



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

MEMORANDUM

May 23, 2022

TO: Interested Parties

FROM: *Kitty* Kitty M. Simonds

SUBJECT: Summary of Action Items for the 191st Meeting of the Western Pacific Regional Fishery Management Council

1. Proposed Fishing Regulations for the Northwestern Hawaiian Islands
2. 2023 U.S. Territorial Bigeye Tuna Catch/Effort Limit and Allocation Specifications

The 191st meeting of the Western Pacific Regional Fishery Management Council will convene on June 21-23, 2022, in a hybrid format with in-person and remote participation (Webex) options available for Council members, and public attendance limited to web conference (Webex).

The Webex link is <https://tinyurl.com/191CouncilMtg> (if prompted, enter event number: 2452 860 5108; password: CM191mtg).

Specific information on joining the meeting, instructions for connecting to the Webex and providing oral public comments during the meeting will be posted on the Council website at: <https://www.wpcouncil.org/event/191st-council-meeting-virtual/>. In-person attendance for members will be hosted at the Council Office Conference Room, 1164 Bishop Street, Suite 1400, Honolulu, HI.

The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments on final action items should be received by the Council's executive director by 5 p.m. (HST), Friday, June 17, 2022, by postal mail, fax or email as indicated below.

Mail: Ms. Kitty M. Simonds, Executive Director
Western Pacific Regional Fishery Management Council
1164 Bishop St., Suite 1400, Honolulu, HI 96813

FAX: (808) 522-8226

E-mail: info@wpcouncil.org

Summary of Action Items at the 191st Council Meeting

1. Proposed Fishing Regulations for the Northwestern Hawaiian Islands (Initial Action)

In 2000, the Northwestern Hawaiian Islands (NWHI) Coral Reef Ecosystem Reserve was designated by President Clinton through Executive Orders (EO) 13178 and 13196. Included in these EOs is a provision for the Secretary of Commerce to initiate the process to designate the reserve as a national marine sanctuary (NMS). This process began in 2000 and was subsequently halted in 2006 when President Bush, through the Antiquities Act, designated the NWHI (0-50 nautical miles) as a marine national monument. In 2016, President Obama expanded the monument (to 200 nm), and directed the Secretary of Commerce to consider initiating a process under the National Marine Sanctuaries Act to designate the monument as a NMS to supplement and complement existing authorities. In 2020, as part of the \$1.4 trillion omnibus spending bill, Senator Schatz added a provision that directed NOAA to commence the process to designate the monument as a NMS.

As part of the NMS designation process, section 304(a)(5) requires the appropriate fishery management council be given the opportunity to prepare draft regulations for fishing within the U.S. exclusive economic zone (EEZ). NOAA has identified that proposed fishing management actions are necessary, and provided the Western Pacific Regional Fishery Management Council with a package of materials intended to help the Council make a determination of what would best fulfill the NMS goals and objectives. At its 190th meeting, the Council agreed to develop fishing regulations for the proposed NWHI NMS and directed staff to respond to the Office of National Marine Sanctuaries (ONMS) 304(a)(5) package request with preliminarily preferred options for permitting and reporting requirements for commercial (outside current monument boundaries), non-commercial, Native Hawaiian practices, and research fishing in the sanctuary boundaries. These recommendations were provided to the ONMS for its consideration. The Council further directed staff to develop an amendment to the Hawai'i Archipelago Fishery Ecosystem Plan (FEP) to analyze these fishing alternatives to be developed in parallel to the NMS fishing regulations.

In order for the recommended fishing sanctuary regulations to be implemented, the Council will need to develop complementary Magnuson-Stevens Act (MSA) regulations for fisheries in the NWHI. The Council at its 191st meeting will consider initial action on a regulatory amendment and consider the following:

Fishery Regulations

The Council has transmitted recommendations for fishing regulations to ONMS for a proposed NWHI NMS. The Council will review the same options for fishing regulations with the lens of MSA fishing regulations. These alternatives include:

Commercial Fishing

1. *No Action* - Decline to take action, which would result in fishing regulations in the NWHI being limited to the proposed NMS fishing regulations.
2. *Prohibit Commercial Fishing* - Fishing in the NWHI with the intention of the fish caught entering commerce through barter, sale or trade would not be allowed.
3. *Allow Commercial Fishing* - Fishing in the NWHI with the intention of the fish caught entering commerce through barter, sale or trade would be allowed through federal

permits with a logbook reporting requirement and other associated federal responsibilities.

Non-Commercial Fishing

1. *No Action* - Decline to take action, which would result in fishing regulations in the NWHI being limited to the proposed NMS fishing regulations.
2. *Prohibit Non-Commercial Fishing* - Fishing in the NWHI with the intention for sport or pleasure, recreation, subsistence and other non-commercial purposes would not be allowed.
3. *Allow Non-Commercial Fishing* - Fishing in the NWHI with the intention for sport or pleasure, recreation, subsistence and other non-commercial purposes would be allowed through federal permits with a logbook reporting requirement and other associated federal responsibilities.

Each of these fishing regulations would also be dependent upon the regulatory area for which they are proposed. While proclamations and direction for the proposed NMS may seem limited to the existing monument and expansion area boundaries, the proposed NMS may consider different options regarding borders of the proposed NMS. This may include an expansion or constriction from current monument boundaries. There have been public comments during the scoping process that did advocate for expanding the boundary beyond the current monument, particularly to encompass all of Middle Bank, an area utilized by fishermen from the main Hawaiian Islands.

The Council has current responsibility to provide regulations for the monument expansion area under Presidential Proclamation 9478. The Council could choose to concentrate on this area in the development of fishing regulations, but may also choose to develop fishing regulations for the entire NWHI area to include the monument, expansion area and the U.S. EEZ area not included in the monument/expansion area of the NWHI. The Council may choose to provide regulations based on the monument boundaries, expanded boundaries or other ideas provided by members and advisory groups.

2. 2023 U.S. Territorial Bigeye Tuna Catch/Effort Limit and Allocation Specifications (Final Action)

Bigeye tuna comprises a Pacific-wide population that is internationally managed and assessed as separate stocks in the Western and Central Pacific Ocean (WCPO) and Eastern Pacific Ocean by the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission, respectively. The most recent stock assessment conducted in 2020 for the WCPO indicate the bigeye tuna stock is not subject to overfishing, nor overfished.

The WCPFC, of which the United States is a member, develops and agrees on conservation and management measures (CMMs) for highly migratory species caught by fisheries (longline and purse seine) and flag states in the WCPO. In December 2018, the WCPFC agreed on CMM 2018-01, which maintains the 2016 longline bigeye limits of six countries, including the United States, which has a limit of 3,554 metric tons (mt). This measure was renewed as CMM 2020-01 in December 2020 and longline catch limits were retained in CMM 2021-01, adopted in December 2021. CMM 2021-01, like earlier conservation measures, does

not establish an individual limit on the amount of bigeye tuna that may be harvested annually in the Convention Area by Small Island Developing States and Participating Territories, including American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI). CMM 2021-01 will expire at the end of 2023, with a possibility of new catch limits for fishery sectors and flag states under the WCPFC. The WCPFC may also decide to resume current catch limits for flag states and participating members through 2023 and beyond.

Amendment 7 to the Council's Pacific Pelagic FEP established a management framework that provides catch or effort limits applicable to the U.S. Participating Territories. The framework includes the authority of the territories to use, assign, allocate and manage the pelagic management species catch and effort limits agreed to by the WCPFC through specified fishing agreements with U.S. vessels permitted under the Pelagic FEP for responsible fisheries development.

In 2019, the Council's specifications limited each U.S. Participating Territory's bigeye longline catch to 2,000 mt and its allocation limit with U.S.-flagged vessels to up to 1,000 mt. However, only two agreements were made with U.S.-flagged vessels and the fishery closed before the end of the fishing season on Dec. 28, 2019, during a period in which availability of fresh tuna has cultural significance. For fishing years 2020, 2021 and 2022, the Council took action at its 181st (March 2020), 182nd (June 2020), and 186th (June 2021) meetings to specify territorial bigeye longline catch limits up to 2,000 mt for each territory and allocation transfer limits up to 1,500 mt per territory, with total allocations from all U.S. Participating Territories not to exceed 3,000 mt. Under the 2020 and 2021 specifications, U.S.-flagged vessels operated through the entire fishing year. The final rule for the 2022 specification was issued in December 2021.

At its 191st meeting, the Council will consider taking final action on the specification of the 2023 U.S. territorial bigeye longline limits for American Samoa, Guam and the CNMI. The Council will also consider limits on the amount of catch that could be transferred under specified fishing agreements by the U.S. Participating Territories to vessels permitted under the Pelagic FEP.

The Council will consider the following limit options for 2023:

- 1) No management action - No specification of catch or allocation limits.
- 2) Status quo - Specify a 2,000-mt catch limit for each U.S. Participating Territory, with allocation limits that do not collectively exceed 3,000 mt among all territories, as was taken for fishing years 2020, 2021 and 2022.
- 3) Specify a 2,000-mt catch limit and up to a 2,000-mt allocation limit for each U.S. Participating Territory (see options below):
 - a. 2,000 mt allocation for Guam and the CNMI and 1,500 mt allocation for American Samoa
 - b. 1,500 mt allocation for each U.S. Participating Territory
 - c. 1,500 mt allocation for Guam and the CNMI and 1,000 mt for American Samoa
- 4) Other total and allocation limit combinations.