



Dedicated  
to ecosystem-  
based fisheries  
management in  
the U.S. Pacific  
Islands.

# Modernizing Fisheries Management to Keep U.S. Seafood Competitive



**The Western Pacific Regional Fishery Management Council** delivered a comprehensive set of recommendations to the secretary of commerce and the National Marine Fisheries Service (NMFS), aiming to restore American seafood competitiveness in the U.S. Pacific Islands under Executive Order 14276. Finalized at the Council's 204th meeting in September 2025, the recommendations focus on reducing regulatory burdens and increasing domestic production to stabilize markets, improve access, boost economic profitability and prevent fishery closures.

The region's fisheries are diverse, culturally important and vital to the U.S. seafood supply. The Hawai'i longline fishery provides nearly two-thirds of the domestic supply of fresh, high-quality bigeye and yellowfin tuna and more than half the swordfish supply. The American Samoa longline fishery supplies albacore tuna to the single remaining cannery in the only U.S. territory south of the equator.

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Meanwhile, small-scale bottomfish, pelagic and crustacean fisheries in Hawai'i, American Samoa, Guam and the Northern Mariana Islands (CNMI) generate high value to local communities and seafood markets.

For nearly 50 years since the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was enacted, the Council has strived to minimize burdens on the region's fisheries as much as possible to ensure these fisheries provide the maximum benefit to the region and the nation. Many federal burdens stem from other laws, including the Endangered

Species Act (ESA) and the Marine Mammal Protection Act (MMPA). Small-scale fisheries in the territories also face data limitations, making it difficult to meet the MSA's annual catch limit (ACL) requirements. The Council's recommended actions reflect these realities, and many will require action from NMFS and/or Congress.

## MSA Actions with Nexus to the Antiquities Act

A top Council priority is removing unnecessary commercial fishing restrictions in the marine national monuments and returning management to the Council under the MSA. This would allow U.S. fishermen to operate closer to home, reducing fuel and supply costs, as well as providing access to fish in areas where they do not have to compete with foreign fishing vessels.

The Council is evaluating options for managing commercial fishing in the Pacific Islands Heritage Marine National Monument following President Trump's April 17, 2025, proclamation lifting the monument's fishing ban. Removing fishing prohibitions in the remaining monuments (Marianas Trench, Muliāva [Rose] Atoll, and Papahānaumokuākea) would require presidential action. In the meantime, the Council has begun analyzing options for removing commercial fishing regulations and assessing potential impacts. These actions will be discussed further at the Council's 205th meeting in December.

## MSA Actions + Antiquities Act

Recommended Action	How the Action Stabilizes Markets, Improves Access, Enhances Economic Profitability and Prevents Closures
<b>Remove commercial fishing prohibitions</b> in the three remaining Pacific Island monuments (Marianas Trench, Muliāva [Rose] Atoll, and Papahānaumokuākea) and return fishery management regulations to the MSA.	Provides the U.S. fishing fleet access to areas closer to home, thereby <b>alleviating the increasing costs</b> of fuel and supplies. Provides access to over 778,000 square miles of U.S. waters, <b>reducing competition</b> with foreign vessels operating on the high seas and contributing to illegal, unreported and unregulated fishing.

*Photo above: Swordfish landed by the Hawai'i longline fleet being prepared for auction in Honolulu, January 2020.*

## MSA Actions with Nexus to ESA Biological Opinions

Several recommendations focus on removing regulations tied to ESA biological opinions (BiOps). These include:

- Reducing the penalties tied to sea turtle trip interaction limits in the Hawai‘i shallow-set longline (SSLL) fishery
- Eliminating fishery closures linked to the leatherback turtle interaction hard cap in the SSLL fishery
- Reducing operational burdens by removing blue-dyed bait from required seabird mitigation measures in the SSLL fishery
- Removing an impractical sea turtle mitigation gear requirement in the American Samoa longline fishery

These recommendations aim to ensure these fisheries can continue providing fish while maintaining sufficient protection and management of affected species. The requirements targeted for removal were implemented as conditions of BiOp reasonable and prudent measures (RPMs), but the Council determined these measures are not likely to provide meaningful conservation benefit beyond existing protections and instead create unnecessary burden for the fleet.

The Council has a long history of addressing protected species interactions, and core conservation measures will remain in place. Hawai‘i and American Samoa longline fisheries managed under the Pelagic Fishery Ecosystem Plan (FEP) already operate under strict permit and reporting rules, federal observer coverage, handling and release training, and bycatch mitigation measures. Circle hook and bait rules introduced in 2004 reduced sea turtle interactions by up to 90%. Data from 100% observer coverage show that most loggerhead and leatherback turtles in the SSLL fishery are released alive, and crews are trained to maximize survival. The Council reviews protected species interactions annually to assess the need for management updates or further research.

Additional details on these recommendations are provided in the table below.

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Recommended Action	Rationale
<b>Remove the requirement to use blue-dyed bait</b> in the Hawai‘i SSLL fishery, which was required as a primary seabird mitigation measure through a BiOp RPM.	Blue-dyed bait necessitates thawing the frozen bait before soaking it in dye prior to setting, creating <b>operational burdens</b> . Removing this requirement would <b>reduce the cost and time burden</b> incurred by the SSLL fishery.
<b>Remove the American Samoa longline sea turtle mitigation measure</b> requiring a specific longline gear configuration (e.g., 30-meter float lines, 70-meter distance to the first branch line) aimed at setting hooks deeper than 100 meters.	The American Samoa longline fishery faces economic hardship. Restrictions on gear configuration <b>limit flexibility and suppress operational efficiency</b> , contributing to less cost and <b>economic stability</b> .
Conduct a <b>comprehensive review of FEP fishing regulations tied to BiOp RPMs</b> to evaluate if they should be revised, updated, or removed.	A comprehensive review would <b>identify areas of unnecessary burden and inefficiencies</b> . Improving protected species handling and associated measures may improve operational efficiency and safety for fishermen, contributing to <b>increased economic profitability</b> .

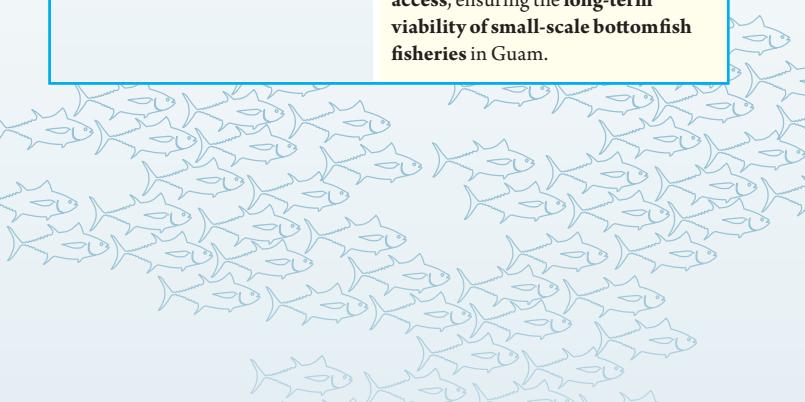
## MSA Actions through the Council Process

The Council identified three MSA regulatory actions that could give the region’s fisheries more flexibility by making changes to the FEPs or related regulations.

Recommended Action	Rationale
<b>Remove the swordfish retention limit</b> (currently 25 swordfish per trip) in the Hawai‘i deep-set longline (DSLL) fishery when a NMFS observer is not onboard.	Removing the trip limit would <b>eliminate regulatory discards</b> of marketable swordfish caught in the DSLL fishery and allow vessels to land and sell all marketable swordfish.
<b>Provide flexibility in the application of ACL requirements for data-limited stocks</b> by amending the National Standard 1 Guideline for data-poor exemption and removing the 3-year cycle for benchmark assessments in FEPs.	Forcing ACLs on data-poor, small-scale stocks <b>drains limited federal resources</b> and <b>impedes the development of underutilized fisheries</b> . Provides opportunities to perpetuate culturally important fisheries and <b>prevents unwarranted closures</b> based on unsuitable maximum sustainable yield (MSY)-based science.
<b>Remove the Guam large vessel (&gt;50 feet) bottomfish prohibited area</b> through an amendment to the Mariana Archipelago FEP.	The restriction, intended to prevent conflict with large vessel expansion, is moot as large vessel expansion is not anticipated. Removal promotes <b>economic efficiency and equitable access</b> , ensuring the <b>long-term viability of small-scale bottomfish fisheries</b> in Guam.

Recommended Action	Rationale
<b>Remove the SSLL “strike two” provision</b> of the sea turtle trip interaction limit measure implemented in 2020. This provision currently prohibits a vessel from SSLL fishing for the remainder of the year if it hits its trip limit twice.	The “strike two” provision creates <b>unnecessary cost</b> to the industry by imposing a punitive limit with minimal conservation benefit, as nearly all turtles are released alive. Removal would <b>help to stabilize markets</b> by ensuring a consistent supply of fresh swordfish throughout the season.
<b>Remove the leatherback turtle fleet-wide interaction limit (hard cap)</b> for the Hawai‘i SSLL fishery through an amendment to the Pelagic FEP and associated regulatory changes.	A hard cap closure can be <b>highly disruptive, potentially closing the seasonal swordfish fishery</b> early and delaying the start of the next fishing season. The potential closure creates <b>unnecessary uncertainty in the market stability</b> for swordfish, a fishery that supplies half the domestic swordfish market.

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## MSA Procedural and Policy Changes

Other recommendations would require NMFS-led policy or regulatory changes.

Recommended Action	Rationale
Develop a NMFS policy directive and framework to <b>implement any future Take Reduction Plan measures through the Council process</b> and rulemaking procedures.	Prevents MMPA regulations from circumventing the transparency and flexibility afforded by the MSA process and consideration of the 10 National Standards. This ensures fisheries can operate at their <b>optimum level</b> and are not put at a competitive disadvantage.
<b>Revise NMFS procedure for initiating Secretarial review</b> of Council actions (Procedures 01-101-01 and 01-101-03) to ensure timely implementation within the 95-110-day window specified in MSA Sections 304(a) and 305(b).	Addresses systemic delays caused by NMFS policy directives controlling transmittal dates, which have previously led to <b>unwarranted Hawai'i longline fishery closures</b> (e.g., 237-day closure in 2018). Timely implementation provides <b>greater stability</b> for fisheries.
<b>Provide an exemption to EFH for man-made and degraded environments</b> by amending the MSA or revising 50 CFR 600, Subpart J.	<b>Removes barriers</b> (costly and time-consuming consultations, unreasonable mitigation recommendations) that delay or stop necessary repairs and construction of piers, harbors and boat ramps used for fishing activities, thereby <b>increasing domestic fishing activity</b> .
<b>Provide support for unfunded mandates</b> under the MSA and other statutes, specifically funding for marine education, training and demonstration projects in the Western and Northern Pacific.	Allows for <b>capacity building</b> in fisheries and infrastructure, <b>increasing seafood production</b> . Provides opportunities for market development, increased fish catches and a greater supply of fishermen for a greying fleet.

## Actions Under Other Applicable Laws

Fisheries managed under the Council's FEPs must also follow regulations and procedures required by the ESA and MMPA. For example, the Hawai'i longline fishery faces additional spatial closures and gear rules under the False Killer Whale Take Reduction Plan (FKWTRP). ESA listings and take prohibitions also impact communities, especially for species on a recovery trajectory. The Billfish Conservation Act limits the sale of billfish, and the Western and Central Pacific Fisheries Commission (WCPFC) Implementation Act, Tariff Act and Lacey Act place U.S. fisheries at a competitive disadvantage in the international market.

The Council recommended actions to reduce these burdens.

Recommended Action	Rationale
<b>Remove the Southern Exclusion Zone closure</b> from FKWTRP regulations.	The Southern Exclusion Zone has <b>no clear conservation benefit</b> but displaces fishing effort, increasing operational costs. It forces U.S. vessels onto the high seas, increases competition with foreign fleets,

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Recommended Action	Rationale
	and ironically concentrates risk for interaction with other protected species.
<b>Revise the MMPA Guidelines for Assessing Marine Mammal Stocks (GAMMS) and the NMFS Serious Injury Determination Policy.</b> Also calls for a statutory change to remove the Zero Mortality Rate Goal.	Precautionary assumptions in GAMMS and the policy that treats serious injuries as 100% mortality led to <b>overestimated fishery impacts</b> and unrealistic management goals, placing <b>undue burden</b> on commercial fisheries.
<b>Remove the weak hook requirement</b> from the FKWTRP regulations for the Hawai'i DSLL fishery, focusing instead on measures that incentivize crew to cut the line as close to the hook as possible.	Eliminates the restriction on hook type, allowing fishermen to use hooks that <b>optimize target catch rates</b> . Incentivizing line cutting over dangerous hook straightening would also <b>improve crew safety</b> and potentially reduce time spent responding to FKW interactions.
<b>Revise ESA listings where populations are increasing and threats do not pose immediate danger of extinction</b> , specifically mentioning green sea turtles, olive ridley turtles, North Pacific loggerhead turtles, and oceanic whitetip sharks.	<b>Reduces unnecessary regulatory burdens</b> , frequency, time, and resources needed for ESA Section 7 consultations, as well as associated impractical RPMs. Provides <b>greater flexibility</b> in managing interactions and reduces costs.
<b>Eliminate or relax ESA take prohibition rules for threatened sea turtles</b> (4(d) rules) to provide greater flexibility for management.	Revision to 4(d) rules to provide blanket exemptions for incidental take in commercial fisheries would <b>reduce regulatory burden</b> on longline fisheries. This approach avoids fishery closures and supports crew safety.
<b>Provide more discretion to the Secretaries of Commerce and the Interior to not designate ESA critical habitat</b> when there is little conservation benefit anticipated.	<b>Limits consultation backlogs</b> for federal fisheries and litigation over critical habitat cases. Reduces unnecessary regulatory burden and prevents delays in <b>fishery infrastructure repairs</b> and development.
<b>Streamline ESA consultations</b> to ensure efficient environmental reviews are completed within the statutory <b>135-day timeframe</b> . Also, ensure RPMs are "reasonable" and do not create additional regulatory burdens.	Prevents lengthy delays (e.g., consultations taking over four years) that <b>stall management actions</b> intended to reduce burdens and lead to <b>unnecessary fishery closures</b> . Delays also cause significant <b>uncertainty in investment</b> in the affected fisheries.
<b>Implement a statutory change to update the ESA Citizen Suits provision</b> (e.g., capping attorney fees, limiting injunctions) to reduce incentives for litigation against U.S. fisheries.	<b>Reduces litigation risk</b> that can shut down sustainably managed U.S. fisheries. <b>Prevents closures</b> due to court orders, which exacerbate the seafood trade deficit by replacing domestic product with less-regulated foreign imports.
<b>Provide a statutory exemption for Pacific Island fishermen to the amended Billfish Conservation Act of 2018</b> , reverting to the 2012 version that allowed billfish sale to U.S. markets.	Allows U.S. fishermen to sell billfish from non-overfished stocks to domestic markets, helping to <b>reduce the seafood deficit</b> . The exemption would permit the sale of more than half a million pounds of sustainably caught billfish annually, totaling <b>\$2.5 million in economic value</b> .

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Recommended Action	Rationale
Renegotiate COFA to include <b>stipulations requiring recipient nations to support and cooperate with U.S. fisheries</b> at international commissions (WCPFC).	Ensures that COFA recipient nations, who receive substantial U.S. aid, do not conflict with or undermine U.S. fisheries policies, thereby <b>protecting U.S. economic interests</b> in the region.
Develop procedures to ensure that U.S. positions in WCPFC negotiations consistently follow the provisions of the <b>Ensuring Access to Pacific Fisheries Act</b> , maximizing opportunities for U.S. vessels.	Ensures U.S. positions <b>do not disadvantage U.S. fishermen</b> relative to other WCPFC members. Prevents conservation and management measures like restrictive catch limits that are inconsistent with U.S. capacity and limit opportunity.
Implement a <b>statutory change under the Lacey Act to provide stronger provisions limiting imports of fish products by removing exceptions</b> for seafood harvested on the high seas or under Tuna Convention Acts.	Utilizes the Lacey Act to prohibit or limit imports of fish products (e.g., tuna) from competing nations that lack comparable legal accountability for species of concern. This <b>“levels the playing field”</b> for U.S. fisheries and <b>stabilizes markets</b> against cheaper, less-regulated foreign products.
Implement a <b>statutory change to streamline the application process for antidumping and countervailing duties investigations</b> under the Tariff Act, allowing petitioners to refine the scope later and relaxing the initial requirement for representing the majority of the affected industry.	<b>Reduces the complex administrative burden</b> for U.S. fishing industry representatives (often small business owners) in bringing cases forward against unfair trade practices, which in turn would <b>enhance economic profitability</b> of U.S. seafood products.

## Next Steps

The Council sent its recommendations to NMFS Sept. 24, 2025. The Council also directed staff to work with NMFS on a plan and schedule for MSA actions that can move through the Council process. A report was expected at the December meeting, but coordination has been delayed due to the federal government shutdown.



A net full of tuna being unloaded at StarKist Samoa in Pago Pago.



Crew members aboard the F/V Fetuolemoana demonstrate baiting circle hooks for a longline set.