



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

ACTION MEMORANDUM

196th Council Meeting

September 18-20, 2023

Ala Moana Hotel

Honolulu, Hawaii

AGENCY REPORTS

Regarding the National Marine Fisheries Service (NMFS) Reports, the Council:

1. Requested NMFS and US Fish and Wildlife Service (USFWS) to make a concerted effort to work with its federal partners to remove debris and derelict structures impacting turtle nesting/hatchlings on Tern Island.

Regarding the State Department Report, the Council:

2. Requested that the Department of State expedite the appointments of Council designees, Roger Dang as U.S. Commissioner to the Western and Central Pacific Fisheries Commission (WCPFC) and Archie Soliai as U.S. Commissioner to South Pacific Regional Fishery Management Organization (SPRFMO), noting that these designations were made in 2021.



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HAWAII ARCHIPELAGO AND PACIFIC REMOTE ISLAND AREAS

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

1. Recognized that a goal of the proposed sanctuary is to support cultural heritage and fishing is central to the culture of Pacific island communities. Data presented to the Council by NMFS Pacific Islands Fisheries Science Center (PIFSC) showed that the impacts of the existing fisheries as managed under current fisheries regulations are well below measurable and objective thresholds established by NOAA pursuant to requirements set forth under the Magnuson Stevens Fishery Conservation and Management Act (MSA) (i.e., no fish stocks are overfished or subject to overfishing, and no essential fish habitats are being adversely affected), Endangered Species Act (ESA) (i.e., no fisheries are jeopardizing species or destroying/adversely modifying critical habitat listed under the ESA) and other applicable laws. Further, the data also showed the importance of fishing to the culture of American Samoa and a reduction of fishing would represent a disproportionate socioeconomic burden to the Territory of American Samoa and the US longline and purse seine fleets.

Therefore, the Council preliminarily found that the existing fishing regulations under the current structure may already meet the goals and objectives of the proposed sanctuary and directs staff to continue discussing the issue with NMFS and Office of National Marine Sanctuaries (ONMS) to determine if additional regulations may be necessary.

2. Requested ONMS provide an opportunity for the Council to review a pre-draft Environmental Impact Statement (EIS) for the proposed Pacific Remote Islands (PRI) National Marine Sanctuary to ensure that the alternatives are aligned with the Council's fishing regulations.

Regarding the Main Hawaiian Islands Deep 7 Bottomfish Fishery the Council:

3. Endorsed the Terms of Reference (TOR) for the Western Pacific Stock Assessment Review as presented at the 196th meeting and directs staff to work with the Western Pacific Stock Assessment Review (WPSAR) steering committee to initiate the review. Further, the Council appointed Steve Martell as the WPSAR chair for this review.

Regarding Hawaii Uku Fisheries, the Council:

4. Requested the Ecosystem-Based Fishery Management (EBFM) working group engage the Council's Hawaii Advisory Panel during the community engagement portion of the ecosystem-based fishery management project.



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AMERICAN SAMOA ARCHIPELAGO

Regarding American Samoa Bottomfish, the Council:

1. Recommended, as a preliminarily preferred alternative, Option 2a that discontinues the American Samoa bottomfish management unit species (BMUS) rebuilding plan (AS Fishery Ecosystem Plan (FEP) Amendment 5) and specify an aggregated Annual Catch Limit (ACL) for the 9 assessed species as shown in Table 1 for fishing year 2024 to 2026.

Species (Latin, Samoan, Common Name)	Allowable Biological Catch (ABC)	ACL
<i>Aprion virescens</i> , asoama, grey jobfish	4,608	48,680
<i>Etelis coruscans</i> , palu loa, onaga	4,850	
<i>Aphareus rutilans</i> , palu-gutusiliva, silvermouth	8,047	
<i>Caranx lugubris</i> , tafauli, black jack	2,721	
<i>Lethrinus rubrioperculatus</i> , filoa, redgill emperor	7,231	
<i>Lutjanus kasmira</i> , savane, blueline snapper	16,976	
<i>Pristipomoides flavipinnis</i> , palu sina, yelloweye snapper	2,271	
<i>Pristipomoides zonatus</i> , palu ula, gindai	1,345	
<i>Variola louti</i> , velo, lyretail grouper	1,764	
<i>Etelis carbunculus</i> , palu malau, ehu*	-	-
<i>Pristipomoides filamentosus</i> , palu enaena, pink snapper*	-	-

Further, the Council recommended *Etelis coruscans* and *Pristipomoides flavipinnis* be used as an indicator species for *Etelis carbunculus* and *Pristipomoides filamentosus*, respectively.

The Council acknowledged that the current data collection systems in American Samoa do not allow for real-time tracking of catches, thus in-season monitoring is not possible and an in-season closure of the fishery is unlikely. Therefore, the Council recommended a post-season accountability measure (AM) that if the average catches of the three most recent years exceeds the specified ACL in a fishing year, the ACL for the subsequent fishing year will be reduced by the amount of the overage.

2. Directed staff to convene an Action Team composed of Council, NMFS Pacific Islands Regional Office (PIRO), NMFS PIFSC and American Samoa Department of Marine and Wildlife Resources develop and prepare an FEP amendment to discontinue Amendment 5 to the American Samoa FEP.

Regarding American Samoa Fishery issues, the Council:

3. Directed staff to send a letter to the Secretary of Commerce, Secretary of State, and Head of US Delegations to Regional Fishery Management Organizations (RFMOs) communicating the need for regular engagement with fishers and representatives from the US Pacific Territories, in particular ensuring their requests are put into action and successfully negotiated in the upcoming WCPFC meeting.
4. Appreciated the workshop chaired by the American Samoa Government and NOAA and recommended that future engagement with Pacific island communities follow a similar process and template.
5. Requested the Governor of American Samoa utilize the information presented by the American Samoa Government (ASG) at the recent sanctuary workshop on the impacts to the economy, culture, and national security as a way to provide outreach on the proposed sanctuary to federal leaders within the Department of Commerce and Department of Defense.



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PROTECTED SPECIES

Regarding the Proposed Green Sea Turtle Critical Habitat, the Council:

1. Endorsed the advisory panel recommendations and directed staff to draft a letter in response to the proposed rule incorporating issues identified in their recommendations.
2. Requested NMFS and USFWS conduct additional public hearings in Tinian and Rota to ensure each of the communities are able to provide input on the proposed rule in person, and extend the comment period for an additional 90 days to allow for sufficient time after the hearings for the public to submit comments.
3. Requested NMFS and USFWS delay critical habitat designation until the 5-year status review and an updated recovery plan for the applicable green sea turtle distinct population segments are completed.

Regarding the Hawaii Pelagic False Killer Whale Assessment Approach, the Council:

4. Requested NMFS PIFSC include additional documentation in the final report on the reason for not including the observer sighting data.
5. Directed staff to work with the Scientific and Statistical Committee (SSC) Working Group to respond to PIFSC's response to the June 2023 recommendations, as well as to provide comments on the draft 2023 Stock Assessment Report (SAR) when it becomes available. The Council further directed staff to send a copy of the Council's responses to the Pacific Scientific Review Group.
6. Requested NMFS PIFSC to include the following SSC members in its working group to consider approaches for estimating foreign fleet fishing effort and False Killer Whale (FKW) bycatch: Shelton Harley, Ray Hilborn, David Itano, and Graham Pilling.
7. Requested NMFS to prioritize conducting surveys on the high seas to collect data in the full extent of the pelagic FKW stock.



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MARIANA ARCHIPELAGO

Regarding the Guam Marine Conservation Plan Fisheries Issues, the Council:

1. Directed staff to write to the Governor of Guam indicating the Council's review and concurrence with the Guam MCP at its 196th meeting and request the Governor provide the MCP to NMFS for approval.

Regarding the CNMI Marine Conservation Plan Fisheries Issues, the Council:

2. Directed staff to write to the Governor of CNMI indicating the Council's review and concurrence with the amended CNMI MCP at its 196th meeting and request the Governor provide the amended MCP to NMFS for approval.



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PROGRAM PLANNING & RESEARCH

Regarding Addressing Climate Change, the Council:

1. Recommended forming a consortium comprising PIFSC, the Council, regional academic and research institutions, in order to strategically address the Inflation Reduction Act (IRA) project initiatives and maintain the viability of these programs beyond the IRA funding horizon. The Council also supported allocating funding for student scholarships to build local capacity in disciplines that are critical to the IRA initiatives.

Regarding Council Governance Policies, the Council:

2. Directed staff to send a letter to the NMFS Office of Sustainable Fisheries, supporting the comments by the Mid-Atlantic Council (and other Fishery Management Councils (FMCs)) in addressing the draft NMFS Climate Change Governance procedural directive as well as outlining the differences in governance between FMCs in the Pacific, and existing arrangements the Council has on governance of management unit species.
3. Directed staff to meet with the Pacific Fishery Management Council and North Pacific Fishery Management Council to review their existing agreements to retain current pelagic management unit species as well as eastern Pacific bigeye tuna and protected species jurisdictional issues.

Regarding Council Program Planning and Priorities, the Council:

4. Endorsed the recommendations of the advisory groups and supports the project categories developed for the IRA proposal, including scenario planning, regulatory reviews, protected species review and update, and community engagement and capacity building. Further, the Council directed staff to proceed with completing the proposal(s) for funding.
5. Directed the SSC to form a Working Group composed of SSC members Franklin, Camacho, Itano, Kobayashi, and Jones to work with Council staff in order to identify MSRA and Cooperative Research priorities by March 2024. This working group should work with other Council advisory groups and incorporate climate change priorities.

6. Recommended Cooperative Research priorities include:
 - a. expanding research to include ways to avoid and deter shark depredation in the regional fisheries, including fishing techniques;
 - b. continued support of existing bottomfish biosampling programs and development of such a program in American Samoa;
 - c. focus research on improving life history sampling and analyses of unassessed pelagic species;
 - d. discontinue tagging of the Bottomfish Tagging Study with respect to the BRFA's; and
 - e. inclusion of a tagging network in the Marianas archipelago.

Regarding Research Priorities, the Council:

7. Recommended expanding the priority on shark depredation to include depredation from all species, including false killer whales. The Council further directed staff to work with its advisory groups to include other possible priorities.
8. Requested NMFS PIFSC continue to develop research assessments for unassessed incidental pelagic management unit species and that estimation of non-commercial pelagic catch and effort be made a priority.
9. Requested NMFS PIFSC Social-Ecological and Economic Systems Program's small boat fishing survey be replicated in other jurisdictions including Guam and the CNMI to explore the importance of fishing in the communities for food security and as a source of income.
10. Requested NMFS PIFSC to evaluate cookie cutter shark depredation patterns to address recent increased observation of depredation in Hawaii longline-caught fish.

Regarding NOAA's National Seafood Strategy, the Council:

11. Directed Council staff to form a working group with Fishing Industry Advisory Committee members to prepare feedback to NOAA on its National Seafood Strategy and include comments for NOAA to consider the MSA National Standards and any disproportionate burdens, given the recent directives for potentially increasing prohibitions on fishing in the Western Pacific.

Regarding Education and Outreach, the Council:

12. Directed staff to create an addendum to the existing US Pacific Islands Education and Employment Capacity-Building Memorandum of Understanding (MOU), signed by current Education Committee members, to make minor revisions to the language including specifying that required internships are for undergraduate students and not graduate students.
13. Directed staff to work with the Education Committee to create working groups to:
 - a. discuss broad goals and objectives for Council education initiatives to be included in the Council 2025-2029 Program Plan, considering existing MSA authorities;
 - b. incorporate fisheries science into K-12 and higher education classrooms; and

- c. review and support course articulation agreements between 2-year and 4-year higher education programs in the Western Pacific Region to support the scholarship program.
14. Endorsed the expansion of the Marine Resource Education Program (MREP) to the Pacific Islands Region and directed staff to continue to support its implementation through participating in planning meetings and connecting program directors with key people in the fishing communities.

Regarding Equity and Environmental Justice (EEJ)/National Academies of Science, Engineering and Math (NASEM), the Council:

15. Directed staff to form a working group with SSC member Craig Severance as Chair to address the NASEM committee's next steps to identify additional EEJ issues and nominate reviewers for the draft report.
16. Directed staff to draft a letter to the state and territorial governors requesting that they explore actions to assist their indigenous peoples in addressing equity and environmental justice concerns.



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PACIFIC PELAGICS & INTERNATIONAL

Regarding the 2024 Territorial Longline Bigeye Tuna Catch Limit and Allocations, the Council:

1. Recommended specifying a 2,000 metric ton catch limit for each US Participating Territory, of which each Territory may allocate up to 1,500 mt to US longline vessels, but with total transfers not to exceed 3000 mt.

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

Regarding Implementing Electronic Monitoring (EM) in the Western Pacific Longline Fisheries, the Council:

2. Directed staff to work with the Electronic Technologies Steering Committee to develop a Pre-Implementation Program for EM, in which:
 - a. Pre-Implementation Program prioritizes EM in Hawaii Longline Fisheries, with;
 - b. A hybridized approach between the shallow-set and deep-set sectors, with;
 - c. A primary objective of EM for protected species monitoring and estimation and a secondary objective for discard accounting.

Further, the Council requested the Electronic Technologies Steering Committee provide a report on its progress to the Pelagic Plan Team at its next meeting.

3. Requested NMFS develop strategies to secure federal funding for EM.

Regarding the Pacific Remote Islands Marine National Monument (PRIMNM), the Council:

4. Directed staff to send a letter to the President to request modifying the Pacific Remote Islands Marine National Monument to allow for US commercial longline and purse seine fishing around Jarvis Island and Johnston Atoll. The Council noted that Jarvis and Johnston have been historically more important for both US longline and US purse seine fisheries and can help the US mitigate climate change while providing equity and environmental justice to US fishing communities in the Western Pacific.

Regarding International Fisheries, the Council:

5. Recommended the US delegation to the WCPFC resubmit its 2021 proposal to amend the tropical tuna measure by increasing the longline bigeye tuna catch limit of the US by 3,000 mt and be prepared to resubmit its 2018 proposal to increase longline bigeye tuna catch limits based on observer coverage.



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ADMINISTRATIVE MATTERS

Regarding Administrative Matters, the Council:

1. Accepted the 196th Council meeting financial and administrative reports.

Regarding the Council's next 5 year Program Plan and Budget, the Council:

2. Directed staff to continue to develop and finalize the FY 2025-2029 multi-year program plan and budget for Council review and approval in March 2024.

Regarding Council Family Changes, the Council:

3. Recommended the following changes to its advisory groups:
 - a. Appointed Jason Helyer to the Archipelagic Plan Team replacing Paul Murakawa and thanked him for his service;
 - b. Removed Kelsey Lizama from the Archipelagic Plan Team and thanked her for her service;
 - c. Removed Joaquin Cruz from the Fishing Industry Advisory Committee and thanked him for his service;
 - d. Accepted Judy Amesbury's resignation from the Guam Advisory Panel and the Social Science Planning Committee and thanked her for her years of dedicated service to the Council; and
 - e. Appointed Jason Miller to the Guam Advisory Panel.

Regarding the Udall Foundation Request for Input on the Renaming of the PRIMNM, the Council:

4. Requested the Udall Foundation to consider names from the Marianas, Micronesia, and American Samoa as well as Hawaii in the renaming of the Pacific Remote Island Marine National Monument in order to encompass all of the cultures that have a connection to the Pacific Remote Island Areas (PRIA).

Regarding Federal Fisheries, the Council:

5. Directed staff to send a letter to the Secretary of Commerce addressing continuing initiatives by the administration to circumvent the public MSA process to manage US fisheries through other authorities, such as sanctuaries, monuments, and international initiatives.