Options for Commercial Fishing Regulations in Other Pacific Monuments

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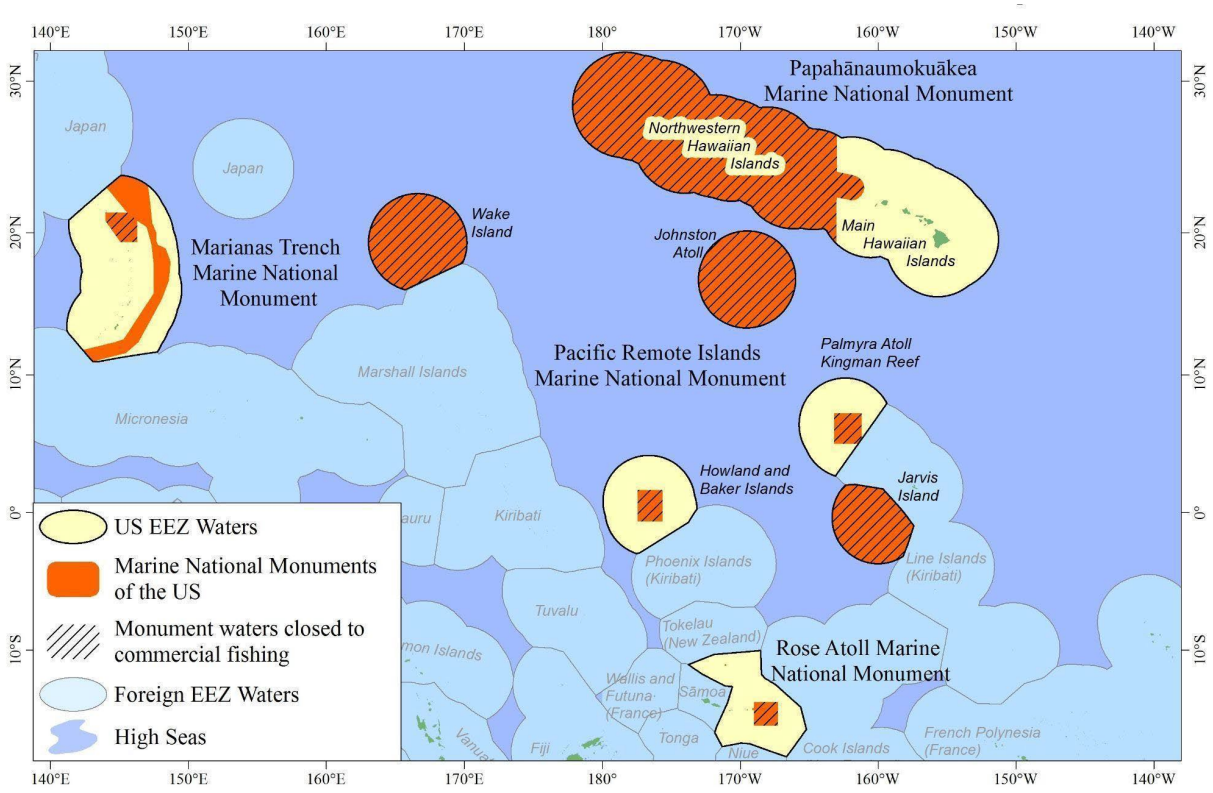

Prepared for 205th Council Meeting by:
Western Pacific Fishery Management Council
1164 Bishop St., Suite 1400
Honolulu, HI 96813

ACRONYMS AND ABBREVIATIONS

CNMI	Commonwealth of the Northern Mariana Islands
EEZ	Exclusive Economic Zone
EFH	Essential Fish Habitat
EO	Executive Order
FEP	Fishery Ecosystem Plan
FMP	Fishery Management Plan
HAPC	Habitat Areas of Particular Concern
MHI	Main Hawaiian Islands
MSA	Magnuson Stevens Fishery Conservation and Management Act
MTMNM	Marianas Trench Marine National Monument
NMFS	National Marine Fisheries Service
NMSAS	National Marine Sanctuary of American Samoa
NOAA	National Oceanic and Atmospheric Administration
NWHI	Northwestern Hawaiian Islands
ONMS	Office of National Marine Sanctuaries
PRIA	Pacific Remote Island Areas
PIHMNM	Pacific Islands Heritage Marine National Monument
PMNM	Papahānaumokuākea Marine National Monument
PRIMNM	Pacific Remote Islands Marine National Monument
RAMNM	Rose Atoll Marine National Monument
WPRFMC or Council	Western Pacific Regional Fishery Management Council

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1 INTRODUCTION

1.1 Background Information

The National Marine Fisheries Service (NMFS) and the Western Pacific Fishery Management Council (Council) manage fishing in the Exclusive Economic Zone (EEZ, or federal waters, generally 3-200 nautical miles or nm from shore) around American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), Hawaii, and the Pacific Remote Island Areas (PRIA) through four archipelagic-based Fishery Ecosystem Plans (FEPs); and on the high seas through the FEP for Pelagic Fisheries of the Western Pacific Region (Pelagic FEP) as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. § 1801 *et seq.*).On April 17, 2025, President Donald Trump issued Executive Order (EO) 14276, "Restoring American Seafood Competitiveness," that directed the Secretary of Commerce and the Secretary of the Interior to review existing restrictions on commercial fishing in marine national monuments and other federally protected marine areas. The EO called for recommendations to promote sustainable U.S. seafood production while maintaining conservation objectives.

In response, at its 204th Meeting in September 2025, the Council endorsed a letter to the Secretary of Commerce in accordance with Section 4(h) of EO 14276 that provided a review of existing regulations in the marine national monuments. The Council then directed staff to initiate an analysis of options to restore sustainable U.S. commercial fishing access and evaluate potential impacts to marine natural resources in the Marianas Trench (MTMNM), Papahānaumokuākea (PMNM), and Rose Atoll (RAMNM) Marine National Monuments. This directive provides the basis for the Council's current consideration of management options for the remaining marine national monuments under the authorities of the Magnuson-Stevens Act.

Marianas Trench Marine National Monument
Presidential Proclamation 8335 issued by President George W. Bush established the MTMNM, encompassing the waters and submerged lands around the three northernmost islands) of the Northern Mariana Islands (i.e., Uracas or Farallon de Pajaros, Maug, and Asuncion; the "Islands Unit"), the submerged lands of designated volcanic sites (the "Volcanic Unit"), and the Marianas Trench (the "Trench Unit").

The Proclamation directs the Secretary of Commerce, in consultation with the Secretary of the Interior, to prohibit commercial fishing within the Islands Unit of the MTMNM, which includes the volcanic units that are within the Islands Unit. However, it specifies that "sustenance, recreational, and traditional indigenous fishing shall be managed as a sustainable activity consistent with other applicable law and after due consideration with respect to traditional indigenous fishing of any determination by the Government of the Commonwealth of the Northern Mariana Islands."

The Secretary of the Interior (through USFWS) maintains management responsibility for the MTMNM in consultation with the Secretary of Commerce. The Secretary of Commerce (through NMFS) maintains primary management responsibility, in consultation with the Secretary of the Interior, for fishery-related activities regulated under the Magnuson-Stevens Act and any other applicable authorities. The Proclamation further preserves traditional access by indigenous

persons for culturally significant subsistence, cultural, and religious uses, as identified by the Secretaries in consultation with the Government of the CNMI.

Rose Atoll Marine National Monument
Presidential Proclamation 8337 issued by President George W. Bush created the RAMNM in American Samoa. The monument includes the emergent and submerged lands and waters of the atoll seaward from mean low water to a boundary approximately 50 nm from shore. The Proclamation directs the Secretary of Commerce and the Secretary of the Interior to prohibit commercial fishing within RAMNM waters.

The Secretary of the Interior manages the RAMNM, including Rose Atoll National Wildlife Refuge (NWR), in consultation with the Secretary of Commerce. The Secretary of Commerce (through NMFS), maintains primary responsibility regarding the management of the marine areas seaward of mean low water with respect to fishery-related activities under the Magnuson-Stevens ACt and any other applicable authorities. The Secretary of the Interior manages the Rose Atoll NWR in cooperation with the Government of American Samoa.

Additionally, NOAA, in cooperation with the American Samoa Government, expanded the Fagatele Bay National Marine Sanctuary (renamed the National Marine Sanctuary of American Samoa, or NMSAS) to include the submerged lands and waters from the low water mark around Rose Atoll to the outer RAMNM boundary, including the Vailulu‘u seamount (77 FR 43942, July 26, 2012). Collectively known as the “Muliava Unit,” the NMSAS regulations do not independently govern fishing activities within this area, deferring to RAMNM prohibitions.

Papahānaumokuākea Marine National Monument
In 2006, President George W. Bush signed Proclamation 8031 designating the waters from 0-50 nm around the Northwestern Hawaiian Islands (NWHI) as a national marine monument under the Antiquities Act of 1906. At that time, commercial fishing was to be phased out in five years and prohibited in that area thereafter. The monument was renamed Papahānaumokuākea through a second Proclamation 8112. The Secretaries of Commerce and Interior, along with the State of Hawaii, were made co-trustees of the monument which encompassed 105,584 square nm. In 2016, President Barrack Obama expanded the monument by four-times up to 440,011 square nm by including the extent of the US EEZ in the monument to encompass 0-200 nm around the NWHI.

On February 9, 2009, NMFS informed fishermen by letter that the commercial fishing prohibitions and provisions set out in Proclamation 8335 (MTMNM), 8337 (RAMNMN), and 8031 (PMNM) became immediately effective upon issuance that commercial fishing within the respective monuments was immediately prohibited. Consequently, federal regulations and permits authorizing commercial fishing in the U.S EEZ encompassed by these monuments were invalidated, and commercial fishing operations within these waters ceased immediately.

On June 3, 2013, NMFS issued a final rule (78 FR 32996) codifying the boundaries and commercial fishing prohibitions for the MTMNM and RAMNM. This final rule also established requirements for non-commercial fishing in the Pacific Remote Islands Marine National Monument (PRIMNM), including permitting and reporting requirements.

In addition, PMNM was later expanded by Presidential Proclamation 9478 (August 26, 2016) issued by President Barack Obama to cover the entire U.S. EEZ, extending the commercial fishing prohibition throughout the monument.

1.2 Proposed Action

Under the proposed action, the Council may consider recommending NMFS revise fishing regulations to authorize regulated commercial fishing applicable to the U.S. EEZ from 0-50 nm around the Islands Unit of the MTMNM; 12-50 nm around Rose Atoll in the RAMNM; and 3-200 nm around the NWHI in the PMNM. The existing fishing authorizations, requirements, restrictions, and prohibitions at 50 CFR 665, superseded by the commercial fishing prohibition, would immediately apply.

In addition, the Council may recommend revisions to existing regulations to enhance fishing opportunities and monitoring of U.S. fisheries operating in these areas.

1.3 Purpose and Need for Action

The purpose of this proposed action is to comply with EO 14276, which directed federal agencies to review and, where appropriate, remove unnecessary restrictions on U.S. commercial fishing activities in marine national monuments and similar protected areas. The proposed action is also consistent with the directive resulting from the Council's 204th meeting to analyze options for removing commercial fishing prohibitions in the monuments. The need for this action is to provide regulatory relief to U.S. fisheries that are currently subject to increased operational costs, foreign competition, and disproportionate regulatory burdens while ensuring sustainable harvest of fishery resources and conserving protected species and other monument resources, consistent with the Magnuson-Stevens Act, the Antiquities Act, and other applicable laws.

1.4 Action Area

The action area for the analysis includes the areas from 0-50 nm around the CNMI Islands Unit, 12-50 nm around Rose Atoll, and 3-200 nm around the NWHI.

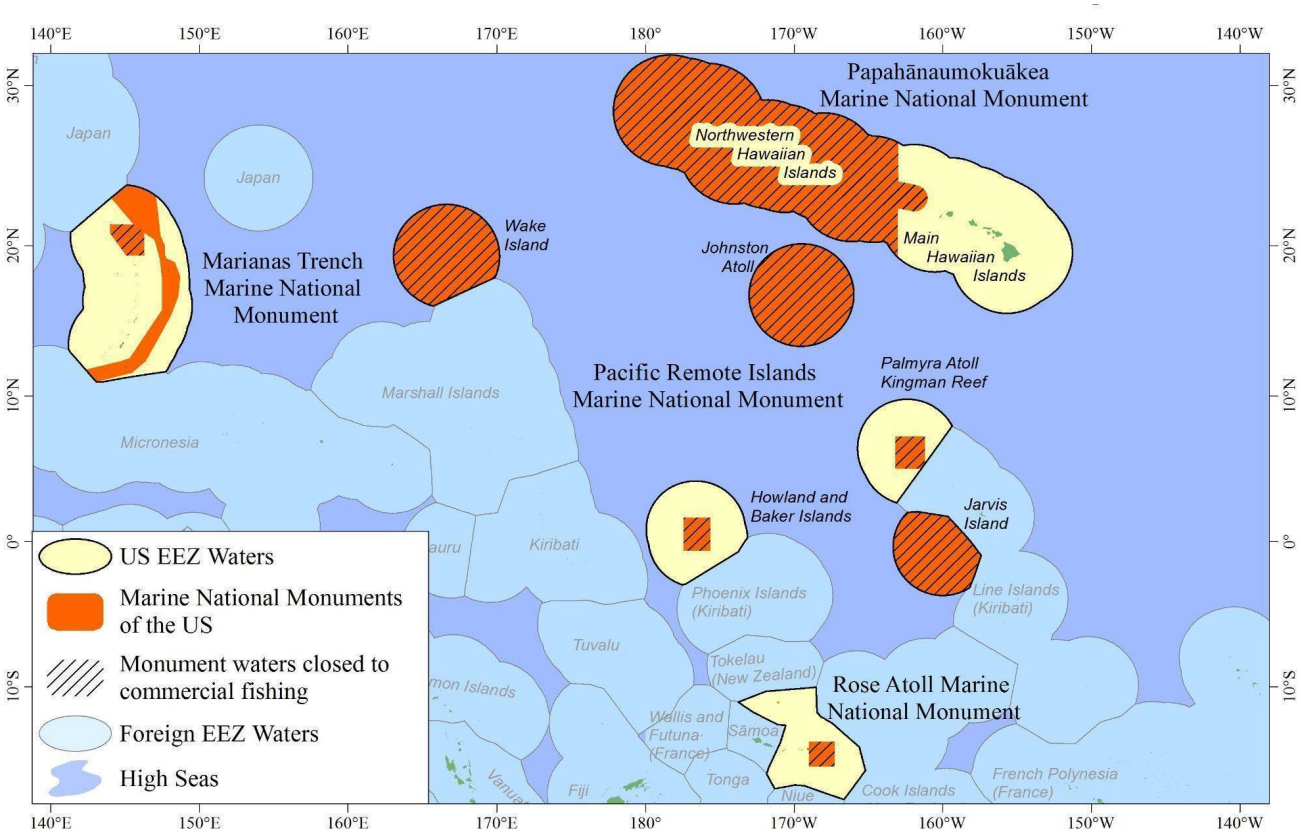


Figure 1: Action Area - Pacific Islands National Marine Monuments

1.5 Current and Existing Regulations within the Monuments

The Council's FEPs establish regulations that predate and operate concurrently with the Monument proclamations. The existing regulations for these FEPs are provided below.

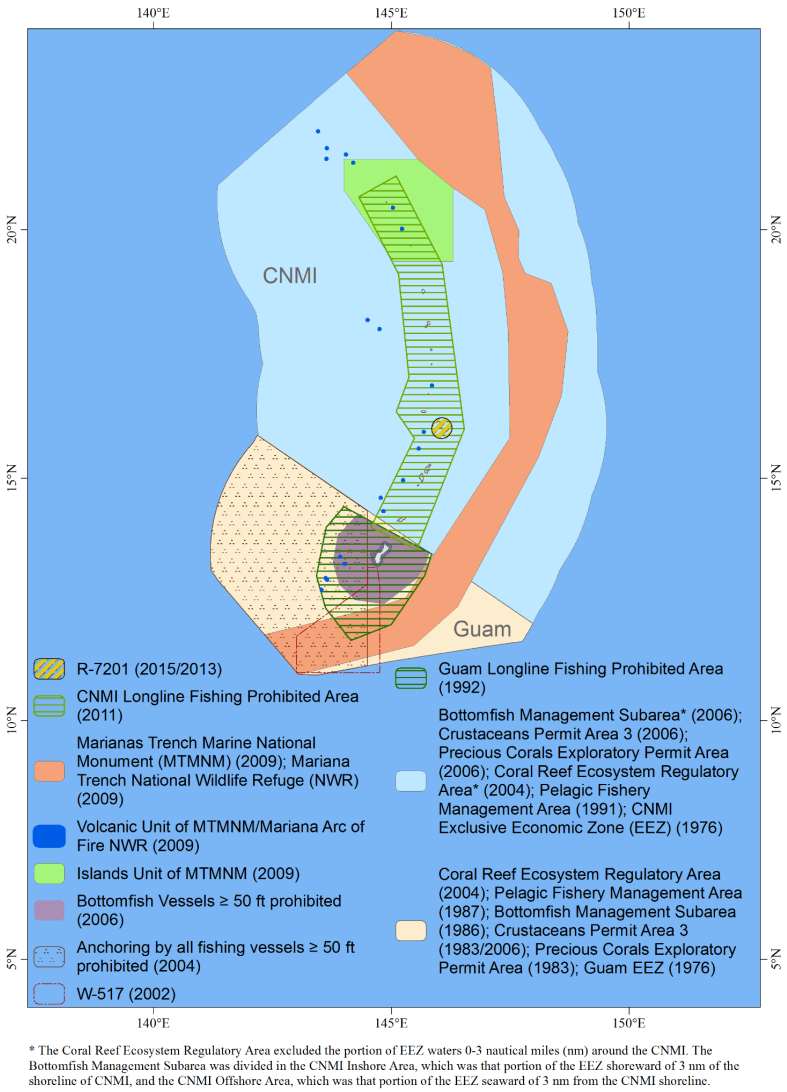
1.5.1 MTMNM and Marianas Archipelago FEP

The regulations for fishing in federal waters of the U.S. EEZ around Guam and CNMI in the Mariana Archipelago were developed by the Council by fishery and management unit species (MUS). A summary of these regulations that apply to the Islands Unit of the MTMNM is available in Table 1.

In general, the Council has prohibited commercial harvest and permitted non-commercial harvest, including customary exchange, defined as the non-market exchange of marine resources for goods and/or services for cultural, social, or religious reasons. Customary exchange may include monetary reimbursement for actual trip expenses (e.g., ice, bait, fuel, or food), but excludes fixed operating costs (e.g., vessel mortgage, maintenance, registration).
In the areas outside of the Islands Unit, existing FEP regulations require permits for bottomfish, crustacean, and precious coral fisheries in non-reserved federal waters; prohibit certain gears (e.g., bottom trawls, bottom-set gillnets, poisons and explosives); requires at-sea observers when directed by the Regional Administrator; and impose Annual Catch Limits (ACLs) for federally

managed species. Coral reef ecosystem fishery regulations include gear restrictions, permit requirements, low-use marine protected areas, and gear identification.

The fishing regulations for the MTMNM prohibit commercial fishing in the Islands Unit (0-50 nm) are codified at 50 CFR 665 subpart G. Non-commercial fishing in the Islands Unit requires a permit, and is restricted to customary exchange. Recreational charter fishing is also allowed within the Islands Unit, but sale, barter, or trade of fish is prohibited and not to be used for customary exchange.



* The Coral Reef Ecosystem Regulatory Area excluded the portion of EEZ waters 0-3 nautical miles (nm) around the CNMI. The Bottomfish Management Subarea was divided in the CNMI Inshore Area, which was that portion of the EEZ shoreward of 3 nm of the shoreline of CNMI, and the CNMI Offshore Area, which was that portion of the EEZ seaward of 3 nm from the CNMI shoreline.

Figure 2: Fisheries management regulations in the Marianas Archipelago

1.5.2 RAMNM and American Samoa Archipelago FEP

The regulations for the RAMNM, codified at 50 CFR 665 subpart I, prohibit commercial fishing in the entire monument (0-50 nm). Non-commercial fishing is permitted by authorization only, subject to limitations on customary exchange and recreational charter operations. Fishing within 12 nm of emergent land within the monument is also prohibited for non-commercial activity.

The American Samoa FEP manages bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries through restrictions on gears, sizes, areas, and ACLs. Federal permits are needed for crustacean, precious coral, and coral reef ecosystem fisheries. The FEP also prohibits fishing in no-take areas defined as landward of the 50 fathom curve around Rose Atoll. A summary of current fishing regulations in American Samoa is presented in Table 1.

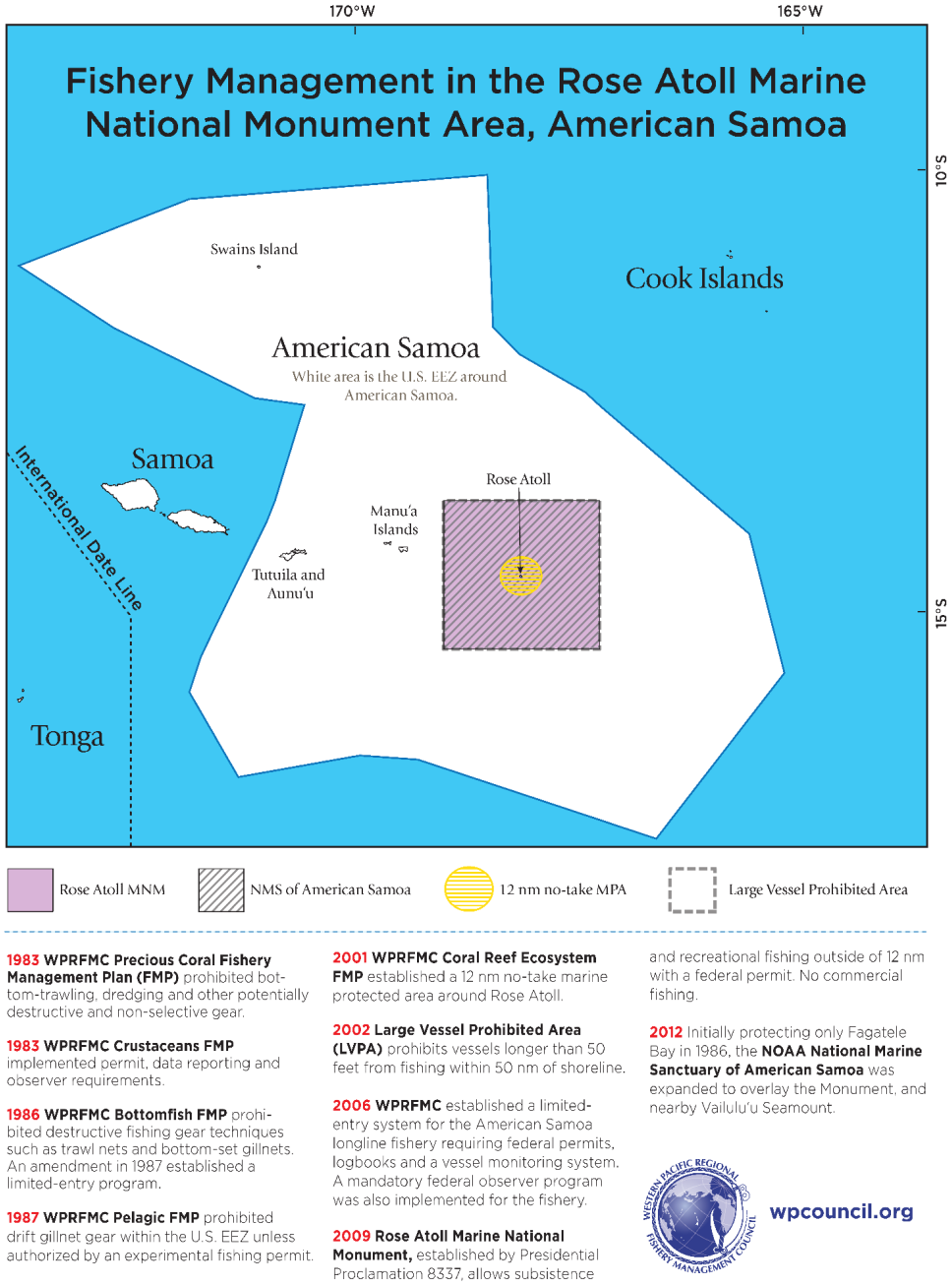


Figure 3: Fishery management regulations in the American Samoa Archipelago

1.5.3 PMNM and Hawaii Archipelago FEP

The Hawaii Archipelago FEP is divided into the Main Hawaiian Islands (MHI) and the Northwestern Hawaiian Islands (NWHI). The NWHI is further divided into the Ho'omalu Zone and the Mau Zone, each with complex regulations for bottomfish, crustacean, and precious coral fisheries. The regulations existing in the waters around the NWHI are codified by 50 CFR 665 subpart D and are described below.

Precious coral fishery regulations include area restrictions, permits, gear restrictions, minimum size, and harvest quotas. Harvest of precious corals is prohibited at the Westpac Bed refugia and limited by quota at the Conditional Beds of Brooks Bank and 180-fathom Bank. The fishery may only use selective gear for harvest at minimum heights for black coral (1-inch diameter/48-inches height) and pink coral (10-inches height). Permits are required for harvest and there is a moratorium on the harvest of gold coral.

The crustacean fishery requires federal limited access permits (maximum of 15 participants), vessel monitoring systems (VMS), observer coverage on request, and must provide notifications before landing (24-36 hours prior) or offloading (6-12 hours prior). The season is closed from January through June and fishing is prohibited within 20 nm of Laysan and landward of the 10 fm curve. Crustaceans can only be taken by trap or hand, and the number of traps are limited, require identification, and need to have escape vents. The fishery must also follow monk seal protective measures and are limited to a harvest guideline that is set annually by NMFS.

The NWHI bottomfish fishery is divided into three zones: Mau, Ho'omalu, and Hancock Seamount. There is currently a moratorium on fishing for groundfish at the Hancock Seamount where groundfish were overfished by foreign fleets prior to management. Federal limited access (maximum of 17 permits-7 in Ho'omalu, 10 in Mau) and reporting are required . The Council's Community Development Program (CDP) provides for 20 percent of the permits in the Mau Zone to be set aside for Native Hawaiians to allow for indigenous participation in the limited entry fishery. To avoid protected species, captains must attend a protected species workshop and the vessel must carry observers when directed by the Regional Administrator. The fishery also restricts bottom trawls, bottom-set gillnets, poisons, and explosives and limits vessels to no longer than 60 ft.

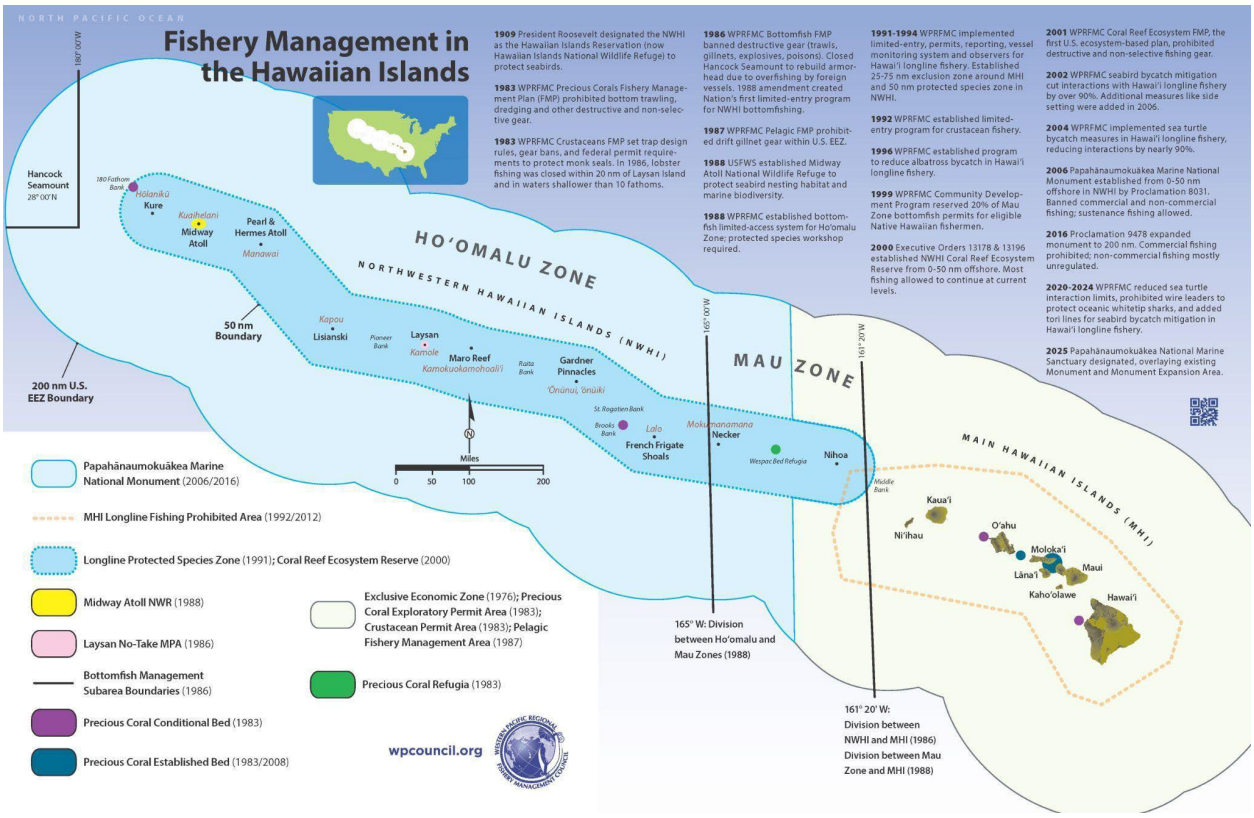


Figure 4: Fishery management regulations in the Hawaiian Archipelago

1.5.4 Pelagic FEP

For highly migratory species, the Pelagic FEP governs fishing in the entire Western Pacific Region (50 CFR Part 665 Subpart F). Vessels must possess a valid American Samoa Longline limited-access permit, which caps at 60 permits and restricts vessel length to 121 feet. The fishery primarily targets albacore tuna for the Pago Pago cannery and operates mainly outside of 50 nm from shore.

Longline fishing for pelagic species is federally permitted and fishers in the CNMI need to obtain a Western Pacific general longline permit to fish for pelagic MUS using longline gear. Those fishing in Hawaii and American Samoa need to obtain a Hawaii longline limited access permit or American Samoa longline limited access permit. Vessels used for landing or transshipping pelagic MUS caught by other vessels must also have a valid receiving vessel permit. Longline fisheries must also comply with regulations for protected species, at-sea observer coverage, gear restrictions, and area restrictions.

American Samoa longline vessels operating under federal permits must comply with federal permitting, reporting, and protected-species requirements, including maintaining NMFS logbooks and carrying observers or electronic-monitoring systems as required. Longline fishing remains prohibited within the Large Vessel Prohibited Area (LVPA; 0-50 nm around the main islands) and within the RAMNM.

The limited access permit for the Hawaii longline fishery limits vessels to 101 feet, and the maximum number of permits to 164. It also requires federal logbooks to record catch and effort as well as bycatch monitoring. The captain and crew are required to take workshops on training to handle and release protected species and must have at-sea observers or electronic monitoring onboard for protected species monitoring. The fishery has a catch limit set by international agreements as well as limits for sea turtle interactions and trips. The gears are restricted to circle hooks, monofilament leaders, side setting, blue-dyed bait and tori lines for seabird interactions, and gear identification. The fishery is also restricted from 0-50 nm around the NWHI and 0-25 nm around the MHI.

Table 1: Summary of existing fishery regulations in the Mariana Archipelago, American Samoa, and Northwestern Hawaiian Islands (i.e., not monument regulations).

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
Marianas	*Permits*	Federal permits required for MUS: ● CNMI commercial bottomfish ● Guam large vessel	Federal permits required for ECS: ● Crustacean Permit Area 5 (EEZ around Guam and CNMI)	Federal permits required for ECS: ● Exploratory Areas X-P-G (Guam EEZ) and X-P-CNMI (CNMI EEZ)	Federal permits required for potentially harvested coral reef taxa (ECS)	Federal permits required for: ● Western Pacific general longline permit (AS LL or HI LL) required to longline in EEZ around Guam or CNMI ● Receiving vessel for transshipment ● Western Pacific squid jig fishing

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
	Area Restrictions	CNMI-none Guam-large vessel bottomfish prohibited area	None	None	None	CNMI longline prohibited area (0-30 nm); Guam longline prohibited area (50-100 nm)
	Gear	Prohibitions on the use of bottom trawl, gillnet, explosives, and poisons	None	Only selective gear may be used	Allowable gears include hand harvest, spear, slurp gun, hand net/dip net, hoop net, throw net, barrier net, surround net, hook and line, crab and fish traps, ROV/submersible ECS may not be taken by poisons, explosives, or intoxicating substances	Gear restrictions on shallow-set fishing; required to use circle hooks, mackerel-type fish bait only; monofilament leaders; no light sticks; deepset fishing gear restrictions; protected species gear (line shooters, tori lines or bird curtains;
	Size	None	None	Pink/red coral minimum height of 10 inches (25.4 cm). Black coral minimum stem diameter of 1 inch (2.54 cm), or	None	None

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
				a minimum height of 48 inches (122 cm)		
	Catch Limits	ACLs	NA	NA	NA	US Fleet BET quotas
	VMS	No	No	No	No	Required
	Observers	Upon request by RA	Upon request by RA	None	None	Required
	Protected Species	NA	NA	NA	NA	Protected Species handling requirements; Protected species workshops; crew training; sea turtle handling; seabird mitigation; marine mammal authorization program certificate
	Other	NA	Required to report landings before offloading	Harvest quotas of 1,000 kg for all ECS except black coral	No live rock/coral take except by valid permit Requires gear marking on fish and crab traps;	Vessel size limits; Notification prior to leaving port; gear identification

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
				Moratorium on gold coral harvest	Notification to NMFS enforcement agent at least 24 hrs before landing ECS	
American Samoa	*Permits*	None	Federal permit required for ECS: ● Crustacean Permit Area 3 (American Samoa EEZ)	Federal permit required for ECS: ● Exploratory Area X-P-AS (American Samoa EEZ)	Federal permits required for potentially harvested coral reef taxa (ECS)	Federal permit required for American Samoa longline limited access
	Area	None	None	None	Fishing is prohibited landward of the 50 fm (91.5 m) curve around Rose Atoll (no take MPA)	Large Vessel Prohibited Area (0–50 nm) around Tutuila, Manua, Swains Fishing prohibited in no-take MPA landward of the 50 fm curve around Rose Atoll

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
	Gear	Prohibitions on the use of bottom trawl, bottom set gillnet, explosives, and poisons	None	Only selective gear may be used	Allowable gears include hand harvest, spear, slurp gun, hand net/dip net, hoop net, throw net, barrier net, surround net, hook and line, crab and fish traps, ROV/submersible ECS may not be taken by poisons, explosives, or intoxicating substances	Drift gillnet prohibited Longlines required to use circle hooks, monofilament leader lines,
	Size	None	None	• Pink/red coral minimum height of 10 inches (25.4 cm) • Black coral minimum stem diameter of 1 inch (2.54 cm), or a minimum height of 48 inches (122 cm)	None	None

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
	Catch Limits	ACL	NA	NA	NA	U.S. Fleet Tuna Catch Limits
	VMS	None	None	None	None	Required
	Observers	Upon request of RA	Upon request of RA	None	None	Required
	Protected Species	NA	NA	NA	NA	Protected Species handling requirements; Protected species workshops; crew training; sea turtle handling; seabird mitigation
	Other	NA	Required to report landings before offloading	Harvest quotas of 1,000 kg for all ECS except black coral Moratorium on gold coral harvest	Requires gear marking on fish and crab traps; Notification to NMFS enforcement agent at least 24 hrs before landing ECS	Vessel size limits; Notification prior to leaving port; gear identification

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
Hawaii	*Permits*	Federal Permits required for: ● NWHI Limited Access ● MHI Non-commercial Bottomfish	Federal permits required for: ● Crustaceans Permit Area 1 (NWHI) ● Crustaceans Permit Area 2 (MHI)	Federal permits required for: ● Established beds ● Conditional beds ● Exploratory area X-P-H	Federal permits required for potentially harvested coral reef taxa (ECS) and transhipment	Federal permits required for: ● Hawaii Limited Entry ● Receiving vessel for transshipment ● Western Pacific squid jig fishing
	Area Restrictions	Mau and Hoomalu Zone with qualifications	Specific lobster grounds; VMS subareas; No lobster fishing within 20 nm of Laysan or landward of the 10 fm contour in the EEZ	No fishing for precious corals on the WestPac Bed; Designation of established beds, conditional beds, exploratory beds	None	Longline Prohibited Areas around MHI and NWHI (0-50 nm); seabird mitigation areas (N/S 23 degrees)
	Gear Restrictions	No bottom trawls, bottom set gillnets; no poisons, explosives, or intoxicating substances	Can only be taken by traps or by hand; no poisons, drugs, chemicals, spears, nets, hook, or explosives; traps need escape vents,	Only selective gear allowed	Allowable gears include hand harvest, spear, slurp gun, hand net/dip net, hoop net, throw net, barrier net, surround net, hook and line, crab and	Gear identification; weighted branchlines, circle hooks, bait, line shooters, side setting; No drift gillnets

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
			limits on numbers of traps; gear identification		fish traps, ROV/submersible ECS may not be taken by poisons, explosives, or intoxicating substances	
	Catch Limits	ACL	Harvest Quotas for lobster; ACLs for deepwater shrimp and Kona crab	Quotas/ACLs	None	Catch Quotas set by International RFMOs
	VMS	Required	Required	Upon Request	None	Required
	Observers	Upon Request	Upon Request	Upon Request	None	Required-move to EM
	Protected Species	None	Monk Seal protective measures	None	None	Workshop required; handling requirements for sea turtles, seabirds, sharks; use of dip nets, dehookers, etc.; at-sea observer coverage

FEP	Regulations	Bottomfish	Crustaceans	Precious Corals	Coral Reef Ecosystem	Pelagics
	Other	Limited Entry eligibility criteria; CDP set aside 20% of Mau Zone permits for Native Hawaiians	Seasonal closure from Jan-Jun (permit area 1); May-Aug (permit area 2) Permit area 2-spiny lobster min size of 8.26 cm Not take of female lobsters carrying eggs	Moratorium on Gold Coral; Minimum height for pink, gold, black corals	Requires gear marking on fish and crab traps; Notification to NMFS enforcement agent at least 24 hrs before landing ECS	Vessel size limits; Notification prior to leaving port; Fleet limits and trip limits for turtles;

1.6 Public Involvement

At its 203rd meeting (90 FR 21289, May 19, 2025) in June in Honolulu, Hawaii, the Council recommended staff to review the existing marine national monuments in the Pacific with regard to fishery prohibitions. In response to this recommendation, Council staff initiated discussions on fishing regulations and monuments with the community at the Council's Inflation Reduction Act meetings in American Samoa in June, Hawaii in September and October, and the Marianas in November 2025.

Initial options were developed by Council staff and presented to the Council at its 204th meeting (90 FR 40821, August 21, 2025) in September in Honolulu, Hawaii where the Council directed staff to initiate an analysis of options to remove commercial fishing regulations and impacts to resources in the marine national monuments. The analysis was drafted and completed for discussion by the Council's Advisory Panels (90 FR 51661, November 18, 2025) and Scientific and Statistical Committee meetings (90 FR 52355, November 20, 2025) in December 2025.

The Council proposes to take initial action at its 205th meeting (90 FR 52355, November 20, 2025) to be held virtually during the week of December 16-17, 2025. The Council will review draft alternatives and may select a preliminarily preferred alternative for staff to develop for final action. All Council, Advisory Panel and SSC meetings are open to the public and advertised through notices in the *Federal Register* and on the Council's website. The public will have an

opportunity to comment at the meeting on the proposed action to remove fishing regulations in these monument areas.

1.7 List of Preparers and Reviewers

(in Alphabetical Order by last name)

- Angela Delacruz, Western Pacific Regional Fishery Management Council
- Joshua DeMello, Western Pacific Regional Fishery Management Council
- Cassandra Kyffin, Lynker
- Felix Penalosa, Western Pacific Regional Fishery Management Council
- Felix Reyes, Western Pacific Regional Fishery Management Council
- Thomas Remington, Lynker

2 DESCRIPTION OF THE OPTIONS CONSIDERED

2.1 Description of the Options

This section presents and analyzes the options for Council initial action pertaining to the removal of fishing regulations in the MTMNM, RAMNM, and PMNM. The analysis is provided in the context of the Council's authority under the Magnuson-Stevens Act and the mandates of EO 14276.

2.1.1 Option 1: No Action (Status Quo/Current Management)

Under Option 1, the Council would take no action, no regulatory changes would be implemented, and the current prohibitions on commercial fishing within the U.S. EEZ waters of MTMNM, RAMNM, and PMNM would remain in effect. This option would maintain the management as codified at 50 CFR 665 Subpart F - Western Pacific Pelagic Fisheries, within the Islands Unit of the Marianas Trench Marine National Monument, as codified at 50 CFR 665 Subpart G - Marianas Trench Marine National Monument, within the Rose Atoll Marine National Monument at 50 CFR 665 Subpart I-Rose Atoll Marine National Monument, and the PMNM codified at 50 CFR 665 Subpart C-Hawaii Fisheries.

<u>Expected Fishery Outcomes</u>
Maintaining the current prohibition on commercial fishing within the Islands Unit of the MTMNM would continue to exclude U.S. vessels from approximately 6,000 square miles of EEZ waters, limiting access to potentially viable fishing grounds. The continued closure precludes any future opportunity to develop sustainable fisheries in these waters.

Commercial fishing would continue to be prohibited in the RAMNM, extending 50 nm from Rose Atoll. The American Samoa longline fleet, which historically fished intermittently near Rose Atoll prior to the monument's designation, would remain excluded from approximately 8,625 square miles of U.S. EEZ waters surrounding the atoll. Without access to these waters, the fleet would continue to face higher operational costs, longer travel distances (i.e., increasing

travel cost and reducing safety at sea), and reduced flexibility in responding to changing conditions and tuna stock distributions.

Maintaining the prohibition on commercial fishing within the PMNN continue to exclude Hawaii-based fleets from approximately 200 nm of EEZ waters that were historically fished under strict federal oversight. This prevents reintroduction of well-managed pelagic fisheries that previously operated with gear restrictions, observer coverage, and protected species mitigation measures.

This option would prevent the Council from applying adaptive, science-based management tools (e.g., ACLs, VMS, observer coverage) that would allow low-impact fishing while protecting monument resources. Continued fishing prohibitions would limit data collection from these regions, hindering stock assessments and ecosystem monitoring.

This option does not align with the directive of EO 14276, which calls for a reassessment of whether existing commercial fishing prohibitions remain necessary or should be modified to support sustainable use and regional fisheries.

2.1.2 Option 2: Restore Regulated Access and Manage Under Existing MSA Regulations (MTMNM 0–50 nm, RAMNM 12–50 nm, PMNM/Expansion 3–200 nm)

Under Option 2, the Council would recommend NMFS amend the relevant FEPs and Federal regulations (50 CFR Part 665) to authorize and manage U.S. commercial fishing in the Islands Unit of the MTMNM from 0-50 nm , from 12-50 nm around Rose Atoll in the RAMNM, and from 3-200 nm offshore of the NWHI in the PMNM and PMNM Expansion Area. Under this option, all other fishing requirements, restrictions, and prohibitions at 50 CFR 665 would remain applicable to these areas.

Pursuant to regulations implementing the Western Pacific FEPs developed by the Council under the authority of the Magnuson-Stevens Act at 50 CFR 665, the following fisheries are authorized to engage in commercial fishing in the U.S. EEZ waters around the Mariana Archipelago, American Samoa, and NWHI, subject to all fishing requirements, restrictions, and prohibitions proscribed in that part.

- Mariana Archipelago bottomfish fisheries (50 CFR 665.404)
- Mariana Archipelago coral reef ecosystem fisheries (50 CFR 665.424)
- Mariana Archipelago crustacean fisheries (50 CFR 665.442)
- Mariana Archipelago precious coral fisheries (50 CFR 665.462)
- American Samoa bottomfish fisheries (50 CFR 665.100)
- American Samoa coral reef ecosystem fisheries (50 CFR 665.120)
- American Samoa crustacean fisheries (50 CFR 665.140)
- American Samoa precious coral fisheries (50 CFR 665.160)
- NWHI bottomfish fisheries (50 CFR 665.603)
- NWHI coral reef ecosystem fisheries (50 CFR 665.624)
- NWHI crustacean fisheries (50 CFR 665.642)
- NWHI precious coral fisheries (50 CFR 665.662)

- Western Pacific, American Samoa, and Hawaii longline fisheries (50 CFR 665.801(b)-(d))
- Western Pacific squid jig fisheries (50 CFR 665.801(g))

Expected Fishery Outcomes

Mariana Archipelago

Under Option 2, removing federal prohibition on commercial fishing within the Islands Unit of the MTMNM would restore access to approximately 6,000 square miles of the U.S. EEZ waters, allowing for the potential development of low-impact, pelagic fisheries managed under existing Magnuson-Stevens Act regulations. While current commercial activity in this remote area is minimal due to logistical constraints, reopening the zone would enable future exploration and responsible use, particularly by vessels capable of operating in offshore conditions. Fisheries would be subject to permit requirements, gear restrictions and protected species safeguards already in place under the Mariana Archipelago FEP, ensuring that any activity remains sustainable and scientifically monitored.

American Samoa

Commercial fishing would be allowed under this option, via federal permits, within the 12-50 nm portion of the RAMNM. Federal fishing permits are required for pelagic longline, bottomfish, crustaceans, coral reef ecosystem, and precious corals. Restoring access would allow the American Samoa longline fleet to resume fishing in outer monument waters, reducing displacement and improving operational flexibility relative to the status quo. The Council expects the primary fishing activity to be deep-set pelagic fishing targeting highly migratory tunas in the offshore waters with no bottom contact, consistent with existing fleet practices adjacent to the RAMNM, and the added flexibility for vessel operators in deciding where and when to fish would help stabilize the supply for the local cannery, supporting fishery associated businesses and employment.

NWHI

With the removal of the commercial fishing prohibitions in the PMNM, fishing would continue to be managed under existing fishing regulations. Federal permits would be required for bottomfish, crustacean, precious corals, and pelagic fisheries. The Council would need to consider whether to recommend coral reef ecosystem fishery regulations as well. Due to the distance of the area from the inhabited MHI, as well as the limited access systems in place, it is unlikely that a large number of vessels would immediately enter the fishery in the NWHI. Bottomfish landings from the NWHI accounted for nearly half of all bottomfish landings in Hawaii prior to the monument designation and subsequent prohibitions. The market for bottomfish from the NWHI still exists and activity may increase should commercial fishing be allowed. Pelagic longline fisheries would be able to follow the fish into the U.S. EEZ surrounding the NWHI if needed and reduce costs by being able to fish closer to home ports. An increase in fish landings from increased fishing activity would provide additional seafood availability to Hawaii and the U.S.

The restoration of commercial fisheries in the NWHI would also provide an opportunity for the collection of baseline information on fishery resources in the area prior to commencing fishing

operations. This approach would allow for data collection to inform stock assessments and habitat evaluations, aligning with the intent of EO 14276 to reassess and modernize monument regulations in support of regional fisheries.

2.1.3 Option 3: Restore Regulated Access and Manage Under Existing MSA Regulations and Establish Enhanced Management Measures (MTMNM 0–50 nm, RAMNM 12–50 nm, PMNM/Expansion 3–200 nm)

Under Option 3, the Council would recommend NMFS amend the relevant FEPs and Federal regulations (50 CFR Part 665) and remove the prohibition on commercial fishing in the Islands Unit of the MTMNM from 0-50 nm, from 12-50 nm around Rose Atoll in the RAMNM, and from 3-200 nm offshore of the NWHI in the PMNM and PMNM Expansion Area. Under this option, all other fishing requirements, restrictions, and prohibitions at 50 CFR Part 665 would remain applicable. In addition, the Council would recommend NMFS mandate additional conservation controls promulgated under the Magnuson-Stevens to meet monument goals and objectives. The application of these enhanced management measures would ensure that any authorized fishing activities are highly controlled, scientifically informed, and consistent with the preservation of the monuments' unique geological, biological, and cultural value.

Expected Fishery Outcomes

Under Option 1 (No Action/Status Quo), all existing monument fishing prohibitions would remain in place and no commercial fishing could occur in the currently closed areas. In contrast, Option 3 restores access but does so under tighter, more precautionary controls than standard MSA regulations alone. The enhanced measures under this option could introduce new controls for those operating within the monument expansion area. Additional limits could be imposed on fishing gear, quotas, observer requirements, electronic monitoring, and designated areas, which could discourage participation in some fisheries. However, these measures may also enhance the collection of essential information regarding species, stock estimates, and other important data.

2.1.3.1 Option 3.1-Enhanced Management for Mariana Archipelago FEP and MTMNM

Under Option 3.1, the Council may consider additional management measures that would allow limited commercial fishing in the MTMNM Islands Unit. NMFS may simultaneously establish enhanced management measures that would consider the MTMNM goals and objectives. These management measures could include:

- **Gear Restrictions** - Implementing controls to reduce bottom-contact, such as gear modification or prohibition, and prohibiting anchoring in sensitive marine habitats.
- **Catch Limits** - Establishing additional catch limits beyond existing ACLs.
- **Protected Species Mitigation** - Mandating specific gear and operational requirements (e.g., use of circle hooks and de-hooking devices) to limit and mitigate potential protected species interactions.
- **Data Collection and Monitoring -** Consider requiring additional permits for currently unpermitted fisheries, mandatory VMS, enhanced observer protocols or electronic monitoring, and standardized mandatory data reporting.
- **Spatial Controls** - Designating specific fishing zones to avoid sensitive habitats and implementing scientific reference no-take zones to monitor ecological impacts.

- **Adaptive Management** - Establishing a joint management working group (e.g., with membership from NOAA, United States Fish and Wildlife Service (USFWS), the Council, and CNMI Department of Lands and Natural Resources - Division of Fish and Wildlife (DLNR/DFW) for continuous management review and the production of public annual reports (e.g., The Council's Annual Stock Assessment and Fishery Evaluation Reports).

2.1.3.2 Option 3.2-Enhanced Management for American Samoa FEP and RAMNM

Under Option 3.2, the Council would recommend that NMFS amend 50 CFR 665, Subpart I to remove the commercial fishing prohibition in the 12-50 nm zone around Rose Atoll, while maintaining the 0-12 nm no-take Refuge closure administered by the U.S. Fish and Wildlife Service (USFWS) and develop and implement enhanced regulatory requirements to ensure proper care, conservation and sustainable use of the RAMNM's ecological, historical, cultural, and scientific resources. Commercial fishing activities seaward of 12 nm could resume under the American Samoa Archipelago FEP, the Pelagic FEP, and relevant international agreements, subject to enhanced regulatory requirements that ensure the proper care and conservation of the Monument's resources. These measures could include:

- **Gear & Spatial Controls**- Prohibiting bottom-tending gear and coral-reef harvest; restricting any bottomfish/crustacean effort to depths/areas demonstrably outside reef influence.
- **Time–Area Provisions**- Enable seasonal closures or rolling hotspots if protected-species or habitat thresholds are exceeded.
- **Targeted Monitoring-** Consider higher observer/electronic monitoring coverage for all Monument trips or other targeted monitoring enhancements.
- **Operational Safeguards**- Clarify the prohibition of transshipment within the Monument, maintain protected species handling training and gear requirements, and revise the same-trip rule for clarity.
- **Shark Interaction Minimization-** Require adherence to existing federal and Western and Central Pacific Fisheries Commission (WCPFC) non-retention requirements for oceanic whitetip and silky sharks already implemented under 50 CFR § 300.226, and requiring cut-to-release protocols to minimize trailing gear, including the use of non-wire leaders within 1 meter of the hook (consistent with Hawaii deep-set standards); emphasize continued Protected Species Workshops and carriage/use of approved release gear.

Mandatory Crew Training- Require at least one certified operator and one certified deckhand on Monument trips (certification valid for two years; reciprocity with NMFS Protected Species Workshop where curricula align); require carriage and use of approved de-hookers, line-cutters, and dip net where applicable, with pre-trip self-checks and spot verification by observers/Law Enforcement.

2.1.3.3 Option 3.3-Enhanced Management for Adaptive Management in the NWHI and PMNM

Under Option 3.3, the Council would recommend NMFS repeal the existing commercial fishing prohibition in the NWHI and establish additional adaptive management measures to meet the goals and objectives of the PMNM. Access would be restored from 3 nm to 200 nm offshore of the NWHI, subject to enhanced controls promulgated under the Magnuson-Stevens Act to ensure the protection of scientific and cultural resources of the PMNM. These measures could include:

- **Fishery Scope Limitations-** Limit commercial fishing to specific sectors such as Pelagic, Bottomfish, and Crustaceans, or a combination of sectors.
- **Spatial Controls-** Limiting commercial fishing to certain areas, such as opening only the Mau Zone while maintaining the Ho'omalu Zone closure, limiting the open area to 12-200 nm; and extending the Westpac Refuge for precious corals to include southeast Brooks Bank**.**
- **Gear Restrictions-** Revise the existing limited access bottomfish permits (e.g., renewal, landing requirements, and permit issuance mechanisms); include permitting for pelagic troll and handline
- **Data Collection and Monitoring-** Require observers or Electronic Monitoring (EM) at the discretion of the Regional Administrator (RA); and require NMFS to provide baseline surveys and assessment of fishery resources in the NWHI prior to permitting any new fishing activities.

3 DESCRIPTION OF THE AFFECTED ENVIRONMENT

3.1 Marianas Trench Marine National Monument

The Islands Unit of the MTMNM consists of the waters around Uracas, Maug, and Asuncion islands in the northern CNMI. This region is volcanically active and remote, which has led to unique biological communities. Maug is a submerged volcanic caldera, providing a unique protected lagoon environment. The waters quickly drop off to abyssal depths, creating steep slopes and deep-sea features. The action area (50-200 nm) is largely characterized by open ocean and deep-sea seamounts outside the immediate 50 nm radius. The nearshore area (0-50 nm) hosts high-diversity coral reefs and is known for unique fish assemblages adapted to volcanic and slightly acidic waters. The 50-200 nm zone supports deep-water bottomfish populations (e.g., snappers and groupers) associated with seamounts and banks and is a major transit corridor for highly migratory species like yellowfin tuna, skipjack tuna, and billfish.

3.1.1 Target and Non-Target Species

Bottomfish fishing typically targets depths of 75 to 400 m and utilizes bottomfish vessels that are relatively small, ranging from 20-30 feet in length. The fishery uses basic handline gear that consists of a 3-to-5-pound weight attached to the end with 2 to 8 branch lines with circle hooks attached above the weight at 6-to-10 foot intervals. A chum bag containing chopped fish or squid is usually attached above the highest of these hooks to attract the fish. The gear is retrieved using a mechanical line hauler after one or more fish are hooked.

Federally permitted crustacean fisheries target spiny and slipper lobsters and deepwater shrimp. Spiny lobsters are typically found from 1-to-73 meters but can be found up to 180 m depth. Slipper lobsters can be found in up to 500 m of water. Typically harvested by hand, spiny and slipper lobsters have also been caught by traps in some places. Deepwater shrimp (*Heterocarpus*) can be found in abundance between 365-455 m in depth and are caught using traps.

There have been no federal permits issued for bottomfish, lobster, or shrimp in the past 10 years.

3.1.2 Protected Species

The MTMNM encompasses critical habitat for several protected species, including sharks, sea turtles, marine mammals, and seabirds. All Pacific sea turtles are listed under the Endangered Species Act (ESA) as either threatened or endangered. Specifically, the area is known to host endangered hawksbill turtles (*Eretmochelys imbricata*) and threatened green sea turtles (*Chelonia mydas*). Both of these species are recognized for their highly migratory behavior or for having life stages where migration plays a key role.

ESA-listed cetaceans observed in the Western Pacific Region include the humpback whale (*Megaptera novaeangliae*) and the sperm whale (*Physeter macrocephalus*). Furthermore, resident populations of bottlenose dolphins, spotted dolphins, and spinner dolphins occur throughout the Mariana Archipelago.

The Mariana Islands provide vital breeding and foraging grounds for numerous seabird colonies. Key species include albatrosses (e.g., Black-footed, Laysan/*Phoebastria nigripes*), boobies (e.g., Brown, Masked, Red-footed/*Sula* spp.), frigatebirds (Great, Lesser/*Fregata* spp.), tropicbirds (e.g., Red-tailed, White-tailed), various petrels and shearwaters (e.g., Bonin Petrel, Wedge-tailed Shearwater), and terns and noddies (e.g., Black Noddy, Common White Tern, Sooty Tern). These islands are important sites for seabird colonies, with significant concentrations observed in specific locations: the Maug Islands support breeding pairs of Red-tailed and White-tailed Tropicbirds and the Black Noddy; Rota hosts breeding populations of Great Frigatebird, Red-footed Booby, Brown Booby, and Red-tailed Tropicbird; and Sarigan is an essential site for the Brown Booby, Brown Noddy, Common White Tern, Red-tailed Tropicbird, and White-tailed Tropicbird.

Manta rays are also likely to occur in the MTMNM, with the larger giant oceanic manta (*Mobula birostris*) being the expected species. Incidental bycatch of manta rays and unidentified mobula rays has not been reported as there are currently no longline fisheries operating in the region.

3.1.3 Ecosystems and Habitat

Within the Islands Unit of the MTMNM, which includes federal waters from the shoreline to 50 nautical miles around Farallon de Pejaros (Uracas), Maug and Asuncion, EFH encompasses a broad range of pelagic, benthic and deep-sea environments that support life stages of bottomfish, pelagic, crustaceans and precious coral management unit species.

The MTMNM encompasses a broad range of habitats that meet the definition of Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act for

federally managed species within the Marianas Archipelago Fishery Ecosystem Plan. Within the Islands Unit, EFH includes pelagic, slope, and seamount environments that support all life stages of bottomfish, pelagic, crustacean, and precious-coral management unit species. The broader Monument area contains some of the deepest waters on Earth, reaching depths of over 35,000 m including the Sirena Deep in the Marianas Trench, and while the trench itself lies outside the Islands Unit, these extreme depths and geomorphic features illustrate the region's exceptional vertical and horizontal habitat complexity. Large areas of the surrounding seafloor remain unmapped, and numerous seamounts, volcanic structures, and steep island slopes influence currents, productivity, and species aggregation patterns in the northern archipelago. Because no reported fishing activity has occurred in the Islands Unit since the Monument's establishment in 2009, EFH conditions remain largely undisturbed and serve as an important ecological reference area, though the absence of fishing has also limited opportunities to obtain empirical data on habitat use, benthic composition, and stock–habitat relationships in these remote northern islands.

For bottomfish, EFH includes the watercolumn and benthic habitats from the shoreline to approximately 400 meters, encompassing steep volcanic slopes, hard-bottom features and high-relief outcrops that support species such as *Etelis, Aphareus* and *Pristipomoides*. Within the coral reef ecosystem, EFH comprises the water column substrate from the shoreline to 100 meters, which around the northern islands includes ballistic substrates, patchy coral communities and reef terraces shaped by volcanic geology. For crustaceans, EFH extends from the shoreline to 100 meters, including shallow reef terraces and rubble habitats used by spiny and slipper lobsters. For pelagic species, EFH includes the water column from the surface to 1,000 meters, representing the migratory corridor used by tunas, billfish and other highly mobile species.

The Islands Unit does not include designated Habitat Areas of Particular Concern (HAPC). However, the northern islands and adjacent volcanic seamount contain steep, structurally complex features that are ecologically significant and potentially sensitive to disturbance. Because no commercial fishing has occurred within the monument since its establishment in 2009, these habitats remain largely undisturbed, functioning as reference areas for the broader Marianas ecosystem.

According to the most recent SAFE Report and EFH evaluations (WPFMC 2024), there is no evidence that any historical or existing federally managed fisheries have adversely affected EFH within the Islands Unit. Should fishing be authorized under Options 2 or 3, all activities would remain subject to EFH consultation and mitigation requirements under the Magnuson-Stevens Act, ensuring avoidance or minimization of potential impacts to sensitive habitats while improving scientific understanding of this underexplored region.

Socio Economic Setting

The fishing communities most closely associated with the MTMNM, particularly the Islands Unit, are located in the CNMI and Guam. The primarily populated islands are Saipan, Tinian, Rota and Guam. These islands are the centers of both small-boat fisheries and small-scale commercial port infrastructure in the archipelago. The northern most inhabited island, Pagan, lies more than 300 nautical miles south of the Islands Unit and is currently inhabited by two

individuals, making Saipan and Guam the functional homeport for vessels transiting to the Monument.

The Islands Unit surrounds the extremely remote northern volcano-islands of Farallon de Pajaros (Uracas), Maug and Asuncion, areas with no resident population and limited access due to weather, sea conditions and volcanic activity. Fishing trips to these waters require large vessels with substantial fuel, ice and gear capacity. Most small-boat operators in the Marianas are typically 18-24 ft outboard vessels, lacking the range to safely reach the northern islands, and thus have not historically been reported to have fished in Monument waters. As a result, fishing activity in the Islands Unit has been absent or extremely rare, with only scientific management, or enforcement missions occurring since Monument designation in 2009.

The CNMI economy is small and highly dependent on the tourism sector, which fluctuates with regional airline service and international economic conditions. The government sector is the territory's largest employer and relies heavily on U.S. federal support. Commercial fishing in the CNMI is limited compared to other Western Pacific jurisdictions, consisting primarily of small-boat reef, bottomfish and pelagic fisheries supplying local markets. Locally caught fish remain an important component of food security, cultural practice, and community events, especially during fiestas, family gatherings, and traditional celebrations.

Seafood availability in the CNMI is influenced by limited local production and a reliance on imported fish products from regional markets and foreign countries. Although the CNMI has interest in expanding commercial fisheries, especially for high-value pelagic species, development is constrained by infrastructure, high operating costs, and limited cold-storage capacity. Reopening sections of the MTMNM to commercial fishing under controlled management could present new economic opportunities for the CNMI's fishing sector, though such activity would likely remain small in scale due to distance, cost, and vessel capability.

Potential economic effects differ across management options. Under Option 1 (No Action), the Islands Unit would remain closed to commercial fishing, and no direct economic benefits would occur for CNMI fishermen or seafood markets, maintaining the current status quo. Under Option 2 (Allow Fishing Under Existing FEP Regulations), limited commercial activity could develop among larger or offshore-capable vessels, potentially providing new revenue opportunities, additional local seafood supply, and modest business activity for fuel, ice, gear, and services in Saipan. Under Option 3 (Enhanced Management), the combination of controlled access, expanded monitoring, and potential spatial or gear constraints may limit participation but could still support a small, high-value fishery. Enhanced management may also facilitate greater scientific and monitoring investment in the CNMI, supporting jobs and research operations. Overall, economic effects under Options 2 and 3 are expected to be positive but moderate, reflecting the high cost and low accessibility of fishing in the remote Monument waters.

Management Setting

The Marianas Trench Marine National Monument (MTMNM) was established by Presidential Proclamation 8335 (January 6, 2009) to conserve and protect the unique geological, biological, and ecological features of the Marianas Trench, Volcanic, and Islands Units. The Islands Unit encompasses the waters and submerged lands within 50 nautical miles around Farallon de

Pajaros (Uracas), Maug, and Asuncion, and was designated to support the long-term protection of coral reef ecosystems, deep-sea habitats, volcanic island environments, and associated marine species. The Monument is managed jointly by the U.S. Department of the Interior (U.S. Fish and Wildlife Service) and the U.S. Department of Commerce (NOAA) under a co-management framework established in the Presidential Proclamation and further clarified in the Monument's 2024 Management Plan.

Fishing in the Islands Unit is governed by 50 CFR Part 665, Subpart H (Marianas) and Subpart F (Pacific Pelagics), as well as Monument-specific provisions implemented under the authority of the Magnuson–Stevens Fishery Conservation and Management Act. Under current regulations, commercial fishing is prohibited within the Islands Unit, and non-commercial, recreational, and research fishing may occur only if authorized through federal permits and if consistent with Monument purposes and the Marianas Archipelago and Pacific Pelagic Fishery Ecosystem Plans (FEPs). The NOAA Pacific Islands Regional Office (PIRO) administers permitting and regulatory compliance, while enforcement activities are carried out by the NOAA Office of Law Enforcement (OLE) and the U.S. Coast Guard in coordination with CNMI DFW's Conservation Enforcement sections.

The emergent lands and terrestrial ecosystems of the Islands Unit are also designated as part of the Mariana Islands National Wildlife Refuge, managed by the USFWS. Access to these islands for scientific, cultural or management purposes is restricted and subject to USFWS permitting to protect sensitive bird colonies, volcanic habitats and unique terrestrial ecosystems. The Monument's deepwater habitats include trench, seamount and volcanic arc features that fall under the border scientific and conservation mandates of the 2024 Monument Management Plan, which integrates NOAA and USFWS responsibilities for research, monitoring, education and resource protection.

Management of the Monument also interfaces with the Council, whose Marianas Archipelago FEP provides the fisheries management framework for federal waters surrounding the CNMI. These FEPs establish EFH designations, monitoring requirements and ecosystem-based policies that guide any potential fishing activity in or near the Monument. Although the MTMNM does not overlap with a National Marine Sanctuary, it is adjacent to areas of scientific importance and regional conservation initiatives led by NOAA, USFWS, CNMI government agencies and academic partners.

Together, these overlapping authorities, the Monument, the National Wildlife Refuge and the Council's FEPs, create a comprehensive management regime that protects the ecological integrity of the northern islands and surrounding deep-sea habitats while supporting scientific research, monitoring and culturally informed stewardship across the broader Mariana Archipelago.

3.2 Rose Atoll Marine National Monument

Rose Atoll, which is traditionally known as Muliva‘a or Nu‘u o Manu, is located 78 nm east of Ta‘u in the Manu'a Islands and approximately 156 nm east-southeast of Pago Pago Harbor. It is the easternmost Samoan island and the only atoll in the Samoan Archipelago. It is often cited as

one of the most pristine atolls globally. The RAMNM is overlaid by the Rose Atoll NWR (0-12 nm) and the NMSAS.

Boundaries of the RAMNM are shown in Figure 5. Rose Atoll is nearly square, with sides approximately one mile in length. It is one of the smallest atolls in the world, consisting of two low sandy islets, Rose and Sand. Each is located on a coralline algal reef rim enclosing a lagoon. A single channel eight to 48 feet deep links the lagoon to the sea. The lagoon is approximately 1.2 miles wide and up to about 65 feet deep, and covers 1,575 acres. Rose and Sand Islands cover areas of about 14 and seven acres respectively. The boundaries of the existing LVPA were recently modified to be more congruent with the RAMNM boundaries (77 FR 34260, June 11, 2012). Longline vessels greater than 50 ft are prohibited from fishing within this zone as well as in the RAMNM.

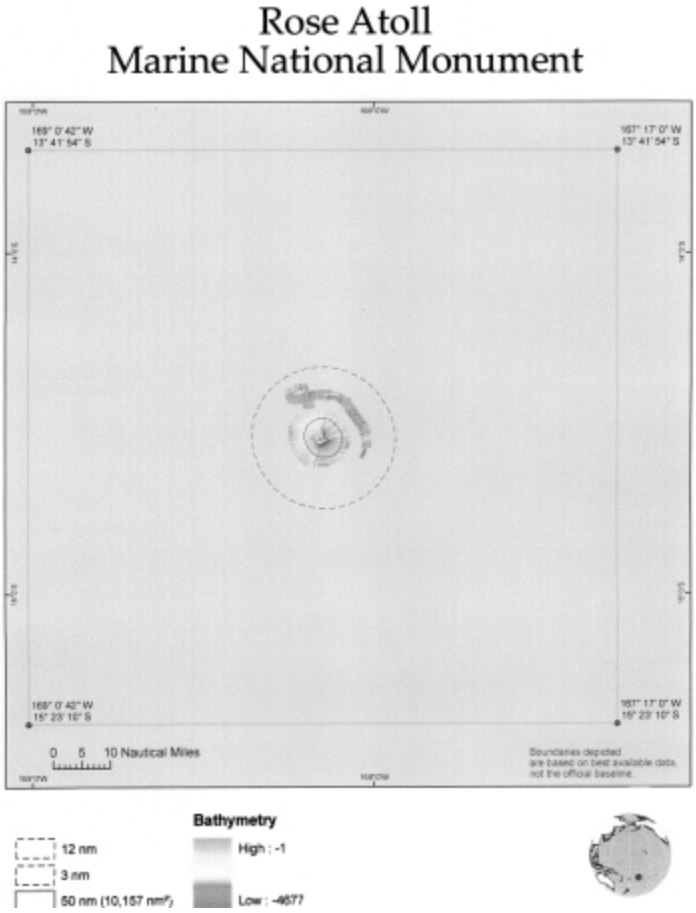


Figure 5: Rose Atoll Marine National Monument boundaries

3.2.1 Target and Non-Target Species

Polynesians have harvested resources from Rose Atoll for millennia. Several species, including the giant clam, were traditionally harvested at Rose Atoll and used for cultural celebrations and events.[1]

Historically, the small-boat troll fishery in American Samoa has landed very small quantities of pelagic species. In 2010, the troll fishery landed 2,000 lb (less than 1 mt) of skipjack and the same amount for yellowfin tuna (WPFMC 2013). More recent annual SAFE reports (e.g., WPFMC 2025) show that troll catches remain low and dominated by these same species.

Of the species most likely to be caught by commercial and non-commercial fisheries in American Samoa, bigeye tuna and yellowfin tuna are among the only fish stocks that are of management concern. These species have commercial longline catch limits and are monitored domestically and internationally to help ensure the pelagic fisheries of American Samoa are sustainable. Troll fishers fishing in pelagic waters of Rose Atoll are not likely to catch large amounts of bigeye tuna or yellowfin tuna.

Non-commercial fishing for bottomfish MUS and crustaceans, precious coral and coral reef ECS is not expected to occur within RAMNM because the island is surrounded by a narrow reef slope that drops steeply into deep pelagic ocean waters very close to shore. Therefore, benthic habitat features that may support these fisheries are not likely to occur beyond 12 nm. The only fishery that is expected to be affected is non-commercial fishing for pelagic species using trolling gear in deep waters.

3.2.2 Protected Species

The RAMNM is home to a robust population of protected species, reflecting its status as one of the world's most pristine atolls. Species that have faced severe depletion elsewhere, such as giant clams, Maori wrasse, large parrotfishes, and blacktip, whitetip, and gray reef sharks, are found in abundance here.

Threatened green turtles (*Chelonia mydas*) and endangered hawksbill turtles (*Eretmochelys imbricata*) remain the most common species observed in American Samoa waters. The marine area at RAMNM provides isolated, unmolested nesting grounds for green sea turtles, with 20-40 nests recorded annually between October and March (DMWR & NOAA 2022; Murakawa et al. 2024). Rose Atoll also provides important foraging habitat but only limited nesting opportunities for hawksbills. Hawksbill and green turtle populations remain small but stable, showing localized recovery in recent years due to the protection of key nesting habitat (DMWR & NOAA 2022; NOAA 2023). Leatherback, olive ridley, and loggerhead turtles are rarely observed, with only a few strandings or incidental captures recorded in the region (Grant 1994 Tagarino et al. 2008; NOAA PIFSC 2024).

A diverse array of marine mammals protected under the Marine Mammal Protection Act (MMPA) may occur in the area of Rose Atoll. ESA-listed cetaceans, including the endangered

[1] http://www.fws.gov/refuges/profiles/History.cfm?ID=12514 114

sperm whale (*Physeter macrocephalus*), are occasionally seen. Humpback whales (*Megaptera novaeangliae*) belonging to the Oceania Distinct Population Segment have been regularly observed in nearshore waters of Tutuila, and this population is now listed as threatened under the ESA (PIFSC 2023). Several dolphin species frequent Monument waters, with recent surveys documenting spinner dolphins (*Stenella longirostris*), bottlenose dolphins (*Tursiops truncatus*), and rough-toothed dolphins (*Steno bredanensis*) as the most common species (PIFSC 2024). False killer whales (*Pseudorca crassidens*) and short-finned pilot whales (*Globicephala macrorhynchus*) continue to interact with American Samoa-based longline gear (PIFSC Observer Program 2024).

Rose Atoll continues to support one of the most significant seabird colonies in the South Pacific, hosting 12 resident breeding species (USFWS 2014; NOAA 2023). These species include red-footed, brown, and masked boobies; red-tailed and white-tailed tropicbirds; great and lesser frigatebirds; brown and black noddies; white terns; and several species of shearwaters and petrels. Rose Atoll supports most of the seabird population of American Samoa, including 12 federally protected migratory seabirds, five species of federally protected shorebirds, and a migrant forest bird, the long-tailed cuckoo. Rare species of nesting petrels, shearwaters, and terns are thriving and increasing in number due to predator-free conditions and protected status. The bristle-thighed curlew, listed as "Vulnerable" by the IUCN, uses Rose Atoll as an important wintering site (USFWS 2014; BirdLife International 2023). Additionally, the Newell's shearwater is listed as threatened under the ESA, and three other globally endangered species (Chatham petrel, Fiji petrel, and magenta petrel) may occur as occasional pelagic visitors.

3.2.3 Ecosystems and Habitats

Essential fish habitat (EFH) and habitat areas of particular concern (HAPC) are designated in various portions of Rose Atoll. EFH designations for the American Samoa Archipelago are described in Section 5 of the FEP and summarized in the annual SAFE Reports (WPFMC 2024).

At Rose Atoll, EFH encompasses several distinct ecological zones. For bottomfish, EFH includes the water column and associated habitats down to 400 meters. Within the coral reef ecosystem, EFH includes the water column and substrate down to a depth of 100 meters. Crustacean EFH covers the bottom habitat extending from the shoreline to 100 meters. The pelagic species, EFH comprises the water column to depths of 1,000 meters. These EFH designations encompass all life stages of the management unit species (MUS) identified under the American Samoa and Pacific Pelagic FEPs.

Within American Samoa, HAPC includes all coral reef habitats, live-bottom communities, and the upper portions of seamount and bank features where pelagic and demersal species aggregate (typically the upper 100 meters of seamounts or 500 meters of the surface). Therefore, Rose Atoll's shallow reef and lagoon habitats are recognized as both EFH and HAPC due to their significant ecological value to multiple species groups and vulnerability to disturbance.

According to the most recent SAFE Reports and EFH evaluations (WPFMC 2024), there is no evidence that fisheries operating under the Council's jurisdiction adversely affect EFH or HAPC within the Monument or surrounding waters.

3.3 Papahānaumokuākea Marine National Monument

The PMNM and Expansion Area boundaries extend to the seaward limit of the United States Exclusive Economic Zone (see § 600.10) surrounding the NWHI west of 163° west longitude. This region encompasses approximately 442,781 square miles of open ocean, which includes atolls, islands, shoals, and reefs that make up the NWHI.

While most features of the NWHI are within 50 miles, several seamounts have been identified as beginning within the Expansion Area. Additionally, shipwrecks and sunken vessels from World War II in the northwestern portion of the Expansion Area are considered as part of the United States' maritime cultural heritage.

3.3.1 Target and Non-Target Species

The commercial fisheries historically operating in the NWHI were managed under the Hawaii Archipelago FEP through limited access programs and area restrictions prior to the 2006 establishment of the PMNM.

The entire NWHI bottomfish fishery occurred within Federal waters as fishing was prohibited in State waters. The NWHI bottomfish fishery was divided into two sub-management zones in 1989: the closer open-access Mau Zone (between 165° W and 161°20' W), and the more northwestern limited entry Hoʻomalu Zone (west of 165° W) (Figure X). Participation in the NWHI bottomfish fishery was controlled through limited access programs establishing long-term target fleet sizes of seven vessels for the Hoʻomalu Zone and ten vessels for the Mau Zone. These zones were established to reduce the risk of biological overfishing and to improve the economic health and stability of the bottomfish fishery in the NWHI. All vessels were required to carry active vessel monitoring systems. Prior to the Monument closure, the NWHI fishery provided nearly half of the bottomfish sold in the market in Hawaii. The NWHI bottomfish fishery closed in June 2011, in accordance with the provisions of the PMNM, which was established in the NWHI through Presidential Proclamation No. 8031 on June 15, 2006.

Bottomfishing in the NWHI targeted snappers, jacks, and groupers. The most recent stock assessment (using data through 2007, prior to closure) found the stocks were neither overfished nor experiencing overfishing (Brodziak et al., 2009). Due to the current prohibition on fishing in the monument for bottomfish, it is unlikely that the stocks are experiencing overfishing or the stock is overfished today.

The seamount bottom trawl fishery for armorhead was historically conducted by foreign trawlers (former Soviet Union and Japan) beginning in 1967. This fishery initially focused on the northern large tablemount seamounts (Koko, Yuryaku, N. Kammu, and S. Kammu) of the southern Emperor Seamount chain, and subsequently expanded southward to encompass the much smaller northern Hawaii Ridge guyot type seamounts including Colahan, C-H, and the Hancock Seamounts. By the end of 1975, combined catches reached approximately 1 million mt. The majority of this catch was harvested from the Milwaukee Seamount Group (Yuryaku and Kammu Seamounts). U.S. fishermen have never participated in the seamount armorhead trawl fishery. From 1978-1984 following the stock depletion, a Preliminary Management Plan was

developed allowing limited foreign harvesting at the Hancock Seamounts under a permit system with an annual harvest quota of 1,000 mt and a required U.S. fishery observer aboard each permitted vessel. Armorhead catches consistently remained low, with harvest quotas never being met in any year from 1978 to 1984. Subsequently, a six-year fishing moratorium was imposed on the Hancock Seamounts in 1986 under the bottomfish and seamount groundfish FMP. The fishing moratorium at the Hancock Seamounts remains in place and is the only management attempt to enhance the depressed stock levels of armorhead throughout the SE-NHR seamounts.

The NWHI Crustacean fishery targeted spiny lobster (*Panulirus marginatus*) and slipper lobster (*Scyllarides squammosus*) using plastic dome-shaped single-chambered traps with escape vents. The fishery experienced significant changes in target species, shifting from spiny lobsters in the early years (1977–1984) to slipper lobsters (1985–1987), and back to spiny lobsters (1988–1997) (Polovina 1993). The fishery was Hawaii's most lucrative in the mid-1980s (Pooley 1993). A dramatic fall in catch rates occurred in 1990, likely due to a climate-induced change in oceanic productivity, though overfishing was not entirely ruled out as a contributing factor (Polovina and Mitchum 1992; Polovina et al. 1994). The fishery was closed in 2000 due to uncertainty in stock assessment models (DeMartini et al 2003). An EO in 2001 declared the NWHI a Coral Reef Ecosystem Reserve, which largely ended commercial harvest, and the 2006 Presidential Proclamation establishing the PMNM formally prohibited all crustacean fishing within 50 nm of the NWHI, at which point commercial fishing was prohibited in the Monument.

Precious Corals Fisheries
Domestic harvest of precious corals has never occurred in the NWHI. However, there have been impacts to precious corals from mobile bottom-tending gear in the Emperor Seamount Chain (including Hancock Seamount) from foreign fisheries (Parrish et al, 2009). The interest in harvest of precious corals in the area resulted in the council designating WESTPAC Bank as a Precious Coral refugia to be set aside from harvesting in the NWHI, due to the abundance of *Corallium*. The establishment of the NWHI Coral Reef Ecosystem Reserve and the PMNM ultimately prohibited all precious coral fishing.

Coral Reef Ecosystems Fisheries
The original establishment of the Coral Reef Ecosystem Fishery Management Plan included regulations for no-take Marine Protected Areas in the NWHI. However, due to the establishment of the PMNM, there are no active coral reef fisheries in the NWHI.

Pelagic Fisheries
Pelagic trolling may be employed by the bottomfish fishing vessels, and other fisheries, as they transit to bottomfish fishing grounds in the NWHI. Due to the remote distance from populated areas, small boat pelagic fishing in the NWHI was minimal and primarily occurred at Midway. Pelagic fisheries are regulated under the Council's Pacific Pelagic Fishery Ecosystem Plan and detailed information about them can be found in that FEP or the Pelagic Fishery Ecosystem Annual SAFE Report.

3.3.2 Protected Species

Sea turtles, seabirds, monk seals, and other marine mammals are commonly found within the NWHI, although closer to shore.

Green turtles nest on six small sand islands at French Frigate Shoals, a crescent-shaped atoll situated in the middle of the Hawaiian Archipelago (Northwestern Hawaiian Islands; Balazs et al. 1992). Ninety to 95 percent of the nesting and breeding activity occurs at French Frigate Shoals, and at least 50 percent of that nesting takes place on East Island, a 12-acre island. Long-term monitoring of the population shows that there is strong island fidelity within the regional rookery. Low-level nesting also occurs at Laysan Island, Lisianski Island, and on Pearl and Hermes Reef (NMFS 1998).

After years of exploitation, protection under the ESA and recovery programs have resulted in the nesting population of Hawaiian green turtles showing a gradual but definite increase (Balazs 1996; Balazs and Chaloupka 2004). In three decades, the number of nesting females at East Island increased from 67 nesting females in 1973 to 467 nesting females in 2002. Nester abundance increased rapidly at this rookery during the early 1980s, leveled off during the early 1990s, and again increased rapidly during the late 1990s to the present. Balazs and Chaloupka (2004) concluded that the Hawaiian green sea turtle stock is well on the way to recovery following 25 years of protection. This increase is attributed to increased female survivorship since the harvesting of turtles was prohibited, in addition to the cessation of habitat damage at the nesting beaches since the early 1950s (Balazs and Chaloupka 2004).

Sperm whales have been sighted around several of the Northwestern Hawaiian Islands (Rice 1989). In the early to mid-nineteenth century, Hawaii was the center of whaling operations targeting sperm whales. There have been at least two sightings of blue whales reported by Hawaii-based longline vessel crews to the north of Hawaii, and acoustic recordings made off Oahu and Midway Islands have reported blue whales somewhere within the EEZ around Hawaii (Thompson and Freidl 1982). The stock structure of blue whales in the North Pacific is uncertain (Forney et al. 2000). The status of this species in Hawaii waters relative to the optimum sustainable population is unknown, and there are insufficient data to evaluate trends in abundance (Forney et al. 2000).

The Hawaiian monk seal (*Monachus schauinslandi*) is a tropical seal endemic to the Hawaiian Islands. Today, the entire population of Hawaiian monk seals is about 1,300 to 1,400 and occurs mainly in the NWHI. The six major reproductive sites are French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Atoll, and Kure Atoll. Small populations at Necker Island and Nihoa Island are maintained by both reproduction and immigration, and an increasing number of seals are distributed throughout the Main Hawaiian Islands, where they are also reproducing. The subpopulation of monk seals on French Frigate Shoals has shown the most change in population size, increasing dramatically in the 1960s–1970s and declining in the late 1980s–1990s. In the 1960s–1970s, the other five subpopulations experienced declines. However, during the last decade the number of monk seals increased at Kure Atoll, Midway Atoll, and Pearl and Hermes Reef, while the subpopulations at Laysan Island and Lisianski Island remained relatively stable. The recent subpopulation decline at French Frigate Shoals is thought to be caused by male aggression, shark attack, entanglement in marine debris, loss of habitat, and decreased prey availability. The Hawaiian monk seal is assumed to be well below its optimum sustainable population, and since 1985 the overall population has declined approximately 3 percent per year (Forney et al. 2000).

The only documented Western Pacific Region fishery interactions with seabirds have been with the Hawaii-based longline fleet and NWHI bottomfish fishery, which are known to inadvertently hook and entangle boobies and black-footed and Laysan albatrosses. On rare occasions, wedge-tailed and sooty shearwaters are also incidentally caught by these Hawaii longline vessels (NMFS 2005).

3.3.3 Ecosystems and Habitats

For each FMP and list of MUS, the Council has declared essential fish habitat (EFH) and habitat areas of particular concern (HAPC; 64 FR 19068). The Council and NMFS must ensure that any activities being conducted in such areas do not adversely affect, to the extent possible, EFH or HAPC for any MUS. Western Pacific EFH and HAPC fall into two categories: either the water column above the ocean bottom or the ocean bottom itself. Water column EFH and HAPC has been designated for Pelagic, Bottomfish, Precious Corals, Crustacean, and Coral Reef Ecosystem MUS. Areas of ocean bottom have been designated EFH and HAPC for Precious Corals, Crustaceans, Bottomfish, and Coral Reef Ecosystem MUS. The use of explosives, poisons, trawl nets, and other destructive gears that may adversely affect any EFH or HAPC in the Western Pacific Region is prohibited. No fishery under Council jurisdiction has been found to adversely affect the EFH or HAPC of any Western Pacific Region MUS. For EFH and HAPC definitions, refer to the Hawaii Archipelago Fishery Ecosystem Plan.

4 ENVIRONMENTAL EFFECTS OF THE ALTERNATIVES

The environmental effects of the three alternatives are analyzed based on their anticipated impacts on MUS and associated non-target species, EFH including HAPC, and protected species managed under the ESA and MMPA). This section describes the potential effects of each alternative on the components of the affected environment or other socio-economic elements identified in Section 3.0 above.

4.1 Mariana Trench Marine National Monument

4.1.1 Target and Non-Target Species

Under Option 1, commercial fishing would continue to be prohibited and the impacts to fisheries would remain at the status quo. Under all options, fishery participants would continue to be impacted by factors such as weather, catchability, fuel prices, among others. However, in the Islands Unit, commercial fishing is currently prohibited, and there have been no active non-commercial or recreational charter permits issued and no landings or effort have been reported from its waters. This prolonged closure has maintained the ecological status quo and avoided potential shifts in species composition due to harvest activity. The prohibition has also limited opportunities for the CNMI to develop new data streams, evaluate resource potential, or support local seafood markets.

Under Options 2 and 3, reopening the Islands Unit to limited, well managed commercial fishing would result in the collection of biological and economic information that is currently unavailable. Fishing would occur under existing Magnuson-Stevens Act authority and the Marianas Archipelago FEP under Option 2. While this opens access to commercial fishing, it relies on general FEP provisions that may not fully account for the monument's ecological sensitivities. This could increase fishing effort and alter species dynamics without tailored safeguards.

Under Option 3, enhanced management, including gear restrictions, seasonal closures and target monitoring, offers a more adaptive framework to respond to emerging ecological data and climate driven changes in species distribution. This approach allows commercial access while mitigating risks to vulnerable stocks and habitats. Given the high cost of operating in these remote northern waters (~300 nm north of Saipan), participation and effort are expected to remain low and exploratory during initial years.

Pelagic Fisheries
Potential target species include tuna and billfish species; both are stocks managed regionally through the WCPFC and are not considered overfished within the Western Pacific. Allowing limited access under Options 2 and 3 would enable data collection on pelagic species distribution and catch composition in a lightly fished sector of the U.S. EEZ.

The Hawaii-based longline fishery, managed under a limited-entry program, operates mainly in the Central Pacific but its vessels hold Western Pacific longline permits that technically extend to the Marianas Archipelago EEZ. If monument waters were reopened, these vessels, or future Marianas Archipelago-based longline operations, could participate under strict conditions. Such access could promote regional economic activity, improve standing of pelagic stock connectivity and strengthen sustainable-use opportunities for the CNMI while maintaining compliance with federal mandates.

Bottomfish Fisheries
Potential target bottomfish species include onaga (*Etelis coruscans*), ehu (*E. carbunculus*), lehi (*Aphareus rutilans*), opakapaka (*Pristipomoides filamentosus*), and kalekale (*P. sieboldii*). These species comprise the CNMI Bottomfish Management Unit Species (BMUS), which are not overfished and not experiencing overfishing (Bohaboy and Matthews 2025). Reopening the MTMNM to limited bottomfish fishing under Options 2 and 3 could help validate current stock assessments and refine catch-per-unit-effort (CPUE) benchmarks for the Northern Islands habitats.

Crustaceans and Precious Corals
Spiny lobster (*Panulirus penicillatus*), slipper lobsters (*Scyllaridae* spp.), and deepwater shrimp (*Heterocarpus spp.*) occur within the MTMNM, though no active fishery exists, or has existed in recent years. Exploratory harvest under permit would provide valuable information on resource abundance and habitat associations. Similarly, precious coral species (*Corallium*, *Gerardia*, *Antipathes*) inhabit deep volcanic slopes between 300-1,000 meters; any potential harvest would remain small-scale and closely monitored to prevent habitat disturbance.

Non-Target and Bycatch species
Expected bycatch under Options 2 and 3 from pelagic operations includes small tunas, rainbow runner, and occasional sharks or billfish; bottomfish gear may also catch jacks and groupers incidentally. Bycatch rates would employ mitigation measures, circle hooks, side-setting and de-hooking tools, to minimize protected species interactions. Observer or EM coverage under Option 3 would provide direct verification of bycatch and discards.

4.1.2 Protected Species

Under Options 1 and 2, the impacts to protected species from longline and purse seine vessels would continue as expected and as authorized pursuant to the Incidental Take Statement provided in the current NMFS' Biological Opinion on the deep-set longline fishery (NMFS 2018). Because fisheries are managed throughout their range rather than to a specific location, the expected impacts would be similar between no action and eliminating commercial fishing prohibitions. Longline vessels would continue to be required to adhere to all seabird, sea turtle, and other protected species mitigation and avoidance measures currently in effect for deep-set longline fishing activities. The impacts to protected species from any existing non-commercial fisheries would be negligible with zero permits issued for non-commercial fishing since 2020 and permittee are required to adhere to all seabird, sea turtle, and other protected species mitigation and avoidance measures currently in effect and all regulations that apply under the ESA, MMBA, MBTA and other applicable law.

Option 3 may allow for increased restrictions on fishing that could further minimize any potential protected species impact depending on the approach recommended by the Council. However, because interactions are low, it is unlikely that adding limits on gear, effort, or catch would provide substantial additional benefits to protected species. All action options would allow for additional information to be collected on potential protected species interactions or bycatch through federal permitting regulations.

4.1.3 Ecosystems and Habitat

Reopening the Islands Unit under existing or enhanced management (i.e., under Option 2 or 3, respectively) could allow for the collection of new scientific data while maintaining the integrity of these unique deep-sea ecosystems. The steep volcanic slopes and rocky ridges found around Uracas, Maug, and Asuncion provide complex structural habitats that support commercially important bottomfish species such as those of genera *Etelis*, *Aphareus*, and *Pristipomoides*. Shallow reef terraces and slope habitats are suitable for spiny and slipper lobsters, while deeper soft-bottom areas (300–700 meters) support deepwater shrimp populations. Vertical cliffs and ledges between 300 and 1,000 meters host precious coral assemblages including *Corallium*, *Gerardia*, and *Antipathes* species. In the upper water column, the pelagic zone serves as EFH for tunas, billfish, wahoo, and other migratory species that move freely through the Western Pacific pelagic corridor.

Under Option 1, commercial fishing would remain prohibited and EFH would continue to experience no disturbance. This option would maintain the area in its current pristine state but would not generate new habitat or fishery data stemming from fishing activity, leaving some

uncertainty about the ecological characteristics and potential productivity of northern island habitats.

Under Option 2, fishing effort is expected to remain very low and limited to non-destructive gear types such as vertical handlines, trolling, or longline gear. These methods have minimal or no bottom contact and are not expected to cause measurable damage to EFH. Some minor, localized disturbance could occur from anchors or gear retrieval on steep slopes, but such effects would be highly limited and temporary given the small scale of anticipated activity. Allowing controlled access under existing FEP regulations would also improve data collection on species distributions, catch composition, and habitat conditions, strengthening the scientific foundation for future EFH designations.

Option 3 would represent the most precautionary and adaptive approach. Fishing would be authorized only within designated zones or depth ranges identified as low-sensitivity areas, while bottom-contact gear and anchoring would be prohibited to avoid impacts on coral and sponge communities. The use of VMS and EM would ensure compliance with spatial and depth restrictions. Collaborative research efforts between NOAA, CNMI DFW, and Monument co-managers could include benthic mapping, photographic transects, and biological sampling to document habitat conditions before and after fishing activities. This approach would maintain high levels of habitat protection while generating valuable data on EFH quality and function.

EFH within the Islands Unit would not experience adverse impacts under all action options. Continuing the closure would maintain pristine conditions but yield no new information. Reopening the area under the existing or enhanced management frameworks would allow for carefully controlled, low-impact fishing that supports both sustainable use and improved understanding of habitat dynamics. Such an approach would demonstrate how ecosystem-based management can balance conservation and sustainable access in one of the most ecologically significant yet least studied regions of the U.S. EEZ.

4.2 Rose Atoll Marine National Monument

4.2.1 Fisheries, Target and Non-Target Species

Under Option 1, commercial fishing would continue to be prohibited and the impacts to the fishery would remain at the status quo. Under all options, fishery participants would continue to be affected by factors such as weather, catchability, fuel prices, and distance to the fishing grounds. However, current commercial fishing levels in waters near Rose Atoll are low, and non-commercial pelagic trolling historically produces small catches territory-wide. The steep drop-off and lack of benthic habitat beyond 12 nm further limit the likelihood of bottomfish, crustacean, precious coral, or coral reef ecosystem fishing in Monument waters. Accordingly, overall fishing pressure around Rose Atoll is expected to remain very low across all options.

Fisheries may experience increased impacts from fuel costs and longer transits if access remains closed, which may, in turn, affect fish prices. Secondary impacts of continued closure include foregone opportunities to supply the local market and cannery, as well as fewer data to inform assessments. Conversely, removing the prohibition under Options 2 and 3 would allow limited pelagic fishing activity (e.g., longline, troll/handline) in offshore waters (12–50 nm), managed under existing Magnuson-Stevens Act regulations. Because the primary targets are highly

migratory species, any catch from the RAMNM area would be a small fraction of Western and Central Pacific Ocean (WCPO) removals and would not be expected to measurably affect stock status.

Fishing pressure could be further constrained under Option 3, ranging from continued low-level pelagic effort under enhanced monitoring to additional spatial or seasonal limits if needed. Given the offshore, pelagic nature of expected activity and the availability of comparable fishing grounds outside the Monument, a prohibition under Option 1 would not reduce regional fishing pressure. Effort would be displaced to other areas or realized by foreign fleets on the high seas. Under Options 2 and 3, any incremental effort near Rose Atoll is expected to remain low.

Under all options that permit fishing, fishery participants would continue to face the burden of obtaining federal permits and submitting logbooks or electronic reports, as required under existing regulations. These requirements are consistent with the no-action environment and therefore are not expected to create new burdens relative to current practice. Implementing permits with reporting would have little direct impact on fishing communities but would provide information for future social, economic, and cultural analyses.

4.2.2 Protected Species

Under Options 1 and 2, the impacts to protected species from any American Samoa-based longline effort would continue as expected and as authorized pursuant to the Incidental Take Statement in NMFS' most recent Biological Opinion. Because Council-managed fisheries are regulated throughout their range rather than at a single location, the expected impacts would be similar between no action and limited fishing access, and vessels would remain subject to all turtle, seabird, and shark mitigation and handling measures already in effect (e.g., circle hooks, weighted branchlines, mackerel-type bait, carriage/use of dip nets and de-hookers, annual Protected Species Workshops). The ESA consultation for the American Samoa longline fishery concluded the fishery is not likely to jeopardize listed turtles or listed sharks/mantas when operated with required mitigation; observed interactions are rare and animals are typically released alive.

Option 3 may allow for increased restrictions (e.g., targeted observer/EM coverage on Monument trips, wire-leader prohibitions, shark release protocols, or time-area limits) that could further minimize any potential protected species impact, but because interaction rates are already low, additional limits would be unlikely to yield substantial incremental benefits. All options that allow fishing would also maintain or improve information on potential interactions via federal permitting and reporting.

There are no targeted fisheries for manta rays in U.S. Western Pacific waters. Under all options, interactions with manta rays and ESA-listed turtles are likely to remain rare and minimal, with low per-hook interaction rates observed in the region's longline fisheries under existing mitigation and monitoring programs.

4.2.3 Ecosystems and Habitat

Under all options, pelagic fishing gears such as longline, troll, and handline do not contact the seafloor, and no bottom-contact gear is authorized within the Rose Atoll Marine National Monument. Direct physical impacts to benthic or coral reef habitats are not anticipated under any alternative. The atoll's shallow reef, lagoon, and emergent features remain within the 0–12 nm U.S. Fish and Wildlife Service Refuge, which will remain closed to all extractive use under each option. The offshore portion of the Monument (12–50 nm) consists of deep pelagic waters exceeding 1,000 meters in depth, where bottomfish and crustacean habitats are largely absent. Consequently, the ecological effects of the proposed actions are expected to be minimal.

Under Option 1, the continued prohibition on all commercial fishing would maintain current levels of environmental protection. The atoll's reef and lagoon ecosystems would remain free from any fishing activity, while pelagic species populations and associated ecosystem functions would continue to be shaped by regional oceanic dynamics rather than localized fishing effort. However, the closure would also prevent collection of new fishery-dependent information and reduce opportunities for adaptive management. The absence of data from the 12–50 nm area limits understanding of potential linkages between offshore pelagic systems and the nearshore reef environment, which could help inform long-term ecosystem-based management.

Under Options 2 and 3, limited pelagic fishing effort could occur within deep offshore waters but would remain highly regulated under existing MSA and FEP measures. Given the depth and remoteness of the area, no contact with sensitive benthic or coral reef habitats is expected. The target species (i.e., primarily tunas and associated pelagics)are wide-ranging and their exploitation in the Monument area would represent a negligible fraction of regional catch. Thus, effects on overall ecosystem structure and function would be minimal. Option 3 would add precautionary measures such as explicit prohibitions on bottom-tending gear, adaptive time-area management, and enhanced observer or electronic monitoring coverage. These additional safeguards would strengthen existing protections and provide valuable environmental and operational data to support future assessments.

Reopening Monument waters under Options 2 and 3 would also provide minor positive socioeconomic benefits to American Samoa by improving operational flexibility for the longline fleet and supporting related shoreside industries, while maintaining environmental safeguards. Local communities—particularly those in the Manu‘a Islands—would continue to benefit from cultural, ecological, and research opportunities associated with the protected nearshore reef environment, which remains closed to extractive use. Allowing limited pelagic activity farther offshore would not diminish the integrity of these resources and could generate additional data to evaluate interactions between ecological and economic systems.

Overall, the environmental, socioeconomic, and cumulative effects associated with all alternatives are expected to be minimal, with Option 3 providing the most comprehensive framework for balancing sustainable use with continued protection of Rose Atoll's unique ecological and cultural resources.

4.3 Papahānaumokuākea Marine National Monument

4.3.1 Fisheries, Target and Non-Target Species

Under the No Action option (Option 1), commercial fishing is not prohibited within the NWHI and regulations for fishing continue to exist under the Hawaii Archipelago FEP. However, commercial fishing is prohibited and non-commercial fishing is allowed by permit through the PMNM regulations. In order to explicitly prohibit commercial fishing in the FEP, the Council would need to make that decision and amend the FEPs. Option 2, allowing for the resumption of commercial fishing under the FEPs, would have the same effect under the FEP as commercial fishing was not specifically prohibited in the FEP or in the CFR.

The purpose of this action is to address a potential presidential directive to allow commercial fishing and under this option, commercial fishing would be able to continue under the current regulations. Fisheries, including target species, would go from zero harvest to a managed harvest level to be set through the Council process.

Option 3 would limit fishing that would resume and after an initial increase in fishing over the status quo, fishing could have less impacts on fish stocks if it were limited to particular fisheries under this option. A restriction on the areas that fisheries could operate may also see a similar initial increase in impacts but less so than the No Action option. This option would limit fisheries and therefore exclude fisheries and fish stocks that would be included in either Option 1 or 2.

Under all options, fishery participants would continue to be impacted by factors such as weather, catchability, fuel prices, among others. The Hawaii-based longline fishery, the NWHI bottomfish fishery, and the NWHI lobster fishery are managed by a limited-access system that caps participation. This limits the catch and effort under all of the options and could be further limited under Option 3.

The stocks likely to be targeted by the Hawaii longline fishery are neither overfished nor experiencing overfishing and under all options are unlikely to be impacted due to the stocks having existing quotas and being assessed and managed on a Pacific-wide basis. For stocks of bottomfish, crustaceans, and precious corals, the resumption of fishing under all options would require NMFS PIFSC to develop new stock assessments and harvest guidelines in order to specify appropriate annual catch limits.

Under Options 2 and 3, fishery participants would continue to face the burden of applying for permits, paying the fee, and providing reports/logbooks on their fishing catch and effort. The no action option would be similar to Option 2 and the burden for permitting would similarly exist whether the Council takes action or not. Implementing permits with reporting would have little direct impact on fishing communities, but may provide additional information for future social, economic, and cultural analyses.

4.3.2 Protected Species

Under all options, fishing would be returned to the NWHI and therefore there would be potential impacts to protected species. Under Options 1 and 2, protected species would continue to be

avoided and mitigated through the existing protected species measures implemented for each of the fisheries under the FEPs including observers/electronic monitoring, gear restrictions, area restrictions, time restrictions, etc. The latest biological opinions on the fisheries have determined that the fishing activities do not pose a risk of jeopardy to protected species, though updated biological opinions will be needed under each of the options.

Option 3 provides the Council with an opportunity to provide additional protected species protections (if needed) by including new, revised, or increased restrictions on fishing. Observers are required upon request and the Council may include electronic monitoring be available for those fisheries that resume activities in the NWHI or by request as well. Under Option 3 the Council could put additional restrictions on areas, gears, or other limits that may reduce or eliminate protected species interactions if required.

4.3.3 Ecosystems and Habitat

Resuming fishing activities in the NWHI under Options 1 and 2 would increase potential impacts to ecosystems and habitat above the status quo. However, the impacts from fishing on the ecosystem and habitat from current fisheries is likely to remain low according to the fishing methods, gears, and techniques currently employed by the existing fishery in other parts of the archipelago.

Under all options, fisheries would provide an increase in economic activity over the status quo. Supplies, fuel, and other costs would be incurred by fishers in order to fish in the NWHI and fish caught in the area would enter the market in the MHI. Option 3 could limit how much of an increase that impact would have by placing limits on fishing. Under each of the options, however, the larger impact would be on the pelagic longline fishing that would be able to fish closer to the main port of Honolulu and decrease costs for fuel and supplies. The cost for fishing in other fisheries under all alternatives remains higher than for the same fishing that could occur in the MHI making the economic impact slightly lower. The re-establishment of the commercial bottomfish markets would require time and the impacts under each of the options would grow as the fishing and markets build.

Option 3 would also increase potential impacts over the status quo but maybe to a lesser extent due to any additional restrictions placed on fishing in the NWHI. Fishing itself has an inherent impact on the ecosystem and habitat because it takes species out of the water and from the environment. The impact could be lessened by further restricting which species, gears, areas, etc. included in the fishery.

5.0 REFERENCES

Balazs, G.H. 1996. Behavioral changes within the recovering Hawaiian green turtle population. Pp: 16-20 In: J.A. Keinath, D.E. Barnard, J. A. Musick, and B. A. Bell (Compilers), Proceedings of the 15th Annual Symposium on Sea Turtle Biology and Conservation. NOAA Tech. Memo. NMFS-SEFSC-387.

Balazs, G.H. and M. Chaloupka. 2004. Thirty-year recovery trend in the once depleted

Hawaiian green sea turtle stock. Biological Conservation. 117:491–498.

Brodziak, J., Moffitt, R., & DiNardo, G. (2009). Hawaiian bottomfish assessment update for 2008. Administrative report H-09-02. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Pacific Islands Fisheries Science Center. https://origin-apps-pifsc.fisheries.noaa.gov/adminrpts/2000-present/PIFSC_Admin_Rep_09-02.pdf

Coffman, Makena & Kim, Karl. (2009). The economic impacts of banning commercial bottomfish fishing in the Northwestern Hawaiian Islands. Ocean & Coastal Management - OCEAN COAST MANAGE. 52. 166-172. 10.1016/j.ocecoaman.2008.12.003.

DiNardo, G. T., & Marshall, R. (2001). Status of lobster stocks in the Northwestern Hawaiian Islands, 1998–2000. Administrative Report H-01-04. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southwest Fisheries Science Center.
http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.556.3561&rep=rep1&type=pdf

Forney K., J. Barlow, M. Muto, M. Lowry, J. Baker, G. Cameron, J. Mobley, C. Stinchcomb, and J. Carreta. 2000. Draft U.S. Pacific Marine Mammal Stock Assessments: 2000. La Jolla, CA: NMFS Southwest Fisheries Science Center.

National Marine Fisheries Service (NMFS). 1998. Biological opinion on the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region: Hawaii Central North Pacific longline fishery. National Marine Fisheries Service, Southwest Region.

National Marine Fisheries Service (NMFS). 2005. Final Environmental Impact Statement: Seabird interaction avoidance methods and pelagic squid management. Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region.

NOAA Office of National Marine Sanctuaries. 2020. 2020 State of Papahānaumokuākea Marine National Monument: Status and Trends 2008–2019. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of National Marine Sanctuaries, Silver Spring, MD. 221 pp. https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/docs/2020-state-of-papahanaumokuakea-marine-national-monument-report.pdf

O'Malley, J. M. (2009). Spatial and temporal variability in growth of Hawaiian spiny lobsters in the Northwestern Hawaiian Islands. Marine and Coastal Fisheries, 1, 325–342. https://doi.org/10.1577/C09- 031.1

O'Malley, J. M. (2011). Spatiotemporal variation in the population ecology of scaly slipper lobsters (*Scyllarides squammosus*) in the Northwestern Hawaiian Islands. Marine Biology, 158, 1887–1901. https://doi.org/10.1007/s00227-011-1701-z

Parrish, F.A., R.W. Grigg, J.K. DeMello, A.D. Montgomery. 2009. The Status of *Corallium* spp. In Hawaii and the U.S. Pacific: Population Status, Trends and Threats, Fisheries, Trade, Management, Enforcement and Conservation. In A.W. Bruckner and G.G. Roberts (Eds.), Proceedings of the First International Workshop on Corallium Science, Management, and Trade, (pp. 87-98).

Polovina, J.J. 1993. The lobster and shrimp fisheries in Hawaii. Marine Fisheries Review. 55(2):28–33.

Polovina, J.J. and G. Mitchum. 1992. Variability in spiny lobster Panulirus marginatus recruitment and sea level in the Northwestern Hawaiian Islands. U.S. Fisheries Bulletin. 90:483–493.

Polovina J.J., G. Mitchum, N. Graham, M. Craig, E. DeMartini, and E. Flint. 1994. Physical and biological consequences of a climate event in the central North Pacific. Fisheries Oceanography. 3:15–21.

Pooley, S. 1993. "Economics and Hawaii's marine fisheries." Marine Fisheries Review. 55(2):93-101.

Rice D. 1989. Sperm whale Physeter macrocephalus. Academic Press, New York, NY.

Thompson, P. and W. Freidl. 1982. A long term study of low frequency sound from several species of whales off Oahu, Hawaii. Cetology. 45:1–19.

Craig, P. 2002. Natural history and the environment of American Samoa. Department of Marine and Wildlife Resources, Pago Pago, American Samoa.

Craig, P., Parker, D.M., Brainard, R., Rice, M., and Balazs, G.H. 2004. Migrations of green turtles in the central South Pacific. Biological Conservation 116(3):433–438.

Dodd, C.K. 1990. Loggerhead sea turtles. U.S. Fish and Wildlife Service Biological Report 88(14).

Grant, G.S. 1994. Leatherback turtle records from American Samoa. NOAA Technical Report.

Grant, G.S., Balazs, G.H., Craig, P., and Wiles, G.J. 1997. Occurrences of marine turtles in American Samoa. Pacific Science 51(1):48–53.

Limpus, C.J. 2009. Status of Loggerhead Turtles in the South Pacific. Queensland Environmental Protection Agency, Brisbane, Australia.

Murakawa, S., Balazs, G., Craig, P., and PIFSC Marine Turtle Program. 2024. Satellite tracking and genetic connectivity of South Pacific green turtles. NOAA Pacific Islands Fisheries Science Center, Honolulu, HI.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 1998b. Recovery Plan for U.S. Pacific Populations of the Hawksbill Turtle (Eretmochelys imbricata). Silver Spring, MD.

National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). 2009a–e. Recovery Plans for U.S. Pacific Populations of Sea Turtles. Silver Spring, MD.

National Marine Fisheries Service (NMFS). 2020. Endangered Species Act Section 7 Consultation Biological Opinion on the American Samoa Deep-Set Longline Fishery. Pacific Islands Regional Office, Honolulu, HI.

National Marine Fisheries Service (NMFS). 2023. Endangered Species Act Section 7 Consultation on the Continued Operation of the American Samoa Deep-Set Longline Fishery. Pacific Islands Regional Office, Protected Resources Division, Honolulu, HI.

National Marine Fisheries Service (NMFS). 2023. Species in the Spotlight: Hawksbill Turtle (Eretmochelys imbricata). NOAA Fisheries, Pacific Islands Regional Office, Honolulu, HI.

NOAA Pacific Islands Fisheries Science Center (PIFSC). 2023. American Samoa Marine Mammal and Protected Species Monitoring Summary. NOAA PIFSC, Honolulu, HI.

NOAA Pacific Islands Fisheries Science Center (PIFSC). 2024. American Samoa Annual Longline and Protected Species Observer Report. NOAA PIFSC, Honolulu, HI.

Ponwith, B.J. 1990. Tagging and recapture of green sea turtles at Rose Atoll, American Samoa. NOAA Technical Memorandum NMFS-SWFSC-XXX.

Sarti, L., Eckert, S.A., Dutton, P.H., and Barragan, A.R. 1996. Decline of the world's leatherback turtles: causes and conservation needs. Chelonian Conservation and Biology 2(2):209–222.

Tagarino, A. and Utzurrum, R. 2010. Survey of sea turtle nesting at Swains Island, American Samoa. DMWR Technical Report, Pago Pago, American Samoa.

Tagarino, A., Craig, P., and Grant, G.S. 2008. Sea turtle observations and strandings in American Samoa. Department of Marine and Wildlife Resources Technical Report, Pago Pago, American Samoa.

U.S. Fish and Wildlife Service (USFWS). 2011b. Rose Atoll Marine National Monument Brief. https://www.fws.gov/roseatollmarinemonument

U.S. Fish and Wildlife Service (USFWS). 2014. Rose Atoll National Wildlife Refuge and Marine National Monument Comprehensive Conservation Plan (CCP). Honolulu, HI.

U.S. Fish and Wildlife Service (USFWS). 2023. Sea Turtle Conservation and Recovery Progress Report for the Pacific Islands Region. Honolulu, HI.

Western Pacific Regional Fishery Management Council (WPFMC). 2009a. Fishery Ecosystem Plan for the American Samoa Archipelago. Honolulu, HI.

Western Pacific Regional Fishery Management Council (WPFMC). 2022. Essential Fish Habitat (EFH) Five-Year Review Summary Report for Western Pacific Fishery Ecosystem Plans. Honolulu, HI.

Western Pacific Regional Fishery Management Council (WPFMC). 2024. Annual SAFE Report for the American Samoa Archipelago and Pacific Pelagic Fisheries. Honolulu, HI.

NOAA/PIFSC Special Publication, SP-21-01b/https://doi.org/10.2593/z2hj-wj67

https://www.fisheries.noaa.gov/pacific-islands/habitat-conservation/mariana-trench-marine-national-monument

Mariana-Trench-Marine-National-Monument-Management-Plan-202405-FINAL.pdf

USFWS 2011b. http://www.fws.gov/roseatollmarinemonument/RAMNM%20brief.pdf, http://www.botany.hawaii.edu/basch/uhnpscesu/htms/NPSAbird/common_name.htm