



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
196th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

September 18-20, 2023 Council Plenary

Hybrid for Members and Public

Hibiscus Ballroom

Ala Moana Hotel

Honolulu, HI

Approved by Council:

A handwritten signature in black ink, consisting of a stylized 'W' followed by a long horizontal line that ends in a loop.

Will Sword, Chair

Western Pacific Regional Fishery Management Council

Table of Contents

I.	Welcome and Introductions	6
II.	Oath of Office – New Council Member – Pedro Itibus	6
III.	Approval of the 196th Council Meeting Agenda.....	7
IV.	Approval of the 195th Council Meeting Minutes	7
V.	Executive Director’s Report	7
VI.	Agency Reports.....	8
A.	National Marine Fisheries Service.....	8
1.	Pacific Islands Regional Office	8
2.	Pacific Islands Fisheries Science Center.....	11
B.	NOAA Office of General Counsel Pacific Islands Section	15
C.	Enforcement.....	16
1.	U.S. Coast Guard	16
2.	NOAA Office of Law Enforcement.....	17
3.	NOAA Office of General Counsel Enforcement Section	18
D.	U.S. State Department.....	18
E.	U.S. Fish and Wildlife Service	18
F.	Public Comment.....	19
G.	Council Discussion and Action.....	19
VII.	Hawai‘i Archipelago and Pacific Remote Island Areas	20
A.	Moku Pepa	21
B.	Department of Land and Natural Resources / Division of Aquatic Resources Report.....	21
C.	Proposed Pacific Remote Island National Marine Sanctuary	23
1.	Review of Fishing Regulations in the Pacific Remote Island Areas	23
2.	Options for Developing Fishing Regulations in the Proposed Pacific Remote Islands Sanctuary (Initial Action).....	29
D.	Main Hawaiian Islands Deep-Seven Bottomfish Stock Assessment Western Pacific Stock Assessment Review Terms of Reference	31
E.	Hawai‘i Uku Fishery.....	32
1.	Uku Ecosystem-Based Fisheries Management Project.....	32
2.	Main Hawaiian Islands Uku Ecosystem and Socioeconomic Profile Report Card.....	33
F.	Advisory Group Report and Recommendations	34
1.	Advisory Panel.....	34

	2.	Pelagic Plan Team.....	35
	3.	Fishing Industry Advisory Committee.....	35
	4.	Scientific and Statistical Committee.....	35
	G.	Public Comment.....	36
	H.	Council Discussion and Action.....	37
VIII.		Public Comment on Non-Agenda Items.....	38
IX.		American Samoa Archipelago.....	38
	A.	Motu Lipoti.....	38
	B.	Department of Marine and Wildlife Resources Report.....	44
	C.	American Samoa Bottomfish.....	45
	1.	P* and Social Economic Ecological Management Working Group Reports	45
	2.	Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications for 2024-2026 (Initial Action).....	47
	D.	Advisory Group Report and Recommendations.....	49
	3.	Advisory Panel.....	49
	4.	Fishing Industry Advisory Committee.....	50
	5.	Scientific and Statistical Committee.....	50
	E.	Public Comment.....	50
	F.	Council Discussion and Action.....	51
X.		Mariana Archipelago.....	54
	A.	Guam.....	54
	1.	Department of Agriculture / Division of Aquatic and Wildlife Report....	54
	2.	Isla Informe.....	55
	3.	Review of the Guam Marine Conservation Plan (Action Item).....	55
	B.	Commonwealth of the Northern Mariana Islands.....	56
	1.	Arongol Falú.....	56
	2.	DLNR/DFW Report.....	57
	3.	Review of the Commonwealth of the Northern Mariana Islands Marine Conservation Plan (Action Item).....	58
	C.	Advisory Group Report and Recommendations.....	59
	1.	Advisory Panel.....	59
	2.	Fishing Industry Advisory Committee.....	59
	3.	Scientific and Statistical Committee.....	59
	D.	Public Comment.....	59

E.	Council Discussion and Action.....	59
XI.	Protected Species	59
A.	Endangered Species Act and MMPA Updates	59
1.	Green Sea Turtle Critical Habitat Proposed Designations.....	60
2.	Other Updates	66
B.	Update on the Hawai‘i Pelagic False Killer Whale Assessment Approach.....	68
C.	Advisory Group Report and Recommendations	72
1.	Advisory Panel.....	72
2.	Fishing Industry Advisory Committee.....	72
3.	Pelagic Plan Team.....	72
4.	Scientific and Statistical Committee.....	72
D.	Public Comment.....	73
E.	Council Discussion and Action.....	74
XII.	Program Planning and Research	75
A.	Climate Change Governance Policy	75
B.	Inflation Reduction Act Overview	75
C.	National Marine Fisheries Service Priorities for Addressing Climate Change in Fishery Management.....	76
1.	National Activities and Priorities (including Ocean Climate Action Plan)	76
2.	Regional Activities and Priorities (including Pacific Islands Regional Action Plan Climate Ecosystems and Fishery Initiative)	78
D.	Council Program Planning and Multi-Year Priorities	79
1.	Council Management Priorities for Addressing Climate Change.....	79
2.	Inflation Reduction Act Planning	79
E.	National Legislative Report	80
F.	Report on National Standard 4, 8 and 9 Review.....	81
G.	National Academies of Sciences, Engineering and Medicine’s Committee on Assessing Equity in the Distribution of Fisheries Management Benefits.....	82
H.	National Seafood Strategy	82
I.	Regional Communications and Outreach Report	83
J.	Advisory Group Report and Recommendations	84
1.	Advisory Panel.....	84
2.	Fishing Industry Advisory Committee.....	85
3.	Pelagic Plan Team.....	86
4.	Education Committee.....	86

	5.	Scientific and Statistical Committee.....	87
K.		Program Planning Standing Committee Report.....	88
L.		Fishing Rights of Indigenous People Standing Committee Report	88
M.		Public Comment.....	89
N.		Council Discussion and Action.....	89
XIII.		Pelagic and International Fisheries	92
	A.	American Samoa Longline Fishery Report.....	92
	B.	Hawai‘i Longline Fishery Report	93
	C.	2024 U.S. Territorial Bigeye Tuna Catch Limit and Allocation Specification (Final Action).....	94
	D.	Scenarios for Implementing Electronic Monitoring in Western Pacific Longline Fisheries	95
	E.	International Fisheries.....	96
		1. 19th Meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific	96
		2. 19th Scientific Committee of the WCPFC.....	97
		3. 3rd Western and Central Pacific Ocean Longline Management Workshop	97
		4. Considerations for Pelagic Fishing in the Pacific Remote Island Areas ..	98
	F.	Advisory Group Report and Recommendations	99
		1. Advisory Panel.....	99
		2. Fishing Industry Advisory Committee.....	99
		3. Pelagic Plan Team.....	100
		4. Scientific and Statistical Committee.....	100
	G.	Pelagic and International Standing Committee Report.....	101
	H.	Public Comment.....	101
	I.	Council Discussion and Action.....	101
XIV.		Administrative Matters	103
	A.	Financial Reports	104
	B.	Administrative Reports	104
	C.	Council Family Changes.....	104
	D.	Meetings and Workshops.....	104
	E.	Report on Program Plan.....	105
	F.	Executive and Budget Standing Committee Report	106
	G.	Public Comment.....	106
	H.	Council Discussion and Action.....	106

XV. Other Business 107

I. Welcome and Introductions

The following members of the Western Pacific Regional Fishery Management Council were in attendance:

- Will Sword, chair (American Samoa)
- Roger Dang, vice chair (Hawai‘i)
- Manny Dueñas, vice chair (Guam)
- Sylvan Igisomar, vice chair (Commonwealth of the Northern Mariana Islands [CNMI]) and CNMI Department of Lands and Natural Resources (CNMI DLNR)
- Taotasi Archie Soliai, vice chair (American Samoa) and American Samoa Department of Marine and Wildlife Resources (DMWR)
- Judith Guthertz (Guam)
- Pedro Itibus (CNMI)
- Shaelene Kamaka‘ala (Hawai‘i)
- Matthew Ramsey (Hawai‘i)
- Chelsa Muña, Guam Department of Agriculture (DOAG)
- David Sakoda, Hawai‘i Department of Land and Natural Resources (Hawai‘i DLNR) (designee for Dawn Chang)
- Sarah Malloy, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- Colin Brinkman, U.S. State Department
- LDCR Jessica McCollum, U.S. Coast Guard (USCG) (designee for Rear Adm. Michael Day, commander for USCG District 14)
- Brian Peck, U.S. Fish and Wildlife Service (USFWS)

Also in attendance were Council Executive Director Kitty M. Simonds; James Lynch, Scientific and Statistical Committee (SSC) chair; and Sarah Sheffield and Kristen Placek from NOAA General Counsel Pacific Islands (GCPI);

II. Oath of Office – New Council Member – Pedro Itibus

Malloy swore new Council member Itibus and reappointed Council member Dang into office.

III. Approval of the 196th Council Meeting Agenda

The 196th meeting agenda was approved by general consent.

IV. Approval of the 195th Council Meeting Minutes

The 195th meeting minutes was approved by general consent.

V. Executive Director's Report

Simonds presented the executive director's report. She welcomed all attendees to the 196th Council Meeting being hosted at the Ala Moana Hotel for the 35th time, and provided a brief history of Council meetings. Between 1976 and 1983, Council meetings were held at the State Capitol, and as the budget increased the Council began to meet at the Ala Moana Hotel. Simonds also noted that during this meeting, the Council will host the first in-person Fishers Forum post-COVID-19 pandemic, with a "What's in the Gut?" theme focusing on what pelagic fish eat and how that helps fishermen to catch more fish.

At this meeting, the Council will discuss climate issues and in particular the Inflation Reduction Act (IRA), which Congress passed a year ago. NOAA's share is \$3.3 billion, NMFS's share is \$1.2 billion and the regional fishery management councils' share is \$20 million. NMFS is releasing funds to the councils in two distributions. Based on the current allocation decided 30 years ago by the councils, the Western Pacific Council would receive 11%. However, the executive directors agreed that the \$20 million should be divided up equally between the eight councils, because each council deals with different levels of science information, ecosystem information and scenario planning. NMFS is splitting up the first distribution of \$3 million amongst the councils, which consists of the Western Pacific Council receiving \$375,000. For the remaining \$17 million, the councils have been asked to provide grant proposals, but it would mean competing with each other, which the councils perceive as wrong and unfair given the request that the funds be divided equally. For the first distribution of funds, Simonds asked the Council to consider approval for hiring a contractor to be in charge of the entire grant process. PIRO, Pacific Islands Fisheries Science Center (PIFSC) and the Council need to work together on developing and sending out projects that will meet the criteria in order to receive the funds. NMFS has asked the councils to develop projects based on several themes, which includes operationalizing fish climate vulnerability, assessments and other products, operationalizing recommendations from the climate scenario planning efforts and implementing management changes. The staff drafted four themes that the Council will review at this meeting—scenario planning, regulatory reviews of the Fishery Ecosystem Plans (FEPs), protected species and underserved communities.

Simonds provided a status update on the Monument Expansion Area (MEA) for the proposed Northwestern Hawaiian Islands (NWHI) National Marine Sanctuary (NMS). The Council recommended prohibiting commercial fishing, and permitting noncommercial fishing and Native Hawaiian subsistence fishing with the opportunity to request the recovery of costs incurred for fishing. This does not explicitly allow sales, but provides a framework for NMFS to consider cost recovery. The idea is to provide Native Hawaiian communities the opportunity to recoup the costs required to travel to the location in which their traditions are practiced. PIRO is preparing the amendment document and it will be processed prior to the proposed sanctuary rulemaking. The Council's recommendations to allow limited cost recovery remains a point of

contention that will have to be resolved by NMFS and the Office of National Marine Sanctuaries (ONMS) as the process moves toward the “one NOAA” decision. The Council continues to hope that the final decision is not arbitrary.

For the Pacific Remote Islands National Marine Sanctuary (PRINMS) proposal, the Council needs to meet its responsibility under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and consider recommendations for fishing regulations. At this 196th meeting, the Council will be asked to decide whether the current fishing regulations under the MSA for the Pacific Remote Island Areas (PRIA) meet the goals and objectives of the proposed sanctuary, or if additional measures are needed. The Council will also hear feedback on the proposed PRINMS designation workshop hosted in American Samoa the previous week by ONMS.

During the June 2023 Council meeting, the Western and Central Pacific Fisheries Commission (WCPFC) held a formal tropical tuna workshop. The Council also co-hosted a workshop with the Marshall Islands Marine Resources Authority (MIMRA), which focused solely on longline fishing to help the United States develop a sustainable measure to increase the longline bigeye tuna quota in advance of the United States negotiating the measure at the December 2023 WCPFC meeting. The WCPFC Science Committee met in August and determined that the bigeye and yellowfin tuna stocks are healthy and above sustainable thresholds. Member countries will need to figure out how to balance the catch limits for well-managed longline fisheries versus other fisheries. The U.S. longline fishery in the Western Pacific Region impacts 3% of the total catch, and the fishery is competing against 466 foreign purse seine vessels and 1,800 foreign longline vessels. Simonds and Council staff will travel to Pohnpei, Federated States of Micronesia (FSM) after the Council meeting to convene another workshop with MIMRA in advance of the next WCPFC workshop.

Regarding governance, NMFS is developing guidance on the use of the MSA Section 304(f). The directive will provide guidance on the Council’s authority in preparing Fishery Management Plans (FMPs) for stocks that extend across multiple geographic areas of more than one Council. The Council will review the policy and recommendations from the advisory groups at this meeting. The Council also provided comments on the National Standards (NSs) since the last meeting.

Simonds announced that the House Natural Resources Committee’s Subcommittee on Oversight and Investigations will be holding an oversight hearing the following day (Sept. 19, 2023) on examining barriers to access in federal waters as it relates to the NMS and Marine National Monument (MNM) system. The Committee distributed a background paper on each of the sections for which they requested comments. From the Pacific Region, Bill Gibbons-Fly, American Tunaboat Association executive director and former U.S. State Department representative, will be testifying in the hearing. Other witnesses will include a Department of Commerce (DOC) representative, an indigenous representative from Alaska, the former chair of the New England Fishery Management Council (FMC), and William Aila from Hawai‘i.

VI. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Malloy presented the PIRO report. Since the last Council meeting in June 2023, NMFS published the final 2023 territorial bigeye specifications, which allow for territorial arrangements with the Hawai'i longline fleets. Approval of the CNMI Marine Conservation Plan (MCP) was also published with the current version running from August 2023 to 2026.

NMFS is preparing for the 6th Collaborative Climate Workshop in November 2023, to complement efforts to better integrate climate change preparations into decision-making. The workshop is held annually to collaboratively shape the priorities across PIFSC, PIRO and the Council.

A number of international fisheries meetings have occurred since the last Council meeting, including the WCPFC Science Committee, WCPFC Northern Committee and the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC). Despite having received the bigeye tuna stock assessment, projections about different management measures and what they would do to the stock over time are still pending. Projections are a key part of the input for the upcoming tropical tuna workshop and the Permanent Advisory Committee (PAC) meeting.

In July and August 2023, PIRO Protected Resources Division leadership attended meetings in Guam, Saipan, Tinian and Rota, regarding protected species issues and heard from stakeholders about their concerns. NMFS and USFWS published a proposed rule to designate critical habitat for green turtles and held a series of in-person hearings in American Samoa, Guam and the CNMI.

The PIRO grants program conducted training in American Samoa, the CNMI and Guam. The trainings provided information on Saltonstall-Kennedy grants as well as grants available through the Bipartisan Infrastructure Law and the IRA. In total, 261 people participated in the trainings in the Mariana Archipelago—155 in Guam and 106 in Saipan. The PIRO Federal Programs Office 2023 Annual Report was also published.

Soliai asked how many people will be participating in-person at the PAC meeting, which he understood to be a hybrid meeting. He wondered if it would make sense to delay the PAC meeting and how long the travel block was anticipated.

Malloy said a variety of unfortunate circumstances are keeping the in-person and virtual attendance up in the air, and they are currently evaluating that information. They will also send out the participation list along with alternative plans should there be a government shutdown. The travel block will happen through the first three weeks of October, and while they have been considering a potential postponement of the PAC meeting to November, there are other scheduling conflicts.

Soliai asked that PIRO provide information about in-person participants so that he can decide on whether to attend in-person if no one is attending from Honolulu.

Sword added that American Samoa only has two scheduled flights weekly, which are always booked; therefore, a leeway time of two months is always needed to confirm a flight. The sooner the dates are confirmed, the better for all the American Samoa travelers.

Dueñas said a major component of the WCPFC is that the process allows the members to talk to each other and understand each other. He also asked about the status of NMFS helping to rebuild after disasters, noting that Guam lost six boats in a single marina and the Guam Fishermen's Cooperative Association (GFCA) was completely destroyed in the most recent typhoon.

Simonds asked for clarification on whether or not the federal government will include the increase of the bigeye quota for the Hawai'i longline fishery in its response for the Development of a Revised WCPFC Tropical Tuna Measure Workshop in Pohnpei on Sept. 29-30, 2023. Simonds said her understanding was that what that the U.S. government sends out are goals rather than negotiating points, and thus she assumed that the United States would include the Council's longline and American Samoa goals.

Malloy said Kelly Kryc has made it clear that what was sent out was a first document with some key pieces of the U.S. position, but it was by no means the full suite of objectives. She said the recommendation to increase bigeye quota was not included in that document because of the pending information about the bigeye stock. The impact of changing the different management measures on the stock is unknown until the projections are available. The data will help to provide a better sense of how much wiggle room there is to increase the bigeye catch.

Soliai said one of the confusing issues is being in the dark on what the U.S. strategy or approach is with respect to American Samoa, even after he has discussed the territory's perspectives and priorities with Malloy. A proposal now rests with the U.S. government and Kryc, and he hoped to receive updates from GCPI during the PAC meeting to clarify some questions. Soliai expressed his frustrations from American Samoa's perspective of not understanding the whole strategy from the U.S. government. As members of the WCPFC and understanding the relationship that American Samoa has with the United States, advocating for what is best for the territory becomes difficult when the territory encounters domestic barriers. He understands that American Samoa's objectives and requests are a small part of the bigger U.S. objectives, but it is frustrating that they cannot get through to the U.S. government when there is a small window of opportunity and was invited by the chair to submit a proposal.

Dueñas said it is disheartening to see NMFS not defending the U.S. fisheries when the fishermen have to deal with sea turtle, seabird and false killer whale (FKW) interactions on top of the bigeye tuna quota.

Sword said the video from the sanctuary workshop in American Samoa has a lot of facts. Sword thanked Soliai for putting together the information presented at the workshop on what is happening with the American Samoa fisheries, which is the third largest in production of any state or territory in the nation. Fuel sales, tonnage, birth rate and population all peaked in 2004, but the decline started with the first area closures to commercial fisheries. In 2014, Russell Smith, the head of U.S. delegation for WCPFC, gave away the quotas for the Effort Limit Area for Purse Seine (ELAPS) for American Samoa's boats, which caused a steeper declination. In 2004, the fuel business was selling approximately 30 million gallons, and now only 6 million gallons are sold yearly, which is an 80% drop and indicative of fewer vessels going in and out of the port of American Samoa. Sword said the United States is a laughingstock when it comes to WCPFC because it does not take care of its own fishermen or the interests of the nation. The underlying plan does not make sense because the numbers do not show any improvement. The

Council members are sworn to uphold values of the MSA to protect the fisheries and take care of underserved fishing communities, but Sword says this is not happening. Sword asked that Malloy convey to Kryc to look into this issue carefully heading into the WCPFC meeting in December, and to make the necessary negotiations. He asked that Kryc include Soliai in the preparations and allow him to speak to the neighboring countries and those that depend on fisheries in the region. This will allow for all to work together and move in the same direction, so as not to negate the fisheries and at least increasing it to the point that the fishery becomes more beneficial for the nation.

2. Pacific Islands Fisheries Science Center

T. Todd Jones presented the PIFSC report on behalf of Director Charles Littnan. The PIFSC Ecosystem Sciences Division (ESD) Social-Ecological and Economic Systems (SEES) Program conducted the American Samoa Small Boat Fishing Study in 2021 to better understand the economic, social and cultural characteristics of small boat fishing in American Samoa, including bottomfish and pelagic fish data. The data were obtained post-COVID-19, and after 2019 when the bottomfish fishery was declared overfished and in an overfishing status. Tutuila showed 57% of fishermen fishing local waters versus further offshore in federal waters. In Manu‘a, 75% of fishermen fished within three nautical miles, with only approximately 25% further out in federal waters. The survey also asked what the intent of the catch was, how much of the catch was intended to be sold, and how much of it was traded or maintained for consumption. Results show 97% of respondents cited fishing as an important part of who they are, and 100% agreed that it is an important part of their culture. The survey underscored the importance of local catch and food security as a source of income for nearshore and deep water bottomfish. The SSC made a recommendation at its meeting to have a similar studies conducted in the Mariana Archipelago.

Jones presented on the Manu‘a stock assessment report (SAR). During the June 2023 Council meeting in American Samoa, PIFSC staff traveled to Manu‘a to report the bottomfish stock assessment results to local communities. This stock assessment was evaluated by the Western Pacific Stock Assessment Review (WPSAR) held in American Samoa, and consisted of nine single-species stock assessments that used length-based approaches. The stock assessment results showed all nine species were not being overfished and overfishing was not occurring. Two species had limited data. PIFSC reported the results to 13 fishers on the island of Ta‘ū and 18 fishers on Ofu, within the district of Manu‘a. The fishers accepted the assessment results and provide insights on savane (*Lutjanus kasmira*), also known as the bluestripe snapper. The engagement also provided opportunity for discussion of illegal fishing in Manu‘a waters, and fishers showed interest in developing life history work in Manu‘a as well as in Tutuila.

PIFSC conducted a pilot study on the determination of post-release conditions using electronic monitoring (EM) to determine whether EM is useful in understanding the disposition of nontarget protected species in terms of the mortality and serious injury (MSI) for cetaceans and the Ryder estimate of post-interaction survivability for sea turtles. PIFSC reviewed eight cetaceans and 37 sea turtle interactions with EM. The results showed that six out of eight cetaceans had sufficient data to make a MSI determination, and post-interaction survivability could be determined using camera data for nearly all of the 37 sea turtle interactions.

To modernize computing and tackle technical debt, PIFSC Stock Assessment Program has been working with high throughput computing on the Open Science Grid and NOAA's Hera supercomputer. The intent is to move the more advanced stock assessment and stock synthesis into the high throughput computing systems, which allows multiple models to run simultaneously, shortening the timeframe to run the models from three weeks to one day. The Sellit Logit app will replace the current commercial systems in American Samoa, Guam and the CNMI, and is part of the movement to electronic reporting throughout the jurisdictions. PIFSC is also planning to automate scripts for generating the Annual Stock Assessment and Fishery Evaluation (SAFE) Report through the Archipelagic Plan Team (APT) and Pelagic Plan Team (PPT), collaborating with PIRO, Council and the territorial agencies.

PIFSC Fisheries Research and Monitoring Division (FRMD) efforts to improve monitoring and assessments include the annual prioritization meeting between FRMD and Council, and the Biosampling Summit scheduled for November 2023 in the Mariana Archipelago. The first day of the summit will be hosted by Dueñas and GFCA, and the next two days will include looking at the archived samples of reef fish and bottomfish, deciding who will lead which project, and viewing and discussing gonads and slides. Individuals from the community and agencies will be welcomed to bring their slides and gonads for this presentation. FRMD also has an ongoing main Hawaiian Islands (MHI) uku pilot project, which is a collaboration with Hawai'i Fishermen's Alliance for Conservation and Tradition, Pacific Islands Fisheries Group, the Council and Hawai'i Division of Aquatic Resources (DAR). This project is conducted to see if survey strata can be added to the Marine Recreational Information Program (MRIP) or to the Hawai'i Marine Recreational Fishing Survey (HMRFS) to better understand uku by looking at the Division of Boating and Ocean Recreation and bottomfishing registries. PIFSC hopes this project will lead to a similar effort for deep-seven bottomfish species.

The ISC adopted the external review process that was proposed by the U.S. delegation. The first goal is to have an agreement to start with the WCPFC striped marlin assessment in 2024. The International Biological Billfish Sampling Program has collected 1,650 billfish samples across the North Pacific, of which 855 are swordfish, 573 are striped marlin and 222 are blue marlin. These samples are expected to improve the life history information in the coming year.

Regarding the Protected Species Division, the Hawaiian Monk Seal Research Program convened a toxoplasmosis risk management scenario workshop July 10 and July 23, 2023. This allowed agency stakeholders to meet with scientists to evaluate outdoor cat management and scenarios for O'ahu using the toxoplasmosis risk modeling tool. The main focus of the program is to look at the watersheds and areas for oocysts that are exported out into the environment, which can then cause toxoplasmosis in the Hawaiian monk seal population.

The Hawaiian Islands Cetacean and Ecosystem Survey is underway, and will spend 180 days at sea to survey the full U.S. exclusive economic zone (EEZ). The survey consists of visual and passive acoustic line-transect surveys for cetaceans, as well as visual strip-transect surveys for seabirds. Drifting Acoustic Spar Buoy Recorders will also be deployed and retrieved.

The green sea turtle field research team at Lalo (French Frigate Shoals) identified 748 green sea turtles (501 females, 245 males and two juveniles). On Tern Island, 430 turtles were identified. Since losing much of East Island to a hurricane in 2018, many of the sea turtles have

turned to Tern Island for nesting, as well as for basking by both male and female green sea turtles. On Tern Island, entrapments due to the building infrastructure have led to 53 turtles released alive, 51 adults and two juveniles. At East Island, a small number of basking turtles and some nesting were recorded.

Recent research trip activities related to leatherback conservation projects in Indonesia included attending the 2023 Indonesian Sea Turtle Symposium, visiting villages and meeting community leaders in the Kei Islands. This is an important process as there are harvests of adult leatherback turtles in the Kei Islands. NMFS has been working with World Wildlife Fund to provide alternative income or source of protein, as these leatherbacks are from the same population that interacts with the U.S. fishery. Reducing impacts in Indonesia also mitigates the impacts to the Hawai'i deep-set longline (DSLL) and shallow-set longline (SSLL) fishery. Further research is being done to understand the total abundance of the leatherback turtle population and other nesting areas, and satellite tagging and skin sample collection are conducted to understand how the population is interacting in the fisheries across the North Pacific and migrating to the California current where they forage.

PIFSC ESD staff also participated in the 5th Symposium on the Effects of Climate Change in the World's Oceans in Norway. The symposium included sessions focusing on the importance of using management strategy evaluation (MSE) to establish robust fishery management in a changing ocean, and coupling social science and economics with integrated marine climate modeling efforts.

Muña asked whether the international collaboration done through the leatherback turtle project in Indonesia allows for further opportunity to do more research for the green sea turtle distinct population segment (DPS) for Guam, so that the understanding of the DPS can be extended beyond Guam. Muña said her hope with more data showing a larger population for the DPS would result in either a down-listing or incorporation of community-based management practices.

Jones said there are ongoing projects on green sea turtles conducted in Indonesia and the Philippines, and said he would request Summer Martin, PIFSC Protected Species Division, to provide a slide on the other international work currently being conducted for the next Council meeting. The genetic and satellite tagging data show that many of the nesting turtles in Guam and the CNMI go to the Philippines, as well as toward Japan and Okinawa. John Wang, PIFSC FRMD, also leads a rapid port sampling effort throughout the Philippines to understand how many fishery interactions there are with green sea turtles as well as hawksbill and other sea turtle species, and provide clarity on the threats to the Central West Pacific DPS. Work is also ongoing to reduce impacts to the Central West Pacific DPS from gill net fisheries. Jones also noted that discussion has been ongoing between PIFSC Protected Species Division and PIRO staff about looking at major nesting areas in FSM and the Marshall Islands. He said PIFSC FRMD and Council staff could also get involved to consider how additional surveys in those areas could be conducted to provide a better understanding of total abundance.

Dueñas asked whether the life history work over the past 15 years has improved spawning potential ratio and growth rate information, and expressed his disappointment that PIFSC is contracting for biosampling beyond Guam's borders, allowing for the capacity in other areas to expand. When the biosampling program started, Dueñas had requested PIFSC to build

the capacity within the islands. Dueñas expressed concerns regarding the data collection, noting that data collected by Guam shows that 90% of the fish are seasonal, and the spawning potential ratio is high with a fast growth rate, but that data are not reported or disclosed. He also said there is a need to focus on a more inclusive data collection process that includes data on not only what fishermen catch but also what they see, as fishermen see turtles, birds and sharks that are considered species of concern.

Simonds said the Council at its June 2023 meeting discussed the status review and the Council wrote a letter to NMFS and USFWS requesting that the five-year status review be prioritized for the green sea turtle DPSs in American Samoa, Guam and the CNMI. The Endangered Species Act (ESA) requires a review of listed species at least every five years to determine whether the species is to be removed from the list or to change its listing status. As noted, the most recent status review was initiated in 2012 and published in 2015, which resulted in the DPS listing in 2016 that changed status of the Pacific Islands DPSs from threatened to endangered. The DPSs should have been reviewed in 2020. Simonds noted that USFWS has in its work plan to complete the five-year review for the East Coast populations of green sea turtles, so the Council's request is to have NMFS and USFWS include the Pacific Islands DPSs in their work plans. NMFS and USFWS in their response indicated that they would let the Council know when they will be initiating the five-year review. Simonds also expressed disappointment in the Tern Island matter, noting that the Council sent letters requesting the agencies clean up the island. The Council had made suggestions that supplies needed to be sent up to redo the barriers, and clean up, but no actions were taken.

Soliai asked whether the biosampling workshops are planned for the other territories besides Guam.

Jones said the biosampling workshop in Guam will be for the Mariana Archipelago, and PIFSC is working with CNMI DLNR and Division of Fish and Wildlife (DFW) to have their staffs in attendance. The contract for the workshop is through Lynker to host the workshop, and the agency plans to have the contractors conduct biosampling in both the CNMI and Guam. As for American Samoa, Jones reassured Soliai that there are plans in the works to conduct a biosampling summit in American Samoa, but priority was placed on the Mariana Archipelago because of the upcoming Guam assessment followed by the CNMI assessment in 2025. The American Samoa biosampling summit will most likely occur late summer of 2024.

Soliai said it was good to hear a summit was in the plans for American Samoa, noting that DMWR has been challenged with visibility with everything that is coming through the port and entering the trade. When the biosampling program was defunded and discontinued around May 2015, the visibility and insight was completely lost. He expressed interest in continuing the program and discussing funding opportunities to help support for the territories.

Jones said the goal is to reestablish the biosampling program with proper funding, and he is working with Domingo Ochavillo through DMWR. Jenny Suter, PIFSC, and Jones have been investigating the rules definition behind the Fisheries Information Network grants, and how that can support the data collection planned for American Samoa. Jones said the conversations on the super alia should continue, as that would be a great collaborative project to collect samples from the banks.

Dueñas asked why the tuna fishery is not managed as zone-based, and why the data on the tuna fisheries is lacking a report discussing the health of the fisheries. He also asked if PIFSC was analyzing the efficacy of the monuments and impact of the catch rate and size-frequency based on historical catch data. Dueñas expressed concern about the fishery being looked at as a subunit, rather than as a holistic approach, noting that he has not seen any information on the impacts from the PRINMS proposal on the purse seine fishery in American Samoa.

Jones said PIFSC, in collaboration with PIRO, has been responsive to the queries on the sanctuaries. PIFSC provided five data reports to American Samoa. These reports looked at purse seine fishing inside the U.S. EEZ around the PRIA, purse seine fishing outside the EEZ, longline fishing within the region, and total bycatch and protected species interactions. In terms of the efficacy of closed areas, PIFSC have reviewed papers related to the NWHI closures, and Rob Ahrens, PIFSC, is looking to show that some of the small catch per unit effort (CPUE) increases seen are due to the abundance changes prior to the monument. Reports and information regarding this matter has been written up in collaboration with PIRO and provided to the ONMS. PIFSC has also run models to look at the impact of the Southern Exclusion Zone on FKW interactions, fishery redistribution and multi-taxa impacts.

Soliai confirmed that DMWR has received the reports from PIFSC, which clarified the suspected misinformation that has been circulating. He requested that the presentation given at the sanctuary workshop by Keith Bigelow, PIFSC, be presented to the Council somewhere on the agenda at this current meeting. The data show that the purse seine and longline fishing efforts within the PRIA are sustainable, the stock is not overfished or subject to overfishing, and the fishing gear and practices have no negative impacts to the habitat, ecosystem or corals, as it is delineated in the petition to the president for the proposed sanctuary.

Jones said he will have to confer with Malloy and Littnan regarding the request to provide the presentation.

Igisomar sought further clarification on the leatherback turtle project in Indonesia, and what recommendation was provided as an alternative protein.

Jones said the project started around 2015 with funding from NOAA International Affairs to better understand the impacts to Western Pacific leatherbacks and other hard-shell turtles. The Western Pacific leatherback population swims across and forages off of California, Oregon, Washington and British Columbia, and interacts with some of the commercial fisheries. The original idea with PIRO as well as the Council was to look at mitigating threats to hatchlings and nesting females, and FRMD has focused more on the in-water aspects. In terms of the project providing an alternative protein for leatherbacks, PIFSC provided funding to the World Wildlife Fund for five projects, including catching grouper or bottomfish and keeping them alive in surface pens to be sold to Japan as live fish, and setting up a mud crab fishery for local consumption and for sale to Asia, Japan and other areas. Other projects included reducing the direct harvest on leatherback turtles. The projects aimed to explore nesting abundance across Southeast Asia, intending to enhance our comprehension of leatherback turtle population dynamics and subsequently contribute to refining the population model. Jones said he could provide the report from the projects.

B. NOAA Office of General Counsel Pacific Islands Section

Sheffield provided the GCPI report. *Center for Biological Diversity (CBD) v. NMFS* is a new case filed in the United District Court for the District of Hawai‘i in July 2023. CBD is challenging NMFS’s denial of the CBD’s 2020 petition to issue protective regulations for 20 species of threatened coral pursuant to Section 4(d) of the ESA. CBD is seeking declaration that NMFS’s denial of the petition is a violation of the Administrative Procedure Act because it is arbitrary and capricious. CBD is also seeking an order remanding the denial of the petition for a new determination. The federal defense response is due at the end of September 2023.

The *Willie v. Raimondo* challenged NMFS’s 2021 rule prohibiting the approach of Hawaiian spinner dolphins as a violation of the Appointments Clause of the U.S. Constitution. Briefing on the motion for summary judgment has completed, and the order and decision in the case is pending from the courts.

Another CBD case filed in the District Court of Columbia in March 2023 challenges NMFS’s failure to finalize designations of critical habitat for listed coral species under the ESA. CBD is seeking a declaration from the court that the agency violated the ESA and the Administrative Procedure Act. Plaintiffs are requesting an order requiring final designations by a certain date, and the defendants filed a response to the complaint in July 2023.

NMFS was notified Nov. 18, 2022, of American Samoa’s intent to sue if NMFS finalizes the portions of the proposed rule that implements the decision of the WCPFC establishing separate effort limits for the U.S. purse seine fishery on the high seas and in the U.S. EEZ. NMFS sent a response letter in January 2023.

Soliai asked for an update on the rulemaking process related to the American Samoa case.

Malloy said no additional information was available other than that pursuant to the proposed rule, there were public comments which NMFS is carefully reviewing and working with the legal team to determine next steps. There can either be a final rule similar to the proposed rule, a final rule differing somewhat from the proposed rule or the agency can decline the overall rule.

C. Enforcement

1. U.S. Coast Guard

McCollum provided the USCG report. USCG Cutter *Myrtle Hazard* was in Papua New Guinea to join Papua New Guinea’s lead in maritime operations following the recent signing and ratification of the new bilateral agreement between the two countries. The operation focused on safeguarding maritime resources and combating illegal, unreported and unregulated fishing with a ship rider from Papua New Guinea embarked on the *Myrtle Hazard*.

USCG Maritime Safety and Security Team based out of Honolulu conducted Operation Malosi Uso in Pago Pago Aug. 3-24, 2023. During this operation, the team worked with NOAA’s Office of Law Enforcement (OLE), the American Samoa Department of Public Safety, and Customs and Marine Patrol, putting in 50 patrol hours, 24 law enforcement training hours with the local partners and 45 hours of community relations.

Admiral Michael Day signed an expanded bilateral law enforcement agreement with Palau at the end of August 2023. This agreement is similar to the expanded bilateral agreement made with the FSM that was enacted earlier in 2023. This expansion in Palau allows for a USCG team on a cutter boarding team to conduct boardings at the request of Palau, without a physical ship rider aboard. The operation is not yet active, and there are tabletop exercises planned for the upcoming months to streamline the process and exercise the agreement.

USCG, along with federal and local partners, responded to the Lahaina wildfire in August 2023. Seventeen lives were saved from the water and 40 survivors were located ashore by the USCG Station Maui boat crews. The response efforts included sorties covering nearly 700 square nautical miles, as well as the establishment of a security zone three nautical miles north and south of Lahaina, extending one nautical mile offshore. USCG is still engaged in activities to support the wildfire and recovery efforts.

Dueñas commended the USCG on its response in assisting the people of Maui during the wildfire. Dueñas encouraged everyone to donate to the Red Cross in assistance to the dire need in Maui.

Sakoda said he has seen a news piece about the Mala boat ramp still being closed, in which fishermen were suggesting that it be reopened to fishers, and asked if that issue is on USCG's radar and if reopening can be expedited.

McCollum said the issue is not on her radar, but will look into the article and its status.

2. NOAA Office of Law Enforcement

Special Agent Take Tomson provided the OLE report. From June to August 2023, there were 122 incidents opened that consisted of complaints, and reports obtained during patrol. Eighty-two of these incidents were for protected species which included monk seals, turtles and dolphins, and 32 incidents were fishery-related reports, two of which were related to the sanctuaries.

Fines and incidents encompassed two Notice of Violation Assessments, involving a \$122,000 penalty for a purse seine vessel caught setting on marine mammals and a \$10,000 fine for a longline vessel found fishing without the required WCPFC and high seas permits. OLE also issued summary settlements directly outside of the General Counsel Enforcement Sections Office. These included a \$1,000 summary settlement that was issued to a longline vessel that did not have the proper turtle mitigation gear, and another one issued to a longline vessel that did not have the proper seabird mitigation gear. A summary settlement was also issued to a commercial tour vessel off of Waianae approaching within 50 yards of the spinner dolphins.

Tomson briefed on a few of the operations OLE conducted within the Pacific Region, one of which was the Port State Measures agreement inspection in American Samoa. OLE works collaboratively with USCG to conduct boarding of longline vessels as well as mixed patrols to enforce regulations such as the dolphin approach regulations off Waianae. OLE also has offices in American Samoa and Guam, and conducts sanctuary patrols in Guam. An OLE agent on the Big Island worked with USCG to respond to a medical emergency incident that occurred on a vessel. The agent and USCG were able to get the individual off, but the vessel was damaged on the rocks, as this occurred off a remote part of the Big Island. OLE also works collaboratively

with USFWS, most recently responding to monk seals found at the James Campbell National Wildlife Refuge. OLE conducted container inspections for seafood products imported into the United States as part of the Seafood Inspection Monitoring Program, as well as foreign vessel boardings in American Samoa with the USCG Maritime Safety and Security Team.

Dueñas asked about the new OLE agent in Guam.

Tomson confirmed that a new OLE officer was hired for Guam, and is in training.

Dueñas asked if the interactions with protected species are increasing every year, whether the number of animals is increasing in those areas, and whether interactions are purely intentional. Dueñas was concerned that closure of the NWHI to bottomfishing may be related to more monk seals migrating to the MHI, due in part because they no longer get food from the fishermen. He wondered whether a feeding station should be created in the NWHI to take the monk seals back home.

Tomson said he cannot speak to a feeding station, but said there has been an increase in protected species, especially in terms of the commercial dolphin tour industry on the Big Island. Tomson said he thinks this is the reason for the 50-yard approach rule, and the rule is helping OLE enforce it.

Muña asked if the name of the new OLE officer for Guam could be disclosed at this time.

Tomson said the officer will need to graduate from federal law enforcement training first before the person's name can be announced, but noted that the new officer is an experienced person but new to federal service.

3. NOAA Office of General Counsel Enforcement Section

There was no report from the NOAA Office of General Counsel Enforcement Section.

D. U.S. State Department

Brinkman presented the U.S. State Department report. Brinkman introduced a new staff member, Rachel Ryan, who was brought on board as the overall Pacific lead and will become the lead on the WCPFC.

Regarding the South Pacific Tuna Treaty, the negotiations on the new Economic Assistance Agreement has concluded and the Forum Fisheries Agency has signed it. The process will be concluded once the agreement is counter-signed. The talks on the amendments to Annex II of the Treaty are still in the process with regard to terms for 2024 and beyond.

Regarding Commissioner appointments, Dang's presidential appointment for WCPFC is still with the White House for review, but Dang is serving as an alternate in the interim while the permanent action is pending.

E. U.S. Fish and Wildlife Service

Peck provided the USFWS report. Sean Macduff was recently hired as the new superintendent for the Marianas Trench Marine National Monument (MTMNM), and will be based in Saipan. The Marianas Trench Monument Advisory Committee (MTMAC) process has moved from the White House review to the departmental levels within USFWS and NOAA. The MTMNM Management Plan is still in draft form awaiting the MTMAC to officially be seated to finalize it.

Regarding the Pacific Remote Islands Marine National Monument (PRIMNM), the Pacific Community (SPC) is using F/V *Gutsy Lady 4* to conduct a tagging project. This project consists of tagging bigeye, skipjack and yellowfin tuna with acoustic tags to monitor these species around drifting fish aggregating devices (FADs) within the monument units of Palmyra and Jarvis.

A number of projects are ongoing for Palmyra Atoll, including the coconut palm control. The other efforts are the Nature Conservancy Seabird Attraction Project, the Blue Water-Seabird Movement and Foraging Ecology Project, and the Coral Bleaching Tolerance Project.

The Wildlife and Sport Fish Restoration Program is working directly with the Federal Emergency Management Agency to update the ESA Section 7 consultation so that if a FAD is lost during a disaster, they can handle the losses and redeployment of the FADs.

Simonds said the Council has asked the USFWS and NMFS about the MTMAC and MTMNM Management Plan every year, and expressed disappointed that the government establishes these programs, but the process takes forever to actually manage the area.

F. Public Comment

There were no public comments.

G. Council Discussion and Action

Regarding the NMFS reports, the Council:

- 1. Requested NMFS and 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.**

Peck requested that USFWS be added to the recommendation.

Dueñas and Guthertz agreed to the change.

Malloy said NMFS has a habitat focus area dealing with French Frigate Shoals, and will make sure to have a report out at the next Council meeting on the status of that effort.

Moved by Dueñas; seconded by Guthertz.
Motion passed.

Regarding the U.S. State Department Report, the Council:

- 2. Requested that the U.S State Department expedite the appointments of Council designees, Roger Dang as U.S. Commissioner to the WCPFC and Archie Soliai as**

**U.S. Commissioner to South Pacific Regional Fishery Management Organization,
noting that these designations were made in 2021.**

Moved by Soliai; seconded by Igisomar.

Motion passed.

Sword invited members to provide additional discussions on the topics discussed in this section of the agenda.

Malloy provided an update on the MTMNM Management Plan, noting that the MTMAC has yet to review the plan before being finalized, and this is the current holdup. The good news is that the Department of the Interior (DOI) did sign off on the MTMAC membership, and NMFS has done the same and sent it up to DOC for signature. NMFS and USFWS are gearing up for the first MTMAC meeting while the membership approvals are pending.

Guthertz read off her letter previously sent Oct. 24, 2008, to the Assessment Council on Environmental Quality in Washington, D.C. regarding input on the federal government's proposal to establish the MTMNM. Guthertz voiced her opposition to the proposal, as she felt that because Guam is one of 16 areas that are listed under the United Nations as non-self-governing territories, such a proposal violates the resident's rights. The resolution outlined in the letter on behalf of the Guam Legislature expressed support for the CNMI and the Carolinian Affairs Advisory Committee Resolution Number 2008001, opposing the proposal to designate the Mariana Trench as a MNM to the United States federal government. Guthertz, representing the people of Guam, expressed support for the CNMI government's position that designating the CNMI MNM would be a permanent and nearly irrevocable federal action. It underscored the importance of considering the needs and perspectives of the CNMI people, and the potential missed opportunities for economic benefits in the CNMI.

Sword requested that Guthertz's letter be entered into the record for this Council meeting.

Dueñas said conditions in Guam have gotten worse with the federal government deciding to give away 1,200 square miles of the U.S. EEZ around Guam to FSM. He expressed his frustration toward the federal government deciding to give the deepest and darkest place on earth to FSM who practices industrialized fishing, when there is no industrialized fishing in Guam.

Soliai expressed his frustration for the federal government in relation to American Samoa, noting that Guam and the CNMI no longer have the sanctuary problem. American Samoa is facing dire circumstances, as policies on the federal level are being done without due consideration to the small communities that they impact. Having zero representation in the Senate and nonvoting delegates in the House adds to the constraints. American Samoa continues to be marginalized because of its location and under-representations, which is seen as a continuous problem. He also said he does not understand the relationship that American Samoa has with the U.S. State Department as it relates to WCPFC, as most of the time he feels American Samoa is being censored in what it can do or say when trying to advocate for the best interest of the people of the territory.

VII. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Dang provided his Moku Pepa report on the commercial fishing industry. Hawai'i longline fishermen designed the fighting line device (FLD) to improve handling practices for FKWs. In practical application, the FLD is slid down to the branch line so that it catches on the weighted swivel and the crew can then use a strong rope as opposed to monofilament to bring the animal closer to the boat. The FLD is intended to help straighten hooks out of the FKWs and allow safer handling of sharks by preventing fly-backs and facilitating the removal of as much fishing gear as possible and as close to the hook, or dehooking the animal. The Hawaii Longline Association (HLA) has manufactured 150 FLDs to be distributed to the fleet and has been working with PIRO to establish a formal training program. Regarding observer coverage, industry has strong concerns over PIRO not being able to meet the 20% observer coverage levels since this has a strong impact on the accuracy of the data for PIRO to effectively manage the fishery.

Ramsey provided his Moku Pepa report. Summer is a time of abundant baitfish and trophy fish. The 'oama (juvenile goatfish) and halalu (juvenile bigeye scad) have arrived as indicated by fishermen standing around in circles along the shoreline. With the appearance of these baitfish, there has been a strong bite for 'ahi, uluas and marlins. A 129-pound 'ahi was caught from a kayak, a 116-pound ulua was caught from shore and an 834.5-pound marlin was caught during the Kona Throw Down.

With the effects of the Lahaina fire, there were positive stories that are coming out for the fishing community. Fishing tackle shops, charters and different types of clubs have banded together to provide tackle, gear, experience and funding for fishermen and for community members of Lahaina. The fishing community has come together to donate a food and fishing gear to those families that were affected by the fire.

Kamaka'ala reported marine mammal strandings have allowed Hawaiians to grow their understanding of their indigenous relationship and the kulana (responsibility) that comes with marine life, especially turtles. Practitioners from the community said honu (green sea turtles) were used for food, medicine and to connect with their culture as some families have 'aumakua (personal or family god) that are honu. In light of the Hawaiian revitalization, she hopes that there will be an opportunity for her people across Moananuiākea to be able to partake and celebrate their culture. Living in Keaukaha, Hilo, she has witnessed the beauty of their honu, yet it is heartbreaking when they fall ill and believe Hawaiian practices can help to play their role.

Rapid 'ōhi'a death has killed trees that play a key role to capture moisture to replenish aquifers. Over time, scientists reported the trees have built a resiliency to the disease. In hula, she has seen how halau (hula groups) gather and use 'ōhi'a logs for cultural practices by burning them and using it as dye, despite the disease, which may serve a deeper purpose in 'ōhi'a regeneration. Although the Lahaina fire was and is devastating, indigenous peoples worldwide recognize that fire serves an important function for regeneration. Those details about the beauty and wealth of Hawaiian indigenous practices have connections with green sea turtles and their marine environment.

B. Department of Land and Natural Resources / Division of Aquatic Resources Report

Bryan Ishida, DAR commercial fisheries biologist, presented the DLNR report for May 2023 through July 2023. As of the end of July, 355 commercial marine license (CML) holders reported 1,979 trips and caught 191,782 pounds of mixed deep-seven species. The current season's catch trend is just above the 2021 to 2022 season and below the 2017 to 2018 season. Landings have been high for the past five seasons, which is attributed to high seasonal landings in December, with December landings in 2022 being the highest on record since 2017. Compared to the 10-year average, there was an observed drop in 'ōpakapaka catch based on the last three of four fishing years. Landings of gindai remain above average.

By the end of the reporting period, which included the closed season, 14 CMLs reported 42 trips and caught 3,628 pounds of Kona crab. The season reopened Sept. 1, 2023.

Regarding the uku fishery, 161 CMLs reported 507 trips and caught 29,862 pounds. A steady catch was observed steady catch throughout the year, although the summer seasonal peak in uku landings was not apparent.

By the end of the reporting period 1,880 licenses were issued or renewed for revenue of \$265,550. There has been a persistent decrease in the amount of CMLs, which is largely attributed to the decline in non-longline associated requests over time, whereas the request for longline-associated CML is steady or increasing.

Three permits were issued for the Papahānaumokuākea Marine National Monument during the reporting period, of which one was a conservation and management permit, one was a research permit and one was special ocean use permit. The permit coordinators group is reviewing three permits, all of which are seeking access into the monument in 2024.

In May, 11 FADs were replaced, two were serviced and one was reported as missing. There was no new activity logged in June, and one FAD was recovered in July.

Regarding aquatic invasive species (AIS), the DAR Ballast Water and Biofouling Program began assisting NOAA with AIS hull inspections for vessels that apply for permits to enter the monument. DLNR Chair Dawn Chang signed a multistate letter regarding expectations for future USCG Vessel Incidental Discharge Act State Engagement meetings. This letter addressed issues experienced during the Environmental Protection Agency (EPA) engagement process. The DAR AIS Team has been working with multiple partner agencies to plan a response to an invasive octocoral of high concern in Pearl Harbor. A workshop was held in June to create a framework for the response. Kim Fuller, AIS biologist, reported at the workshop that the team does not know where the invasive species came from, but there was evidence that it may be due to an aquarium release. Octocoral is of concern because it has had pretty major impacts on coral in other areas.

In early August, DAR held statewide hybrid meetings on amendments to allow the take of female Kona crab and to extend the closed season by one month from May through September. DAR is reviewing and analyzing testimony received. On Aug. 17-18, 2023, DAR held hybrid public rulemaking hearings on draft rules for commercial marine dealer licenses, commercial marine vessel licenses, and non-resident recreational marine fishing licenses. A third hybrid meeting will be held Sept. 17, 2023, with in-person host sites on Maui, Moloka'i and

Lana‘i. A meeting that was scheduled for September 27 was postponed for Maui due to the Lahaina fire.

Simonds asked if DAR could report on the activities with ONMS. There were a couple of the informational pamphlets that DAR and ONMS developed and asked if this could be shared with the Council.

Ishida said DLNR has been working with ONMS to do the Hawai‘i portion of the Joint Environmental Impact Statement, specifically the Cultural Impact Assessment. There is a draft in review, and Ishida said they could provide copies of the document once they are ready for broader review.

C. Proposed Pacific Remote Island National Marine Sanctuary

1. Review of Fishing Regulations in the Pacific Remote Island Areas

Brady Phillips, ONMS project manager for the proposed PRINMS, provided an update of the proposed sanctuary designation process. The president directed the Secretary of Commerce to consider making the submerged lands and waters around the PRIA a NMS. Following the presidential memo, ONMS issued a notice of intent to prepare a draft environmental impact statement (EIS) and kicked off the public comment period. Following the public comment period, ONMS began development of the draft EIS, including the agency's preferred alternative and a draft management plan. Although the public comment period has closed, ONMS has continued to engage agencies through consultation and informal meetings. In response to the concerns of the Pacific Islanders, ONMS held a workshop in American Samoa to learn more about the effects of the proposed sanctuary on American Samoa's economy.

ONMS has begun to develop materials that will be part of its draft designation documents, including the management plan, EIS and the proposed rule. The EIS development will occur throughout fall and winter 2023, and the agency is awaiting the Council's recommendation as part of the 304(a)(5) process. Once ONMS receives the Council's recommendation, more public meetings and workshops will help the public digest the draft plan in spring 2024. Comments received will influence the final decision to designate a NMS in the PRI. ONMS held seven in-person and virtual public meetings, with about 360 people attending in-person and approximately 179 attending virtually. One out of every four people who participated in the meetings commented orally. ONMS is reviewing and analyzing approximately 57,000 comments it received from submissions through www.regulations.gov, mail, email, or at public meetings. Some of the comments received include petitions from the cannery in American Samoa to various environmental organizations that send out letters to their members to encourage them to send in comments. Public comments provided suggestions for sanctuary boundaries, fishing regulations, and the use of existing authorities to expand enforcement to fill in gaps for existing enforcement.

ONMS acknowledges there are existing fishery management regulations and is exploring how it can better coordinate and collaborate with the existing framework of the current PRIMNM. There is a lot of information on existing fishery management regulations and plans in the area, both within and outside the existing monument, external to the monument and outside the U.S. EEZ. The Presidential Memo mentioned the existing renaming process, which the DOI

and NMFS are currently working on and ONMS has been invited to participate. Comments received included suggestions on a process for renaming the islands, the monument or the sanctuary itself. Comments also included recommendations for the management plan, and content or process for the EIS.

On June 23, 2023, ONMS sent the 304(a)(5) letter to the Council, which provides the Council the opportunity to draft fishing regulations that are consistent with the goals and purposes of the proposed sanctuary, the National Marine Sanctuaries Act and the Presidential Memo. The Council has 180 days to respond, and that deadline is Dec. 20, 2023. ONMS will use the input from the Council to finalize the alternatives, including the development of the preferred alternative before NOAA (ONMS and NMFS) releases the draft plans in spring 2024 and holds more public meetings.

ONMS developed the goals and objectives to be consistent with the Presidential Memo. Along with the ONMS letter, NOAA indicated that the current regulations for the PRIMNM in Part 665, subparts E and H, if applied to the full extent of the proposed sanctuary, would be consistent with the goals and objectives of the proposed sanctuary. However, the letter does not state that regulations that do not prohibit commercial fishing to the full extent of the EEZ would be inconsistent with the goals and objectives of the proposed sanctuary. This provides more flexibility for the terms of the alternatives that would be considered moving forward. Other goals relate to governance, which considers how ONMS may best work cooperatively with the existing monument and its regulatory structure, and add any necessary protections. Part of the governance goal is determining how to develop a governance structure that does not duplicate but complements existing structures, while providing the most comprehensive and lasting protection to the significant natural and cultural resources.

The partnerships goal considers how ONMS can develop partnerships to help build and build upon the work that has been done there so that they can be more effective, including with those that already work in the PRIA such as NMFS, Council, USFWS and The Nature Conservancy. The Presidential Memo calls out honoring and celebrating the cultural history and legacy of Pacific Islanders, leading to the goal regarding indigenous and local community engagement. The goal regarding and monitoring considers pathways to collaborate and utilize ONMS's position within NOAA to support ongoing efforts or prioritize other research and monitoring aspects. The goal regarding education and outreach is an area that ONMS excels at through virtual learning, connecting people in cultures and interpreting the resources and the cultural connection to these areas to the broader community.

Sword asked if ONMS has made any progress in analyzing the comments received and if there was a breakdown of the 57,000 comments on whether they came from the fishing industry and American Samoa compared to other parts of the world. During the hearing, there was a discussion that some of the comments received were from 2014. Sword said it would benefit the public to understand the community's perception.

Phillips said ONMS had yet to analyze all the comments following the workshop in American Samoa. However, they will have a summary of the comments received as an appendix of the EIS. They are trying to pull out statistics on how many petitions and letters were received from non-governmental organizations. From there, they will look at the breakdown of comments by island area. Phillips said ONMS did not include comments from 2014, but rather there were

attachments as supplementary materials to comments from research papers that could have predated the comment period.

Igisomar said the nomination for the Mariana Trench was removed from the consideration for sanctuary designation. Although the CNMI was happy, the CNMI leadership is slightly suspicious of the outcome. The previous CNMI governor submitted a request to remove the Mariana Trench from the designation list, but there has yet to be a reply. The current governor submitted another follow-up request to be removed from consideration. To this day, the CNMI administration has not received an official response from ONMS. However, some folks who participated in the proposal period, such as the Friends of the Mariana Trench, realized through public outreach how much the people of CNMI do not want the sanctuary designation, and sent in a letter saying they are pulling back their support for designation. A response from ONMS to those groups was swift, but ONMS ignored the governor. Igisomar said there is something wrong with the system, allocating weight for decision-making in a bizarre manner in that special interest groups seem to have more weight in their voices than the elected leaders of the Mariana Archipelago. He asked if an official letter was coming to their elected leaders.

Phillips said it was his understanding that about a week ago, and as part of the rollout of the decision to remove the proposed Mariana Trench NMS, NOAA contacted the governor's office directly. Although he was not the point of contact, he will follow up on the status of that correspondence.

Igisomar said the governor's office has yet to receive a reply from NOAA.

Phillips said he would follow up personally.

Sword said the territorial governors wrote to the president of the United States on this issue, and there still has been no response from the White House.

Igisomar said it shows that the system needs to be improved. The territories' leaders are in the roles because the people feel they have the qualities to represent these territories and jurisdictions. But for one reason or another, they are not getting responses from their national leadership. He was happy that ONMS held a workshop in American Samoa and agreed that it opened up a lot of eyes to information that was made clear. Regarding one of the goals for the proposed sanctuary, Igisomar said ONMS should prioritize indigenous communities' engagement. During some of the presentations at the workshop, there were a lot of emotions. People were crying not because they are very emotional people but because they are very passionate about things of importance. They could be full of anger, like in other regions where livelihoods are threatened, but the people in the Pacific show their emotions delicately. He was happy that the NOAA leadership went to the cannery so they could feel the heart of the tuna that sustains that economy. He recommended that the Council have the opportunity to review a pre-release draft EIS to ensure the alternatives are in line with Council recommendation.

Phillips said he would take the Council's request back to the agency and determine what it is allowed to do with a pre-decisional document. ONMS will continue to work with NMFS and others to develop the EIS. ONMS recognizes many people are involved and connected to the fishing industry that it did not even realize. ONMS heard the American Samoa Government (ASG)'s message that the cannery is essential to the American Samoa in so many ways. The

agency will be factoring that into alternatives to be developed, although he cannot say what it is considering at this time.

Muña said it was pivotal that ONMS engaged the American Samoa community in this process, noting that it was a game changer and a bar-setter for how the federal government should engage the local jurisdictions. Efforts should be made to incorporate more of the indigenous perspective, especially in light of all the attention given to Executive Orders (EOs) 13985 and 14031 and other related EOs. Given the framework of the American Samoa workshop, all NOAA offices and other federal entity offices should consider these types of workshops before scoping meetings to allow the agencies to understand the whole picture from the local jurisdictions about how these actions will impact the communities versus three-minute snippets for comments. She asked if the proposed PRINMS would allow commercial fishing.

Phillips agreed that the workshop held in American Samoa could be used as a future model of better dialogue and more meaningful dialogue of back and forth and exchanging ideas. ONMS has considered holding additional workshops in Guam, the CNMI, American Samoa and Hawai'i. Before the agency hosts future workshops, ONMS requests that people focus on the plan's content and help ONMS understand the concerns of the alternatives. The agency knows that the public comment allowance of three minutes is not the Pacific Island way of engaging, and it looks forward to the next round of conversations with the development of the EIS. Phillips acknowledged that a certain amount of commercial fishing does occur in all NMSs. Under the National Marine Sanctuary Act (NMSA), ONMS has the authority to regulate activities that may be harmful to sanctuary resources, which is addressed on a case-by-case basis. The purpose of the 304(a)(5) consultation process is to work with existing entities to determine if there is a gap and whether there is a need for additional protection, and for the most part ONMS does not manage commercial fisheries and works with the Council and NMFS in that process. However, there are times when ONMS has worked with states and others to regulate certain types of gear. For example, in the Florida Keys, ONMS regulated dropping lobster traps on coral reefs for future habitat to support these species. Another example is the proposed Chumash Heritage Sanctuary that ONMS announced in Central California, where the analysis done upfront determined that no additional fishing regulations were needed. Commercial, recreational, subsistence and cultural fishing do occur in sanctuaries.

Dueñas said he was dismayed that the unreal factors caused this whole exercise because the president wanted to prevent damage to the island ecosystems. He said people are misinformed, noting that purse seine and longline fleets do not set their nets and lines in waters shallower than 1,500 feet. The agency should be honest about what it is promoting because the effort to close down these areas has nothing to do with conservation. Council staff created a map that shows who and where the fishing effort is from. The problem is that these vessels will go into these areas, turn off their vessel monitoring system, and catch fish in U.S. waters. USCG serves an excellent purpose for the nation's safety, but it can only be at certain places at a time. He was deeply concerned about the number of people who are proponents versus opponents. The Council examines the facts and how it can help the different island areas. He said equity and environmental justice (EEJ) principles should be applied to the initiative from Hawai'i to rename the PRIA with Hawaiian names, and the Chamorro people should have priority to name the island closest to the Mariana Archipelago. The island people are the greatest on earth and have shown respect to the ocean. The U.S. purse seiners are not devastating the marine environment, and the United States cannot control the foreign fleets.

Simonds said the discussion so far has focused on process, but said the bigger picture is about how the United States is managing fisheries in the region. The maps are suggesting that the United States is managing fisheries with monuments and sanctuaries, which is federal overreach from her and the Council's perspective. Simonds asked who the winners and losers are, and the benefits of overlaying a sanctuary on a monument and extending the monument with a sanctuary.

Phillips said ONMS will analyze a range of alternatives as part of this proposal. ONMS received the Presidential Memo that directed the agency to consider the designation of the NMS of the PRIA over the existing monument and out to the fullest extent of the EEZ. Regarding benefits, NMSA can provide additional enforcement capability, or at least civil penalties, if there are violations. It allows ONMS to have a clause related to injury damage to resources. If somebody injures, destroys, causes a loss of, or injures a resource, ONMS can take civil actions to recover the damage.

Simonds asked how the sanctuary designation would benefit the U.S. fisheries since no foreign fishing is allowed in U.S. waters. She said the actual beneficiaries of the sanctuary are the foreign countries. Based on information from Global Fishing Watch, foreign countries like China, Japan, Korea and Taiwan are fishing along the U.S. EEZ. The sanctuary is a federal overreach of management with monuments and sanctuaries. When the president handed down the order to NOAA, the agency already had the proposal from the Pacific Remote Islands Coalition, first as a monument and second as a sanctuary. Since NOAA is under the DOC, she thought NOAA would consider all of the science and have discussions with the White House about the effects of the proposed sanctuary in the Pacific. Looking at the big picture, the United States is losing. China had zero purse seine boats in 2000, and it now has 70 vessels. China had 40 longliners a few years ago, and now it has more than 400. The United States has allowed foreign countries to benefit from regulations that are not necessary, according to all the science reports.

Igisomar said the Council may want to allow the fisheries to continue fishing around Johnston Atoll and Jarvis, which have been an essential resource to the Hawai'i longline fishery. For the Council and American Samoa, Howland, Baker and Jarvis are important areas.

Dueñas asked if Palmyra was a part of the proposed sanctuary designation. In the past, some millionaires spent \$25,000 to catch bonefish, while Samoans were denied the same opportunity. He asked if NOAA could include Palmyra in this exercise because these designations were only created for the rich and famous since only they can afford to visit the area.

Ramsey invited Bigelow, PIFSC, to give his presentation from the PRINMS workshop in American Samoa to the Council.

Sword said a local TV station broadcasted the workshop, and it was also available on Facebook.

Bigelow provided an overview of the big picture effects of the proposed sanctuary on the American Samoa cannery, fishing fleet and economy. He said four representatives from PIFSC attended the workshop, and he and Justin Hospital provided the presentation. Regarding the geopolitical landscape, the Pacific Ocean is Earth's most prominent ecological feature. \$11 billion of fish are landed in the Pacific every year, with more than four million metric tons (mt)

caught. None of the species caught for the cannery are overfished or experiencing overfishing. Skipjack tuna is the top landed species in the Pacific, followed by yellowfin, bigeye and albacore. These species have the same general life history characteristics. They grow fast, reproduce young and are incredibly productive. The purse seine fleet catches fish 10 degrees north and 10 degrees south. Compared to catch in the Eastern Pacific, Atlantic and Indian Oceans, where most of the catches are taken on the high seas, 80% of fish caught in the Western Pacific are in the EEZs of Pacific Islands. The catch is much more spread out for the longline fishery than the purse seine fishery.

The U.S. longline fishery used to catch fish in the PRIA, mostly in Johnston, Kingman, and Palmyra, at about 1,400 mt per year, whereas no longline catch occurs in Howland and Baker since it is too far for the vessels to operate. Following the establishment of the monuments, U.S. longline catches have ranged from 242 to 573 mt per year. More recently, catch has been limited to open areas in Kingman and Palmyra, with about 125 mt. In contrast, Howland and Baker were essential for the U.S. purse seine fishery, with about 37,000 tons annually in the PRIA prior to 2008. About 400 to 3,800 mt annually came from Howland and Baker and Kingman and Palmyra between 2009 and 2014. In 2021 and 2022, the fleet caught more than 5,800 tons, as a result of the productive El Niño years and availability of fishing days in the PRIA and the high seas. It costs the purse seine fleet approximately \$10,000 to \$13,000 per day to fish in the PRIA. Eighty-five percent of the PRIA catch was landed in Pago Pago, American Samoa.

Not many protected species interactions occur in the purse seine fishery, with only three sea turtle interactions and 32 oceanic whitetip shark interactions between 2008 and 2022. Approximately 4.6 million hooks were observed from 1997-2009 compared to the 2009-2013 and 2013-2022 periods when effort decreased.

The annual economic value of the purse seine fishery is approximately \$800,000 to \$10 million per year, depending on where it fishes. The longline fishery is valued at approximately \$237,000 to more than \$4 million per year. EEJ is an important consideration for the sanctuary process.

Bigelow provided an overview of the conservation value of closing off large areas of blue ocean. Several ocean areas and pelagic habitats have been closed, most notably in the NWHI, Cook Islands, New Caledonia, Northeast Australia, Pitcairn, Palau and the Phoenix Islands in Kiribati. There are not a lot of studies that illustrate the benefit of closing blue water habitats. One study conducted by John Hampton, SPC, and his colleagues analyzed the effect of how large oceanic marine protected areas (MPAs) contribute to tuna conservation. In 2015, Kiribati established the Phoenix Islands Protected Area (PIPA), where the fishery had a history of landing approximately 100,000 tons of tuna annually. The PIPA was intended to protect a significant spawning ground for tuna and the Kiribati government claimed that closing PIPA would be the single most effective act of marine conservation in history in preventing skipjack tuna from becoming depleted. The analysis in the Hampton paper showed that there is no real effect on the trajectory of the spawning stock biomass from the PIPA closure, or even from closing 30% of the Pacific Ocean to fishing. One of the key messages from the study was that management should specify the objectives of large oceanic MPAs and their potential impacts on fish stocks should be evaluated before implementation. Secondly, the study shows that large-scale oceanic MPAs such as the PIPA should not be expected to generate significant

conservation benefits for tuna. Third, much larger closures, such as 30% of the Western and Central Pacific Ocean (WCPO), generate only modest increases in stock-wide biomass. Fourth, tunas have wide distributions and are highly mobile, and MPAs do not control the level of fishing activity and instead redistribute the fishing effort to somewhere else. Finally, noting that none of the key tuna stocks in the WCPO are overfished, it is unclear what threats are being addressed by these closures.

During La Niña years, the skipjack tuna have an affinity for that warm pool in places like Papua New Guinea and the FSM. During strong El Niño, the warm pool expands to Kiribati and the PRIA, and the skipjack go with them. There are a variety of climate change papers on pelagic resources. If the warm pool from the El Niño years continues to expand, many species may be displaced to the Central and Eastern Pacific. Other resources that may need to be considered in the sanctuary designation include benthic resources, which are limited within the PRIA, but there are concerns that there may be more vulnerable resources like slow-growing precious corals that may be impacted by future deep-sea mining activities. There are no records of bottomfishing occurring in the PRIA, but there may be some seamounts that hold bottomfish.

Soliai thanked Bigelow for his presentation and hoped that the data presented by PIFSC would clarify the potential effects of a sanctuary to ONMS, noting that PIFSC's information about fishing effort in the PRIA is contrary to what the proponents of the sanctuaries had presented to the president. Regarding key messages on the impacts of large-scale MPAs, Soliai said the Council should look to ONMS to clearly specify the objectives of the sanctuary and the impacts to fish stocks, noting the fish stocks are not overfished or experiencing overfishing. Regarding climate change, it is alarming that warmer waters could push stocks to the east into fishery closures that could further impact the sustainability of the cannery. If so, the Council should ask ONMS to clarify the objectives and what the benefits are from further closures and who benefits. Based on the scientific advice that the Council has received, U.S. fisheries are not going to benefit from the closures, and foreign countries will be the winners.

Bigelow said the key messages from the Hampton paper are those that ONMS should consider to answer the question of whether there is a necessity for a sanctuary and if there is, what the components of a sanctuary would look like.

2. Options for Developing Fishing Regulations in the Proposed Pacific Remote Islands Sanctuary (Initial Action)

Joshua DeMello, Council staff, provided an overview of the Council's action under the NMSA 304(a)(5) process to develop fishing regulations. The PRIMNM was designated Jan. 6, 2009, through Presidential Proclamation 8336. The PRIMNM was further expanded through Presidential Proclamation 9173 in September 2014. In 2022, there was a request for an expansion of the monument. On March 11, 2023, the Pacific Remote Islands Coalition sent a nomination for a NMS to NOAA. Ten days later, President Biden issued a memo directing action for NOAA. According to NMSA 304(a)(5), the Council has until Dec. 20, 2023, to decide on developing fishing regulations for the proposed sanctuary. Of the eight objectives, the first objective under goal one is to establish the most comprehensive and lasting level of protection for the resources of the PRIA by extending the existing protections of the monument to the full extent of the U.S. EEZ. The Council can determine whether changes to the monument fishing regulations are

necessary and develop fishing regulations, decline to make fishing regulations, or determine that regulations are not necessary.

The existing fishing regulations were reviewed to inform the Council's decision regarding fishing regulations. The Council may evaluate the environmental effects of fisheries, and consider the need to rely on the established conservation metrics as the goals and objectives are flexible to specific metrics. As part of the review, the Council can compare the current catch of target stocks relative to maximum fishing mortality thresholds, current take of protected species, or impacts on habitat.

In the PRIA, federal permits and reporting are already in place for pelagic longline, troll and handline, squid bottomfish, crustaceans, precious corals and coral reef ecosystem fisheries under the MSA regulations. The federal regulations prohibit poisons and explosives, bottom trawling, bottom-set gillnets, drift gillnets and nonselective gears. There are no-take MPAs from zero to 50 fathoms around Jarvis, Howland, Baker and Kingman. The Council also put in regulations for the PRIMNM prohibiting commercial fishing and permitting noncommercial and charter fishing inside the monument area. The U.S. longline fisheries have additional requirements for observer coverage, required gear and handling protected species workshops, and annual catch quotas for bigeye tuna. Fishing regulations for the U.S. purse seine fishery include mandatory vessel permits and endorsement requirements for a larger restricted fishing area around Wake, Johnston and Jarvis. The U.S. purse seine fishery also has mandatory observer coverage, gear and handling requirements, and vessel effort limits for the purse seine fishery in the EEZ and high seas.

For noncommercial fisheries in the PRIA, fishing permits and non-longline fishery permits have been in place since 2014. The request for permits noncommercial bottomfish and troll and handline fisheries in the PRIA have declined over time, with zero fishing permits issued in the three years since 2020.

As part of the letter regarding the 304(a)(5) package, NOAA stated that the current regulations for the PRIMNM, if applied to the full extent of the proposed sanctuary, would be consistent with the goals and objectives of the proposed sanctuary. Noncommercial fishing is allowed in the PRIMNM, so that fishery would be consistent with the existing goals and objectives of the proposed sanctuary if the Council chooses to allow or permit noncommercial fishing in the non-monument areas.

When the monument and the subsequent expansion occurred, there was an observed drop in U.S. commercial longline fishing effort around Jarvis and Johnston because these areas were closed. Some U.S. longline fishing activity still exists around Kingman Reef and Palmyra, but the data are confidential from 2017 onwards. Jarvis, Howland and Baker served a big part of the fishery for the U.S. purse seine. In the last three years, there has been an uptick in efforts around Palmyra. The maximum catch for the skipjack in the PRI was 5,889 mt between 2014 and 2022, compared to the maximum sustainable yield (MSY) of 2.93 million mt for skipjack in the WCPO, or 0.2% of MSY. That level of catch is very low, thus impacts on the stock are not expected. The tuna stocks are not overfished and are not subject to overfishing.

Preliminary data from NMFS on protected species indicates a low level of interactions. Since 2014, the U.S. purse seine fishery interacted with two turtles and 22 oceanic white tips,

and the U.S. longline fishery interacted with two giant manta rays, three leatherback sea turtles, an olive ridley sea turtle, a Laysan albatross and 58 oceanic whitetip sharks. Based on the biological opinions prepared by NMFS, the current longline fisheries and purse seine fishery do not jeopardize the continued existence of any of these protected species, meaning that these fisheries are not expected to reduce the survival and recovery of ESA-listed species.

Regarding fishery impacts on habitat, the longline fisheries operate between the surface and a depth of up to 400 meters, and the purse seine fishery operates at shallower depths. Both fisheries do not involve anchoring and are not known to affect the sensitive habitat areas that concern the sanctuaries and monuments. While there are concerns about derelict fishing gear and marine debris, common gear types found in marine debris include trawl and drift nets, which the purse seine and longline fisheries do not use.

The Council can decide whether the existing fishing regulations are sufficient to meet the goals and objectives of the proposed sanctuary. If the current regulations do not meet the goals and objectives, then the Council could discuss what additional regulations are necessary. If the Council needs additional information, it could request additional information and analysis for its final consideration at the December 2023 meeting.

Soliai asked which NOAA division provided guidance for the June 23, 2023, letter the Council received that mentioned existing noncommercial fishing regulations are in compliance with the goal and objectives.

DeMello said the guidance came from ONMS, but the overall NOAA makes the decision. He deferred to the PIRO regional administrator to provide further clarification.

Malloy said the letter and guidance were from the National Ocean Service Director Nicole LeBoeuf, under which ONMS is a branch. She said the decision will be made as a one NOAA entity.

D. Main Hawaiian Islands Deep-Seven Bottomfish Stock Assessment Western Pacific Stock Assessment Review Terms of Reference

Felipe Carvalho, PIFSC Stock Assessment Program Lead, provided an overview of the Terms of Reference (TOR) for the Deep-Seven MHI Bottomfish Stock Assessment WPSAR. The deep-seven MHI bottomfish complex comprises the following species: hapu'upu'u, onaga, ehū, 'ōpakapaka, kalekale, gindai and lehi. In 2021, PIFSC conducted the benchmark assessment of the deep-seven bottomfish complex, where it found that the stock was not overfished or experiencing overfishing. The WPSAR schedule coordinates the region's stock assessment process, and the MHI Deep-Seven WPSAR meeting will be held in December 2023.

There are four stages of the stock assessment process: 1) gather all the data; 2) develop the population models; 3) conduct the stock assessment review; and 4) publish the stock assessment report. During the stock assessment review, a panel will review the assessment and report on whether it aligns with the review's TOR. An SSC member has chaired this process, and at its 149th meeting, the SSC nominated Steve Martell to chair the WPSAR panel for the deep-seven stock assessment review. Two independent reviewers selected by NOAA will support Martell in the review. The reviewers will base their evaluations on the TOR, comprised of 12

questions that are pre-submitted to the WPSAR steering committee. The SSC reviewed the TOR at the 149th meeting, and the Council was asked to provide input on the TOR at this meeting.

E. Hawai'i Uku Fishery

1. Uku Ecosystem-Based Fisheries Management Project

Savannah Lewis, PIRO Sustainable Fisheries Division, provided an overview of the objectives of the MHI Uku Ecosystem-Based Fisheries Management (EBFM) Project. EBFM is a management tool that considers fishing activities, biological and environmental variables, habitat, socioeconomics, fishing, culture, the community and all impacts into the fisheries management framework.

In October 2022, the Joint Regional Working Group held the regional EBFM workshop between the Council, PIRO and PIFSC staff to discuss EBFM priorities in the region. This workshop outlined two objectives for the Joint Regional Working Group that included providing an update to the Council and identifying how and where EBFM could be implemented into management. As part of the work for implementation, the working group developed a template for a pilot study for the MHI uku fishery with a strong focus on community and stakeholder engagement. The working group settled on the MHI uku fishery because the population is healthy, and it is not overfished or experiencing overfishing. This fishery is important both commercially and noncommercially. In 2020, there was a stock assessment of the MHI uku fishery, and the Council requested a MSE on uku focusing on allocations. This evaluation provided the working group an opportunity to determine how to collaborate with local partners.

The project objective is to evaluate where EBFM can be achieved within the stock assessment framework. The second objective is to develop a flexible and nimble management framework that works both at the federal and state levels to ensure there is complimentary management since this fishery operates in both state and federal waters. PIRO will be working to establish and maintain community engagement throughout the whole process to see how and where it can bring climate change impacts into management.

This is a three-phase project that takes place over three years. Phase one is to identify and develop ecosystem indicators. Phase two is to combine and inform. Once ecosystem indicators are identified, PIRO will explore combining them with a management framework through MSE, which will be included in the benchmark stock assessment. Finally, the third phase is the completion of that benchmark stock assessment. Before talking about regulations and implementation, the working group plans to have a review both internally and externally with the community to ensure that what has been developed is achievable.

Under the uku EBFM project, smaller projects are planned to inform and develop the socioeconomic variables. Through the MHI Uku Ecosystem and Socioeconomic Profile (ESP) Report Card, the working group will discuss what types of management framework would best serve management and the community. Through community engagement, the working group hopes to determine the best ways to ensure they are informed throughout the process.

Soliai said the sanctuary workshop in American Samoa set the bar for community engagement to understand the importance of fisheries to all jurisdictions. He asked what type of feedback the working group is looking for regarding the MHI uku fishery.

Lewis said the working group has not yet had the opportunity to engage the fishing community, but it is exploring pathways for engagement. When she presented to the Hawai‘i Advisory Panel (AP), members said they wanted to be involved and engaged in the process. The working group wants to establish good partnerships moving forward and hopes to hold workshops on each Hawaiian island to meet with different stakeholders. Funding is limited, and the working group needs to pick and choose how best to target the communities.

Soliai said the working group should engage the communities early and often to ensure transparency.

Ramsey said if the working group is focused on uku, there are opportunities to talk with many stakeholders. He asked if the working group would engage the Native Hawaiian communities to identify ecosystem indicators.

Lewis said the socioeconomic indicator project was still in the development process, and the working group will look at the best pathways to engage the Native Hawaiian communities. There are many partners, including PIFSC, PIRO, Council and the State of Hawai‘i, and she will ensure this feedback is provided to the working group.

2. Main Hawaiian Islands Uku Ecosystem and Socioeconomic Profile Report Card

Adam Ayers, PIFSC, provided an overview of the MHI Uku ESP Report Card. The Alaska Fisheries Science Center developed the ESP as a standardized framework to bridge the gap between stock assessments, fisheries management, and ecosystem and economic assessment. Its purpose is to summarize essential ecosystem and socioeconomic factors that PIFSC could incorporate into future stock assessment processes and use for management advice.

The development of an ESP involves a four-step process. The first step is to identify the stocks of interest and synthesize existing research and literature in step two. Step three entails the analysis and testing of selected indicators, and finally, step four focuses on communicating the findings with fisheries managers and the fishing communities.

In 2022, PIFSC created an ESP specifically for the MHI uku fishery, serving as a proof of concept for future ESPs in the Pacific Islands Region. The ESP report card's primary goal is to enhance communication with fishing communities and managers while monitoring fishing dynamics.

During the report's development, Ayers conducted interviews with seven scientific and regulatory experts, along with 12 uku fishers using various gear types. They emphasized the social and economic importance of the uku fishery for both commercial and noncommercial sectors, with most of the catch remaining in Hawai‘i. Furthermore, the uku fishery is a fallback option for the ‘ahi and deep-seven fisheries. While uku-targeted trips are infrequent, they contribute to the resilience of the small-boat fleet.

The draft ESP report card provides insights into fishery performance over the past decade, including information on catch statistics, socioeconomic data, and key observations from fishers. For instance, it notes that uku targeting decreased in 2022 due to productive ‘ahi and onaga seasons.

The ESP incorporates socioeconomic indicators and utilizes the Granger causality test to examine how fuel costs, catch volume, and job availability influence fishery participation and effort. Following the finalization of the MHI Uku ESP Report Card, feedback was sought from stakeholders regarding its content and any additional information that should be included.

Dueñas asked whether the socioeconomic structure of the uku fishery plays a role in the communities.

Ayers said yes.

Sakoda said the ESP report card could consider how ciguatera from uku change behaviors in the fishery.

Itibus said in the CNMI uku is caught from shallow to deep waters. He asked why monchong was not included in the deep-seven bottomfish complex since fishers catch it at 1,200 feet.

Marlowe Sabater, PIFSC FRMD, said monchong is captured as a pelagic management unit species (PMUS).

Sword said in American Samoa, they are fortunate to get much bottomfish. Regarding ciguatera, there are only a few known fish that hold the toxin. He asked if there was a percentage of people in Hawai‘i who got sick from ciguatera.

Ayers said there are a lot of reef fish that can cause ciguatera poisoning, but there is no robust understanding of how many people experience ciguatera poisoning and how many people have it because it stays in the person’s system.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Gil Kualī‘i, Hawai‘i AP chair, presented the AP report and recommendations.

Regarding fishing regulations in the proposed PRINMS, the Hawai‘i AP recommended the Council provide the opportunity for the maximum fishing possible in the proposed PRINMS.

Kualī‘i said many things have changed, but the AP’s stance on the proposed sanctuary has remained unchanged. Closing off areas is never a conservation solution. The Council should not stop at simply saying no to fishing regulations, but rather consider developing strategies to do outreach on the justifications on why the Council is saying there is no need for regulations. The elected officials in Washington, D.C. need to understand the impact, and the Council must educate them.

Regarding the Uku EBFM Project, the Hawai‘i AP recommended the Council request NMFS/EBFM project to engage the Hawai‘i AP members for the community engagement portion of the project.

Kuali'i urged the Council to reply via its AP, noting the AP members are the subject matter expert of this fishery, and that they are the fishermen out on the water every day.

Sword thanked Kuali'i for providing the stance of the Hawai'i fishermen. The Council has been pushing hard to involve the indigenous people. At the sanctuary scoping meeting, he asked why the proposed sanctuary would not allow commercial fishing, and was told that the local people did not want fishing in the closed area, to which he responded that he was a local Samoan man. Their brothers and sisters from Guam and the CNMI want to use the resources properly. Sword said workshops for fisheries should include the local people, especially those who use the resources.

Soliai agreed with Sword and reiterated the question of what NOAA is trying to protect.

2. Pelagic Plan Team

There were no recommendations from the PPT regarding Hawai'i Archipelago and the PRIA.

3. Fishing Industry Advisory Committee

Eric Kingma, Fishing Industry Advisory Committee (FIAC) member, provided the FIAC report and recommendations.

Regarding fishing regulations in the Proposed PRINMS, FIAC recommended that the Council request that the proposal for an NMS in the PRIA be rescinded. In lieu of a rescinded proposal, the FIAC recommended that the Council proceed with regulations that would not prohibit fishing.

4. Scientific and Statistical Committee

Lynch, SSC chair, provided the SSC report and recommendations.

Regarding the proposed designation of a PRINMS and options for developing fishing regulations, in general, the SSC agreed that the existing fishing regulations are sufficient to meet the goals and objectives of the proposed PRINMS and are the best practices for fisheries in the Pacific. The SSC recommended that fishing be included in alternative management options. The SSC recalled previous presentations on deep-sea mining and notes that this activity may have a negative impact on the goals of the NMS in addition to impacting fisheries. The SSC recommended that the sanctuary team consider the potential impacts of non-fishing activities such as deep-sea mining.

Lynch reported the SSC reiterated that further restricting the fishery would provide no additional conservation benefit for fish stocks occurring within this area. The best available information the SSC has is that the existing fishing regulations are sufficient to meet the goals and objectives of the sanctuary and are the best practices for fisheries in the Pacific. The SSC is concerned that further restrictions at this point would have significant socioeconomic impacts.

Regarding the MHI Deep-Seven Bottomfish Stock Assessment and the WPSAR TOR, the SSC endorsed the TOR and recommended a change to TOR Number 10 that included specific

language knowing that a single-species model is supplementary and not to be used for status determinations. The SSC nominated Martell as chair of the WPSAR Tier 1 for the Deep-Seven Bottomfish Stock Assessment.

Regarding the MHI Uku ESP Report Cards, the SSC supports ecosystem and socioeconomic profile report cards and recommends expanding the use of these report cards to 'ōpakapaka and other deep-seven species.

G. Public Comment

Abraham Apilado, a Kaua'i fisherman, said it was his dream to fish in the NWHI. He has been a full-time commercial fisherman for the last 16 years, of which eight were strictly bottomfish. Although the MEA was established, he was hard-headed and continued to fish. He said closing and keeping everybody out of the fishery does nobody good. Fishermen are the farmers of the ocean, and no one can understand what goes on under the water besides fishers. Closing areas to fishing is not conservation. Letting the people go back out there to fish is huge and would be the right direction with the aging fleet. Bottomfish fishing is unique because one has to have years of observations before one can be successful. Let fishermen fish in the NWHI and let fishers be the eyes at sea.

Kingma, executive director of HLA, thanked the American Samoa people and the leadership for their strong will and courage to speak up on the threat to the economy with the potential closures. A huge issue that headlines daily in the international arena is the Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ) treaty signed by the United Nations earlier this year. It is an international treaty that will lead to the closure of high seas. This treaty limits the ability of the U.S. fishing fleet to fish on the high seas while most of the U.S. EEZ in the Pacific is also closed. The cumulative effect of these closures on U.S. fisheries is challenging for Hawai'i's largest food-producing industry. He hopes that the administration hears them, and hopes the administration changes its tune and takes action to support fisheries rather than ending them.

John Gourley, a CNMI resident, expressed concerns over the actions of Washington, D.C. politicians in the past 14 years. He noted that they have systematically reduced Western Pacific fishing rights and potential seabed mining rights within the U.S. EEZs around Hawai'i, American Samoa, Guam and the CNMI. This was achieved through the unilateral use of presidential power granted by the Antiquities Act to create MNMs for conservation purposes. The Antiquities Act, a 117-year-old law passed by Congress, originally aimed to address and prevent the poaching of Native American burial sites and villages. He had previously been a vocal supporter of using the NMSA as an alternative to the Antiquities Act. The NMSA includes provisions for the National Environmental Policy Act (NEPA) review and seeks community support when designating marine conservation areas. However, through his experience with the MTNMS nomination process, and the ongoing PRINMS proposal, he has lost faith in the ONMS. The MTNMS nomination process included strong restrictions on commercial fishing and mandatory permits for local islanders to traverse within the sanctuary borders. He questioned ONMS's acceptance of the MTNMS nomination considering the opposition from the public and the local CNMI government. The CNMI governors sent a letter to ONMS urging the agency to remove the nomination from the list, but they have not received a courtesy response even when the nomination was removed. Similarly, the proposed PRINMS lacked community support and

outreach before the acceptance of the nomination package, and indicates unilateral determination of resource protection levels by the sitting president.

Carrie Johnston, *Hawai'i Fishing News*, raised concerns about the approach taken by NMFS in estimating recreational catch expansions. She highlighted a recent article questioning the feasibility of some catch ratios used in the process. It is evident that if such data are used, it could have a more significant impact on annual catch limits (ACLs) than anticipated. Furthermore, the proposed PRINMS designation is seen as detrimental because it restricts the economic and social viability of communities. She stressed the importance of accountability when making decisions based on data. She emphasized the need to ensure that the data represents the best scientific information available (BSIA).

H. Council Discussion and Action

Regarding fishing regulations for the proposed PRINMS, 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 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 MSA (i.e., no fish stocks are overfished or subject to overfishing, and no essential fish habitats (EFHs) are being adversely affected), 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 U.S. 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 ONMS to determine if additional regulations may be necessary.

Placek asked for clarification on the Council's intent of the sentence "fisheries as currently managed are well below the thresholds" and suggested clarifying the language by adding "impacts of the existing" before it.

Soliai and Dueñas agreed to the change.

*Moved by Soliai; seconded by Dueñas.
Motion passed with Malloy abstaining.*

- 2. Requested ONMS provide an opportunity for the Council to review a pre-draft EIS for the proposed PRINMS to ensure that the alternatives are aligned with the Council's fishing regulations.**

*Moved by Soliai; seconded by Dueñas.
Motion passed with Malloy abstaining.*

Regarding the MHI deep-seven bottomfish fishery the Council:

- 3. Endorsed the TOR for the WPSAR as presented at the 196th meeting and directs staff to work with the WPSAR steering committee to initiate the review. Further, the Council appointed Steve Martell as the WPSAR chair for this review.**

Moved by Guthertz; seconded by Dueñas.

Motion passed.

Regarding Hawai'i uku fisheries, the Council:

- 4. Requested the EBFM working group engage the Council's Hawai'i AP during the community engagement portion of the EBFM project.**

Moved by Guthertz; seconded by Dueñas.

Motion passed.

VIII. Public Comment on Non-Agenda Items

Lauren O'Brien introduced the Marine Resource Education Program (MREP), which originated in New England in 2001. MREP aims to educate fishermen about federal fisheries management processes. The program has expanded to seven Council regions, adapting to the unique needs of each area. It is run by a nonprofit organization in Maine, with fishermen acting as the guiding force. O'Brien sought partnerships in the Western Pacific Region to develop the program further. MREP offers free annual workshops for fishermen, covering travel and accommodations. She provided contact information for those interested.

IX. American Samoa Archipelago

A. Motu Lipoti

Sword provided an update on the fishing community in American Samoa. He reported the weather has been extremely bad since the last Council meeting and that the Coast Week tournament that was to be held the week before the Council meeting was postponed. About 14 boats from Samoa are expected to participate in the November 2023 Buds and Suds Fishing Tournament, and the Flag Day I'a Lapo'a Tournament is scheduled for April 2024. Recreational fishermen have been reporting a lot of cases of shark depredation in bottomfishing and FAD fishing.

Regarding the American Samoa Shipyard Authority, Sword commended Carlos Sanchez for his efforts in bringing the dry dock back online. According to Sanchez, they can now pull up a 3000-ton vessel but so far they have managed to service two longliners. The shipyard has been having problems with the American Samoa Environmental Protection Agency and that they hope to get those issues resolved by next year.

Sword reported there were a lot of concerns from the local community at the proposed green sea turtle critical habitat public hearing and the recent proposed PRINMS workshop. Soliai gave a comprehensive presentation that provided a lot of insightful data that surprised the sanctuary staff. The data presented showed a significant decline in petroleum sales over the years.

Soliai acknowledged and thanked the House Natural Resources Committee's subcommittee for holding the hearing on sanctuaries Sept. 19, 2023. He wishes that they had given ample notice of the hearing to allow for the people of this region to participate.

Soliai presented the same slides he did at the Proposed PRINMS Designation Workshop in the previous week. The presentation highlighted the uncompetitive factors and disadvantages of the canneries from a labor perspective and cost of doing business in American Samoa compared to a cannery in Thailand. The presentation also highlighted the uncertainty over future economic policies by the federal government such as minimum wage, tax policies, and even access to the U.S. markets. Soliai noted the wage differential between American Samoa and Thailand is about \$23 million.

The 2014 U.S. Market Shelf Stable Tuna Products data from the U.S. Customs showed American Samoa accounted for 30% of albacore and 20% of skipjack and tuna. American Samoa contributed to about a third of the 500,000 mt that is imported into the U.S. market. About 70,000 tons of the tuna the canneries process is from the U.S. purse seine vessels. In 2021, there were 46 purse seine deliveries to the canneries, of which 31 were from U.S.-flagged vessels. In 2022 43 out of the 52 deliveries were from U.S.-flagged vessels, and in 2023 through August, 40 out of 42 deliveries were from U.S.-flagged vessels, which shows the importance of these vessels to the canneries.

Most of the tuna in the Western Pacific is caught to the west of American Samoa, transshipped to ports like Majuro and Pohnpei, and then sent to Asia. Most of the tuna from Eastern Pacific is delivered to American Samoa. For economic reasons, the American Samoa fleet opt not to use fishing days of Pacific Island countries, which costs around \$13,000 per day.

The American Samoa purse seiners fish across a wide area during periods with no FAD closures. During a two-month high seas FAD closure, they focus within the EEZs of specific countries. When there are closures in both EEZ and high seas, most effort is in the Eastern Pacific. This underscores the significance of U.S. EEZ waters for the American Samoa purse seine fleet. The American Samoa fleet also fishes in Kiribati, Tokelau, Tuvalu and Cook Islands.

The Latin tuna market is significantly more lucrative than the American Samoa market, particularly in the Eastern Pacific Region. Despite this, there is a puzzling persistence in American Samoa's cannery and fishing activity. This can be attributed to the fact that a substantial portion, or around 50 to 60%, of the fishing effort occurs in close proximity to American Samoa. The cost difference for delivering tuna to Latin America versus American Samoa is approximately \$300 per ton, considering price and delivery expenses. However, this is balanced by factors like lost fishing time and increased fuel consumption due to longer travel distances, with journeys to Ecuador or Mexico taking about nine to ten days compared to the three-day trip to American Samoa.

There are two concurrent proposed actions that pose a threat to the tuna industry. The first is the ELAPS rulemaking, and the second is the sanctuary initiative. Currently, in the WCPFC and ELAPS, U.S. EEZ days and high seas days are collectively managed, totaling 1,828 days. However, the proposed rule aims to separate and individually manage these days, a move seen as unnecessary for compliance and lacking scientific backing or clear rationale. This shift is expected to have a detrimental effect on American Samoa.

The United States had 2,588 fishing days in 2013. However, during the WCPFC commission that year, the heads of delegation agreed behind closed doors to relinquish more than 700 fishing days for the fleet in the ELAPS areas. This reduced the fishing days to the current total of 1,828. In 2015, the fishing effort on those days exceeded the allotted amount, leading to a six-month fishery closure from June to December. NMFS conducted a study on the economic impacts of this closure, estimating losses ranging from \$11 to \$110 million, depending on the period considered. These impacts were substantial, resulting in cannery closures, layoffs, and a significant negative effect on the economy. The governor of American Samoa has filed a notice of intent to sue against NMFS for this proposed action.

PIFSC's analysis of fishing effort shows that in 1997, proportion of U.S. purse seine fleet's effort in the PRIA was as high as 25%, contrary to the Pacific Remote Islands Coalition's claim of less than 1%. Over the last three years, it has trended above 10%. In 2022, 5,889 mt of fish were landed, equivalent to more than 31 million cans of tuna, providing more than 300,000 person-hours of work for American Samoa. The American Samoa port's importance is emphasized for its national ranking as it is fifth in value and seventh in quantity, underscoring its significance in the context of the U.S. seafood trade deficit.

In the WCPO, China, Japan and Chinese Taipei have significantly larger fleets of purse seiners, longliners, and pole-and-line fishing vessels compared to the United States. Over the past 20 years, China's fleet has seen substantial growth, going from zero purse seiners to 77 and from about 40 longliners to around 500. In contrast, American Samoa's purse seine fleet has decreased from about 40 to 12, and the longline fleet has remained at approximately 145 U.S.-flagged vessels. A map of the fishing effort shows that most of the effort in the Pacific is from foreign flagged ships, which are predominantly Chinese.

Other threats to the American Samoa tuna industry, includes the BBNJ. If the U.S. EEZs are shut down based on federal actions, and the United Nations is looking to regulate and shut down the high seas, U.S. fishermen would not have anywhere to go. The 30x30 initiative also poses a threat to the tuna industry, noting that 53% of the U.S. Pacific Islands are closed to fishing or have MPAs. Soliai questioned whether the goal for the 30x30 initiative has been met and why Pacific Islanders have to carry the burden of meeting the initiative. He also questioned whether it is because of the political statuses as possessions or territories of the United States. He also asked why the government continues to marginalize the indigenous people of the territories contrary to its policies, and whether location plays a role in the decision making process because of the lack of nonvoting delegates and zero representation in the Senate. He fails to see the equity and justice in the EEJ initiative that is also causing a burden to the Pacific Island areas.

Soliai showed an equation that adds up various factors including the ELAPS closure and associated proposed rulemaking, BBNJ, existing ocean monuments, the proposed PRINMS, the 30x30 initiative, and the costs associated with fishing access and operational expenses, and asked what people thought was the solution to the equation. Soliai said when all of these factors are added together, the answer to the equation is the possibility of purse seiners reflagging or relocating to other countries, possibility of vessels not returning to American Samoa because they will fish further east, and 70% reduction in fish volume, which leads to a cessation of cannery operations and significant community impacts.

At the workshop, a member of the Chamber of Commerce highlighted a notable connection between trends in the tuna industry and birth rates in American Samoa. Between 2002 and 2012, there was a significant decline in purse seine landings, and this decline appears to parallel a drop in birth rates. While there may not be a direct causal link, the similarity in the graphs is striking. The decline in birth rates is attributed to various factors, but it is clear that these trends pose a threat to the vitality and sustainability of American Samoa. This decline reflects a diminishing sense of optimism about the future, and discussions about diversifying the economy have become increasingly urgent in light of the challenges faced by the community, particularly if the canneries were to depart.

Soliai asked Sword to provide information on the marine diesel sales.

Sword presented data on marine diesel sales over time, highlighting that at the peak in 2002-2003, about 26 million gallons of marine diesel was sold in American Samoa. Around 2004, when the monuments started to come into play, diesel sales started to drop until it stabilized at about 15 million gallons for some years, including through 2009 when one of the canneries closed. In 2014, the U.S. head of delegation to WCPFC gave away fishing days in the ELAPS without consultation, leading to a significant drop in fuel sales and a decrease in the number of purse seiners. Currently, there are only 11 purse seiners and fuel sales are down to about 6 million gallons in 2023. He questioned why their community, a major producer of canned fish, is being treated unfairly and said only China would benefit from these closures. He emphasized the importance of the fishing industry for diplomatic negotiations with neighboring countries and called for greater transparency and trust in the decision-making process.

Soliai highlighted several additional parts of the workshop presentation. The American Samoa Power Authority discussed the impact of the closure of one cannery on electricity costs. American Samoa Power Authority highlighted that 30% of the utility used to go to the canneries when there were two canneries in American Samoa, and when one of the canneries closed and half of that 30% went away, there was a significant increase in utility cost for general resident customers. They also emphasize the reliance on fuel for electricity generation, and how increasing fuel costs from reduced sales and other factors contribute to even higher electricity costs. The DOC discussed the importance of conducting an economic impact study, linking employment to the canneries and estimating more than 5,300 employees connected to them. They also discussed the significant economic impact of local purchases by the fishing fleet, totaling \$46 million annually. Paramount Chief Mauga also talked extensively about the cultural importance of fishing in relation to village life, faith, and traditional practices. Soliai noted that the workshop was well-received by federal partners, providing them with a broader perspective. Soliai also mentioned the bestowment of a high chief title on ONMS Director John Armor, noting that it held the same weight to the title that Simonds holds.

Simonds added that she had earned her title and she would have to see if Director Armor earns his when it comes to the “One NOAA” decision.

Soliai elaborated that Armor received the title of “Puipui o le vasa” which translates to protector of the sea. He also reminded Armor that “puipui” holds a different meaning which can also be translated as “barrier.” He hopes that what NOAA is proposing does not put a barrier for any fishing efforts in those areas.

Muña commented on the powerful energy felt watching the workshop virtually and expressed regret at not being able to attend in person. She commended the workshop for setting a high standard for consulting with the jurisdiction and gathering input from those most affected by decisions. Muña contrasted this with the congressional hearing, which lacked the same substance. She recommended that the Council and governors send letters to Congress to highlight the disparity between the workshop and the hearing. She highlighted the importance of objecting to the hearing's proceedings and the potential impact of its decisions. Muña also shared the concern that if the U.S. State Department is not adequately representing the needs of the fishers, a letter to Congress may be necessary to prompt action at the executive level, noting that the people in Congress may have more influence in such matters. Some governors have considered directly engaging with other countries to advocate for their constituents' needs, bypassing state representation if it proves ineffective.

Soliai thanked Muña for her comments and recommendations and added that because of the Pacific way, there was a lot of prayer that the workshop would be successful. The goals of the workshop were accomplished and the federal partners witnessed a lot of emotion from the people that came out to express their concerns. The federal representatives were able to relate to the concerns and the importance of their stance to the culture, traditions and especially to the economy.

Simonds expressed her gratitude for the recommendations. She clarified that since the 2006 MSA reauthorization, the negotiator has been represented by NOAA, and the head of fisheries is responsible for the negotiator. If the Council proceeds with a recommendation to send letters, Simonds suggested that they be addressed to the Secretary of Commerce and the negotiator, and should also be copied to Janet Coit, NMFS Assistant Administrator, for proper handling.

Guthertz emphasized the importance of respect for the people of American Samoa and their history. She expressed hope that NMFS and the White House will recognize the challenges faced in developing industries on the islands over the past half-century and finds it heartbreaking to potentially lose key industries in American Samoa. She also commended the excellent organization of the workshop and suggested that the federal agencies could learn from the strategies and techniques used. She stressed the difficulty of sustaining an economy and quality of life on a remote island, far from the densely populated parts of the country.

Dueñas thanked Soliai for his presentation and said he finds it absurd that Thailand has 20 canneries without a single fishing boat, implying that American Samoa is essentially aiding the Chinese fleet in selling their fish. He highlighted Papua New Guinea's extensive use of FADs and criticized the proposed conservation efforts, particularly the establishment of large MPAs. Dueñas argued that such measures primarily benefit foreign fleets rather than local fishermen, who need to actively seek out fish. Dueñas also expressed his frustration at the conservation efforts, especially when it negatively impacts a small island community like American Samoa. He is disheartened by the potential loss of a second cannery and the economic impact it would have on the local population. He calls for solidarity and cooperation, emphasizing the need to advocate for the workers in the cannery and their wages, in contrast to Thailand's lower pay rates.

Igisomar reiterated CNMI's support for American Samoa's position on the PRIA that was demonstrated at the workshop and meetings. He stressed the importance of the local communities standing up to voice their concerns because the policies and rules that are being pushed forward have made the elected leaders insufficient when it comes to speaking up. Normally, in their tradition it is disrespectful to speak up to the elders, however the situation has escalated to a point where people are becoming desperate. He again reiterated that the CNMI stand in solidarity with the people of American Samoa.

Malloy clarified that NMFS does not set the international fisheries policy agenda; rather, that is managed at the NOAA level by Kryc, deputy assistant administrator for International Fisheries. Therefore, any correspondence regarding this should be directed to that level, not NMFS, as international fisheries policy is a multi-NOAA issue. She also addressed the timeline, emphasizing that 2014 was nine years ago, and there has been a significant turnover in the team working on international fisheries issues in the Western and Central Pacific. She mentioned that the team worked hard in 2021 to gain recognition for the American Samoa fleet through the WCPFC, but unfortunately, it did not succeed. This year, their focus has been on resolving issues related to the purse seine fleet and the Hawai'i longline fleet. Malloy acknowledged the behind-the-scenes efforts that might not be visible and assured the Council that the entire team is losing sleep over these issues. She welcomed collaboration and expressed a commitment to ensuring that the concerns remain at the forefront of their work. She offered to reinforce this message in any way possible.

Soliai expressed appreciation for the feedback and responses to the presentation. He commended the collaborative format of the workshop, noting that it was the result of a process of negotiation between the Territory and ONMS. Initially, there was an intention to have a closed session, but after pushing back, a middle ground was found that allowed for collaboration between local and federal government. He highlighted the high turnout of more than 250 participants at the workshop, emphasizing its success. Soliai also echoed Dueñas's earlier point about the economic significance of the American Samoa fleet in the Western Pacific, especially in contrast to declining trends. Soliai said he met with parties to the NOAA agreement in Papua New Guinea, where they expressed admiration for American Samoa's previous success and the market it once had for tuna. Some are now witnessing the struggles faced in maintaining fisheries and sustaining economies. He also acknowledged the efforts of the U.S. government and emphasized the importance of continued collaboration and advocacy with Pacific partners. Soliai stressed the need for transparency and more definition in discussions, and he expressed gratitude for the support from the Council and other territories. Soliai underscored that the issues at hand impacts the entire Western Pacific, and he emphasized the unity among the territories and the importance of standing together. He highlighted the critical role of the Council in the region and the need to protect commercial fisheries. In closing, Soliai described how the Pacific communities rallies together to support one another, noting the successful fundraiser for Maui, which raised about \$500,000 from American Samoa.

Ramsey asked about the workshop, specifically about the content of the second day, which was not televised. He asked about the general format and the discussions that occurred.

Soliai clarified that both days of the workshop were televised and the video was posted on Facebook. It included presentations from both sectors, a cultural perspective, economic utilities, and noted that the industry had some significant contributions to the presentations.

Sword added that the first day was from 9 a.m. to 4 p.m., then at 5 p.m. to 6 p.m. there was an open session and breakout work groups. Each group talked about different aspects of the sanctuary proposal such as commercial fishing and social economic impacts. Sword also commented on the population decline in American Samoa, highlighting the impact it has had on the local culture. He stresses the vital role of the cannery in supporting the community during events like weddings and funerals, underlining the need for economic stability.

B. Department of Marine and Wildlife Resources Report

Ochavillo presented the DMWR report. The shore-based creel survey showed a lot of atule (bigeye scad) for the last six months, which indicated an association with the frequent rainfall that American Samoa has been receiving. Bluefin trevally and bigeye trevally catches were also associated with the atule runs. Boat-based creel survey showed three alia boats engaged in nearshore pelagic fishing, targeting species like kawakawa, dogtooth tuna, rainbow runner, skipjack tuna, yellowfin tuna and wahoo. The bottomfish fishery has been experiencing a declining participation due to highliners leaving the fishery due to high costs and lingering effects of COVID-19. The commonly caught bottomfish species from the last quarter include blue-lined snapper, humpback snapper, gray jobfish, redgill emperor and the yellow-lined snapper. There are no records of purchases for this reporting period due to no intercept, but there is still a small commerce for this fishery. Spearfishing is important to the territory, and fishermen target mostly surgeonfish, parrot fish, soldier fish and spiny lobsters. The commerce for the spearfish fishery is significant, but it is challenging to capture through the creel surveys due to night time fishing activities.

DMWR maintains five FADs, with one buoy recently drifting. DMWR is in the process of redeploying FAD A.

The Key Reef Species Program conducts surveys that look at the status of coral reef habitats, and also has a collaboration with Poseidon Fisheries Research for life history. The collaboration provides an opportunity for the staff to learn how to extract and analyze gills, bones and gonads. DMWR is planning to have training with the Poseidon Fisheries Research in November 2023.

The Community-Based Fisheries Management Program has been actively involved in workshops and initiatives to streamline interactions with the community, project reviews, and management plans in places like Faga'alu. Staff has been actively resurveying coral colonies that are in the Malaloa Dock extension footprint. There are at least 600 colonies and the staff is communicating with the port and also NMFS habitat section to address the EFH concerns for this project.

DMWR has been working alongside agencies such as the American Samoa Port Authority, Marine Patrol and USCG in removing a grounded buoy in Nu'uuli. The buoy was successfully removed and DMWR will be working with other agencies to assess the damages caused by the grounding.

The Atoa o Samoa (Two Samoa talks) will take place in October 2023, which provides an opportunity for American Samoa and DMWR to continue collaborations on fishery and food security issues with the government of the Independent State of Samoa and its Ministry of Agriculture and Fisheries. DMWR is facilitating the transport of 600 giant clams from Samoa

which were gifts from the Samoa Government. DMWR is developing protocols for quarantine to ensure that the giant clams are transported safely and ensure that they do not pose a threat to the reefs. DMWR is also initiating small scale seaweed maricultures with the Independent State of Samoa.

DMWR's enforcement division boarded 30 foreign vessels, four U.S. purse seine vessels and longliners in the last quarter. They have inspected 140 fish containers and conducted four sea patrols while also conducting 20 land patrols.

Ochavillo concluded his presentation by noting that the PRINMS workshop in American Samoa was important. He quoted Governor Mauga, who said in the ASG newsletter that the "sanctuary could have a detrimental impact on American Samoa's economy, potentially sinking the tuna industry and exacerbating the challenges faced by the local community... Without our local cannery, the cost of living for residents would skyrocket."

Sword said the buoy that was grounded was subsequently lifted by the Silva Group onto a flatbed with the assistance of the USCG. There is concern about the delay in repositioning the buoy, as it plays a crucial role in keeping vessels off the reef near the harbor approach. Sword asked why the port is not taking immediate action to place a temporary marker in the buoy's absence while waiting for the USCG's intervention.

Ochavillo said DMWR was only made aware of the grounded buoy and contacted the port to offer their assistance to ensure that any actions taken would not cause harm to the reef. He acknowledges the involvement of USCG and Marine Patrol but said he does not have any information beyond this.

Sword reiterated his concern about the grounded buoy due to its important role in guiding the large vessels safely into the port of Pago Pago, and recommended prompt action by the USCG to ensure its reinstatement stressing that it is crucial for navigational aid.

McCullum said understands how important the buoy is and will look into the matter with the Department of Waterways and find out their plan. She said they are short on buoy tenders due to maintenance but she will reach out to the Department of Public Works.

Sword thanked McCullum and suggested sending a team there to use local resources to get something temporary going.

Soliai added that there may be some local vessels that will be able to assist, noting that this is also a high economic and environmental risk that needs to be addressed.

C. American Samoa Bottomfish

1. P* and Social Economic Ecological Management Working Group Reports

Ochavillo presented the P* and Social Economic Ecological Management (SEEM) uncertainty analysis for the American Samoa bottomfish fisheries. Ochavillo was not present to chair these meetings that were held in American Samoa but he thanked Sabater, PIFSC, for chairing the meetings.

Ochavillo provided an overview of how the uncertainty is accounted for a certain stock. The American Samoa bottomfish stock was categorized as Tier 1, which meant that there are reliable estimates of overfishing levels and associated uncertainties derived from the statistically-based stock assessments. It signified a high level of assessment reliability. In June 2023, the Council was presented with the stock assessment for American Samoa bottomfish management unit species (BMUS). In response, the Council established a P* working group to assess scientific uncertainties and seek advice from the SSC based on the working group's recommendations. During this meeting, the Council will decide whether to accept or reject the SSC's recommendations.

The P* analysis encompasses four dimensions: assessment information, uncertainty characterization, stock status, and productivity and susceptibility. The fourth dimension was evaluated separately by scientists from PIFSC. Each of these dimensions plays a crucial role in assessing the fish stocks. In these assessments, a scoring system ranging from zero to ten was used. For assessment information, a score of zero signifies an abundance of information, while a score of ten indicates a scarcity of information. This same scale was applied to uncertainty characterization. The stock status received a score of basically zero, indicating that the stocks are neither overfished nor experiencing overfishing. The same scoring system was used for productivity and susceptibility. This dimension is evaluated by examining the life history of the species that underwent stock assessment. The scores from these assessments are combined, and the total reduction score was applied to reduce from the 50% risk of overfishing to determine an acceptable biological catch (ABC).

For assessment information, the P* working group assigned a score of 1.1. This assessment considered various factors. Reliable catch history received a score of 0.5 on a scale of zero to one, which was later adjusted to accommodate different assessment levels. Standardized CPUE also scored 0.5. Species-specific data were rated zero due to its abundance. All sources of mortality received 0.5. Fishery independent surveys got a score of 1, as there have not been any history-independent surveys conducted yet. The absence of tagging data resulted in a score of 1. Spatial analysis was rated 0.5, summing up to a scaled total of 4, which equated to the final score of 1.1 for assessment information. There were observations of high variability in creel survey data, and single species CPUE standardizations were conducted to inform the scoring process.

In terms of uncertainty characterization, the working group assigned a score of 3.5. This assessment reflected uncertainty in catch expansions and projections, which led to the final score. The stock status was rated zero, indicating that the stocks are neither overfished nor experiencing overfishing.

In the productivity and susceptibility analysis, all nine species were evaluated. The working group observed that there is limited data on productivity, resulting in a medium-risk assessment. It was noted that deep-water species tend to be longer-lived, reaching maturity at five to six years. On the other hand, shallow-water species exhibit a higher recruitment rate and often form schools, particularly savane (*Lutjanus kasmira*) and filoa (*Lethrinus rubrioperculatus*). Additionally, from a market perspective, consumers are more inclined to purchase bottomfish, while local communities may focus on harvesting shallower-water species. The final P* scores were determined for various species, and these scores were used in the risk table analysis to establish the ABC.

A separate uncertainty assessment was conducted for the SEEM, focusing on social and economic uncertainties. The analysis took into account social, ecological, economic dimensions, cultural significance of the BMUS species, and their role in the ecosystem and market. In this analysis, the working group examined DMWR's capacity to monitor the fishery effectively to prevent exceeding the ACL. They also considered compliance and management aspects, evaluating how efficient the management is in closing the fishery in a timely manner to avoid overage, and assessed the existing management framework. The scoring followed a similar framework to the P* analysis, providing individual scores for each dimension. Due to a small sample size, the group utilized median values to mitigate extreme values in the assessment.

For the social dimension, the group assigned a score of zero. They concluded that there were no socio-cultural elements identified that support a reduction in the ACL. Fish play a vital role in village gatherings and are essential for maintaining socio-cultural practices. Maximizing the catch is crucial for these events.

For the ecological dimension, the group assigned a score of zero. They found no ecological concerns that would justify a reduction in the ACL. Limited data are available on the ecology of the BMUS, especially for shallow-water species. As a result, there is insufficient information to assess ecological concerns. It was noted that shallow species may be more affected than deep-water species, but conclusive data are lacking.

In terms of the economic dimension, the group concluded that there are no economic factors that would justify a reduction in the ACL. Palu holds a higher value and is predominantly sold through restaurants and hotels, commanding a higher price per pound. Other species are commonly available through roadside vendors and markets, typically at a lower value per pound. Additionally, the fishery holds greater economic value for subsistence purposes compared to commercial endeavors.

Regarding the monitoring sub-dimension of the management uncertainty dimension, the group assigned a score of 2.5. There are some concerns regarding the effectiveness of monitoring the fishery and implementing a minor annual catch target (ACT) consideration could help ensure that the ACL is not exceeded. The fishery employs mandatory commercial licensing and reporting through creel surveys, as well as dealer reporting. However, the accuracy of catch estimates is contingent on the number of intercepts. Given the significant decline in the fishery, intercepts have substantially decreased, making it challenging to estimate total catch based on a limited number of intercepts.

In terms of the management sub-dimension of the management uncertainty dimension, the group assigned a score of 1.5. DMWR has the capability to enforce regulations on the territorial side, but compliance might pose a challenge. Some villages have fishers who engage in daily fishing to provide for their communities, but data from these trips are not consistently intercepted. Management has seen improvements, with the territorial agency actively working on their FMPs and showing a willingness to utilize annual proclamations for effective management. Ochavillo presented the final scores for the P* and SEEM and combined scores needed for the ACL specification.

2. Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications for 2024-2026 (Initial Action)

Zach Yamada, Council staff, presented the options for discontinuing the rebuilding plan and ACL specifications for the American Samoa bottomfish fishery for 2024-2026. Yamada provided an overview of the ACL specification, which starts with the stock assessment that is deemed BSIA by the SSC, the SSC setting the ABCs, and the Council recommending an ACL not exceeding the ABC. The Council may also establish an ACT, which may be lower than the ABC, and may also recommend accountability measures (AMs) to address any overages and account for them in subsequent years.

Yamada presented a timeline starting in February 2020 when the Council was notified that the American Samoa bottomfish fishery was overfished and experiencing overfishing. That started the clock for the Council to develop a rebuilding plan to end overfishing, and PIFSC started their stock assessment improvement plan soon after. In 2021, the Council took final action on the rebuilding plan, and the final rule for the rebuilding plan was implemented in June 2022. In June 2023, the new bottomfish assessment for nine bottomfish species was released stating that there was no overfishing, and subsequently the Council directed staff to amend the Fishery Ecosystem Plan (FEP) and convene the P* and the SEEM process. Yamada provided a recap of the P* and SEEM scores for nine different species an example of how the scores are applied to the risk tables to set the ABC and ACL.

Yamada presented the options for the Council's ACL specifications. Option 1 is the no action, and would maintain the rebuilding plan without any alterations. Option 1 would have no AMs for catch limit overage and does not comply with the NS2 since it does not consider the new stock assessment.

Option 2 would discontinue the rebuilding plan, with sub-options for specifying the ACL. Option 2a, would specify an aggregated ACL for the nine species and would be based on the P* and SEEM scores. They have a collective aggregated ACL of 48,680 pounds. Under this option, the palu loa (*Etelis coruscans*) and palu malau (*E. carbunculus*) would be used as indicator species for the palu sina (*Pristipomoides flavipinnis*) and palu enaena (*P. filamentosus*). The catch projections would be based on BSIA however it could hide the overages of the other species and may not be compliant to NS2.

The analysis of catch projections over the past decade reveals that the fishery has generally operated at a relatively low risk of overfishing for seven of the nine assessed species. However, for aosama (*Aprion virescens*) and palu-loa, the historical catch has exceeded the 50% risk of overfishing. This led to option 2B, which would specify these two species as single-species ACLs, and set an aggregated ACL for the remaining seven species. This approach would also use two indicator species for the unassessed species, and would be based on BSIA. Option 2B could allow for higher allowable catch levels compared to option 1, and would allow the management to focus on species that may reach the MSY values.

Option 2C offers a comprehensive approach by specifying single-species ACLs for all nine species individually based on their P* and SEEM values. This option aligns with NSs 1 and 2, allowing for management to account for overages.

Option 2D is the more precautionary approach of setting ACLs lower than the P* and SEEM values, with the specific levels to be determined by the Council. The projected differences in catch under this option range from 22 to 88 pounds, depending on the species.

The Council was also asked to provide guidance on AMs for the ACLs. One key question is the utilization of creel survey data for in-season monitoring to facilitate timely closures if necessary. If in-season monitoring tools are utilized, the Council could set the ACL equal to ABC, and set an ACT based on the SEEM score. This approach would involve continued collaboration between DMWR and PIFSC for projections, ensuring comprehensive survey data are compiled. It offers a proactive management strategy, with the flexibility to address potential catch exceedances. However, data variability and survey availability remain key considerations, as demonstrated in the 2022 scenario. If the Council opts not to employ creel surveys for in-season monitoring, fishery monitoring would still continue. In this case, ACLs could be specified below the ABC using P* and SEEM scores. This approach allows for catch expansions based on a full year's data, though it may require until the year's end for completion. Notably, without creel surveys, NMFS would face challenges in near real-time catch tracking, and similar data variability concerns would persist.

For the post-season overage adjustment, there are two options. Option 1 would allow for a single-year overage adjustment, which means the fishery would not close indefinitely even if there is an overage. However, there is high scientific uncertainty when the creel is expanded on a year-to-year basis. Option 2 would entail a three-year overage adjustment, which takes into account data uncertainty by using the average of the most recent three years. If an overage occurs, the adjustment would be applied.

In terms of the impact analysis on physical resources, Options 2A through 2C could lead to increased fishing trips, but no adverse impacts are expected as the fishers do not interact with the bottom substrate. Both target and non-target species are not anticipated to be adversely affected. Effort and participation in the fishery have been on a decreasing trend. As for non-target species or bycatch, there are no adverse effects, given that this is a hook and line fishery known for its high selectivity. Based on the recent bottomfish biological opinion, the fishery is not likely to have an adverse effect on protected species. When considering biodiversity and ecosystem function, socioeconomics, there are no foreseen adverse impacts. There could even be a positive impact in terms of potential development. The proposed fishery management options are not anticipated to have significant impacts on EFH and Habitat Areas of Particular Concern.

Dueñas asked how much higher the ACL would be above the status quo of 5,000 pounds.

Yamada said the aggregated ACL for the complex as a whole would increase from 5,000 to 48,000 pounds.

Dueñas said he was content with 48,000 pounds, noting that the American Samoa fishery would be lucky to even catch 10,000 pounds. The fishery only reached about 20% of the 5,000 pounds based on the last analysis from creel survey data. He continued to compare commercial landing data and creel surveys and asked if they have considered habitat for shallow water species. He believes that there should be three types of complexes (shallow-water, mid-water, and deep-water) because American Samoa's fishery is similar to that of the Marina Archipelago. He also emphasized the importance of factoring habitat, growth rates, and spawning potential ratio in scientific research.

D. Advisory Group Report and Recommendations

3. Advisory Panel

Nate Ilaoa, American Samoa AP vice chair, presented the AP report and recommendations.

Regarding the American Samoa bottomfish ACLs, the American Samoa AP recommended the Council:

- Discontinue the rebuilding plan and specify nine single species ACLs based on the P* and SEEM analysis for fishing years 2024-2026;
- Recommend using palu loa (*E. coruscans*) and palu sina (*P. filamentosus*) as indicator species for palu malau (*E. carbunculus*) and palu ena ena (*P. flavipinnis*); and
- Recommend a postseason three-year average overage adjustment.

4. Fishing Industry Advisory Committee

There were no FIAC recommendations regarding American Samoa.

5. Scientific and Statistical Committee

Lynch, SSC chair, presented the SSC report and recommendations.

Regarding discontinuing the rebuilding plan and setting ABC for 2024-2026, the SSC recommends option 2c which discontinues the rebuilding plan and sets nine single species ABCs based on the P* analysis for fishing years 2024-2026. The SSC recommended *E. coruscans* and *P. flavipinnis* would be used as indicator species for *E. carbunculus* and *P. filamentosus*, respectively. Noting the challenges in implementing in-season monitoring using creel surveys, the SSC recommends implementing a three-year average overage adjustment AM.

E. Public Comment

Ilaoa, local business owner in American Samoa, commented on concerns regarding the proposed sanctuary designation. He expressed his frustration that despite NOAA's push for equity and justice in the fisheries, the agency is still considering actions that would devastate the way of life in American Samoa. Ilaoa emphasized that decisions should be straightforward, based on the agency's own standards of using best available science and equal opportunity and justice. In reference to Malloy's comment that her staff is losing sleep going through this process, Ilaoa said American Samoa is facing actual loss in the form of the collapse of the economy, the loss of the way of life and small businesses being on the chopping block. He asked that NMFS do the right thing for the people of American Samoa and prioritize the well-being of the people over bureaucratic considerations.

Johnston commented on her opposition of the proposed sanctuary that is going to impact the lives of everyone in American Samoa. She suggested reaching out to influential figures such as Dwayne Johnson, who has American Samoa roots and is also a fisherman. Johnson also suggested engaging with various federal government departments, including the Department of Defense (DOD), DOC, and Department of Transportation, to address the security concerns related to fishing activities in the Pacific Region. She stressed that the fishing fleet in American Samoa and other regions should be more inclusive because they are valuable resources. Johnson called for a collective effort to raise awareness and to influence decision makers to consider the

impacts of the proposed actions. She noted the loss of almost 20% of the population due to the loss of one cannery. She also criticized that despite the many challenges that the region has, such as climate change, NOAA has not represented American Samoa.

Sword noted that Dwayne Johnson has a Samoan high chief title of Seiuli and that it carries a lot of weight.

F. Council Discussion and Action

Regarding American Samoa bottomfish, the Council:

- 1. Recommended, as a preliminarily preferred alternative, option 2a that discontinues the American Samoa BMUS rebuilding plan (American Samoa FEP Amendment 5) and specify an aggregated ACL for the nine assessed species as shown in Table 1 for fishing years 2024 to 2026.**

Species (Latin, Samoan, Common Name)	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-gutusaliva, 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, ehū*	-	-
<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 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.

Placek said the SSC and the AP have recommended species specific ACLs which is consistent with how the species were assessed in the recent stock assessment. If the Council is considering an aggregated ACL for the nine species, Placek advised that the Council should consider and more thoroughly explain how this approach is consistent with the SSC's recommendation and the species-specific stock assessment. Specifically, the Council should consider how it would be consistent with NS1 and how it would prevent individual species from exceeding ACL and ABC.

Simonds said the Council will be writing the rationale for this action, noting that the Council does not need to explain the rationale at this meeting as it is an initial action. Simonds said in-season monitoring results would not be available until the end of the year, and thus it does not make sense to consider individual species at this stage. PIFSC would evaluate at the single-species level at the end of the year. The main purpose of considering individual species would be to allow for closure only for the species that may be approaching overfishing while the fishery would remain open to allow fishermen to fish for the rest of the species.

Placek reiterated that if the aggregated ACL is the Council's preferred approach, the Council should more fully develop the record on these questions before final action as to whether it aligns with the advice of the SSC to do individual species management. She also suggested evaluating if this approach effectively prevents the ACL from being exceeded.

Malloy asked for clarification on whether adjustment would be made to the entire ACL complex rather than addressing specific overages only for individual species, if an aggregated ACL is exceeded. She suggested that because there are information available on individual stocks, the Council would not be able to say individual management cannot be done.

Yamada explained that the first option (2A) involves an aggregated ACL for all nine species, meaning the overage would apply to the entire group. The second option (2B) isolates the two species that have reached their limit, allowing for adjustments on a single species level. The third option considers assessing each of the nine species individually for overage adjustments. The decision hinges on whether to manage overages through one ACL, three ACLs, or nine ACLs.

Sword said he is comfortable with the option under consideration, noting that not every household owns a boat and that the ACLs are not likely to be reached in American Samoa.

Simonds said the Council will continue to talk to PIRO and PIFSC about this and if the two species that were used in the past have almost reached overfishing condition, the Council may change its mind about how to deal with it.

Dueñas said the last option raises a high level of uncertainty despite all of the AMs. He asked for the common names for the two indicator species.

Yamada responded with onaga and ehū.

Sword said if any other changes need to be made it can be done in the December 2023 meeting.

Moved by Dueñas; seconded by Guthertz
Motion passed with Malloy abstaining.

- 2. Directed staff to convene an action team composed of Council, NMFS PIRO, NMFS PIFSC and American Samoa DMWR develop and prepare an FEP amendment to discontinue Amendment 5 to the American Samoa FEP.**

Moved by Soliai; seconded by Igisomar
Motion passed.

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 U.S. Delegations to regional fishery management organizations communicating the need for regular engagement with fishers and representatives from the U.S. 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 ASG 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 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 DOC, DOD and the wider ranging American Samoa community.**

Moved by Guthertz, seconded by Dueñas.
Motion passed with Malloy abstaining.

Immediately following the adoption of recommendations #3-5, Simonds requested the Council to reconsider #5 to delete the last part “and the wider ranging American Samoa community” because that is already occurring.

Motion to reconsider recommendation #5.

Moved by Soliai, seconded by Guthertz.
Motion passed.

Regarding American Samoa fishery issues, the Council:

- 5. Requested the Governor of American Samoa utilize the information presented by the 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 DOC and DOD. [final adopted version]**

Moved by Guthertz, seconded by Dueñas.
Motion passed with Malloy abstaining.

X. Mariana Archipelago

A. Guam

1. Department of Agriculture / Division of Aquatic and Wildlife Report

Muña presented the Division of Aquatic and Wildlife Resources (DAWR) report. DAWR completed all of the shore-based and boat-based creel surveys scheduled since the last Council meeting. Of the shore-based fishing methods used, hook and line was the highest. For the boat-based surveys, skipjack tuna, yellow fin tuna, mahi mahi and wahoo were the top species reported and trolling was the most commonly reported method.

The Agat Marina Dock B repair, to add an additional 48 slips for recreational boaters was budgeted at \$1.5 million. Pilings are being replaced with concrete piles, and the electrical and plumbing work to the project is 90% complete. New purchase orders are being processed for advertising to conduct a structural assessment and replace wooden planks at the Merizo Pier.

There were two arrests under the protection of wild animals regulation for poaching.

Special permits were issued for the harvest of seasonal atulai (big eye scad), i'e (juvenile jack), ti'ao (juvenile goatfish), and mañahak (juvenile rabbitfish). Issuance of the permits has become more regular and is now more of a monthly special permit rather than seasonal, as the fish have been present almost year-round.

A lot of work is being done with PIFSC for the Guam FMP. PIFSC and the University of Guam completed the fisheries dependent and independent dataset analysis. DAWR is looking to manage 20 to 30 species, and will be working with the University of Guam Sea Grant to create a community survey targeting local fishers to choose the top species they believe should be included. PIFSC also completed a management strategy evaluation for seven additional species, and a step-by-step analysis will be provided to DAWR. PIFSC will also be completing another study to support the Guam FMP looking at climate change effects on fish distribution.

Regarding FADs, a purchase order has been awaiting signature for some time at the General Services Agency, the government's procurement arm, even though the Governor reached out to them inquiring on the status of the process. The governor said she will address the matter with General Services Agency. While the purchase order is pending, the vendor is standing by to deploy the buoys. Another vendor is standing by waiting to procure the FAD components for eight or 11 buoys. A vendor has already reinstalled 14 out of 15 shallow water mooring buoys, and the remaining one will be installed in the coming week.

DAWR staff is working on the removal of graffiti on the Paseo de Susana Fishing Platform and will soon be installing stainless steel railing with a gate replacing the current fiberglass railing to prevent future removals of the railings by fishers to access the water,

Outreach for the giant clam project is ongoing, with the next event scheduled for Sept. 23, 2023, where the lead biologist will conduct community outreach to explain the project. Students are being recruited from the villages to act as hima (giant clam) ambassadors, and will learn the science behind the project and how to manage it. It is hoped this will invoke a sense of

ownership in the community so they will prevent theft of the giant clams as they grow. There has been good buy-in and success with the first two community events.

2. Isla Informe

Guthertz reported the Port Authority of Guam's Master Plan was presented to the Port's Board of Directors and has since been submitted to the Governor for review, pending approval by the governor. The Agat Marina Dock B construction project is expected to be completed by the end of October 2023.

The Compact of Free Association (COFA) agreement between the United States and the Republic of the Marshall Islands (RMI) remains on the table and the talks continue, as the issue of compensation and impact of the nuclear testing in the islands remain a major roadblock to the negotiations.

In late August 2023, a congressional delegation comprising of members of a bipartisan U.S. House of Representatives Committee on Natural Resources held a hearing in Guam. The hearing focused on threats and encroachment of the People's Republic of China to the Western Pacific Region. The leadership of the CNMI, governor of Guam, RMI, FSM and Palau collectively requested Congress to be more involved in the region, and fill in gaps left when the trusteeship under the United Nations oversight of the region by the U.S. government ended. A restart of the Peace Corps and civic action team programs were also requested. All of the COFA nations echoed support for Taiwan and opposed the One-China Policy. Concerns of the continuing suffering of the residents of the atomic and hydrogen bomb testing in the RMI was also discussed, a matter that remains a major roadblock toward a renewed COFA agreement with the RMI. Guthertz said it was refreshing to see a congressional delegation visit the islands and the deep interest in the security needs of the Western Pacific Region. China is becoming more aggressive in the region's waters, conducting alleged research activities on alleged research vessels, sending submarines and military aircraft. The communities are vulnerable unless the United States reinforces its defense capability in the region.

Dueñas reported Guam's fishing community was devastated by Typhoon Mawar which flattened the 45-year-old GFCA building. The winds came through the building and tore up the interior. It took two months to salvage what can be saved and another two months trying to put things back together. A temporary facility was planned before the storm but the typhoon expedited the process. Bi-weekly meetings with the Governor, her staff and cabinet members are being held to provide updates on the progress of the new facility. Dialogue with the U.S. Army Corps of Engineers, NMFS, and DOI is increasing with more required permits. The initial design was originally going to cost \$5 million, including a 200-foot seawall, that will benefit boaters from the CNMI who come to Guam to purchase commodities and get fuel at discounted prices. Dueñas said there needs to be a plan for DOAG and NMFS to include the fishermen and provide more assistance where help is needed, noting that MSA has a provision on disaster assistance.

The Greg D. Perez Sportfish Derby was held September 16, 2023, after being delayed a few times due to weather. One fisher caught an 832.5 pound blue marlin but was 30 minutes late returning.

3. Review of the Guam Marine Conservation Plan (Action Item)

Dueñas reported the Guam MCP was completed and provided to the Council for review and action.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Igisomar reported on the CNMI's economy. After the Palacios Administration came in, inter-island air travel was reduced from two carriers to one carrier, because Marianas Southern Airways was being subsidized by the previous administration and suspended operations less than 12 months after its launch following termination of the contract. Star Marianas is currently the main carrier for inter-island flights. Commuting from CNMI to Guam now costs up to \$800 roundtrip on a good day for a 30-minute flight, and the airline also doubled the number of miles to purchase a ticket to 40,000 miles round-trip. Most tourists are coming from South Korea with additional flights coming into CNMI.

There has been pressure to the CNMI administration from both sides as to whether to allow visitors from China or not, with the federal government saying no and China saying yes. Some local businesses are applying pressure because they want rooms filled, so they are caught in the middle. This issued was conveyed by Governor Palacios to Congress during the congressional delegation visit to Guam and requested assistance to help CNMI by being more proactive rather than just saying no.

Simonds asked if this relates to the program where the number of temporary foreign workers are limited.

Igisomar said yes, the Touchback Program has to do with the foreign workers. The CNMI population is not big enough to support the demand for projects and is dependent on foreign temporary workers. If Congress does away with the program it will negatively affect the economy and everything will eventually grind to a slow pace.

Igisomar also reported the fuel prices in Saipan, Tinian and Rota, noting that as of the day before, the fuel prices in the CNMI went up another 10 cents.

CNMI had three engagements with federal partners during this reporting period. Meetings were held with representatives from Joint Enforcement Agency (JEA) at the OLE, NMFS EEJ staff, and critical habitat and protected species.

There are several marine sports activities in the CNMI that bring the youth together. One club teaches how to throw talaya (throw net). Another, Tasi To Table (TTT) teaches how to fish, bring in their catch, weigh them, collect data, and how to fillet and cut up fish the proper way. The 500 Sails group teaches the community how to carve canoes. Fishing is also being taught.

Two new Council members were appointed from the CNMI, but one of them had to drop out due to medical reasons, so another nominee is in the system for consideration.

There is no status update on confirmation of MTMAC and no official documents on Governor Palacios' request to remove the listing. Igisomar said it is interesting to see the level of

scrutiny that the MTMAC membership is undergoing with background checks by the White House, the DOI and DOC, when only an FBI check is needed to become a federal employee.

The Friends of the Mariana Trench, they withdrew their nomination for the sanctuary process, which received a very quick response from Armour, while the CNMI government has been waiting on for a response to the Governor for about one to two years.

Dueñas said Guam requested an observer status on the MTMAC because Guam is a part of the Mariana Trench Monument, but was excluded. It would be logical to include Guam in the grouping, and have at least an appointed observer status.

Simonds asked if the Governor of Guam submitted a formal request for an MTMAC to NMFS. She noted that if a formal request had been made in the past, Malloy's office may be able to find it.

Muña said she does not recall and will look into the matter but knows comments were made.

Igisomar added since the MTMAC have not been assembled, he is not sure who the question would go to, whether to the federal agencies, advisory council, commission or committee.

2. DLNR/DFW Report

Michael Tenorio provided the DFW report. Between July and August 2023, only two boat-based creel surveys were conducted with 13 interviews completed. Of the 13 interviews, four fishing methods were utilized by fishers. Five fishers reported trolling, six were bottomfishing, two were spearfishing, and two were atulai fishing using hook and line. The limited number of surveys was due to the grant going through a transition and an account needed to be established for the program. For the shore-based creel surveys, 38 interviews were conducted over 34 sample days. Of the 38 interviews, 35 were hook and line, two were cast net and one was spearfishing. New hires were recruited in June to help with data collection, data entry and validation of shore-based surveys.

Regarding market performance and the commercial purchase data system, all data collected for 2023 have yet to be entered into the Catchit Logit system. As of August 11, 2023, 46 participants were identified as actively reporting within the commercial purchase receipt system, of which 13 are harvesters and 33 are purchasers. The commercial data entry and validation is behind as the agency is straying away from using Visual FoxPro to a new online application, and it was decided that the best way to move forward with the transfer was to enter data only up to 2022. All of 2023 data will be entered into the Sellit Logit application. Commercial collection has been put on halt due to funding and the transition into the new grant. Training for the new data entry onto the Logit Reportit will occur once the internet and communications issues have been resolved within the DFW office.

As for the DLNR Endangered Species Program (ESP), confirmation was received on the successful renewal of the ESA Section 6 Cooperative Agreement with USFWS. During this reporting period, the ESP received three sea turtle reports from the public and agency employees. Two reports were sea turtles that were either injured from boat strike or shark attack. The sea

turtle public outreach specialist conducted two outreach events which included the 39th Saipan International Fishing Tournament registration day where they reached 234 individuals. The other was the 5th ISLA Mafuti Derby where they reached 211 individuals.

The DLNR Coral Reef Initiative Coral Restoration Program hosted the first Restoration Skills Training Workshop Aug. 4, 2023, with 10 people participating, including individuals from nonprofit organization Mariana Islands Nature Alliance (MINA) and its Tasi-Watch program, and from Division of Coastal Resources Management (DCRM). A second Coral Restoration Working Group meeting was held Aug. 28, 2023. Continued efforts under this program will be focused on updating and completing the CNMI 2021 Coral Restoration Action Plan. The restoration coordinator was also able to attend the Indo-Pacific Restoration Exchange workshop in Guam from July 31 to Aug. 4, 2023, along with members of DCRM, Johnston Applied Marine Science, and MINA to facilitate and exchange restoration techniques.

Regarding the Garapan Fishing Base Shoreline Revetment Project, Phases 1 and 2 were completed under the Sustainable Fisheries Fund award. Phase 3 is in the process and is anticipated to be completed by October 2023.

DLNR staff participated in a NEPA training provided by the U.S. Army Corps of Engineers and the Office of Insular Affairs. CNMI first responders also participated in an open water search and rescue training with the USCG and the CNMI Homeland Security Office. CNMI DLNR also participated in the WCPFC meeting held in Koror, Palau.

Several fishing events were held over the past few months, including the 39th Saipan International Fishing Tournament and the 5th ISLA Mafuti Tournament. TTT's Classic Mix Tournament was postponed due to bad weather and will be hosted the following weekend. The Saipan Fishing Association held their first Johnnie Walker Blue Label Classic Billfish Tournament, which was a success. Another fishing event coming up is the Bisita Luta Derby to be held on Rota.

Igisomar added the agency received grants management training, with some DLNR staff participating in person. The CNMI has fully complied with all gaps to get back into the fold with the JEA with OLE. JEA funding started slowly with around \$50,000 for the first round and is now up to about \$100,000.

Dueñas asked about a photo of a sea turtle taken in Rota where the turtle appeared to be run over by a car or a propeller, and was curious how it happened.

Tenorio said the turtle was crossing the main highway in Rota and was run over by a car.

Dueñas said he received a report from residents of Rota concerned about Guam fishermen who go to the island and do not comply with fishing regulations there since boats have to be CNMI registered. He asked that a notice to the mariners be provided to clarify what the federal or local regulations are, rather than issuing a fine or penalty.

3. Review of the Commonwealth of the Northern Mariana Islands Marine Conservation Plan (Action Item)

Igisomar said the MCP was completed in February 2023 and was sent to the Council on March 9, 2023. CNMI sent the MCP to PIRO on May 11, 2023, which was approved June 6, 2023. Some changes needed to be made and a request for an amendment to the MCP was presented to the Council for consideration.

C. Advisory Group Report and Recommendations

1. Advisory Panel

There were no AP recommendations regarding Mariana Archipelago.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations regarding Mariana Archipelago.

3. Scientific and Statistical Committee

There were no SSC recommendations regarding Mariana Archipelago.

D. Public Comment

There were no public comments.

E. Council Discussion and Action

Regarding the Guam MCP 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.**

Moved by Dueñas; seconded by Guthertz.
Motion passed.

Regarding the CNMI MCP 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.**

Moved by Dueñas; seconded by Guthertz.
Motion passed.

XI. Protected Species

Prior to the start of the Protected Species section, Soliai entered into the record a copy of a letter from American Samoa Governor Lemanu Mauga to ONMS Director Armor detailing a comprehensive summary of the workshop on the proposed NMS designation for the PRI that was held in American Samoa.

A. Endangered Species Act and MMPA Updates

1. Green Sea Turtle Critical Habitat Proposed Designations

Lasha-Lynn Salbosa, USFWS, and Jennifer Schultz, NMFS, provided separate presentations each providing an overview of their respective agency's proposed rule to designate critical habitat for green sea turtles under the ESA. USFWS and NMFS share jurisdiction for the conservation and recovery of green sea turtle, with USFWS being responsible on land and nesting habitat, and NMFS being responsible for all marine activities.

Salbosa provided an overview of the USFWS proposal to designate critical habitat for five green sea turtle DPSs, three of which are in the Pacific. USFWS is proposing to designate 2,779 acres as critical habitat for nesting and basking in the Pacific Islands. In 2015, USFWS held stakeholder engagement and focused partner meetings on the DPS listing, which was finalized in 2016. USFWS reached a settlement agreement with the CBD due to the lack of critical habitat in 2020. The process for identifying proposed critical habitat areas began around 2021 with data gathering and analysis. The proposed rule was published on July 19, 2023, with a 90-day public comment period. USFWS will identify necessary changes to the proposed rule based on an extensive review of public comments, and anticipates publishing the final rule in 2024.

As a program manager for listing and species classification in the Pacific Islands, Salbosa prioritizes outreach and dialogue with the communities. USFWS' outreach efforts following the proposed rule publication included four public meetings in the Pacific Islands, three of which were in person. USFWS also held a series of in-person focused stakeholder meetings in the territories, ran newspaper ads and conducted various radio interviews. Salbosa said the development of the critical habitat units would not have been possible without the assistance of many of the territory agency staff.

To develop the critical habitat units, USFWS examined species occurrence data from 2005 to 2020, and identified physical or biological features that green sea turtles require for nesting and basking activities. Those features are unimpeded access to and from the ocean and dry sandy beach areas, suitable sand conditions and sufficient darkness. For essential basking behaviors in the Central North Pacific, USFWS also identified natural and artificial coastlines of gradually sloping beaches, sand spits and low shelving reef or rocks. USFWS also considered sea level rise, such that areas proposed as critical habitat are not locations that are currently inundated or likely to become inundated within the immediate future, compared to areas that may be underwater decades from now. All proposed critical habitat areas are considered occupied at the time of the listing.

Areas between sandy beaches that do not have the essential habitat features are not part of the proposed designation, and as a result some of the proposed areas are less than one acre in size. Individual segments or beaches have been grouped as units according to biological functionality, meaning that turtles will move along the coastline to carry out their life history needs if there is an obstruction, natural or manmade, or if sea level rise of flooding affects a particular beach segment. Salbosa presented the maps of the proposed areas for each of the archipelagic areas in Hawai'i, Palmyra, American Samoa, Guam, and CNMI. In American Samoa, no terrestrial critical habitat is proposed for Tutuila. Critical habitat simply identifies the areas as essential for the conservation and recovery of the green sea turtle, and does not create a reserve or refuge, and it does not affect land ownership or ability to access land or resources.

Schultz provided an overview of the NMFS proposal to designate critical habitat in marine areas. NMFS identified features essential to conservation of green sea turtle DPSs, comprising of reproductive essential features between the mean high water line and 20 meters depth (unobstructed waters off nesting beaches to allow adults to mate, females to transit on and off nesting beaches, and hatchlings to transit off nesting beaches) and foraging and resting features between the mean high water line to 20 meters depth (foraging resources and underwater refugia where turtles can rest, thermal regulate and avoid predators). Schultz presented the maps of the proposed areas in Hawai'i, American Samoa, Guam and CNMI, which generally includes most areas between the mean high water line to 20 meters depth around the islands in each area with some exclusions for areas that host low densities of foraging and resting turtles. NMFS had proposed to exclude non-reproductive areas of Ofu and Olosega in American Samoa, where published data showed lower densities of green sea turtles, but NMFS will be reconsidering that exclusion because DMWR informed NMFS there are high densities of foraging and resting sea turtles off all areas of those islands.

Critical habitat creates a regulatory requirement for federal agencies to ensure activities that they permit, fund or carry out are not likely to destroy or adversely modify that habitat. Critical habitat is not a protected area, closed area, or a preserve, and does not impact activities that are not permitted, funded or carried out by a federal agency. Any federal activity that has no impact on critical habitat is also not impacted by the designation. If a federal activity may affect critical habitat, the federal agency must consult with NMFS or USFWS to ensure their action is not likely to destroy or adversely modify critical habitat. In the case of federal fisheries in the Pacific Islands, there is no overlap between the proposed marine critical habitat areas and the areas of direct fishing operations. Therefore, a preliminary assessment has found that there would be no requirements for a conference, a Section 7 consultation, or additional project modifications.

Schultz reviewed some of the questions that NMFS received during the public hearings and provided responses. Regarding impacts to non-fisheries activities that are federally funded or permitted, NMFS has reviewed all existing Section 7 consultations on green sea turtle DPSs over the past decade and found that those consultations considered indirect effects on essential features and habitat. In preparing the economic analysis, NMFS did not identify any costs for project modification because NMFS's Section 7 biologists across the nation indicated they would not anticipate any project modifications as a result of the critical habitat designation because the federal agencies are already using the best management practices. Regarding critical infrastructure projects, NMFS does not anticipate any delays as a result of the designation because a conference to analyze effects prior to the final rule can start any time, and the existing consultations that have already analyzed indirect effects on habitat. For landowners, NMFS would follow the same process for any impacts to in-water habitat, and any prior indirect effects on habitat have already been analyzed. Regarding the military, NMFS is working with the DOD to add benefit to in-water turtles in their Integrated Natural Resource Management Plans (INRMP) so that NMFS can consider not designating critical habitat in areas that are owned, controlled or designated for use by the DOD.

Regarding harbors, NMFS has considered a lot of data, including those that the state and territory partners have provided, and have found that green sea turtles love harbors and manmade structures because they eat macroalgae that grow on those structures and they can use them for refugia. NMFS is therefore not excluding harbors from the designation, but that does not prevent

harbor improvements like dredging and replacements. NMFS has been discussing with USCG about the replacement of aids to navigation that have macroalgae growing on them, but replacing a few at a time would not adversely modify critical habitat, which is one of the benefits of having a large designation. An action that is likely to destroy or adversely modify critical habitat would have to be large in scale, and NMFS does not anticipate any destruction or adverse modification determinations based on their review of consultations across the entire nation.

Information gathered prior to proposing the critical habitat designation included public comments from the time that NMFS conducted in-person hearings in 2015 at the time of the proposed DPS listings. Since then, Schultz worked with the national resource management biologists from the territories and the State of Hawai'i to share and discuss the data, and incorporated all available data into the draft biological report. The state and territory natural resource management agencies saw an early version of the biological report in 2017 and sent back comments, which were incorporated, and they were asked to review an updated version of the report in 2022. That report provided the basis of the proposed rule. The listing of the DPSs triggered the requirement to designate critical habitat, and the listing of the DPSs was initiated because of the petition from the Association of Hawaiian Civic Clubs in 2012. NMFS will announce the initiation of the five-year status review in the Federal Register after the critical habitat designation is finalized.

Regarding comments that indicated the best available data were not used to map the coastlines and bathymetry, Schultz requested that those information be sent to her if better data are available, so that they can be incorporated into their mapping. She also acknowledged mistakes in the NMFS maps and indicated those changes can be made, but clarified that the critical habitat designation is based on the regulatory definition, which is the mean high water line to 20 meters depth.

Soliai said the last part of Schultz's presentation asking for data from the territories implies that NMFS is data poor and that there may not be enough data to support the designation. Noting that the five-year review of the green sea turtle has not been completed, he said NMFS appears to be doing the process backwards, as in the five-year review should be done prior to the designation.

Schultz said NMFS is not data poor in any way, and that there is actually great data for the designation. If NMFS has missed any information or data inadvertently, they would like to have it because of the requirement to use the best available scientific information. Schultz acknowledged that NMFS is late with all of their sea turtle five-year reviews and will be working on those, but noted that sea turtles have generation times ranging from 30 to 50 years and do not change in 5 years. She said the five-year review may not be in the best interest to those who might not want the status to change. For example, Hurricane Walaka destroying a large portion of the island was a major change that has happened to one of the DPSs, so the five-year review may not be something that the Council would like to push. Regardless, NMFS does not have anyone to do the five-year review now, so they need to finish up the critical habitat designation, which has a statutory deadline of July 19, 2024, finish the five-year reviews that have already been initiated for other species, and then start the five-year review of the green sea turtle DPSs.

Soliai disagreed, and said it is important that the five-year review is done prior to the designation. At the public hearing held in American Samoa, a question was posed as to whether

there were any turtle-specific surveys conducted in the territory and in other jurisdictions, and the response was no. Most of the information was based on towed-diver surveys that were not turtle-specific, and the available information appears to be almost 10 years old. Soliai asked for an update on the turtle recovery plan.

Schultz said she cannot speak to the recovery plan because she is not the recovery coordinator. She said NMFS has some of the sea turtle-specific in-water surveys from American Samoa, the towed-diver survey data are available through 2015, and there are additional up-to-date data through 2018. When NMFS listed the green sea turtle DPSs in response to the petition, they had a statutory deadline of one year to designate critical habitat, which would have been in 2017. NMFS missed that deadline as it takes a long time to gather and review the data, as illustrated in the amount of data contained in the biological report. NMFS is on the path to finish the critical habitat designation, and the next activity will be the five-year reviews. The data available for the critical habitat is not from the previous status review, but data specifically gathered to designate critical habitat.

Soliai said it should be more prudent that the status review be preliminarily completed prior to any designation, and asked the Council to consider it as a recommendation. At the public hearing in American Samoa, there was a lack of clarity in the response to a question about the elevation data and the time period used to determine the area between the mean high water mark and 20-meters depth, and there was reference made to 1902 elevation data. Soliai said the proposed designation did not take into account the sea level rise together with subsidence rate that American Samoa is facing since the 2009 tsunami, and asked if NMFS has looked into the issue since the hearing.

Schultz apologized for her absence at the hearing due to a family emergency and not being able to answer the question in person at the time. She said she used the data from the Hawai'i Mapping Research Group (HMRG) at the University of Hawai'i, which uses multi-beam bathymetry data collected off their research vessel Kilo Moana for about 20 years, as well as other data including LiDAR data. Schultz said she would like to receive the best available data for the coastlines and bathymetry that American Samoa may have. For the rulemaking, the critical habitat definition is from the mean high water line to 20 meters depth, so when there is sea level rise, critical habitat a hundred years from now would be from the mean high water line at that time to 20 meters depth at that time. The definition takes into account any sea level rise or changes in the bathymetry.

Soliai said there is a contradiction because NMFS does not have the best available scientific information because the elevation data they are using is irrelevant, noting that sea level rise and subsidence projections indicate that the coastline will be six to seven feet underwater by the year 2100. American Samoa just received funding for an updated LiDAR system to determine what those impacts will be. Soliai said the due diligence should be done by NMFS and USFWS, but he believes the services have dropped the ball on this issue, perhaps because they are being pressured by the CBD to push the agenda. Soliai asked whether there is a biological basis for the 20 meter depth.

Schultz said regarding Soliai's first point, she used all the data that was available to her and found that the HMRG data were the best available. However, DMWR staff has told her that they have better data, which Schultz would like to use. She said she does not talk to anyone at

CBD. NMFS treats state and territory partners differently than the general public, and provides those partners with more information ahead of time, including the draft biological report. Regarding the question about the 20-meter depth, Schultz said two types of data were used to determine that depth. First is light penetration data to determine the depth at which seagrasses and macroalgae can grow, and the other was the turtle's foraging and resting depths. Green sea turtles go down to 50 meters depth, but PIFSC found that between 80 to 90% of the turtles remain within 20 meters depth or less.

Soliai recommended a delay on the critical habitat designation process to be considered until the five-year status review and an update on the recovery plan are completed. A delay would also allow an opportunity for NMFS to consider any LiDAR data or information that is more accurate than the 1902 elevation data.

Schultz said she was not aware of the 1902 data, and it was not used.

Sakoda asked if information about the use of freshwater streams was considered and why those areas were not included in the critical habitat proposal.

Schultz said they do have freshwater data, for which PIFSC has access, and they will look at that data and will do a better job of including it.

Muña said she hopes NMFS and USFWS can appreciate how disconcerting it feels to see the entirety of nearshore waters around the islands proposed for critical habitat, noting that 83% of Guam DOAG's funding is federal and most projects are likely to be impacted. Even the average citizen would be impacted because any of the projects DOAG carries out in territorial waters is federally funded. A person trying to build a house on their property near the beach could also be impacted if there is a federal nexus in the form of EPA or similar.

Schultz said she understands that the proposed areas look like a lot of critical habitat, but what is confusing about critical habitat is that the citizens have been dealing with Section 7 consultations on green sea turtles since 1978 when the species was listed. Based on information from NMFS Pacific Islands Section 7 biologists on the last 10 years of consultations, NMFS did not see any consultations that would be significantly impacted by the designation. Similarly, they do not anticipate any additional requirements based on about seven years of EPA's Clean Water Act National Pollutant Discharge Elimination System notices. NMFS is trying to communicate to the public that they are not likely to notice the difference with the designation, because impacts to habitat have already been considered through existing consultations, and all of the best management practices are already in place. Schultz provided the example of the Hawaiian monk seal, for which critical habitat was designated about a decade ago, but it has not resulted in any impacts because consultations had been ongoing since the species' listing.

Muña said research conducted in places like Indonesia may reveal that the DPS in Guam's territorial waters may be much larger than expected, and may not require listing.

Schultz said critical habitat is only in US jurisdiction, so information from other areas may not be considered. The DPS that includes Guam is the Central West Pacific DPS, and there are more nesting beaches outside of the US jurisdiction than are within the US jurisdiction. NMFS's estimate is that all of the nesting females in that DPS are less than 10,000 and declining, but ESA listing is based on a threat-based analysis so it does not matter much how many

individuals there are in the DPS. NMFS would consider threats like poaching, habitat destruction, climate change, and loss of nesting beaches due to sea level rise to determine whether a DPS is threatened or endangered.

Muña said poaching is only defined by the fact that they are listed, as it would otherwise be cultural take.

Schultz said there are laws against killing sea turtles in many countries in the Central West Pacific DPS, so NMFS refers to poaching as anything that is illegal.

Dueñas said he is concerned about the use of the word poaching, as he has not seen arrest records of many people killing green sea turtles in the US. Other countries such as Australia allow their native people to continue to harvest. Calling it poaching would impose judgement on another group, and Dueñas said he respects the people of other cultures and the way they practice their culture.

Igisomar said a great deal of the funding in the CNMI is government projects coming from the federal government, some of which involve much-needed dredging in the water. Discussion is needed on those types of federal nexus and how critical habitat may affect them, as CNMI has regular typhoons and damages are bound to happen and there are millions of dollars' worth of Federal Emergency Management Agency or HUD funding that would go toward helping those who are trying to recover. Only time will tell if there will be no impact.

Guthertz asked if there would be any restrictions or federal permits necessary if a private land owner wants to build a house on their property close to the beach.

Schultz said from NMFS's point of view, there would be no situation in which there would be a consultation on critical habitat but not on the green sea turtle itself, and those consultations are already ongoing.

Salbosa said critical habitat does not stop development, but instead creates a means for coordination within the federal government. If there is a federal nexus, such as the landowner seeking federal funding or a federal permit, then the federal agency involved in that situation would be required to consult with the USFWS. USFWS would then work with that federal agency to ensure that their actions do not adversely hard the habitat for the green sea turtle. USFWS works closely with federal agencies in the Pacific Islands to facilitate their actions so it is respectful and does not harm the habitat of the species.

Guthertz said Guam does not have much land available to the civilian community, and families want to develop and use the land that is available to them. Some of the land is close to near-shore areas, and Guthertz does not want to see the families have to go through extraordinary federal permitting. She asked that NMFS and USFWS think of the private landowners who were denied access to their land for so long and would like to use it.

Sword cautioned against moving too quickly on the designation if there is erroneous data like what happened with the American Samoa bottomfish, noting that a lot of people in American Samoa were concerned at the hearing. While the designation may not stop development, it will slow things down. Sword expressed concern that all seven islands in

American Samoa is going to be considered as critical habitat, and added that the harbors may not be good turtle habitat because of sharks. He asked if there are any other designations in the U.S.

Schultz said critical habitat designation is also proposed for the entire coast of Florida, most of the coasts of Texas and California. Critical habitat and the timeline to designate are required by the statute.

Soliai asked if NMFS is also required by those regulations to complete the five-year reviews as scheduled.

Schultz said they are required to do the five-year review after they designate critical habitat, and the statutory requirement is that the five-year review would be due three years after the statutory deadline of the critical habitat designation. Both are late, but they are doing things in the correct order. In the case of the green sea turtles, the petition from the Association of Hawaiian Civic Clubs started the process for the DPS listing and critical habitat designation.

Soliai asked if there would be no five-year review if there is no petition.

Schultz said they would do a five-year review even without a petition, but the reviews are regularly late. A five-year review is not a rulemaking, so while people could request that NMFS and USFWS do them, it does not have the same statutory requirement for formal rulemaking such as the proposed rules and final rules.

Soliai asked when the last five-year review was completed.

Schultz said the status review was finalized in 2016.

Dueñas said the petition from the Association of Hawaiian Civic Clubs happened when he was last a Council member, but he recalled the petition was aimed at delisting to allow for cultural take and was not aware that it would create more obstacles and hurdles. He criticized NMFS and USFWS, who have joint jurisdiction over the green sea turtles, for spending nearly 50 years without a recovery plan, whereas the Council is required to develop a rebuilding plan within two years and rebuild within 10 years. Dueñas said the two main components of ESA are to protect and conserve, but the draconian attitude continues to perpetuate itself rather than allowing the people to perpetuate their culture. He asked why Guam has to be the ones to carry the burden. For GFCA's new building, they had to reapply for the U.S. Army Corps of Engineers permit because of delays in materials, which led to a month delay to wait for NMFS to respond to a consultation request. They will also have to rinse their equipment before they use it in saltwater to prevent cross contamination of invasive species.

2. Other Updates

Elena Duke, PIRO Protected Resources Division, provided the ESA and Marine Mammal Protection Act (MMPA) updates. Regarding giant clams, NMFS received a petition to list 10 giant clam species in August 2016. NMFS has completed drafting a status review report and a 12-month finding, which are undergoing internal agency review.

NMFS is revising the coral critical habitat proposed rule in response to public comments, and will either publish a final rule, or withdraw the 2020 proposed rule and publish a new proposed rule followed by a public comment period.

Regarding FKW take reduction updates under the MMPA, two observed FKW interactions have been confirmed in the Hawai'i DSLL fishery in 2023, and another recent interaction is pending confirmation. Following the FKW Take Reduction Team (FKWTRT) meeting in March 2023, NMFS is developing a proposed rule to amend the FKW Take Reduction Plan (TRP) based on team recommendations and all other relevant information. In late August and early September 2023, NMFS convened a FKWTRT Working Group with veterinarians to discuss handling considerations for FKW and including review of the FLD designed by HLA. The veterinarians were asked to share their expertise and perspective to inform FKWTRT discussions and NMFS considerations for moving forward with the proposed rule. The discussions were focused on understanding the implications from an individual animal's welfare perspective and were not intended at addressing the process for distinguishing serious from non-serious injury of marine mammals. The veterinarians provided guidance for handling FKWs no longer than five minutes, only attempting to straighten the hook in certain situations, such as if the hook is visible in the mouth, and recommended cutting the line in cases where the hook was not visible. NMFS will use the considerations from the veterinarians to review the NMFS handling guidance along with developing a proposed rule to amend the FKWTRP.

Ramsey asked for clarification on what it means to have a FKW hooking determined to be a serious injury.

Duke said serious injury is an injury that is more likely than not to lead to death of that marine mammal. FKW interactions inside the EEZ go through an expedited review process.

Ramsey asked if the interaction resulting in the line breaking meant that the animal was observed hooked in the lip or if the hook was swallowed.

Duke said the crew likely attempted to handle the marine mammal and as a result, the line broke before the hook straightened, or the rest of the gear was able to be removed from the marine mammal. She did not have the details on whether the animal from the April 2023 interaction had been hooked in the mouth, but said she could send additional details from each interaction that have been shared with the FKWTRT.

Dang asked Duke to elaborate further on the takeaways from the FKWTRT's consultation with the veterinarians.

Duke said a lot of the veterinarians' considerations and concerns were related to the limited information about where the animal is actually hooked. The veterinarians had concerns about recommending pulling on the line for a long period of time without knowing if the hook is in the soft tissue, esophagus, stomach, or in places that might cause more harm than good, which led to the recommendation of five minutes to ensure the animal does not get too stressed or lead to capture myopathy.

Dang said he has always wanted further clarification on what is best of the animal. Clarifications such as cutting line or removing as much gear off as possible after the five minutes

are helpful, and are consistent with practices across many of the protected species, which makes for simple and effective measures to deploy without much more training.

Duke said the challenging situation with the crew was one of the veterinarians' considerations. The veterinarians also commended the FLD that ensures human safety in terms of preventing flyback prevention, and that the device could be used to cut the line in addition to trying to straighten the hook.

Dueñas asked if any study has been done on the impact of a hook ingested by the animal by looking at the stomach tissue, noting that the fleet uses circle hooks, which can be passed through the animal without injury. Contrary to some comments made about the Council never having promoted circle hooks, Dueñas recalled promoting them at the first International Fishers Forum. He asked what strategies are being used to help the animals while out at sea.

Duke said she was not able to speak about specific strategies, but noted the veterinarians' primary concern was with the hook location and the amount of trailing line that may have the potential to wrap around the goosbeak or fluke causing long-term injury for the animal.

Dueñas asked if the FKWTRT has come up with a solution for a better path forward following the input from the veterinarians, although he did not know of any veterinarian that works on whales.

Duke said the three veterinarians have expertise in marine mammals and pinnipeds, and specifically on strandings of marine mammals and various injuries and risks to marine mammals.

Dueñas asked if they will be able to determine a certain level of survivability based on hooking location.

Duke said was not the purpose of the veterinarians' input, but they commented that it is difficult to assess what potential injuries are happening to the whales because there is little information on where they are hooked.

Dueñas said he was curious to find a way to move forward so that every interaction is not considered detrimental, noting the lack of documenting actual survival because tags are not deployed on the animals after the interactions. Dueñas also asked if NMFS is concerned about critical habitat for giant clams, noting that the issue with giant clam habitat is with red dirt from the military base erosion covering the nursery ground.

Duke said NMFS is not addressing critical habitat for giant clams.

B. Update on the Hawai'i Pelagic False Killer Whale Assessment Approach

Erin Oleson, PIFSC, provided a brief overview of the new assessment approach for Hawai'i pelagic FKWs under the MMPA. PIFSC recently released a Technical Memorandum, which details the management need, the data available, and the justification for the derived management area. All of the data used to derive the management area are available on the public GitHub site.

Hawai'i pelagic FKWs, like other pelagic cetaceans, have been assessed based on the EEZ around Hawai'i, because both abundance and MSI estimates that account for primary sources of mortality are typically available in that space. However, as the fishing effort for the Hawai'i DSLF fishery has shifted to the northeast outside of the EEZ, increasing proportion of bycatch outside the EEZ could not be formally assessed because of the lack of an abundance estimate for the corresponding space. This spatial mismatch complicated management under the FKWTRP, where the effectiveness of the FKWTRP is measured based on a relatively small portion of the fishery effort inside the EEZ. Because of this complex management environment, PIFSC was requested by PIRO and NMFS Office of Protected Resources to examine the available data to see if a management area could be developed that would be more inclusive of the space outside of the EEZ where the pelagic stock is known to occur.

The Guidelines for Assessing Marine Mammal Stocks, which was most recently updated in early 2023, instructs PIFSC on how and under what circumstances to use various data types and how to explore cases where the stock occurs outside the EEZ. Under the MMPA, stocks are defined as a group in a common spatial arrangement that interbreed when mature, which provides some guidance in terms of genetic or other differentiation that PIFSC might use to delineate populations. When data are sparse, defining boundaries may be done by looking at distinct oceanographic regions and other areas with high rates of human caused MSI.

Data available to support the approach include genetic samples, survey sightings, movement data from 10 telemetry-tagged pelagic FKWs, and fishery bycatch locations. The survey data were used to develop a species distribution model (SDM) for FKWs throughout the Central Pacific, which was published in 2020 following peer review by quantitative modelers, ecologists and the Pacific Scientific Review Group (PSRG). One of the most important datasets in determining the management area boundary is the genetic data, which was published in a paper in 2014. The paper looked at the genetic differentiation between the insular stock around Hawai'i and the surrounding pelagic stock, but also analyzed all available data to do a broader scale stock delineation across the Central Pacific. The significant finding from the paper was that there is significant mitochondrial and nuclear genetic differentiation between animals in the Central North Pacific and the Eastern Tropical Pacific. There are no samples in a broad area between the Central North Pacific and the Eastern Tropical Pacific, which limits the ability to understand the population structure in the area in between.

The resulting Hawai'i pelagic FKW management area is defined based on a minimum convex polygon with a 35 km buffer around the outer most points of the available biological data. The general outline of the space is supported by the telemetry data and genetic samples. The boundary does not explicitly consider depredation observations because there is no information to determine which species or which stock of FKW is taking fish off longline gear. Based on this boundary, the pelagic FKW abundance in the management area is estimated at 5,528 individuals, and using a recovery factor of 0.4 results in a potential biological removal (PBR) of 33 whales. The current five-year MSI estimate within the management area is 47 animals. The recovery factor of 0.4, which is lower than the default value of 0.5, was selected to account for the uncertainty with foreign fleet impacts based on the Guidelines for Assessing Marine Mammal Stocks.

As next steps, the draft 2023 SAR that incorporates the new management area abundance and PBR is being finalized and is expected to be available for public comment soon. The SAR

will be open for a 90-day public comment period, during which PIFSC would welcome any interested parties to scrutinize the data and the boundary, and submit public comments that provide an alternative, well-justified boundary delineation options or other considerations. PIFSC is also committed to try to reduce the uncertainty in the bycatch estimate by forming a working group to consider approaches for estimating foreign fleet fishing effort and FKW bycatch in and around the new management area. PIFSC is also committed to collecting additional biological data to reduce uncertainty in population structures, both within and around the management area.

Dueñas asked if any work done with WCPFC, and if any other reports are available on dead whales from other Pacific Islands areas. He also asked if there is any correlation of dead whales with military exercises as the military presence in the Pacific increases. He hoped that the pelagic FKW issue can be moved along.

Dang asked if there is a quantification of the improvement in the proposed new management area compared to the previous EEZ-based one, noting that the Technical Memorandum stated the spatial mismatch and bycatch impacts as well as the ability to formally assess it. He asked if there is still some inherent spatial mismatch because the underlying data are still the same. Dang said there is still a need for more telemetry tagging data and genetic samples.

Oleson said the pelagic stock was previously being managed based on the EEZ, where a relatively small portion of the DSLL fleet operating around the MHI. Most of the fleet's effort is outside of the EEZ to the east. The new management area captures about 90-92% of the fleet's operations, which is a significant improvement over the 20-25% of effort captured inside the EEZ. PIFSC started this process with the concept of using the fishing area as the management area as that represents the primary impact, but early feedback suggested that such an approach would unnecessarily penalize the fishery by focusing all of the management area on where the fleet operates. However, there were areas outside of the fishing area where pelagic stock animals are known to occur, so the approach changed to focusing on what is known about the biology and ecology of the stock. There are portions of the DSLL fleet that operate outside of the management area, and if there were bycatch in those spaces, they would not count against the PBR.

Dang asked if there was a way to allocate portion of the depredation data rather than excluding them entirely, noting that most depredation is done by FKW.

Oleson said there are a handful of depredation events to the north, south and west of the management area, but those are also areas where other stocks of FKWs may occur. They wanted to be very conservative and not guess what FKW stock might be causing the depredation.

Dang asked if observed sightings are included.

Oleson said they are not, and while they could add those sightings to the map, they would not change the management area because the stock identify would be unknown. Across all of the available datasets, the most informative are the telemetry and the genetic data, which provide affirmative observations of pelagic stock animals. The sightings and bycatch data help with understanding there are FKWs in that area, but they do not provide affirmation of this particular stock.

Dang asked if there is a plan to generate a frequently asked questions type of document to establish some justification and easy resources on why certain data are not included for future discussion and verification of this process.

Oleson said the Technical Memorandum provides that information, and the report documents all data sources that are known to exist.

Dang said he is concerned that the reality of the stock is not fully captured accurately with the new proposed management area, noting that independent parts of data can impact the whole picture.

Dueñas said he enjoyed the presentation and the discussion for the mere fact that it seemed transparent, and he feels optimistic about being able to resolve the issue.

Simonds said the SSC at its June 2023 meeting made a number of recommendations to the Council, which were forwarded to PIFSC. She asked Littnan, PIFSC director, to discuss some of the responses that Oleson did not touch upon. She also noted that the Council is interested in the peer review.

Littnan said regarding the recommendation to explore alternative approaches to the boundary delineation, PIFSC explored other alternatives that Oleson referred to, which was fishery-based. PIFSC made the decision to use the biological data based on the wealth of information they had, knowing it is a difficult species to work with. PIFSC is reluctant to explore other options because they made the choice that was the best given all of the uncertainty. Their intent was to provide the report for everyone, particularly for the SSC to arm them with all of the information so they could come up with a robust scientific justification to explore other ones. Because of the sensitivity of the topic, noting that the difference between bycatch estimation and PBR creates a host of follow-on management actions, Littnan said he wants to make it clear that PIFSC is not shopping around for answers. He hopes SSC will look at the report and come up with justifications, and as other questions arise about data interpretation, Oleson and team will be ready to provide the support. Regarding the recommendation about performing spatial cross validation to test the SDM in areas where there are no survey or fishery data, there is a lot of area outside of the management area boundary and the stock identify of FKWs in that area is unknown. PSRG also cautioned against expanding the boundary too far with fear of bleeding into other stocks, as that would result in an area that is not representative of what is going on with the pelagic FKWs in the DSLL fishery.

Oleson added that PIFSC's feeling that the model was appropriately validated and peer reviewed before it was published, and that would be explored when the model is updated again in the future.

Littnan said he discussed the Council's request to consider further external review with NMFS leadership. There were some sensitivities, as the PSRG is the scientific review body for stock assessments under the MMPA, and there was concern about calling for a Center of Independent Experts review in the middle of the process that goes through SAR, and associated implications nationally with other programs and various Councils. He said all of that aside, the SDM is at the core of the abundance estimation and has been thoroughly review multiple times and it is an approach that is used across the country for assessing abundance of several species of cetaceans. What are left is the fisheries data and the biological data of the animal, and those are

not at a level of sophistication and complexity that warrant external independent review. In the end, Littnan said he made the call in consultation with Cisco Werner and those at NMFS Office of Science and Technology. Littnan said PIFSC is working to get more time of the NOAA ship *Oscar Elton Sette* in 2024 and funding to do a survey to gather more data. He said he would like to hear if the Council thinks that should be a priority within the region to conduct a targeted survey around the management area to fill some of the gaps.

C. Advisory Group Report and Recommendations

1. Advisory Panel

Richard Farrell, CNMI AP vice chair, presented the AP report and recommendations.

Regarding the green turtle critical habitat proposed rule, the Guam AP recommended the Council consider the following concerns in responding to the public comment period:

- The public hearing in Guam was poorly facilitated and did not allow for full question and answer to foster better understanding of the potential impacts of the critical habitat designation;
- Request clarification on how public may have input on any potential impact, changes or delays to critical infrastructure projects (such as harbor dredging and boat ramp repair, maintenance or construction) resulting from consultations;
- NMFS and USFWS should consider potential impact of the designation on private landowners who may receive federal funding or permitting to carry out projects on their property, and to conduct more public outreach to address these concerns during the public comment period; and
- Request clarification on whether the military natural resources plans include marine species, if they are used to exclude areas for designation.

Regarding the green turtle critical habitat proposed rule, the CNMI AP recommended the Council request NMFS consider holding public meetings in Tinian and Rota to ensure each of the communities are able to provide input in person.

2. Fishing Industry Advisory Committee

There were no FIAC recommendations regarding protected species.

3. Pelagic Plan Team

There were no PPT recommendations regarding protected species.

4. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations. Lynch reported the SSC has struggled with and spent a lot of time discussing the FKW issue with PIRO and PIFSC. The SSC is concerned about the available data and the ability to make decisions about the boundary. As

memorialized in the SSC reports, it is difficult for the SSC to support where PIFSC has ended up with the new boundary for various reasons. There are a number of decisions being made within the analysis (e.g., choice of approach for abundance estimation, the decisions on the reliability of the model-based predictions for particular areas, and inclusion and exclusion of different data sets) that impact the findings, which is why the SSC has pressed for independent review. This issue impacts the fishery, and the SSC believes that the scientific record does not adequately support decisions being made.

Regarding the update on the Hawai‘i pelagic FKW assessment approach, it is difficult for the SSC to endorse the current approach and results. The SSC formed a working group comprising of Shelton Harley, Milani Chaloupka, Ray Hilborn, and David Itano to work with staff to respond to PIFSC’s response to the June 2023 recommendations, as well as to provide comments on the draft 2023 SAR when it becomes available. The SSC recommended that Council’s comments on this matter also be sent to the PSRG.

The SSC requested PIFSC to include additional documentation in the final report on the reason for not including the observer sighting data.

The SSC nominated the following members to participate in the working group: Shelton Harley, Ray Hilborn, David Itano, and Graham Pilling.

D. Public Comment

Gourley provided comments on the green sea turtle critical habitat issue, noting that he submitted a comment letter to NMFS and USFWS requesting that the services place the designation process in abeyance until an update to the 1998 green sea turtle recovery plan and the five-year status report can be completed. Both of these documents have been cited as being used for the basis of the critical habitat designation. He also asked for a more inclusive and comprehensive public outreach effort to educate the island residents on proposed regulatory actions, noting that as an example, Hawai‘i was given 22 days to review more than 800 pages of documents at the time of the public hearing. He also asked USFWS to not designate critical habitat around the tourist beaches, noting that tourism is the only industry in CNMI. Gourley also said USFWS has in the past used critical habitat to stop development in the CNMI.

Kingma, HLA, commented on FKW issues, and said every decision over the last decade has been ultra-precautionary and conservative toward the FKW population. NMFS underwent a review of the serious injury determination process, which was not transparent despite its serious management implications. Regarding the FKWTRT working group meeting with veterinarians, Kingma’s sense is that it is better to cut the leader and have the animal swim away rather than trying to straighten hooks. The problem is that the industry would not get any conservation credit for that because of the serious injury guidelines. He believes that NMFS has the ability to make specific MSI findings for FKWs because the existing guidelines are for bottlenose dolphins. He also said there has been a FKW that stranded with six hooks in its stomach, none of which caused the mortality. Regarding the management area, he does not believe it is a full representation of the available area and would like to see sighting information and depredation data from observers incorporated. Kingma also expressed concern with the process of delineating the management area, which included the PSRG’s review in a closed session, after which a

smaller area was generated with a lower PBR. He supports the SSC's deep dive on the issue and the Council recommendations coming forth. Lastly, noting the MMPA equivalency measures for foreign fisheries that are supposed to go into effect, he asked if there would be management areas for foreign fisheries that are confined to their fishing effort areas, and if so, what would the PBR be for those areas. He said none of the seafood products from foreign fisheries in those areas should be entered into the US market.

Farrell said he was disappointed in the way that the critical habitat outreach was conducted in the Mariana Archipelago. There was a public hearing on Saipan on August 23, 2023. An entourage flew to Tinian and had a closed door meeting with the Mayor's office, but it is unfair that there was no public hearing on Tinian or Rota. Two-thirds of Tinian belongs to the military, but the one-third where critical habitat is proposed is on the civilian side. The approach that NMFS and USFWS have taken creates animosity between the federal government and the people of Tinian, when the people of Tinian have worked hard to coexist with the military.

E. Council Discussion and Action

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 five-year status review and an updated recovery plan for the applicable green sea turtle DPSs are completed.**

Moved by Soliai; seconded by Guthertz.
Motion passed with Malloy abstaining.

Regarding the Hawai'i Pelagic FKW 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 SSC Working Group to respond to PIFSC's response to the June 2023 recommendations, as well as to provide comments on the draft 2023 SAR when it becomes available. The Council further directed staff to send a copy of the Council's responses to the PSRG.**
- 6. Requested NMFS PIFSC to include the following SSC members in its working group to consider approaches for estimating foreign fleet fishing effort and 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.

*Moved by Soliai; seconded by Guthertz.
Motion passed with Malloy abstaining.*

XII. Program Planning and Research

A. Climate Change Governance Policy

Mark Fitchett, Council staff, provided a presentation on the draft NMFS Climate Change Governance Policy. For fisheries that extend beyond the geographical authority of any one Council, MSA 304(f) authorizes the Secretary of Commerce to either designate which Council shall prepare the FMP or may require that the FMP be prepared jointly by the relevant Councils. The purpose of the draft guidance is to determine the geographic scope of a fishery and when it would need review, given the anticipation of climate change effects and shifting stocks or changing demographics. Much of the guidance is geared toward the Councils that neighbor each other and share fishery management plans and species. The policy provides a determination if there is a shifting stock, identifying a change in the geographic scope of the fishery and implications for which Council may be responsible for the FMP. The comments on the draft policy are due in November 2023, and the eight FMCs are coordinating to prepare comments.

Fitchett reviewed the comments on the draft policy prepared by the Mid-Atlantic FMC. Mid-Atlantic FMC found that many of the decision points in the draft Policy were not clear on how NMFS will determine what Council is responsible for stocks, there is a lack of a scientific review process, and there is a lack of clarity on interaction with other NMFS policies. Mid-Atlantic FMC also found that the draft Policy is not applicable to multi-species FMPs, relies on the presumption that changes are permanent, and the stakeholder review process is inadequate. There are already existing agreements between Councils so the policy may not be needed.

B. Inflation Reduction Act Overview

Jones, PIFSC, presented an overview on the IRA and Climate Ready Fisheries on behalf of Evan Howell, NMFS Office of Science and Technologies. Under the IRA, \$350 million is allocated for climate ready fisheries, some of which will be coming through PIFSC, PIRO and the Council. Among the funding provided, Essential Data Acquisition (EDA) and Advanced Technology (AT) will receive \$105 million. The idea behind the EDA/AT is to mitigate the recent loss of at-sea survey capability. PIFSC lost one of the ships in the Pacific Islands Region and has been looking at using time on the R/V *Rainier*, a ship coming from another region for support, but also looking at how it can get survey time through charters. This money is also to modernize and transform the national fisheries advanced technology and social science capabilities through targeted strategic initiatives.

EDA initiatives include un-crewed systems, active acoustic systems, passive acoustic systems, optical systems, fishery independent surveys, remote sensing, and social science. Pacific charter funds are directed toward protected species surveys and the IRA funding is intended to reduce data gaps and provide alternative platforms. Funds in the region will go toward monk seal and marine turtles in the NWHI. This will free up ship time to work on FKW surveys. There are also funds specifically laid out for territorial and tribal data acquisition in the

region. This will be done by accelerating the replacement and elimination of non-standard legacy systems and modernizing existing systems by looking at progressive technology. PIFSC will also use \$100,000 to go toward creating a unified database for data management with a web application for collaboration with jurisdictional agencies. A third project will provide \$200,000 toward the fishery-independent pilot survey for bottomfish in the jurisdictions. Added to existing funding, this will be the first independent pilot survey in the jurisdictions for a species-specific, size-structured relative abundance estimates to augment traditional fishery-independent data sources, starting in Guam.

Ramsey asked if “tribal” was defined for the tribal data acquisition funding bucket.

Jones was unsure but said it likely refers to tribes in the Pacific Northwest and in the Southeast.

Soliai asked if the funds identified in the presentation is exclusive to the Western Pacific Region.

Jones said \$105 million is the total amount for the EDA/AT bucket of funding. Within the EDA bucket, \$500,000 in year one that was provided to the Western Pacific Region and Climate Ecosystems and Fishery Initiative (CEFI) will provide roughly \$750,000 for the region.

Soliai asked if the \$200,000 for the bottomfish for fishery-independent survey was for this region.

Jones said yes.

Dueñas said the cost of living in the Mariana Archipelago continues to rise and wondered about the true benefits of the IRA. He said these funds could be better spent assisting the communities that are coping with inflation as the U.S. territories are amongst the hardest hit areas in the Pacific. Guam and the CNMI are isolated and dependent upon outside resources to survive. He said funds should be used to help the community rather than building up the agency.

Jones replied that in collaboration the Council, the intent is to go to the communities and improve the fishery science and management.

C. National Marine Fisheries Service Priorities for Addressing Climate Change in Fishery Management

1. National Activities and Priorities (including Ocean Climate Action Plan)

Jones presented on the priorities for the IRA funding under the CEFI, which has been allocated \$40 million. Currently, there is no regular delivery of ocean forecasts and projections, no operational systems to produce ecosystems scenarios and risk assessments, low ability to use climate-informed advice to reduce risks, and little planning for extreme events. The goals under CEFI are regular delivery of robust ocean forecasts and projections, operational delivery of those ecosystems scenarios and risk assessments, and a better ability to use climate-informed advice to reduce risks and increase resilience and improve planning. The CEFI decision support system would improve PIFSC’s ability to conduct regional ocean modeling as well as downscaling of

regional ocean models that would then provide an information hub. That hub would serve as a model output in a standardized format which can then be taken by decision support teams to produce tools and advice for climate ready resource management. That information would go to decision makers in the form of habitat distribution maps or species forecasts and projections to understand what could be the changes in populations of target or non-target catch and ecosystem-wide forecasts and projections.

The CEFI objectives are the development of climate-informed stock assessments, an assessment of climate impacts to subsistence, and develop key climate indicators for fisheries performance. PIFSC funding could provide three or more positions including a regional ocean modeler, social scientists, and an ecosystem modeler. The goal is to refocus some of the existing programs and initiatives to focus on CEFI and look at gaps that need to be filled. Top projects would include forecasts of extreme events like marine heat waves and coral bleaching; predictions of timing and seasonal changes like species migrations and availability to the small-boat or longline fishery; and estimates of potential changes in species distribution with inter-annual climate variability and long-term change, and/or estimates of spatial overlap. PIFSC would like to work with the community to hone in on some of the most useful products and move forward together.

Dueñas said PIFSC should be cautious on EM and reporting. Analog reporting has always been guaranteed and a lot of the fishermen are old school. He said the Pacific is at the forefront of climate change but science needs to understand the movement of fish. Fish are smart and will follow the food and currents. He said resilience is something that Guam is known for and there needs to be an emphasis on how we evaluate the climate and understand each other and deal with the person and not the computer screen.

Ramsey said he appreciated the approach to hire a social scientist and that the scope is going to include the incorporation of indigenous knowledge about climate change.

Jones said Dueñas was spot on with his comments about working with the community and that understanding is the goal with the Traditional Indigenous Knowledge and Traditional Ecological Knowledge components. He said as an example, continuing to have the paper option as fishery reporting moves to electronic reporting is a result of listening to the fishers in the community that may not have the ability to report electronically.

Muña said she appreciates the consideration of fisher preference when it comes to reporting format, and echoed Ramsey's comments about hiring social scientists.

Simonds said there was a lot of work detailed in the presentation and asked what kind of timelines PIFSC has with the funds they are receiving for IRA.

Jones said even before the EDA funding, PIFSC has been working with the Council and the territories to lay out the essential data needs and tackle the technical debt. The \$500,000 over three years to modernize the data systems will not be enough but will slightly accelerate the process. He said they are not creating brand new projects but adding funds into the movement toward modernizing the data systems and surveys. He said they have a multi-year process laid out that includes concrete first steps. With CEFI, it is about how to refocus some of the programs or initiatives to move forward and maintain that line of work,

Simonds said the Council's proposal is due at the end of the year so there is not much time to talk about priorities and what should be done. She proposed getting together in early October to discuss.

Dueñas said he would like to emphasize the need for regularly reporting catch and effort data to the public to include how much was caught by the creel and by the commercial reports. The community does not see results from the surveys so there needs to be some transparency to get the buy-in from the fishermen to understand the importance of the data.

Jones said is the idea behind modernizing the data systems so that jurisdictional agencies will have real-time access to their data. PIFSC is working to provide fishermen a mechanism to look at their own catch and cost. He said there would be no issue with making that part of the quarterly reports.

Simonds said there have been many fits and starts to collect noncommercial data in Hawai'i and the issue remains. The Council has tried over the years and will continue with holding meetings around the MHI to talk about the best way to collect fishery information, other than regulating them.

Jones said communication is the key because PIFSC does listen. He said they were funded to do a project on uku, which will add strata to the Hawai'i Marine Recreational Fishing Survey to better understand how the bottomfish registry can be used for data collection. This will include listening to the fishers to see how we can improve that information. The concern will always be the timeline because it is a multi-year process to get continuous improvement.

Simonds said getting basic fishery data are an issue with all of the regions and Councils. It seems to be so easy to do because there are simple ways of dealing with the fishermen and MSA wants all of us to operate by working with fishermen and there is finally some progress.

2. Regional Activities and Priorities (including Pacific Islands Regional Action Plan Climate Ecosystems and Fishery Initiative)

Phoebe Woodworth-Jefcoats, PIFSC, provided an overview of the Pacific Islands Regional Action Plan (PIRAP) for climate science. Every NMFS region in the country has regional action plans that enact the NMFS climate science strategy as well as NOAA's climate ready nation initiative. The goal of the plans is to help NMFS maintain and expand infrastructure to be able to monitor and track change as it is unfolding across the globe and specifically in the region. By understanding how this change is unfolding, scientists can understand the mechanistic relationships, or how oceanographic change changes fisheries and ecosystems and how those change are reflected in fisheries and the communities that rely upon those fisheries. Scientists can then develop predictive relationships to be able to forecast changes and develop climate-informed management strategies and adaptive management strategies.

PIRAP includes five main themes, the first being baselines and shifting distributions, which is a top priority with the bulk of the actions. There is a need to understand the environment now, how it is changing now, and how that might be reflected in different species distributions as those overlaps of different species change. The second theme for the PIRAP is impacts to life history and biology, and understanding at the species level how changing ocean conditions and environmental conditions affect, for example, how quickly species grow, how

quickly they mature, and if they are maturing at younger ages possibly. The third theme takes that species-level approach and scales that up to the ecosystem level and includes ecosystems, habitats, and humans. Actions include community and stakeholder engagement and looking at community vulnerability to climate change, drawing on cultural keystone species to understand how changes to those species will affect communities that depend upon them. The fourth theme in the PIRAP is regional coordination and operations, coordinating between scientists and managers to make sure that PIFSC is gathering information that people need, and providing the information that is most useful. The fifth theme is external partnerships and resources, which include climate-related topics that were important but beyond the capacity of PIFSC staff to address. These actions include the downscaling of global or system models to the regional and islands scale.

Dueñas asked if there will be a path forward in identifying the issues of the different sectors. He provided an example of how sedimentation has filled the boat basin and the bigeye scad are moving to deeper waters rather than coming closer to shore. He said there are other parts of the fishery besides corals that are being ignored and asked to include social science as well.

Woodworth-Jefcoats said there is a component in the PIRAP to gather oral histories to try and get out some of the information on where people used to fish, and how things have changed over the lifetime where they are fishing. She said can help provide some context to look further back in time than just what is being seen today.

D. Council Program Planning and Multi-Year Priorities

1. Council Management Priorities for Addressing Climate Change

Fitchett presented on the Council's priorities for addressing climate change. He said every five years the Council revises its research priorities and provide those to the NMFS to assist in prioritizing research. That next five-year period is coming up in 2025 and Council staff plan on providing that revision with a revised program plan in March 2024. Themes of this revision include climate change resiliency, strengthening U.S. fishery competitiveness domestically and internationally, emerging technologies in U.S. Pacific fisheries, EEJ, and capacity building and fishery development. He provided the program and research priorities including climate change scenario planning, minimizing impacts to protected species, monitoring catch in near-real time, understanding cultural information on how fisheries can adapt to climate change, and focusing on ecosystem-based fisheries management.

The region has done well in incorporating climate change indicators in the Annual SAFE Reports. The Council was one of the first to go to place-based management, allowing for more regional planning rather than fishery level issues and management. That is important for climate change but there are challenges that remain including lack of climate-informed reference points. Other challenges are incorporating information to discern or monitoring shifting stocks.

2. Inflation Reduction Act Planning

Mark Mitsuyasu, Council staff, presented on the Council's proposal for the IRA funding. Funding is flowing down through NOAA, NMFS and to the Council to support climate change and underserved communities. The regional fishery management councils will receive a combined \$20 million to support governance projects. The goal of the funding is to improve

climate resiliency and to support underserved communities. There are five priorities for the IRA funding to the Councils, including operationalizing climate vulnerability and other scientific products; operationalizing recommendations from scenario planning efforts; implementing management changes that address climate vulnerability and improving climate resiliency of fisheries, including those that are important to underserved communities; implementing measures to increase responsiveness of allocations or other management measures to climate impacts; and developing and advancing climate-related fisheries management planning and implementation efforts in support of underserved communities. He said the proposals need to contribute to fishery management measures in response to climate impacts and increased fishery community resiliency caused by anticipated climate impacts. The high priority is to include or leverage existing tools, consider cross-Council projects and initiatives, and to complete the projects within a three-year timeframe.

Mitsuyasu detailed the projects being considered for the Council's proposal including scenario planning, regulatory review, protected species, and community engagement and capacity building. The Council will be working with partner agencies to develop support for the proposals and collaboration on projects.

Sword asked when the deadline was to finalize the proposal.

Mitsuyasu said there were a couple of steps that the staff is trying to work through to finalize the proposal. The funding will be released in two phases with an initial smaller pot that is going to be divided evenly amongst the Councils to support projects like ramping up staff or contractor support. The second larger pot of funding will be more competitive amongst the Councils.

Simonds said the first pot will need to be submitted by the end of the month. Proposals for the larger pot are due at the end of the federal first quarter, December 31.

Guthertz asked if the larger pot proposal has been worked on.

Simonds replied that staff will be meeting with PIRO and PIFSC staff so that everyone is in alignment and that the Council's goals can be met and implemented by the third year.

E. National Legislative Report

DeMello presented the national legislative report, including the legislative bills that have relevance to the Council. HR 1792, the South Pacific Tuna Treaty Act, was introduced by Representative Amata Radewagen. Other bills that have implications for fishery management include the reintroduction of the Advancing the Quality and Understanding of American Aquaculture (AQUAA) in both the House and the Senate (HR 4013 and S1861), and HR 4051 which directs the Secretary of Commerce to establish a task force regarding shark depredation (known as the SHARKED Act). DeMello said there were a number of hearings that the Council may be interested in, including one on the South Pacific Tuna Treaty Act and one on the SHARKED Act, and the recordings from these hearings are available on the committee websites.

Dueñas asked if the South Pacific Tuna Treaty included an increase in funding.

Simonds said the bill is to reauthorize the Treaty and not for appropriations.

Dueñas asked if there was legislation providing for an exemption for the territories to the requirements for a U.S. master and engineer.

DeMello was unsure if there was any legislation introduced regarding that issue.

Dueñas said he was dismayed at one of the witnesses at the hearing on sanctuaries and monuments convened by House Natural Resources Committee's Subcommittee on Oversight and Investigations, noting that the speaker took credit for circle hooks when it was the Council that promoted the use of circle hooks. He said he did not appreciate the speaker trying to smear the reputation of the Council as it has been at the forefront of conserving and protecting the resources.

F. Report on National Standard 4, 8 and 9 Review

Craig Severance, SSC member, provided a report of a Council working group that developed a response to NMFS's Advanced Notice of Proposed Rulemaking for revising the guidance for NS4 on allocations, NS8 on communities, and NS9 on bycatch. The working group was chaired by former Council Chair Gourley and current Council Chair Sword. The process included staff providing comprehensive background documentation and a series of detailed queries and trigger questions. The group, made up of both science and policy members, provided responses to the questions and developed recommendations. Severance provided the recommendations from the NSs 4 and 8 subgroups that included providing flexibility, seeking comprehensive data collection, directing funding to the Council, and including non-place-based conceptions of fishing communities.

Clay Tam, AP chair, reported on the subgroup that developed a response for NS9, bycatch. In general, the working group found that existing guidelines and MSA Council process provides for sufficient flexibility and adaptability to future potential changes in bycatch issues. The working group noted that practicability standards should be maintained as well as flexibility for the Councils to address bycatch in a manner that reflects the region. The working group also made recommendations regarding provisions to address bycatch on an ecosystem level, documenting bycatch avoidance, and incentives to reduce waste when regulatory discards are required.

Dueñas asked if the group put any thought toward allocations and protecting the cultural value, noting that there should be specific allocation for the cultural communities of the region if a sanctuary will be designated in the PRIA. He also expressed concern about the definition of bycatch, noting that people in the Pacific eat everything they catch.

Soliai said the NSs are important to the territories as they face challenges from not only within federal policies such as sanctuaries and ELAPS, but also challenges in the international arena. The WCPFC states that any action should not create a disproportionate burden to any member of the commission or small-island developing states or participating territories. The territories are protected under that policy but under MSA they are not. He said the work presented is important and that if there are any allocations, the benefits should be to the small island communities.

Tam said it was difficult to talk about bycatch in the Pacific. Having the direct input into the definition of bycatch and managing bycatch is important. It is especially difficult when there

are conflicting mandates, where on one side there are EOs on EEJ and talk of national seafood security, while the sanctuary designation will have a big impact on those aspects. There is no answer on how those conflicts will be addressed.

G. National Academies of Sciences, Engineering and Medicine’s Committee on Assessing Equity in the Distribution of Fisheries Management Benefits

Severance presented on the National Academy of Sciences, Engineering and Medicine’s (NASEM) Committee that was formed at the request from NMFS to look at equity in the distribution of fishery management benefits. The NASEM committee started meeting in October 2022 with perspective from the NMFS regional administrators, NMFS Science Centers, Council staff, and researchers. The Committee was assigned to determine the categories of information required to adequately assess where and to whom the primary benefits of commercial fishery and for-hire fishery management accrue; determine what information exists within those categories and what additional information, if any NMFS would need to collect; identify potential obstacles to collecting this additional data; and identify methodologies that the agency could use to assess the relative distribution of benefits from federal commercial and for hire fishery management based on available information. In the discussions, they looked at what studies and work has been done at the NMFS Science Centers to collect data to understand equity, as well as the work from the Councils on how data are used for management and gaps to better management. This fall, the NASEM Committee will be drafting and finalizing the report for review. The Council will have the opportunity to nominate reviewers for reports.

Dueñas said maximizing cost is never part of the consideration. If a fisherman is going to spend a large amount of money on fishing, they will want to maximize their fishing ability and make that trip worth it. With inflation, there is no way for the fisherman to recover costs. He said a lot of fingers are pointed at the small-boat fishery but there are a lot of factors to look at and hoped the group would evolve to look at those details.

H. National Seafood Strategy

Fitchett provided an overview of the goals and drivers of the National Seafood Strategy. The goals include maintaining or increasing sustainable wild capture and production, increasing sustainable U.S. aquaculture, fostering access to domestic and global markets for the U.S. seafood industry, and strengthening the entire U.S. seafood sector. The strategy also includes a list of national strategies and plans. The Council’s FIAC discussed the strategy and noted the lack of progress on how the final version changed from earlier iterations as well as the lack of strategies on how the goals will be implemented. The Council had previously discussed the seafood trade imbalance as well as the lack of ability to sell billfish from Hawai‘i outside of the state which could be addressed under one of the strategy goals.

Soliai asked when the implementation plan would be released.

Fitchett was unsure if there was an implementation plan, and deferred to Tam, who is a member of the Marine Fisheries Advisory Committee.

Tam said NMFS is working on the implementation plan and by the next Marine Fisheries Advisory Committee meeting in November 2023, NMFS will have some of the initiatives ready to forward to the Secretary of Commerce.

Simonds asked if there will be another opportunity for comments before the Secretary makes a decision.

Tam said he was not sure but will check and let the Council know.

Soliai said another opportunity for comments is warranted because the goals in the strategy are different from the experience on the ground. The strategy seems counterproductive to what is going on with the fishery. The strategy needs to consider the MSA NSs and any disproportionate burden that will be caused. He hoped there would be further opportunities for engagement and for the Council to consider submitting a letter because of recent developments with the PRINMS.

Dueñas asked who is initiating this action.

Tam said it is DOC through NOAA.

Dueñas said he was disheartened that the bigger agency (NOAA) that is above NMFS and ONMS does not pay attention to what it is promoting, and that the divisions across the agencies are not aligned in their stance on important issues like the need for increased international allocation for bigeye tuna and the state of the canneries. He wondered whose fisheries NOAA is promoting, noting that large retailers are carrying tuna loins from Vietnam and U.S. fisheries are not being supported by the agency. He also expressed disappointment that the Council hears abstentions upon abstentions from NMFS, which signals that NMFS is not part of the discussion.

Simonds said the Council needs to take the opportunity to provide comments being so far away from the seat of government, noting that the seafood strategy initiative started in the 1980s with the Council being part of it, but the initiative died down after.

Malloy said the reason she abstains from votes is because she is legally not allowed to direct the DOC or NMFS's sister agencies to take any action. She said she hopes that the Council understands that her abstention does not mean that she is not paying attention and that she is not participating in the discussion.

Simonds said one of the reasons the regional administrator has abstained on votes is because under the MSA, a management decision with unanimous consent by all Council members is considered an action that is approved.

Sword said NOAA has many different groups and the big thing is communication. In the workshops in Pago Pago, there was a big disconnect between the different groups in relation to the seafood strategy. The information was put together in a way that was an eye opener but it should have been asked beforehand. This is a slow ratchet down of the fishery, and the community and our future is in their hands. He said he hoped communication is more open.

I. Regional Communications and Outreach Report

Amy Vandehey, Council staff, provided the Council's regional communications and outreach report that covered the period of June through August 2023. Activities included the publication of the summer issue of the quarterly newsletter, the development of the Council's

2022 status of the fisheries report, social media outreach, and the Fishers Forum held in American Samoa in conjunction with the Council's 195th meeting. Council staff also participated at fishing tournaments in Hawai'i and Guam. Vandehey also provided an update on the U.S. Pacific Territories Fishery Capacity-Building Scholarship Program that opened applications over the summer with two new students from American Samoa working on Master of Science degrees. One student is at the University of Hawai'i at Hilo in the Tropical Conservation Biology and Environmental Science Program and another is at the University of Guam in Biology. Students that complete the program are committed to work with their local management agencies.

Soliai said the newsletters are very impactful and helps to inform the region and nation on what is going on. He said he is happy and encouraged by the scholarship program and is continuing to see a bright future with those coming through the program and capitalizing on those opportunities. He said he hopes to be able to retain those scholarship recipients after their two-year commitment to work in the territorial agencies.

Guthertz said the publications, social media and press releases are all timely so she shares it with everyone in Guam including her university class. They are used as part of the class activities and should be done by the local governments as well.

J. Advisory Group Report and Recommendations

1. Advisory Panel

Kuali'i presented the AP report and recommendations.

Regarding Council priorities, the Hawai'i AP recommended the Council incorporate the following needs and priorities in developing proposals to address climate-ready fisheries:

- Importance of fresh water sources (aquifers, rivers and streams) on fish stocks and fishing activity;
- Capacity building and mentorship to help the younger generation of fishermen to learn from experienced fishermen about the importance of sustaining resources through generational knowledge associated with fishing practices, including seasonal and cyclical patterns driven by environmental factors;
- Balancing the supply and demand to allow fishermen to keep fishing and local fish buyers to keep buying from local suppliers, including fishery exploration to optimize fishing operations in response to shifting species distribution; and
- Create opportunities to bring in local and federal agencies into the conversation early and often.

Kuali'i reported the indicators are imperial knowledge to Native Hawaiians. He provided an example of knowing when fish were near shore when certain flowers bloom. Fishermen pay attention to those kinds of observations. There is a need to optimize fishing operations in response to shifting species distribution, and to create opportunities to bring in local and federal agencies into conservation early and often. He referenced information from the Aha Moku system and read an excerpt: "Fisheries management based on Western scientific thought has displaced indigenous knowledge systems throughout the world and, for the most part, Hawai'i is

no exception. The Western view asserts that management should be left to professionals, and that the users of resources should not also be the managers of these resources. This view is fundamentally different from traditional Hawaiian marine resource use and conservation where resource users were the managers. Long before any association with westerners, Hawaiians depended on fishing for survival. The need to avoid food depletion motivated them to acquire a sophisticated understanding of the factors that cause limitations and fluctuations in marine resources. Based on their familiarity with specific places and through much trial and error, Hawaiian communities were able to develop ingenious social and cultural controls on fishing that fostered, in modern terminology, sustainable use of marine resources. It is important to recognize these practices not as merely traditional, but as adaptive responses to marine resource availability and limitations. Hawaiian traditions incorporate conscious conservation and demand an awareness of nature and attention to detail not found in contemporary fishery management.”

Dueñas said he hoped someone would listen to the AP and the pleas of native communities. He said on Guam, Western practices came to the island providing everyone a right to fish and it is disheartening for local fishermen to go fishing when they are inundated with so many rules and regulations. He said he appreciated that the traditional way of fishing was acknowledged and hoped people would understand the dilemma that native people go through. He said if the sanctuary is taking away the ocean, they need to give back to the native people so that the native communities can be provided benefits. Dueñas said native people are always last to benefit from anything but the first to be mitigated and regulated.

Regarding Council priorities, the CNMI AP recommended the Council incorporate the following needs and priorities in developing proposals to address climate-ready fisheries:

- Planning toward mitigation of infrastructure in marinas; and
- Data collection through smart buoys to monitor environmental and climate factors that may be driving fisher behavior and fishing activity.

Kuali‘i reported the AP has been working to develop smart buoys. The technology that is available is amazing and it is imperative that funding be provided toward these types of projects. Smart buoys can help the fishing communities and science.

Dueñas said he appreciated the AP looking at technology and smart buoys and that further thought has to be given these ideas. He said they tried it on Guam and put the sensors right on the surface. Surface trolling would snag on the sensor so he recommended the sensor be placed below the buoy so it does not get damaged or interfere with fishing.

Kuali‘i suggested that outreach should be done with the troll community to inform them that they do not have to be that close to the buoy. The fish are not tied to the buoy so they do not have to fish so close.

Soliai said he admired Kuali‘i’s passion for fishing and making sure the resources are sustained.

2. Fishing Industry Advisory Committee

Michael Goto, FIAC chair, presented the FIAC report and recommendations.

Regarding research priorities, the FIAC recommended PIFSC evaluate cookie cutter shark depredation patterns to address recent increased observation of depredation in Hawai'i longline-caught fish.

Regarding the National Seafood Strategy, the FIAC requested that Council staff and FIAC members work together to prepare feedback to NOAA on its National Seafood Strategy.

Regarding program planning, the FIAC endorsed the Council's draft 2025-2029 Program Plan themes.

Regarding Council governance policies, the FIAC recommended that the Council work with the Pacific FMC and North Pacific FMC to retain current PMUS and protected species jurisdiction to the Council, and include jurisdiction on eastern Pacific bigeye tuna.

3. Pelagic Plan Team

Don Kobayashi, PPT chair, presented the report and recommendations.

Regarding IRA funding priorities, the PPT supported the four project categories in development for the Council's proposal.

Regarding pelagic research priorities, the PPT recommended that Council expand the priority on shark depredation to include depredation from all species, including FKWs. The PPT further recommended the Council work with advisory groups to include other possible priorities.

Sword said American Samoa has recently experienced a large increase of shark predation, not only at the FADs, but also outside in the open ocean within four miles of the island.

Dueñas said with the increasing conservation of sharks and the prohibition of shark finning, there is increased competition in the ecosystem. The islands are an aggregation device to attract all of the sharks. He said there should be a study on the impacts of conserving sharks.

4. Education Committee

Severance, Education Committee chair, presented the committee report and recommendations.

The Education Committee recommended the following:

- The creation of an addendum to the existing U.S. Pacific Islands Education and Employment Capacity-Building Memorandum of Understanding, signed by current committee members, to make minor revisions to the language including specifying that required internships are for undergraduate students and not graduate students.
- That the Council create working groups from subgroups of the Education Committee to: 1) discuss broad goals and objectives for Council education initiatives to be included in the Council 2025-2029 Program Plan; 2) incorporate fisheries science into K-12 and higher education classrooms; and 3) 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.

- That the Council support the expansion of the MREP to the Pacific Islands Region through participation in planning meetings and connecting program directors with key people in the fishing communities.
- That the Council reexamine its efforts in supporting the objectives of the MSA 305(j), the Marine Education and Training program in the Western Pacific.

Simonds said the scholarship program takes up a lot of time but it is the only program of its type in the Pacific and it has always been the Council's idea for another agency to take it over. Due to issues with funding and the amount of time it takes, the Council may not continue this program.

5. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations.

Regarding the NMFS Draft Climate Governance Policy, the SSC recommended that the Council join the Mid-Atlantic and other Councils in addressing the procedural directive.

Regarding PIFSC Funding Priorities for Climate-Ready Fisheries, the SSC recommended forming a consortium comprising PIFSC, the Council, regional academic and research institutions, in order to strategically address the IRA project initiatives and maintain the viability of these programs beyond the IRA funding horizon. The SSC also supported allocating funding for student scholarships to build local capacity in disciplines that are critical to the IRA initiatives.

Regarding Council management priorities for addressing climate change, the SSC formed a Working Group comprised of SSC members Franklin, Camacho, Itano, Kobayashi, and Jones to work with Council staff in order to identify Magnuson-Stevens Reauthorization Act research priorities by March 2024.

Regarding review of Council research priorities, the SSC recommended cooperative research priorities include:

- Expanding research to include ways to avoid and deter shark depredation in the regional fisheries, including fishing techniques.
- Continued support of existing bottomfish biosampling programs and development of such a program in American Samoa.
- Focus research on improving life history sampling and analyses of unassessed pelagic species.
- Discontinue tagging for the Bottomfish Tagging Study with respect to the bottomfish restricted fishing areas.
- Inclusion of a tagging network in the Mariana Archipelago.

The SSC also recommended the SSC working group evaluate and update the current suite of Cooperative Research projects with other advisory groups.

Regarding research priorities, the SSC recommended the PIFSC SEES 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.

K. Program Planning Standing Committee Report

Guthertz reported the Program Planning and Research Standing Committee (PPRSC) met Sept. 15, 2023.

The recommendations were as follows:

The PPRSC endorsed the recommendations of the Council’s advisory groups. In particular, the PPRSC recommends the Council support the project categories developed for the Council’s IRA proposal, including scenario planning, regulatory reviews, protected species review and update, and community engagement and capacity-building.

The PPRSC also endorsed the Council’s draft 2025-2029 Program Plan themes and recommended the Council direct staff to finalize the Program Plan for a decision by the Council at its meeting in March 2024.

The PPRSC recommended the Council draft a letter to the Secretary of Commerce addressing the continuing initiatives by the federal government to weaken the MSA by financially starving the work of the Councils.

L. Fishing Rights of Indigenous People Standing Committee Report

Muña presented the report of the Fishing Rights of Indigenous People (FRIP) Standing Committee meeting. The FRIP Standing Committee reviewed a report from the NASEM’s Committee on addressing equity in the distribution of fisheries management benefits. Some of the committee members raised the question about participation of indigenous voices in the committee. She said a nomination was not submitted in time but the committee still is including Council members and allowing them to attend and sit in on the committee meetings that are held. The FRIP Standing Committee wanted to ensure that those affected by the decisions being made are represented with their voices on the committee versus having others speak for them.

The FRIP Standing Committee also received a presentation on the EEJ Regional Implementation Plan. Several questions and issues were raised about changing the format of information collection, the types of workshops and scoping meetings, comments that are received, etc. The Standing Committee suggested changing the process so that workshops can be incorporated to start first, so that we can ensure that the voices, opinions, and perspectives of those who the decisions will later impact are represented. This would also allow the opportunity to provide sufficient information as to how these decisions will affect them. She said the format of the American Samoa workshops on the PRI should be the format that is followed in every process for scoping and draft decisions that are being released to the community.

The FRIP Standing Committee also received presentations from NMFS on engagement in the territories, the MREP, and the Council’s program plan and multi-year priorities. During the Standing Committee’s discussions on renaming the PRI, suggestions were offered to allow the

territories that were closer to specific islands have the opportunity to name each of those islands.

The recommendations were as follows:

The FRIP Standing Committee recommended the Council send a letter to NOAA to consider inviting Soliai to the Congressional hearing to hear the native and indigenous perspectives.

The FRIP Standing Committee recommended the Council direct staff to draft a letter to the state and territorial governors to seek recognition of their indigenous peoples as federally recognized tribes to assist in EEJ.

The FRIP Standing Committee recommended the renaming of the PRIA be based on geographic proximity.

Dueñas said areas being considered for a sanctuary are possible economic zones for the different native people. The ocean has a greater meaning to us than a person not from the area and therefore, the resources of these areas should be allocated to the indigenous peoples of these areas. The benefit of these allocations could be new hospitals, new schools, a new power plant, or something to benefit the communities that are adversely affected by the taking of these ocean areas.

M. Public Comment

McGrew Rice, fisherman, said he has been through a situation similar to the proposed PRINMS when they took away the NWHI from the fishery. He concurred with Sword and Dueñas statements that sustaining the fisheries also sustains the culture. He cautioned the Council to be careful when people from Washington, D.C. come down and do workshops as they are doing it to show face and say they tried, but still make the sanctuary. He said this country is willing to give \$9 billion to a country that hates the United States but destroy 50,000 U.S. citizen's lives by creating a sanctuary.

N. Council Discussion and Action

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 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.**

Moved by Soliai; seconded by Dueñas.

Motion passed.

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 FMC (and other 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 FMC and North Pacific FMC to review their existing agreements to retain current PMUS as well as eastern Pacific bigeye tuna and protected species jurisdictional issues.**

Malloy said NMFS abstains on #2 as the action is to send a letter to NMFS Office of Sustainable Fisheries.

Moved by Soliai; seconded by Dueñas.

Motion passed with Malloy abstaining.

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 Eric Franklin, Frank Camacho, David Itano, Don Kobayashi, and T. Todd Jones to work with Council staff in order to identify Magnuson-Stevens Reauthorization Act 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 for the Bottomfish Tagging Study with respect to the bottomfish restricted fishing areas; and**
 - e. **inclusion of a tagging network in the Mariana Archipelago.**

Moved by Guthertz; seconded by Soliai.

Motion passed.

Regarding research priorities, the Council:

7. **Recommended expanding the priority on shark depredation to include depredation from all species, including FKWs. 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 PMUS and that estimation of noncommercial pelagic catch and effort be made a priority.**

- 9. Requested NMFS PIFSC SEES 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 Hawai‘i longline-caught fish.**

Dueñas said he is concerned that there is a lack of studies on the efficacy of the shark conservation measures implemented in the WCPFC and the region.

Simonds said those concerns could be included in the correspondence.

Moved by Guthertz; seconded by Dueñas.

Motion passed.

Regarding NOAA’s National Seafood Strategy, the Council:

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

Moved by Dueñas; seconded by Guthertz.

Motion passed with Malloy abstaining.

Regarding education and outreach, the Council:

- 12. Directed staff to create an addendum to the existing U.S. Pacific Islands Education and Employment Capacity-Building Memorandum of Understanding, 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 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.**

Moved by Dueñas; seconded by Soliai.

Motion passed.

Regarding EEJ/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.**

Moved by Guthertz; seconded by Dueñas.

Motion passed.

XIII. Pelagic and International Fisheries

A. American Samoa Longline Fishery Report

Jenny Stahl, PIFSC, presented on the fishery performance (catch and effort) of the American Samoa longline fishery for the first half of 2023. Effort in this fishery continues to decline while albacore CPUE remains relatively stable. The annual effort in 2022 has declined 40% compared to 2018. CPUE was slightly higher in 2022 than in 2023, although 2023 CPUE levels are consistent with those over the recent five years. Social scientists at PIFSC are monitoring trip costs to discern the reasons for decline in fishing effort and participation. Analysis of trip and fixed costs data indicate a declining economic return with profits fluctuating over time with negative profits in 2013, 2014, and 2020. Low CPUE relative to historical levels may also be contributing to fluctuations in profits. Out of 14 vessels, 11 vessels are participating in electronic reporting (ER) and PIFSC FRMD is looking to hire on-site staff to provide ER support.

Dueñas asked if there has also been a decline in the size of fish landed, and whether that information was part of the longline reports.

Bigelow said there is no information on size frequency in logbook data but there may be information in the Annual SAFE Report.

Dueñas asked if there was fishing in the PRIA or if effort is in the U.S. EEZ around American Samoa.

Bigelow said most of the longline fishing has been confined to the U.S. EEZ around American Samoa, but the fleet has historically fished in international waters. The American Samoa longline vessels do not fish in the PRIA.

Soliai asked if the recent uptick in CPUE was related to loosening restrictions in the Large Vessel Prohibited Area. Soliai asked for confirmation that the recent socioeconomic information was from the 2017 survey.

Stahl confirmed that 2017 was the last comprehensive survey conducted by social scientists for the American Samoa longline fisheries, but noted that there is annual information collected from the observer program.

Soliai asked if price for fish was part of the survey.

Stahl said she thinks it would be since it is a cost-earnings survey.

Soliai said price of albacore has been the highest in several years and that may be a cause for recent increases in effort for some vessels. Soliai followed up that there have been challenges for American Samoa longline vessels to meet costs. Maintenance and upgrades to vessels was a major hurdle and Coronavirus Aid, Relief and Economic Security Act (CARES) Act funding for these improvements was finally received. Soliai said a wider survey for the fleet should be conducted again soon.

Stahl said PIFSC is preparing for the next survey to be conducted in the next year or two.

Soliai said NMFS and the Council need to understand the hardships and challenges faced by American Samoa's longline fishery to address the impact.

Sword said a challenge is finding captains and crew for operating longline vessels in American Samoa. There is a lack of experienced captains and crew at the moment. Many potential crew are not U.S. passport holders. Sword said there should be more work to determine how to make the fishery survive.

B. Hawai'i Longline Fishery Report

Russell Ito, PIFSC, presented on the fishery performance (catch and effort) of the Hawai'i DSL and shallow-set longline fisheries for the first half of 2023. There were 126 vessels that exclusively fished deep-set and 21 vessels that shallow-set fished for swordfish the first part of the year. That is an increase in seven shallow-setting vessels from the previous year. There was an increase of 32 trips for the first half of 2023 with 885 trips, compared to the same time in 2022. Fifty-nine of those trips were shallow-set trips. The number of hooks set by the fleet continued to increase to 33.8 million in the first half of 2023. About 25% of fishing effort was inside the U.S. EEZ around Hawai'i with remainder on the high seas.

There were 89,000 bigeye and 34,000 yellowfin tuna caught in the first half of 2023. Albacore catches increased by 3,000 fish to 13,000 fish from the same time in 2022. Both bigeye and yellowfin tunas are caught mostly in the fourth and first quarters of the year. Overall, bigeye tuna CPUE was below historical average (2.7 fish/thousand hooks), which was similar to 2022. Yellowfin tuna catch and CPUE was lower than the previous year. Swordfish catch (10,000 fish) was slightly higher than the previous year but CPUE has been relatively stable. Shortbill spearfish catches have increased in 2023 to 8,000 fish, which is an increase of 3,000 fish from the same time the previous year. Mahimahi and ono catches have increased significantly for the first half of 2023 as compared to the same period in 2022. Monchong, opah and skipjack tuna catch was lower in 2023 than 2022.

The longline fleet has experienced a higher number of fish with cookie cutter shark damage in 2023. External influences on the fishery in the first half of 2023 included higher than normal vessel breakdowns, climatological switch from a strong La Niña to El Niño, Maui wildfires, and a weakened yen that has likely affected some of the demand for fish.

Sword asked what the average cost per longline trip was.

Dang said it is about \$40,000 to \$50,000 for the DSLL fishery and much higher for the SSSL fishery. Bulk of the cost is fuel, but there are also inflationary costs on every goods and services used by the fleet.

Dueñas said he likes the zone-based management idea and asked if there is information on the size of fish between areas and if areas where the Hawai‘i fishery operates have healthy stocks based on the CPUE and size frequency.

Bigelow said the current concept in the WCPFC is to have the catch limits of bigeye tuna based on tonnage. The concept of zone-based management was discussed in terms of vessel days at a workshop that Simonds and Glen Joseph convened in March 2023, for which Bigelow did an analysis on how many days would be needed for the Hawai‘i-based fleet. That analysis shows that the Hawai‘i-based fleet would need 70% of fishing days on the high seas and 30% in the U.S. EEZ, which came out to about 17,000 days on the high seas. Bigelow said it is up to the fishery managers to decide whether to go toward a vessel-day scheme or continue to manage under the tonnage scheme.

Dueñas clarified that he was referring to zone-based management that could be based on the work done about 20 years ago, where the Pacific Ocean was divided up into quadrant to determine if the quadrants are healthy based on the best available science. That information showed that the zone around the MHI and American Samoa were areas of least concern because there was no overcapacity in those areas.

C. 2024 U.S. Territorial Bigeye Tuna Catch Limit and Allocation Specification (Final Action)

Fitchett presented options for specifications of longline bigeye tuna catch limits for U.S. Participating Territories and allocation with U.S. longline vessels. The Council was asked to consider a single year action for specifying bigeye tuna catch and allocation limits from U.S. territories to U.S. Hawai‘i longline vessels while a multi-year framework is being finalized. Under Amendment 7, the Council may set a catch limit for the territories for bigeye tuna longline fisheries, of which a part of that will be allocated to the Hawai‘i-based longline fishery through specified agreements which fund the territorial MCPs.

Fitchett presented options for the Council to take final action on the specification of the 2024 U.S. territorial bigeye longline limits for American Samoa, Guam and the CNMI. The Council is to 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 Pacific Pelagic FEP. The first option is no action, under which the Council would not specify catch or allocation limits. The second option is to set catch and allocation limits consistent with Council action since 2014, and limit total catch allocations to 3,000 mt. From 2014 to 2019, the Council set catch limits of 2,000 mt per territory and allowed each territory to allocate 1,000 mt to Hawai‘i vessels. However in 2020, only two territories were able to reach agreements, leading to a premature closure. As a result, for fishing years 2020 through 2023, the Council specified 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 these specifications, U.S.-flagged vessels operated through the entire fishing year. A third option would allow territories to allocate up to 2,000 mt of its 2,000

catch limit. However, this may come with extra analyses and have greater impacts on the affected environment.

The Hawai‘i U.S. longline fishery is subject to a WCPFC catch limit under conservation and management measure (CMM) 2021-01 at 3,554 mt. Small Island Developing States and Territories do not have a catch limit, including Guam, CNMI, and American Samoa. U.S. impacts are relatively low to the international stock and the U.S. has the lowest catch limit. That limit may increase when CMM 2021-01 expires in December 2023. A new stock assessment found the stock to be not overfished and not experiencing overfishing, however biomass relative to unfished conditions declined from 41% unfished recent biomass in 2020 to 35% unfished biomass in 2023. The fishery operating under agreements would not have a significant impact on the stock or other resources. However, under the option to not take action, there is significant loss in revenue, seafood market for Hawai‘i, and funding for MCPs.

D. Scenarios for Implementing Electronic Monitoring in Western Pacific Longline Fisheries

Fitchett and Heather Nelson, PIRO Sustainable Fisheries Division, presented on the implementation of EM in the region’s longline fisheries, including goals and objectives of a pre-implementation program for EM in Pacific Island fisheries. The Council can decide to proceed with a pre-implementation program prior to making decisions on implementing through Council action at a later time. The prioritized monitoring goals and objectives will frame a “purpose and need” for Council action in the future. The pre-implementation phase can reconcile costs, technical aspects to meet goals and objectives, and institutional requirements for full implementation. Any guidance on what information is needed from a pre-implementation program can inform a future decision to implement EM in the U.S. longline fisheries in the Pacific Islands. EM is intended complement human observer coverage. Aspects of human observer coverage in Hawai‘i (shallow-set and deep-set) and American Samoa fisheries were contrasted in terms of their coverage levels and duties. Most regulations monitored by human observers pertain to protected species. Pre-implementation programs have been successfully implemented in west coast and east coast groundfish fisheries.

Fitchett presented an overview of the benefits and drawbacks of prioritizing a pre-implementation program for EM in Hawai‘i and American Samoa. Monitoring objectives may include a) protected species monitoring and estimation, b) retained catch monitoring, and c) discard monitoring. For executing a pre-implementation program, the Council may recommend and prioritize: (1) region, American Samoa and/or Hawai‘i; (2) fishery sector(s), deep-set and/or shallow-set; and (3) overarching monitoring goals, with primary and secondary monitoring objectives.

In the deep-set sector, protected species monitoring would potentially focus on marine mammal (FKW) monitoring in addition to other species monitoring. Shallow-set monitoring would potentially need to focus on sea turtle interactions and account as a protected species monitoring objective. Discard monitoring can be done through EM, according to studies conducted by PIFSC. Target catch monitoring is already accurately conducted through existing logbook program. Additional considerations for cost, timing, and regional fishery management organizations were reviewed.

The PPT, SSC and FIAC preferred a pre-implementation program that prioritizes both Hawai'i fishery sectors with a primary goal for protected species monitoring and secondary objective for discard monitoring. They also recognized the need for funding. EM implementation is supported by third party grants to PIFSC and there is no long-term funding mechanism for the significant operating cost. Pacific Island Regional Observer Program is also reducing its capacity for monitoring due to high costs and budget issues. EM could be a cost-effective tool to complement human observers.

Soliai said there is a lot of work needed for EM, but not much funding for it. Soliai asked if there have been any assessments on the impact of El Niño on the fishery for the coming season.

Fitchett said he has not seen such an assessment yet, but El Niño may bring some fish closer.

Dang said such an assessment would be needed, especially for discerning the hardships for American Samoa.

Soliai said EM could help monitoring how the fishery operates during El Niño or other conditions, but he was not sure that would be a purpose for an EM program.

Dang agreed and said it should be part of the integrated ecosystem assessment.

Dueñas said modernizing data collection is important and he hopes that data collection will become less intrusive with technological advancements.

Dang said industry supports the PPT and SSC's recommendation for a hybridized approach to EM with the primary objectives related to protected species.

E. International Fisheries

1. 19th Meeting of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific

Carvalho, PIFSC, presented on ISC19 held in Kanazawa, Japan. Carvalho is the co-head of U.S. delegation. A stock assessment for north Pacific albacore was finalized and shown to not be overfished or experiencing overfishing, similar to the previous one in 2020. A stock assessment for North Pacific albacore was conducted and found to also not be overfished and not experiencing overfishing relative to MSY reference points. However, limit reference points have not been adopted for billfishes. Striped marlin is likely to be overfished and is likely to be subject to overfishing according to a new stock assessment conducted this year. The ISC is proposing a peer-review process as well. Numerous PIFSC staff members are serving as chairs and vice-chairs of working groups.

Dueñas referred two papers that show a mixed striped marlin stock, including with striped marlin off Australia, and asked why the striped marlin stock is still considered a species of concern.

Dang said the ISC is looking into stock structure and ways to delineate the striped marlin stock, and the Council has made recommendations on this topic.

2. 19th Scientific Committee of the WCPFC

Fitchett presented on outcomes of the 19th WCPFC Scientific Committee (SC19) which was held Aug. 15-25, 2023, in Koror, Palau. New stock assessments for yellowfin tuna and bigeye tuna were provided. Both stocks are not overfished and not experiencing overfishing. However, the stocks are slightly less optimistic than from the 2020 assessments. Biomass levels for bigeye tuna in 2020 for its terminal period (2016-2018) was 41% unfished biomass while the 2023 assessment showed a slight decline to 35% unfished biomass for 2019-2021. Bigeye tuna and yellowfin tuna stocks were at or near double the limit reference point of 20% unfished biomass. There was some contention on management advice from SC19, including the imbalance of regional depletion in tropical areas dominated by Pacific Island EEZs and purse seine fisheries. Advice from the Scientific Committee has long been that purse seine fisheries need to reduce impacts on juvenile bigeye tuna in these areas when considering fishing increases. However, some members did not wish to maintain the same language in the SC19 management advice section. However, there was maintenance of the advice that the temperate regions are buffering the stock biomass and that there was higher mortality in the tropical regions.

There is an intersessional electronic reporting and EM working group chaired by SSC member Shelton Harley. The WCPFC seabird measure will be reviewed in 2024. There will be a new stock assessment for South Pacific albacore in 2024. Terminal biomass estimates in the previous assessment show retrospective bias, so there is reluctance to make recommendations on projected catch scenarios to reach candidate target reference points. The SPC provided analyses of candidate target reference points and there is a need to progress on harvest strategies. The U.S may want a harvest strategy that will ensure enough vulnerable biomass to increase the American Samoa longline fishery CPUE to historical levels, noting the decline in fishery performance.

Soliai asked if the SPC has provided feedback on a South Pacific Group proposal for a target reference point that uses 2017-2019 biomass levels.

Fitchett said the SPC has evaluated those, but does not have a position. In order to reach the South Pacific Group target, there would need to be a 14% decrease in catch from the status quo. However, that might not be enough to ensure catch rates for island fisheries would increase. Fitchett pointed out the stock assessment used to develop these projections have a strong retrospective pattern that gives radically different results if the stock assessment truncates a year of data.

Soliai said the 2017-2019 target reference point would represent a bad year for American Samoa and finds it challenging to see the benefit.

3. 3rd Western and Central Pacific Ocean Longline Management Workshop

Fitchett presented on outcomes of the recent WCPFC tropical tuna workshop and the Council-convened longline management workshops. The WCPFC formal workshop provided a prioritized list of requests for the SPC. Once the SPC provides the analyses, the follow-up formal workshop scheduled for Sept. 29-30, 2023, will be able to provide insight on allocation and

possible revisions to the tropical tuna measure. SPC analyses will help negotiate and justify changes to CMM 2021-01. The expected analyses on stock projections and impact analyses were described in detail. These analyses were to be provided ahead of the formal workshop. Participants and delegations to the WCPFC workshop were provided with a list of allocation criteria to consider.

The Council and MIMRA will convene their informal longline workshop Sept. 28, 2023, the day before the WCPFC formal workshop. The informal workshop will focus on tropical tuna longline fisheries in the WCPFC, and will take into account analyses expected from the SPC. The Council and MIMRA had previously discussed the earlier workshops at formal WCPFC meetings, for which there is recognition to increase longline catches for bigeye tuna for countries listed in Table 3 of the tropical tuna measure, including the United States. The Council has maintained its desire for the United States to have its catch limit increased by 3,000 mt.

Soliai commended Simonds and MIMRA for the workshop and said it has gained a lot of positive momentum with Pacific Island countries. Soliai said he has received positive feedback.

4. Considerations for Pelagic Fishing in the Pacific Remote Island Areas

[This agenda item was added at the chair's request.]

Kingma, executive director of the HLA, presented considerations for pelagic fishing in the PRIA. Most the Hawai'i longline fishing effort is in the waters around the Hawaiian archipelago, but there is a considerable amount of foreign fishing effort overlapping with the U.S. longline effort to the South and Southwest of Johnston Atoll, and that effort appears to be increasing. Historically there were some U.S. longline effort around Jarvis, which is between 1,500 and 2,000 miles from Hawai'i. Johnston Atoll and Palmyra are much closer, are about 740 miles and 950 miles from Honolulu, respectively. The Hawai'i longline catch in the PRIA prior to the monument designation in 2008 was as high as 1,500 mt, which was almost 20% of annual landings. Since the PRIMNM designation, the importance of the PRIA to the Hawai'i longline fishery has declined. In the years leading up to the 2014 monument expansion, Johnston was more important to the fishery compared to Kingman and Palmyra, likely attributed to the distance.

Fuel prices are at all-time highs and there is expectation for the prices to rise further. Also increasing is the price of insurance, oil, bait, groceries, and everything associated with production. Foreign fishing, particularly by Chinese-flagged vessels has increased around Hawai'i. Multiple Chinese-flagged vessels often fish in a coordinated pattern and take over fishing grounds. Impacts of the Hawai'i longline vessels on target and nontarget species as well as the pelagic ecosystem is well-understood, because of the comprehensive management system that is highly monitored. There is also a movement to close 30% of the high seas by 2030 through a framework adopted by the United Nations. Fishing grounds are like farmlands, in that limited farmlands will not produce as much food. More opportunities for fishing and available fishing grounds provide an insurance policy for the future so that the fleet can find highly migratory fish. EEZs are meant for pursuing activities that can be of benefit to the nation to provide economic revenue in a way that is sustainable, and the Council has done a good job in ensuring that the region's fisheries are sustainable, responsible, and provide benefits to the

nation. Kingma said he would appreciate consideration of an opportunity to discuss opening up all of the PRIA to responsible, highly monitored pelagic fishing.

Dueñas commended Kingma and said he supports the industry’s concerns. Dueñas expressed concerns over the possibility of high seas closures, and where the U.S boats would go if the EEZ is also closed because of monuments and sanctuaries. Dueñas said there should be management regimes in place now to help the fishermen in the event that they are tied up because of high seas closures, so that they will not have to wait for years until the government decides how to help them. Despite all of the conservation efforts and the best management in the world, the Hawai’i fishery is still given disrespect.

Soliai said foreign fisheries are subsidized and the U.S. government is not doing a good job at supporting U.S. fishermen. It makes sense to open parts of the PRIA based on concerns raised by Kingma. International bodies and domestic measures are shutting off fishing access and the United States needs to open access.

Kingma presentation on PRIA fishing was placed under Public Comment.

F. Advisory Group Report and Recommendations

1. Advisory Panel

Tam, AP chair, presented the report and recommendations.

Regarding the 2024 U.S. Territorial bigeye tuna catch/effort limit and allocation specifications:

- The Guam AP recommended the Council select option 2, allowing transfers of up to 1,500 mt from any territory to U.S.-flagged longline vessels with total transfers not to exceed 3,000 mt.
- The American Samoa AP recommended the Council select option 2, allowing transfers of up to 1,500 mt from any territory to U.S.-flagged longline vessels with total transfers not to exceed 3,000 mt.
- The CNMI AP recommended the Council select option 2, allowing transfers of up to 1,500 mt from any territory to U.S.-flagged longline vessels with total transfers not to exceed 3,000 mt.

2. Fishing Industry Advisory Committee

Kingma presented the report and recommendations on behalf of FIAC Chair Goto.

Regarding EM in Western Pacific longline fisheries, the FIAC recommended the development of a pre-implementation program for EM, in which:

- Pre-implementation program prioritizes EM in Hawai’i longline fisheries, with
- A hybridized approach between the shallow-set and deep-set sectors, with
- A primary objective of EM for protected species monitoring and estimation

The FIAC further recommended that the cost of implementing EM in the longline fisheries be covered by NMFS, and that the Council work with NMFS to identify long-term funding mechanisms to support an EM program in the region.

Kingma reported there are grant programs for EM, including an ongoing solicitation for the National Fish and Wildlife Foundation, but those are soft monies. What is needed is a long-term hard-wired funding mechanism to implement the program.

Regarding the 2024 U.S. Territorial bigeye tuna catch/effort limit and allocation specifications, the FIAC recommended that the Council proceed with its previous specification of a 2,000 mt catch limit for each Participating Territory, of which each territory may allocate up to 1,500 mt to U.S. longline vessels, but with total transfers not to exceed 3,000 mt. The FIAC noted the need for a multi-year framework to reduce administrative burdens.

3. Pelagic Plan Team

Kobayashi, PPT chair, presented the report and recommendations from the intersessional meeting held Aug. 28, 2023.

Regarding an EM in the Pacific Island longline fisheries, the PPT recommended:

- a. The development of a pre-implementation program for EM, in which
 - i. Pre-implementation program prioritizes EM in Hawai‘i longline fisheries, with
 - ii. A hybridized approach between the shallow-set and deep-set sectors, with
 - iii. A primary objective of EM for protected species monitoring and estimation and a secondary objective for discard accounting.
- b. The Electronic Technologies Steering Committee brief the PPT on progress at its next meeting.
- c. The Council work with NMFS and its advisory groups to secure funding for EM in the Pacific Islands Region.

Regarding 2024 specification for U.S. Territorial bigeye tuna catch and allocation limits, the PPT recommended that the Council proceed with its previous specification of a 2,000 mt catch limit for each Participating Territory, of which each territory may allocate up to 1,500 mt to U.S. longline vessels, but with total transfers not to exceed 3,000 mt. The PPT noted the need for a multi-year framework to reduce administrative burdens.

4. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations.

Regarding the 2024 U.S. Territorial bigeye tuna catch limit and allocation specification, the SSC recommended option 2 (the status quo), which specifies 2,000 mt longline bigeye limits for each U.S. Participating Territory, with up to 1,500 mt transfer limits per U.S. Participating Territory, and a limit on total transfers to 3,000 mt.

Lynch reported the SSC agreed that there was no scientific reasoning or additional information to deviate from the current option used since 2020.

Regarding scenarios for implementation of EM in Western Pacific longline fisheries, the SSC recommended that the Council and NMFS proceed with an EM Pre-Implementation Program. The SSC further recommended the focus remain on the Hawai'i longline fishery, as a hybrid approach between fishery sectors, with a primary monitoring goal for protected species monitoring with secondary objective being for discard accounting.

Lynch reported the SSC has a long history of supporting EM technology.

Regarding the feasibility of stock assessments for incidental pelagic MUS, the SSC recommended that PIFSC continue to develop research assessments for unassessed incidental PMUS and that estimation of noncommercial pelagic catch and effort be made a priority.

G. Pelagic and International Standing Committee Report

Dang reported the Pelagic and International Standing Committee met Sept. 15, 2023. The recommendations were as follows:

Regarding bigeye tuna specifications for 2024, the Standing Committee recommends that the Council proceed with its previous specification of a 2,000 mt catch limit for each Participating Territory, of which each territory may allocate up to 1,500 mt to U.S. longline vessels, but with total transfers not to exceed 3,000 mt.

Regarding the proposed PRINMS, the Standing Committee agrees w/the SSC that existing fishing regulations are sufficient to meet the goals and objectives of the proposed PRINMS and are the best practices for fisheries in the Pacific. Based on scientific reports from the NMFS PIFSC, there appears to be no additional conservation benefits by designating a sanctuary over the current monument or extending the monument to the full extent of the U.S. EEZ around the PRI. Therefore, the Standing Committee recommends that the Council recommend that no additional regulations are needed or necessary for the proposed PRI sanctuary.

Regarding EM in Pacific Island fisheries, the Standing Committee recommends that the Council proceed with a pre-implementation program and prioritize Hawai'i longline fisheries, with hybridized approach between sectors. The primary goal should be for monitoring protected species with a secondary goal of estimating discards. The Standing Committee also recommends the Council and NMFS work to secure funding for EM.

H. Public Comment

There was no public comment.

I. Council Discussion and Action

Regarding the 2024 Territorial longline bigeye tuna catch limit and allocations, the Council:

- 1. Recommended specifying a 2,000 mt catch limit for each U.S. Participating Territory, of which each territory may allocate up to 1,500 mt to U.S. longline vessels, but with total transfers not to exceed 3,000 mt.**

Further, the Council deems that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the 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.

Malloy said NMFS abstains because this is a final action coming to the agency for review.

Moved by Dueñas; seconded by Soliai.
Motion passed with Malloy abstaining.

Regarding implementing 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 Hawai‘i 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 PPT at its next meeting.

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

Moved by Dueñas; seconded by Soliai.
Motion passed.

Regarding the PRIMNM, the Council:

- 4. Directed staff to send a letter to the president to request modifying the PRIMNM to allow for U.S. 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 U.S. longline and U.S. purse seine fisheries and can help the United States mitigate climate change while providing EEJ to U.S. fishing communities in the Western Pacific.**

Peck asked who the letter would be coming from and who would be the signatories. He asked if USFWS, as a nonvoting member, would be listed on the letter.

Simonds said the letters to the president are usually signed by the chair and Executive Committee on behalf of the Council.

Peck asked for clarification if that meant that the letter would not be coming from the full Council.

Simonds said the chair and Executive Committee would be representing the Council. She asked for clarification on whether the issue is that USFWS is included because of the way the recommendation was written.

Peck said part of the confusion is the language that is directing the staff to send the letter.

Simonds said staff usually drafts the letter, and asked if changing the language to say the staff would draft the letter for the chair and Executive Committee to sign would resolve the issue.

Peck requested guidance from GCPI.

Placek said the letter will be on behalf of the Council regardless if Simonds or chair signs. Placek advised that if Peck opposes the recommendation, he should signal his opposition for the record.

Simonds said USFWS, U.S. State Department and USCG are not voting members and the Council does not require a minority report for these types of situations, but suggested Peck send a note to report to the Council that he opposes it.

Sword said if this is an issue for public record, he can voice his concern.

Simonds said he can state his opposition to the motion.

Peck said for the record USFWS abstains from being included as part of the letter.

Moved by Guthertz; seconded by Soliai.
Motion passed with Malloy abstaining.

Regarding international fisheries, the Council:

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

Moved by Guthertz; seconded by Dueñas.
Motion passed with Malloy abstaining.

XIV. Administrative Matters

A. Financial Reports

Randy Holmen, Council staff, referred members to the financial documents in their briefing materials and provided updates on the committed funds remaining in the following open awards:

- \$1,898,399 in the Administrative Multi-Year Award;
- \$131,060 in the Coral Reef Award, ending September 2025;
- \$100,000 in the American Samoa Sustainable Fisheries Fund Award, ending July 2024;
- \$372,554 in the CNMI Sustainable Fisheries Fund Award, ending July 2024;
- \$78,134 in the PRIA Sustainable Fisheries Fund Award, extended to July 2025;
- \$351,367 in the Sustainable Fisheries Fund IX Award, ending September 2023;
- \$431,550 in the Sustainable Fisheries Fund XII Award, ending December 2023 with an extension requested;
- \$405,374 in the Sustainable Fisheries Fund XIII, ending July 2025; and
- \$10,000 in the 2021 Turtle Award, ending December 2024.

B. Administrative Reports

Elle Granger, Council staff, reported on the current administrative updates. Loren Bullard, Technical Assistant, resigned from the Council effective Sept. 8, 2023. The annual audit is underway and scheduled to conclude Sept. 30, 2023. Granger said Council and territorial government staffs participated in the Council-hosted grant and financial workshop, conducted through Management Concepts. This provided an opportunity for the group to engage and pull resources between participants that have different roles and responsibilities within the grant management process.

Regarding Council membership, Heinz Hofschneider resigned from the Council appointed obligatory seat for the CNMI. Arnold Palacios, CNMI governor, submitted three nominees for review and consideration Aug. 4, 2023, to Coit, assistant administrator for NMFS.

Dueñas expressed his hope that there will be a way in the future to provide more staff for the Council.

C. Council Family Changes

Mitsuyasu reported on the proposed Council family changes. Regarding the APT, Paul Murakawa retired from the Hawai'i DAR and will be replaced with Jason Helyer, and Kelsey Lizama left the CNMI DFW. Judy Amesbury resigned from both the AP and Social Science Planning Committee. Joaquin Cruz no longer resides in Guam and will be removed from the FIAC.

D. Meetings and Workshops

Simonds reported on the upcoming WCPFC tropical tuna measure workshop, the Council Coordination Committee Meeting and other travel logistics that may be impacted by a possible

government shutdown. Simonds requested members to confirm participation in the December Council meeting that is scheduled to be conducted virtually.

E. Report on Program Plan

Mitsuyasu reported on the current year of the Council's five-year program planning budget and the collaborative effort between staff, agencies, and advisory bodies to review Council programs, including its mission, guiding principles, governance bodies, the plan, agreements, policies and administrative system. The primary goal of this effort is to present a revised five-year plan for Council voting in March 2024.

Regarding the current program status, the Council currently operates five programs: Pelagic Fisheries, Island Fisheries, Protected Species, Human Dimensions and Communities (including fishery development and indigenous communities), and Education and Outreach (which now includes capacity-building efforts). These mission and guiding principles have remained the same, with the last significant changes occurring during the reauthorization of MSA and aligning them with the 10 NSs.

Mitsuyasu said the Council shifted from three to four meetings in 2020, including additional SSC and AP meetings. This change aimed to increase support to the territories and allow for more frequent meetings of the AP. The Plan Team was expanded to include expertise on ecosystem, marine planning, climate change, and protected species. Some individual advisory bodies were removed and the Non-Commercial Fishery Advisory Committee was established. There has been an increase in Council Coordination Committee Working Groups, even though MSA reauthorization has not occurred. Council staff and members actively participate in these groups, which demand more time and involvement.

The program plan includes all of the plans and agreements, some of which have been recently updated, while updates are pending for others. The new AP membership is working on their strategic plans, and the SSC will also be updating their three-year plan. Additionally, the Fishery Data Collection and Research Committee, which plays a significant role in territorial data relationships, needs to update their strategic plan. The Council recently updated its Standard Operating Procedures at the last Council meeting. That along with other policies in place is available on the website.

Mitsuyasu reported on the Council's ongoing efforts to develop a new five-year plan for the period 2025-2029. The Council has been engaging with different agencies, conducting workshops, and coordinating with staff to create an updated and coordinated plan to present for Council review and voting in March 2024. The Council is looking at restructuring the program and basing it around the FEPs. Several priorities and issues have been identified so far. For Pelagic, the focus is on increasing quotas and implementing EM. Hawai'i's priorities include addressing noncommercial data and American Samoa is working on updating the BMUS, which is consistent with Guam and the CNMI, incorporating community knowledge into the management process. The Mariana Archipelago is revising the BMUS list and conducting regulatory reviews. For Protected Species, the focus is on seabird mitigation measures, sea turtle limit measures, impacts on FKWs, and addressing the cultural take of honu.

On the administrative side, the Council is continually looking for ways to improve internal operations and address staffing gaps. These are the initial considerations and highlights of the discussions and priorities that have emerged during the planning process.

F. Executive and Budget Standing Committee Report

Sword reported the Executive and Budget Standing Committee met Sept. 15, 2023, and noted that recommendations from the Standing Committee would be included in the Council Discussion and Action.

G. Public Comment

There was no public comment.

H. Council Discussion and Action

Regarding Administrative Matters, the Council:

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

Moved by Itibus; seconded by Dueñas.

Motion passed.

Regarding the Council's next five-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.**

Moved by Dueñas; seconded by Igisomar.

Motion passed.

Regarding Council Family changes, the Council:

- 3. Recommended the following changes to its advisory groups:**
 - a. Appointed Jason Helyer to the APT replacing Paul Murakawa and thanked him for his service;**
 - b. Removed Kelsey Lizama from the APT and thanked her for her service;**
 - c. Removed Joaquin Cruz from the FIAC and thanked him for his service;**
 - d. Accepted Judy Amesbury's resignation from the Guam AP 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 AP.**

Moved by Itibus; seconded by Soliai.

Motion passed.

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 Mariana Archipelago, Micronesia, and American Samoa as well as Hawai'i in the renaming of the**

PRIMNM in order to encompass all of the cultures that have a connection to the PRIA.

Moved by Dueñas; seconded by Guthertz.

Motion passed.

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 U.S. fisheries through other authorities, such as sanctuaries, monuments and international initiatives.**

Moved by Dueñas; seconded by Igisomar.

Motion passed with Malloy abstaining.

Dueñas said he wanted to reemphasize a few points about the PRIA and that it would be more relevant if the resources were given to benefit the indigenous communities of the four island groups. The different cultures have unique needs and limited financial resources. If 25% of the stocks within these areas were available for commercial use it would be beneficial. Dueñas also acknowledged the issues brought up by Kingma and advocated that letter from HLA to the Council be formally documented in the Council record. Lastly, Dueñas reiterated concerns about Council funds and the strain on staff due to workload and limited resources and emphasized the need for more financial support to hire qualified staff and ease the burden on existing employees.

XV. Other Business

Simonds and Sword closed the meeting in song.

Meeting adjourned.