



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

**MINUTES OF THE
197th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

December 12-13, 2023 Council Plenary

By Web Conference (Webex) with Host Sites in HI, AS, Guam, and the CNMI

Approved by Council:

A handwritten signature in black ink, appearing to read 'William Sword', written over a horizontal line.

William Sword, Chair

Western Pacific Regional Fishery Management Council

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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)
- Matt Ramsey (Hawai‘i)
- Gene Weaver (CNMI)
- 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
- Brian Peck, U.S. Fish and Wildlife Service (USFWS)
- Marc Stegman, U.S. Coast Guard (USCG) (designee for Rear Adm. Michael Day, commander for USCG District 14)

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

II. Oath of Office – New Council Member

Malloy swore new Council member Weaver into office.

III. Approval of the 197th Council Meeting Agenda

Sword asked for a motion to approve the 197th meeting agenda.

Moved by Dueñas, seconded by Soliai.

Motion passed.

IV. Approval of the 196th Council Meeting Minutes

Sword asked for a motion to approve the 196th meeting minutes.

Moved by Dueñas, seconded by Igisomar.

Motion passed.

V. Executive Director’s Report

Simonds presented the executive director’s report, including a highlight of the Council’s activities throughout 2023.

In addition to the normal workload, the Council worked on fishing regulations for the proposed sanctuary designations in the Northwestern Hawaiian Islands (NWHI) and the Pacific Remote Islands (PRI). In October, Simonds and Sword participated in the Council Coordination Committee (CCC) meeting where the process for establishing fishing regulations in the sanctuaries was discussed. The CCC recommended that the Office of National Marine Sanctuaries (ONMS) consult with the Council in the early stages of revising the guidance on the process. Simonds also noted Sword did an outstanding job at the CCC in providing a description of the Council and American Samoa’s concerns about the inequity of sanctuaries and monuments in our region negatively impacting the Pacific Island cultures and communities.

At the 194th Council meeting in March 2023, the Council finalized recommendations for fishing regulations in the Monument Expansion Area (MEA) adjacent to the Papahānaumokuākea Marine National Monument (PMNM) and proposed NWHI National Marine Sanctuary. The recommendations included prohibiting commercial fishing, permitting noncommercial fishing and allowing native Hawaiian subsistence fishing with the possibility to request cost recovery. Although the recommendation does not permit the sale of fish, it aims to promote equity and environmental justice (EEJ), aligning with the directives of President Biden and his administration, particularly benefiting underserved communities. The Council has been notified that cost recovery does not align with the sanctuary's goals and objectives, but the recommendations will still be sent to the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) regulations to satisfy the proclamation. The recommendation will be open for public comment concurrently with the proposed sanctuary environmental impact statement (EIS) and draft management plan in 2024. The Council believes that the determination about cost recovery is unfair and arbitrary, and that it goes against the principles of the Biden Administration's executive orders promoting racial equality and supporting underserved communities. Noting existing regulations established through the

National Wildlife Refuge managed by the USFWS, the existing monument, NMFS, and the Council, Simonds questioned whether a sanctuary is necessary to overlay other layers of bureaucracy without providing additional conservation benefits.

At this meeting, the Council will deliberate on its response to NOAA's proposal to establish the PRI National Marine Sanctuary (PRINMS) and decide on recommendations for fishing regulations. At the September 2023 meeting, the Council made preliminary recommendations that existing regulations in the PRI meet the proposed sanctuary's goals and objectives. The Council will review a draft document, coordinated with key associates and agency staff. Simonds reminded the Council of the discussions of unfulfilled promises from previous administrations, and the significant authority of the MSA.

The Council received a stock assessment for American Samoa's bottomfish fishery from NMFS in June 2023, which incorporated community input throughout the assessment process. The new status will help remove American Samoa from an overfished and overfishing status, and the Council at this meeting will review and make recommendations to ensure the sustainability of the American Samoa bottomfish fishery. The Council will not be taking action at this meeting on the agenda item regarding the shift from single-year to multi-year bigeye territorial specifications, and the Council will hear discussion from GCPI and others on the reasons for moving this action to March 2024.

The funding from the Inflation Reduction Act (IRA) is accelerating much-needed discussions and climate readiness in the region's fisheries. In September 2023, the Council endorsed priority areas, including scenario planning, regulatory reviews and protected species reviews. NMFS Headquarters sent an official announcement to the councils about the first part of the IRA funding (\$375,000 per council). The Council has already submitted its grant proposal ahead of the Dec. 31, 2023, deadline. The deadline for the remaining funding for competitive projects is Jan. 31, 2024. The eight councils asked that the funding be divided equally among the councils rather than it being a competition, but NMFS declined that proposal. Effective communication is needed to justify funding requests for projects in the region, and this Council has requested that NMFS take into consideration the fact that the councils are all at different levels of knowledge, assessment and amendments.

The NMFS Office of Sustainable Fisheries has created a webpage to share information about actions taken by regional fishery management councils (RFMCs) in the last five years to enhance the climate resilience of federal fisheries. Highlights for this Council will include the tori line regulatory amendment for the Hawai'i deep-set longline fishery, a collaborative effort with NMFS and the University of Florida to develop a model considering environmental information to avoid fishery and sea turtle interactions, the climate and oceanic indicators module in the annual Stock Assessment and Fishery Evaluation Report that offers valuable insights into climate-related factors impacting the ecosystem, and models developed to revise the Hawai'i Fishery Ecosystem Plan (FEP) for uku essential fish habitat (EFH) that incorporates ocean variables like sea surface temperature.

The Western and Central Pacific Fisheries Commission (WCPFC) agreed to increase the bigeye tuna catch limit for the Hawai'i-based U.S. longline fishery from 3,554 to 6,554 metric tons (mt). Since its last meeting, the Council convened the third informal workshop on longline management in the Marshall Islands, supplementing the formal commission workshops held

throughout the year. Informal discussions with other countries interested in longline management were also part of these workshops. Stock projections from The Pacific Community (SPC) indicate that the stock will remain above all targets with little to zero overfishing risk, even with the agreed-upon increase in longline catches relative to baseline levels in 2019 and 2021. The WCPFC Science Committee has determined that bigeye and yellowfin tuna stocks remain healthy and above sustainability thresholds. New limits based on this assessment will be effective starting February 2024.

However, American Samoa's request to recognize its purse seine fleet fell flat. Members argued that the issue was raised at the last minute, with most of the discussion focusing on adjusting the fish aggregating device (FAD) closure periods and longline catch limits. Soliai has made the case to exempt the local purse seine fleet from FAD set restrictions and seasonal closures. This exemption was sought under the recognition that American Samoa-based vessels should enjoy the same rights and privileges as Small Island Developing States (SIDS) as outlined in the WCPFC Convention.

Simonds also announced the availability of the new island traditional lunar calendars. These thematic calendars are well-received globally, with positive comments received. The 2024 calendars are particularly exceptional thanks to the hard work of the Council staff and family members from Hawai'i (ecosystem indicators), American Samoa (fisheries and the cannery), the CNMI (sustainable fishing) and Guam (fishing families).

VI. Federal Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Malloy presented the PIRO report. On Oct. 17, 2023, NMFS published a proposed rule to modify seabird interaction mitigation measures in the Hawai'i deep-set longline fishery, replacing blue-dyed bait and strategic offal discharge requirements with tori lines. The PIRO Sustainable Fisheries Division has also reinitiated consultation with the PIRO Protected Resources Division on the Hawai'i shallow-set longline fishery due to exceeding the incidental take for loggerhead sea turtles defined in the 2019 no-jeopardy biological opinion (BiOp).

NOAA has made available an additional \$45 million in grant funding for habitat restoration projects through the Bipartisan Infrastructure Law. This is the second major portion of grant funding, with more anticipated. PIRO also issued a new contract for the longline observer program to FLOAT, a Small Business Administration-approved joint venture. As the contract cost has increased significantly, coverage in the Hawai'i deep-set longline fishery has been reduced, but PIRO continues to ensure that the coverage provides statistically robust estimates of fishery interactions.

Lance Smith, PIRO Protected Resources Division, provided an overview of the revised proposed rule for coral critical habitat. The process started in 2014 with the listing of 15 Indo-Pacific reef corals under the Endangered Species Act (ESA). In 2020, critical habitat was proposed for seven species believed to occur within the United States. During the 180-day comment period, new information was gathered from public comments and internal research, leading to NMFS's decision to withdraw the 2020 proposed rule. The new proposed rule for

coral critical habitat focuses on five of the original seven species, encompassing 16 island units with smaller nearshore areas than originally proposed. The 90-day public comment period for the new proposed rule is open until Feb. 28, 2024.

Smith provided a brief overview of the distribution of the five coral species within the U.S. jurisdictions. *Acropora globiceps* is widely distributed and found around 18 islands across all five jurisdictions. *Acropora retusa* is primarily found in American Samoa, *Acropora speciosa* and *Euphyllia paradivisa* are found only around Tutuila and *Isopora crateriformis* is found throughout American Samoa. Of the 18 U.S. islands where at least one of the ESA-listed coral species are found, Farallon De Medinilla and Wake Island are ineligible for critical habitat designations because they are covered by final Department of Defense Integrated Natural Resource Management Plans, which are considered beneficial for listed corals. This leaves 16 islands included in the proposed critical habitat rule.

Coral critical habitat covers the essential features required for the conservation and recovery of listed species, including suitable substrate and water quality for corals. The purpose of critical habitat is to support the recovery of the listed species, and the designation involves the use of the best available information and a public process. Critical habitat is designated only within U.S. waters and only in areas with the essential features of listed species. Federal agencies are primarily affected by the designation.

In response to public comments and new information received on the original proposed rule, NMFS worked in close collaboration with territory and federal partners to ensure the best available information was used in the new proposed rule. NMFS is holding a number of briefings to update the territory and federal partners, and public hearings are scheduled for January, with both in-person and virtual attendance options. Smith presented the proposed coral critical habitat designation maps for American Samoa, Guam, the CNMI, the Pacific Remote Island Areas (PRIA) and the NWHI, highlighting the proposed designation depth and ineligible areas for each region.

Guthertz asked if the military takes priority over civil lands.

Smith explained that the 2004 Sikes Act, which included an amendment to the ESA, requires NMFS to assess and determine if final Integrated Natural Resource Management Plans are likely to benefit listed species. If so, the areas covered by those plans are deemed ineligible for critical habitat.

Guthertz said she understands the legal requirement but expressed concerns about potential disadvantages for communities due to military expansions and control of waters. She noted the need for vigilant consultation to ensure benefits are not lost due to military influence.

Dueñas asked about the mortality rate of loggerhead sea turtles from fishery interactions, and whether the injuries are superficial or fatal. Dueñas noted the concern for loggerhead sea turtles in the Pacific, highlighting the vastness of the Pacific Ocean compared to the Atlantic Ocean, while the interaction numbers are lower. He asked if the United States is the only country in the Pacific with restrictive conservation measures for these turtles and wanted to know the actual number of fatalities resulting from these interactions.

Malloy said the purpose of re-initiating the Hawai‘i shallow-set longline fishery ESA consultation is to determine whether the fishing activities have a significant impact on the loggerhead sea turtle species or its critical habitat. The evaluation takes into account various interactions, ranging from those likely to cause injury or death to more superficial ones, to determine the likelihood of jeopardizing the species. Malloy did not have the specific numbers and details of these interactions but assured that NMFS considers the differences and the nature of interactions when conducting the consultation.

Dueñas highlighted a past successful conservation program that the Council initiated in Papua New Guinea that rescued more than 200,000 juvenile leatherback turtles. He emphasized the importance of considering such conservation measures in the broader context of species recovery efforts and hoped that the agency will prioritize these aspects. Dueñas also said funding for habitat restoration may have expired but there is hope for more funding. Dueñas provided an example from Guam where estuaries are no longer suitable habitats for coastal pelagic fish due to sedimentation, impacting species like akule. He noted the depth changed from 20 to 10 feet, causing concerns for coral bleaching. Dueñas also raised concerns about the challenges that the Guam Fishermen’s Cooperative Association (GFCA) is facing for the seawall project, which has been delayed for three months awaiting a report from NMFS. He expressed frustration with some of the requirements included in the report, such as rinsing equipment before entering the water to prevent freshwater and saltwater contamination. The project would deepen the water column by an additional 10 feet in a manmade basin, which could provide more suitable habitat for corals to thrive and avoid bleaching. The plan is to shore up the land side to prevent runoff into the ocean and create a deeper habitat for corals and fish in an area that is affected by heavy sedimentation due to a nearby drainage system. The project aims to be a greater support and mitigation measure to protect the environment from further impacts caused by daily vessel activities in the area. Dueñas said he hopes to have a discussion with Malloy and Smith regarding these concerns. Regarding critical habitat, he noted projects on Guam require clearance from federal agencies to obtain permits, and questioned the statement that the designation would not impact anyone other than the Federal Government. He also noted the potential impacts of military activities such as the firing of 50-caliber machine guns over critical habitats for green sea turtles and questioned the determination that the military would not impact species.

Dang expressed concerns about the decrease in observer coverage and highlighted the importance of the observer coverage level that is leveraged in determining the impacts to the Hawai‘i longline fishery. He suggested prioritizing efforts to address the issue and increase funding.

Soliai asked for further clarification on the criteria and considerations used to determine ineligibility for critical habitat.

Smith explained that under ESA Section 4(a)(3), any area covered by an Integrated Natural Resource Management Plan that benefits the listed species is deemed ineligible for critical habitat. The process for determining whether an area is beneficial is outlined in the regulations for Section 4(a)(3). The process involves assessing the importance of the area to the listed species, evaluating the likely impacts of the plan and determining the likelihood of its implementation. If there is a high degree of certainty that the proposed measures in the plan will be implemented and will benefit the listed species, the area is considered ineligible. Smith

offered to provide excerpts from the proposed rule and supporting documentation for further details.

Soliai welcomed the excerpts.

2. Pacific Islands Fisheries Science Center

Charles Littnan presented the Pacific Islands Fisheries Science Center (PIFSC) report, with a focus on ongoing work by the Fisheries Research and Monitoring Division (FRMD). A number of fieldwork activities have concluded in the recent weeks, which will be reported in more detail at the March 2024 meeting.

The Hawai'i deep-seven bottomfish Western Pacific Stock Assessment Review (WPSAR) was convened concurrently with the ongoing Council meeting. SSC member Martell chaired the WPSAR, assisted by two external scientists, and a more extensive presentation will be provided at the next Council meeting. In the lead-up to the deep-seven bottomfish stock assessment, T. Todd Jones, Marlowe Sabater, Felipe Carvalho and other FRMD staff actively engaged with the fishing community, recognizing the value of extensive collaboration with them. Fisher engagement discussions in September 2023 focused on the assessment type, the data used and the ratio of noncommercial catch to commercial catch. There was also consideration of preliminary information about the stock status. The second meeting focused on the Hawai'i Bottomfish Fishery-Independent Survey (BFISH) estimates, with discussions on topics such as the technology used in the survey, how the data was utilized and listening to fishermen's concerns about potential biases, especially in representing noncommercial catch per unit effort more than commercial catch. There were also discussions about the limitations of the cameras in capturing species with shallow distributions. Despite these concerns, there was a consensus that the BFISH estimate is a valuable dataset, particularly as a relative abundance versus absolute abundance indicator. During these meetings, input was gathered for the upcoming research track assessments starting in 2024. FRMD is dedicated to reviewing all assessments and continually seeking ways to improve them based on feedback from the fishing community. The third meeting was a pre-briefing for the WPSAR, and aimed to prepare the fishing community for active participation in the scientific process, enabling them to provide comments and understand the meeting's purpose. This approach seeks to empower the community for meaningful engagement in the scientific and management processes that impact their livelihoods.

Community meetings were also held in Guam as part of the Marianas BioSampling Summit. The Guam fisher engagement involved 49 participants (approximately 25 were fishermen), with a goal to foster collaboration and gather insights from the community to enhance the scientific understanding of fish stocks. The Marianas BioSampling Summit brought together 34 fishing members, representatives from territorial governments, the University of Guam and other stakeholders. The meeting discussions included lessons learned and perceptions of the biosampling program's impact on the local fishing community, market and fish stocks. There was a consensus that the benefits of the biosampling program, particularly in enhancing data for stock assessments, outweighed potential impacts on fishermen and the fishery.

The International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific (ISC) agreed to implement an external review process similar to the WPSAR process for improving and demonstrating the scientific robustness of assessments. The first assessment to

undergo this process will be for Western and Central North Pacific Ocean striped marlin, with the external review scheduled for summer 2024. Additionally, a new assessment for the North Pacific mako shark will be completed in 2024, with data analysis and model improvement efforts underway to develop an integrated Bayesian growth model with separate components to better incorporate growth information from length frequency data. This model is designed to address variations in aging methodologies used by different countries and labs involved with the ISC. PIFSC staff Michael Kinney and Nicholas Ducharme-Barth are leading this effort.

In response to a Council request from the September 2023 meeting for information about the connectivity of the Central West Pacific green sea turtle population, the PIFSC Marine Turtle Biology Assessment Program assembled a slide to illustrate the movements of 35 animals tracked by satellite tags. Nesting females demonstrated movements out of the Mariana Archipelago to foraging grounds in Japan, Taiwan, Philippines, Indonesia and the Federated States of Micronesia (FSM). Foraging green sea turtles in CNMI waters primarily originate from the Marshall Islands and Yap, based on genetic information. To assess the population, the focus is on determining the number of nesting females, with the highest density of nesting observed in Ulithi in the FSM and Ogasawara. Littnan acknowledged the contributions of Josefa Muñoz in compiling the information, highlighting that she is a PhD student from Guam attending the University of Hawai‘i and has been working with Marine Turtle Biology Assessment Program for her thesis.

Dueñas commended PIFSC for engaging the community and marking a historical shift in its approach. He appreciated the efforts to understand and connect with the community, and expressed hope for the continuation and possible expansion of such initiatives. He also acknowledged Jones and his team for organizing a successful event and noted the positive responses from the fishermen. Dueñas also said he was glad to see the information on green turtles that show they are from all over the place, recalling previous reports that some distinct populations of turtles were unique to U.S. waters. He noted concerns about the impact of environmental contamination specifically in Palmyra and the Marshall Islands, as well as other threats such as fibropapillomas, and wondered why no one has created a nursery for green sea turtles so they could be harvested.

Soliai acknowledged Dueñas’s compliment to PIFSC, which shows the relationship with the territories has improved over the last couple of years, and noted the way to the hearts of the Pacific people is through food. Soliai said American Samoa currently has a turtle tagging project and suggested a similar collaborative effort for American Samoa that PIFSC is undertaking in Guam. Soliai also commended PIFSC on its recent report on the economic contribution of U.S. commercial fisheries in American Samoa, noting that such an evaluation had not been conducted for a long time and it was timely considering the issues American Samoa is facing with the PRINMS and WCPFC.

Littnan said PIFSC is commitment to continuing community engagement and directing IRA funds for the territories to continue the efforts by FRMD. He also acknowledged the engagement with the American Samoa Government in improving the economic assessment, especially during the trip to American Samoa to attend the PRINMS workshop, where PIFSC realized how much information existed that the agency did not have access to, or did not even know to think about in terms of how money moves through American Samoa.

B. NOAA Office of General Counsel Pacific Islands Section

Onaga provided the GCPI report. Since the last Council meeting in September 2023, there were no changes in the notice of intent to sue matter from the territory of American Samoa.

The *Willie v. Raimondo* case filed in the District Court of Maryland against NMFS challenged the violation of the Appointment Clause of the U.S. Constitution in relation to the Hawai'i spinner dolphins. Briefing materials are with the courts, and the order and decision in the case is pending.

Center for Biological Diversity (CBD) v. NMFS filed in the U.S. District Court for the District of Hawai'i July 26, 2023, challenged NMFS's denial of its 2020 petition to issue protective regulations for the 20 coral species (five Caribbean and 15 Pacific Island species) pursuant to Section 4(d) of the ESA. CBD is arguing the denial of the petition violates the Administrative Procedures Act, and requested a remand to send the denial of the petition back to NMFS for redetermination. NMFS filed an answer Sept. 29, 2023. Briefing is anticipated to begin in spring 2024.

CBD v. Raimondo challenged NMFS's failure to finalize two separate designations of coral critical habitat. NMFS withdrew the prior proposed rule and submitted to the *Federal Register* a new proposed designation for critical habitat in the Pacific Islands, which published Nov. 30, 2023. CBD and NMFS had entered into a stipulated settlement agreement that required NMFS to submit the proposed final designation to the *Federal Register* by Dec. 1, 2024, and all claims against NMFS were dismissed.

C. Ethics Training

Placek led the annual ethics training on the Standards of Conduct. The topics covered included general rules of conduct for council members, lobbying rules, financial interests, voting restrictions and political campaigning. Placek also presented relevant requirements from the MSA, implementing regulations of the MSA, regulations and policies regarding grant funded activities, the Byrd Amendment and the Hatch Act.

Regarding general rules of conduct, Council members and staff are subject to federal criminal statutes regarding bribery, conflict of interest, disclosure of confidential information and lobbying with appropriated funds. Each state, federal and territorial official on the Council is subject to their own respective agency ethical rules.

Appointed Council members, employees and Council advisory group members are prohibited from using or allowing the usage of any information obtained in connection with the respective Council's employment. Under the federal bribery statute, Council members are prohibited from accepting anything of value in exchange for taking an action as a Council member, other than taking payments from the United States Government for Council services. The MSA requires Council members to disclose any financial interests in fisheries that may lead to voting prohibition. Failure to comply with any of the aforementioned provisions will result in removal from the Council, and penalties under the MSA. Such disobedience may also lead to criminal violations under the Federal Criminal Conflict of Interest Law 18 U.S.C. 208.

Lobbying is generally a communication with a legislative official or the influencing of another individual to contact legislative officials to influence government action. The general rule prohibits any Council member, employee or contractor from using grant funds for lobbying Congress or state legislatures. The rule does not apply to a Council member acting on behalf of one's self or in a private capacity. Grant funds shall not be used for any activity such as an attempt to influence the introduction, modification or repeal of federal or state legislation; any attempt to influence the enactment or modification of any pending legislation by engaging in grassroots lobbying. Grassroots lobbying is the preparation, distribution or usage of any platform to urge the general public to contribute or participate in any demonstration, social media campaign, rally, fundraising or letter scripting to influence legislation. Also prohibited are any attempts to influence federal, state or local elections. Any attempt to influence the Executive branch regarding a federal award or regulatory matter on any basis other than the merits of the matter is prohibited.

Council members may lobby a state legislature when it is necessary to avoid material impairment of the Council's authority to perform under the grant. Another exception to the rule is when costs associated with providing a technical and factual presentation is in direct relation to the performance of the Council's grant, such as a letter to the senator or a response to a documented request. Any Council member acting on these exceptions is advised to contact the NOAA Office of General Counsel to seek assistance in drafting a response to the legislature in order to avoid breaking any lobbying restrictions. Any Council member acting on behalf of a personal matter is prohibited from using any Council equipment or material.

Dueñas requested a clarification as whether these rules apply to Council members when they are attending (non-Council related) meetings in their jurisdictions while not being paid as a Council member.

Placek clarified the rule and said members are considered Council members regardless of pay, as they are nominated and appointed by the Secretary of Commerce to perform as a Council member. Being a Council member is not limited to time spent attending Council meetings and also applies when the member is out in the public representing himself or herself as a Council member, regardless of whether he or she is receiving pay for that time.

Sword said a good practice would be to provide clarification of whether the member is speaking as a Council member or as a private citizen.

Soliai requested a further clarification and elaborated on the question from a territorial agency representative perspective, in terms of meetings that occur in the territories where the issues at hand are issues that align with the positions of the Council. When territorial Council members make statements during these meetings, one is only speaking as a territorial agency representative who may then seem to appear to be lobbying, but the issues are aligned.

Placek stated that territorial governments are held to various territorial ethical guidelines, but to avoid any issues from occurring, Council members may write letters on the territorial government stationery to make clear that they are speaking on behalf of the territorial government and not as a Council member.

Simonds explained that when one is acting as a representative for the territorial government and clarifies such role before meetings, one must follow its territorial rules and laws.

To further avoid any confusion, Simonds said to make clear one's role when making a statement. Clarification is a good practice especially when various media platforms are covering each meeting, to avoid any false accusations made toward the Council members.

Placek resumed the presentation. Conflict of interest is a two-part rule. The first part is found in the MSA as well as the implementing regulations which requires all members to disclose any financial interest in harvesting, processing, lobbying, advocacy or marketing taken place or that will be undertaken within any fishery council's jurisdiction. The rule exists to provide the public with important information on the Council member's background and financial interests. Government employees who are working on government matters are prohibited from participating in a decision-making point if they have a financial interest. The MSA states that members who comply with the disclosure rules and voting recusal rules may participate in Council actions that affect their financial interest, subject to some exceptions and exclusions.

NOAA's financial interest form must be filled out 45 days after taking office, and updated any time a member's financial interest changes. These financial forms are available to the public on the Council's website.

The second part to the conflict of interest rule refers to the voting restrictions and recusal requirement. Appointed Council members are prohibited from voting on any decision that would have a significant and predictable effect on their financial interest. Predictable refers to any matter with close causal link between the decision and an expected and substantially disproportionate benefit to the financial interests of the affected individual relative to the interests of other participants in the same sector. Council members who are found to have any form of financial interest in any voting matter must recuse themselves from participating in the final voting or discussion of the subject matter. NOAA Office of General Counsel will conduct a recusal analysis for each of the Council's decisions before each Council meeting. A recusal decision may be appealed by anyone indirectly or directly affected by the decision. Council members with a conflict of interest are required to recuse themselves from any decisions approving an FEP or amendment, including the proposal of regulations. Council members are also subject to voting recusals for a request for an amendment to regulations implementing FEPs finding that an emergency exists, or comments on FEPs that are developed by NMFS.

A causal link is the link between the matter and financial interest where the decision is reasonably expected to directly impact or affect the financial interest of the affected individual. According to the federal conflict of interest statute 18 U.S.C. 208, no Council member is allowed to participate personally and substantially in a particular matter primarily of individual concern, such as a contract with financial interest. A 10% threshold is used to determine a financial interest. If a Council member has more than 10% of the total harvest or more than 10% of the vessels in a relevant fishery, that Council member is found to have a significant financial interest relative to others. Anyone failing to disclose any financial interest and properly recuse oneself from the matter during meetings will be removed from the Council and be subjected to civil penalties under the MSA. A Council member may also be subjected to criminal penalties under the federal conflict of interest statute 18 U.S.C. 208.

Regarding political campaigning, rules prohibit any employee of a Council from using his or her official authority from their position to influence, to intervene with, or affect the results of any election of a nomination for any national, state, county, or municipal elective office.

D. Enforcement Reports

1. U.S. Coast Guard

Stegman provided the USCG report. The USCG responded to 842 cases consisting of search and rescue, law enforcement, marine environmental protection response, and ports, waterways and coastal security missions. USCG Cutter *Frederick Hatch Oceania* patrolled from Oct. 13, 2023 – Nov. 22, 2023. The operation covered the exclusive economic zone (EEZ) of the Philippines, Palau, Papua New Guinea and the FSM, and the high seas. The USCG conducted 20 boardings and observation reports on the high seas and in partner nation EEZs. The USCG Cutter *Myrtle Hazard* completed a multi-faceted patrol in the CNMI from Oct. 16 – Nov. 5, 2023.

The USCG discovered two non-U.S. master violations (aka “paper captains”) operating Honolulu-based fishing vessels in October 2023. Both vessels were operated by non-U.S. citizens. USCG District 14 is working on the case package.

Honolulu will be welcoming the arrival of USCG Cutter *Harriet Lane* Dec.13, 2023. *Harriet Lane* is a 270-foot medium endurance cutter that is being permanently home-ported from Norfolk to Honolulu to support operations in the Pacific.

Dueñas asked if the buoy tender that was previously reported as being repaired is ready and available to assist the Guam Government in deploying its FAD systems. Regarding the surveillance of the PRIA, Dueñas asked for an update on whether a monthly, quarterly or an annual visit is being conducted to ensure that the distant-water fishing vessels are in full compliance with the vessel monitoring system (VMS) put in by the WCPFC. Dueñas is concerned that not enough is being done to ensure the U.S. assets are being properly monitored.

Stegman said the USCG typically operates three buoy tenders in the region, but the number had been down to one buoy tender for some time due to a dry dock overhaul in the USCG shipyard in Baltimore, Maryland. The buoy tender is returning from the shipyard in March 2024 and expected to be used in Guam later in the year. Stegman said he would relay Dueñas’s request for the Guam FAD system deployment support to the Prevention Department in Honolulu, which manages buoy tender scheduled and that he would provide an update at the next Council meeting. In reassurance of the USCG’s effort to monitor and keep U.S. assets safe, Stegman stated that the USCG intelligence community is continually monitoring the electronic signatures of the vessels. The issue has not been the monitoring, but according to the Pacific Islands Forum Fisheries Agency (FFA) brief, the largest concern is that vessels are transmitting, but are underreporting or not reporting catches.

Sword said the green buoy located at the entrance of the reefs in American Samoa was lost when it was ripped off its anchorage and floated away, and that the lack of a buoy in that location for approximately five months is a critical concern for the territory. He requested assistance for repairing the buoy.

Stegman said he will take Sword's request to the Prevention Department and find out what the plan is for fixing it. Regarding Dueñas's question about surveillance of the PRIA, Stegman said the USCG works closely with the FFA and the WCPFC in monitoring VMS from the distant-water fishing vessels.

Elizabeth O'Sullivan, NOAA Office of General Counsel Enforcement Section (GCES), added that NMFS receives a VMS report from a foreign fishing vessel if it is within 100 miles of the U.S. EEZ. There have been enforcement cases brought against foreign fishing vessels if they enter the U.S. EEZ. Each vessel is tracked pursuant to the WCPFC VMS rules.

Soliai said there has been more transit notices coming from foreign vessels transiting through the U.S. EEZ around American Samoa, which is peculiar, and said he was glad to hear there is an intelligence team monitoring the activity.

Guthertz expressed a concern regarding individuals from China attempting to enter Guam through the CNMI without a visa under the current law. Guthertz asked if there have been issues with boats coming in from Saipan with individuals of Chinese citizenship.

Stegman said no additional information was available.

2. NOAA Office of Law Enforcement

Brandon Jim On provided the NOAA Office of Law Enforcement Pacific Islands Division report. Ongoing patrols, monitoring and inspections are being conducted, and within the fourth quarter of 2023, there were 83 protected species incidents, 40 fisheries incidents and two sanctuaries incidents. There were also 13 Marine Mammal Protection Act summary settlements, and four sustainable fisheries summary settlements during this period.

Three new enforcement officers have completed their schooling and are now going through on-the-job-training. One officer will be assigned to American Samoa, one to Guam and the other to Hawai'i.

Muña said she would like to recognize Guam's relationship with the NOAA Office of Law Enforcement through the Joint Enforcement Agreement, noting that three of Guam's conservation officers recently became certified trainers through the cooperative agreement. Two of the officers attended the use-of-force training and one officer attended the active shooter training.

Dueñas said he was glad to see that Guam will be getting an enforcement officer on-island, and hoped that when the officer comes on board, they can discuss how to address the potential animosity developing with CNMI fishermen. He expressed concerns about Guam vessels going up to the CNMI without following the rules and regulations.

Soliai expressed his gratitude for the Joint Enforcement Agreement and the continued partnership with American Samoa, noting that an American Samoa officer completed the training alongside Guam's officers. Soliai requested further details on the two sanctuary violations.

Jim On said the two incidents were investigation incidents opened during this period associated with an air patrol conducted in the U.S. EEZ around Johnston Atoll. The enforcement officers on patrol reported a vessel that may have been a foreign vessel inside the EEZ, and an agent is still investigating that case. The agent has not yet made a determination if there was a violation. The two incidents noted in the report are both related to this case, with one being for the patrol and the other for the investigation.

Sword asked for clarification that the incident did not occur in a sanctuary.

Jim On said no, as it was in the U.S. EEZ around Johnston Atoll.

3. NOAA Office of General Counsel Enforcement Section

O'Sullivan, GCES, reported there were no new updates for the Council at this meeting.

E. U.S. State Department

Brinkman provided the U.S. State Department report. Brinkman noted that in response to a Council request for more information on U.S. assistance to the Pacific Islands, a White House report following the September 2023 U.S. Pacific Islands Summit was included in the written report to the Council.

Regarding the South Pacific Tuna Treaty, a meeting occurred between the U.S. State Department and the Pacific Island Parties, where progress was made on terms for access for 2024 and beyond. The U.S. and the Pacific Island Parties are committed to conclude negotiations by 2024.

Regarding commissioner appointments, Dang's alternate appointment for the WCPFC has been formally approved and finalized. The alternate commissioner appointment is neither unusual, nor is it a lesser appointment, and provides the alternate with all the powers of a commissioner until the White House makes a determination on the presidential appointment. Currently, four out of the five U.S. Commissioners to the WCPFC are filled by alternate appointments. There were no updates on Soliai's South Pacific Regional Fisheries Management Organization (SPRFMO) commissioner appointment package, but Brinkman noted there will likely be a definitive movement on the nomination sooner rather than later. Brinkman acknowledged the frustration, noting the package was submitted more than a year ago.

Simonds said Soliai's application package was submitted two years ago. Simonds said the Council will consider a commissioner recommendation for the North Pacific Fisheries Commission at this meeting to replace John Gourley, who is no longer a Council member.

Brinkman clarified that it has been a year since the U.S. State Department received a formal request for action from the Department of Commerce, but acknowledged the request has been in motion for longer than a year.

F. U.S. Fish and Wildlife Service

Peck provided the USFWS report. The Marianas Trench Monument Advisory Council members have been appointed and the membership list was included in the written report. Sean

Macduff, USFWS superintendent for the Marianas Trench Marine National Monument, is the designated federal officer for the Marianas Trench Monument Advisory Council.

Regarding the PRI Marine National Monument (PRIMNM), three research vessels are currently conducting various surveys. The vessels are mapping the seafloor, searching the ocean floor for historical artifacts and shipwrecks, and sampling zooplankton to determine their influence on the tuna resources.

The Wildlife and Sport Fish Restoration Program completed the ESA and EFH consultation for the FADs in coordination with NMFS. Consultation recommendations included researching the most durable FAD designs and materials for future deployments and increasing outreach to fishermen to reduce vandalism.

Dueñas expressed his appreciation to USFWS for rectifying the issues in getting FADs in Guam back online. He noted former FAD fishermen had switched to bottomfishing due to the lack of devices.

G. Public Comment

McGrew Rice, charter boat captain, commented it is nice to hear that the Hawai'i longline fleet finally received the 6,000 mt after 12 years, although the change affects the territories as they will no longer be able to accumulate any funds from the Hawaii Longline Association (HLA). Rice expressed his concern for American Samoa, as NMFS did not help the territory receive SIDS status, and noted that American Samoa should be allowed to have the same regulation as the other small countries. Rice asked whether Japan and China are still allowed to exchange quotas, noting that HLA will no longer be able to get quotas from the territories.

H. Council Discussion and Action

Regarding the PIRO agency report, the Council:

- 1. Requested NMFS prioritize providing funding for sufficient observer coverage of the Hawai'i longline fishery to ensure robust estimates of protected species interactions and bycatch estimates of other species of concern.**

Regarding the PIFSC agency report, the Council:

- 2. Requested NMFS PIFSC provide support for enhancing American Samoa's sea turtle tagging project, similar to the collaboration established for Guam and the CNMI.**

[The above two recommendations were taken together as a single motion.]

*Moved by Dueñas; second by Igisomar.
Motion passed with Malloy abstaining.*

VII. Island Agency Reports

A. American Samoa Department of Marine and Wildlife Resources

Domingo Ochavillo presented the DMWR report. The Buds and Suds fishing tournament showed a record number of yellowfin tuna caught, with approximately 4,000 pounds of yellowfin tuna out of the 7,000 pounds of fish landed. For the shore-based creel surveys, 8,200 pounds of fish were reported during the last quarter of 2023. The top species were akule, mullet, octopus, which is usually caught by gleaning, parrotfish and spiny lobster. The boat-based creel survey data showed alia boats catching around 700 pounds of pelagic fish. The commercial invoice system showed 20,000 pounds of pelagic fish, most of which are non-target species caught by the foreign and local longline vessels, and were composed mostly of wahoo, marlin and swordfish. Five alia boats were recorded bottomfishing and catching more than 1,145 pounds of fish. There were no records of bottomfish purchases this quarter through the commercial invoice system. Nearshore spearfishing data showed 500 pounds of fish caught, mostly parrotfish, surgeonfish and soldierfish. Commercial invoices recorded more than 7,000 pounds of reef fish sold in the markets.

FAD A was lost early in 2023 but was replaced with a catamaran buoy a week before the Buds and Suds tournament.

A Key Reef Species Program staff has been working with Poseidon Fisheries Research and is looking at life history of five reef fish that are important to the spearfishing fishery in American Samoa.

Regarding the Community-Based Fisheries Management Program, DMWR staff attended an Indo-Pacific training on coral restoration in Guam during August 2023 where they learned coral restoration techniques. A milestone for American Samoa and Samoa collaboration on fisheries and food security was receiving 650 faisua (giant clams) from Samoa, which DMWR staff deployed in two villages that are under the Community-Based Fisheries Management Program.

Regarding enforcement, DMWR staff boarded 35 foreign vessels, inspected 78 fish containers and conducted one sea patrol and two land patrols. One staff completed a boat driving training.

Dueñas asked if there was a recovery trend with alia boats.

Ochavillo said there may be one or two additional bottomfishing alias, but recovery from the decline in the number of operating alias has not occurred.

Malloy asked about the giant clam workshop in terms of what will happen next and if this was an aquaculture initiative.

Ochavillo said this initiative had been discussed since 2022 as an outcome of the Atoa o Samoa talks (Two Samoa talks) and is a gift from Samoa. One objective is to develop collaboration between the two Samoas on food security and fisheries. The goal is to see the areas under the Community-Based Fisheries Management Program grow these clams so there is reef expansion. This is revival of what happened years ago, and there is hope the villagers will protect the clams until they are able to spawn so there are more clams in the future.

Soliai added one of the objectives of this collaboration was to build capacity with the DMWR staff, not only with giant clams, but also in aquaculture for other species such as

seaweed grapes. It is a first step of many planned initiatives between the two Samoa governments. The relationship has improved over the last two to three years, evidenced by the intervention of Samoa during the WCPFC that supported American Samoa's footnote proposal, which showed the unity between the Samoan governments. Soliai said more collaboration will come from the two Samoas.

Sword asked for additional details on species composition from the Buds and Suds tournament.

Ochavillo said of the 7,000 pounds caught, 4,700 pounds were yellowfin tuna, 1,600 pounds were marlin, and the rest were wahoo, mahimahi, dogtooth tuna and swordfish.

B. CNMI Department of Lands and Natural Resources

Frank Villagomez provided the CNMI DLNR report. The boat-based creel program is working to recruit staff to fill vacant positions. Between September and November 2023, 12 boat-based sampling days and 39 interviews were conducted. Of the 39 interviews, 22 were troll fishing, 8 bottomfishing, 6 spearfishing and 2 atulai fishing. With shore-based creel surveys, staff recruitment paperwork for three additional staff is being routed. Between September and November 2023, 18 shore-based sample days were conducted and 28 interviews completed. Of the 28 interviews, 26 were hook and line, one was spearfishing and one was from cast net.

The CNMI DLNR has been collecting market data for the commercial receipt system with receipts from vendors, hotels and restaurants. During this period, 3,179 pounds of fish were reported to be commercially purchased, of which 2,194 pounds were pelagic fish, 519 pounds were reef fish, 300 pounds were bottomfish, 33 pounds were invertebrates and 33 pounds were miscellaneous catch.

The data entry and validation into the new software LogIt ReportIt resumed in October 2023. The data section is still working without network connectivity. The data section noted a rise in fishing activity along Saipan's eastern coast since a new road (Route 36) was opened. This opens the possibility of inshore data collection on the northeast, east and southeast sides of Saipan and allows a connecting route for the roving portion of the Laolao surveys. CNMI DLNR will conduct a pilot study to determine the best option for collecting data from that side of the island.

The Marine Resource Assessment Program and the Fish Habitat Survey and Monitoring Projects conducted underwater visual surveys in Saipan's southern and central lagoons from January to June 2023. Staff has been analyzing data from the 172 surveys conducted. A technical report will include the analysis of more than 19,000 fish observations of 168 different fish species from 45 fish families and a summary of more than 1,000 images of lagoon habitat.

Division of Fish and Wildlife (DFW) staff participated in the Marianas BioSampling Summit in Guam hosted by PIFSC Nov. 8-9, 2023. Villagomez presented DFW's historical life history research, the agency's capacity to conduct life history research and identified DFW's key partners, their fish collection methods and collaboration needs.

DFW staff completed rigging 10 FAD systems and maintenance checks on FAD GG located west of Tinian. DFW was able to replace the buoy and its upper mooring. The agency

conducted FAD outreach at several events, including the 39th Annual Saipan International Fishing Tournament and the Council's Fishers Forum in March.

DFW is looking to develop a vessel refueling facility to address the lack of port-side refueling station on Saipan. The agency developed a proposal to initiate a feasibility study for possible areas within the lagoon.

The CNMI DLNR Sea Turtle Program submitted a proposal to the NOAA Species Recovery Grant under the ESA Section 6 program. Proposed activities include in-water capture and tagging, and turtle abundance estimation throughout the CNMI. If awarded, the project activities would begin in July 2024. The program received four sea turtle reports during this period, including a nesting turtle sighting, illegal sale of turtle shell jewelry posted on social media, potential illegal harvesting from southern Saipan and a sea turtle shell retrieved from northern Saipan.

The CNMI DLNR Coral Reef Restoration Program coordinated the 2nd Restoration Skills Training hosted by The Nature Conservancy in November 2023, which had 21 participants from the government, private sector and nonprofit organizations. In November, the final quarterly meetings for coral reef restoration and the Paul Russ restoration working groups were held.

The Marianas Trench Monument Advisory Council list and the Council nominations have been set for CNMI members. New members appointed as primary members include Floyd Masga, Frank Rabauliman and Richard Salas. Other new members include Chris Concepcion and Rosemary Camacho.

Regarding rulemaking and legislation, the creel program has been collecting commercial fish data from fish vendors who are in compliance with the mandatory licensing and reporting in the CNMI. DFW is also working on the development of regulations for Public Law 20-79, the Coral Reef Protection Act of 2017, to improve management of coral resources within the CNMI.

Igisomar announced Michael Tenorio was appointed as acting director for DFW.

C. Guam Department of Agriculture

Muña provided the Division of Aquatic and Wildlife Resources (DAWR) report for the last quarter. The agency conducted all 24 scheduled shore-based creel surveys. The top three species caught were giant trevally, atulai and brassy trevally, and the top methods used were hook and line and talaya.

The Port Authority of Guam conducted a final inspection for the Agat Marina Dock B repairs and approved all of the work done by the contractor. Water lines were installed and power pedestals have been energized. A ribbon cutting ceremony will be scheduled soon. The Merizo Boat Ramp project will continue during fiscal year 2024 with replacement of wooden planks, ladders and lights. A structural assessment of the pier's foundation will be conducted with worn areas of the ramp to be addressed.

Three conservation officers completed drone training with certification in basic and advanced drone curriculum, and obtained their FAA Part 107 Remote Pilot Certificate/License.

The officers are scheduled for advanced drone training with the Bureau of Statistics and Plans. DAWR hopes to secure its own drones to be used for observations and surveillance of the terrestrial and marine preserves.

DAWR issued special permits for the harvest of seasonal atulai (big-eye scad), i'e (juvenile jack), jacks, ti'ao (goat fish) and mañahak (juvenile rabbitfish).

The development of Guam's Fishery Management Plan continues. Meetings with the University of Guam are scheduled to review data gathered during a literature review of all data available for the top species. The agency held conversations with fishers, and the next meeting, scheduled for Dec. 15, 2023, will be to discuss more outreach with the local fishing community.

Two FADs were deployed successfully Nov. 22, 2023. Components for the remaining eight FADs were scheduled for delivery the week after the Council meeting. Purchase orders to deploy six of the eight FADs are on hand. DAWR continues to work with the grantor and the Guam Government procurement agency to amend the purchase order to allow eight FADs to be deployed as soon as they arrive.

DAWR biologist Andrew Kang, recipient of the Council scholarship program, has been selected as the lead project investigator for a shark depredation project. Six local fishermen were trained in Honolulu as part of this project. To date, two receiver arrays have been deployed that will use acoustic telemetry to monitor shark visits to fishing sites and then analyze their movement patterns to predict periods of low and high presence. DAWR will use the data to set avoidance guidelines based on location, time, moon phases and season, to better inform fishers when to avoid specific areas.

DAWR also has a giant clam project called Na'Boka, which will create village-owned clam farms using community-based management. DAWR will teach Hima (giant clams) Ambassadors, who will be youth recruited through the 4-H program, to observe, measure and determine growth rates. They will receive stipends for their efforts. DAWR has successfully transferred 375 of 1,000 giant clams from the Republic of Palau to Guam, and they are currently in quarantine at the Underwater World Aquarium. The remaining clams will be transferred in the near future.

D. Hawai'i Department of Land and Natural Resources

Sakoda provided the Hawai'i DLNR report for August through October 2023. At the end of the 2023 bottomfish fishing year ending in August, 1,359 fishers made 2,141 trips, reporting 196,343 pounds of mixed deep-seven species caught. Landings exceeded those of the previous four fishing years, largely due to relatively high landings in December 2022 of approximately 41,000 pounds. Reported fish per year continue to decline over time. The 2023 species composition was relatively similar to the 10-year average. The ratio of opakapaka and the total catch appears to be increasing over time following a drop in fishing year 2019, before which the species routinely comprise approximately half the total deep-seven landings each year. Although a minor component of the total deep-seven catch, gindai were caught at a higher rate than previously seen. For the bottomfish fishing year 2024, the catch rate at the end of October is close to the five-year average despite what appeared to be a relatively slow start in September. Catch over the next few months will largely dictate the rest of the season as peak demand for the fishery occurs around Christmas and new year. Of the past five fishing years, 2023 had the

highest landings, followed by 2022. It is unclear if this increasing trend will hold, though normalization post COVID-19, the increased tourism economy and favorable market conditions should result in more effort.

For Kona crab, 19 commercial fishers reported making 60 trips and landing 4,296 pounds. Catch exceeded four of the past five years. The fishery remains small in comparison to its previous size. For the 2023 season, catch following the seasonal closure has been slow despite relatively good catch prior to the closure.

For uku, 199 commercial marine license holders made 727 trips and reported a catch of 41,916 pounds. Landings in 2023 continued to increase steadily over time, largely due to the seasonal pulses that typify years with higher landings.

2,649 commercial marine licenses were issued or renewed between January and October for revenue of \$363,150. Long-term decrease in non-longline associated commercial marine licenses continue to be seen.

Regarding PMNM, one research permit amendment was approved in July 2023. The permit coordinators group reviewed four permits, the details of which were provided in the written report.

Regarding the joint EIS for the proposed NWHI NMS, the EIS drafting phase is complete. Publication of the draft EIS is expected in early 2024. Following the publication, ONMS plans to host virtual and in-person meetings to provide information and solicit public comments. Questions regarding this matter can be directed to the ONMS.

During August 2023, Hawai'i DLNR replaced eight FADs. In September, two FADs were reported missing. In October, one FAD was reported missing and one FAD was recovered.

Regarding aquatic invasive species management, the Environmental Protection Agency released a Supplemental Notice of Proposed Rulemaking to the Vessel Incidental Discharge Act. The notice presents additional regulatory options for the final Vessel Incidental Discharge Act rule, as well as data on ballast water management system type approval. States were given a 60-day comment period. The State of Hawai'i is working with other Pacific states and territories to develop comments to respond to the supplemental notice by Dec. 18, 2023.

The aquatics invasive species field team is working with Malama Maunalua to conduct urchin caging studies in Maunalua Bay to study invasive algae grazing. The team also completed surveys of manatee mudflower in Nu'uuanu stream to delineate the spread of the nonnative species. Large pieces of marine debris washed ashore near Kualoa Ranch, and the team collected fouling specimens for the Bishop Museum to conduct an analysis of potential introduced species. The team continues to provide consultation on the introduction and spread of nonnative aquarium species in Pearl Harbor, where the species count has increased to six.

The State of Hawai'i is seeking to become a member of the Pacific States Marine Fisheries Commission, which will enhance the state's ability to manage state and regional marine fisheries resources through increased collaboration with other Pacific states. Hawai'i DLNR plans to introduce state legislation at the next session to support joining the PSMFC.

On Dec. 15, 2023, the Board of Land and Natural Resources will consider final rule amendments to allow the take of female Kona crab and to extend the close season by one month to May through September. In August and September 2023, the Division of Aquatic Resources held statewide hybrid public hearings on proposed rules for commercial marine dealer licenses, commercial marine vessel licenses and a nonresident recreational marine fishing licenses. These proposed rules will be presented to the Hawai‘i DLNR for final rulemaking in January 2024.

E. Public Comment

There were no public comments.

F. Council Discussion and Action

There was no action taken under this section.

VIII. Action Items

A. Fishing Regulations for the Proposed Pacific Remote Islands National Marine Sanctuary (Final Action)

Joshua DeMello, Council staff, presented the options for fishing regulations for the proposed PRINMS. The presentation included a background on the issue and the responsibilities of the Council, the Council’s initial action and analysis of existing fishing regulations. The Council received a request from the ONMS under the National Marine Sanctuaries Act (NMSA) Section 304(a)(5) to prepare draft fishing regulations for the proposed PRINMS and a response was due by Dec. 20, 2023.

The request for fishing regulations was for the nonmonument areas 50 to 200 nautical miles outside of the existing PRIMNM around Howland and Baker Islands as well as Kingman Reef and Palmyra Atoll. The Council’s options included: option 1 (no action) where the Council would choose not to take any action; option 2 (status quo), under which the Council would recommend that existing fishing regulations are sufficient to meet the goals and objectives of the sanctuary; and option 3, under which the Council would recommend additional fishing regulations that would be necessary to meet the goals and objectives. For option 3, additional regulations may include providing a specific noncommercial fishing permit and prohibiting or limiting commercial fishing. Any additional regulations could reduce future fishing opportunities in the area without any benefits to the resources.

The Council, at its 196th meeting in September 2023, preliminarily found that the existing fishing regulations under the current structure may already meet the goals and objectives of the proposed sanctuary (option 2, status quo). Along with the proposed goals and objectives, the Council’s decision would also be reviewed against the MSA and its National Standards (NSs), the proclamations that designated the PRIMNM, the NMSA, and the memorandum issued by President Biden. The regulations would need to be long-lasting and comprehensive.

The authority for managing fisheries in the PRI was put into place with the MSA in 1976, followed by the management of pelagic fisheries in the 1980s and nonpelagic fisheries in the early 2000s. Current management includes prohibitions, permitting and reporting, gear restrictions, minimum sizes, harvest quotas and area restrictions. Fisheries in the PRI are neither

subject to overfishing nor determined to be overfished, and the fisheries are unlikely to have any adverse effects to ESA-listed species, marine mammals or EFH. The proposed sanctuary goals and objectives include language to comprehensively protect, conserve, restore and manage, which is what the Council already does through its existing management. The Council also has the opportunity to address each of the other goals and objectives through its existing structure and plan including integrated management, international partnerships, engaging and involving indigenous and local community members, supporting and coordinating research, and inspiring current and future generations.

Ramsey asked what the difference was between no action and status quo, as well as what the ramifications are between the two.

DeMello said the two actions are different due to the options provided to the Council under the NMSA. The “no action” option is where the Council would decline to make a determination, leaving the decision for fishing regulations up to ONMS. The “status quo” option on the other hand would entail the Council making a determination that fishing regulations are not necessary because the existing management in place is enough to meet the proposed goals and objectives.

Soliai said he appreciated PIFSC’s economic contributions report as it shed light on the importance of commercial fishing and access to fishing grounds for American Samoa. Although it may seem like a small portion of the overall catch, it is still very important as it equates to about two weeks’ worth of production and two days’ worth of employment for people. At the WCPFC meeting, there was talk about disproportionate burden in the fisheries and if there is no commercial fishing allowed in the PRI, it would add another layer of disproportionate burden to the territories. Soliai said closing the U.S. EEZ around the PRI to fishing would be contrary to the MSA NSs. NS1 requires managing for optimum yield, yet there is nothing optimum about closing the entire EEZ to fishing. NS2 requires the Council to use the best scientific information available (BSIA), and based on the science that says fishing has no impact, closing fishing in the PRIA is not the right thing to do. NS3 requires the Council to manage the stock through its range, and the range for pelagic tunas is throughout the entire Pacific, so closing a small part of that range has no impact on the spawning, breeding, feeding or any other part of their life history. NS7 requires the Council to avoid unnecessary duplication, but a sanctuary, on top of a MNM on top of a National Wildlife Refuge adds unnecessary layers where effort is duplicated. Finally, NS8 requires the Council to consider the impact to communities, but the proposed sanctuary did not consider the community of American Samoa and the devastating impacts that closing access to commercial fishing within those areas would have on the economy, the community and the culture. He said closing fishing would have a very significant impact, not only to the economy, but also to Fa’a Samoa, or the Samoan way of life.

Sword said the president’s March 2023 memo stating that the area outside of the existing PRIMNM remains unprotected is a misstatement. The Council has had regulations in place for pelagic fisheries since 1986, including regulations for nonpelagic fisheries in 2007, and then including the PRI in its own FEP in 2010. He said he had not heard from anyone about the existing management not being sufficient, or that there has been a problem that the Council needed to address. He asked what the problem is that a sanctuary is trying to address.

DeMello said the main comments from the initial public scoping for the sanctuary centered on conservation and protection. He said he did not recall anything specific in the comments about fisheries issues in the PRIA.

Sword said it seems strange that two decades after all the regulations are put in place that one morning someone woke up and said they would love to change the area into a sanctuary and close the whole thing off to fishing. It does not make sense and depends on the whim of one person that proposed this to the White House. He said American Samoa depends on the government to take care of these areas and no one to date has complained about the Council's management of the area. He said upon questioning government officials about closing commercial fishing, they responded that they could not say and would have to wait until the process is done. This is top-down management and goes against the MSA.

Dueñas said his opinion is to leave fisheries management to the fisheries managers. He said his biggest issue is the use of the words cultural use or cultural value. Someone from another region or any other place should not have a say on the cultural value of these resources that have intrinsic value to this region's cultures. He said taking away jobs from American Samoa and fishing from the Hawai'i longline and then closing the high seas is not equity. He said the economic value of the U.S. EEZ to the Pacific Island people is important and the people of the region should benefit from this sanctuary.

Soliai asked when the deadline was to submit a response.

DeMello said the Council needs to respond to ONMS by Dec. 20, 2023. The Council also has until Jan. 19, 2024, to provide additional support and justification for the Council's decision.

Simonds said the analysis document presented is not complete but has enough information for the Council to make a decision.

Sakoda said he was leaning toward option 3b (recommend additional fishing regulations to provide limits to fishing), noting there is currently not much fishing and additional limitations could prevent any new types of commercial fishing, providing more protections than the status quo. He said this option may better meet the goals and objectives of the proposed sanctuary. The current pelagic commercial fisheries should be allowed to minimize economic impacts, but in good faith, the option may be a compromise and the best chance of ensuring protections on what needs to be protected.

Dang said the current management, processes, regulations and the guidance of MSA already aligns with the proposed sanctuary goals. If there are other objectives, the Council may need to understand those better to assess the need for additional regulations. He said his personal position is that sanctuaries that do not allow for fishing are not the best management for fisheries as it will harm communities in American Samoa. There will be unintended consequences that cannot be assessed at this time, but what can be assessed is the success of existing management regulations. He said this sanctuary is politically motivated and that there is a misunderstanding that the area is not protected. He said the Council needs to consider if there is a need for a sanctuary, and if there is not a need for it, the Council should support that position in its letter.

Guthertz said as a Council member she is responsible to the people of Guam and that it would be difficult to justify the sanctuary to them. Restrictions on fishing would impact the

people of American Samoa and the Council cannot afford to endorse restrictions that would impact the livelihood of the people. The islands are limited in terms of resources and people should benefit from those resources. She said there is no need for further regulations no justification that would convince the people of the islands that it is needed.

Sword invited Brady Phillips to add to the discussion.

Phillips, ONMS project manager for the proposed PRINMS, said after the public hearings and workshop in American Samoa, ONMS came away with a much better understanding of how important fisheries are for the territories and how ingrained it is into the culture and the economic livelihood of those places. He said the agency continues to learn and hear from partner agencies about what activities are occurring in the PRI and how the sanctuary can avoid duplication to be good stewards of the resources. ONMS is not looking to manage fisheries and sanctuaries are more than just fisheries and each is designated differently. He said NOAA is moving forward with the president's directive to consider a NMS for the PRIA and there has been no decision on closing off the whole area. As part of the designation process, a draft management plan and EIS are being developed that will collect information and consider a range of boundary and regulatory alternatives. He said the analysis of different alternatives is required and a preferred alternative will be identified prior to going to the public for comments. Any additional information provided to the Council will be looked at and assessed by ONMS and brought into these documents.

Guthertz said there is a need for collaboration between the affected parties as consensus building is the Pacific way. She said a collaborative approach is better to avoid people reacting to something that seems pre-decisional.

Simonds said this was the subject of a discussion with John Armor, ONMS director, at the October 2023 CCC meeting. She said the CCC agreed that the process needs to be revised and that the executive directors would work with ONMS on a revision.

Soliai said the MSA is already set up to do most of what was mentioned as far as conservation, protection and managing the resources. The MSA works hand-in-hand with the NMSA, but it is clear that a decision is being made without clear objectives and not knowing if there is a need for additional regulations. He said for the Council to consider a restriction to fishing is not logical because the exact objective of the sanctuary is unknown.

Phillips said he understands the difficulty in the process but ONMS is looking for information to help inform its decision-making process. He said the Council members are the experts when it comes to fisheries, and the Council should tell ONMS what the gaps are and the status of how fisheries are managed in the PRI.

Sword said American Samoa has too much to lose and likened it to trying to buy insurance when one does not know how safe a house is and having to pay higher premiums. Involving the local people in the decision-making would allow American Samoa to know what is going to happen and be able to provide input. He said there needs to be a way to get rid of the huge uncertainty and the process has to change in order to come up with an amicable decision.

Igisomar said he shares the concerns from the other Council members and the uncertainty in the process, noting that the CNMI had the possibility of a sanctuary until recently. He

wondered why all this attention is being paid to the Pacific. He said the CNMI aspires to develop its resources and asked who the resources are being protected from. The prospect of getting blocked from realizing any potential opportunities scares the CNMI. He said the territory's experience with a monument designation and a potential layer on top of that has not brought any benefit to them.

Phillips said monuments and sanctuaries are different and ONMS works with the Councils and other agencies as cooperative partners to manage the resources. He acknowledged that the focus of the Council is on fishing and providing food security, but noted there are many aspects of conservation and protected areas that can add value.

Dueñas said frontloading was used in previous engagements where issues were worked out and resolved early. He said Fagatele Bay in American Samoa is a good example of how the sanctuary program fixed broken things and restored an area from heavy, destructive uses. However the sanctuary does not need to fix things that are not broken. He said there needs to be a cohesive approach and to develop a program where everyone can be winners.

Ramsey noted the interest expressed by a Council member on potentially supporting option 3b, and asked how that would differ, process-wise, from moving forward with option 2.

DeMello said option 3b would require the Council to amend the PRIA FEP, which would include the development of an amendment, secretarial review and a secretarial decision. If the Council chooses to limit fishing, it would need to be specific on what is being limited and how it will meet the goals and objectives. However, the Council's action would have to be responsive to the needs identified in the goals and objectives as well as the MSA NSs.

Simonds said the stocks are healthy and sustainable by all measures. She asked if the Council could use the MSA to prohibit commercial fishing of a stock that is deemed healthy.

Tucher said it was done in the past as the proclamations for PMNM and the PRIA directed NMFS to prohibit commercial fishing and to allow sustainable noncommercial fishing. In that case, NMFS used the MSA authority to prohibit commercial fishing, but that followed a clear directive in the proclamation. For the current exercise, in order to prohibit commercial fishing, the Council would need to identify that action is necessary to conserve the ecosystem or habitat or the stock. The Council would need a record in order to establish the conservation and management need to prohibit commercial fishing in the absence of a clear declaration.

Sakoda asked if there is any habitat that could be impacted from bottom-trawling or trapping or gears that do interact with the bottom in the 50- to 200-mile zone. If no habitat would be impacted, then there is no point for the regulations and if it does exist, then that could be something to consider.

DeMello said bottom-trawling and bottom-set gillnets were already prohibited by the Council's Bottomfish Fishery Management Plan since 1986. The area in question is also very deep, so the gears that are or would be allowed would not be useful. However there may be areas that are undiscovered that might be shallower and unknown. He said habitat for deep-water shrimp is mainly inside of the 50-mile boundary, or inside the existing PRIMNM.

B. Advisory Group Report and Recommendations

1. Fishing Industry Advisory Committee

Michael Goto, Fishing Industry Advisory Committee (FIAC) chair, presented the report and recommendations.

Regarding the proposed fishing regulations in the proposed PRINMS, FIAC found that existing fishing regulations are comprehensive and sufficient, and recommended no new fishing regulations for the proposed PRINMS. The FIAC further found that prohibition on commercial fishing around Johnston and Jarvis are unnecessary for protecting highly migratory species.

2. Advisory Panel

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

Regarding fishing regulations for the proposed PRINMS:

- The Hawai‘i AP recommended option 2, status quo. The Hawai‘i AP noted fishing is hard enough and additional federal regulations would be challenging for fishing to continue. The Hawai‘i AP recommended that the Council NOT develop additional fishing regulations and that existing regulations are more than sufficient for the PRI. Further, the AP requested the Council consider requesting the removal of regulations in other parts of the PRI to allow for additional fishing.
- The American Samoa AP recommended option 2, status quo. The fishery is already highly regulated and the AP agreed that the potential to negatively impact American Samoa is too great. Should the sanctuary be designated, the AP recommended the Council request the ONMS to provide consistent monitoring of resources in the proposed sanctuary in order for American Samoa to determine potential impacts to the territory, particularly in light of potential climate change impacts.
- The Guam and CNMI APs were concerned with the potential impacts to the American Samoa community from closing fishing in the U.S. EEZ around the PRI and recommended that the current fishing in place be continued.

Ilaoa reported the AP strongly opposed the PRINMS designation as it goes against the current Biden Administration’s Executive Order for EEJ. Existing regulations protect the area and a sanctuary adds an unnecessary layer of federal regulation. There is a disproportionate burden on the U.S. Pacific Islands to meet the president’s 30x30 goal. He said the U.S. Pacific Island’s indigenous people are expected to accept it, but every elected and cultural local leader has spoken out in strong opposition of the sanctuary.

3. Scientific and Statistical Committee

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

Regarding fishing regulations for the proposed PRINMS, the SSC affirmed its previous recommendation from the 149th SSC meeting that existing fishing regulations are sufficient to meet the goals and objectives of the proposed PRINMS. The SSC does not find scientific evidence to support additional fishing regulations.

Lynch reported the SSC had extensive discussion about the potential for indirect and negative effects by imposing additional regulations that are not based on the best available science. The SSC also has significant concerns about environmental justice implications of additional regulations on a fishery that is already well-regulated. The SSC believes that the existing regulations are well-founded and that the BSIA supports them.

C. Public Comment

Gourley, CNMI resident, provided public comment on the fishing regulations for the proposed PRINMS. He said when compared to the tyrannical conservation approach of the Antiquities Act, he thought the NMSA was a bright light in the sky, but not now. That light has significantly faded and ONMS appears to be following in the footprints of the Antiquities Act. He said his first bad experience with the NMSA was in the Mariana Archipelago where the rollout of a proposed Mariana Trench NMS was a disaster. The process included too much information, the proponents led the charge, and ONMS sat in the background doing nothing and did not help to explain things. He said the result was confusion and resentment that caused pushback against the sanctuary, so much so that the proponents pulled back their nomination package. Gourley said sanctuaries are supposed to be developed by communities and that support is the basis for sanctuaries. ONMS failed at obtaining community support for the Mariana Trench NMS and they have failed at the proposed PRINMS. He said the failure came from not inviting Guam, the CNMI and American Samoa to the table before accepting the nomination package. Public comment periods are to check the box and community opinion is ignored. He asked how the nomination could be accepted without that support. He said the overlay of a sanctuary offers nothing to the conservation status for the PRI, is a waste of time and insults the Pacific Island territories.

Eric Kingma, HLA executive director, provided public comment on the fishing regulations for the proposed PRINMS. He said HLA caught wind of an initiative to expand the PRIMNM in 2022, well before the Pacific Remote Islands Coalition submitted its proposal. This is important because this had been discussed right around the time when the president introduced the 30x30 initiative, and might have pre-dated that announcement. He said when previous speakers talked about the political agenda behind this proposal, it is clear that this basically was generated in Washington D.C. He said his reaction at the time was that the proposal was an abuse of the Antiquities Act and against the intent of having an EEZ. Kingma said it is really disconcerting when thinking about the larger-picture issues in fisheries such as the new U.N. treaty on closing off high seas and establishing marine protected areas. The Council needs to look at the full picture and the cumulative effects. He said HLA's position is that there are enough closures and would like to see restored access for fishing in Johnston Atoll and Palmyra, as these are areas the Hawai'i longline fleet can fish without foreign competition.

Clay Tam, Hawai'i fisherman, provided public comment on the fishing regulations for the proposed PRINMS. He said there is an injustice and inequality for the people and a total slap in the face to propose a sanctuary without a scientific or biological basis. He said there is injustice in the Pacific as a whole and provided the examples of Bikini Atoll bomb testing, Kaho'olawe bombing and contamination of water in Red Hill on O'ahu. He said Pacific Islanders are treated like the stepchild of the nation and it is obvious from where he sits on the Marine Fisheries Advisory Committee. Tam said the Pacific Islanders have to stand tall and move ahead because the government is going to do what it is going to do. National initiatives

coming out for EEJ and the National Seafood Strategy are conflicting rather than providing synergy. He said it is difficult to promote seafood security when a sanctuary is being proposed that would potentially prohibit fishing. The resources are much healthier when managed by those who live off of it rather than from far away. He said is an injustice and a problem that the fishing community went through with the NWHI, and the process needs to change.

D. Council Discussion and Action

Regarding fishing regulations for the proposed PRINMS, the Council:

- 1. Reiterated its findings in Appendix C of the options paper that show that the Council's existing regulations have established comprehensive protection since the 1980s and continues to provide for long-lasting conservation and management for the PRI fishery ecosystem and resources. The Council stressed the importance of the current pelagic fisheries in the PRI to the economy and culture of American Samoa and recognized that impacts to those fisheries would be devastating to Fa'a Samoa. The fisheries provide millions of dollars and thousands of jobs through direct and indirect contributions. The current pelagic fisheries in the PRI are conserved and managed pursuant to an adaptive, ecosystem-based approach both domestically and internationally and are neither overfished nor experiencing overfishing. Pelagic fishing occurs at or near the open ocean's surface and does not interact with benthic communities, so these activities do not jeopardize the benthic ecosystem or biodiversity. Should fishing for bottomfish, crustacean, precious coral or a coral reef ecosystem species be conducted in the PRI, Council regulations implementing the PRIA FEP would apply and continue to comprehensively conserve and manage these fisheries, the marine biodiversity and ecosystem services they provide. This management plan has been in place for more than 13 years to prevent negative impacts to fish stocks, habitat, bycatch and protected species.**

Therefore, the Council determined that the existing fishing regulations under the current structure already meet the goals and objectives of the proposed sanctuary and recommends to ONMS that additional fishing regulations are not necessary to meet the proposed PRINMS goals and objectives. Further, the Council directed staff to provide the Council's recommendation to ONMS by Dec. 20, 2023, and to include the rationale and justification for the Council's determination to ONMS by Jan. 19, 2024.

Ramsey said since the last Council meeting, the wording of one of the objectives changed. He asked if there is any potential for the wording of the goals and objectives to change between now and some other point in time, and whether the recommendation should state that it applies to the objectives and goals as currently stated.

Soliai said his understanding is that the Council's action will be reviewed against the goals and objectives that ONMS provided to the Council in its letters. Soliai said there is a Hawaiian expression "*Ua mau ke ea o ka 'āina i ka pono,*" which translates to "The life of the land is perpetuated in righteousness." The equivalent saying in Samoan is "*O tatou fanua ma le siosiomaga, ole tatou faasinomaga. O mea sina ia a Samoa.*" (Our lands and our surroundings are our heritage. These are sacred gifts of Samoa.) That same concept applies in what the Council is recommending with respect to the proposed PRINMS because it is the Council's

responsibility to do what is right based on the information provided. He said this recommendation is about doing the right thing for the communities that are involved. For American Samoa, this sanctuary proposal is not righteous, it is not just, and it is not equitable for the American Samoa people. He said he highly supports the recommendation that is before the Council.

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

IX. Public Comment on Non-Agenda Items

There was no public comment on non-agenda items.

X. Action Items Continued

A. Discontinuing the Rebuilding Plan and Annual Catch Limit Specifications for the American Samoa Bottomfish Fishery for 2024-2026 (Final Action)

Zach Yamada, Council staff, provided an overview of alternatives to discontinue the rebuilding plan and specify annual catch limits (ACLs) for the American Samoa bottomfish fishery for fishing years 2024 to 2026. Under the ACL specification process, the Council's SSC sets the acceptable biological catch (ABC) below 50% risk of overfishing that is quantified based on the P* (risk of overfishing) analysis. The Council uses the results of the P* and SEEM (Social, Economic, Ecological and Management Uncertainties) analysis to specify the ACL equal to or below the ABC. In addition to specifying the ACL, the Council may include accountability measures (AMs) to prevent overfishing. The Council has historically implemented a post-season overage adjustment AM for the American Samoa bottomfish fishery.

In 2020, NMFS notified the Council that the American Samoa bottomfish fishery was overfished and experiencing overfishing. Following the publication of the 2019 territorial bottomfish stock assessment, PIFSC began its stock assessment improvement plan to address the assessment with a data-limited fishery. In 2021, the Council took final action to implement a rebuilding plan, and in 2022 NMFS implemented the final rule for the rebuilding plan. In 2023, PIFSC completed the American Samoa bottomfish stock assessment, which found that the fishery was not overfished and overfishing was not occurring.

Alternatives for Council final action include alternative 1 (no action), which would continue the rebuilding plan under a 5,000-pound catch limit; alternative 2a, which would discontinue the rebuilding plan and specify an aggregate ACL of 52,880 pounds based on the P* and SEEM analysis; alternative 2b, which would discontinue the rebuilding plan and specify nine single-species ACLs based on their respective P* and SEEM analysis; and alternative 2c, which would discontinue the rebuilding plan and specify nine single species ACLs 2%, 5%, 8% or 10% lower than their P* and SEEM analysis. Under alternatives 2a, 2b and 2c, *Etelis coruscans* and *Pristipomoides flavipinnis* would be used as indicator species for *E. carbunculus* and *P. filamentosis*, respectively. The AM for alternatives 2a, 2b and 2c would include a post-season overage adjustment based on the most recent three-year average. Although the rebuilding plan does include in-season monitoring, the Council and its advisory bodies discussed the uncertainty in the data to monitor catch based on the catch expansion. Based on the

discussion, the Council at its previous meeting recommended monitoring the bottomfish catch but not utilizing an in-season AM that would close the fishery if catch is projected to exceed the ACL.

At its 196th meeting, the Council took initial action and recommended alternative 2a as its preliminary preferred alternative. Following this meeting, the Action Team further discussed the impacts of the alternatives to the fishery and the stock, and found that alternative 2a would not prevent overfishing for an assessed single stock if the fishery were to exceed that stock's overfishing limit. Alternative 2a also would not comply with NS1, which is to prevent overfishing. Based on the recent catch history, the fishery had historically exceeded the overfishing limits for *Aprion virescens* and *E. coruscans* during the 2014, 2015 and 2016 fishing years. If the fishery performs similarly to those years, alternatives 2b and 2c, which would specify single-species ACLs, could prevent overfishing and the Council could apply an overage adjustment based on the most recent three-year catch average.

Regarding impacts to target species and socioeconomics, alternative 1 would restrict the fishery under a 5,000-pound catch limit, alternative 2a may not prevent overfishing under an aggregated ACL, and alternatives 2b and 2c would not have adverse impacts as it would prevent overfishing and allow for fishery development. Regarding impacts for non-target stocks and bycatch, no adverse impacts are anticipated from any alternatives on protected species, biodiversity ecosystem function and physical resources since this is a highly selective hook-and-line fishery with no bycatch and little interaction with physical substrates. There are also no anticipated impacts to the management setting.

Soliai asked when the regulations would be changed once the Council takes final action.

Yamada said following Council final action, the Action Team would work on the document as it goes through its different review processes, and once the documents are final, the Council and NMFS will transmit them for the rulemaking process.

Jarad Makaiiau, PIRO Sustainable Fisheries Division, said the rulemaking process under the MSA is 95 days to complete the secretarial review to approve or disapprove the amendment.

Guthertz said the presentation was easy to follow and asked how the Council members felt about alternative 2c, which would specify catch limits below the P* and SEEM analysis.

Soliai said he would prefer alternative 2b as it would account for uncertainties on a single-species basis for monitoring.

Sword said the bottomfish fishermen he knows tend to rotate their fishing spots on a day-to-day basis, similar to Hawai'i fishermen. He said under alternative 2b, it would allow for better monitoring.

Dueñas commended PIFSC on its 2023 stock assessment as it deals with reality. Although there were improvements, there is a need to develop a life history program in American Samoa to better understand how the territory's fish grow and reproduce. He appreciated the list of bottomfish assessed but would prefer assessments on zone-based groups (i.e., shallow versus deep water species), noting that not all fishers use spinning reels to catch onaga, and onaga fishermen would not use electric reels to catch a redgill emperor. Dueñas also

said the territorial agencies should involve the local colleges and universities in data collection. A community-based fishery data collection program would empower the community and fishermen to improve their data collection system to go beyond the creel survey data. He said there should be more effort to improve data collection so that scientists, managers and fishers better understand their fisheries and habitats.

B. Hawai'i Fishery Ecosystem Plan Uku Essential Fish Habitat Revision Amendment (Final Action)

Thomas Remington, Council contractor, provided an overview of the Hawai'i FEP amendment to revise uku EFH in the main Hawaiian Islands (MHI). The MSA defines EFH as those waters and substrates necessary for fish spawning, breeding, feeding or growth to maturity. EFH was previously designated for uku in 1999 and revised in 2009 and 2016. Based on the 2016 designation, uku EFH is described for all four life stages (egg, post-hatch pelagic, post-settlement, and sub-adult and adult) to a depth of 240 meters. In 2021, Erik Franklin developed the Level 1 presence-absence model that describes EFH for uku throughout the known spatial domain of the species. In 2022, Kisei Tanaka and colleagues developed the Level 2 density model that used diver surveys as input data to generate uku density estimates from 0 to 30 meters. In 2022, these two modeling approaches underwent the WPSAR and the SSC endorsed them as BSIA at its 145th meeting. At its 195th meeting, the Council took initial action to identify refining uku EFH based on the Level 1 model as its preliminary preferred alternative.

Alternatives for the Council's final action include alternative 1, which is no action; alternative 2a, which would amend the Hawai'i FEP to updated EFH descriptions and maps for sub-adult and adult uku in the MHI using BSIA based on presence-absence model outputs from 0 to 300 meters supplemented by information from relevant literature; and alternative 2b, which would update EFH descriptions similar to alternative 2a using density and presence-absence models outputs supplemented by information from relevant literature.

Following the Council's initial action, the Action Team removed the alternative that would designate EFH based on the Level 2 model approach as it was not a viable alternative for the Council's purpose. The Action Team also removed the alternative that would designate EFH based on an average of Level 1 and 2 information in combination with catch-per-unit-effort model information. There were disagreements from the SSC on the utility of this option and the ad hoc nature of combining the three models with a simple mathematical average. In addition, the Action Team incorporated literature review information to supplement model-based outputs. Under alternative 2, the Council's action would revise the EFH definition, update the map for post-settlement uku separate from sub-adult and adult, and remove language for shallow water bottomfish complex since *Lutjanis kasmira* was identified as an ecosystem component species in 2019. The Action Team also addressed concerns with the preliminary preferred alternative's consistency with MSA NS 2 as it would not use the Tanaka et al. (2022) model approach, which was deemed as BSIA.

The proposed action is administrative in nature as the amendment is an update to the FEP language for uku EFH. The action would not change collection methods, fishing location, timing, effort, authorized gear types, access to fishery resources or harvest levels. This action is not anticipated to impact fishery participants, communities or the safety of human life at sea.

Dueñas said EFH has a detrimental effect on federal agencies on whether certain actions can be done. In order to perform specific tasks or projects, he has to consult with federal agencies such as the Army Corps of Engineers to provide approval to begin the project. In his experience on Guam, getting approval to rebuild the GFCA took three months. He said EFH may not impact fisheries, but it does impact future state, government or private projects along the shoreline. He said certain bottomfish live together like onaga, and, in some cases, the adults prey on their young. Different sizes are found at different depths, and the bigger-sized fish tend to be in deeper water.

C. Guam Bottomfish Stock Assessment Western Pacific Stock Assessment Review Terms of Reference

Jones, PIFSC, presented the draft Terms of Reference (TOR) for the upcoming Guam bottomfish management unit species (BMUS) stock assessments. A WPSAR for a benchmark stock assessment for 13 species in the Guam BMUS complex was initially expected in March 2024. PIFSC convened a series of workshops to initiate data analyses for Guam in 2022 and a biosampling summit in November 2023. PIFSC Stock Assessment Program indicated that the data and life history information to inform another benchmark assessment is lacking. Data may present biases in the assessment, which may be an artifact of sampling and not a biological change to the stock.

PIFSC, in consultation with PIRO, determined that a benchmark assessment is not appropriate at this time. To provide projections necessary for management, PIFSC is proposing a WPSAR for the Guam BMUS stock assessment update in February 2024, which will follow the same modeling platform as the 2019 benchmark stock assessment with some input improvements and five years of additional data. In preparation for the next Guam BMUS benchmark stock assessment, a data review WPSAR will be conducted in July 2024 to identify which data may be used, determine the type of assessment that will be done and allow PIFSC to identify a timeframe for completion of the assessment. The draft WPSAR TOR for both reviews were presented—one for the Guam bottomfish BMUS update assessment for February 2024 and one for the Guam BMUS data review WPSAR. The Council was asked to provide endorsement of the update assessment TOR at this meeting.

Itibus asked if the Guam data review WPSAR would include using data for an archipelagic-wide assessment of BMUS.

Jones said the Archipelagic Plan Team discussed this and there is a working group looking at the feasibility of an assessment including Guam and the CNMI. There are 17 species in this instance. PIFSC will be looking for a recommendation on this in the future. One possible issue could be allocation under such an assessment.

Weaver asked how reporting of fish at Rota Bank is handled, noting that the area overlaps the waters of Guam and the CNMI.

Jones said if fish caught there are landed in Guam, it would be attributed to Guam, whereas if it is landed in the CNMI, it would be attributed to the CNMI. Improved information on locations within the banks will help improve attribution. Jones said PIFSC staff Sabater and Carvalho could follow-up on that issue.

Weaver said this issue is also evident in the Saipan fishing tournaments.

Jones said this jurisdictional issue is worth investigating. With no mandatory reporting in Guam or the CNMI, the data are contingent on creel survey intercepts. If a fisher is not intercepted, there is no data reporting for that fish unless captured through vendor reporting.

Dueñas clarified that the bank in question is called Ice Box, whereas Rota Bank is entirely in Guam waters. Dueñas said the fishing access across jurisdictions is based on word of mouth and personal connections. Guam fishermen should be hesitant to fish outside Guam waters or in the CNMI out of respect.

Jones said Sabater confirmed that tournament data would be attributed to where the fish was landed.

Dueñas liked the grouping of species as done for American Samoa and the grouping by gear types. He can tell where reef fish fishermen come from on the island on Guam based on the fish they bring in or that they are targeting. Some of the fish are found in areas of certain depth profiles that require differing fishing mechanisms. Dueñas would like some of the same categorization of Mariana Archipelago bottomfish as was done with the deep-seven bottomfish complex in Hawai‘i. He looks forward to more workshops in the islands.

D. Multi-Year U.S. Territorial Bigeye Tuna Catch Limit and Allocation Specification (Final Action)

[Agenda items XI.B.1 and XI.B.2 (reports on the Council workshops and WCPFC outcomes) were taken up before this action item.]

Mark Fitchett, Council staff, presented on the territorial multi-year bigeye tuna catch and allocation specifications under the draft Pelagic FEP Amendment 11. The Council recommended Amendment 11 in 2018 to develop a multi-year framework that would remove the requirement to have a catch limit before allocating bigeye tuna for territories. The Council took initial action on the multi-year specifications in March 2023, recommending a preliminarily preferred specification of 1,500 mt per participating territory with no catch limits. Under the status quo of the existing Amendment 7 framework, the Council has been setting catch limits of 2,000 mt per territory, with a total transfer limit of 3,000 mt. The U.S. catch limit under the WCPFC new conservation and management measure (CMM 2023-01) for tropical tuna accounts for that 3,000 mt of transfers from the territories to the Hawai‘i-based U.S. longline vessels, so the total authorized catch would remain as the status quo. While the new WCPFC CMM 2023-01 increased the U.S. longline catch limit from 3,554 mt to 6,554 mt, it also removed Paragraph 9 that existed in the previous tropical tuna measure (CMM 2021-01), which acknowledged the transfers between the U.S. Participating Territories and the Hawai‘i-based U.S. longline vessels. Therefore, the U.S. may no longer be able to proceed with the territorial arrangements under draft Amendment 11 or under the current Amendment 7 framework.

Sword asked what the other WCPFC members received for their new longline catch limits.

Fitchett said for other countries (China, Taiwan, Korea, Japan, Indonesia) that they would have the same catch limits as the previous CMM 2021-01, but could raise their limits by an

additional 10% if they increase their observer coverage up to 10%. The United States was exempt from having to increase observer coverage for a limit increase, because the existing observer coverage far exceeds other countries.

Dueñas asked if the new CMM 2023-01 applied to other gear types.

Fitchett said there were also reductions in FAD closure periods for purse seine fisheries. The in-zone (within EEZ) fishing FAD closure period was cut in half by approximately 1.5 months, and the FAD closure on the high seas was cut from two to one month.

Dueñas asked about observer coverage among foreign vessels and if there is a push to bring their standards up to U.S. standards.

Fitchett said the idea was for observer coverage to exceed minimum WCPFC standards as a start.

Sword asked GCPI to provide advice on whether the Council should defer action on this item considering the outcomes of the December WCPFC meeting.

Tucher said considering the actions at the WCPFC meeting, including the removal of Paragraph 9, the change of the catch limit by 3,000 mt for the Hawai‘i-based longline fleet, and the existing regulations under Pacific Pelagic FEP Amendment 7 in 50 CFR Part 665, GCPI needs time to go through those regulations. GPI will look at WCPFC’s action and confer with NMFS to provide the Council with a recommendation on what provisions remain alive and what can no longer be carried out. Tucher provided his legal advice that the Council should defer any action on the Amendment 11 framework until its March 2024 meeting, at which point GCPI will have more information to provide.

E. Advisory Group Report and Recommendations

1. Fishing Industry Advisory Committee

Goto presented the FIAC report and recommendations.

Regarding the multi-year U.S. Territorial bigeye tuna catch and allocation specifications, FIAC supported timely implementation of Amendment 11. FIAC supported the Council taking action on the multi-year bigeye tuna specifications, recognizing that the outcomes of the WCPFC meeting may change the appropriate numbers for the specifications.

2. Advisory Panel

Tam, AP chair, presented the AP report and recommendations.

Regarding the American Samoa bottomfish ACLs, the American Samoa AP recommended alternative 2b:

- Discontinue the rebuilding plan and specify nine single-species ACLs based on the P* and SEEM analysis for fishing years 2024-2026.
- Use palu loa (*E. coruscan*) and palu sina (*P. filamentosis*) as indicator species for palu malau (*E. carbunculus*) and palu ena ena (*P. flavipinnis*); and

- Use a postseason three-year average overage adjustment.

Regarding MHI uku EFH revision, the Hawai‘i AP recommended the Council identify alternative 2b as its preference for final action to revise uku EFH in the MHI based on an overlay of presence-absence and density model output information supplemented by relevant literature.

The Hawai‘i AP further requested NMFS PIFSC conduct a cooperative research project with fishermen to better understand the presence-absence of uku to inform the next uku EFH revision.

Tam said the AP expressed concern because the species has such a large range and that more habitat data need to be gathered, especially noting that much of the current data are not tied to the recreational fishery. Tam said the uku project is coming online and there has been some work with the State of Hawai‘i and dialogue with principals to consider investigating vessel registries. In addition, there are apps like Lokahi and other electronic means of reporting data. Tam said at least Hawai‘i is being proactive looking at resolving issues with recreational data. The recent WPSAR meeting highlighted the need for better recreational data. It can also help with potential allocation issues as is being seen on the mainland.

Tam noted the following AP recommendations regarding the multi-year bigeye tuna action were made prior to the WCPFC meeting.

Regarding the multi-year bigeye tuna catch and allocation specification:

- The American Samoa AP recommended considering increasing the catch limit for American Samoa for bigeye tuna to 3,000 mt because it has an active longline fleet.
- The CNMI AP recommended alternative 2, sub-alternative 4, to specify a 2,000-mt allocation limit per territory.
- The Guam AP did not recommend an alternative for the multi-year specification at this time, noting concerns regarding the Guam Government not participating in a specified fishing agreement and preventing Guam’s access to Sustainable Fisheries Fund (SFF) funds to support fishery development.

Dueñas asked if there was any interest in bringing back uku tagging, given that they can travel thousands of miles.

Tam said there was nothing on the radar currently, but that would be an interesting study. In the past NWHI bottomfish were caught together with uku, and a group tagged more than 3,000 uku in the NWHI. There was a lot of uku coming out of the NWHI fishery and there were archival tags deployed with listening stations on the bottom in addition to conventional tags. When the NWHI bottomfish fishery closed, the tagging group tried to go back to retrieve the units to see the movement, but the group was denied by the sanctuary committee. He said it is a shame that the tagging project was stymied by the sanctuary, as there is a pristine opportunity to study an untouched fishery since 2007 that would inform ecosystem-based management. Tam discussed some of the tagging studies, including tagging of kahala and instances of the state releasing ta‘ape. Better understanding movement to understand climate change impacts would be important for future management.

Dueñas said there is concern over data collection and there is a need for a community-based data collection program. Dueñas asked if most of the participating fishermen are over 50 years old and if there are younger participants.

Tam said these fishermen are generational and usually the skills are passed down. Fishing for onaga is occasional for most fishermen. Fishermen from Kewalo and sampan fishermen have retired. Fewer fishermen target species like onaga today. The fleet in general is getting older with fewer younger fishermen.

Dueñas said many of the older fishermen cannot deal with reporting on phone apps. He would like a kiosk like an ATM for fishermen to weigh and enter catch with cameras to make collection easier.

Tam said the start-up with the Lokahi app was successful and allows information to be collected and shared amongst fishers. They currently have 2,800 members in Hawai‘i, reporting approximately 39,000 pounds of fish.

3. Scientific and Statistical Committee

Lynch presented the SSC report and recommendations.

Regarding the Hawai‘i FEP uku EFH revision amendment, the SSC recommends alternative 2b for uku EFH designation as it uses both sources of BSIA.

Regarding the Guam bottomfish stock assessment WPSAR TOR, the SSC endorsed the WPSAR TOR for the February 2024 Guam BMUS stock assessment update, and nominated Milani Chaloupka (chair), Frank Camacho and David Itano to serve on the WPSAR panel.

Regarding multi-year territorial bigeye tuna catch limit and allocation specification, the SSC concludes that the BSIA supports the conservation and management objectives in order for the Council to proceed with moving forward with multi-year territorial bigeye tuna catch and allocation limit specifications for 2025 to 2026.

Lynch reported the SSC concurred that the Western and Central Pacific Ocean (WCPO) bigeye tuna stock is not subject to overfishing and there is little conservation risk associated with the alternatives presented. The SSC acknowledged that the Council needs to move forward with a multi-year specification to reduce unnecessary administrative burdens, and also noted the continued interruptions to the fishery would raise EEJ concerns.

F. Public Comment

Rice, charter boat captain, said he is glad the Hawai‘i longline fishery got an extra 3,000 mt increase in its catch limit, noting that it took 10 to 12 years of fighting. He said deleting Paragraph 9 in the tropical tuna measure is a big issue, as the science showed it did not need to be done and it takes away the funding from the territories. His understanding is that China and Japan are still exchanging catch limits, and the U.S. should be able to do the same. Regarding the proposed PRINMS affecting American Samoa, Rice said further fishing restrictions on purse seine vessels could mean the loss of 2,500 jobs, which could lead to American Samoa losing its

population. Rice said it baffles him that American Samoa continuously gets hit with restrictions and regulations, and said he hopes NMFS understands that American Samoa needs the support.

Ilaoa, small restaurant owner and seafood vendor in American Samoa, prefaced his comment by reminding everyone that these discussions are not about personal feelings, but about doing what is right for the fisheries and the people of the region. He expressed disappointment with deletion of Paragraph 9 from the tropical tuna measure and found it disrespectful to the hardworking people of American Samoa. The federal agencies’ perception about the aspirations of American Samoa, Guam and the CNMI is another piece of evidence of federal agencies ignoring their own standards of the people of the Pacific Islands. He urged the Federal Government to do better, noting that there is no defense for the fact that Samoans, Chamorro and Carolinian people were put on the chopping block to achieve the U.S. goals. Ilaoa noted Pacific Island cultures do not publicly blast others, and thanked Simonds for fighting for the territories during the discussions.

G. Council Discussion and Action

Regarding American Samoa bottomfish, the Council:

- 1. Recommended, as final action, alternative 2b that discontinues the American Samoa BMUS rebuilding plan (American Samoa FEP Amendment 5) and specifies single-species ACLs for the nine assessed species based on their respective P* and SEEM analysis scores as shown in Table 1 for fishing years 2024 to 2026.**

The Council also recommended using *Etelis coruscans* and *Pristipomoides flavipinnis* as indicator species for the two unassessed species *Etelis carbunculus* and *Pristipomoides filamentosus*, respectively.

Table 1: American Samoa BMUS nine single-species ABCs and ACLs based on P* and SEEM analysis.

Species (Latin, Samoan, common name)	ABC	ACL
<i>Aphareus rutilans</i> , palu-gutusaliva, silvermouth	8,951	8,554
<i>Aprion virescens</i> , asoama, grey jobfish	4,960	4,872
<i>Caranx lugubris</i> , tafauli, black jack	3,131	3,086
<i>Etelis coruscans</i> , palu loa, onaga	5,027	4,872
<i>Lethrinus rubrioperculatus</i> , filoa, redgill emperor	8,642	8,554
<i>Lutjanus kasmira</i> , savane, blueline snapper	16,976	16,645
<i>Pristipomoides flavipinnis</i> , palu sina, yelloweye snapper	2,668	2,579
<i>Pristipomoides zonatus</i> , palu ula, gindai	1,565	1,521
<i>Variola louti</i> , velo, lyretail grouper	2,271	2,205
<i>Etelis carbunculus</i> , palu malau, ehu*	Use <i>E. coruscans</i> as indicator species	
<i>Pristipomoides filamentosus</i> , palu enaena, pink snapper*	Use <i>P. flavipinnis</i> as indicator species	

* unassessed species

The Council acknowledged that the current data collection systems in American Samoa do not allow for real-time tracking of catches in a timely manner, thus an in-season AM to monitor the fishery to implement an in-season closure is not possible and unlikely. Therefore, the Council recommended a post-season AM that if the average catch 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.

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 will abstain from the recommendation because it is final action.

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

Regarding alternatives for revising uku EFH, the Council:

- 2. Recommended, as final action, alternative 2b, which would amend the Hawai'i FEP to revise the EFH definitions for MHI sub-adult and adult uku by incorporating both density and presence-absence data.**
- 3. Requested NMFS PIFSC conduct a cooperative research project with fishermen to understand the presence-absence of uku to better inform the next uku EFH revision.**

Malloy said NMFS abstains from #2 because it is final action, but supports #3.

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

Regarding the Guam bottomfish fishery the Council:

- 4. Endorsed the TOR for the WPSAR for the February 2024 Guam BMUS stock assessment update as presented at the 197th meeting and directs staff to work with the WPSAR steering committee to initiate the review. Further, the Council appoints SSC members Milani Chaloupka, Frank Camacho and David Itano to serve on the WPSAR panel, with Chaloupka serving as the chair.**

Moved by Guthertz; seconded by Dueñas.
Motion passed.

Regarding the multi-year U.S. Territorial bigeye tuna catch and allocation limits, the Council:

- 5. The Council deferred action on establishing a multi-year territorial catch and allocation limits until the March 2024 meeting to provide time for NMFS and NOAA GCPI to review the impacts of the recent WCPFC meeting outcomes.**

Moved by Dueñas; seconded by Guthertz.
Motion passed.

XI. Program Items

A. Council Inflation Reduction Act Application Priorities and Development

Asuka Ishizaki, Council staff, reported on the Council's proposal development for the IRA funding. NOAA is allocating \$20 million for the eight RFMCs under the IRA. The funds will be distributed to the RFMCs in two batches, with the first being an equal distribution of \$375,000 to each of the councils and the remaining to be competitive. Since the September 2023 meeting, the Council has submitted the proposal for the first distribution of funds, and staff has been working on developing a detailed proposal for the competitive portion, which is due Jan. 31, 2024. Funding must be utilized to achieve two goals: 1) implementation of fishery management measures or processes necessary to improve climate resiliency and responsiveness to climate impacts; and 2) development and advancement of climate-related fishery management planning and implementation efforts, including those in support of underserved communities. Projects under the IRA funding must be completed within a three-year period.

The Council is proposing to utilize the first distribution of funds to hire a contractor to manage the IRA projects and to supplement existing staff support. For the competitive part of the funding, staff has been developing project details for the four priorities endorsed by the Council at the September 2023 meeting, which were scenario planning, regulatory review, protected species and community engagement. The four priority areas are considered equally important, and are intended to provide different levels of planning to allow the Council to prepare for climate-ready fisheries and climate-resilient communities. Scenario planning will provide the opportunity for broad brush thinking about potential future scenarios that may be anticipated with climate change and how to prepare for those changes. Scenario planning will involve two major efforts, with one focusing on longline fisheries in Hawai'i and American Samoa, and the other focusing on the small-boat fisheries across the region. Regulatory review will provide an opportunity to take a close look at existing regulatory frameworks both at the federal and local levels, and to identify areas for streamlining regulations, improving efficiency and developing a coordinated approach to the Council's federal regulatory regime. The protected species priority will focus on a series of workshops to develop adaptive strategies and frameworks for managing climate change effects on protected species interactions. The community engagement and capacity-building priority will provide opportunities to establish and maintain mechanisms to incorporate fishing communities and their knowledge into the management system. The Council was asked to provide further direction on the detailed project proposals and for finalizing the proposal by the Jan. 31, 2024, deadline.

Malloy thanked the Council for being collaborative with PIRO and PIFSC in developing an important effort for NMFS.

Dueñas asked which group will review the competitive proposals to determine whether a certain project is worthy of consideration.

Simonds said PIRO and PIFSC are part of the review team for NMFS Headquarters. NMFS Headquarters has also contracted a research organization to review the proposals. The RFMCs are not happy that they are having to compete with each other, and have agreed to divide up the total amount in the next submission. In doing so, the Council will have to ensure that a strong case is made for the projects.

Dueñas asked that the reviewers look at the facts in determining the effectiveness of any proposal, referring to his experience of a past proposal from GFCA to conduct a shark study that was rejected by the review committee because the proposal was not submitted by a fishing organization. He also expressed concern that the RFMCs have to compete for the funding, and that the decision makers will not give this Council the same opportunity as the others. The Council also has an existing five-year plan that includes funding needs. Dueñas said the IRA is missing an opportunity to address habitat loss from land-based sources, which is the number one issue across all of the islands in the region, and wondered if tangible benefits to the communities will result from the IRA funding.

Simonds said the communities and the Council advisors are well aware of what is important to them, and it is fortunate that PIRO and PIFSC are part of the review teams as they are aware of the Council's needs. The IRA focus on climate change is political, and the Council will use the opportunity to get the work done.

Ramsey asked if the scoring matrix for the IRA proposals have been made available so that the Council has guidance on the criteria for proposal ranking.

Malloy said there is a matrix, which should be available on www.grants.gov.

Simonds said the RFMC executive directors also have meetings with NMFS Headquarters staff, who are helping the councils understand what is needed.

Sword asked what the priority objectives are for the NMFS Headquarters staff who will be evaluating which proposals will have precedence in the competitive process.

Malloy said all grant proposals are evaluated in terms of whether they appear to be feasible to implement as well as against the IRA priorities. NMFS's goal is to get as much money as fast as possible to the RFMCs to do the work. PIRO and the other regional offices are receiving very little of the IRA funding, and the monies are flowing to the councils.

Simonds said NOAA did receive several billion dollars under the IRA, and it was up to the agency to decide how the money was distributed. At the CCC meeting, Simonds said she made the point that the Atlantic side is receiving \$68 million for right whales, which equates to \$250,000 per whale, and that she made the case that the Western Pacific should receive funding equivalent to four right whales to address false killer whales. There are also millions in IRA

funding going to salmon and snapper in other regions in addition to the \$30 million they already receive annually.

Sword said the RFMCs are receiving even less when inflation is factored in, while the sanctuaries are getting more. He said there is an imbalance that NOAA needs to rectify to meet the requirements of MSA.

B. Pelagic and International Fisheries

[This section was taken up before agenda item X.D.]

1. Council Western and Central Pacific Ocean Longline Management Workshops

Fitchett present the briefing on outcomes of the third WCPO Tropical Tuna Longline Workshop held Sept. 28, 2023, which was co-convened with the Marshall Islands Marine Resources Authority and preceded the formal WCPFC tropical tuna workshop in Pohnpei. The Council workshop report was provided as a formal document by the Marshall Islands at the WCPFC meeting. Participants included several FFA members, Parties to the Nauru Agreement (PNA) members, SPC staff and other Pacific Island representatives along with members from Korea and Chinese Taipei. The workshop provided scientific justifications for increasing longline catch limits in the tropical tuna CMM. The SPC presented on stock projections for increasing longline catches and impacts to bigeye tuna stocks. Korea and Chinese Taipei expressed interest in increasing catch limits. Potential revisions to Table 3 which specify longline catches of bigeye tuna were discussed, along with the impacts to tropical tuna stocks. The balance in fishing privileges between longline and purse seine fisheries remained an important topic. Many members had in the past expressed the desire for equitable adjustments between both fisheries. Uncertainty in yellowfin tuna remained a sticking point, which the SPC clarified. The workshop series resulted in a general agreement that the bigeye stock is in good shape and not experiencing overfishing, which set the stage for negotiations for an increase in longline bigeye catch limits.

Soliai said the workshops gained a lot of traction over the last two years. Soliai recommended that the Council do the same for South Pacific albacore, noting a new stock assessment and challenges posed to the American Samoa longline fishery, as well as the need for stakeholder engagement leading up to negotiations on a new target reference point (TRP) for a new harvest strategy next year.

Malloy asked where the zone-based management piece fit in for the workshops and outcomes.

Fitchett said the workshop assuaged the desire of PNA and FFA members to entertain discussion on zone-based management. As negotiations progressed, there seemed to be little appetite to utilize zone-based management in the new tropical tuna CMM. However these conversations could continue for American Samoa and shared interests regarding South Pacific albacore.

Sword said getting together these countries was very helpful and achieved goals using the ‘island way.’ He said it is important to have dialogue before the WCPFC meeting and that Soliai

has been effective at reaching out to other WCPFC members. There is a level of mistrust with the United States that needs to be overcome, and other WCPFC members would prefer to hear from people like Soliai. He said he supports the approach of holding workshops to prepare for the WCPFC meetings.

Dueñas commended Simonds and the Council for the workshops. In the past when he attended the FFA meetings, it was productive to be involved as a territorial representative. The stigma of the United States needs to be overcome, and it would be helpful to foster these connections.

2. Outcomes of 20th Regular Session of the WCPFC

Alex Kahl, PIRO International Fisheries Division, presented on key outcomes from the 20th Regular Session of the WCPFC (WCPFC20) held in Rarotonga, Cook Islands from December 4-8, 2023. WCPFC adopted a new tropical tuna measure CMM 2023-01, which increased the U.S. longline catch limit for bigeye tuna from 3,554 mt to 6,554 mt, a key gain in the measure for Hawai'i's food and economic security. The other large gain of CMM 2023-01 was more than 60 additional days of FAD fishing for the U.S. flag purse seine vessels operating out of American Samoa within the Convention area. Other WCPFC members had bigeye tuna longline catch limit increases tied to observer and electronic monitoring (EM) coverage increases, the details of which are still vague and emphasized the need for the Electronic Reporting and Electronic Monitoring Working Group to establish standards starting in 2024. Another CMM that was adopted was an extension of a CMM for compliance monitoring supported by the PNA, which pointed out the imbalance in assessing compliance between longline and purse seine sectors. Two other CMMs that came out of the Northern Committee of the WCPFC were revised and adopted, after some debate on whether the WCPFC can adjust recommendations made by the Northern Committee.

A key point of discussion on harvest strategies was on the interim TRP for South Pacific albacore, which was reduced from 56% to 49% relative unfished biomass levels. The interim U.S. position is that it is willing to go along with that proposal made by the South Pacific Group (SPG) in support of American Samoa. American Samoa supported the reduction in the TRP as it was in their interest to agree to it and then work with SPG members over the coming years to develop that into a binding component of the larger harvest strategy, and ultimately an allocation.

WCPFC20 also discussed work plans for the next few years on harvest strategies. The Pacific albacore stocks and Pacific bluefin tuna harvest strategies tied to their respective CMMs were also revised. The United States led the charge in developing plans for the WCPFC to address climate change. In addition to the normal WCPFC meetings scheduled for 2024, a science-manager dialogue meeting will also be scheduled to facilitate engagement on South Pacific albacore, management strategy evaluation, skipjack management strategies and mixed fisheries harvest strategies. The United States will prioritize ensuring that skipjack is at the top of the agenda for the science-manager dialogue. Engagement on the transshipment measure and proposed changes to the seabird CMM are also expected in 2024. Kahl also highlighted the promotion of Emily Crigler, PIFSC, to the WCPFC Science Committee chair and the approval of the striped marlin peer review as successes for the United States.

Soliai congratulated everyone for achieving the new CMM 2023-01 tropical tuna measure, which was much overdue for the Hawai'i fishery. Although that was a big win, Soliai expressed disappointment on how everything transpired, as the big win came with some losses. One of those losses was the loss of Paragraph 9 that allowed the territories to work with the U.S. longline fishery to exchange catch for territorial development funds. Soliai said it was not clear how the deletion of Paragraph 9 was packaged together in the negotiation, and whether the U.S. longline catch limit increase would not have been achieved without its removal. Speaking for American Samoa, he said his disappointment is that there was no consultation with the territories that Paragraph 9 would be given up. That is why he and Igisomar, along with the other countries, were surprised to learn that the paragraph they have been trying to keep for many years ended up being sacrificed. Another disappointment was the intervention made by the United States that the territories do not have longline fisheries and have no aspirations for bigeye tuna. Soliai was tempted to make a correction across the floor, but he did not do so out of respect of not jeopardizing the proposal. American Samoa does have a longline fleet, and Guam, the CNMI and American Samoa will always have aspirations for the future, so hearing that comment from the United States was troubling, especially because the United States should be prioritizing the territories' issues. Soliai reiterated his disappointment on how they learned about important matters like Paragraph 9 after the fact.

Guthertz said she would like to know how and why Paragraph 9 was given up, and at what level the decision was made. She acknowledged the lack of a commercial fishery on Guam, but said that does not mean Guam does not want to have one in the future. The territories are the beneficiaries of the agreements, financially and to maintain relevance. The government needs to make sure it does not lose the benefits. Guthertz asked what benefits and drawbacks were evaluated.

Malloy said she would have to respectfully disagree about the level of consultation done with the territories. She said consultation actually did occur regarding all of the measures that were negotiated, and she had conversations with Council staff, territorial governments, HLA and other delegation members. She acknowledged that the conversations may not have been clear, and if that is the case, she welcomed suggestions for improving those communications. However, there is no question that all of the positions that the United States took at the meeting were discussed to the best of its ability across the room. The United States had 15 or more bilaterals and there was absolutely zero support for retaining Paragraph 9. Every time an increase to the U.S. limit was discussed, the first question or response that would come up was whether the U.S. would still have the territorial arrangements and that the United States could not have both. That was an expected response because all of the WCPFC members recognize the relationship between the U.S. limit and the number in the table in Paragraph 9. The decision was made on the floor because the United States was trying to get an increase in the number for the longline fleet, which unequivocally and without question was communicated as the Council's highest priority for the year, along with the American Samoa footnote. The message was to do whatever it takes to get there, which is the decision that the United States made on the floor. Malloy said everyone is incredibly disappointed that they had to give up Paragraph 9. Support for the territories for their fishery development does not go away because Paragraph 9 went away, but rather the opposite. Malloy said she now gets to redouble her efforts to get funding for the territories because there is no other source of funding, and she now has a reason to go back and advocate for the territories. Malloy said she can understand why the U.S. intervention about territorial longline fisheries and bigeye tuna aspirations may not have been taken with appreciation. She

emphasized that the United States understands that American Samoa has a vibrant and vital longline fleet, but she wondered if the intervention was associated with the fact that the American Samoa longline fishery is an albacore fleet while the topic was about tropical tunas. Nonetheless, South Pacific albacore is one of the highest priorities for 2024. The United States also recognizes and supports territories' fisheries development. Malloy said the genesis of the statement may have been from the fact that the United States received a lot of questions about whether the territories actually had a longline fleet, and its answer was not at this time. Regardless, Malloy emphasized that NMFS understands somewhat differently than the way the statement was delivered.

Guthertz said she appreciates the clarification and the passion to support the island fisheries. The support is what the territories are looking for in their relationship with the federal partners, and she looks forward to working closer with NMFS going forward and reaffirming their commitments and reassurances.

Igisomar said he recalls having a conversation that Paragraph 9 may have some kind of effect, but there were no details on how that was going to be laid out. He said communication was really lacking, and there were many bilaterals in which he was not involved and no visibility over strategic conversations that were going back and forth. The comments made about the territories not having aspirations hit hard, as the CNMI has aspirations to try to use its resources to support the communities, whether the discussion is about bigeye tuna or billfish. He acknowledged it was now a done deal, and that he will look for clarity moving forward how to replace that resource that is no longer available.

Soliai said there has been a lot of work done in 2023 and he appreciates working with NMFS on the progress made, and that he would agree to disagree on whether things could have been handled better. He said there could have been more transparency because he was not part of a lot of the bilaterals, and had there been some transparency, then they would have not taken it so hard. They are not going to discontinue discussions with Pacific partners as they have offered support to collaborate and continue the partnership with American Samoa.

Sword said American Samoa needs help, and the United States cannot leave American Samoa without funding because of the removal of Paragraph 9. There has to be another way forward, such as recognizing it in the U.S. goals and objectives because the aspirations are important. Based on conversations with the other heads of delegations, the United States came across as arrogant saying that the territories have no aspirations and no fleet. He acknowledged that a lot of inroads were made in the past year and those efforts need to continue. The U.S. delegation needs to make better use of representatives like Soliai and include them in the bilaterals when it affects the territories. He was happy for the Hawai'i longline fishery, but American Samoa, Guam and the CNMI lost. As Council members, they swore they would serve for the good of the nation when it comes to fisheries, so it is disappointing to lose like this. He said he attended every delegation meeting during WCPFC20, and the goals and objectives were not reiterated at every meeting. He never heard about giving up Paragraph 9. These are lessons that everyone needs to learn from so that improvements can be made the next time. He also said the perception of the United States in the eyes of the Pacific brothers and sisters needs to be improved, which can be achieved by working closer and being more transparent. He also urged transparency in U.S. delegation meetings and the use of team effort.

Simonds said regardless of how things are explained, the U.S. statements came across terribly across the floor. Following those statements, members from different delegations talked to her about how painful it was to hear the comments about the territories because they knew it was not true. She said the delegation meetings were pathetic because no one said anything substantive, and if members said something, they were scolded. The Council is going to write a letter to NOAA Headquarters about the management of the delegation. The instruction given to delegation members about not talking to other people, even to the commissioners, was terrible, because the job of the delegation members is to talk to other delegations to gather support for the U.S. position. Simonds said she was happy with the outcomes of the September 2023 workshops as the science supported the increase in bigeye catches and allowed for in-zone and out-zone FAD closures to be reduced. It was a perfect win-win situation, and she had conveyed to Janet Coit, NMFS assistant administrator, that it was “ours to lose.” In all of the years she has been on delegations since 1994 (U.N. Straddling Stocks Convention NYC), this was the worst treatment of a delegation. She learned more from the PNA, FFA and SPG, and they were also appalled by the behavior of the United States. She is happy the United States finally got the bigeye tuna longline catch limit increase after a decade, but there was already agreement by China and everyone else before they arrived at WCPFC20. The loss for American Samoa and the territories did not need to happen, and the United States needed to fight to keep it because the science was there to increase the bigeye quota, not just for the United States, but also for the other countries. Many things need to be improved, and the work on the purse seine fishery for American Samoa needs to be done early starting in January 2024, working informally with drafts with the FFA and the PNA.

Soliai said he spoke about disproportionate burdens that American Samoa continues to carry in relation to the proposal for the footnote to exempt American Samoa from FAD restrictions, which was not approved. He underscored the importance of pushing back on the proposed PRINMS because of the disproportionate burden to American Samoa and its fleet will infinitely increase if the decision is made to close those waters to commercial fishing and there is nowhere to fish.

Malloy reiterated that she needs suggestions to improve for the next time and how to communicate more productively. She mentioned that the Council included an article in its newsletter after the tropical tuna workshop that gave away the U.S. negotiation position to the public, and these kinds of things make the head of delegation very nervous about working with other people and bringing them into the fold. Looking forward, she urged commitment to redoubling efforts to have an aligned position that can be shared among the delegation and not with others, so that the United States can then deploy that position themselves across the organizations.

Simonds said the way that WCPFC20 played out was very different from how everyone used to work together in the past. If someone forgot to do something, like filling out a form (for the delegation), PIRO International Fisheries Division would have reached out, but this year everything became a federal case and there was no follow-up. This meeting was different, and the Council will be communicating how things should be done.

Igiosomar said in the spirit of moving forward, he would like to open up the conversation at the appropriate time about how Pacific Insular Area Fishery Agreements work and how those may provide some relief to the territories with aspirations.

Dueñas said Paragraph 9 is a done deal and though Guam has not been participating in the territories, he looks forward to helping his fellow people achieve their aspirations. He said he was glad the United States managed to achieve its climate change objective. The United States needs Guam for national defense and as an advance warning system from missiles. The federal process has not been working for Guam. The United States has its fishery aspirations and so do the territories. Dueñas said Guam had a longline project some time ago, which found that most of the catches were sharks, but no one wanted to address it and Washington D.C. even rejected the idea that there are too many sharks in Guam’s waters. Dueñas also stated the PRIA are more important to the Pacific Islands people than it is for Washington D.C., noting that Chamorro people died on Wake Island during World War II.

Dang said he appreciated the hard work that went into the meeting, and while there were gains, he shares the compounded disappointment of American Samoa. He said he recognizes the desire for growth despite the challenges and dysfunctions within the delegation, but the focus should be on growth and development, and improving the strategy and performance moving forward. He said everyone needs to listen first, understand clearly, communicate and focus on goals.

C. Advisory Group Report and Recommendations

1. Fishing Industry Advisory Committee

Goto, FIAC chair, presented the report and recommendations.

Regarding the IRA proposal, the FIAC supported the four project priorities under development for the Council IRA proposal.

Regarding the National Seafood Strategy, the FIAC endorsed the draft letter to address the implementation of the National Seafood Strategy, and recommends the Council to send the letter to NMFS.

Goto reported the FIAC discussed that the National Seafood Strategy did not pertain to fisheries in the Western Pacific Region regarding the Hawai‘i longline fishery, which could benefit from a type of certification or acknowledgement to provide a sustainable label for the fishery. The FIAC drafted a letter for the Council’s review that requests assistance with fishery regulations that do not make sense and to help NMFS communicate with other agencies on issues such as foreign entry of seafood products.

Regarding PIFSC Social-Ecological and Economic Systems survey updates, the FIAC recommended PIFSC conduct seafood market surveys, including determination of the value of imported yellowfin tuna relative to domestic caught yellowfin tuna into the Hawai‘i market.

Goto reported the FIAC also discussed an update from PIFSC on socio-economic reports and was concerned about foreign imports of frozen yellowfin coming into U.S. markets. This reduces the market value of locally landed yellowfin at a time when the Hawai‘i longline fishery has been landing record numbers of yellowfin.

2. Advisory Panel

Gil Kualii, Hawai'i AP vice chair, presented the AP report and recommendations.

Regarding the IRA proposal:

- The Hawai'i AP recommended the Council emphasize the linkage between EEJ, community engagement and climate-readiness in Priority 4 of the IRA proposal, noting the importance of empirical knowledge by fishing communities in understanding climate change effects and impacts to fishing activities, and that those most vulnerable to climate change impacts are underserved communities. The Hawai'i AP recommended the Council place high priority on the proposed activities to expand the community-based FAD program, and to identify and implement protocols that incorporate traditional, local and indigenous ecological knowledge into Council management.
- The American Samoa AP endorsed the four project priorities and highlighted the need to focus on community engagement and capacity-building.
- The Guam and CNMI APs recommended that the IRA proposal incorporate:
 - An assessment of the impact of climate change on migration of people from other small island areas to Guam.
 - Opportunities for fishing community members from each jurisdiction to meet in Hawai'i and/or other areas to provide educational opportunities.

Dueñas asked if the recommendation regarding educational opportunities for fishing community members was referring to opportunities for AP members or for those external to the Council.

Yamada, Council staff, clarified that the recommendation was referring to opportunities particularly for AP members.

Dueñas said he has always been supportive of AP members visiting other islands to understand the intricacies of different fisheries. He noted the AP used to meet as one large group when he first joined the AP, which provided a great exchange of experiences between community members.

Sword said he first met Dueñas when both were on the AP and the Council had more funding in its budget. He said these types of exchanges are activities the Council cannot do without and needs NMFS support to include in the Council's budget.

3. Scientific and Statistical Committee

Martell, SSC representative, presented the SSC report and recommendations.

Regarding the review of IRA projects and proposal, the SSC endorsed the priorities as developed by the Council in coordination with the NMFS and its advisory bodies.

Martell reported the SSC highlighted the importance of coordinating the IRA proposal with the Magnuson-Stevens Reauthorization Act (MSRA) Research Priorities document process. The SSC also noted concerns associated with perceptions that might be associated with the numbered order of priorities, emphasizing that community engagement should not be the lowest priority. SSC members will work with staff intersessionally to provide further input toward the development of the final IRA funding package.

The SSC also discussed progress of updating the Council's five-year MSRA research priorities and the development of the next SSC plan.

Regarding the review of Council research priorities, the SSC recommends a collaborative workshop between Council Staff, PIFSC, PIRO and SSC members be convened to finalize and prioritize the MSRA 2025-2029 research priorities in line with proposed timelines.

Regarding 2024-2026 SSC Plan development, the SSC recommends that item 4g in the draft plan (Process Error to Inform Extrinsic Ecosystem Drivers) be removed or updated to align with the SSC NS S1 Technical Guidance Working Group recommendation.

Dueñas thanked the SSC for its due diligence in working with the Council and considering the importance of community in any fisheries.

D. Public Comment

Mike Gawel, Guam, provided public comment regarding IRA, noting that planning needs for climate change impacts on Guam fisheries should include management planning based on increasing migration of fishers from the FSM due to the loss of subsistence economy associated with sea level rise, more intense typhoons and other climate change effects. The impact of increased migration to Guam needs to be documented and projected to make plans for the management of impacts to Guam fisheries.

E. Council Discussion and Action

Regarding the Council's IRA application and priorities and development, the Council:

- 1. Directed staff to coordinate with advisory group representatives, PIRO, PIFSC and other relevant entities as appropriate to finalize the IRA project proposal by Jan. 31, 2024.**

Moved by Dueñas; seconded by Igisomar.
Motion passed.

Regarding the outcomes of WCPFC20, the Council:

- 2. Directed staff to coordinate workshops with American Samoa longline fishery stakeholders and international partners to develop guidance for an improved South Pacific albacore conservation and management measure.**
- 3. Requested NMFS proceed with rulemaking to recognize a distinct American Samoa purse seine fishery.**
- 4. Directed staff to send a letter to the NOAA Fisheries assistant administrator conveying shortcomings of the United States at WCPFC20.**
- 5. Directed staff to send a letter to the FFA Secretariat requesting inclusion of Guam, the CNMI and American Samoa as observers at future FFA meetings.**

6. **Directed staff to send a letter to NMFS and other federal agencies requesting that fishery development funding for the territorial Marine Conservation Plan projects be provided by federal sources. This is in lieu of specified fishing agreements between the U.S. Hawai'i longline vessels and U.S. Participating Territories due to the deletion of Paragraph 9 from the previous WCPFC CMM for tropical tunas.**
7. **Directed staff to coordinate with the U.S. Pacific Territories, NMFS and NOAA GCPI to continue exploring the feasibility of PIAFAs.**

Simonds said the letter under #4 would convey to NMFS the shortcomings and recommendations on how to improve the participation of the delegation, and the head of delegation should be removed from the recommendation language.

Malloy asked to whom the letter would be sent.

Simonds said it would be to the NOAA Assistant Administrator of Fisheries.

Ramsey asked if the heads of delegation from the CNMI, American Samoa and Guam are part of the U.S. delegation.

Simonds said the U.S. head of delegation said the territories are all part of the United States, which could be described in the letter.

Dueñas and Igisomar agreed to the suggested changes to #4.

Malloy said NMFS abstains from #4 regarding sending the letter to the NOAA assistant administrator but supports all the remaining motions.

Moved by Dueñas; seconded by Igisomar.

Motion passed with Malloy abstaining.

Regarding Council research priorities, the Council:

8. **Directed staff to convene a workshop of Council staff, PIFSC, PIRO and SSC members to finalize and prioritize the MSRA 2025-2029 research priorities by March 2024.**

Moved by Dueñas; seconded by Igisomar.

Motion passed.

Regarding the FIAC report, the Council:

9. **Endorsed the draft letter to address the implementation of the National Seafood Strategy and directs staff to send the letter to NMFS.**
10. **Requested NMFS PIFSC Social-Ecological and Economic Systems Program conduct seafood market surveys, including determination of the value of imported yellowfin tuna into the Hawai'i market relative to domestically caught yellowfin tuna.**

Moved by Dueñas; seconded by Igisomar.
Motion passed.

XII. 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:

- \$1,123,219 in the Administrative Multi-Year Award, ending December 2024
- \$229,941 in the 2023 Coral Reef Award, ending September 2025
- \$111,060 in the 2022 Coral Reef Award, ending September 2025
- \$394,523 in the 2023 American Samoa SFF Award, ending September 2026
- \$70,407 in the 2022 American Samoa SFF Award, ending July 2024
- \$372,554 in the 2022 CNMI SFF Award, ending July 2024
- \$78,134 in the PRIA SFF Award, ending July 2025
- \$430,815 in the SFF XII Award, ending December 2023, No-cost reprogramming and extension request submitted through July 2024
- \$405,374 in the SFF XIII Award, ending July 2025

Simonds referred members to the current projects listed in each award.

Dueñas asked where the Coral Reef Award funding comes from and expressed concerns about the military activities in Guam's waters involving live fire using 50-caliber machine guns and military testing of torpedoes. He highlighted the lack of baseline studies in conservation efforts, including those related to EFH and coral reef issues. Dueñas noted the need for increased funding from NOAA to conduct an assessment on the potential impact of military actions on coral reef resources in the region, emphasizing the need for a baseline impact study to determine the extent of the issue in the EEZ.

Simonds stated that each of the U.S. Pacific Territories, the State of Hawai'i and the Council received coral reef funds and that it would be a great request for the Guam DOAG to include in its program.

B. Administrative Reports

Simonds reported on the current administrative updates. There have been no staff changes and the annual 2022 audit was finalized. The Council received an unmodified opinion for the presentation of the financial statements and a qualified opinion for the auditor's report issued on compliance for major programs. Weaver was appointed as an obligatory member and NOAA GCPI made the determination no Council member was recused from voting on final actions during the 197th Council meeting.

Dueñas emphasized that the current staff, already limited in number, is tasked with a significant workload and compliance with federal requirements from the audit. Dueñas again requested that NOAA provide funding for additional staff for the Council to ease the burden,

highlighting the disproportionate ratio of staff between the Council and NOAA in fisheries management.

Weaver inquired about the CNMI island coordinator position that has been vacant and stated the need for the coordinator position to be filled to support outreach and other programs for the community.

Simonds said the Council posted a request for proposals online and received some applicants that will be reviewed in early 2024.

C. Council Family Changes

DeMello reported on the proposed Council family changes. Regarding the Education Committee, Keith Korsmeyer is stepping down and will be replaced with David Field. Crigler will replace Don Kobayashi as the Pelagic Plan Team chair. Regarding the AP, Cherie Van Kuren will be removed and Edwin Ebisui III will be appointed as an alternate for the Hawai'i AP; Joseph Faaita will be removed and Edgar Feliciano and Gene Pan will be appointed as alternates for the American Samoa AP; Jonathon Deloso will be removed and Carl Dela Cruz and Matthew Orot will be appointed as alternates for the Guam AP. Additionally, PIRO Sustainable Fisheries Division requested formation of a BiOp Reasonable and Prudent Measure Implementation Working Group as a follow-up to the Council's recommendations from the 195th meeting.

D. Meetings and Workshops

Simonds provided a summary of the upcoming meeting schedule for 2024. Tentative dates for the March, June and September SSC and Council meetings were provided. The Joint Plan Team Meeting will be in May, and the CCC meeting will also be in May and hosted by the Caribbean Fishery Management Council in Puerto Rico. The National SSC meeting will be held in New England in August, and the September Council meeting will mark the 200th meeting. The October CCC meeting will be held in Washington, D.C. The last Council meeting dates for 2024 have yet to be decided, as the Council is working around the WCPFC meeting. Simonds asked members to let her know about any travel considerations.

Simonds also reported no name was previously submitted for a replacement for Gourley on the North Pacific Fisheries Commission and that the Council is awaiting confirmation for Soliai's designation as the Council Commissioner for SPRFMO.

Soliai clarified that the U.S. State Department designated him as a Private Sector Advisor and did not know that the Council was part of the private sector.

Brinkman said the Private Sector Advisor category is used for anyone who is not a federal employee or an appointed Commissioner and that while it is not particularly accurate with respect a representative of the Council, it is the only category that the International Organizations Bureau uses.

E. Report on the CCC Meeting Outcomes

Sword reported the CCC at its October meeting discussed similar issues regarding the budget, noting the councils are getting a budget cut while the sanctuaries are getting an increase. Sword also reported on the positive response received regarding the presentation about the importance of the tuna industry to American Samoa during the discussion regarding the fishing regulations in the sanctuaries.

Simonds clarified the sanctuary's budget increase came from Congress while other budget decisions discussed were made by NOAA.

F. Executive and Budget Standing Committee Report

Sword reported on the Executive and Budget Standing Committee, held Dec. 11, 2023. The majority of the items were covered under prior agenda items. Additionally, there was a special committee selected to plan for officers for the next year. Recommendations from the Standing Committee will 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 197th Council meeting financial and administrative reports.**
- 2. Directed staff to send a letter to NOAA Grants Management Division requesting the removal of the Western Pacific Regional Fishery Management Council from agency review effective Dec. 19, 2023.**

Malloy said NMFS abstains from recommendation #2.

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

Regarding Council family changes, the Council:

- 3. Made the following changes:**
 - a. Replaced Cherie Van Kuren from the Hawai'i AP alternate, with Edwin Ebisui III;**
 - b. Removed Joseph Faaita from the American Samoa AP, and appoints Edgar Feliciano and Gene Pan;**
 - c. Removed Jonathon Deloso from the Guam AP, and appoints Carl Dela Cruz and Matthew Orot as alternates;**
 - d. Appointed David Field as the Hawai'i Pacific University representative on the Education Committee;**
 - e. Appointed Emily Crigler to replace Don Kobayashi as the Pelagic Plan Team chair; and**
 - f. Recommended Council Member Sylvan Igisomar be appointed as the Council's representative to the North Pacific Fisheries Commission.**

4. **Directed staff to send a letter to NMFS and the U.S. State Department requesting an alternate designation for the Council’s commissioner to SPRFMO while the Council awaits the official appointment.**
5. **Requested NMFS expedite the vacancy announcement for the PIRO regional administrator position so the Pacific Islands Region can have a permanent RA.**

Guthertz requested guidance and inquired if disclosure is required if there are any distant relatives or relatives among those nominated as an AP member or any other advisory group.

Sheffield said there are no regulations that require Council members to disclose that they are related to someone who is potentially going to be on an advisory board.

Brinkman provided direction on the alternate appointment for #4 and said the presidential appointments originate with a request from the Department of Commerce to the Department of State, and recommended that the Council send the letter to both NMFS and the U.S. State Department.

Moved by Dueñas; seconded by Igisomar.
Motion passed.

Regarding the longline BiOp’s reasonable and prudent measures, the Council:

6. **Directed staff to convene an interdisciplinary working group with appropriate participants from PIFSC, PIRO, Council staff, industry representatives and other collaborative partners as necessary to facilitate coordination for implementing the 2023 Hawai’i deep-set longline and American Samoa longline fisheries BiOps reasonable and prudent measures. The BiOp Reasonable and Prudent Measure Implementation Working Group shall report annually to the Pelagic Plan Team.**

Moved by Dueñas; seconded by Igisomar.
Motion passed.

XIII. Other Business

Dueñas requested the opportunity to provide the Guam Island Report. Regarding green sea turtles, Dueñas presented archaeological maps showing historical villages in Guam and Rota, demonstrating the predominate harvesting of green sea turtles over 4,000 years, including traditional use and travel patterns. Dueñas argued for a more nuanced approach of conservation measured imposed by the United States, considering indigenous rights and proposed creative solutions like establishing nurseries and urged a fact-based discussion.

Dueñas expressed concern about the lack of historical background in addressing issues related to critical habitat of sea turtles and coral. Dueñas criticized the impact of these programs on coastal communities, characterizing them as adding unnecessary layers to draconian rules and disapproved seeking input from individuals labeled as ‘experts’ despite being on Guam for a short time and lacking substantial experience.

Dueñas expressed gratitude to PIFSC for showing interest in listening to the community but emphasized the need for specific information on spawning potential ratio and growth rate rather than general graphs and spatial conditions. There is a lack of habitat assessment in the Pacific, despite having 14 seamounts. Dueñas also noted concerns about environmental damage caused by military activities on Guam’s northwest quadrant and issues of inconsistency in conservations efforts, citing the contrast between strict regulations for locals catching turtles and military actions impacting nesting turtles. Dueñas urged a more thoughtful approach to conservation.

XIV. Election of Officers

Election of officers was approved by general consent as follows:

The Council appointed the following as its executive officers for 2024:

- a. Council Chair - Will Sword**
- b. Vice Chair for American Samoa - Archie Soliai**
- c. Vice Chair for CNMI - Sylvan Igisomar**
- d. Vice Chair for Guam - Manny Dueñas**
- e. Vice Chair for Hawai‘i - Roger Dang**

Meeting adjourned.