. economy and sustains families through access to nutritious food and employment opportunities.

This aligns with ongoing discussions, including those concerning the purse seine fisheries and the negotiations aimed at maintaining the cannery's productivity. The value of fisheries to the territories' economies and the broader national consumption of seafood cannot be overstated.

Coit acknowledged the Council's concerns and insights regarding FKWs. This year marks the 50th anniversary of the ESA since the legislation was enacted with bipartisan support in 1973. Over these five decades, there have been notable achievements and challenges associated with the law. Coit is proud of the commitment to science-based decision-making that defines the ESA and has prevented the extinction of numerous species under NOAA's stewardship. The collaboration with the Council is of paramount importance and underscores the need for continued cooperation and improvements in this realm.

Coit understands the Council's concerns about critical habitat designations, the bycatch implications, and the FKW conversations with the FKWTRT. She would like to hear the differing viewpoints as these issues are discussed. A shared objective is to balance the conservation of marine biodiversity with the sustainable management of fisheries. Coit acknowledged PIRO and PIFSC for their work in completing the biological opinions (BiOps), which Simonds has been talking to her about since day one as well as with the previous Assistant Administrator.

Coit highlighted the opportunity to leverage additional grant funding through initiatives like the Inflation Reduction Act (IRA) and the Bipartisan Infrastructure Law (BIL). The grants workshop held in American Samoa was a step toward ensuring that communities are equipped to compete for grants effectively, with strong attendance and continued support to secure funding for the Pacific Islands. Through the initial round of funding from the BIL, several grants were awarded, including projects focused on wetlands delineation, coral reef preservation in Hawai'i, and habitat restoration and nature-based solutions in CNMI watersheds. The main objective is to direct funding toward community-based habitat restoration initiatives, and the aim is to collaborate closely with the Council to ensure that these funds align with the Council's priorities and directly benefit Pacific Island communities.

In addition, NMFS has unveiled plans for utilizing funding from the IRA to promote climate-ready fisheries. This initiative involves allocating resources toward enhancing scientific research and management strategies. A significant aspect of this effort is the introduction of a new grant program that will help the councils, amounting to \$20 million, which will be administered by the Sustainable Fisheries Division (SFD). While further details will be provided in due course, this program presents an avenue for supporting the Council's priorities and advancing management practices that effectively address the challenges posed by shifting fish stocks and the broader impacts of climate change.

Coit acknowledged the concerns and anxieties surrounding the expansion of the sanctuary in the PRI, particularly as it pertains to the inclusion of new areas. While the scoping period for input has officially concluded, NMFS is still actively collecting information. Coit emphasized it is still in the early stages of this process, and the recent letter serves as a starting point. NMFS is committed to working closely with the Pacific Islands to ensure that local data, insights, and perspectives contribute to the ongoing discussions. It is imperative that any decisions made are well-informed and consider the diverse range of viewpoints represented by the Council.

Coit reiterated that her main goals in coming to the Council meeting was to learn more about the Council's concerns and the process, and to take that back to Washington, D.C. and the White House. Coit acknowledged the complexity and the difficult challenges the Council faces. Coit respects the role and the responsibility under the law that every Council member has and for the partnership that NMFS shares with the Council, Pacific Island territories, state partners and all of the Pacific Island communities. Coit thanked the Council for an incredible experience.

Dueñas thanked Coit for her insights and emphasized the need for a collaborative system with the National Ocean Service (NOS) to address concepts and ideas upfront to prevent disagreements and save time. He also noted the importance of keeping the PRIA open to adapt to shifts in fish behavior caused by climate fluctuations as well as El Niño and La Niña effects. Dueñas suggested the creation of a system or framework that incorporates a mechanism for accounting and adjusting regulations to adapt more effectively to changing fishing conditions caused by climate events. Although NOAA says its concerns are focused on the preservation of indigenous cultures and the rights of native peoples, Dueñas is worried that various regulations under the ESA and the MMPA may inadvertently hinder the perpetuation of native culture and way of life. The expansion of the sanctuary and the apparent lack of consideration for native perspectives are examples of regulations that do not adequately account for the needs and traditions of indigenous communities. Dueñas also questioned the alignment of the Department of Commerce's (DOC) actions with its stated purpose of boosting local economies, noting the inconsistencies in how the policies are implemented at various levels. It is important to ensure that regulations and decisions promote the well-being and rights of native peoples while also supporting economic growth in the region. Dueñas said while NOAA says they are aware of challenges faced by indigenous communities, they ignore the potential impacts of various regulations and decisions on the indigenous way of life. The limited opportunities for industry due to geographic constraints make the ocean a vital resource for economic sustenance in American Samoa. However, the actions of different organizations and policies often fail to account for the unique needs and challenges faced by the Pacific Island community and put their culture and economic well-being under threat. Dueñas shared his frustration with Federal Emergency Management Agency's response and assistance after Typhoon Mawar, including the provision of unsuitable supplies like black pinto beans that also needed to be soaked in water at a time there was a boil water advisory, highlighting the need for culturally sensitive disaster assistance. These concerns underscore the importance of considering local cultural and economic factors in policy decisions and disaster response efforts.

Muñá raised concerns about the process of scoping meetings for the PRI expansion, noting that hosting only one meeting on Guam is not equitable and does not align with principles of social justice. Having just one evening for community members to provide comments is not sufficient, especially considering the various obligations and challenges people face in attending. Muñá emphasized that NMFS should not treat the islands as a single entity when calculating meeting days, as it does not accurately reflect the logistical challenges and differences between the islands. Additionally, Muñá highlighted the need for NMFS to do better dissemination of information beyond the *Federal Register*, as many individuals, including Muñá, do not read it, and called for more accessible ways of sharing important information with the public. Muñá raised the issue of other agencies having access to certain areas while local communities are restricted, noting the example of the proposed expansion that would limit community access while the Department of Defense's (DOD) plans to use the same area for hosting submarines. This contrast highlights the inequity in allowing some activities while restricting others,

especially when it negatively impacts indigenous and local communities. Muña stressed that this kind of discrepancy is disrespectful to the affected communities and expressed unity among the islands in supporting each other's needs and concerns.

Sword thanked Coit for her presence and for addressing controversial subjects. He expressed concerns about the potential impacts of decisions on the local cannery industry, especially in light of the President's stance on commercial activities. He asked about the potential resource if challenging circumstances arise that are beyond Coit's control.

Coit emphasized the importance of officials in leadership positions such as hers to show up when there are controversial issues, and the goal is to have voices be heard in the process to help shape the outcomes. However, Coit acknowledged that the recourse available in such situations might be a combination of legal and political measures, and she was not able to provide a definitive answer to that question.

Igisomar shared CNMI's experience as it relates to the PRIA and the sanctuary nomination process, noting that the nomination came from a group of special interests and there was a lack of local involvement and consultation in the process. By the time CNMI was aware of the sanctuary proposal, the process was on step 3. None of CNMI's elected leaders including the governor were aware of the proposal. The vast majority of CNMI's elected leaders do not want the sanctuary. The CNMI governor has requested removal from the sanctuary list but no response has been provided in over a year. The CNMI is supportive of American Samoa's efforts to resist the top-down approach and lack of local involvement in these decisions. Igisomar requested guidance on how to navigate and potentially change the process to ensure that local perspectives are taken into account.

Coit acknowledged Igisomar's concerns and noted she was not familiar with the specific events leading up to the CNMI's inclusion in the sanctuary nomination process. She noted the importance of clarifying and improving the communication process within NOAA to ensure that all stakeholders are informed about the process going forward. She also mentioned the need to improve the dissemination of information to better reach people and ensure that the process is transparent and inclusive.

Soliai expressed his gratitude for Coit's visit and her effort to engage with the Pacific Island territories. He mentioned that her participation in visiting the tuna cannery demonstrates a dedication to understanding the economic drivers of the region. He highlighted the importance of various funding sources such as the BIL, IRA and the EEJ Strategy, but also noted challenges related to competing with other states and territories for these funds. These funds often come with strings attached, which can create inequities for the Pacific Island territories. However, engagement goes beyond just providing funding to the Pacific Island territories, and it is important to have meaningful discussions to hear and take into account the territories' perspectives and concerns. The engagement should involve a collaborative approach where both sides can come to conclusions together. American Samoa supports the goals of conservation, but decisions need to be science-based and consider the economic implications for the territories. Soliai said there seems to be a contradiction between the vision outlined in the NOAA seafood strategy and some of the actions being taken by NOAA. He highlighted two points from the strategy's vision: the goal to increase U.S. seafood production to support jobs, the economy, and the competitiveness of the seafood sector; and the aim to expand opportunities for a diverse and

growing seafood workforce. These goals conflict with certain policies being implemented by the current administration, which have the potential to negatively impact the Pacific Island territories, particularly in terms of the tuna industry. He echoed the sentiment expressed by the governor and others, emphasizing the need for meaningful dialogue and engagement with the federal government to ensure that decisions and actions taken do not have devastating effects on the local economies of the territories. He stressed the importance of aligning policies and actions with the goals of supporting jobs, the economy, and the seafood sector's competitiveness, as outlined in the NOAA seafood strategy.

Soliai also discussed the economic impact of the ELAPS closure in 2015. According to a study conducted by NMFS, even a short closure of ELAPS resulted in a significant economic impact of \$110 million on the territory, which is a significant impact for smaller economies. Soliai is concerned that the proposed ELAPS rulemaking, along with the sanctuary expansion, could have even greater and permanent economic impacts on the territories. Soliai also highlighted the need for consideration of the consequences of such actions on small communities. While NMFS talks about EEJ, many small communities like those in the Pacific Island territories continue to be marginalized and underserved. He attributed some of these challenges to their geographic location and their lack of representation in Congress. Soliai hopes that continued dialogue will help address these concerns, especially as discussions around the sanctuary expansion progress. He emphasized that the input from the three governors and various territories should be taken into account when making decisions. Soliai asked about NOAA's goals regarding enforcement in the region, particularly regarding illegal, unreported and unregulated (IUU) fishing. He noted concerns about Chinese vessels and their activities in the EEZ, highlighting the need for effective enforcement beyond the 50-mile mark in the territory's waters. Soliai noted the Council's prior recommendation to station a USCG asset in the territory and asked about Coit's vision and goals for enforcement in the region.

Coit emphasized that NMFS is part of the DOC. She noted the importance of having a National Seafood Strategy that highlights the work of Pacific Islands and NMFS to support healthy fisheries, and that commercial, recreational and subsistence fisheries are part of the economic resilience of a community. Coit acknowledged the countervailing forces and reiterated her commitment to connecting the work of the Councils with science-based fisheries management and the economic well-being of communities, even if there are challenges in achieving that alignment. Secretary Raimondo was enthusiastic in creating the National Seafood Strategy, which aims to foster collaboration with the fishing industry, promote the significance of fisheries, and address conflicts and challenges that arise. It aims to encourage the use of underutilized species, support infrastructure development, and utilize economic development funds to enhance the industry. The overarching goal is to align the work of the National Seafood Strategy with the requirements of the MSA to ensure sustainable fisheries management and prevent overfishing, while also emphasizing the economic importance of seafood to local communities and the nation.

Coit emphasized the significance of enforcement in combating illegal, unreported, and unregulated (IUU) fishing. The Administration is concerned about incursions, unfair practices, and subsidies by other countries, particularly China, and the toll that IUU fishing takes on fisheries. She acknowledged that the fishing fleet serves as the frontline in observing these activities and stated that the Administration is committed to using all available tools to effectively address IUU fishing. NOAA is working to expand its enforcement efforts, including

field stations and personnel, to enhance monitoring and enforcement activities. Coit recognized the importance of partnerships with states, territories, and the fishing industry in combatting IUU fishing, as their insights and observations are invaluable in the effort to protect and manage fisheries sustainably. The National Seafood Strategy aims to address IUU fishing while also supporting and promoting domestic seafood industries and their economic contributions. Congress is also invested in this matter and there is potential for a bipartisan approach to secure funding for law enforcement efforts and partnerships with agencies such as the USCG, and enhancing the effectiveness of the Maritime Security and Fisheries Enforcement Act.

Gourley said he is frustrated with the federal government's approach to the Pacific Islands, especially in terms of monument designations and sanctuary proposals, which has caused resentment and distrust in the island communities because of lack of clarity and meaningful engagement in the processes surrounding proposed rules and designations. He mentioned that the Antiquities Act and monument designations have already taken away a significant portion of fishing areas in the Western Pacific, and now there is concern about the potential impact of expanding sanctuaries on fishing livelihoods. Gourley criticized the approach of creating large sanctuaries for bragging rights, which could further limit fishing potential and economic opportunities for the Pacific Islands. He also highlighted the lack of grassroots support and transparency in the decision-making process for monument and sanctuary designations, which has led to a feeling of being "railroaded" by the federal government. At the public scoping meeting for the sanctuary, attendees struggled to understand the situation, and the comment period was shortened without clear communication. He criticized the opacity of how NOAA Office of National Marine Sanctuaries (ONMS) interprets public comments and the lack of transparency in decision-making. Gourley also pointed out the challenges of engaging with agencies before proposed rules are published and emphasized the need for more direct and transparent communication with the affected communities. He emphasized that genuine engagement is necessary for building trust in the process and ensuring meaningful outcomes. Gourley also raised concerns about proposed critical habitat designations for coral and green sea turtles in the Pacific Islands, noting the challenges in engaging with agencies during the data collection process before proposed rule publication. Gourley criticized what he perceived as a lack of meaningful coordination, stating that agencies simply requested information without providing insights into the decision-making process or considering the local context. He expressed frustration with the way these proposals have been handled and emphasized the need for more transparent and collaborative processes.

1. Pacific Islands Regional Office

Malloy presented the PIRO report. Concurrent with the Council meeting, the first of the two workshops was being convened to discuss the WCPFC tropical tuna measure, which will be renegotiated in December 2023. PIRO and NMFS headquarters has done information gathering in partnership with PAC members, Council members and the Council staff. Malloy expressed appreciation for the workshops that the Council convened to increase the longline quota. The outcomes out of the workshop will be discussed at a second workshop in October, and will culminate at the December 2023 WCPFC meeting. NMFS is working hard to address the comments that have been made regarding the impact of WCPFC measures on the purse seine and longline fleets.

Malloy expressed gratitude to the Council for valuable comments on the BiOps for the Hawai'i DSL and American Samoa longline (ASLL) fisheries. The final BiOps were issued in May 2023 and were determined to be no-jeopardy opinions. The partnership between the Council and NMFS was successful in achieving this outcome.

Malloy emphasized the importance of the grants workshops aimed to reconnect with stakeholders and provide them with information about participating in the grants process. The workshops were initiated to coincide with the grants announcements under the IRA and BIL. NMFS intended to conduct these workshops across various islands, starting with American Samoa, and then moving on to the Mariana Archipelago. The Mariana Archipelago workshop was delayed due to the typhoon. The workshops were not just about training participants on participation but also about offering ongoing assistance and guidance throughout the grant submission process.

Malloy thanked Gourley and Rice for their service as Council members, as they will be terming out after this Council meeting. Dang was reappointed. Pedro Itibus and Heinz Hofschneider were appointed and will be taking their seats by the September meeting.

Rice said it is of importance to have fishermen on the Council, noting only three individuals on the Council whose main job is in fisheries, with that number going down to two in August. He said Washington, D.C. needs to remember that this is a fishery Council and fishermen need to be on the Council.

Dueñas asked if there is a grant under MSA that allows for a disaster assistance program that could provide some financial assistance to help with the six boats that sank and the Guam Fishermen's Cooperative Association (GFCA) that was destroyed in Typhoon Mawar. GFCA employees are now volunteers waiting to be paid as all available funds went to recovery. Dueñas said despite the promises made under the MSA for disaster assistance, he has not seen the same level of assistance provided to Pacific Island communities as to mainland counterparts. Dueñas mentioned the challenges faced by the GFCA and the need for financial aid of at least \$25,000-\$50,000 to recover from the damage caused by the typhoon. Dueñas appealed to NOAA to consider providing financial assistance to the fishing community to help rebuild and recover from such disasters.

Malloy acknowledged the concerns about the lack of financial assistance for the fishing community after natural disasters, and noted ongoing assessments being conducted to evaluate the marine impacts of Typhoon Mawar, including its effects on fishing activity and coral reef resources. These assessments will contribute to determining whether a fisheries disaster declaration is appropriate. Malloy also mentioned that there is a history of fisheries disaster declarations in the Pacific Islands Region, such as the one declared in American Samoa in 2009 following a tsunami. She highlighted the availability of funds through programs like the Western Pacific Sustainable Fisheries Fund (SFF) for projects aimed at enhancing fisheries and fishery activities, and offered to discuss these matters further offline.

Coit agreed with Rice's earlier comments that having fisheries representation on the Councils is an important part of the ethos of MSA, and noted that the nomination process of Council members runs through the governors. Coit thanked Rice for his service on the Council.

2. Pacific Islands Fisheries Science Center

T. Todd Jones presented the PIFSC report on behalf of Director Charles Littnan. Regarding the Bottomfish Fishery-Independent Survey in Hawai'i (BFISH), there were 600 primary sampling units gathered in 2022. PIFSC has optimized the sampling strata. The time series generated from the BFISH survey will be used in the upcoming 2023 benchmark assessment.

PIFSC's Stock Assessment Improvement Plan will be showcased in American Samoa during the Council meeting week, and includes the community workshops that were held in collaboration with American Samoa DMWR. These workshops have resulted in improvements in the understanding and the nuance of the data. PIFSC conducted the Main Hawaiian Islands (MHI) Deep-Seven Data Workshop March 23-24, 2023, with the goal of transparency, communication and engagement regarding all available information for the upcoming benchmark assessment. PIFSC also published Technical Memorandums that highlight the data and how that data will be used, which helps with the understanding of whether there are issues in the data that reflect operational changes rather than biological.

On April 17 and May 1, 2023, NMFS held a Shore-Based Life History Research and Training in American Samoa. Three PIFSC Life History Program staff members travelled to American Samoa and worked with DMWR to conduct trainings, build capacity for life history research, and build collaboration and partnership toward future collection of biosamples. There was a focus on training with DMWR personnel in incorporating biosampling for life history in creel surveys. The goal is to continue rebuilding a life history program in American Samoa. Outreach events were also conducted in various villages throughout and working directly with the fishing communities to conduct biosampling.

The International Billfish Biological Sampling Program is a collaboration with Japan and Taiwan, and a project through PIFSC's Life History Program. PIFSC has been collaborating with Hawaii Longline Association (HLA), United Fishing Agency and the Dangs in Honolulu to gather billfish samples. PIFSC had been working on improving its understanding of life history and growth and maturity estimates for billfish in Western Pacific, Central North Pacific and Eastern North Pacific.

Hawaiian monk seal populations have shown a 2-3% increase in abundance over a 10-year period in the Northwestern Hawaiian Islands (NWHI) and the MHI, with the majority of the population residing in the NWHI. PIFSC has been able to conduct NWHI surveys in the last two years following a gap during the pandemic.

The loggerhead satellite tag deployment program involves deploying satellite tags on loggerhead sea turtles to track their movements and behavior. This effort dates back to 2000, and over the years, there have been regulatory improvements and initiatives such as TurtleWatch to address the interactions between loggerhead sea turtles and fisheries. PIFSC is using dynamic models to track the movements of loggerhead sea turtles and understand their interactions with fisheries. By tagging loggerheads, PIFSC aims to gather data to improve post-interaction mortality estimates and improve models for understanding fishery interactions in time and space.

The 41st International Sea Turtle Symposium took place in Colombia, and a regional meeting for Pacific Islands and Oceania was convened as part of the symposium. The local news

organizations interviewed sea turtle biologists and students from American Samoa, Hawai‘i and Guam, some of whom came through the Council and Sea Grant capacity-building programs.

PIFSC’s Social Science and Economics Division updates included the release of the National EEJ Strategy and two publications. The first publication discusses the impact of climate variability on trip distance for fisheries and how climate change might affect fishing patterns. The second publication explores gender dimensions in fisheries in American Samoa.

The RICHARD (*Rainier* Integrates Charting, Hydrography, and Reef Demographics) mission involves conducting surveys in the PRIA and American Samoa. The primary focus of the mission includes diver surveys, shallow reef surveys and bottom mapping. The NOAA ship *Rainier*'s departure from Honolulu was delayed, but it is now near Tutuila. The surveys will take place until September, and the data collected will be used for reef mapping and hydrographic purposes. The information gathered during the RICHARD mission will be shared with the DMWR and the ASG, and there will be opportunities for interested individuals to tour the ship and learn about the mapping efforts.

Jones introduced Littnan as the new PIFSC Director. Littnan has a history of working in the field of protected species. Littnan's appointment will bring leadership stability and scientific direction to PIFSC. Jones acknowledged Tia Brown, who served as acting director since the retirement of the Michael Seki in December 2022. Jones said he will continue to remind Littnan of the importance of fisheries research and monitoring.

Dueñas expressed his appreciation for addressing the American Samoa bottomfish issues and the efforts to involve the community in fisheries management. He emphasized the importance of community involvement and not relying solely on scientific analysis. Dueñas said he is concern about the biosampling program, stating that it was successful in its initial years until PIFSC removed Guam community involvement. He highlighted the need for thorough analysis of the gathered information, including size, frequency, sex, and other factors necessary for determining accurate annual catch limits (ACLs). He requested to see a comprehensive analysis report on the spawning potential ratio (SPR) data to ensure proper ACL determination. He stressed the significance of the biosampling program and its value in providing real-time species analysis for various regions. Dueñas also asked if the 2-3% population growth of monk seals applies to the MHI or the NWHI, noting the possibility of monk seals from the NWHI to the MHI due to the lack of bottom fishing in the NWHI.

Jones clarified that the reported 2-3% monk seal population growth refers to the total population in the MHI and NWHI, and that around 70% of the monk seal population is located in the NWHI. Regarding the importance of life history and biosampling, Jones acknowledged the significance of obtaining accurate life history information for fisheries assessments, especially as PIFSC is transitioning to single-species assessments. He stressed the need for age and growth, age at maturity, and length at maturity data, as well as ongoing length measurements for data-limited assessments. Addressing Dueñas' concerns about biosampling in Guam, Jones said PIFSC is planning a biosampling summit later in 2023 to involve stakeholders including GFCA to discuss available samples, prioritize necessary science, and identify who will lead various efforts. The goal is to collaborate on addressing the issues raised and ensuring that biosampling and life history information are properly utilized in fisheries management.

Soliai asked when the Council can expect a new ACL on the American Samoa bottomfish management unit species (BMUS) stock assessment.

Jarad Makaiau, PIRO assistant regional administrator for SFD, said a new ACL is required Jan. 1, 2024, so the process to establish a new ACL is ongoing. A multiple-step process is needed, starting with removing the overfished condition. The SSC reviewed the new assessment and results of the independent peer review, and recommended that the Council to initiate the process to remove the overfished condition and set a new ACL. Given the various factors and moving parts involved, Makaiau suggested that discussion on this topic be deferred to the applicable agenda item.

Soliai acknowledged the progress made in addressing the overfished condition of the American Samoa bottomfish fishery. He said a consideration could be given to removing the ACL altogether in the future as the science indicates the stock not overfished nor subject to overfishing. Soliai commended PIFSC for their dedicated efforts in reaching this determination, highlighting the collaborative work between various parties, including the Council, PIFSC, NMFS and DMWR. Soliai also expressed the importance of capacity building within the territories and jurisdictions, particularly in relation to protected species, and looked forward to continued support from PIFSC and the new director.

B. NOAA Office of General Counsel Pacific Islands Section

Onaga provided the GCPI report. *Willie v. Raimondo* challenged the Hawaiian spinner dolphin approach rule under the Appointments Clause of the U.S. Constitution. NOAA filed a motion to dismiss and the judge sent that back and asked for a specific ruling on the issue of the Appointments Clause. Motions for summary judgment were filed and NOAA's motion in support of the summary judgment was filed June 23, 2023.

Another legal challenge came from the Center for Biological Diversity regarding the 4(d) rule under the ESA. This challenge pertained to 20 coral species, five in the Caribbean and 15 in the Pacific Islands. The NOI was sent in Sept. 2022 and NOAA's response reaffirmed the original decisions and conclusions.

An additional case involved a notice of intent (NOI) from American Samoa to sue for the ELAPS rule, and NMFS responded in January 2023.

The *Conservation Council of Hawai'i and Michael Nakachi v. NMFS* case was related to not completing BiOps in the Hawai'i DSL and ASLL fisheries. These BiOps were finalized in May 2023, leading to the voluntary dismissal of the case against NMFS in June 2023.

The Center for Biological Diversity filed a lawsuit against NMFS for not finalizing the coral critical habitat rules under the ESA that were proposed in November 2020. The lawsuit asks NMFS to comply with the ESA and publish the final rule. NOAA's response to this lawsuit is due July 5, 2023.

C. Enforcement

1. U.S. Coast Guard

McCollum provided the USCG report. Since March 2023, USCG responded to 448 cases consisting of search and rescue, law enforcement, marine environmental protection and response, and ports, waterways and coastal security missions. USCG conducted a subject matter expert exchange with boating safety and customs counterparts in CNMI in March to enhance maritime operations management. The exchange was based on standards used by the USCG small boat stations nationwide and focused on administrative topics such as unit organization manuals, standing orders, duties and watch schedules.

USCG Air Station Barbers Point supported the yearly Pacific Islands Forum Fisheries Agency (FFA) Operation Tui Moana from May 15-26, 2023. The crew flew more than 15,000 miles and reported 51 sightings during their patrol days. USCG also hosted the Samoa Maritime Police for air operations and participated in a conclusion ceremony with the Royal Australian Air Force and the Commissioner of Samoa Police and Prisons.

USCG responded to Typhoon Mawar in Guam, which had sustained winds of up to 150 miles per hour that caused significant damage to maritime infrastructure on the island was a pretty significant operation. USCG Forces Micronesia/Sector Guam personnel addressed vessel casualties and potential pollution in Apra Harbor, Hagatña Boat Basin and Agat Marina from the end of May through June and beyond if needed.

Gourley asked if the USCG has received any additional money or a new boat for enforcement since 2009 when the national marine monuments were been established.

McCollum said currently the answer is no, although USCG hopes to get more assets in the coming years.

Sword asked about the outcomes of the USCG's plane patrols and whether there were any apprehensions. He also asked what trips are planned for the USCG cutters at Sand Island.

McCollum said there were no apprehensions, but the USCG has not seen any indication of foreign fishing vessels incurring into the U.S. EEZ either with electronic means or with eyesight on the air patrols. Regarding the cutters, she said there are no planned trips anytime soon, as the ships are in dry dock and will not be ready until the second half of the next fiscal year.

Dueñas expressed his appreciation for the support and efforts of the USCG Auxiliary on Guam, particularly in relation to Safe Boating Week. He acknowledged the importance of safe boating practices and the role that volunteers from the community play in supporting these efforts. Despite challenges posed by the recent storm, he commended the dedication and commitment of the USCG Auxiliary on Guam.

2. NOAA Office of Law Enforcement

Martina Sagapolu provided the NOAA's Office of Law Enforcement (OLE) report. Total statistics for the last quarter were 262 opened incidents relating to complaints or different types of violations. There were a high number of protected species incidences such as marine mammal harassments, responses to the monk seals, and responses to spinner dolphins on the Big Island.

Sagapolu highlighted a case involved a sanctuary case in American Samoa, where an individual was uncooperative and obstructed the investigation. This case resulted in a monetary fine, which the individual paid and complied with. The second case related to a prohibited vessel closure. Sagapolu emphasized that enforcement efforts are not directed at local fishermen but rather at ensuring compliance with regulations and maintaining a heavily regulated and compliant fishing industry. Enforcement tried to target vessels that bring species of interest to the territories. Though OLE did not have any reports of any IUU related cases recently, there is IUU activity that occurs but OLE does not have enough eyes and ears out there.

Sagapolu addressed a comment about illegal fishing activities occurring in the U.S. EEZ around American Samoa. Efforts are being made to address this concern by increasing manpower and stationing a three-person duty station in the region. Additionally, an asset will be deployed to assist with patrols, particularly focusing on the sanctuary area around American Samoa.

Sagapolu discussed the challenge posed by search and rescue operations in the region when assets are assigned to the area. The nearest search and rescue post is in New Zealand, and this could potentially impact the effectiveness of patrols and enforcement efforts. Thus it is of importance to have collaboration among U.S. territories and federal partners such as the USCG and the OLE. Sagapolu also mentioned the significance of the Port State Measures Agreements, which allow for monitoring of foreign vessels arriving in ports. These agreements help ensure that vessels have operated lawfully before bringing their catch to port. She emphasized the need to track the fish's origin and destination, even after offloading, through paperwork and documentation.

A challenge related to foreign vessels is that they that try to avoid the Port of Pago Pago due to the high rate of inspection by OLE and the Joint Enforcement Agreement (JEA) partners. OLE's boarding statistics show a 90% inspection rate for foreign vessels arriving in port, particularly those suspected of engaging in IUU fishing activities. OLE cannot tackle IUU fishing alone with combined assets and need to continue funding our state and territorial partners such as DMWR. OLE will continue to address and tackle IUU fishing, not only in the territories, but throughout the Western and Central Pacific. OLE is preparing the 2023 JEAs; CNMI will be joining again this year, which will increase OLE's presence to five locations with five partners.

Sagapolu discussed the collaborative efforts between different agencies and partners, such as the Hawai'i Marine Animal Response, to monitor and patrol areas where monk seals and their pups frequent the beaches. These areas can attract tourists who want to capture photographs, sometimes even by engaging in behaviors that may disturb the wildlife. Enforcement officers play a role in educating and communicating to the public about responsible behavior around marine life. The aim is to gain compliance and prevent violations, so that citations and penalties can be avoided.

Dueñas expressed appreciation to OLE for providing Guam with a facility for JEA customs partner. On Guam, there are not enough boat docks to accommodate all the vessels.

Soliai said he looks forward to the facility for American Samoa made possible by partnership within the territories under the JEA agreements. Soliai asked about funds collected

from the various penalties within the region, who administers those funds and how those funds that distributed.

Sagapolu deferred the question, but noted that for the two cases that occurred in the waters in American Samoa, OLE is working on turning those funds around and returning them to the territory. There is a small administrative cost that is taken out, and there is a process in place to get the funds turned around as quickly as possible.

Soliai expressed concerns about the significant increase in foreign vessels coming to American Samoa in the past year. He expressed hope that the new JEA would provide additional funding and support to address this increase. He also mentioned that the new tuna landing license might attract more purse seiners to deliver to American Samoa, which would require collaboration and joint efforts between DMWR and NMFS. Soliai also acknowledged the efforts the supervisor and division head for the DMWR Enforcement Team, for his role in overseeing local enforcement efforts and collaborating with the JEA and OLE.

Sagapolu said OLE has been exploring emerging technologies to assist in surveying remote locations for enforcement purposes. As the proposal for an expanded sanctuary raises questions about enforcement methods, partnerships and collaboration are essential to effectively address these challenges.

3. NOAA Office of General Counsel Enforcement Section

Elizabeth O'Sullivan provided the NOAA Office of General Counsel Enforcement Section report. Update on enforcement cases in the past 90 days included the following: 1) MMPA approach of humpback whale case, in which a Notice of Violation Assessment (NOVA) was issued with a penalty of \$4,250 and the case settled; 2) F/V *Triple Dragon* case involving fishing in the Johnston Atoll area of the PRIA, which resulted in an initial penalty of \$17,000, and settled for \$15,000 within 30 days; 3) Captain J3 case in which the vessel was fishing without the WCPFC endorsement, and a \$5,750 NOVA was issued and the case settled for \$4,500; 4) F/V *Queen Diamond* case in which the operator was charged under the MSA for failing to maintain safe conditions for the protection of an observer, and a \$5,750 NOVA was issued; and 5) F/V *Fetuolemoana* case in which the owner and operator were charged with violating the MSA by fishing for tuna inside the prohibited area within the EEZ around American Samoa, and a \$5,700 NOVA was issued and the case settled for \$5,175 within 30 days. The settlements within 30 days come with a 10% discount as an incentive for early resolution. The administrative costs of enforcement would be subtracted, and the remaining amount would be deposited with American Samoa.

Soliai asked if F/V *Fetuolemoana* was not one of the fishing vessels that were grandfathered into fishing within prohibited area.

O'Sullivan said that is correct.

Peck asked how F/V *Triple Dragon* was caught fishing within the Pacific Remote Islands Marine National Monument (PRIMNM) around Johnston Atoll.

O'Sullivan said the Office of General Counsel Enforcement Section saw an uptick of vessels fishing inside the monument through the vessel monitoring system (VMS). OLE tracks

all of the vessels by VMS in near real time. When a vessel enters monument boundaries, there is an alert and OLE will follow up.

D. U.S. State Department

Brinkman presented the U.S. State Department report. The negotiations on the Biodiversity Beyond National Jurisdiction (BBNJ) concluded in March 2023 at the United Nations (UN). The agreement is designed as an implementing agreement under the UN Convention on the Law of the Sea and covers four main topics: area-based management tools including marine protected areas (MPAs); marine genetic resources including the sharing of benefits; environmental impact assessments; and capacity-building and the transfer of marine technology. The text of the agreement was formally adopted in all six official UN languages June 19, 2023. The BBNJ agreement only includes the high seas and has no jurisdiction over areas under national jurisdiction. The U.S. State Department managed to enshrine the concept that the conference parties for BBNJ may consider and decide as appropriate to develop mechanisms to recognize area-based management tools, including MPAs adopted by other instruments, frameworks and bodies, but it will not be able to make those bodies adopt such things. BBNJ shall respect the competencies of, and not undermine the existing relevant legal instruments and frameworks that include regional fishery management organizations and other regional bodies.

Regarding the South Pacific Tuna Treaty, the U.S. State Department is working on securing legal authority to sign the recently concluded new Economic Assistance Agreement to replace the one that expires in 2023. The new agreement, agreed in draft form in April, will span another 10-year period but include an increase to \$60 million per year. Talks on amendments to Annex II of the Treaty regarding terms for 2024 and beyond are ongoing, with drafting group sessions occurring throughout June 2023 and another negotiating session planned for mid-July.

Sword asked if a satellite is used when a vessel is apprehended with VMS data. He also asked how deeply the foreign vessels are scrutinized for any incursions that may or may not have occurred in the U.S. EEZ in those areas in terms of the WCPFC and IATTC.

McCollum said USCG has visibility on foreign vessels that are incurring into the EEZ or just transiting, and their movements are analyzed to see whether it is fishing or transiting activity. The USCG has not seen any foreign incursions in the recent year or two and even before such incursions were limited. That is not to say these incursions are not happening as some vessels may not be emitting a signal, but the USCG does have a robust system to track any kind of signature.

Sword asked if there is a way determine what percentage of VMS on foreign vessels are not working at any time.

McCollum said there is not a way to tell exactly how many there are, but said she can follow up with the WCPFC and IATTC.

Sagapolu said there is monitoring for VMS, and fishing vessels leave specific signatures that indicate potential fishing activities. When such signatures are detected, there is communication between the USCG and OLE and a decision is made to monitor the vessel closely. If the vessel exhibits behaviors like turning the VMS on and off, it triggers further action, including sending an asset to monitor the situation. Some vessels emit "ghost positions,"

which are signals that can be misleading in terms of indicating the type of vessel or its activities. Certain technologies also may not provide comprehensive information about the vessel's type or activities. However, for vessels required to have VMS, alarms are triggered if they shut off their VMS, prompting a response from the enforcement team to investigate the situation.

Brinkman said oversight of foreign vessels with VMS functionality involves various efforts, including high seas boarding and inspection activities conducted by the USCG in collaboration with regional fisheries management organizations in the Pacific. While it is not feasible to board every vessel due to the vast scope of fishing in the Pacific, these efforts aim to create disincentives for vessels operating without functioning VMS. Non-compliance can result in actions such as being added to the IUU vessel list. However, comprehensive monitoring across the entire Pacific remains challenging.

Dueñas said he is concerned about the foreign fishing effort around the PRIA and the disparity between community-based fleets and industrialized foreign fishing vessels. There is a lack of clear rules and enforcement mechanisms to protect these areas, particularly in terms of the extensive 60-mile main fishing line used by longline vessels. The lines may reach in the PRIA while the fishing vessel stays outside and there is no real case of enforcement. The current approach appears to prioritize the interests of other nations over those of the U.S. territories. Dueñas said he is disappointed regarding the U.S. sanctuary and monument programs, particularly in the Mariana Archipelago. Guam was initially part of these programs, and the Marianas Trench Marine National Monument (MTMNM) was a key focus of these efforts. However, the U.S. State Department's decision to give control of this area to the Federated States of Micronesia (FSM) government has resulted in the loss of this valuable resource for the Mariana Archipelago and reduced the U.S. EEZ around Guam by 1,200 square miles. This increased the presence of foreign industrialized fishing boats closer to Guam's waters, which have negative implications for the region.

E. U.S. Fish and Wildlife Service

Peck reported USFWS is hiring an MTMNM superintendent based in Saipan, but that has been postponed due to the typhoon recovery needs. Regarding the Marianas Trench Monument Advisory Council (MTMAC) nominees, five primaries and five alternate are in the process of background investigation prior to their appointments. The MTMNM Management Plan is pending its finalization once the MTMAC is convened. The agencies are operating under the draft management plan. A couple of permits were issued for scientific activities, and one permit to Japan's Fishery Agency was denied.

Peck also reported on the USFWS' podcast, a project to test crown-of-thorns starfish control methods to control an outbreak at Palmyra Atoll, typhoon impacts assessment to boating facilities in Guam and the CNMI, and a presentation made to the Council's Hawai'i Advisory Panel (AP) on climate projections and changes from La Niña to El Niño.

Igisomar asked if there is a timeline for when the MTMAC appointments will be completed.

Peck said he did not have a timeframe.

Guthertz asked why the Japanese group was turned down for research effort.

Peck said the request came from Japan's Fishery Agency's Institute of Cetacean Research, which wanted to assess the abundance of large whale species. He was not sure what the rationale was for the denial, but they will be conducting that research outside of the U.S. EEZ.

Dueñas raised concerns about the delays in developing the MTMNM Management Plan, which has been in existence for approximately 10 years, noting that such a delay would not be tolerated for fishery management. He emphasized the importance of recognizing the availability of resources for local communities, such as Carolinians and Chamorros, who rely on fishing for their villages and calls for a more expedited process. He also questions the involvement of exterior forces in the decision-making process and the representation of local interests. He noted the need for transparency in the development of the management plan and urged proper representation of Guam and its concerns in this process. His comments highlight the importance of involving local communities and ensuring that their voices and interests are considered in the decision-making surrounding the monument's management.

F. Public Comment

Maselino Ioane expressed his support for the president's sanctuary in the Pacific and discussed the negative impacts he perceives from purse seine fishing in the region. He stated that before the introduction of purse seiners in the 1980s, there was an abundance of fish in the waters, but their presence has led to a decline in fish populations. He mentioned a recent international fishing tournament in Samoa where 25 boats, including five from American Samoa, did not catch any skipjack tuna. He criticized purse seiners for their fishing practices, including the use of traps to attract and catch fish, which he believes negatively impacts marine life and the environment. Ioane expressed strong dislike for purse seiners and urged the Council to implement rules and regulations to address their impacts, similar to the rules imposed on small boats. He said there is a need to temporarily stop the purse seine fishing in the Pacific for five years. The purse seiners can fish anywhere but need to bring their fish to the cannery as its good for the economy in American Samoa.

Dueñas, speaking as the president of GFCA, shared his concerns and frustrations about the challenges faced by local fishermen in Guam. He emphasized that fishing is a 4,000-year-old tradition and an integral part of their way of life. He highlighted that Guam imports 98% of its fish, and overregulation has had a negative impact on local fishermen's ability to provide for their community. Dueñas described the devastating impact of a recent typhoon on Guam's fishing community, resulting in the loss of vessels and infrastructure. He expressed his concern about the challenges faced by older fishermen and the impact of COVID-19 restrictions on fishing activities. He requested assistance and insight on how to rebuild their fishing community and overcome the regulatory challenges they face. Dueñas also touched on the perception that Pacific Islands are heavily regulated despite their larger size compared to other regions. He urged for a more balanced and practical approach that takes into consideration the needs and traditions of the Pacific Island communities.

G. Council Discussion and Action

There were no recommendations.

VIII. American Samoa Archipelago

A. Motu Lipoti

Sword provided an update on the fishing community in American Samoa. He reported on the recent American Samoa Flag Day celebrations held April 17, 2023, commemorating the 123 years of territory with the United States. The flag racing tournament saw active participation from various segments of the fishing community, including longline and recreational fishermen. A significant part of the Flag Day festivities highlighted was the fautasi race, a traditional longboat race.

Regarding the fishing activities during the tournament, an 80-pound yellowfin and a 435-pound blue marlin were some of the highlights of the derby. Sword noted that catching such large fish was unusual for this time of year and speculated on possible reasons, such as climate change.

The PRI sanctuary public hearing held May 24, 2023, was well attended, with some individuals protesting outside with placards expressing concerns about fishing restrictions in the region. Lieutenant Governor Talauega and Soliai, expressed their views on the matter. Fa'afoi Palepua, a high ranking Samoan manager at the StarKist cannery expressed concerns and that fishing should be allowed in the sanctuaries.

Significant efforts by the shipyard team were made into meeting Environmental Protection Agency requirements and enhancing the shipyard's infrastructure to accommodate bigger purse seine vessels. Sword extended his condolences for a recent mishap and fatality at the shipyard. He also noted that the shipyard would be major DOD asset in this region of the world if there is anything happening with China down the line.

Regarding the Super Alia construction, a draft plan training program was expected to be received soon, aimed at training fishermen and repair personnel to address maintenance needs in the fishing community.

The I'a Lapo'a (fishing tournament) was postponed until early 2024. The Buds and Suds tournament is set to take place during Thanksgiving week, with significant budget allocations for prizes.

Rice asked about the biggest marlin caught in Pago Pago.

Sword mentioned details of the recent 400-pound and 435-pound marlins caught.

B. Department of Marine and Wildlife Resources Report

Soliai provided a brief update on the activities at the StarKist cannery. During the COVID-19 pandemic, production was down to 30% to 40%, and the supply was impacted due to closed borders and reduced shipping. However, the production volume has gradually increased post-pandemic. The cannery workforce is around 2,400 employees, and the food supply and raw materials continue to be a challenge.

Ochavillo presented the DMWR report. The shore-based creel survey showed top species caught by fishermen was parrotfish, soldier fish, and surgeonfish. There are concerns about the vulnerability of subsistence fisheries to climate change due to rising sea levels and intense wave

energy. The boat-based fishery data across the territories show the small scale of fishing activity in American Samoa compared to other regions like Guam and Hawai‘i. In the past quarter, pelagic catch estimates from the boat-based creel survey were almost 6,000 pounds, of which skipjack tuna accounted for 2,000 pounds. Vendor data on pelagic fish sold shows about 36,000 pounds between October 2022 and March 2023, most of which are species caught as non-target fish in the longline fishery. These data indicate that a large percentage of fish consumption from local markets is the non-target catch from longline vessels. In the past six months, only three alia boats fished for bottomfish, of which only one is a commercial boat, and caught only about 1,300 pounds. About half of those catch are BMUS. Approximately 3,500 pounds of near-shore coral reef species were caught in the past six months, of which approximately 800 pounds were sold in the market.

Regarding the FAD program, the location and status of the five FADs deployed around Tutuila were reported, along with satellite buoy data showing the FADs are effective in attracting fish. Two types of FADs are utilized in the program, the catamaran and Indian Ocean design.

Regarding the Community-Based Fisheries Management Program, staff worked with villages to develop fisheries management plans. One of the regulations that the villages wanted to implement was to close their reefs to fishing. Reef surveys were conducted to assess coral health and they noticed incidents of coral disease, prompting further investigations.

Partnerships with NOAA are ongoing to address issues related to sedimentation and erosion impacting reefs, and to explore nature-based solutions to improve water quality. DMWR is looking to secure funding for design and implementation for these projects. A fish kill incident and ongoing efforts in the American Samoa Sea Turtle Program were also presented.

Soliai added that federal funding, such as the IRA and BIL, have been crucial in supporting various projects, including the development of a LiDAR (Light Detection and Ranging) for the territory and watershed assessments for outer villages.

Coit asked what nature-based solutions DMWR would employ to reduce sedimentation.

Ochavillo responded that there is hope to develop nature-based solutions using information gained from a recent assessment of watersheds, and they hope to apply for funding for design and implementation.

Sword added that the Aua basin can be used a filter and there was one at a quarry in Faga’alu that was similar. It could be thought of and engineered to get them done properly.

Rice asked whether the black marlin catch data in Ochavillo’s report was correct.

Ochavillo said the report showed non-target fish caught by longline vessels, and it was likely blue marlin.

Dueñas asked for an explanation of the decline in skipjack harvests.

Ochavillo explained that the data has not been analyzed thoroughly.

Sword said that recent catches had been impacted by an influx of sharks.

C. National Marine Sanctuary of American Samoa Report

Lelei Atuatasi Peau, Superintendent for the National Marine Sanctuary of American Samoa (NMSAS), provided a report on activities since 2019. Peau presented a map of the NMSAS, describing it as a large and diverse sanctuary encompassing coral reef, open ocean, and deep-sea ecosystems.

NMSAS completed its first condition report since expanding from 0.25 square miles to 13,581 square miles. It was a challenge due to the pandemic and travel restrictions but managed to develop virtual workshop formats. The process involved more than 100 experts from all over the globe who received and evaluated the data to assess the status of our resources and ecosystem. The report indicated good conditions overall, but also noted the measurable effects of climate change and certain impacts on coral reef habitat and fish species.

NMSAS also has ongoing efforts in coral reef monitoring and research, partnerships with other researchers, and plans to designate the sanctuary as a sentinel site for ocean acidification. NMSAS also plays a role in protecting the region from stony coral tissue loss disease, and has hosted workshops to build local capacity to respond to marine diseases. Education and outreach are essential aspects of the program, and some of the initiatives and collaborations in this regard were noted.

Dueñas expressed his support for the sanctuary program because of his understanding that Fagatele Bay was rehabilitated through it, and asked if there are any fishing regulations in Aunu'u. He asked if there's a way to bypass the process of introducing rules and regulations in order creating fishing opportunities, if such a method exist. He also asked if the species in Rose Atoll have been assessed considering that the species depletion may be caused by predatory species.

Peau said the Samoan Culture and people are paramount to the work they do. NMSAS is in close consultation with the ASG through the Office of Samoan Affairs to make sure that all activities are relevant to the Samoan way of life. There are guidelines for sustainable fishing methods but no fishing regulations at the moment, and NMSAS is working with DMWR on what is regulated. He says that there is room for improvement for data collection and they continue to monitor the reef fish.

Simonds shared her recent visit to Aunu'u and discussed ongoing projects and engagements with the community as well as other unfulfilled promises. She mentioned communicating with the governor about the community's needs and the concerns of the villagers in regard to enforcement vessels, sea walls, and the island ice machine.

Soliai congratulated the NMSAS on the condition report. He said DMWR is eager to work together with NMSAS to come up with regulations to allow fishing, especially for the local people in Aunu'u.

Gourley asked about the sanctuary's monitoring budget and tangible benefits for the American Samoa community.

Peau acknowledged the challenge of limited funding in the past and the lack of capacity. The recent addition of Max Sadowski and Val Brown are key factors that will enable them to

monitor the conditions of those key habitats that are listed in the condition report. He also stressed the importance of community engagement and involvement in the sanctuary's initiatives.

D. 2022 American Samoa Fishery Ecosystem Plan Annual Stock Assessment and Fishery Evaluation Report

Thomas Remington, Council contractor, presented the American Samoa Fishery Ecosystem Plan (FEP) Annual Stock Assessment and Fishery Evaluation (SAFE) Report and the American Samoa sections of the Pelagic FEP Annual SAFE Report. The report is a collaborative effort by PIFSC, PIRO, Council and local resource management agencies. The presentation highlighted various aspects of fisheries in 2022, including fishery performance, protected species interactions, oceanic and climate indicators, and fisher observations.

The total estimated catch for American Samoa BMUS was low in 2022, with shore-based landings contributing significant to the catch. Commercial data for BMUS was non-disclosed for the second straight year due to fewer than three vendors reporting. There was a decline in trips in 2022 by 90% from their historical average and gear hours declined even more to approximately 94% to 95%. A table showed the two different metrics and noted that despite the low catch in the last few years there is a slight increase in the catch per unit effort (CPUE) for the bottomfish fishery.

Regarding pelagic effort and participation for American Samoa, the number of active longline vessels decreased by one, while the number of trolling vessels increased slightly. Longline sets and troll trips also saw decreases from the previous year. Albacore tuna catch showed an uptick in 2022, reaching above 14 fish per thousand hooks, which was considered the breakeven point for the longline fishery. Despite a good longline fishing year for albacore, the troll catch from the creel center surveys only indicated approximately 4,000 pounds of catch from all trolling fisheries. These data indicate that the creel survey needs to be revisited, and the Pelagic Plan Team (PPT) will be looking at the design of the creel surveys. The Pelagic FEP Annual SAFE report also reported longline bycatch in accordance with Standardized Bycatch Reporting Methodology, with the logbooks that are self-reported by the captains and expanded observer program data.

Fisher observations provided additional context for fishery data and validated the findings. Data and information were gathered from fishermen who participated in various summits and advisory panel meetings, aiming to aid scientists in better understanding the multiple impacts influencing the fisheries. In a summit held in mid-February 2023, attendees noted that there was a slow rollout of COVID-19 relief funds that were supposed to help the fishermen in the wake of the pandemic. There was a need to improve infrastructure such as aging boat ramps and FADs. Some observations from Manu'a said the increased occurrences of earthquakes may have pushed the deep water fish and sharks to the shallows. The fishermen reported prevalence of moderate sized bottomfish rather than the larger sizes and a strong presence of masimasi in August and September 2022. The fishermen note that shark depredation continues to plague bottomfish and pelagic fishing. There is a lack of bottomfish available in the markets and much of it is imported from the neighboring Samoa. This information linked observations with the commercial receipt book data, in that there were not enough vendors selling bottomfish.

Socioeconomic data, such as fish price, revenue, and trip costs, were also presented. The increase in fuel prices had a significant impact on fishing activities, leading to shorter and more intentional fishing trips. Revenue and cost data for the American Samoa bottomfish fishery show that costs were going down despite the increase in fuel prices, which was due to the decrease in fuel usage from fishermen taking shorter trips. Pelagic fisheries had a slight increase in revenue that was driven by the good fishing year for albacore. In addition, there was a decrease in albacore fish price since 2020 due to the end of the practice of providing an extra \$200 per metric ton for Marine Stewardship Council certifications.

Regarding protected species interactions in the ASLL fishery, observer coverage was still low in 2022 following the pandemic, and there were very few observed interactions. Various oceanic and climate indicators were presented, including atmospheric carbon dioxide levels, oceanic pH, El Niño Southern Oscillation and sea surface temperatures. Some indicators showed increasing trends, and the report emphasized the importance of monitoring these factors in relation to fisheries.

In response to Dueñas' earlier inquiry about skipjack tuna in American Samoa, Remington also said skipjack catch was estimated to be approximately 88,000 pounds in 2022, which is about half of the 10-year average of approximately 172,000 pounds.

Dueñas asked for clarification on whether the effort remained the same over the years of skipjack catch decline. He also asked about the domestic catch, and wondered if Ochavillo's catch numbers were reflective of the low catches mentioned by a gentleman that Dueñas had previously spoken to.

Remington said Ochavillo was presenting partial 2023 data, while his presentation was a full 2022 summary. The longline fishery operates only in the EEZ around American Samoa and he confirmed that there has been declining effort for the longline fishery and the troll fishery in American Samoa over the past decade.

Soliai asked if the PPT was able to do an assessment on the unavailability of U.S. masters and engineers that impact the longline fisheries. Due to regulations, there is a lack of U.S. masters and engineers to support the local longline industry resulting in an economic impact to that sector. He suggested that in the next assessment, this impact should be considered. Soliai said the boats do not go fishing if they cannot get a U.S. master, and there have been efforts to waive these conditions but USCG has indicted that a waiver would require an act of Congress.

Remington acknowledged Soliai's suggestions and said he will bring it up at the upcoming Plan Team meeting.

Coit asked about the slide displaying observations from the fishing community and wanted clarification on which issues are within the purview or control of the Council. She expressed concern about the downward trajectory seen in some of the data.

Soliai said one of the observations from fishermen was the slow rollout of COVID-19 funding, specifically referring to the Coronavirus Aid, Relief and Economic Security (CARES) Act. American Samoa has not received the second tranche of funding yet, while other jurisdictions like Alaska and Hawai'i have already received theirs. This delay in funding is

impacting the longline industry, which requires financial support for maintaining their boats and operations. Soliai suggested that there might be a recommendation for assistance on this matter.

Sword acknowledged the slow materialization of the CARES Act and he can attest to the challenges faced at the railway due to retrofitting.

Dueñas also acknowledged the delays in funding. Dueñas asked for clarification on whether the generated reports include footnotes explaining the reasons behind the decline in numbers. Potential factors such as the number of efforts or vessels participating and the availability of vessel operators should be included and it was important to provide a better understanding of the fishing environment's reality.

Remington said the authors try to add as much context as possible to the report. They have been encouraging and working with local resource management agencies to provide relevant context for the data. The goal is to avoid presenting mere numbers without any explanation and ensure that the report includes valuable information and reasons behind trends and changes. They are actively seeking new ways to integrate this context into the reports.

E. 2022 Pelagic Annual Stock Assessment and Fishery Evaluation Report – American Samoa Module

This item was covered in the previous agenda item.

F. American Samoa Bottomfish

1. American Samoa Bottomfish Stock Assessment Western Pacific Stock Assessment Review Report

Erik Franklin presented on the Western Pacific Stock Assessment Review (WPSAR) Panel Summary Report for the 2023 American Samoa bottomfish stock assessment. The panel, identified by the Center of Independent Experts, provided responses to the Term of Reference (TOR).

Regarding TOR number 1, the WPSAR panel confirmed that the data considered for inclusion in the assessment was appropriately justified and well-documented, meeting the requirements of this term of reference. However, the 1988 to 2015 CPUE time series was excluded from the base models. During the WPSAR, sensitivity analyses were conducted, and it was found that excluding this time series did not significantly impact the model results.

Regarding TOR number 2, the WPSAR panel concluded that the CPUE standardization methodology was properly applied and appropriate for all assessments based on the available data. The CPUE indices and base models were generally characterized as short and flat with high coefficient of variation. This was attributed to the limited time series, covering only the years 2016 to 2021. Consequently, the assessments relied more on the length composition data time series. The panel found that the assessment models used, specifically SS3, which is an integrated statistical catch-at-age modeling framework, were reliable, properly applied, adequate, and appropriate for all species in the fishery based on the available data. Stock Synthesis is a standard approach commonly used in stock assessments.

Regarding TOR number 4, the panel found that the decision points and input parameters were reasonably chosen. It was necessary to document the rationale and bridging analyses to justify the shift from a species complex surplus production model in 2019 to the set of single species models since. In the draft version of the assessment they reviewed, this documentation was insufficient. The panel provided suggestions, and the final version of the assessment document included improvements in this aspect. Most life history parameters used in the assessment were not from local studies and many of them were fixed input parameter values, which led to an underestimation of the uncertainty in the assessment results. These concerns were adequately explored in sensitivity analyses. One of the recommendations from the panel was to push for more local life history studies to improve the accuracy and robustness of the assessment.

Regarding TOR number 5, the panel confirmed that the primary sources of uncertainty were documented and presented in the assessment. The assessments included base models as well as multiple sensitivity runs with detailed diagnostic outputs, which helped in exploring uncertainties. The use of non-local and estimated life history parameters required a more systematic evaluation. These concerns were adequately explored in the sensitivity analyses that the panel had requested during their review. He recommended that there should be a more comprehensive examination of recruitment variability and time variation, as well as selectivity, to further understand and address uncertainties.

Regarding TOR number 6, the panel confirmed that the model assumptions were reasonably satisfied. The panel had concerns about the life history parameters assumed to be known and had questions about the adequacy of assuming flat top selectivity. The length data used for the assessment might not accurately represent the actual lengths of the fish. After conducting sensitivity analyses and considering the panel's review, it was determined that these concerns did not significantly harm the management results. The sensitivity results showed that these assumptions led to lower probabilities of the stock being overfished or experiencing overfishing, which provided some reassurance for management purposes.

Regarding TOR number 7, the panel confirmed that the final results were scientifically sound, including the estimated stock status in relation to the criteria for overfishing and overfished status determination. The panel recommended incorporating the extra sensitivity tests carried out during the review into the assessment, which would provide better insights to managers regarding the uncertainty within the results. The panel also recommended approaching the results for *Lutjanus kasmira* (savane) cautiously due to the absence of local life history data. The assessment depended on lifespan estimations from a different Pacific region, which introduced uncertainty regarding the accuracy of the findings for that specific species.

In regards TOR number 8, the panel confirmed that the methods used to project future population state were adequate, and the characterization of uncertainty was appropriately applied for the implementation of overfishing limits. There was a possibility that the projections might have underestimated uncertainty. This was linked to the absence of process error uncertainty and comprehensive catch histories, along with the assumptions about life history parameters discussed earlier in the presentation. These elements collectively imposed potential constraints on effectively grasping and measuring the uncertainty within the projections.

Regarding TOR number 9, the panel confirmed that the choice of indicator species to evaluate more poorly known species within the stock complex was appropriate. The stock assessment team presented nine assessments for the 11 species in the BMUS complex, with two species being of unknown status. The panel suggested using *Etelis coruscans* and *Etelis carbunculus* as indicators for *Pristipomoides filamentosus*. These indicator species were chosen based on the results obtained during the assessment. The panel recommended that the criteria used for the selection of these indicator species be added to the assessment reports for future reference and to ensure generalization for future work.

Regarding number 10, the panel confirmed that the results obtained from the assessment models can be used to address the management goals stated in the relevant FEP or other documents provided to the review panel. They did not find any results from the models that should not be applied for management purposes, nor did the panel respond "no" to any parts of questions one through nine. As per the alternative options listed in the TOR, none of them were necessary, and the results from the assessment models were deemed appropriate for informing the setting of stock status and fishery catch limits. The panel did not recommend using a previous assessment, an indicator species, or designating stock status as unknown as alternative options for management purposes.

The panel confirmed that the results can be used for management purposes. The current fishing effort for all assessments is relatively low, and the main concern is whether the assessment accurately reflects the overfished status and biomass levels. There were concerns about the accuracy of life history parameters for *Lutjanus kasmira*, which may imply that the stock can be fished without limit due to its very high reproductive potential. This needs further investigation and consideration in management decisions. The stock status and fishery catch limits of the indicator species should be used for the two species that currently have an unknown status. These indicator species can help in making informed management decisions for those species.

Regarding TOR number 11, which involves providing recommendations for future improvements and research priorities, the panel did not explicitly prioritize the recommendations but emphasized that anything marked for the short term should be addressed immediately for this assessment. The panel's recommendations comprises short-term, midterm (next assessment), and long-term (five to 10 years) considerations.

In the short term, the following recommendations were made for this assessment : (1) include a text section on model runs and analyses to bridge prior and current assessment data, with figures generated during the WPSAR panel, (2) conduct a stock assessment run for *Lutjanus kasmira* using historical catch series and run an alternate assessment with low CPUE on the catch, (3) incorporate life history sensitivity runs and analysis into the assessment, (4) add a section on indicator species, providing standardized criteria and justification for their selection, and (5) consolidate all biological reference points for each species into a single summary table in the report. These recommendations aim to address specific areas of improvement and research priorities identified during the assessment review.

In the midterm (next assessment), the panel recommended the following: (1) perform local life history studies for BMUS species and prioritizing the use of those parameters in base case assessments, with a focus on savane, (2) ensure standardized creel surveys to obtain reliable

and representative catch, CPUE, and length composition data, (3) revisit the incorporation of a longer CPUE time series (1988 to 2015) in base models was suggested, (4) incorporate additional sensitivity runs related to L-infinity, natural mortality, and selectivity as a standard part of model evaluation, (5) consider a full Bayesian stock assessment approach to explicitly incorporate uncertainty of data inputs into the models, as this may better manage sources of uncertainty, and (6) perform sensitivity runs for low and high catch history scenarios were recommended to assess the fishery's status under different catch history scenarios, providing valuable insights for management decisions. These recommendations aim to improve future assessments, enhancing accuracy and addressing research priorities.

In the long term (five to 10 years), it is recommended: (1) to continue performing local life history studies for BMUS species and prioritize utilizing those parameters for base case assessments, understanding the time-consuming nature of these studies, and (2) to conduct a fishery-independent survey to estimate BMUS density, abundance, biomass, and length composition to address biases, uncertainty, and assumptions in fishery-dependent data, recognizing the logistical and financial challenges associated with such an endeavor. These long-term recommendations aim to enhance the accuracy and reliability of future stock assessments.

Franklin extended the panel's appreciation to DMWR, PIFSC, PIRO, the Council, and the Tradewinds Hotel staff for hosting them outside of Honolulu, making it the first successful WPSAR conducted in the territories.

Dueñas expresses excitement and support for WPSAR and the program analysis. He raised concerns about the accuracy and credibility of the creel survey in determining catch numbers, and suggested an evaluation of the expansion model used. He called for a more prompt reporting of data sets and transparency in data collection. There is a significant discrepancy between creel and commercial landing numbers, indicating potential issues with data interpretation. He says it is important to understand the impact of the fishery on the ecosystem. Dueñas asked more transparency in data reporting, such as quarterly reports available to the public and hopes for funding to support American Samoa's participation in the program.

2. 2023 Benchmark American Samoa Bottomfish Stock Assessment

Mark Nadon, PIFSC Stock Assessment Program, presented the 2023 benchmark stock assessment for American Samoa bottomfish. The stock assessment was co-authored with Megumi Oshima, Erin Bohaboy, and Felipe Carvalho. The stock assessment process began in 2020, starting with an evaluation of the data available for American Samoa for bottom fishing. This report was presented at data workshops held in Tutuila and Manu'a islands with the local fishermen and local agencies. In 2022, Nadon and his team put together the analyses for the assessment and the assessment was peer reviewed in February 2023. The American Samoa FEP defines 11 BMUS, including six deep snappers, two near-shore snappers, one jack, one emperor, and one grouper. Nine of the 11 BMUS were assessed, and two species that could not be assessed due to their rarity and lack of data were assessed using indicator species.

A historical overview of the bottomfish fishery in American Samoa was presented. Before the 1960s, most fishing activities were concentrated in the shallow reef flat area between the outer fringing reef and the shoreline. In the 1960s, a government program utilized the R/V *Tautai A'e* to explore the bottomfish fishery around American Samoa. Subsequently, in the

1970s, efforts were made to establish a bottomfish fishery using Dory boats. However, the activity of the Dory fleet declined after 1975, as it was deemed unsuitable for American Samoa's waters. In the 1980s, the Alia Program introduced aluminum catamarans from Samoa, leading to the launch of the deep-water bottom fishery. The number of active vessels surged to 50 in 1985 and has since stabilized with 10 to 20 active boats participating in the fishery.

The 2019 assessment evaluated the BMUS as a complex and revealed that the stock was overfished. The assessment indicated that the ongoing fishing rate was too high, resulting in overfishing. Part of the reason for the model results were the two data sets used in the 2019 assessment. These data sets showed a continuous decline in catch rate from 1986 to 2017, while catch remained at a consistent 20,000 pounds of bottomfish annually. The population model concluded that the catch was unsustainable, and the population was not recovering.

Following the 2019 assessment, independent reviewers, NMFS scientists, local fishermen, and scientists issued immediate recommendations. These included splitting the BMUS into smaller components based on depth or individual species, integrating additional data sources such as length observations from creel surveys and fish biology information, and thoroughly exploring all available data, including historical catch records. To address these recommendations, two reports were produced. One report fully evaluated the available bottomfish assessment data in American Samoa, while the other extensively explored the expansion algorithm. Both reports underwent review, including assessment by an independent expert to ensure their accuracy and reliability. These reports were presented at various workshops held in January and February 2022, and feedback received from the fishermen was included in the report. The stock assessment team ran new analyses based on the data report on these workshops and recommendations from the independent reviewers.

The stock assessment team managed to recover catch data going back to the beginning of the fishery in 1967 utilizing reports from old government programs that included the Dory Program and Alia Program. They also used data from a bio sampling program that ran from 2010 to 2015 as well as local and non-local life history studies. Regarding data on fish biology, growth rate, maturity and longevity, there was only one local broker for palu-sina. Information for all other species were based on data from New Caledonia, Hawai'i and Guam, or used general analyses to fill in the gaps.

The results of the 2023 assessments show that all nine species were above the threshold for an overfished determination, so there was no overfished status among these species. The species closest to the overfished status was the palu-loa (onaga) and asoama (uku).

Key difference between the 2019 and 2023 assessments were highlighted. One of the factors is the use of the age structured integrated population model in the new assessment compared to the surplus production model in the previous assessment. The BMUS complex was split into individual species, and the focus was shifted to length and life history data. The evaluated period was extended to include twenty additional years of historical catches, while also narrowing down the CPUE time series to the more dependable 2016-2021 timeframe, and incorporated recent data. The decline in catch rates mainly affects near-shore inshore species, particularly savane, and this decline drove the 2019 assessment trend down. However, when considering length data in addition to catch rate, it proves the declining catch rates primarily pertain to larger individuals, indicating that a significant portion of the spawning biomass

remains untouched by the fishery due to gear selectivity, and the size data contradicts the notion of a declining population despite decreasing catch rates, potentially indicating changes in fishing targeting that cannot be fully accounted for in the CPUE standardization work.

The historical spawning stock biomass time series by species from 1967 to 2021 show that the start of the Dory Program in 1970 caused an initial dip in spawning biomass. This was followed by the Alia Program's implementation in the 1980s that led to another dip, particularly affecting deeper snapper species. Despite these declines, the fishery stabilizes with 10 to 20 Alia vessels, allowing populations to recover beyond the overfishing limit. Some species briefly dipped into overfished status in the 1980s and 1990s before rebounding, while certain species like asoama and onaga remain closer to the overfished limit.

The next steps following the stock assessment includes the Council making recommendations for new ACL to NMFS in September 2023. In December 2023, final action will be taken to establish a new ACL based on the assessment findings. Nadon recognized the different partners involved including Soliai and his DMWR staff, creel survey interviewers and local fishermen.

Sword said there were a series of hurricanes and likely higher ocean temperatures from 1989 to 1993, which caused migration of fish to deeper waters and contributed to low catches.

Dueñas said the interest in enhancing data collection would help boost the model's credibility. He noted concerns about changes in fishing patterns, such as the decline of ta'ape in Hawai'i and its catch timing on Guam. Dueñas shared insights from his experience as a bottom fisherman, highlighting differences between past and current fishing practices. He recommended closer scrutiny of data and evaluations due to various conditions and limitations in the current approach. Dueñas acknowledged efforts to improve the model but expressed frustration about the burden placed on fishermen for data collection. He stressed the importance of transparency, community input, and accurate information for a sustainable future. Dueñas also recognizes potential issues with data collection rather than the model itself and thanked those involved for their efforts.

3. American Samoa Fishery Ecosystem Plan Bottomfish Management Unit Species Revision Amendment

Joshua DeMello, Council staff, presented on an initial action to revise the American Samoa BMUS list. The initial intention was to revise the BMUS list for all territories, but due to ongoing stock assessments, the focus was shifted to revise the American Samoa's BMUS first.

The revision is needed to accurately represent the species present in the fishery. The original BMUS included 60 species, which was reduced to 17 when transitioning to the FEP in 2009. Eventually, the list was further narrowed down to 11 species based on coordination with DMWR and Council staff analysis.

Two alternatives were presented for Council consideration. In the first alternative, the fishery would continue to operate as it has been, with management remaining focused on the 11 species currently listed. Stock assessments, ACLs and accountability measures (AMs) would be maintained for these species.

The second alternative would be to revise the BMUS list, which would involve reclassifying five current BMUS species as ecosystem component species (ECS) and reclassifying seven non-BMUS as BMUS. The Council previously recommended the proposed reclassification to meet the factors in the NS 1 guidelines. Revising the BMUS list would involve adding required MSA components for the new species, including status determination criteria (SDC), essential fish habitat (EFH), ACLs, bycatch provisions, and consideration of communities. These components are being developed through plan team working groups. The revision is inherently administrative in nature, and is not expected to change fishery participation.

DeMello reviewed the anticipated impacts of the two alternatives, noting that the first alternative would have a slight negative to no impact on target and non-target species, and the second alternative would have a slight positive impact. The Council's current action was to determine whether to revise the BMUS or maintain the current list, taking into account the potential impacts and implications of each alternative.

Malloy asked about the relationship between BMUS and the other actions related to American Samoa bottomfish. She mentioned the new stock assessment for current BMUS species and the rebuilding plan. She was concerned about specifying a new BMUS without a stock assessment. She asked for clarification on the proposed order of addressing these matters.

DeMello said the new actions should occur about a year after the completion the new ACLs based on the 2023 stock assessment and dealing with the existing rebuilding plan.

Malloy asked for clarification on the final action expected in December 2023. She asked whether it involved instructing the staff to prepare the list or directly voting on the list. She suggested that they should not be voting on the list in December.

DeMello agreed, as that would be an additional task to accomplish by that time and that it would have to happen subsequently to all of the ACL decisions.

G. Advisory Group Report and Recommendations

1. Advisory Panel

Nathan Ilaoa, American Samoa AP vice chair, presented the report and recommendations.

Regarding the BMUS revision, the American Samoa AP recommended option 2 to review the current American Samoa BMUS list from 11 species to 13 species to make it easier for management.

Ilaoa said the AP had quite a bit of discussion on this action, and decided on the recommendation based on majority vote. The AP considered the balance between doing more work in hopes of improving the process and making it simpler in the long run.

Regarding the fishery issues, the American Samoa AP recommended the Council recommend NOAA conduct an economic study that considers the cumulative effects of a proposed NMS on the American Samoa fishing community that may prohibit fishing in the entire U.S. EEZ of the PRIA.

The American Samoa AP recommended the Council work with the other regional fishery management councils to get their support to prevent further fishery closures in the PRIA.

2. Fishing Industry Advisory Committee

Michael Goto, Fishing Industry Advisory Committee (FIAC) chair, presented the report and recommendations.

Regarding American Samoa fishery issues, the FIAC recommended that the Council request the need to expedite CARES Act Round 2 funding to American Samoa, noting they were told funding would have been available much earlier.

The FIAC recommended the Council work with the appropriate authorities to address the U.S. masters certification issue that is limiting the ability to find qualified U.S. masters for the ASLL fishery, including the possible exemption from the U.S. masters certification for the ASLL fleet.

3. American Samoa Regional Ecosystem Advisory Committee

Sword, American Samoa Regional Ecosystem Advisory Committee (REAC) chair, said the committee had good discussion with local partners on important issues.

Zach Yamada, Council staff, read out the REAC recommendations.

Regarding climate change, the American Samoa REAC recommended the Council compile information on tuna and preferences for oceanographic conditions and how they might shift with El Niño Southern Oscillation and climate change and provide more information to fishermen on where the fish will shift from or to in the region.

Regarding American Samoa, the American Samoa REAC recommended the Council request DMWR and DOC work together to develop fisheries capacity in American Samoa.

The American Samoa REAC recommended the Council provide the REAC members with information on the engine repair training program and The Pacific Community (SPC) training opportunities and include those types of programs into the next Marine Conservation Plan (MCP) in order for American Samoa to take advantage of those opportunities.

The American Samoa REAC recommended the Council look at including training for larger vessel captains to build capacity for local fishermen to stay and make more money, make it easier for U.S. nationals to get licenses, and for the longline fishery to hire and keep captains.

The American Samoa REAC recommended the Council and DMWR work with the National Park Service (NPS) to determine how it can support the wave buoy program.

4. Archipelagic Plan Team

Jones, Archipelagic Plan Team (APT) chair, presented the report and recommendations.

Regarding the development of the territorial noncommercial modules for the American Samoa and Mariana Archipelago annual SAFE reports, the APT recommended the Council request NMFS PIFSC continue its effort to develop the territorial noncommercial 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.

Regarding the territorial BMUS revision, the APT recommended the Council select alternative 2 to revise the American Samoa BMUS list in the American Samoa FEP based on the results of the hierarchical cluster analysis by PIFSC, a review of the ten non-exhaustive factors for determining which species require federal conservation and management as specified in NS 1, and the life history synthesis, as well as the five related MSA management components (i.e., SDC, ACLs/AMs, EFH, monitoring and bycatch, and fishing communities) based on the generation of MSA component reports developed by the APT. The APT agreed to move forward with territorial BMUS revisions in alignment with the current schedule stock assessments for each island area such that the list revisions will occur separately for each jurisdiction.

5. Pelagic Plan Team

There were no PPT recommendations regarding American Samoa.

6. Social Science Planning Committee

Craig Severance, Social Science Planning Committee (SSPC) chair, presented the SSPC report and recommendations.

Regarding the territory BMUS revision, the SSPC endorsed the fishing communities component report for the territory BMUS revision amendment, as it provides an adequate representation of the existing information. The report captures the potential impacts appropriately in terms of other information.

7. Scientific and Statistical Committee

Ochavillo, SSC member, presented the report and recommendations.

Regarding the American Samoa BMUS WPSAR report, the SSC accepted the results of the WPSAR review and supports the panel's conclusions and recommendations.

Ochavillo said SSC discussion centered on the issues of lessons learned, the role of sensitivity analysis, use of indicator species for the 2 unassessed species, the potential for incorporating CPUE data and bridging time series, and the appropriateness of the WPSAR team's recommendations for next steps. The SSC noted the importance of having translators available when needed, and sensitivity to audience perception of the meaning of the preliminary results prior to WPSAR review.

Regarding the American Samoa BMUS Benchmark Stock Assessment Report, the SSC recommended that global rather than local based sensitivity analyses become a routine

component of stock assessment workflows to better support confidence in model-based inference for management decision-making.

The SSC accepted the 2023 benchmark assessment as best scientific information available (BSIA). The SSC recommended that the Council direct staff to convene the P* and Social, Economic, Ecological and Management Uncertainty (SEEM) working groups to quantify the uncertainties to set the acceptable biological catch (ABC) and specify the ACLs for the American Samoa BMUS.

Ochavillo said the SSC discussed that the American Samoa BMUS stock assessment used local or single-parameter perturbation sensitivity analysis approaches to support confidence in model conclusions, but noted this form of parameter sensitivity analysis has limitations. The models used for the stock assessment and the embedded assumptions should preferably be assessed using global sensitivity analyses (GSA) coupled with variance-based estimators. Global sensitivity analyses address many sources of uncertainty simultaneously in a simulation-based framework and is an essential part of a model workflow to promote model transparency and subsequently to support evidence-informed public policy. The SSC expressed concerns regarding the potential for fisher behavior to influence size selectivity in the fishery, and encouraged PIFSC to consult with fishermen to determine if there is size selectivity occurring. The SSC appreciates PIFSC's efforts in pursuing improvements to the American Samoa bottomfish benchmark stock assessment and considering the SSC's previous concerns regarding the appropriateness of assessing the mixed bottomfish complex. The SSC commended PIFSC scientists for the quality of the analysis, documentation, and provision of model code.

Regarding the American Samoa FEP amendment for BMUS revision, the SSC recommended that the Council support option 2 and move forward with final action on the American Samoa BMUS amendment process.

8. American Samoa Archipelago Standing Committee

Sword, American Samoa Archipelago Standing Committee chair, asked Yamada to present the committee's recommendations.

Regarding the BMUS revision, the American Samoa Archipelago Standing Committee recommended the Council select alternative 2, to revise the existing BMUS list for the American Samoa FEP.

Regarding the benchmark stock assessment, the American Samoa Archipelago Standing Committee recommended the Council direct staff to utilize the new stock assessment to begin the process for developing a new ACL for American Samoa bottomfish.

Regarding American Samoa issues, the American Samoa Archipelago Standing Committee recommended the Council assist American Samoa in supporting commercial fishing.

The American Samoa Archipelago Standing Committee recommended the Council follow-up with responses to the governor on letters sent to ONMS (PRI sanctuary) and NMFS (ELAPS).

H. Public Comment

There were no public comments.

I. Council Discussion and Action

Regarding the American Samoa 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 BMUS and directs staff to develop a FEP amendment to discontinue the current bottomfish rebuilding plan.**

Moved by Soliai; seconded by Dueñas.

Motion passed.

Regarding the American Samoa 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 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.**

[The above two recommendations were taken together as a single motion.]

Moved by Soliai; seconded by Dueñas.

Motion passed.

Regarding the annual SAFE reports, the Council:

- 4. Endorsed the American Samoa module of the 2022 Annual SAFE Report and directed staff to finalize the report for publication as soon as possible.**

Moved by Guthertz; seconded by Dueñas.

Motion passed.

Regarding American Samoa issues, the Council:

- 5. Requested the ASG to address the U.S. masters certification issue that is limiting the ability to find qualified U.S. masters for the ASLL fishery, including a possible exemption from the US masters certification for the ASLL fleet.**
- 6. Requested American Samoa DMWR and American Samoa DOC to develop fisheries capacity in American Samoa through including training opportunities in the next American Samoa 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 NPS to determine how the Council can partner in the new wave buoys.**
8. **Directed staff to follow-up with ONMS and NMFS for responses to letters sent by the American Samoa governor regarding the proposed PRI NMS and ELAPS, respectively.**

Dueñas spoke in support of the recommendation and said he wanted to emphasize the capacity building portion. He shared that Guam had an opportunity to receive a federal grant to train 22 Samoan individuals to become boat captains. He suggested finding out if the Marine Education and Training program is still available with PIRO, because it provided assistance to meet their living expenses.

Soliai suggested changing NPS in reference to the wave buoy programs for recommendation number seven.

DeMello said it was the NPS that asked for the recommendation at the REAC meeting. He noted that they were putting buoys out in Manu‘a and wanted to see how the Council can help.

Soliai suggested changing the language to say “new wave buoy programs in Manu‘a.”

DeMello clarified that there are existing buoys in Tutuila.

Sword said one buoy would be placed in between the Manu‘a Islands and one on the western side of Tutuila in Poloa.

Dueñas said that the two wave buoys in Guam have been proven to be successful in assisting the pelagic fishermen. He expresses his support for these structures because they benefit to the community. He also recommended that the surface sounder be placed further down about 200 feet because it was getting hooked on the fishing lines.

Malloy said PIRO would abstain from the recommendations.

Moved by Guthertz; seconded by Dueñas.

Motion passed with Malloy abstaining.

Regarding American Samoa issues, the Council:

9. **Directed staff to work with DMWR to review the 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 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.**

Soliai pointed out a slight spelling error and recommended to change unfulfilled to unfulfilled.

Moved by Soliai; seconded by Guthertz.
Motion passed.

IX. Protected Species

A. Hawai‘i Deep-Set and American Samoa Longline Fishery Final Biological Opinions (BiOps)

1. Overview of the Final BiOps

Melissa Snover, PIRO Protected Resources Division (PRD), provided an overview of the final Biological Opinions (BiOps) for the Hawai‘i DSLL and ASLL fisheries, which were issued in May 2023. Both of the BiOps concluded no-jeopardy, meaning that the fisheries are not expected to appreciably reduce the likelihood of the survival and recovery of ESA-listed species. Some of the incidental take statements in the DSLL BiOp were updated since the draft version to reflect the 2022 observer data. The incidental take statements are expressed in the maximum anticipated captures over any five consecutive years, and any exceedance of that number within a five year period would be a reconsultation trigger.

Both BiOps include Reasonable and Prudent Measures (RPMs) that require NMFS to 1) release incidentally caught ESA-listed species from fishing gear in a manner that minimizes injury and increases post-release survivorship; and 2) ensure that the fisheries have monitoring and reporting programs sufficient to confirm the extent of take is not exceeded. In the final DSLL BiOp, PIRO modified the RPM Terms and Conditions (T&Cs) pertaining to mandatory observer coverage in the insular FKW overlap area. PIRO found that the effort in the overlap area was higher than they understood at the time of the draft, which indicated there had been no observer coverage in the overlap area in the past. Reevaluation of the data indicated that there had been variable coverage in the overlap area over time, ranging from 0% to 23% per year since 2013 with an average coverage of 8%. The final DSLL BiOp therefore directs NMFS to evaluate the current observer coverage and see what coverage is needed in the future.

Snover said in addition to the Council’s recommendations on the draft BiOps, PIRO received detailed comments from Council staff, which they acknowledged and incorporated into the final BiOps.

Dueñas asked if the conservation measures that the Council supported 10 to 15 years ago have been considered in the BiOp, noting that in the past, PIRO did not want to take into account the conservation benefit of leatherback turtle hatchlings saved. He also said it was disheartening that the longline fishery, which he supports, is allowed to interact with green sea turtles under the BiOp, while the Samoans, Chamorros, Carolinians and Hawaiians are not allowed to harvest them because of the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC).

Simonds said there are two situations that Dueñas is referring to in terms of green sea turtles. One is whether it is time to conduct the five-year review for green sea turtles as the last

one was done over a decade ago. She said she would like NMFS to prioritize the review. The other issue is regarding the IAC, which the Council is still looking into what can be done to make the changes in terms of whether an exemption is needed through the IAC or whether something can be done at the domestic policy level.

Dang said the HLA supports the non-jeopardy determination for the DSLL fishery, and thanked PIRO for the hard work and dedication on completing the BiOps.

Soliai echoed Dang's comments and thanked PIRO for completing the BiOps after five years.

2. Implementation Plans for the DSLL and ASLL BiOp Reasonable and Prudent Measures

David O'Brien, SFD provided an overview of the implementation process for the RPMs in the final DSLL and ASLL BiOps. O'Brien described the T&Cs associated with each of the RPMs, which include minimizing trailing gear, requiring species handling training for crew members, collecting standardized information regarding the interactions, and improving understanding of and estimates of interactions with the MHI insular FKW in the overlap area. SFD, PRD, Council staff, and HLA met after the BiOps were finalized in May 2023 to discuss implementation of the T&Cs. At present, there is no requirement for regulatory action that would necessitate immediate Council action. O'Brien provided additional details on the implementation process for three of the T&Cs.

For the T&Cs that require SFD to implement measures to minimize the amount of trailing gear left on ESA-listed species, SFD plans to evaluate the benefits of crew training on reducing and improving the outcomes. Regulatory action may be an option in the future, but SFD plans to focus on improving outcomes through non-regulatory approaches.

For the T&Cs that directs SFD to require species handling training for crew members with a minimum of one trained person on deck during hauling operations, SFD's training coordinator is in the process of developing a crew training plan in coordination with HLA. SFD also plans to work closely with the ASLL representatives. The goal is to have all crew trained to exceed the requirement in the T&Cs. HLA has put in a request for funding, but that decision will not be made until August. Crew training will be a complicated task with multiple languages, crew mobility, certification tracking, and crew changes.

The T&Cs regarding insular FKW interactions in the overlap area directs NMS to determine the minimum level of observer coverage reliable for estimating interactions with the DSLL vessels within one year, and if the current level of coverage is below that level, within two years provide coverage at the level determined reliable. SFD is working with PIFSC to conduct the evaluation, with the goal of having the PPT review the information in 2024. There is potential for regulatory action if increased observer coverage is required in the overlap area.

Dueñas commented on the financial burden on the fishing community. He said he wants to make sure that funding continues to be provided for any type of regulatory burden incurred, such as in the example of observer coverage and the VMS for the longline fisheries. The government is keen on having these systems on board, and it should not be at the expense of a fishery that is dependent on catching fish. He also asked about the mortality rate of FKWs that

interact with the longline fisheries, and whether there are any satellite tagging to determine whether they survive and to determine the true range of the populations.

O'Brien said those are good questions, but he would defer to the experts from PIFSC.

Dang provided an update on the status of the crew training, noting that HLA has been proactive in developing strategies that would support conservation efforts in the fleet. HLA has been trying to get crew training funding, and will continue to look for grant or other sources of funding as the prospects do not look promising for this year. Dang also said a couple of captains and skippers from the industry developed prototype for a fighting line device at the FKWTRT meetings. The device is now in production at a machine shop in Honolulu, and 150 devices will be made and distributed to the vessels. The two vessels that have been trailing the fighting line device have reported back positive results and have been removing hooks off other species including sharks. Dang said his main cause of concern would be with the T&Cs regarding observer coverage in the overlap area, noting that historically, coverage below 20% would increase the financial impacts of protected species interactions on the fleet by affecting certain triggers under regulations. He asked if the agency is trying to determine if there is a coverage level below 20% that is defined as reliable.

O'Brien said SFD is engaging PIFSC to evaluate a range of observer coverage. He added that the T&Cs highlighted that electronic monitoring (EM) could be part of that observer requirement.

Dawn Golden, PRD, said the intent is to determine a target coverage rate that would provide consistent and reliable observer coverage to monitor very rare events with insular FKW, noting that the past coverage rates in the overlap area has ranged from 0% to 23% per year. The evaluation will include looking at a variety of options, including how observers are placed and whether there is an observer effect.

Soliai asked if SFD is providing funding for the crew training.

O'Brien said SFD sees the crew training as its responsibility because the requirement is directed at SFD. He said SFD is glad for the cooperation and collaboration with HLA, and is also excited to work with the ASLL fishery.

Soliai said is glad to hear, because the ASLL fleet is already facing tremendous challenge and training support will be appreciated.

B. False Killer Whale Take Reduction Team Meeting Report

Elena Duke, PRD provided the report of the FKWTRT meeting convened March 28-31, 2023. A recent assessment conducted by PIFSC developed a new approach and management area for the pelagic FKWs. The assessment resulted in an abundance of 5,228 individual and a PBR of 33, whereas the corresponding average mortality and serious injury (MSI) for the last five years is 47. This information will be published later in 2023 in the draft stock assessment report (SAR) and will be open for public comment. At the March 2023 meeting, the FKWTRT was asked to develop recommendations to reduce MSI to below PBR.

The FKWTRT made several consensus recommendations regarding the use of EM, crew training, MMPA comparability findings, pelagic stock assessment, monitoring plan, and acoustic monitoring. Regarding EM, FKWTRT recommended that EM equipment be installed on 100% of the DSLL vessels with the objective of reducing uncertainty in FKW bycatch estimates and to provide information to inform and improve serious injury determinations and consistency with gear handling guidelines. FKWTRT also recommended that at least one crew member be trained per vessel in marine mammal handling and release.

A number of other measures were proposed and considered, but did not reach consensus. These included expediting EM implementation, coordination between NMFS and Hawai'i DLNR on EM, the fighting line device, and effort reductions. The fighting line device may reduce the potential for branch line breaking when applying tension on the line, facilitate pulling the animal closer to the vessel, and could reduce gear flyback. Considerations regarding this device included the uncertainty in its effectiveness due to the device not yet having been deployed on a FKW. Some FKWTRT members thought that effort reduction measures are needed to close the gap between MSI and PBR, and recommended that NMFS undertake statistical modeling and analysis to evaluate potential effectiveness or tradeoffs of various types of effort reduction measures.

Next steps for the FKWTRT includes convening a working group to further discuss handling guidance in the near-term, receiving updates from the industry on the use of the fighting line device, and State of Hawai'i developing a monitoring plan for the shortline fishery. NMFS will use FKWTRT's recommendations and all other relevant information to determine the measures that might be needed to amend the FKWTRP.

Rice asked if FKWTRT discussed putting tags on FKWs to determine whether they survive, noting that currently, when the animals are released, they are basically considered dead even though their survival rate is unknown.

Duke said there was some discussion on the topic, and also noted that the Council has consistently recommended tagging. There are a number of challenges associated with tagging FKWs from vessels, including training scientists to conduct tagging, and thus equipping observers with tags is not really feasible. She said the Hawaiian Islands Cetacean and Ecosystem Assessment Survey will be underway, which will conduct tagging to learn more information about their movements and behaviors.

Rice asked if the non-consensus recommendations will be considered, noting that some of the recommendations are unreasonable from a fisherman's perspective.

Duke reiterated that NMFS will be considering all of the recommendations, whether they reached consensus or not, as it moves forward with a proposed rulemaking. NMFS is gathering all relevant information in the process.

Dueñas said he is disappointed that there is no real satellite tagging effort to determine whether the animals are being harmed by the interactions. He also said there are thousands of non-US fishing vessels that are likely having more impact on FKWs.

Dang asked why the area to the west of Johnston Atoll was not included the area used for the new abundance estimate, noting that the fleet sometime fishes in those areas and experience

FKW depredation. He said HLA has written a letter regarding this issue, but he has not seen a response that makes sense. He asked if there is a way for him to look at other boundary options by moving the lines around and how that affects the stock, to better understand how the boundaries were drawn through the middle of the EEZ around Johnston Atoll.

Duke said she would defer specific questions to PIFSC staff, but noted that PIFSC is planning to produce a technical report that will provide more information on how the management area was drawn. The report will be published later in 2023, which will be reviewed through the SAR process.

Dang asked if this was the first draft of a new management area.

Jones, PIFSC FRMD, said while FKWs range from Hawai'i to Australia, there are multiple distinct populations, such as the insular FKW population, NWHI population, Eastern Tropical Pacific population, Palmyra population and Mariana Archipelago population. Part of the problem is that it is unknown where many of these populations end and another begins, so it is unknown where the Hawai'i pelagic population ends to the west and where the Mariana Archipelago population begins. For the management area boundary, a sighting or observation had to have a genetic sample or picture that would attribute it to a population, and a depredation event does not allow for determination of the source population. While the fleet does fish to the west of Johnston and have depredation in that area, there is no associated genetic sample that identifies it to a population. The information used for the boundary delineation included telemetry, genetics, and observed interactions of known whales, with a 35 km buffer added. There is recognition that more information is needed, and PIFSC needs to concentrate research to better understand the areas that are not included in the boundaries. Jones said PIFSC took the approach of defining a scientifically defensible boundary first, then estimated the abundance and PBR, rather than looking at the abundance and PBR that would result from different boundary options.

Dang asked if there are information on any other protected species that deplete on longline gear in the manner that FKWs do, and the probability of depredation being caused by FKWs.

Jones said he was looking into that question for the Southern Exclusion Zone analysis. He reiterated that the boundary does use all available information from telemetry, genetics and observed known whales, and covers 95% of the depredation happening in the fishery. Some depredation events still occur outside of the boundary but the population is unknown, and the majority of depredation is from FKWs.

Dang said leading up to the FKWTRT meeting, the MSI was just one above PBR. About one week before the meeting, NMFS dropped the new management area on the FKWTRT, leaving no time to prepare or assess. He said the manner in which the new information was delivered was not right, and hoped it would not be repeated. He asked for an explanation of why the new information was dropped in that manner.

Golden said the analysis was done in a series of progressions and iterations, and NMFS presented what they could to the FKWTRT when they became available. At the November 2022 FKWTRT meeting, NMFS mentioned that they were looking at the information. She said as information became available, they presented what they could to get as much feedback as

possible on the approach, which were all factored in. She said it is never a good time, and they provided FKWTRT with information that this was the route they were going. Golden admitted that the timing was not the best, but it was the best they could do under the circumstances and they determined that it was the most comprehensive information scientifically and wanted the FKWTRT to consider it. Their intent was to avoid a situation in which the FKWTRT came to consensus on recommendations to reduce interactions from being one MSI over PBR, and then have to reconvene the meeting after a new SAR came out. NMFS still has a lot of analysis to do to determine next steps for the FKWTRP while the new information is going through the SAR process. NMFS will consider the final outcome of the SAR process for any plan or rule modifications. She said MSI on the high seas is increasing, and NMFS has an obligation to reduce that under the MMPA. MMPA also has a long-term goal to reduce MSI to approaching zero in addition to reducing it to below PBR within six months.

Soliai said the concerns from the industry and the Council should be seriously and thoughtfully considered, and that this dialogue should continue.

C. Endangered Species Act and Marine Mammal Protection Act Updates

Snover provided the ESA updates, and noted that there were no MMPA updates other than the FKWTRT item. In 2016, NMS received a petition to list 10 species of giant clams under the ESA. The draft status review report and 12-month finding have been completed and undergoing internal agency review.

NMFS is revising the coral critical habitat proposed rule issued in November 2020, and will either publish a final rule, or withdraw the 2020 proposed rule and publish a new proposed rule followed by a public comment period.

NMFS Office of Protected Resources is preparing the proposed rule for green sea turtle critical habitat jointly with USFWS. NMFS and USFWS has a court-mandated deadline of June 30, 2023, to submit the proposed rule to the *Federal Register* office, and the rule is expected to be published several weeks after that deadline. NMFS has been working with American Samoa, Guam, CNMI and Hawai‘i natural resource management agencies to collect turtle data to inform the critical habitat. In-person and virtual hearings are being planned throughout the region and will be held during the public comment period. NMFS lead on this rule is Jennifer Schultz.

Gourley asked if additional information could be shared on where the NMFS is headed with the giant clam petition response.

Snover said she does not know because she is not involved in the listing process.

Gourley said there is industry interest in this process, because of aquaculture facilities spread all over the western Pacific. He asked when the determination is expected.

Snover said she does not have any information on the timing.

Gourley asked when a final rule or new proposed rule for the coral critical habitat is expected.

Snover said it is expected for early fall 2023.

Gourley said critical habitat and to an extent ESA listings are not well understood in the islands, and it is insufficient to simply write emails to the local agencies requesting data during the data collection process. Critical habitat is particularly problematic because there are no marine critical habitat areas currently designated in the CNMI. Existing terrestrial critical habitat in Rota have been a significant regulatory issue. He said it seems like USFWS and NMFS apply critical habitat differently, and he has been trying to get the federal agencies to come out to the islands during the information collection phase before the proposed rule, and to meet with the communities to explain what critical habitat is rather than simply sending out letters. Gourley said in his experience, critical habitat has been a nightmare, and has killed a project over whether coconut trees could be cut down in a critical habitat area. While it is true that critical habitat is only for federal actions, everything is assessed when a project requires a U.S. Army Corps of Engineers permit.

Malloy said PIRO has been listening, and developed a presentation that they are calling the “Five W’s of Critical Habitat.” PIRO has offered to give that presentation to any of the territorial agencies and their staff and provide case studies to explain how they would approach critical habitat assessments for various projects like building a dock. PIRO has had zero takers, and need help in making sure they can get the right people to have the conversations that everyone wants to have.

Gourley said is exactly what should be done on all of the critical habitat.

Dueñas said he is concerned about critical habitat for green turtles because they are now seen nesting across the beaches all around the islands, but that the military base, which has the largest nesting site, would be exempted from critical habitat. He asked why there are different rules for civilians and military areas.

Malloy said the military is not necessarily exempted from critical habitat, but the agency can take into consideration areas of military bases that should be exempted on a case by case basis.

Soliai thanked PIRO for being mindful of the feedback received from the territorial agencies because at one point they believed that the rule was being pushed through. With pushback from the territories, PIRO has taken a step back, and reevaluated and reconsidered the various parameters involved. He said while it does not take away all the concerns expressed by Council members, this type of meaningful consideration and consultation with the island governments is the right approach going forward to develop proposals that are more palatable.

D. Advisory Group Report and Recommendations

1. Advisory Panel

There were no AP recommendations regarding protected species.

2. Fishing Industry Advisory Committee

Goto, FIAC Chair, presented the report and recommendations.

Regarding the Biological Opinions, the FIAC recommended NMFS to work with HLA and the Tautai o Samoa Longline Fishing Association to fund a crew training program.

Regarding FKWs, the FIAC recommended the Council recommend to NMFS to include in the pelagic FKW management area determination, all available biological information including depredation data and sighting from the observer data.

3. American Samoa Regional Ecosystem Advisory Committee

There were no REAC recommendations regarding protected species.

4. Archipelagic Plan Team

There were no APT recommendations regarding protected species.

5. Pelagic Plan Team

There were no PPT recommendations regarding protected species.

6. Scientific and Statistical Committee

Ochavillo presented the SSC report and recommendations.

Ochavillo said the SSC received a presentation by Erin Oleson, PIFSC on the updated assessment approach for the Hawai‘i pelagic FKWs that includes areas outside of the EEZ. Following the March 2023 SSC meeting, PIFSC revised the “management area” boundary for the assessment based on the recommendations from the Pacific Scientific Review Group. The new management area is defined by the available biological data for pelagic FKWs. The SSC had a number of questions regarding the assumptions and decisions made about the available data to delineate the proposed management area boundary, as well as the underlying spatial distribution model (SDM).

Regarding the update on the new assessment approach for Hawai‘i pelagic FKWs, the SSC recommended the following concerns be addressed in the approach used to define the new management area boundary and the recovery factor used in the PBR calculation:

- Provide a comprehensive explanation on what data were used and what data were excluded, and the justification of each decision (e.g., available information on observer reported interactions and depredation events; genetic data; survey data; satellite tag data; which spatial data points to include/exclude in the polygon). The SSC notes that available information on observer reported interactions and depredation events were not used in the new assessment approach.
- Explore alternative approaches to boundary delineation of the Hawai‘i pelagic FKW population including all known sources of information (including all bycatch and survey data) and present results in a decision table format. The SSC notes that the 35 km buffer is not consistent with the known behavior of FKWs, and other buffers should be explored. Areas south of the current proposed boundary should also be considered, noting that the SDM suggests a high abundance of FKWs in these areas where there is less longline fishing effort.

- Perform spatial cross validation to test the SDM in the areas where there are no survey or fishery data, as such exploration could provide an evaluation of whether those areas should be included in the boundary.
- Quantify interaction rates in foreign fleets to determine whether a reduction in recovery factor from 0.5 to 0.4 is warranted, which reduces the PBR by 20%. The SSC notes that the guidance for setting this value could be used to justify values greater than 0.5 (e.g., areas not considered in the analysis with high FKW abundance and low fishing effort).

The SSC recommended that an independent peer review outside of the Pacific Scientific Review Group (e.g., Center for Independent Experts) be conducted on the new pelagic FKW assessment approach, including validation of the underlying SDM, consistent with the Guidelines for Assessing Marine Mammal Stocks tiered peer review process (Level 3).

Ochavillo also said the SSC did not have any formal recommendation on the FKWTRT meeting report agenda item, but had an opportunity to see the fighting line device developed by the HLA. The SSC commended the Hawai'i longline industry on the innovative design of a fighting line device that enables it to hook onto the weight, which facilitates either straightening of the hook without flyback or cutting the leader close to the hook and removing the weight leaving minimal trailing gear.

Ochavillo said the SSC received a presentation from Janelle Badger, PIFSC, on the new approach for the MHI insular FKW abundance estimates. The new approach incorporates telemetry and survey effort data into capture-recapture analyses to address spatiotemporal sampling bias using simulated data. The results based on the new approach shows a declining trend in the final years of the assessment, which was not apparent in the last assessment published in 2018, and the SSC had questions pertaining to the methodological approach as well as how the new assessment compared to the previous assessment to better understand what may be driving the signal. The SSC also noted that it is impossible to diagnose population trends without knowing the trends in key demographic parameters such as survival and recruitment rates as well as the sampling issues related to detection rates.

Regarding the new approach for insular FKW abundance estimates, considering the uncertainty of what is driving the changes seen in the newer modeling results, the SSC recommended that the PIFSC prepare a clear set of insular FKW 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 SSC further recommended that PIFSC provide the trends in the key demographic parameters necessary to diagnose the abundance, including survival rates, detection rates and recruitment rates. The SSC also recommended that the PIFSC make information on the individual mark-recapture histories, satellite tagging, mark-recapture, and sightings data available to the public, and to clarify the procedure to obtain these data.

E. Public Comment

Clay Tam, Pacific Islands Fisheries Group, provided public comment and asked how climate change and shifting distribution is being addressed and will be monitored with respect to protected species population boundaries, and how that would affect the fisheries. He commented that the management process for protected species is very rigid, and flexibility and adaptive management is needed to address climate change impacts. He hoped that fisheries will not be penalized if climate change negatively impacts protected species.

F. Council Discussion and Action

Regarding the status of green sea turtles, the Council:

- 1. Requested NMFS and USFWS to prioritize the five-year status review for the distinct population segments of green sea turtles applicable to American Samoa, the CNMI, Guam and Hawai‘i.**

Peck asked for that the recommendation include the USFWS because the agency is involved in the status review.

Malloy agreed that the addition would be appropriate.

The motion was amended to add USFWS by general consent.

Moved by Dueñas; seconded by Igisomar.

Motion passed.

Regarding the implementation of the RPMs in the Hawai‘i DSLL and ASLL fisheries BiOps, the Council:

- 2. Requested NMFS, in coordination with Council staff and HLA, conduct an evaluation to determine the minimum level of coverage needed to estimate MHI insular FKW interactions in the overlap area with the Hawai‘i DSLL fishery, and report back to the PPT no later than May 2024.**
- 3. Requested NMFS to work with HLA and the Tautai o Samoa Longline Fishing Association to develop and fund a crew training program.**

Malloy said PIRO will abstain from the second recommendation.

Moved by Dueñas; seconded by Sword.

Motion passed with Malloy abstaining.

Regarding the pelagic FKW 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 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**

FKW 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.

Malloy said PIRO will abstain from both recommendations.

*Moved by Dueñas; seconded by Guthertz.
Motion passed with Malloy abstaining.*

Regarding the MHI insular FKW abundance estimates, the Council:

- 6. Endorsed the SSC recommendations and requests PIFSC to prepare a clear set of insular FKW 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 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.**

Malloy said PIRO will abstain from both recommendations.

*Moved by Dueñas; seconded by Sword.
Motion passed with Malloy abstaining.*

X. Program Planning and Research

A. National Legislative Report

Gourley provided a report on national legislative issues of interest, noting that the new Congress started in 2023 and while there are not many bills significant to the Western Pacific, there is potential legislation that could impact the Council. Congress has discussed spinning off NOAA as an independent agency, which would also move certain functions from NOAA and the DOC to the Department of the Interior. There is also a bill that would transfer the management of anadromous and catadromous species from NOAA to USFWS.

Guthertz asked what prompted the potential administrative reorganization for NOAA.

Simonds said every administration reviews their departments and the Obama administration wanted to put NOAA into the Department of the Interior. It goes back to at least when NOAA was created by the Nixon Administration.

B. Research Priorities

1. Magnuson-Stevens Act Five-Year Research Priorities Review

Mark Fitchett, Council staff, provided a presentation the Council's MSA five-year research priorities, including pelagic research. Section 302(h) of the MSA requires the Council to develop a five-year research priorities in conjunction with its SSC. The priorities can be updated periodically and must be submitted to the Secretary of Commerce and NMFS, who then use these priorities in consideration for budgets and prioritization. The Council's research priorities focus on fisheries, fishery interactions, habitats and other areas of concern that are necessary for management. An additional Pelagic Research Plan was developed in 2018 that focuses on addressing the Council's domestic and statutory requirements as well as international issues. After a review by the Council's advisory bodies, the Pelagic Research Plan was identified as not addressing social and economic concerns. That gap will be addressed in the new plan that will coincide with the development of the five-year research priorities.

Fitchett presented on the next five-year research priorities noting that the new priorities are linked to high-level management objectives. Those management objectives include ensuring local food and livelihood security, strengthening underserved communities, enhancing climate-ready fisheries, optimizing fishery performance and efficiency, and developing dynamic and adaptive management opportunities. Utilizing those management objectives, the revised Pelagic Research Plan includes priorities to address impacts of pelagic fisheries on sustaining community resiliency, enhancing fishery performance of pelagic fisheries, review the effects of spatial closures, improve the knowledge of stock structure to inform management, advance EBFM, and mitigate shark depredation. He said the Council and its advisory bodies will get additional opportunities to look at other program areas at future meetings before the plan is finalized by March 2024.

Dueñas said there is a need to understand that some areas are transit points and not spawning points, and that tagging studies have been done. He wanted to know if the research can include more of that information to show the dynamics of the fishery and the fish itself.

Fitchett said looking at existing data to determine tuna movement throughout areas is a good idea. He said a project could be included within these priorities to look at how the pelagic species are interconnected among each island area and how that may be driving the abundance or availability.

2. Cooperative Research Review

Marlowe Sabater, PIFSC, provided a presentation on the review of the Cooperative Research Program. Congress provided for a Cooperative Research and Management Program in the MSA under section 318 where the priorities for the research would be developed by the Secretary of Commerce, in consultation with the Council. Funds were also made available under the program to support projects that address critical needs identified by the Councils. Section 318 also says that the Secretary shall award funding on a competitive basis based on the regional fishery management needs, solving priority issues identified by the Council. The Cooperative Research Program can collect data to improve and supplement or enhance stock assessments, assess the amount and the type of bycatch and post-release mortality, engineering projects to reduce bycatch, identify habitat areas of particular concern, and compile economic and social data. Sabater said the Council identifies the management need and the cooperative research project or priority would address that need. He said the cooperative research priorities should be in line with Council's management needs. Emerging needs such as the territorial bottomfish

assessments and protected species issues could be addressed through the cooperative research program.

Fitchett presented the Council's current cooperative research priorities including bottomfish tagging, MHI bottomfish biosampling, in-situ current data on bottomfish grounds, marine mammal depredation and post-hooking mortality, depredation deterrence, pelagic species fishing mortality. He said there is an opportunity for other priorities including sampling pelagic species to look at life history as well as the impacts of large scale spatial closures. He said the Council's cooperative research priorities are being reviewed to be in line with the aforementioned MSA five-year research priorities. This includes gathering all of the Council's needs and priorities and matching them up with the different funding programs.

Simonds said the fishing industry submitted a proposal under the Bycatch Reduction and Engineering Program (BREP) for crew training but it could also be included under cooperative research. She that this project is a high priority for the Council and asked where the cooperative research program was in terms of funding and requests for proposals.

Sabater said funding is currently being used to support the territorial BFISH and Hawai'i BFISH projects. He also said this would be a great time to revisit the cooperative research funding process and if the project is something that the Council deems as a high priority, the program can work with the Council to try and find funds to support this project.

Soliai asked if there is a timeline to achieve these priorities or if the program is waiting for recommendations from the Council.

Sabater said he is working with Council staff to develop a timeline and process. The timing is dependent upon when funding is available.

Jones said they have been working toward prioritizing the projects that are needed. Instead of working toward the specific costs of an individual project, if they work with Council staff and Council members to link priorities, then they can have those projects ready to go as money comes in. The funding generally comes in by October through January but if there is additional funds in March, those funds can be used on the prioritized projects regardless if the funds are for cooperative research or not.

Soliai said a priority project for American Samoa is the increasing penetration of IUU fish coming into the market through American Samoa ports.

C. National Standards Guidance and Review

1. National Standard 1 Reference Points Guidance

Fitchett presented a report from a Council working group on NS 1 guidance. NS 1 states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. A technical memorandum developed by NMFS provides guidance on the use of SPR in lieu of other components used to develop biomass dynamic models, which estimates maximum sustainable yield. The SSC formed a working group to review the NS 1 technical memorandum and provide comments to NMFS. The working group noted issues with non-stationarity, noting

that as climate changes, the relationships of maximum sustainable yield will change and the biomass potential ranges of species will change. The working group said there is a need to account for those based on contemporaneous changes into the fishery. Recommendations from the working group included explaining possible non-stationary effects, coordinate with other Councils in addressing non-stationary and data limited fisheries, explore and develop guidelines for the use of SPR, and explore the modification of the P* process to be more adaptive to account for near-term directional shifts and productivity.

2. National Standards 4, 8 and 9 Advanced Notice of Proposed Rulemaking

Wendy Morrison, NMFS, presented on the advanced notice of proposed rulemaking for NSs 4, 8, and 9. NMFS soliciting public input to determine whether there is a need to update the guidelines for the NSs. NS 4 states that allocation shall be fair and equitable, should promote conservation and should not result in excessive shares. NS 8 states that management measures need to consider impacts to communities and provide for sustained participation, and minimize adverse economic impacts to the extent practicable. NS 9 states that management measures should minimize bycatch or bycatch mortality to the extent practicable. The guidelines for these NSs have not been updated in 15 years and changes could include consideration for climate change impacts on fisheries and promoting EEJ within fisheries. Morrison reviewed these issues and the interactions with the NSs and requested input on how to update the guidelines to address climate change issues and equity within the fisheries. Public comment period closes Sept. 12, 2023.

Dueñas said the communities in the Pacific are very remote and isolated, which makes it difficult for the Council to fulfill some of the mandates. There is a need for funding to provide equity for the communities to participate in national meetings. He also said there is no such thing as a discard or unwanted fish for islanders as anything not targeted is a bonus. ESA and MMPA create issues because the islanders would still like to harvest turtles. The concern about discards and bycatch is not the reality in the region.

Soliai asked if there was any suggested language that will be provided for stakeholder input.

Morrison said they do not have any suggested language and are only scoping for issues and challenges that may need to be addressed through any changes to the guidelines.

Soliai said the timing is ironic as the Council is dealing with federal actions to establish a NMS. He said the proposed separation of the ELAPs will impact the communities that NS is supposed to protect. It also affects allocations under NS 4. He said the timing is suspect and disappointing because as the fisheries are being shut down through the sanctuary, NMFS is asking to provide input on the standards that MSA created to provide protection and equity for the communities. He asked for a timeline for revising the NSs guidance.

Morrison said a proposed rule with changes to the guidance would come out in fall 2023. She said while the sanctuary process is frustrating, it is not coordinated with their timing.

Gourley said MSA is the foundation for managing the fisheries yet monuments and sanctuaries that include fishery management measures are not held to the same NSs. He said it is not fair to have a double standard for fishery management.

Rice said the islands are different and that those species considered bycatch were instead used by chefs and is now part of the catch and no longer bycatch. He said approach to reducing bycatch should be considered.

Dueñas asked if NS 4 could be modified to ensure that Pacific Island territories be given the same consideration as Native Alaskans who have a share of any type of quota system. This would provide fish or an arrangement to create a revenue base to support the community.

Morrison said Alaska had specific legislation from Congress to provide that allocation and she was unsure if that was something that could be done under the NS guidelines.

Guthertz said there is a problem in the lack of coordination from one part of the agency with another, regarding the potential impacts to the Pacific Islands. She said it was difficult to promote equity for communities and destroy fisheries at the same time.

D. Regional Communications and Outreach Report

Amy Vandehey, Council staff, provided the regional communications and outreach report for March through May. During this period, the Council distributed its quarterly newsletter, submitted articles to Hawaii Fishing News, and published new AP brochures for each island area. There was also quite a bit of interest from the media with 46 instances of the Council's press releases being shared or mentions of the Council. The Council also held a Fishers Forum in the CNMI, Guam and American Samoa with 60, 100 and 77 participants, respectively. Council staff also participated in a Science and Sustainability event at Bishop Museum in Hawai'i for Earth Day and at the USCG Auxiliary Safe Boating Week events in Guam where staff provided the message of supporting sustainable fisheries. A Council AP member also provided outreach at the Maui Spring Wahine Fishing Tournament in April where she provided handouts and information on fisheries. The U.S. Pacific Territory Fishery Capacity-Building Scholarship application period is open and applications are due July 17, 2023, with information available on the Council's website.

E. Advisory Group Report and Recommendations

1. Advisory Panel

Tam, AP chair, presented the AP report and recommendations.

Regarding the research priorities, the CNMI AP recommended the Council consider including priorities for research documenting traditional and local fisheries practices and knowledge.

Tam said the CNMI AP felt it was important to look back in and understand practices that the elders had and how fisheries today have been affected by culture, sanctuaries, and monuments.

Regarding the research priorities, The Hawai'i AP recommended the Council prioritize research that addresses gaps in noncommercial data.

Tam said the lack of noncommercial data is an important issue, especially for the uku fishery. The uku fishery crosses over with the bottomfish fishery and most of the data has been generated by commercial fishermen. There is a need to really look at the noncommercial data before developing ACLs to be fair to the commercial fishermen and understand the bigger picture.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations regarding program planning and research.

3. American Samoa Regional Ecosystem Advisory Committee

There were no REAC recommendations regarding program planning and research.

4. Archipelagic Plan Team

Jones, APT chair, presented the APT report and recommendations.

Regarding the development of the territorial noncommercial modules for the American Samoa and Mariana Archipelago annual SAFE reports, the APT recommended the Council request NMFS PIFSC continue its effort to develop the territorial noncommercial 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.

5. Pelagic Plan Team

Jones, PPT member, presented the report and recommendations.

Regarding capacity- building in the territories for pelagic fisheries, the PPT recommended the Federal Data Coordination and Research Committee (FDCRC) to discuss and recommend increasing staff capacity and retention for the territorial fishery agencies.

Regarding research priorities, the PPT endorsed Pelagic Research Plan Priorities to be:

- Improving knowledge on life history, stock structure, distributions, and connectivity of pelagic MUS throughout the Pacific;
 - Understanding causality of fishery performance for Western Pacific Region pelagic fisheries, including incidentally caught species;
 - Effects of spatial closures and large-scale MPAs on fisheries, island communities, and population dynamics on target and non-target species;
 - Mitigation of depredation and development of deterrents to reduce depredation in U.S. Pacific Island fisheries;
 - Advancing EBFM;
 - Impact of pelagic fisheries on sustaining community resiliency;
- and recommended Council staff to deliver a draft plan to the June 2023 SSC and Council.

6. Social Science Planning Committee

Justin Hospital, SSPC member, presented the report and recommendations.

Regarding the NS 4, 8 and 9 Guidance Review, the SSPC recommended the following members for a Council established working group: Severance, Cabrera, Hospital, Leong. The SSPC recommended that the Council encourage developing more precise definitions that explicitly include a broader range of communities in the NS 4, 8 and 9 guidelines review.

Hospital said the existing NS 8 guidance focuses on economic impacts to communities and this guidance review may provide an opportunity to broaden consideration of impacts including cultural impacts. The SSPC discussion highlighted that scale and timeframe need consideration in all definitions of communities while most conceptualizations of community view community as being placed-based. There is now broader use of the concepts of communities of practice, communities of interest and virtual communities among others. Communities of Practice, specifically, may focus on shared activities or even values without geographic constraints. This concept is currently being used in some international agency guidance on social and economic impact analysis. The SSPC has interest in further consideration of what defines communities and community impacts moving forward.

Regarding the 2022 Annual SAFE Report socioeconomic modules, the SSPC recommended that the EEJ section of the SAFE report in future years focus on impacts of regulations, especially with respect to disproportionate burden and distributional justice issues associated with the higher impact on some fishers than others or favoring one sector more than another sector.

Regarding fishers observations, the SSPC:

- Endorsed the SEEM format for summarizing the fishers observation information.
- Recommended making effort to broaden engagement.
- Recommended PIFSC staff provides support for AP's monthly data collection efforts, and SSPC encourages focused effort on the fishers observations at the monthly AP meetings.
- Recommended providing feedback on the fishers observation in a popular outlet to inform the fishing community about the process, highlighting it as a way to bring local knowledge into the fishery management and decision-making processes.
- Recommended synthesis of monthly and annual observations to be incorporated into the SAFE report.

7. Non-Commercial Fishery Advisory Committee

DeMello, Council staff, provided the Non-Commercial Fishery Advisory Committee (NCFAC) report and recommendations.

Regarding noncommercial fisheries, the NCFAC recommended the Council communicate to NMFS the disappointment in the lack of, or disproportionate representation of, the Pacific Islands Region at national noncommercial meetings like the recreational fishing summit and economics workshop.

The NCFAC recommended the Council work with the noncommercial fishing community to document those areas used for noncommercial fishing.

The NCFAC requested the Council continue to update the NCFAC on FishMaps activities. The NCFAC appreciated the work of the Hawai'i AP to document traditional fishing areas and hopes to incorporate noncommercial fishing as well.

8. Federal Data Coordination and Research Committee

DeMello, Council staff, provided the Federal Data Coordination and Research Committee (FDCRC) report and recommendations. DeMello said the FDCRC received a presentation on the review of the creel survey in the Mariana Archipelago. The review found that the survey itself is good, but the implementation of the survey needs work.

Regarding the review of the creel survey, the FDCRC recommended the Council 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.

The FDCRC recommended the Council request NMFS PIFSC to hold meetings/workshops with the creel survey data technicians to stress the importance of the data.

Regarding the Marine Recreational Information Program (MRIP) Regional Implementation Plan, the FDCRC recommended the Council convene ad hoc working committee to discuss MRIP Transition Plan for Hawai'i changes and an MRIP Pacific Islands Regional Implementation Plan to include supplemental surveys that cover the 24-hour survey period.

9. Scientific and Statistical Committee

Ochavillo, SSC member, provided the SSC report and recommendations.

Regarding the review of research priorities, the SSC recommended that a working group of SSC members, Council staff and agency staff be formed to address the six proposed research priorities for pelagic fisheries while providing management objectives and research priorities for other program areas (island fisheries, protected species, etc.) and provide detailed descriptions of each of those research priorities. The SSC asked that this working group report progress to the SSC at its September 2023 meeting.

Regarding the NS 1 Draft Guidance on Biomass Proxies, the SSC adopted the working group report and supports the working group's comments and advice for the Council on accounting for NS1 guidelines. The SSC recommended that the Council consider the findings of the SSC working group report in its response to the NOAA NS 1 technical memorandum.

F. Public Comment

Tam, Pacific Islands Fisheries Group, said as the Council reviews the NS 4, 8 and 9 guidelines for revisions, it should be mindful about the ethnic diversity within the region. The

Council should consider not only the native people, but those that are born and raised in the islands that have adopted these different cultural practices and have been part of the community, especially when defining dependency. Dependency on a national level of is considered in terms of economics, dollars and cents, but it is priceless when it comes down to culture. It is something that has been included in recent discussions with NOAA leadership. Customary exchange is very important and was evident during the COVID-19 pandemic. Fishermen supported the communities by providing protein to the tables and it was very important and very revealing that the community had no other source when they were cut off in lock down and when shipping was disrupted. Tam said this would be a great opportunity to not have a one size fits all approach as conflicting management issues and mandates have really put a grip on the region.

Dueñas, speaking as the president of GFCFA said the biggest mistake the Council made was not engaging the PRIA in its management regime. If the Council set quotas or allocation within those zones, it would have made a difference in the discussions about a monument and sanctuary. He said he is looking for a native people allocation within the PRIA and wondering if the Council could help to develop a paper to identify the people that would benefit. The paper should include the communities that would benefit, the species harvested, and distances traveled by the vessels. This would allow for organizations and governments to allow others to fish on their behalf so that the financial benefits could revert back to the native communities of the islands.

Tisa Faamuli, owner of Tisa's Barefoot Bar and Alega Marine Sanctuary in American Samoa, explained that she established a sanctuary in Alega for village conservation on her own and was concerned that regulations are put in place but there is no enforcement. There needs to be balance where the people are benefitting from conservation, especially indigenous people. There are areas where bird harvest was prohibited but the population has gotten out of control and damaging resources. The regulations and programs put in place need to be revisited to create a balance where people can still live and make a living while still protecting the environment and the fisheries.

G. Council Discussion and Action

Regarding the NS 1 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 NS 1 guidance incorporate these considerations.**

Moved by Soliai; seconded by Sword.

Motion passed.

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

- 2. Endorsed the pelagic research priorities and linked management objectives and directed staff to incorporate these into the 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. 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 PIFSC to develop a process for cooperative research that removes duplication of requests for proposals and ensures that MSA Research Priorities are annually included.**

Moved by Soliai; seconded by Sword.

Motion passed.

Regarding Data Collection, the Council:

5. **Directed staff to convene an ad hoc working committee to discuss and develop the MRIP Transition Plan for Hawai'i and changes to the MRIP Pacific Islands Regional Implementation Plan.**
6. **Directed staff to work with 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.**

Soliai suggested adding the language “and provide support” to recommendation #6.

The wording change was adopted by general consent.

Moved by Dueñas; seconded by Sword.

Motion passed.

Regarding the annual SAFE reports, the Council:

7. **Requested NMFS PIFSC continue its effort to develop the territorial noncommercial 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 PPT to include in future 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 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.**

Guthertz suggested clarifying recommendation #8 by adding an example of the distributional justice issues, for example, the disproportionate impact on American Samoa fisheries from the proposal for the sanctuary and monument restrictions.

Makaiau, assistant regional administrator for SFD, said there are concerns but it is not yet known what the impacts are. He suggested it is premature to say that it is an example of disproportionate burden.

Guthertz said Makaiau's comments are understandable coming from federal partners, but the communities know what the impact is going to be.

Simonds suggested adding that it is the prohibition of commercial fishing that is the EEJ issue.

The additional clarifying example for recommendation #8 was adopted by general consent.

Moved by Dueñas; seconded by Guthertz.
Motion passed.

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 noncommercial meetings like the recreational fishing summit and economics workshop and requests for equitable representation at future meetings.**
- 11. Directed staff to work with the noncommercial fishing community to document those areas used for noncommercial fishing to provide offshore development projects the means to identify the fishing communities that should be consulted during the review process.**

Moved by Dueñas; seconded by Sword.
Motion passed.

XI. Public Comment on Non-Agenda Items

Soliai said there was public comment regarding the sanctuary that was emailed and asked for it to be entered it onto the record.

Frank Barron expressed his concerns about the expansion of marine sanctuaries and the impact on their community. He says that around 40 families that work for him rely on the purse seiners and boats in the area, and the expansion of monuments and sanctuaries is gradually pushing these boats out of operation. Barron questioned the rationale behind these conservation efforts, considering the vast distances the boats fish from reefs or islands. The fishing fleet was reduced to 12 boats out of 40-50 and ultimately affected their livelihoods. There is a substantial presence of Chinese, Taiwanese, Spanish, and French fishing boats in international waters and suggested that the focus should be on regulating these foreign vessels rather than limiting

American fishing activities. He asked for support in promoting the American fishing industry and suggested that more American boats should be encouraged to participate and be regulated within the local waters. Barron says that American Samoa needs to secure a future for the younger generation and expressed disappointment that the traditional fishing skills and practices are dying out due to the uncertainty of the industry's future. American Samoan fishermen employ responsible practices, such as the use of turtle nets and proper handling of marine life. Barron said foreign competitors may not follow such practices.

Keniseli Lafaele, former director of the American Samoa DOC, addressed his concerns regarding the proposed expansion effort. He says there are potential negative impacts on the economy and he supports Governor Mauga's call to suspend the expansion until its economic consequences are clarified. Lafaele also advocated for the inclusion of fisheries in the expansion plans. He emphasized the importance of using Pacific cultural methods for addressing complex issues and fostering open discussions or Talanoa. He said the expansion will have effects on the economy and local livelihoods should be thoroughly considered before proceeding. Lafaele noted the historical collaborative relationships among Pacific leaders and highlighted the need to maintain respectful interactions among leaders. He suggested that Hawaiian leaders should learn from previous leaders' working relationships to foster better cooperation. Regarding the renaming of islands within the expansion area, Lafaele advised Hawaiian leaders to respect the shared history and culture of the Pacific. He says that American Samoa's primary concern is the protection of fishing grounds, urging all parties to consider the impact on these vital resources.

Ioane extended his gratitude toward the Council for granting him a second chance to address them. He spoke on behalf of the local fishermen who are reluctant to voice their concerns before the Council. Ioane said there is a need to improve the conditions for local fishermen. The Council had previously funded the construction of two boat ramps on the island's east side. He says there is a need for a boat ramp on the west side of the island, where he resides. He noted he recently launched a new fishing boat. Regarding the state of the loading dock at the Bay Area, he said it sustained damage during the 2009 tsunami. The condition of the loading dock had deteriorated over time, posing difficulties for local fishermen to park their boats. He requested funding for the repair of the loading dock. Regarding an issue concerning the light tower on top of Mount Lauli'i, he says that it has not been functioning. It serves as a crucial navigational aid for local fishermen navigating during nighttime fishing trips. He asked whether the Council or ASG was responsible for its maintenance, and stressed the importance of addressing this matter to ensure the safety of fishermen. Ioane reminded the Council of a promise that was made at the last Council meeting held in American Samoa to sponsor a fishing tournament every time they come to the territory.

Gene Pan, a citizen of American Samoa and a representative of the House of Representatives for American Samoa District number five, shared concerns and experiences related to the fishing industry and the potential sanctuary expansion. He provided insights into his background, having worked in various roles within the fishing industry, including shark finning when it was legal, as well as employment with canneries. Pan recounted the loss of population that occurred when Samoa Packing closed in 2009, that resulted in a significant decrease of approximately 10,000 people in the census from 2010 to 2020. The impact of such population loss on American Samoa is significant, as it places a strain on the remaining 46,000 inhabitants who would have to shoulder increased costs and taxes. Pan said American Samoa is the economic powerhouse of the South Pacific, with people from neighboring Samoa coming to

work and support their families. He explained that unlike places like Hawai‘i with tourism as a viable economic option, American Samoa heavily relies on the tuna industry as its primary source of income. Pan stressed the critical importance of enforcing fishing regulations to protect the local industry. He said the local fishermen and boats that serve the island follow the rules and regulations while other outsiders might not. He asked that the proposed expansion be reconsidered and to take into account the concerns and interests of the local people. He also asked to consider a different approach that prioritized enforcement and sustainability.

XII. Hawai‘i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Dang provided his Moku Pepa report. Hawai‘i’s seafood production has been stable as most vessels in the fleet are active. The pricing has been very stable. There were a few dates of depressed prices due to the in-between spring break and summer vacation periods. Swordfish landed its last vessel last week; it has been a good season for the swordfish. Tourism is flat or down a few points from pre-pandemic numbers, but the Japanese market is still about 70% down from pre-pandemic numbers. One hundred fifty fighting line devices are being made for the Hawai‘i fishing fleet. The HLA submitted a proposal for BREP funds to support crew training on the fighting line device, but the proposal was not selected for funding.

Kamaka’ala provided her Moku Pepa report. The Hōkūle‘a has commenced its Moananuiākea, a voyage for oceans. The 400 crew will travel 43,000 nautical miles for 47 months using non-instrumental navigation techniques through 36 countries. This voyage reclaims culture, traditions, and our relationship with home. This voyage is guided by deepening their values, moving from exploration and understanding to malama, caring, and kuleana, taking responsibility. These values drive discovery toward choices and actions that they believe will help build a future good enough for their children. The regularity of living these indigenous lifeways is one practice that feeds into their ability to circumnavigate the Pacific through these deep connections to our environment, to ourselves, and to each other.

Ramsey provided his Moku Pepa report. Hawai‘i has a diversity of different fishing types and modes, and communities. The Tokunaga Ulua Challenge on Hawai‘i Island had over 610 participants from all over the State, shipping their gear and vehicles. One category of this tournament was trash pickup. The conservation aspects are being inserted into all these tournaments. Fishing tournaments allow people to network with fishers and bring families together. The U.S. National Spearfishing Championship was held on Hawai‘i Island, with spear fishermen coming from all over the nation. There was criticism about the National Spearfishing Tournament in Hawai‘i having an impact on sensitive species. They have adjusted and adapted to only target invasive species now. This adjustment is an excellent example of how the fishing communities adapt the practices. Many tournaments are going on, ranging from shoreline fishing to spearfishing to trolling to virtual tournaments. These are missed opportunities for NOAA to have a recreational fishing specialist who could be at the tournaments and engage fishers. The region previously supported recreational fishing specialists who did wonders to engage the fishing community and exchange information. Ramsey also said fishers have recently caught cobia but have yet to confirm. This could indicate that aquaculture has gone wrong, climate change is causing a shift in fisheries, or invasive species are coming to our islands. The key point

is that the connection to the fishermen is the first point of contact, and that needs to be maintained.

Ramsey provided Rice's Moku Pepa report. Hawai'i's new fishing license rules may cause issues for charter and recreational fleets. The State will implement the license at year-end and start charging tourists fees. The charter fleet knows they will bring in the most revenue through the new license, but the legislators who passed this law need to understand the fishery. Hawai'i DLNR Division of Aquatic Resources (DAR) did an excellent job of holding public meetings in Kona, where they took a lot of fire, but the general concern was who would benefit from the revenue. Hawai'i harbors need a lot of love and provide Hawai'i DLNR with other ideas. The charter fleet recommended a 1% increase in harbor fees to benefit charter vessels, dive and snorkel boats, and harbors. The charter fleet feels that the dive and snorkel boats have gotten a free ride while fishers continue to get taxed. He understands the money will go into a pot like the Sport Fish Restoration Fund. DAR indicated it allocates 15% of the Sport Fish Restoration Fund for fixing boat ramps, but fishermen use it 50% of the time. The other 50% of the time, snorkel and dive boats do not pay into Sport Fish Restoration Fund to use the harbors. The charter fleet has recommended the State hold off on its implementation phase and develop a task force of fishermen, legislators, and state agency reps to hash out the proposed spending plan to ensure it is fair to all its harbor users. Law enforcement issues will hurt their customers due to the new license. The State needs to regulate the fuel docks like they are supposed to, as the fuel price at the docks is \$1 more than road diesel at Costco. The fuel docks have a monopoly because individuals are not allowed to bring in fuel on trucks. In the last month, the harbor had three break-ins on boats and gear stolen with no security in Honokohau harbor.

Dueñas asked what place Sakoda placed in the National Spearfishing Derby.

Sakoda said he did not compete this year, but in 2014, he placed eighth individually and on the second-place team.

Dueñas commended the agency for participating and working with the community on these derbies and tournaments. He asked to what extent the agency gets involved in providing logistical and technical support, noting that in the CNMI, the local agency handles the logistics for the derbies. This allows the tournament association to focus on participants bringing in fish.

Sakoda said the State of Hawai'i does not get involved in hosting the tournaments but does provide education and outreach at most tournaments. If the tournament requires a permit, they are the agency that issues those permits.

Coit said she has had the privilege of seeing how different regions are engaging fishing communities. In some parts of the country, cooperative research projects focus on engagement with the fishing communities. These projects integrate fishers into the process, allowing them to be a part of the process. She agreed and endorsed that NOAA could benefit from a full-time recreational fishing specialist, and noted that Keith Kamikawa is only able to devote a minority of his time to recreational fishing issues.

B. Department of Land and Natural Resources / Division of Aquatic Resources Report

Bryan Ishida, DAR commercial fisheries biologist, presented the State's report for February 2023 through April 2023. As of the end of April 2023, 346 commercial marine license (CML) holders reported 1739 trips and caught 173,374 pounds of mixed deep-seven bottomfish species. Total catch was above that of the past four fishing years and below the 2017-2018 fishing year. There was a high catch in the current fishing areas. December 2022 landings were the highest single-month landings since December 2017. Around New Year's, optimal weather influenced fishers to get out and target bottomfish around the new year. Opakapaka typically makes up about 50% of the deep-seven catch, but in the past several seasons, they have seen a lower-than-average contribution of opakapaka, as low as 35%. Landings for the other species were about average. The landing of gindai continues to be well above average.

By the end of the 2022 reporting year, 13 CML holders reported 38 trips and caught 3,251 pounds of Kona crab. In the first half of the season, catches were above that of the past five seasons. At the end of April 2023, the catch was higher than the total catch of last season. The catch remains relatively low since the prohibition on the taking of female Kona crabs constrains this fishery. DAR is working to repeal that rule and allow the take a female.

Regarding the uku fishery, by the end of the reporting period, 130 CML holders made 343 trips and caught 17,550 pounds. By the end of April 2023, landings were similar to the past four seasons, but well below 2018 landings. Individuals were not targeting the uku as much, which may be attributed to depredation from sharks, competing fisheries and good prices for all species that may be driving fishers to other fisheries. Fishers typically target uku in areas such as Penguin Bank from May through June.

By the end of April 2023, 1,056 CMLs were issued or renewed for total revenue of \$148,500. Licenses issued are decreasing over time, mainly due to a steady decrease in non-longline associated CMLs issued. Conversely, longline associated CMLs are increasing over time. One Papahānaumokuākea Marine National Monument Native Hawaiian Practice permit was issued in March 2023. The permit coordinators group reviewed five permit applications.

There was no activity in February regarding FADs, but they confirmed two FADS missing in March 2023. In April, they confirmed one FAD was missing, two were replaced and two were recovered.

Regarding aquatic invasive species (AIS) management, USCG consultation meetings were held in April 2023. At this meeting, they finalized regulatory language that is expected to be completed by the end of 2024. The USCG will finish their enforcement language two years following the regulatory language. In the Hawai'i Legislature, companion bills (SB 268 and HB 755) were introduced to grant Hawai'i DLNR additional regulatory authority over incidental discharges, but both failed to pass. DAR staff attended the International Workshop on Biofouling Management in MPAs and PSSA (particularly sensitive sea areas) hosted by the International Maritime Organization in the Galapagos Islands. This workshop brought together scientists, managers and industry representatives to consult a document regarding standards for biofouling prevention in MPAs. The AIS team and DAR completed an annual SNAP (snapshot) survey about invasive algae distribution in Kaneohe Bay. A higher-than-usual volume of invasive algae

was found to patch reefs, and the AIS team will explore management options, including using the "Supersucker."

Hawai'i Legislature House Bill 755, which would enhance DAR's ability to prevent the introduction and spread of aquatic nuisance species such as Stony Coral Tissue Loss Disease through incidental discharges from vessels, failed to pass. The 2023 State Legislature adopted House Concurrent Resolution 80 and Senate Concurrent Resolution 41, designating Hawai'i's coral reefs as critical natural infrastructure and supporting nature-based solutions such as coral reef restoration for risk reduction.

Regarding rulemaking, DAR held many public scoping meetings on the commercial marine dealer license, the commercial marine vessel license, and the nonresident marine fishing license. The Board of Land and Natural Resources approved to hold public hearings on all three of these at their May 26 meeting. Public hearings will be occurring in early August.

DAR is moving forward with amending the regulated species rules for Kona crab. DAR received approval from the Board of Land and Natural Resources in May to hold public hearings and will hold hearings in August. These public scoping meetings will include regulations for herbivore species as well as the proposed allowing take of female Kona crab and extending the closed season to ensure that berried females are protected.

C. 2022 Hawai'i Archipelago Fishery Ecosystem Plan Annual Stock Assessment and Fishery Evaluation Report

Remington provided the 2022 Hawai'i Annual SAFE Report highlights. For the deep-seven bottomfish fishery, there was a slight increase in trips and catches compared to the last three years, driven by a slightly increasing trend for opakapaka. There have been more contributions from ehu and kalekale in recent years. For uku, there was a decrease in both trips and catches in 2022. This trend has been a continued decline relative to historical averages. There was an increase in CPUE for the inshore handline gear.

The deep-water shrimp and Kona crab fisheries are very disparate. For Kona crab, there was an observed decrease in trips and catches but an increase in fishing licenses. The deep-water shrimp fishery is a pulse fishery, but there has been decreasing participation and catch in recent years. In 2022, landings were just over 13,000 pounds of deep-water shrimp. Despite this low catch effort, the fishery has a high CPUE.

Regarding ECS, there was an observed decrease in catch compared to historical averages for reef-associated species except for ta'ape and kala.

The 2022 Annual SAFE Report made improvements to the bycatch summaries. Previously, the SAFE report displayed the number of releases per fishery, but not the species. An APT working group developed a table to show the top 10 bycatch species over the past decade. For example, kahala is the top bycatch in the deep-seven bottomfish fishery, followed by opakapaka. From 2013 to 2016, there was a significant surge in opakapaka release that may be a result of a tagging program. However, it is challenging to parse those data out in the overall data summary.

Regarding the Fisher Observation Section, fishers reported a need for FAD maintenance, boat ramps have been overcrowded, and a charter weigh station in Kailua-Kona was lost. In the past few years, older fishers have been exiting the fisheries with new fishers replacing them, and there were concerns amongst the older fishers that the new fishers replacing them could be impacting CPUE since they are less experienced in specific fishing techniques. COVID-19 is still making it hard to find some fishing crew, and there are more "weekend warriors" out on the water than the seasoned day-to-day fishers.

Fishers reported good market conditions for BMUS and pelagic species, but sometimes challenging for opakapaka when the market is flooded. There were increases in prices for bait, tackle, ice, and fuel, making it harder for commercial fishers to recoup fishing costs. Fishing was generally good in abundance and availability for pelagic and inshore species. There was a good opelu bite, and tuna were showing up year-round. Juvenile opakapaka were seen more in nearshore areas. Shark depredation continues to be an issue. For the environment around Hawai'i, fishers noted abnormal occurrences of extended periods of both strong and light winds, and abnormal currents have been affecting the abundance and occurrence of certain species.

The life history section includes updated information for opakapaka and onaga with ongoing studies for age and growth estimates. Socioeconomics data show a slight decrease in pounds sold for the deep-seven bottomfish, with increasing revenue from 2021. For uku, there was an increase in pounds sold and revenue due to fish prices. The protected species section includes an update on the bottomfish fishery BiOp. There were four records of oceanic whitetip sharks from 2000-2017, but no new reports of interactions in the past five years. The annual SAFE report also includes information on new model-based assessments of essential fish habitat for uku in the MHI using different species distribution models.

D. Kona Crab

1. Specifying Annual Catch Limits for Kona Crab (Final Action)

Yamada, Council staff, present the options for specifying annual catch limits for the MHI Kona crab fishery for fishing years 2024 to 2026. In March 2019, PIFSC released a new stock assessment, which found that the fishery had a maximum sustainable yield of 73,069 pounds and an overfishing limit of 33,989 pounds. The SSC at the 131st SSC meeting deemed the assessment as BSIA. The Council at the 178th meeting recommended ACL at 30,802 pounds at a risk of overfishing (P*) of 38% and an annual catch target (ACT) 25,491 pounds.

Yamada presented the options for specifying ACL for fishing years 2024-2026. Option 1 is no action. Option 2 would be status quo and would specify the ACL equal to the ABC at 30,802 pounds at risk of overfishing of 38%, and ACT at 25,491 pounds, 10% lower than the SEEM and P* analysis. Option 3 would specify the ACL equal to the ABC at 30,802 pounds, and ACT at 28,324 based on the P* and SEEM. Option 4 would specify the same ACL as options two and three, and an ACT at 21,243 pounds which is 20% lower than the SEEM analysis. In addition to the ACL specifications, the Council was asked to consider AMs. AMs would include monthly tracking of catch, which would account for a 40-day delay; monthly projections on when the ACL would be will be reached; final tally in terms of the overage adjustment if the ACT is reached; or close the federal waters if ACL is reached. There would be

no overage adjustment if catch reached the ACT but not the ACL, but overage adjustment would be made to the following year if the catch exceeds ACL. No adverse impacts are anticipated from any of the options on protected species, biodiversity and ecosystem functions, socioeconomics and management setting.

2. Main Hawaiian Islands Kona Crab Status Determination Criteria (Final Action)

Remington presented the options for establishing a SDC for the MHI Kona crab for the Council's final action. The MSA and NS 1 guidelines require SDC for all federally managed species. In the Council's original Fishery Management Plan (FMP), Kona crab were MUS since they were incidentally caught in the lobster fishery in the NWHI, but the FMP did not specify an SDC for this species. Kona crab fishery participation in MHI increased over time, most notably at Penguin Bank. Many of the Hawai'i MUS have SDC based on NMFS Technical Guidance provided in Restrepo et al. (1998). This action aims to fill the SDC gap for Kona crab in the FEP for compliance with MSA.

Remington presented background information how SDC is used in managing fisheries, history and current status of the Kona crab fishery, and the most recent stock assessment. The stock assessment determined that the stock was not overfished nor experiencing overfishing, but due to the lack of SDC, the stock status is officially considered unknown. The following alternatives were presented for Council's consideration: 1) no action; 2) use SDC from the 2019 stock assessment and Council fisheries; 3) use an SDC from crab fisheries outside the Pacific Islands. Alternative 2 would allow the 2019 stock assessment to be used immediately for SDC, whereas under alternative 3 the 2019 stock assessment could not be used. Examples of other fisheries from which SDC could be used include the blue crab fishery in Chesapeake Bay and spanner crab fishery in Australia, but SDCs in these fisheries take into account life history information less than those used in other Council fisheries. Remington summarized the input received from the Hawai'i AP on additional research needs for the Kona crab fishery, including research on the impacts from loss of high liners, pollution, and current and former regulations.

E. Options for Revising Uku Essential Fish Habitat

Remington presented on the options for revising uku EFH. Remington provided an overview of the EFH requirement under the MSA, noting that NS 2 and NMFS guidelines recommend the Council periodically review the EFH provisions in the FEPs using BSIA. These guidelines define the four-level system used to organize the information necessary to describe and identify EFH: Level 1, distribution data are available for some or all portions of the geographic range of the species; Level 2, habitat-related densities of the species are available; Level 3, growth, reproduction, or survival rates within habitats are available; and Level 4, production rates by habitat are available. Remington reviewed background information on current uku EFH designations, available data, and new model-based approaches.

In 2023, a working group developed an options paper to refine uku EFH based on the Level 1 and 2 models developed by Franklin (2021) and Tanaka et al. (2022). This action allows the Council to move away from literature reviews to describe EFH, and use fishery-dependent and fishing-independent data as inputs for models to inform EFH designations. The Council was presented with the following options for initial action: 1) No action; 2) Refine uku EFH using

only Level 1 information; 3) Refine uku EFH using only Level 2 information; 4) Refine uku EFH using Level 1 and 2 information; and 5) Refine uku EFH using Level 1 and 2 information in combination with CPUE data. The working group used the Alaska Fisheries Science Center's definition of EFH as the areas inhabited by 95% of a species' population and as the area containing 95% of the occupied habitat. This action would not change the Habitat Areas of Particular Concern.

Under option 1, EFH would remain as it is in the 2016 FEP amendment. The expected outcome would be that the Council would not be consistent with NS2 or NMFS regulatory guidelines because EFH is not based on BSIA. Option 2 would use the Level 1 information from Franklin (2021) that covers depths from zero to 300 meters. This option would help NMFS' EFH consultation process to focus their conservation recommendation on a more defined area. Option 3 would refine uku EFH using level 2 information (Tanaka et al., 2022). This modeling approach used information limited to depths of zero to 30 meters. While it would be the highest level of EFH information available, it does not describe uku throughout its known spatial domain. Option 3 would further reduce the EFH footprint, which would have significant implications for EFH consultations. Option 4 would revise uku EFH with an overlay of both Level 1 and Level 2. This option offers a unique approach that could incorporate and describe EFH across the spatial domain. Under option 4, EFH footprint would remain similar to current designations with no expected change to the fishery or its management. Option 5 would incorporate a standardized CPUE model as an additional layer to option 4, which was recommended by the APT to incorporate fishery-dependent information into the EFH designation.

Gourley asked if the breakdown of high- and low-level EFH plays a regulatory role. He asked for clarification on the purpose of having different gradations of EFH.

Remington said the SSC had a public comment by a PIRO Habitat Conservation Division (HCD) staff that addresses Gourley's question. HCD staff said the EFH refinement would help them focus their conservation recommendations from EFH consultations in areas that are most important for the species.

Gourley asked if the working group considered a way to fine-tune EFH near municipal infrastructure and sewer outfalls. From a biological perspective, there has been a trend in degraded water quality.

Remington said the definition of EFH included the shoreline, and the action would not be able to exclude harbors and sewer outfalls. From a model-based perspective, the models predicted or estimated that uku does occur here with some importance.

Fitchett, Council staff, said the Council at this time is considering a model selection to refine EFH. The next step will be determining what thresholds would be used to define EFH, which could be based on quality of the data, or precedents from other regions.

Gourley asked how receptive PIRO was to adopting these models for EFH consultation.

Malloy said the more information there is the better, and if Levels 1 and 2 models are deemed BSIA, she is supportive.

Remington said HCD at the SSC meeting fully supported these models and their usage for specifying EFH.

Sakoda said the inclusion of CPUE information does not reflect the importance of the habitat for the species but rather the importance of the area for fishing. Many of the model-identified areas are the more remote areas with less fishing pressure.

F. Status Report on Monument Expansion Area and Proposed Pacific Remote Island Areas Sanctuary

Kristina Kekuewa, ONMS Pacific Islands Regional director, provided a status report on the proposed PRIA sanctuary. NOAA initiated a 45-day public scoping process on April 18, 2023 and held meetings to gather input from individuals, federal, state, territorial and local agencies, and other representatives of indigenous peoples with ancestral, historical, and cultural connections to the nominated area, including but not limited to Native Hawaiians, Samoans, Chamorros and Carolinian peoples. The public scoping period ended June 2, 2023. NOAA uses this phase to determine the scope of issues for analysis in a proposed rule, draft management plan and draft environmental impact statement (EIS) to help inform the draft goals and objectives. Once the draft management plan and EIS are completed, the public agency partners, indigenous communities and organizations, and other rights holders and stakeholders may provide input. Congress can review the documents before any potential designation becomes effective, and NOAA seeks the public's involvement throughout the designation process. This process ensures that public input and participation are a significant part of the result.

Under Section 304(a)(5) of the NMSA, the Council is given the opportunity to create draft fishery regulations for the proposed sanctuary. The Council may recommend draft fishing regulations for the proposed sanctuary, recommend that fishing regulations are unnecessary, or choose not to act. The Council has until Dec. 20, 2023, to conclude this process. The 305(a)(5) process is guided by the MSA NSs. The benchmarks used by the Secretary of Commerce to measure any draft regulations prepared by the Council are the NOAA goals and objectives of the proposed sanctuary designation, purposes and policies of the NMSA, presidential proclamations 8336 and 9173 used to establish and expand the PRIMNM, respectively, and the Presidential Memorandum dated March 24, 2023, on conserving the natural and cultural heritage of the PRI. Whether regulations are recommended by the Council or directly by NOAA, fishery regulations for the proposed sanctuary will be proposed and promulgated by NOAA through the usual public rulemaking process. This process will provide an opportunity for public comment.

The proposed sanctuary goals and objectives, which were developed by taking into account public scoping comments and the presidential directive, were presented as follows:

- Goal 1, Conservation and Resource Protection: Comprehensively protect, conserve, restore, and manage the marine biodiversity and ecosystems of the proposed PRI NMS, along with their associated ecosystem services, historic sites, and cultural heritage.
- Goal 2, Governance: Ensure effective integrated management and shared stewardship of the proposed PRI NMS.

- Goal 3, Partnerships: Pursue, build, and maintain collaborative domestic and international partnerships that generate active and meaningful community engagement.
- Goal 4, Indigenous and Local Community Engagement: Engage and involve indigenous and local community members from the start and throughout to continuously incorporate indigenous and local knowledge, cultural values, and stewardship ethics to inform management efforts and abilities best to protect, conserve, and steward the PRIA.
- Goal 5, Research and Monitoring: Support, promote, conduct, and coordinate research and monitoring that combines multiple forms of knowledge to increase understanding of the proposed PRI NMS's cultural and natural resources, thereby improving decision-making and management:
- Goal 6, Education, Outreach and Interpretation: Inspire current and future generations to collaboratively preserve, protect, and manage the proposed PRI NMS's natural, cultural, and historic resources through education, outreach, and interpretation excellence.
- Objective 1: Establish the most comprehensive and lasting level of protection for the significant resources of the proposed PRI NMS by extending the existing protection of the PRIMNM to the full extent of the U.S. EEZ.
- Objective 2: Uphold and complement the current management of the PRIMNM as outlined in Presidential Proclamations 8336 and 9173.
- Objective 3: Provide the necessary policy, programs, structure, and processes to govern the proposed PRI NMS.
- Objective 4: Coordinate with other federal agencies and fully use all applicable authorities to cooperatively, efficiently, and effectively manage the resources of the proposed PRI NMS for current and future generations.
- Objective 5: Enhance community engagement and involvement, including engagement of indigenous Pacific Island communities, to support the management of the proposed PRI NMS.
- Objective 6: Honor and celebrate the distinct ancestral, historical, cultural, and maritime heritage connections to the PRIA and the surrounding open ocean waters and recognize the importance of indigenous knowledge, language, stories, and cultural links between lands, waters, and peoples.
- Objective 7: Conduct, support, and promote research, characterization, and long-term monitoring of marine biodiversity, ecosystems, and cultural and maritime heritage resources.
- Objective 8: Enhance public understanding of sanctuary resources to promote and encourage appreciation and stewardship of cultural and natural resources.

Dueñas asked whose generations would benefit from the proposed sanctuary and the beneficiaries, noting that all he heard about were related to researchers and scientists. With the establishment of these protected areas, only the rich can afford to go to these areas. For example, James Cameron was the only one ever to visit Nero Deep. He hoped that ONMS would recognize the next generation and provide Pacific Islanders a 25% allocation within the PRIA to benefit their native people. He blamed NOAA for holding a conference on Hawai'i Island to tell people that 200 miles was the best closure rather than the 50-mile boundary. Dueñas said the only positive comments from the Pacific about the proposed sanctuary came from a meeting in

Hilo, Hawai‘i. He asked what the percentage of support was and where that support came from, noting he had not met a single Pacific Islander, Samoan, Chamorro, or Carolinian that endorsed the sanctuary program. He asked whose legacy ONMS is trying to protect. He also asked why ONMS is ignoring the Governors, noting that no one is helping the island leadership understand that a part of their ocean has been taken away.

Kekuewa said ONMS had received approximately 57,000 comments that should be made available for public posting, but they are still analyzing and binning the comments. Regarding the second question, NOAA has engaged the highest levels of leadership to answer questions and comments from all the territorial governors. ONMS appreciates that comment and looks forward to having a response in the future.

Simonds asked how ONMS will consider allocation between stakeholders in the proposed PRIA sanctuary, noting that noncommercial and chart boat fishing could be allowed within the PRIMNM.

Kekuewa said the Council has probably studied the draft goals and objectives for the proposed sanctuary better than most. There is a reference to expanding the PRIMNM's protections, and the Council's comments on whether subsistence or sustenance should be allowed would be helpful.

Gourley asked if ONMS would consider extending the public comment period. He was able to attend the Saipan meeting and said the live streaming for Hawai‘i was inefficient for public participants. There was consensus from comments made in the Mariana Archipelago and Americans that the community needs more time. The affected communities do not understand what is happening. The governors of American Samoa and the CNMI wrote a letter to John Armor and ONMS requesting a 45-day extension to the public comment period, but there has been no response. He understood from Kekuewa's presentation that the communities will not be afforded more time to understand the process. He asked why ONMS had yet to respond courteously to their leadership's request.

Kekuewa said ONMS recognized the difficulty with the audio for the first meeting, and added two more virtual opportunities in response. They have learned through the trial that there are better ways to host people in a hybrid fashion and recognized that the hybrid format is not the best approach, but it is their way of trying to include people in the room and people who cannot be in a particular geography on a specific date to attend the meeting in person. The communities can submit their written comments, which can be done outside of the meetings. ONMS also wants people to understand that even though the scoping section of the process has technically closed, they continue to take in information that people want to share and engage through the rest of the process. There will also be more public meetings or reviews of the public documents for the draft EIS and other draft documents.

Gourley reiterated the question of why ONMS has yet to give the courtesy of response to the leaders in American Samoa, the CNMI and Guam on their request to either meet or extend the public comment period.

Kekuewa said the response letters are forthcoming.

Simonds said the governors would appreciate an acknowledgement of receipt of the request.

Rice said he was part of the group along with former Council member Ed Ebisui when President Obama's Administration sent a delegation to the Council office regarding closing the NWHI. They listened to what the delegation had to say but knew their decision was already made and they came to show face. He hopes this past experience is different from what is happening with the PRIA.

Sword said the closure of commercial fishing is an extinction-level event for their territory. When one of the canneries closed in 2009 after the tsunami, American Samoa lost 15,000 people from the population due to the loss of jobs. American Samoa is an underserved community, with 60% of the population living under the U.S. poverty level. Yet, discussing EEJ is hypocritical because NOAA has prioritized identifying equitable treatment and a meaningful environment for underserved communities, which are the fishing communities. Sword expressed concern with people coming down from Hawai'i, wanting to create a sanctuary and naming it from their site, when Samoans were navigators that went all over the Pacific far before Hawai'i. He questioned the equity for the people living in American Samoa and working at the cannery, as the sanctuary would basically take food off their table and slice their throats. He said there is no reason the sanctuary could not allow the people of American Samoa to earn a decent living, especially those who are poor. He asked what recourse the people of American Samoa have once the sanctuary cuts off people's livelihoods.

Kekuewa said ONMS is focused on the first part of the sanctuary process of scoping events, and will analyze the data that NMFS has provided. ONMS will consider socioeconomic analysis and work with the Council on these important data points. She said she appreciates the comments and understand they are heartfelt.

Soliai said one can appreciate the emotions of the Council members as it pertains to this sanctuary proposal, especially for those who live in American Samoa and will be impacted. In 2018, NMFS said the PRIA did not sustain permanent residences for Hawaiians or other Pacific Islanders due to the lack of water resources and land to cultivate food. He said he was not sure who ONMS is referring to when talking about conservation benefits for future generations when people cannot live in these areas. He also asked for a logical explanation for why ONMS cannot extend the public comment period.

Kekuewa said ONMS is still collecting information, and there will be more opportunities to comment within the sanctuary designation process. Extending this comment period does not make sense because ONMS is still receiving comments.

Soliai said the public comment period closed June 2, 2023, and ONMS is likely still analyzing those comments. The ASG received an email May 31, 2023, indicating that ONMS is planning workshops in different island jurisdictions. He did not think the workshops would translate into public comment when ONMS is taking the position to reeducate the island communities on an issue that has been aggressively opposed by all three governors and the majority of this Council. He also raised concern about a slide in Kekuewa's presentation that listed the role of territorial agencies in this process, noting that he was uncertain what role the territorial governments would play in an issue for which they have voiced their opposition. The

Administration has preached EEJ, but there is injustice in the proposed sanctuary and American Samoa is tired of begging to be heard. Regarding data, the Council requested NMFS and PIFSC to provide a data set showing fishing efforts within the PRIA for over 30 years as the window reported by the Pacific Remote Islands Coalition is small. The data show that as much as 25% of the effort was in the PRIA and on average around 90% of the fish caught in those waters has been delivered to sustain the cannery in American Samoa. Over the years, the fishing effort has declined, but he was dumbfounded that ONMS has not consider the entire data set and continues to only reference information provided by the Pacific Remote Islands Coalition. He said the NMFS dataset should be used as a basis for the proposal. He invited ONMS to visit American Samoa to sit with them and tour the cannery as Coit has, as it would give them the perspective of the impact on the people who live in the territories. Soliai provided an analogy of the current situation in American Samoa, in which Congress passed a law in 1830 to remove Native American Indians from certain areas within the continental United States where the white man wanted to move in. Hundreds of thousands of Native Americans were forced out of their lands in what is called the Trail of Tears, where people died in that out-migration due to the federal government. The tuna industry is the primary industry that supports the American Samoa economy, and the federal government is forcing the industry out without consultation and meaningful discourse with the native people. He said the solution is to allow fishing within the PRIA waters to sustain the small economies and fishing communities. Soliai said he did not think that the goals and objectives of the proposed sanctuary were achievable.

Kekuewa said ONMS is at the point in the process that these comments are helpful. It is part of their process to come to the Council to put forward draft regulations that make sense in this construct.

Soliai asked if ONMS has considered a review of the socioeconomic impacts that the sanctuary would have on the territory.

Kekuewa said she was not sure, but said ONMS is in a data-gathering phase, and they try to look at a broad swath of information. She said she would revisit the question at a later date when they are able to provide a specific answer.

Guthertz said she was ashamed of the federal government agencies for bringing forth this proposal, knowing full well that the people in American Samoa, the CNMI and Guam oppose it because it is unfair and unnecessary. The nationals of American Samoa, the American citizens in Guam and the CNMI are already under pressure in the territories due to the expanded military presence. In exchange for rifle ranges, fishers in Guam are losing fishing waters for three-fourths of the year because the military does not want any vessels near their rifle ranges. The expansionism in the closures of fishing areas is alarming to the Council members. The people of American Samoa have worked very hard to keep the cannery open. This action potentially will remove that identity in the United States, a StarKist tuna brand in the United States that is coming from American Samoa. This action is unnecessary, and she would like to see it withdrawn. She could not believe that the President of the United States would want to do this to people without equal rights in the U.S. territories, and suspected the pressure is coming from somewhere else. Council members are getting emails from senators, fishermen, educators, and regular people wanting to know what's happening. It is their responsibility to promote reasonable fisheries in our areas, and not to allow a historical tradition to be taken from the people without them having a voice. Guam's goal someday is to have a better relationship with the United

States, and the people do not want to be an unincorporated territory forever, but people will have second thoughts about that when they see how they are being treated. The tradition in the western and south Pacific is consensus building and participating together in decision-making, and Guthertz asked why that process would not be followed for the sanctuary. The cannery is American Samoa's main economic engine, and she wondered if the US is going to support the people of American Samoa who lose their jobs if the cannery closes.

Muña asked if ONMS would consider comments sent after the end of the public comment period.

Kekuewa said ONMS will include the information collected through the continued engagement process, and noted there is still time to incorporate comments until the draft document comes out in spring 2024.

Muña said Guam has officially requested an extension on the comment period since they endured Typhoon Mawar, which did not allow them to provide comments within the public scoping timeline.

Igisomar said there was a considerable push for a national monument in the Mariana Islands between 2006-2010 when he was the CNMI Division of Fish and Wildlife (DFW) director. The proponents promised a visitor center, employment opportunities, and tourism boost, filled their minds with hopes and dreams. After 14 years, they have seen zero benefit to the community from the monument, and nothing has happened. He asked why ONMS wants to propose a sanctuary when they have yet to deliver on old promises. The previous and current CNMI governors have requested to remove the Mariana Trench from consideration from the list for sanctuary designation, but they have not received a response for over a year. He asked who from the CNMI participated in the early process of the sanctuary nomination and provided the local support, noting that he had asked all of the local officials and they were not aware of the proposal until it came out.

Kekuewa said she was not part of the sanctuary program during the initial parts of that process for the Mariana Trench NMS designation process, and she could not speak on that.

Igisomar asked if there was any public announcement to let everyone know that ONMS is still receiving comments even though the comment period is over.

Kekuewa said she believes ONMS has not done that, but said they could update that information on their website.

Soliai said promises were made and unfulfilled, noting that American Samoa was promised a marine science lab. He said the sanctuary proposal cannot be looked at in isolation, because there are two federal actions are against the American Samoa industry. The first action is the proposed rulemaking by NOAA to separate the ELAPS from the high seas fishing days, which will impact the fishing industry that supplies tuna to the cannery. American Samoa did file a notice of intent to sue on that proposed rulemaking. The second is the proposed sanctuary. NOAA should not look at this in a vacuum because these two actions are on course to close the American Samoa fishery down. There are more than 5,000 jobs that are that dependent on this industry, which is the main economic driver that sustains the economy and keeps the freight transportation costs down.

Dueñas said when he first came to American Samoa more than 20 years ago, he was impressed with Fagatele Bay. The locals told him the stories of how much damage there was. He asked why ONMS prefers pristine places rather than damaged places, noting that ONMS could rehabilitate places with the big budget they have. Opportunities in the sanctuary are only for the rich and powerful. ONMS has not allowed the common people to fish in the sanctuary. He wants his culture to survive and be able to perpetuate his culture rather than putting it in a museum.

Igisomar said he thought the PRI scoping was poorly done, as there was no coordination with the local government offices and the public comment during the scoping meetings were shortened. He said the process has been a confiscation via conservation without consultation.

Simonds asked ONMS who they have engaged in developing the goals and objectives of the proposed sanctuary. Establishing the sanctuary will shut down the fishery in that area with little to no research to justify it. There are no residents on those islands given the lack of water. Since there is no written history of people living there, there is a need for better dialogue to ensure that if the PRIA are renamed, the process is done appropriately.

[Public comments on the PRI NMS issue were taken up at this time (summarized later in the public comment section). Following public comment, this agenda item resumed to address the remaining portion on the NWHI Monument Expansion Area (MEA) status.]

DeMello, Council staff, said the Council sent the letter to Nicole LeBoeuf, ONMS, with the Council's final recommendations for fishing regulations in the NWHI MEA. ONMS received the letter and their response was provided to the Council members. All of the Council's recommendations were accepted except for the portion regarding cost recovery, which ONMS said does not meet the goals and objectives of the proposed sanctuary.

Gourley asked which goal and objective did cost recovery not meet, noting that the ONMS response says that it is inconsistent with the goals and objectives of the proposed sanctuary.

DeMello said the letter does not specify which one. Council staff met with Armor and Kekuewa, and asked the question, but did not get a response.

Gourley said the Council will need to address this issue, and suggested that the Council recommend writing a letter specifically asking this question.

Dueñas said it was disheartening that ONMS rejected the proposed fishing regulations and that there is no real support to assist Native Hawaiians in catching fish in the NWHI. He needs to see why ONMS does not want to allow it in the possibility that an entity might be interested under the Community Development Program. It is the opportunity and recognition of the native people.

G. Advisory Group Report and Recommendations

1. Advisory Panel

Yamada provided the Hawai'i AP report and recommendations on behalf of the AP chair.

Regarding Kona crab SDC, the Hawai‘i AP recommended option 2. The Hawai‘i AP further recommended the Council request PIFSC develop an Ecosystem and Socioeconomic Profile Report Card for the MHI Kona crab fishery.

Yamada said the AP received a report from PIFSC on an Ecosystem and Socioeconomic Profile Report Card for the MHI uku fishery, which included an overview of the history and the dynamics of the fishery over time. The AP found that having a similar profile for the Kona crab fishery would be useful.

Regarding Kona crab ACLs, the Hawai‘i AP recommended the Council select option 3 to allow fishermen to catch the maximum amount of Kona crab.

The Hawai‘i AP further recommended the Council request the State of Hawai‘i expedite the Kona crab rule changes separately from other fishery packages.

Regarding uku EFH, the Hawai‘i AP recommended the Council select option 5, noting that this option provides the most comprehensive information for EFH. Further, the Hawai‘i AP requested NMFS provide clarification on uku EFH designation in the NWHI, and requested the action team expand the analysis to the NWHI.

Regarding Hawai‘i fishery issues, the Hawai‘i AP agreed to form a working group to discuss the issue of harbor infrastructure and include additional work group members from Hawai‘i DLNR, Division of Boating and Ocean Recreation and other interested parties.

2. Archipelagic Plan Team

Jones reported the APT recommendations.

Regarding the bycatch summary improvements, the APT recommended the Council approve the inclusion of new archipelagic bycatch summaries that describe both the amount and type of bycatch in Hawai‘i’s bottomfish fisheries in the fishery performance module of the Hawai‘i Archipelago annual SAFE report.

Regarding the draft Hawai‘i noncommercial module, the APT recommended the Council approve the inclusion of the draft Hawai‘i noncommercial module based on Hawai‘i Marine Recreational Fishing Survey (HMRFS) data into the Hawai‘i 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 the refinement of uku EFH in the MHI, the APT recommended the Council select option 5 to refine the EFH designation for uku in the Hawai‘i Archipelago FEP based on an overlay of Level 1 and 2 modeling products alongside fishery-dependent CPUE data. The APT noted that there may also be forthcoming information on the spatial distribution of egg and post-hatch pelagic life stages of uku for further refinement of the EFH designations for the species in the next one to three years.

Regarding the establishment of SDC for MHI Kona crab, the APT recommended the Council select alternative 2 to establish SDC for Kona crab in the Hawai‘i Archipelago FEP based

on the SDC utilized in the previous stock assessment (Kapur et al., 2019) and NMFS technical guidance (Restrepo et al., 1998).

Regarding Kona crab ACL specifications, the APT recommended the Council select option 2 that would rollover the previous ACL of 30,802 pounds alongside an ACT of 25,491 pounds for 2024-2025, maintaining the risk of overfishing of 38% and 20%, respectively, from the previous P* and SEEM evaluations. The APT noted that the current ACT of 25,491 pounds have not been reached since their implementation in 2020 and are unlikely to in the next two years.

3. Pelagic Plan Team

Jones provided the PPT report and recommendations.

Regarding the proposed sanctuary in the PRIA, the PPT recommended that the Council request NOAA, in its evaluation of the PRIA sanctuary designation, to evaluate the holistic impacts of prohibiting tuna fishing 50 to 200 nm of the island areas and that resuming sustainable fishing be made an objective in the designation.

4. Fishing Industry Advisory Committee

Fitchett, Council staff, presented the FIAC report and recommendations.

Regarding the PRIA sanctuary designation process, the FIAC recommended that the Council contend that fishing prohibitions on well-regulated and monitored fishing are not needed in order to protect PRIA ecosystems.

The FIAC recommended that NOAA conduct an economic study that considers the individual and the cumulative effects, including multiplier effects, to American Samoa based on the proposed ELAPS rulemaking, lack of acknowledgement of a distinct American Samoa fleet in international management, and effects of a proposed NMS that may prohibit fishing in the entire U.S. EEZ of the PRI.

5. Social Science Planning Committee

Severance, SSPC chair, provided the SSPC report and recommendations.

Regarding the proposed designation of a NMS for the PRI, the SSPC suggested that for the NEPA-like social and economic impact analyses, that that sector of the U.S. purse seine fleet and possibly the Hawai'i 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.

Severance said the general context of this recommendation is the widespread promotion of blue water MPAs. The more specific context is the publication resulting from the Council-sponsored 2021 workshop regarding a roadmap to effect area base management of blue water fisheries, along with some recent publications by Ray Hilborn and John Hampton. These are

reference scientific publications that call into question the presumed effectiveness of blue water MPAs.

6. Scientific and Statistical Committee

Ochavillo provided the SSC report and recommendations.

Regarding the MHI Kona crab ABC specification for 2024-2026, the SSC recommended alternative 2 (status quo), to roll over the current ABC to the fishing years 2024-2026. Therefore, the SSC sets the ABC for the MHI Kona crab fishery for the fishing years 2024, 2025, and 2026 at 30,802 pounds, the catch level associated with a 38% risk of overfishing.

Ochavillo said the SSC discussed the alternatives and considered that no new data are available. Without new information, the SSC agreed that the status quo was appropriate.

Regarding the uku EFH revision options paper, the SSC preferred the incorporation of Level 1 model for refining uku EFH (option 2) in the Hawai'i FEP noting Level 1 model provides information on the full range of the stock, but suggested future approaches on the use of Level 2 model.

Ochavillo said the SSC requested clarifications regarding the methodology used to combine model output from level 1 and level 2 analyses with CPUE data for option 5. PIFSC staff clarified that Level 1 and 2 model output and CPUE data were converted to percentiles, overlaid on a spatial grid, and averaged. The SSC discussed the approach for combining multi-model information in option 5 noting a preference for incorporating data inputs in a unified model with appropriate weighting for different data sources. The SSC also discussed the possibility of adding CPUE data as an input for Level 1 analysis and including some measure of variability if the average-percentile approach is used. The SSC discussed the fisheries independent data inputs for Level 1 (presence/absence) and Level 2 (abundance) regarding model output and comparisons to regions of high commercial uku catch, especially Penguin Bank. Penguin Bank was only identified as uku habitat in the Level 1 model as the majority of habitat at Penguin Bank is deeper than 30 m and data inputs in the Level 2 model were limited to 0-30 m depth range. The SSC discussed the utility of incorporating fishery dependent data, but there was not agreement among SSC members as to whether it was appropriate.

H. Public Comment

Joe Hamby, American Samoa AP member, said contrary to the information submitted by the Pacific Remote Islands Coalition, 6.9% of the effort and 7.1% of the catch in Howland and Baker Islands alone was attributable to American Samoa boats. At least 10% of the fishing effort and catch landed in American Samoa is attributable to the PRIA area, which is an essential part of the fish supply for the cannery. This cannery exists because it has an abundant supply of fish, and if that fish is taken away, the cannery will be left with nothing but infrastructure. This is the most developed tuna processing center in the entire Pacific. He compared the American Samoa and Solomon Islands tuna industry. The Solomon Islands have an industry that depends on tuna, encompassing a cannery that employs 2,400 people and depends on the European market and the local market. The cannery in American Samoa employs 2,200, and depends on the US market. The difference is the fish supply for the Solomon Islands comes from their own archipelago, with

Solomon Island boats catching fish locally and unloading it to the local cannery. Their government has decided to protect that industry by giving access only to the Solomon Islands boats that deliver fish to the cannery. Similarly, the fleet supplying the American Samoa cannery needs access to fishing grounds, without which the cannery will not survive. This is an opportunity for the government to show the support that this territory needs to survive in a highly competitive industry, and without that government support, it will survive.

Krista Haleck, vice president of Tautai o Samoa, said there was a need for more local and American Samoa representation in the decision-making process regarding the proposed expansion. She emphasized that the fishing areas being considered for closure are vital to the local economy and the tuna industry, which is essential for jobs, fuel prices, and goods transportation. She urged for a reconsideration of the proposal.

Stuart Chikami, longline and purse seine vessel owner, said there was an absence of engagement with the territories and questioned why initial engagement was not conducted when the impacted communities are known. He emphasized the importance of tuna to the Pacific region's economy and political negotiations. Even a 10% impact is significant. He questioned the focus on sanctuaries and called for a balanced approach that considers both conservation and economic realities.

Keniseli Lafaele, public member, highlighted the duty of the U.S. government to protect the well-being and livelihoods of American Samoans. He emphasized the significance of the fishing industry, particularly the cannery, as a pillar of the local economy. He argued against the proposed expansion, fearing it would negatively impact the fishing industry and American Samoa's economic stability.

Tafaoga Tuva, StarKist employee of 24 years, said StarKist does not use fish from Chinese and Korean vessels, and depends on US vessels. She said the company stands together in staunch opposition to the sanctuary proposal, and hope that their cause will be supported. StarKist is the only company that provides for their families and their livelihoods. She said they start their operations every day with a prayer. [*comments provided in Samoan and English*]

Katie Solomona, StarKist employee of 13 years, said she opposes the sanctuary proposal, which will push US vessels to fish farther, make it more likely that they will not deliver their fish to American Samoa, and negatively impact StarKist and its employees. StarKist supports the economy through local businesses such as buses, stores and taxis. She called for support and unity against the proposed expansion. [*comments provided in Samoan*]

Tufuga Faafoi Palepua, StarKist representative, highlighted the importance of the tuna industry for American Samoa's economy. He explained that the fishing operations account for a third of the island's gross domestic product and connect it to the global economy. More than 90% of the shipping containers leaving Pago Pago are connected to the StarKist operation, more than 70% of American Samoa exports consist of StarKist product, and for the last five years, more than 80% of the fish supply to StarKist is from the U.S. fishing fleet. He emphasized that the proposed expansion would negatively affect the fishing fleet, increase costs, and undermines the competitiveness of the American fleet against subsidized foreign vessels. There is no scientific basis for a complete closure of the EEZ to commercial fishing, which are well regulated and assessed by NMFS. StarKist is committed to conserving the natural resources and ecosystem of

the Pacific Ocean, as illustrated by the fact that the company is a founding member of the International Seafood Sustainability Foundation. He urged federal agencies to consider the impact of their decisions on American Samoa's people and economy.

Carlos Sanchez, longline vessel owner, said there may be negative consequences for American Samoa, including the loss of jobs and economic instability, while China could benefit from waters that the United States will be abandoning. He wondered how those waters would be protected if there are no eyes on the water from U.S. boats.

Frank Barron, purse seine fishery representative, urged support for the U.S. flagged boats, noting that there are only 12 boats left. He questioned the accuracy of data coming from non-U.S. boats in terms of how much fish is caught and transshipped, where they are caught, and whether they had any turtles in their net. In contrast, fishermen on U.S. boats are cooperative and return sharks back to safety. He said instead of kicking the U.S. boats out of the monument, the federal government should work with them to gather data from those waters.

Tam, Hawai'i fisherman, voiced frustration with the sanctuary process, expressing that it goes against the island's cultural values of open communication and cooperation. He criticized the process for not being transparent and equitable and questioned why Pacific Island regions are disproportionately affected.

Ilaoa, a local restaurant owner, said the proposed expansion scares him, as he and his wife has put everything in to start the business. The closure of commercial fishing in the PRIA puts the cannery and the entire economy in jeopardy, as the cannery subsidizes roughly 40% of the shipping and fuel costs for local businesses. Small businesses like his will not survive an operational cost increase of that magnitude. He criticized the lack of acknowledgment of concerns from Pacific Island leaders and communities, and the lack of reliance on BSIA that show the targeted fish stocks are healthy. He said it is shameful to prioritize funding over the livelihoods of people of the territory, who sends more of its sons and daughters to serve in the military than any state in the country.

Guthertz, speaking as a resident of U.S. territory of Guam, said there are potential impacts of closures on the people of American Samoa, the CNMI and Guam. She recommended the Council consider making a personal appeal to the President of United States for an intervention, and ask for the opportunity to meet with him and his representatives to express the concerns of American Samoa, the CNMI and Guam. The recommended intervention would be to reconsider the sanctuary process until full consultations and face to face interactions take place between the U.S. Pacific Islands, White House representatives and federal partners.

I. Council Discussion and Action

Regarding Hawai'i fisheries, the Council:

- 1. Requested Hawai'i DAR to provide outreach to the fishing community on the potential impacts, and spending plan for the funds from the implementation of the nonresident recreational marine fishing license.**

Sakoda said DAR held scoping meetings with the fishing community to describe the proposed regulations based on statutory mandates and feedback on impacts. They will be going

out to public hearing in August to get additional input from the fishing communities. He noted he will abstain from this recommendation.

Moved by Sword; seconded by Soliai.
Motion passed with Sakoda abstaining.

Regarding Hawai'i fisheries, the Council:

- 2. Requested NMFS provide funding to PIRO to hire a full-time recreational fisheries specialist for the Pacific Islands Region.**

Moved by Sword; seconded by Soliai.
Motion passed with Malloy abstaining.

Regarding the MHI Kona crab fishery ACL, the Council:

- 3. Selected alternative 2 and recommended that the ACL be set equal to the ABC for the MHI Kona crab fishery with a catch level of 30,802 pounds, or 38% risk of overfishing, and further sets an ACT at 20% risk of overfishing corresponding to a catch level of 25,491 pounds 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 AM 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 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.

Moved by Dueñas; seconded by Sword.
Motion passed.

Regarding the MHI 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 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.

Moved by Dueñas; seconded by Sword.

Motion passed.

Regarding the MHI Kona crab, the Council:

- 5. Requested NMFS PIFSC to develop an Ecosystem and Socioeconomic Profile Report Card for the MHI Kona crab fishery.**

Moved by Dueñas; seconded by Guthertz.

Motion passed.

Regarding options for revising uku 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.**

Malloy said she is concerned that the Council is recommending an option that would only go with Level 1 data, given that the APT's recommended option 5 that includes Level 2 and CPUE. More work would need to be done by the APT and others before option 5 can be eliminated. She preferred to keep option 5 as the preliminary preferred alternative so that the work can continue to consider all available data sources.

Moved by Dueñas; seconded by Soliai.

Motion passed with Malloy abstaining.

Regarding options for revising uku EFH, the Council:

- 7. Requested NMFS PIRO to provide clarification on the application of EFH in the Papahānaumokuākea Marine National Monument and directed the action team to consider expanding the EFH refinement to the NWHI.**

Moved by Dueñas; seconded by Soliai.

Motion passed.

Regarding the annual SAFE reports, the Council:

- 8. Endorsed the Hawai'i and PRIA modules of the 2022 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 Hawai‘i’s bottomfish fisheries in the fishery performance module of the Hawai‘i Archipelago annual SAFE report.**
10. **Approved the inclusion of the draft Hawai‘i noncommercial module based on HMRFS data into the Hawai‘i Archipelago annual SAFE report as presented, noting that additional investigation is needed to determine if there may be biases in the interview-derived data.**

*Moved by Dueñas; seconded by Guthertz.
Motion passed.*

Regarding NMSs, the Council:

11. **Directed staff to review the Council’s current fishing regulations for the PRIA 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 for potential action at its next meeting.**

Malloy said while the recommendation says potential action at the next meeting, there is a deadline for December so it would have to be initial action at the September meeting.

*Moved by Soliai; seconded by Dueñas.
Motion passed.*

Following the Council’s vote on #11, Onaga advised that recommendation would limit the Council’s options as it would limit the review of fishing regulations to existing ones for the PRIA. Council should consider promulgating fishery regulations for the whole PRIA rather than just focusing on the PRIA.

DeMello clarified that the recommendation is for staff to review the fishery regulations in preparation for the next Council meeting and to determine whether regulations are needed.

Simonds said she understood GCPI’s suggestion to mean that the Council may want to evaluate the prohibition on commercial fishing.

Soliai suggested the discussion be tabled until the next day.

Motion to table Hawai‘i recommendations #11-14 to day 3.

*Moved by Soliai; seconded by Sword.
Motion passed.*

[Discussion resumed June 29, 2023.]

Motion to reconsider recommendation #11.

*Moved by Dueñas; seconded by Guthertz.
Motion passed.*

The Council amended recommendation #11 as follows: The Council directed staff to review the Council’s current fishing regulations for the PRIA and Pacific Pelagic 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 PRIMNM regulations to the full spatial extent of the EEZ for Council consideration at its next meeting.

Moved by Soliai; seconded by Guthertz.
Motion passed.

Regarding NMSs, the Council:

- 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 Hawai’i 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.**

Moved by Soliai; seconded by Dueñas.
Motion passed with Malloy abstaining.

Regarding NMSs, the Council:

- 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 NMS that may prohibit purse seine-based commercial fishing in the entire U.S. EEZ of the PRI.**

Moved by Soliai; seconded by Sword.
Motion passed with Malloy abstaining.

Regarding NMSs, the Council:

- 14. That for the NWHI 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 Feb. 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.**

Peck said this recommendation should clarify it is regarding the NWHI MEA.

Additional language to clarify that the recommendation pertains to the NWHI MEA was adopted by general consent.

Moved by Soliai; seconded by Dueñas.

Motion passed.

Regarding NMSs, the Council:

- 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 PRI 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.**

Moved by Dueñas; seconded by Sword.

Motion passed with Kamaka'ala and Malloy abstaining.

XIII. Mariana Archipelago

A. Guam

1. Department of Agriculture / Division of Aquatic and Wildlife Resources Report

Muña presented the Division of Aquatic and Wildlife Resources (DAWR) report. All 24 shore-based surveys were completed during January through March 2023. The top three species caught were atulai (bigeye scad) and two species of trevally. The top three methods used was hook and line, castnet, and snorkel spear. All boat-based surveys were completed with skipjack tuna, mahimahi, and yellowfin tuna being the top three species caught. Trolling accounted for 92% of the landings while the remaining 8% was from bottomfish fishing and snorkel spear.

The Agat Marina Dock B was given a Notice to Proceed May 15, 2023, to repair pipe piles and the floating dock. Typhoon Mawar struck five days later but a May 26 assessment found no damage. The Harbor of Refuge project was completed March 15, 2023, with 48 moorings, 36 designated for transient vessels. On the Merizo pier and boat ramp project, a request for quotation for the repair is under review by the Department of Public Works. A structural assessment by DAWR staff found small issues, such as missing planks, missing grades, and missing signage.

DAWR continues to issue special permits for the harvest of seasonal atulai, i'e (juvenile jacks), ti'ao (juvenile goatfish), and mañahak (juvenile rabbitfish).

Regarding the Guam FMP, the University of Guam Marine Lab, in coordination with DAWR, completed the first phase, including a meta-analysis of all dependent and independent species assessments that make up 80% of catch biomass over the past 30 years. DAWR will be scheduling community meetings to bring fishers into the process.

DAWR is in the process of deploying eight FAD buoys and one recovery. The sole vendor submitted a bid for \$20,000 over budget and was rejected. The procurement buyer would not allow DAWR to reduce the number of buoys for deployment from eight to seven to

compensate to meet budget. A sole source procurement process is now being pursued due to only one responsive vendor.

Regarding shallow water mooring buoys, the selection of a vendor to deploy 15 units is underway. Of the 34 permitted buoys, two were on station before the storm but were detached by the typhoon. No shallow water mooring buoys are currently on station.

One of 10 cultural signs remain, with the rest damaged by the storm. Repair and installation are being done by DAWR.

Three of the four fishing platforms were found undamaged by the storm, and in-water assessments are needed for two other platforms in the south to determine their status.

The Guam MCP is completed and is with the governor's office for review. The typhoon caused delays but the MCP will be ready for Council review at the 196th Council meeting.

2. Isla Informe

Guthertz reported the Port Authority of Guam returned to operations within three days after Typhoon Mawar and worked to support recovery efforts. The port general manager presented the initial draft of the Port Authority of Guam Master Plan to the Board of Directors April 10, 2023. Drafted by a Bureau of Statistics and Plans consultant, it will undergo a public hearing with the Guam legislature. The 390-page plan is comprehensive and includes support for the governor's transshipment initiative designating the port as the hub for the Western Pacific Region. This activity constituted 6% of total port container revenue. The plan also includes renovations to the port, marinas, and the Harbor of Refuge.

The United States signed Compact of Free Association (COFA) agreements with the FSM and the Republic of Palau. Additional negotiations are underway with the FSM to continue federal programs and services. The COFA was put in place in the 1980s allowing the United States to retain responsibility for the region's defense and provides economic assistance while gaining a huge strategic swath of the Pacific in return. Under a Memorandum of Understanding, the United States will commit \$7.1 billion over 20 years to the three island nations, subject to congressional approval. Renewing the COFA has become a key part of the United States' efforts to push back against China's bid to expand its influence in the Indo-Pacific. The U.S. called the relationship it has with the FSM special and the continuation of COFA-related assistance significant and would tackle challenges such as climate change. Chinese diplomats have been courting the region and their construction and mining companies have expanded their interests in many of the Pacific Island nations. Recently, the Palau legislature passed a bill to renew authorization for foreign fishing vessels to come into its waters but received great controversy by the people. In the last two weeks, the DOD confirmed significant numbers of Russian and Chinese vessels moving through the Western Pacific waters. The Chinese balloon shot down off the east coast of the United States had passed over Guam. China has been targeting the region for expansionism both economically and militarily and is a great challenge to the United States. One issue of concern on Guam is the military buildup, which needs to be an even build that consider its impact and the needs of the civilian community to support it.

Simonds asked to confirm if the United States deleted compact impact money to Guam and Hawai'i from the 2024 COFA budget. It seems unfair the United States is giving millions of dollars to the very states that impact the economies of the U.S. islands.

Guthertz confirmed the matter.

Dueñas added the COFA program is based on three migration activities, including education, medical and employment. Many homeless are also coming, which puts a burden on the welfare system. Reimbursements had been about 20% of actual costs.

Guthertz said the host islands spend over \$100 million dollars a year to host the COFA residents with costs to the social service system, school system, criminal justice system, and health system. None is reimbursed.

Soliai said there is uncertainty with what American Samoa gets from the relationship with COFA because the WCPFC have been trying to get support from the member states within the international setting but that continues to be a challenge. Relationships and contributions by the United States in the Pacific are good but there must be some sort of returns. Soliai asked if there is an update with Guam seeking an associate membership within the Pacific Islands Forum requested to the U.S. State Department.

Guthertz said there has been no response and may not be supportive of the request. Guthertz added Guam asked to participate as an observer during the compact negotiations but were denied.

Dueñas said the United States under the South Pacific Tuna Treaty provides \$23 million a year for 11 purse seine vessels to access FFA waters. But their citizens are allowed to come to Guam and harvest the same species the U.S. is paying for in their countries. He said he has asked the Council in the past if a U.S. citizenship or a green card could be required to harvest fish in Guam to protect U.S. fishermen. There are 12 fish markets in Guam supported by COFA fishermen. And because the law allows it, they bring their vessels donated by Japan as an economic enhancer and are using the boats against the local fishermen. They bring their divers and fishermen who have noted their plane tickets are paid for to come to Guam, but their passports are taken from them and are paid \$10 per day to fish and until the airplane fare is paid off. They are taking economic advantage of the people and there are no investigations. There are regulations that require licenses such as to own a firearm one must be a U.S. citizen. But to fish in Guam, anyone from the COFA states is allowed without any regulations. American fishermen need to be protected.

Dueñas provided his island report, and highlighted three Guam fishermen who died recently. Clyde Donato died of an illness, Frank Aquino died due to a heart attack and Dylan Cruz was lost while free diving. Safety at sea and in the water is important. Two nephews were lost, one to tiger sharks. With the closing of areas to fishing, it puts fishermen into more hazardous situations.

As a result of Typhoon Mawar, boats sank for the first time in the history of the GFCA and the Mariana Archipelago. Six boats sank, including the GFCA vessel whose engine was submerged and is unrecoverable. The GFCA facility was destroyed. Dueñas said the equipment loss amounted to between \$250,000 to \$300,000 and the GFCA may not survive. Two people

died a result of the typhoon, one of whom was a brother of a GFCA employee. Communication was lost making reporting difficult.

Dueñas provided a historical perspective that Guam has been affected by every war fought since 1898, noting that Guam has been loyal to the United States but is being unfairly treated and not being recognized as a people. He highlighted how the membership of this Council represents the island people and urged NMFS to embrace the Council body as the true representation of the word “equity.”

3. Review of the Guam Marine Conservation Plan (Action Item)

Muña requested the Guam MCP review be postponed to the next Council meeting.

4. 2022 Annual Stock Assessment and Fishery Evaluation Report-Guam Module

Remington presented the annual SAFE report on Guam’s fisheries with a focus on the archipelagic data for BMUS. Catch was relatively high in 2022 at nearly 45,000 pounds. Value and verification are under review at PIFSC to ensure the expansion happened appropriately. There were increased trips with fewer gear hours compared to 2021, although both were higher than the historical average by a range of 27% to 58%. There was good fishing effort for bottom fishing although there was a slight decrease in CPUE.

ECS saw good activity through July 2022. Creel surveys show more than 17,000 pounds were harvested with a general reef category being the most harvested in the commercial data. These species were grouped together based on how vendors sell them and were not identified down to single species. There were mixed trends for the priority ECS identified by DAWR with the biggest catch being the blue spine unicorn fish. The species classification in the commercial receivable data continues to have issues, similar to American Samoa’s broad groups in the top 10 list.

Fisher observations were collected through the APs and from an annual summit held Feb. 7, 2023. Guam fishers noted loss of FADs, crowded boat ramps, and lack of parking made it difficult to engage in fishing. New boats entered the fisheries with some fishers transitioning from using trolling reels to electric reels. Fishers reported challenging market conditions with low prices for bottomfish. Markets were flooded with mahimahi with fishers sometimes opting to sell roadside. The high price of fuel impacted fishing behavior. The water and weather were rough throughout 2022 with a few typhoons which changed entering 2023. Wind direction changes and strong currents impacted how deep lines are set. Fishing was good in 2022, both in number and size of fish. Good mahimahi fishing is on a five to seven-year cycle. There was also good ehu and marling catches. Uptick in pelagic fishing was due to mahimahi and wahoo, with mahimahi starting early. Schools of atulai lasted several months and was noted as the most harvested in the creel survey data. Fishers had a mixed catch level with some having bad catches and others having good catches. Opakapaka was difficult to find. The mañahak run did not happen. Shark depredation remained a problem in all island areas.

Reef biomass surveys occurred after several years of down time due to COVID-19. The National Coral Reef Monitoring Program conducts surveys in each of the island areas every few years and look at coral cover and reef fish biomass. This is an independent survey and not

associated with fishers' data but of divers who count and measure fish. Total hard coral coverage percentage increased compared to the two previous surveys, which stopped the decline trend. Upticks were noted with planktivorous and butterflyfishes.

Regarding life history, there were two completed studies in 2022, one for gindai age, growth, and reproduction as well as one for *Variola louti* (lyretail grouper) also for age, growth and reproduction. There are ongoing studies for onaga and *pristipomoides* snappers for reproduction which is hoped to be completed in 2023.

The socioeconomic section highlighted Guam having the second largest fuel price increase behind the CNMI, which impacted fisher behavior. Work with the GFCA is planned to obtain waivers to start reporting bottomfish commercial data.

The protected species section provides an update on the ESA consultation for oceanic whitetip sharks and giant manta rays. There have been no recent interactions for these species, and the APT is looking at including monitoring data and approaches going forward.

Oceanic and climate indicators show strong increases in temperature across the Mariana Archipelago, especially in many areas of the Northern Islands, by half degree Celsius. There were some thermal stress exposures with coral experiencing minor heat stress in the second half of 2022. Future surveys will need to be done to see if the corals were able to rebound from the heat stress event. Negative anomalies were noticed with chlorophyll, as was seen in other island areas.

Dueñas said through his involvement in biosampling, he found that Guam has onaga that reproduce in the summer at two pounds. In Hawai'i, it was at seven pounds. He has also seen a 12-inch lehi caught at 150 feet depth (while lehi are normally caught at about 550 feet depth) that was in its second stage of reproduction. Guam's fish are prolific breeders. Many factors need to be included in the report, to explain the content better and provide more in-depth information.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Gourley provided an update on CNMI's fisheries. CNMI's marine infrastructure has dire needs. Bids for the replacement of the revetment at Smiling Cove and Outer Cove Marina complex is ready to be issued. The Sugar Dock facility has not been used for several years due to the piling of sand. Permits are being acquired and will require \$12 million to replace the dock and dredge the launching ramp. The weather is improving and fishing activity is increasing. Convoys of small boats of between 17 to 25 feet have been observed heading to the Northern Islands. Boats do not go up alone for safety purposes. The markets are continuing to sell fish with most from local waters. Tourism is very poor but is starting to see some from Korea. The Japan and China markets are not materializing yet. Fish markets will be more active when tourists return.

The Mariana Trench was added to the NMS inventory list in March 2017 and expired on March 2022. The second public comment period ended April 25, 2022. Submitted comments overwhelmingly rejected the designation. It has been a year since the second comment period closed and the only update from ONMS is that they are studying the comments. The CNMI

governor wrote a letter Feb. 4, 2023, and in addition to a letter he wrote in 2017 while Lt. governor. Both letters were not supportive of the proposal. The governor expressed grave concerns with the nomination and requested ONMS remove the nomination from the inventory. No response to the letters has been received. The governor wrote another letter May 24, 2023, and asked for the status of the nomination as ONMS has not made public whether the trench remains on the inventory list. Both the previous and the current administrations do not support the proposal. All other sanctuaries that went through a five-year review were either rejected or remained on the inventory list. The Mariana Trench NMS nomination remains in limbo. Environmental communities continue to clamor for ONMS to force the nomination through.

Regarding the proposed PRIA sanctuary, public hearings were held in Rota, Tinian and Saipan. In Saipan, an estimated 60 participants joined. A question-and-answer period was held but was cut short so that comments could be heard. Between 30% to 50% of the participants did not know what is going on and thought the hearing was for the MTMNM. Tinian had eight participants with some who participated at the Saipan meeting showed up. Those who attended the Tinian meeting said it was loosely run but everyone who commented was given the time they needed, and the sanctuary overview explanation was confusing. Most of the comments at the Tinian meeting had nothing to do with the sanctuary. In Rota, the 15 participants who showed up did not support the sanctuary.

Malloy said she asks for updates when meeting with NOS counterparts and she is prompting them to deliver an answer on the Mariana Trench sanctuary as soon as possible. She offered reassurance that she is trying to get a resolution on the matter.

Gourley asked if NOS has explained why the decision has yet to be made.

Malloy said no, and added that the answer she received was that NOS is reviewing the way the five-year reviews are done and they will come up with a new plan.

2. A. Department of Lands and Natural Resources / Division of Fish and Wildlife Report

Michael Tenorio provided the DFW report. Between April and May 2023, 12 surveys and 36 interviews were conducted by the boat-based creel survey program. 12 were trolling, 11 were bottom fishing, four were spearfishing and four were atulai fishing. Atulai was separated from the rest as it is a seasonal hook and line fishery. For the shore-based creel survey program, 17 sample days and 20 interviews have been conducted in this reporting period. Of the 20 interviews, 19 were hook and line, and one was spearfishing. 2023 market performance data has not been entered into the system because DFW is working with PIFSC on integrating a different data collection system for the CNMI. There are currently 46 active participants in the commercial receipt system, 13 of which are harvesters and 33 are purchasers.

The LogIt ReportIt catch reporting system cannot be generated during this period as the contractor is still developing a tool called Metabase, which will allow pre-made and ad-hoc querying of the database. A walkthrough of the reporting system was done in March 2023 by the Acting Data Manager Angela Dela Cruz and data technician Kelsey Lizama to generate and provide feedback on the system to the admin users with what is best for the data section, data entry and validation protocols.

The Life History Program continues to operate. A planned trip to Agrihan Island to collect life history samples was cancelled due to unforeseen reasons. Preparations for the *Scarus ghobban* otoliths are continuing. Staff continues to read and interpret existing gonad histology slides and sampling efforts for the target species.

The Garapan Fishing Base Shoreline Revetment Project is ongoing with significant movement over the past two weeks. Water quality compliance issues continue to be mitigated.

Dueñas asked if a cap will be placed on top of the revetment so fishermen can have access to fish using rod and reel or talaya as the project extends out to deeper water. The cap of the revetment can be used as a boardwalk or walkway.

Ramsey asked what the term fishing base meant.

Tenorio said it is one of the main docks used by fishermen and recreational boaters. It is a historical site used during the German and Japanese times. It remains a hub for fishing and community activities.

Regarding the capping of the revetment, Igisomar said there are plans in place to pave the top as a walkway, along with a parking lot and other accessories.

3. Options for Commonwealth of the Northern Mariana Islands Bottomfish Annual Catch Limits (Final Action)

DeMello, Council staff, presented the options for the CNMI bottomfish ACLs. The Mariana Archipelago BMUS is made up of emperors, groupers, snappers and trevally. In 2019, a benchmark stock assessment was done by PIFSC, which included American Samoa, Guam and the CNMI. At the 134th SSC meeting in October 2019, the SSC determined the stock assessment to be BSIA. The Council then convened the P* and SEEM working groups in 2020. The assessment shows there is no overfishing occurring and the stock is not overfished for the CNMI bottomfish fishery. In 2020, the SSC set the ABC at 50% risk of overfishing, less the 11% P* reduction for scientific uncertainty, and recommended a 39% risk of overfishing, so the ABC was set at 84,000 pounds. The Council at its March 2020 meeting set the ACL equal to the ABC at 84,000 pounds. Due to the variability reflected in the Kobe plot, the Council also set an ACT of 78,000 pounds, which is the ABC less the socioeconomic and ecological management uncertainty or 39% risk minus 5% risk to equal 34% risk. Along with the ACT, an AM was implemented that if the ACL is exceeded, the Council will look at the three previous years of catch average to determine if the annual catch limit was exceeded and if it was, it would be subtracted from the following year's catch. The three-year average catch was 56,000 pounds with a high of 137,000 pounds in 2012 and a low of 652 pounds in 2018.

The current ACL expires in 2023, and the Council was asked to consider setting an ACL for 2024 and 2025. The Council was presented with three options. The first option is to not set an ACL, which is not expected to have an adverse effect on the fishery, but the option does not comply with the MSA and the Mariana Archipelago FEP. Option 2 is a status quo and would set the ACL at 84,000 pounds and an ACT at 78,000 pounds. Under this option, the associated risk of overfishing would be higher than what the Council assumed previously, and would increase the risk of overfishing from 39% to 41%. Option 3 is status quo for the percent risk of overfishing. Under this option, the risk of overfishing would be maintained at 39%, which would

reduce the ACL to 82,000 pounds. The ACT would be reduced further using the SEEM analysis. Under option 2 and 3, the fishery is not expected change because the landings have been consistently below the ACL, and it is unlikely that the fishery would reach the ACL under either option.

Gourley recused himself from discussions or votes on the matter as he is involved in the Saipan Biosampling Program.

Dueñas said around 2010, several vessels were harvesting in the Northern Mariana Islands and the catch was good. Relative to undersea volcanic activity around Esmeralda Banks, he wondered if the highliners who appear and disappear are ecologically related. In the past, the highliners looked at selling to Japan and Hawai‘i. He wondered if the numbers be worked to ensure they are reflective of the real fishery.

DeMello said will be done in the next stock assessment, through data workshops in 2024.

Soliai asked if there is an explanation behind the low catch data in 2018.

DeMello said it is related to the survey implementation, but may also be related to other factors. The stock assessment program will need to tease out the reason behind the low numbers through the data workshop.

Remington said DFW staffing issues impacted the creel surveys in 2018, which resulted in an abnormally low estimate for that year.

4. 2022 Annual Stock Assessment and Fishery Evaluation Report-CNMI Module

Remington presented the annual SAFE report for the CNMI. In 2022, BMUS catch was about 47,000 pounds, which was a decrease in from 2021 but higher than the historical average and lower than the current ACL and ACT. Effort with trips and gear decreased from 2021. Pounds per trip had a downtick while pounds per hour increased attributed to the differences in fishing trip length in 2022, affected by fuel price increases. Atulai was the most caught species among the ECS. The species was also the most harvested in the commercial data with over 20,000 pounds sold. The orange unicornfish exceeded historical averages. BMUS fishing was good all year even though some reef species were less than 2021.

An annual fisher observation summit was held in Guam Feb. 7, 2023, with three attendees from the CNMI joining. Information was also collected from the quarterly AP meetings. Fishers noted the loss of FADs. However, they were excited about new marina renovations. There were decreases in spearfishing. Fishers also reported vessels exiting the CNMI fisheries as they make their way to Guam. Fishing derbies had mixed results as fishers did not catch the larger size individuals they were used to. Fishers noted a lot more sea turtles in the lagoons and along roads. Shark depredations continue to be an issue, but lower occurrences in the Northern Islands than in Saipan. Rough weather was reported due to wind patterns, cooler water temperatures, and stronger currents, along with a lot of debris on the water. Fishers also said Military training activities continue to impact fishing. Although training advisories are issued, fishers remain unable to enter certain areas. Challenging market conditions persisted with high fuel costs of more than \$7 per gallon at times and in certain islands.

A National Coral Reef Monitoring Program on reef biomass surveys was conducted for the first time since 2018. A decreasing coral coverage trend and fish biomass were noted in the populated southern islands with an increase noted in the northern islands.

The socioeconomic section reports the increase in fuel price was highest ever seen in the CNMI. 2021 saw a strong fishing year due to increases in participation reporting. There was a small increase in fish price, which means that the revenue decreased at a less than the proportional rate per pound of fish sold. Trip costs also decreased despite the high fuel costs because fishers were taking shorter trips.

The protected species section reports that an ESA consultation found no jeopardy for the CNMI bottomfish fishery, and no records of oceanic whitetip shark interactions since 2017. The APT is considering ways to better account for unidentified sharks as part of the monitoring information in future annual SAFE reports.

Dueñas said at the Agaña Boat Basin, harvest of atulai is regulated with no nets allowed making this fishery difficult. Regarding bottomfish fishing, he investigated the 2021 report where people were locked out and were giving their catch away. With the reduction in size of reef fish, SCUBA diving was banned during the first quarter of 2020, and it took away a major component of the size frequency and the size of harvested fish. Free divers caught an average 8 to 10-inch parrotfish whereas SCUBA divers averaged 18 to 24-inch parrotfish and unicorn fish. Fishermen have noted they are finding coral cover to be much better at 80 feet where it was normally at 40 feet. Corals are resilient and are starting to rebound in deeper water with the effects to climate change and other factors such as a diver who caught a 12-inch Hawaiian slipper lobster from 200 feet. Even Japanese octopus are found in Guam's waters. Octopus are normally small during the summer while the larger ones are found in colder waters, up to five feet and a two-year life cycle. Consultation with fishermen is a must.

Remington said uptick in participation in commercial reporting in recent years could be associated with new regulations in the CNMI for commercial reporting. More people are starting to buy into the process, making data more complete.

C. Advisory Group Report and Recommendations

1. Advisory Panel

Tam, AP chair, presented the AP report and recommendations.

Regarding CNMI bottomfish ACL, the CNMI AP recommended the Council select option 3 and specify the CNMI bottomfish ACL at the same risk level. The CNMI AP notes that the recent catch has not approached the current ACL and therefore the current risk of overfishing is sufficient.

Regarding the Mariana Archipelago fisheries issues, the Guam AP recommended the Council request the governor of Guam, in light of recent Typhoon Mawar's destruction and impact on Guam's small boat fisheries, to assist DAWR in navigating the government of Guam procurement process and seek ways for expeditious procurement and deployment of FADs.

2. Archipelagic Plan Team

Jones presented the APT report and recommendations.

Regarding CNMI BMUS ACL specifications, the APT recommended the Council select option 3 that would retain the previous risk of overfishing of 39% based on the previous P analysis, associated with an ACL of 82,000 pounds and an ACT of 75,000 pounds for 2024-2025. The APT noted that the risk of overfishing was presented by the SSC and Council through their standardized P* and SEEM processes, though these processes are subject to change based on the availability of new fishery information.*

3. Pelagic Plan Team

There were PPT recommendations regarding the Mariana Archipelago.

4. Fishing Industry Advisory Committee

There were FIAC recommendations regarding the Mariana Archipelago.

5. Scientific and Statistical Committee

Ochavillo presented the SSC report and recommendations.

Regarding the CNMI BMUS ABC specification for 2024-2025, the SSC noted that the existing risk analyses from P and SEEM analyses are still useful and recommended option 3, retaining the existing risk of overfishing at 39% accounting for scientific uncertainty. The SSC sets the ABC for the CNMI bottomfish fishery for the fishing years 2024 and 2025 at 82,000 pounds, the catch level associated with this level of risk.*

D. Public Comment

There were no public comments.

E. Council Discussion and Action

Regarding the Mariana 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 ACL of 82,000 pounds, with a 39% risk of overfishing, and an ACT of 75,000 pounds, with a 34% 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 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 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.

Dueñas asked if the overage could be spread out over three years.

Yamada said the AM would take the most recent three years of catch and average that, and if there is an overage on that average, that overage amount would be applied only to the next year.

Moved by Dueñas; seconded by Guthertz.
Motion passed with Gourley recusing.

Regarding the Mariana Archipelago 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 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 SAFE reports, the Council:

- 4. Endorsed the Mariana Archipelago module of the 2022 Annual SAFE Report and directed staff to finalize the report for publication as soon as possible.**

[The above three recommendations were taken together as a single motion.]

Moved by Guthertz; seconded by Dueñas
Motion passed.

XIV. Pelagic and International Fisheries

A. 2022 Pelagic and Pacific Remote Island Areas Annual Stock Assessment and Fishery Evaluation Report

Remington presented highlights of the 2022 Pelagic and PRIA SAFE Report. The Hawai'i DSLL fishery had the same number of active vessels as the previous year, with slightly fewer trips in 2022. DSLL catch was down to 24.2 million pounds, a reduction of 3.5 million hooks from the previous year. Bigeye tuna catch has declined since 2015, with increases in

yellowfin tuna landings. Higher fish prices partially offset decreased landings. Hawai‘i shallow-set longline vessels increased from 17 to 22 in 2022. Swordfish catch in the shallow-set sector rose from 1.3 million pounds to 1.9 million pounds. Revenue for the shallow-set sector nearly doubled from 2021 to 2022.

Remington described landings and trends for “small boat” pelagic fisheries, including the main Hawai‘i Island troll and handline fisheries. Average fish price increases led to revenue increases for both small-boat fisheries. Also included for the first time in the SAFE report are bycatch reporting tables for pelagic small boat fisheries. The APT and PPT worked to create tables to include this information. Most released fish were yellowfin tuna and marlins. Troll fisheries are the predominant pelagic fisheries in the Mariana Archipelago, while the charter fisheries have been mostly inactive in recent years. Total trolling trips have declined slightly since 2021, with a “sawtooth” pattern in data with inter-annual variability. Tuna MUS have declined to just over 250,000 pounds a year in Guam and 600,000 pounds in The CNMI. Some increases for mahimahi and ono (wahoo) were noted.

Recent regional fishery revenue has been dominated by bigeye tuna (61%), although that is declining with increasing yellowfin production in the Hawai‘i longline fishery. Trip costs have been high, including fuel prices, to \$34,000 per DSLT trip and \$45,000 per shallow-set longline trip from Hawai‘i.

Remington provided an overview of recent protected species actions and recommendations by the PPT to review protected species and bycatch issues. The SAFE report also provides an overview of oceanographic indicators that drive fishery, including frontal zone analyses and recruitment indices that predict a four-year lagged regional abundance.

Dueñas asked if increased operational costs are offset by higher fish prices.

Remington confirmed both increases but could not glean whether they offset one another.

Dueñas said that there are issues with submitting GFCMA data and getting reports on it, because it is proprietary information. This data has been informative and needs to be analyzed with currently used creel data. Dueñas also noted that there are local markets and restaurants competing with 12 new Micronesian fish markets in Guam, caught by vessels brought over from Micronesia given from economic aid.

Remington said the APTs discussed non-disclosed information on Guam pelagic data, including paths forward to get the GFCMA a waiver to report out and get information on their data.

Sword asked how close the frontal zone information in the SAFE report is to Hawai‘i and the Mariana Archipelago.

Remington said he cannot provide exact details, but the frontal zone identified has been around 30 degrees north and has crept northward in recent years.

B. International Fisheries Issues

1. 2nd Western and Central Pacific Ocean Longline Management Workshop

Fitchett reported on outcomes of the Western and Central Pacific Ocean (WCPO) Tropical Tuna Longline Management Workshop held jointly between the Council and the Marshall Islands Marine Resources Authority. The workshop included 23 participants from nine nations and leadership of the Parties of the Nauru Agreement and FFA. Workshop participants agreed that the tropical tuna stocks are in good shape and there is room for increases in longline fishing privileges by revising the current Conservation and Management Measure for Tropical Tunas, CMM 2021-21. The case that well-monitored fishing deserves increased fishing privileges was acknowledged. In addition the need for enhanced monitoring, controls, and surveillance of longline fisheries on the high seas is overdue. Participants also acknowledged that climate change should be taken into considerations in any new or future management measures. Participants also shared views on zone-based management, managing the balance of catch and effort between national waters the high seas.

The United States presented its historical fishing days/sets with respect to catch, and separating them out among in zones (national jurisdiction) and the high seas. The workshop also agreed that the next official WCPFC workshop in June 2023 should focus on specific scientific requests to the SPC, which may include evaluating future levels of catch and effort for longline and purse seine fisheries. The workshop agreed that some changes would be warranted to Table 3 of CMM 2021-01, which includes catch limits for six nations including the United States, and made a request for SPC to conduct analysis to inform those discussions. Updated bigeye tuna and yellowfin tuna stock assessments are expected in August 2023. Follow-up projection analyses from these assessments may provide ‘scalars’ to inform longline and purse seine fishing levels commensurate with management objectives. An official WCPFC tropical tuna workshop was being held concurrently with the Council meeting.

Dueñas said he hopes the efforts materialize into an increased Hawai‘i longline catch limit. He said it does not appear the WCPFC is interested in zone-based management at the moment for longline fisheries, but noted the United States could have its own scheme. Dueñas asked whether the WCPFC will make these issues a priority. Dueñas said the Hawai‘i fishery is an ice fishery and its viability needs to be considered as well, noting that climate change seems to be a priority.

Fitchett said the purse seine fisheries have dominated U.S. discussions in the past, but the longline fishery is now much more important relative to the U.S. purse seine fleet. However, within the WCPO, longline fisheries are worth hundreds of million dollars while purse seine fisheries are worth billions. The goal of the workshop was to focus on the longline side and at least have these friendly discussions in an informal setting where members can engage. Fitchett also noted Dang is now an alternate Commissioner to the WCPFC, providing a voice for longliners.

Rice said he is hopeful that the U.S. fishery can get an increase, given the support of the Marshall Islands. Rice asked if there was any discussion on American Samoa’s recognition as a SIDS at the workshops.

Fitchett said issue is a specific purse seine issue whereas the workshop was focused on the longline fisheries.

Soliai said he is happy to see the collaboration with Marshall Islands Marine Resources Authority in consulting with other Pacific Island states. Soliai asked if they can assume that there will be an agreement to an increase of bigeye tuna for the United States.

Fitchett said the idea would be to adjust Table 3 in the CMM 2021-01 upward in terms in catch limits, not revising with reductions. The U.S. request has been pretty modest relative to other requests. Stocks are healthy and there is reason to believe an increase is warranted.

Soliai said there is no equity between the U.S. regulated vessels and the vessels of other countries, including some of those foreign fleets that are chartered within those Pacific Island countries.

2. WCPFC South Pacific Albacore Working Group

Alex Kahl, PIRO International Fisheries Division, reported on the WCPFC South Pacific Albacore Intersessional Working Group meeting held May 4, 2023. There were no decision outcomes at the meeting, but at the last minute the South Pacific Group (SPG) put forward a proposal that changes management objectives, away from maintaining biomass levels conducive to increasing CPUE of Pacific Island domestic fisheries. One of the main points of the working group discussion was what was driving the large drop in the 2015-2016 recruitment that is termed the “Big Dip” and the subsequent decline in the projected biomass. The SPC has been tasked with evaluating the Big Dip, and will be bringing them to the WCPFC Scientific Committee, after which the working group is expected to reconvene. The rationale in the SPG proposal leans heavily on the economic benefits of foreign fleets operating in the EEZs of SIDS, which is contrary to how the United States would approach the management of the stock. The proposal would also shift the target reference points to using spawning biomass, rather than using vulnerable biomass. NMFS has reached out to SPC to engage on the science to understand what those changes may be. The proposal also did not include discussion of expanding the management regime from the current focus south of 20 degrees to include the area from south of 20 degrees to the equator where significant fishing effort occurs, which has been a core position of the United States. Other concerns from the United States on the SPG proposal included the use of baseline years that would not allow American Samoa to achieve its optimal performance from the early part of the 2000s, and the lack of clarity in how the troll fishery would be incorporated into the management procedure.

Soliai said most of the actions by American Samoa’s neighboring countries are based on economic gain and expressed alarm by the SPG proposal which could lead to continued increased foreign fishing activity in waters around American Samoa. He was glad to hear that the United States is interested in expanding the measure to the equator. Soliai asked what the implications of the proposal’s reference period as it relates to the ASLL fleet.

Kahl said a potential risk of the proposal is that it would not decrease effort in the adjacent EEZs around American Samoa, which could continue to depress CPUE within the U.S. EEZ targeting albacore, which would prevent achieving profitable future CPUE for American Samoa. He noted that a revised analysis based on the shift from the use of spawning biomass to vulnerable biomass would be needed for an accurate understanding of the implications.

Soliai said his understanding is also that the SPG proposal could disadvantage American Samoa. Fishermen say it is like a parking lot around the U.S. EEZ around American Samoa,

which will impact the stock inside the EEZ. Soliai said American Samoa will not be supporting the proposal and he recommended that the United States not support the proposal. He noted American Samoa has been engaged by SPG to participate in some of their meetings, and hoped to be part of their future meetings.

Ochavillo asked whether the “Big Dip” is associated with the period when Chinese vessels increased its longline arrangements with other countries.

Kahl encouraged the Council to make recommendations for further information to answer those types of questions, so that the U.S. delegation or American Samoa could seek advice on the data from the science provider through the WCPFC framework. He said those types of recommendations would be helpful to understand the full ramifications.

Dueñas asked what the status of the North Pacific albacore stock is, and whether the Northern Committee has jurisdiction on that stock. He noted there is an abundance of albacore in the Mariana Archipelago and wondered if a domestic harvest program could be developed.

Soliai showed a map of foreign fishing effort in waters around American Samoa.

3. US Permanent Advisory Committee to the Western and Central Pacific Fisheries Commission

Kahl reported on the PAC meeting convened May 22, 2023. The PAC advises the U.S. Commissioners Chikami, Kryc, Gerry Leape, Christa Svensson and Dang. The meeting was focused on tropical tunas, with South Pacific albacore as another priority. The primary objective of the meeting was to build positions and strategies for the U.S. longline, purse seine and American Samoa’s interests in the tropical tuna measure. PAC recommendations are to be used as considerations for U.S. positions. A core recommendation from the PAC to the Commissioners is to achieve unambiguous recognition for American Samoa as a SIDS fishery, especially for the U.S. purse seine fleet in American Samoa for the purposes of the WCPFC. Other recommendations included avoiding further restrictions on fishing effort or limits that do not have a strong scientific foundation, applying conservation measures equally and equitably, increasing the bigeye tuna allocation for the United States, and high seas access.

Soliai asked if the PAC discussed the proposed PRIA sanctuary.

Kahl said the PAC did not discuss the topic at its last meeting, noting that the PAC meeting agendas are developed by the Commissioners.

Soliai asked when the next PAC meeting will be.

Kahl said the meeting has not been scheduled yet, but is expected to be around the WCPFC tropical tuna workshop that is scheduled the end of September 2023.

Soliai asked that the PAC address the proposed sanctuary at its next meeting.

Simonds said the sanctuary was on a previous agenda, but there was no time to discuss it and was supposed to be added to the next meeting agenda.

Malloy said she has been in constant contact with Kryc over the proposed sanctuary and its potential impact, so has been well briefed on the potential implications.

Soliai asked if there is an update on the ELAPS proposed rule.

Malloy said they expect the next step in the process to occur in about a month and a half, at which point NMFS would either finalize a rule or terminate the rulemaking process without a final rule.

Soliai asked if NMFS was still reviewing and has not yet made a decision on whether the rule will be final.

Malloy said NMFS cannot specify what the decision is until it is publicly released, as it is the case for all rulemaking processes.

Soliai said his concern remains over the ELAPS rule which may have combined negative impacts to American Samoa with the proposed sanctuary.

Simonds asked for further clarification on where the rule is at in the process, noting that the public comment period for ELAPS ended last year and American Samoa asked for a public comment extension, which was denied. The governor also sent a notice of intent to sue NMFS and they have not seen a response.

Onaga said the public comments were received and the agency is now reviewing those comments. The determination of whether the proposed rule will be finalized or withdrawn has not yet been made, and NMFS cannot discuss anything further until there is a publication in the *Federal Register* notice.

Simonds asked if the governor would not receive any response until the review is completed, and whether the response would be expected in the form of a response to comments in the *Federal Register* notice.

Malloy said there has been an exchange of letters with the governor following the notice of intent, and NMFS responded to the initial letter but has not yet responded to the second letter. She noted that the agency typically does not respond to a notice of intent to sue, but made an exception given the gravity of the situation and recognizing the importance to American Samoa.

Sword asked what month or day they would receive a notice.

Malloy said she could not give a date, but hoped it would be in the next month to a month and a half.

4. Inter-American Tropical Tuna Commission Science Advisory and General Advisory Committees

Fitchett reported on the Inter-American Tropical Tuna Commission (IATTC) Science Advisory Committee meeting held May 15-19, 2023, as well as the General Advisory Committee to U.S. Commissioners (GAC) and the U.S. Science Advisory Subcommittee (SAS) meetings held June 15, 2023. Fitchett reviewed the issues associated with tropical tuna stock assessments

and associated management issues. SAS and GAC made recommendations in support of funding a tropical tuna management strategy evaluation, enhanced monitoring of tropical tunas, and strengthening tagging and FAD data collection. SAS and GAC also discussed and made recommendations to quantifying catches of North Pacific albacore, and support a harvest control rule for bluefin tuna. SAS and GAC are also pushing for EM to complement human observers so that total levels of monitoring would achieve 20%, and there will be a joint WCPFC and IATTC effort on EM standards by 2024. Fitchett noted this provides an opportunity for the Council to have synergy between its discussion on EM that will be coming up at the September 2023 meeting and the international EM standards and requirements. The Science Advisory Committee and GAC also discussed issues related to billfish and sharks, as well as climate change.

Dueñas asked if the IATTC has BiOps like those in the Pacific Islands and if there has been a comparison of how the BiOps are done in the different regions within the U.S., noting that some of the fisheries on the U.S. East Coast have much higher allowance of take than the Pacific Islands fisheries.

Fitchett said international fishery management organizations do not have BiOps, because they do not have the same standards that the United States does under the ESA. Some mitigation measures that have been adopted at the IATTC, but they are not as strict as those adopted in the WCPFC.

Dueñas clarified his question and asked how Pacific Council fisheries that operate under the IATTC deal with BiOps compared to the Western Pacific.

Fitchett said there is a West Coast drift gillnet fishery phasing out due to marine mammal interactions and a few longline vessels that operate out of California, but he was not sure how the BiOps are handled for those fisheries.

C. Council Pelagic Fisheries Research Plan

→ This agenda item was taken up under Program Planning.

D. Advisory Group Report and Recommendations

1. Advisory Panel

There were no AP recommendations regarding pelagic and international fisheries.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations regarding pelagic and international fisheries.

3. American Samoa Regional Ecosystem Advisory Committee

There were no REAC recommendations regarding pelagic and international fisheries.

4. Pelagic Plan Team

Jones presented the PPT recommendations.

Regarding the multi-year specification framework for bigeye tuna territorial allocation limits, the PPT recommended the Action Team to prioritize analyzing regulations for multi-year longline bigeye tuna catch and allocations to have a single unified agreement between U.S. vessels and Territories, noting the complexities of tracking attributions of fishing vessels to territorial allocations and regional fishery management organization requirements of charter arrangements being singular.

Regarding the pelagic SAFE report, the PPT recommended that PIFSC Social-Ecological and Economic Systems Program continue to pursue funding to conduct cost-earnings surveys at their regular five-year intervals to better inform socioeconomic data summaries.

The PPT recommended PIFSC to look at the effect of protected species (prioritizing loggerhead sea turtles and leatherback sea turtles) population trends on predicted interactions and impacts of climate/environmental drivers.

The PPT recommended that the Council form a working group including PPT members Jones, Rob Ahrens, Lynn Russell, Snover, Russell Ito and Council staff, to initiate a detailed review of fishery performance under the loggerhead and leatherback turtle trip interaction limits in the Hawai‘i shallow-set longline fishery including 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 EBFM Spatial Decision Making Workshop. The working group should provide a report to the PPT at the May 2024 meeting.

5. Social Science Planning Committee

Hospital, SSPC member, presented the SSPC report and recommendations.

Regarding the multi-year territorial bigeye tuna catch and allocation specifications, the SSPC endorsed the proposed multiyear catch and allocation specifications with the caveat that these be developed to be in line with the new stock assessment and any new CMM. The SSPC supported a single unified agreement as it would prevent unnecessary inter-fleet competition and potential inequitable allocation issues, maximize community participation, and consideration for safety at sea (NS 10).

Hospital said the SSPC noted that affording more predictability and continuity to the specification process benefits all and reduces the possibility of significant adverse impacts from fishing market and cultural disruptions. The SSPC also highlighted that benefits from potential fishery infrastructure and demonstration projects under the territorial and commonwealth MCPs can contribute to resilient seafood systems.

Regarding the review of the American Samoa Large Vessel Prohibited Area (LVPA) impacts, the SSPC recommended a brief focused effort conducting a few focus groups followed by local interviewers, supervised by a trained social scientist, but utilizing Samoan personnel and translation if needed, to investigate the issues that may relate to the assessment of the social and economic impacts of the LVPA and other factors influencing the American Samoa pelagic fisheries.

Hospital said the SSPC discussion highlighted difficulties in assessing impacts of the LVPA and drivers in the decline in the alia fleet due to the potential confounding of multiple economic and cultural factors. These may include the rising costs of fishing, particularly fuel, ice and bait prices, crew availability, safety issues; the motivations of captains and crew to continue to engage in sharing customary patterns of postharvest distribution of unsold portions of catch; the questions of the continued role, if any, for traditional village-based fishing arrangements; and the prevalence of culturally driven fishing obligations.

6. Scientific and Statistical Committee

Ochavillo presented the SSC recommendations.

Regarding the WCPFC tropical tuna scientific requests, the SSC supported a request for updated stock assessment projections using the 2023 bigeye and yellowfin tuna stock assessments, evaluation of longline and purse seine scalars relative to previously analyzed management targets, with bigeye tuna being the priority.

E. Public Comment

There was no public comment.

F. Council Discussion and Action

Regarding the WCPFC issues, the Council:

- 1. Recommended that the NMFS request SPC to conduct the following:**
 - a. 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.**
 - b. Analyze specific scenarios of biomass depletion estimates associated with candidate management objectives (i.e., 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 WCPO longline management workshop following the August 2023 WCPFC Science Committee.**

Moved by Dueñas; seconded by Sword.
Motion passed.

Regarding the WCPFC issues, the Council:

- 3. Recommended the PAC discuss the PRI sanctuary process and its impacts on U.S. tuna fisheries within the WCPFC at its next meeting**

Moved by Dueñas; seconded by Sword.
Motion passed.

Regarding South Pacific albacore tuna, the Council:

- 4. Recommended that NMFS not support a proposal made by the SPG, as provided to the South Pacific Albacore Intersessional Working Group in May 2023.**

Moved by Sword; seconded by Guthertz.

Motion passed with Malloy abstaining.

Regarding South Pacific albacore tuna, the Council:

- 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.”**

Moved by Guthertz; seconded by Dueñas.

Motion passed.

Regarding South Pacific albacore tuna, the Council:

- 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 2000s.****

Moved by Dueñas; seconded by Sword.

Motion passed.

Regarding the annual SAFE reports, the Council:

- 7. Endorsed the 2022 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 PPT members and Council staff to initiate a detailed review of fishery performance under the loggerhead and leatherback turtle trip interaction limits in the Hawai‘i shallow-set longline fishery. 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 EBFM Spatial Decision Making Workshop. The Council further directed the working group to provide a report to the PPT at the May 2024 meeting.**

Moved by Dueñas; seconded by Guthertz.
Motion passed.

- 10. Requested PIFSC to continue to pursue funding for the Social-Ecological and Economic Systems Program to conduct cost-earnings surveys for the Hawai‘i 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.**

Moved by Dueñas; seconded by Guthertz.
Motion passed with Malloy abstaining.

XV. Administrative Matters

A. Financial Reports

Simonds referred members to the briefing materials for the report on the administrative award.

Mark Mitsuyasu, Council staff, reported on the biosampling assistance and EBFM Indicator for the Coral Reef Fisheries of the Mariana Archipelago projects supported by the coral reef award.

DeMello said the biosampling project was conducted to help the territories gain more life history information.

Mitsuyasu said there are seven open SFF awards; two that are closing this summer support the ASLL Fuel Reimbursement Program and the CNMI Revetment Project. The SFF award for the Hawai‘i PRIA has been extended for another year. That award supports the U.S. Pacific Territories Capacity-Building Scholarship Program in Guam, which does not have an agreement and supports public community meetings related to EEJ in Hawai‘i. The remaining SFF awards support projects such as monitoring in the fisheries, outreach and education, fishery development and infrastructure work in American Samoa and the CNMI. Mitsuyasu also said the Leatherback Tag Head Project from the turtle 2021 award should be wrapping up later this summer.

Simonds presented a slide depicting the decline in Council funding from 2019 to 2022. The Council received \$4,300,829 in 2022, which was reduced by \$127,627 in 2023. The Council received funding for joint PIFSC and PIRO projects such as the SAFE report coordinator and the capacity-building scholarship program. Simonds noted that other councils are also experiencing the impacts of inflation and the cost of conducting business is increasing. The Council is also working with the Coral Reef Program to see if changes can be made to support the personnel and fringe funding of the Council’s coral reef coordinator. Simonds said fringe benefits have increased around 40%, along with advisor compensation and travel costs contributing to the shortfall. The Council will not be able to fill vacant key positions or hold AP meetings. In addition, the September and December Council meetings will be conducted virtually. Simonds said the Council plans to look at other options to ensure the year is completed.

B. Administrative Reports

Simonds said Matt Seeley, ecosystem specialist, has resigned from the Council and the Council will not be funding the CNMI island coordinator position. A temp was hired from Robert Half to support the audit, which started May 1, 2023, and will conclude Sept. 30, 2023.

C. Council Family Changes

Mistuyasu said Council family changes were discussed during the Executive and Budget Standing Committee meeting.

D. Meetings and Workshops

Simonds reported the only change to the schedule is the international workshop taking place in September and requested members to note any issues with dates as soon as possible.

E. CCC Meeting Report

Gourley referred members to the report in the briefing materials. The CCC meeting was held May 2023 in Key West, Florida. The CCC endorsed sending a letter to ONMS regarding engaging Councils regarding the proposed sanctuary process. Gourley reported on the discussions regarding the creation of the sanctuaries in the Western Pacific and North Pacific and the impacts on fishing rights.

F. Executive and Budget Standing Committee Report

Gourley reported on the June 22, 2023, Executive and Budget Standing Committee meeting and said the discussion was already covered by Simonds in prior agenda items. Gourley added that the Council is now a member of the U.S. Coral Reef Task Force (USCRTF) and referred to Simonds regarding representatives.

Simonds said she has talked to each of the state and territory agency directors, and the Council designee to the USCRTF will rotate every year. The rotation will start with American Samoa, and the recommendation is for Sword to be the representative from the Council. There will be a rotation after that.

Gourley said the Executive and Budget Standing Committee also discussed the recent court ruling involving right whale interactions with the New England lobster fishery, which was of interest as the precautionary approach that is sometimes used in BiOps was not deemed appropriate in this case.

Gourley said the Executive and Budget Standing Committee created an ad hoc committee and designated Dueñas to select the new chairman as his term concludes in August 2023.

G. Public Comment

Tammy Harp congratulated Simonds for her 40 years of service to the Central Western Pacific.

There was no additional public comment.

H. Council Discussion and Action

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.**

Dueñas referred to the decrease in staff present in the room and how it was disproportionate to the increase in workload the Council is experiencing. Dueñas provided an example that the agency has 27 people for the same position as the Council’s protected species coordinator, one of the positions that the Council is need of funding for. He implored the agency to provide additional funding to aid in retaining Council staff for the complicated job they perform.

Moved by Dueñas; seconded by Soliai.

Motion passed.

Regarding the anti-harassment model policies, the Council:

- 3. Adopted the 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 and Handbook language with references to the posted CCC anti-harassment model policies.**

Moved by Guthertz; seconded by Dueñas.

Motion passed.

Regarding coordination and planning, the Council:

- 5. Directed staff to complete a comprehensive holistic review and revision of the Council’s current five-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, Saltonstall-Kennedy, etc.) and partners to support these priorities. The updated plan will be presented at the September Council meeting.**

Simonds said the Council has had meetings with PIRO and will be meeting with PIFSC in the beginning of August.

Moved by Guthertz; seconded by Dueñas.

Motion passed.

Regarding the Council’s representation on the 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 Hawai‘i, 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.

Simonds noted the importance of the second recommendation as members of the All Islands Committee have successfully prevented the Council from having a representative since the USCRTF was created.

*Moved by Dueñas; seconded by Soliai.
Motion passed.*

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.

Dueñas asked about the process for the selecting a chair for 2024.

Simonds said the Council will decide at the December 2023 Council meeting who the chair will be for 2024.

*Moved by Dueñas; seconded by Igisomar.
Motion passed.*

XVI. Other Business

Gourley asked Coit for closing comments.

Coit expressed appreciation and gratitude toward the Council members, Council staff, NMFS staff and to all the people she had the opportunity to meet while in American Samoa. She said the Samoan hospitality and warmth was special and meaningful.

Coit said she contacted Barry Thom, head of the Pacific States Marine Fisheries Commission for an update on the CARES Act, who stated they are currently working through the quality assurance-quality control for the American Samoan application. Coit said to Soliai that they would be asking for corrections or information within the next few weeks and hope to get funding between late July and end of August 2023. Coit expects Malloy to keep in touch with Thom to provide an update on the status in a couple of weeks.

Regarding the PRI, Coit noted the good discussions and asked the Council to be creative and continue to be a conduit for the people's perspectives.

Coit concluded by thanking Gourley for his service and leadership, and stated she looked forward to working with the other Council members. Congratulations were given to Simonds for her 40 years of service and to NMFS staff working in conjunction with the Council.

Gourley thanked Coit for coming and spending time to know and understand the Western Pacific Region.

Guthertz thanked participants, federal partners and staff of the federal representatives and noted the goal of the Council is to solve problems in the future before they happen and have the important discussions.

Soliai thanked Coit on behalf of the ASG and the people for being present and expressed his hope that she may relay her perspective to those in Washington, D.C. that there are small communities that rely on the resources for livelihood sustainability, and support the American Samoa economy. Regarding the CARES Act, Soliai noted that the ASLL representatives met with Coit and communicated an increase in foreign vessels coming into port. This has caused a strain on local enforcement resources. Soliai requested that NOAA consider an increase in their JEA funding and plans to send a letter from their office to formalize the request.

Soliai read a resolution recognizing and appreciating the service of Chairman Gourley.

Asuka Ishizaki read a resolution recognizing the distinguished services of Frederick McGrew Rice.

Meeting adjourned.