



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

MINUTES OF THE
200th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

September 23-25, 2024 Council Plenary

Hybrid for Members and Public

Hibiscus Ballroom

Ala Moana Hotel

Honolulu, HI

Approved by Council:

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

William Sword, Chair

Western Pacific Regional Fishery Management Council

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I. Welcome and Introductions

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

- Will Sword, chair (American Samoa)
- Roger Dang, vice chair (Hawai‘i)
- Judith Guthertz, 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)
- Pedro Itibus (CNMI)
- Shaelene Kamaka‘ala (Hawai‘i)
- Francisco Perez (Guam)
- 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 Service (USFWS)
- Rear Adm. Sean Regan, U.S. Coast Guard (USCG); and designee Marc Stegman

Also in attendance were Council Executive Director Kitty M. Simonds; James Lynch, Scientific and Statistical Committee (SSC) chair; Elena Onaga, Kristen Placek, Frederick Tucher, Keith Hagg and Christine Terada from the NOAA General Counsel Pacific Islands (GCPI).

II. Oath of Office

Malloy swore new Council member Perez and reappointed Council member Ramsey into office.

III. Approval of the 200th Council Meeting Agenda

Sword asked for a motion to approve the 200th meeting agenda.

Moved by Guthertz, seconded by Weaver.

Motion passed.

IV. Approval of the 199th Council Meeting Minutes

Sword asked for a motion to approve the 199th meeting minutes.

Moved by Weaver, seconded by Guthertz.

Motion passed.

V. Executive Director's Report

Simonds presented the executive director's report. She welcomed attendees to the 200th Council meeting and noted that the United States celebrated its 200th birthday in 1976 when the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was approved by Congress and signed by President Gerald Ford. Simonds reflected on the remarks she made at the time of the 40th MSA anniversary in 2016 and predicts continuing challenges such as closing U.S. waters to commercial fishermen, overlapping monuments with sanctuaries, competition with foreign imports, and funding issues. Simonds highlighted the contributions of Indigenous people in the Western Pacific region who have supported the Council process.

At the 199th meeting in June 2024, the Council highlighted several ongoing challenges in U.S. fisheries, particularly those facing U.S. Pacific Island fisheries. These issues include competition with foreign imports, unfair pricing practices (like dumping), false advertising, and circumventing import duties, all of which undermine U.S.-regulated fisheries. The Council met with various organizations, including the Department of Commerce (DOC) International Trade Administration, World Wildlife Fund and the U.S. International Trade Commission, and discussed potential petitions for investigating these practices and enforcing measures like tariffs to protect U.S. fisheries. Simonds emphasized the need for enforcement of the Marine Mammal Protection Act (MMPA) import provisions to level the playing field.

Other discussions covered the cultural and ecological impacts of endangered species protections on local communities. Concerns were raised over proposals to list species such as giant clams under the Endangered Species Act (ESA), which could restrict indigenous use of these culturally important species. Simonds urged NMFS to consider policies that balance environmental protection with cultural practices.

Additionally, U.S. Pacific territories recently gained associate member status in the Pacific Islands Forum, strengthening regional ties. NMFS also sought public input on potential revisions to National Standards for fisheries, with the Council advocating for regional flexibility.

Lastly, the Council received partial funding for the Inflation Reduction Act (IRA) projects to address climate changes impacts on fisheries, and has started planning and the hiring process, with a grant extension requested due to a delayed start.

VI. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Malloy presented the PIRO report and congratulated Simonds and Council staff on celebrating the 200th Council meeting. She also introduced NMFS leadership in attendance, Kim Damon-Randall, Office of Protected Resources Director, and Sam Rauch, Deputy Assistant Administrator for Regulatory Programs.

PIRO is working closely with the Bureau of Ocean Energy Management (BOEM) to engage in the process of leasing offshore wind areas. BOEM Offshore Wind Task Force hosted meetings in Hawai'i and Guam to kick off the process of leasing areas for offshore wind development with PIRO in attendance, which the Council will hear in more detail later in the agenda.

Rulemaking is underway to implement the changes from Western and Central Pacific Fisheries Commission (WCPFC) conservation and management measure (CMM) 2023-01 on the longline bigeye tuna catch limit, which will increase the United States's limit from 3,554 metric tons (mt) to 6,554 mt. NMFS anticipates the new limits to take effect soon. NMFS published a proposed rule Aug. 20, 2024, to discontinue the Rebuilding Plan for American Samoa bottomfish. NMFS also published a final rule Aug. 29, 2024, to shorten fish aggregating device (FAD) closure periods in the WCPFC management area for U.S. purse seine fishing vessels, pursuant to CMM 2023-01. The rule reduces the FAD high seas and U.S. exclusive economic zone (EEZ) closure periods from three months to one and a half months. The additional high seas closure is reduced from two months to one month.

In July and August 2024, NMFS held training and listening sessions in American Samoa, the CNMI and Guam on grants, applications and management, and environmental compliance under National Environmental Policy Act (NEPA), targeting the public as well as the territorial resource management agencies. Materials on how to write good public comments and provide verbal testimony were distributed to 250 attendees across the three jurisdictions.

NMFS and USFWS jointly held listening sessions to obtain input on a new culturally appropriate name for the Pacific Remote Islands Marine National Monument (PRIMNM). NMFS and USFWS anticipate the White House will announce the new name by the end of 2024.

A series of back-to-back meetings was held as a lead up to the WCPFC meeting, including the Northern Committee, Science Committee and a Science Management Dialogue. Key issues included a positive finding of bluefin tuna recovery, enabling a recommendation from the bodies for a modest quota increase, and significant work on a new CMM for striped marlin.

NMFS is evaluating public comments on the proposed rule to designate critical habitat for corals as well as the proposed rule to extend ESA protections to oceanic whitetip sharks. To provide a venue for discussion about these ongoing actions, NMFS hosted biweekly calls with each of the Pacific Islands territorial resource agencies to enable each one to ask the leading NMFS staff specific questions.

NMFS continues to pilot the new protected species crew training program. The Hawaii Longline Association (HLA), NMFS, NOAA Office of Law Enforcement (OLE) and other agencies have worked together to train 366 crew members across 89 vessels as of August 2024.

On Sept. 20, 2024, NMFS announced a change in the target observer coverage rate in the Hawai'i longline fishery for 2025. The new target observer coverage rate in the deep-set fishery is 7% for Jan. 1, 2025 through Dec. 31, 2025. The change reflects the continued increase in the cost of the observer coverage program and the projected flat 2025 funding allocations are insufficient to support the current target coverage rate. NMFS believes the lower coverage rate will provide statistically valid estimates, although a lower number of observations will yield greater uncertainty in the estimates. This reduction in coverage may prompt changes in other programs, including the number of observed false killer whale (FKW) mortality and serious injury events that prompts the closures of the Southern Exclusion Zone to longline fishing.

Soliai congratulated the executive director and Council on the 200th Council meeting. Soliai asked for clarification on what role NMFS and PIRO play in the lease arrangement with BOEM on offshore wind farms.

Malloy said NMFS and PIRO will prepare environmental compliance documents such as NEPA documents, to ensure the work to scope areas and resources that need to be preserved and managed within these areas are evaluated and impacts are mitigated. NMFS will review the NEPA documents and ensure the impacts of fishery resources are appropriately characterized. NMFS will also conduct consultations on essential fish habitat (EFH) and protected resources to ensure impacts are addressed and mitigated appropriately.

Soliai asked if NMFS is engaged in local input and engagements with the territorial governments associated with the leases.

Malloy said NMFS participated in the Hawai'i and Guam Task Force meetings and listened to all the public input shared. NMFS will be actively soliciting and asking the community partners to participate in comments on NEPA documents and provide input in ESA Section 7 consultations if they can provide information on the underlying resources. BOEM will also have their own public comment process.

Soliai said the concern is getting the local governments involved early in the process, noting that BOEM is under the Department of the Interior.

Muña asked if solicitations for public comments would be specific to the NEPA and ESA processes.

Malloy said NEPA and ESA are points in the process in which NMFS will be specifically asked to engage, but there will be a public comment and engagement process in each step of the offshore wind process.

Simonds expressed her disbelief with the reduction in observer coverage, noting that the observer program began in the early 1990s, and started at 20% coverage, then decreased to 13% and now 7%. NMFS, NOAA and DOC have not been successful in having Congress include money for observer coverage, risking a fishery shutdown. Simonds said she has communicated to NMFS leadership that if they cannot compete with other agencies for funds, they should consider using the IRA money in providing coverage for the next three years.

2. Pacific Islands Fisheries Science Center

Charles Littnan presented the Pacific Islands Fisheries Science Center (PIFSC) report. The Western Pacific Stock Assessment Review (WPSAR) Steering Committee in early 2024 approved the revisions to the WPSAR framework to formally do research track assessments and data reviews. The Western Pacific Region had its first data review in Guam from July 8-12, 2024, for the 13 bottomfish management unit species (BMUS). PIFSC, PIRO, Council, Center for Independent Experts, Guam Division of Aquatic and Wildlife Resources (DAWR), Guam Fishermen's Cooperative Association (GFCA), and other members of the bottomfish community attended the workshop. The workshop was livestreamed to provide opportunity for fishermen who were unable to attend in person to listen in on the presentation and discussions. A summary of the presentations, major findings and actions were provided at the end of each day. The data reviewed were primarily catch per unit effort (CPUE), length, position and life history information. The efforts in Guam aimed to bring the process to local communities to understand the work being done, have great transparency, and build bigger capacity and ownership of the process and the resulting management actions.

The Bycatch Graphical User Interface is an online tool that will provide access to recent and historical bycatch estimates. Users will be able to generate and search for historical bycatch and export data to CSV files. PIFSC and PIRO are reviewing the program for security and confidentiality, and the interface will be available to the public soon. PIFSC will notify the Council when it becomes available.

PIFSC and partners held a Motorboat Operator Certification Course in Guam for the first time in 10 years. Guam DAWR and EPA requested the training, and PIFSC was able to access equity and environmental justice (EEJ) funding through NMFS Headquarters. Littnan said he would be happy to discuss with Guam, the CNMI and American Samoa regarding efforts on continuing the course within the region.

B. NOAA Office of General Counsel Pacific Islands Section

Placek provided the GCPI report. *Willie v. Raimondo* filed in March 2022 challenged NMFS's 2021 rule prohibiting the approach to 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, and the court granted this motion on all counts holding that the ratification was valid

and cured any alleged defects with it. Plaintiffs filed a timely notice of appeal and the case is now pending in the Fourth Circuit Court of Appeals in the District of Maryland.

Center for Biological Diversity (CBD) v. NMFS challenged NMFS's denial of the CBD's petition to issue protective regulations for 20 threatened coral species pursuant to Section 4(d) of the ESA. NMFS filed its cross motion for summary judgment Aug. 30, 2024.

Muña asked if the complaint filing CBD office location is identified in each case; whether it is out of the Hawai'i or California offices, or if it matters.

Placek said the CBD case is currently pending in the District of Hawai'i, therefore a Hawai'i court matter.

Muña asked for clarification on whether prior CBD cases were filed in Hawai'i, such as those for the coral critical habitat and the listing for 23 Mariana Archipelago species.

Placek said cases are usually filed in the District of Hawai'i but may also be filed in other locations with jurisdictional ruling. She believed the coral critical habitat is a case pending in the District of Hawai'i.

Sword asked if the petitions are signed by Hawai'i residents or mainland residents.

Placek said the pending *Center for Biological Diversity v. NMFS* was filed by the CBD, whose members can encompass citizens of Hawai'i.

Sword asked if the ESA petition for giant clams was also signed through Hawai'i.

Placek said she was not familiar with who submitted the petition for listing of giant clams under the ESA but noted that the proposed rule Federal Register notice would include the information on the submitter.

C. US Coast Guard

Rear Admiral Sean Regan addressed the Council, congratulated the Council on its 200th Council meeting and for its enduring commitment to sustained and profitable fisheries for Hawai'i, American Samoa, Guam, and CNMI. Regan has visited Guam and the CNMI and plans to visit American Samoa soon. Hawai'i, Guam, CNMI and notably American Samoa residents have provided great hospitality to Coast Guardsmen and women of the two cutters that ported in each location. The USCG has three mantras: protect those who serve on the sea; protect from threats emanating from the sea; and seek to protect the sea itself. As a USCG Admiral, Regan monitors and leads 10 of the 11 statutory missions of the USCG. Regan is responsible for District 14, covering American Samoa, Guam, the CNMI, Hawai'i, Alaska and Japan. He is also in charge of conducting work in Oceania. He highlighted that USCG presence throughout Oceania and collaboration with partners to combat illegal, unreported and unregulated (IUU) fishing is critical.

1. USCG Pacific Blue Mission

Captain Jennifer Conklin, leader of the USCG Pacific Blue Mission in the Western Pacific region, provided the report. The Blue Pacific Mission is an operation focused on the stability and requirements of the Oceania region through regional frameworks to bolster the economic security of the region. The Mission provides a persistent presence representing the U.S. government as a trusted partner, enhances maritime governance via operations and engagements, and upholds the principles of safety, security, sovereignty and economic property. The USCG, Peace Corps and United States Agency for International Development are the three biggest demand partners. Conklin is responsible for combining all partners with resources and coordinating across Oceania.

The strategic framework provides the goals of the region as a tier system with the White House Pacific Partnership Strategy followed by the Indo-Pacific Strategy and the five-year IUU Strategy. The National Maritime Domain Awareness Plan and the 2050 Strategy for the Blue Pacific Continent are included in the framework. The relevant presence areas for the USCG are 1) geopolitical, 2) IUU fisheries, 3) governance and 4) climate resilience. USCG is also starting to get a stronger demand signal for counter-narcotics. Historically, the drugs migrated through the islands toward the west and are now affecting cultures by disrupting the cultural ways and lifestyles of the island partners. Maritime governance refers to the legal framework of ensuring the process for dispositions. Climate resilience is the support of climate issues through the emergency management mission. USCG works within the immediate emergency management space with partners to build the resilience of a government response.

Conklin highlighted the members within the region and a few partners in the international location of the embassies. Within the last few years, USCG's hardware resources have had upgrades, one of which is the Dolphin H-65 model aircraft that upgraded to Hercules C-130J. This allows for a faster response time.

Fast response cutter locations in the region include three in Guam and three in Honolulu. In Guam, the control boats on the cutters have been noted to travel to Palau or the Federated States of Micronesia once every three or four years, with attempts to American Samoa. The cutters have been expanded to 154-foot with about 25-person crew, which occasionally allows for expeditionary patrols consisting of a 45-day patrol. Recently, USCG Cutter *Oliver Berry* ported in Honolulu, traveled to American Samoa and Fiji to conduct fisheries and engage with partners in their space. The Pacific Islands through Australia's security program in the region have the Guardian class patrol boats, which are similar in size to the USCG response cutters and have similar responsibilities. Having the ability to port, conduct exercises and work with different practices of boat handling has helped build capacity throughout the region.

USCG Cutter *Harriet Lane* arrived in Honolulu Dec. 13, 2023. The cutter is new to the region and underwent a significant refit to travel from Portsmouth, Virginia. USCG Cutter *Harriet Lane* recently completed a 75- to 80-day patrol throughout the region building capacity and partnerships while also conducting the USCG missions.

USCG has 12 bilateral law enforcement agreements within the region with Papua New Guinea being the most recent signatory. An expansion of the enhanced bilateral law enforcement

agreement is now with Palau, Federated States of Micronesia (FSM) and Samoa, potentially with the Republic of the Marshall Islands.

On the legal framework, the Memorandum of Agreement and operational planning allows the USCG to conduct the ship rider operations. Such an operation is conducted by law enforcement officers onboard the USCG. Officers travel out to the area of target in the region, properly carry out the WCPFC high seas boarding inspection (HSBI) based on the requirements of CMM 2006-08.

Conklin highlighted the search and rescue missions, noting the Western Pacific region is the biggest search and rescue regions in the world. The Joint Rescue Coordination Center Honolulu coordinates aviation and maritime search and rescue in the region. Unlike the Department of Defense (DOD), USCG can conduct direct support to operations. In a recent response mission following a cyclone in Vanuatu, a C-130 in Fiji that was conducting foreign fishery agency operations pivoted at the request of the Vanuatu government and transported U.S. and New Zealand aid supplies to the most devastated areas of Vanuatu. The USCG Admiral can activate such missions so long as the embassy requests it.

In collaboration efforts with other agencies, the USCG can speak with the emergency management, local fire and police department, DOD and the United States Indo-Pacific Command. The Oceania Maritime Security Initiative and Pacific Partnership allows for these collaborations to occur, as USCG can put officers onto vessels migrating between the Western Pacific and Hawai'i as well as the west coast.

Muña said Guam's Conservation Officer Lieutenant Richard M. Ragadio will be reaching out to the Lieutenant Junior Grade in Guam. She also noted that DOAG's conservation officers have been cross-training with the USCG in Guam. Muña requested that information be submitted to the Central Command.

Conklin said she will let the Central Command Center know. Operation Rematau, which nests under the Blue Pacific Operation, conducts its activities in Guam and the CNMI as well as in the Compact of Free Association areas.

Ramsey thanked the USCG officers for their service and highlighted a recent rescue mission of fishing vessels off the coast of Hawai'i.

Soliai welcomed Rear Admiral Regan to the region on behalf of the government of American Samoa and said he looks forward to welcoming Regan to the territory when he is able to visit. Soliai said one of DMWR's issues lies outside of the USCG's prerogative with respect to granting waivers for master fishermen, as well as master licenses for commercial fisheries. Another issue is the ongoing need for a cutter in American Samoa. Several letters were sent out by various American Samoa leaders on this issue such as the current governor, previous governors, and members of the Congress. American Samoa has seen a spike in IUU fishing in the region and instances of local commercial longliners reporting derelict vessels within the U.S. EEZ around American Samoa, but nothing was done. The vessel later ran aground in American Samoa. Soliai expressed his concerns that these types of issues are preventable if a cutter was stationed in American Samoa.

Simonds said during the drifting derelict vessel incident mentioned by Soliai, the Council inquired the USCG, and was told the USCG has an agreement with New Zealand on supporting enforcement in American Samoa. Simonds requested clarification on this agreement.

Conklin said American Samoa being so far south and in the international search and rescue regions, New Zealand has taken responsibility for that portion of the South Pacific Ocean. New Zealand conducts the search and rescue coordination out of New Zealand but does not absolve the USCG's responsibility within the territorial waters. Due to the limited resources and budget, a cutter home porting in American Samoa is not possible. The USCG regularly assesses locations for cutter's to home port, but because cutters are rarely home ported as single vessels, this plays a role in no cutter presence in American Samoa. Conklin noted that the USCG has received a call from Representative Amata Coleman Radewagen requesting the continuous presence within the U.S. EEZ around the American Samoa area, which the USCG continues to do.

Igisomar welcomed Rear Admiral Regan on behalf of CNMI. Igisomar expressed his appreciation for the USCG. He acknowledged the Operation Rematau and its operation for the people at sea. CNMI has a great partnership with the USCG in Guam and CNMI's new enforcement chief is a recent retiree from the USCG.

Sword asked if there are any agreements between the USCG and the independent state of Samoa and Cook Islands on their patrol boat, should American Samoa need any help.

Conklin said there is an active engagement with Australia's Pacific Patrol Boat Project; therefore, a potential opportunity for partnerships. Conklin said with the Commonwealth Heads of Government Meeting there have been discussions of sending extra people to American Samoa to support and provide extra command and control if needed.

Guthertz thanked the USCG for their interdiction assistance to Guam on the illegal migration of migrants from China entering through CNMI. Recently, a new action in Guam brought 20 defendants to the federal courts of Guam. Each was charged with violation of entry requirements, and at the same time the operators of the boats known to be from the CNMI were also charged. Collaboration efforts between Guam and the CNMI are underway to reduce such issues. Guam residents are still concerned about intrusions from anyone from China who may attempt to influence or impact the compact areas of the island through the promises of assistance programs, and any other economic investment or community project, as well as any military interest from the Chinese military groups that try to establish presence on the island. These individuals seem to be attempting to take advantage of the asylum laws that do not apply in the CNMI.

Sword said he is concerned about the Chinese fishing vessels in the U.S. EEZ around American Samoa. He echoed Soliai's statement on pushing this concern, and how the presence of a cutter in American Samoa is needed. Sword said American Samoa needs a patrol boat. Concerns on purse seiners from China are also rising due to their fishing vessels being spotted in the area.

Simonds requested a tour of USCG Cutter *Harriet Lane* at a possible time and date.

Conklin affirmed the request.

Regan said he received welcoming hugs from three American Samoa representatives when he attended the Pacific Islands Forum, and in return gave them his first USCG coins to people from the islands. Regan recently boarded USCG Cutter *Harriet Lane* to award a USCG medal, which is the highest noncombat award, to a Coast Guardsman who has conducted rescues in the Maui fires. At the award event, Regan met a young seaman from American Samoa trying to get to the USCG Academy, and Regan has since followed up to ensure that happens. USCG Cutter *Harriet Lane* also completed a rescue mission of a fisherman offshore that had a stroke and would have not made it back in time if cutter had not diverted and conducted the rescue mission. The fisherman was medevaced by a helicopter. Regan echoed his earlier statement of the USCG being dedicated to protecting those working on the sea, protecting threats from the sea, and protecting the sea itself.

2. US Coast Guard Report

Stegman reported on the USCG District 14 operations. District 14 responded to 1,427 cases that consisted of search and rescue, law enforcement and maritime environmental protection response, ports, waterways and coastal security missions.

USCG supported the Forum Fisheries Agency's annual counter-IUU surge Operation Island Chief (OPIC24) with a USCG C-130 from Air Station Barbers Point and several USCG watchstanders deployed to the Regional Fisheries Surveillance Center in Honiara, Solomon Islands. 14 Pacific Nations supported the operation with aircraft, patrol vessels and watchstanders. Island Chief is one of four regional counter-IUU surge operations focused on detecting and deterring illegal fishing activities and noncompliance with international fishery management agreements across the EEZs of 11 participating Pacific Island countries and adjacent high seas areas. More than 353 vessel contacts were made during the 2024 Operation Island Chief using air, surface assets and port states totaling 153 HSBI conducted both in port and at sea. There were 208 aircraft sightings and 1,146 satellite detections were recorded. As a result of maritime domain awareness analysis and inspections, eight vessels of interest were identified and reported to members for further investigation, with potential infringements related to noncompliance with national and WCPFC conservation management measures.

USCG Cutter *Harriet Lane* patrolled 13,400 nautical miles (nm) on the high seas and through 12 partner nation EEZs to enhance maritime domain awareness and deter IUU fishing as well as other illicit maritime activities. Stegman highlighted the operations that included successful bilateral law enforcement operations with Tuvalu, Tonga, Samoa and the Cook Islands, and HSBI. USCG Cutter *Harriet Lane* also rescued a sick crew member from a Hawai'i-based longline vessel more than 450 nm south of Oahu. Other enforcement operations conducted by *Harriet Lane* included Pacific Island port visits to Pago Pago, Alofi (Niue), Funafuti, Nuku'alofa, Apia, Rarotonga and Pape'ete.

USCG Cutter *Oliver Berry* is successfully strengthening international strategic regional partnerships through bilateral law enforcement operations with the Republic of Fiji and Samoa and included port visits to American Samoa. This operation included working with USCG partners from Fiji Navy, Customs and Fisheries. There were 30 bilateral law enforcement

boardings and HSBI. USCG Cutter *Oliver Berry* conducted port visits to Pago Pago, Nadi and Apia with official meetings, subject matter expert exchanges, ship tours and community relations events conducted.

Regarding the Oceania Maritime Security Initiative, a U.S. Navy asset with embarked USCG Tactical Law Enforcement Team is conducting HSBI in support of WCPFC. USCG Cutter *Frederick Hatch* conducted a fisheries enforcement patrol in and around the CNMI, and also participated in law enforcement education at the U.S. longliner master and crew workshop, including standard USCG boarding practices, commercial fishing vessel requirements and introduction to navigation and charting.

Soliai expressed concerned that while New Zealand is tasked with response, its response time is not favorable.

Stegman said USCG ends up providing assets, as New Zealand has few assets to respond.

D. Enforcement

1. NOAA Office of Law Enforcement

Take Tomson provided an overview of the NOAA OLE activities from June 1 to Aug. 31, 2024. OLE has opened 162 incidents, 126 of which were related to protected resources, 34 related to sustainable fisheries and two for the sanctuaries. Of these, three summary settlement offers (SSO) were issued for fisheries, 25 for MMPA and three under ESA.

The OLE Pacific Islands Division (PID) issued a \$1,000 SSO to the owner/operator of a Hawai'i longline vessel for interfering with a fishery observer's ability to carry out their duties. PID also issued a \$1,000 SSO to an owner/operator of a Hawai'i longline fishing vessel for not having the correct turtle mitigation gear, and another \$1,000 SSO to an owner/operator of a commercial tour vessel for illegally approaching a pod of spinner dolphins off Kahe Point on Oahu.

PID personnel continues to conduct a Port State Measures Agreement boarding inspection of foreign-flagged fish carriers in Pago Pago, American Samoa. PID personnel also continues to conduct Operation Ikaika Hui which targets people conducting illegal approaches and harassment of Hawaiian spinner dolphins primarily along the Kona coast of the Big Island. PID partners with Hawai'i Division of Conservation and Resource Enforcement for this operation and has issued numerous SSO's were issued to offenders.

Tomson highlighted other OLE activities, including Seafood Monitoring and Inspection Program inspections in partnership with the Guam Customs and Quarantine Agency, PIDs participation in Operation Clean Sweep, a joint collaboration with Division of Conservation and Resource Enforcement in east and west Moloka'i, compliance assistance with numerous longline fishing vessels in Honolulu Harbor, assistance with moving a Hawaiian monk seal pup and participation in several outreach events.

Itibus asked if the total number of incident reports included all the Pacific Islands Region encompassing Guam, the CNMI and American Samoa.

Tomson said the incident report includes the entire region.

Itibus asked for the number of incidents from the CNMI.

Tomson said he is not sure but can find out.

Soliai asked OLE to provide specific details on the number of incidents from each island area within the region.

Tomson said OLE will consider providing the breakdown of the numbers in future reports.

2. NOAA Office of General Counsel Enforcement Section

No update was provided from the NOAA Office of General Counsel Enforcement Section.

E. US State Department

Brinkman provided updates on various international fisheries meetings and agreements. The 102nd Inter-American Tropical Tuna Commission (IATTC) meeting was held Sept. 2-6, 2024, and the IATTC adopted a two-year rollover of the tropical tuna measure. The IATTC also adopted increased catch limits in monitoring, control and surveillance measures for Pacific bluefin tuna, as well as interim standards for the use of electronic monitoring (EM). The IATTC is working on mandatory elements that will apply to fishing vessel operators on EM data submission, but at this time will not provide an ability to substitute EM for observer coverage or other existing IATTC data requirements.

U.S. proposals on a nonbinding resolution on labor in IATTC fisheries and defining minimum circle hook sizes were not adopted by the Commission. Other adopted proposals included an optional best handling and release practices for sharks, a revised resolution on FADs, changes to the Regional Vessel Register reporting requirements, updates to South Pacific albacore management, update to the U.S.-proposed resolution on climate change to attempt to define some substantive work under the standing agenda item, and the establishment of an ad hoc working group for science-management dialogue and management strategy evaluations.

Muña asked for additional details on the climate change agenda item from the meeting.

Brinkman said it was an attempt to develop work streams in the IATTC to integrate climate change information into management practices. Last year, the U.S. proposal was simply to get climate change as a standing agenda item on the IATTC meeting and then into the sub-bodies. Staff have developed a potential work plan. Brinkman said he can share the language from the adopted proposal with Muña and take any follow-up questions later in the week.

Muña said the Pacific Community (SPC) held a climate workshop with many of the Pacific Island jurisdictions which was informative. Muña has prompted her team to start holding more community workshops to share information on the migration of the fish with El Niño and La Niña.

Brinkman said he will share the document with Council staff for circulation to the Council members.

Soliai asked how contentious the rollover was for the IATTC Tropical Tuna Measure.

Brinkman said it was not particularly contentious, but there were complicating factors with a lot of proposed changes. The staff recommendation was a straight rollover because the yellowfin tuna stock assessment does not make sense at the moment, but the negotiations took on the effect of a Christmas tree character that is often adopted by IATTC where rollovers become a rollover plus XYZ. Many ambitious additions had to be abandoned due to time limitations, and the IATTC ended up with something close to an actual rollover with only a few minor changes from the last resolution.

F. US Fish and Wildlife Service

Peck provided the USFWS report. The USFWS issued special use permit for the PRIMNM to allow a Japanese research vessel to conduct research on the spatial and vertical distribution of skipjack, bigeye, yellowfin, the larvae and juveniles that occur around Howland and Bakers Islands.

USFWS is considering a Migratory Bird Treaty Act permitting regulations for incidental take with potential changes to the way USFW regulates take of migratory birds in commercial fisheries. It is not yet certain how commercial fisheries will be regulated, but the authorization will likely be proposed as required for some types of commercial fisheries in federal waters, focusing on those with the highest risk of migratory bird incidental take. NOAA's Seabird Program has advised USFWS that the demersal longline fishery, pelagic longline fishery, drift gillnet fishery, set gillnet fishery, or trawl gear fishery pose the highest risk of incidental take of migratory birds. USFWS will likely defer to federal regulations already on the books which would apply to three fisheries: West Coast groundfish fishery, the Western Pacific pelagic longline fishery and the Alaska demersal longline fishery. Public comments will be sought on both the rule and the environmental impact statement (EIS) possibly as early as December 2024.

G. Public Comment

Nate Ilaoa, a restaurant owner from American Samoa and vice chair of the Council's AP, commented on American Samoa's need for a USCG cutter home ported in the region. Ilaoa believes the agency's response to the region's need is not sufficient and urged Rear Admiral Regan and Captain to consider the people of American Samoa. The agreement under the Deeds of Cession signed in 1900 was that American Samoa would grant the U.S. government full powers and authority to enact proper legislation deemed fit for the island and in return, American Samoa would be protected. As valuable assets to the U.S. government, American Samoa is vulnerable due to the isolation and the only U.S. possession in the Southern Hemisphere. Ilaoa

voiced a plea to home port a cutter to protect the territory and U.S. EEZ in American Samoa from IUU fishing and any foreign incursions. With 99.4% of the U.S. federal government's marine protected areas (MPAs) being in the Pacific Islands, there is a need for protection for all these islands. He said the U.S. citizens and U.S. nationals of American Samoa deserve better.

H. Council Discussion and Action

Regarding the USCG Report, the Council:

- 1. Directed staff to follow-up with the USCG on developing a plan to home port a USCG cutter in American Samoa.**
- 2. Directed staff to follow-up with the USCG on making Masters Certification courses more accessible to the American Samoa longline fleet.**

Moved by Soliai; seconded by Weaver.

Motion passed.

VII. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Kamaka'ala reported on the observation of *Piko o Wakea*, known as the autumn equinox, which marks the transition from *kauwela* (summer) into the wet season. *Lawai'a* (fishers) reported that the growth of the green sea turtle population has doubled over the last 20 years. Observing how the populations grow year after year, turtles are beginning to occupy different beaches from before. With the increase in turtle populations, she looks forward to seeing initiatives recognizing Indigenous rights that move away from regulations that call for the erasure, the non-acknowledgment of culture and cultural practices, not just in Hawai'i but across *Moananuiākea* (Pacific Ocean).

Ramsey reported that there were concerns about the path of two tropical storms that passed near Hawai'i in the summer. While the paths were similar to the ones that contributed to the Lahaina fire in 2023, fortunately, these storms did not take the same form as Hurricane Dora. He also reported that the American Fisheries Society (AFS) conference was held at the Hawai'i Convention Center and brought together people from all over the world. Ramsey said the spawning seasons for *'oama* (juvenile goatfish), *halalū* (juvenile bigeye scad), and *moi* (Pacific threadfin) were late this year. Fishers told him that the spawning season for *moi* has shifted and the current regulations may need to be reflective of this change. Regarding fishing tournaments, the winner of the Slayfest Kayak Tournament caught a 64-pound marlin, and the winner of the Larry Libres Fishing and Diving Tournament was a 71-year-old diver who has participated in each of the 36 annual tournaments. The charter fishery boosts the economy by purchasing ice, bait, and hotel stays during these tournaments. On Aug. 27, 2024, Captain Teddy caught a grander marlin, a fisher out of Hilo caught a 17-pound bonefish, another fisher caught a 120-pound *'ahi* (yellowfin tuna) from shore, and another fisher picked up a 94.7-pound *kahala* (amberjack) from a jet ski.

Muña said climate change is working for Hawai'i.

Ramsey said climate change is working for some lucky fishermen who catch fish, but there are many fishers who are not catching fish.

Weaver said it was great to see the younger generation getting into fishing and the knowledge of fishing getting passed down. You are not only passing down the knowledge; you are teaching them how to conserve and preserve their resources.

Soliai said the presentation from the American Samoa Council family during the AFS meeting was a great opportunity. Although it was not the audience they would prefer, it was a great opportunity to talk about the impacts that the proposed sanctuary will have. Listening to the feedback received, it was positive and eye-opening for the presenters.

B. Division of Aquatic Resources Report

Bryan Ishida, Hawai'i DLNR Division of Aquatic Resources (DAR), presented the agency report for the period of May to July 2024. For the deep-seven bottomfish fishery, 281 commercial marine license (CML) holders made 1,555 trips, and reported 144,575 pounds in mixed deep-seven species catch. Catch was below the last five years and under landings in 2023. The catch in the 2024 fishing year for targeted species such as 'ōpakapaka (pink snapper), onaga (long-tail red snapper), and ehu (short-tail red snapper) were similar to the 10-year average. To date, lehi (silver mouth snapper) represents nine percent of the catch compared to its typical four percent. At the end of the fishing year, DAR will review what is driving this catch along with an overview of the entire fishing year. The Kona crab fishery had 12 CML holders making 27 trips and reporting landings of 1,910 pounds. The fishery is currently in the closed season. For uku (green jobfish), there were 121 CMLs holders making 366 trips, and reporting landings of 20,204 pounds. This was lower than the previous five years. There was no major spike around May and June, suggesting that there was not a lot of commercial fishing activity reported. Regarding CMLs, there were 1,755 issued or renewed during the reporting period for revenue of \$244,650. There is a steady decline in CMLs in the non-longline and longline sectors combined. Two permits for the Papahānaumokuākea Marine National Monument were issued during the reporting period, both were for a Native Hawaiian practices permit. Three FADs were confirmed missing in May 2024. In June, three FADs were confirmed missing and one FAD was recovered. In July, one FAD was confirmed missing and eight were replaced. The Aquatic Invasive Species Management program is working on a joint effort called the "Don't Let It Loose" Campaign with the Hawai'i Department of Agriculture, Coordinating Group on Alien Pest Species, University of Hawai'i and the Waikiki Aquarium. This initiative was started to highlight the danger of marine aquarium dumping. Kickoff is Oct. 14, 2024, at the Waikiki Aquarium.

Ishida said there was a tremendous loss of life due to the Lahaina fire. There were 102 confirmed fatalities, thousands of missing pets, and a major loss of property. In total, 2,200 structures were burned for a total loss of \$600 million. In addition to the Lahaina fire, there were fires in Olinda, Kula and Pulehu, which affected a total area of about 17,000 acres. Included in the destruction was the Lahaina Boat Harbor, which included vessels moored to the harbor and boats on land, which impacted fishers to access seafood. DLNR responded and aided in the search and rescue as well as fighting the fires. Following the fire, DAR made attempts to quantify the number of individuals, including commercial fishers and businesses, that were

affected by the fire. Based on the existing CML database, there were a total of 26 CML holders and five registered dealers/businesses that were potentially affected by the fires. DAR continues to monitor recovery and has observed mixed results. Some individuals continued reporting and renewing the licenses, and others have not. Based on the commercial fishers reporting out of Ma'alaea Boat Harbor and the Mala Wharf. In August 2023, there was a complete shutdown of reporting from the area. These harbors are known for troll catch of pelagic species. DAR is working on a study to gauge the effects of the fire on nearshore species, and it has funded a University of Hawai'i Sea Grant project to investigate potential contaminants in nearshore species. One of the questions following the fire was whether the fish were edible. DAR expects results of that study by March 2025. DAR has also deployed a water quality monitoring instrument to aid the U.S. Geological Survey in water quality monitoring efforts. DLNR has also been working to reopen access points along the Lahaina coastline for fishing.

Sakoda said DLNR introduced House Bill 2478, to authorize the governor of Hawai'i to enter into the Pacific State Marine Fisheries Commission. The bill passed the legislature and was signed by the Governor on July 8. The DAR administrator attended the Commission meeting in August where he helped to introduce a resolution to raise the issue of shark depredation in the Pacific.

Muña asked if DAR could share the outreach materials of the "Don't Let it Loose" campaign. Guam is working to address a similar issue and may want to model its outreach on this campaign.

C. Annual Catch Limits Specifications for Main Hawaiian Islands Deep-Seven Bottomfish (Final Action)

Zach Yamada, Council staff, provided an overview of the alternatives for specifying annual catch limits (ACLs) for the main Hawaiian Islands (MHI) deep-seven bottomfish fishery. In November 2023, PIFSC published a benchmark stock assessment that concluded the stock was not overfished and overfishing was not occurring. In March 2024, the WPSAR chair provided the report of the WPSAR meeting and PIFSC presented the findings of the benchmark stock assessment. The SSC endorsed the assessment as best scientific information available and directed staff to convene the P* (risk of overfishing) and SEEM (Social, Economic, Ecological and Management Uncertainty) working groups to develop options to specify an ACL for the deep-seven bottomfish fishery. Staff held the P* and SEEM working groups and provided the reports of the working group meetings and presented options for initial action at the 199th Council meeting.

Yamada presented the alternatives for specifying an ACL for the MHI deep-seven bottomfish fishery for consideration by the Council for final action. Under alternative 1, the Council would not specify ACLs for fishing years 2024 to 2027. This alternative serves as a NEPA baseline, although it does not comply with National Standard 1 of the MSA and the Hawai'i Archipelago Fishery Ecosystem Plan (FEP). There are no adverse impacts based on the current catch levels, with the maximum sustainable yield (MSY) and overfishing limits being substantially higher than the fishery performance. Under alternative 2, status quo, the Council would specify an ACL based on the previous stock assessment at 492,000 pounds, which

correlates with a 40% risk of overfishing. This option would not be in compliance with National Standard 2 under the MSA which states that management should be based on BSIA. Under alternative 3, the Council would specify ACLs based on the 2023 benchmark stock assessment and the findings of the P* and SEEM working groups at 493,000 pounds, which correlates with a 39% risk of overfishing. This alternative would be in compliance with the FEP and the MSA, accounts for scientific and management uncertainties quantified through the P* and SEEM analysis, and does not result in adverse impacts. Under alternative 4, the Council would specify ACLs lower than the P* and SEEM analysis as a precautionary approach. If the Council specified ACLs lower than the P* and SEEM analysis it would be in compliance with the MSA and the FEP. The Council may also recommend implementing accountability measures (AMs) that are consistent with previous specifications. Previous AMs included in-season monitoring for commercial catch based on the Hawai'i CML and NMFS could close the fishery in federal waters if they project that the fishery may approach or exceed the ACL. As a postseason AM, the Council may recommend a postseason single year overage adjustment if the fishery exceeds the ACL. This is not expected based on the recent fishery history.

Yamada provided an analysis of the alternative impacts, highlighting no adverse impacts to the target and nontarget stocks. The fishery has operated at a 1% probability that the fishery is overfished or overfishing is occurring. The Annual Stock Assessment and Fisheries Evaluation Report has recorded a decreasing trend in participation and effort. In the last 10 years, the fishery has not reached or exceeded the ACL and has remained open for the entire fishing year. The action is not expected to lead to substantial physical, chemical or biological alterations since this is a hook and line fishery that does not interact with the bottom substrate. He also said studies have found that 65% of fishers sell their catch and that 91% of the sold catch has an average of \$9.43 per pound. This action also has no significant impacts on protected species, biodiversity, ecosystem, and habitat.

Ramsey asked if both the commercial and noncommercial fisheries would be impacted if it were to reach the ACL.

Yamada said the ACL is based on the commercial catch but there would be a full-closure of federal waters by NMFS for both commercial and noncommercial bottomfish fishing. He said the State of Hawai'i would implement complementary management to prohibit the retention and sale of deep-seven bottomfish in state waters as well.

Ramsey said the Council should take final action on alternative 3.

Soliai asked what if there were fines for violations if fishers are caught with bottomfish during the closure.

Malloy said there is a penalty schedule that could be provided to him following the meeting. Sakoda said from the State, fines are on average \$200 per citation and also per fish.

Muña asked who would enforce the closure.

Sakoda said the State of Hawai'i can enforce the rules through a joint enforcement agreement with the USCG and OLE.

Jarad Makaiau, PIRO assistant regional administrator for Sustainable Fisheries, said NOAA works with OLE to enforce federal regulations. If an OLE official were to find an individual that possessed MHI deep-seven bottomfish, after the ACL was reached, they would have cause to bring a case. There is a provision in the MSA that provides civil penalties for various violations. There is a penalty schedule, but other considerations of how excessive the violation was would be taken into consideration.

D. Report on Hawai'i Noncommercial Fishery Data Meeting

Joshua DeMello, Council staff, provided an overview of the Hawai'i noncommercial fishery data meeting. These initiatives address the age-old question of what the noncommercial universe is. The first meeting on noncommercial data was a discussion on the Hawai'i Marine Recreational Fishing Survey and the data it produced. This was championed by the late Richard Shiroma, who served as the Advisory Panel (AP) chair and the Recreational Fisheries Data Task Force chair. Hawai'i has been collecting noncommercial data since 2002, and with more than 20 years of data collected, the Council has continued to discuss its utility. The Council held a meeting on noncommercial data as an opportunity for fishermen to voice their concerns and have the scientists and managers hear and understand why they should or should not use the data. Based on the estimates that the Hawai'i Marine Recreational Fishing Survey provides, fishers have expressed concerns about the high catch estimates compared to the commercial fishery. The key takeaway from this meeting was to know the universe of the noncommercial fishery. Based on the current process for calculating noncommercial data, PIFSC has been working to improve its model to produce catch estimates that may be more reflective of the fishery. The meeting also discussed the potential for a license using the existing vessel registries with the State to see if PIFSC could narrow down that universe and characterize the noncommercial fishery.

E. Update on Hawai'i Small-Boat Fisheries

DeMello provided an update on the small-boat scoping meetings held in April and May 2024. On July 25, 2024, the small-boat working group met to discuss the results of the meetings and discuss potential next steps. Participants noted the need to go back to the community and address their island-species issues with the idea of the importance of data collection. In addition to engaging the community again, the Council may have more opportunities through the IRA projects on regulatory reviews and climate change along with the PIFSC uku project.

Ramsey asked how many meetings were held in April and May.

DeMello said there were eight meetings that included three on O'ahu, one on Maui, one on Moloka'i, one on Kaua'i and two on Hawai'i Island.

Ramsey said he was impressed with these meetings and the support it got from NMFS, the State of Hawai'i and the Council. He said it is important for fishers to get involved.

DeMello said they cracked the code on engaging the community by having all the partners present.

Itibus asked if the small boat fishery includes charter fisheries.

DeMello said the charter fishery is different since it is characterized as a commercial fishery in Hawai‘i and it is required to report its catch.

F. Advisory Group Report and Recommendations

1. Hawai‘i Advisory Panel

Gil Kualii, Hawai‘i AP vice chair, presented the AP meeting report and recommendations. He said the small-boat working group was a great initiative that had the support of each of the different organizations. Oftentimes, the Council will go out to the community and try to answer questions on activities from different agencies whether it is the State of Hawai‘i or NMFS. Moving forward, community engagement should follow this pattern to build trust with the fishing community.

Regarding the MHI deep-seven bottomfish fisheries, the Hawai‘i AP recommends the Council take final action on alternative 3, to specify ACLs based on the P* and SEEM analysis at 39% risk of overfishing at 493,000 pounds for fishing years 2024 to 2027. As AMs, the AP recommends the Council continue to use in-season monitoring through commercial reporting and a postseason single year overage adjustment.

Regarding promotion of Hawai‘i fisheries, the Hawai‘i AP recommends the Council explore market barriers for Hawai‘i bottomfish and include bottomfish in its effort to strengthen competitiveness of domestic fisheries, in order to maximize market opportunities for the MHI deep-seven fisheries.

Regarding Hawai‘i bottomfish research, the Hawai‘i AP recommends the Council request PIFSC provide the Council and its Advisory Groups further details on the shift to place greater emphasis on the Bottomfish Fishery Independent Survey in Hawai‘i research fishing operations and pause the use of the Modular Optical Underwater Survey System.

The Hawai‘i AP recommends the Council request PIFSC to clarify for the Council its plans for the territorial bottomfish surveys and if shifts in priority will also be applied in those regions. Finally, PIFSC should explain how this change will impact future stock assessments.

2. Fishing Industry Advisory Committee

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

Regarding MHI deep-seven bottomfish ACL specifications, the FIAC recommends the Council proceed with its preferred preliminary alternative, to implement ACLs based on the P* and SEEM analysis at 39% risk of overfishing at a 493,000-pound catch limit for fishing years 2024 to 2027.

3. Scientific and Statistical Committee

Lynch, SSC chair, presented the report and recommendations.

Regarding noncommercial fisheries data, the SSC recommends this subject be added to the December agenda for further discussion.

Lynch reported that the SSC had extensive discussion on noncommercial fishery data at its recent meeting. In addition to the report on the Hawai‘i noncommercial fishery data meeting, the SSC received a presentation from NMFS on changes being made to the Marine Recreational Information Program survey design and other national updates. SSC discussion emphasized the importance of balancing national data collection efforts with regional approaches. Concerns were raised about the differentiation between catch and effort, particularly for species like deep-seven bottomfish, with members highlighting the need to better understand the dynamics of the fishery and targeting to apply data for stock assessments. SSC members questioned why the bottomfish vessel registry, which is required to possess deep-seven bottomfish in Hawai‘i, has not been considered in evaluations of noncommercial catch expansions for this species complex. Cross-validation of catch rates was also discussed, emphasizing the need for methods tailored to specific fisheries. An SSC member volunteered to explore how annual noncommercial bottomfish vessel registries could inform noncommercial deep-seven catch estimates and provide a report back at its December meeting.

G. Public Comment

There were no public comments.

H. Council Discussion and Action

Regarding MHI deep-seven bottomfish ACLs, the Council:

- 1. Recommended, as final action, alternative 3 to specify ACLs at 493,000 pounds for fishing years 2024-2025 to 2026-2027, which has a 39% risk of overfishing as reduced by the P* and SEEM processes. As AMs, the Council recommends the continued use of in-season closure and a single year postseason overage adjustment.**

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

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

Regarding promotion of Hawai‘i fisheries, the Council:

- 2. Directed staff to work with PIFSC to strengthen the competitiveness of the Hawai‘i bottomfish fishery by exploring and reporting on market barriers, import competition and market opportunities.**

Moved by Weaver; seconded by Itibus.

Motion passed.

Regarding bottomfish research, the Council:

- 3. Requested PIFSC provide the Council and its advisory groups with further details on the shift to place greater emphasis on the Bottomfish Fishery Independent Survey in Hawai‘i research fishing operations and pause the use of the Modular Optical Underwater Survey System in fishery independent surveys; its plans for Territorial bottomfish surveys if shifts in this priority will also be applied to the rest of the region; and how this change will impact future stock assessments.**

Moved by Soliai; seconded by Igisomar.

Motion passed.

VIII. Mariana Archipelago

A. Guam

1. Isla Informe

Guthertz reported on the military buildup that has been ongoing in Guam since 2007. A working group of the AP, DAWR, Council members, representatives from Marine Corps Base Camp Blaz, GFCA and Joint Region Marianas met Aug. 8, 2024, to analyze the impacts of the buildup to fisheries and fishing communities. The working group discovered that the military had neither budgeted for, nor had plans, to accommodate the military population increase by expanding their Sumay Cove Marina or improving and expanding the Agaña and Agat marinas and docks. The working group was given a guided tour of base facilities and firing ranges Sept. 20, 2024, to gain a better understanding of what was going on. The buildup will initially include 5,000 Marines and about 1,300 dependents who are expected to start arriving from Okinawa by the end of 2024. The military population is expected to grow by 2,500 over the next two years and then gradually increase by another 15,500 by 2027 to 34,500 by 2028. This includes active-duty personnel, reservists, federal employees, contractors and families. The National Guard will be assigned to operate the missile defense system on Guam, adding to the buildup process. In all, the military population would grow from the current 26,600 to approximately 44,000 by 2028, an average increase of 1,384% every year for the next 13 years. The working group suggested that a timeline of military exercises be published to inform fishermen of when exercises will take place at the firing ranges; active range use communication, including installation of color-coded flags at the marinas, flags on the ridge and on the shoreline near the ranges, beacons on the cliff line, and an increase of Notice to Mariners advisories; and requesting the military pay for the installation of a launch ramp on the east side, fund enhancement programs to develop fisheries and fund training of residents to advance their capacities in fisheries.

Perez reported that the civilian marinas in Agat and Agaña are the only two capable marinas operational. With the big increase in arrivals of U.S. Marines, dependents, contractors and support staff, more boats will accompany them who will want to fish or use the marinas. Currently, Guam has more than 800 boats registered. An increase to the registry of more than 1,000 is expected. Although fishers do not go on the water on any given day, on weekends there is limited trailer parking space and the capacity of the marinas is full. It is already rare to be the only boat at the prime fishing spots so the arrival of more boats will add to the congestion and marina traffic. On the positive side, an increase in charter fishing, sunset cruises, dolphin watching cruises, and diving is expected to increase. The Missile Defense Agency plans to deploy, test and conduct up to two flight tests or tracking exercises per year over a 10-year period, starting December 2024. The tests will include a target missile, an interceptor missile, and the intercept of the target missile and tests of sensors. A tracking exercise involves using sensors to scan and track a target with no interceptors. The exercises will use existing military property but will impact those below the cliff line at Andersen Air Force Base. The Missile Defense Agency will pay affected landowners for lodging at local hotels during the exercise. Those not willing to leave their property will be asked to sign waivers. The closure of the Guam Fishermen's Cooperative due to damage by Typhoon Mawar in May 2023, and the effects of COVID-19 with operations, resulted in the cancellation of the annual fishing derby. Instead, the Greg D. Perez International Sports Fishing tournament was held from Aug. 17-18, 2024. The heaviest marlin recorded was 167.4 pounds, wahoo at 31.9 pounds, mahimahi at 4.6 pounds and skipjack tuna or bonito was 17.4 pounds. Fishermen were thrown off by the severe hot weather leading up to the event date, followed by heavy rains and winds over the derby weekend. 84 boats participated in the two-day event. Ambros, Inc, a beer distributor in Guam and American Samoa, celebrated their 75th anniversary by hosting a one-time fishing derby Sept. 14, 2024. There were 98 participants vying for up to \$50,000 in cash for the first boat to land a 750-pound or more marlin. No one claimed the prize. Perez said the potential firing range impact to boaters is the intent to close waters under the surface danger zone for live fire training. The area affected is the fishermen's highway where most fish such as mahi-mahi, wahoo and marlin are caught. The ranges will be operational 39 weeks annually no matter what. Fishermen will go fishing when the water is calm, which is intermittent.

Weaver said having 13 weeks only of available non-range use will jeopardize fishing tournaments. He said the CNMI is ready to support limiting the challenges of the fishery closure due to the firing ranges being active.

Perez said the military will not accommodate fishing derby schedules. They will close the surface danger zone for 39 weeks regardless.

2. Department of Agriculture / Division of Aquatic and Wildlife Resources Report

Muña reported all 24 shore-based creel surveys were completed. The top species caught were tarakito (jacks), ti'ao (juvenile goatfish), kichu (convict tang) and mafute (emperor fish). Hook and line and talaya (cast net) were the top methods. In Guam, 29 of 30 boat-based surveys were conducted between June and August, with one missed due to weather. Six participation surveys were done. The top species reported from boat-based surveys were skipjack tuna,

yellowfin tuna, rainbow runner and dogtooth tuna. Wahoo, assorted reef fish, mahi-mahi and atulai (bigeye scad) make up the remaining catch. Top fishing methods were trolling and bottomfish fishing, and atulai night fishing. The Guam Fishery Management Plan is still under development with a subaward given to the University of Guam to coordinate and write the plan. A community meeting is planned for Oct. 7, 2024, with identified fishers and members of the science community and conservation officers to start discussion on management interventions to find the most reasonable enforceable strategies that can be used with the identified species. Including the fishers is part of the process as it ensures that they have vested interest and buy-in in the plan once it is finalized. After the smaller stakeholder group meeting the plan will be shared with the larger fishing community.

In June, DAWR hosted a Girl Scouts fishing clinic and fishing event at Masso Reservoir. Captain Audrey Toves participated and led the Girl Scouts at the event. Each scout received a rod and reel from the Greg D. Perez Foundation. The foundation not only sponsored the event, but they also engaged the AP and DAWR to have an exhibit at the Guam Museum, highlighting fishing through the generations in Guam. In July, DAWR hosted a fishing clinic for 30 youth ages six to 15 at Inalahan Village. The clinic included knot tying, rod and reel casting, and proper gear rigging. Each youth received a free rod and reel and a tackle box to encourage their interest in fishing. Inalahan Mayor Anthony Chargualaf said many Inalahan village youth do not have access to fishing equipment and this spirit will keep the youth engaged in natural resources.

DAWR's cultural science project will need the procurement to be resubmitted in October due to delays in the government's red tape. The project was moved to the fall under Aquatic Education Program's funding. The staff assigned will coordinate all kids fishing derbies and will dedicate time to revising and replacing the cultural science signs in each of Guam's parks. Nothing will be done this fiscal year for new cultural signs at each park. Maintenance continues with all fishing platforms with work requests for replacing and repairing anything that needs to be fixed.

The Coral Reef Conservation Program has grown substantially with six individuals working in the program and a coral reef fellow funded through Department of the Interior and NOAA under the DAWR coral reef task force. A concerted effort was made to integrate the coral reef staff with the fishery and forestry staff, so they can work together with emphasis on ridge to reef mindset for the community and staff. Working together allows each to work and augment their different projects, including coral nursery and development of a watershed plan. Regarding coral reef engagement and outreach, more than 10 projects were done between April and August, involving mangroves, seagrass, coral reefs, and propagation of coral larva with partners. Conservation officers had three arrests in June and none in July. All were at the Piti Bomb Holes Marine Preserve.

3. Modifying the Guam Bottomfish Rebuilding Plan (Initial Action)

Felix Reyes and Yamada, Council staff, presented options to modify the Guam bottomfish rebuilding plan for initial action by the Council. In February 2020, the Council was notified that the Guam bottomfish stock was overfished but not experiencing overfishing. The Council responded by developing a rebuilding plan for the stock that included an ACL of 31,000

pounds in June 2021 with a final rule published in February 2022. In February 2024, an update assessment on the Guam bottomfish stock was released and reviewed. In March 2024, the science center finalized a BMUS assessment update with new status determinations and catch projections. The assessment documents a decrease in the risk of overfishing from 81% in 2019 to 72% in 2024. The Guam bottomfish is therefore no longer overfished but is not yet rebuilt. The 10-year catch estimate for the stock, from 2013 to 2023 showed that the catch exceeded the 31,000-pound ACL in 2021 and 2022. Guam fishermen noted this was because during the COVID-19 pandemic, people purchased boats, including electric reels for deep bottom fishing. NMFS reviewed the rebuilding plan and provided the Council a memo stating that the Council may consider modification within the scope and parameters of the current rebuilding plan. This means the Council may consider a regulatory action that revises the ACL, AMs and the performance standards, provided the revisions would continue to prevent overfishing and achieve rebuilding by 2031 as specified in the rebuilding plan.

The options for modifying the rebuilding plan included maintaining the existing 31,000 pounds ACL, increasing the ACL to 34,500 pounds, or closing the fishery. These alternatives are within the purview of the rebuilding plan and all alternatives would ensure that the stock is rebuilt by 2031. The option of establishing a moratorium and closing the fishery could rebuild the stock by 2026 and would prevent overfishing while achieving the rebuilding plan. However, this option would restrict those fishermen who may want to target offshore banks in federal waters and potentially increase fishing pressure in territorial waters. The options may include continuing in-season monitoring through the creel survey and catch expansion which are limited and have experienced difficulties with mid-year expansions. With in-season monitoring, if the fishery were to reach or exceed the ACL, then the fishery will be closed in federal waters. The postseason AMs also include options for using higher performance management or a three-year running average overage adjustment. If the average catch does not exceed the ACL, then the average of the overage would be applied to the following year. As a caveat for the ACL specifications, and under the omnibus, if the fishery hits the ACL in two consecutive years, it would not come back to the Council for reconsideration.

He said if the proposed ACL options are exceeded, there will likely be adverse impacts on target species but likely not change impacts to nontarget species given the highly selective nature of the fishery. The fishery has little to no interaction with the bottom substrate and has no adverse impacts. The alternatives are not expected to change the availability of bottomfish resources to the community, but increasing the ACL from the existing level could increase the number of resources to the communities and a moratorium could have adverse impacts to the communities. There are no adverse impacts expected to biodiversity and ecosystem function as historically the fishery has mostly been harvesting below the ACL since 2012. There are also no likely adverse effects to protected species, EFH, or to the cost of administering the fishery.

4. Guam Bottomfish Data for Future Assessments

a) Guam Bottomfish Data for Next Assessment

Erin Bohaboy and Toby Matthews, PIFSC, presented a report to the Council on the data available for the next Guam bottomfish benchmark assessment. The data were reviewed

independently by the WPSAR in July 2024. Working papers from that review included CPUE, catch length composition, and life history data. The two main sources of data included in the reports are from the DAWR boat-based creel survey and the commercial fisheries biosampling program. The working papers looked at how fish are targeted, fishing location, and type of fishing. The papers also account for how different fishermen enter and leave the fishery over time and the amount of skill that a fisher might have. The working papers will be finalized as NOAA Fisheries Technical Memorandum.

Felipe Carvalho, PIFSC, presented the next steps for the Guam bottomfish assessment. Instead of working on the next benchmark assessment for Guam bottomfish, PIFSC took a step back and dedicated a full independent review of the data that are available. The review was positive, and the guidance needed was received from the three independent reviewers. In February 2024, a Guam update stock assessment was done and brought to the SSC and the Council. The assessment showed that the stock was not overfished, and overfishing is not ongoing. All the information the managers need to manage the Guam BMUS fisheries up to 2028 was provided through the assessment update, which allowed for more attention into building the next benchmark assessment for Guam. PIFSC will be working on addressing the WPSAR recommendations on how to improve understanding of the data prior to the next benchmark assessment. Work will continue with partners in Guam to improve data collection including an independent bottomfish survey conducted this year. There are plans to visit Guam in November 2024 to discuss the results of the survey and improve it for year two of the survey. The PIFSC life history program is leading an effort to better understand the biology of local species. The next benchmark stock assessment is scheduled for 2027, with the independent review of the assessment scheduled for late 2026 and the outcome to be brought to the Council in 2027.

Ramsey asked what will be done with the life history information for the blackjack, a very rare species in Hawai‘i, and maybe in Guam as well.

Carvalho said they are mandated and will have to develop an assessment. How it will look like for all the species is not known. A process to reevaluate the Guam BMUS list is being developed and there will be attempts to collect as much life history information as possible in anticipation of a single species assessment.

b) Chair’s Report on Guam Bottomfish Data Western Pacific Stock Assessment Review

Milani Chaloupka, WPSAR chair, presented the WPSAR report on the Guam bottomfish data. The WPSAR panel included himself and Center for Independent Experts members Matthew Cieri and Paul Medley. The WPSAR included daily summary reports on findings for the day, and a summary of all five days at the end. There is movement from a 13 species complex to modeling each species where possible as independent species, which is a significant change. The focus of fishing on Guam is trolling for pelagic species, but bottomfish fishing is important for the socioeconomic well-being of Guam. This is the reason bottomfish management in place is crucial and reliable data are needed to support informed management and to review the data sources used by NOAA fisheries for all future Guam bottomfish benchmark stock assessments. He reviewed the eight Terms of Reference for the WPSAR, seven with yes or no

responses and an eighth that provided future improvements to the system. The WPSAR found that for each of the Terms of Reference, the data were well-documented and appropriate for use. The panel included short-term, medium-term, and long-term priorities and the public had the opportunity to provide comments daily. The review panel and the WPSAR Center for Independent Experts panel concluded the materials provided to assess the seven Terms of Reference were well documented and appropriate for use in future benchmark stock assessments.

B. Commonwealth of the Northern Mariana Islands

1. Arongol Falú

Itibus reported that fuel prices have decreased on Saipan to \$5.19 for regular and \$5.34 for diesel. Tinian is at \$6.54 regular and \$9.87 diesel while Rota is at \$6.54 regular and \$9.87 diesel. Hotel occupancy remains at 41%, similar to what was previously reported in June. The Hyatt Regency that had closed and is now owned by the Marriott and hopes to open this November to attract tourists from Japan and other areas. T'way Airlines had suspended flights; Jeju Airlines continues to arrive from Korea daily; United Airlines continues with daily flights from Guam and three flights per week from Japan; and Star Marianas, an airline conducting interisland travel, has rescinded its letter of suspension after the CNMI governor had intervened between Star Marianas and the Commonwealth Ports Authority. Daily interisland flights will continue. Sugar Dock had renovations in August, allowing for the ramp to be more accessible for fishermen on the south side of Saipan. The Smiling Cove Erosion Project, funded by the National Park Service, is to be completed next spring. Currently matting that has been deteriorated is being replaced and prevention of further erosion beneath the road.

Weaver reported on the fishing tournaments that occurred since June. The Saipan International Fishing Tournament included 91 boats, with 20 from Guam. The winning marlin was 211 pounds. The 3rd Annual Mix Classic's winner caught a 97.5-pound marlin and a 46-pound yellowfin. The ISLA Association hosted its 6th Annual Mafuti Derby which occurs inside the reef, with a vessel that is 17 feet and under. The winner was an 8.25-pound emperor. Total weight winner, George Moses, came in with a total of 3 *mafuti* (redgill emperor) weighing 5.7 pounds. The side bet was won by Mike Sablan, weighing in an 8.5-pound *tarakitu* (skipjack). The Elijah Craig Billfish Tournament, formerly known as the Johnny Walker Tournament, is a \$1,000 buy in. The winning marlin was weighed at 121 pounds where the winner took home \$20,000. Participants from Guam took second place. Fuel plays a big part in participation in these derbies and fuel in the outer islands are high. The price they get for their fish does not add up as they should be getting more based on the price of fuel.

Sword asked if fuel subsidies are provided from boats coming from outer islands.

Weaver said certificates or coupons are provided.

2. Department of Lands and Natural Resources / Division of Fish and Wildlife Report

Jude Lizama, CNMI Division of Fish and Wildlife (DFW), reported on the number of creel surveys conducted and the number of commercial invoices collected since the last Council

meeting. DFW is working with PIFSC to hold information session Oct. 3, 2024, at American Memorial Park on commercial reporting regulations with 18 of 21 vendors expected to attend. Permit and license registration is ongoing and has increased since the last reporting period. The enforcement team has been working with the Department of Public Safety Boating Safety and Homeland Security Emergency Operations Center on streamlining float plans to the Northern Islands. The enforcement team has also been working with the USCG to have vessels inspected. The team had increased their capacity through the completion of ATV operation certifications and identifying specific squads to tackle certain tasks, specifically wildlife conservation and marine conservation. The fisheries research section projects, including lagoon surveys and life history, are ongoing due to favorable weather conditions. There is an active invitation to bid for a new vessel, warehouse repairs and FAD deployment. Projects have been approved to continue into fiscal year 2025. The section has been working on gonad histology and aging of fish species. Currently, collection is conducted on a biweekly basis depending on the weather. Two fishery specialists and an intern completed the life history methods workshop training in Guam. The section is working with the Northern Marianas College to take on more interested interns.

DFW has completed 300 of the 320 scheduled surveys since 2023. The remaining 30 sites will be completed before the current fiscal year ends. Throughout this project, DFW has developed and published an updated standard operating procedure and are currently drafting two more technical reports. There are plans to deploy two more FADs pending the processing of contracts. Three additional FADs are being fabricated to be delivered. Boating Access proposed a dredging feasibility study within the intersection of the Smiling Cove Marina. The Sugar Dock maintenance dredging is completed with approximately 7,000 cubic yards of sand removed. Improvements are ongoing at the Tinian Marina and estimated completion is January 2025. Ground maintenance surrounding the ramp and the marina is ongoing. Currently, there is interest in installing a launch ramp on the windward side of Saipan. One issue is public access as roads leading to the site are on private property. Other issues are the widening of the channel and impacts to EFH and ESA species. The program manager is working on obtaining a U.S. Army Corps of Engineers permit for the Rota West Harbor Marina Rehabilitation Project. A Division of Coastal Resources Management conditional permit was awarded in April 2024. The program is also working on finalizing the process on a waiver of the water quality certification from the Division of Environmental Quality. Rota West Harbor Marina met with Rota DLNR resident director and Department of Public Works engineers to discuss possible improvement of the launching ramp.

The turtle program and PIFSC conducted in-water sea turtle tagging from July 2-7, 2024, on Tinian. Morning and night nesting beach surveys continue as scheduled with five nest inventories conducted in July 2024, with three on Saipan and two on Tinian. One stranding was observed July 22, 2024. The remains are in possession of the DFW enforcement.

The DLNR restoration coordinator hosted an introduction to restoration and coral reef enforcement with the DFW Enforcement team in May 2024 to discuss the Coral Reef Protection Act and DFW's role in accomplishing successful enforcement actions for this project. A restoration skills training with the Nature Conservancy Micronesia was also co-organized in May 2024 with 18 participants. The restoration coordinator actively hosts quarterly restoration skills

training to continue to build up CNMI's local capacity to carry out in-water restoration work after ship grounding events and other disturbances.

3. Update on Commonwealth of the Northern Mariana Islands Permitting and Reporting

Angela Dela Cruz, Council staff, presented an update on the CNMI Commercial Fishing Recording and Reporting Regulations. CNMI public law 17-89, Nov. 28, 2012, established a catch recording and reporting system for commercial harvesters and commercial purchasers of marine species. The federal law under 50 CFR 665.404-Permits, is a federal requirement that the owner of any vessel used to commercially fish for, transshipped, received or land Mariana Archipelago BMUS or ecosystem component species shore of the outer boundary of the CNMI, must be permitted. In March, the CNMI AP was concerned that the bottomfish permitting and reporting was duplicative and recommended the Council assist fishermen in relieving burdens for fishermen in CNMI waters. At the 199th Council Meeting in June, a review of the CNMI and federal regulations by Council staff, NMFS, PIRO, and NOAA GCPI concluded that federal regulations are complementary rather than duplicative with the CNMI regulations and removal of the requirement was not advised. The Council also directed staff to work with CNMI DFW and NMFS PIRO to monitor the implementation of the new territorial CNMI license and reporting requirements in relation to the existing federal permit and reporting regulations.

She said a commercial harvester would report what is harvested and a commercial purchaser would report what is purchased, so cross-checking of the data can be done for the CNMI. With the federal regulation, the vessel owner or operator, the harvester, will report data on what is harvested and sold. CNMI regulations require reporting of all marine life caught within zero to three miles, except what is in federal waters, according to its regulations. The federal regulations require reporting of BMUS and ecosystem component species (ECS) caught within the EEZ. The CNMI allows for data to be reported every two weeks while federal regulations require you record your catch and effort in logbooks within 24 hours of the fishing activity and submit it to NMFS within 72 hours of each landing. Federal regulations also require vessels that are 40 feet and great to carry a vessel monitoring system (VMS) while the CNMI law does not require that to be on board for any vessel. The CNMI also does not require the reporting of the number of protected species released injured, uninjured or dead but the federal regulation does. She said there has been a decline in CNMI BMUS unique vessels from 2013 to 2023, however, the number of federal CNMI commercial bottomfish permit holders are significantly greater than the number of federal commercial bottomfish permit holders reporting their catch. OLE has received reports of illegal commercial bottomfish vessel operation in the past, working with their territorial partners to ensure required federal permits are obtained. If issues relating to bottomfish vessels operating without a federal permit and are not complying with reporting requirements arise, OLE will reach out to the owners, offer compliance and redirect them to apply for the permit if determined it is needed and to submit logbooks as well.

Potential next steps to alleviate potential reporting issues would be for the CNMI to amend regulations to require fishermen intending to enter marine species into commerce in both CNMI waters and federal waters to acquire CNMI commercial fishing license and report landings to CNMI DFW. This would allow for the federal permit to be amended or removed.

Items to consider include the federal requirement to report on protected species bycatch and discards where the CNMI regulation does not and that removing the federal regulation may not be under Joint Enforcement Act jurisdiction. Amending the federal requirement to mandate all fishers in EEZ waters to hold a CNMI permit is another option. CNMI Conservation Enforcement officers will also aid in the pressure of commercial harvesters and purchasers reporting data. Another potential next step is to amend CNMI regulations to require fishermen targeting, landing and selling BMUS from CNMI waters to comply with the federal regulations.

Muña asked if the federal commercial bottomfish permit holders' catch reported is zero.

Dela Cruz said there are zeros but also instances where the data are not disclosed due to the low number of permit holders and confidentiality policies.

C. Advisory Group Report and Recommendations

1. Marianas Advisory Panel

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

Regarding the Guam bottomfish rebuilding plan, the Guam AP recommends the Council modify the rebuilding plan and select Option 2b to modify the catch limit to 34,500 pounds with a postseason three-year average adjustment accountability measure. The Guam AP expressed concerns with the uncertainty of the creel survey for the use of in-season monitoring.

Regarding the Paseo Fishing Platform, the Guam AP recommends the Council request the Government of Guam and local agencies to find ways to fund and repair the platform. The platform currently is in disrepair and unsafe for users.

Regarding CNMI fisheries issues, the CNMI AP recommends the Council request DLNR DFW provide a review on the local MPAs around the CNMI.

Regarding the CNMI bottomfish permit, the CNMI AP recommends the Council explore options to reduce burdens on duplicative reporting and military impacts around CNMI waters.

2. Fishing Industry Advisory Committee

There were no recommendations from the FIAC regarding the Mariana Archipelago.

3. Scientific and Statistical Committee

Lynch, SSC chair, presented the report and recommendations.

Regarding modifying the Guam Bottomfish Rebuilding Plan, the SSC recommends that the Council take initial action on Option 2b, which modifies the rebuilding plan by setting an ACL of 34,500 pounds to maximize fishing opportunities while ensuring the stock is rebuilt. For AM, the SSC recommends discontinuing the in-season monitoring AM.

Instead, implement a postseason overage adjustment based on a three-year rolling average to prevent overfishing while achieving the stock rebuilding target by 2031.

Regarding the chair's report on Guam Bottomfish Data WPSAR, the SSC endorses the conclusions of the Guam BMUS data WPSAR and recommends the data would be appropriate to be used in the next benchmark stock assessment.

D. Public Comment

Manny Dueñas, GFCA president, said he had concerns about Guam's ACLs, emphasizing the need to consider changes in the fishing community over time. He said it is important to have transparent data collection, particularly referencing Hawai'i's approach to gathering data from small boat fishers, and praised the Council and the NEPA process for its inclusivity. He said he was also concerned about various federal actions affecting local resources, including issues with oceanic whitetip sharks, giant clams and military activities impacting local waters. Dueñas said a comprehensive analysis is essential under NEPA, warning against a narrow view of impacts. He also said he had reservations about PIFSC's methodology, particularly the use of an expansion model on creel surveys, questioning the reliability of the data and the communication with local fishers. He said there is a need for improved funding from NMFS to support the Council's work, especially in the Mariana Archipelago, which faces challenges related to climate change and military exercises. He said he hopes for better protection of island resources in the future.

E. Council Discussion and Action

Regarding Guam bottomfish, the Council:

- 1. Selected option 2b as its preliminary preferred alternative that modifies the Guam BMUS rebuilding plan ACL to 34,500 pounds to rebuild the stock to B_{MSY} by 2031 and a postseason overage adjustment. The ACL shall provide the highest level of catch expected to rebuild the stock by T_{target} with at least 50% probability and prevent overfishing at 38% risk. This option would discontinue the rebuilding plan AM (i.e., in-season closure AM and higher performance standard for exceeding the ACL) and instead implement a postseason overage adjustment AM where if the average catch of the three most recent years exceeds the specified ACL in a fishing year, the ACL for the subsequent fishing year will be reduced by the amount of the overage.**

Further, the Council directed staff to work with the Action Team to develop a document for final action at the Council's next meeting in December 2024.

Moved by Guthertz; seconded by Soliai.

Motion passed.

Regarding the Guam data WPSAR, the Council:

- 2. Endorsed the findings of the WPSAR panel and requested PIFSC explore and implement the recommendations provided in the report.**

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

IX. Public Comment on Non-Agenda Items

Ilaoa said he was grateful to the Council for enabling him and two others from American Samoa to attend the 154th American Fisheries Society's Annual Meeting in Honolulu. He said they received positive feedback on their presentations on the federal government's proposed no-take sanctuaries overlapping the PRIMNM. Ilaoa said the Council's 200th meeting is a significant milestone and applauded the Council's commitment to listening to and amplifying the voices of Pacific Island communities.

X. Guest Speaker – Sam Rauch, Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, NOAA

Rauch, NMFS deputy assistant administrator for Regulatory Programs, provided remarks to the Council, including news that Malloy had been appointed as the permanent PIRO regional administrator, as well as national statistics and highlights of the Council's accomplishments. NOAA manages 506 federally regulated species, with only 21 of them subject to overfishing—a number unmatched by any other country, highlighting the success of the Councils and supporting systems. The United States lands 8.4 billion pounds of seafood annually, valued at \$4.8 billion. Two of the top 10 ports in the country are in this region: Honolulu and Pago Pago, both significant in terms of volume and value which points to the crucial role the Council and regional fisheries play for the nation. Noncommercial fisheries, both recreational and subsistence, are also important to the region and the country. The United States recorded 199 million noncommercial fishing trips, landing a billion fish in recent years. In Hawai'i alone, there were 3.9 million trips landing 9.4 million fish, emphasizing the significance of noncommercial fishing to the state.

Rauch said the Council has a long history with its establishment prior to PIRO and PIFSC. The Council manages over 60 unique management unit species across five FEPs, including bottomfish (snappers, groupers), crustaceans, precious corals and pelagic species. The Council's effective management has helped the Hawai'i longline fishery become one of the most valuable and sustainable in the United States. It was among the first longline fisheries recognized as environmentally responsible under the FAO Code of Conduct for Responsible Fisheries in 2006—a significant achievement. He said it is important to maintain both the sustainability and the viability of the fisheries, as they are integral to the culture of Hawai'i and the territories. The fisheries in this region are generally healthy compared to other parts of the country, though challenges remain, which the Council continues to address. The transparent, public nature of the U.S. council system ensures that all parties can engage in the decision-making process and access open and transparent science. The Council's inclusive outreach provides a forum for all interested parties—fishermen, environmental groups, Indigenous communities, and governments—to be heard and considered. The level of inclusiveness is unique both in the United States and globally, and the Council should be proud of creating such a forum. The Council was among the first to ban destructive fishing practices like explosives and poisons. Additionally, the Council implemented drift gillnet measures before Congress passed the Drift

Gillnet Act. He said the Council has often been a leader on various issues but has not received enough recognition for these efforts.

The Council has been proactive in creating area protection measures long before recent initiatives like President Biden's 30x30 goal to protect 30% of land and waters by 2030. He said the Council has effectively used such measures to establish zones that allow the fishing industry to thrive while minimizing interactions with vulnerable species and habitats. The Council's leadership in gear measures, collaborating with the industry to develop solutions that have become models nationally and internationally. The Council was a pioneer in the use of circle hooks to reduce turtle interactions and adopted oceanic whitetip wire leaders, which have become an international model. Additionally, it was one of the first Councils to implement the VMS program and today, nearly every fishing vessel in the country can be tracked online using VMS, a concept pioneered by this Council. Initially, the Council was looking at ways to enforce large area closures and ensure compliance. Since there was no defined technology at the time, they partnered with the British company Inmarsat to develop experimental VMS technology, working with the industry and other countries for about four years. This led to a model that has become the standard for both domestic and international VMS programs, which are now key to enforcing closed areas in fisheries management. This Council was also a pioneer in adopting ecosystem-based fishery management, likely being the first to do so. While national discussions on ecosystem-based management began around 2005, the Council had already established an ecosystem-based fishery management plan (FMP) in 2001. The Council understood the interdependence between fisheries and the environment, taking a holistic approach that became a model for others. He said the Council's leadership in setting the standard that many other Councils now follow, underscoring the recurring theme of being the first to innovate.

Rauch said while other Councils primarily focus on domestic actions, this Council faces unique challenges due to its responsibility for one of the largest ocean areas, surrounded by many neighboring countries. He said to create an effective domestic management program, it is crucial to understand the international dynamics of the surrounding waters, especially when dealing with tuna and other highly migratory species. The Council has taken on the added responsibility of addressing international influences, demonstrating its role as a leader beyond domestic waters. It is important for international cooperation, especially for places like American Samoa, which is surrounded by foreign EEZs. Effective fisheries management in the region requires not only adherence to U.S. policies but also collaboration with neighboring countries and participation in international agreements. When the MSA was first created, tuna was largely overlooked, as it was mainly internationally landed. However, the Council was vocal in pushing for the inclusion of tuna, and Congress eventually amended the MSA to address tuna management. The Council played a key role in creating the WCPFC, which brings together countries around the Pacific to establish tuna fishing quotas and manage the fishery. The United States is actively involved in this process, both to secure quotas for its territories and support its purse seine fleet. He said the adoption of WCPFC in 2004 would not have happened without Council's leadership in pushing the international community to adopt it.

Rauch said this Council has been a strong advocate for Indigenous communities throughout the Pacific. While Indigenous communities in other parts of the United States may have treaty rights, Pacific communities do not, but they are no less significant. He said the

Council has led efforts to understand the connection between these communities and their fishing practices, ensuring that their voices are heard and represented in fisheries management. The Council has been addressing equity and environmental justice long before they became mainstream. The Council has consistently worked to protect traditional fishing practices and reserve fishing rights for Indigenous communities. It has understood the importance of balancing a healthy commercial fishery with supporting smaller-scale fisheries, which are vital for subsistence, cultural heritage, and community well-being in Hawai'i and the territories. He said the Council's advocacy led to Congress explicitly recognizing the importance of Indigenous practices under the MSA in 1996, further emphasizing the Council's leadership in ensuring that these practices are respected.

Rauch said the Council has not received enough recognition for its leadership, both regionally and internationally. He said the Council's actions have had far-reaching impacts, echoing across the globe, and that it should be proud of its accomplishments. He recognized Simonds for her 48 years of leadership as the executive director, guiding the Council through both successful and challenging times, and commended the Council for its many accomplishments. The Council still faces many challenges, but he expressed optimism about its future and looked forward to the work it will do over the next 200 meetings.

Sword thanked Rauch for his insights and perspective on what is happening in Washington, D.C., and in the region. He said the Council has accomplished many things over the years, including the work done leading up to the 200th session, and encouraged pride in these achievements.

Soliai thanked Rauch for taking the time to attend the Council meeting, expressing gratitude for his support and understanding of the Council's issues, both domestically and internationally. He said Rauch has been the head negotiator for the U.S. government at WCPFC and acknowledged the accomplishments made with his support, noting the long-standing collaboration between Rauch and Simonds. Soliai said although Pago Pago is one of the top 10 ports in the United States, American Samoa is rarely recognized in the status of the fisheries report. He said they had advocated for its inclusion in the 2020 report, which was initially acknowledged, but haven't seen consistent recognition since then. In the late 1990s, American Samoa, with its two canneries, was ranked either number one or two in the nation in terms of fishery production. Even now, from a jurisdiction perspective, American Samoa ranks in the top three, with Alaska having two ports within the top five. He said American Samoa's contribution should be acknowledged, particularly when discussing equity and environmental justice. It is important to ensure that American Samoa's value to the nation is reflected in the reporting from headquarters.

Guthertz said she appreciates Rauch's recognition of the Council's accomplishments, noting that it is often easy to overlook the Council's leadership in many fisheries management and research innovations. She said she had never been involved in an organization as mission-driven and effective in achieving its goals and working in the interests of all member territories and commonwealths in the Western Pacific. She said there is value in the Council as a platform for educating those unfamiliar with the islands and their cultures. To create effective U.S. policy for the region, it is essential to understand the cultures and history of the islands, as this

knowledge is crucial for making informed decisions that affect the territories. The Council is one of the few venues where people from under-incorporated territories or commonwealths have a voice in U.S. policy. Island residents, unlike their mainland counterparts, cannot vote for the U.S. president. She said residents of the territories must rely on fellow Americans in the mainland and Hawai'i, who have voting rights, to make decisions that directly affect their lives, fisheries, and even NOAA's work. She said she appreciated Rauch and his colleagues' willingness to listen, learn about the islands, and advocate on their behalf. She said the island communities are patriotic and support good public policy but need policies that recognize the unique differences of the islands. Federal representatives need to consider the input from Council members and advisors to help shape appropriate policies. The territories have nonvoting delegates in Congress, with no representation in the Senate, making federal representatives their primary advocates. She asked Rauch if he anticipated any major changes with a potential shift in the White House that could negatively impact the islands.

Rauch said regardless of the election outcome, changes in the White House are inevitable. The likely candidates are either the current vice president or a former president, both of whom have prior experience. He said he would refrain from speculating on potential policy changes that could impact the territories, emphasizing familiarity with both leaders based on their past actions.

Simonds thanked Rauch, noting their long-standing collaboration, particularly on protected species policies, her favorite issue. She said the terminology for the relationship between the Council and NMFS evolved over the years, initially being called "clients," then "stakeholders," and finally "partners," none of which she liked. Simonds said she is still trying to find the right term to accurately describe their relationship, insisting they are "more than partners."

Sword thanked Rauch and reflected on a 1999 Council report comparing fisheries landings, noting that from 1996 to 1998, American Samoa ranked first with \$232 million worth of fish, followed by Dutch Harbor, AK and New Bedford, MA. He said rankings have since changed, with Alaska leading, but expressed appreciation for a 2020 NOAA report showing American Samoa and Hawai'i still among the top 10 ports, with American Samoa in third place despite losing a cannery in 2009. He said it is important to share statistics that demonstrate the value of the Western Pacific region and that those who lack direct representation in Washington D.C. need these data to see the region's significance. Showcasing the region's contributions is essential, as it highlights their effective fisheries management and value to the nation.

Eric Kingma, executive director of HLA, presented a \$500,000 check to Rauch as a voluntary contribution from the HLA to the Western Pacific Sustainable Fisheries Fund (SFF), to support fisheries development projects in American Samoa, Guam, and the CNMI. This contribution follows a decision by the WCPFC in December 2023, which increased the U.S. bigeye quota, effectively ending agreements between HLA and U.S. territories that had been in place for over 12 years. During that time, HLA contributed over \$6 million to fisheries development in the U.S. territories. Kingma said fishermen are often treated as "second class" compared to farmers, lacking access to the grants and subsidies provided to agriculture. He said it is important to support fisheries development in the region due to their cultural and economic

significance. He said he hoped to continue the historical exchange among fishermen in Hawai‘i, American Samoa, Guam and the CNMI to further strengthen regional fisheries. He said the contribution comes with "a lot of aloha," from Sean Martin, HLA President, and Dang, an HLA Board Director.

Soliai expressed gratitude on behalf of American Samoa to HLA for their partnership over the past 12 years, noting that HLA has contributed \$6 million to the SFF. He said American Samoa was a major recipient of these funds, which supported numerous fishery development projects, including boat ramps, docks, scholarships, and capacity building. He said he was disappointed that the funding was ended but there were positive impacts from the partnership. He said Thomas Sowell wrote about entitlements, implying the importance of contributing to society rather than expecting something without effort. Soliai said the relationship with HLA might have given American Samoa a sense of entitlement without much effort, as it primarily involved transferring their quota. However, the funding had significant positive impacts, including supporting young scientists and marine biologists in American Samoa, as well as building infrastructure. He said he hoped that similar opportunities for fishery development funding could be found in the future and expressed gratitude on behalf of American Samoa.

Muña expressed gratitude on behalf of Guam to HLA for their generosity in including Guam in the donation, despite Guam not having been part of the partnership for many years. She said there were challenges in establishing the partnership in the past but appreciated being included in the contribution.

Igisomar expressed appreciation and gratitude to HLA for their partnership on behalf of the CNMI. He said the funding helped produce young scientists through the scholarship program, many of whom are now working for him. He said he looks forward to building new opportunities and thanked HLA.

XI. Protected Species

A. Shallow-Set Longline Tori Line Experimental Fishing Permit Project Report

[This agenda item was taken up after C. below]

Chaloupka presented the results of a pilot study that evaluated whether tori lines are an effective seabird bycatch mitigation measure in the Hawai‘i shallow-set longline (SSL) fishery. Night setting is an effective measure that is currently required in the SSL fishery, but the industry was interested in exploring alternative combinations of mitigation measures to allow greater flexibility in gear setting times. Tori lines have been shown to be effective in the Hawai‘i deep-set longline (DSL) fishery but had not been thoroughly evaluated in the SSL fishery. Council, HLA, PIRO and PIFSC thus proposed a pilot study to evaluate alternative measures to discourage seabird interactions in the SSL fishery.

The study was conducted under an experimental fishing permit (EFP) issued to HLA, which provided an exemption from the existing regulatory requirements for strategically discharging offal during setting and blue-dyed bait. The field trials assessed the efficacy of paired tori lines set prior to local sunset compared to night setting while using blue-dyed bait.

The tori lines used in the study were lightweight short-streamer type shown to be effective in the DSLL fishery. One vessel participated in the study, with both EM and observers used for data collection during the two trial trips between February and April 2024. A total of 39 sets were used in the analysis, of which 17 were paired tori line sets and 22 were night sets. Strategic offal discharge was exempted through all sets. The number of gear/bait attempts and contacts were derived from EM data, and the number of captures were derived from observer data. Most of the albatross captures were Laysan albatrosses, with 96% of all captures being on the partial daytime paired tori line sets. Overall, data available for the analysis were sparse and dispersed, in part due to the spatial and time variation between the two trial trips. Simple marginal response summaries as well as more comprehensive Bayesian methods were used for the analysis. The analysis results showed albatross captures were significantly more likely (i.e., 38 times more likely) to occur on partial daylight tori line sets compared to night setting with blue-dyed bait.

The Bayesian regression modeling approach applied to the capture data provides strong inference to support some form of evidence-informed seabird bycatch policy for the SSSL fishery, but only weak inference can be made when using the data for contacts and attempts due to sparse data. Overall, the lightweight, short-streamer tori lines did not work in this trial, and thus the SSSL fishery would need to continue using night-setting with blue-dyed bait under existing regulatory requirements. Tori lines better suited for windy conditions may have worked better in this fishery. Future experimental trials may focus on evaluating whether blue-dyed bait is necessary when night-setting, or whether hookpods with LEDs may be useful for allowing daytime setting.

Dang thanked all involved in the study, and said he was interested in seeing the results from the trial even though tori lines did not work. He said the SSSL fishery and its participants are interested in identifying and developing potential seabird mitigation measures that make sense. Dang also said future experimental trials to determine whether blue-dyed bait is necessary would help, and if it doesn't work, then the measure should be removed as it requires an additional crew member to handle blue-dye.

Chaloupka said blue-dyed bait should be explored as it is a pointless measure, but an experiment is needed to demonstrate empirically that it is a pointless encumbrance on the industry.

B. False Killer Whale Foreign Fleet Impacts Analysis

Rob Ahrens, PIFSC, provided a report of the results from a workgroup established to look at the effect of foreign fishing effort within the defined pelagic FKW assessment area. To determine the amount of foreign effort occurring within the defined pelagic FKW assessment area, the Global Fishing Watch data was used to allocate the proportion of fishing effort that was occurring within the zone by determining the proportion of the effort that was within or outside of the assessment area. The WCPFC and IATTC reported effort was used to determine the total number of hooks by each flag that was occurring within the assessment area. Finally, the FKW interaction estimates were obtained from the Hawai'i DSLL, Hawai'i SSSL, and WCPFC observer programs.

Majority of the foreign fishing effort, represented by China, Korea, Japan, Taiwan and Vanuatu, is occurring to the southwest and north of Hawai'i, while there is a notable absence of foreign effort to the east. Overall, the analysis showed that about 10% of the fishing effort inside of the pelagic FKW assessment area is from non-U.S. vessels. There is no FKW interaction data from the regional fishery management organization (RFMO) observer program that occurs in the assessment area, so the Pacific Islands Regional Observer Program data for DSLL and SSLL fisheries were used as proxy interaction rates for the foreign effort. The analysis suggests that the foreign effort accounts for between one and eight FKW interactions if using the DSLL interaction rate, between zero to seven interactions if using the SSLL interaction rate, and between one and 1.5 if using the RFMO observer program data. Majority of the foreign effort in the assessment area are deep-sets, and thus the range between one and eight interactions based on the DSLL interaction rate data is the likely range.

Ahrens described several caveats to the analysis. The estimated density of FKWs is higher to the southwest, where interaction rates may also be higher. Accounting for an effort-weighted average of the potential interaction rate across the density field, the interaction rate in foreign fisheries may be 8% higher than U.S. fisheries. The Global Fishing Watch data have some artifacts such as missing vessels and misidentified fishing activity, although those artifacts should not be a problem in the analysis if they are homogeneous. The spatially reported RFMO effort data is about 15% lower than the total reported effort, which would translate to an additional FKW interaction in the foreign fleets. Finally, the mortality and serious injury estimates for the foreign fleets are unknown. It is unclear if the 84% mortality and serious injury rate from the U.S. fishery is applicable to the foreign fleets.

Dang asked how the analysis results impact the management of FKWs, and how the results would be applied to the recovery factor for calculating the potential biological removal (PBR).

Erin Oleson, PIFSC, said Ahrens and the analysis team are currently drafting a report describing the analysis, which will be reviewed by the Pacific Scientific Review Group (PSRG) through the MMPA assessment peer review process later in 2024. The analysis will also go back to the SSC for a complete review at the December meeting. NMFS will consider the collective review and incorporate the information into the 2025 Stock Assessment Report, which will be brought to the PSRG for review in the spring of 2025.

Dang asked if there is a date for the PSRG meeting, and whether that would be open to the public.

Oleson said there are a few candidate dates in November 2024, but it has not been finalized. The intercessional meetings are typically not public, and NMFS is working to find a date that works for the PSRG, then will work through access and other things as appropriate.

C. ESA and MMPA Updates

1. Overview of Sea Turtle Nursery and Rehabilitation Programs

Stacy Hargrove, NMFS National Sea Turtle Coordinator, provided an update on sea turtles in response to Council's request for information, including recovery plans, five-year reviews, nurseries and rehabilitation. NMFS and USFWS share responsibility for conservation and recovery of sea turtles under the ESA, with NMFS having jurisdiction over sea turtles in marine environments and leading stranding networks, while USFWS manages sea turtles on land and oversees rehabilitation facilities.

There are three existing recovery plans for green turtles in U.S. waters (Atlantic, East Pacific and U.S. Pacific). These plans were reviewed in response to the listing decision that designated distinct population segments (DPSs) in 2016, at which point NMFS and USFWS determined that all of which are still relevant and applicable in providing effective guidance for green turtle recovery efforts in 2016. NMFS and USFWS also review and update recovery action progress annually. The relevance and applicability of the existing green turtle recovery plans would be reevaluated during the next five-year review.

The ESA requirement to designate green turtle critical habitat following the listing of the 11 DPSs had consumed a significant amount of time and resources in recent years, resulting in delays in the ongoing five-year reviews for hawksbill (initiated in 2020) and Kemp's ridley (initiated in 2021) sea turtles. NMFS's priority is to complete the ongoing status reviews before initiating another one, but the expected order of the next five-year reviews would likely be olive ridley, green, leatherback, then loggerhead. There is no set timeline for the next green sea turtle five-year review.

Sea turtle nurseries, also known as head-starting programs, have a long history in the U.S. and abroad. However, sea turtles have high mortality rates early in life, and improving the survival of hatchlings and juveniles is not likely to be effective for population recovery for long-lived species. The focus should be on protecting the large juveniles and adults who have survived both natural and anthropogenic threats through their most vulnerable life stages. Previous head-starting programs for green turtles in Florida and Kemp's ridleys in Texas and Mexico that released thousands of turtles each year were discontinued because no turtles from those programs were documented returning to nest. More recently, a decades-long captive rearing program at the NMFS Galveston Lab was also discontinued due to high costs, where loggerhead hatchlings were raised for 1-2 years for the purpose of testing and certifying new turtle excluder device designs for bycatch reduction. While Sea Life Park in Hawai'i has a unique program that breeds captive green turtles, the original turtles were brought into captivity before the ESA for the purpose of education and outreach.

NMFS and USFWS's Policy Regarding Controlled Propagation of Species Listed under the ESA recommend that such programs only be implemented for recovery when other methods have failed or are insufficient, and after reasonable efforts have been made to facilitate recovery in the wild. Captive rearing programs also have significant challenges, including failure to address threats impacting wild populations, environmental impacts from wastewater produced by rearing operations, disease outbreaks and potential spread to wild populations, aggression and cannibalism resulting from overcrowding, high cost of raising turtles, and delayed benefits (potentially decades).

Sea turtle rehabilitation facilities focus on providing humane care and treatment for individual turtles suffering from sickness or injuries, not population recovery. These facilities play an important role in public education by teaching visitors about sea turtles and the threats they face. The duration of treatment usually ranges from days to months. For turtles that cannot be treated, humane euthanasia may be necessary. One of the challenges faced by these facilities is funding for operating expenses and veterinary support. USFWS is responsible for overseeing these facilities and has established requirements for the care of turtles in captivity. Hargrove highlighted opportunities for building capacity for sea turtle rehabilitation capacity in the Pacific Islands. Recently, staff from American Samoa received training from the Maui Ocean Center, and a similar initiative is planned for CNMI staff. In the past two years, Congress allocated \$500,000 per year to NOAA to provide support to organizations involved in sea turtle stranding response and rehabilitation across the United States and in the territories. These funds are being awarded through grants in collaboration with the National Fish and Wildlife Foundation Sea Turtle Program, aiming to support organizations in each NOAA region. The announcement for the 2025 request for proposals was shared with all Pacific Islands Region stranding response partners, and full proposals are due at the end of October 2024 with awards to be announced early spring 2025. Hargrove presented key sea turtle points of contact at NMFS and USFWS.

Simonds commended Hargrove for the informative presentation, noting that former Council member Dueñas has been a champion for restoration of the green sea turtle and that one of his interests has been on the potential for utilizing nurseries for recovery.

Soliai asked Hargrove for her opinion on whether green sea turtle populations in the territories and Hawai'i are recovered or coming out of recovery.

Hargrove said the two green sea turtle DPSs in the territories are listed as endangered and are not recovered, noting that there are significant threats that have yet to be addressed to allow these populations to recover. The Central North Pacific DPS (Hawai'i) has shown improvement over the past four decades and has been championed as a conservation success story. However, Hargrove said a single event from Hurricane Walaka in 2018 created a major setback by decimating the primary nesting habitat, and demonstrated the vulnerability of populations that depend on isolated nesting sites that are greatly impacted by climate change. She believes there are challenges ahead for the Central North Pacific DPS, and habitat restoration of the remaining nesting beaches is of critical concern.

Soliai said he is glad to see a policy in place that allows for controlled propagation and recovery of species.

Simonds asked how NMFS is working in terms of policy management with foreign governments where green turtles from the U.S. territories migrate to and from, such as the Philippines. Simonds noted that similar policies between governments are needed to ensure recovery.

Hargrove said NMFS and USFWS support conservation and recovery programs through the Marine Turtle Conservation Act. She acknowledged that there are challenges when species cross international lines and offered to provide a more thorough response at a later time.

Simonds recalled seeing a report showing an uptick in nesting green turtles on the Northwestern Hawaiian Islands (NWHI) following Hurricane Walaka.

Summer Martin, PIFSC, said in terms of working with foreign countries, there are ongoing work between PIRO and PIFSC with countries like the Philippines, although she could not speak on the higher level government to government coordination. The collaborative work includes identifying the connections between the populations, quantifying threats through rapid bycatch assessments in nearshore waters in the Philippines, and understanding the genetics to identify which turtle populations are being impacted. In terms of the NWHI, Martin said the population was monitored for decades through the nesting numbers on East Island, and without that time series, there is not much that can be said about the overall trend. PIFSC has been tracking the number of females on Tern Island, which is the habitat the turtles primarily shifted to, and they now have about five years of good data following Hurricane Walaka. PIFSC has plans to apply new modeling tools to look at Tern Island and integrate the trend with the old East Island data set. Martin said there is no answer yet, but based on observations on the ground, Tern Island is a hard place for turtles to be nesting with entrapment hazards. The hazards have increased in recent years, and the team is working on mitigation on the ground to save both hatchlings and adults.

Simonds said Council asked the USCG to clean up their station years ago, but she did not think anything happened to remove all the obstructions.

Martin said the team was able to identify 800 females within the atoll in 2024, which is a good number but it still needs to be interpreted in the context of the trend.

Simonds asked if there are any turtles nesting on Ni‘ihau.

Martin said she does not have any evidence of nesting on Ni‘ihau, based on the work done by PIFSC’s monk seal team.

Simonds said she hopes PIFSC will someday run the population model to determine the number that could be taken for cultural use, noting that the Council has been discussing the cultural take of honu (green sea turtle) for years.

Weaver asked if there is a certain number of turtles that would be required for green turtles in the CNMI to be delisted. He noted that turtles were everywhere during the last fishing derby that took place inside the reef, and the vessels had to pull up anchor to move away from them. He noted people were eating turtles and living off the land and the sea before livestock were introduced to the islands, and disagrees with the current state that someone could go to jail for practicing their culture when there is an enormous amount of turtles in the lagoon as well as outside of Marpi.

Muña echoed Weaver’s observations, noting that she sees more turtles now than ever before in Guam, and asked how to reconcile these observations with information from scientists that green turtles are still endangered and are at risk.

Martin acknowledged the perspectives shared by Weaver and Muña. She deferred to Hargrove on the recovery targets, but noted that the recovery is determined based on a five-factor analysis that considers more than just population size and trend. While people may see a lot of juvenile turtles foraging on the reefs, many of those may not make it to adulthood to reproduce. Nesting females are used as the index of abundance for sea turtle population dynamics, and the number of nesting females on Guam and in the CNMI is small and the threats have continued over time. However, the Central West Pacific DPS is much larger and includes Micronesia where there are high numbers of nesting, but about 10 years of continued monitoring data is needed to look at population trends.

Hargrove said the five-factor analysis is used to evaluate whether a species needs to be listed as threatened or endangered under the ESA, and the species must be listed if any of the five factors are met. The first of these five factors is the critical one for the Pacific DPSs, and that is the present or threatened destruction, modification, or curtailment of its habitat or range. The biggest threat to these populations is whether the turtles will have beaches to lay their eggs in the future. Hargrove also said the recovery plans do have recovery criteria with a target number, but that does not need to be met for delisting as the criteria are guidelines. Instead, the five-factor analysis is used to determine if delisting is warranted.

Perez asked what the impact of the firing range in Guam will be on the turtles in the area, and whether there are future plans for additional monitoring around the firing range.

Martin said she does not have an answer about the impacts, and that she has not been brought into any plans for additional monitoring.

Perez asked what are the threats toward recovery in Guam.

Martin said she would have to refer back to the status review, which includes a comprehensive list of threats for each population. She noted her team is not currently focusing on documenting or quantifying threats on Guam.

Simonds said there must be a way to model the population, determine the number that can be taken, and the number needed for recovery.

Martin said those types of estimates are not done for sea turtles because of the way ESA is written, unlike MMPA, which requires calculation of the PBR.

Igisomar reiterated Simonds' question about agreements between governments, noting the United States has no control over turtles that leave its waters and go into international turtles.

Martin said is a good question but beyond her capacity to answer.

Simonds said even if the honu is recovered, take would not be allowed because the U.S. government agreed to the Inter-American Convention for the Protection and Conservation of Sea Turtles. That is a government-to-government effort with the Central and South American countries.

Igisomar expressed frustration with the use of nesting female abundance as an indicator of population size, noting that census is normally used for tracking population. He asked if the turtles in the CNMI are from other areas, and if those areas don't consider the turtles to be threatened or endangered, whether those turtles could be harvested.

Martin said about 80% of the turtles observed foraging in the CNMI and Guam waters are not nesting on those islands and originate from nesting beaches in the Marshall Islands. Most of the remaining 20% come from FSM and the remaining from other places. The nesting turtles in CNMI and Guam go to the Philippines for their developmental years. The populations in the Marshall Islands, FSM, Guam and CNMI are all within the Central West Pacific DPS, and are assessed as one population.

Guthertz asked whether NMFS was involved in any assessments of how the military buildup on Guam might affect sea turtles.

Martin said NMFS has had a partnership with the Navy in the past decade to ramp up the amount of sea turtle research through the Mariana Archipelago so the Navy can understand how their activities may impact the turtles. Her team's job as scientists has been to collect the baseline information about their distribution and movement in the region, which is now available as a rich database used for various analyses. Specific questions about the impacts of particular activities would need to come to NMFS as a formal request for information or analysis. She has seen in military's reports that they incorporate NMFS data into its planning, but she was not familiar with how the military is addressing questions pertaining to impacts on turtle populations.

Guthertz said she has not seen information on the potential impacts to the green turtle population in the environmental reports published for the military buildup on Guam. She suggested that the Council ask NMFS to share information on research associated with turtles and the military buildup.

Damon-Randall, NMFS Office of Protected Resources, offered to provide a presentation at the next Council meeting that goes into greater detail about recovery numbers and delisting criteria for sea turtles. She noted these topics are complex because of the population structure, and it may be helpful to walk through the information in more detail so they are better understood.

Igisomar pointed out that green sea turtles have been listed for over 30 years and reiterated the question about the recovery target number. He wondered how EEJ fits into the picture, noting that commercial fisheries are allowed to have incidental take while not even one turtle is allowed for practicing their culture and tradition. He believes the management plan needs to reflect that the people living in these areas can be amazing partners in managing the population. Igisomar said if people continue to be told no, they will not be happy to go along with it, noting that many people struggle to buy food due to the poor economic conditions and look to the resources for sustenance.

Muña suggested that, in addition to the topics proposed by Damon-Randall, the presentation at the next Council meeting also address threats such as fibropapillomatosis and climate change. She asked how climate change impacts could be mitigated for species like

turtles, giant clams and corals, and whether any species could ever be delisted if climate change continues to be a threat. She expressed concern that it will be a cycle of impacting resource managers rather than contributing to the growth of the population that is in decline, noting that the listing itself will add to permitting and timelines for conservation activities like coral outplanting.

Dawn Golden, PIRO Protected Resources Division, acknowledged the complexity of the issues and the frustrations. She explained that the incidental take is allowed under the ESA if those actions are not likely to jeopardize the species, whereas the ESA does not allow the type of directed take that is being discussed. Regarding the firing range impacts, she offered to provide additional information as part of the next meeting's presentation on the ESA Section 7 consultations conducted for those military actions. Those consultations would look at impacts on sea turtles and other listed species.

Perez said the military buildup is in the Indo-Pacific, and will affect not just Guam but also Tinian, Saipan, Palau and FSM. He asked if the buildup would delay the recovery of sea turtles.

Golden said would be considered in the Section 7 consultation and in recovery actions. Generally, when NMFS does consultations, it works with federal agencies to minimize any anticipated impacts to listed species.

Weaver asked about the success rate of the turtle release program at Sea Life Park, and said similar programs should be considered if the success rate is high so that cultural take can be allowed.

Golden said there is no evidence that the program has been a successful operation to contribute to the recovery of green sea turtles. The sea turtles at Sea Life Park have been in captivity since before the ESA, and it was not established as a recovery program or a rehabilitation facility.

Hargrove said based on life history strategies and the low survival of juveniles, the small number of hatchlings produced by Sea Life Park is not likely to result in a population-level increase.

Simonds asked if the turtles released from Mauna Lani Resort as part of their Turtle Independence Day events come from Sea Life Park.

Hargrove confirmed.

Golden said the program provides a good tool for education and community engagement but noted that the released turtles are still very young and face many threats.

Igisomar said the impact of these regulations on the cultures and traditions should be included in the assessment. He said their cultures should be listed as endangered, noting that the practice that was a rite of passage for young men to demonstrate that they can feed their family is now gone.

2. Giant Clam ESA Listing Proposed Rule

John Rippe, NMFS Office of Protected Resources, provided an overview of the giant clam ESA proposed listing rule. NMFS recently completed in-person public hearings on the proposed rule in American Samoa, Guam and the CNMI, and Rippe thanked those who were able to attend the meetings.

Rippe provided some background information on ESA as they pertain to the proposed listing for giant clams, noting that while all the prohibitions in Section 9 are automatically applied to endangered species, ESA affords some flexibility to customize protective regulations for threatened species under Section 4(d). In terms of the listing process, NMFS received a petition in 2016 from a private citizen to list ten species of giant clams as threatened or endangered. Following a review of the petition, NMFS in 2017 initiated a status review for seven of the species for which the petition presented enough information indicating listing may be warranted. In July 2024, NMFS announced a proposed rule to list six giant clam species. The current comment period, which will be open through Oct. 23, 2024, is the opportunity for the public to provide comments on the proposed rule and information that would inform the final listing rule. Within one year of the proposed rule, NMFS will publish a final rule for the listing.

The status review serves as the scientific basis for the species listing determination, and includes a comprehensive review of the biology, ecology, abundance, and threats affecting the species' survival. The review also considers demographic factors contributing to the species' current and future extinction risk, including abundance, connectivity, genetic diversity, and productivity. The status review is based on the best available scientific and commercial information and has undergone peer review with four experts with decades of experience in giant clam research. The status review found that the most critical threats to all seven species are overharvest for meat and shells, and the lack of laws and enforcement to address the overharvest. The result of those threats is that the populations of all seven species have been driven to low abundance, which severely limits their ability to reproduce and recover. Of the seven species in the status review, NMFS determined that one species does not warrant listing. One species (*Tridacna costata*) is proposed to be listed as threatened, meaning it is likely to become endangered in the foreseeable future. The other five species (*T. gigas*, *T. derasa*, *Hippopus hippopus*, *T. squamosa* and *T. maxima*) are proposed to be listed as endangered, meaning they are in danger of extinction throughout all or a significant portion of their range. Three of the species, *H. hippopus*, *T. gigas* and *T. derasa*, have at some point occurred in the U.S. Territories, but based on the available information, very few of any of these three species still occur in the wild in U.S. waters, although they have been involved in certain mariculture efforts throughout the years.

For the six species proposed for listing as endangered or threatened, NMFS is proposing to prohibit the harvest, collection, killing, or injury of wild individuals, import or export of specimens of derivative products, possession or sale of individuals or products that were illegally collected, or release of captive specimens into the wild. Continued possession and normal care of specimens held in captivity at the time of listing would be allowed.

NMFS is additionally proposing to list four additional species (*T. crocea*, *T. maxima*, *T. noae*, *T. squamosa*) under the similarity of appearance provision, defined in ESA Section 4(e). This enables NMFS to treat a species as threatened or endangered if it resembles a listed species, if the similarity in appearance creates an additional threat to the listed species, and listing the otherwise unlisted species would facilitate enforcement. In the case of giant clams, certain products such as meat, shell carvings, jewelry and pearls cannot be visually distinguished from other species. All four species proposed for listing in this category are native to one or more of the U.S. territory, with *T. maxima* being fairly common in American Samoa, Guam and the CNMI. These species to be listed under the similarity in appearance will not be subject to critical habitat designation because they are not being listed based on their extinction risk. Only the import and export of derivative parts and products of 4(e) species would be prohibited, and all other activities would continue to be allowed subject to local regulations.

NMFS received a formal request from all three territories asking for an extension to the 90-day public comment period, which NMFS is in the process of considering. As part of the comment period, NMFS is seeking any new information about the status of or threats to the species, conservation efforts, or potential cultural or socioeconomic impacts of the take prohibition rule for the 4(e) species.

Sword said he was glad to hear that some of the species can still be consumed, noting that was one of the concerns heard at the public hearings in American Samoa. He asked if any of the species produces pearls or mother of pearl, noting that mother of pearl is used to decorate their traditional headwear and there would be concerns with import and export prohibitions.

Rippe said pearls in giant clams are not a common occurrence, but there have been rare occasions of pearls being found in the larger species and more common in the Asian markets. The pearls from giant clams tend to be dull colored and amorphous and are distinctive from other pearl products.

Weaver asked what surveys have been done for the species that occur in the CNMI and how current the data are on the giant clam species.

Rippe said as part of the status review process, NMFS collected all the information that was available for each of the locations where the six species occur. Two of the species, *H. hippopus* and *T. gigas*, are known to be native to the Mariana Archipelago based on fossil evidence and have not been seen for some time. *T. derasa* has been introduced, but there are very few, if any, that occur in the wild. The four species with similarity in appearance are not proposed to be listed based on their extinction risk, so NMFS did not assess their abundance or threats to these species in the CNMI. However, anecdotal information received from CNMI DFW has confirmed that the primary species that occur there is *T. maxima* and *T. crocea*. Beyond that information, there is no good survey data about the abundance or distribution of giant clams in the CNMI, Guam or American Samoa, because the species of greatest concern do not occur in these areas.

Weaver reiterated his question on how current the data are for the giant clams.

Rippe said the published studies on fossil records of the two native species with extinction risk were published in the early to mid-2000s. The anecdotal information from DFW was received in the past two months.

Weaver asked if NMFS has checked if the giant clams occur in CNMI's Northern Islands.

Rippe said for the status review report, NMFS considered the status and threats to the species throughout the entirety of their range, including many areas outside of the CNMI. For CNMI, there are no quantitative data that he is aware of on the communities of giant clams in the Northern Islands. If information is available, Rippe encouraged that to be shared as part of the public comment process.

Muña said the species that require most immediacy are those proposed for listing as endangered, noting that the endangered listing would substantially reduce Guam's ability to work with those species. Guam has an ongoing community-based aquaculture program in collaboration with Palau to reintroduce giant clam species into the coral reefs for conservation purposes. Muña asked why species that are not native in Guam or CNMI, or those that have not been reported in Guam and CNMI for many years are considered for listing if it will make it so restrictive to manage those species. She noted that according to one of her biologists, *T. gigas* has not been seen in Guam for over 10,000 years. While some activity would still be allowed, they would require a permit.

Rippe said he understands the concern, but NMFS is required under the ESA to list a species if it is at risk of extinction even if it is a foreign species that does not occur in the United States, no longer recorded in the United States or only occurs in a small area domestically. He said the listing is not specific to the Mariana Archipelago, and it applies throughout the species' range. Regardless of whether the species range once included the Mariana Archipelago, NMFS would still be proposing the applicable species throughout its range. In the case of *T. gigas*, Rippe said the range extends to the south into the Great Barrier Reef and west into the Indian Ocean, with the core range being in the Philippines and Indonesia.

Damon-Randall reiterated that NMFS can list species under the ESA that are fully foreign and do not occur in U.S. waters.

Muña asked why the impacts to the Mariana Archipelago were not addressed during the status review, noting that the listing will directly impact the lives of the people in the Mariana Archipelago even if the species does not occur there.

Damon-Randall reiterated that NMFS is required under the ESA to look at whether the species is threatened or endangered anywhere in its range and must list them if they are. She said these concerns are valid and NMFS would like to hear them as part of the public comment period so that they can be factored in before NMFS moves further into the rulemaking process. Damon-Randall said NMFS is considering the request to extend the public comment to provide more time for these conversations.

Guthertz asked if the additional public comment period would mean NMFS may consider exempting Guam and CNMI from including these species on the prohibition list.

Damon-Randall said she did not mean to imply that, but NMFS is considering the extension to allow more time to have conversations about the information that NMFS may be lacking and impacts they do not understand, and to consider the options. NMFS has a lot more flexibility with a threatened listing than for an endangered listing and has the ability to tailor 4(d) rules for threatened species.

Guthertz said she is concerned that Guam and CNMI's interest will be overlooked when the listing is finalized, and there is a long way to go to resolve the issues.

Soliai asked what is meant by "throughout the range."

Rippe said throughout the range means anywhere the species occurs or where there has been a record in occurrence.

Soliai asked if NMFS has looked at all the information throughout the whole range, noting there are about 60,000 islands between Africa and the Pacific.

Rippe said in terms of the methodology to review the abundance of population density throughout the range, NMFS compiled information at the jurisdictional level by looking at the qualitative status of each species in each of those locations, because quantitative data and survey data are very limited throughout most of the giant clams's ranges. NMFS reviewed the available survey data, anecdotal reports, or any type of gray literature in each of the countries or territories and made a determination on the average status of the species in each location. Determinations on occurrence or abundance were not made for areas where there is no information.

Soliai asked if it is safe to say there is a lack of giant clam data from the Western Pacific.

Rippe said in general, there is a lack of data everywhere for giant clams. There are some decent data in the Great Barrier Reef and core ranges in the Philippines and Indonesia, where some long-term trends can be derived. There are also long-term surveys done of giant clam populations also in Rose Atoll.

Soliai echoed the concerns regarding the lack of data within the region and said sometimes the BSIA is not necessarily the best science. He said three words stand out throughout the agenda items on ESA and MMPA, and that is "restrict, control, and prohibit." He said this is cultural appropriation, and it is significant when it impacts the small communities that rely on these species for food security as well as cultural aspects. Soliai said there is a legend in American Samoa that talks about the origin of the Samoan tattoo, and it is linked to the giant clam. The attendees at the giant clam public hearing in American Samoa were able to hear that song. The song tells the story of the two sisters that traveled from Fiji with their tattooing utensils, and when they came to Samoa, it was the women who were tattooed. When the sisters dove into one of the islands of Savaii, they came across a giant clam and something happened to them. When they came up to the surface, the song changed from tattooing women to men. The song goes back hundreds of years and speaks to the origin of the Samoan tatau (tattoo) being

related to the giant clam. This cultural practice is going to be impacted by the listing. Soliai and Sword sang the “Tatua Samoa” song.

O le mafua'aga lenei ua iloa O le taga o le tatau I Samoa Ole Malaga a teine e toalua Na fe'ausi mai I Fiti i le vasaloloa	This is the known origin of the art of Tatau in Samoa The journey of two sisters Who swam through the big vast ocean from Fiji
Na la aumai ai o le ato au Ma si a la pese e tutumau Fai mai e tata o fafine 'Ae le tata o tane	They brought with them a basket of the tatau tools and the song they repeated it said only the women receive the tatau and the men do not
A o le ala na tata ai o tane I na ua sese si a la pese Taunu'u I gatai o Falealupo Falealupo	The reason the men receive the tatau is the sisters sang their song incorrectly When they arrived at the coastal waters of
'Ua va'aia loa o le fai sua ua tele	They saw a huge clam
Totofu loa lea o fafine, Ma ua sui ai si a la pese: Faimai e tata o tane, 'Ae le tata o fafine	They dived for it and when they came up their song changed It now says only the men receive the tatau and the women do not
Silasila I si tama ua ta'atia O le tufuga lea ua amatalia Talofa ua tagi aue aue Ua oti'oti solo o le 'autapulu tele	Look at the young man lying down as the tufuga begins his work Pity the crying of the young man The stinging bite of the autapula teeth
Sole sole ia e loto tele O le ta'aloga fa'atamatane E ui lava ina tiga tele Ae mulimuli ane ua e fefete	Young man be brave it is a game of men Although it is very painful Yet afterward you will be proud of it

Soliai said no one in the territories knew about the potential listing during the 2017 public comment period, as an announcement in the *Federal Register* does not reach the people in the territories. He asked that NMFS work more collaboratively with the territorial agencies so that they are ahead of the curve, not behind it. Soliai said it has been eight years since the process started but the communities are asked to respond to it in 90 days. He hoped that the comments at the public hearings in the islands can filter up, noting that the top-down approach does not help.

Sword echoed Soliai's comments, and said once a species is listed, it is done. As with sea turtles, which American Samoa used to use to make combs and other items, the people will not be able to use giant clams anymore once listed, and that is a cultural problem for the people in the Pacific.

Igisomar asked if the data collected for giant clams are limited to populated areas, and whether that is considered to extrapolate the information to unpopulated islands. From past experiences such as the listing of 23 species of plants, he has seen species were found in abundance in various islands in the CNMI after the listing, suggesting they should not have been listed. Igisomar said just because an area cannot be accessed and there is no data does not mean the species are not there.

Muña reiterated that her highest concerns are with the species that are proposed for the endangered listing, as that would be the most prohibitive and restrictive. She said she would like to find a solution for those species so Guam can do restoration and continue with the ongoing projects.

3. Status of Coral and Green Sea Turtle Critical Habitat Designations

Lance Smith, PIRO, provided the remaining ESA and MMPA updates. Regarding the coral critical habitat designation, NMFS published a new proposed rule in November 2023 that included major revisions and refinement of the 2020 proposed rule based on the work with territorial governments to gather and review all records of listed corals and other new information. In January 2024, NMFS subsequently held in-person public information meetings and hearings in American Samoa, Guam and the CNMI. The final rule will be published in December 2024 pursuant to a settlement agreement with the Center for Biological Diversity that requires NMFS to submit the final rule to the *Federal Register* notice during the first week of December.

The green sea turtle critical habitat proposed rule was published in July 2023. Starting in July 2024, NMFS has been holding biweekly meetings with the territories' natural resource agencies to share and gather information relevant to the final rule. NMFS is currently working on the final rule with USFWS and will publish it as soon as possible.

Regarding FKWs, two interactions have been observed to date in 2024 in the Hawai'i DSLL fishery. NMFS is currently developing a proposed rule to amend the FKW Take Reduction Plan based on the team recommendations and other relevant information.

D. Advisory Group Report and Recommendations

1. Advisory Panel

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

*Regarding the proposed listing of the giant clams, the CNMI AP recommends the Council request NMFS consider the sociocultural role of the local sinahi (*H. hippopus*) for CNMI and provide flexibility for allowing continued utilization of the species. Further the CNMI AP recommends the Council request NMFS to extend public comment period to allow more time for NMFS to conduct outreach with the affected communities and for community members to provide informed comments in response to the proposed rule.*

The American Samoa AP recommends the Council request NMFS to extend public

comment period to allow more time for NMFS to conduct outreach with the affected communities and for community members to provide informed comments in response to the proposed rule. The AP further recommends the Council request NMFS to provide translations for the proposed rule documents in Samoan.

The American Samoa AP further recommends the Council request NMFS to hold community workshops and additional outreach (i.e., radio) in advance of rulemaking and proposed rule public hearings.

2. Fishing Industry Advisory Committee

Goto presented the report and recommendations.

Regarding the proposed ESA listing of giant clams, the FIAC recommends the Council request NMFS to consider collaborating with the aquaculture industry to reseed and restore giant clam populations in U.S. territorial waters rather than listing the species and prohibiting take.

3. Scientific and Statistical Committee

Lynch presented the report and recommendations.

Regarding the SSSL tori line EFP project report, the SSC recommends that the lightweight short-streamer tori line, as used in the experiment, not be included as an approved mitigation measure for the Hawai'i shallow-set longline fishery. The SSC further recommends the Council consider an experiment evaluating night setting with and without blue-dyed bait. The SSC also recommends the Council consider an experiment to evaluate the efficacy of hook-shielding devices to enable partial daytime setting.

Lynch also reported on SSC's discussions related to the FKW foreign fleet impacts analysis. The SSC noted that several SSC members participated in the ad-hoc PIFSC working group and provided initial input in March 2024; these members will have an opportunity to review the draft manuscript in October. SSC plans to schedule a full discussion on the uncertainties associated with the RFMO data and implication on this analysis on the PBR recovery factor at its December 2024 meeting. The SSC may have additional recommendations for the Council at that time.

E. Public Comment

Melissa Johnson, North Pacific Fishery Management Council AP member and Arctic-Yukon-Kuskokwim Tribal Consortium employee, provided a greeting in Iñupiaq. She spoke as a tribal member, highlighting the importance of ensuring the native people whose cultures and futures are deeply tied to the land and waters have a rightful place in managing the resources that they have stewarded for generations. Despite being the caretakers of the ecosystem, sovereign Indigenous users have consistently been excluded from key management rules and have had to fight for a seat at the table. This year, they have had to plead to another governor to appoint representatives who would consider indigenous concerns. The inclusion of at a minimum two

voting tribal seats in the MSA would be a step toward equitable representation and a necessary step to continue the heritage, culture, language and generational knowledge that defines the Indigenous communities in Alaska.

Dueñas commented that he is concerned about the recognition of cultural rights in terms of the turtles, noting that Australia has special considerations for their native people, whereas the United States is still practicing their draconian ways. He also expressed concerns about the impacts of the Guam firing range on nesting green sea turtles and asked why a nursery cannot be developed for the turtles. Dueñas also commented that there are no fossilized giant clams that are living.

John Gourley, Micronesian Environmental Services, provided comments on the giant clam ESA listing. He owned and operated the Micronesia Clam Company in the early 1990s, when he sold live giant clams to restaurants sourced from aquaculture operations at the Palau Mariculture Demonstration Center (PMDC). Gourley said extra time is needed to absorb the hundreds of pages of the proposed rule and associated documents, and he supports the request for an 120-day extension on the comment period. The federal government, primarily through the Center of Tropical and Subtropical Aquaculture, has awarded over \$778,000 since 1998 to support 15 different projects for aquaculture research of giant clams. Additional money and effort have been allocated from Australia, FSM, and possibly the Marshall Islands. Giant clams supports industry, aquariums, food, shell craft, and tourism. Rather than listing the giant clams under the ESA, Gourley said a better option would be to not list the species and embrace industry to assist in the species recovery, as the industry would be able to rebuild natural populations. He said shutting down these industries and not embracing them would be a big mistake for NMFS in recovering giant clam populations.

Cecilio Raiukiulipiy, fisherman, commented that there was a misunderstanding among the community at the time of the giant clam public hearing, as the community was thinking about the giant clams from Palau, rather than the clams present in the ocean around the CNMI. Clams are important in the local culture because it is a traditional food and traditional medicine that voyagers preserve and use on long voyages in the Pacific. He said the community needs more time to discuss so that everyone can understand and to support the local community. Raiukiulipiy said the problem with global warming is that the big countries polluted the ocean and the air but the communities are getting blamed and are suffering because of those problems created by the big nations.

Iloa commented on the giant clam ESA proposed rule. He said listing the faisua (giant clam) threatens food security and limits DMWR's aquaculture projects that could bring economic benefits. Iloa said NMFS' approach for soliciting comments is terrible and was a bare minimum, providing only a short 10-day notice for the public meetings in American Samoa when NMFS spent eight years for the assessment after receiving the petition. They were only provided a one-page guidance with very limited information, and there was no prior consultation with DMWR or the community, making it difficult for people to provide any substantive feedback. The listening session was held during the day, and there were no public hearings on Ofu, Olosenga and Ta'u islands where they rely highly on their reef fisheries. He said this is another example of the lack of EEJ for the Pacific Islands people, and the reason people in the

islands do not trust NMFS. Ilaoa also thanked the HLA for their generous contribution and continued commitment to supporting fisheries development in American Samoa, the CNMI and Guam.

Farrell commented on the giant clam ESA proposed rule, expressing his concern that the listing will cause critical habitat issues in the future and economic issues may arise. He also expressed concern that someone carrying a sinahi between islands may have it confiscated if the species cannot be determined from the products. He said the listing will hamper cultural and traditional practices in the CNMI.

Kingma, HLA, commented on the FKW management area. He thanked Ahren's reevaluation of the foreign effort in the management area, and said the results should be considered in the calculation of the PBR. Adjusting the recovery factor could have as much as a 20% increase in the PBR, which would reduce the difference between the PBR and the take level. The analysis is indicative of the various data sets and uncertainties going into the management area, which HLA believes is not ready for use in management. He acknowledged that the 2025 Stock Assessment Report may be finalized within the next month, but said NMFS should recognize the uncertainties involved and its implication for the management of the fishery. There are higher densities of FKWs to the south where there are also higher effort in foreign fisheries that do not have any mitigation measures. HLA feels the fishery is unfairly targeted by a narrowly defined, arbitrary FKW management area. HLA supports moving toward EM in the fishery but improving observer coverage should be a focus first to reduce uncertainties.

F. Council Discussion and Action

Regarding the SSSL tori line EFP project report, the Council:

- 1. Recommended further research to inform revision of seabird mitigation measures in the shallow-set longline fishery, including experimental trials evaluating:**
 - a. Night setting with and without blue-dyed bait; and**
 - b. Experimental trials to evaluate the efficacy of hook-shielding devices to enable partial daytime setting.**

Moved by Guthertz; seconded by Itibus.

Motion passed.

Regarding the giant clam ESA listing proposed rule, the Council:

- 2. Requested NMFS to extend the public comment period to allow more time for NMFS to conduct outreach with affected communities and for community members to provide informed comments in response to the proposed rule, and to work with the governments of American Samoa, Guam and the CNMI to review the information underlying the proposed rule and associated socioeconomic and cultural impacts.**
- 3. Requested NMFS provide translations for the proposed rule documents in Samoan.**

4. **Directed staff to send a comment letter in response to the proposed rule, incorporating recommendations from the advisory groups, including the following:**
 - a. **NMFS should consider collaborating with the aquaculture industry to reseed and restore giant clam populations in U.S. territorial waters rather than listing the species and prohibiting take; and**
 - b. **NMFS should consider the sociocultural role of giant clams in CNMI, Guam and American Samoa (e.g., cultural food in American Samoa, sinahi in Guam and the CNMI) and provide flexibility for allowing continued utilization of the species.**

Soliai said the legislature of American Samoa just approved a concurrent resolution requesting NOAA to extend the comment period by 120 days, and the document should be forthcoming.

Malloy said NMFS abstains from the proposal.

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

Regarding ESA and MMPA actions, the Council:

5. **Requested NMFS to hold community workshops and conduct additional outreach (e.g., radio) in advance of future rulemaking and proposed rule public hearings for ESA actions. Further, NMFS should work to provide funds to the local agencies to assist in the planning and hosting of future ESA community meetings to ensure broad community participation and input are received on these important issues.**
6. **Directed staff to send a letter to NMFS reiterating its request for early engagement with local agencies and communities, and to work with the governments of American Samoa, Guam and the CNMI to work proactively and collaboratively with U.S. Pacific territories in advance of considering ESA listings and critical habitat designations, and to work with the territories to review information underlying proposed rules.**

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

Regarding the recovery of sea turtles in the U.S. Pacific Islands, the Council:

7. **Requested NMFS to provide a follow-up presentation at the next meeting, including the following topics:**
 - a. **Recovery and delisting criteria for green sea turtles in the region;**
 - b. **Impacts of military buildup on turtle populations in Guam;**
 - c. **How to address threats such as fibropapilloma and climate change, and their impact on the ability to delist turtle populations; and**
 - d. **Intergovernmental coordination with nations with shared green sea turtle stocks.**

Moved by Muña; seconded by Guthertz.
Motion passed.

XII. Pelagic and International Fisheries

A. Mid-Year Longline Reports

1. Hawai'i Longline Logbook Report

Russell Ito, PIFSC, provided a report on the fishery performance (catch and effort) of the Hawai'i DSLL and SSLL fisheries through the first half of 2024. The number of longline vessels remained stable, with 148 operating this year compared to 147 in 2023. Eight hundred and eighty-four trips were made, primarily targeting tuna, with a slight increase in deep-set trips but a decrease in shallow-set trips. Catch rates varied significantly, showing a decrease in bigeye tuna catches but a record increase in yellowfin tuna catches. There has been an increasing trend in the average number of hooks set in deep-set fisheries, while shallow-set fisheries showed some fluctuations.

As bigeye tuna catch and catch rates in the Hawai'i DSLL fishery were noted to have a long-term decline over the past decade, similar declines were apparent for swordfish in both the Hawai'i DSLL and SSLL fisheries although large swordfish were more common in recent catches. In response to a request from the SSC at a recent meeting, Ito estimated swordfish CPUE, which showed that the average from 2014 through 2019 was about 2,000 pounds per 1,000 hooks, and much lower from 2020 to 2023 at about 1,300 pounds per 1,000 hooks. Overall, bigeye tuna, yellowfin tuna and blue sharks were the top three most frequently caught species. Smaller marlins were more prevalent in this reporting period, indicating encouraging signs of recruitment.

Ito announced he is retiring at the end of 2024 and thanked the Council.

Weaver asked how small the marlins were in terms of weight.

Ito said the small marlin were approximately 20 to 30 pounds. He also noted that bigeye tuna have been smaller recently, indicating a strong group of cohort coming in, and trollers are also running into the small striped marlins.

Council members thanked Ito and congratulated him on his retirement.

2. American Samoa Longline Logbook Report

Jenny Stahl, PIFSC, presented on the fishery performance (catch and effort) of the American Samoa longline fishery through the first half of 2024. The data are still being finalized, but so far, eight vessels have fished, completing 22 trips with 568 sets and about 1.7 million hooks reported from January to June 2024. This effort seems consistent with the same time frame in the previous year. The nominal CPUE for albacore is promising, currently at 14.4 albacore per 1,000 hooks, which is above both the 2023 values and the five- and 10-year averages. This suggests an improvement in catch efficiency for this period. There are 11 vessels equipped with

electronic reporting tablets linked to VMS. Six vessels are actively using electronic reporting to submit logs, with plans for additional training to enhance compliance and usage.

Soliai asked why there was an improvement in CPUE.

Keith Bigelow, PIFSC, said they do not know why the increase is happening, but that is welcomed. There is a concern about the availability of fish to American Samoa due to a large increase in Taiwanese and Chinese vessels in the last decade, but the CPUE in American Samoa as well as other Pacific Island countries has increased in the last couple of years.

B. Options for Hawai‘i and American Samoa Longline Fisheries Crew Training Requirement

Jason Mehlinger, PIRO Sustainable Fisheries Division, presented on options for requiring protected species crew training in longline fisheries in Hawai‘i and American Samoa. The crew training came about as part of the biological opinion (BiOp) reasonable and prudent measures (RPM), which requires that, by May 2025, each vessel must have at least one trained person on deck who directs and oversees activity when retrieving fishing gear, and that the training includes best practices.

An annual Protected Species Workshop requirement has been in place since 2001 for longline vessel owners and operators to be certified in interaction mitigation techniques for protected species like sea turtles and seabirds. The training for owners and operators are done in-person, and online training options are available for those who have taken the in-person courses. Courses are also offered in-person on board American Samoa longline vessels. A pilot crew training program is currently ongoing, which seeks to maximize the number of trained crew members on each vessel before the deadline. This program prioritizes adult learning methods, stakeholder input, and accessibility through translation of materials. Based on the pilot crew training program, several regulatory considerations for requiring crew training have been identified. These include mechanisms for certification and compliance, frequency of recertification, and flexibility to prevent delays in fishing trips.

The Council was asked to consider options for defining the scope of the action associated with implementing the crew training requirement. These options were: 1) Status quo with no regulatory implementation of crew training; 2) Implement a crew training requirement consistent with the BiOp RPM terms and conditions; and 3) Expanding the scope of action to include related regulatory updates. Under option 3, the Council was asked to consider three sub-options for updating the owner/operator protected species requirement, revising the required list of tools for protected species handling and release, and reviewing and updating the protected species handling requirements. Mehlinger reviewed the pros and cons of each of the options, noting that the Council is expected to consider implementation details at a future meeting, and some of the options may add complexity to the scope of the action and delay implementation of the crew training requirement. The action is scheduled for initial action at the December 2024 meeting, and final action at the June 2025 meeting, with the regulatory effective date targeted for end of 2025.

C. Electronic Monitoring Program Considerations Update

Mark Fitchett, Council staff, provided a presentation updating the Council on efforts to consider regulatory pathways to implement EM in longline fisheries. The Council at the 199th meeting in June 2024 tasked staff with exploring how EM can be integrated into regulatory frameworks for management. EM can provide a mechanism to supplement existing monitoring mechanisms, particularly focusing on protected species monitoring and bycatch of nontarget species in the longline fisheries of Hawai'i and American Samoa.

Key regulatory considerations for EM include the objectives and scope of EM in terms of whether EM should be applied solely to Hawai'i longline vessels. The Council has previously recommended focusing on protected species monitoring as a primary objective and monitoring bycatch of nontarget species as a secondary objective, but RFMOs are also exploring the use of EM for catch accounting. The Council would also need to consider the relationship of EM with logbooks and observer data, and a regulatory review is needed to consider the intent of logbooks and observers established through the Council's FMPs. EM could be used to verify logbooks. EM can fulfill some tasks that observers do, but there are limitations to EM in that regard.

A decline in human observer coverage is creating the urgency to move forward with using EM to enhance monitoring capability. As of April 2024, the SSL fishery has maintained 100% observer coverage, while the DSL fishery has seen a significant drop to 13% due to funding and increasing costs, with coverage in the DSL expected to fall to 7% in 2025. The ability to develop an EM program is contingent on funding. PIFSC has been sustaining the existing program through external sources and grants.

Similar to the rollout of electronic logbooks, EM could be phased in. Currently, EM is a voluntary program for research purposes and not developed or authorized for statutory requirements. Moving toward an implemented EM program involves assessing readiness, gathering resources, and may need exempted fishing permits for vessels during the transition. As observer coverage declines, the roles of human observers would be needed for those tasks that EM cannot fulfill, so careful planning on placement of observers with vessels with EM systems would need to occur.

Other updates provided included the recent Supreme Court ruling that overruled the Chevron deference, which could impact who bears the costs of monitoring. Ongoing discussions are taking place within RFMOs to establish EM minimum standards. Council staff will develop a white paper outlining the necessary steps and considerations for integrating EM into the regulatory framework for the December 2024 meeting.

Simonds said the Council first discussed EM in 2001 when it requested NMFS to provide information on digital monitoring systems.

D. Review of MSA 304(i) Domestic Obligations for North Pacific Striped Marlin (Initial Action)

Makaiau provided review of the MSA Section 304(i) regarding domestic obligations for ending overfishing of North Pacific striped marlin. A new stock assessment was conducted in 2023, indicating a change in the status of North Pacific striped marlin as presented at the 199th

meeting. Previously assessed as overfished, the stock has shown improvement and is now classified as not overfished based on the status determination criteria under the Pelagic FEP.

Under MSA Section 304(i), when a fishery is overfished, the Council must take action to address the impact of U.S. vessels. The Council had previously recommended establishing a catch limit of 457 mt for U.S. vessels and a retention limit of 443 mt specifically for U.S. longline vessels. However, due to the stock's improved status, the proposed rule implementing these limits will be withdrawn because it was in response to MSA 304(i) obligations which no longer applies.

The stock is still impacted by international overfishing within the WCPFC. The Council intends to maintain compliance with the Conservation Management Measure (CMM) established in 2010. For this reason, NMFS intends to implement the catch limit consistent with the obligations under the CMM 2010-01 or a new CMM if it is adopted at the WCPFC meeting this year. If a new CMM is adopted, NMFS will implement the catch limit under the Western and Central Pacific Implementation Act Authority. If no new measure is adopted, NMFS will default back to moving forward with the limits in the existing 2010-01 CMM.

Simonds asked if NMFS would wait for another stock assessment.

Makaiau said they would not, as this has taken over a decade.

Simonds asked how the Council can be assured NMFS would choose the quota the fishery has now if the WCPFC adopts a new measure and NMFS moves ahead with the provision in the new WCPFC CMM.

Makaiau said NMFS would move forward with the measure the WCPFC adopts and would implement it under the WCPFC Implementation Act.

Simonds asked what NMFS is expecting a new CMM would look like.

Makaiau said it would presumably be following WCPFC Scientific Committee (SC) advice with some sort of a phased approach that would slow down the mortality of fishing over a certain period of time to achieve the rebuilding target. The specific limits for individual countries that would count toward the overall limit would then be negotiated.

Simonds said the United States is not responsible for overfishing, and she expects the United States to negotiate so domestic limits would not be reduced.

Fitchett presented a timeline on striped marlin action and potential new purpose and need for a catch limit. The Council took its first action on striped marlin in 2013 to address international overfishing. There were a couple iterations of stock assessments and analyses since then. The Council reconsidered the action and took final action again in March 2021 to establish catch limit that was previously discussed. However, later in 2021, the Council received the international rebuilding analysis on phased rebuilding approaches, which delayed the implementation of the catch limit. The Council reconsidered the issue again in 2022 in light of a new assessment, took final action for a regulatory amendment setting a catch limit. There were a

series of actions that Council took that then were interrupted by new scientific information, delays from RFMOs. The Council can still consider other rationale for implementing a catch limit as necessary, such as an action under MSA Section 303(a)(1)(a) that would be necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks and protect, restore, and promote a long-term health and stability of the fishery.

Dang said the Council should revisit its previous action after the WCPFC meeting.

Simonds said the Council could revisit after the WCPFC meeting and refine the existing documents as a new action. She said the MSA is the regulatory regime that should be used to implement management actions.

Malloy said NMFS is planning to proceed with an action under WCPFC Implementation Act, now that MSA 304(i) does not apply. She said the Council can go further than that and take additional action, but PIRO is definitely proceeding in that manner.

E. International Fisheries

1. Science-Manager Dialogue for South Pacific Albacore

Emily Crigler, PIFSC Fishery Research and Monitoring Division, gave a presentation on the recent WCPFC Science-Manager Dialogue (SMD) focusing on harvest strategies for key tuna species (South Pacific albacore, bigeye, yellowfin, and skipjack) as well as the integration of climate change considerations. The SMD is designed to foster collaboration between scientists and managers to discuss the ongoing development of harvest strategies for key tuna species. The SMD aligns with the objectives in the WCPFC Harvest Strategy Work Plan. The WCPFC at its 2024 meeting agreed that the SMD would focus on the following issues: management procedures for South Pacific albacore, target reference points (TRPs) for bigeye and yellowfin tuna, a monitoring strategy for skipjack tuna, and a harvest strategy capacity building for CMMs.

There was discussion around the idea of having a joint working group between WCPFC and IATTC to harmonize management measures for South Pacific albacore across the eastern and Western Pacific. There was also general support for maintaining the use of both weights and numbers in catch-based projections and to run the management procedure every three years. There was also agreement to focus on developing harvest control rules and conducting further work for review at WCPFC21 (21st Regular Session of the Commission, Nov. 28 to Dec. 3, 2024).

Regarding bigeye and yellowfin tuna, no major outcomes were produced due to the pending analyses from SPC. The SMD acknowledged that the current tropical tuna measure (CMM 2023-01) for bigeye and yellowfin tuna cannot achieve objectives for both species simultaneously. SPC will conduct additional analyses to reevaluate candidate TRPs for yellowfin and bigeye tuna, considering more recent fishing levels in archipelagic waters.

The discussion on climate change focused on incorporating climate change considerations into the development of harvest strategies, particularly through using climate

projection models like SEAPODYM. A recommendation was for the WCPFC SC to review the SEAPODYM model, based on a 2019-2020 external review. There will be continued work on integrating climate change into harvest strategies, with a focus on improving the use of climate models in management procedures. The WCPFC SC will discuss potential reviews of the SEAPODYM model and address any outstanding recommendations from its last external review.

Dang reiterated a HLA request to uphold the high catch rates of bigeye tuna in northern waters that were buffering the stock.

2. WCPFC Scientific Committee

Bigelow, PIFSC Fisheries Research and Monitoring Division, presented the report of the WCPFC SC meeting, which took place in Quezon City, Philippines. Bigelow provided an overview of the fishery trends. The purse seine fishery is the largest fishery, 2.6 million mt, and has been stable over the past four years. Artisanal fisheries (Philippines, Indonesia, Vietnam) increased over the past 15 years, but it is unclear if the increase is real or due to better monitoring. Pole-and-line fisheries, mostly conducted by Japan and Indonesia, are declining long-term. Longline catches have been stable at around 234,000 mt. Skipjack catches in 2023 were 1.6 million mt, yellowfin tuna catches were 750,000 mt, bigeye tuna catches were 180,000 mt, and albacore tuna catches were 95,000 mt. The total value of the catch is about \$6.1 billion, with the purse seine fishery contributing the most (\$3.5 billion), followed by longline (\$1.5 billion).

The SC reviewed five stock assessments, four of which were accepted (South Pacific albacore, Pacific bluefin tuna, silky shark and North Pacific shortfin mako shark). One assessment for Southwest Pacific striped marlin was not accepted due to conflicts between size data and CPUE. This will be revisited in next year's SC meeting.

The SC and the WCPFC are spending more time on developing harvest strategies, which are complex frameworks for managing fisheries. Key components include: management objectives (what to minimize or maximize), performance indicators (e.g., fishing mortality, stock status), reference points (limit and TRPs), management procedures (pre-agreed actions when certain thresholds are reached), management strategy evaluation (testing various harvest control rules), monitoring strategy (to track whether the harvest control rules are working). The SC discussed the management objectives and reference points for species such as skipjack, South Pacific albacore, bigeye, and yellowfin tuna. Skipjack and South Pacific albacore have interim TRPs, while work is ongoing to adopt a harvest control rule for South Pacific albacore at the upcoming WCPFC meeting. All four species have limit reference points to avoid overfishing (no more than 80% depletion).

The Ecosystem and Bycatch theme discussed FADs and reducing bycatch of incidental species. There are approximately 50,000 FADs in use in the international purse seine fleet. Concerns include the environmental impact, with an estimated 7% of FADs washing up on Pacific Islands. The SC reviewed issues around sharks, seabirds and cetaceans. There are prohibitions in place regarding the use of wire leaders in longline fisheries (to protect sharks). New Zealand worked on evaluating the seabird CMM, with mixed results from SC20. The United States and Korea presented a draft CMM to protect cetaceans, extending protections to

longline fisheries. There was a discussion on the potential impact of deep-sea mining on pelagic fisheries, with a proposal for the WCPFC to apply for observer status at the International Seabed Authority.

Upcoming stock assessments in 2025 will focus on key species like skipjack tuna, oceanic white-tip sharks, and Southwest Pacific striped marlin and swordfish. The budget for the SC's activities in 2025 is \$2.4 million, with an additional \$600,000 allocated for proposed projects, which will be evaluated at the WCPFC meeting in December. Multifan-CL, a computer program widely used for stock assessments over the past 30 years, has limited future development as its original creators are no longer maintaining it. The SC is exploring alternatives, such as Stock Synthesis (a different assessment platform) and even the possibility of developing new stock assessment software, with \$50,000 allocated this year to explore these options.

Bigelow said he will be retiring at the end of 2024, and the new U.S. delegation lead for SC will be Carvalho.

Guthertz and other Council members thanked Bigelow for his service.

Soliai asked if the new stock assessment for South Pacific albacore is more optimistic than the previous.

Bigelow said it is more optimistic in the last few years, noting that some technical issues remain but it has improved since the last assessment, including an issue in stock projections called 'the big dip' in future stock biomass.

Soliai said management objectives for the South Pacific albacore should include increases in CPUE for Pacific Island longline fisheries, but especially to include American Samoa. He said any management changes should include provisions that any future catch limits and rights to albacore catch be implemented to protect the aspirations of countries, small island territories like American Samoa, to include its ability to transfer catch of South Pacific albacore.

Bigelow said the stock is not overfished and not experiencing overfishing, but those types of reference points are not meaningful for the stock because they are harvested at adult sizes. He said what is encouraged is to maintain viable CPUE, as indicated by Soliai.

3. WCNPO Striped Marlin Rebuilding Plan

Michelle Sculley, PIFSC Stock Assessment Program, provided an overview of stock projection analyses from the latest 2023 stock assessment for the Western and Central North Pacific striped marlin stock. Projection scenarios provided are those that satisfy the WCPFC rebuilding plan guidelines of rebuilding the stock to 20% unfished biomass levels by 2034 with a probability of 60% achieving that objective. Scenarios are based on fishing mortality levels, recent catch levels, and phased catch levels (either two or three phases) to incrementally reduce catch during the rebuilding horizon. Projections were conducted using the AGEPRO software. Importantly, fishing mortality at status quo and fishing mortality at maximum sustainable yield

scenarios did not meet the rebuilding plan requirements, but rebuilding target could be met with some reductions in catch.

Dang asked what percentage of the catch the United States has historically caught, and which country has caught the most striped marlin.

Sculley said historically the United States has contributed 10-20% of total catch, around 400 mt in recent years. Japan catches more than 1,200 mt. The nation has already decreased catch from earlier periods. Taiwan and Korea also are the main contributors to striped marlin catch in the North Pacific.

Dang said the Council should probably support options that use the three-phase approach consistent with the stock assessment schedule. This gives fishers some time to adapt to any kind of catch reductions. The Hawai'i longline fishery sees striped marlin as a very marketable species. Dang said he does not think U.S. catches should go below the catch limit that the Council previously recommended, noting the Hawai'i fishery already cannot sell marlin to the mainland, cannot fish in waters around the islands, and the U.S. fishery is not the culprit to overfishing.

4. Inter-American Tropical Tuna Commission Science Advisory Subcommittee and General Advisory Committee Outcomes

Fitchett provided an overview of recommendations by the IATTC U.S. Science Advisory Subcommittee (SAS) and the General Advisory Committee (GAC) held July 22-23, 2024. The IATTC convened Sept. 2-5, 2024, in Panama.

There is a new EPO bigeye tuna stock assessment that is more optimistic than previous assessments, but an ongoing decline in Japan fleet longline effort was noted that has implications for stock assessment. There was a SAS/GAC recommendation for adoption of biodegradable FADs. SAS/GAC also recommended that discards for bluefin tuna be counted in limits, without exemptions. Notably, minimum standards for EM were adopted by the IATTC for consideration where EM might be applicable.

5. Workshop on Illegal, Unreported, and Unregulated Fishing

Brinkman referred to the brief readout included in the Council's briefing documents of the workshop on illegal, unreported, and unregulated (IUU) fishing held earlier in 2024 in Thailand. Brinkman was not familiar with the workshop outcomes, noting that the staff member Christine Bertz who attended the workshop has since left the agency. The workshop was organized by the U.S. State Department's Bureau of International Narcotics and Law Enforcement, in cooperation with NOAA.

F. Advisory Group Report and Recommendations

1. Advisory Panels

Iloa, American Samoa AP vice chair, presented the AP report and recommendations. He prefaced the AP report by saying that his earlier public comment on his disappointment with NMFS were not an attack on the rank and file, noting that he has a lot of respect for the NOAA staff who do the groundwork and who work closely with local agencies and the fishing community. They are often messengers of bad news for American Samoa. Criticism should not deter NOAA staff from reaching out to the AP for any coordination. His objective is just to convey how very disappointed American Samoans are with some of the decisions and very real fears in American Samoa about the economy's potential collapse with some of the NOAA decisions.

Iloa reported that the main issues the American Samoa AP discussed revolved around the American Samoa tuna fishery and the threats that are posed by the proposed sanctuary designation of the Pacific Remote Island Areas (PRIA) monument and the need for American Samoa to be recognized as a Small Island Developing State (SIDS) within the WCPFC. Regarding NMFS managing U.S. flag American Samoa-based purse seiners as a SIDS fleet, the MSA gives the regional fishery management councils the authority to develop fishing regulations for the U.S. EEZ and the U.S. fleets that range beyond the EEZ. The WCPFC considers American Samoa a SIDS, however NOAA will not recognize that and keeps special privileges from being realized.

AP members argue that American Samoa tuna processors should be allowed to use loins to produce duty-free, shelf-stable tuna products. The AP also agreed that it would be beneficial to reconsider allowing fishing for highly migratory species in Jarvis. American Samoa's economy is dependent on the cannery, and the federal government should follow its own EEJ policies to provide equity and justice.

Regarding the Hawai'i and American Samoa longline fisheries crew training requirement, the American Samoa AP recommends the Council consider allowing the American Samoa longline crew to utilize the existing owner/operator protected species workshops to satisfy the crew training requirement.

The Hawai'i AP recommends the Council select option 3, to expand the scope of action to review and update protected species handling requirements, taking crew safety in account.

The Hawai'i AP recommends the Council work with NMFS and the State of Hawai'i to explore opportunities for providing protected species handling and release best practices training to small-boat fisheries as a proactive measure to protect the fishery from potential protected species regulations.

2. Fishing Industry Advisory Committee

Goto presented the report and recommendations.

Regarding Hawai'i and American Samoa longline fisheries crew training, the FIAC recommends Option 3 (expand scope of the action to include related regulatory updates), and supports review of the required tools as well as a review of handling requirements in

relation to crew safety. The FIAC acknowledges that the expanding the scope of the action may extend the action timeline, but notes that the pilot program has been successful in making progress toward training all crew, exceeding the BiOp requirement of having at least one crew trained per vessel.

Regarding seafood trade and market issues, the FIAC recommends the Council continue to follow-up on trade and market issues, including previous recommendations on seafood labeling and unfair trade practices.

3. Scientific and Statistical Committee

Lynch presented the report and recommendations.

Regarding the Hawai‘i longline fishery report, the SSC recommends the Council request prioritization of further catch per unit effort analyses of bigeye tuna accounting for variable effort (such per-hook or per-set basis) to help diagnose possible causes for the apparent declining trend in nominal catch rates.

G. Public Comment

Ilaoa provided additional comments on the AP discussions and recommendations. He expressed concern about the potential economic harm that the proposed no-take sanctuary designation for the PRIA would have on American Samoa, particularly on its commercial fishery. He said American Samoa should be officially recognized as a SIDS, and the local tuna processors should be given a waiver or flexibility to use loins for their products. Ilaoa urged that the federal government to listen to the strong opposition to the sanctuary designation from American Samoa's elected leaders, cultural leaders, and the community in general. The Antiquities Act bypassed proper assessments when establishing the monuments, 99.4% of all designated marine monuments are in the Pacific Islands, and the federal government is now trying to cement these MPAs in place by designating them as sanctuaries. He urged the federal government to follow its own EEJ policies and provide American Samoa with equity and justice for something the people do not want. He also requested that American Samoa be allowed to transfer a portion of the bigeye tuna quota to Hawai‘i to support the fishery, noting that the SFF was vital for American Samoa and the CNMI in completing important fisheries infrastructure development projects.

Dueñas provided comments on striped marlin and expansion of MPAs. Dueñas said the Council has been talking about striped marlin issue for thirty years while he is aware that fishermen along the California coast are catching over 20 individual stirred marlins a day in charters. The closures around Hawai‘i already provide habitat to protect striped marlin. MPAs do not seem to be working when these animals move around so much.

H. Council Discussion and Action

Fitchett read out Resolutions on behalf of the Council honoring the career and service of Ito and Bigelow. Both are retiring from PIFSC at the end of 2024.

Regarding the Hawai‘i longline fishery report, the Council:

- 1. Recommended that NMFS PIFSC conduct further CPUE analyses of bigeye tuna accounting for variable effort (such per-hook or per-set basis) to help diagnose possible causes for the apparent declining trend in nominal catch rates. Such analyses should be provided in future reports to the SSC and Council.**

Moved by Guthertz; seconded by Soliai.

Motion passed.

Regarding Hawai‘i and American Samoa longline fisheries crew training, the Council:

- 2. Directed staff to work with the Action Team to prepare a draft regulatory amendment under the Pelagic FEP analyzing the following range of options (options 2 and 3A) for initial action at the December 2024 meeting:**
 - a. Implement a crew training requirement consistent with BiOp RPM terms and conditions; and**
 - b. Update the owner/operator protected species workshop requirement to allow overlap with crew training requirement.**
- 3. Directed staff to work with the Action Team to take into account the following considerations in analyzing the alternatives for initial action:**
 - a. Provide the option for American Samoa longline crew to utilize the existing owner/operator protected species workshop to satisfy the crew training requirement; and**
 - b. Consider review of the tools and handling requirements in the context of crew safety.**
- 4. Directed staff to work with industry and NMFS to initiate a review of:**
 - a. Required list of tools for protected species handling and release; and**
 - b. Protected species handling requirements.**

Malloy said Mehlinger did a good job explaining the deadline of May 2025 for implementing the crew training program, but did not think the presentation explained what not meeting the deadline would mean for the fishery. She said if the particular provision is not implemented, the fishery would be vulnerable because it would not be authorized for incidental take. She said this is a meaningful provision and important for that reason that it is implemented by the May 2025 deadline, which is why it was reiterated a few times that expanding the scope of the action would have its limitations for authorizing take in the fishery.

Soliai asked if the fishery would close if the deadline is not met.

Malloy said not quite, and said it means that the incidental take in the fishery would no longer be authorized. In theory, were the fishery to take any of the species that are authorized under the incidental take statement, they would be in violation of the ESA.

Soliai asked if the whole fishery would be affected or just the individual crews and vessels that did not participate in the training.

Malloy said the BiOp is authorizing the fishery, not individuals.

Soliai asked for further clarification, noting that 75 to 80 vessels have participated in the crew training to date, and whether those vessels would still be allowed to continue fishing.

Malloy said the requirement in the BiOp is to have a full program implemented in regulations. She said she wants to make sure that the Council is shooting for the May 2025 deadline to have a program stood up.

Dang asked if removing the review of the handling and release tools would make it easier to reach the requirement.

Malloy said her concern is that the Council is biting off a big project, and if the action team can get all of it done to turn it into a regulatory program by May 2025, that is great, but if the action team wants to push the deadline, that is problematic.

Asuka Ishizaki, Council staff, said the action team has been proposing a timeline of initial action in December 2024 and final action June 2025, with the understanding that the pilot program to train crew is making good progress and it is anticipated that all vessels will have at least one crew trained and on board by May 2025. The Action Team had considered the option of doing a full review of existing tools and handling requirements, recognizing those are related topics that could ultimately help improve the crew's compliance with handling requirements. However, the proposal on the table for Council discussion through the current motion is to focus on the crew training requirement and any adjustments that may be needed to the owner/operator requirement. The motion is also proposing to split out the review of the tools and handling requirements into a separate process from the immediate action going forward. The action team's intent is to have at least one crew on each vessel trained through the pilot program by the May 2025 deadline, which would provide enough time for the Council to consider final action with the full package with draft regulations in June 2025. That would allow the package to be sent forward for proposed rule quickly after final action. The alternative would be to push to get final action much earlier than June, but the Action Team may not be fully ready with the package, in which case they will probably need additional time to get through the rulemaking after final action. Ishizaki reiterated that the Action Team intends to prepare a full package for Council's final action to accelerate the subsequent timeline.

Moved by Guthertz, seconded by Soliai.
Motion passed.

Regarding EM the Council:

- 5. Directed staff to finalize a draft information paper outlining regulatory considerations for implementing EM for review by the Pelagic Plan Team and the Council at its 201st meeting.**

Moved by Soliai, seconded by Guthertz.
Motion passed.

Regarding the Western and Central North Pacific striped marlin, the Council:

- 6. Directed staff to work with the action team to develop recommendations for regulations of Western and Central North Pacific striped marlin consistent with MSA 303(a)(1)(A) and provide the Council with a document at its December meeting.**

Moved Moved by Guthertz, seconded by Itibus.

Motion passed.

Regarding Western and Central North Pacific Striped Marlin Rebuilding Plan, the Council:

- 7. Recommended the U.S. delegation consider proposing an international WCPFC rebuilding plan, consistent with previous recommendations to consider:**
 - a. A phased approach over three years from 2025 through 2027, consistent with a stock assessment schedule;**
 - b. If catch limits for CCMs are prescribed, the United States should not have a catch limit below the Council's preliminary preferred alternative of 457 mt;**
 - c. Catch limits for any CCM should not exceed 500 mt and should consider historical contribution to depletion; and**
 - d. Circle hooks should be recommended for all CCMs.**

Moved by Guthertz, seconded by Soliai.

Motion passed.

Regarding WCPFC issues, the Council:

- 8. Recommended the U.S. Permanent Advisory Committee to the WCPFC support objectives for tropical tunas include increased or historically favorable catch rates for longline fisheries north of 10 degrees north, where the Hawai'i longline fishery operates.**

- 9. Recommended the U.S. Permanent Advisory Committee to the WCPFC support objectives for South Pacific albacore include increases in CPUE for Pacific Island longline fisheries, including the American Samoa longline fishery. Secondly, an objective should include provisions that any future catch limits and rights to albacore catch be implemented to protect the aspirations of American Samoa, including its ability to transfer catch of South Pacific albacore.**

Moved by Guthertz, seconded by Igisomar.

Motion passed, with Malloy abstaining.

Regarding competition with foreign fisheries and seafood trade, the Council:

- 10. Directed staff to convene a working group comprised of (but not limited to) the DOC International Trade Administration, U.S. International Trade Commission, HLA, American Tunaboat Association and World Wildlife Fund to:**
 - a. Identify unfair trade practices that may be occurring;**

- b. Identify consequences and evidence of consequences, possibly inflicting harm on U.S. tuna fisheries. These consequences could include economic harm as well as conservation impacts; and**
- c. Help define the scope of affected tuna fisheries in the U.S. Pacific Islands that may be affected by possible unfair trade practices.**

11. Directed staff to assist industry representatives in developing a formal petition for federal trade agencies to investigate impacts of foreign fisheries undercutting U.S. domestic tuna fisheries in the Western Pacific, possible causes, and evidence of harm.

Malloy said NMFS abstains from recommendation #11.

*Moved by Guthertz, seconded by Igisomar.
Motion passed, with Malloy abstaining.*

XIII. Program Planning

A. Status of Infrastructure Reduction Act Projects

Mark Mitsuyasu, Council staff, provided an update on the Council's IRA projects. Congress provided \$369 billion in funding to support energy, security and climate change across the nation. NMFS received \$1.2 billion to support six priority areas, of which \$20 million flowed down to the eight Councils to do work related to improving fisheries and adjusting to climate change. There are two primary goals for the funding including looking at governance on how Councils can improve its fishery management considering climate change; and supporting underserved communities. As of September, the Council received \$1.7 million to support the first two years of its IRA projects. The awards were backdated to January 2024, so the Council is eight months behind at this point. These funds will cover the administration and staff time working on these projects. The Council also has funds to support an overall coordinator and two island coordinators, one for the Mariana Archipelago and one for American Samoa.

The Council will be working on four priority areas. The first priority is scenario planning and includes two planning efforts: one for the American Samoa and Hawai'i longline fisheries; and the second for the small boat fisheries in all of the island areas. The second priority is to support a regulatory review of all the Council's FEPs. The third priority will support projects related to protected species and address how interactions may change due to climate with regards to the longline fishery. The fourth priority is to support the underserved communities through projects that provide engagement with the communities through regular meetings and soliciting the impacts they are seeing on the ground due to climate change. There is also a pilot project that supports training for new fishermen that would like to enter the fishery. The next steps are for the Council to complete interviews for the overall contractor and release a solicitation for the rest of the work that will support the island coordinators and other projects. The Council will also be setting up steering committees and reaching out to the federal and local agencies to participate.

Soliai asked if this funding is part of the \$20 million that was earmarked for the councils.

Mitsuyasu said yes. The Councils requested an even split of about \$2.5 million and received \$1.7 million so far with the rest of the funding expected next year.

Soliai asked if the IRA coordinator will have overlapping responsibilities with the current American Samoa Marine Conservation Plan coordinator.

Mitsuyasu said those were both separate funding obligations and the work will be separate. The Marine Conservation Plan coordinator will implement projects under the SFF while the IRA coordinator will work on IRA projects, but they will likely work with each other.

Sakoda asked if the Council will be requesting a no-cost extension to get the full three years or if the Council will try and fit everything in two years. Mitsuyasu said he anticipates that the Council will need an extension because the funding was slow to come out. NMFS was trying not to extend the IRA funding, but ended up backdating the start date.

B. Status of Pacific Remote Island Areas and Northwestern Hawaiian Islands Sanctuary Proposals

Kalani Quiocho, NOAA Office of National Marine Sanctuaries (ONMS) regional program analyst, provided an update on the proposed national marine sanctuary for the Pacific Remote Islands (PRI). He thanked the Council for responding to the ONMS request 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. NOAA appreciates the amount of work that the Council put into the documents and the overall sanctuary designation process. Based upon the comments and the information NOAA gathered during the public scoping process, including information provided by the Council and the workshop in American Samoa in September 2023, NOAA is undergoing agency clearance for the proposed sanctuary draft documents, including the proposed rule, regulations, the draft EIS and a draft management plan.

ONMS anticipates releasing these documents later this year for public review and is not able to discuss the contents at this time because they are considered predecisional. After publication, ONMS will consider all public comments gathered during virtual or in-person public meetings or submitted in writing by mail, email, or through regulations.gov. In-person meetings will be held in American Samoa, Guam, the CNMI, Hawai'i and virtually, and ONMS anticipates hosting both public informational forums to explain the draft sanctuary proposal and formal public meetings to receive oral comments. Following the public comment period, NOAA will make a final decision on whether to designate the site as a national marine sanctuary, and if so, would begin to prepare the final sanctuary designation documents, including a final management plan, a final rule and a final EIS, which includes a response to all public comments.

Soliai said he appreciated the acknowledgment of the amount of work that the Council has done in supporting and providing the information as requested. He asked if the Council would have an opportunity to review a preliminary draft before it is released.

Quiocho said is not possible but the Council can be included in the rollout plan for communications and notified upon release.

Brady Phillips, ONMS, said the documents are considered predecisional until the agency releases them to the public. The Council will not be able to see a preliminary version before they are released.

Soliai asked if there is a timeline for the public hearings, given that the draft documents are anticipated to be released late in the year.

Quiocho said until there is a confirmed date, he does not know when those meetings will be held but anticipated meetings occurring in the latter part of the public comment period. In the first 30 days of the public comment period, ONMS cannot hold public meetings, so the public meetings will be after the first 30 days of release to the public.

Simonds asked for confirmation that the Council will have 30 days to comment after the documents are released to the public.

Phillips clarified that when rulemaking documents are released for public review, they are not allowed to accept public comments through oral testimonies for 30 days. However, the public comment period can remain open for longer than 30 days.

Simonds asked if the draft EIS will include a threat assessment, such as threats of commercial fishing to the area.

Phillips said he was unsure about a threat assessment but the draft EIS does provide an assessment of the resources and also provides an analysis of the alternatives and the impacts of each of those alternatives.

Simonds asked for confirmation that the draft EIS would discuss the impact of commercial fishing on the area.

Phillips responded in the affirmative.

Guthertz asked what law or regulation specifies that the Council cannot see the draft to be better prepared to make comments.

Quiocho said at the time of the release, it is a draft, and until ONMS receives comments and are able to address the comments, the agency cannot develop the final plans.

Brady said in order for NOAA to release a document, it has to go through internal processes and procedures to get the document cleared by the federal government. NOAA is not at that point yet so the documents could change with input from other federal agencies between now and when it is released. The Council is also considered a public element so if it is released to the Council, it is essentially releasing it to the broader public and ONMS is not prepared to do that until the documents are fully cleared through the federal government.

Guthertz asked Simonds how soon the Council comments would be available on the draft once it is released. The public will want to know what the Council's position is and its analysis prior to providing their comments.

Simonds said it depends on what the draft documents say because if it involves fishing, the Council would go out to the public with its comments. She said the regional fishery management council executive directors met with ONMS staff over the summer to consider changing the process because it does not work well. The Council is asked to respond to the goals and objectives but if there are changes in the goals or objectives, the only opportunity is when the documents are public.

Guthertz said she wanted to emphasize the importance that the Council's stakeholders have access to the Council's analysis and comments.

Muña asked if the Council's input will be sought on the development of the goals and objectives.

Simonds said the Council receives the goals and objectives but does not work with ONMS on them. She said the Council needs the opportunities before the documents go public.

Muña sought further clarification on the point that as a federal council, input is sought in the drafting of the goals and objectives, but when it comes to sharing the draft prior to publication, the Council is then considered public.

Simonds said there are several legal opinions about who the Council is, and said the eight councils consider themselves as an executive agency of the DOC. The staff are not federal employees so they are not privy to many things that are considered federal. She said it is up to the agency to decide when the council is federal and when it is not. In the past there have been times when documents are shared but provided back to the agency. It is a convoluted process in terms of being an agency that is in charge of recommending fiduciary regulations to the DOC. It is awkward and hopefully something different can be done for future proposals.

Phillips said when ONMS first initiated this process, it was under the 304(a)(5) provision of the National Marine Sanctuaries Act which specifically gives the Council the opportunity to prepare draft fishing regulations for the proposed sanctuary that met the goals and purposes of the sanctuary. The Council provided its recommendations and justification, and ONMS took that information along with information collected from other agencies, the workshop in American Samoa, and public comments to develop the proposal. Once that process began, it became predecisional while ONMS worked with other federal agencies. When the document is released to the public, the Council will have its first opportunity to see what ONMS is proposing in terms of the regulations and management as well as the impacts of fishing or elements related to fishing. That is the opportunity for the Council to look at whether the proposed makes sense and provide the input. He said he looked forward to the Council providing comments on the documents, and said the draft proposal is not set in stone yet so there is time for the Council to act on it.

Simonds reiterated that the Council is seeking the opportunity to review the document before it goes public.

Weaver asked if the comment period is limited to 60 days or if it can be extended.

Phillips said ONMS has not determined the extent of the comment period and it will depend on when the documents are released, the election, the holidays and other complicated factors. The public comment period could be longer or shorter than 60 days.

C. Status of Offshore Energy Development in the Western Pacific

Emily Hildreth, BOEM Pacific Region acting Renewable Energy Section chief, presented the status of offshore energy development in the Western Pacific. She provided a presentation on who BOEM is, information about floating offshore wind energy, and the planning and leasing approach that BOEM would use in the region. The focus of the presentation was on the status of offshore wind efforts in Hawai'i and Guam as well as how the Council can stay engaged and informed.

BOEM is one of 11 bureaus in the Department of the Interior and was established by the Outer Continental Shelf Lands Act and has a jurisdiction that typically extends from three to 200 nm. BOEM works with a state or territory who is interested in offshore wind as part of their portfolio of electricity sources for their populations. Offshore wind in the Western Pacific focuses on floating offshore wind because the fixed bottom designs are not feasible beyond about 60-meters of water depth. Floating offshore wind is a newer technology and still very much under development. There are a few examples worldwide of installed and operating floating wind farms with the current deepest technology at about 300-meters depth.

In the United States, BOEM has had 13 lease sales with 19 permit applications and 10 records of decisions so far in the Atlantic. BOEM is planning for a lease sale in Guam in 2028 and one for Hawai'i after that. Task forces were started in both Guam and Hawai'i to initiate the process and are in the early days of putting out a call for information and nominations of areas for offshore wind in the future. Nominations from the industry helps BOEM understand whether there is actual competitive commercial interest in an area. BOEM identifies draft areas and provides public comment periods during the process. Another decision process to determine which areas to lease is announced following identification of the areas through a proposed sale and final sale notices. Competitive auctions are held to potentially award a lease and environmental assessments and public comments occur concurrently with the proposed sale notice. Once there is an actual lessee, the details for a specific project are developed, which can take up to five years with surveying and construction operations planning. Another decision process with NEPA and consultations occurs once all the design information is available and BOEM determines whether to approve or disapprove a project.

Intergovernmental Renewable Energy Task Forces have been developed for Guam and Hawai'i and include federal government agencies, state agencies, local government agencies, and tribal governments where there are federally recognized tribes. The process is at the very beginning for both Guam and Hawai'i with task force meetings starting in Hawai'i in 2016 and again in 2024. Guam's inaugural task force was held in September 2024 and the process is at the beginning with a focus on collecting data and information. BOEM conducted a call with two areas in Hawai'i but it did not progress further than that because of DOD compatibility issues. There have also been activities related to offshore wind that have taken place outside of BOEM's process. Hildreth said the Council can stay informed and engaged by visiting the Hawai'i-

specific website, reviewing the recordings of the task force meetings, and joining the email list for offshore wind-related announcements.

Muña asked for an explanation of compatibility issues.

Hildreth said compatibility in BOEM language is in reference to the DOD. As part of the process before engaging in leasing, BOEM issues a sale notice and works with DOD regarding whether offshore wind would be compatible. Sometimes they can coexist with DOD missions, with certain requirements attached to it. There is a formal process that DOD goes through working with the local facilities to look at mission compatibility and providing feedback to BOEM in the form of a map with areas indicating red for not compatible, yellow for areas it can coexist with requirements, or no markings for completely compatible. These are point-in-time decisions based on the activities and technology right now.

Sword asked if there were other maps of compatibility with DOD activities for areas outside of Hawai'i.

Hildreth said BOEM is engaging with Guam and the Guam Power Authority and other agencies on similar mapping layers such as shipping lanes and sanctuaries. BOEM is starting with Guam because they have proactive in engaging with the BOEM. Hildreth said BOEM tries to come in when invited, rather than inviting themselves to jurisdictions.

Ramsey said the common questions from the fishing community have to do with access. He asked if there is a general formula that restricts space or access once these structures are constructed.

Hildreth said in the Atlantic where there is a fixed bottom structure, there are no restrictions unless it is undergoing construction activity. A temporary restriction will be placed by USCG for hazards, but once the wind farm is operating there are no restrictions. There is signage and lighting to ensure that there are no collisions and the farm is charted. For floating farms, there may not be restrictions but there are cables that go to certain depths that might be affected by a vessel or fishing gear at that depth. The USCG does have initial guidance around some of these issues and BOEM is working on a study to develop more general principles of compatibility that may be published in a year or two.

Ramsey asked about restrictions of access near the cabling or the landfall areas.

Hildreth said there is always a cable burial risk assessment that accompanies the permits for the project to ensure there are no conflicts or incidents. If there is a specific type of fishing that is occurring that goes to certain depths, then it has to be buried or protected to accommodate that. There may be restrictions when the cable is being installed because it is laid unprotected prior to burial but once it is installed there are no restrictions. The landfall areas are not visible because the cables are buried, but there would be restrictions on access around the electrical infrastructure where the cable connects to a substation. Hildreth reiterated that there is generally not a lot of restrictions except during construction.

Ramsey asked what the role of NMFS is in this process.

Hildreth said there is a formal and informal collaboration in this process and that multiple parts of NOAA tend to be members of the task force so they are involved from the early days in the identification of areas and deconfliction. BOEM shares data and consults in the early stages working together on studies and research related to offshore wind and resources. There are formal consultations for EFH, ESA, and at both the leasing and permitting stage. NMFS is a cooperating agency in the EIS as well.

Chuck Wheeler, PIRO Offshore Wind Coordinator, said PIRO works with NOAA Ocean Service to get data for fisheries and other resources into the modeling to understand the impacts on the resources. There are a lot of engagement opportunities, including for the Council, during the public comment periods and task force meetings.

Sakoda asked if there would be a need for port infrastructure upgrades in Hawai'i or the territories and whether there will be federal funding for that, noting that upgrades were needed for offshore wind on the West Coast.

Hildreth said there was a study done for Hawai'i to assess whether the ports could support the scale of projects that would occur off Hawai'i, but she was not familiar with the report findings. She noted the Atlantic projects are bigger than Hawai'i's projects but the difference between fixed and floating technologies would require different type of infrastructure.

Natalie Dayal, BOEM Renewable Energy Specialist, said there were certain parameters that the National Renewable Energy Laboratory looked at in the study and provided an assessment of port areas that could be used for offshore wind.

Hildreth said for Guam, BOEM is in the early stages and that a facility off Guam would be much smaller because the load and demand for electricity is not at the same scale. That is what would influence the type of infrastructure that Guam would need.

Perez asked if BOEM has considered Guam's active weather patterns and typhoons.

Hildreth said it is going to be an important factor as the process goes forward since offshore wind has specific standards and ratings that turbines have to meet. There is a maximum case storm scenario that it has to survive. Right now BOEM is gauging industry interest but the feasibility issue will have to be teased out.

Perez asked if Guam's offshore wind would be moored or floating systems.

Hildreth said because of how quickly the shelf drops off in both Hawai'i and Guam, there is no opportunity to do a fixed bottom project.

Guthertz said Guam has tried wind energy on land and it failed. It was a small-scale operation and typhoons as well as disturbance of the windmills to the residents were a factor. She said BOEM should look into that previous experience in Guam and asked what the impact would be of a facility on the ocean resources and how it would be remediated.

Hildreth said BOEM has heard about the land-based wind energy projects and visited the turbine that is there, and is on the list to get a better understanding. For site-specific impacts, the most detailed information would come from the permitting stage when there is a proposed facility. There are a large number of studies that need to be done during that process, which would cover birds and other marine life.

Guthertz said the water resources are important to islanders and they do not want to disturb the ocean life. There are also the military operations that could have an impact on establishing this kind of energy resource in Guam's waters.

Muña asked if offshore energy leases restrict the islands from pursuing other forms of energy sources.

Hildreth said no, noting that BOEM has no say in those types of decisions. The lease area is not an exclusive area where no other activity can be permitted and BOEM does not have the authority to prohibit other uses from that area.

Muña said Guam has current projects ongoing that would utilize tagging of sharks and fish as well as establishing a telemetry network. She asked if Guam would be able to utilize any of the wind turbines as a mounting location for the telemetry receivers for these projects.

Hildreth said she could not speak to a specific decision in the future but historically has allowed this type of work for meteorological buoys.

Muña asked if there have been studies or research done on the impacts of coastal currents or navigation within the wind farms.

Hildreth said there are some studies on vessel radar but it is something BOEM has been looking at and collaborating with other entities. There are a number of modeling studies on turbine physics and impacts on the ocean in Europe. It is challenging because every area and project is different.

Muña asked if an array in Guam would be closer or further than one mile apart.

Hildreth said it is place-dependent and BOEM looks at a safety risk assessment with the USCG as well as vessel traffic and navigation. There are also considerations for energy efficiency and that the final spacing for Guam would be dependent on where it is placed.

Muña asked if the National Academies are conducting the research or will be releasing it soon.

Hildreth said it is being done for one area called Nantucket Shoals and there is a final report available as well as follow-on research to advise on how to collect in-water data.

Solai said this is new to the region and there are concerns about the impacts to the region's fisheries. There are two major commercial fisheries that should be taken into consideration, the longline and purse seine fisheries. He also said the Indigenous Pacific people

are not recognized as tribes and it is important that they are represented on this task force for obvious concerns that may arise.

Hildreth said in Hawai‘i there has been engagement with the Native Hawaiian community and that the Office of Hawaiian Affairs is a part of the task force. That is something that BOEM has been looking at a lot and taking very seriously. For Guam, BOEM is engaging with the Chamorro community as well.

D. Report of the National Scientific and Statistical Committee Meeting

Jason Helyer, Hawai‘i DAR and SSC member, reported on the 8th national meeting of the Scientific Coordination Committee (SCS8) held in August 2024 in Boston. Helyer participated in the meeting with fellow SSC members Craig Severance, Justin Hospital and Erik Franklin along with Council staff. SCS8 had an overall theme of applying acceptable biological catch (ABC) control rules in a changing environment. Subthemes included advances in ecosystem science, applications of social science and adaptation of reference points. The goal of this meeting was to create actionable guidance on how best to support councils in the management of fisheries, especially in a changing environment.

SCS8 discussions highlighted the diversity of fisheries across all Councils and even though there are differences, there are a lot of similarities in the challenges each Council experiences. Examples of the challenges in each region included the speed and magnitude of climate change, stock definitions and spatial structure, and data poor stocks. There was also acknowledgment that ecosystem changes can be difficult to detect, yet important to understand how the ecosystem is changing. In the Western Pacific there is a cultural and linguistic diversity and a disproportionate burden from large-scale, no-take MPAs.

Case studies were shared from data-rich regions that showed that major challenges exist even when there are good data, such as in the case of Alaska’s snow crab crash that was not predicted. Not all climate impacts to fisheries are negative as evidenced by several stories from different regions, including black sea bass moving northward into states which now have emerging recreational fisheries for that species. Sharing experiences with other regions allowed participants to learn from others. For example, the Mid-Atlantic Council uses seafood production as a data metric in their ecosystem report, which this Council could consider incorporating that into the Western Pacific Region. The Caribbean Council used a social science conceptual framework that incorporated stakeholder points of view that informed the development of its FEP.

Regional actions to address a changing environment included advocating for more frequent updates of assessments to allow management to react to changes; increasing collaboration and communication between the SSC and NMFS Science Centers through a structured facilitated approach; and exploring alternative management frameworks and time frames, especially given that ACL requirements drive stock assessment schedules. Strict timelines might limit the ability for councils to address data gaps and explore alternative methods.

Helyer reported on the takeaways from the Western Pacific Council’s delegation pertaining to ABC control rules, reference points and rebuilding plans. While the more data-rich regions are considering incorporating climate information into ABC control rules and reference points, the Western Pacific and other data-limited regions are not ready to do so, and such incorporation may be unachievable. The workshop discussions highlighted continued challenges that the Western Pacific and other regions experience under the ACL requirement. The Western Pacific delegation also discussed with fellow data-limited regions, especially the Caribbean and the South Atlantic, about the challenges of applying the ACL requirement and whether there may be opportunities to develop alternative frameworks that may inform management changes at the regional levels. The Western Pacific delegation also noted that the role of social science was still limited in overall discussion, and there was significant interest in the Western Pacific Region’s fishermen's observations and efforts to incorporate climate information. The SEEM process was recognized as a uniquely Western Pacific process that has potential for incorporating climate information.

E. National/Regional Communications and Outreach Report

Amy Vandehey, Council staff, provided the National and Regional Communications and Outreach Report for June through August. The Council Coordination Committee (CCC) Communications Group met in Portland in August to coordinate the MSA 50th anniversary activities for 2026. The anniversary products may include a 30-minute film that would focus on the story of the 50 years of fisheries management and stories from different fisheries with a one-page handout that would lead to a webpage with background information about the film. Their group also received training from the COMPASS Science Communications Group on defining audiences, goals and messaging. A report of the meeting will be provided to the CCC at its October meeting.

The Council’s quarterly newsletter was sent out through the Constant Contact email list of 3,400 people, with printed versions sent to the territories for distribution. The newsletter focuses on trade issues and problems with foreign fish in the markets, proposed regulations for giant clams and oceanic white tip sharks, outcomes from the Hawai‘i small-boat community meetings and the 2023 Annual Stock Assessment and Fisheries Evaluation Reports. Another publication that came out this quarter was the Western Pacific Region Status of the Fisheries 2023, which highlights changes from 2021 to 2023 such as environmental changes, socioeconomic variables, impacts and recovery from COVID-19 pandemic.

During this period, the Council also hosted a Fishers Forum on climate change and fisheries as part of the 199th Council meeting in Hawai‘i. There were 75 participants and 12 partner organizations with exhibit tables. There were presentations on both large- and small-scale changes in the Pacific around Hawai‘i, and on-the-water experiences from longtime large- and small-boat fishermen. In American Samoa, the Council partnered with DMWR to support the Manu‘a Flag Day Fishing Tournament July 11-12, 2024, with SFF support. The Council provided recognition support for the tournament winners with outreach materials. In the CNMI, the Council supported the 40th Annual Saipan International Fishing Tournament which had 91 vessels from Saipan, Tinian, Guam, the U.S. Mainland and other countries. The Council had an outreach table there sharing about the Council process, scholarship and engaging participants.

F. Advisory Group Report and Recommendations

1. Advisory Panels

Tam reported that the AP did not have any recommendations under Program Planning, but the Hawai'i and Guam APs continue to discuss offshore energy development and fishery issues. In Guam, the AP discussed the impacts of offshore energy on the small boat fleet, which is limited to as far as the small boats can go. Impacts could be severe for those fisheries if there is displacement without compensation. Other impacts of offshore energy that need to be considered are those on protected species such as seabirds, which are also used to find fish and navigate home. Existing wind farms on land have incidental take permits for endangered species so expansion of wind farms in the ocean may have additional impacts. Recent examples of wind farm failures in Denmark have closed access in those areas, which would be concerning for fishers in the Western Pacific if the same problems were to occur. There also needs to be considerations for decommissioning wind farms and who will be responsible for cleaning up the area during and after the life span of the project.

2. Fishing Industry Advisory Committee

There were no recommendations from the FIAC regarding Program Planning.

3. Scientific and Statistical Committee

Lynch, SSC chair, presented the report and recommendations.

Regarding the report of the national SSC meeting, the SSC recommends the Council explore a range of sustainable alternatives to existing ABC control rules along with a focus on finding flexibility within the existing MSA.

Regarding the SSC working group review of annual prioritization of Magnuson-Stevens Reauthorization Act research priorities, the SSC endorses the working group prioritization for 2025 (see Appendix A). The SSC recommends that the Council identify the following as the two highest priorities for NMFS and other agencies to address in 2025:

- Improved pelagic FKW assessments on the high seas with a focus of delineating full stock range based on robust biological data (PS2.2.1). Inclusion of other available data, including tagging and acoustic data to fulfill the above priority to better discern information beyond the EEZ and among the range of the species where it overlaps with U.S. fisheries.
- Mitigation of depredation and development of deterrents to reduce incidental interactions in U.S. Pacific Island fisheries (PF5). The above recommendations should be addressed between Council staff and NMFS staff to add specificity for tenable projects in 2025 conducted by NMFS and external entities.

4. Fishery Data Collection and Research Committee

The Fishery Data Collection and Research Committee (FDCRC) did not meet.

5. Fishery Rights of Indigenous People Standing Committee

DeMello presented the Fishery Rights of Indigenous People (FRIP) Standing Committee report and recommendations on behalf of Standing Committee Chair Kamaka'ala. The FRIP Standing Committee received presentations on the Pacific Islands Region EEJ Implementation Plan as well as the Council's EEJ priorities and plans, reviewed the draft protocol documents in development for each of the island areas and received an update on the PRI National Marine Sanctuary as well as the renaming process, among other agenda items.

Regarding EEJ, the FRIP Standing Committee encourages Council members to review the Pacific Islands Region EEJ Implementation Plan to provide a prioritized list of needs to NMFS that align with the plan activities.

Regarding the draft cultural protocol documents, the FRIP Standing Committee requests Council members to work with the Council staff to review the draft cultural protocols to provide edits as necessary to the executive director in October for approval at the December meeting.

Regarding the draft Indigenous Committee, the FRIP Standing Committee recommends the Council approve the draft language for the Standard Operating Policies and Procedures (SOPP) and continue to review SOPP language for future changes, propose potential practitioners for the committee, and provide the terms of reference for review at the committee's first meeting.

Regarding the Council Land Acknowledgment Statement, the FRIP Standing Committee recommends the Council provide a land acknowledgment statement at its 200th meeting and future meetings.

Regarding the proposed national marine sanctuaries, the FRIP Standing Committee recommends the Council request ONMS provide a threat assessment to the PRIA and a timeline for sanctuary designation.

Regarding federal recognition of Pacific Indigenous peoples, the FRIP Standing Committee recommends the Council request a presentation from the proper resource people on the process and impacts of federally recognized tribes for potential recognition of the Indigenous peoples of the U.S. Pacific Islands to address exclusion of these peoples from federal regulations, among other potential options.

G. Public Comment

Ilaoa commented on the proposed sanctuary, and said he would like to know if there have been any economic or social impact assessments for the proposed designations of a national marine sanctuary in the PRI. He said the PRI has no indigenous population to consider but American Samoa, by NOAA's own policies, is an affected community. Ilaoa said the proposed designation of a sanctuary is a politically motivated conservation effort to build a legacy for the

President, and that should never outweigh the concerns of the people of American Samoa. Effective community engagement requires better consultation with the elected and cultural leaders, and a real transparent and open process. A threat assessment needs to be conducted to identify what the threats are for the proposed sanctuary. Ilaoa asked how NOAA can justify putting a U.S. territory's economy and entire way of life in jeopardy for a MPA that is not necessary. The impact of losing the remaining cannery in American Samoa will be similar to when Chicken of the Sea closed in 2009 and the economy went into a tailspin. Locally owned businesses were lost and the population decreased by about 20%. The remaining cannery not only employs 2,500 people but also supports every single business in American Samoa either directly or indirectly, as it represents the largest consumer of generated power, fuel, water, and is responsible for 99% of the exports from the territory. He said boils down to a 40% subsidy in power, fuel, water, and shipping costs for everyone else. No businesses could survive a 40% price hike to those costs. Ilaoa said NOAA might as well put American Samoa's people on the endangered species list if the sanctuary is designated. He asked NOAA to prove that they are really interested in considering the voices of the people and not just checking boxes.

Johnson provided a greeting in Iñupiaq. She said she fully supports the efforts of the Council to continue to incorporate protocols and cultural practices moving forward. It has been a struggle in the North Pacific to continue to include the Indigenous people of Alaska, Washington and Oregon into the management process. She said she would like to continue to build relationships with this Council and its AP or FRIP Standing Committee in hopes of emulating a similar committee to continue to serve the Indigenous peoples, for the North Pacific, and the whole marine ecosystem. She said she looks forward to continued collaboration on continuing to protect the indigenous way of life, culture, language, heritage for future generations.

Simonds said Johnson could ask the North Pacific Fishery Management Council to add an indigenous rights committee similar to the Western Pacific Council's, which was established in the mid-1980s. She said she has encouraged them over the years to do something like that.

Johnson said Quyanaq, thank you in her language. She said their Council meeting is going to begin next Monday in Anchorage, Alaska at the Egan Center and as an indigenous person who has struggled to find the equity in environmental justice work, she will be putting forward a motion next week to emulate the work that this Council has done on behalf of its indigenous peoples.

Soliai provided a response to Johnson in Samoan, thanking her for making the time to be at the Council meeting. He said the indigenous rights of people, whether from the North Pacific, Alaska or the South Pacific are all facing the same challenges. Itibus provided a response and thanks in Refaluwasch and Perez provided a response and thanks in Chamorro.

Bronson Azama provided public comment on the proposed PRI sanctuary and offshore energy development. He said he testified at Hawai'i inuiākea, the Hawaiian Studies School at the University of Hawai'i when NOAA held public hearings on the proposed PRI sanctuary. One of the major concerns is the legality of who governs these lands and territories that are still acknowledged to be illegally occupied. It is hard to trust the country and the people who are involved who have degraded the environment that they were entrusted to protect. If NOAA is

serious about protecting the resources and the relationships we share with fish, it is time to acknowledge who can legally protect those environments. He said responsibility does not fall with the people who have raped the ocean for decades. The United States in particular imports 50% of its tuna from the Central and Western Pacific yet has only 4.35% of the population which demonstrates an inequity. Azama said there are other alternative forms of energy such as those that offer recyclable wind energy that runs on magnetics that can be done on land. He said they should not bother pursuing economic development that would further damage the already strained ecosystem. He also said the people of the Pacific need the authority to determine what is compatible with their own communities. He asked the Council to provide that equity in decision making for the region.

Kalani Souza provided public comment on offshore energy. He said the National Science Foundation is working on energy systems that produce greater power than the proposed offshore energy and birds avoid resulting in no animals dying. He said Pacific Islanders never said they were not going to help and that he entrusted the Council to watch after their best interests.

Dueñas provided public comments on offshore energy. He said he does not support windmills but supports geothermal energy. There is a need to reach out to the community in Guam to look at the cumulative impact of offshore energy along with the existing military activities. He said the people of Guam have been good caretakers of the resource for 4,000 years and it is a part of their heritage. There are concerns about the creatures in the ocean but there are huge effects on the people, and the cumulative effects of all these actions should be considered.

H. Council Discussion and Action

Regarding offshore wind, the Council:

- 1. Recommended NMFS to provide outreach on offshore wind development in Guam and Hawai'i to the fishing community to assist in future offshore activity planning.**
- 2. Directed staff to send a letter to BOEM requesting the agency provide seats on the Intergovernmental Task Forces for the non-recognized Indigenous peoples of the Western Pacific.**

Moved by Soliai; seconded by Guthertz.
Motion passed.

After the vote, Hagg, GCPI, requested the second recommendation be amended.

Soliai moved to reopen recommendation 2.

Moved by Soliai; seconded by Igisomar.
Motion adopted by general consent.

Hagg advised that the recommendation be amended from a request to BOEM to directing staff to send a letter to BOEM.

Guthertz moved to adopt the amended motion.

Moved by Guthertz; seconded by Soliai.
Motion passed.

Regarding the report of the national SSC meeting, the Council:

- 3. Directed staff to incorporate in its ongoing review of the ACL specification framework an exploration of sustainable alternatives to existing ABC control rules along with a focus on finding flexibility within the existing MSA.**

Moved by Guthertz; seconded by Soliai.
Motion passed.

Regarding the MSRA research priorities for 2025 and the SSC working group report, the Council:

- 4. Endorsed the SSC working group recommendations for annual research priorities in 2025 and directed staff to coordinate with PIFSC and PIRO to implement identified priorities in 2025.**

Moved by Guthertz; seconded by Soliai.
Motion passed.

Regarding the proposed national marine sanctuaries, the Council:

- 5. Directed staff to send a letter to the ONMS requesting a threat assessment to the PRIA and a timeline for sanctuary designation.**

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

Regarding federal recognition of Pacific Indigenous peoples, the Council:

- 6. Directed staff to request a presentation from the proper resource people on the process and impacts of federally recognized tribes for potential recognition of the Indigenous peoples of the U.S. Pacific Islands to address exclusion of these peoples from federal regulations, among other potential options.**

Malloy asked for clarification of the recommendation and whether it was to allow the exclusion of Indigenous peoples from federal regulation or to identify ways to enable indigenous peoples to be excluded.

Igisomar said the recommendation is in the spirit of trying to allow the cultural and traditional practices of the Indigenous peoples of the Western Pacific to be perpetuated, such as the harvest of sea turtles.

Moved by Guthertz; seconded by Igisomar.
Motion passed.

Regarding EEJ, the Council:

- 7. Directed staff to work with Council members to review the Pacific Islands Regional EEJ Implementation Plan and provide a prioritized list of needs to NMFS that align with the plan activities.**

Moved by Guthertz; seconded by Soliai.

Motion passed.

Regarding the draft cultural protocol documents, the Council:

- 8. Directed staff to work with the Council members to review the draft cultural protocols to provide edits as necessary to the executive director in October for approval at the December meeting.**

Moved by Guthertz; seconded by Soliai.

Motion passed.

XIV. American Samoa Archipelago

At the start of the American Samoa Archipelago section, Soliai presented a resolution in recognition of Dueñas's service and contributions to the Council.

Dueñas expressed his appreciation for the Council, the opportunity to serve alongside the other Council members, the dedicated service of the executive director and Council staff. He hopes the voices of this Council are heard and said the MSA is the most significant part of the process.

A. Motu Lipoti

Soliai provided the American Samoa island report and introduced a giant clam shell at the front of the table as his friend "Fai fua le Faisua," which means "please do not touch my giant clam," referring to the local term for the giant clam, faisua. American Samoa and Guam were recently assigned associate membership in the Pacific Island Forum, which marks a significant milestone since both territories had only been observers for over a decade. There was a lot of effort involved in achieving this milestone and Soliai expressed gratitude for the support of Pacific Island leaders. The goal is to gain full membership, but for now, American Samoa is taking incremental steps with hopes that CNMI will also apply for associate membership. The Fono had endorsed the application for associate membership, which has now been approved.

Soliai reported on a concerning trend presented in the DOC's statistical yearbook, which showed a decline in life expectancy in American Samoa—69.7 years for newborns and 74.47 years for women. This trend is particularly worrying given the ongoing and significant decline in the population. He said the housing project for the cannery is still in progress and expected to begin in late 2024. The delays are due to efforts to secure an extended lease with the Catholic Church for the current lot they are leasing and further updates will be provided at the December Council meeting.

In July 2024, Governor Lemanu Peleti Mauga of American Samoa issued an executive order imposing a moratorium on seabed mining within the territory's waters. This decision was prompted by unsolicited lease requests from external organizations that had not consulted local authorities or the government. The moratorium aims to allow time to assess the potential impacts of seabed mining, particularly on the fishing industry. While the moratorium prohibits mining activities, it permits scientific research, provided such activities comply with local permitting rules and laws. DMWR oversees these permits, ensuring local input and oversight. He said the Fono recently passed two resolutions related to Council work and fisheries. The first opposes the proposed national marine sanctuary in the PRIA, and the second requests NOAA for a 120-day extension on the comment period. Both resolutions will be forwarded to the members by the end of the day.

Soliai said the 27-acre Naumati Forest Preservation Area is one of the last low-lying rainforests in American Samoa and possibly in the Pacific. Recently, there has been a push to conserve the five acres owned by the church. In July, the church held a general assembly to persuade the church to sell the land to the government. Although the church voted against the sale, they later communicated their willingness to work with the government to conserve their five acres. Meanwhile, the remaining 22 acres belonging to the Haleck family, have already agreed to sell their portion for conservation purposes. He also said DMWR received a new research vessel, *Puna'oaolevasa*, which translates to "resources from the ocean" that will aid in research, FAD monitoring, and transport to Manu'a and other islands, supporting DMWR's mission.

Simonds asked if the Aunu'u Wharf reconstruction project was really happening.

Soliai said it was and that the funding had already been awarded and DLNR is currently going through the environmental compliance process.

Sword provided an update on the sports fishing side, and said weather conditions have been challenging this year, with high winds and rain making it difficult to go out fishing. Despite this, boats that did go out caught a good number of yellowfin tuna and masi-masi. The community is now anticipating the Thanksgiving Buds and Suds Tournament next month, coinciding with the WCPFC meeting. Seven boats from neighboring Samoa, sponsored by Budweiser, are expected to participate, with an attractive cash prize. Sword said while fishing has been difficult, fishers have still managed to catch various species throughout the year, including baby marlin.

B. DMWR Report

Domingo Ochavillo, DMWR chief scientist, presented the DMWR report. From April to June 2024, shore-based creel surveys recorded nearly 3,600 pounds of fish caught, mostly by rod and reel, as well as by spear snorkeling, gleaning, throw net and hand line. The top species included blackjack, bluefin trevally, sea grapes and striped surgeonfish. Boat-based creel surveys recorded 12 vessels that contributed to fish landings, with 22 interviews conducted from 67 fishing trips. In 2024, 15 fishing licenses were issued for spearfishing and seven for deep-sea hand line bottomfishing, with some fishermen holding both licenses. The total bottomfish catch was 3,000 pounds, double that of the previous quarter, with the top species being the red gill

emperor at 600 pounds. There was a decrease in bottomfish recorded in vendors' receipt books, as many fishermen sell their catch by the roadside. DMWR is working with PIFSC to adjust the creel survey to better capture this missing information. Two alia boats landed 1,065 pounds of nearshore marine species, primarily parrotfish, surgeonfish, and lobsters. The reported spearfishing catch was much lower than commercial invoices, which showed more than 4,000 pounds, highlighting the challenge of capturing spearfishing data, particularly since most spearfishing occurs at night with fishermen returning early in the morning. For pelagic fisheries, three alia boats landed 1,500 pounds of pelagic fish, mainly skipjack from trolling and mixed bottom/trolling methods. However, the commercial invoices indicated 39,000 pounds, substantially lower than the 100,000 pounds recorded in the previous quarter. The influx of nontarget pelagic fish from longliners remains a significant source of fish for American Samoa.

There are currently five deepwater FADs deployed in American Samoa including three Indian Ocean designed buoys and two Catamaran buoys. DMWR is working with a provider in New Zealand to replace some of the buoys, including ordering a larger main buoy for one of the replacement FADs, as some fishermen have raised concerns about visibility issues with the smaller Indian Ocean designed buoys. He said DMWR is also coordinating with the SPC on FAD stranding data collection. Training was conducted in August to emphasize the importance of FAD stranding data, as American Samoa has been a known hot spot for FAD stranding for many years. With estimates ranging from one to 10 stranded FADs per week, many of these FADs originate from the Eastern Pacific Ocean. Collecting data on the impacts of stranded FADs on nearshore habitats is a key step in addressing this issue. He said DMWR has a project with Zunibal, a satellite buoy company, to conduct experimental fishing around FADs to validate fish detection models of satellite buoys. The project aims to compare experimental fishing data with satellite buoy readings to assess their accuracy in detecting fish around FADs.

The Community-Based Fisheries Management Program continues to care for giant clams brought in from Samoa. There are concerns about the proposed ESA listing for giant clams, particularly for the *T. derasa* and *T. gigas* species. Although these species are not native to American Samoa, the listing could affect their recovery program, limiting the ability to distribute clams to other villages for recovery, mariculture, and food security purposes. He said there are hundreds of some of these species in Faga'alu and several hundred in Samoa. Both species have been cultured in labs across the Pacific, with thousands deployed in various areas, making it unclear why these widely cultured species are being proposed as endangered. Two staff members attended a workshop on scaling up Community-Based Fisheries Management in Fiji in April and May 2024.

Ochavillo reported that considerable time has been invested in coral restoration training. Three staff members attended the Coral Restoration Foundation Learning Exchange in Florida last June, learning valuable techniques for coral restoration and data management suitable for American Samoa. Additionally, staff participated in training in Guam on coral sexual propagation. These skills are aimed at enhancing coral reef recovery efforts in American Samoa. In terms of enforcement, staff have continued to board foreign and U.S. fishing vessels, inspect fish containers, and conduct sea and land patrols. Other updates include the acquisition of a new boat for Fisheries and Wildlife program activities. DMWR is also working on a letter of

agreement with SPC regarding FAD stranding data collection and another agreement for tuna biological tissue collection as part of the close-kin-mark-recapture project.

Soliai reported that DMWR received a communication from NOAA International Fisheries Division about U.S. port denials for certain fishing vessels from several countries, effective Oct. 10, 2024. The list includes the People's Republic of China longliners. DMWR inquired whether this would impact the canneries and was informed that, although landing is prohibited, fish imports are still allowed, which was a relief despite understanding the reasons for the port denials.

Muña congratulated DMWR on the new vessel and said Guam is also working to acquire one for their DAWR. She asked if the DMWR vessel could be used for deploying FADs.

Ochavillo said they are not planning to use the new vessel for full FAD deployment but are considering how it could assist in some aspects.

Sword said DMWR has been partnering with a local private company for FAD deployment, which offers services at a very reasonable price. He said DMWR is paying less than \$5,000 for FAD deployment, whereas it used to cost \$20,000. He attributed the reduced cost to their good relationship with the company providing the service.

Muña asked if Guam could model its potential vessel after the Super Alia for multipurpose use, including FAD deployment, research, youth outings and aquaculture projects.

Sword said the Super Alia was specifically designed for longlining and fishing, making it less suitable for FAD deployment. He said the DMWR vessel was built by a local company as a catamaran, designed to be durable and stable.

Muña asked if a boat built for American Samoa could be brought to Guam.

Sword responded that while it is possible, the transportation costs would likely be very high, as it would need to be shipped via the mainland. He said a design could be provided, and then a builder closer to Guam could construct it.

Weaver said the billfish in the photos appeared smaller and asked if that had been the norm, noting that recent tournaments in Guam have not seen anything more than 300 pounds.

Sword said in recent tournaments, many marlin were tagged and released, with only a few being large enough to meet the 200-pound minimum for landing. The largest marlin caught recently was about 350 pounds, but generally, they have seen a lot of smaller marlin. He said occasionally larger marlin exceeding 500 pounds are caught, but most are under 200 pounds.

Weaver said there is an interest in proper handling and release techniques for billfish and is considering implementing a tag and release program for tournaments. Weaver asked Sword about his program.

Sword said points are not awarded in their tournaments for bringing in marlin under 200 pounds. Instead, anglers are encouraged to release the fish for 200 points, with a photo as proof. Tagging is not mandatory as a photo suffices to receive points. Photos are required to show the billfish being released, including a colored flag indicating the day of the tournament as proof. Tournaments also serve to raise money and awareness for conservation in local fishing clubs, and successful participants get to compete at the International Game Fish Association tournaments, which is a costly but rewarding opportunity.

Igisomar asked if there are courses available on proper handling for tag and release.

Sword replied that instructional videos are easily available on YouTube and that it is important to use the appropriate safety gear when handling the fish.

C. Updates on the Super Alia Project

Tony Langkilde, American Samoa DOC, provided an update on the Super Alia Project. The first vessel arrived June 5, 2024 and was blessed and launched by the local government. The vessel is now moored at the DMWR Wharf at the Fagatogo Marina, awaiting the installment of longline and bottomfish fishing gear. The 38-foot-long, 14-foot-wide vessel is equipped with electronic devices, plotters and smart technology for fishing. It has two 195-horsepower diesel engines, totaling nearly 400 horsepower, and can carry 400 gallons of diesel, allowing it to travel up to 500 nm, 200 miles out to sea and back. The Super Alia was designed based on the Council's original Super Alia Project concept from the mid-2000s. The local government decided to revive the project, seeing it as a suitable vessel for the islands. The first vessel is now in operation, with a second expected in January and two more following every six months. The vessels were funded by the Economic Development Administration under the U.S. DOC.

Training is an integral part of the Super Alia concept, ensuring that local fishers are properly trained to operate and fish on these boats. The Super Alia represents a step up from the smaller alia that have been used in the islands for the past 50 years. Training, education, and business incubation are crucial for the sustainability of the fisheries. The Super Alia program is essentially an economic fisheries development initiative. There is a Memorandum of Understanding with DMWR to ensure the success and longevity of the program through collaboration. The training program aims to engage high schools and American Samoa Community college to inspire the younger generation. The goal of the Super Alia program is to develop the tools for sustainable harvesting, train local fishers across Tutuila, Manu'a, Aunu'u, and Swains Island, and create new jobs. It also aims to revive fish exports, similar to what was done in the 1980s using smaller alia and manta catamarans.

Langkilde said he was grateful to Captain Wally Thompson, noting that Thompson played a key role from the beginning in developing the initiative to provide fresh fish consistently in the territory. Thompson helped design the vessel and determine the necessary components.

Guthertz asked about the crew for the new vessel.

Langkilde said they have already hired a crew, consisting of a captain with 24 years of experience on local albacore longliners and two or three local Samoan deckhands. The captain is originally from Fiji but has been fishing in the local EEZ for more than 20 years. The deckhands will receive training to work effectively on the vessel.

Guthertz asked how the vessel would be maintained for long-term sustainability.

Langkilde said the vessel is a training platform, and its operation is funded through a grant dedicated to training. Additionally, the project aims to generate revenue by selling fish to local markets and exporting to Hawai‘i. Since it is a government program, they will also have access to grants for training and education.

Simonds said Thompson was a famous navigator and an early Council AP member. She asked if the grant covers all four vessels or if they need to seek funding annually.

Langkilde said they would need to seek funding each year. The plan is for three vessels to serve as incubators, training deckhands not only in fishing but also in vessel operation, economics, and marketing.

Simonds said he could lease one of the boats to Guam if the progress is slow.

Langkilde said could be a possibility and that they might seek support.

Simonds said financial support from the Council was not available but offered help in training, and that Hawai‘i fishermen have provided training in American Samoa since the 1980s.

D. Advisory Group Report and Recommendations

1. American Samoa Advisory Panel

There were no recommendations from the AP regarding American Samoa.

2. Fishing Industry Advisory Committee

There were no recommendations from the FIAC regarding American Samoa.

3. Scientific and Statistical Committee

There were no recommendations from the SSC regarding American Samoa.

E. Public Comment

Soliai said Aeau Hazelman, head of the delegation for Samoa, at the recent Festival of Pacific Arts and Culture in Hawai‘i made a powerful statement: "Your genealogy and your identity are not negotiable." Soliai said comments from Indigenous people are there to ensure their identity remains nonnegotiable. He also said the late Epeli Hau‘ofa from Tonga, said, "We are not small island states. We are caretakers of the largest ocean in the world." Soliai said this statement is truly relevant to the Council’s work in taking care of resources that sustain their

economies and that there is a shared responsibility among Pacific Islands to care for the same ocean and address common issues. The strategic role of American Samoa in the Pacific is often undervalued, not only in fisheries but also in resource management and Homeland Security. Increasing geopolitical competition, particularly with China, places American Samoa at the center of these discussions. Despite being the southernmost U.S. territory in the Pacific, American Samoa is seldom included in important discussions. There are also concerns about recent moves related to ocean minerals in the Pacific. In 2023, BOEM unilaterally expanded the definition of U.S. waters to include the EEZs of U.S. territories without the usual notice and comment process. This was followed by a National Defense Authorization Act directive for the U.S. Army to report on the feasibility of mining these minerals. He said the close timing of these events signals a troubling trend, and that the lack of engagement with American Samoa on these federal issues should concern all Council members. Despite the increased attention on the Pacific region, the U.S. faces challenges in balancing its strategic interests with the needs of territories like American Samoa. A question arose during the AFS regarding the future of American Samoa and if the cannery were to leave, highlighting the need for economic diversification. However, economic diversification in American Samoa is hampered by federal regulations and policies. He said federal conservation initiatives, like the proposed national marine sanctuary, and the Cabotage Law are major obstacles. For decades, territories like Guam, the CNMI and American Samoa have been seeking an exemption from the Jones Act without success.

Simonds said when the Biden Administration took office, the Council wrote letters to various departments, including the U.S. State Department and DOD, addressing concerns similar to those raised by Soliai. The Council received responses, but she said this is a good opportunity to follow up on those letters. She also said inviting Admiral Samuel Paparo, U.S. Pacific Fleet Commander, or one of his assistants to attend a future meeting to discuss the mission, would allow the Council to express the interests of the territories and Hawai‘i regarding decisions made in the Pacific without consultation.

Dueñas said Guam has been dealing with the issue of FAD strandings for a decade. He expressed disappointment with the direction of the sanctuary program, which initially seemed promising but has since evolved to expand areas of protection, potentially hindering economic activities in the region. The impact on Indigenous communities should be considered, suggesting that 25% of marine resources in the PRIA be allocated to benefit territories like American Samoa, CNMI, Guam and Hawai‘i, and allow them to use these resources to support community needs such as building schools and hospitals. He also said capacity building is important, particularly in skills like boat mechanics and fiberglass work. There is a shortage of younger workers interested in these trades. He also said there are contrasting approaches between the SPC and NOAA. SPC aims to help communities and nurture new talent, while NOAA's actions sometimes seem more restrictive, limiting local rights. He said there is a need for capacity building across all islands and they should be working with SPC.

F. Council Discussion and Action

Regarding protecting common interests of American Samoa and the U.S. in the Pacific, the Council:

- 1. Requests the U.S. Indo-Pacific Command provide the Council a presentation on how it is addressing threats to economic security and consulting American Samoa, Guam, and the CNMI on U.S. defense activities in the Western Pacific.**

Moved by Guthertz; seconded by Weaver.
Motion passed.

XV. 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:

- \$2,407,056 in the Administrative Multi-Year Award, ending December 2024. \$1,911,561 committed funds remaining;
- \$36,619 in the 2024 Administrative Add-On funds, ending December 2024. \$48,380 committed funds remaining;
- \$166,939 in the 2022 Coral Reef Award, ending September 2025. \$91,060 committed funds remaining;
- \$132,923 in the 2023 Coral Reef Award, ending September 2025. \$122,076 committed funds remaining;
- \$77,324 in the SFF XII Award, ending July 2025. \$431,550 committed funds remaining;
- \$101,074 in the SFF XIII Award, ending July 2025. \$404,300 committed funds remaining;
- \$44,389 in the 2022 American Samoa SFF Award, ending July 2025. \$55,610.50 committed funds remaining;
- \$20,069 in the 2023 American Samoa SFF Award, ending September 2026; \$374,454.00 committed funds remaining;
- No expenditures to date in the 2022 CNMI SFF Award, ending July 2025. \$372,554 committed funds remaining; and
- \$23,645 in the SFF PRIA Award, ending July 2025. \$64,501 committed funds remaining.

Holmen reported that the Council recently received approval for the SFF, American Samoa 2024, with an award amount of \$353,625 and an end date of July 30, 2027. The Council also received approval for SFF CNMI 2024, with an award amount of \$748,155 and an end date of July 30, 2027. The Council's financial audit also concluded, receiving an unmodified opinion, which is a clean report with no audit findings.

B. Administrative Reports

[This agenda item was presented prior to item A. above]

Simonds reported that there have been no staff changes since the last meeting, and the audit has been completed. Two Council members have been appointed (one reappointed, one new). The GCPI determined no Council member needed to be recused for this meeting.

C. Council Family Changes

Mitsuyasu reported on the two Council family changes, the first is to appoint Keena Leon-Guerrero from CNMI DFW to the SSC, replacing Francisco Villagomez. The second is to appoint Lizama from CNMI DFW to the FDCRC-Technical Committee, replacing Nathan Van Ee.

D. Standard Operating Policies and Procedures Changes

At the last meeting the Council proposed establishing an Indigenous Committee to bring more indigenous perspectives into fisheries management. DeMello referred members to a proposal in their briefing materials. The proposal includes draft language for the Council's SOPP, terms of reference and a list of potential members. The Council is being asked to approve the SOPP language to initiate the committee's formation.

E. Meetings and Workshops

Simonds reported that the CCC will meet near Washington, D.C., Oct. 16-17, 2024, to discuss budget issues. Executive directors and chairs plan to address longstanding budget shortfalls with key officials, emphasizing that funding has not kept up with inflation, affecting project and amendment progress. Many Councils, including this one, have adapted by holding meetings instead of hiring additional staff. Currently, the Council operates with only 10 staff members and three coordinators, managing significant workloads.

Additional upcoming events include the WCPFC Permanent Advisory Committee meeting (October 21-23) and new member training for two Council members. A Coral Reef Task Force meeting, hosted by Igisomar, will take place in CNMI, with the agenda provided. Council members are invited to suggest agenda items for the Coral Reef Task Force meeting, with Sword serving as the official representative, though his attendance is uncertain. A Pelagic Plan Team meeting will address issues discussed, including EM options. The next WCPFC meeting is scheduled in Fiji starting Nov. 27, 2024, coinciding with Thanksgiving.

The December SSC meeting, originally planned as virtual, will now be in person to facilitate planning and member evaluations. This will include discussions on scientific expertise needs for issues like FKWs. The December Council meeting will remain virtual.

Looking ahead, tentative dates for 2025 meetings are as follows: March 24-28 in the Mariana Islands, June 16-20 in American Samoa with visits to smaller islands, September in Honolulu and the final meeting will be virtual.

F. Executive and Budget Standing Committee Report

Sword noted updates previously covered by Simonds and discussed the uncertainty regarding the Reauthorization Bill reaching the floor, though engagement with Guam's congressional representative was a positive development. Additionally, efforts to reactivate the Pacific Basin Development Council were discussed, with support from the governors of Guam and the CNMI. The hope is to reinstate the Pacific Basin Development Council by the new year,

adding a strong Pacific voice on shared challenges. Sword also noted discussions on the Pacific Island fisheries economics report, which Rauch has supported to help emphasize the region's contribution to U.S. food security.

G. Public Comment

There were no requests for public comment.

H. Council Discussion and Action

Regarding Administrative Matters, the Council:

- 1. Accepted the 200th Council meeting financial and administrative reports.**
- 2. Directed staff to move forward with the solicitation for contractual services to support the four priority project areas as approved in the Council's IRA award.**
- 3. Recommended the following changes to its advisory bodies:**
 - a. Appointed Keena Leon-Guerrero, CNMI DFW, to the SSC to replace Francisco Villagomez; and**
 - b. Appointed Jude Lizama, CNMI DFW, to the FDCRC-Technical Committee, to replace Nathan Van Ee.**

Moved by Guthertz; seconded by Igisomar.

Motion passed.

- 4. Approved amending the SOPP to include the following language to establish an Indigenous Committee and directs staff to solicit for membership for Council review and approval at its December meeting.**

INDIGENOUS COMMITTEE

The Western Pacific Regional Fishery Management Council shall establish an Indigenous Committee. Members of the Committee shall be selected by the council and serve four-year terms. A Committee Chair shall be appointed by the Council Chair after consultation with the Executive Committee. The Council Chair may change or remove any member of the Committee after consultation with the Executive Committee. Sub-panels for American Samoa, CNMI, Guam and Hawai'i will consist of members that are knowledgeable, actively engaged or experienced in community ocean activities or traditional indigenous fishery practices in their respective geographical areas. The Committee shall provide the Council with recommendations on fishery rights of Indigenous peoples, Equity and Environmental Justice (as it relates to fisheries), the development and administration of the Council's Community Development Program, protocols and policies relating to Indigenous communities, community-based fishery management, fisheries development and indigenous fishing issues.

Moved by Guthertz; seconded by Igisomar.

Motion passed.

- 5. Directed staff to convene the December 2024 SSC meeting as an in-person format to facilitate a strategic planning exercise to guide its work and membership for the next several years.**

Moved by Guthertz; seconded by Soliai.

Motion passed.

- 6. Directed staff to coordinate with GCPI in responding to Guam Congressman James Moylan's request for comments on the Sustaining America's Fisheries for the Future Act of 2024 which would reauthorize the MSA.**

Moved by Guthertz; seconded by Igisomar.

Motion passed.

- 7. Directed staff to send a letter to NMFS leadership requesting American Samoa's comparative landings and revenue be included in future publications of NOAA's report on Fisheries Economics of the United States.**

Moved by Guthertz; seconded by Itibus.

Motion passed.

XVI. Other Business

Sword expressed his gratitude to all meeting participants.

Soliai closed the meeting in prayer.

Meeting adjourned.