



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

## **ACTION MEMORANDUM**

197<sup>th</sup> Council Meeting

*December 12-13, 2023*

*Council Office and via Webex*

*Honolulu, Hawaii*

### **AGENCY REPORTS**

***Regarding the PIRO Agency Report, the Council:***

1. Requested NMFS prioritize providing funding for sufficient observer coverage of the Hawaii longline fishery to ensure robust estimates of protected species interactions and bycatch estimates of other species of concern.

***Regarding the PIFSC Agency Report, the Council:***

2. Requested NMFS PIFSC provides support for enhancing American Samoa's sea turtle tagging project, similar to the collaboration established for Guam and CNMI.



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**ACTION ITEMS**

***Regarding Fishing Regulations for the Proposed Pacific Remote Islands National Marine Sanctuary, the Council:***

1. Reiterated its findings in Appendix C of the options paper that show that the Council's existing regulations have established comprehensive protection since the 1980s and continues to provide for long-lasting conservation and management for the PRI fishery ecosystem and resources. The Council stressed the importance of the current pelagic fisheries in the Pacific Remote Islands (PRI) to the economy and culture of American Samoa and recognized that impacts to those fisheries would be devastating to Fa'a Samoa. The fisheries provide for millions of dollars and thousands of jobs through direct and indirect contributions. The current pelagic fisheries in the PRI are conserved and managed pursuant to an adaptive, ecosystem-based approach both domestically and internationally and are neither overfished nor experiencing overfishing. Pelagic fishing occurs at or near the open ocean's surface and does not interact with benthic communities, so these activities do not jeopardize the benthic ecosystem or biodiversity. Should fishing for bottomfish, crustacean, precious coral or a coral reef ecosystem species be conducted in the PRI, Council regulations implementing the Pacific Remote Islands Fishery Ecosystem Plan would apply and continue to comprehensively conserve and manage these fisheries, the marine biodiversity, and ecosystem services they provide. This management plan has been in place for over 13 years to prevent negative impacts to fish stocks, habitat, bycatch, and protected species.

Therefore, the Council determined that the existing fishing regulations under the current structure already meet the goals and objectives of the proposed sanctuary and recommends to ONMS that additional fishing regulations are not necessary to meet the proposed PRI National Marine Sanctuary goals and objectives. Further, the Council directed staff to provide the Council's recommendation to ONMS by December 20, 2023 and to include the rationale and justification for the Council's determination to ONMS by January 19, 2024.

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

2. Recommended, as Final Action, Alternative 2b that discontinues the American Samoa bottomfish management unit species (BMUS) rebuilding plan (AS FEP Amendment 5)

and specify single species ACLs for the 9 assessed species based on their respective P\* and SEEM analysis scores as shown in Table 1 for fishing years 2024 to 2026.

The Council also recommended using *Etelis coruscans* and *Pristipomoides flavipinnis* as indicator species for the two unassessed species *Etelis carbunculus* and *Pristipomoides filamentosus*, respectively.

Table 1: American Samoa BMUS 9 single species ABCs and ACL based on P\* and SEEM analysis

Species (latin, samoan, common name)	ABC	ACL
<i>Aphareus rutilans</i> , palu-gutusaliva, silvermouth	8,951	8,554
<i>Aprion virescens</i> , asoama, grey jobfish	4,960	4,872
<i>Caranx lugubris</i> , tafauli, black jack	3,131	3,086
<i>Etelis coruscans</i> , palu loa, onaga	5,027	4,872
<i>Lethrinus rubrioperculatus</i> , filoa, redgill emperor	8,642	8,554
<i>Lutjanus kasmira</i> , savane, blueline snapper	16,976	16,645
<i>Pristipomoides flavipinnis</i> , palu sina, yelloweye snapper	2,668	2,579
<i>Pristipomoides zonatus</i> , palu ula, gindai	1,565	1,521
<i>Variola louti</i> , velo, lyretail grouper	2,271	2,205
<i>Etelis carbunculus</i> , palu malau, ehu*	Use <i>E. coruscans</i> as indicator species	
<i>Pristipomoides filamentosus</i> , palu enaena, pink snapper*	Use <i>P. flavipinnis</i> as indicator species	

\* unassessed species

The Council acknowledged that the current data collection systems in American Samoa do not allow for real-time tracking of catches in a timely manner, thus in-season accountability measure (AM) to monitor the fishery to implement an in-season closure is not possible and unlikely. Therefore, the Council recommended 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 for the subsequent fishing year will be reduced by the amount of the overage.

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorizes the Executive Director and the Chairman to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The Executive Director and the Chairman are authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.

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

3. Recommended, as Final Action, Alternative 2b, which would amend the Hawaii Fishery Ecosystem Plan to revise the EFH definitions for Main Hawaiian Island sub-adult and adult uku by incorporating both density and presence-absence data.
4. Requested NMFS PIFSC conduct a cooperative research project with fishermen to understand the presence absence of uku to better inform the next uku EFH revision

***Regarding the Guam bottomfish fishery the Council:***

5. Endorsed the Terms of Reference for the Western Pacific Stock Assessment Review for the February 2024 Guam BMUS stock assessment update as presented at the 197th meeting and directs staff to work with the WPSAR steering committee to initiate the review. Further, the Council appoints SSC members Milani Chaloupka, Frank Camacho, and David Itano to serve on the WPSAR panel, with Chaloupka serving as the chair.

***Regarding the Multi-year U.S. Territorial Bigeye Tuna Catch and Allocation Limits, the Council:***

6. The Council deferred action on establishing a multi-year territorial catch and allocation limits until the March 2024 meeting to provide time for NMFS and NOAA General Counsel to review the impacts of the recent WCPFC meeting outcomes.



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**PROGRAM ITEMS**

***Regarding Council's Inflation Reduction Act Application and Priorities and Development, the Council:***

1. Directed staff to coordinate with advisory group representatives, PIRO, PIFSC and other relevant entities as appropriate to finalize the IRA project proposal by January 31, 2024.

***Regarding the Outcomes of the 20th Regular Session of the WCPFC, the Council:***

2. Directed staff to coordinate workshops with American Samoa longline fishery stakeholders and international partners to develop guidance for an improved South Pacific albacore conservation and management measure.
3. Requested NMFS proceed with rulemaking to recognize a distinct American Samoa purse seine fishery.
4. Directed staff to send a letter to the NOAA Fisheries Assistant Administrator conveying shortcomings of the U.S. at WCPFC20.
5. Directed staff to send a letter to the Pacific Islands Forum Fisheries Agency (FFA) Secretariat requesting inclusion of Guam, CNMI, and American Samoa as observers at future FFA meetings.
6. Directed staff to send a letter to NMFS and other federal agencies requesting that fishery development funding for the territorial Marine Conservation Plan projects be provided by federal sources. This is in lieu of Specified Fishing Agreements between the U.S. Hawaii longline vessels and U.S. Participating Territories since deletion of Paragraph 9 from the previous WCPFC Conservation and Management Measure for tropical tunas.
7. Directed staff to coordinate with the U.S. Pacific Territories, NMFS, and NOAA General Counsel to continue exploring the feasibility of Pacific Insular Area Fishing Agreements.

***Regarding Council Research Priorities, the Council:***

8. Directed staff to convene a workshop of Council staff, PIFSC, PIRO, and SSC members to finalize and prioritize the MSRA 2025-2029 research priorities by March 2024.

***Regarding the FIAC Report, the Council:***

9. Endorsed the draft letter to address the implementation of the National Seafood Strategy and directs staff to send the letter to NMFS.
10. Requested NMFS PIFSC Social-Ecological and Economic Systems Program conduct seafood market surveys, including determination of the value of imported yellowfin tuna into the Hawaii market relative to domestic-caught yellowfin tuna.



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**ADMINISTRATIVE MATTERS**

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

1. Accepted the 197th Council meeting financial and administrative reports.
2. Directed staff to send a letter to NOAA Grants Management Division requesting the removal of the Western Pacific Fishery Management Council from agency review effective December 19, 2023.

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

3. Made the following changes:
  - a. Replaced Cherie Van Kuren from the Hawaii AP alternate, with Edwin Ebisui III;
  - b. Removed Joseph Faaita from the American Samoa AP, and appoints Edgar Feliciano and Gene Pan;
  - c. Removed Jonathon Deloso from the Guam AP, and appoints Carl Dela Cruz and Matthew Orot as alternates;
  - d. Appointed David Field as the Hawaii Pacific University representative on the Education Committee;
  - e. Appointed Emily Crigler to replace Don Kobayashi as the Pelagic Plan Team Chair;
  - f. Recommended Council Member Sylvan Igisomar be appointed as the Council's representative to the North Pacific Fisheries Commission; and
4. Directed staff to send a letter to NMFS and the U.S. State Department requesting an alternate designation for the Council's commissioner to SPRFMO while the Council awaits the official appointment.
5. Requested NMFS expedite the vacancy announcement for the PIRO Regional Administrator position so the Pacific Islands Region can have a permanent RA.

***Regarding the Longline Biological Opinion's Reasonable and Prudent Measures, the Council:***

6. Directed staff to convene an interdisciplinary working group with appropriate participants from PIFSC, PIRO, Council staff, industry representatives, and other collaborative partners as necessary to facilitate coordination for implementing the 2023 Hawaii deep-

set longline and American Samoa longline fisheries BiOps RPMs. The BiOp RPM Working Group shall report annually to the Pelagic Plan Team.

***Regarding Election of Officers, the Council:***

7. Appointed the following as its executive officers for 2024
  - a. Council Chair - Will Sword
  - b. Vice Chair for American Samoa - Archie Soliai
  - c. Vice Chair for CNMI -Sylvan Igisomar
  - d. Vice Chair for Guam -Manny Duenas
  - e. Vice Chair for Hawaii -Roger Dang