




WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**MINUTES OF THE  
198th MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

March 18-20, 2024 Council Plenary  
*Hybrid for Members and Public*  
Hibiscus Ballroom  
Ala Moana Hotel  
Honolulu, HI

**Approved by Council:**



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**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); and designee Domingo Ochavillo
- Judith Guthertz (Guam)
- Pedro Itibus (CNMI)
- Matthew Ramsey (Hawai‘i)
- Gerald 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 Services (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, chair Scientific and Statistical Committee (SSC) chair and Ochavillo as the SSC representative; Sarah Sheffield, Kristen Placek and Elena Onaga from the NOAA General Counsel Pacific Islands (GCPI). Council member Shaelene Kamaka‘ala (Hawai‘i) was absent.

Sword opened the 198th Council Meeting and welcomed the attendees and participants, including the Council advisors. Sword led the meeting into a prayer in Samoan and English.

## **II. Approval of the 198th CM Agenda**

Sword asked for a motion to approve the 198th meeting agenda.

Moved by Soliai; seconded by Guthertz.

Motion passed.

### **III. Approval of the 197th CM Meeting Minutes**

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

Moved by Guthertz; seconded by Itibus.

Motion passed.

### **IV. Executive Director's Report**

Simonds presented the executive director's report. She welcomed all attendees to the 198th Council Meeting being hosted at the Ala Moana Hotel for the 36th time. She gave a special welcome to the Council advisors who were in attendance to kick off the Council's initiative on climate change to fisheries, communities and protected species. She thanked the Congress for funding the Council's climate change initiatives through the Inflation Reduction Act (IRA).

In 2023, the Council took final action on its amendment to establish permits for subsistence and recreational fishing in the Northwestern Hawaiian Islands (NWHI). The Council's initial and revised recommendations were rejected by the Office of National Marine Sanctuaries (ONMS). ONMS will hold hearings from April 6-18, 2024, on its proposal throughout the Hawaiian Islands. NMFS and Council staffs will attend and focus on comments to be made regarding both sanctuary proposals as well as the Council's amendment establishing permits for subsistence and recreational fishing in the NWHI.

A proposed sanctuary for the Pacific Remote Islands (PRI) is an important Council action that began with a petition from a group called the Pacific Remote Islands Coalition to the president requesting an extension of the PRI Marine National Monument. The president directed the Secretary of Commerce to consider a sanctuary. In December 2023, the Council reviewed and approved a response to ONMS on whether the Council's regulations meet the goals and objectives of the sanctuary proposal. Simonds said in her opinion, the analysis makes a case for no sanctuary, and there is no need to prohibit commercial fishing. She asked if a president would choose the livelihoods of the people of the United States or their friends and their legacy, and said as a president one would choose his people whose economic driver is fishing. For more than 40 years, the Council has met its obligations, including the other applicable laws such as the Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), National Environmental Policy Act and Regulatory Flexibility Act through the regulations under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Federal Government is not meeting its obligations embodied in its executive orders on underserved communities and equity and environmental justice (EEJ).

The United States is pouring billions of dollars into Pacific Island nations, and particularly, former trust territories, including the Republic of Palau, the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands (RMI). China announced March 5, 2024, that it is strengthening its food security, including continuing its policy of backing China's distant water fishing sector, which the government supports with generous subsidies. The



Council and the people of the Pacific Islands are requesting the government to allow fishing in the healthy waters of the United States.

Throughout this meeting, the Council will be addressing other important issues including fisheries development for the territories, the Western and Central Pacific Fisheries Commission (WCPFC) process, and issues for the Council Coordination Committee (CCC) meeting in May 2024.

## **V. Agency Reports**

### **A. National Marine Fisheries Service**

#### **1. Pacific Islands Regional Office**

Malloy presented the PIRO report. A revised trigger for closing the Southern Exclusion Zone to the Hawai'i deep-set longline fishery changed from four to three observed dead or seriously injured false killer whales (FKWs) incidental to deep-set longline fishing within the U.S. exclusive economic zone (EEZ). The revision was in response to a change in the observer coverage levels for the fishery from 20% to 13.5% in calendar year 2024, in accordance with the NMFS FKW Take Reduction Plan under the MMPA. The reason for the change is in large part due to the cost of contracting for observer services that have increased substantially and NMFS is not able to provide the same level of coverage as recent years.

NMFS published a proposed catch limit Feb. 26, 2024, of 457 metric tons (mt) of striped marlin with a retention limit of 443 mt for the Hawai'i shallow-set longline fishery. If the retention limit of 443 mt is projected to be reached, NMFS will prohibit the longline fishery to retain striped marlin for the remainder of the year.

NMFS published a final rule March 1, 2024, to amend seabird interaction mitigation measures in the Hawai'i deep-set longline fishery. The rule requires vessel operators that set gear from the stern to use tori lines in place of blue-dyed bait and strategic offal discharge.

The annual Pacific Islands Regional Climate Change Workshop was postponed from fall 2023 to April 8-11, 2024. This workshop focuses on how marine resource managers can be informed and guided by climate data and specific research questions related to climate.

Under PIRO's Habitat Program, NMFS and USFWS have reconvened the Marianas Trench Monument Advisory Council (MTMAC). The MTMAC held a virtual meeting for the first time Dec. 18, 2023, and two weeks prior to the 198th March Council meeting. The committee selected officers during the most recent meeting and is reviewing the draft management plan. The final management plan is expected to publish in 2024.

Rulemakings under the PIRO's International Fisheries Division are in progress to implement outcomes of the December 2023 WCPFC meeting. The first rulemaking changes the U.S. bigeye tuna limit to 6,554 mt from the current 3,554 mt. The second rulemaking reduces the fish aggregating devices (FAD) closure periods and the purse seine fleet to reflect WCPFC decisions.

NMFS published a revised proposed rule Nov. 30, 2023, to designate critical habitat for five Western Pacific coral species. The proposed rule revises and replaces the original rule

published in November 2020. The agency held six in-person public hearings—two in American Samoa, four in Guam and the CNMI, and one virtually—with 245 people attending. Malloy thanked American Samoa DMWR, the CNMI DLNR and Guam DOAG for their support and participation. Many of the territorial agency staff attended the hearings alongside the governors of American Samoa, the CNMI and Guam, who submitted comments for the record.

In 2023, the Hawai‘i shallow-set longline fishery exceeded its incidental take limit of 36 interactions with endangered North Pacific loggerhead sea turtles, as specified in the 2019 biological opinion. This triggered the reinitiation of an ESA Section 7 consultation. In the week leading up to the 198th Council meeting, PIRO signed the new biological opinion, which concluded that the operation of the fishery does not jeopardize the North Pacific loggerhead population.

Dueñas said he is concerned about the Hawai‘i deep-set fishery’s observer coverage and noted that the FKW issue has been before the Council for almost 30 years without any mortalities encountered, either reported or suspected. He said it is not right to jeopardize the fishery with the agency’s failure to find funding. The priority should be given to the fishermen who have undergone many years of trials and tribulations from the agency. Dueñas also asked if a courtesy response was given to the territorial governors in response to their letters regarding coral critical habitat.

Malloy said the letters were written in the context of a comment on the proposed rulemaking, which meant they were input into the process. All comments will be appropriately considered, and responses will be provided through the preamble to the final rule. She said she is happy to discuss the content of any of the comment letters with the Council members.

Dueñas said he understands that NMFS is looking at giant clam species of concern, noting that Palau has grown giant clams for many years, and many other countries have raised green sea turtles and other species of concern. He is disappointed with the handling of the green sea turtle issue with nothing being done to effectuate a recovery plan. The Federal Government is being overly intrusive in territorial waters. Dueñas asked NMFS to be more pragmatic in its attitude toward the islands because many are being forced to sell lands along the coastline to millionaires who are the only ones that can afford all the mitigation measures being put out by the agency. A great concern is that of native Samoans, Chamorros and Carolinians not being able to own shoreline properties due to the fact of spending thousands of dollars to fight the agency in its mitigation measures.

Muña echoed Dueñas’s statements on coral and said DOAG’s comments on the proposed rule iterated the point that the corals are designated as endangered species because of acts of nature. There were coral bleaching events that forced the corals to be listed. Muña asked what impact would designating criminal habitat have on improving that condition if the corals are subject to more climate change and coral bleaching. The Department of Defense (DOD) was exempted from coral critical habitat designation based on measures that it was to implement under its Integrated Natural Resource Management Plans through long term monitoring and coral restoration. Guam has been doing this since 2010, and Muña asked why DOAG was not given the same credit or exemption. A species that was last seen in Guam 15 years ago has now been spotted in and around the protected area, which shows positive impacts for the corals. The critical habitat designation is not needed, as it will not have any positive impact on the corals becoming more resistant to coral bleaching.

Guthertz said the University of Guam (UOG) has an outstanding marine laboratory with its marine laboratory professors and scientists working on corals. She said she is confused by efforts to further regulate Guam, and asked how closely the agency has been working with the UOG scientists and those in the region.

Malloy said NMFS relied enormously on the UOG's information on the presence of coral and the necessary habitat for the coral species in Guam. The information from the Guam researchers and in other parts of the Pacific Island Region was instrumental to refining and removing a large amount of coral critical habitat from the proposal. Malloy thanked the researchers for the help provided. In response to Muña's comments, Malloy thanked and acknowledged the efforts of all the territorial jurisdictions that are conducting coral protection, restoration and mitigation. She said NMFS is required under the ESA to list species and designate critical habitat if a certain set of conditions exist, and the ESA does not allow the agency to distinguish between acts of God versus any other threat. To the extent that restoration efforts and protection efforts are already underway, that reduces the need to take additional efforts under the ESA if and when the proposal is finalized. Malloy said NMFS is trying its best to work with agencies, and stand ready to provide whatever support and science is needed to minimize the burden and ensure corals are protected.

Soliai asked if the climate change workshop is anticipated to include the territories or if it is only for the federal agencies and the Council.

Malloy said to her knowledge all members of the Council family are invited, but she will check on that information.

Soliai said it is important to ensure that all the territories are included in the workshop due to recent disasters that have impacted the islands. Regarding the decision from the December 2023 WCPFC meeting, Soliai requested a timeline on the next steps for the bigeye fishery and the FAD closure years.

Malloy said NMFS is trying to complete the rulemaking for the bigeye tuna quickly, as the longline fleet currently has a hard cap of 3,554 mt. The fleet prefers the FAD closure reduction to occur later in the year, so the longline rulemaking will occur first and the other one later in 2024.

Soliai followed up on Dueñas question regarding coral critical habitat designation and encouraged NMFS to send an acknowledgement of the letters to the governors because in the Pacific, and especially in Samoa, it is disrespectful for the Federal Government not to respond to the leaders. Soliai asked for an update on the Pacific Remote Island Areas (PRIA) and its sanctuary process, specifically in terms of where the agency is in the process, and whether the anticipated environmental impact statement (EIS) is still on schedule for spring or April.

Malloy said she is not sure about the timeline, as ONMS is in control of the EIS schedule.

Soliai asked if that was because there is a lack of communication between ONMS and NMFS on the process.

Malloy said NMFS has provided an enormous amount of information to ONMS to develop the EIS, proposed rulemaking and other elements of the sanctuary proposal package. At this stage, ONMS is the one consolidating that information and bringing it to the next steps.

Simonds requested an update on the Council's response to the sanctuary proposal that was submitted to NOAA in December 2023.

Malloy said she is only aware that ONMS is preparing a response to the Council's letter.

Soliai noted the receipt of the response to the Council on the unilateral rulemaking letter, and expressed his disappointment on the response and the delay and manner in which it was submitted. Throughout 2023, American Samoa operated under the premise that there would be a unilateral action to recognize the American Samoa-based purse seine fleet as a distinct American Samoa fleet, rather than a U.S. fleet, with respect to the WCPFC. He requested earlier communication on the position that would be taken based on legal advice from the NOAA GCPI in the future to avoid any misunderstandings or bad feelings.

Dueñas asked whether NMFS has any opposition or special consideration in establishing an anchoring FAD system and whether a scientific method could be developed to look into such a system to enhance the American Samoa fishery rather than through the WCPFC.

Igisomar echoed his agreement with both American Samoa and Guam's concerns on the various policies that are being brought forth, noting that he is aware of new rules regarding clams. Igisomar asked whom NMFS is protecting resources from, and how the protection will be enforced. The CNMI has applied for millions of dollars in federal funds for infrastructure projects, which may face delays due to federal nexuses. Meanwhile, federal agencies assure the CNMI that the rules will not be overly restrictive and will not impact fishing or other activities. The CNMI wants infrastructure to happen, such as fixing up the docks and launching ramp for safety purposes for communities, but those projects may cut through some of the corals and that is an ever-present issue. He expressed concern that those making the rules are not considering CNMI's positions or the perspectives of its residents. He noted that the CNMI has many laws, mandates and regulations to protect its own resources, and the duplicative rules cause unnecessary delays and serve no additional purpose.

Sword said when the coral assessment group came to American Samoa in January 2024, many chiefs and community members attended but nobody wanted to help. The community feels that the agency will make the assessment and then close off the zone. There is a lack of trust in the community. He said it is important to follow what the MSA represents, to manage the fisheries from the bottom up and not from the top down. Sword inquired on the WCPFC ruling that resulted in the loss of funds for the territories, and whether NOAA has an update on any funding to replace those funds.

Malloy said the capacity-building fund concern has been made known to NMFS leadership. It is a top priority for funding if and when the agency has available funds once the budget has been allocated.

Sword said \$60 million was allocated to study right whales, which averages to about \$600,000 a whale. If the territories had funding equivalent to three whales, it would be more than enough to cover the loss in the territories. NOAA leadership was asked at a congressional hearing what actions can be taken to help strike a balance between achieving conservation goals and supporting local economic stability and growth around marine protected areas (MPAs) in the Pacific. The response was that Congress should invest in more strategically located effective MPAs, and such investments are needed to ensure a healthy ocean now and for future

generations. Sword said the future generation is now, and for local American Samoans it is important to keep the PRIA open. The fish prices are low and the market is getting inundated with foreign fish. Hawai'i is impacted by many of NOAA's policies, and the agency's mindset must change for fishermen to survive in the Pacific, not just in American Samoa but Hawai'i also. The agency also needs to put more investments into a sustainable blue economy.

Simonds said the Council took action at its 197th meeting in December 2023 to send letters to the Departments of State, Commerce and the Interior regarding fishery development funding. The next step is to follow up on the letters with a matrix of the territories' needs identified in the marine conservation plans (MCPs). The three departments can begin with these needs. A virtual meeting was held with Keone Nakoa, Department of the Interior (DOI), and he was reminded that the territories are funded through the DOI, and his agency needs to take a role in these matters, not just the U.S. State Department and Department of Commerce (DOC).

Soliai expressed concerns about the loss of revenue from the Hawaii Longline Association (HLA) as this will cause a major setback for the territories, especially the CNMI and American Samoa. Over the last 10 years, HLA contributed \$11 million. He said the PIRO regional administrator should be an advocate for the territories in ensuring the funding is replaced either through NOAA's budget or endorsing a request to the DOI for additional support. Fishery development will be halted until additional funding is secured. American Samoa is not interested in a Pacific Insular Area Fishery Agreement (PIAFA). Foreign fishing in the U.S. EEZ around the territory will not work because it is small and American Samoa has its own fishing fleet with local longline fishermen that supply the canneries. Other alternatives would need to be explored. Soliai said American Samoa would like PIRO's support in securing funding by any mechanism.

Simonds said there are options within the MSA. One may think about longline fishing in other countries surrounding the territories and how the Council can request the United States to pay for access fees as it is done for the purse seiners.

Igisomar said some of the alternatives to the lost funding may take a long time to set up, such as the PIAFA, and other mechanisms are reactionary as it would depend on a foreign vessel to illegally fish in U.S. waters. The CNMI has lost an annual funding, which will prevent several programs from proceeding, such as bottomfish education and training for children. The CNMI is looking for a replacement for the type of funding that is available on a regular basis.

Dueñas requested clarity as to the agency providing assistance in developing the EIS for the PRIA sanctuary. He was concerned as to whether the EIS considered the cumulative effects and if it provided a thorough analysis of the military impacts in the western and central Pacific. The monument and proposed sanctuary are overlaid by a boundary of military exercise zones that include live fire, such as Palmyra Atoll, which he understands to be a contaminated waste site. Dueñas asked whether the agency is planning to clean up Palmyra, and said he believes that a sanctuary should take a devastated area and help that area recover. Instead, the Federal Government operates in such a way that sanctuaries are created and a lot of funding is spent on protecting something that is already protected because it is a remote area. The practicality of the effect on the community must be taken into consideration, and instead of equity, the fight is for equality. Dueñas said PIRO and the Pacific Islands Fisheries Science Center (PIFSC) were created to support this Council, and asked the agencies to work together with the Council in partnership. He said the Advisory Panel (AP) members traveled thousands of miles to share their

experiences as fishermen and as members of their community, and he hopes that the Council, PIRO and PIFSC provides them the opportunity to share those thoughts and experiences.

Sword asked if the PRIA sanctuary EIS will include any alternatives to allow commercial fishing.

Malloy said the alternatives are under development and pre-decisional at this stage, so there is no information to disclose. She said she is aware that ONMS is considering all information obtained during the September 2023 workshops in American Samoa. The information is allowing ONMS to take a careful wide-scope look at the different alternatives that should be taken into consideration.

Sword asked if there is any other options the agency is looking at that might impact the territories, such as making the sanctuary into a monument.

Malloy said she is not aware of any such push to expand the existing monument.

## **2. Pacific Islands Fisheries Science Center**

Charles Littnan presented the PIFSC report. The agency is going through the PIFSC Strategic Planning Process. Littnan inherited PIFSC during challenging situations with many emergent priorities and unprecedented increases in costs including staff salaries and facility costs. PIFSC has never done a strategic planning process. The process will kick off in March 2024 with a 10-year strategic planning followed by an implementation plan. This process is intended to be inclusive, and the agency will seek input from the Council. The contractors will start April 1, 2024, after which PIFSC will determine how the exchange of information with the Council will occur.

Regarding the Catchit Logit app, the previous three systems that were in place in the jurisdictions were outdated and hard to maintain, but have now been replaced by a modern cloud-based web application. The app is now up and running with the pre-2023 data transferred into the new system. This system will be used to inform the 2023 Stock Assessment and Fisheries Evaluation (SAFE) Reports to incorporate all the commercial fishing data from the new system. PIFSC staff will obtain receipts from vendors to enter into the app. The vendor module aims to encourage vendors to input data directly at the source. With proper education and outreach from island fisheries programs and Council efforts, this approach is expected to foster a sense of ownership and buy-in, as well as enhance efficiency.

PIFSC is moving to standardize NOAA's application development. Historically, contractors develop a framework of apps they are accustomed to, which then creates inconsistency and legacy challenges. Moving toward a framework that is efficient will be easier to use and maintain. This will be applied to the next two applications PIFSC is developing for the creel surveys and the next generation electronic reporting for the longline fishery.

The deep-seven bottomfish Western Pacific Stock Assessment Review (WPSAR) was convened Dec. 11-15, 2023, with Steve Martell as the chair, and Center for Independent Experts reviewers Cathy Dichmont and Yan Jiao on the panel. The WPSAR chair emphasized the engagement and sharing of information between scientists and fishermen, and one of the Center for Independent Experts reviewers noted that type of dynamic and positive environment was

different from the other regions. The stock assessment passed the WPSAR, and PIFSC staff will present on the assessment later on the agenda.

PIFSC staff members Felipe Carvalho and Erin Bohaboy have been coordinating with U.S. delegation for the North Pacific Fisheries Commission (NPFC). Bohaboy worked on the stock assessments for the Pacific saury and chub mackerel, developing harvest control rules and exploring management strategy evaluation for the Pacific saury. Carvalho worked with the U.S. delegation and other stakeholders to put forth a science-based proposal to conserve vulnerable marine seamount ecosystems and fisheries resources. NPFC will review the proposal in development at its April 2024 annual meeting.

Regarding fisheries monitoring and assessments, PIFSC has been doing work across the region, with a particular emphasis on Guam. The development and implementation of the Guam fishery independent surveys are moving along with IRA funding, which will replicate the bottomfish surveys conducted in Hawai‘i. The next step will be a series of constituent meetings with fishermen and government agencies to discuss the survey effort. PIFSC will be working with the Pacific Islands Fisheries Group led by Clay Tam to develop the survey design and protocol specific for Guam. Field testing and training will be done in the spring, with the survey expected to start later in 2024. The Guam bottomfish management unit species (BMUS) data workshop was held in January 2024, and that report is now available.

Regarding the International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean (ISC), PIFSC staff Rob Ahrens, Michelle Sculley and Emily Crigler are coordinating the external review of the Western and Central North Pacific striped marlin stock assessment. The review will be held April 15-19, 2024. PIFSC staff members Nicholas Ducharme-Barth and Mike Kinney have continued their work with the benchmark assessment for the North Pacific shortfin mako shark, with a goal of further developing the model and assessments. The outcome from the external review will be presented to the ISC in June 2024 and to the WCPFC Science Committee in August 2024. PIFSC will provide updates to the Council as they become available and appropriate.

The Bottomfish Fishery-Independent Survey (BFISH) in Hawai‘i was conducted in August and November 2023. Eight Pacific Islands Fisheries Group vessels completed 60 days at sea, and the camera deployments and fishing effort were 100% successful. The video analysis has been completed, and transcribing the fisheries data sheets is nearly complete, after which the formal data analysis will commence. The final abundance and biomass estimates should be completed by late March or early April.

The Hawaiian Islands Cetacean Ecosystem and Assessment Survey (HICEAS) was conducted July to December 2023, funded primarily by the Bureau of Ocean Energy Management and NOAA. The survey effort was 145 days at sea, which fell short of the projected 180 days due to challenges with the white ships. The loss of sea days had implications on the amount of data collected. There was a reduction in the number of drifting acoustic buoys deployed to collect whale sounds far outside of the transect lines, as well as limitations on launching the small boat to deploy satellite tags and collect genetic samples. This round of HICEAS added ecosystem sampling, including eDNA and plankton surveys, which help to connect the ecosystem and the food resources for cetaceans and refine the models. This will help with looking at the future movement of food and the distribution of animals under a different climate regime. The FKWs are a high priority for HICEAS, but are difficult to detect. There

were 12 FKW detections with nearly all but one resulting from acoustic detections. There was one visual sighting of FKWs in 145 days at sea. As a result, a low sighting rate will be incorporated into the density estimates. There is an upcoming 30-day survey to inform the proposed FKW management area. This survey will consist of small-boat launches to collect genetics samples to delineate stock structure. PIFSC aims to ensure precise estimations for species conservation and fishery management.

The Uku Ecosystem Based Fishery Management Data Summit took place in January 2024, with participation from PIFSC, PIRO, the Council and State of Hawai'i. The aim was to bring these groups together to develop scientific products that can be used for fisheries management such as stock assessments, management strategy evaluation and essential fish habitat updates.

Sword asked if the delays in the surveys were due to weather or equipment breakdown, recalling that there were also problems with the research vessel that was in American Samoa last year.

Littnan said the vessel that went to American Samoa was the R/V *Rainier* and the delay at the time was due to a fire. There are a variety of challenges due to an aging research vessel fleet. During the first leg of the HICEAS, there was a staffing delay. NOAA Office of Marine and Aviation Operations (OMAO) that runs the fleet is struggling to compete with the commercial industry for staffing, as the agency has not offered rotational schedules of one month on and one month off. There were several NOAA ships sitting dockside due to lack of chief engineers or other limitations in staff. The HICEAS also had other issues, including medical emergencies, mechanical issues and challenges with parts. The R/V *Sette*'s end of life was supposed to be in 2023, and given the vessel's age, additional weather operational limits kicked in more than in the past.

Soliai inquired about the progress of the Guam assessment and whether the expansion algorithm is included. He noted that the algorithm has been a contentious issue for American Samoa and asked if it will also be reviewed for American Samoa and other territories during PIFSC's upcoming visit.

Ahrens said PIFSC is trying to better understand the nature of the data coming in and what is happening to the data in the expansion algorithms. That is one of the reasons PIFSC is engaging with Guam fishers and exploring the option of fishery-independent sampling. The expansion algorithm is not going to be altered for the Guam assessments at this time. Ahrens said the purpose of the trip to American Samoa is to discuss the challenges, how they relate to the data streams and how the changes need to be incorporated into the expansion. PIFSC is hoping to gain a deeper understanding of necessary statistical adjustments, potentially exploring modifications to sampling programs and the expansion algorithm.

Soliai said he looks forward to engaging with PIFSC on the topic, and commended Ahrens and Littnan for taking on the initiative to look at the expansion algorithm from a different angle.

Dueñas expressed his frustration with the discussion regarding expansion. He said the major problem with the expansion model or any type of analysis is the credibility of the answer, noting that none of the numbers have been shared with the community in the 40 years of utilizing



creel surveys and expansion models. If there is a quarterly report given to the community with the ability to provide feedback, the community would be able to point out the problems with the numbers. He believes that PIFSC's mindset has always been on a qualitative mode in research, rather than a quantitative mode because there are many unknowns. Transparency is important in order for fishermen to believe the number PIFSC provides, and the report must be made available sooner than 40 years. Dueñas commended the agency for the efforts of T. Todd Jones and Marlowe Sabater working with the Guam community.

Simonds asked if PIFSC is expecting an increase in funds to do some of the work identified in the annual guidance memo for 2025, noting that these are ambitious programs. Simonds inquired about the status of the Territorial Science Initiative (TSI), a program that started off well.

Littnan said PIFSC is not expecting any more funds. Many of what PIFSC has been prioritizing is through the IRA funding. He noted that there is a caveat in the annual guidance memo that the priorities are based on funding. When a final plan based on the budget formulation is available, PIFSC will update everyone as to which ones on the list will not get done and the reason. Littnan deferred to Becky Walker, PIFSC Director's Office, on the territorial science update.

Walker said the TSI funds have been rolled up, but the intent of what the funds were covering is seen in the Fisheries Research and Monitoring Division pass-through grants and many of the collaborations with Council programs.

Simonds said because there was no way to maintain that funding for the territories, everyone has to continue looking at other funds to ensure territorial science receives adequate support.

Littnan said PIFSC will try to keep that locked in for its applications for the TSI given priorities for EEJ. To provide context, the 5% rise in the cost-of-living for federal employees last year resulted in a \$1 million increase without any adjustment to the base funding. The agency also has a projected \$800,000 facilities cost increase. Those two cost increases take out \$2 million dollars from the annual \$32 to \$36 million budget. The agency is trying to conserve and prioritize.

Simonds said NMFS needs to be more competitive with the other agencies within NOAA, such as the National Ocean Service, and more work needs to be done through the liaisons to Congress.

Dang asked if a 30-day survey is enough time to get a better estimate on the pelagic stock of FKWs. He asked how PIFSC would deal with new information obtained through the upcoming survey if there is tagging data or FKW sightings that go beyond the boundary. Dang requested information on how PIFSC will take in new information on the boundaries of the stock.

Littnan said it remains to be seen if the 30-day survey timeframe will be long enough, but noted it will be a high-risk, high-reward type of survey. The survey is designed to optimize interacting with FKWs, focusing on an area where the agency thinks there will be many FKWs. It will take nine days to transit to and from the locations, which leaves roughly 12 operational days to conduct the surveys. PIFSC is balancing many factors, as FKWs are unpredictable in

terms of sightings. PIFSC will work with the ship to optimize sightings. If animals are acoustically detected at night, the ship will position itself near the animals so that small boats can be launched first thing in the morning. NMFS Office of Science and Technology (OST) provided half a million dollars to conduct this survey. PIFSC obtained \$1.5 million to charter vessels for the Hawaiian monk seal (HMS) surveys, which freed up 30 days of ship time to do the FKW survey. Littnan said the FKW survey is an agency priority. Regarding the management area boundary, he said there was a satellite tag on a FKW deployed by Robin Baird, Cascadia Research Collective, which swam well outside of the management area and came back in. NMFS designated the special management area, and as data collection continues, the understanding of the species evolves. PIFSC is not sure as to how it will process new information and the timing of incorporating it into the management area, but discussion is ongoing. Whether that update happens through the stock assessment reports or through some other process remains to be seen, and PIFSC will keep everyone posted as those considerations evolve.

Dueñas said regarding TSI, he hopes that PIFSC continues to foster programs that provide capacity-building opportunities for the local island people to advance in the scientific community. He also urged NMFS to work with the president to provide the funding for the science center that American Samoa was promised and visitor center that the CNMI was promised when the monument was established.

## **B. NOAA Office of General Counsel Pacific Islands Section**

Sheffield provided the GCPI report. The *Center for Biological Diversity (CBD) v. NMFS* is a lawsuit filed in July 2023 which challenged NMFS's denial of CBD's petition to issue protective regulations for 20 threatened coral species pursuant to Section 4(d) of the ESA. CBD alleges that NMFS's denial is arbitrary and capricious under the Administrative Procedure Act. NMFS filed its answer in September 2023 and then an administrative record in December 2023. The merits briefing for this case will begin in summer 2024.

The *Willie v. Raimondo* challenged NMFS's 2021 rule prohibiting the approach of Hawaiian spinner dolphins as a violation of the Appointments Clause of the U.S. Constitution. NMFS filed a motion for summary judgment in May 2023. Summary judgment briefing is completed, and the decision in the case is pending.

The notice of intent to sue from American Samoa in alleged violations of federal law has no update since NMFS sent a response letter in January 2023.

Soliai asked for clarification on the update regarding the notice of intent to sue from American Samoa, in terms of NMFS's response from January 2023 and what is meant by NMFS's obligation to implement the plain requirements of the decision. Soliai also requested an update on the timing for a decision, noting it has been two years since the issue was brought forth.

Sheffield said the final decision is in development. The substance cannot be discussed due to the preliminary indecision and pre-decisional stage, but the final decision can be a finalization of the proposal rule or it could be a withdrawal of the proposed rule. The NMFS response letter sent to American Samoa explained NMFS's reasoning at that point, stating its obligation to implement the plain requirements of the WCPFC decision as outlined in the proposed rule. No update to a decision timeframe is available.

## **C. Marine Fishery Advisory Committee**

Tam provided the Marine Fishery Advisory Committee (MAFAC) report. MAFAC was initially chartered in 1971 to advise the Secretary of Commerce on all living marine resource matters. There are two annual formal meetings; one in November in Washington D.C. and the other depends on the Secretary. MAFAC comprises 15 to 21 members appointed by the Secretary of Commerce, representing commercial and recreational fishermen, aquaculture, environmental, consumer, and academic, tribal, governmental and other national interest areas and geographic diversity. The annual meeting was held in San Diego May 31 to June 2, 2023, including a field trip to the Port of San Diego where a fresh fish market is being developed with funding from a Saltonstall-Kennedy grant. The MAFAC chair is Jocelyn Runnebaum, the vice chair is Kellie Ralston, the acting designated federal officer is Heidi Lovett and the acting assistant designated federal officer is Katie Denman.

There are six standing subcommittees. The first is the Executive Subcommittee. The second is the Strategic Planning and Budgeting Subcommittee, which is exploring the National Academy of Public Administration recommendations that were developed. The third is the Commerce Subcommittee, which is facilitating the implementation of the National Seafood Strategy to bolster U.S. fisheries and seafood resilience. This includes support for both wild-caught and aquaculture production, aiming to enhance the nation's seafood supply, promote healthy seafood and aquaculture opportunities, address trade issue for U.S. producers and reduce the national trade deficit. The fourth is the Protected Species Subcommittee, which is working on developing stakeholder knowledge and perceptions about the effectiveness of deterrence to mitigate or eliminate harmful interactions with marine mammals and fishing gear in the waters and docks. The fifth is the Climate and Ecosystem Subcommittee, which is addressing the climate science and management gap that exists within the current structure and practice of fishery management. The purpose is to increase the probability that management can respond and adapt to minimize the impacts of climate change. The Recreational Fisheries Subcommittee is working with NMFS OST to guide, improve and streamline the collection of, and investment in, recreational and noncommercial socioeconomic data.

At the November 2023 meeting, the MAFAC approved a recommendation for climate-ready fishery policies including policy definitions for climate-ready fisheries, climate-ready fishery management and climate-ready fishing communities. The other recommendation made during this meeting was that MAFAC approve a letter to the Secretary of Commerce recommending a long-term approach to bolster NOAA data acquisition and management capabilities.

## **D. Enforcement**

### **1. U.S. Coast Guard**

Stegman reported on the USCG District 14 operations. District 14 responded to 11,153 cases that consisted of search and rescue, law enforcement and marine environmental protection response, ports, waterways and coastal security missions. Stegman highlighted four significant operations during this period.

USCG Cutter *Harriet Lane*'s Operation Blue Pacific Patrol occurred from Jan. 22 to April 9, 2024. *Harriet Lane* and a USCG C-130 from Barbers Point patrolled the U.S. EEZ

around American Samoa. *Harriet Lane* successfully strengthened strategic regional partners through high seas boarding and inspections and bilateral law enforcement operations. The cutter also made port calls to Pago Pago, Apia, Suva, Vanuatu and Papua New Guinea, which facilitated official meetings, subject matter expert exchanges, ship tours and community relations events. The next patrol is scheduled for July to August 2024.

The USCG Cutter *Oliver Henry*'s Operation Blue Pacific Patrol occurred from Jan. 29 to March 5, 2024. This operation also aimed at strengthening strategic regional partnerships through bilateral law enforcement operations with the Republic of Kiribati and the RMI. It was a milestone for the USCG partnerships with Kiribati, being that it was the first enforcement operation in more than nine years. In addition to enforcement operations, *Oliver Henry*'s port visits to Tarawa, Pohnpei, Majuro, Nukuoro, Kapingamarangi and Wotje Atolls included the delivery of humanitarian relief supplies, official meetings, subject matter expert exchanges, ship tours and community relations events.

A U.S. Navy asset with embarked USCG Tactical Law Enforcement Team conducted high seas boardings and inspections in support of the WCPFC under the Oceania Maritime Security Initiative. He discussed the collaborative nature of this support effort and its significance in promoting maritime security and combating illegal fishing activities in the region.

District 14 supported the Pacific Islands Forum Fisheries Agency's annual counter illegal, unreported and unregulated (IUU) fishing surge operation with USCG Cutter *Myrtle Hazard*, USCG Cutter *Harriet Lane*, USCG C-130, and several USCG watchstanders deployed to the Regional Fisheries Surveillance Center in Honiara, Solomon Islands.

USCG Sector Honolulu units also discovered three apparent non-U.S. master violations on documented vessels, known as paper captains, operating on Honolulu-based fishing vessels in January, February and March. District 14 is actively working with the boarding units on formalizing these case packages.

Guthertz asked whether there have been any recent interdictions by the USCG of individuals attempting to enter Guam illegally from the CNMI, particularly individuals with expired work visas from China.

Stegman acknowledged that he is aware of the reports over the years, but said he had not heard of any recent incidents since his return to the district in the last six months and that if there were any specific incidents that needed to be looked into, he would do so.

Guthertz expressed disappointment in the handling of cases in Guam courts. She emphasized the leniency shown to offenders who receive light penalties and legal representation early on, expressing concern about potential exploitation of these individuals in the workforce. She also criticized the lack of assertiveness from the U.S. Department of Homeland Security, particularly regarding the influx of individuals, primarily young men from China, suspected of engaging in espionage activities and blending into communities across U.S. borders. Guthertz highlighted the recent arrest of a U.S. military member for accepting bribes from China, posing a security risk to Guam and neighboring areas amid ongoing military expansions. She called for a more proactive approach from the U.S. government, relying on agencies like the USCG for support but lamenting the insufficient attention given to the issue.

Sword thanked the USCG in addressing an issue with buoy number one which is crucial for ships navigating the channel from the outer reef.

Dueñas commended the USCG for its assistance in recent search and rescue missions, expressing gratitude for the recovery of lost individuals, which brings peace to their families. He requested that the USCG adopt the Agat Marina channel and upgrade its markers to prevent further vessel mishaps. Additionally, Dueñas asked about the status of the USCG's buoy tenders and proposed assistance in deploying new buoys to aid Guam DOAG in enhancing navigation. Regarding the deployment of buoys, Dueñas highlighted the importance of aiding bottom fishermen and redirecting their focus from onaga to mahimahi fishing. He expressed concern about the range of the PRIA and the surveillance capabilities in the region, noting issues with the WCPFC's vessel monitoring system. His concerns extended to enforcement capabilities, expressing dissatisfaction with the current situation where only U.S. vessels complying with the law seem to face repercussions. Dueñas also inquired about potential additions to the USCG's fleet to strengthen enforcement in the PRIA.

Stegman provided updates regarding USCG assets and capabilities in the Pacific Islands. He mentioned that the buoy tender *Hickory*, which will replace several older buoy tenders, is expected to arrive in Guam in late May. He noted the significance of fast response cutters in enhancing response capabilities being a milestone, allowing for enforcement operations further from shore compared to the previous patrol boats. Additionally, he noted the deployment of the *Harriet Lane*, a medium endurance cutter, specifically allocated for operations in the Pacific Islands and District 14. This deployment is anticipated to increase patrol presence in the region, with planned patrols scheduled for July and August, including visits to American Samoa and Guam.

Soliai said American Samoa has been requesting the USCG for years to post an asset in the territory and the request is still outstanding. He raised concerns about the lack of USCG presence in American Samoa versus the assets stationed or visitations to Guam. He highlighted recent issues with small crafts traveling between American Samoa and neighboring Samoa, stressing the need for more effective patrols and cooperation between the local government and the USCG. He asked about the possibility of the USCG providing support for small-boat captains' training to encourage more individuals to become certified captains.

Stegman said the second buoy tender coming to Hawai'i after the one destined for Guam will increase USCG presence in the region, including more frequent visits to American Samoa. Additionally, efforts are being made to enhance capabilities for fast response cutters in the area by working with Kiribati to facilitate refueling in Christmas Island. Regarding training for small-boat captains, Stegman explained that such training is typically provided by the USCG Auxiliary, but he was not fully informed about its availability in American Samoa. Stegman offered to investigate further and provide information on the status of training opportunities in the region.

## **2. NOAA Office of Law Enforcement**

Martina Sagapolu provided an overview of the NOAA Office of Law Enforcement's (OLE) activities from Dec. 1, 2023 to Feb. 27, 2024. The increase in interactions with protected species was highlighted, particularly humpback whales, due to tourism in the outer islands. The

majority of the summary settlements issued during the reporting period were for MMPA violations.

Investigations conducted during the reporting period included an individual fined whose unleashed dog harassed a HMS and minor infractions by longline vessels for failing to use proper seabird mitigation measures. OLE personnel participated in Operation Clean Sweep along with several federal law enforcement agencies. OLE personnel and USCG patrolled the Samoa islands with a USCG C-130, including participation by officers from American Samoa's DMWR. The patrol identified potential fishing vessels or fishing activities that were occurring, not only in the sanctuary around American Samoa but also within the U.S. EEZ. No violations were identified during the patrol.

Port State Measures Agreement inspections to combat IUU fishing are actively occurring in American Samoa. Delegates from Vietnam visited American Samoa to observe Port State Measures because it is the only place where live boarding can be done on foreign fishing vessels offloading to the canneries. Approximately 90% of the foreign vessels landing in American Samoa are being inspected upon arrival and prior to departing.

Sagapolu highlighted other OLE activities, including boarding foreign purse seine vessels for inspections and conducting field training for new officers. The OLE Pacific Islands Division is the smallest division but has the largest areas to enforce. Outreach efforts, including participation in the Hawai'i longline fishery protected species workshops and industry events are key part of OLE's activities, and community engagement is vital for ensuring compliance with federal regulations. A new officer for Guam and the CNMI is now on duty.

Dueñas expressed curiosity about OLE's involvement in the regulatory process, particularly concerning the increasing population density of HMSs. He noted the potential conflict between protecting HMS and Hawai'i's reliance on tourism, suggesting a need for balance between economic interests and conservation efforts. He asked if OLE had any input or suggestions regarding this balance and the management of HMS populations.

Sagapolu said OLE participates in discussions regarding proposed regulations, both in-person and virtually, to assess their enforceability and practicality for enforcement purposes. OLE provides expertise and engages with stakeholders during these discussions to ensure realistic regulations. Despite having a small team in Hawai'i, OLE members actively participate in various working groups related to proposed regulations. Regarding HMSs, Sagapolu deferred to PIRO Protected Resources Division, as it falls outside her area of expertise. However, she emphasized OLE's commitment to supporting and providing expertise on enforceable regulations wherever possible.

Dueñas said he wanted to see a comprehensive document outlining the rules and regulations governing fishing activities in the region, including details such as fishing boundaries and vessel size limitations. He emphasized the importance of such a document in preventing conflicts and promoting mutual respect between island neighbors. He requested assistance from the OLE office or any relevant authority in providing this legal document to clarify fishing regulations for fishermen in the region.

Simonds highlighted OLE's involvement in developing regulations and historical collaboration between the USCG, OLE and the Council during the initial years of the Council's

existence. She said that representatives from various sectors, including recreational and commercial fishing, were part of the Council's Plan Team. She said the Council may consider inviting OLE representatives to participate in the development meetings for regulations.

Igisomar raised concerns about the lack of USCG assets in the CNMI despite its large jurisdictional area. He asked about existing measures or potential partnerships to monitor and combat IUU fishing, particularly in the Northern Islands. Igisomar also noted the CNMI has just restarted its Joint Enforcement Agreement but its current equipment does not allow them to go far up to the Northern Islands. He asked if there was a way to partner with the local fishing community in equipping local fishermen who venture into these areas with surveillance equipment, such as cameras and GPS devices, to gather evidence of illegal fishing activities.

Sagapolu explained that while electronic monitoring is already in place, its applicability depends on whether the vessels are operating within federal regulatory programs, such as longline fishing in federal waters. Sagapolu highlighted the potential for collaboration under the Joint Enforcement Agreement, and suggested a loaner program for surveillance equipment. This program could allow local fishermen to borrow cameras when venturing into federal waters and report any suspicious activities, such as sightings of vessels engaged in IUU fishing. She noted the importance of community involvement in detecting and reporting such activities. She also mentioned a past case in American Samoa where a local operator's report led to a significant IUU fishing investigation.

Stegman suggested equipping those vessels with automatic identification system so they can be tracked for safety purposes, and also recommended carrying Emergency Position Indicating Radio Beacons for distress signaling. He also assured that the USCG's patrol vessels based in Guam, particularly the newer ones with enhanced capabilities, would be able to cover the CNMI's waters more effectively. He said with three patrol vessels in Guam, some of which are undergoing refits, there would be increased patrols in the U.S. EEZ around the CNMI.

Sword recognized the work OLE and USCG is doing, particularly with the outreach and education efforts aimed at foreign longliners entering American Samoa's waters. He mentioned the importance of these initiatives for the local economy, especially for the cannery industry. Sword noted that empowering local fishing boats to serve as additional surveillance assets in the EEZ is valuable information that can be utilized. He suggested providing workshops and training to enable fishermen to report any suspicious activities they encounter and would contribute to efforts against IUU fishing. He also mentioned discussions with Igisomar about the idea of involving USCG auxiliary or similar groups to encourage fishermen to take responsibility for reporting such activities.

### **3. NOAA Office of General Counsel Enforcement Section**

Elizabeth O'Sullivan provided an update on enforcement cases in the Pacific Islands Region. The first case discussed was F/V *St. Damien*, involving an expired permit under the High Seas Fishing Compliance Act. The owner/operator failed to respond to a Notice of Violation and Assessment (NOVA), resulting in default, but eventually paid the penalty in full.

The F/V *Destiny* case involved fishing in the Johnston Atoll within the PRIA. The fine was settled for the early settlement amount after a timely response to the NOVA, resulting in a 10% discount.

The F/V *American Triumph* case pertained to violations of the MMPA for setting purse seine nets on marine mammals, resulting in a fine of \$122,000 settled at the early settlement amount. Similarly, the F/V *American Eagle* case involved violations of the WCPFC Implementation Act for setting purse seine nets on whale sharks, with a \$157,000 NOVA issued and settled for the early settlement amount.

The Treasure Imports case was prosecuted under the ESA for selling jewelry made of sperm whale. The fine was \$12,500, settled for the early settlement amount. In the North Shore case involving the killing of an HMS, Robert Borst faced charges under the MMPA, leading to a \$20,000 NOVA issuance, with ongoing settlement negotiations.

Guthertz asked where all the money from the fines from the individuals go.

O'Sullivan responded the fines collected from enforcement actions go into a fund that supports NOAA's enforcement regime. In some cases, such as those under the MSA involving foreign fishing vessels in U.S. waters, a portion of the funds may go to the Council. However, this has only occurred once during her tenure since 2019. Overall, the primary destination for the collected fines is the enforcement fund that sustains NOAA's enforcement efforts.

## **E. U.S. State Department**

Brinkman provided updates on various international fisheries meetings and agreements. At the 12th South Pacific Regional Fisheries Management Organisation (SPRFMO) Commission Meeting, three U.S. proposals were adopted, focusing on improving observer coverage and combating labor abuses in South Pacific fisheries. The U.S. delegation, led by NMFS, also worked on strengthening management and monitoring of the squid fishery, addressing concerns of illegal fishing in the region. U.S. efforts in 2023 led to the adoption of a comprehensive high seas boarding and inspection program that increased opportunities to monitor this fleet with assistance from the USCG.

Regarding the South Pacific Tuna Treaty, agreements in principle were reached on amendments governing U.S. fishing access, with legal and technical steps underway to finalize these amendments. Additionally, an informal intersessional session on seabird bycatch mitigation was hosted by New Zealand, involving government representatives and stakeholders from industry, nongovernmental organizations and the Council.

Regarding the Pacific governors meeting, Mahlet Mesfin, deputy assistant secretary for Ocean Fisheries and Polar Affairs, briefed the governors from Guam, the CNMI and American Samoa, along with Congresswoman Uifa'atali Aumua Amata Coleman Radewagen, on U.S. State Department efforts related to ocean environment and fisheries. Discussions also covered topics such as internet connectivity, Chinese influence and Compacts of Free Association (COFA) funding for Freely Associated States. The governors expressed interest in restarting yearly briefings at the U.S. State Department to address broader geopolitical issues.

There were no updates on Soliai's nomination for SPRFMO Commissioner.

Guthertz raised concerns about the limited participation of representatives from island groups, including those represented by the Council, in U.S. State Department-led delegations to international fisheries meetings. She is frustrated that their input is often not entertained, leading to a feeling of being muzzled and unable to bring forward important issues and contributions to



discussions. Guthertz asked whether input from island groups are genuinely considered and utilized by U.S. State Department-led delegations, especially concerning resolving issues, addressing concerns and exploring possibilities beneficial to island areas in international fisheries organizations.

Brinkman asked for clarification on which State Department led delegations she is referring to and noted that the regional fisheries management organizations are typically led by NMFS.

Guthertz specified the WCPFC.

Brinkman clarified that NMFS leads the delegation to WCPFC; however he does not participate in those delegations so he does not have any specific insight into how they are managed.

Guthertz expressed concern about the lack of utilization of input from representatives of the Council and their areas within the U.S. territories and commonwealths during WCPFC meetings. She mentioned that they are restricted from speaking to other delegations and sharing ideas and concerns, which is unfortunate given the significant contribution of their regions to valuable fish resources and their stake in international relations. She emphasized the importance of having a voice in U.S. delegations to ensure that the interests of their small communities are represented.

Soliai echoed Guthertz's comments and expressed frustration over the neglect they feel from the Federal Government in allowing input from the region in decision making processes, particularly in organizations like SPRFMO. He noted that decisions are being made despite recommendations from the Council sitting with the U.S. State Department for years. He also noted that although American Samoa is represented by their federal partners, the territory's voices are not adequately represented.

Simonds asked about the Council's request for Soliai's appointment as an alternate commissioner to SPRFMO, similar to Dang's appointment, allowing the U.S. State Department to cover his travel expenses. She said the Council sent a letter in December 2023 regarding this matter and intends to follow up on it. She expressed uncertainty in the delays in processing such appointments and requested clarification on the process.

Igisomar noted the Council submitted a letter Dec. 15, 2023, regarding his participation in the NPFC and asked if there was a timeline to when the members will receive a response.

Brinkman clarified that the U.S. State Department has the authority to designate alternate commissioners; however, those decisions require concurrence from the DOC and said that he is unable to provide any anticipated dates for any pending actions.

Simonds reiterated the importance of bringing up the issue at every meeting to ensure it remains on the radar. She emphasized the need for alternate commissioners, specifically with Soliai and Igisomar and noted that the previous commissioners have been off the Council for several years.

Muña asked about whom to contact if Brinkman could not provide an answer.

Brinkman indicated that he did not have a specific person to recommend for contact but said the Council is adept at addressing inquiries to high-ranking officials.

Guthertz noted that she receives invitations to participate in international fisheries meetings as part of the U.S. delegation, only to be met with obstacles and lack of accommodation and having to pay her own way. She questioned the fairness and equality of these opportunities to the territories that are being disregarded.

Dueñas expressed his appreciation to the U.S. State Department for its efforts. However, he was disappointed with its actions, particularly regarding the modifications to the boundary of the U.S. EEZ around Guam and the lack of representation in international bodies. He noted the U.S. State Department has strategically brought commercial, distant-water fishing nations closer to Guam and its natural resources by giving away 65 miles of the southern EEZ. He emphasized the importance of recognizing indigenous voices and criticized what he perceived as cultural appropriation.

#### **F. U.S. Fish and Wildlife Service**

Peck provided the USFWS report. At Palmyra Atoll in the PRI Marine National Monument, USFWS has been monitoring and controlling crown-of-thorns starfish, and addressing a boat that was washed ashore to prevent further coral bleaching.

The USFWS Pacific Islands Fish and Wildlife Office submitted extensive updates for this period, which were available in the written report. The Aquatics Resource Division has contracts with DOD facilities for coral monitoring and assists the Army Corps of Engineers with proposed harbor entrance channel projects, dredging and widening efforts. Similar projects have been done in Guam in Agat and Achang Bay for erosion control and flood prevention. Additionally, efforts are underway to eradicate invasive soft coral located in Pearl Harbor to prevent it from spreading to other jurisdictions. The contaminants division in Honolulu has been assisting in training for oil spill responses in Hawai'i, Guam, the CNMI and American Samoa. The agency has also been engaged in the rodenticide project at Midway Atoll.

Dueñas expressed concerns about the impact of the 50-caliber firing range on the Ritidian Range and Wildlife Refuge, particularly regarding the nesting population of green sea turtles. He suggested the possibility of providing properties back to the original landowners under a conditional use agreement, allowing limited use by indigenous people and opening up parts of the area to the general public, especially along the shoreline for sunset enjoyment. Dueñas said there is a lack of concern for the green sea turtle population that lays 500 eggs per cycle and questioned the need of the firing range in light of its potential impact on the environment and public access to the area.

Peck acknowledged Dueñas' comments and expressed willingness to assist in connecting him with the appropriate person who can address the issue.

#### **G. Public Comment**

Nate Ilaoa, American Samoa business owner and AP member, reiterated points made by Soliai regarding the need for a permanent USCG asset in American Samoa given the expansion of Chinese fishing presence in the region and suspicions of IUU. He added that it is an insult to American Samoa by the U.S. State Department in the delays of Soliai's appointment to the

Commission. He contrasted the Biden Administration's drive for EEJ and lack of equity for the people of American Samoa.

Eric Kingma, HLA executive director, commented that regarding the WCPFC decision to disallow continued bigeye tuna agreements with the U.S. territories, which affected agreements with American Samoa and the CNMI, he wrote to American Samoa Governor Lemanu Mauga and CNMI Governor Arnold Palacios that HLA is precluded from continuing the bigeye tuna agreement this year. In the letter, he noted the HLA board of directors met and decided that it would make a voluntary contribution of \$500,000 to the Sustainable Fisheries Fund (SFF) to support fisheries development projects in the region. Additionally, HLA is committed to providing technical assistance for fisheries development in areas such as fish handling, fishing operations, transportation and processing.

## **H. Council Discussion and Action**

*Regarding the NMFS PIRO report, the Council:*

- 1. Recommended NMFS continue to prioritize recognition of U.S.-flagged tuna purse seine vessels based out of American Samoa through international and domestic mechanisms to ensure those vessels integral to American Samoa's economy are entitled to effort exemptions.**

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

*Regarding fishery development in the U.S. Pacific Territories:*

- 2. Directed staff to send a letter to the Departments of Commerce, State and the Interior to:**
  - a. Follow up on a previous recommendation to provide funding for fishery development in the U.S. Pacific Territories that will help pay for infrastructure and fishing access for the U.S. Pacific Islands fisheries; and**
  - b. Including the matrix of territorial MCPs to identify and prioritize funding for fisheries development.**

*Moved by Igisomar; seconded by Dueñas.*  
*Motion passed.*

*Regarding USCG report, the Council:*

- 3. Requested the USCG expand training and opportunities in the territories through the Auxiliary Program.**

*Moved by Dueñas; seconded by Igisomar.*  
*Motion passed.*

*Regarding the U.S. State Department report, the Council:*

- 4. Continued to request the U.S. State Department and DOC to consider designating Archie Soliai as an Alternate Commissioner while awaiting his appointment (from 2021) to SPRFMO.**

5. **Continued to request the U.S. State Department and DOC to consider designating Sylvan Igisomar as an Alternate Commissioner while awaiting his appointment to NPFC.**

Moved by Dueñas; seconded by Igisomar.  
Motion passed.

## **VI. Council Member Island Reports**

### **A. American Samoa**

Ochavillo provided the American Samoa Archipelago Island Report. A public hearing on the ESA coral critical habitat designation was held, where Fono leaders from Manu‘a opposed the proposed rule due to concerns about its impact on local fishermen and bureaucratic delays. There were discussions of the legal concerns, with DMWR Director Soliai questioning the purpose of such hearings considering NMFS is obligated under the ESA to designate critical habitat, and Dawn Golden, PIRO, emphasizing the agency’s aim to gather new information for improved public information and education.

American Samoa Governor Mauga toured the StarKist Samoa plant, observing Meal, Ready-to-Eat (MRE) production, which held personal significance for him from his military service. The governor expressed pride in seeing American Samoa flagging the MRE packages. The USCG Cutter *Harriet Lane* visited Pago Pago for its inaugural patrol Jan. 31, 2024. This marked the *Harriet Lane*’s first port call to American Samoa. An upcoming fishing tournament coordinated with the Pago Pago Game Fishing Association was announced for Flag Day in coordination with DMWR. Damage caused by a northerly swell highlighted the threat of climate change in the territory. The American Samoa delegation stressed the importance of its participation in regional meetings like the Pacific Islands Forum and The Pacific Community (SPC). Lastly, Commander of the USCG Admiral Linda Fagan visited American Samoa, where she received a warm welcome from Congresswoman Amata and local veterans.

Ochavillo also provided the American Samoa DMWR agency report. His presentation began with a photo of a yellowfin tuna catch from a recent fishing tournament in November 2023, which was reflective of an increase in yellowfin tuna in the territory’s fishery. There was a decrease in shore-based creel catches from the previous quarter, with surgeonfish and octopus being the primary catches. Challenges such as extreme low tide levels and thermal stress are impacting nearshore areas and coral mortality. DMWR is involved in an initiative to develop a response plan for thermal stress events in collaboration with local agencies. There is a need for disaster funds to quickly address such challenges.

Boat-based creel survey data revealed small-scale fishing activity, with limited pelagic and bottomfish catches. There were concerns about nontarget fish caught by foreign longliners being sold in the territory’s markets, which has been a problem for a long time. Bottomfishing remains low, but there are indications of improvement.

DMWR has been working with Poseidon Fisheries Research regarding the life history of fish species in American Samoa, aimed at assessing stock status. DMWR plans to deploy replacements for the two lost FADs before the I‘a Lapoa Fishing Tournament in April. The Buds

and Suds tournament held in November 2023 was successful, with some of the fishermen coming from Samoa, and a significant number of yellowfin tuna caught.

Dueñas asked about research conducted approximately 10 years ago in American Samoa, which involved using water pumps to bring up cooler water from deeper depths and spraying it on shallow areas experiencing heavy coral bleaching. According to a workshop he attended, the corals reportedly recovered or responded to this temperature change within 24 hours, transitioning from a bleached white color to their natural coral color. He asked if there was any truth to that research or if it was a possibility that the corals were that resilient. Dueñas also noted the presence of corals at deeper depths around Guam, suggesting that further research could be conducted in these areas where cooler water temperatures are found. He asked if additional research is being done on corals.

Ochavillo said the initiative involving water pumps to cool corals has not moved forward due to challenges faced in implementation. However, research on coral reefs has identified heat-resistant corals in some islands of American Samoa, suggesting that certain corals may have the ability to adapt to climate change. He noted that the research on these corals is still ongoing, with findings indicating that corals found in Manu‘a and Tutuila have adapted to stressors.

Dueñas, speaking on the issue of spillage of incidental species from larger vessels into the local market, suggested the establishment of a local law that would require discards from these vessels to be routed through fishing cooperatives or government-sanctioned channels, such as the local fisheries division. By selling discards through controlled price structures at local markets, this could support the viability of small-vessel operations, which often struggle to compete with the low margins of larger vessels. This approach has been supported by the Council, especially for Pacific Island communities. Dueñas noted the Wildlife and Sport Fish Restoration Program fund in the CNMI, highlighting the investment in recreational marinas. He asked if funds can be allocated to support sport fishing vessels through a five-year program, with an annual budget of \$250,000. This initiative would not only benefit the recreational boating community but also create opportunities for small-vessel operators to access suitable parking facilities.

## **B. CNMI**

Maria Angela Dela Cruz presented the CNMI DLNR Agency Report. Regarding creel survey performance, 11 boat-based interviews and 19 shore-based interviews were conducted during this reporting period. Hook and line fishing was the most common method observed. Regarding the commercial performance, 11 sales from five buyers were reported through commercial purchase receipts, totaling 921.75 pounds of pelagic fish and nearly \$3,000 in sales. The commercial data on hand was current and there is a need to distribute more commercial booklets. The enforcement section has been helping with outreach on the mandatory data reporting implementation plan. They have also visited vendors to ensure that they are complying with the data reporting regulations.

Spatial coverage for the shore based survey has increased. In the past, DFW only collected data from the western coast of Saipan but the data collection will be expanded with accessibility of new road infrastructure. In addition, DFW has added new shifts to enable them to collect data in a 24-hour period. DFW has hired two new personnel, one of which is a data analyst and a product of the capacity-building program, Jude Lizama.

The technical report on the Marine Resource Assessment and Fish Habitat Survey projects are in development, including data from surveys conducted in Saipan's lagoons and on gillnet fishing. For the life history, DFW has been working on the recruitment of a fisheries intern to assist with lab work, including gonad and otolith analysis.

Quotes were obtained for FAD buoy fabrication, and reports of FAD activity were received. CNMI's sea turtle program conducted 69 surveys, and the program is currently monitoring turtle nests and received reports of turtle sightings and stranding. A turtle was also shot by a spear gun and DFW is currently investigating the incident.

Meetings were held to discuss concerns with the revised ESA coral critical habitat designation, and DLNR shared concerns of habitat designations near channels and harbors on the islands of Saipan, Tinian and Rota. A letter was sent to NOAA by the CNMI governor detailing the territory's concerns.

The DFW Enforcement recently got its Joint Enforcement Agreement reinstated and have been conducting dockside inspections, ESA inspections and sea operations. For the mandatory licensing and reporting, the enforcement section has been doing education and outreach with the fishing community. Additionally, the data section provided feedback on NMFS's digital reporting app development.

Dueñas asked about the atulai fishing this quarter.

Dela Cruz responded DFW has not done any surveys due to fueling issues. She noted she did see many people engaged in fishing, but the surveys have not been done.

Dueñas asked if she had any new reports on the increased number of tagging that has been conducted or observed. He also expressed concern about the turtle stranding, and asked if there has been an increase in strandings and mortalities. He noted the importance of understanding these trends in relation to sea turtle abundance.

Igisomar responded that the agency's current grant focuses on nest monitoring and public outreach. It has applied for funding for in-water tagging and are awaiting results. He noted an incident of illegal harvesting where a turtle was injured by a spear which he investigated. He said there have not been significant reports of strandings, the fishermen in the area have observed the abundance of turtles and they try avoiding them while fishing.

Dueñas expressed concern about the spearfishing incident with the turtle and noted that any good turtle hunter does not use a spear gun as a fishing method. He emphasized that the practice was disrespectful to the cultural values. Dueñas also shared his perspective on the cultural significance of ocean access. He said 90% of people on Guam do not swim because of cultural taboos, people are not allowed to yell on the reefs and only fishermen were allowed on those reefs. Western civilization told the people of their islands that the ocean belongs to everyone and that ruined their cultural values. Dueñas expressed frustration at the lack of action to restore a tidal pool near the governor's office, which had been filled with sediment. He rejected the notion of letting nature take its course and argued that humans should take responsibility for restoring what they have damaged. Dueñas asked to consider the cultural values that have been lost that maintains life. He said the USCG reported another loss of life while swimming over the reef. He highlighted that these traditional places like MPAs have been

their fishing grounds for training their people ocean responsibility. He commended the CNMI for its efforts in maintaining these traditions through initiatives like the sea turtle program.

Weaver provided an overview of the economic situation in the CNMI, highlighting tourism as the primary driver of the economy. He noted that tourism remains stagnant, with a 38% occupancy rate reported by the Hotel Association in 2023, primarily driven by visitors from South Korea. Efforts to attract more visitors from Japan and Korea are ongoing, but challenges persist due to factors such as needing to lower the market. China was previously a significant source of tourists, but the country's numbers have declined. Despite efforts to diversify tourism resources, the impact of the pandemic on visitor arrivals has been significant and it has led to the closure of some businesses, thus affecting overall income.

Weaver also reported on several fishing tournaments, one of which has been postponed due to bad weather. Other tournaments included the Annual Mahi-Mahi Fishing Derby and the Tasi to Table Wahoo Derby. Upcoming derbies include the Rota Luta Friendly Fishing Derby, CNMI Real Heroes Fishing Derby, Saipan Fishermen's Association's 40th annual event and the Second Annual Johnnie Walker Blue Label Classic Billfish Tournament. Weaver also highlighted the efforts of nonprofit organizations like Tasi to Table, which focus on educating youth about fishing techniques and career opportunities in the natural resources field. He mentioned the success of the organization's recent career fair, which shows students career pathways aimed at students who are not able to attend four-year colleges. He mentioned the Talaya Club, another nonprofit that helps students to properly throw nets, and noted that students who complete these programs receive elective credits toward high school graduation. Weaver also highlighted the presentation of the organization's first scholarship recipient and mentioned partnerships with other nonprofits such as 500 Sails and Swim for Life to promote swimming skills among youth.

Itibus provided a political update, noting that Congressman Gregorio Kili has decided not to run for re-election as the CNMI's delegate representative to Washington, D.C. CNMI House of Representatives Edwin Probst, Kimberlyn King-Hinds and John Gonzales have officially announced their candidacy for the position, while three others have not yet publicly declared their intentions. Itibus raised the issue of coordination regarding an event near an area where fishermen park their trailers. He expressed frustration at the inconvenience caused by vehicles obstructing access when fishermen return from nighttime fishing trips. Specifically, he mentioned the Sabalu market and asked that the CNMI DLNR consider relocating the event to a different area to mitigate environmental issues such as trash accumulation near the beach and its impact on marinas and inshore areas.

Igisomar acknowledged Itibus's request.

### **C. Guam**

Muña provided the DOAG report. Three conservation officers were certified in Federal Aviation Administration Part 107 Remote Pilot Licensing and completed the Advanced Drone Handling Training, funded through the Guam Bureau of Statistics and Plans. Procurement of drones is underway using Joint Enforcement Agreement funding. The officers worked with terrestrial investigations and the Bureau of Alcohol, Tobacco and Firearms and recovered firearms at different sites, but primarily at the Ritidian overlook resulting in two cases. The cases are undergoing review by the federal prosecutor.

Between January and December 2023, 95 of 96 shore-based creel surveys were completed. One was missed due to Typhoon Mawar. The species caught most often was atulai (big eye scad), followed by tarakito (jack) and mamulan (trevally). The methods most used were hook and line, cast net and snorkel spear.

The mooring replacement at the Port Authority of Guam was completed using \$600,000 from the Boating Infrastructure Grant. The Agat Marina Dock B was completed. DOAG paid 100% of the demolition cost and contributed \$500,000 toward the construction. Dock B is designated solely for recreational vessels. Division of Aquatic and Wildlife Resources (DAWR) contributed \$40,000 or 50% of the cost for the Agat Marina northern walkway. Pressure washing of boat ramps continues. New repairs for the Merizo Pier and boat ramp are awaiting the Department of Public Work's structural integrity assessment. DOAG applied for a \$385,000 Boating Infrastructure Grant assess pump out services for the Harbor of Refuge.

Work with UOG's Marine Lab on the Guam Fishery Management Plan (FMP) is ongoing. A draft of the final species assessment report for the 28 target species was completed and involved work by Council scholarship recipient Leilani Sablan who created and conducted a survey with local fishers on which species should be addressed. Sablan is now working on the analysis. DAWR continues to work with the UOG Sea Grant on the FMP scope of work.

The Na'boka Project (clam restocking) was awarded \$113,000 in federal funds. The first group of giant clams came from Palau and are under quarantine. No invasive or nonnative species was found. The second batch of clams will be shipped in April 2024.

Andrew Kang, DAWR staff and Council scholarship recipient, will lead the shark mitigation effort. Inclement weather prevented the team from collecting additional telemetry assay deployments and tagging. A second Hawai'i training trip is being planned, including Non-Commercial Fishing Advisory Committee (NCFAC) member and boat captain Audrey Toves.

Nine of 14 FADs have been deployed starting November 2023. Deployment of the remaining five FADs is included in the budget for fiscal year 2024.

Repair and maintenance of fishing platforms continue with trash removal and vandalism repair. Requisitions for the repair of other fishing platforms have been submitted. All platforms remain online. Cultural signs continue to be cleaned and monitored.

Under NOAA's Friends of the Reef Program, seven DAWR staff members were certified in CPR and First Aid and acquired their boat captain's license. These are parts of plans to develop an advanced fisheries training program for the youth. The UOG 4-H Program sees the youth from five to 14 years old, but there is no advanced training for the older kids. The next funding request will be to purchase a boat to take children out on the water. They will also be CPR-certified. The collaborative program would include teaching how to fish and process the catch, but also the science behind fisheries management.

DAWR also manages the coral reef initiative with funds received from the Coral Reef Conservation Program and DOI's Coral Reef and Natural Resources. Projects include establishment of a coral reef nursery, reef restoration, watershed management and water quality monitoring in the Piti Bomb Holes MPA. The Scientific Dive Program was reestablished for long-term coral reef monitoring with the UOG Marine Lab. Other projects include development of marine education videos, short-term heat assays, survey from coral restoration, expanded coral



reef restoration projects and a comprehensive island-wide water quality monitoring project under the National Fish and Wildlife Foundation. DAWR recently submitted a grant for Marine Invasive Species Bio Surveillance.

Regarding sea turtle monitoring, DAWR conducted 78 surveys in 2023, recording 11 crawls and 19 nests. 111 surveys were conducted in Cocos Island with 8 nests recorded. Due to Typhoon Mawar, no surveys were conducted between May and August 2023 due to damage on the island. DAWR biologists, conservation officers and the public work together to report. The public who owns property where sea turtles nest is accepting of the turtle monitoring program.

Ochavillo said American Samoa is planning to apply for a grant to fund boat handling training, and hoped there is funding available.

Malloy said the interest for the training will add it to the list for consideration, noting PIRO has limited funding and have a short list of priorities the Council has identified.

Dueñas said at the time the “Managing our Nation’s Fisheries” was held in Washington, D.C., the theme was the big gap between old and young fishermen. Effort was made to recruit more people in Guam to get into the boating community. There were 15 viable captains identified and certified, which is how it was federally funded.

Simonds said Muña mentioned the UOG 4-H group who managed the Council’s annual Summer High School Program and wanted to know if the Friends of the Reef program has taken it over.

Muña said her kids went through UOG 4-H Program but once they reached the age of 14, there were no high school programs. The gap was noticed and there was interest in filling it. With the UOG 4-H, the students did not learn about safe fishing techniques. DAWR’s Michael Dueñas had the idea to get them onto a pontoon boat and learn biosampling and another effort to do spearfishing safely.

Dueñas added Michael Dueñas has been instrumental in working with high school kids on biosampling. He also works with the UOG 4-H Program.

Igisomar asked Muña if DAWR is planning on implementing natural infrastructure for coral reef, noting that American Samoa just completed theirs.

Muña said the governor is working on a proclamation.

Ochavillo said better evaluation of American Samoa’s coral reefs is needed immediately so that if there is a disaster, funds can be claimed. This is the next step after the reefs as infrastructure.

Muña suggested talking to Sana Lynch, noting that through the Coral Reef Task Force, USGS created maps for the different regions which included valuation. UOG’s Romina King received funding through one source and through their Coral Reef Conservation Program. King is also having NASA use LIDAR for close, in-water mapping of near shore reefs around Guam.

Dueñas cautioned with coral reef protections, noting that even the elderly cannot make afuk (lime for betel nut chewing) because they are not allowed to touch corals, alive or dead. This might be an endorsement of the federal takeover of territorial waters.

Ochavillo asked for further details on the shark depredation project, noting that it is a serious problem in American Samoa. There is interest in learning how to mitigate shark depredation.

Muña said the project teaches fishers how to tag sharks and how to monitor them with the use of telemetry to determine where they congregate and how quickly they get to those areas. The project was funded through the competitive State Wildlife Grant.

Guthertz reported on the COFA, which is important to the country's national interest, especially to Guam, the CNMI, American Samoa and Hawai'i. COFA was signed into law by President Biden the week prior to the Council meeting, renewing the economic provisions for the three allied Pacific Island countries. This was the culmination of years of negotiations with the FSM, Palau and the RMI. Under the agreements, the three will receive \$7.1 billion in U.S. assistance over 20 years. The initial agreement expired in 2023. The enactment of the COFA was preceded by several warnings from military leaders in the DOD and regional experts that failure to seal the agreements would further open up opportunities for China and North Korea to increase their intended influence in the Western Pacific Region. The three Pacific Island nations are considered a part of the Homeland Security Strategies for the United States and provide the U.S. military exclusive defense rights. FSM President Wesley Simina indicated the renewal of economic assistance officially opens an important next chapter in the partnership with the United States. The FSM and the United States reached an agreement on an outcome that will benefit both nations and contribute to greater peace and prosperity and greater security and stability for the Indo Pacific Region and the world. The compact first came into effect in 1986.

For Palau, COFA guarantees \$899 million over the next two decades. Included are provisions for citizens of the Palau, FSM and RMI to pursue higher education at in-state tuition rates anywhere in the United States, including Guam and the CNMI. It also includes eligibility for services of the National Health Service Corps, the Legal Services Corporation, the Rural Housing Service and authorization to the Veterans Affairs component to provide hospital care and medical services to its veterans. The compact allows them to live anywhere in the United States as if they are U.S. citizens. The problem is that the United States did not live up to its commitment to reimburse the host U.S. communities for some of the costs involved. Also extended to the compact islands will be access to the federal nutrition program, formerly called the Food Stamp Program, and other federal benefits. This might provide some relief to local governments in helping bear some of the costs. Guam and the CNMI depend a lot on foreign labor so there is hope the compact countries will invest some of the billions of dollars they will be receiving in establishing training programs for their citizens who plan to migrate to Guam and other U.S. areas where they can be employed in tourism, construction and other activities. The FSM and the United States did reach an agreement that will be beneficial to the nation, particularly defense strategies.

Dueñas said the United States pays more than \$60 million per year to the South Pacific Tuna Treaty. The use of boats received from other countries and given to the FSM, shipped to Guam to fish commercially is an issue. They do not follow local tradition. They are not treated the same as local boaters. To catch fish in the U.S. EEZ, fishermen must be U.S. citizens.

Dueñas reported more than 600,000 cubic feet of storm water enters the Agaña Marina, but the agency's position on the Guam Fishermen's Cooperative Association's (GFCA) project to build a seawall near this storm water drain is that coral will be harmed by the seawall project and must be transplanted. The whole city of Agaña drains into the marina and causes sedimentation. Dueñas also showed the maps of the Mariana Islands training and testing, which show red lines around Guam and the CNMI, mostly Saipan. There is understanding on the use of the word 'training,' but not the word 'testing,' and he wondered what is being tested. He expressed concern about the impacts of those training and testing activities on Guam's southern seamount, which is only 30 feet below the surface. To protect corals, the military would need to move out of Guam.

#### **D. Hawai'i**

Bryan Ishida, Hawai'i DLNR Division of Aquatic Resources (DAR), presented the agency report for the period of November 2023 to January 2024. For the deep-seven bottomfish fishery, 262 commercial marine license (CML) holders made 1,007 trips, and reported 97,630 pounds caught of mixed deep-seven species. Catch was far under landings in 2023 but there was a large decrease in the number of trips and the number of fishers, suggesting the weather may have prohibited fishers from going fishing. In 2023, the weather was nice right before the new year, and this may have influenced the big bump in catch. With catch in fishing year 2024, targeted species such as 'opakapaka, onaga, and ehu were similar to the 10-year average. Lehi are being caught at an unusually high rate. It is usually at 4% of the catch at the end of the reporting period, but it is at 8% and close to the agency's 10-year landings average.

The Kona crab fishery ended the season with 20 CML holders making 70 trips and reporting landings of 4,879 pounds. In 2023, the catch rate was far below historic averages or peaks in the fishery. The impact of the new rule change, which allows the take of female crabs with the season extended one month to include September, has yet to be seen. Commercial and noncommercial Kona crab fishers are now allowed to retain females without eggs in the open season which may result in more crabs being retained in the commercial fishery.

For uku in 2023, there were 217 CMLs holders making 827 trips, and reporting landings of 45,011 pounds. This follows closely with landings in 2020. It is a straight line from the beginning of the year until the end with no peaking in catch during the summer months. Targeting of the spawning aggregations at Penguin Bank is not seen lately probably due to different reasons, including certain individuals falling out of the fishery, or targeting of other species. Other summertime fisheries targeting large uku and their spawning aggregations seem low in previous years.

Regarding CMLs, there were 3,132 issued or renewed in 2023 for revenue of \$432,300. There is a steady decline in CMLs in the nonlongline and longline sectors combined. If split, longline show a steady increase while the nonlongline shows a much steeper decline.

One conservation and management permit was issued in December and one special ocean use permit was issued in January for the Papahānaumokuākea Marine National Monument. Three applications were reviewed by the coordinator group during the reporting period.

There were no FAD activities in November. Two FADs were confirmed missing in December. January saw four FADs reported or confirmed missing and 11 replaced.

Regarding Aquatic Invasive Species Management, the invasive octocoral, *Unomia stolonifera* continues to be a concern. It is heavily established in Pearl Harbor. Elsewhere, it is wreaking havoc, mainly in distant waters. The state is prioritizing eDNA and diver surveys to monitor where the species may show up throughout the state. The aquatic invasive species team is working on two different outreach campaigns with the first focusing on release by aquarium keepers, which is potentially the cause of the introduction. The second is focused on coral disease, and on identification and prevention of spread.

The State of Hawai‘i is seeking to become a member of the Pacific States Marine Fisheries Commission (PSMFC). By becoming a member, the state will enhance Hawai‘i’s ability to manage state and regional marine fisheries resources through increased collaboration with other Pacific states. House Bill 2478 and Senate Bill 3167 will provide the authority to join the commission.

Regarding rulemaking, on Feb. 22, 2024, the final Kona crab rule amendment took effect which allows take of female crabs and the close season extended by one month to include May through September. Existing rules prevent the take of female Kona crab under four inches. Any egg bearing females continue to apply.

Simonds said it is a great idea to join the PSMFC, noting the Pacific and the North Pacific Fishery Management Councils (FMCs) house some of their data there and supported the PSMFC with funds. The PSMFC also lobbies.

Soliai asked the cost for a CML in Hawai‘i.

Ishida said the resident license is \$100 per year, and the nonresident license is \$250 per year.

Dang reported on the two segments of the Hawai‘i commercial fishing industry, particularly market conditions that are affecting the industry. The shallow-set swordfish season is ongoing with about two more trips before the end of the season. The season has been productive with vessels catching swordfish fresher than they have been in the past, trying to capture better market prices which have been volatile and negatively impacted by the overall success of the fishery. The Hawai‘i-based U.S. fleet directly competes with the South American imports with Hawai‘i on the losing end. The fleet hopes for a lack of South American production landing at the same time as when it is coming into port, as the market can dip more than 50% and the Hawai‘i vessels will not be able to recover the cost of fishing. South American production has been growing year-over-year for the last decade and has become a low-cost competitor. The boats will undercut Hawai‘i’s market prices and steal the market. The tuna-targeting deep-set fishery has been a tougher market for the past several months. The pandemic was a low production timeframe. Some are returning but due to the pandemic and other factors, frozen tuna imports have gained ground. They have gained the ability to manufacture frozen fish or fake fish by fooling the general public, even the people in Hawai‘i. The fish is dyed, soaked, and washed but the color looks and feels like fresh Hawai‘i fish. The imported frozen fish are shipped across the oceans, comes to the local markets, defrosted, mixed with soy sauce, onions, and other ingredients and labeled as local and freshly made. The Hawai‘i vessels see the impact of these fish. There needs to be some attention to defend the local markets against these imports posing as local and fresh fish.

Soliai said American Samoa is also experiencing a major influx of foreign fish getting into the market. DMWR is working with local government agencies such as customs to find a way to combat this and address the concern. He asked what the price differential is between foreign fish and local fish in the markets as they undercut the market and need collaboration on how to address this problem.

Dang said he does not have the current information on market pricing for frozen and cubed fish, but said it may be at least \$2 cheaper per pound.

Sword said this is an ongoing issue. The national objectives and the National Seafood Strategy are failing, and he wondered who in the Federal Government is charged with monitoring the matter. Every other country puts its seafood security and its pricing a priority except NMFS. NOAA is part of the DOC and is supposed to be looking at preserving the fisheries. It is not about price fixing but about monitoring the input into the fisheries with foreign caught fish that do not follow the same quality assurance procedures. In five years, there will not be any fishing boats left and the United States will be dependent on other countries, primarily China. The United States is in a protein war with China who will do everything it can to make sure it undermines the domestic food security. More action needs to be taken, especially with federal partners, to ensure the seafood strategy is conducive to the economy of the states and territories. This needs to be emphasized in Washington, D.C.

Dueñas added that when the seafood strategy was created, it was put under the Food and Drug Administration. Foreign countries have compliance and get inspected under the Food and Drug Administration programs. The concern is not about the handling of the product and processing, but whether the product is tested. Guam imports more than 95% of its seafood. A fish called basa, which comes from catfish found in the Mekong Delta, is a predominant food fish in Guam. Guam is always at the periphery of warzones and has been impacted by the military and agent orange, PCB, and DDT. DDT impacted the U.S. mainland's condor and bald eagle by creating soft shell eggs. The same thing happened on Guam. Mekong Delta is a dumpsite for the war in Vietnam. No one is testing the basa from Vietnam, a concern especially for Guam where the cancer rate is high with an average lifespan for the Chamorros being 50 to 60 years old. Guam was also affected by the nuclear testing fallout in the RMI. The Mariana Archipelago is like a big net to catch marine toxins. A request was made to NOAA 15 to 20 years ago to have its ships travelling between Hawai'i and Guam to put a surface troll and take water samples to ensure the Runit Dome is intact and not leaking. The nuclear waste fallout affected the eastern side of the island, but in the 1960s there was 100% or 1,000% spike on nuclear radioactivity on the western side of Guam. There is a need to understand the relevance and possible impacts by all these industries. The main player for China is Vietnam.

Igisomar asked if the question about cheap imports of seafood and how they affect the local seafood industry is related to the NOAA Seafood Import Monitoring Program (SIMP).

Malloy said the SIMP is under the same group in NMFS that works on WCPFC and international issues. The group is concerned with ensuring a level playing field and prohibiting IUU fishing and is ramping up enforcement and issues around that. She offered to gather more information about the program and circulate it.

## **E. Public Comment**

Brian Thompson urged everyone to find common ground between the federal and local people, noting that everyone present is here because of the ocean. He also commented that the American Samoa longline fleet is dying because of restrictions that require all captains to be U.S. citizens or U.S. nationals. American Samoa is asking for a waiver, similar to any federal award passed down from Congress that would allow for a period of time when the captains can go fishing and meet their requirements as long as they are certified captains.

Roy Morioka commented on the Hawai'i DAR report regarding the Kona crab rule, noting that fishermen compliment them for making the rule changes. He also clarified that the extension of the closure area during the season by one month was a fishermen-driven request.

Joe Hamby said the American Samoa boats cannot compete with imported fish because there is not a level playing field. The foreign fleets do not have good enforcement. Fish comes into the country that would not be allowed to be caught by U.S. flagged boats. In his opinion, SIMP is not working, but he was not sure if it is an issue of funding or political will. There is a decline in the U.S. fleets because they cannot get sufficient market prices to cover costs. Whether duties are needed on fish imports or not is a question for people in Washington D.C. Seafood must be recognized as an important element of food security. If the U.S. fleet and processing disappears, all will be in the hands of foreign fleets and imports. American Samoa is the most important tuna processing center for the United States, but it suffers from competition from foreign processors. The tuna industry is important to American Samoa, but it is vulnerable. It was impacted by COVID-19. Support from the federal level is needed, whether through duties or increasing the monitoring of imports from other countries. Whether it is fishing or processing, it is a matter of having the political will to protect the production, fishing and processing.

## **F. Council Discussion and Action**

*Regarding territorial fishery capacity-building, the Council:*

- 1. Directed staff to request relevant federal agencies to provide funds to the territories for capacity-building training programs in fisheries.**

*Moved by Guthertz; seconded by Itibus.*

*Motion passed with Malloy abstaining.*

*Regarding protecting domestic fishery economics, the Council:*

- 2. Requested NMFS promote competitive U.S. fisheries by limiting the negative impacts of “dumping” foreign fishery products undercutting the price of U.S.-caught fish and include mitigation strategies as part of the NOAA National Seafood Strategy Implementation Plan. The Council further invites NMFS to its next Council meeting to present on seafood imports and the National Seafood Strategy Implementation Plan.**

Dueñas said to ask the economists at PIFSC to see if this qualifies under the “dumping” scheme of the international market, and whether they can do an evaluation of the price structure being received from foreign products compared to the U.S. products.

Sword suggested adding the evaluation of dumping to the recommendation.

Moved by Itibus; seconded by Igisomar.  
Motion passed.

## **VII. Program Reports**

### **A. Advisory Panel Action Plans**

#### **1. American Samoa Advisory Panel**

Ilaoa, American Samoa AP vice chair, presented the American Samoa AP's Action Plan and highlighted the potential projects, goals, tasks, objectives and performance metrics. The plan includes an education and outreach component with the goal of informing the community on how the territory is dependent on its fisheries and fostering increased participation and opportunities to grow the economic benefits. Tasks include developing a white paper on how fisheries are the backbone of the economy, developing fishing curriculum for local students, partnering with local programs such as the community-based fisheries program and creating and maintaining an interactive social media platform to engage the community. The idea is to keep the community informed by promoting events and opportunities and more importantly, establish a feedback system. Additionally, the AP plans to enhance public awareness through a video public service announcement project that would be provided to teachers to use as a tool in the classrooms. The video series would showcase different fisheries in American Samoa and could also be aired on television and the internet.

The American Samoa longline fleet needs certified captains and the plan addresses the shortage of trained certified vessel operators. The AP would work on establishing a training program that covers essential skills such as navigation, marine safety, vessel operation and regulatory compliance. The goal is to assist with certification and licensing which would result in recruiting more certified people into the fisheries. A secondary task is to develop mentorship programs with younger people to infuse some youth into the field.

A big goal of the plan is to enhance vocational skills amongst the local fishing community by providing vocational training. The average age of fishermen has increased, so there is a need to recruit youth into the fisheries. A partnership through the community college or a vocational high school could provide internship programs with local agencies or fishing companies.

Dueñas said American Samoa should develop a 4-H program in the community college that focuses on marine activities similar to what is done for farmers. This would allow for the development of expertise and capacity-building. Funding from the SFF could be used to focus on this project. He said this would help the AP focus on and develop the activities so the Council can move the plan forward.

#### **2. Guam Advisory Panel**

Dominick San Gil, Guam AP vice chair, presented the Guam AP Plan. The priorities for the Guam AP include FADs, military impacts, and education and outreach. All of the FADs were lost during Super Typhoon Mawar impacting the small-boat fisheries, so the AP is pushing to have new FADs deployed. The AP is looking for ways to procure and deploy the FADs quicker than the current system. Understanding the military impacts on Guam's fisheries is also a priority including the potential personnel buildup of the Joint Region Marianas and the establishment of

firing ranges and training areas. The AP will be working on ways to figure out how to mitigate impacts to the small-boat fisheries and coordinate management with territorial and federal agencies. Education and outreach utilizing the Guam lunar calendar will be done through an exhibit at the Guam Museum. The calendar provides information on Guam's fishing families and will be displayed at the museum with an opening that will include AP members at the museum the following week.

Dueñas said the Guam AP should focus on the possibility of recommending mitigation measures that the Council can recommend to the U.S. Navy. He said the GFCA recommended the U.S. Navy provide FADs around the boundary of the firing range for fishers to utilize during training as well as to build a boat ramp on the east side of Guam. There was also a request to provide funding for the Council to assist territory of Guam and the CNMI with evaluation of the impacts by the military. Dueñas said the AP should provide those types of specific activities and recommendations in the plan to provide something realistic that can be done rather than reiterating issues of concern.

### **3. CNMI Advisory Panel**

Cecilio Raiukiulipiy, CNMI AP member, presented the CNMI AP Plan. The AP would like to hold a joint CNMI/Guam FAD workshop that would invite knowledgeable people to discuss viable, new or alternative FAD designs and develop ways to cut procurement and deployment costs. The workshop would also establish a replacement schedule to anticipate FAD loss and look at the size that has proven productive in other locations. The AP hopes that this input would create a new FAD system for procurement and deployment. The AP also plans to work on military firing range issues as well as training on safe and proper spearfishing techniques. Raiukiulipiy said he encountered live military training exercises while out on the water. He said the weather was rough and in the middle of the night a helicopter and ship came straight toward them and did not stop despite the radio and lights on.

Itibus said he had the same type of experience with the military and that training was not announced but were warned to move because of unannounced bombing exercises.

### **4. Hawai'i Advisory Panel**

Gil Kualii, Hawai'i AP vice chair, introduced the Hawai'i AP members and shared the Hawai'i AP Plan. The AP priorities include improving the efficiency of Hawai'i's FADs by collecting ecosystem data through smart FADs, ensuring consultation with fishermen on offshore activities, and updating the Hawai'i Archipelago Fishery Ecosystem Plan (FEP) MUS list. The smart FAD project provides fishermen with an advantage in planning a fishing trip to avoid high gas prices and determine where to fish by looking at the available data on current, water temperature, wind speed and biomass ahead of time on a smartphone. FishMaps is a project that solicits input from community members on their traditional fishing areas and provides managers with information on who should be consulted when planning offshore activities like offshore energy. The AP is also working on determining infrastructure needs to maintain access to the ocean for fishing.

#### **B. 2023 Fishermen Observations**

Morioka provided a presentation on fishermen observations for 2023. For the last three years, the Council has asked Morioka to reach out to the fishing community to get information



on the fisheries from fishermen to add context to the Council’s Annual SAFE Reports. This effort augments the fishery evaluation with empirical data, information that the fishermen observed at sea including weather, sea surface temperature, sea conditions, markets and operations that affected the fisheries.

American Samoa provided observations on weather and coral bleaching. Participants noted the sea conditions and talked about the reef dying and the fish moving deeper. The market conditions in American Samoa are the weakest point in its community by not having a central market. Effort needs to be focused there if its fisheries are to improve. Fuel costs, operating costs, and depredation were high, similar to other areas. The move toward deeper fishing has caused a shift in fishing technology. Fishers have moved away from bait fishing to a more successful deep jigging fishery.

In the Mariana Archipelago, Super Typhoon Mawar affected not only fishing conditions and currents, but also markets. Guam lost its central market, the GFCA, resulting in decrease in supply. Higher fuel costs and depredation also impacted the territory’s fisheries in 2023 as well as concerns about the military buildup.

In Hawai‘i, strong winds from the east in 2023 was bad for O‘ahu fishermen, while strong south winds were bad for West Hawai‘i. The strong winds affected O‘ahu’s bottomfish fishery with 200 out of 271 Honolulu fish auction days missing bottomfish for sale. The weather is a predominant driver for fisheries in Hawai‘i and the sea conditions with high swells really affects fishing. This is important because looking at raw data, scientists do not know if fishermen did not go fishing or could not go fishing, but when weather affects two-thirds of the year, catch will go down. This project is important to find out what is happening at sea and what fishermen are experiencing to tell the story as to why the stock assessment is the way it is that year. Fewer trips, higher fuel costs and depredation are some of the reasons.

Dueñas said there have been many efforts in Guam to do observation work with the fishing community. The GFCA developed a volunteer data collection program and nobody was interested. He said he was glad to see what has been done through this effort because it shows that the community has information that needs to be acknowledged. This project empowers fishermen.

## **C. Equity and Environmental Justice**

### **1. National Equity and Environmental Justice Policy and Plan**

Danika Kleiber, PIFSC, and Michelle Chow, PIRO, presented on the National EEJ Plan and the Regional EEJ Implementation Plan. NOAA’s National EEJ Strategy came out in May with leadership support and input was sought internally and externally from the communities. When the national strategy was released, each region was directed to create regional implementation plans. PIRO and PIFSC have been busy engaging partners and holding internal workshops to develop a draft plan by April 5, 2024.

The draft plan was shared with partners for feedback. The plan is a living document that will be updated to ensure it addresses evolving community needs. The first community engagement started in 2022 and continued in 2023 with the national strategy with feedback from over 225 people and 60 organizations in the region being used for the implementation plan. Additional internal workshops between PIFSC and PIRO were held to talk about who are the

communities and the different areas of work that is connected with those communities as well as brainstorm actions and ideas on how to infuse EEJ into current work. A big part of this effort was to share feedback from the community and Council to make sure that staffs that are not participating in these meetings are still getting the information. A draft plan was shared with the Council and it includes action areas organized by core areas and the national strategy. It also includes empowering environment, research and monitoring, and an easier way to digest what EEJ looks like. For the four main action areas, there are specific actions that are linked to the feedback received from the community.

Ramsey said the Western Pacific Region is extremely complex and different from other regions with different ethnicities, remoteness and lack of federal recognition for indigenous peoples. Given this priority on EEJ, he asked if there any additional funding that the region can secure because of that uniqueness.

Kleiber said they were successful in getting funding for carryover EEJ funds this year. Both PIRO and PIFSC received some funding for projects. She said the question about how funding is being distributed is being asked at the national level as well.

Dueñas asked if EEJ applies to human beings and the way of life and cultural values, noting that he does not see any equity when he hears that the agency is going to take territorial waters because of coral critical habitat or that he cannot eat sea turtles.

Chow said EEJ is meant to be human-centered and human-focused. EEJ is both really hard to achieve and takes time and, NOAA as a federal agency is still on its journey. She said it hopes to one day reach a state of EEJ but it is a journey.

Muña asked if they were able to share responses to the questions that were provided.

Kleiber said the responses were included in internal reports so far, but said she would ask if those could be shared in some way.

Muña said she was curious to see how NMFS defined what the impacts look like to the communities or what part of its work impacts the communities it serves.

Kleiber said those impacts included commercial impacts, jobs and labor, but others acknowledged the cultural impact that this work can also have.

Chow said they will see what could be included in a shareable form as a lot of it is notes but it is interesting to see how the different divisions characterize the communities and impacts differently.

Muña said she has raised concerns about MSA and the applicability of ESA to marine species to her congressman in hopes of stirring up the conversation about making changes. When the territories complain, NOAA is tied by the law so the law needs to change. She asked if EEJ would play a role in these types of proposed changes or if this is a futile exercise.

Kleiber said no one can answer that question but leadership at NMFS has been supportive of EEJ and that research shows that supportive leadership is the number one thing that will make the difference between enacting and not enacting EEJ.

Muña asked if the support goes all the way up the chain to the Secretary of Commerce.

Kleiber said there is a DOC level EEJ group that is creating its own goals and she is trying to make sure that NOAA and NMFS is part of that as well.

Chow said NMFS has been leading the efforts in NOAA and a lot of the other line offices are looking at them to see what lessons are learned.

Dueñas said there is a need to come back to the community and ask what it would like to be equal. One example of providing equity for the community is to create a turtle farm and raise turtles so people can have them to eat. With fisheries, NMFS could provide equity by raising clams instead of putting them on the endangered species list. That is a measurable step forward for the community that provides equity instead of rhetoric. He said rhetoric is easy, things need to be concrete and they need to demonstrate a sincere effort to truly provide EEJ.

Igisomar said the CNMI has been raising issues about tradition and cultural take for sea turtles and has asked for many years to allow for a legal traditional harvest. The prohibition has been a traditional and cultural genocide with the curriculum in school teaching the kids that their culture and traditions are bad. He asked when CNMI could expect a decision from the Federal Government on all of this data collected.

Chow said the plan represents a series of actions that include things that can move forward. The harder regulatory questions will take time and will depend on the specific action. Getting this plan into place is the first step of a planning exercise and the implementation plan will launch it into more of those actions.

## **2. Regional Implementation Equity and Environmental Justice Plan**

That item was reported in the previous section on the National EEJ Strategy.

## **3. National Academies of Sciences, Engineering, and Medicine Report on Assessing Equity in Distribution of Fisheries Management Benefits**

Kailin Kroetz, committee member on the National Academy of Sciences Committee on Assessing Equity in the Distribution of Fishery Management Benefits, provided a report on the committee's focus on data and information availability. The committee's statement of task was to determine the categories of information required to adequately assess where and to whom the primary benefits of commercial and for higher fishery management accrue; to determine what information currently exists and what information might be needed; to identify potential obstacles to collecting this data; and to identify some methodologies that the agency could use to assess the relative distribution of benefits from these fisheries. The committee composition was designed to be diverse with representation from experts familiar with the fishery management process and a lot of social scientists.

She said the committee wrestled with the question of what is equity. The statement of task reflected a focus on distributional equity. The committee spent a long time talking through different dimensions of equity and highlighting some of the procedural equity considerations, such as who is in the room when decisions are made, who has power recognition on equity, and then also contextual equity. This includes the legacy of decisions that have been made in a particular context. The committee also highlighted the idea of there being a variety of different

equity subjects, beyond individuals, beyond just a permit holder, or a quota, home holder or owner, and thinking about a variety of different types of groups and communities. The report also has a section in chapter two on tribal and indigenous people.

Kroetz said the committee recommended NMFS develop and implement a contextual place-based and participatory approach to identifying by integrating multidimensional equity considerations into the decision making process. Generally, the committee wanted to address the statement of tasks that NMFS had laid out, which is thinking about the distributional benefits that accrue related to the issuance of permits and assignments of quota. Other recommendations included requests for NMFS to expand their work on equity by generating dashboards and data summaries. This is work that could be ongoing and integrated better into the management process right away. The committee also recommended that NMFS develop a guidance document to inform and establish principles related to equity with an explicit effort to leave room for regions to tailor to their particular contexts.

The committee also recommended that NMFS collect, within the extent of the law, and disseminate information at more regular intervals. This information should include both social and economic data and focus on the full flow of benefits and beneficiaries. The committee also recommended NMFS continue developing community level indicators and move beyond just focusing on distributional outcomes associated with permit and quota holdings and really take a more multidimensional approach to equity. From a methodological perspective, qualitative data and methods and more mixed methods approaches would be important when assessing procedural recognition and contextual equity.

#### **4. Council Equity and Environmental Justice and Council Coordination Committee Plans**

Zachary Yamada, Council staff, presented a report on the Council's EEJ plan. The MSA supports EEJ by providing opportunities, regional flexibilities and funding through congressional appropriations. It also provides stakeholders from different groups, including the fishing communities, a voice in decision making. Some of the tools provided by the MSA to the Council include funding opportunities such as the Marine Education and Training Program, the SFF and MCPs. Provisions in the MSA also provide assistance to the community through the Community Development Plans and the Community Demonstration Project Program. Over the years, the Council has worked to ensure that the way it does business addresses EEJ issues. Examples include supporting community-based management plans with the village mayors in the Mariana Archipelago, working with the Aha Moku in Hawai'i and entering discussions with community leaders based on American Samoa's matai (chief) system.

The transition from FMPs to FEPs provided additional support to the territories and allowed the Council to provide island coordinators to be responsive to the needs of the territories. President Biden's Executive Orders 3985 and 14031 requiring EEJ has allowed the Council to request the Federal Government to address the limited capacity and economic opportunities in the region by providing grant writing opportunities and the differences in communication in the territories. Speaking the language and having the ability to effectively communicate with them provides equity for the region. Providing funding opportunities and having representation also provides EEJ for the community.

The Council held a Western Pacific EEJ Workshop that looked at the tools of equity, including advocating, empowering, implementing and funding. Keynote speakers addressed EEJ over the years and working groups comprised of participants from the territories and the state discussed how a Council strategy on EEJ could be implemented for the region. Working with the CCC, the Council is discussing a national workshop on how to address EEJ at a national level and looking at where EEJ in fisheries is needed and how to move forward. The discussions on EEJ in the breakout groups at the Council meeting will also provide input into this process. The purpose of all of the EEJ discussions is to identify goals and objectives for a Council EEJ plan.

Rauch said he was pleased that the Council's plan mirrors a lot of the themes that NMFS was thinking of regarding EEJ.

#### **D. Program Planning and Multi-Year Priorities**

##### **1. Magnuson-Stevens Reauthorization Act Research Priorities 2025-2029**

Mark Fitchett, Council staff, provided the update on the draft Magnuson-Stevens Reauthorization Act (MSRA) Research Priorities for 2025-2029. A workshop was held in February 2024 with PIFSC staff to discuss an updated version of the current MSRA research priorities. Fishery performance for pelagic fisheries was a major priority, as well as folding in climate change. The island fisheries program focuses on life history work and shark depredation. These priorities will be provided to the Plan Teams and other Council advisory groups prior to the SSC and Council for final review in June 2024.

##### **2. Program Plan and Budget**

Mark Mitsuyasu, Council staff, presented the Council's program plan and budget for 2025 to 2028. 2024 is the last year of the current five-year program plan. The drivers for the Council's work, the guiding principles and the mission statement were highlighted. The changes in the new program plan will focus on the layout and presentation of the Council's programs. In the previous plan, the programs were organized by pelagic fisheries, island fisheries, protected species, communities and education and outreach. The new plan is laid out by archipelago and FEP, and the activities cover all of the things that the Council does on a daily basis. In the process of developing the plan over the last year and working with the Council's advisory bodies, staff, and partner agencies, five thematic areas were identified. The areas include climate change, strengthening U.S. fisheries, emerging technologies, EEJ, and capacity building and fishery development. Each of the themes has policies, drivers and statutes that are being addressed and the Council's proposed activities in the new plan are linked to these themes. The plan aims to be inclusive but because this is a four-year plan, it is difficult to predict exactly what the priorities will be over that period. The plan also identifies activities related to the IRA funds and planned activities including scenario planning, regulatory review, protected species and community engagement.

Malloy asked to explain the international policy. She said she was curious about the relationship between the international policy and the Memorandum of Understanding (MOU) for WCPFC and Inter-American Tropical Tuna Commission (IATTC). She also said PIRO was interested in reviewing and discussing the Permanent Advisory Committee Statement of Organization Practices and Procedures.

Mitsuyasu said the plan would look at the adding an international element to the policies of how to work together on the international management of the Council's MUS. There is also a need for an electronic monitoring/electronic reporting policy as it will be a concern in the future.

### **3. Scientific and Statistical Committee Three-Year Plan**

Asuka Ishizaki, Council staff, presented the SSC three-year plan. For the last decade or so, the SSC has been putting together plans over a three-year period to project out the workload that is expected, the breadth of topics to be discussed, and the expertise needed for these activities. The SSC has been reviewing its previous plan and developing a new plan for 2024 to 2026. The new plan realigns priorities and thematic areas to overlap with the expected IRA funding and projects including a heavy climate readiness focus.

The new plan has thematic areas such as fulfilling MSA requirements for advising on limit specifications and management actions; participating in stock assessment reviews and best scientific information available (BSIA) determinations; reviewing scientific research for fishery management advancement; prioritizing climate-ready fisheries and supporting scientific activities; and ensuring organizational coordination between the SSC and PIFSC. This coordination involves ongoing research updates from PIFSC staff to enable SSC input during ongoing or developing work. This ensures that early involvement and input so that the science can be used for management purposes. The Council was asked to review and consider endorsing the plan at this meeting.

#### **E. Inflation Reduction Act Proposal**

Mitsuyasu presented on the Council's IRA proposal. In late 2022, the IRA provided funding to NOAA to support climate-related issues. Of that, \$20 million was given to the regional FMCs to support climate-related activities for governance. In November 2023, the Council endorsed its first proposal submission for funds of \$3.5 million, including \$375,000 to support ramp-up activities such as hiring a contractor to oversee the Council's efforts. This initial funding would only cover the first two years of the three-year application and does not support programmatic activities. The Council's second proposal was submitted at the end of January 2024 and included the bulk of the work, with plans for conducting scenario planning, regulatory reviews, protected species work and engaging Pacific Island communities. All projects are set in the context of addressing climate change and underserved communities.

Scenario planning would include the American Samoa and Hawai'i longline fisheries, and a second effort for small-boat fisheries in Hawai'i, American Samoa, Guam and the CNMI. The regulatory review project would look at the current management regime and how it can be improved, such as a better relationship with the territories and state on how MUS are managed. A couple of projects under the protected species priority include addressing how longline interactions with protected species may shift within a changing climate. The community engagement project investigates how communities are dealing with climate change impacts and how the Council can better improve community engagement in its decision-making process. The breakout sessions during this Council meeting are intended to gather additional input on these projects in preparation for eventual implementation.

Simonds said the Council members are the agents of change and this is their opportunity to begin planning the future of all of the Council's issues and livelihoods.

## **F. Regional IRA Modernize Management Proposals**

Maureen Trnka, Senior Advisor for NMFS Regulatory Program and acting PIRO Sustainable Fisheries Division (SFD) staff, presented the regional IRA proposals. In 2023, NOAA received \$3.3 billion in IRA funding to support America's marine resources, coastal communities and economies are preparing for climate change. The funds allowed NOAA to prioritize several critical areas focusing on tackling the impacts of climate change. Under the data acquisition and management priority, PIRO applied for funds under the modernizing management theme to integrate additional Pacific Island regional fishing permits into the National Permit System (NPS). The NPS provides an internal permit processing interface for NMFS staff, and also a public facing interface that allows users to apply for permits, pay their fees and also access their permit certificates online. The goal of this proposal is to add the processing issuance of 11 additional permit programs into the NPS for the Pacific Islands Region. This will reduce paperwork burden on applicants and provide consistent interface for the permit applicants themselves as well as provide national access to this permit data.

The second proposal is to modernize and improve the efficiency of the South Pacific Tuna Treaty Database. The objective of this proposal is to increase the efficiency and accuracy of the data input, reduce the long-term maintenance costs through data quality control and reporting improvements, determine a solution for long-term data system management and develop Application Programming Interfaces necessary to link the database to the integrated Pacific wide highly migratory species data reporting system at the PSMFC. The data would be available through a single adaptable interface. The third proposal is for management and regulatory engagement with US Pacific Island communities. This is a three-year proposal request for travel funding to support participation in upcoming Council IRA-related funding climate change engagements. She said this proposal would also develop printed materials associated with these meetings and workshops created in multiple languages so participants have access to the information and assist in engaging fishing communities facing language barriers and inconsistent internet access.

PIRO is also hiring an IRA term position within SFD. This position will be funded for three years to assist with managing, tracking and reporting all of the components associated with IRA-related programs among PIRO, PIFSC and the Council.

Dueñas said there was a lot of money being spent for the South Pacific Tuna Treaty Database when the fishery is smaller than it was 20 years ago. There are only a dozen boats so the data should be captured in-house already. He said there are existing programs that would provide equity and meet the concerns of the community rather than hiring more people within the agency. That funding could pay for projects that would benefit communities because there is little money and little coordination. He asked the agency to reconsider how best to spend the IRA funds.

## **G. Public Comment**

This item was taken up together with public comments for Program Planning.

## **H. Council Discussion and Action**

This item was taken up together with Council Discussion and Action for Program Planning.

## **VIII. Public Comment on Non-Agenda Items**

Gene Pan, a fisherman and a representative of the House of Representatives of American Samoa, commented on behalf of American Samoa about the impact the proposed PRI sanctuary will have if it goes through. Plans are written up with more added but there is no action. To Samoans, it is disrespectful when the top person from one side meets with a messenger and not the top person from the other side. Translations were also being dropped and missed. In 2010, American Samoa had 55,000 people, but a cannery was closed in late 2009. In 2020, the census showed a reduction of 6,000 people, which was a little more than 10%. The rest of the residents have to carry the load of shipping and the cost of living. There is no other industry but the tuna industry. The government jobs rely on it. American Samoa has 20,000 people in the U.S. military members, half of the population currently on the island. He said communication is not going through. There are many turtles and fish, yet they are being regulated. The local fishermen are being prevented from fishing because the fleet is gone, but the Chinese are not being stopped. Pan's kids who are in the military are not encouraged to return unless they retire because there is nothing for them since all jobs have been taken. The cannery is being regulated out. Without people, there is no Samoa. Samoa is relying on American Samoa, as \$27 million goes to Samoa annually through their residents working at the cannery.

Hamby commented that the lack of political will today is impacting American Samoa and the HLA due to low prices of imported tunas. A lot of fish is caught by purse seiners and the catch is frozen on the vessels, and goes to Vietnam for processing. The fish are thawed and cut into loins, gassed with carbon monoxide to turn the color of the fish red, refrozen, packed and then goes to market. The United States allows the importation of these fish, which are frozen twice and impacts the texture, and the bad quality is disguised. The EU as a market prohibits the gassing of tuna because it is a fraud in terms of perception of quality. That is where HLA is competing. Chinese-flagged purse seine vessels fishing in Kiribati or elsewhere in the Western Pacific, including Parties to the Nauru Agreement countries, are chartered, which gives them the benefits of the Small Island Developing States of the charter countries. They can then fish during FAD closures and without limits on the high seas. China is using forced labor to process the catch. Chinese-processed fish is shipped to plants in Los Angeles and Georgia, where it is canned and competes directly with tuna canned in American Samoa. StarKist canned tuna packed in American Samoa can be found anywhere in the United States, whereas the other two brands are packed from loins, some of which were made by forced labor.

## **IX. Report from National Marine Fisheries Service Deputy Assistant Administrator for Regulatory Program**

Sam Rauch, NMFS deputy assistant administrator for Regulatory Programs, presented on the national priorities and perspectives. Nationally, fishing is an important business, with commercial and recreational fishing combined providing more than \$1.7 million jobs nationwide, \$253 million in sales for fish. Approximately 8.4 billion pounds of fish are landed. Within the Western Pacific are some of the most important ports. The top 10 ports include both Honolulu and Pago Pago in terms of value, and Pago Pago is the seventh in volume. Fishing is important to the economy, culture and the fabric of both Hawai'i and territorial societies. The Council's track record since 1977 is commendable. Across the country, 402 stocks are managed, ranging from large industrial base stocks to small but culturally important recreational or artisan stocks. Some of the stocks are similar in value with commercial fishing, but fishing for food and



fishing for cultural importance can be just as important as fishing for import, export, restaurants and trade. Nationwide, 7% of the 492 stocks are subject to overfishing, meaning that 93% are sustainable. The Council, NMFS and all the stakeholders in the Council family, state fishing groups and others work to prevent overfishing. These are good statistics. It is hard work to be Council members, considering the amount of work the members have to do to prepare, listen, and to make good recommendations based on the information available. Rauch expressed his appreciation for the councils for doing a great job.

NMFS released the EEJ strategy in May 2023, which addresses one of the national priorities. The president asked Congress for funding for the EEJ program several times, but Congress did not follow through. NMFS nevertheless made modest progress, and EEJ is a long-term commitment. NMFS convened a study with the National Academy of Sciences on how to address EEJ issues in catch share programs. The initial report from the National Academies is it is complicated. There is much more information needed and will take a long time to tease to what needs to be done. Investments in staff are being made and outreach to various places like the Western Pacific. There is still work to be done in terms of achieving success with those. NMFS is all bought in. EEJ is a government-wide initiative and NMFS is doing what it can with available funding.

NMFS also issued the National Seafood Strategy in August 2023, which is a national high-level document setting four broad parameters about increasing wild capture and aquaculture production, working with U.S. fishing industry to support the U.S. industry and working internationally to level the playing field. NMFS still needs to develop an implementation plan. The Council's role falls within the first parameter of increasing access to and availability of fish products and wild capture fisheries. Many Council representatives are also concerned about the seafood market, aquaculture, international markets and similar issues, all addressed at a high level in the strategy, but more work needs to be done to implement this strategy.

Congress passed the Bipartisan Infrastructure Law and the IRA, which has increased the amount of money available for infrastructure spending for specific project needs. NMFS has implemented several large-scale competitions, and has created the Climate and Ecosystem Fisheries Initiative. These available funding sources provide an opportunity to address many habitats and equity. NMFS has rolled out competitions to spend the funds to further the agency's goals for rebuilding fisheries and protected species. The Climate and Ecosystem Fisheries Initiative is a large-scale revisiting of NMFS's science to management enterprise. Climate change creating unstable environmental parameters has caused NMFS to rethink how science is done. Traditionally, surveys are repeated in the same places and the assumption is that if there are any changes to those datasets, there is a growth or shrinkage of the fish stock. With changing parameters and disruptions in ecosystems, those traditional scientific models are not as accurate and new ways are needed to collect data and model science. In addition to creating new tools, NMFS needs to work with the councils to implement those decisions and determining what tools are needed to make their decisions. A significant portion of the funding, including Council funding, is focused on the transition from investments in new science to investments in management. Within that is an effort to increase territorial science, an area which has been neglected over the years and NMFS needs to make a concerted effort to increase the amount of data collected in the territories and the Hawaiian Islands, as well as in the Caribbean. Those fisheries may not appear on the gross domestic product, but are important to the people in the communities.

Sword said the fishing industry in Hawai‘i and American Samoa are facing the same issues pertaining to National Seafood Strategy where support for the market is needed to achieve increases in production. The Hawai‘i longline fishery is not competing on a level playing field because of imported gassed tuna undercutting the locally caught fish by \$2 a pound. That is the same amount that cannery in American Samoa pay the longline just to deliver fish. Sword asked what NOAA and NMFS are doing to level the playing field.

Rauch said in terms of the National Seafood Strategy, the issues identified by Sword are related to the importance of domestic seafood production and leveling the playing field, as well as the policy statement about access to domestic and global markets. The issues raised by Sword are about access from the U.S. product to the U.S. market, which is important in Hawai‘i because of the highest per capita consumption of seafood in the country. Much of that is locally caught fish and it is economically important. Foreign competition in the market is an issue of concern, but the United States does not necessarily stop fair competition between domestic and international products, as that is the role of the World Trade Organization (WTO). The United States does look at unfair competition. Congress is looking at country of origin labeling laws which will indicate the country of processing, and there is a new bill to improve the labeling issue. NMFS can support ongoing seafood marketing efforts of U.S. products, but there are difficulties in terms of the United States conducting marketing on its own. The Agricultural Marketing Act could allow the United States to work with the industry on domestic marketing campaigns, similar to how the U.S. government supported the ‘Got milk’ and ‘Where’s the beef?’ campaigns at the request of the industry. Those initiatives come with a cost as they are funded by a checkoff, and every beef producer provides some funds to the U.S. Department of Agriculture to run the campaign, which is more effective than if they were to do it on their own. There have been inquiries about those types of campaigns, but the fishing industry does not want to pay for government-sponsored marketing campaign at this time. NMFS can support marketing campaigns run by the industry. NMFS has SIMP, which looks at product quality, both domestically and from foreign producers, to determine if the product is healthy, including gassed tunas. Gassing tunas to change the color has been an issue but it does not appear to be illegal. The SIMP tracks if seafood is sourced from IUU fishing or is mislabeled. Many are not mislabeled but are the way the country-of-origin labeling indicates. Rauch said NMFS would like to discuss if there are other ideas that the agency could do within the bounds of the Federal Government and fair trade laws, and would like to know if there are suspected illegal or unfair trade practices. Being more open and responsive to industry concerns and develop strategies within legal bounds is one of the things NMFS is trying to do through the National Seafood Strategy.

Dueñas said canneries in the U.S. are using foreign caught fish. The military requires fish they purchase be U.S. fish, and only American Samoa qualifies. Working with the military to ensure the products it consumes is 100% U.S.-caught should be a priority. Dueñas expressed concern that the armorhead is still listed as a species of concern, even though they are no longer caught because bottom trawl was banned 40 years ago. The Russian fleets harvested the seamounts where the fish is found before there was an EEZ, and not the American fishermen. He would like to see a scientific effort into removing the armorhead from the species of concern list. Regarding EEJ, Dueñas said the word equality is preferred over equity, noting Martin Luther King’s civil rights movement accomplished a lot in a few years of his equality march. One issue is the sanctuaries program promotion of the PRIA monument or sanctuary. The definition for designation is to protect all true use of those areas. American Samoa demonstrated it has cultural use for the designated area. Chamorros died on Wake Island during World War II trying to

defend that island, and it is unclear whose cultural values are being protected. Council funding is another EEJ issue, as the Council is not allowed to provide food and drinks at its meetings contrary to the Pacific Island way. Council staff has been reduced while PIFSC and PIRO have grown to 300 people over 20 years, and it costs more to bring people together in the Pacific as compared to the continental United States.

Rauch said the comment on the requirement that DOD must procure U.S. products is correct, meaning that there is only one tuna supplier. Regarding Council funding, it is readily apparent with the Western Pacific Council that travel distances create unique challenges other councils do not have. NMFS has a commitment to provide extra funds to the Council through the IRA funds for implementing new climate science. New scientific products cannot just be developed then given to the councils or regional offices. Rauch acknowledged the challenges Dueñas identified, and said NMFS has tried to work with the councils over the years to ensure they have enough funding to operate and will continue to do so given the unique dynamics with the Western Pacific Council. It takes a lot of investment to do outreach, and the best way to do this is to build resilient programs and go to places, talk to people, in their language, and understanding their needs. Rauch said he recognizes these problems and appreciates Dueñas's perspective, and NMFS is trying to work on them to ensure that the vital work of this Council can be continued.

Sword called on AP member Hamby to provide some perspectives on the fish coming into the Pacific.

Hamby said HLA is facing competition with imported fish that costs less than the local caught fish. Vietnam plays a key role in processing fish into marketable items using carbon monoxide. The fish looks red and fresh with consumers unaware and there is no disclosure where the fish came from or how it was processed. Use of carbon monoxide for imported fish is not allowed in Europe. American Samoa is damaged by competition from foreign-flagged purse seine vessels, which are able to avoid management measures from the WCPFC by using charter arrangements. One example is of Chinese-flagged purse seine vessels that have charter agreements with countries like Kiribati and Nauru, and payments are made to the countries and then are able to use them as host countries or charter countries, advise the WCPFC they are under charter arrangements and are therefore exempt from management measures like FAD closures and catch limits on the high seas. The fish they catch are imported to China. There are financial incentives to encourage the operators to process fish. China is using forced labor. The fish is processed then exported to the United States where they are made into canned tuna, which then competes with canned tuna processed in American Samoa.

Rauch said at one time he was the WCPFC commissioner and understands the concerns being raised. They are not necessarily new. Fish being sold below market prices is not always illegal unless the imported fish are being sold significantly below market value by design for various purposes, which is called dumping and may be illegal. The industry can petition to the International Trade Administration in DOC for antidumping duties or countervailing duties to provide some relief. NMFS is currently looking at a petition by the shrimp industry which is asserting the foreign imports are trying to undercut the U.S. market with the intent of raising prices once the U.S. producers are out of the market. Rauch said he is not sure if that is the same situation happening with tuna, but the petition option is available to the industry.

Sword called on Fishing Industry Advisory Committee (FIAC) member Kingma to provide a statement.

Kingma said subsidies are a concern. Many foreign products entering the U.S. are subsidized by national governments, including China. That is not a fair practice to U.S. producers. A recent report noted China was financing one company with longline vessels operating in Kiribati and the Western and Central Pacific area, and provides fuel subsidies of up to \$20 million a year for a fleet half the size of the U.S. fleet. Their products come into the U.S. market at a much cheaper price point. Kingma also expressed disappointment that NMFS recently extended the deadline to implement the MMPA import regulations that require foreign nations to have equivalent marine mammal measures and standards. This provision has been in the MMPA for decades, and the agency has tools to level the playing field and initiated rulemaking in 2008 to address this issue but has delayed implementation again. SIMP has come under a lot of scrutiny recently, and NMFS will be reviewing and hopefully improving the program. More information could be collected through SIMP, including subsidies related to foreign imports. Regarding country-of-origin labeling, there is interest with U.S. producers to provide more information to consumers to let them decide on their buying preference, recognizing it is difficult to ban the imports that are being disguised and are undercutting U.S. produced seafood.

Rauch said the WTO recently concluded an initial agreement on fish subsidies and are waiting feedback from the countries. The U.S. agreed to it last year but two-thirds support is needed from all WTO members to implement it. A second phase of the WTO initiative will be on the illegal unreported and unregulated fishing on overfished stocks or on the unregulated high seas. Rauch acknowledged the delays in implementing the MMPA rule, noting that it has become difficult to assess the suite of U.S. imports. The number of countries being evaluated is large, and they are further divided by import issues to compare with U.S. marine mammal measures, which has proven to be a daunting task. The MMPA imports rule is intended to protect marine mammals globally but also has incidental benefits of leveling the playing field for U.S. fisheries. The status of the marine mammals in the world and leveling the playing field process has improved with the process to date, although it is not over. NMFS continues to look at SIMP, but subsidies are currently not tracked through the program unless they are subsidized IUU products or are illegal. SIMP is a complex program, and with any increase in the program comes an increase in cost.

Ramsey asked how NOAA can come up with strategies to promote seafood and EEJ while also limiting fishing opportunities under the One-NOAA approach.

Rauch said NMFS's goal is not to limit fishing opportunities in general but to promote optimum yield. Both the Council and NMFS are tasked with promoting optimum yield under the MSA. It is sometimes necessary to limit fishing opportunities to make sure there is fish available now and into the future. One of the things learned, particularly in the Western Pacific, is models applied to manage fisheries for optimum yield often break down when applied to artisanal, cultural or subsistence fishing. Those models are robust data models that do not work in data poor, data-limited situations, or when there is a lack of understanding of the unique challenges to data or fishing that occurs in the territories. One of the goals of EEJ is trying to design the right kind of data collection so management can be appropriate and be sensitive to the impacts. There will be a time when there must be a limit to fishing, although MSA is flexible that can allow fishing or other actions to allow for important social and cultural subsistence. If NMFS is unable

to meet its sustainability targets, fishing limitations may be necessary, but that is not the goal. One of EEJ's points is to try to identify better places because of the unique characterizations of fisheries. The same with seafood strategy which means increased access.

Ramsey reiterated his question and asked how one goes about talking about these issues with a One-NOAA approach, rather than talking about it in terms of line offices and different divisions.

Rauch said there is a balancing act that goes on above the line offices but ultimately all the departments work for the same person and try to set unified objectives. The public may not always understand the government divisions such as the DOI and the DOD, and assume when the public sees a federal representative, he believes the representative is responsible for everything the Federal Government does. One NOAA is somewhat a myth. One Federal Government is also somewhat a myth. Ultimately there is only one decision maker in the Federal Government and all authority flows from that one decision maker, in addition to Congress which provides all the mandates that must be addressed.

Sword asked if someone from Rauch's office can join the June Council meeting to talk about seafood strategy and regulations that are opening up U.S. markets to foreign fisheries. Other topics to include would be the MMPA imports rule, SIMP, and dumping and IUU. Discussion can include solutions that can be pursued.

Rauch said he can send someone to speak on the National Seafood Strategy, and requested a list of the other processes the Council is interested in so that the appropriate person can be identified. Solutions are not guaranteed but information can be provided.

Igisomar asked if the Council was consulted when NMFS was putting in a funding request for EEJ to Congress. He asked what the objectives were for the funding request, whether it was to expand the agency or to provide funding support to the communities that have shared concerns related to EEJ.

Rauch said the president asked for \$7 million dedicated funding for EEJ from Congress, which did not fund it. Some of the funds were to support territorial science, outreach to various underserved communities, social science on social indicators and which communities are below the poverty line. NMFS tried to make investments in some of the principles without directed funding.

## **X. Breakout Session 1 – Inflation Reduction Act Priority Areas (in-person only)**

As part of the 198th meeting, the Council convened joint breakout sessions with members of the Council, AP, FIAC and NCFAC. Several members from the Plan Team and SSC also participated as resources to support the discussions, and NMFS PIRO/PIFSC staff assigned to support this IRA project assisted in producing a summary for the group. Two sessions rotated for the breakout session focusing on the four IRA priority areas, and one session was held by island area for the EEJ breakout session.

### **A. Breakout Sessions (in-person only)**

#### **1. Scenario Planning**

The objectives of the IRA priority for scenario planning are to utilize a structured process to explore and describe scenarios for Western Pacific fisheries under changing climate to determine how fishery management and governance will be affected; and consider and develop tools and strategies for the Council to best adapt and address future conditions in order to continue promoting thriving fisheries in the Western Pacific. The breakout session focused on identifying issues that are existential to the region's fisheries and how they are affected by climate change; and information needs to conduct scenario planning.

## **2. Regulatory Review**

The goal of this IRA priority is to conduct a comprehensive analysis of existing regulations and associated management systems (including reporting and monitoring) within the state/territories and the federal fishery regulations to determine how responsive the regulatory framework is toward climate change. Outcomes from this review will identify gaps in management, inefficient regulations, and potential regulatory conflicts that would inhibit climate resiliency in the FEPs and its regulations. Participants in this breakout session were asked to define potential regulatory gaps and deficiencies in federal management, particularly in terms of climate change; recognize potential problems and issues due to climate change in the Western Pacific fisheries; suggest approaches for coordinated federal and state/territorial approaches to be responsive to climate change; identify target members for a steering committee and gain commitments from breakout participants in the Regulatory Review project; and propose the best dates, times, locations, and other details for agency and public engagement on Regulatory Review.

## **3. Protected Species**

The objectives of this IRA priority are to improve understanding of how climate and ecosystem drivers may impact protected species interaction rates in the Western Pacific Region's fisheries, explore potential scenarios in which climate change impacts protected species interactions in fisheries, and identify potential strategies and frameworks for addressing those impacts. The breakout session focused on the following topics to help refine the focus and priorities for this IRA project to identify priority protected species issues that may be addressed through the two proposed workshops, or through the other IRA projects; identify potential factors that impact protected species interactions that should be explored further in the two proposed workshops; and identify potential barriers in existing management that may be explored to identify and develop more flexible and adaptable management approaches.

## **4. Community Consultation**

The goal of this IRA priority is to leverage the Council's consultation processes to listen, learn and understand the impacts and issues communities face as they adapt to evolving ecosystems and changing climate. The objectives of this priority are to meet with Pacific Island fishing communities to solicit, understand and record impacts of the changing ecosystem resulting from climate change; incorporate community knowledge and information on the changing ecosystem and climate into the monitoring and management process to help inform policy decision-making and improve FEPs; and provide Pacific Island fishing communities with opportunities to participate in Council programs and projects to support capacity-building, to document traditional and cultural fishing practices/areas, monitor ecosystem and resources vital to sustainable fisheries and development of community-based management plans. Participants in

the breakout sessions were asked to discuss and identify priorities for each island area to support the objectives; identify target members for a steering committee; propose the best dates, times, locations, and other details for regional rounds of meetings; identify communities, organizations, agencies and/or groups to support outreach and engagement strategies for broad community participation; and identify indigenous and local knowledge and capacity building to support community consultation process.

## **XI. Breakout Session 2 – Inflation Reduction Act Continued - Rotate Groups (1.5 Hrs)**

### **A. Breakout Sessions (in-person only)**

For an overview of this breakout session, refer to Section X.A. above.

### **B. Report out on Inflation Reduction Act Breakout Groups (Plenary – Hibiscus Ballroom)**

Fitchett, Council staff, provided an overview of the two scenario planning breakout sessions. The groups discussed general lessons learned and immediate problems. National security should be a top priority, including self-sufficiency for each of the island areas, noting that they are isolated and have maintained the cultural integrity of fishing. Regulatory red tape oftentimes prevents fisheries from adapting and being sustainable, including potential impacts from critical habitat determinations and closure due to the monuments, which are expected to be exacerbated with climate change. Preparations needed to adapt to climate change includes funding for infrastructure development, understanding carrying capacity for each of the island areas and food sourcing, and finding an alignment of federal and territorial and state objectives. In addition, there is a need to increase understanding of forage fish, distribution of fish stocks, and how climate change affects fish behavior. This investment needs to be inclusive at all levels, including the governors and fishermen.

Joshua DeMello, Council staff, provided an overview of the two regulatory review breakout sessions. Regarding potential misalignments, participants identified infrastructure and federal regulations; harbors/boat ramps and onshore processing facilities; and negative impacts posed on the territories through establishing sanctuaries and expanding monuments. Participants noted there should be a formalized process for establishing community-based FMPs and incorporating traditional and ecological knowledge to better understand the impacts of climate change. Regarding objective two, one participant said the emergency rulemaking authorities should be placed in the regulations to be more reactive and providing relief quicker to the community. Regarding times and places for the meetings, participants cautioned the potential for meeting fatigue with the fishing community and CNMI and Guam fishing tournaments are a great place to start.

Ishizaki, Council staff, provided an overview of the two protected species breakout sessions. Both sessions identified common priority protected species issues including shark depredation, effects of more turtles in the water affecting the local resources, and prohibition on the cultural take of green sea turtles. FKWs were identified as an issue for the longline fishery and Hawai'i small-boat fisheries. There are also seasonal issues with seabirds and small boats. Regarding factors and considerations for the two workshops, there was discussion on parsing out the difference between increasing population and the inter-annual differences against lasting changes that are likely to come from climate change. In the bigger context of climate change,

there was discussion on protected species resiliency to climate change and how to prioritize those issues for science and management. Regarding potential barriers in existing management, participants discussed that managers and scientist may not be able to address challenges related to climate change without coordinated management between federal and state/territorial management or within government agencies. There was also discussion on how to level the playing field in the international context and the broader implications. Regulatory frameworks may also be slow to respond, and there was discussion about how to implement structures that would allow for a timely response. Another barrier identified was the lack of flexibility for the ESA and the MMPA, and participants expressed frustration that their voices do not seem to count when it comes to ESA issues. The first breakout session ended with the recognition that MSA is a great vehicle for fishermen's concerns and addressing protected species issues through the MSA would be beneficial.

Sabater, PIFSC Fisheries Research and Monitoring Division staff, provided an overview of the two community consultation breakout sessions. During these sessions, the breakout groups focused on best approaches to engage the fishing community and identify who the Council should talk to; what type of information should be shared to draw the fishing community, and when to go out and meet with the fishing community. Regarding who to talk to, the traditional and subsistence fishing communities are one of the hardest groups to engage in the process. There was strong encouragement for managers and scientist to engage the remote islands such as Manu'a, Tinian and Rota. The group also identified the purse seiners in American Samoa, longline fleet and the small-boat fleet in the Western Pacific. Each has its own groups and should be engaged at different levels. The breakout sessions also identified the Office of Samoan Affairs and the Northern Island Mayors, Mayors Council and the municipal offices. In the CNMI there is no Mayor's Council, but there are individual municipalities headed by the mayor. For Hawai'i, there is the Aha Moku and KUA (Kua'aina Ulu 'Auamo). Beyond the formal groups there are informal networks led by key members of fishing communities.

Regarding the type of information to be shared, the fishing community is interested in fisheries statistics and knowing where its data go. Information that explains the seasonal runs and catchability changes brought about by climate change and access to real-time data for ocean conditions would also be of interest. There was also a lot of interest in capacity building, grant writing and fishery development.

Regarding when to meet with the fishing community, there was a suggestion to do one round of meetings during good weather days and during summer months and one round during the bad weather season. There were pros and cons and having a presence at fishing tournaments, noting that tournaments are good opportunities for engaging the community but they do not represent the whole community. Additionally, going to fishing tournaments may work in the Mariana Archipelago, but this may not translate for Hawai'i. Meetings should be held in the evening and not around holidays and celebrations. There should be consideration for the lunar cycle since some cycles may be more favorable than others. The group also suggested that each meeting be held like the Fishers Forum where incentives, prizes and food are provided.

## **XII. Breakout Session 3 – Equity and Environmental Justice: Implement; Fund; Empower; Advocate**

### **A. Breakout Sessions (in-person only)**



This breakout session discussed community issues and concerns using the organizational tools of change. At its Western Pacific EEJ workshop held in April 2022, the Council discussed EEJ in the context of using the tools of change which include advocate, fund, implement and empower. Participants in each breakout session were asked to identify goals and objectives for the Council's EEJ plan, identify key activities and members and others who could monitor and facilitate the execution of this plan. The breakout session was convened by island area, with one group each for American Samoa, CNMI, Guam and Hawai'i.

**B. Report out on Equity and Environmental Justice Breakout Groups (Plenary – Hibiscus Ballroom)**

Yamada, Council staff, provided an overview of the Guam EEJ breakout session. Regarding who should be included at the discussion table, the group suggested that youth should be brought into the process to allow them to learn and understand the status of fisheries in the respective region. It was suggested that there should be a series of Regional Archipelagic Ecosystem Committee meetings held for each archipelago to identify its needs and gaps to address EEJ. Regarding funding, there are existing funding mechanisms like the Community Demonstration Project Program and the Marine Education and Training Program that should have funding allocated to address EEJ in the different island areas. The Saltonstall-Kennedy grant programs should also consider utilizing past priorities on territorial sciences. For engaging the fishing communities, there are opportunities like different fishing festivals and there is a need to change the messaging from conservation to sustainability. For example, rather than having a 'tree-hugger' mentality, messaging should focus on traditional users and indigenous practices.

Regarding barriers in policy, Guam faces issues with the Jones Act and how it imposes the ability for fishery development. For example, for a vessel brought from the continental United States to Guam, transshipment cost can be up to \$30,000 for a single vessel, compared to \$5,000 for a vessel from Los Angeles to Hong Kong. There were concerns about taxation without representation, noting that the U.S. Territories are able to vote on different international delegations, but not able to receive funds without approval from the U.S. State Department. Even if Guam had agreements through PIAFAs, this is limited by interactions with the U.S. State Department. There were also suggestions that the industry could look at working with prison transition programs to assist with staffing issues and for further fisheries development. To empower communities, there should be funded programs to leverage EEJ and place fisheries in the same category as agriculture. Fishers should be provided the same fuel transportation reimbursement programs as agriculture programs. Regarding the MSA, the group discussed that the disaster relief funds under MSA Section 315 should be more responsive on how those funds are dispersed.

Fitchett provided an overview of the American Samoa EEJ breakout session. Regarding who should be brought to the table, the group said the Army Corps of Engineers and other agencies should be included in the management discussions. The Chamber of Commerce plays an important role in American Samoa, and the group recognized that a lot of untapped institutional knowledge on business operations could be gleaned through its participation. There is a need to include nongovernmental agencies to reduce the propensity for lawsuits and bad press on fisheries in American Samoa. Regarding empowering the change, there is a need for capacity building and finding pathways for the youth to be introduced into fisheries. There are a lot of people in American Samoa who have not experienced fishing and there is a need to have people experience the passion and joy of fishing in light of the aging fleet. Vocational skill

training has been successful, but there is a strong reliance on expats and outsiders to get skilled labor. Training should focus on local people and the group recognized that wages are not competitive compared to Hawai'i.

Regarding barriers in policy, the group agreed that top-down management through the National Marine Sanctuary Act and the Antiquities Act does not work well with the islands. The tuna canneries spend millions of dollars into the economy and there is a palpable fear about the continuation of the cannery, with increased cost of fuel and shipping. There are negative perception of commercial fishing and misinformation on depleting stocks that perpetuates restrictions. The group asked why the Pacific has to hold the burden for the Executive Order 14008 and noted its responsibility is for optimum yield and to utilize the resource. While there was some relief with the revised tropical tuna measure at the 2023 WCPFC meeting, there was dissatisfaction with the U.S. position to keep international measures to restrict U.S. fisheries.

Felix Reyes, Council staff, provided an overview of the CNMI breakout session. Regarding who should be brought to the table for discussion, CNMI members suggested that nongovernmental and nonprofit organizations such as Tasi to Table be included. The group said decision makers should make things more efficient. Regarding empower, the group discussed how the community could take back public hearings and noted that community members should have the opportunity to present and federal representatives respond to concerns in three minutes instead of the community only having three minutes to make comments. The members also discussed the need for more investment in existing programs that are already in the classrooms effecting change. Historically there has been little knowledge on fish handling and there should be more fishing development programs to train the fishers in CNMI. To better engage the fishing community, incentives should be used to encourage participation with free food and raffles.

Regarding capacity building, the CNMI group identified the need for more vocational training programs to provide resources and qualified people to service the vessels in their area. To empower the fishing community, it suggested that there should be designation of a fisherman's month. There is a need for more Council presence at fishing tournaments. Regarding implementing the change, the group said there has always been information overload during public hearings in the communities and they should be more focused with less jargon to help the community understand what is being discussed. The group thought that critical habitat designation was another imposition of restrictions due to the lack of information and thought that the engagement from PIRO allowed it to respond to some of the concerns. The bureaucracies in federal agencies create ambiguities and residents may construe information as a form of disrespect. The group also discussed that fishers are the eyes of the ocean and there is a need to convert that to real-time patrol activities to improve enforcement. Regarding engagement, CNMI members said scientists should work with the community and remember to report back on their projects in the Mariana Archipelago. If there are vessels in their areas, this has caused for suspicion amongst the communities. Regarding the funding tool of change, the group suggested an adopt-a-FAD program to find ways to make them more efficient. The CNMI has faced challenges with funds to support fishery projects, and there is a need for grant writing workshop to know what grants are available in the region.

DeMello, Council staff, provided an overview of the Hawai'i EEJ breakout session. The group did not follow the questions and aired out its grievances stemming from frustrations with the government. There is a lot of hesitancy with the Federal Government in light of the fuel leak at Red Hill. The biggest obstacle to EEJ is trust. This is caused by people in Washington D.C.

that do not pay attention to Hawai‘i, and science done in the region does not matter when it comes to Congressional actions like the Billfish Conservation Act. They said there are different levels of EEJ from the national and regional to state and community levels. Communities are wide ranging and the fishers are the center points of those communities since they share fish with their friends, families and mailmen. Fishers are the linchpin in providing food or meat as part of food security in the islands. There is a need to focus on those fishing, which includes low income groups and working with social workers who have existing trust. Rulemaking processes take too long and there is a need for training programs. Policies like the ESA and MMPA do not provide for EEJ since they do not allow for a cultural take. The fishing community needs to be strategic in reaching out to people and groups and not just provide broad outreach. The community has different parts and identifying the movers and shakers with connections to other people makes engagement easier. Fishing is not just about good days, and there is need to gain trust through small wins. They said another way to give back to the fishing community is to give the NWHI back to the Hawaiian community. This needs only one signature and could provide EEJ to a larger community.

### **XIII. Action Items**

#### **A. Main Hawaiian Islands Deep-Seven Bottomfish**

##### **1. 2024 Main Hawaiian Islands Deep-Seven Western Pacific Stock Assessment Review Report**

Martell, SSC member, presented the WPSAR report for the main Hawaiian Islands (MHI) deep-seven bottomfish complex stock assessment. The WPSAR panel review was conducted Dec. 10-15, 2023, in Honolulu. The panel commended the stock assessment authors for the review, noting that the assessment has evolved with past advice over the past 20 years, the material presented was in logical order and the final product was top standard. The review found that the stock complex is not overfished and overfishing is not occurring. The WPSAR panel answered yes to all eight of the Terms of Reference (TOR) questions that required a definitive yes or no answer.

Regarding the data included in the assessments (TOR number 1), the review panel found that everything was well document and appropriate for the assessment. The review panel had additional discussions on the role of depredation and how it may bias the data, whether the data are sufficient to detect range contraction, and unreported catches and the incentives to report catches in the noncommercial sector.

Regarding TOR two, the catch per unit effort (CPUE) standardization was correctly applied and is appropriate for the complex. The review panel noted that the interaction terms for the year effect is much stronger with the new data filtering methods that have removed a lot of the non-target bottomfish events. The review panel found that the Vector Autoregressive Spatio-Temporal model that has become the industry standard for spatio-temporal modeling was less sensitive to area swept assumptions used in the previous assessment.

Regarding TOR three, the review panel found that the assessment model is properly applied and appropriate for the complex and the available data for the fishery. The review panel noted that the data lack sufficient information to jointly estimate all four key parameters related to the management variables without the use of some sort of informative priories. The model

output is therefore conditioned on the priors specified for the underlying productivity parameter, the scale of the model is proportional to the changes in unreported catch, and the prior distributions for the variance for the intrinsic rate of growth had to be increased to account for additional uncertainty that was not taken into consideration when estimating growth parameters.

Regarding TOR four, the review panel found that the decision points and input parameters were reasonably chosen. Information to estimate the initial population size was one of the key issues that the review panel found in the assessment, and that the data were somewhat informative about the initial population size at the start of the model. The review panel also noted that all three models developed for this complex and for a single species were internally consistent with the time series data to which the models were being fit.

Regarding TOR five pertaining to whether the primary sources of uncertainty were documented and presented, Martell noted that this was one of the best assessments that he has seen in terms of describing the uncertainty with limited time series data. The review panel found that shark depredation and the BFISH survey were the primary sources that were not discussed in the assessment, but should be considered in the future. The review panel also requested that the sensitivity analysis for future stock assessments look at the variance terms in the prior distributions.

Regarding TOR six, the review panel found that the complex stock assessment model assumptions were reasonably satisfied, and the revised model is now more informed by the data and less informed by the prior distributions.

Regarding TOR seven, the review panel found that the final results of the assessment were scientifically sound, and that the revised model is now more informed by the data and less informed by their prior distributions. However, there is a tradeoff associated with relaxing the prior distributions, which results in a retrospective bias that is associated with the recent divergent trends in the CPUE series associated with the commercial fishery, as well as the downward trajectories of the relatively flat trajectories from the BFISH survey.

Regarding the methods used to predict future population status for the complex (TOR eight), the review panel found that the new model structure is more appropriate. The review panel felt that the base model initially presented to the review panel was too constrained by the tight variances on the priors, and the revised model better reflects true uncertainty in the data. The retrospective bias problem is difficult to solve with contrasting trends in the indices, so the total allowable catch considerations should take into account the additional uncertainty.

One of the key findings of the review panel was that the BFISH survey has two sampling events, with a lot of stations that are fished with a rod and reel and other stations where only the camera system is used, and a few paired stations where both the camera system and rod and reel are used. The review panel recommended more paired stations to be included in the BFISH survey to better inform the uncertainty associated with the multiplier for the camera stations. The review panel also recommended investigating the potential bias with the BFISH survey associated with shark depredation.

Dueñas commended the work done through the WPSAR process. He said he is impressed with the further research done for the fishery, recalling that he has been involved with the Council from the time that the fishery reached the 97,000-pound limit, whereas the limit is now

close to half a million pounds. After 10 years of research, there is now credible information on how the fish in the region reproduce. Dueñas said he had the first opportunity to participate in the WPSAR review, and was excited that there is a more quantitative effort to get the numbers right and to provide better science. He said he has never been supportive of the method using fishery-based efforts, noting that on Guam, research conducted on the NOAA research vessel was not successful in catching fish, but fish could be seen at the bottom when the camera was sent down. He said there is a need to provide a way to assess the effort in doing a stock assessment, and said he applauds Hawai‘i for its effort. He hoped that the high spawning potential ratio for the Mariana Archipelago is taken into consideration, noting that the Guam and CNMI bottomfish stocks are assessed separately.

## **2. 2024 Main Hawaiian Islands Deep-Seven Stock Assessment**

John Syslo, PIFSC, presented on the MHI deep-seven bottomfish complex benchmark stock assessment. In addition to the stock assessment report, two reports on the spatiotemporal standardization of BFISH survey data and improving the use of information from Hawai‘i Marine Recreational Fishing Survey (HMRFS) were required reading for the WPSAR panel convened in December 2023.

All aspects of the data and the modeling were up for revision as part of the benchmark assessment, and a substantial number of improvements were made in response to recommendations from previous WPSAR panels and to implement current best practices for different types of data analysis. For the catch data, the contribution of the unreported noncommercial catch was reevaluated, which was identified by previous WPSAR panels as being the single greatest source of uncertainty in the models. The assessment team looked at both the assumptions used to estimate this component of the catch before any survey data came online, and also looked at how best to use the information available from HMRFS. A number of substantial improvements were made to the CPUE data filtering and standardization, including evaluating the covariates, changing the number of time periods, using a different statistical model that allowed estimation of more covariates, and bringing the index generation up to the current best practices. A lot of these improvements were informed by the engagement with the fishing community in spring 2023 that helped the assessment team better understand the data. PIFSC intends to continue those engagements as they move into the next assessment.

The stock assessment team used the spatiotemporal modeling approach to standardize the BFISH data and include them in the model as a relative index of abundance instead of absolute. The production modeling platform was greatly improved by using JABBA (Just Another Bayesian Biomass Assessment), which allowed for a more flexible parameterization of the production function and allowed maximum production to occur at a smaller proportion of carrying capacity that was more in agreement with what is known about the species in the deep-seven complex. This allowed the stock to be more productive, allowed for the proper propagation of uncertainty into the catch projections and reevaluated the priors. The WPSAR panel recommended changes to allow more uncertainty and processes that were not captured during the development of these priors.

Based on the assessment results, the estimated biomass is approximately 11.6 million pounds in 2023, which is lower than the previous deep-seven assessments because the stock is more productive with the new model so it can produce more biomass at a lower level of biomass. The biomass, including the 95% credible interval, is mostly above the reference point in all

years. The harvest rate is well below the harvest rate that produces the maximum sustainable yield, especially over the last several decades. The Kobe plot combines these two estimates of status, and the results show that the stock is in the green status (not overfished and overfishing not occurring) with 98.7% confidence. When comparing the results with the recent assessments in 2010, 2013, 2018 benchmark, 2021 update, the stock status has been generally improving from one assessment to the next. The projections show that the catch that corresponds with the 50% probability of overfishing is around half a million pounds, which provides the ballpark of the level at which the ACL may be set. Recent catch data from DAR show that the average catch for the last five years is approximately 200,000 pounds, so the fishery has not been approaching the current ACL of 492,000 pounds. Depending on the P\* and Social, Economic, Ecological and Management Uncertainty (SEEM) process outcomes and the timeframe used, the new ACL may be reduced slightly from the current ACL, but is not likely to impact the fishery.

Dueñas asked if there has been an analysis on the size frequency, and whether the fish are getting smaller or bigger over time.

Syslo said the assessment team did not look at size frequency for all of the species, but they did look at it for 'opakapaka. Two different models were developed for 'opakapaka in addition to the stock complex model, as the species is the most commonly caught at about 40-50% of the complex. A size structured model was done for 'opakapaka in the stock synthesis. He could not recall if there were any clear patterns through time, especially in the last several years.

Dueñas asked if there has been a cross analysis done between what is known for Hawai'i, American Samoa and Guam to see if there is a different growth rate or spawning potential ratio. He noted that for pelagic fish in the Pacific, the area around the equator is considered spawning grounds, and he wondered if that area also applies to coral reef and bottomfish species. Dueñas said he is happy that the stock assessment team has looked at historical information on Hawai'i species, considering the history of the deep-seven stock assessment and management in Hawai'i. He said he was impressed and gave kudos to the stock assessment team that it was able to give the MHI deep-seven fishery additional fish to harvest despite having a large monument to the north.

Syslo said the assessment team did not take a close look at the spawning potential ratio this time, as it is more of a data limited approach for a single species model. In the current case, the assessment team was focused on estimating biomass and production of the deep-seven complex and there were more data available with CPUE data, and thus the spawning potential ratio approach was not taken for this assessment.

Dueñas said PIFSC needs to spend more time doing the analysis on the available information because he has seen two onagas in the Guam biosampling program that were reproducing at two pounds, when the scientists out of Hawai'i said onagas in Hawai'i reproduces in the summer at seven pounds. Before the Guam biosampling program was terminated, a lehi caught in 250 feet of water was found to be reproducing at one pound. He said the community needs to be apprised with that information, and said he is not satisfied with looking at the biosampling data because it is inconclusive. The community has spent time collecting the samples, so he wants to see a scientific analysis on this information.

Muña asked for further explanation on the change made from two observation points in time to one.

Syslo said the previous assessments used two different time periods for the commercial CPUE data, split at 2003 when the data recording changed from just the number of trips to also recording the number of hours per trip. The previous assessments used the hours per trip for the CPUE from 2003 to the current time, but further investigation of the data showed that there were pretty substantial patterns in recent years. After engaging with the fishing community, the assessment team learned that there was a difference in reporting through time where initially they were reporting the time for their whole trip, and it switched to just the amount of time that the gear was in the water, creating a bias in using the measure in hours. There is also best practices arguments for stock assessments for using a single time series rather than two because it provide a better idea of the scale of biomass, and the model has an easier time figuring that out with a single series rather than when it is split.

Sword said it is great to see the science getting better, and asked if there has been any work done on the NWHI lobster and bottomfish.

Syslo said the focus of the stock assessment was on the MHI, which is the only place where fishing is allowed, so the latest assessment did not take a close look at the NWHI.

Sword said it behooves the Council, working under the MSA, to find out what natural resources are available in the NWHI, as the monument is part of all of the natural resources and there may be a future need to utilize those resources.

Dueñas said an old tagging program showed that a fish caught in the MHI was found a thousand miles up in the NWHI, showing the efficacy of reproduction and how these fish move around. He said the wrong group of fish is being protected, noting that people tell him not to kill the big fish because they are productive but fishermen rarely catch more than one or two big fish. He said the scientists need to realize the traditional factors and issues of concern when the rules and regulations are passed. He believes that a lot of two-inch fish reproduces more than a single large fish, and encouraged PIFSC scientists to do the work to validate it.

## **B. Guam Bottomfish**

### **1. 2024 Guam Western Pacific Stock Assessment Review Report**

Milani Chaloupka, SSC member, presented on the WPSAR report for the Guam bottomfish stock assessment update. The review was conducted virtually Feb. 7-8, 2024. In addition to Chaloupka, SSC members Frank Camacho and Dave Itano served as panel members. The 2024 assessment was an update to the 2019 benchmark assessment, which had concluded that the Guam BMUS was overfished but not experiencing overfishing. The Guam BMUS is treated as a single multi-species complex comprising 13 bottomfish species including onaga, ‘opakapaka, and ehu. The stock assessment update based on 42-year catch and CPUE time series found that the BMUS was not overfished and not experiencing overfishing. The update also indicates there is evidence for partial rebuilding, which the assessment team attributed to reduced catch from 2017 to 2020.

The WPSAR panel responded yes to all six TOR questions that required definitive yes or no answers. The panel found that the update assessment was complete with no consequential deviations from the previous 2019 benchmark assessment. The 2019 assessment estimated that an annual catch of 31,000 pounds corresponded to a median overfishing probability of 40% in any year, whereas the 2024 update assessment estimates that the annual catch of around 31,000

pounds in 2025 and increasing to about 33,000 pounds in 2029 would correspond to a median annual overfishing probability of about 40%.

Stock assessments prior to the 2019 assessment concluded the stock was not overfished and no overfishing was occurring. Those three previous stock assessments used a different functional form to the fisheries population dynamics part of the model, whereas in the 2019 benchmark and 2024 update, a Pella-Tomlinson surplus production function was used to present the population dynamics part of the model.

Under TOR eight, the panel identified key recommendations categorized into high, medium and low priority. For the high priority items, the panel suggested looking at comment trends using Dynamic Factor Analytic approaches when doing the data standardization to explore whether the multi-species complex could be summarized in a simpler way. Other high priority recommendations included examining the current DMWR boat-based survey protocols to identify and evaluate potential data gaps and ways to improve the data collection, and to explore species categories defined by depth distribution and life histories. High priority recommendations regarding modeling, the panel recommended using a single model likelihood for the data standardization component, exploring the utility of additional potentially informative covariates, and using predictive check tests to evaluate data standardization model performance. Examining issues of shark depredation on catch and CPUE was identified as a medium priority recommendation. Low priority issues included exploring a range of more advanced ways of looking at the survey-based catch estimates, and conducting a socioeconomic analysis of the Guam bottomfish participation given anecdotal evidence of fishing participation increase during the pandemic. The full list of panel recommendations is available in the panelist's individual reports.

The WPSAR meeting was attended by a number of virtual participants from Guam. Dueñas provided the most important comments, highlighting issues about the quality of the creel survey data since 2000, encouraged greater emphasis on improving the biosampling program, raised concerns about shark interactions, and inquiring why seamount habitats not readily accessible to the Guam-based fishers were not considered in the assessment. Brent Tibbatts, Guam DAWR, also provided comments during the WPSAR meeting, and advised that DAWR does collect voluntary interviews as well as the metadata, such as when interviews are refused that allows estimation of response rate. Information from Tibbatts indicates the response rate is around 90%, which is high. Tibbatts also reiterated the importance of shark depredation to catch and CPUE.

The WPSAR panel concluded that the 2024 assessment update represents the BSIA, and that the assessment is a suitable basis for management decision making and informing setting risk-based catch limits. The WPSAR panel also suggests that the key recommendations in the report could help form the basis for some of the TOR for the upcoming benchmark stock assessment.

Guthertz commended the scientists involved in the research and the WPSAR panelists. She said the assessment results reaffirms what the Guam Council members have been saying about the people do not abuse the fishery resources on their island and that the fishermen respect the importance of being accountable for what they do.



Dueñas said this was his first experience with WPSAR and said he was impressed by the efforts of PIFSC staff for its efforts to understand the data. Recalling the community meeting several years ago (after the last stock assessment) when almost 70 fishermen showed up and were upset with the analysis, he said he appreciated PIFSC for incorporating into the assessment update many of the factors. He hoped that the recommendations identified through the WSPAR, such as the one regarding seamounts will be included, noting that there are at least 15 seamounts between the small area between Guam and Rota. Dueñas said he loves the outcome of the assessment and appreciate the greater effort in establishing a real number for the ACL.

Sword said he is also impressed with the science and incorporation of factors that make the outcomes more realistic.

## **2. 2024 Guam Bottomfish Update Stock Assessment**

Carvalho, PIFSC, presented the 2024 Guam BMUS stock assessment update to the 2019 benchmark stock assessment. All data preparations, code structure, model setup and parameter specifications for the update are identical to the 2019 benchmark assessment, and the only change is the addition of six new years of catch and CPUE data from 2018 to 2023. The assessment is an aggregated surplus production model, meaning all 13 BMUS are summed together and was implemented in the software JABBA. Carvalho presented additional details on the catch and CPUE data used in the 2019 benchmark and 2024 update assessments, noting that the CPUE standardization process with additional six years of data did not change the 1982-2017 values that were used in the 2019 benchmark.

Once the assessment team ran the model, they checked for model fit for the standardized CPUE index as a diagnostic on how well the model performed. The residuals between the model and the CPUE data showed no trends, which is an indication that the model had good diagnostics and performed well.

For the main results of the stock assessment update, the time series of biomass and harvest rate were nearly identical to the previous benchmark assessment, with the added years showing that the biomass generally increased in recent years while harvest rate was variable. The Kobe plot results indicate that 63% of the 95% probability posterior distribution is within the green, indicating that the stock is not overfishing and no overfishing is occurring. The Kobe plot also shows the change in stock status over time.

Carvalho acknowledged the WPSAR panel for the helpful feedback provided for the assessment, and noted that the assessment team made several clarifying changes to the final stock assessment report presented.

Dueñas said he would like to look into the shark depredation issue, noting that some fishermen have conditioned the sharks to go after the fish because they do not stop fishing after the sharks show up. He also said in the old days, the bottomfish fishermen respected each other's part of the ocean and did not fish other fishermen's area, but the modern fishermen do not have the same respect. The fishermen in the old days depended a lot on land navigation and experience. He said the young fishermen have to respect each other on the water and give courtesy. Dueñas reiterated that the stock assessments need to incorporate all of the spawning potential ratio and the seamounts that have not been identified, and the Plan Team should revisit the categorization of the 13 species in the complex. He said he can tell what part of the island

people are from based on what fish they want. He hoped that Eric Cruz, PIFSC liaison on Guam, has an opportunity to come listen in at the Council meetings, noting that Cruz has worked with the community and perpetuated the biosampling program at the community level.

Sword asked how fish that have been depredated by sharks are included in the stock assessment.

Carvalho said shark depredation is in the top three priorities for all of PIFSC's assessment scientists. The assessment team has not been able to directly incorporate and assess the impact of shark depredation in the assessment, given the BMUS assessment framework that has been used in the last 20 years and the data availability. However, PIFSC is committed to doing that, and have already started to assess the impact in the MHI. PIFSC is entering a new phase to explore the ability and issues that may impact the assessments, and shark depredation is on the top priority.

### **C. Terms of Reference for Guam Bottomfish Data Western Pacific Stock Assessment Review**

Carvalho presented on the TOR for the WPSAR of the data available for the next Guam BMUS benchmark stock assessment. The type of assessment that can be done depends on the data available, such as whether a stock complex is assessed together or split into single-species assessments. For the first time, the WPSAR for the data and the modeling will be separated into two reviews.

PIFSC has been working on the new benchmark assessment for Guam for some time. So far, PIFSC has finalized the update stock assessment for Guam. The next event will be a week-long review process that will focus only on the data available to assess the new Guam BMUS, which will take place in July 2024 in Guam. The TOR for the data review WPSAR was presented to the SSC the previous week for their review and endorsement, and the SSC was asked to select a WPSAR chair.

Dueñas asked if there could be a community assessment on the efficacy of the creel survey to make it more palatable, noting that when surveyors come to investigate catch, they do not have a tape measure. He said when he did a small survey of the fishing community, out of 25-30 people who responded, the average experience in the fishery was 30 years and the number of time interviewed was one in every 10 years. The 2013 creel survey data said 22,000 pounds of redgill emperor was harvested from July to January mostly in the winter months, whereas the species is harvested in shallow water, which would have required having their boat going through high surf. He said the credibility needs to be looked at, because he wants to believe the assessment, but to do so, he needs to believe in the information that the scientists are receiving. He said the fishermen are willing to give their information but the survey has to be made a little easier to get it done.

Muña said Guam DOAG has heard the issues and concerns raised by Dueñas and PIFSC, and that has been reflected in their efforts to improve the creel surveys. DOAG has held meetings locally with PIFSC to explain the creel survey process and inviting fishers to participate, which provided the opportunity to raise questions about the surveys, the validity and reliability of the data. DOAG has made the point of hiring fishers to participate as employees, and the predominant number of creel survey technicians are now fishers who are actively

engaged with the fishing community, rather than biologists. DOAG has also installed tracking devices on the vehicles so that the technicians can be tracked. The survey has come a long way and the data are that much more reliable, and DOAG continues to make efforts to refine the process and improve the data through regular conversations with PIFSC and sharing with the fishing community. DOAG has made efforts to include the fishing community in various project developments, data collection and plans over the past five years.

Weaver asked what the stock assessment means for the Guam bottomfish fishery, and how the fishery is currently being managed.

Carvalho said the Guam BMUS is currently managed under a rebuilding plan.

Jarad Makaiau, SFD assistant regional administrator, said the Guam bottomfish fishery is managed through a multi-species complex comprised of a number of MUS. Management measures for the fishery, such as the annual catch limits (ACLs), apply to the entire complex, and the catch for the individual species are monitored against the ACL for the complex.

Weaver asked how the catch from someone from CNMI or Guam fishing up in the Northern Islands are recorded, and how that affects the stock assessment for Guam and CNMI.

Makaiau said there is a federal permit requirement for Guam bottomfish that is applied to vessels 50 feet and larger, which is intended for the high capacity vessels that target bottomfish on the southern banks. There is also a CNMI bottomfish commercial permit and reporting requirement for federal waters. The federal requirement for CNMI does not apply to noncommercial vessels, whereas the Guam federal permit applies to any bottomfish vessel of that size. If fishing does not occur in federal waters, the data would be collected through the creel surveys administered by Guam DOAG or CNMI DLNR.

Dueñas said he has always been against any type of regulatory accountability measures because he supports the concept of perpetuating his culture. He said he wants to uphold the right of every Chamorro, Carolinian and Samoan to go out to the ocean and catch fish without Uncle Sam watching them. He supports any type of voluntary data collection program and the creel survey, as long as it does not impede on his right as a native Pacific Islander to participate in harvesting the resources. He said everyone else has been given the privilege to take his rights away, and so much of the resources have already been taken away, noting that the turtles have been taken away and beaches are being taken away to protect coral. He asked people to give him the courtesy as a person of color to perpetuate his life and culture without any more hindrance.

Igisomar asked why the CNMI and Guam rules differ, with one being commercial and the other being size-based.

Makaiau said the issues are specific to each island area and the Council addressed those accordingly. The concern for Guam was vessels coming from other areas having a greater impact on fishery resources. CNMI also had similar concerns with larger vessels, so there is also a closure for CNMI.

Weaver asked how the bottomfish ACLs are enforced.

Makaiau said NMFS relies on the available data, which largely comes from the creel survey programs. NMFS receives that information in coordination with the local resource

management agencies, and PIFSC compiles the information and conducts the appropriate analysis and expansion of the data to provide the projections on when the ACLs may be reached in the fishing year.

Dueñas said the Guam’s closures are for 50 miles and 50-foot vessels. The 50-mile closure was done because the southern seamounts fall within the boundary. The vessels coming from Alaska and Carolinas were larger than 50 feet and were harvesting bottomfish and pelagic species. There was also a vessel that came out to Guam to do shark finning. A vessel from Alaska tried to do shrimping but encountered problems with their buoys being close to the island. The CNMI closure was for vessels larger than 40 feet, but CNMI did not have seamounts between 30 to 40 miles.

#### **D. Advisory Group Report and Recommendations**

##### **1. Scientific and Statistical Committee**

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

*Regarding the MHI deep-seven bottomfish fishery benchmark stock assessment and WPSAR Report*, the SSC accepted the results of the WPSAR review and supports the panel’s conclusions and recommendations.

The SSC accepted the 2023 benchmark assessment as BSIA. The SSC recommended that the Council proceed with convening the P\* and SEEM working groups to quantify the uncertainties to develop options to set the acceptable biological catch (ABC) and specify the ACLs for the MHI deep-seven bottomfish species.

*Regarding the Guam Bottomfish Stock Assessment Update and WPSAR Report*, the SSC accepted the results of the WPSAR review and supports the panel’s conclusions and recommendations.

The SSC recommended that the next benchmark assessment disaggregate the stock complex into shallow and deep water species.

The SSC accepted the 2024 update assessment as BSIA. The SSC recommended that the Council proceed with determining the need to revise the ACLs for the Guam BMUS under the existing rebuilding plan.

*Regarding the Guam Bottomfish Data WPSAR Terms of Reference*, the SSC endorses the Terms of Reference for the 2024 Guam Bottomfish Data WPSAR and nominates Milani Chaloupka as chair of the WPSAR panel.

#### **E. Public Comment**

Lawrence Conception provided comments in response to the OLE report presented at the start of day 3. He requested OLE to work with the USCG to fly planes to monitor the CNMI, noting that a plane can cover the area quicker than a vessel.

Morioka provided comments on the MHI deep-seven stock assessment. He said the deep-seven fishing community in Hawai‘i applauds the ability to collaborate with PIFSC in the

development of stock assessments. The most relevant discussion between the fishing community and the scientists had to do with determining what a trip meant in Hawai'i. The assumption by the scientists was a trip was 1,500 pounds, but the evolution of the fishery from sampans down to small boats was missed. Most of the small boats today are in the 18- to 20-foot range, and they do not have the capacity to do 1,500 pounds. An adjustment was needed to better understand what a trip was, and that was adjusted back to 500 pounds. Morioka also expressed concerns with how the noncommercial recreational fishing effort is measured through HMRFS, which is basically a creel survey that intercepts vessels to gather the data. On the other side of the equation is the MRIP, which is mailed to the universe of the community, not just to fishermen. He said it does not make sense to measure this universe against the data collected from fishermen. He asked that the use of MRIP and HMRFS data be suspended, noting that the MRIP may be overestimating effort by 30-40%. Morioka also said depredation is not only an island issue but also a national issue, and NMFS needs to focus their energies on the issue.

Layne Nakagawa, a Hawai'i bottomfish high liner, provided comments on the MHI deep-seven bottomfish stock assessment. His main concern is how the HMRFS data are being used to manage the commercial fishermen, noting that the data are old and inconclusive for the fishery. He said if HMRFS is going to be used, more emphasis is needed to get the data to be more accurate, as there are more recent data such as life history that is available. He said he has been sampling about 2,500 to 3,000 pieces of onaga and 'opakapaka over the last 10 years, and that data should have more weight than the HMRFS that is less relevant for the deep-seven fishery.

Jesse Rosario provided comments on the Guam bottomfish WPSAR report and stock assessment. He applauded the effort, noting that the data presented are critical to the fisheries. He encouraged the assessment and the report to be accurately submitted to the Council to help the Council make good management decisions so that the islanders can fish. He said he encourages and supports bottomfish collection from fishers using real data, noting that a lot of work is needed to change the current designation of overfished but no overfishing occurring, and the only way that can be achieved is through accurate data.

Michael Dueñas provided comments on the Guam data issues. He said things have come a long way, and said to the AP members that it may take decades for some of the issues to get resolved but their voices are being heard. PIFSC, PIRO and everyone have come out to the territories to meet with the fishermen and refine the species. Cruz meets with the fishermen every week, and Tibbatts have opened his doors to try to resolve any red flags with the data. The stock assessment scientists have visited Guam and have been on the bottomfish boats, and now understand that targeting deep bottom is different from shallow bottom. Cooperative research is starting on Guam with fishermen involved. Shark depredation has been an issue for a long time, and that resulted in the DNA sampling project for which fishermen provided samples. That effort has turned into acoustic tagging, and Guam will be getting an acoustic array with over 60 receivers placed around the island. He said to keep bringing up the issues and not give up, because their voices are being heard.

Lino Tenorio thanked the Council members, staff and all those in attendance for a productive and informative meeting. He said he has heard about a shark tagging project on Guam, which the CNMI is not a part of. He would like to see such a project be catered to the CNMI. An issue of concern to him as a commercial fisherman and an AP member is that the Farallon de Medinilla (FDM) has been used as a target practice island for the military for so many years. He would like to see a fish tagging program to study the health hazards of all the

fish surrounding FDM. In his new position as the Director of Operations at Homeland Security, he learned of communication issues that put fishermen at risk. Some fishermen who wanted to fish at FDM called the emergency operation center to ask if there were any military exercises scheduled and were told none. When they arrived in the area, there was bombing going on. One of the problems was that the radio communications was down and fishing vessels could not hear the warnings. His office is now taking steps to remedy the situation.

#### **F. Council Discussion and Action**

*Regarding the MHI deep-seven bottomfish fishery benchmark stock assessment, the Council*

- 1. Accepted the 2023 assessment as the BSIA and directed staff to convene the P\* and SEEM working groups to quantify the scientific uncertainties in the 2023 assessment to set the ABC and the management uncertainties, respectively, and develop potential ACL alternatives for initial action at the 199th meeting in June.**

*Moved by Guthertz; seconded by Igisomar.*  
*Motion passed.*

*Regarding the Guam BMUS updated stock assessment update, the Council*

- 2. Accepted the 2024 assessment as BSIA on the status and the management reference points for the Guam bottomfish MUS and directs staff to explore amending the rebuilding plan and develop potential catch limit alternatives for initial action at the 199th meeting in June.**
- 3. Requested NMFS PIFSC provide catch and time projections for the catch levels that would rebuild the stock.**
- 4. Requested NMFS PIRO conduct a review of the rebuilding plan to determine if adequate progress toward rebuilding is being made, and whether there is a need for a revision of the current conservation and management measures.**

*Moved by Guthertz; seconded by Dueñas.*  
*Motion passed.*

*Regarding BMUS stock assessments, the Council:*

- 5. Requested NMFS PIFSC make accounting for shark depredation in BMUS catch estimation a high priority in future BMUS stock assessments.**

*Moved by Guthertz; seconded by Itibus.*  
*Motion passed.*

*Regarding the WPSAR, the Council:*

- 6. Endorsed the TOR for the data WPSAR for the Guam bottomfish fishery. Further, the Council appoints Milani Chaloupka as chair of this WPSAR.**

*Moved by Guthertz; seconded by Dueñas.*  
*Motion passed.*

#### **XIV. Program Planning**

## **A. Marine Resource Education Program**

Lauren O'Brien, Gulf of Marine Research Institute, presented on the Marine Resource Education Program (MREP). The program is designed by fishermen for fishermen, and a neutral and objective educational workshop to give fishers the knowledge, skills and relationships to effectively engage in the FMC process. Fishermen in public comments often voiced frustration over lack of understanding of a fishery management process affecting them, which provided the impetus of the program. O'Brien presented examples of fishermen who engaged in developing MREP. Since its inception, engagement of the fishing community has increased and improved. Each region is to have its own MREP, tailored to the communities. Each MREP will also have a steering committee representing the communities. The program began in New England, and has also been implemented in the Southeast and in the Caribbean. O'Brien will be traveling to the territories to gather information to develop an MREP in the Western Pacific Region. A video of MREP is available online.

Marcos Hanke, a fisherman from Puerto Rico and former Caribbean FMC chair provided his experience with MREP and expressed his appreciation for the program.

Ramsey stated he is glad to hear this program is intended to be additive, noting that there are fisheries extension agents through University of Hawai'i Sea Grant as well as Council staff in each region and that it takes time to build the relationships to build trust. He asked if there is long-term funding to provide investment for this region.

O'Brien said funding is mostly coming from NOAA and that she is confident that funding is available for the next year. She is in the process of developing a proposal for the next five years for all regions, and has been working closely with NMFS headquarters staff who are in charge of those funds. Beyond the five years, the intent is to continue the program indefinitely as wanted and needed in the regions.

Guthertz said she looks forward to O'Brien coming to the territories.

Dueñas said he is interested in the program, but cautioned against overtaxing the fishermen and suggested considering the existing AP to help. Dueñas noted that the region consists of four major island areas with four separate cultures, and suggested that a regional program be developed with the chair or vice chair of each AP be part of the MREP steering committee so that the experiences can be shared through the program.

O'Brien appreciated the feedback and said she has enjoyed talking to many of the AP members during this Council meeting.

Sakoda said the Hawai'i DLNR has wanted to have a program like MREP for its state jurisdiction but said it could learn from it. He asked if there are opportunities for fishery managers and policy makers to do ride-alongs and experience what the fishermen experience, noting that the MREP includes opportunities for fishermen to experience the science and management side, but noting that bridging the gap goes both ways.

O'Brien said she would be interested in discussing with him more about the idea, and that it would ultimately be the decision of the group that get involved in the planning for the region.

## **B. NMFS Data Confidentiality Proposed Rule**

Brett Alger, NOAA OST, presented on NMFS's proposed rule to revise the regulations governing the MSA Data Confidentiality Provisions, which is open for public comment until April 25, 2024. MSA requires the Secretary of Commerce prescribe by regulation procedures as may be necessary to preserve the confidentiality of information. A proposed rule was issued to update the regulations because existing regulations are out of date, the NOAA Administrative Order 216-100 that drives how NOAA manage information has not been updated since 1996, and a number MSA and related statutory amendments have been implemented through the 1996 Sustainable Fisheries Act, the 2006 Reauthorization Act, and the 2015 Moratorium Protection Act. Additionally, electronic reporting and electronic monitoring are become more prevalent and changing how NMFS collects data, and the agency now also participate in a number of different processes that share information with individual fishers, organizations and other entities.

The proposed rule has two major components comprising of technical and procedural elements, and providing substantive interpretations of key terms impacting data management. The technical components update the terminologies and clarifications consistent with the statutory amendments. Procedures for maintaining confidential information will be laid out in the rulemaking, as well as in the framework to be developed after the publication of the final rule. These procedural matters include Council staff access to confidential information, as well as updates to how states, observer companies and electronic monitoring service providers can collect confidential information.

The second component of the proposed rule includes updates to the definition of what is considered confidential, defines 'business of any person,' defines certain elements of the Limited Access Program exceptions, and clarifies who may submit a written authorization for release of confidential information. Confidential information includes any information that is required to be submitted to the Secretary and does not include information collected through voluntary research projects. However, confidential information excludes observer information related to interactions with species protected under the MMPA, including the date, the time, location of interactions, the type of species, the fishing practices and the year involved, to help the Take Reduction Teams and other adjacent bodies to help manage the bycatch of the animals. However, interactions with ESA-listed species would continue to be treated as confidential because the statute does not contain provisions regarding the public use of information unlike the MMPA. Under the MSA, NMFS may release aggregate data as long as it does not divulge business identity, location, gear fished, and catch. The proposed rule would revise the definition for aggregate or summary form to explicitly define business of any person as meaning financial or operational information such as fishing location, gear used, and catch. This change is intended to provide broader protection for fishery information submitted through data collection programs such as electronic logbooks, observer reports, and electronic monitoring.

Dueñas said the single reporting business in Guam for many years was the GFCA. Dueñas stated that each interaction has a receipt that is verifiable. Dueñas said data are still not used in determining ACLs for the Guam fishery with the creel survey data. The creel survey data does not include data from spearfishing at night while the GFCA data does. He said he has been willing to share this data with PIFSC for many years, including anecdotal information like tagged tuna showing up from the RMI.

### **C. Status of Pacific Remote Island Areas and NWHI Sanctuary Proposals**



Hoku Ka'aekuahiwi-Pousima, ONMS, provided an update on the Council's response under Section 304(a)(5) of the National Marine Sanctuaries Act to prepare draft fishing regulations for the proposed National Marine Sanctuary in the PRI. The Council sent a letter to ONMS Director John Armor Dec. 13, 2023, conveying its final determination that the existing fishing regulations under the current structure already meet the goals and objectives of the proposed sanctuary and recommended to ONMS that additional fishing regulations are not necessary to meet the proposed PRI National Marine Sanctuary goals and objectives. The Council sent ONMS a decision justification document Jan. 19, 2024, that provided that supplemental information to support the final determination from December. Based on the comments and information gathered during the public scoping process, NOAA is still working on developing the draft documents, including the proposed rule, the draft environmental impact statement, and draft management plan. The documents are anticipated to be released later in the spring or summer 2024, after which meetings will be hosted to invite the public to comment on the draft proposal to designate the PRI National Marine Sanctuary.

Dueñas asked what exactly the added protections to the PRI were protecting against, noting the waters around the PRI are pristine thanks to existing efforts and regulations from the Council. American Samoa uses these areas to supply its cannery. Dueñas asked what cultural value they play to island communities thousands of miles away. There are several island cultures with ties to the islands, of which Samoans use more today. Samoans have already lost 3,000 jobs from an earlier cannery closure and so many have left the islands due to the economic downturn since. Dueñas asked where the equity and justice is considered in this situation, noting that the oceans are the culture as the people of Guam have traveled the oceans for 4,000 years.

Sword said while some people in NOAA do not want the sanctuary, but according to testimony to Congress at the oversight hearing of the House Natural Resources Committee, those who are making the decisions are promoting MPAs and continue closing areas to fishing. These closures are unfair to American Samoa where 50-55% of the population lives below the poverty line. American Samoa depends on the cannery and the military also depends on the cannery to provide food. Products supplying other U.S. canneries come from China. Fisheries are not overfished in the region like they are elsewhere and the resource needs to be utilized. More closures are detrimental not only to Hawai'i and American Samoa, but also to the nation. Any more closures will kill the economy for American Samoa.

Ochavillo asked for confirmation that there will be additional public hearings.

Ka'aekuahiwi-Pousima said once the draft documents are published, the agency will schedule to follow-up public hearings.

Ochavillo said the last PRI hearing had the greatest turnout he has seen in his 15 years in American Samoa. He said it was ironic Kiribati and Palau are opening closed areas while the United States is considering new ones. The SPC and science show that large MPAs do not work. Ochavillo said people are getting tired of public hearings, and another round would be perceived as a reflection that they are not being heard. He asked that the people are rightfully informed of the next round of public hearings so that people's comments can be heard again.

Ramsey asked if there is a preferred alternative identified.

Ka‘aekuahiwi-Pousima said she does not have any information to share on the preferred alternative at this time as the documents are still in drafts and pre-decisional at this time.

Guthertz read off from a report from Congress, serial number 118-62. She found it embarrassing and characterized the protection of indigenous people to pursue the sanctuary. She asks NOAA and the DOC to help gather the audience of the President to discuss the proposal for a sanctuary and misinformation. The Council has written many letters but to no avail on getting a response. The people of American Samoa have shown up in large groups to voice their concerns, including voting in primaries in support of the past President as a protest vote against the sanctuary. Guthertz said this is a not a legacy that President wants to make and wants the Council to continue engaging in getting an audience with the President.

Simonds said the Council had written letters and staff has been following up to get a meeting with the White House. She added that on March 18, 2024, a lawsuit was filed challenging the monument on the East Coast on the basis of questioning the “smallest area” to be conserved, following Supreme Court Justice John Roberts’ opinion from when the Supreme Court refused to hear the last lawsuit on that monument.

Eric Roberts, ONMS, provided a status update on the designation process for the Papahānaumokuākea National Marine Sanctuary. NOAA released the draft documents Feb. 29, 2024, for the proposed sanctuary, and public comment on draft documents opened up March 1, 2024,. Those documents include a draft EIS of the proposed rule and a draft sanctuary management plan. Public comment period will remain open through May 7, 2024. The preferred alternative in terms of boundaries includes the waters consistent with the current boundaries of Papahānaumokuākea Marine National Monument and the Monument Expansion Area (MEA). There are three boundary alternatives in total that were analyzed within the EIS as well as a no action alternative. Commercial fishing was proposed to be prohibited consistent with Presidential Proclamations 8031 and 9478, while proposing to exempt noncommercial fishing in the MEA, provided that no sale of harvested fish occurs.

Dueñas said being unable to sell fish caught while cultural fishing is unfortunate. Dueñas stated the monument is a form of cultural appropriation. Cultural value is not based on monetary value, but there should be a mechanism for cost recovery. The United States is providing financial support all over the Pacific, but yet limits its own Pacific Islanders. Fishing is a source of nutrition to Pacific Islanders who suffer from diabetes and other ailments. Fishing is a part of Pacific Islander culture and supports their perpetuation.

Ramsey stated that statewide meetings will be a great opportunity to share different aspects of the proposed rule and asked how the meetings will be run.

[Discussion ended due to Webex connectivity issues.]

#### **D. Hawai‘i Small-Boat Fisheries Project Update**

Morioka, Hawai‘i commercial fisherman, presented on the Hawai‘i Small-Boat Fishery Project and its upcoming meetings. This project is about improving the community engagement and collaboration between the Council, PIRO, DLNR and other State of Hawai‘i agencies that have regulatory authority. Organizers are hoping to engage the small boat community to inform agencies on how to optimize state and federal regulations. Small boat fishermen are unclear of the boundaries between state and federal regulations. As a result, these meetings will be held

with all involved agencies in a format similar to the Fishers Forum. Agencies will also have the opportunity to learn the concerns of the small boat community. In each selected island area, meetings will be highlighting each agency's responsibility to the community. This project establishes an outreach program to inform affected communities and relevant agencies. This type of collaboration also helps scientists improve their understanding of the data and resulting scientific products.

Dueñas commended Morioka and said he looks forward to seeing this project in Guam. Most have talked down to fishermen, but if all stakeholders are involved and talk story, they will understand each other and get along. Dueñas said fishermen should be empowered and this initiative should be federally funded.

Simonds said the project is supported by PIFSC funds.

Morioka said this project is a result of the Council's recommendation. With better communication, both sides have learned a lot and have improved the science.

Sword said this project should be extended to other island areas and noted that if fishermen are scared to speak publicly, their data contributions are lost. Sword said Morioka is a pioneer on this front and thanked him for the efforts.

Itibus asked if the size of vessels were considered in the exercise.

Morioka said the small boat community best represents the island community. They can replicate 'talking story' with fishermen and scientists. They are developing handouts for each of the APs and local agencies on how to best inform the communities on other island areas.

Sakoda praised the idea behind the project and noted there are a lot of meetings by agencies. DLNR has its monthly meetings, so the department has been listening to these issues and it is important to think long-term. Sakoda asked who is conducting these meetings.

Morioka said the Council is taking the lead to reach agencies and gain support. The idea is to unify communications. They have also invited local fishing organizations and will be open to any other aspects. This is a collaborative effort and opportunity for people to ask any questions and have the right people there to address them.

Sakoda said while DAR at the state level may not have the capacity to lead such an effort, but coordinating with other agencies will make the effort more effective.

Simonds said this is a good thing to happen, noting different organizations participate but then dissipate afterwards. This initiative has been going on for three years. It needs to begin with a brochure on who to talk to and to start getting legislators involved.

## **E. Breakout Group Reports**

### **1. Inflation Reduction Act Priorities and Projects**

Breakout reports were provided by members under a prior agenda item.

### **2. Equity and Environmental Justice Planning**

Breakout reports were provided by members under a prior agenda item.

## **F. Advisory Group Report and Recommendations**

### **1. Joint Advisory Panel, Fishing Industry Advisory Committee, Non-Commercial Fishing Advisory Committee**

Tam, AP chair, presented the Joint AP-FIAC-NCFAC meeting report and recommendations. Tam said the joint meeting was a great opportunity, and suggested similar formats in the future.

*Regarding Council's IRA projects*, the AP-FIAC-NCFAC endorsed the outcomes from the scenario planning, regulatory review, protected species and community consultation breakout groups and recommends the Council use these outcomes as it implements the IRA projects.

*Regarding EEJ*, the AP-FIAC-NCFAC:

- Endorsed the outcomes from the EEJ breakout sessions and recommended the Council direct staff to complete the report and incorporate outcomes into the development of the Council's EEJ strategic plan.
- Recommended the Council request NMFS to continue to pursue international and domestic mechanisms to ensure the local American Samoa tuna purse seine fishery is recognized with special privileges entitled to Small Island Developing States/Participating Territories under the WCPFC.
- Recommended the Council provide assistance to the AP to promote fishing business opportunities in the CNMI.
- Recommended the Council request PIFSC provide an update on CatchIt LogIt to the APs, FIAC and NCFAC at their next meeting cycle.
- Recommended the Council address the disproportionate burden placed on U.S. fishermen by area closures, expansions of closed areas, foreign imports, international regulations, etc.

Dueñas said he would like to see input from the fishing community, possibly in the form of AP members to present a report on a subject matter within that area of expertise of each agenda section. The fishing community should be represented in presentations because they have a wealth of experience and fishermen may be able to give the Council a different perspective and provide recommendations to the Council. He recognized that the something similar is done through the AP process, but there would be additional value in hearing directly from fishermen so that the Council can understand the real workings of the world. He hoped to see more fishing community representation at the Council meetings in the future.

### **2. Scientific and Statistical Committee**

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

*Regarding the SSC Three-Year Plan*, the SSC endorsed the 2024-2026 SSC Plan.

*Regarding the PIFSC director report*, the SSC recommended that the Council work with PIFSC to ensure that their strategic and implementation plans align with the Council's plans and priorities.

Ochavillo reported the SSC discussed the alignment of the development of PIFSC's 10-year strategic and implementation plan and Council's research priorities.

*Regarding the NASEM Committee on Assessing Equity in the Distribution of Fisheries Management Benefits*, the SSC recommended the Council request that NMFS consider the recommendations from the NASEM report to help support EEJ issues.

*Regarding the MSRA 5-year Research Priorities 2025-2029*, the SSC recommended the draft research priorities incorporating SSC input for further review by the Council advisory groups and looks forward to reviewing the final revised document at the June SSC meeting.

Ochavillo reported the SSC received an update of the effort to develop the MSRA 5-year Research Priorities for 2025-2029, including a report of the Council and PIFSC staff workshop convened in February. The SSC provided a review to refine the preliminary draft research priorities in a working session. The SSC endorsed the working session summaries, which were included in the SSC's full report.

*Regarding the SSC FKW Working Group update*, the SSC adopted the Working Group report and recommendations.

The SSC recommended that the Council include the working group report and recommendations in its comment letter in response to the draft stock assessment report (SAR).

Ochavillo reported the Council at the September 2023 meeting directed staff to work with the SSC working group to provide a response to PIFSC regarding the pelagic FKW management area issue, as well as to provide comments on the draft 2023 SAR when it becomes available. The SSC received a report from the working group. The abundance within the pelagic FKW management area was estimated using the species distribution model (SDM) in the draft 2023 SAR. The SSC working group recommended that the alternative design-based approach be used to estimate FKW abundance inside the EEZ until such time that a more rigorous and independent evaluation of the SDM approach can be completed. For areas outside of the EEZ, the working group recommended that NMFS not use the management area boundary and associated abundance estimate using the SDM in the SAR or for any management purposes because the available data are not fit for purpose. The working group recommended that NMFS prioritize conducting surveys outside the EEZ to gather additional tagging and genetics data to delineate a biologically based area that defines the pelagic stock.

*Regarding the presentation "New Framework Reveals Gaps in US Ocean Biodiversity Protection,"* the SSC recommended that the Council work with the CCC to ensure that any area-based conservation management measures proposed have stated abatable threats, a means to evaluate those threats, and evidence that such action would mitigate those threats.

Ochavillo reported the SSC received a presentation on a recent publication proposing a scientific framework for assessing marine biodiversity at multiple spatial scales to assess gaps in biodiversity knowledge and protection. The paper shows that none of the nation's 24 marine ecoregions meet all criteria for an effective protection network and that biodiversity coverage in protected areas varies among regions and taxa. The SSC members noted that the caveats and assumptions behind the paper were not explicitly stated and that the results presented might be interpreted as indicating total closures were the only means to effectively manage marine ecosystems and protect their biodiversity. The SSC noted that any definition of "protection" is contentious and needed careful consideration, especially given that the paper indicated that the total closure of an area was the "best" protection. The SSC further noted that a total closure might not be as effective as technical measures for specific conservation and fisheries management objectives. The SSC also discussed that the paper's title may be misleading and could be seen as supporting fully protected area as a general strategy with potential significant unintended consequences, for example social and economic impacts in American Samoa from support for monument and or sanctuary expansion around the PRIA.

Dueñas asked if the SSC has come up with a certain range of criteria that would be beneficial in determining recovery and the data collected to inform assessments. Dueñas expressed frustration with the lack of progress on the FKW issues and the lack of data.

#### **G. Public Comment**

Abraham Apilado Jr., Hawai'i AP member and fisherman, provided public comments on the NWHI. Lack of fishermen presence will have negative impact on the fish stocks. Fishermen are like gardeners tending their garden or a rancher tending the cattle. He said lack of fishing knowledge hurts our ability to manage fisheries and eventually the fish themselves. If the fishery fails, all the people for the agencies lose their jobs too. He said managing fisheries should not be done by shutting them down, as closing fisheries is a cheap way of getting out of something. The idea that the NWHI feed the MHI is not true. Bottomfish need freshwater to grow, but that freshwater is going to human use, while everyone wants to blame fishermen. If the goal is to sustain fisheries, major changes need to be made today. The goal should not be to kill the livelihoods of fishermen, entire communities, entire islands and entire indigenous people. He urged attendees to listen to the fishermen if they are serious about the people. He would be willing to share knowledge to help the process. Fishermen are affected by the decisions that are made today, and without fisheries and fishermen, culture is lost, the way of life is lost, and the people are lost.

Iloa, American Samoa business owner and AP member, made comments on the PRI expansion proposal for a sanctuary. There is a disproportionate burden for Pacific Islanders and their fisheries because they are highly regulated. The target species are highly migratory and drawing boxes in the ocean is not effective. He wondered why more layers of protection need to be added when BSIA shows stocks are healthy and MSA National Standard 1 is casually ignored. He wondered what would happen if a half a million square mile reserves were carved out of Dutch Harbor. Closures persist in the Pacific because Pacific Islanders are expected to accept it, even with the resounding voice in opposition. The voices of the collection of underserved people in the Pacific should count, considering the EEJ mandate. Talking about disproportionate burden, 54% of the U.S. EEZ in the Pacific is already basically put into conservation measures, and 99.5% of U.S. marine reserves are in the Pacific region. The process seems slow to appoint Soliai as a commissioner and other matters, yet the agency is quick to close

areas to fishing when a FKW is hooked. There needs to be political will to do the right thing and stop worrying about political legacy when the people of the Pacific are unified in saying no. He asked the Council to consider its efforts in engaging the Federal Government to follow the will of the Pacific people.

## **H. Council Discussion and Action**

*Regarding the MREP, the Council:*

- 1. Directed staff to continue to support the implementation of MREP in the Western Pacific Region through participating in planning meetings and ensuring program curriculum encompasses issues important to the region.**

*Moved by Igisomar; seconded by Dueñas.*

*Motion passed.*

*Regarding the NMFS Data Confidentiality Proposed Rule, the Council:*

- 2. Directed staff to review the proposed rule and send a letter to NMFS providing comments by the April 25, 2024, deadline.**

*Moved by Dueñas; seconded by Guthertz.*

*Motion passed.*

*Regarding the Council's EEJ Program, the Council:*

- 3. Endorsed the recommendations from the Joint Meeting of the AP, FIAC and the NCFAC on the EEJ breakout group's findings and outcomes, and directs staff to incorporate the outcomes into the development of the Council's EEJ strategic plan.**

*Moved by Dueñas; seconded by Guthertz.*

*Motion passed.*

*Regarding the Council's IRA priorities and projects, the Council:*

- 4. Endorsed the recommendations from the Joint Meeting of the AP, FIAC, and NCFAC on the IRA breakout groups' findings and outcomes and directs staff to incorporate these elements into the rollout and implementation of the projects to the maximum extent practicable.**

*Moved by Dueñas; seconded by Guthertz.*

*Motion passed.*

*Regarding the NASEM Report on Assessing Equity in Distribution of Fisheries Management Benefits, the Council:*

- 5. Requested NMFS consider the recommendations from the NASEM report to help support EEJ issues.**

*Moved by Itibus; seconded by Dueñas.*

*Motion passed.*

*Regarding the 2025-2029 MSRA Research Priorities, the Council:*

6. Directed staff to incorporate SSC input into the draft 2025-2029 MSRA research priorities for further review by the Council advisory groups and prepare a final revised document for approval at the June Council meeting.

Moved by Dueñas; seconded by Guthertz.

Motion passed.

*Regarding the SSC Three-Year Plan, the Council:*

7. Approved the SSC Three-Year Plan and directs staff to transmit the plan to the NMFS OST.

Moved by Weaver; seconded by Dueñas.

Motion passed.

*Regarding the SSC report, the Council:*

8. Requested NMFS PIFSC to work with the Council to ensure that their strategic and implementation plans align with the Council's plans and priorities.
9. Directed staff to send a letter to NMFS in response to the draft 2023 SAR incorporating the SSC recommendations regarding the pelagic FKW management area approach.
10. Requested NMFS to prioritize conducting surveys outside of the EEZ around Hawai'i to gather additional tagging and genetics data to delineate a biologically based area defining the pelagic FKW stock.
11. Directed staff to work with the CCC to ensure that any area-based conservation management measures proposed have stated abatable threats, a means to evaluate those threats, and evidence that such action would mitigate those threats.

Moved by Guthertz; seconded by Dueñas.

Motion passed.

*Regarding the Joint AP-FIAC-NCFAC Report, the Council:*

12. Requested NMFS continue to pursue international and domestic mechanisms to ensure that local U.S.-flagged vessels tuna purse seine vessels out of American Samoa are recognized as an American Samoa fishery with special privileges entitled to Small Island Developing States/Participating Territories under the WCPFC.
13. Directed staff to work with the CNMI AP to develop options for promoting fishing as a business opportunity in the CNMI.
14. Directed staff to work with NMFS PIFSC to provide updates on CatchIt LogIt to the APs, FIAC and NCFAC throughout its development.
15. Directed staff to work with NMFS to address the disproportionate burden placed on US fishermen by area closures, expansions of closed areas, foreign imports, international regulations, etc.



Moved by Dueñas; seconded by Guthertz.  
Motion passed.

## **XV. Pelagic and International**

### **A. 2023 Longline Fishery Performance and Economic Snapshot Reports**

#### **1. Hawai‘i Longline Fishery Report**

Russell Ito, PIFSC, presented the 2023 annual report for the Hawai‘i longline fishery. There was a fleet-wide increase of three vessels from the prior year to 150 vessels, with four vessels based out of California. Fishing effort increased slightly to 1,663 trips and approximately 23,000 sets, with most of the effort being deep-set, with a record number of 67 million hooks being set primarily on the high seas. For shallow-set, effort was more concentrated between 30-35 degrees north than in recent years, with 150 swordfish sets. Bigeye tuna has been declining with 167,000 caught in 2023 with yellowfin the second highest tuna catch with 80,000 pieces. Albacore catches have increased to historical highs. Trends of CPUE suggest decrease of bigeye tuna and increase in yellowfin tuna particularly in 4th quarter of 2023. Also noted were increases in albacore CPUE. Marlin and spearfish catches have been down in 2023 as well. Bigeye tuna catch was primarily southwest of the Hawaiian Islands. Swordfish catch was primarily in a region directly north of the Hawaiian Islands. It was noted that fuel and supply costs continue to increase while fish prices were low. Recent catches of bluefin tuna were noted.

Minling Pan, PIFSC, provided the Hawai‘i economic performance reports. Economic analyses indicated soft inflation in Hawai‘i with 2023 ex-vessel price for all species being lower than in recent years for most species including swordfish. Yellowfin and bigeye prices were slightly higher than 2022 levels. Visitors into Hawai‘i are lower than they were before the pandemic, affecting local market demands. There has also been a relatively high level of yellowfin tuna imports compared to historical levels, although early months in 2023 were lower than those in 2022. Hawai‘i longline revenue in 2023 was notably lower than pre-pandemic average levels (2015-2019), and lower than revenue in 2021 and 2022. Fuel price has been increasing annually and was higher than most baseline levels.

#### **2. American Samoa Longline Fishery Report**

Jennifer Stahl, PIFSC, presented the 2023 annual report for the American Samoa longline fishery covering fishery statistics including participation, effort, and catch. The fleet fished for 1,185 sets and 35 trips totaling 3.67 million hooks, of which 21 sets (70,000 hooks) were not included in the report. Six vessels are utilizing electronic reporting tablets out of ten vessels that have them ready for use. Data on fishing outside the EEZ continues to be confidential (<3 vessels). Participation and effort were lower in 2023 (vessels, trips, sets, and hooks) with the last 4 years fairly similar. CPUE has been more than 12.5 albacore per 1000 hooks, though less than 2022 levels, although CPUE has been more than the five- and 10-year averages. Yellowfin tuna catches have increased significantly, above five- and 10-year averages.

Pan followed up with a presentation on the American Samoa Seafood and Economic Snapshot. Economic analysis indicates that the inflation rate (9.7% Consumer Price Index in 2022) increased substantially since the pandemic and that there is a decreasing trend in ex-vessel price for South Pacific albacore since 2019. Profit fluctuates over time, with generally slightly

profitable years but negative revenue in 2013-2014 and 2020. There was a significant increase (>50%) in 2022 fuel price. Local catch is important for food security and source of income. A small-boat fishing survey indicated that 97% kept some of their catch for family consumption, but pelagic species are mostly given away.

Dueñas asked about catch rates of the fishery compared to other nearby nations and whether they deal with the same economic conditions. Dueñas also asked if there were patterns in size distributions in albacore there. Lastly Dueñas said wahoo catches are important and need to be sustained.

Pan said American Samoa struggles with a high operational cost, but the price per fish has improved. Pan confirmed wahoo is in high demand and said she had talked to someone at the airport in American Samoa who said he had packed some wahoo for his relative in Hawai‘i.

Dueñas said taxes are high in American Samoa and that the fishery is also overregulated. Shipping to the territory is also difficult.

Sword confirmed that Coast Guard inspections do present difficulties for vessels.

## **B. Report on Multi-Year Specification Framework for Territorial Bigeye Catch and Allocation Limits**

Makaiau, PIRO, provided an update on the specification of catch and allocation limits from territories to U.S. flagged vessels. Under the Pacific Pelagic FEP, the Council may recommend and NMFS may approve catch limits for bigeye tuna and MUS that are identified in the FMP. Previously, this recommendation allowed the territories to allocate some of this catch limit to U.S. longline vessels out of Hawai‘i. U.S. longline vessels would have agreements with the territories to provide money for the territories’ fishery development projects in exchange for access to this catch allocation. Parties to the agreement would contribute funds to the Western Pacific SFF, which is authorized under the MSA and allows for these funds to support conservation and management projects under an MCP. Most recently at the 197th Council meeting, the Council considered modifying this framework to remove the requirement that a territory must first have a catch limit before it could allocate amount of bigeye tuna or other pelagic MUS to U.S. vessels.

A new WCPFC measure for tropical tuna removed the authority and recognition for the United States and territories to continue these arrangements. However, a new bigeye tuna longline catch limit was increase for the Unites States by 3,000 mt, from 3,554 to 6,554 mt. The practical effect of the new measure is that the attribution framework cannot be recognized and NMFS can no longer approve the allocation transfers and arrangements. The implication for the specification framework is that the Council may still choose to recommend multi-year territorial longline catch or effort limit for pelagic species, including bigeye tuna, but any Council recommendation that would allow a U.S. territory to allocate a portion of its longline limit to U.S. longline vessels would be subject to disapproval by NMFS.

Dueñas said internationally, he understands that the WCPFC has not given permission for continuing the transfers of catch, which means that the WCPFC measure is superseding U.S. regulation. Dueñas expressed disappointment on Guam’s lack of participation in the territorial arrangements in recent years and asked how a PIAFA could work with selling fishing privileges to foreign countries.

Makaiau said a number of procedures would need to be conducted first for a PIAFA, which provides authority under the MSA for the Secretary of State in consultation with the Secretary of Commerce, and involving the Council and the applicable territory governor to establish a foreign fishing agreement to allow foreign fleets to access U.S. waters to fish. One of the procedures would be to establish a total allowable fishing level, which is a fraction of optimal yield for a U.S. fishery that is unused. That would mean establishing a catch limits for the territories and determine what portion of that catch limit will be reserved for the U.S. vessels and what portion could be negotiated, sold, or chartered to a foreign fishing fleet. The arrangements are legally possible but have not been done before, and the details would need to be worked out and someone who is willing to pay for such access would need to be identified.

Simonds said following up on the Council's recommendation from December 2023 asking a review of the PIAFA, staff has been meeting with GCPI and PIRO, and a status report is expected at the next Council meeting.

Sakoda asked if there would be a reason for the Council to establish territorial catch limits, and whether there may be potential benefit at the international level by doing so.

Makaiau said catch limits generally ensures that catches when they do occur remain at a sustainable level. The Pacific Islands insular areas have small fisheries, and there are no limits established by the WCPFC. The United States has discretion under its authorities to establish limits. It could be argued that catch limits are unnecessary for Guam and the CNMI due to the lack of a bigeye fishery, while there may be reasons to establish limits for American Samoa because it does have an active longline fishery that catches bigeye tuna.

Muña asked if there is an exception for establishing domestic catch limits under the MSA when the fisheries are regulated by an international commission, whether that means it gives Guam the ability to enter into its own agreement without U.S. consultation since the fishery would be considered internationally managed.

Makaiau deferred to GCPI on whether the territories have sovereign rights to manage federal fisheries in federal waters unilaterally under their own authorities.

Placek said the fishery is managed by the WCPFC, which has decided to exempt participating territories from catch limits for bigeye tuna. WCPFC does not set a catch limit for bigeye tuna for the territories. Separately, the PIAFA system gives the Secretary of State, DOC, the Council, and the governors of each territory the ability to consult on whether to enter into a PIAFA. Because the matter concerns fishing in the U.S. EEZ, the territory would need to work with the DOC and U.S. State Department.

### **C. 12th Meeting of South Pacific Regional Fisheries Management Organization**

Emily Reynolds, PIRO, presented on outcomes of the 12th annual meeting of the SPRFMO convened in January 2024 in Ecuador. The most common fishing methods under the SPRFMO are purse seining, pelagic trawling, jigging, bottom trawling, bottom longlining, and potting, and the two key species are jack mackerel and jumbo flying squid. SPRFMO jurisdiction includes high seas areas of the South Pacific. The United States is a co-sponsor on an initiative to increase transshipment observer coverage from 0 to 100%. The United States. is a co-sponsor on labor standards proposal for SPRFMO. The United States. was also successful on a measure with New Zealand to increase observer coverage for the jumbo squid fishery, in addition to effort

limits adopted the previous year (2% of fishing days). China demonstrated 6% of its days were observed. SPRFMO also added a measure to recognize climate change in any future management measures. Electronic monitoring is another issue that will be addressed through working groups, which will be chaired by Brinkman. SPRFMO is also having an intersessional working group meeting on management strategy evaluation in 2024. The next Science Committee will be in Peru and the 2025 commission meeting will be in Chile.

Dueñas noted the number of Chinese and Japanese squid vessels and the confined living expenses. He also noted the difficulty in pairing observers with U.S. vessels, much less some of these foreign vessels.

#### **D. Upcoming Inter-American Tropical Tuna Commission Management Issues**

Rachael Wadsworth, NMFS West Coast Region Office Highly Migratory Species branch chief, presented on IATTC issues and upcoming meetings. Wadsworth provided an overview of the jurisdiction of the IATTC and fisheries of interest. The 2nd Electronic Monitoring Working Group meeting will occur in April. The Ecosystem and Bycatch Working Group and FAD Working Group meetings will be in early June in La Jolla. IATTC Scientific Advisory Committee (SAC) meeting will be later in June, where the scientific staff from the IATTC will present stock assessments. The ISC plenary will be held in June in Vancouver, Canada and the Joint Working Group meeting will be in Japan. The U.S. advisory meetings will be Aug. 1-2, 2024. IATTC annual meetings will take place later than usual between Aug. 26 and Sept. 6, 2024, in Panama City, Panama.

The IATTC has a three-year tropical tuna measure that expires at the end of 2024, and will be up for a negotiation at the IATTC meeting this year. New stock assessments for tropical tunas (bigeye, yellowfin, and skipjack) will be presented at the SAC meeting this year. IATTC scientific staff will provide a review of the purse seine bigeye tuna catch limits that were put into place in 2022 in the port sampling program. A draft executive summary of the bluefin stock assessment will be presented at the SAC meeting and a measure on bluefin is up for negotiation. The IATTC will also need to discuss minimum hook sizes in longline fisheries, which will also be discussed at the bycatch working group. Electronic monitoring and forced labor tracking will also be addressed in 2024. The IATTC has discussed fleet capacity limits for many years and Dale Squires, NMFS Southwest Fisheries Science Center, will present information on alternatives to management of fleet capacity. Safe handling for birds, turtles and sharks will be also discussed at the IATTC this year.

#### **E. Advisory Group Report and Recommendations**

##### **1. Scientific and Statistical Committee**

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

*Regarding the Hawai'i longline fishery report*, the SSC recommended that longline fishery summaries for catch and CPUE be reflected in numbers and weight when economic data are presented at the September SSC meeting.

*Regarding the American Samoa longline fishery report*, the SSC recommended that PIFSC include U.S. South Pacific albacore troll fishery summaries from the SWFSC alongside annual American Samoa longline fishery summaries.

The SSC recommended that time series plot of hooks per set be provided in future longline reports along with an explanatory narrative.

#### **F. Public Comment**

Kingma provided comments on fishery performance of the Hawai'i longline fishery during the El Niño and La Niña conditions. Market conditions are unprecedented. Supply is high in the market and there is a lot of frozen gassed product in the U.S. market. A lot of these foreign products are subsidized. The WTO is going nowhere. The U.S. farm sector gets about \$20 billion a year in subsidies. Retailers and those along the supply chain are taking incredible margins on seafood right now. Consumers are paying much higher prices than what is being sold directly.

#### **G. Council Discussion and Action**

*Regarding the 2023 longline fishery performance and economic snapshot reports, the Council:*

- 1. Requested NMFS PIFSC to reflect longline fishery summaries for catch and CPUE in numbers and weight when economic data are presented at the September SSC meeting.**
- 2. Requested NMFS PIFSC include U.S. South Pacific albacore troll fishery summaries from the SWFSC alongside annual American Samoa longline fishery summaries in reports to the Council.**
- 3. Requested NMFS PIFSC provide a time series plot of hooks per set in future longline reports along with an explanatory narrative.**

*Moved by Guthertz; seconded by Igisomar*  
*Motion passed.*

### **XVI. Administrative Matters**

#### **A. Financial Reports**

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

- \$344,198 in the Administrative Multi-Year Award, ending December 2024.
- No expenditures in the 2024 Administrative Add-On funds;
- \$66,508 in the 2023 Coral Reef Award, ending September 2025;
- \$166,939 in the 2022 Coral Reef Award, ending September 2025;
- No expenditures to date in the 2023 American Samoa SFF Award, ending September 2026;
- \$29,593 in the 2022 American Samoa SFF Award, ending July 2024. The Council will request an extension through July 2025;
- No expenditures to date in the 2022 CNMI SFF Award, ending July 2024. The Council will request an extension through December 2025;
- \$77,324 in the SFF XII Award, ending July 2025;
- \$101,074 in the SFF XIII Award, ending July 2025; and
- \$10,012 in the PRIA SFF Award, ending July 2024.

## **B. Administrative Reports**

Simonds referred members to the administrative report in their briefing materials and provided additional updates. The Council received a response from the Assistant Administrator for Fisheries on the status of recruiting a regional administrator; NMFS noted the announcement for the position was expected to be posted within the next 45 days. The Council also hopes to fill the CNMI coordinator position by April 1.

The Council received a copy of the letter from HLA to Governor Palacios, noting that HLA will provide \$500,000 to the territories.

## **C. Council Family Changes**

Mitsuyasu reported on the proposed Council family changes. Regarding the Archipelagic Plan Team, David O'Brien from PIRO SFD will replace Brett Schumacher, and Eva Schemmel from PIFSC will replace Joe O'Malley. Michelle Sculley from PIFSC will be added to the Pelagic Plan Team. Matt Orot will be removed from the Guam AP, and John Gourley will be added to the FIAC. The last request is to replace Ali Bayless with Ariel Jacobs from PIFSC on the Education Committee.

## **D. Meetings and Workshops**

Simonds referred members to the meetings and workshop list in their briefing materials and highlighted the schedule for the MEA hearings in Hawai'i. The Executive Committee has been discussing where to hold the next Council meetings and will follow up with Council members at a later date.

## **E. 2025-2028 Program Plan**

This item was covered in a previous agenda item.

## **F. Executive and Budget Standing Committee Report**

Sword reported on the highlights from the Executive and Budget Standing Committee Meeting convened March 15, 2024. The committee discussed the \$500,000 donation from HLA and how to split the funding among the three territories. Previous HLA funding has supported capacity building which has been significant for the future in the territories. Sword also emphasized how the Council has had a significant reduction in budget funding over the last five years and the challenges to continue the work the Council does in times of inflation.

Simonds said regional FMCs are developing a budget letter to Janet Coit during the upcoming CCC meeting and that this Council's section will be included in that request.

Igisomar requested the SFD and Council staff review of the regulations affecting the CNMI with respect to the federal permitting requirement through NMFS for bottomfish commercial fishing and remove duplications of those requirements.

Simonds said there needs to be a discussion among the federal agencies and the Council to see how this can be accomplished.

## **G. Public Comment**

There were no public comments.

## **H. Council Discussion and Action**

*Regarding administrative matters, the Council:*

- 1. Accepted the 198th Council meeting financial and administrative reports.**
- 2. Directed staff to finalize and transmit the FY 2025 - 2028 Council Administrative Award and Program Plan incorporating comments received.**
- 3. Approved the Council's section of the regional FMCs' funding request to NMFS for discussion at the May CCC meeting.**

*Moved by Itibus; seconded by Igisomar.*

*Motion passed.*

*Regarding administrative matters, the Council:*

- 4. Approved distribution of \$500,000 from HLA consistent with Section 204 of the MSA;**
- 5. Directed staff to send a letter to NOAA Grants Management Division requesting a status update on the review and approval of the Council's IRA grant applications.**
- 6. Directed staff to follow-up with the NOAA Coral Reef Conservation Program regarding funding changes to support administrative oversight of the Council's coral grant.**

Onaga said the distribution for number four is through the MCP and should be consistent with Section 204. This will be coordinated between the Council and the territories to the MCPs.

*Moved by Itibus; seconded by Guthertz.*

*Motion passed.*

*Regarding program matters, the Council:*

- 7. Supported the plan for staff to develop and produce outreach materials to participate in the public scoping sessions to be held by the National Ocean Service through the MHI on the NWHI MEA in April 2024.**

*Moved by Guthertz; seconded by Dueñas.*

*Motion passed.*

*Regarding program matters, the Council:*

- 8. Directed staff to send a letter to the Pacific Basin Development Council to support fisheries development and address economic challenges now impacting the U.S. Pacific Islands.**

Moved by Guthertz; seconded by Dueñas.  
Motion passed.

*Regarding program matters, the Council:*

- 9. Directed staff to work with NOAA GCPI to further discuss fishery development opportunities for the U.S. territories through the MSA PIAFA provision.**

Moved by Guthertz; seconded by Dueñas.  
Motion passed.

*Regarding program matters, the Council:*

- 10. Directed staff to work with PIRO to coordinate quarterly meetings with the International Fisheries Division in the same manner as meetings held with the SFD.**

Moved by Guthertz; seconded by Igisomar.  
Motion passed.

*Regarding program matters, the Council:*

- 11. Recommended amending the Permanent Advisory Committee Statement of Organization Practices and Procedures to include territorial coordination and caucusing to develop joint U.S.-territorial positions at the WCPFC.**

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

*Regarding program matters, the Council:*

- 12. Recommended that staff work through the CCC to convey to the Secretary of Commerce the application of a MOU on Management of Highly Migratory Species in the Pacific for Council management and to ensure that the MOU is followed properly.**

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

*Regarding program matters, the Council:*

- 13. Directed Council staff to work with NMFS PIRO and GCPI to review the CNMI law establishing mandatory permit and reporting requirements for the CNMI bottomfish fishery to determine whether the information collected under this law may fulfill the data collection needs of the Mariana Archipelago FEP, including standardized bycatch reporting methodologies and other MSA requirements and whether the federal permit and reporting requirements are duplicative.**

Simonds suggested adding GCPI to recommendation 13.

Moved by Guthertz; seconded by Dueñas.  
Motion passed.

*Regarding Council family changes, the Council:*

- 14. Made the following changes to its advisory groups:**



- a. **Replace Brett Schumacher with David O'Brien (PIRO SFD) on the Archipelagic Plan Team.**
- b. **Replace Joe O'Malley with Eva Schemmel (PIFSC) on the Archipelagic Plan Team.**
- c. **Add Michelle Sculley (PIFSC) to the Pelagic Plan Team.**
- d. **Remove Matthew Orot from the Guam-Mariana Archipelago FEP AP.**
- e. **Appoint John Gourley to the FIAC.**
- f. **Replace Ali Bayless with Ariel Jacobs (PIFSC) on the Education Committee.**

*Moved by Weaver; seconded by Guthertz.*

*Motion passed.*

*Regarding sanctuaries the Council:*

- 15. Requested a meeting with the president of the United States to discuss potential U.S. Pacific national marine sanctuary designations in federal waters.**

*Moved by Guthertz; seconded by Dueñas.*

*Motion passed with Malloy abstaining.*

*Regarding Council meetings, the Council:*

- 16. Directed staff to invite a member of the fishing community to be a presenter on any subject matter on the agenda and the topic of discussion.**

Dueñas said the Council needs the expertise from the ground level, as the experts from the local communities could contribute their institutional knowledge and expertise to Council discussions.

*Moved by Dueñas; seconded by Guthertz.*

*Motion passed.*

## **XVII. Other Business**

Sword thanked the Council, Council staff and partners in the Federal Government.

Simonds also thanked the advisors for their help with the Council and providing their expertise with its programs. As requested, the Council will look into doing a joint meeting with the advisors annually.

Meeting adjourned.