



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

MEMORANDUM

November 18, 2024

TO: Interested Parties
FROM:  Kitty M. Simonds

SUBJECT: Summary of Action Items for the 201st Meeting of the Western Pacific Regional Fishery Management Council

- 1. Modifying the Guam Bottomfish Rebuilding Plan**
 - 2. U.S Catch Limits for North Pacific Striped Marlin**
 - 3. Hawaii and American Samoa Longline Fisheries Crew Training Requirement**
 - 4. Development of an Electronic Monitoring Program for Western Pacific Fisheries**
 - 5. Update on American Samoa Bottomfish Management Unit Species - Tier 6 Acceptable Biological Catch Control Rule**
-

The 201st meeting of the Western Pacific Regional Fishery Management Council will convene by web conference on December 16-17, 2024, via Webex with in-person participation at the Council Office.

The Webex link is <https://tinyurl.com/201CouncilMtg> (if prompted, enter event number: 2868 975 1222; password: CM201mtg). Specific information on joining the meeting, instructions for connecting to the Webex and providing oral public comments during the meeting will be posted on the Council website at: www.wpcouncil.org/event/201st-council-meeting

The Council will consider and may take action on the issues summarized below, including any public comments on them. Written public comments on final action items should be received by the Council's executive director by 5 p.m. (HST), Thursday, December 12, 2024, by postal mail, fax or email as indicated below.

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

FAX: (808) 522-8226

E-mail: info@wpcouncil.org

Summary of Action Items at the 201st Council Meeting

1. Modifying the Guam Bottomfish Rebuilding Plan (Final Action)

The 2018 stock assessment determined that the Guam bottomfish complex (BMUS) was overfished and experiencing overfishing. Based on that determination, the National Marine Fisheries Service (NMFS) informed the Council of a change in stock status for Guam bottomfish, which required the Council to end overfishing and to develop a rebuilding plan within 15 months. In response, the Council specified lower catch limits to <31,000 lbs to reduce overfishing and developed a rebuilding plan that would help to restore the bottomfish stocks. The Council, however, noted issues with the data and stock assessment and requested NMFS to reassess the stocks.

A new stock assessment update for the Guam bottomfish management unit species (BMUS) was presented to the Council in June 2024. Although the stock assessment result found that the fishery was not overfished, the bottomfish fishery was not rebuilt based on the criteria of the rebuilding plan and status determination criteria under the Mariana Archipelago Fishery Ecosystem Plan (FEP). The new assessment was reviewed by the Western Pacific Stock Assessment Review (WPSAR) panel and the Council's SSC and deemed the best scientific information available (BSIA) for the Guam bottomfish stock. At its 198th meeting, the Council directed staff to develop options to modify the Guam BMUS rebuilding plan. Further, the Council requested the Pacific Islands Fisheries Science Center (PIFSC) to provide catch projections that would rebuild the stock and for the Pacific Islands Regional Office (PIRO) to provide a review of the rebuilding plan progress.

At its 201st meeting, the Council will consider taking final action on an alternative to modify the rebuilding plan and specifying the annual catch limits (ACL) and accountability measures (AMs) for the Guam bottomfish fishery to rebuild the stock by 2031. At its 200th meeting, the Council took initial action and identified Alternative 2b as its preliminary preferred alternative with no in-season AM and higher performance standard and implement a post-season three-year average overage adjustment AM. The Council will consider the following options:

- 1) Alternative 1: No Action. Do not modify the rebuilding plan. ACL of 31,000 lb with in-season monitoring and higher performance standard.
- 2) Alternative 2: Modify the rebuilding plan
 - a. Maintain an ACL of 31,000 lbs and modify the AMs to discontinue the use of in-season monitoring and apply a post-season overage adjustment to prevent overfishing and rebuild the stock by 2028;
 - b. Modify the ACL to 34,500 lbs and AMs to discontinue the use of in-season monitoring and apply a post-season overage adjustment to prevent overfishing and rebuild the stock by 2031;
 - c. Establish a prohibition on bottomfish fishing in federal waters to rebuild the stock by 2026.

2. U.S Catch Limits for North Pacific Striped Marlin (Initial Action)

At its 199th Meeting, the Council was informed that the Western and Central North Pacific (WCNPO) striped marlin stock status changed to no longer overfished while still experiencing overfishing under the Council's FEP. NOAA General Counsel Pacific Island

Section and PIRO Sustainable Fisheries Division informed the Council at its 200th Meeting that the purpose and need for action under MSA Section 304(i) obligation to end international overfishing has been nullified. NMFS withdrew a proposed rule to set a catch limit of 457 tons (t) with a retention limit of 443 t for vessels with a Hawaii limited entry longline permit. If the retention limit is projected to be reached, retention of striped marlin would be prohibited for the remainder of the year. The withdrawn rule was a result of a Council recommendation at its 193rd meeting to satisfy MSA 304(i) obligations to end international overfishing.

The Council may recommend a new initial action under the MSA Section 303(a)(1)(A) to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery. The Council may decide to revisit previous alternatives as options under a new initial action to establish a catch limit under MSA 303(a)(1)(A), 304(e), or other provisions of the MSA.

At its 201st Meeting, the Council may take action to set a catch limit for WCNPO striped marlin and reconsider the following options:

- 1) Option 1: No action or status quo, do not set a retention limit for WCNPO striped marlin.
- 2) Option 2: Set a longline retention limit of 443 t and a catch limit of 457 t, consistent with existing WCPFC conservation and management measures, below catch from 2019.
- 3) Option 3: Set a longline retention limit of 360 t and a catch limit of 371 t, consistent with catches of striped marlin from 2018 to 2020 and a proposed WCPFC rebuilding plan subject to review in November and December 2024.
- 4) Option 4: Prohibit retention of WCNPO striped marlin (a retention limit of 0 t).

3. Hawaii and American Samoa Longline Fisheries Crew Training Requirement (Initial Action)

Recent 2023-2024 Biological Opinions (BiOps) for the Hawaii deep-set longline (DSL), Hawaii shallow-set longline (SSL), and the American Samoa longline (ASL) fisheries included a Reasonable and Prudent Measure (RPM) specifying NMFS Pacific Islands Regional Office (PIRO) Sustainable Fisheries Division (SFD) to require species handling training for crew members within two years of the BiOp's publication (by May 2025). PIRO SFD, in coordination with the Hawaii Longline Association (HLA), PIRO Protected Resources Division (PRD), and the Council developed a pilot crew training program to implement the BiOp RPM requirement. The first pilot program training session was conducted in April 2024, and is expected to run through May 2025, with the target of training all current crew members in the Hawaii and American Samoa longline fisheries.

The Council at its 200th Meeting in September 2024 reviewed an options paper presenting considerations for determining the scope of Council action associated with implementing the crew training requirement as specified in the recent BiOps. The Council directed the Action Team to prepare a draft regulatory amendment under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FEP) analyzing the following range of options for initial action at the December 2024 meeting: a) Implement a crew training requirement consistent with BiOp RPM T&C; and b) Update the owner/operator protected species workshop requirement to allow overlap with crew training requirement.

The Council at its 201st meeting will review the preliminary draft regulatory amendment and will consider taking initial action for implementing a crew training requirement for the longline fisheries operating under the Pelagic FEP. The Council will review a draft set of alternatives for implementing a crew training requirement consistent with the BiOp RPM T&C, and considering updates to the existing owner/operator protected species workshop requirement to allow overlap with the crew training requirement, if appropriate. As part of the initial action, the Council will also consider refining the regulatory specifications associated with the action. These decision points pertain to the frequency and flexibilities of the certification requirements.

- 1) Alternative 1: Revise the Longline Fishery Protected Species Workshop Requirement to Include Crew Training Requirement

Decision Points for Defining Regulatory Specifications:

- a) Frequency of crew training certification requirement
 - b) Frequency of owner/operator certification requirement
 - c) Flexibilities in certification options between crew and owner/operator
 - d) Additional flexibilities to prevent delays in fishing trips
- 2) Alternative 2: No Action/Status Quo

4. Development of an Electronic Monitoring Program for Western Pacific Fisheries (Initial Action)

To date, Electronic Monitoring (EM) in the Western Pacific region has been a voluntary program in longline fisheries dedicated to research and development, not for monitoring under statutory requirements. In order to implement EM as a tool for monitoring, the Council would need to authorize the use of EM. At its 199th Meeting, the Council directed staff to work with NMFS PIRO and advisory bodies to explore regulatory considerations to utilize EM for management as a means to supplement and/or fulfill data collection requirements as currently implemented through federal observers. At its 200th Meeting, the Council directed staff to finalize a draft information paper outlining regulatory considerations for implementing electronic monitoring for review by the Pelagic Plan Team and the Council at its 201st Meeting.

Given the decline in human observers in 2024, 2025, and beyond due to NMFS budgetary limitations, there is a need to transition the existing EM program from an experimental and research tool to a program that can address monitoring requirements in Pacific Island fisheries. The implementation of an electronic monitoring program that can support monitoring requirements is a very high priority for management of Pacific Island fisheries. These requirements include the need to develop statistically reliable estimates of all catch and bycatch as well as the number of interactions with protected species.

At its 201st Meeting, the Council will consider initial action to authorize EM as a monitoring mechanism under three key decision points. First, the Council may consider if EM may be authorized as either an optional monitoring program for fishing vessels or a mandatory program. Second, the Council may consider scope of EM implementation: whether EM should be authorized for longline fisheries under the Pelagic FEP or for any fishery under all applicable FEP as EM becomes available. Third, the Council may determine the relationship with existing monitoring: whether EM should complement human observers or complement human observer coverage while validating self-reporting logbooks.

5. Update on American Samoa BMUS Revision - Tier 6 ABC Control Rule (Updated Action)

In June 2023, the Council, at its 195th meeting in American Samoa, took initial action to revise the American Samoa Archipelago FEP list of BMUS to include new species and designate other species as Ecosystem Components. Along with this action, there are MSA provisions that are also required to be followed such as establishing ACLs.

ACLs have been effective management tools for preventing overfishing in many fisheries. However, ACL-based management has been difficult in certain data limited fisheries, including those that lack information on stock biomass and those in which there is limited ability to monitor and enforce fishery removals. To address these concerns, the NMFS amended the National Standard 1 guidelines in 2016 to clarify that, for certain stocks, including those for which data are not available either to set reference points or manage stocks based on maximum sustainable yield (MSY) or proxies, “alternative approaches” for satisfying statutory requirements other than those set forth in the National Standard 1 guidelines can apply. NMFS is developing additional guidance to assist with the implementation of alternative approaches; this draft guidance is summarized below.

An alternative approach that may be practicable in the Pacific Islands Region (PIR) is to use a “rate-based” approach. The key difference between the weight/numbers-based ACLs that have historically been used in the PIR and rate-based ACLs is the metric being monitored and used for triggering AMs (i.e., rate vs. an amount of fish). In the rate-based approach, a metric, such as the mean size of fish in the data, is used to estimate a fishing mortality rate (F) and the maximum fishing mortality rate (MFMT). A lower mean size of fish is generally associated with a higher F, and a higher mean size of fish is associated with a lower F. The mean size is also biologically relevant as an indicator of the percentage of mature fish and the spawning potential ratio (SPR).

The use of either metric would be closely related to the reference points associated with the established SDC for that stock. The SDC control rules would also be amended under the Council’s initial action to allow for the application of the results of new stock assessments. Once a reference point is established, a control rule could express what change in fishing effort is needed to maintain the indicator near the reference point. Such compensatory mechanisms as a control rule is conceptually the same as rules currently used to modify standard (i.e., MSY-based) catch limits and should be predetermined and agreed upon in order to maintain the integrity of the rule.

The decision to use a rate-based ACL for a data limited stock should be based on whether:

1. The stock qualifies for use of the (h)(2) flexibilities for data limited stocks (see section on the Flexibility in the Application of ACLs to Data Limited Stocks below);
2. There are sufficient data to estimate the current average fishing mortality rate, or a proxy for F, at MFMT; and
3. It is possible to manage with/enforce a rate-based approach.

If these conditions are met, then the Council could consider a rate-based ACL as an alternative to the standard approach (i.e. weight/numbers). In the initial action taken by the Council, it was unclear in the direction of whether the Council intended to take make this rate-

based approach available only to American Samoa bottomfish; or if the Council would like to have this rate-based approach, described as “Tier 6,” added to the current tiered system of Allowable Biological Catch (ABC) control rules applied to other fisheries.

At its 201st meeting, the Council may consider revising its initial action to revise the current American Samoa Archipelago FEP BMUS list by providing direction to Council staff on the Tier 6 rate-based ABC control rule approach. Options may include reserving the Tier 6 control rule for American Samoa BMUS only, applying the approach to select other fisheries, or making the Tier 6 (rate-based) control rule approach available for all fisheries. Council staff will provide a background on the issue and details on the Tier 6 approach at the meeting for the Council to deliberate.