



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**MINUTES OF THE  
199th MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

June 24-26, 2024 Council Plenary  
*Hybrid for Members and Public*  
Hibiscus Ballroom  
Ala Moana Hotel  
Honolulu, HI

**Approved by Council:**

A handwritten signature in blue ink, consisting of a stylized 'W' followed by a long horizontal line and a large loop at the end.

**William Sword, Chair**

**Western Pacific Regional Fishery Management Council**

## Table of Contents

<u>I.</u>	<u>Welcome and Introductions</u> .....	6
<u>II.</u>	<u>Approval of the 199th Council Meeting Agenda</u> .....	6
<u>III.</u>	<u>Approval of the 198th Council Meeting Minutes</u> .....	7
<u>IV.</u>	<u>Executive Director’s Report</u> .....	7
<u>V.</u>	<u>Agency Reports</u> .....	8
<u>A.</u>	<u>National Marine Fisheries Service</u> .....	8
<u>1.</u>	<u>Pacific Islands Regional Office</u> .....	8
<u>2.</u>	<u>Pacific Islands Fisheries Science Center</u> .....	10
<u>B.</u>	<u>NOAA Office of General Counsel Pacific Islands Section</u> .....	13
<u>C.</u>	<u>Enforcement</u> .....	14
<u>1.</u>	<u>US Coast Guard</u> .....	14
<u>2.</u>	<u>NOAA Office of Law Enforcement</u> .....	16
<u>3.</u>	<u>NOAA Office of General Counsel Enforcement Section</u> .....	18
<u>D.</u>	<u>US State Department</u> .....	19
<u>E.</u>	<u>US Fish and Wildlife Service</u> .....	20
<u>F.</u>	<u>Public Comment</u> .....	20
<u>G.</u>	<u>Council Discussion and Action</u> .....	21
<u>VI.</u>	<u>Program Planning</u> .....	22
<u>A.</u>	<u>US Seafood and Trade Priorities</u> .....	22
<u>1.</u>	<u>Seafood Import Monitoring Program</u> .....	22
<u>2.</u>	<u>Seafood Strategy</u> .....	22
<u>B.</u>	<u>Magnuson-Stevens Reauthorization Act Research Priorities 2025-2029</u> .....	24
<u>C.</u>	<u>Status of Pacific Remote Island Areas and Northwestern Hawaiian Islands Sanctuary Proposals</u> .....	25
<u>D.</u>	<u>Council Coordination Committee Meeting Report</u> .....	28
<u>E.</u>	<u>Regional Communications and Outreach Report</u> .....	28
<u>F.</u>	<u>Advisory Group Report and Recommendations</u> .....	29
<u>1.</u>	<u>Advisory Panels</u> .....	29
<u>2.</u>	<u>Plan Teams</u> .....	29
<u>3.</u>	<u>Education Committee</u> .....	30
<u>4.</u>	<u>Social Science Planning Committee</u> .....	31
<u>5.</u>	<u>Fishing Industry Advisory Committee</u> .....	32
<u>6.</u>	<u>Scientific and Statistical Committee</u> .....	33

	7.	<a href="#">Fishery Data Collection and Research Committee</a>	33
	G.	<a href="#">Public Comment</a>	33
	H.	<a href="#">Council Discussion and Action</a>	34
VII.		<a href="#">Public Comment on Non-Agenda Items</a>	36
VIII.		<a href="#">American Samoa Archipelago</a>	36
	A.	<a href="#">Motu Lipoti</a>	36
	B.	<a href="#">Department of Marine and Wildlife Resources Report</a>	37
	C.	<a href="#">2023 American Samoa Fishery Ecosystem Plan Annual Stock Assessment and Fisheries Evaluation Report</a>	40
	D.	<a href="#">2023 Pelagic Annual Stock Assessment and Fisheries Evaluation Report – American Samoa Module</a>	44
	E.	<a href="#">Marine Conservation Plan – 2024 – 2026 (Action Item)</a>	44
	F.	<a href="#">Advisory Group Report and Recommendations</a>	45
		1. <a href="#">American Samoa Advisory Panel</a>	45
		2. <a href="#">Plan Teams</a>	46
		3. <a href="#">Fishing Industry Advisory Committee</a>	46
		4. <a href="#">Scientific and Statistical Committee</a>	46
	G.	<a href="#">Public Comment</a>	47
	H.	<a href="#">Council Discussion and Action</a>	47
IX.		<a href="#">Mariana Archipelago</a>	47
	A.	<a href="#">Guam</a>	47
		1. <a href="#">Isla Informe</a>	47
		2. <a href="#">Department of Agriculture/Division of Aquatic and Wildlife Resources Report</a>	51
		3. <a href="#">2023 Annual Stock Assessment and Fisheries Evaluation Report-Guam Module</a>	53
		4. <a href="#">Updates on the Guam Bottomfish Rebuilding Plan</a>	54
	B.	<a href="#">Commonwealth of the Northern Mariana Islands</a>	55
		1. <a href="#">Arongol Falú</a>	55
		2. <a href="#">Department of Lands and Natural Resources/Division of Fish and Wildlife Report</a>	57
		3. <a href="#">2023 Annual Stock Assessment and Fisheries Evaluation Report-Commonwealth of the Northern Mariana Islands Module</a>	59
		4. <a href="#">Commercial Bottomfish Permit and Reporting</a>	61
	C.	<a href="#">Advisory Group Report and Recommendations</a>	63
		1. <a href="#">Marianas Advisory Panel</a>	63
		2. <a href="#">Plan Teams</a>	63

	3.	<a href="#"><u>Fishing Industry Advisory Committee</u></a> .....	63
	4.	<a href="#"><u>Scientific and Statistical Committee</u></a> .....	63
	D.	<a href="#"><u>Public Comment</u></a> .....	63
	E.	<a href="#"><u>Council Discussion and Action</u></a> .....	64
X.		<a href="#"><u>Hawai‘i Archipelago and Pacific Remote Island Areas</u></a> .....	65
	A.	<a href="#"><u>Moku Pepa</u></a> .....	65
	B.	<a href="#"><u>Department of Land and Natural Resources/Division of Aquatic Resources Report</u></a> .....	67
	C.	<a href="#"><u>2023 Hawai‘i Archipelago Fishery Ecosystem Plan Annual Stock Assessment and Fisheries Evaluation Report</u></a> .....	68
	D.	<a href="#"><u>Main Hawaiian Islands Deep-Seven Bottomfish</u></a> .....	69
	1.	<a href="#"><u>Report of the P* and Social, Economic, Ecological and Management Uncertainty Working Group</u></a> .....	69
	2.	<a href="#"><u>Options for Specifying Annual Catch Limits for 2024-2027 (Initial Action)</u></a> .....	70
	E.	<a href="#"><u>Terms of Reference for Uku Update Stock Assessment</u></a> .....	72
	F.	<a href="#"><u>Hawai‘i Small-Boat Fisheries Project Update</u></a> .....	73
	G.	<a href="#"><u>Advisory Group Report and Recommendations</u></a> .....	74
	1.	<a href="#"><u>Hawai‘i Advisory Panel</u></a> .....	74
	2.	<a href="#"><u>Plan Teams</u></a> .....	74
	3.	<a href="#"><u>Fishing Industry Advisory Committee</u></a> .....	75
	4.	<a href="#"><u>Scientific and Statistical Committee</u></a> .....	75
	H.	<a href="#"><u>Public Comment</u></a> .....	75
	I.	<a href="#"><u>Council Discussion and Action</u></a> .....	75
XI.		<a href="#"><u>Protected Species</u></a> .....	76
	A.	<a href="#"><u>Overview of False Killer Whale Conservation and Management</u></a> .....	76
	B.	<a href="#"><u>Shallow-Set Longline Turtle Trip Limit Review Report</u></a> .....	81
	C.	<a href="#"><u>Biological Opinion Implementation Working Group Report</u></a> .....	84
	1.	<a href="#"><u>Crew Training</u></a> .....	84
	2.	<a href="#"><u>Insular False Killer Whale Overlap Area Monitoring Requirement</u></a> .....	85
	D.	<a href="#"><u>Endangered Species Act and Marine Mammal Protection Act Updates</u></a> .....	87
	E.	<a href="#"><u>Advisory Group Report and Recommendations</u></a> .....	95
	1.	<a href="#"><u>Advisory Panel</u></a> .....	95
	2.	<a href="#"><u>Plan Teams</u></a> .....	95
	3.	<a href="#"><u>Fishing Industry Advisory Committee</u></a> .....	96
	4.	<a href="#"><u>Scientific and Statistical Committee</u></a> .....	96

F.	<u>Public Comment</u> .....	97
G.	<u>Council Discussion and Action</u> .....	98
XII.	<u>Pelagic and International</u> .....	100
A.	<u>2023 Pelagic and Pacific Remote Island Areas Annual Stock Assessment and Fisheries Evaluation Report</u> .....	100
B.	<u>International Fisheries</u> .....	101
1.	<u>US Stakeholder Engagement on South Pacific Albacore</u> .....	101
2.	<u>North Pacific Striped Marlin Stock Status under the Pacific Pelagic Fishery Ecosystem Plan</u> .....	102
3.	<u>US Stakeholder Engagement on North Pacific Striped Marline Rebuilding Plan</u> .....	102
4.	<u>Western and Central Pacific Fisheries Commission Permanent Advisory Committee</u> .....	103
C.	<u>Electronic Technologies Steering Committee Report</u> .....	104
A.	<u>Advisory Group Report and Recommendations</u> .....	105
1.	<u>Advisory Panels</u> .....	105
2.	<u>Pelagic Plan Team</u> .....	105
3.	<u>Fishing Industry Advisory Committee</u> .....	105
4.	<u>Scientific and Statistical Committee</u> .....	105
B.	<u>Public Comment</u> .....	106
C.	<u>Council Discussion and Action</u> .....	106
XIII.	<u>Administrative Matters</u> .....	108
A.	<u>Financial Reports</u> .....	108
B.	<u>Administrative Reports</u> .....	109
C.	<u>Council Family Changes</u> .....	109
D.	<u>Meetings and Workshops</u> .....	109
E.	<u>Executive and Budget Standing Committee Report</u> .....	110
F.	<u>Public Comment</u> .....	110
G.	<u>Council Discussion and Action</u> .....	110
XIV.	<u>Other Business</u> .....	111

## **I. Welcome and Introductions**

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

- Will Sword, chair (American Samoa)
- Roger Dang, vice chair (Hawai‘i)
- Manny Dueñas, vice chair (Guam)
- Sylvan Igisomar, vice chair (Commonwealth of the Northern Mariana Islands [CNMI]) and CNMI Department of Lands and Natural Resources (CNMI DLNR)
- Taotasi Archie Soliai, vice chair (American Samoa) and American Samoa Department of Marine and Wildlife Resources (DMWR); and designee Domingo Ochavillo
- Judith Guthertz (Guam)
- Pedro Itibus (CNMI)
- Shaelene Kamaka‘ala (Hawai‘i)
- 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)
- Marc Stegman, U.S. Coast Guard (USCG) (designee for Rear Adm. Michael Day, commander for USCG District 14)

Also in attendance were Council Executive Director Kitty M. Simonds; James Lynch, Scientific and Statistical Committee (SSC) chair, and Craig Severance and Justin Hospital as the SSC representatives; Sarah Sheffield, Frederick Tucher, Kristen Placek and Elena Onaga from the NOAA General Counsel Pacific Islands (GCPI).

## **II. Approval of the 199th Council Meeting Agenda**

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

Moved by Weaver, seconded by Guthertz.  
Motion passed.

### **III. Approval of the 198th Council Meeting Minutes**

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

Moved by Guthertz, seconded by Weaver.  
Motion passed.

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

Simonds presented the executive director's report. She welcomed attendees to the 199th Council meeting, expressing eagerness for discussions to enhance fisheries management locally, nationally and internationally. The Council continues to work with PIRO, Pacific Islands Fisheries Science Center (PIFSC), and all other agencies on the needs of fisheries and programs, and reminding the agencies of their roles and responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and agreements that describe their relationship with the Council. The 200th meeting in September 2024 will celebrate documented achievements.

Key actions implemented since the 199th Council meeting include the publication of the NMFS decision for the Guam Marine Conservation Plan (MCP) on March 27, 2024, the final rule for Standardized Bycatch Reporting Methodologies in the Fishery Ecosystem Plans (FEPs) on May 7, 2024, and the 2024-2026 Kona crab annual catch limit (ACL) of 30,802 pounds and annual catch target (ACT) of 25,491 pounds.

Congressional hearings in May addressed budget issues and impacts of proposed sanctuaries on local fishing industries.

Simonds highlighted public hearings in Hawai'i on the Papahānaumokuākea Marine National Monument, where various stakeholders expressed differing views on the proposed sanctuary. The Council is awaiting the second environmental impact statement (EIS) of the proposed Pacific Remote Islands (PRI) sanctuary to provide comments, and anticipates that the proposed rule and draft management plan may be released in September 2024. Simonds reiterated the Council's recommendations for maintaining current fishing regulations.

The Council participated in a meeting with NMFS on the NOAA Seafood Import Monitoring Program (SIMP), discussing concerns about foreign competition and enforcement.

The Endangered Species Act (ESA)-MSA Integration Policy Directive was revised to improve coordination between the councils and NMFS. The Council Coordination Committee (CCC) endorsed changes to the 2015 Policy Directive at its May 2024 meeting, resulting from two years of work by the CCC working group in coordination with NMFS headquarters staff.

Applications for funding under the Inflation Reduction Act (IRA) were submitted Nov. 30, 2023, and Jan. 24, 2024, with updates expected soon.

Council staff, PIFSC, PIRO, NOAA Office of Law Enforcement (OLE), Hawai'i Division of Aquatic Resources (DAR) and Division of Conservation and Resource Enforcement (DOCARE) hosted public meetings in Hawai'i to engage the small-boat fishing community on

various issues, including data collection, market impacts, concerns about offshore wind and mining development.

Simonds said the public will learn about climate change's effects on the ocean fisheries at the Fishers Forum that will feature local fishermen's observations. She also mentioned an upcoming Bureau of Ocean Energy Management study on Hawai'i fisheries to gather data relevant to offshore wind energy development.

## **V. Agency Reports**

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

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

Malloy presented the PIRO report. NMFS published a proposed rule May 14, 2024, under ESA Section 4(d) for the conservation of threatened oceanic whitetip sharks (OWT) (*Carcharhinus longimanus*). The proposed rule extends the ESA take prohibitions to OWT with limited exceptions for scientific research and law enforcement. ESA take prohibitions under section 9(a)(1) do not automatically apply to threatened species upon listing. NMFS evaluates the need for such prohibition and proposes each on a species-by-species basis after the threatened designation. ESA biological opinions (BiOps) on all federal fisheries contain incidental statements for these species, so the rulemaking does not alter the real-time management of the fishery.

NMFS published another proposed rule May 29, 2024, to shorten the fish aggregating device (FAD) closure periods in the Western and Central Pacific Fisheries Commission (WCPFC) management area for U.S. purse seine fishing vessels, pursuant to WCPFC Conservation and Management Measure 2023-01 (CMM 2023-01). The rule will reduce 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. Comment period on this rule ended June 13, 2024, and NMFS is evaluating comments and working toward finalizing the rulemaking.

The rulemaking is underway to implement the changes from CMM 2023-01 on the WCPFC longline bigeye tuna catch limit, which will increase the United States' limit from 3,554 metric tons (mt) to 6,554 mt. NMFS anticipates the new limits to take effect soon.

The Pacific Islands Regional 6th Annual Collaborative Climate Workshop held April 9-11, 2024, was co-hosted by PIRO, PIFSC, and the Council. Malloy thanked the Council and the territorial partners for their attendance and participation. A workshop report is expected soon.

NMFS and USFWS jointly issued the Management Plan for the Marianas Trench Marine National Monument (MTMNM) June 6, 2024. The plan was released following the formal approval and adoption of the Mariana Trench Monument Advisory Committee (MTMAC) meeting May 8-9, 2024.

NMFS began a new Protected Species Crew Training Program as a result of a mandatory requirement from the 2023 BiOp for the Hawai'i longline fishery, which the Council will hear in more detail later in the agenda. This program trains longline crew members on protected species safe handling and release. The BiOp requires one crew member trained in protected species



handling and release to be on deck during fishing operations at all times. Malloy thanked the Hawaii Longline Association (HLA), Council staff, NOAA OLE, and the Harbor Police for the collaboration in putting the training program together.

Malloy echoed Simonds' statement regarding ESA-MSA Integration Agreement and said she supports the success presented at the May 2024 CCC meeting. Malloy echoed Simonds' endorsement of collaboration on all of the agency's Section 7 activities.

Regarding PIRO's high seas boarding and inspection (HSBI) under WCPFC authority, PIRO issued letters to all U.S. vessel permit holders advising them of the requirement to comply with authorized HSBI from any authorized WCPFC nation. The letter was sent in response to a request from the Council at the March 2024 meeting, and contained requirements for inspectors and U.S. vessels during HSBI, as well as PIRO's contact information. The United States as a contracting party to the WCPFC encourages fellow contracting parties to join the efforts to ensure members fishing vessels and support vessels are abiding by WCPFC CMMs. HSBI is addressed in a compliance guide entitled *Implementation of the Western Central Pacific Fisheries Commission*, made available at [www.regulations.gov](http://www.regulations.gov).

Sword said the concern on HSBI requirements placed on territorial vessels escalates at times. He hopes that protocols are in place to prevent any issues.

Simonds asked why the NMFS and Council regulations on customary exchange were not included in the MTMNM Management Plan.

Malloy said there are no active regulations associated with the management plan and will be forthcoming. The management plan is a guide to the various pieces of management such as scientific research and preventing invasive species.

Simonds asked why there were no paragraphs addressing fisheries in the MTMNM Management Plan.

Malloy said MTMAC makes the decisions on the management plan, and defers to their judgement about what ultimately the plan should contain. Malloy said the plan will be reviewed on a regular basis and the fisheries information could be included in the plan for its next revision.

Simonds asked if NMFS has developed any of the permit processes.

Malloy said NMFS hopes to promulgate joint permitting regulations, as PIRO is currently managing access under the USFWS refuge permitting process. The agency hopes to have joint regulations released soon for the monuments.

Dueñas recalled that the Council had previously requested for Guam to have a seat on the MTMAC because it is part of the monument area. Guam had the deepest place on earth (Nero Deep) until Guam lost 1,200 square miles of its EEZ to the Federated States of Micronesia (FSM), which placed the foreign industrialized fishing fleets within 65 miles of the 50-mile large vessel closure around Guam. He said he identifies himself as disenfranchised because of situations among the federal partners that declare areas as monuments and prohibit 51% of the resources to be used by people of Guam who only seek to explore. Dueñas asked for a document that provides evidence as to NMFS's stance against the U.S. State Department in giving up part

of the Mariana Trench. Dueñas recommended the Council take action so that Guam can have some status on the MTMAC.

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

Charles Littnan presented the PIFSC report. The Survey for Continued Observation of Pseudorca Extent was an effort that surveyed a region of predicted high density of pelagic false killer whales (FKWs) to better understand the species distribution and stock delineation. A variety of data streams were collected during the 30-day cruise to maximize the effort in rarely surveyed areas. Twenty-two sightings of eight species were recorded with 12 FKW encounters through acoustic detections, five of which were also spotted visually. A small boat was deployed with three satellite tags placed, and three biopsies were obtained. Unfortunately, these samples were collected within the management area. Water samples were collected to conduct an environmental DNA analysis in hopes of pulling FKW genetic material from the water column. The animals with satellite tags are still being tracked. The three biopsy samples are at Southwest Fisheries Science Center for analysis. The eDNA work will be done later in 2024, and if FKW genetics are detected, then the samples will be sent to the Southwest Fisheries Science Center for further molecular analysis.

PIFSC's shallow-set longline (SLL) loggerhead turtle telemetry project has been ongoing for the last few years in collaboration with the Pacific Islands Regional Observer Program (PIROP). This project attaches instruments to loggerhead turtles brought on deck after being accidentally caught, before releasing them back into the ocean. Fifty-one loggerhead turtles have been tagged to better understand habitat use and oceanographic drivers that affect the ecology of the species, and inform post-release mortality rates used in the BiOps.

Over the past several years, a collaborative effort between the Council, PIRO, industry, and tech companies has focused on developing a method to attach satellite tags to leatherback turtles that cannot be brought onto the deck. This effort is intended to improve understanding of post-release mortality, and species ecology and ocean distribution. Researchers developed an anchor technique to attach satellite tags to leatherback turtles. PIFSC enhanced the safety of the anchor by removing sharp ends and adding a bumper to prevent the tag from migrating inside the turtle. They also created a hand applicator to apply constant force when attaching the tag, reducing the risk of damage or injury to the turtle and ensuring consistency among researchers deploying the tags. Adding the trigger extension will allow researchers to work from a variety of platforms. Since boats vary in design and turtles aren't always in the same position, the extension allows for a one-meter adjustment with each addition to ensure the tag is successfully applied. This pilot study for deploying the tags on leatherback turtles is scheduled in the Atlantic Ocean from 2024 to 2026. PIFSC will use the collected data to apply for permits, aiming to secure approvals for deploying the tags in the Pacific by 2026.

PIFSC Ecosystem Science Division's Bigeye Tuna Oceanography survey aimed to understand the current and future ocean conditions essential for the species to survive. The survey also explored the pelagic food web, from plankton to 'ahi and swordfish, with a particular focus on mesoscale eddies near Hawai'i and their role in attracting and aggregating large predators. The oceanographic data collected are parameterized and pushed into the current models PIFSC is developing to assess how the changing ecosystems and climate will impact the ecosystem and fisheries in the future.

A team from PIFSC attended the meeting of the International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean (ISC) held June 19-24, 2024. The external peer review of the Western and Central North Pacific striped marlin stock assessment, led by PIFSC staff Rob Ahrens, convened in Taipei April 15-19, 2024, the first peer review of its kind. Scientists sent a consensus report to the ISC for review. The recommendations from the external peer review will not be incorporated until the 2027 assessment.

The Bottomfish Fishery-Independent Survey in Guam was funded by the Cooperative Research Program, IRA and base funding. This pilot study is being led by PIFSC, in collaboration with Lynker Technologies, Pacific Islands Fisheries Group (PIFG) and local fishermen in Guam. Data collection methods of hook and line research fishing, and underwater stereo camera systems used in Hawai'i were also used in Guam. The collected data from both methods will be incorporated into the Life History Program for age and growth studies and used to improve the stock assessments. The camera deployment was completed ahead of schedule. The research fishing will start soon and is scheduled to be completed by September 2024. Two stakeholder meetings were held in March and June 4-5, 2024, with Council member Dueñas in attendance.

Jon Brodziak and Michelle Sculley from the PIFSC Fisheries Research and Monitoring Division led the rebuilding analysis for Western and Central North Pacific Ocean striped marlin through the ISC Billfish Working Group. Tasked by WCPFC, they developed rebuilding scenarios and presented the projections at the ISC meeting in June 2024. The team also provided the projections to WCPFC for further consideration. Earlier in 2024, the Billfish Working Group conducted a series of virtual meetings and an in-person session in April. Additionally, PIFSC, in partnership with PIRO and the Council, hosted a stakeholder workshop before the April meeting to gather input on the projection scenarios used in the analysis.

Dueñas said he hopes to receive a clear picture of what the attempts will be on the pelagic FKWs. He is concerned that there is a distinct population of FKW around Hawai'i. He hopes there will be a paper published showing the mortality rate over the years to prove that all the conservation measures applied to the fishermen have been successful. The green sea turtles in Guam migrate from the Republic of the Marshall Islands (RMI), and have been tagged and tracked to travel to the Philippines and Australia, yet the burden is on the U.S. fishermen to protect the Pacific Ocean from everyone else. The agencies are required to prepare a recovery plan, and he asked for progress on the sea turtle recovery plan so that his people can harvest turtles again. He asked PIFSC and other entities to develop a nursery program for turtles to be fair to the culture and the indigenous people who have depended on eating sea turtles for 4,000 years. Regarding OWTs, he expressed concern that Guam's fishermen have difficulty with telling the difference between reef whitetip sharks, and asked for someone to come educate fishermen. Dueñas expressed appreciation for the efforts of T. Todd Jones, Marlowe Sabater and the PIFSC team in Guam in educating the community and fishermen on technology, as this helps better understand the habitat, spawning potential ratio, and growth rate. Dueñas expressed his disappointment with the biosampling because he believes the fish being caught are not ones he purchases and that the price structure is too high. He says that it should be align with the economic realities of the people.

Simonds asked how long the extension is for the leatherback turtle tagging.

Littnan said each additional extension is one meter and can add up to three feet, with possibility for more extensions to allow working on any platform.

Dang asked if PIFSC had more information or details on the tracks of the three tags deployed on FKWs, and travel locations.

Littnan said due to the poor weather conditions, the team had to seek a location where work could be conducted. The tags were deployed not within the original planned survey area but just inside the management area boundary. He was not sure as to the availability of the tracking information online. Littnan said he will obtain more information on the tracking information or have PIFSC staff produce a quick summary map of the travel data for the FKW. The last data point showed the tagged FKWs remaining within the management boundary area.

Igisomar echoed Dueñas's statements on green sea turtles and said he understands the international rules that apply to the turtles, but the CNMI is interested in cultural take. He shared some of the success from the ESA Section 6 funding for the recovery of the Marianas crow, which is being released back into the wild for recovery. There was also success in funding some recovery through the USFWS, and building partnerships with universities and organizations, and those concepts could be applied to the green sea turtles. As a recovery action for CNMI green sea turtles, Igisomar stated that a nursery program could be developed to increase the population in the area.

Muña echoed Igisomar's statement on green sea turtles and said she is aware of a community program in Okinawa that raises sea turtles through a community farm, which is then shared with jewelry makers in Japan to maintain that component of the cultural practices. DOAG shared this sentiment during meetings with USFWS regarding community-based management for green sea turtles and ko'ko' bird (Guam rail), as well as the skihek (Guam kingfisher). In the case of ko'ko' birds, cockfighters on Guam who are no longer allowed to engage in the activity are taking good care of the indigenous birds. Increased support for community-based management encourages greater community involvement, driven by a strong intrinsic interest in preserving species with cultural significance.

Sword asked what it would take to obtain cultural exemptions for green sea turtles in the Pacific Island Region.

Littnan deferred to Malloy, Peck or Sheffield on the international policy aspect.

Sheffield said to her knowledge there are a couple of impediments. The first is the ESA and the other is the Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC). She believes Japan is not a party to the IAC, which is why they are able to do as such with the green sea turtles. The U.S. State Department official spoke to the Council a few years ago about why cultural take is prohibited under the IAC.

Simonds said for the last 20 years the Council has tried to find a way to have cultural take. When green sea turtles became threatened in the CNMI in the 1980s, the Council worked with USFWS on a cultural exemption. Green sea turtles in the Mariana and American Samoa Archipelagos were uplisted to endangered, which is a big issue. The Council has made a formal request to the U.S. State Department to pursue something through the IAC, but the U.S. State Department is not ready to do that. The Council will have to continue to press the U.S. State

Department for help on this issue. A few years ago, Council members argued that the Pacific Islands Region should not be part of the Americas under the IAC, but the United States is considering all of its areas as part of the convention.

Muña said she brought up the issue with the Guam governor's legal counsel when the Council started discussing cultural take again several years ago. ESA was passed 23 years prior to the IAC, and going through the U.S. State Department is a futile attempt unless it is willing to support the jurisdictions to petition Congress to modify the ESA to allow cultural take or community-based management. She said it would be helpful to garner the same support from USFWS on this matter.

Dueñas said the acronym IAC was first created in the Americas for human rights, and that convention states cultural respect. That convention references the continental Americas, which does not seem to cover Oceania. Australia created their Native Title Act in 1993, one year after establishing its law for endangered species, and the aborigines and certain coastal communities have access to fish, sea turtles, dugong, and other resources, reflecting the respect for the native people. He asked for the natives of the Pacific Islands Region to be given their cultural heritage back to be decided amongst their high chiefs, villages, and people to manage the resources.

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

Sheffield provided the GCPI report. *Willie v. Raimondo* filed in March 2022 challenged NMFS's 2021 rule prohibiting the approach of Hawaiian spinner dolphins as a violation of the Appointments Clause of the U.S. Constitution. NMFS filed a motion for summary judgment in May 2023, and the court granted this motion on all counts holding that the ratification was valid and cured any alleged defects with it. NMFS won on the district level with a favorable ruling, but an appeal may still be filed by the plaintiffs.

*Center for Biological Diversity v. NMFS* challenged NMFS's denial of the Center's petition to issue protective regulations for 20 threatened coral species pursuant to Section 4(d) of the ESA. There is no update in this case since NMFS's answer filed September 2023 and then an administrative record in December 2023.

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

Dueñas asked if there was anything in the law that precludes NOAA, NMFS, PIRO, PIFSC or USFWS from developing a recovery plan for green sea turtles. The ko'ko' bird is protected under ESA, and there is a recovery plan for the species. He inquired whether there were any illegal acts if the agencies became forthcoming and generous to the indigenous people of the Pacific to allow each region to have a recovery plan for the green sea turtles. He said he is aware of some hotels or private companies in Hawai'i that have federal permits that allows them to take care of turtles on their property.

Sheffield said the ESA requires recovery plans for listed species, and there is already a recovery plan in place for green sea turtles. There are also other mechanisms under the ESA that allow for experimental populations and various exemptions for scientific purposes and other purposes, but she was uncertain if exemptions could be provided for cultural take.

Dueñas said he was referring to programs that would raise turtles in captivity for purposes of recovery, not necessarily for the people to eat right away, and whether it is legal for one to be developed or if there is anything that will preclude such programs or recovery systems from being developed.

Sheffield said GCPI is not able to provide a yes or no response to Dueñas's question at this time.

## **C. Enforcement**

### **1. US Coast Guard**

Stegman reported on the USCG District 14 operations. District 14 responded to 927 cases that consisted of search and rescue, law enforcement and marine environmental protection response, ports, waterways and coastal security missions.

USCG transported Hawaiian monk seal RS10 back to Kaua'i on a C-130 aircraft following a Marine Mammal Center surgical procedure to remove an ingested hook. RS10 was successfully released near the location of capture.

USCG Cutter *Harriet Lane* and Cutter *Oliver Berr* will be deployed to the Central and Western Pacific. Cutter *Harriet Lane*'s operation for domestic fisheries bilateral law enforcement, in collaboration with Pacific Island partners and WCPFC HSBI, is underway. This deployment includes Pacific Island port visits, official meetings, subject matter expert exchange, ship tours and community relations events.

USCG Cutter *Frederick Hatch* out of Guam will be deployed within the areas of Guam and the CNMI in support of federal law enforcement. The patrolled area will also include Pagan, Maug and Agrihan in cooperation with CNMI Fish and Wildlife Conservation officers.

Maile Norman, USCG D14 based in Honolulu, gave a refresher on the WCPFC High Seas Boarding CMM 2006-08 at the request of the Council. The WCPFC Boarding and Inspections Procedures, known as CMM 2006-08, in effect since 2007 is to ensure the compliance of fishing vessels to the CMMs. This measure is applied only on the high seas within the WCPFC Convention Area. Fishing vessels that participate in or are reported to have participated in the fishery are subject to these procedures.

Contracting parties that meet the requirements of CMM 2006-08 are able to carry out HSBI. Only vessels and authorities or inspectors on the Commission's register are authorized to board and inspect foreign flagged fishing vessels on the high seas within the WCPFC Convention Area. The inspection vessel must be registered, clearly marked and identifiable as being in government service. The authorities of the inspection vessel must provide notification that inspectors are fully familiar with the fishing activities to be inspected and the provision of the Convention and CMM 2006-08, and have completed training in carrying out HSBI activities at sea. The USCG conducts this training through the Regional Fishery Training Center where the USCG inspection teams complete fisheries law enforcement training specific to the regions they are patrolling.

Inspection vessels intending to conduct a WCPFC HSBI must fly the WCPFC inspection flag and/or pennant. Before initiating HSBI, the inspector will use a radio to contact the fishing vessel and identify themselves as an authorized inspector. They will then communicate their intention to board and inspect the vessel under WCPFC authority and notify the fishing vessel's authorities through the inspection vessel's authorities. Should a U.S. fishing vessel become flagged, PIRO, OLE and USCG will be notified. Inspectors will make the best effort to communicate with the master in a language that the master can understand. Authorized inspectors shall have the authority to inspect the vessel, its license, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with CMM 2006-08.

HSBI shall be conducted following good seamanship principles to ensure the safety of the vessel and crew, minimize interference with the fishing vessel's operations, and avoid any actions that could be considered harassment of the vessel or its crew. Inspectors must take reasonable care to avoid actions that will adversely affect the quality of the catch.

Once on board a fishing vessel, the inspection team must present identification and a copy of relevant measures in force pursuant to the CMM 2006-08 in the relevant area of the high seas. The team must not interfere with the master's ability to communicate with the authorities of the fishing vessel. Inspection must be completed within four hours unless evidence of a serious violation is found, with all evidence to be collected and clearly documented.

Prior to disembarking, inspectors must provide the master with a copy of the HSBI interim report including any objection or statement the master wishes to include. The full HSBI report including any master statement is provided to the authorities of the fishing vessel and WCPFC Secretariat within three working days.

Fishing vessels subject to HSBI Procedures must adhere to good seamanship practices to ensure the safety of the authorized inspection vessel and its inspectors. They should facilitate prompt and safe boarding and disembarkation by authorized inspectors and cooperate fully with the inspection as per HSBI procedures. The fishing vessels shall not assault, resist, intimidate, interfere with or unduly obstruct or delay the inspector's performance of their duties. Fishing vessels shall allow inspectors to communicate with the inspection vessel, authorities of the fishing vessel being inspected through USCG's own form of communication equipment. Reasonable facilities must be available, including food and accommodation as deemed appropriate.

In the event a fishing vessel refuses a HSBI procedure, the master shall offer an explanation and the authorities of the inspection vessel shall immediately notify the authorities of the fishing vessel and WCPFC. The authorities of the fishing vessel shall direct the master to accept the HSBI procedures unless there is a safety at sea issue. If the master does not comply with the authorities of the fishing vessels directions, the Member shall suspend the vessel's authorization to fish and order the vessel to return to port. The Member will notify the authorities of the inspection vessel and WCPFC of the actions taken.

The use of force shall be avoided and used only when necessary to ensure the safety of inspectors, and in situations the inspectors are obstructed from executing their duties. The degree of force used shall not exceed that reasonably required. Any evidence involving a use of force

shall be reported immediately to the authorities of the fishing vessel and WCPFC. Reports of serious violations will be investigated by the authorities of the fishing vessel without delay.

Sword noted the word intimidation was shown in the protocols for the fishing vessel but not for the inspectors, and said he is concerned about a viral video showing Chinese inspectors boarding Filipino boats and acting intimidating. He asked if this was part of the protocol and whether it was included as a tactic.

Norman said intimidation is listed in the CMM 2006-08 that inspectors are to not harass the fishing or the crew members.

Dueñas asked if inspectors board fishing vessels with weapons.

Norman said the USCG boards fishing vessels with weapons.

Dueñas asked if a comparative analysis has been done on the results of the HSBI procedures on violations by fishing vessels based on U.S. standards. He asked whether anyone was looking at the data, noting that a WCPFC report indicated they are two to three years behind on inputting data into the system.

Norman deferred responding directly to the question as other presentations will cover the question.

Malloy said one thing that prompted the conversation on HSBI at a previous Council meeting was the fact that China had identified vessels to carry out HSBI. To her understanding, other regional fishery management organizations (RFMOs) have Chinese vessels conducting HSBI, and Malloy asked how those inspections have gone.

Norman confirmed China is registered to conduct inspections under the North Pacific Fisheries Commission and has done inspections for the last few years. Reports indicated they have been professional and followed the requirements of the measure to do so.

Malloy differentiated the HSBI provisions under WCPFC with the current occurrences in the South China Sea as a territorial dispute between China and the Philippines, which has been ongoing for a really long time and have more recently escalated. There is no evidence showing RFMO-based HSBI having a negative outcome.

Sword clarified his earlier statement, saying that he was using intimidation in a context of professionalism for the United States.

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

Murray Bauer provided an overview of the NOAA OLE activities from March 1, 2024, to May 31, 2024. OLE has opened 160 incidents, 97 related to protected resources, 41 related to sustainable fisheries and 22 for the sanctuaries. Of these, one summary settlement offer (SSO) was issued for fisheries, nine for Marine Mammal Protection Act (MMPA) and one under ESA.

The NOAA Office of General Counsel Enforcement Section (GCES) issued \$9,600 Notice of Violation and Assessment to a business that trafficked mammal parts and endangered



species parts in interstate commerce. OLE Pacific Islands Division (PID) personnel issued a \$1,000 SSO to a commercial tour vessel owner/operator related to the approach within 50 yards of Hawaiian spinner dolphins off of Nanakuli. PID also issued a \$1,000 SSO for a case stemming from a Hawai'i DLNR (a Joint Enforcement Agreement [JEA] partner) officer's observations of a commercial tour vessel approaching and staying within 50 yards of Hawaiian spinner dolphins in Kailua-Kona. A \$500 SSO was issued to an operator of a stand-up paddle board who was observed approaching within 100 yards of a humpback whale off of Ka'anapali. A \$100 SSO was issued for violations of the MMPA in Guam witnessed by an officer with DOAG (a JEA partner).

PID personnel and JEA partner American Samoa DMWR conducted 46 Port State Measures Agreement boarding inspections of foreign-flagged longline fishing vessels in American Samoa. Required permits and authorizations were inspected including the vessel monitoring system (VMS). Nine vessels were found with a variety of infractions: failure to properly stow fishing gear prior to entering U.S. waters; failure to carry valid fishing permits, often corrected by the company providing it to the vessel agent before they depart; landing of a Convention on International Trade in Endangered Species animal without required clearance; VMS not reporting to the Pacific Islands Forum Fisheries Agency, often corrected before the vessel departs from port; and missing vessel markings on fishing gear and/or vessel.

PID personnel attended multiple small-boat fisheries meetings the Council held throughout the Hawaiian Islands in collaboration with the Hawai'i DAR and NOAA. Also in attendance were PIFG, Hawai'i Fishermen's Alliance for Conservation and Tradition, and Poseidon Fisheries Research.

PID personnel in Guam have focused on trade inspections to prevent the entry of illegally harvested, low-cost fish. OLE has been particularly concentrating on addressing trade issues in Guam and Saipan.

Bauer highlighted other OLE activities, including collaboration with the U.S. Customs and Border Protection on Operation Clean Sweep of the U.S. vessels returning from foreign entities, work done with USCG and other territorial partners, and a study tour of high-level officials from Vietnam Department of Fisheries Resources Surveillance. The week-long study tour, which included the Vietnam Coast Guard and Border Guard, aimed to help them understand their obligations under the WCPFC and support their implementation of the Port State Measures Agreement Act. The discussion also addressed seafood trade enforcement, given that the United States imports fish from Vietnam. The focus was on preventing illegal, unreported, and unregulated (IUU) fish from entering the U.S. and enhancing Vietnam's ability to monitor its fleets using VMS. OLE has upcoming similar study tours in the Philippines and some efforts with Fiji.

Dueñas commended OLE for providing a law enforcement officer for Guam. He requested a handbook on the federal Mariana Archipelago regulations due to the concern from the CNMI on Guam boats fishing in the Mariana Trench.

Igisomar asked Bauer to elaborate more on VMS compared to the Automatic Identification System. He wanted to know the difference between the two and which one is more effective within the Pacific Islands Region.

Bauer said the systems are similar, but different at the same time. Vessels authorized to fish domestically through the WCPFC are required to transmit VMS. VMSs have more safeguards put in place and each one is registered to a specific vessel. OLE verifies the transmissions coming from the vessel and whether it is attached to the unit on board. Automatic Identification System is designed as an open system for collision avoidance, and not designed for enforcement.

Soliai said as he reported at the March 2024 Council meeting, DMWR receives notices of foreign vessels transiting through the U.S. EEZ around American Samoa, and the notices have increased over the last two to three years. Soliai asked for verification on who is monitoring the VMS and whether it is being monitored at all.

Bauer said the VMS is monitored by OLE daily. When vessels are not transiting on a continuous straight line course through the U.S. EEZ, OLE opens an investigation with flag state contacts as needed. Many of the cases that have come up are due to a vessel mechanical problem or avoidance of bad weather, but OLE investigates every vessel to ensure no fishing is occurring in the U.S. EEZ.

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

Elizabeth O'Sullivan provided the NOAA Office of GCES report focusing on the law regarding the HSBI. The HSBI measure was codified into U.S. law effective 2010. The measure requires the fishing vessel to accept the boarding, allow inspections to board the fishing vessel and conduct the HSBI measures. The point of inspection is not to collect scientific data, but rather compliance. International groups and different members are expected to come together to ensure fairness. Longline fishing vessels are at the top of USCG HSBI due to the lack of monitoring, unlike purse seine fishing vessels that have 100% observer coverage, making them less likely to be subject to HSBI.

Inspectors licensed to conduct HSBI use checklists once onboard a fishing vessel. These checklists have been translated into many languages. Inspectors and the team must ensure the VMS is properly working. If a violation is discovered, NOAA Office of GCES and OLE will receive a message.

Under Article 25 of the HSBI measure, the flag state has the right to investigate its fishing vessels. For instance, if USCG is boarding a Chinese fishing vessel, the information is first sent to China to investigate its fishing vessel. China will receive the notification, investigate the situation, write up reports, take action and sanction as needed, then send it back to the USCG (inspection vessel). USCG will then send the report and decision back to the WCPFC Secretariat who is tracking all incidents in a system. These types of cases are referred to as Article 25 cases. The inspecting flag will review the decision to see if an agreement is made. USCG can conduct domestic boardings on the high seas, and other countries have not been boarding the U.S. vessels for an unknown reason.

The flag state of all fishing vessels are obligated to ensure their fishing vessels accept the HSBI and remain professional. If a refusal arises on a U.S. fishing vessel, a serious violation is given in accordance with the existing penalty policy. If the master chooses to not accept the HSBI under paragraph 27 of the HSBI measures, the flag state is obligated to revoke the fishing authority immediately and order the vessel back to port. If the vessel is found to disobey, they

are marked as an IUU vessel. Under the penalty policy, the maximum fine that can be given is \$230,000 per violation and a permit revocation for an entire year, depending on the facts of the case.

Sword asked what percentage of the inspections in which problems are identified receive a satisfactory reply from the flag state.

O'Sullivan said there are various ways in which these types of cases are brought up. One is through high seas boarding which USCG has conducted overflights. USCG has had cases with Japan and other countries. The majority of the boardings is for Chinese- or Taiwanese-flagged vessels, who are conscientious about following up. Both the China and Taiwan make sure that they are upholding their international obligations. After all appropriate actions are taken and no one comes to an agreement, the fishing vessels are placed in the IUU listings. Other countries have much higher penalties than the United States assesses.

Peck asked if inspectors are authorized to address human trafficking, human slavery, drugs and other international crimes on fishing vessels.

O'Sullivan said the WCPFC is establishing a binding measure for crew safety in relation to those issues. Once the measure becomes binding, the USCG and other inspectors will be allowed to go on vessels and if forced labor is discovered the violation will be addressed. There is no current binding measure in the WCPFC that addresses forced labor, but that is in the works.

Igisomar asked where the data on IUU fishing within territorial waters is located and which agency should be consulted for accounting of IUU fishing in the territories.

O'Sullivan stated that all fishing incursions in the U.S. EEZ have been resolved. The U.S. EEZ, being within the WCPFC Convention Area, enables the USCG to locate fishing vessels in the area through various methods. OLE then reports the incident to the vessel's flag state, which instructs the vessel to leave the U.S. EEZ. Article 25 of the HSBI will allow the flag state to do so. The flag state will enforce rules on their fishing vessels, investigate and report back to the inspection vessel. A Marshallese fishing vessel that was illegally fishing in the U.S. EEZ was asked repeatedly to no avail, which USCG then gave the fishing vessel a written warning for illegal fishing within the U.S. EEZ. Action was taken under the MSA with a violation penalty of \$100,000. There is no specific location that gathers information on all cases, but GCES and USCG cases are made public through the NOAA Office of GCES website.

Soliai said in the case of compliance, he is concerned because there are many countries that are boarding the most regulated fishery in the world, but they themselves have compliance issues. He is frustrated at how that is happening, but understands it is part of the process.

Sword echoed Peck's concern on slave labor and drugs and said the U.S. State Department and Council should recommend to the WCPFC that it should be binding because it is on the U.S. vessels. He feels that the issue needs to be pushed.

#### **D. US State Department**

Brinkman provided updates on various international fisheries meetings and agreements. On June 12, 2024, the U.S. and the Pacific Island parties completed an exchange of letters

conveying conclusion of text negotiations on amendments to the South Pacific Tuna Treaty annex that governs the details of U.S. fishing access. Papua New Guinea, as depositary, will initiate the formal process under Article 9 of the Treaty by circulating the text to the parties for official acceptance. The United States will undertake the internal process to seek C-175 authority to authorize conclusion of the negotiation of the text and deposit an instrument of acceptance on behalf of the United States with the depositary.

On April 29, 2024, the U.S State Department designated Archie Soliai as an alternate commissioner to the South Pacific Regional Fisheries Management Organization. There are no updates on the North Pacific Fisheries Commission appointment, and U.S. State Department will inform the Council once the ongoing consultation with respect to the designation is completed.

Brinkman briefed the Council on the IAC and ESA. The IAC requires the parties to the convention to take appropriate action to prevent the intentional take or trade in the covered sea turtles species listed in the convention. There is no exemption for cultural take in the convention. There is, however, an exemption for subsistence takes which has been interpreted strictly for communities whose dietary needs rely heavily on the sea turtle protein. The other issue is ESA serves as the implementing legislation for the United States for the IAC requirement to prohibit intentional take of the covered sea turtles. The ESA and the U.S. obligations to the IAC interact with each other. Even if a negotiation for an exemption is brought up, there is still the ESA and the current status of the species that would not allow such action.

Simonds thanked Brinkman for elaborating on the IAC and ESA as it is a complex issue. Everyone should now understand what the Council has been discussing for several years in terms of what can be done and how it can be done.

#### **E. US Fish and Wildlife Service**

Peck provided the USFWS report. The renaming of the PRIMNM is moving through the process, with the work contracted out to the Udall Foundation. The report of the public hearings and input received to date is available on the website. Within the PRIMNM, the USFWS refuge program along with the Nature Conservancy has a program in place to intercept drifting FADs before they reach the reef or destroy the corals. A few are retrieved monthly. Malloy provided updates on the MTMNM in the PIRO report and all questions were answered.

Peck thanked Dueñas for noting the meeting with the Guam National Wildlife Refuge, and acknowledged it was a productive meeting.

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

William Gibbons-Fly, American Tuna Boat Association executive director, commented regarding HSBI procedures. The obligation of the United States under the WCPFC to comply with the WCPFC measures is understood and the communications received from PIRO and NOAA are clear that U.S.-flagged vessels on the high seas are expected to comply with the HSBI procedures, including by Chinese enforcement vessels. He expressed his concerns of the potential difficulties and abuse during HSBI procedures conducted by Chinese authorities, a concern shared across longline and albacore fleets including HLA and the Western Fishboat Owners Association. Gibbons-Fly commended the outstanding professionalism of the USCG authorities engaged in the HSBI procedures. Unsure of the area the Chinese inspection vessels

will monitor and whether it is within the WCPFC Convention Area, the prospect of Chinese HSBI on U.S. vessels is real and significant. He urges the government authorities to pay close attention to the behavior of the Chinese authorities under HSBI procedures and the outcomes. If Chinese authorities do not abide by the requirements or interactions that result in problematic, aggressive and harassing situations, the government is urged to reevaluate its position and take action to protect U.S. fishing vessels from such unwanted acts.

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

*Regarding MTMNM, the Council:*

- 1. Requested the MTMAC increase its membership to include a member from Guam, as part of the trench is in Guam waters.**

*Moved by Guthertz; seconded by Itibus.*

*Motion passed.*

*Regarding NMFS reports, the Council:*

- 2. Requested NMFS and USFWS provide the Council with the following updates on the region's green sea turtle distinct population segments at its next meeting:**
  - a. A status of the recovery plan and an update on the timeline for the five-year status review for green sea turtle distinct population segments in the region; and**
  - b. Information on existing programs for green sea turtle nursery and rehabilitation.**
- 3. Requested NMFS PIRO and PIFSC to provide the fishermen of American Samoa, the CNMI, Guam and Hawai'i with presentations on species identification and conservation status of OWTs.**

Sakoda asked if Hawai'i would benefit from the presentation as well.

Itibus also asked that recommendation #3 include the CNMI.

Recommendation #3 was modified by general consent to include Hawai'i and the CNMI.

*Moved by Guthertz; seconded by Itibus.*

*Motion passed.*

Dueñas made a motion to amend recommendation #3 to include American Samoa.

*Moved by Dueñas; seconded by Weaver.*

*Motion passed.*

*Regarding enforcement, the Council:*

- 4. Encouraged NOAA and the U.S. State Department to continue to make the WCPFC Resolution on Labour Standards for Crew on Fishing Vessels (Resolution 2018-01) a binding resolution.**

*Moved by Guthertz; seconded by Itibus.*

*Motion passed.*

## **VI. Program Planning**

### **A. US Seafood and Trade Priorities**

#### **1. Seafood Import Monitoring Program**

Alexa Cole, Director of NOAA Office of International Affairs Trade and Commerce, provided an overview of SIMP. The program was created under the Obama Administration in an effort to help combat IUU fishing and seafood fraud and has been in place for about five years. During fall 2023, NOAA began a comprehensive review of the program and reached out to at least 7,000 different stakeholders to ensure that it is as effective and as impactful as possible.

The comprehensive review provided a sense of the scope and landscape of the different thoughts about SIMP that were organized into several broad themes. These themes include data sharing, consistency across data elements, expanding the scope of SIMP, and consistency with other programs. The potential changes to the program may include four different categories including non-statutory or non-regulatory changes, changes under existing statutory authorities, strategic statutory changes, and major statutory changes. Examples include allocation of resources, changes to key data elements that are collected, confidentiality provisions, and creating a new statute. The goal is to have a plan approved by NOAA by early September 2024 to share with the public.

Dueñas said he had a discussion with the U.S. Food and Drug Administration (FDA) regarding products that are coming into the country and not being tested. He was concerned that there is no review of the way fish are processed to determine if it contains toxic chemicals.

Cole said she understood the frustrations about what they are and not able to review upon entry into the United States and added that they do work closely with FDA to share information.

#### **2. Seafood Strategy**

Michael Rubino, NOAA Senior Advisor for Seafood Strategy, presented an update on NOAA's National Seafood Strategy Implementation Plan. The Strategy was prompted by the COVID-19 market disruptions as well as climate change impacts. The production of seafood in the United States has a number of challenges including aging equipment and vessels, import competition, higher costs of labor and fuel, and a variety of new technologies. NMFS heard comments regarding how more needed to be done within the seafood industry and developed the Strategy around wild capture, aquaculture, trade, and leveraging other federal agencies. The agency developed an implementation plan that it hopes to release to the public in the next month or two that includes actions under each of the Strategy goals. The actions range from outreach and communication to existing industry services and programs, such as Saltonstall-Kennedy grants and Fishery Finance Program loans, to fair trade and economic analysis. There is potential for additional actions including looking at highly migratory species such as tuna and swordfish in the Pacific.

Dueñas said everyone needs to be on the same page to promote seafood. American Samoa is facing closure of fishing areas in the PRI through a proposed national marine sanctuary and more than 50% of the U.S. EEZ in the Western Pacific is designated as marine national monuments. He finds the seafood strategy disingenuous because the fisheries are not able to

harvest and meet these expectations because there are agencies within NOAA that are acting contrary to what the Strategy is trying to promote. Dueñas said there are other groups within NOAA that are not fishing friendly as well. He wondered if this is an exercise in futility.

Rubino said the agency has a wide variety of responsibilities and mandates to fulfill and that the actions under the seafood strategy have the full support of NOAA's leadership. He said NOAA is aware that it needs to bring back to the fore that industry service is part of what the agency does if the commercial seafood sector is going to survive in the face of fulfilling other mandates like sanctuaries and monuments. Given the current resources, the agency is going to try to be smarter and more creative about how to work on these industry services as part of what it does.

Sword said it is about time that all of the agencies that deal with seafood strategies get together. The Pacific is the last bastion for protein and there is a war going on for food, especially between the United States and the Far East. There has been complacency because the agencies are not working together. The United States's only cannery faces the possibility of dying because of fish that are highly subsidized by other countries driving prices down. The territories are part of this nation; the fisheries are a part of this nation. The strategy needs to change to the point where it is helping fishermen and helping the resources for the betterment of the nation. He said if it gets to a point where the fisheries are closed and all the fish are imported, there will be no work for the agency, no reason for it to exist.

Rubino said there is a strategic interest in terms of the cannery and he has voiced those same comments internally. In a meeting with the Alaska seafood industry, a key question was how fisheries will be sustained for its strategic importance, for food security importance and for jobs. Alaska has fishing plants that are facing shutdowns due to Russian subsidies as well, so these are difficult times for everyone.

Simonds said the Council would like to be the third group included in placed-based area actions under the implementation plan. There is a need to talk about trade issues and tuna. It is equally important for the tuna fisheries in the Pacific because the fisheries provide more than 50% of the bigeye, yellowfin and swordfish to the continental United States.

Rubino agreed to follow up with Simonds to turn the request into a concrete plan and begin brainstorming actionable steps. There are a number of people that realize the strategic importance of tuna and the Western Pacific.

Guthertz said what is happening is un-American. If the policies proceed that will destroy the cannery and the fishing community in American Samoa, then she questions it. She said she wanted to reaffirm that American Samoa is proudly part of the United States.

Sword said the tuna going to mainland processing plants are coming from Asian vessels where reports like the Environmental Justice Foundation have pointed out uses slave labor, not being inspected, and using fishing practices that the United States does not condone. There needs to be a level playing field as those fish are detrimental to American Samoa, taking away jobs from local Samoans.

Rubino said he would pass on those comments to Janet Coit and NOAA leadership.

Dueñas said a lot of this effort to perpetuate the nation's fisheries is based upon capacity-building and the fisheries, despite common belief, are not industrial—they are community-based. The fishing businesses are owned by individuals in the community. In Guam, the community fishing problems are high operating costs such as fuel and repair facilities. He said they do not need funding for research or studies, they need funding for capacity-building and capacity maintenance.

Soliai asked how NOAA is monitoring progress on the Seafood Strategy.

Rubino said the first step is to issue the implementation plan with the specific actions. Those specific actions then have more detailed deliverables and milestones. Whether it is through an annual report card or an annual report back to the public about some of these actions, that remains to be determined.

Soliai said the key issues for the region are food security, economic stability, and sustenance. This strategy versus some of the other policies that are being implemented is counterproductive and counterintuitive and it hurts the U.S. fishermen. He said the Council is extremely disappointed that its fisheries continue to be marginalized. While a strategy looks good on paper, the impacts of it in practice on the ground level of indigenous, underserved communities is unreal. The strategy does not help American Samoa communities or U.S. fishermen, businesses, and industries that support the economy.

Rubino said he wanted to make sure that they are not raising expectations that cannot be met. It will be important to have these issues of seafood and commercial viability at the table as NOAA has these policy debates. If the strategy is not there, then the fisheries do not have a seat at the table. He explained that their goal is to implement the strategy with concrete actions and deliverables to support the industry, fishermen, and communities.

Soliai said he liked the work that they are doing but the Pacific territories feel that most of the time they are being paid a lot of lip service.

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

Mark Fitchett, Council staff, provided an update on the Magnuson-Stevens Reauthorization Act (MSRA) research priorities discussed at the Council's previous meeting. He provided an overview of the timeline, noting the start at the Pelagic Plan Team (PPT) in August 2023, the following SSC meeting in September, and initial discussion in a workshop with PIFSC in February 2024. The Council gave initial revisions in March 2024 and the Joint Plan Team and Social Science Planning Committee provided further revisions in May 2024.

The intent of the revisions was to integrate the research needs from the Council's IRA-funded projects and the Council's upcoming program plan. The IRA funding has projects for scenario planning, protected species, regulatory review, and underserved communities. The Council's program plan has five themes including climate change resilience, strengthening U.S. Pacific fishery competitiveness domestically and internationally, emerging technologies in U.S. Pacific fisheries, equity and environmental justice (EEJ), and capacity-building and fishery development.



The research priorities are separated into four programmatic areas—pelagic fisheries, island fisheries, protected species, and human communities. Fitchett gave an overview of each of the priorities and noted the changes made since the last review at the March 2024 meeting. For pelagic fisheries, priorities include fishery performance, mitigation and depredation, impacts of large-scale spatial closures, life history and stock structure, electronic monitoring (EM), and advancing ecosystem-based fisheries management. Island Fisheries priorities include improving the ACL process, developing thresholds for ecosystem component species (ECS), life history, improving habitat information, and ecosystem-based fishery management for climate resiliency. The protected species priorities include incorporating climate and ecosystem indicators, developing and evaluating effectiveness of mitigation measures, and addressing the needs of small-boat fisheries and underserved communities. The fourth section, human communities was improved to encompass socioeconomic characterization of fisheries and fishing communities, integrating efforts to inform ecosystem-based fisheries management, and understanding the cultural dimensions and values of island fishing. These priorities were provided in the briefing materials for Council’s final review and approval.

Dueñas said the priorities were missing a stock assessment for the Mariana Archipelago. He said Guam is politically separate from the CNMI, but geologically one archipelago from Guam to Maug. He said he wanted to expand the life history for Guam because fishermen have caught tunas that were tagged in the RMI and Japan. Genetic studies and an expanded life history program would help us understand what belongs to Guam. Cultural value trumps monetary society so expanded studies on socioeconomics is important. If a fisherman catches wahoo and does not sell it, that value is lost in the current economic evaluation system. There should also be a cultural heritage committee to consult and explain the cultural relevance of a species. Senator George Hoar, a Republican from Massachusetts, when the Treaty of Peace was ratified for the acquisition of Guam, Puerto Rico, and the Philippines said, “This treaty will make us a vulgar commonplace, empire controlling subject races and vassal states in which one class shall forever rule and the other class, forever obey.” Only three senators did not want Guam to be a part of an empire.

Fitchett said archipelagic stock structure and connectivity is a priority to look into and that would inherently include looking at connectivity between species and island areas for both pelagic and island fisheries. For pelagic species, improving life history and connectivity and working with international partners is always going to be a priority. That would include looking at management species between island areas.

### **C. Status of Pacific Remote Island Areas and Northwestern Hawaiian Islands Sanctuary Proposals**

Joshua DeMello, Council staff, said the Council requested the Office of National Marine Sanctuaries (ONMS) to present on this agenda item, but they declined. He provided an update on the public hearings for the proposed national marine sanctuary for Papahānaumokuākea. NOAA solicited public comments on a proposed rule for the draft EIS and draft management plan from March 1 to May 7, 2024. They held 11 public hearings around the main Hawaiian Islands (MHI) and Council staff participated in all of the public hearings with a map showing the fishing regulations by alternative, along with the sanctuary process. He said it provided an opportunity to talk to people about the process for developing fishing regulations at each of the meetings. Each meeting had the same format with an introduction, a presentation on the description of the draft

EIS alternatives, and the state providing information on the cultural impact of the proposed designation as well as the draft management plan. Following the presentation, the hearing was open for three minutes of public comments per person. There were approximately 61 public comments and 240 participants throughout those 11 meetings. Many of the comments were in support of the sanctuary, but there were also comments in support of fishing. ONMS staff is reviewing both meeting and online comments to inform their response and finalize the EIS and management plan.

There were comments about allowing the Council to provide the fishing regulations as some commenters thought that would allow a backdoor for commercial fishing. There was support for the sanctuary due to climate change, fishing pressure, and habitat loss from commenters on the different islands. Many commenters noted the proposed sanctuary would lose the Office of Hawaiian Affairs co-trustee partnership as a sanctuary would be between NOAA and the State of Hawai‘i. Some comments pointed out that the area is already protected and that there is no need for the sanctuary. One of the more common comments was confusion about the fishing regulations and the proposed sanctuary, not knowing the two processes. On Kaua‘i, there were a couple of people that wanted to have continued access for fishing in the Northwestern Hawaiian Islands (NWHI) and that closing areas to fishing was counter to being self-sustaining. There were also concerns about monitoring and enforcement, the military use of the area, deep-sea mining, protected species, and marine debris. There was some support for sustainable fishing practices while others commented that an extractive use is not Hawaiian.

Dueñas said he is trying to figure out what the major impact that Native Hawaiian people fishing in that area would be. There should be a way for Native Hawaiians to benefit from the ocean resources and build capacity. He said the same quality of discussion should be included in the Pacific Remote Island Areas (PRIA) sanctuary discussions.

Guthertz asked about the next steps.

DeMello said the next steps for this sanctuary is for ONMS and the state to review the public comments and then update the EIS to reflect the public comments. The final form will go through the approval process and a final rule is expected to be published in the fall.

Simonds asked if there was opposition to the Council’s recommendation.

DeMello said yes and it stems from what Dueñas mentioned. He said he does not speak for all Native Hawaiians, but may speak for his family and others will speak for their families. Some people think that the NWHI should be left alone because it has cultural value that cannot be replaced. There are others that did not feel the same way.

Simonds said she learned that the Council should not have compromised from its original recommendation to allow cost recovery. In the interest of compromise, the Council changed its recommendation to a review of potential cost recovery and it was still opposed.

Dueñas said in the past when this all started, there was a Native Hawaiian family that was permitted to fish in the NWHI. There was a young man standing before the Council begging the members to let him go fishing and carry on his father’s legacy of fishing there. He said it was disheartening to look at him and not empathize with the tears coming down his face. Dueñas said he is tired of everyone taking advantage of the resources but the native people. Europeans

harvested and canned green sea turtles in Australia, the Japanese canned whale meat and sell it in Micronesia, but the minute the native person touches a whale or turtle they are arrested for something they have been doing for 4,000 years.

Soliai said the Council recently published a newsletter insert titled “Justice or Just Us” that spells out the reality of what is going on for these proposals. He said he is somewhat disappointed, but not at all surprised, that ONMS is not here to give an update on the issue, given the importance to the region. It is quite disconcerting, especially for American Samoa, and shows how much respect the office has for this Council. He expressed his profound disappointment regarding the lack of communication, and the lack of transparency in the process of designating the national marine sanctuaries. The absence of an update on a draft EIS raises serious concerns about the integrity and openness of the federal process. The designation process is a stark reminder of the eco-colonialism practiced by large superpowers in small, indigenous communities. He said because of their geopolitical location, the Pacific Islands are a classic example of “out of sight, out of mind.” It is shameful that the disproportionate burden that this proposed sanctuary will place on American Samoa's economy is being grossly disregarded. He said colonialism is not a relic of the past. Actions like these continue to oppress minority, underserved, and marginalized communities. The Pacific Islands continue to be marginalized contrary to some of the executive orders. Soliai said last week the United States celebrated Juneteenth, a symbol of freedom, of justice—and yet, there is no freedom, there is no liberty, and there is no pursuit of happiness or justice for the Pacific indigenous people in these marine sanctuary designations. It is deeply ironic that globally the United States is promoting equity throughout the whole world, but it fails to extend the same consideration to its Pacific territories. This hypocrisy is unacceptable and the United States should be ashamed of this contradiction. NOAA needs to address these concerns with the seriousness that it deserves to ensure that the voices of the affected communities are heard and respected in the decision-making process.

Sword said there was sympathy from other councils and federal partners at the CCC meeting, but it seems like the people making the decisions do not have any. He hopes the federal partners are taking the concerns to the people at the top because actions speak louder than words. They talk about EEJ, but action is needed.

Soliai said he wrote a response to the April 28, 2024, op-ed written by Bill Aila and Rick Gaffney that was printed in the *Honolulu Star-Advertiser*. It was important, not only for the Council, but especially for American Samoa that he set the record straight and correct them on some of the fallacies and the misinformation that continue to guide some people. He said he will continue to counter them at every opportunity and that it is in their best interest to speak up and voice their frustrations.

Dueñas said the editorial showed disrespect as the cultures in the Pacific have respect for each other. The cultures work together to learn and adapt with each other and it was disheartening to hear that there is a push to give the PRIA Hawaiian names. He said the Hawaiians are the babies of the group as Samoans and Micronesians have been around more than 4,000 years and they should listen to their elders.

Malloy said there is no push to give the PRIMNM a Hawaiian name. The president's directive required NOAA to undertake a public process to provide recommendations for Pacific Island-based names for the PRI, not necessarily Hawaiian names. A big part of why NOAA was

at the Festival of Pacific Arts and Culture (FestPAC) was to try and gather information and feedback on what those names are because it was not a place where just Hawaiians, but all Pacific Islanders were congregating. To a certain extent they were able to do that.

#### **D. Council Coordination Committee Meeting Report**

Simonds provided a report of the CCC meeting. She said much of the report was provided under the executive director's report and that a copy of the report was available in the briefing materials. The CCC discussed area-based management and the councils are not happy with the direction it is moving. The executive directors are meeting with sanctuary staff in July to review the current sanctuary process. The executive directors are also meeting with NMFS headquarters to discuss future budgets as well as separately to discuss revising policies on training on cultural sensitivity and code of conduct. The next national SSC meeting is in Boston and four members from the Council's SSC will participate with Council staff. The Council is still working on a national EEJ workshop and with the communications group on the 50th anniversary of the MSA.

#### **E. Regional Communications and Outreach Report**

Amy Vandehey, Council staff, presented the Regional Communications and Outreach Report from March through the end of May 2024. The quarterly newsletter, *Pacific Islands Fishery News*, was published and distributed digitally to 3,300 people and printed copies were shared in Hawai'i and sent to the territories. Articles included information on a Guam Museum fisheries exhibit, as well as highlights from the March 2024 Council meeting and Fishers Forum. There are also two inserts—one focusing on monuments and sanctuaries in the Pacific, and the other on tuna and mercury from John Kaneko at the Hawai'i Seafood Council.

The Fishers Forum held in conjunction with the last Council meeting focused on fish identification and knowing one's catch. There were about 80 attendees and nine partner agencies. Experts talked about ways to tell the difference between tuna species and bottomfish species as well as uku and deep-seven bottomfish fishery statuses. The use of Kahoot!, an interactive quiz, provided feedback on whether the tips provided helped attendees in identifying fish species. Results showed that there was an increase in attendee knowledge for all species identification.

The Council partnered with American Samoa DMWR to educate high school and middle school students during Flag Day events. There were 38 students from the Mary St. Francis Middle School and the 19 students from the Tafuna High School that learned about the Fishermen's Code of Conduct, emphasizing guidelines for safe and sustainable fishing practices as well as the lunar calendars. In Guam, the Council spent several months working with the Guam Museum, Division of Aquatic and Wildlife Resources (DAWR), PIFSC, the Guam Visitors Bureau, Guam Airport, and the University of Guam (UOG) on a temporary exhibit at the museum displayed April 5 to June 14, 2024. More than 3,200 museum attendees visited the exhibit during that time, which included a launch event on April 5 with the governor and Council members. The Council's part of the exhibit focused on multi-generational Guam fishing families featured in the 2024 Guam Lunar Calendar, with posters, fishing gear, and a screening of the Council's "Open Ocean Fishing in the Mariana Archipelago" video.

The Council's U.S. Pacific Territories Fishery Capacity-Building Scholarship is open and accepting applications through July 19, 2024. Eligible students are ones that are either from or

have strong ties to the three territories, American Samoa, Guam or the CNMI. The scholarships cover up to two years of tuition, fees, and some living expenses. After students graduate, they commit to work at their local fishery management agency, one year for each year they receive scholarship funds. This year, graduate students will receive preference, but undergraduate students are also encouraged to apply.

Dueñas congratulated Council staff on a job well done in Guam. The exhibit made the museum an exciting place and a lot of families were extremely happy about seeing their photos. He said the lunar calendar was the only tide chart available in Guam and he appreciated the efforts of the Council and hopes to one day bring back the Lunar Festival in Guam.

Muña thanked Council staff for helping to coordinate the exhibit and said the kids that attended were excited and had fun.

Dueñas said it was great to see the governor of Guam and the speaker of the legislature there in a unified front speaking out in support of the community-based fisheries.

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

### **1. Advisory Panels**

There were no recommendations from the Advisory Panel (AP) regarding Program Planning.

### **2. Plan Teams**

Sabater, Plan Team representative, presented the Plan Team report and recommendations. The Archipelagic Plan team met May 13-14, 2024, focusing on the Annual Stock Assessment and Fisheries Evaluation (SAFE) report module and ecological considerations, and jointly with the Pelagic Plan team May 15, 2024.

*Regarding federal fishing permits*, the APT, reviewed the Federal Permit and Logbook Data module of the Annual SAFE Reports and noted the lack of federal permits and related reporting for many fisheries (e.g., MHI noncommercial bottomfish). Therefore, the APT recommended the Council include a review of the efficacy of its federal permits as part of its regulatory review project funded by forthcoming IRA funds.

*Regarding Territorial Noncommercial Module*, the APT recommended the Council approve the inclusion of the territorial noncommercial fishery data modules that utilize a new approach of estimating species level commercial landings in the American Samoa and Mariana Archipelago Annual SAFE Reports as presented. The APT noted the substantial effort required to develop these modules, but also their importance in ensuring consistency between data presented in stock assessments and the Annual SAFE Reports.

Sabater reported the Plan Team finally developed a draft noncommercial module for American Samoa, Guam and the CNMI after many years. Now there is a consistency in how the noncommercial portion of the catch is calculated between the assessment and the Annual SAFE Reports.

*Regarding socioeconomic data collection*, the Joint Plan Teams recognized the importance of the socioeconomic data collected by PIROP and recommends the Council work with NMFS to develop an approach to continue collecting this information from regional longline fisheries, maintaining current data collection at comparable levels. The Joint Plan Team noted that, as PIROP moves toward digital data collection and as observer coverage is reduced, collection of these economic data could be discontinued; this could have implications for monitoring the economic wellbeing of the region’s longline fisheries going forward.

Dueñas thanked Sabater for going to Guam to work on bottomfish and said he was grateful for the review of issues by the Plan Team. He also expressed his concerns about the lack of expansion in the biosampling program as there is a lot more information out there to be collected and to understand about the ocean.

### **3. Education Committee**

Severance, Education Committee chair, presented the report and recommendations. The Education Committee met in late May and heard reports of three subgroups that were charged to work on particular issues.

*Regarding the Council’s 2025-2028 Program Plan*, the Education Committee endorsed the following working group recommendations:

1. Making a focused effort to tailor the important ongoing efforts of the Council’s 2020-2024 Education and Outreach Plan and consider new suggestions to each archipelago in the 2025-28 Program Plan.
2. Increasing collaborative education and outreach efforts between the relevant federal and state agencies to enhance the messages, avoid duplication and leverage resources.
3. Seeking additional funding sources to continue the Scholarship Program, including providing vocational training opportunities, such as engine repair, boat building and boat repair, fiberglass work, etc.
4. Supporting greater involvement of the Council Island Coordinators and AP members in education and outreach initiatives.
5. Considering key education and outreach efforts for IRA funding.

*Regarding the incorporating fisheries science into classrooms*, the Education Committee endorsed the following working group recommendations:

1. Conducting a curriculum gap analysis:
  - a. Identify existing materials and areas needing new content
  - b. Gather and share existing curriculum materials.
2. Looking at learning objectives/standards from the Council-sponsored Hawai‘i high school summer course on fishery and marine resource management.
3. Compiling a list of key terms and concepts and curriculum ideas for sustainable fisheries management.
4. Planning and supporting professional development sessions for instructors, utilizing summer sessions and professional development days during the school year

- a. Involve local experts, elders, and community partners in curriculum development and classroom activities.
- b. Develop hands-on activities and content that relate to local cultural practices and ecosystems, making learning engaging and relevant.

*Regarding course articulation agreements*, the Education Committee endorsed the following working group recommendations:

1. Continuing and enhancing the scholarship program at both the undergraduate and graduate levels, and suggests compiling a list of other available funds and sharing it to support students through graduation.
2. Working more closely with appropriate campus personnel on specific articulation agreements and course equivalencies between campuses to support streamlining course transfers (e.g., ASCC MSC 150).
3. Supporting the Council's scholarship student selection committee's recommendation to have an assigned advisor for every student and expectations for regular contact, and recommends encouraging peer-to-peer connections among recipients.
4. Encouraging the Council Island Coordinators to be a bridge for students with their home community and the respective fishery management agency. This can include scouting and supporting applicants and employment opportunities, and helping students access local research opportunities.

Severance asked on behalf of the Education Committee for Council members to inform their local people about the scholarship opportunity that just opened. He said it is late in the game but they hope to find some good candidates for the scholarship committee to review.

Guthertz said the need for articulation is important for all community colleges and universities to support.

Dueñas asked if there was funding for programs like the Marine Education and Training (MET) Program.

Severance said NMFS has been pushing for refunding that program for some time, but at the moment there is no funding, perhaps in the future.

Dueñas said when that program was started it was exciting because it was about capacity building amongst the youth and the 4-H program expanded its model to include marine education. He would like NMFS to revisit funding that program because everything starts with the youth. He said the Council should also look at sociocultural heritage by bringing in experts from different island cultures to share their way of life with the Council and its members for a deeper understanding.

#### **4. Social Science Planning Committee**

Severance, Social Science Planning Committee (SSPC) chair, presented the report and recommendations.

The SSPC noted the importance of the American Samoa and Hawai'i longline fisheries economic performance data collection to evaluating the impacts of fishery management

actions and closed areas on the fisheries, and recommended the Council and NMFS explore approaches to continue the data collection in the most feasible format for useful representation.

Severance added that as the longline fisheries move toward electronic reporting, the current policy of having the observers hand out paper sheets to gather the economic data needs to be reconsidered because those need to be filled out in paper form, at least for now.

The SSPC reaffirmed the importance of continuing the fishers observation effort with the APs, and recommended utilizing upcoming community meetings to provide feedback on previous annual fishers observation summits and to broaden representativeness by increasing interest and awareness in participation in future summits.

Severance said there is useful information in the Fisher Observation reports. It may seem anecdotal, but it is very good clues for the hardcore scientists to evaluate.

The SSPC formed a working group to review the Social, Economic, Ecological and Management Uncertainty (SEEM) process (Hospital, Ayers, Severance) and will report out at the 2025 SSPC meeting.

Dueñas said it is good that the SSPC is working on the hard data and wondered if cultural use has any place in the data collection program. The data collection programs could be enhanced to provide value to those that provide the data. Something like a leather-bound logbook that participants can use to enhance their legacy and have a sense of pride in what they accomplished in their lifetime.

Severance said is a creative idea and there are a number of small-boat fishermen in Hawai‘i who keep their own logbooks. The greatest gap in the region is the lack of good data on the noncommercial catch and its post-harvest distribution.

## **5. Fishing Industry Advisory Committee**

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

*Regarding Seafood Trade Issues*, the FIAC recommended the Council work with industry and advisory groups to identify potential foreign activities that undermine U.S. Pacific Island fishery products in the U.S. seafood market; and to report on those at the next FIAC meeting.

The FIAC recommended the Council work with FIAC members to prioritize issues that federal agencies should be addressing related to unfair trade issues affecting Pacific Island fisheries.

The FIAC recommended the Council work with state, territorial, and federal agencies to ensure Country of Origin Labeling (COOL) is enforced through the supply chain to the retailer, including fish products that are prepared or processed.



## **6. Scientific and Statistical Committee**

Lynch, SSC chair, presented the report and recommendations.

*Regarding the MSRA 5-year Research Priorities 2025-2029*, the SSC endorsed the MSRA 5-year Research Priorities 2025-2029 with minor edits.

Lynch reported the SSC reviewed the revised draft MSRA Research Priorities, and made an edit to broaden one of the priorities under the pelagic section to apply to all shark depredation rather than a narrow focus on cookiecutter sharks. The SSC also discussed the importance of ranking within each program area, and suggested proposing rankings annually, no later than the December SSC meeting.

*Regarding the 2023 Annual SAFE Report and recommendations*, the SSC recommended development of a brief executive summary by each region in the SAFE reports that highlight substantive information about fishery performance, with some interpretation of data put in the broader context. This would include the relative risk of overfishing at current catches for acceptable biological catch (ABC) control rule managed fisheries.

The SSC endorsed the APT Recommendation regarding inclusion of the territorial noncommercial module in the American Samoa and Mariana Archipelago Annual SAFE Reports.

The SSC endorsed the Joint Plan Team recommendation on continuing the longline fishery economic data collection, noting SSC preference for the trip costs survey to remain voluntary and that other mechanisms for delivery be examined in conjunction with HLA.

## **7. Fishery Data Collection and Research Committee**

DeMello, Council staff, presented the Fishery Data Collection and Research Committee (FDCRC) report and recommendations.

*The FDCRC made the following recommendations:*

- Requested the Council holds a meeting between fishermen, PIFSC and DAR to reconcile issues with Hawai'i Marine Recreational Fishing Survey (HMRFS) data.
- Requested the Council reiterates to NMFS the need for Interjurisdictional Fisheries Act funding.
- Requested the Council works with the CCC on a process for providing input to the president's budget through NOAA.
- Requested staff coordinates the FDCRC to review the Statement of Organization Practices and Procedures and strategic plan and report back at a meeting in September.

### **G. Public Comment**

There was no public comment.

## H. Council Discussion and Action

*Regarding MSRA research priorities for 2025-2029 the Council:*

- 1. Endorsed the draft research priorities and directed staff to transmit them to NOAA Office of Science and Technology.**
- 2. Directed staff to work with NMFS PIFSC and PIRO to annually rank and track the progress of the research priorities during its annual meeting.**

*Moved by Guthertz; seconded by Itibus.*

*Motion passed.*

*Regarding seafood trade issues, the Council:*

- 3. Requested NOAA, FDA, State of Hawai‘i, Territories of Guam and American Samoa, and the CNMI agencies to develop a plan to enforce COOL and other requirements.**
- 4. Requested the State of Hawai‘i and CNMI and American Samoa agencies enforce labeling regulations on product origins for seafood at retailers, including for products previously frozen, treated with carbon monoxide, or altered prior to sale.**
- 5. Directed staff to convene an expert working group, inviting federal agencies and fishing industry, to address regional trade issues and request an investigation on tariff schemes, “dumping” of foreign products in the U.S. Pacific Island market and other practices that may be undercutting domestic producers.**

Simonds said all of these issues were discussed at two meetings hosted by the Council; one with Cole and the other with the U.S. Trade Representatives. There used to be COOL in the past but it is not seen anymore. The recommendation is asking if these regulations are still in place and if the state and federal agencies that are in charge are enforcing the regulations.

Sakoda said he was not familiar with state labeling regulations, but asked if the recommendation should read federal enforcement of federal laws.

Simonds said the recommendation refers to state regulations and COOL is something that the state can enforce as it is bringing in something and altering the product.

Soliai said it is also a problem in the territories and recommended including the territories in the recommendation. He said foreign fish are getting into the markets and their origins are unknown.

Guthertz said the other territorial governments should develop a law to accomplish something similar since Guam does not have that law yet.

Dueñas said Guam does not have that law, but he did not want to have more laws to govern him. This is not an issue for him, but there are other issues with products being brought into Guam unsafely.

Sword said they do not know what the origins are for loins that are coming into the United States and undercutting U.S. fishermen. He said there is a need to figure out how to determine the country of origin and ensure they are not tied to IUU fishing.

Simonds said there should be a general recommendation to the Secretary of Commerce on what the Council would like to see imposed.

Moved by Guthertz; seconded by Itibus.

Motion passed.

*Regarding the PIROP, the Council:*

- 6. Directed staff to work with PIRO and PIFSC to explore approaches for maintaining data collection for American Samoa and Hawai'i longline fisheries economic performance information through surveys.**

Moved by Itibus; seconded by Guthertz.

Motion passed.

*Regarding the Council's education and outreach activities, the Council:*

- 7. Supported increasing collaborative education and outreach efforts between the relevant federal and state agencies to enhance the messages, avoid duplication and leverage resources.**
- 8. Will continue to seek additional funding sources for the scholarship program, which includes providing vocational training opportunities, and directed staff to compile a list of other available funds to support students through graduation.**
- 9. Supported the Council's scholarship student selection committee's recommendation to have an assigned advisor for every student, and encourage peer-to-peer connections among recipients.**
- 10. Supported greater involvement of the Council Island Coordinators and AP members in education and outreach activities, and encourages the Council Island Coordinators to be a bridge for students with their home community and the respective fishery management agency.**

Moved by Weaver; seconded by Itibus.

Motion passed.

*Regarding incorporating fisheries science into classrooms, the Council:*

- 11. Directed staff to work with the Education Committee to conduct a curriculum gap analysis and look at previously developed curriculum and lesson plans; compile a list of key terms, concepts and curriculum ideas for sustainable fisheries management; and support professional development sessions for instructors.**

Moved by Guthertz; seconded by Itibus.

Motion passed.

*Regarding data collection, the Council:*

- 12. Directed staff to work with fishermen, PIFSC, and the State of Hawai‘i to reconcile issues with the HMRFS data in order to provide noncommercial fishing efforts for the annual SAFE report.**
- 13. Directed staff to draft a letter to NMFS reiterating the need for providing funding to the territories through the Interjurisdictional Fisheries Act.**
- 14. Directed staff to work with the CCC on a process for providing input to the President’s Budget through NOAA.**
- 15. Directed staff to coordinate the FDCRC Subcommittees to review the FDCRC Statement of Organization Practices and Procedures and Strategic Plan and report back to the Council in September.**

Dueñas asked what the Interjurisdictional Fisheries Act was.

DeMello responded that the Interjurisdictional Fisheries Act provides funding for fisheries in the territories and states.

Dueñas asked about the MET Program and the origin of those smaller funding programs.

DeMello said the MET comes from MSA Section 305 and it is funded through NMFS.

Simonds said MET is an unfunded mandate and when NMFS has enough funds it is funded. However, the Interjurisdictional Fisheries Act funding is different and was zeroed out in the budget. The recommendation is asking the administration to add that back into the budget.

*Moved by Dueñas; seconded by Guthertz.*

*Motion passed.*

*Regarding indigenous communities, the Council:*

- 16. Directed staff to revise the Council’s existing Community Development Project Program AP and develop terms of reference and a plan to include representatives from indigenous communities from each island area, to ensure traditional perspectives on fishery issues are considered in the Council process and present the plan to the Council at its September meeting.**

*Moved by Guthertz; seconded by Dueñas.*

*Motion passed.*

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

There was no public comment on non-agenda items.

## **VIII. American Samoa Archipelago**

### **A. Motu Lipoti**

Sword presented the American Samoa Island Report. The American Samoa Flag Day Tournament, also known as the Steinlager I‘a Lapo‘a Fishing Tournament, was held for the first

since the COVID-19 pandemic. The tournament saw participation from numerous boats and anglers, including sports fishing boats from New Zealand. The Fu'a II boat from Samoa won the tournament, catching a 360-pound black marlin which was the largest catch of the tournament. There was also a high number of catch and release in the marlin and sailfish categories.

Sword discussed concerns about deep-sea mining that could potentially happen near American Samoa. There has been a lot of discussion about economic development and job opportunities. There is a push for potential resources of 10 billion subsea minerals in the EEZ especially in areas around the Rose Islands and Cook Islands. There is concern about its impact to the fisheries and uncertainty of its benefits to the territory. Other countries in the region have also shared their concerns.

The 16th Pacific Community (SPC) Heads of Fisheries meeting had participation from 23 members. There has been a local initiative to align the regions objectives in ensuring regional cooperation. There is an effort to advance territorial interests through dialogue with regional governments and fisheries.

Sea level rise is an ongoing concern in American Samoa, exacerbated by tectonic shifts following the 2011 earthquake and tsunami. The Tonga Trench has moved due to the shifts. It has caused land to sink and resulted in saltwater intrusion into freshwater aquifers which are extremely important to the territory that relies on deep wells.

The local shipyard, initially built in the 1960s and 1970s to support longliners and purse seiners, has been revitalized under Carlos Sanchez's leadership. The activity at the shipyard in the last 20 years had been in a poor state. The shipyard now trains welders, electricians, and divers, and handles significant repairs. It recently repaired a container vessel's crane and will soon accommodate a large barge from Samoa. The shipyard is an important infrastructure to the maritime industry as well as to the military.

The Congresswoman Aumua Amata Coleman Radewagen has been advocating for a larger USCG presence to address IUU fishing and increased military presence in American Samoa, given China's recent activities in the Pacific. The Congresswoman has also been advocating concerns over the proposed marine sanctuary and its potential impacts on fisheries. She called for an economic plan to support the territory if commercial fishing areas are closed.

## **B. Department of Marine and Wildlife Resources Report**

Ochavillo presented the DMWR report for the second quarter of 2024. The shore-based creel survey reported 3,600 pounds of fish, primarily caught using rod and reel, which accounted for 30% of the catch, and gleaning. The main species included aliao (top shells/snails), alogo (striped surgeonfish), rainbow runners, bluefin trevally and bigeye scad.

For the boat-based creel survey (October to March), ten vessels contributed to the landings of highly migratory species, with 30 interviews conducted from 68 fishing trips. Bottomfish landings included 340-plus pounds of fish, featuring species like the gray jobfish, redgill emperor, and long tail snapper. Eight active vessels participated in trolling, showing an increase in bottomfishing due to the COVID-19 Fisheries Act funds. Spearfishing yielded around 1,000 pounds of fish from October to March.

Commercial landings data indicated that more than 80% of fish sold were incidentally caught species from foreign longliners. DMWR does not appear to be capturing a lot of the increased bottomfish in the commercial landings data, with only 103 pounds of bottomfish management unit species (BMUS) recorded in the vendor receipts. A Western Pacific Fisheries Information Network team conducted interviews with vendors and worked with staff to improve fisheries data collection.

DMWR staff recently replaced FAD B near Pago Pago Harbor and is working with a European group providing repurposed satellite buoys for experimental fishing. A small project with SPC on FAD debris will begin in August, as American Samoa is a hotspot for accumulation.

Coral bleaching monitoring showed moderate bleaching (10-50% of corals), with variable impacts across different sites and species. A final report will be available mid-year.

Poseidon Fisheries Research has been working with DMWR staff on the life history of five species, training staff on otolith and gonad collection and data input for growth rate determination. This information will help develop size limits for fish.

The village of Fagasa joined the community-based fisheries management program and identified a marine protected area (MPA). The Faga'alu Village Council is developing its fisheries management plan and discussing what kind of regulations it wants to adopt. The north Tutuila village of Sailele lost 100 giant clams due to a wave surge, highlighting the negative impacts of climate change. The DMWR staff also joined monitoring and database training led by Peter Houk from UOG. There were discussions of how coral reef monitoring data can be integrated to the database being developed in Micronesia.

DMWR enforcement staff boarded 28 foreign vessels and seven U.S. fishing vessels, inspected 119 fish containers, and conducted sea and land patrols. He noted that there was increased fishing activity this summer.

SPC's tuna division, Fisheries Aquaculture and Marine Ecosystems, is discussing participation in a close-kin mark-recapture tuna tissue collection project, potentially hiring local staff for tissue and tag collection.

Dueñas asked if any deep-water exploration had been conducted around American Samoa, noting that in Guam, corals were found thriving at deeper levels. He also expressed concerns of algal blooms observed in deep waters near Guam, possibly linked to military activities and runoff. He mentioned that about 20 years ago, scientists told him that MPAs were the greatest gifts to mankind and that they would not interfere with cultural practices. He also shared that in Guam, MPAs created conditions that led to the flourishing of ciguatera, posing a risk to the fishermen and tourists. Dueñas suggested that any new MPAs should carefully consider cultural practices, such as throw net fishing, and highlighted the impracticality of certain regulations, like the requirement to stand on sand while throwing nets. Dueñas asked if there are any plans to upgrade the environmental area for Swains Island noting that it is a good area for rehabilitation and he recalled issues with the lagoon, which had become either saline or polluted. He advocated for more scientific efforts to help rehabilitate Swains Islands as it was done for Fagatele Bay.

Ochavillo said the DMWR staff has focused coral bleaching surveys on the top 10 meters of the reef, with preliminary reports indicating moderate bleaching. He noted that the agency has not done any deep water surveys. Regarding MPAs, DMWR works closely with local communities, allowing them to decide on their management, including whether to have full or seasonal closures. He cited Fagasa as an example, where the community chose an area that would not disrupt akule (bigeye scad) fishing during the run. He reiterated that DMWR's primary role is to provide technical assistance and guidance and respect the village's decisions on managing their coral reefs. Regarding Swains Island, Ochavillo acknowledged the challenges due to its remote location. He mentioned that helping Swains is a government priority, and there are a few projects underway to address the issues raised.

Sword added that Swains Island is an atoll with no direct ocean access, resulting in high salinity in the lagoon due to saltwater intrusion through the sand. In the past, small wells were used to gather freshwater from the land side of the island. He also mentioned that there were efforts in the past to develop infrastructure on Swains, including plans for a small runway, but these would require significant land use. Sword also highlighted that despite these challenges, the fishing around Swains Island remains excellent, and its proximity to Tokelau (60 miles away) makes it an interesting and significant location.

Weaver asked about the potential impact of recent plate shifts and earthquakes on coral bleaching and the percentage of bleaching since those shifts in the plates.

Ochavillo said the coral bleaching event seems to be moderate and ranges from 10- 50%, noting it was less than expected. Regarding the plate movements, the tsunami led to the subsidence of Tutuila, exacerbating the effects of rising sea levels.

Sword added that scientists believe the impact from the subsidence and subsequent sea level rise is five times greater than the typical effects of climate change. Sword raised concerns about an instance where a StarKist Samoa vessel was seen dumping offal in the area of FAD B, where it appeared it may be too close to shore for such activity. Upon checking with the American Samoa Environmental Protection Agency (ASEPA), he found that the dump site is three to eight miles out while the FAD is only three miles out. He expressed concerns that this dumping could impact local fisheries, particularly the palolo catch in Tafuna, due to the currents potentially carrying offal toward the reef.

Ochavillo said he will check with the ASEPA regarding the dump site's location. He noted that the FADs were established many years ago, and ideally, the dump site should be farther from these fishing areas.

Sword also mentioned that there is an increase in shark activity around the FADs, making it dangerous for fishing. He mentioned his discussions with ASEPA noting that it was not aware of any FADs in that area and suggested DMWR communicate with ASEPA to change the dump site location. He emphasized that it is impacting not only trolling but the palolo fishery, noting that although it may be cost effective to dump closer to shore, the long-term impacts on fisheries are detrimental.

Dueñas shared similar experiences in Guam, where military proposed dump sites were required to be 12 miles offshore. Dueñas advocated for dumping activities to be as far away from

land as possible to reduce environmental impacts, and suggested revisiting regulations with EPA and other federal agencies involved in managing marine dumping activities.

Sword asked Ochavillo to report on the Super Alia.

Ochavillo said there was a ceremony held a few weeks back and that DMWR has been actively involved with American Samoa Department of Commerce (DOC) in developing a memorandum of understanding for the Super Alia. The Western Pacific Fisheries Information Network team also met with American Samoa DOC, and DMWR was the facilitator. There were concerns on data collection since there is intention to conduct longlining and bottomfishing and that there were implications for longline permits and protected species training and permit. Ochavillo noted that Soliai has been emphasizing the need to collect full data from the fishing that is expected to begin in August. DMWR wants to ensure that float plans are developed and that staff is able to capture the data. He noted that this would be a different data collection protocol from usual, with implications for existing bottomfishing operations by traditional alia boats.

Sword asked if the Super Alia came equipped with albacore longline gear, noting ongoing efforts to obtain bottomfishing gear for the vessel.

Ochavillo said he does not have the full details of the gear but confirmed that part of the plan is to have both longline and bottomfish operations. DMWR is working closely with American Samoa DOC on developing the memorandum of understanding and ensuring that DMWR is collecting the data.

Dueñas suggested that the vessel should concentrate on longline rather than bottomfishing to avoid issues related to the ACL. He highlighted challenges related to transportation and requalification of safety equipment, and recalled that the Council requested and the USCG approved an extension of Solace pack certification period from 12 to 18 months. He suggested extending the certification period for safety equipment in remote areas to 24 months to account for delays and maintain safety without taking unnecessary risks. He mentioned that some charter boats in Guam send equipment to Hawai‘i or Florida for certification, which takes time out of the 12-month certification period, and he suggested that the USCG form a working group with American Samoa boaters to find solutions for these challenges.

Sword said American Samoa previously had on-site certification services when there were more purse seiners, but this is no longer available. He agreed that addressing this issue is essential for maintaining safety standards and requested Stegman to take note of the matter.

### **C. 2023 American Samoa Fishery Ecosystem Plan Annual Stock Assessment and Fisheries Evaluation Report**

Thomas Remington, Lynker and Council contractor, presented the 2023 Annual SAFE Report for American Samoa. He provided an overview of the fisheries performance, focusing on both the archipelagic and pelagic sectors. These reports offer a comprehensive overview of fishery performance from the previous year, including critical data on catch effort, catch per unit effort (CPUE), bycatch, fish size, environmental factors, and fishery-independent data. Remington emphasized the inclusion of fisher observations, a valuable addition that captures



empirical data from fishers who spend significant time on the water. This helps in validating the fishery performance data and providing explanations for any fluctuations observed in the data.

For the American Samoa archipelagic fisheries, the bottomfish fishery had a slight increase in catch, reaching almost 4,700 pounds, which is still below the rebuilding ACL of 5,000 pounds but represents an uptick after recent years of decline. Shore-based catch accounted for about one-fifth of the total, an unusual trend for bottomfish and potentially linked to certain bottomfish species that are caught nearshore. Commercial data, however, was not disclosed for the third consecutive year due to confidentiality rules, indicating minimal bottomfish presence in local markets. This decline in commercial data reporting highlights the challenges facing the bottomfish fishery, where fewer vendors are reporting their sales, suggesting a limited market presence for bottomfish in American Samoa.

The report also highlighted an increase in fishing effort, with a notable rise in both trips and gear hours, indicating that more people were fishing and for longer periods, despite a slight decrease in CPUE. The SAFE reports are shifting toward species-specific data, which will align with the newly developed species-specific ACLs following the latest benchmark stock assessment. The SAFE report also monitors ECS, which shows that the humpback snapper is the most harvested in the creel survey data and the blue-banded surgeonfish was the most harvested in dealer-reported catch.

A new noncommercial section was included in the SAFE reports for American Samoa fisheries, offering a more robust estimation of the noncommercial fishery sector by analyzing the difference between total estimated catch from creel surveys and dealer-reported catch from commercial data. This new method enhances the accuracy of data monitoring and aligns with the data that PIFSC used in stock assessments. For bottomfish, commercial vendors tend to put their species into higher level groupings, noting difficulty in determining if those bottomfish are management species or not. Despite the discrepancies in species identification, it led to a more robust estimation of the noncommercial fishery sector.

Recent data from American Samoa indicates a shift in the bottomfish fishery from being primarily commercial to more noncommercial. Previously, it was assumed that most bottomfish were sold in local markets. However, data and feedback from local fishers reveal that a significant portion of the catch is now being kept for personal use or given away rather than sold. This change is likely due to high market prices for bottomfish, which reduce its demand. Consequently, consumers are opting for less expensive fish, leading to a decrease in commercial sales of bottomfish.

For pelagic fisheries, there was a slight decrease in the number of longline vessels and a significant increase in estimated troll trips, rising from 49 to 277 trips. Despite this increase in troll trips, the estimated troll catch was only around 4,500 pounds, which raises concerns about the reliability of the creel surveys in capturing the true nature of the troll fishery. The data shows that longliners in American Samoa have caught approximately 2.7 million pounds of fish. Specifically for albacore tuna, the catch rate has decreased to 12.6 fish per thousand hooks, which is just below the breakeven point.

In terms of pelagic catch, there was a decrease in tuna species, especially albacore and skipjack, as well as non-tuna species like mahimahi and marlin. The decrease in tuna catch,

coupled with an increase in the number of tunas released (nearly 4% compared to 0.7% in 2022), points to changing dynamics in the longline fishery. This significant increase in tuna releases, particularly yellowfin, skipjack, and albacore, will be an area of active investigation in the coming year to determine the underlying reasons.

Under the Fishers Observations section, fishers emphasized hotter temperatures, coral bleaching and brown algae as key observations related to weather. Fishers in American Samoa have highlighted several challenges in their commercial operations. The absence of a central market forces them to sell their catch roadside, leading to inconsistent prices that make commercial fishing unpredictable. Additionally, they face operational difficulties due to a lack of ice and high fuel costs, which are compounded by limited fuel availability on Tutuila. Shark depredation remains a significant issue, affecting fishing across various island areas. Fishers shifted toward using the jigging fishing method, which has become more popular recently. Additionally, the Buds and Suds fishing tournament in 2023 was successful.

Fishery-independent reef surveys conducted by the National Coral Reef Monitoring Program indicated an increase in hard coral coverage, particularly in Rose Atoll, although fish biomass was slightly lower around Tutuila and Rose Atoll. Fish biomass was generally higher across most functional groups in the archipelago, but lower around Tutuila and Rose Atoll. The APT speculated that the reduced biomass around Rose Atoll might be linked to an increase in hard coral coverage. More coral means less algae, which in turn could lead to fewer herbivores, potentially contributing to the observed reduction in fish biomass.

Fuel prices have remained high, though decreased slightly from 2022 to 2023. American Samoa's fuel prices are among the highest in the past decade, significantly impacting fishing operations. For bottomfish, commercial data are unavailable for the past three years due to confidentiality. The report indicates that while trip costs for bottomfishing have decreased recently, it is due to reduced fuel usage from fewer and shorter trips, rather than lower fuel prices. Thus, overall fishing costs remain high despite a decrease in trip costs.

Landings and revenue for the longline fishery show a slight decline in both landings and revenue, correlating with a 20% drop in fish prices from 2022 to 2023. This decline is evident in the large decrease in the average price per pound of fish. There is no available revenue data for the troll fishery for recent years. Trip costs in the troll fishery, similar to the bottomfish fishery, are currently low due to reduced fuel usage and shorter trips.

The impact on protected species in nearshore or archipelagic fisheries is minimal. The review of 2023 data indicates no interactions reported for OWTs in bottomfish fisheries. The Plan Team is working on developing methods to report interactions with OWTs across regional bottomfish fisheries, including those in American Samoa, Guam, the CNMI, and Hawai'i. On the pelagic side, observer coverage for monitoring protected species interactions has improved, reaching approximately 9%, up from the 2% to 4% coverage levels during the pandemic. In the American Samoa longline fishery, interactions with protected species are relatively few, primarily involving turtles and sharks. There have been minimal interactions with seabirds or marine mammals.

Oceanic and climate indicators are monitored to understand their potential impact on fishing operations. One critical aspect tracked is atmospheric carbon dioxide, which has been

increasing exponentially since the late 1950s. By 2023, CO<sub>2</sub> levels reached 421 parts per million, up from 416 in 2021 and 419 in 2022. This rise in CO<sub>2</sub> contributes to ocean acidification, as CO<sub>2</sub> diffuses into the ocean, decreasing the pH of sea surface waters. In 2022, the ocean's pH was 8.05, marking an 11.3% decrease over the past 30 years. This increased acidity can adversely affect marine organisms, especially those that form calcium carbonate shells, such as shellfish and pteropods, which are crucial to the marine food web. Additionally, the reports note recent climatic changes, including a shift from La Niña to El Niño conditions in 2023. This transition impacted oceanic and atmospheric conditions, influencing fisheries. The Pacific Decadal Oscillation, a longer-term climate cycle, is currently in its cool phase, affecting regional climate patterns.

In American Samoa, climate indicators reveal significant changes in sea surface temperature and coral health. In 2023, sea surface temperatures increased by 0.02 °C per year, with an average temperature of about 84 °F and an anomaly of nearly 0.5 °C above average. This warming trend is particularly pronounced to the south of the archipelago. Coral thermal stress exposure data indicate that these elevated temperatures have been sustained long enough to potentially cause mass coral bleaching, a concern highlighted in ongoing coral monitoring efforts. Chlorophyll a concentrations showed weak positive anomalies in 2023, aligning with historical averages. The reports also cover other climate indicators such as rainfall and sea level, which are detailed in the full reports.

The Council has developed an online portal for the Annual SAFE Reports, aiming to make the extensive documents more accessible and user-friendly. This portal allows users to navigate easily through the data, view visualizations, and download specific datasets for closer examination. This tool is designed to address the challenge of managing and interpreting the lengthy and complex reports.

Looking ahead, the Plan Team plans to revamp the structure and content of the Annual SAFE Reports, which have been in their current format for about a decade. A working group is evaluating what information is most useful and what might need updating. Council members are encouraged to provide feedback on the reports for American Samoa, including what information should be emphasized or added, and what might be redundant. The Plan Team will further explore the longline releases of tunas and review additional small boat data from the FAD program. The Plan Team will also focus on shore-based creel survey estimates for bottomfish and move toward species-specific catch monitoring for bottomfish in the coming year.

Sword commended Remington on the comprehensive report and emphasized the significant change in fishing effort over time in the longline and troll fisheries. He pointed out that up until 2009 to 2011, fishing effort was notably high and consistent. However, in the past decade, there has been a marked decline in effort. He suggested that it was due to the major policy shift by the WCPFC under the leadership of Russel Smith who reallocated quotas. The reduction of quota and loss of revenue from the purse seiners and loss of the cannery have led to financial difficulties for local fishermen and a decrease in fishing activities. Sword also highlighted the closure of the cannery around the same time as the tsunami led to decline of population from approximately 64,000 to 52,000 people. It reflects on the issues discussed on the sanctuaries in September 2023. The economic impacts have affected the ability of people to buy fish and go trolling. He acknowledged Remington presented some new insights that he had not

seen before in the SAFE report, noting that a lot of the impacts to fisheries come from NMFS policies, especially on the international side.

**D. 2023 Pelagic Annual Stock Assessment and Fisheries Evaluation Report – American Samoa Module**

[This agenda item was presented together with item C. above]

**E. Marine Conservation Plan – 2024 – 2026 (Action Item)**

Ochavillo provided an overview of the American Samoa MCP which is set to expire in July 2024. DMWR worked together with the American Samoa AP in updating the MCP. Key updates to the MCP include revised census data reflecting a population decline in American Samoa, now estimated at 49,000. This decline is attributed to the closure of a cannery, which led to around 5,000 people leaving the island in search of better economic opportunities. Additionally, the updated MCP now features narratives on recreational fishing and highlights various threats to American Samoa's fisheries, such as IUU fishing, and the impact of fishing ground closures on the tuna economy. The MCP also addresses the lack of recognition of American Samoa as a small island developing territory, which hampers its development and economic goals.

The threat of overcapacity for albacore in the region is exacerbated by chartering agreements with China and other countries. This issue has led to declining catch rates for albacore and has had a significant negative impact on the economics of the albacore fishery in American Samoa. Consequently, the MCP has been updated to include this concern among the threats to American Samoa's fisheries.

While the overall priorities of the MCP have remained consistent, a few new priorities have been added. These include the development of the American Samoa Tuna Policy, which is supported by a new grant from the Office of Insular Affairs, and the creation of a comprehensive registry of fishermen. The registry is intended to address the ongoing challenge of maintaining an accurate list of fishermen, especially during disasters, to ensure timely economic assistance.

The MCP objectives emphasize maximizing social and economic benefits from fisheries development while acknowledging the significance of outlying islands such as Manu'a. Key areas of focus include advancing canning technologies, promoting mariculture, and building capacity. Efforts are underway to enhance staff training, including recent outreach to Samoa Maritime for boat handling training. Positive responses have been received, and these opportunities are being pursued. Additionally, the MCP continues to prioritize developing lending programs as planned.

Regarding the new priority related to the American Samoa Tuna Policy, SPC has hired a marine economist, which is important to help support government develop policies to ensure continued operation of the cannery and to mitigate threats to the tuna economy.

The updated MCP includes an objective focused on educational outreach due to the declining interest in fishing in American Samoa. To address this, the MCP now emphasizes initiatives such as fishing clinics. Additionally, the MCP aims to continue supporting Samoans

pursuing higher education through scholarships, reinforcing the commitment to educational advancement in the community.

Dueñas commended American Samoa's establishment and creation of the MCP. He expressed concern about the program being an unfunded mandate, highlighting the need for NOAA to provide adequate funding support. Dueñas emphasized the importance of capacity-building to reduce reliance on foreign sources for nutritional needs, pointing out that Guam imports 95% of its fish despite having available marine resources. He praised the MCP's action plan but urged NOAA to offer financial support rather than depending on external assistance. He also acknowledged the support from SPC, noting their generosity in regional fisheries work. He also commended the programs that support the development of fisheries, noting the valuable training provided by SPC, including programs in New Zealand for marketing and fishing strategies. Dueñas expressed hope that similar support would come from the federal government. He lamented the reliance on external assistance, despite being part of a wealthy nation, and highlighted the inadequacy of current funding levels to support required plans and programs.

Sword emphasized the dire situation faced by longliners in the albacore fisheries, and urged NOAA and NMFS to consider outfitting them for either squid fishing or swordfish to prevent them from selling to other countries. He also emphasized the importance of maintaining Pacific fisheries and redirecting funds effectively to support them.

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

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

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

*Regarding American Samoa fisheries issues*, the American Samoa AP recommended the Council address the disproportionate burden faced by the U.S. fishery and consumers and provide a subsidy program to promote fresh, locally caught fish.

Ilaoa reported this recommendation came from discussions about the loss of fishery development funding, specifically the transfer of a portion of the bigeye tuna quota. The AP was dismayed by the loss, but appreciated the generous contribution from HLA, which helped bridge the funding gap until a permanent solution can be found.

*Regarding the American Samoa Annual SAFE Report*, the American Samoa AP recommended the Council consider using data from Tula Station to track the atmospheric carbon dioxide around American Samoa.

Ilaoa reported the AP members raised concerns and asked if the data from the Tula Station could be used specifically for the American Samoa portion of the SAFE Report, given its local relevance and availability.

*Regarding the American Samoa MCP*, the American Samoa AP recommended the Council endorse the MCP for 2024-2026.

Ilaoa reported the AP agreed with the change in priorities and inclusion of new projects

in the revised plan.

*Regarding the American Samoa MCP's American Samoa Tuna Policy project*, the American Samoa AP recommended the Council request DMWR include the AP in the development of this policy.

Ramsey asked whether the first recommendation regarding the promotion of fresh, locally caught fish aims to support the use of this fish primarily within American Samoa or if it is intended for export purposes.

Ilaoa responded that the primary focus of the recommendation is to support local markets within American Samoa. However, he also noted that since a cold storage facility has been established at the Hawaiian Airlines facility at the airport, export opportunities cannot be entirely ruled out. For now, the immediate emphasis is on promoting the use of locally caught fish within the local market.

Dueñas shared his experiences and concerns regarding the availability of fresh local fish in American Samoa, noting difficulties he faced in obtaining it during past visits. He emphasized the importance of improving local access to fresh fish, noting health concerns related to eating beef and mutton. He suggested that funding should be directed toward capacity-building for smaller boats and rebuilding fishing infrastructure, such as ice plants. He mentioned the Department of the Interior's economic development program, which offers \$50,000 annually, and proposed using part of this funding to acquire an ice machine for local boats. He also suggested seeking free shipping from shipping lines to reduce costs, aiming to improve the freshness of local fish and support community development.

Ilaoa acknowledged the importance of food security and nutrition in the efforts to provide more fish to local markets. He expressed appreciation for the advice and indicated that the AP will discuss them at their upcoming informal meeting.

Muña suggested exploring United States Department of Agriculture (USDA)'s Western United States Agricultural Trade Association program, which provides funding to assist with the export of agricultural commodities. Recently, USDA Agricultural Marketing Services has also offered micro grants that include fishing supplies and food security initiatives. She suggested that American Samoa consider joining the Western United States Agricultural Trade Association, which could provide support for export marketing events. This could help with promoting and exporting local fish to various markets, including other Pacific Islands.

## **2. Plan Teams**

There were no recommendations from the Plan Team regarding the American Samoa Archipelago.

## **3. Fishing Industry Advisory Committee**

There were no recommendations from the FIAC regarding the American Samoa Archipelago.

## **4. Scientific and Statistical Committee**

There were no recommendations from the SSC regarding the American Samoa Archipelago.

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

There were no public comments.

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

*Regarding the 2023 Annual SAFE Reports, the Council:*

- 1. Directed the Plan Team to consider incorporating other data sources, such as the American Samoa Tula Observatory, into the ecosystem considerations sections of the annual SAFE report.**

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

*Regarding the American Samoa MCP, the Council:*

- 2. Directed staff to write to the governor of American Samoa indicating the Council's review and concurrence with the American Samoa MCP at its 199th meeting and request the governor provide the amended MCP to NMFS for approval.**

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

*Regarding American Samoa fisheries, the Council:*

- 3. Requested DMWR to consult with the Council's AP in the development of its American Samoa Tuna Policy.**
- 4. Requested DMWR work with ASEPA to review the cannery offal dumping site to ensure that it is not impacting fisheries associated with permitted FADs.**

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

### **IX. Mariana Archipelago**

#### **A. Guam**

##### **1. Isla Informe**

Guthertz provided the Guam island report. Guam has a high profile in terms of the military and the Indo-Pacific, and the challenges now posed by China. A new two-star admiral was put in place to take command of a new leadership organization called Joint Taskforce Micronesia. The new taskforce was formed in response to the impending military buildup and to strengthen ties with allies and partners in the Indo-Pacific, particularly the Western Pacific involving compact countries in Micronesia such as the FSM, Republic of Palau, and RMI. The new two-star admiral's mission is to synchronize operations and activities across all domains in the region, enabling a robust warfighting posture while enhancing partner nation capacity. The taskforce will promote regional stability, provide homeland defense, defense support to civil

authorities and foreign humanitarian assistance through a whole-of-government approach. It will operate out of Guam, the CNMI, Wake Island, the FSM, Palau and RMI.

There is an increasing military buildup momentum in Guam and the higher military profile is increasing in the Western Pacific from Guam. The civilian community supports the military and its involvement. Both need to work harmoniously together to be able to survive this big investment, and able to preserve the environment, especially the marine and land resources and waters. In 2021, Guam's financial report showed revenue of \$2.03 billion, of which \$1.36 billion was approved by Congress strictly for the military buildup. Marines will start to arrive by December 2024 and increase monthly thereafter. The environmental impact of the construction activity and the operation of a containment facility, including family housing, and the multiple live firing ranges to support the relocation of the 5,000 Marines and their dependents are significant.

The military buildup in Guam is creating five big challenges, including infrastructure strain, environmental challenges, economic dependency, social and cultural impacts, and local cultural preservation. There must be an investment in infrastructure both federally and locally to accommodate the increases with military personnel, dependents and contractors. Public-private partnerships must be done because Guam does not generate enough money to meet the infrastructure demands. In terms of environmental challenges, construction and increased activity is causing concern about loss of native habitats and pollution, increased waste and resource consumption. The local government must develop and implement stricter environmental regulations, promote sustainable construction practices and conduct regular environmental impact assessments. In terms of economic dependency, there must be a way to diversify the economy to ensure economic stability, as the military can change overnight. This diversification should focus on tourism and local industries. There is a need to reduce economic risks by spreading income resources for the island. There is a need for long-term economic stability and growth. Local businesses and local workforce and government revenues need to be protected. In terms of the social and cultural impact of the buildup, Guam wants to be a good partner with the military and will promote more cultural exchange programs, implement community integration initiatives where the military integrates with the community.

In terms of local cultural preservation, the biggest issue is housing and housing market pressures. There is not enough housing for the residents as they are priced out of owning their own homes. Many houses are being purchased by military members because they get subsidies through the Veteran's Administration loans and other programs. Rental of homes are unaffordable, with homes that were previously \$800 per month are now \$2,500 per month due to military pressure. The government has to invest in affordable housing on land they own, or provide housing subsidies. Regulating rental prices could be considered, if not ownership assistance. These challenges need to be addressed to ensure a resilient and prosperous future for Guam and ensure the military buildup benefits locals and the military. Stakeholders must collaborate, both military and civilian, on a sustainable development plan for Guam that maximizes benefits and minimizes disadvantages for everyone. Guam wants to prioritize long-term planning and continue assessments for adaptive growth as changes will occur along the way, be flexible and be real partners.

Simonds said originally it was going to be 16,000 Marines that were going to be moved to Guam from Okinawa. There was a buildup with industry, people and equipment to prepare.



Guthertz said nobody came and those things were left hanging. Because of local pressure and pushback, the initial mobilization was reduced to the current 5,000 Marines. Once the military completes the National Environmental Protection Act process and all the environmental studies are approved, nothing will stop them from bringing more. More than 5,000 Marines is fully anticipated.

Simonds asked if there is housing ready for the Marines.

Guthertz said they are building the housing. In the meantime, they are renting and buying outside the base. The military also approached the Guam public school system to purchase excess school property.

Simonds suggested Guam lease the excess property to the military rather than selling.

Guthertz said may happen. Guam has segregated schools which started in the 1990s. The last time Guam has segregated schools was during the Naval Government period from 1898 to 1950.

Simonds said Muña is fortunate to have 20 conservation officers. There was a time there was a need to monitor fishing on military bases so these officers will be needed.

Dueñas said under the Sikes Act, the military is supposed to have a shared agreement with the resources on their bases. They have not been forthcoming. The number of conservation officers does not matter to the military. They have an eradication program at Andersen Air Force Base to kill off deer and feral pigs. The officers will only arrest local people who have been eating deer and pigs for 300 years.

Sakoda commented on environmental concerns, and said Hawai‘i is dealing with the introduction of invasive species through suspected aquarium dumping in Pearl Harbor by military families. Sakoda suggested Muña work with the military to educate those coming that may not understand potential threats. Out of the six invasive species, the main species, *Unomia stolonifera*, is covering more than 80 acres near the mouth of the harbor. The federal government provided approximately \$2.5 million for eradication which will cover about nine acres, but funding to fully eradicate the fish has not been provided. Sakoda said the invasive species are easier to prevent than to eradicate.

Dueñas added one military personnel brought in pythons. They were discovered before they had gotten loose.

Muña also reported on the 26th Micronesian Islands Forum (MIF) held in Guam, June 3-5, 2024. All Micronesian leaders met for the forum. Guam Governor Lourdes Leon Guerrero was elected chairperson for the meeting. At the 25th MIF, the leadership created the Committee on Oceanic Resources and Muña was selected chairperson on short notice and convened participants from participating islands. The committee identified concerns the leadership raised, centering on marine debris, IUU fishing, and deep-sea mining. Climate change impacts on nearshore fisheries and pelagic fisheries, and nuclear contamination were added to the list of concerns. The committee presented to the MIF but did not offer recommendations since the committee is new and the MIF leadership had not had time to discuss issues in depth. Regarding IUU fishing, the discussion included identifying opportunities to address gaps, such as the Tuna Transparency

Pledge and the Enhanced Shipwright Agreements with the USCG. Regarding deep sea mining, the committee offered updates about the International Seabed Authority and the need for legal framework from each of the jurisdictions since the International Seabed Authority has not promulgated the final rules and regulations. FSM is working on their own legal frameworks to ensure responsible exploration and prevention of potentially devastating environmental impacts. In 2022, the Palau and FSM as members of MIF joined in the Moratorium Alliance against deep sea mining. Nauru is considering pushing forward an application for exploration, they call exploitation, of marine resources given that the International Seabed Authority has not finalized any rules or regulations. Regarding climate change impacts to fisheries, there was discussion on the migration of pelagic fish based on warming of temperatures, the impact of coral bleaching that reduces habitat for nearshore reef fish and sea level rise impacts of potential natural disasters that may stem, including concerns about the impact of sea level rise on the ability to contain the radioactive debris at Runit Dome in the RMI. Micronesia lacks a regional approach to address hazardous waste and wrecks such as unexploded ordinance in the Chuuk Lagoon. During the MIF, CNMI Governor Arnold Palacios and Guam Governor Guerrero confirmed they received letters from Secretary of State Antony Blinken endorsing Guam and the CNMI to join the Pacific Islands Forum (PIF) as associate members.

Simonds said she is glad that the territories are spreading their wings in the region, which started around 2000 with the territories having a seat on the commission. This is what she has wanted the islands to work toward, short of independence.

Dueñas commended the MIF for discussing topics of grave concern. On the Runit Dome, he has always asked PIFSC to do surface troll and do a radiation test of the waters when they make their excursions to the Mariana Islands. The prevailing currents come from the RMI with the Mariana Archipelago acting as a net. 67 nuclear devices were detonated in the RMI, people were displaced, and many suffer from cancer and other ailments. Guam, the FSM and Micronesia region are down winders. Congress had been asked to address the health issue of the people. Documentation shows many dying from ages 45 to 60.

Dueñas provided his island report. At a congressional hearing regarding the buildup in Guam, a South Carolina congressman asked if the people are afraid that the island might tip over with 40,000 military members transferred to Guam. The congressman asked a Navy admiral why Guam was selected, and the admiral said because they own the island. The military had been forced out of Kaho‘olawe and after \$100 million was spent to clean up hazardous materials, the island remains polluted, and returned to the Native Hawaiians.

The Terminal High Altitude Area Defense system will be fired twice a year for exercise at a range of 12 to 50 miles, and there are concerns about whether the spent missile and its contaminants from its spent fuel be recovered. Dueñas reported USFWS Guam Refuge Manager Toni Mizerek said not to worry about sea turtles and their nesting at the refuge because the nesting areas are below the 400-foot cliff line and not in danger from the firing range above. Transiting turtles remain in harm’s way. Dueñas also noted that the USFWS will be relocating the visitor and office facility, and reported when asked about whether they would consider returning the land to the original landowners, USFWS staff indicated they would think about it.

Dueñas also noted that NMFS has told him there are 258 broken pieces of coral near the seawall construction of the Guam Fishermen’s Cooperative Association (GFCA). However, there

are no living corals on the GFCA side because that is a surge area but because the agency is involved, the Army Corps of Engineers held up the project. He lamented about issues with the brown tree snakes, the Ko'ko' bird, and the placement of the Guam kingfisher in Palmyra to breed.

Dueñas thanked PIFSC, PIFG and Lynker, for coming to Guam and meeting with the community and fishermen. He asked the Plan Team to revisit the 13 BMUS species, noting the red gill emperor is a rod and reel fishery and should not be compared to the onaga. He said he wants to see a cultural working group formed and include the different cultures from Hawai'i, American Samoa, Carolinian, and Chamorro, and include Severance in the group. This group should foster better understanding on how things are done the same or differently across the different cultures.

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

[This agenda item was taken up before A.1 above]

Muña presented the DAWR report. Twenty-four surveys were conducted in the last reporting period, of which 18 were creel and six were participation surveys. Tarakito (jacks) and mafuti (emperor) were the top species caught. The top gear used was hook and line, followed by cast net and snorkel spear. All 30 boat-based creel surveys were conducted. Biologists were taken off conducting creel surveys and technicians assigned to the task. Skipjack tuna and mahimahi were the top species landed mostly by commercial trollers. Bottomfish landings remain difficult to survey to species level due to fishermen's constraints. Approximately 88.5 mt of fish was harvested by boat-based fishers with trolling being the most common method, which harvested 76.6 mt or 87% of the landings, most from the Micronesian commercial trolling fleet. Charter trolling has been slow due to low tourism numbers which is growing but not to pre-COVID-19 levels. Charters by the military and tourists from South Korea show an increase. Bottomfishing and night jigging for atulai (bigeye scad) were the other two boat-based fishing methods.

A ribbon cutting ceremony was held May 29, 2024, at the Agat Marina Dock B. DOAG, through the Wildlife and Sportfish Restoration Fund paid 100% of the demolition costs and contributed \$500,000 toward the construction. Dock B is solely for recreational boats.

The UOG Marine Lab completed the final species assessment report for 28 target species for the Guam FMP and provided a generalized understanding of the species' responses and strengths and weaknesses of the data sources and the spawning potential ratio modeling.

DAWR held several education and outreach events, including staff demonstrating the art and tradition of talaya (throw net) throwing to school children, partnering with the UOG 4-H Program for a similar outreach, supporting the National Wildlife Refuge Fishing Workshop at Ritidian, and hosting a kids' fishing derby at Masso Reservoir to celebrate Earth Day. DAWR also had a display at the Guam Museum as part of the Council's *I Maneguihan* exhibit.

A sea turtle crawl was documented after more than 50 years in Tumon Bay at Gun Beach.

Biologists conducted an audit of cultural educational signs and noted those that need to be replaced. Bureaucracy proves a challenge to procure replacement signs but work continues. Regular inspection and maintenance of fishing platforms continue, including cleaning of trash and vandalism.

Seven FADs are now online with procurement to purchase more ongoing for deployment during 2024. DAWR is working with partners to identify alternative suppliers for a more cost-effective design. Two echo-sounder buoys were recently deployed and tethered to FAD buoys. Fifteen shallow water mooring buoys were deployed with an additional 15 in the procurement process for deployment in 2024.

Andrew Kang, DAWR biologist, participated in a shark depredation project in Honolulu, learning how to successfully tag sandbar, Galapagos and tiger sharks. He joined three or four others from Guam in the training. Sample locations in Guam are Tarague, Ritidian, and 9-Mile Bank with around 40 sharks to be sampled.

The Coral Reef Initiative moved its offices into the DAWR building and has been working on outreach projects. Three full-time staff members were hired. One of the projects they are working on is developing a management plan for Piti and Asan watersheds. A dive program was reconstituted with DAWR and Coral Reef Initiative staff to monitor seagrass reproduction. Other projects include the development of marine education videos, supporting the Guam Green Growth Thriving Natural Resources Project, water quality monitoring, short-term heat assays to inform coral restoration, and long-term monitoring program. A Coral Reef Initiative staff was hired to do communications and work with conservation officers to develop outreach materials and translate them into different languages.

There were no enforcement incidences during this reporting period. The conservation officers worked with wildlife biologists and technicians inspecting and monitoring confirmed fruit bat nesting areas and colonies. A conservation officer was sent to attend the Micronesian Island Conservation Conference in Saipan in February 2024. Two officers were sent to the same conference in April to do collaborative work with the USCG and Micronesia Forces Sector Guam. While there, they did a subject matter expert exchange program with the CNMI DLNR officers. The governor's office authorized \$500,000 for the Bureau of Budget and Management Research to hire 15 conservation apprentices and hope to have a full complement of 20 conservation officers in a few months. Prior to the creation of the apprenticeship program, a conservation officer recruit would have to have completed a Guam police post-certification standards training.

Dueñas said the sea turtle hatchlings observed in Tumon Bay proves turtles return to where they were born. He has heard from people crawls were also observed along East Agaña Bay.

Itibus asked about the kids' derby and asked if it was held inside an MPA, noting interest for hosting a similar event for the youth in Saipan.

Muña said the recent derby was in a man-made reservoir, but there was a kids' derby held last summer at the Ypao Beach Park, within the Tumon Bay MPA.

Dueñas added when he was deputy director for DOAG, he asked for the results from the surveys given to parents asking their preference sites for kids' derbies. The highest selected site was to allow kids to fish in MPAs using the strategies of the preserves such as tag and release.

### **3. 2023 Annual Stock Assessment and Fisheries Evaluation Report-Guam Module**

Remington reported on the 2023 Annual SAFE Report for Guam with a focus on archipelagic nearshore bottomfish fisheries. The Guam BMUS are no longer determined to be overfished but not yet rebuilt. Commercial sales data were confidential due to less than three vendors reporting. Work is continuing with DAWR and the Guam Bureau of Statistics and Plans to encourage fish vendors to report their commercial sales of bottomfish so that there will be sufficient number of reports to allow data can be reported. There was a slight decrease in BMUS catch which was below the 31,000-pound ACL, with the decline commensurate with a decrease in trips and gear hours. Both CPUE and pounds-per-gear-hour show a small uptick due to a decline in effort, fewer trips and gear hours. The CPUE's increase means bottomfish fishing was more efficient in 2023.

With the ECS, creel surveys show assorted reef fish, followed by bigeye scad (atulai) as most harvested. The priority species saw the unicorn fish (tataga) which at 4,000 pounds, is high but not compared to 2022. Decreases in gear hours and fishing trips are attributed to weather and military activity. In 2023, there were 47 notices to mariners for military exercises which resulted in 144 warning days. Although the exercise areas are not closed to fishing, precaution was taken so fishermen stayed away. With weather, there were 119 high surf warning days and 108 small craft advisory days. These days are not good for bottomfish fishing. There was also Super Typhoon Mawar which impacted the islands with over seven typhoon watch days. The storm resulted in damage to the GFCA and some data collection was missed by DAWR.

Fisher observations are collected through the AP and the annual summit. Fishers noted fish were affected by typhoon conditions and currents and were moving to areas that they were not normally. With markets, there was the loss of GFCA, which led to a shift to roadside sales and less demand to buy fish overall. This also impacted commercial sales as fishers will not go fishing if they know there is no market to sell to. For operations, fishers took fewer trips due to higher fuel costs, the super typhoon and loss of power by the storm, exacerbated by high fuel costs. Guam saw continued shark depredation in 2023. For other observations, Guam fishers saw more boats entering the fishery with new fishers and new vessels. There is a need for boat operator training associated with the new fishers.

Regarding life history, there has been significant progress for the sample collection of BMUS for life history. A Mariana Archipelago Biosampling Summit was held in November 2023, and there is also a biosampling program that operates as a NMFS subcontractor and works closely with the GFCA to buy and sell fish. Fish are sampled and then resold. Samples are sent to NMFS for processing. Although there were many samples collected in 2023, there were no studies completed for new life history information. However studies are ongoing on age, growth, and reproduction for species such as lehi, onaga, kalekale, and gindai.

With the socioeconomics, there was no jump in fuel price but it still remained high. Due to confidentiality rules, information on revenue and price data are not disclosed. For protected

species in archipelagic fisheries, the report reviews data for possible interactions with OWTs from the Guam bottomfish fishery. For oceanic and climate indicators, a sea surface temperature anomaly of 0.5 °C was noted around the archipelago which may result in mass bleaching from the high temperatures. There were weak negative anomalies in chlorophyll a concentration but in line with historical averages.

The Plan Team discussed adding new environmental indicators around Guam, including temperatures at the 200 to 300 meters depth. Feedback is also being collected from the Plan Team on additional environmental indicators that could help fishery forecasting going forward.

Dueñas agreed with the report on small craft warnings, which averages 10 per month. Many fishers fish only on weekends and the weather impacts their fishery. Noting the waters around Guam are getting warmer, there was an abundance of mahimahi during 2023, normally a cold water species.

#### **4. Updates on the Guam Bottomfish Rebuilding Plan**

Zach Yamada, Council staff, presented a brief update on the Guam Bottomfish Rebuilding Plan. In 2020, the Council was informed the Guam bottomfish fishery was overfished. The Council completed the necessary processes and developed the management action. In June 2021, it took final action on the amendment, implementing a rebuilding plan with a catch limit of 31,000 pounds and accompanying accountability measures. In February 2022, the final rule for the rebuilding plan was published. In February 2024, the Council received an update on the Guam bottomfish stock assessment, which included a Western Pacific Stock Assessment Review (WPSAR). The assessment found that the fishery was neither overfished nor experiencing overfishing; however, the stock had not yet been rebuilt. At the 197th Council meeting in March 2024, the Council requested PIRO and PIFSC to provide a review of the rebuilding plan to see if additional conservations and management measures were needed, and for PIFSC to provide catch projections to rebuild the stock with the 10-year framework. PIFSC sent the catch projections to Council staff, and expects to send the review of the Guam rebuilding plan by the end of June 2024.

Dueñas said he did an analysis for the GFCA in comparison with the creel survey for bottomfish. On the pelagic side, it was 64% for the GFCA's average total number of catch. Bottomfish was 11%. A reevaluation is needed, similar to the approach taken with safety, where weather conditions were considered as contributing factors. Catch numbers are exaggerated, which is the reason he asked for an experimental group with a control group, using the GFCA as the verifier, and do a statistical analysis of the numbers. When there was an increase in harvest, SCUBA spearfishing was banned. The only activity fishermen were allowed to do during the COVID-19 pandemic was fishing.

Weaver said during Saipan derbies, fishermen go to the Northern Islands to catch bottomfish, and asked if it is possible that data are being recorded incorrectly. He asked how catch landed in Guam is recorded if the fish was caught in the Northern Islands.

Jones, PIFSC, said there is spatial reporting. Through the creel survey, the report will show where fish was caught. Guam and the CNMI have separate assessments and separate fisheries. The Plan Teams are looking if there should be a joint assessment with allocation. There is a study with DAWR, PIFSC and Division of Fish and Wildlife (DFW) to start looking at

improving the spatial resolution in the creel data, along with other activities going on such as the fishery-independent survey and trying to improve on Guam and CNMI with vendor reporting. The CNMI has an 87,000-pound ACL with a catch that is less than half that amount. The APT has members from CNMI DFW, Guam DAWR, American Samoa DMWR, PIFSC, PIRO, and Council staff. Clay Tam and the APs also report to the Plan Team. Fisher observations would be the appropriate place for the CNMI delegates to bring up concerns. PIFSC received funds from an MSA request for proposals process to host meetings in the CNMI and Guam in 2025 to start addressing spatial resolution.

Dueñas said Guam fishermen who go to Saipan to join the derbies go for the experience and not so much for the fish. As fishermen experience these activities, they stop going for the derbies, they want to go further north. He said is why he has asked the federal government to provide a poster showing Guam boats the CNMI rules and regulations.

## **B. Commonwealth of the Northern Mariana Islands**

### **1. Arongol Falú**

Weaver reported on the economy and other activities within the CNMI. Tourism is the number one economic activity for the CNMI but businesses and hotels are having a difficult time, and the government will be operating under austerity measures. Hotel occupancy has declined from 80% in pre-pandemic years to 38%, and one of the major hotels (Hyatt Regency Saipan) has closed its doors after 43 years. The administration and the visitor's authority are seeking a third source market to alleviate the hardship.

Road improvements on Saipan have been ongoing on the scenic route along the coastline. Gas prices fell three times in May down to \$5.36 per gallon, which has encouraged fishermen to go out more with their families.

Of the 8 fishing derbies that occur in the CNMI, half of them have been completed. During the beginning of the year, three derbies were postponed due to small craft advisories. A lot of youth have been participating in tournaments, and more families are teaming up compared to friends. The CNMI is also seeing the younger generations purchasing their own boats.

The erosion project occurring at the Smiling Cove Marina began Dec. 8, 2023. Many improvements taking place on the island will hopefully attract more tourism coming to the island.

Guthertz asked what is going to happen now to the Hyatt Regency location, as she understands the land belongs to the government and that the company had recently renewed their lease.

Weaver said he believes another company may be looking at the location but there are no current dates for reopening.

Guthertz said ultimately the government owns the land and will inherit the property when the lease is completed whether it is occupied or not. She asked what may happen if the government gained control of the facility, whether the government may utilize it to accommodate

housing, convert the units or keep them as hotel rooms but have the military lease it in response to the buildup in CNMI.

Weaver said there are hotels besides Hyatt Regency that have been sitting idle and had closed, totaling four major hotels.

Guthertz asked if the hardships came down to the airlines not servicing CNMI.

Weaver agreed and explained CNMI's "operation 500,000" which aimed at attracting 500,000 tourists a year. With Hyatt Regency closing and Asiana Airlines ending service, the operation aims to get four flights from Korea, three flights from China and one flight from Japan to make up for the hardships. Weaver does not see this happening.

Guthertz asked if one airline has a monopoly.

Weaver confirmed that United Airlines is the primary airline, with Jeju Air also currently servicing, and he believes Hong Kong Airlines may be flying in soon.

Guthertz asked how much an airline ticket cost on United Airlines between Guam to Saipan, for the purpose of informing those who may not be familiar.

Weaver said the 30 minute flight costs approximately \$500 and that it is cheaper to fly to Korea than it is to go to Guam.

Guthertz said the cost demonstrates how exploited the territories are for profit. Guthertz emphasized it can be changed by removing the cabotage regulation in the territories so that airlines can freely come in and out and move people in and out of Guam and the CNMI. She suspected this is also an issue for American Samoa and other U.S. areas that deal with monopolistic practices. Guthertz suggested joining together with the CNMI through the governors, legislative and congressional non-voting representatives to pursue it. It is not fair that a lot is being given up to support the United States for military buildup and the people should not be held hostage and exploited with monopolistic business practices.

Sword said the same applies to American Samoa, and he hopes that when Alaska Airlines purchases Hawaiian Airlines, the flight tickets will be cheaper than \$1,600 round trip for economy seats. Sword thinks that it would behoove them to have the governors of the territories band together to and try to rectify this. He suggested allowing non-U.S. carriers at least in the Pacific to get some relief from high fares. Sword also said the flights to American Samoa are always full, making it difficult to get a seat unless booked two to three months in advance. Fiji is an alternative route of travel at half the price, but an overnight stay is needed, as is the case for flying through Samoa.

Guthertz said this also affects the fishing industry and the possibility of sharing fish between one territory and another, and exporting fish.

Dueñas said Guam Congressman James Moylan has proposed changes to the cabotage law pertaining to airlines, and also the Jones Act. The cabotage law is the one affecting U.S. territory and is part of the cumulative effect the U.S. edicts on the island. Dueñas also said Congressman Moylan sent a letter to the Council executive director, requesting for insight on the



MSA, and invited the Council to share their ideas on the Act itself. The congressman is on the House Committee on Natural Resources, and has worked well with GFCA and Congress in providing mitigation to several edicts that affect the community.

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

Mike Tenorio provided the DLNR DFW report. Boat-based and shore-based creel surveys have had minimal activities. Surveys had been limited due to operational issues within DFW, which has recently been resolved. Opportunistic surveys are being performed and the rescheduling of regular field surveys will resume. The commercial invoice system had also been limited during the first quarter of 2024 due to the same operational issues. Staff is currently working on uploading information onto the database.

For the mandatory data collection reporting and recording implementation, staff has been reaching out to vendors and fishermen over the past few months to inform them about the process and some of the activities associated the program. Additional work with obtaining quotations from venues and media advertisements for outreach purposes is also ongoing. Information packets are being developed for the known and active fish buyers and sellers.

In the enforcement program, education and outreach visits to fish vendors, schools and community events are being performed. Vendor outreach is ongoing in collaboration with the fisheries data section to explain the regulation for mandatory data reporting requirements. Enforcement staff conducts outreach during interactions with fishermen, vendors and beach goers to share information on local and federal regulations. Enforcement staff also performed shoreline and sea patrols. Vessel inspections are performed at the currently active launching ramps on Saipan. Commercial bottomfish fishers are intercepted and informed of the federal commercial bottomfishing permit requirements. Staff has also received in-house training on the various DFW programs and section responsibilities, projects and regulations. Enforcement staff assists the CNMI DLNR Turtle Program personnel in monitoring known green sea turtle nesting sites and work collaboratively during incidents of turtle harassment, vessel strike or take. DFW is actively searching for funding to support and improve the enforcement program and staff capacity.

In the Fisheries Research Program, staff has increased their field work given the favorable weather conditions. Surveys within the Saipan Lagoon and the collection of fish life history samples continue. Bids are in circulation to acquire a new vessel, for building repairs and FAD deployment. A contract for a new vehicle is being processed under the program. FY25 program proposals have been drafted and are currently being reviewed by the granting agency in hopes to complete the granting process before the end of July.

The Fish Life History Program plans to conduct fishery independent surveys and life history data collections in Alamagan and Agrihan were canceled due to complications with the contracted vessel. The program conducts monthly collections of target species, with samples being processed the day after being harvested. DFW staff recently participated in a UOG life history methods workshop, called Jungle Histology and Fish Aging. DFW staff received good feedback on their performance from the trainers and the training will benefit the CNMI DFW

Fish Life History Program. An intern has been working on gonad histology and age reading for the rudderfish, *Kyphosus sandwicensis*.

The Marine Resource Assessment has close to 100 surveys conducted out of 148 within the Northern Lagoon portion of Saipan. Of the 50 remaining survey points, 20 will be conducted using scuba in the deeper sections of the lagoon. The team has identified approximately more than 200 unique species during the surveys and has sized more than 10,000 fish.

FAD buoy deployment is ongoing with a vendor being secured and buoys being built. Parts of the buoy are being fiberglassed. An invitation to bid was advertised for the deployment and the buoy is expected to be deployed by the end of this summer. A FAD site survey was done near the island of Rota, which confirmed that both FADs previously deployed in the area were missing, although a confirmation is pending to determine if the systems were broken loose. Currently, one buoy is active out of 10 FAD sites. Improvement is expected in the near future.

The revetment project is ongoing in the Smiling Cove Marina, with the damaged concrete barriers being replaced with boulders. Sand accretion into the channel is another pressing issue, and meetings with Federal Emergency Management Agency and U.S. Army Corps of Engineers representatives have been conducted. While this is not an area of responsibility for DLNR, sand accretion affects operations within the marina.

The fishing community is interested in installing a launching ramp on the windward side of the island. Issues raised during the exploration phase in previous years were that a lot of the roads used going down to Laulau Bay is private property, and there needs to be public access before any progress is made on the construction or installation of a launching ramp. Other potential issues are ESA and essential fish habitat, as turtle nesting sites occur in the proposed area.

The Boating Access Program manager is working on obtaining an U.S. Army Corps of Engineers permit for the Rota West Harbor Marina Rehabilitation Project. A Division of Coastal Resource Management conditional permit was awarded in April and is working toward finalizing a waiver of water quality certification from Division of Environmental Quality. The project is currently waiting for interested companies to submit their respective proposals for ground maintenance.

For the CNMI Sea Turtle Program, four turtle interaction incidents occurred, including meat confiscation by the enforcement section and a turtle head confiscation. Four hatchlings were found inside a bucket at Kilili Beach. Residents who owned the bucket were informed of the turtle rules and regulations, and the hatchlings were immediately released. DFW enforcement is looking into this incident. Eleven dead hatchlings were found at Jones Beach, Tinian, possibly due to predation by stray animals. Ten nests have been inventoried, five on Rota and five on Saipan. Morning and night surveys continue as scheduled, however, a reduced number of night surveys occurred between April through June due to personnel issues. In-water tagging and nesting inventories organized by NMFS will occur from July 1-10, 2024.

Igisomar provided additional highlights for recent DLNR activities, with a focus on the importance of partnership and collaboration. Two DLNR enforcement staff partnered with the USCG on a surveillance trip to the Northern Islands June 17-21, 2024, and returned safely.

The CNMI has benefited greatly from the Council's scholarship program. Frank Villagomez and Maria Angela Dela Cruz are two scholarship recipients who worked at DFW and have now moved onto new positions with NMFS and the Council, respectively. Carey Demapan, head of the turtle program, Keena Leon Guerrero, biologist, and Jude Lizama, acting head of the data program were also recipients. Igisomar emphasized the importance of continued support for this program. The CNMI continues its commitment of the Sustainable Fisheries Fund (SFF) to dedicate a portion to support the scholarship program.

CNMI received communication from SPC that there are arrears almost to the tune of a million dollars, and the CNMI is looking to cure that. The governor and local legislature are supportive of the SPC programs that the CNMI has benefited from, including fisheries-related training, agriculture, and health. The new director general from SPC recently visited the region, including Guam and CNMI to share current events and situation with their programs.

Sword asked if any of the territorial governors have requested their respective congressmen for support for the scholarship program in any budget hearings. He also asked for an update regarding military activity in the CNMI.

Tenorio said there has not been any request for scholarship funding from Congress, and that the CNMI is currently using their own funding and aims to explore other ways to support the program. CNMI is currently working to address an invasive species issue with the Department of Defense (DOD). Tenorio said the DOD are good partners, quick to respond and has a good relationship. There is a lot of DOD activity with building up the leased area on Tinian. Snails were recently discovered on a ship that arrived from Turkey, and CNMI is figuring out the best ways to deal with invasive species with DOD.

### **3. 2023 Annual Stock Assessment and Fisheries Evaluation Report- Commonwealth of the Northern Mariana Islands Module**

Remington reported the 2023 Annual SAFE Report highlights for the CNMI, focusing on the archipelagic or nearshore fisheries including bottomfish. There was a significant decrease in total bottomfish catch from the total estimated creel survey estimates of 47,000 pounds in 2022 to 10,000 pounds in 2023. There was also a similar decline in commercial catch data from 32,000 pounds to 5,000 pounds. These 2023 data are likely not reflective of variability in the fish populations due to operational issues with surveys. CPUE in pounds per trip and CPUE in pounds per gear hour both showed a decrease in 2023, with catch decreasing more than effort. Atulai was the most harvested ECS in creel surveys and commercial data, which was consistent with Guam. Most priority species were below historical averages. In 2023, DFW creel survey days were the second lowest in history of the program due to high staff turn-over and issues with funding drawdowns that led to periods where there was no access to fuel. There were several months of no catch data expanded. The 10,000 total pounds of estimated catch from creel surveys is reflective of data from several months of zero pounds of catch.

The number of commercial vendors reporting was the highest since the early 2000s. The Plan Team suspected this may be due to many new markets opening up and closing. Commercial catch was recorded to be approximately 5,000 pounds, where it is normally in the 30,000 pounds range, was due to DFW not yet accounting for all 2023 invoices. The 2023 receipts are expected to be accounted for by this year.

The new noncommercial section is estimated from the creel survey's total estimated catch, and subtracting the dealer reported catch. Similar to Guam, the CNMI is seeing 60-70% noncommercial bottomfish. However, there has been an increase in commercial bottomfish which could be due to the increased vendor reporting in recent years.

Fisher observations for CNMI were similar to Guam. Peripheral wind effects in the CNMI affected fishability in 2023 due to the super typhoon that hit Guam. There was an increase in coral bleaching associated with the elevated sea surface temperatures. Fishers noted that the super typhoon affected conditions and currents, and that the fish are moving from where they usually are in relation to oceanographic conditions. Fish are moving further offshore, especially with reef fish. Fishers noticed less fish demand in the fish markets. Parasites in the gills of wahoo have been observed as well. In terms of fishery operations, there are fewer trips, higher fuel costs and continued shark depredation. Fishermen express that military ramp up has been affecting fishing access. Fishermen have also been vocal about the lack of public meetings on Tinian and Rota associated with the green sea turtle and coral critical habitat designation.

Life history section of the report is the same as Guam, as measurements taken in certain locations within the archipelago are applied for the species throughout the archipelago. A biosampling summit was held November 2023 on Guam that included CNMI participants to create shared priorities and iron out a path forward for the island area.

The socioeconomic section show that fuel prices in the CNMI is the highest among all island areas in the Western Pacific, and a slight decrease from 2022 to 2023 did not provide much relief. For bottomfish, the incomplete commercial data had a drop from 2021 and 2022 into last year. There is a slight decrease in fish price, \$5.38 per pound, which is in line from the previous years. Trip cost has dropped due to less fuel usage, not necessarily due to lower fuel cost.

CNMI archipelagic fisheries have minimal impacts on protected species. Oceanic and climate indicators are similar to Guam, increasing surface temperatures, stronger in the north, coral thermal stress exposure, with the expectation of mass coral bleaching. The full reports will be published in the coming weeks for the additional indicators on the online portal to the Annual SAFE report. There will be a revamp of the Annual SAFE Reports, and Council members to provide input on information that would be helpful for the CNMI.

Plan Team discussions noted the moderate effort from the creel surveys and a high number of vendors reporting, but catches were low in both data streams. If the effort is remaining consistent and vendors are reporting, catch should also be consistent, but that was not the case for 2023. It is difficult to make an assessment of how the fisheries have been doing the past year due to the data issues. Resolving this will provide a better status of the bottomfish fisheries in the CNMI.

Malloy clarified that hearings were held on Tinian and Rota for the coral critical habitat designation. For the green sea turtle critical habitat, NMFS met with the mayors of Tinian and Rota, followed by virtual hearings. A lot was learned in person for coral critical habitat, so that will definitely happen again.

Sword asked if a picture of a bigeye tuna in the presentation was a current picture from longline fishing in the CNMI.

Remington said to his knowledge there is no longline fishing in the CNMI.

Dueñas said about 12-15 years ago, a woman from California borrowed \$5 million from USDA to conduct experimental longline fishing in the Mariana Archipelago using three Hawai'i longline vessels. The catches were small and they had difficulty selling, so Dueñas was approached to help sell the catch.

Sword asked how the CNMI provides fish for the tourists without longline fishing.

Weaver said the CNMI receives imports from Japan, like tuna, which are utilized at restaurants. Local fish are only being sold at the markets. He did not know why the restaurants do not purchase local catch, and whether it may be a public health issue in regard to permitting. Noncommercial fishers are unable to sell to the hotels if there is no license. Weaver also said weather conditions and fuel prices are pushing Tinian and Rota fishers more toward bottomfishing than trolling.

Dueñas said in the past, Guam had as many as 500 foreign longliners visiting Guam. Some of the products sold in Saipan came from Guam through processors that purchased the catch. Currently, more than 95% of fish on Guam and Saipan likely come from Japan or other sources. Fish from the Mariana Archipelago is small, whereas hotels and restaurants prefer larger loins. Dueñas asked if there was any line of demarcation for the main CNMI islands similar to the demarcation between MHI and NWHI, and what percentage of fish was coming from each area. He suggested that the CNMI have a handout of their fishing regulations and impacts at the upcoming fishing derby, when approximately 20-30 Guam boats are expected make their way to the CNMI. Dueñas wanted to have a better understanding of the CNMI fishing regulations so that Guam fishers would not break the law. He said he was interested in the differentiation between the different parts of the areas in the CNMI, especially in the context of the 40-foot closure that was put in place.

Remington said he would defer to DFW who is conducting the surveys, but noted he is aware of some spatial specificity of surveys. Surveys are conducted on Saipan and that there is potential for some catch not to be sampled. Fish caught in Tinian, Rota or the northern islands are included in surveys if they are landed in Saipan. In regard to the 40-foot closure, Remington deferred to Tenorio and DFW on the spatial information, but noted that the CNMI data are reported as a whole in the SAFE report.

#### **4. Commercial Bottomfish Permit and Reporting**

Brett Schumacher, PIRO SFD, reported on the comparison between the Federal commercial bottomfish permit and reporting and the CNMI commercial fishing recording and reporting regulations, as requested by the Council. Council staff, PIRO SFD and GCPI reviewed the regulations to determine if information collected through the territorial program would fulfill the data collection requirements of the Mariana Archipelago FEP as well as determine if the two collection programs are duplicative. A state can require fishing vessels to report outside their boundaries if the state laws and regulations are consistent with what would be collected under MSA fishery management plans and associated fishing regulations. National Standard 7 directs NMFS not to have unnecessary duplication in regulations.

Based on the review, it was determined that the CNMI and federal regulations are not duplicative due to the geographical locations. The federal regulations apply to commercial bottomfish caught for three to 200 nautical miles, the U.S. EEZ, but not fishing in the territorial waters. CNMI regulations address fishing in the CNMI territorial waters. A federal permit is required when commercially fishing for Mariana bottomfish in the CNMI management subarea, which is the EEZ economic zone seaward of the CNMI, with the inner boundary coterminous with the seaward boundary of the CNMI. Those fishing under a federal permit are required to provide a complete report of catch within 72 hours of fishing in federal waters. The CNMI regulations require a license if commercial fishing for marine life in the CNMI territorial waters. License holders are required to record all fish, and the reporting requirements occur twice a month. At present, federal regulations must stand and cannot be removed due to spatial differences between the federal and the CNMI waters as they are not duplicative and are rather complimentary.

Simonds asked how many federal and CNMI permits have been issued under the regulations.

Schumacher deferred to the CNMI to address the territorial permit. For federal permits, there are currently 3, and ranging between one and two dozen per year since the permitting requirement was implemented.

Simonds said the situation is similar with Hawai'i bottomfish. One of the reasons the regulation was put in place was for Hawai'i fishers who did not want to be federally managed would get the state's commercial license. Simonds said this warrants a broader discussion on whether the federal permitting program is working for Hawai'i and CNMI. She asked Dela Cruz, Council staff, on the status of the permitting and reporting for CNMI.

Dela Cruz said implementation of the regulation will begin in October 2024, and clarified that the rules are for a license, not a permit. Application forms for the licenses as well as the license have been drafted, and there will be an approval process before they are implemented.

Gene Weaver asked if the definition of the CNMI waters being from the low waterline applies to the other islands in the chain such as Alamagan and Pagan.

Schumacher said the areas off of the military sites are federal waters up to the high tide line, including areas off Tinian and Maug, which is the reason the CNMI regulations defining CNMI waters say "except for water under federal jurisdiction."

Weaver said he gets asked those questions a lot and fishers because the wording in the definition is confusion, and many fishermen understand it as they can go three miles out from each island. Weaver asked if a recreational fisher will get penalized or fined for fishing within the three mile zone from the low shoreline.

Schumacher agreed and said a plain language guide of the regulations would be helpful so people know where to fish. He added that the CNMI AP discussion on this topic focused on issues of what counts as federal waters or CNMI waters.

Simonds said she does not recall ever receiving a report on federal enforcement of federal regulations, and asked how the federal regulations are being enforced.

Schumacher said the regulations would be enforced by the USCG and NOAA OLE.

Simonds said the Council should ask USCG and OLE how they are enforcing the federal regulations in federal waters for bottomfish. She also asked whether there have been reports from the three permits.

Schumacher said the Annual SAFE Report includes information of the number of federal permittees, but the reported data have been largely confidential due to the small number of reports.

Simonds said the numbers do not seem to match up as there are bottomfishing occurring in federal waters.

Schumacher agreed there is an opportunity as the CNMI DFW starts the program, noting there will be two different entities working together and complimenting each other, as well as helping with outreach.

Dueñas said nearly a third of Guam is owned by the federal government and the extension offshore is 12 miles. He said there has not been fishery enforcement in the 12 miles in his experience. Dueñas said he recalls that the CNMI's lands, including the three northern islands are leased by the federal government because the CNMI government signed into the covenant that they will be protected. He said the interpretation can be subjective.

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

### **1. Marianas Advisory Panel**

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

*Regarding commercial bottomfish permitting and reporting*, the CNMI AP recommended the Council assist fishermen for relieving burdens for fishermen in CNMI waters.

Farrell reported the CNMI AP's concerns regarding whether they would have to obtain both a federal permit and a DFW permit to fish in the zero to three zone around Tinian and part of the Northern Islands due to the area being considered a military area.

### **2. Plan Teams**

There were no recommendations from the Plan Team regarding Mariana Archipelago.

### **3. Fishing Industry Advisory Committee**

There were no recommendations from the FIAC regarding Mariana Archipelago.

### **4. Scientific and Statistical Committee**

There were no recommendations from the SSC regarding Mariana Archipelago.

## **D. Public Comment**

There were no public comments.

#### **E. Council Discussion and Action**

*Regarding permit and reporting requirements in CNMI, the Council:*

- 1. Directed staff to work with CNMI DFW and NMFS PIRO to monitor implementation of the new territorial CNMI license and reporting requirements in CNMI waters in relation to existing federal permit and reporting regulations for fishermen targeting BMUS in EEZ waters surrounding the CNMI.**

*Moved by Weaver; seconded by Itibus.*

*Motion passed.*

*Regarding youth in fisheries in Guam, the Council:*

- 2. Directed the Education Committee to look at options for a fisheries science and management education and training program for high school students to build local capacity and interest in fisheries.**

Muña said the impetus of the recommendation was to build off of the UOG 4-H Program since that ends at the age of 14. This was to build something that expands on that after 14 years old.

*Moved by Dueñas; seconded by Guthertz.*

*Motion passed.*

*Regarding Mariana Archipelago fisheries, the Council:*

- 3. Directed staff to convene a working group to analyze the impacts of the military buildup to fisheries and the Guam fishing community.**
- 4. Requested the DOC seek exemptions to the cabotage laws and Jones Act regulations for the U.S. territories in the Pacific to provide relief from rapidly increasing costs, address negative economic impacts from inflation, COVID-19 impacts, and declining tourism, and establish equity for its territorial citizens and Nationals.**

*Moved by Guthertz; seconded by Dueñas.*

*Motion passed.*

*Regarding Mariana Archipelago fisheries, the Council:*

- 5. Requested NOAA to seek ways to provide funding for the MET Program.**

Dueñas requested NOAA find ways to fund MET. The program was a success in Guam because it was established with the UOG 4-H Program, the first 4-H marine sector in any university or college in the United States. They depend on MET funding to train the youth who then share their life experiences with the community. This is one way to assist in fostering a successful development program within UOG.

*Moved by Guthertz; seconded by Dueñas.*

*Motion passed.*



## **X. Hawai‘i Archipelago and Pacific Remote Island Areas**

### **A. Moku Pepa**

Dang provided his Moku Pepa on the commercial fishing industry. The Hawai‘i longline fishery had a productive swordfish season with good prices, but when the imports came in, the market dropped the local prices as much as 70% to below the cost of fishing. In the past year, the captains adjusted their fishing action plan to deliver their fish to the auction three to five days before the South American fleet offloaded their fish.

For the deep-set fishery, 2023 was one of the worst years economically in recent history with demand and prices at a low. The demand and prices began to pick up following Mother’s Day and the industry hopes the prices will stabilize. About 10 vessels in the local longline fleet are up for sale because of the economic performance in 2023 and first part of 2024.

Imports have been providing a negative impact, and if there is no action to address it, then more vessels may go up for sale. In a recent press release from the Vietnamese Association of Seafood Export and Producers, they reported their exports increased by 46% with almost half of that going to the U.S. fish imported from Vietnam include products caught by their boats and fish bought from third world countries. The United States is their biggest market because the European Union (EU) has a yellow card on Vietnam for IUU fishing. In 2017, the EU did an audit of Vietnam’s imports and they could not track how much fish they were buying. Dang also reported on a tragic accident in April 2024 on fishing vessel Kim Thu, in which several people were injured, and the owner and another person passed away.

Dueñas ask why there is a discrepancy between the EU and the United States in terms of having a yellow card on Vietnam.

Dang said he was not familiar with the U.S. position to not place restrictions on Vietnam similar to EU’s yellow card.

Sakoda said he has heard the wholesale prices were down, but the retail prices remained high, and asked if this was true and what caused it.

Dang said it is true, and the markets found a sweet spot with the low prices of imports.

Simonds said the Council had a discussion during the last Council meeting where fishing industry members said the prices at the market do not change no matter what the prices are at the fish auction. The markets are always winning while the consumers continue to lose. The consumers do not understand the market and may see the prices and blame it on the fishers, but the high prices are driven by the market. There is a need for discussion on correct labeling and enforcement on those markets to follow the regulations.

Muña asked if there are federal regulations enforcing correct labeling country of origin for fish being sold.

Simonds said the State of Hawai‘i does have regulations and Muña would have to check with Guam regulations.

Muña asked if the labeling is no longer required when fish are broken down into smaller parts, noting when she goes to the market, the fresh fish filets are not labeled and has advised people that fish may have not come from Guam.

Simonds said correct labeling gives people the choice if they want to buy fish from the Philippines or if they prefer to buy local.

Dueñas said the U.S. government assigned the FDA to handle the fish quality and the Hazard Analysis Critical Control Points Program. When fish enters the U.S., they complete the Program cycle. Labeling becomes a local issue on the retail side of the market.

Guthertz said labeling is done for packaged goods and it should be done for fish. One of Guam's senators introduced a bill that would require all foreign imported water bottles to be periodically tested for safety purposes.

Kamaka'ala provided her Moku Pepa and reported Hawai'i hosted the 13th FestPAC in June 2024. As oceanic people through and through, they leaned into their traditional forms of travel and opened the FestPAC with a wa'a (canoe) ceremony at Kualoa on O'ahu with the Hokule'a of Hawai'i, Mo'okiha of Maui, Fa'afaite of Tahiti, Marumaru Atua of Cook Islands and Makali'i of Hawai'i. On day two of the festival, there were over 200 hula practitioners who gathered and gave ho'okupu (offerings) in a traditional ceremony followed by a Parade of Nations where delegates said they were caretakers of the largest ocean in the world rather than small island states. FestPAC was a space that was familiar to indigenous people's ways based upon their relationship with the deepest depths of the ocean to the highest mountain, interwoven to create the tapestry of what is the oceanic society. One Pacific, highlighting that Earth depends on these relationships.

Ramsey provided her Moku Pepa and also reported FestPAC hosted 28 Pacific island nations with over 2,200 delegates. It was an amazing opportunity to network with the different island nations, and NOAA held sessions to discuss the renaming of the Pacific Remote Island Areas. Regarding weather, there was heavy rain with flood warnings in spring 2024 during the hearings for the proposed Papahānaumokuākea Sanctuary on Kaua'i. In May, there was a late Kona low that hit the State of Hawai'i with massive flooding. Regarding fishing tournaments, fisher safety and families play a big role in tournaments. In May, the Hanapa'a Shootout on O'ahu had a grand prize winner for a 722-pound marlin. The Tokunaga Ulua Challenge on Hawai'i island is the biggest shoreline tournament in the state of Hawai'i with over 660 registered fishers. Although this tournament is focused on fishing, the coordinators also encourage fishers to collect trash and in return they receive raffle tickets for different prizes. The winner of this tournament caught a 97.5-pound ulua with a barbless circle hook. Based on the pictures of the winners, all of the winners have their families and kids since this was a family friendly event. In June, there was an 'ahi tournament on the West side of O'ahu that honored fishers that passed away and encouraged participation from the youth. For non-tournament fishing news, a fisher from Kailua-Kona reported landing a 206-pound yellowfin with a spinner that took him four hours to fight and bring onto the boat. Finally, the University of Hawai'i (UH) announced their new graduate program that will focus on sustainable fisheries for island and ocean systems. The university did commit to four faculty positions and will hire more staff in the upcoming years.

Simonds said the Council was pleased with the announcement of the new fisheries program at UH since this was a goal of the Pelagic Fisheries Research Program funded by the late Senator Daniel Inouye in the 1990s when Congress included tuna under the MSA. The funds went to UH, and scientists from all over the world were competing for projects. One of the goals of Pelagic Fisheries Research Program was to create a graduate level program that would combine different projects and professors from different programs. That plan did not materialize, but the Council continued to request that such a program be developed.

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

Bryan Ishida, Hawai'i DLNR DAR, presented the agency report for the period of February to April 2024. For the deep-seven bottomfish fishery, 277 commercial marine license (CML) holders made 1,312 trips, and reported 128,758 pounds in mixed deep-seven species catch. Catch was below the last five years and under landings in 2023. Catch in fishing year 2024 for targeted species such as 'ōpakapaka, onaga, and ehu were similar to the 10-year average. In 2023, there was a large landing of gindai and catch rates are back to normal with large landings of lehi in the winter months.

The Kona crab fishery had 12 CML holders making 27 trips and reporting landings of 1,910 pounds. The catch rate was far below historic averages or peaks in the fishery. The impact of the new rule change, which allows the take of female crabs with the season extended one month to include September, has yet to be seen. Commercial and noncommercial Kona crab fishers are now allowed to retain females without eggs in the open season which may result in more crabs being retained in the commercial fishery. For uku, there were 94 CMLs holders making 215 trips, and reporting landings of 10,185 pounds. This was lower than usual before entering into the peak summer months.

Regarding CMLs, there were 972 issued or renewed during the reporting period for revenue of \$137,400. 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, one conservation and management permit, and one Native Hawaiian practices permit. Three applications were reviewed by the permit coordinator group during the reporting period, of which two were Native Hawaiian practice permits and one was a research permit.

Two FADs were confirmed missing in February 2024. In March, one FAD was recovered, and in April one FAD was confirmed missing and one recovered.

The Aquatic Invasive Species Management program is conducting a desiccation study using *Acanthorhiza spicifera* as a proxy for the cryptic algae *Chondria tumulosa*. This invasive algae has become a big problem in the NWHI and the new study will inform new decontamination guidelines for vessels traveling to the monument. DAR created a Coral Disease Reporting and Prevention brochure that was provided as a briefing document to the Council.

The Hawai'i State Legislature passed H.B. 2478, which authorizes the State to become a member of the Pacific States Marine Fisheries Commission. By becoming a member, the state will enhance Hawai'i's ability to manage state and regional marine fisheries resources through increased collaboration with other Pacific states. They expect to be full members by 2025, with

three members on the Commission representing the State of Hawai‘i. One will be designated for the DLNR Chair and two will be representing the fishing community.

The commercial marine vessel license and the nonresident recreational marine fishing license took effect May 2, 2024. There were unanticipated delays with the online licensing system but anticipate it will be available in fall 2024.

Dueñas said the engagement in the State of Hawai‘i was impressive. He asked for information on the progress on the lobster and ulua tagging programs that were conducted in Hawai‘i, and whether people were reporting and recovering tags, and if those tagged fish and lobsters were still alive.

Ishida said he was not sure and deferred the question to Tam. There is still ongoing tagging with tagged fish still showing up.

Dueñas said fish tagging has been an interest to him, and added that he is proud to see the progress with bottomfish limits increasing over time as it means Hawai‘i has succeeded with sustainable fishing.

Simonds said she was pleased with the vessel registration for bottomfish that the Council recommended in the late 1980s.

### **C. 2023 Hawai‘i Archipelago Fishery Ecosystem Plan Annual Stock Assessment and Fisheries Evaluation Report**

Remington presented the highlights of the 2023 Hawai‘i Archipelago FEP Annual SAFE Report. For the deep-seven bottomfish fishery, there was a peak in catch since 2018 despite a decrease in CMLs and trips driven by a slightly increasing trend for ‘ōpakapaka. For uku, there was a decrease in both trips and catches in 2023. This trend has been a continued decline relative to historical averages and to the 2022 fishing year.

The deep-water shrimp and Kona crab fisheries are very disparate. For Kona crab, there was an observed increase in trips and the fourth highest CPUE in the last two decades. The deep-water shrimp fishery is a pulse fishery, but there has been decreasing participation and catch in recent years. In 2023, landings were similar to the 2015 fishing year. Regarding ECS, there was an observed decrease in catch compared to historical averages for reef-associated species except for akule and ‘ōpelu.

The 2022 Annual SAFE Report included noncommercial archipelagic fishery performance from HMRFS to complement the CML data as the main fishery performance data stream. However, the Plan Team heard concerns from the fishers and recommended removing the HMRFS data from the 2023 Annual SAFE Report due to the fluctuations in catch estimates. There are a few working groups determining how to improve the data stream with one group focused on mail surveys to determine fishing effort that go into these catch estimates. These surveys are being vetted by fishers in collaboration with DAR.

Regarding the Fisher Observations section, fishers reported strong easterlies on Oahu with south winds making for bad fishing in West Hawai‘i and Maui. Fishers said the heavy rains are likely going to lead to a good recruitment of key fishery species. Fishers reported good

market conditions for BMUS and pelagic species, with uku at \$8 per pound and ‘ahi filets at prices up to \$50 per pound. There has been an increase in social media sales that may lead to a data gap in market information through nontraditional markets. There were increases in prices for bait, tackle, ice, and fuel, making it harder for commercial fishers to recoup fishing costs. Fishing was generally good in abundance and availability for ‘ahi, otraru and deep-seven species. Shark depredation continues to be an issue.

The life history section includes updated information for lehi, ōpakapaka and onaga with ongoing studies for reproduction, age and growth estimates. Socioeconomics data show a slight increase in pounds sold for the deep-seven bottomfish, with increasing revenue from 2022. For uku, there was a decrease in pounds sold and revenue due to fish prices. The protected species section includes an update on the bottomfish fishery BiOp. There were four records of OWTs from 2000-2017, but no new reports of interactions in the past five years. The annual SAFE report also includes information on new model-based assessments of essential fish habitat for uku in the MHI using different species distribution models.

The Plan Team has been looking at the availability of bottomfish at the auction, and whether it should be tracked in the future. Roy Morioka, fisherman, reported there were only 72 out of 272 auction days in which information was collected where bottomfish was available in 2023.

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

##### **1. Report of the P\* and Social, Economic, Ecological and Management Uncertainty Working Group**

Jason Helyer, P\* and SEEM working group chair, provided the report of the meetings held May 7, 2024. The MHI Deep-seven bottomfish stock was categorized as Tier 1, which meant that there are reliable estimates of overfishing levels and associated uncertainties derived from the statistically-based stock assessments. It signified a high level of assessment reliability. In June 2024, the Council was presented with the benchmark stock assessment for MHI Deep-seven bottomfish fishery. In response, the Council established a P\* working group to assess scientific uncertainties and seek advice from the SSC based on the working group's recommendations. During this meeting, the Council will decide whether to accept or reject the SSC's recommendations.

The P\* analysis encompasses four dimensions: assessment information, uncertainty characterization, stock status, and productivity and susceptibility. The fourth dimension was evaluated separately by scientists from PIFSC. Each of these dimensions plays a crucial role in assessing the fish stocks. In these assessments, a scoring system ranging from zero to 10 was used. For assessment information, a score of zero signifies an abundance of information, while a score of 10 indicates a scarcity of information. This same scale was applied to uncertainty characterization. The stock status receiving a score of zero indicates that the stocks are neither overfished nor experiencing overfishing. The same scoring system was used for productivity and susceptibility. This dimension is evaluated by examining the life history of the species that underwent stock assessment. The scores from these assessments are combined, and the total reduction score was applied to reduce from the 50% risk of overfishing to determine an ABC.

For assessment information, the P\* working group assigned a score of 0.7. This assessment considered various factors. Reliable catch history received a score of 0.5 on a scale of zero to one. Standardized CPUE also scored zero. Species-specific data were rated 0.5 due to its abundance. All sources of mortality received 0.5. Fishery independent surveys got a score of zero with the current independent survey conducted by the PIFG. The absence of tagging data resulted in a score of 1. Spatial analysis was rated zero, summing up to a scaled total of 2.5, which equated to the final score of 0.7 for assessment information. There were observations of uncertainty with under reporting from CML reporting, high variability with recreational catch and no mortality accounted from depredation.

In terms of the uncertainty characterization, the working group assigned a score of 5. This uncertainty was carried forward from the WPSAR review due to the variability in prior distributions and recommended that the P\* process account for the uncertainty. The stock status was rated zero, indicating that the stocks are neither overfished nor experiencing overfishing. In the productivity and susceptibility analysis, the scores from the previous analysis were carried forward with updated life history information.

A separate uncertainty assessment was conducted for the SEEM, focusing on social and economic uncertainties. The analysis took into account social, ecological, economic dimensions, cultural significance of the deep-seven species, and their role in the ecosystem and market. In this analysis, the working group gave a score of 0 for the social, economic and ecological factors. There was a reduction of the monitoring and management dimension from two to one due to the reopening of the Bottomfish Restricted Fishing Areas. The scoring followed a similar framework to the P\* analysis, providing individual scores for each dimension. In total, the P\* working group recommended a 10% reduction, and the SEEM working group recommended an additional 1% reduction, which would be applied to the ACL specification. Helyer noted the P\* and SEEM working groups plays an important part to ensure transparency and communication with the fishers and there are still gaps to improving that transparency.

## **2. Options for Specifying Annual Catch Limits for 2024-2027 (Initial Action)**

Yamada, Council staff, presented the options for specifying ACLs for the MHI deep-seven bottomfish commercial fishery for fishing years 2024-2025 to 2027-2028. Yamada provided an overview of the ACL specification, which starts with the stock assessment that is deemed best scientific information available (BSIA) by the SSC, the SSC setting the ABCs, and the Council recommending an ACL not exceeding the ABC. The Council may also establish an ACT, which may be lower than the ABC, and may also recommend accountability measures (AMs) to address any overages and account for them in subsequent years.

In 2023, PIFSC published the benchmark stock assessment that found that the fishery was not overfished and overfishing was not occurring. Following the publication of the stock assessment, the WPSAR reviewed the assessment and presented its findings to the Council in March 2024 when the Council directed staff to convene the P\* and SEEM working groups. The 2024 stock assessment in comparison to previous assessments used the same modeling approach under a new software where it used the same CML data for catch and effect, re-examined the previous ratios for noncommercial to commercial fisheries, and included updated information on the Modular Optical Underwater Survey System data from the independent survey. The

assessment displayed an increase for maximum sustainable yield using commercial and noncommercial data to understand stock status. For fishery performance, the fishery has been operating at around 180,000 pounds, which is less than half of the current ACL of 492,000 pounds.

Yamada presented the options for Council consideration. Under option 1, the Council would not specify ACLs for fishing years 2024 to 2027. This option serves as a National Environmental Protection Act baseline although it does not comply with National Standard 1 of the MSA and the Hawai'i FEP. There are no adverse impacts based on the current catch levels in correlation with the MSY and overfishing limits being substantially higher than the fishery performance. Under option 2, status quo, the Council would specify ACL based on previous stock assessment at 492,000 pounds correlated 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 option 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 correlated with a 39% risk of overfishing. This option would be in compliance with the Council's FEP and the MSA. This option would account for scientific and management uncertainties quantified through the P\* and SEEM analysis and provide no adverse impacts.

Under option 4, the Council would specify ACLs lower than the P\* and SEEM analysis as a more precautionary alternative. If the Council specified ACLs lower than the P\* and SEEM analysis it would be in compliance with the MSA and the Hawai'i Archipelago FEP.

For AMs, the Council may recommend implementing measures consistent with previous specifications that include in-season monitoring for commercial catch based on the Hawai'i CML where NMFS could close the fishery in federal waters if they project that the fishery may approach or exceed the ACL. As a post-season AM, the Council may recommend a post-season single year overage adjustment if the fishery exceeds the ACL. This is not expected based on the recent fishery history. For further discussion, the Council may recommend specifying the ACL equal to the ABC and specify an ACT with a buffer to reduce risk of overfishing using the P\* and SEEM analysis.

Yamada presented an overview of the impact analysis, highlighting no adverse impacts to the target and non-target stocks. The fishery has operated at a 1% probability that the fishery is overfished or overfishing is occurring. Through the Annual SAFE Report, there was a trend in decreasing participation and effort. Historically, the fishery has not reached or exceeded the ACL and the fishery has remained open for the entire fishing year for the last 10 years. For physical resources, the action is not expected to lead to substantial physical, chemical or biological alteration since this is a hook and line fishery that does not interact with the bottomfish substrate. Regarding socioeconomics, studies found that 65% of fishers sell their catch and 91% of the catch from the CML reporting are sold with an average of \$9.43 per pound. For protected species, biodiversity, ecosystem, and habitat areas of particular concern, this action has no significant impacts.

Dueñas asked if there is a comparative analysis between the fishers and their preferred fishing that may cause more effort in one fishery over another. In Guam, increase in bottomfish

harvest is caused by the lack of FADs, as the FADs are associated with mahimahi that fishermen prefer to catch.

Yamada said based on anecdotal information provided by fishers, fishers target bottomfish to pay their bills and target pelagic species for pleasure. The Hawai'i AP discussed this topic, and noted their preference of red fish during the holiday season.

Ramsey said option 3 would be a good choice since it is based on BSIA and the fishery has not operated near the ACL. He asked if during the P\* and SEEM working groups were in disagreement with anything during the analysis.

Helyer said the group came to consensus on all of the dimensions and did not disagree on any of the dimensions. One item that was discussed at length was the consideration of the priors to the stock assessment, which should be considered for the next stock assessments.

### **E. Terms of Reference for Uku Update Stock Assessment**

Sabater, PIFSC, provided an overview of the WPSAR terms of reference for the Uku Update Stock Assessment. This assessment will utilize the same modeling framework as the benchmark stock assessment conducted in 2020 and will be adding additional years of data to include fishery data from 1948 to 2023. The 2020 assessment used catch information from the fisher reporting system through the CML reports and catch data derived from the HMRFS surveys. The assessment will use single-species assessment using a complex model using Stock Synthese 3.3. The results of the 2020 assessment found that the uku fishery was not overfished nor experiencing overfishing with catch projections through 2025. The update assessment will undergo a peer review of the WPSAR and the WPSAR Steering Committee developed a list of questions to govern this review.

The first four questions will ask whether the catch data and filtering methods used are well-documented, and the CPUE standardization, assessment model and the methods used to project future population state are consistent with the 2020 benchmark assessment. The next three questions are related to the estimated stock status in relation to the biological reference points and whether those results are consistent and address the management goals stated in the Hawai'i Archipelago FEP and for recommendations for the future benchmark assessment to improve the assessments. These questions will be addressed during the September WPSAR review and PIFSC will be conducting fisher engagement meetings to review the assessment update.

Dueñas said fishers can find uku at five to 10 pounds in 100 feet of water at night, and in the daytime, juveniles at two to three pounds are found at 300 feet of water. He asked if there were studies to investigate the correlation between night and daytime fishers. Regarding other species of the deep-seven complex like lehi and onaga, these species are found between 500 to 550-foot deep although these species do not have teeth. Unlike *ōpakapaka* that have canine teeth, he asked if the bottomfish with teeth compared to those without have a preference of certain food sources over another.

Sabater said he was not familiar with existing studies and PIFSC will make note of Dueñas inquiry and will add it to their list of things to explore.



## **F. Hawai'i Small-Boat Fisheries Project Update**

Morioka, Hawai'i bottomfish fisherman, provided an update on the Hawai'i Small-Boat Fisheries Project. The small boat fisheries include jet skis, kayaks and small motor boats since it is an all-inclusive term. This project provided an opportune time to engage the small-boat fisheries on their issues and challenges and to talk story with the community about their issues. Regarding management, there is always a need to improve monitoring and management measures on bottomfish and secondary pelagic species like mahimahi and yellowfin tuna. This project was initiated by the Council and funded by PIFSC to coordinate a small boat working group and facilitate and organize conversations between agencies and the fishing community. The working group consisted of fishers and representatives from the Council, PIFSC, PIRO, DAR, NOAA OLE, and DOCARE. Unfortunately, the Hawai'i Division of Boating and Ocean Recreation did not participate.

The working group conducted public meetings across six of the MHI where the meeting format followed the Council Fishers Forum. At the beginning of each meeting, participants were asked to fill out a survey where over 110 participants were asked how they track and report their catch, the best ways to engage communities, and current issues they are facing within their communities. At each of the meetings, working group members provided a presentation on the group and the goal of the meetings. The rooms were set up in a circle to provide a more inviting setting for community members and agency representatives to engage in the conversation.

Two meetings held on O'ahu, one in Kane'ohe and the other in Ke'ehi. In Kane'ohe, the conversations were focused on contemporary science and integrating traditional and indigenous knowledge along with different management approaches. On Kaua'i, the fishing communities face issues with the visitor industry and Hawaiian monk seal interactions. On Moloka'i, this meeting focused on pathways to get the younger generation more involved in the process. A common theme that was brought up was regarding the absence of the younger generations in the fishing community. Moloka'i feels like they are treated like the second child and they were happy to be engaged and participating in the meeting to ensure management engages their communities properly. There were three meetings held on Hawai'i Island that included Hilo, Kamuela, and Kona. These meetings were well attended, including a former DAR staff, Hawai'i legislators and representatives from the governor's office. A comment brought up during the Hilo meeting was that management should not only be focused on fishermen, also manage the ecosystem. The fisheries continue to evolve and there is a need to continuously engage the communities to understand what is happening within the fishery in each of the sectors on each of the islands. Hawai'i Island participants discussed the correlation between part-time and full-time commercial fishers. On Maui, the minimum size of tuna was discussed and there was a need for scientists to be on the fishing boats to understand what the fishing community faces. Morioka provided a summary of considerations for future meetings and engagement, including increasing social media presence, finding the go-to people in the fishing community, and additional meetings on O'ahu.

Simonds thanked Morioka for his 30 years of service and said she will miss him with his departure.

Morioka said he will miss the Council as well and asked the members of the Council to remain engaged with the fishing community.

Dueñas thanked Morioka with the results of the project and hopes the program will continue to expand.

Morioka thanked Dueñas and said he previously attended a recreation fishing forum on the East Coast and asked NOAA to put their money where their mouth was to getting better data on the noncommercial fishing sector.

Sakoda commended Morioka for his years of service and said this engagement would have not turned out without the support of him and the fishing community. He asked if Morioka has identified anyone to continue this effort.

Morioka said he has it under control for the next person to take his place.

Ramsey said he was able to attend and participate in these meetings as a fisher and was excited to see how excited and confused the audience was since they were not use to seeing all the different state and federal agencies together. He also commended Gil Kualī'i as a facilitator of the meeting since he is a knowledgeable and respectable fisher.

Morioka said was the reason to have the AP chair and Hawai'i AP vice chair at these meetings to take lead as part of their job.

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

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

Kualī'i, Hawai'i AP vice chair, presented the AP meeting report and recommendations. Kualī'i reported the Hawai'i AP has been busy with the community engagements, NWHI Sanctuary proposal hearings, and the small-boat working group meetings. The Hawai'i AP has also been using the opportunity at big fishing tournaments to engage the fishing community. AP members also participated in the P\* and SEEM working groups.

*Regarding the MHI deep-seven bottomfish fishery*, the Hawai'i AP recommended the Council take initial action on option 3 to specify ACLs based on the P\* and SEEM analysis at 39% risk of overfishing at a catch level of 493,000 pounds for 2024-2027 with accountability measures to include in-season monitoring and a single year post-season overage adjustment. The AP noted the fishery has historically operated below the proposed ACL and there is no need for additional conservative measures through the implementation of an ACT.

### **2. Plan Teams**

Jones, APT chair, presented the report and recommendations.

*Regarding uku fishery management*, the APT acknowledged the HMRFS data limitations for in-season management of the MHI uku fishery and recommended the Council consider discontinuing the use of in-season AMs for the upcoming specification of uku ACLs following the finalization of the MHI uku stock assessment update later this year.

*Regarding MHI bottomfish specifications*, the APT recommended the Council select option 3

and endorses the P\* and SEEM working group analyses resulting in a risk of overfishing of 39% using 2027 as the terminal year associated with an ACL equaling the ABC at 498,000 pounds. It also recommended it consider an ACT of 493,000 pounds (using the M\* reduction score) for 2024-2025, 2025-2026, and 2026-2027, consistent with the SEEM framework proposed by Hospital et al. (2019).

### **3. Fishing Industry Advisory Committee**

Goto presented the FIAC meeting report and recommendations.

*Regarding Hawai'i fisheries*, the FIAC recommends the Council work with Hawai'i DAR and PIFSC to explore the feasibility of distinguishing nearshore versus offshore shortline gear use.

### **4. Scientific and Statistical Committee**

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

*Regarding the MHI deep-seven bottomfish fishery P\* and SEEM Working Group Report*, the SSC endorsed the P\* report.

The SSC recommended the Council review its ACL specification framework, including the P\* and SEEM process, to potentially provide revisions and updates as needed.

Severance reported in addition to reviewing the P\* and SEEM reports, the SSC also discussed utility of the P\* process when there is low risk of overfishing and discussed potential ways of making the process more efficient.

*Regarding the ABC for 2024-2025 to 2026-2027*, the SSC sets the Acceptable Biological Catch for the MHI deep-seven bottomfish for fishing years 2024 to 2027 at a 40% probability of overfishing which corresponds to 498,000 pounds per year.

*Regarding the review of uku update assessment WPSAR terms of reference*, the SSC endorsed the seven terms of reference.

The SSC nominated Erik Franklin as chair of the WPSAR and Milani Chaloupka and Jason Helyer as WPSAR panelists.

### **H. Public Comment**

There were no public comments.

### **I. Council Discussion and Action**

*Regarding MHI bottomfish, the Council:*

- 1. Selected option 3 as its preliminarily preferred alternative, which specifies an ACL based on the P\* and SEEM analysis, resulting in a 39% risk of overfishing and a corresponding catch level of 493,000 pounds for 2024-2027. Accountability measures should consider in-season monitoring and a single year post-season overage adjustment. The Council further directed staff to work with the Action Team to**

**develop a specification document for final action at the Council's next meeting in September.**

Moved by Dueñas; seconded by Weaver.

Motion passed.

*Regarding the ACL process, the Council:*

- 2. Directed staff to initiate a review of the ACL specification framework, including the P\* and SEEM process, to potentially provide recommendations for revisions.**

Moved by Guthertz; seconded by Weaver.

Motion passed.

*Regarding uku, the Council:*

- 3. Endorses the uku WPSAR Terms of Reference and appoints Erik Franklin, Milani Chaloupka, and Jason Helyer to serve on the WPSAR panel, with Franklin serving as the chair.**
- 4. Directed staff to work with NMFS PIFSC and PIRO to consider alternatives to in-season accountability measures for uku ACLs due to the limitations of HMRFS data.**

Moved by Weaver; seconded by Guthertz.

Motion passed.

*Regarding Hawai'i fisheries, the Council:*

- 5. Directed staff to work with the Small-Boat Working Group to continue engaging the small-boat fishing community and follow-up on the outcomes from the first round of MHI small boat meetings.**
- 6. Directed staff to work with Hawai'i DAR and PIFSC to explore the feasibility of distinguishing nearshore versus offshore shortline gear use.**
- 7. Directed staff to support the UH's efforts in implementing its Sustainable Fisheries for Island Ocean Systems graduate program.**

Moved by Guthertz; seconded by Weaver.

Motion passed.

## **XI. Protected Species**

### **A. Overview of False Killer Whale Conservation and Management**

Amanda Bradford, PIFSC, Elena Duke, PIRO, and Melissa Snover, PIRO, provided an overview of the science and management of FKWs.

Bradford presented on the science of the three FKW stocks around Hawai'i. The three overlapping populations are the MHI insular population, the NWHI population, and the Hawai'i pelagic population. The MHI insular population was listed under the ESA in 2012 following a marked decline in recent decades and evidence of multiple threats. The 25-year photo

identification dataset curated by the Cascadia Research Collective (CRC) has shown that individuals of the MHI insular population associate in four social clusters. The mark-recapture abundance estimate using these data indicates there are less than 150 individuals in this population as of 2021 with an annual 1.3% decline throughout the time series. The population overlaps with nearshore commercial and recreational fisheries but has limited overlap with the Hawai‘i longline fishery. Almost 30% of identified individuals have fisheries-related scarring on their dorsal fin or mouth line. The NWHI stock is the least known of the three stocks with a population estimate of a few hundred individuals based on two surveys, and has limited overlap with the Hawai‘i longline or any other fisheries.

The Hawai‘i pelagic population ranges throughout the Hawaiian Islands and beyond the EEZ, with a photo-identification catalog size of around 220 individuals and satellite tag deployments on 16 individuals to date. This population overlaps with the Hawai‘i and foreign longline fisheries, and the FKW Take Reduction Team (FKWTRT) was formed in 2010 to address unsustainable bycatch in the Hawai‘i deep-set longline (DSLL) fishery. The assessment approach for the Hawai‘i pelagic population recently shifted from a focus within the EEZ to a new management area defined using available biological data. The estimated abundance is approximately 5,500 individuals in the management area, which results in a potential biological removal (PBR) level of 33 whales per year, compared to the average estimated mortality and serious injury from longline interactions of 47 whales per year in the same area. PIFSC recently conducted the Survey for Continued Observation of Pseudorca Extent to address the uncertainties about the pelagic stock and the management area. Bycatch estimates for the Hawai‘i pelagic stock are based on the interactions data from the federal observers, which first go through a determination of injury severity following national guidelines, then the total mortalities and serious injuries (M&SI) are estimated based on the observer coverage rate, accounting for blackfish that could be short-finned pilot whales, and prorating the total bycatch among the FKW stocks based on fishing effort and stock density in the overlap areas. Ongoing research for the pelagic stock includes acoustic monitoring of longlines and analysis of satellite tag data in relation to longline vessels and other factors.

Dueñas asked if there has been any research on the MHI insular FKW (IFKW) as to whether they exhibit strong maternal instincts or aggressive behavior similar to killer whales, noting that the population is declining without overlap with larger fisheries.

Bradford said they think interactions are occurring with nearshore commercial and recreational fisheries, but the impacts on the population and whether those interactions are affecting males or females more are unknown. The cause of what is driving the MHI insular population decline is not really known, and small population effects such as inbreeding depression could also be a factor. Bradford noted some ongoing research to look at health of the individuals as they related to previous interactions with fisheries. Recent research has also shown that FKWs have some maternally based social structures similar to killer whales and short-finned pilot whales, but it is unknown whether social conflict or aggression is playing a role in their survival.

Dueñas encouraged looking at the wolf society, noting that it is helpful to look at pre-existing stories in understanding Mother Nature. He said he is fascinated and concerned by the fact that there have been attempts to help the FKWs recover, yet the population is still declining.

Dueñas said his goal in life is to ensure every creature in the ocean is recovered, not just tuna or onaga.

Muña asked how researchers are able to discern the origin of the scarring.

Bradford said the way the animal interacts with the line creates characteristic injuries to the dorsal fin or the mouth line. The study for the MHI insular population was a systematic analysis of particular types of scars in particular body regions. Bradford said some cases are harder to discern whether the injury was associated with a fishery interaction or from a shark or other natural event, so it can be helpful to have multiple reviewers to talk through those cases.

Dang asked if there are research priorities or actionable plans to assess the threats that are impacting the MHI insular population, noting that the longline fishery is not a threat for that population.

Bradford said Snover will address the ESA and recovery plan for the MHI insular population in her presentation.

Dang said he is a fan of the Survey for Continued Observation of Pseudorca Extent as it helps to understand the range of the three FKW stocks, noting that more tags and data from the survey represents new information on where the animals travel. He said the new management area is a big issue for the industry, and hope there is the same amount of urgency and critical nature on understanding the pelagic stock.

Bradford agreed and shared the sentiment of learning more about the population. The survey was new and they learned a lot about how to find FKWs, even though they did not get close to the FKWs outside of the management area mainly due to the weather. She agreed that the information learned should be applied to future efforts.

Dueñas congratulated Bradford for convincing him that NMFS is looking at all aspects of MHI IFKWs including genetic failure.

Duke presented on the management of FKW stocks under the MMPA. Section 118 of the MMPA specifies that NMFS develop and implement TRTs to reduce M&SI of marine mammals with fisheries that interaction with marine mammal incidentally to fishing operations. The scope of the False Killer Whale Take Reduction Plan (FKWTRP) includes the MHI insular stock and the Hawai'i pelagic stock, and covers the Hawai'i longline fishery. The short-term goal of the FKWTRP is to reduce M&SI to below the PBR within six months, and the long-term goal is to reduce the M&SI to less than 10% of the PBR within five years. The third goal of the FKWTRP is to keep the M&SI from increasing in the high seas component of the Hawai'i pelagic stock. The FKWTRP includes regulatory measures such as weak circle hooks, strong branch lines, and longline closure areas, as well as nonregulatory measures to improve data quality, efficiency and dissemination.

The M&SI estimate for the Hawai'i pelagic stock currently exceeds the PBR within the new management area, and thus NMFS is required to amend the FKWTRP. NMFS convened a series of in-person FKWTRT meetings and webinars in 2022 and 2023 to discuss measures to reduce M&SI of the Hawai'i pelagic stock, and the Team reached consensus on a number of measures including EM, MMPA comparability findings, crew training, pelagic stock assessment,

effectiveness monitoring, and acoustic monitoring. Nonconsensus measures included gear measures such as the fighting line device developed by HLA, as well as effort reductions. Following the in-person meetings, NMFS convened a working group with marine mammal veterinarians to discuss handling recommendations, and funded a project with the UH to test various longline gear configurations proposed by the FKWTRT as potential gear changes. NMFS has also begun a dockside crew training program at Pier 38, working closely with HLA. NMFS will be using all team recommendations and other relevant information to determine measures to amend the FKWTRP.

Dueñas sought clarification on the extent of the management area. He wondered whether the area extended south to the RMI or to the east into the Inter-American Tropical Tuna Commission (IATTC) region, whether there may be interactions in the IATTC area, and whether there are ongoing collaborations for studies or management actions considered in other areas.

Duke confirmed that a small area on the eastern end of the management area overlaps with the IATTC region.

Muña sought clarification on the difference between PBR and M&SI.

Duke explained that M&SI is determined through a process of reviewing the interaction information to determine if an injury counts as a serious injury, based on criteria to specify whether that injury is more likely than not to lead to death. The PBR for a marine mammal stock is calculated based on the number of animals in the stock that can be taken from a population without hurting its optimum sustainable yield, and is a metric for comparing the M&SI as an estimate of the number of takes that would be allowable for that population to maximize sustainable levels.

Muña asked if the M&SI is based on actual observations or expansions.

Duke said they are extrapolated from the observations in the fishery based on the observer coverage rate.

Itibus asked if there have been reports of FKWs in the CNMI, and whether there is ongoing research to gather more information in the area.

Bradford said NMFS has encountered FKWs around the Mariana Archipelago and have collected biopsy samples and deployed satellite tags, which has been published in a report that she could provide to the Council. Bradford said the information for the area and there is a growing body of work with about a 10-year time series of data. There has not been recent data collection, but there is interest in collecting more data when resources are available.

Muña asked when the last data collection for FKWs occurred around the Mariana Archipelago.

Bradford said there was a small-boat effort occurred over a 10-year period starting around 2010, and the most recent effort was a ship-based survey conducted in 2021. Abundance estimates are in development for species encountered during the 2021 survey, including FKWs, and are expected to be published in the next year or so.

Dueñas asked what the chances of extinction are with 47 M&SI, whether the population dynamics is known, and whether there is a BiOp evaluating their survivability.

Bradford said while there are abundance estimates inside the EEZ for different time periods, they are not able to infer trends from those estimates for a number of reasons, largely because the EEZ does not represent the whole population. Even with the new management area approach, there are still a lot of uncertainties, so it is unknown how the population is doing over time. PBR and M&SI serve as indicators of unsustainable level of bycatch, which is being addressed through the management processes. Bradford also noted that the Hawai‘i pelagic stock is not listed under the ESA, so rather than recovery planning, NMFS is working under the MMPA framework to address the level of take and understand the impacts to the population.

Snover presented on the management under ESA. The MHI IFKW distinct population segment is the only population listed under the ESA. NMFS published a recovery plan and recovery implementation strategy in 2021, and NMFS published a five-year status review reaffirming the listing status as endangered. The recovery objectives that need to be met to consider either reclassifying the population to threatened or to delist it includes: ensure population abundance, trend, and number of social groups meet or exceed target levels; address threats from fisheries including incidental take and competition with fisheries for prey; address threats from environmental contaminants and biotoxins; address threats from anthropogenic noise; better understand the effects of climate change and manage accordingly; ensure that regulatory mechanisms, including state and federal management and post-delisting monitoring, are in place; and ensure that secondary threats and synergies among threats are not limiting recovery of the population. Snover provided further details on the sub-objectives relating to addressing fisheries threats, and referred to the implementation strategy for proposed actions related to those objectives.

The Hawai‘i DSLL fishery has a limited area of overlap with the MHI insular distinct population segment, and there has been no observed insular interaction within that area to date. Observer coverage in the overlap area ranged from 20 to 50% from 2016 to 2022, and the number of potential interactions are annually estimated based on effort within the overlap, fishery interaction rates with the Hawai‘i pelagic population outside of the overlap, and estimated FKW densities. The 2023 Hawai‘i DSLL fishery BiOp included an incidental take statement of less than half of a whale over five years based on the prorated estimates. If there is one observed interaction that would trigger a reinitiation of the BiOp. The BiOp also includes a term and condition (T&C) that requires NMFS to determine the minimum level of observer coverage needed to reliably estimate interactions in the overlap area and to provide that level of coverage by 2026, the analysis of which will be presented in a later agenda item.

Dueñas noted NMFS’s ongoing efforts to develop mitigation measures with the UH, and asked if there has been any effort to contract with one of the local vessels to develop a mitigation program to utilize their expertise on fishing. He also asked if there are success stories with effective mitigation programs.

Snover said the recovery plan implementation strategy provides details on mitigation efforts, identifying Hawai‘i DLNR as a collaborator.



Duke said UH as part of the contract is working with vessel owners and crew members to assemble some of the gear and involve them directly in the flyback testing project.

Dueñas expressed concern with the lack of consensus within the FKWTRT and the fact that the most managed fishery in the world continues to be inundated with more rules, regulations and mitigation programs. He hopes that the larger picture will be considered, and urged the FKWTRT to be more proactive in finding a better way to resolve the issue.

Sword noted a recent report by Environmental Justice Foundation on IUU fishing that included a picture of foreign fishing vessel crews with a FKW caught on the vessel. He asked if there are reports on what is happening with FKWs outside of the U.S. EEZ where there are a lot of foreign fishing vessels. He noted recent talks on trade and impact of imports where he was encouraged to send in proof that there are concerning activities occurring so that IUU designation could be considered.

Bradford said a working group is developing an analysis to look at FKW bycatch in foreign fleets.

Ahrens, PIFSC, said a PIFSC working group has looked at fishing effort data from Global Fishing Watch and RFMO reports to get an idea of the amount of fishing intensity that is within the pelagic FKW management area and an estimate of FKW interactions in those foreign fleets. The document is currently in review at PIFSC. Ahrens noted that the observer coverage in those foreign vessels are low and there are no observations of FKW interactions from WCPFC observers in the region, so the interaction rates in the Hawai'i longline fishery was used to extrapolate to the foreign fleets.

Dueñas asked if NMFS could review the USCG report on the joint enforcement activities within the WCPFC and do a comparative analysis of the US and international regulations, or ask USCG to assist in gathering pertinent data needed to show the efficacy of the US regulations compared to the world.

Emily Crigler, PIFSC, said the current WCPFC CMM for the management of cetacean interactions only applies to purse seine vessels and not longline vessels. Observed interactions in foreign longline vessels are reported through the WCPFC observer program.

## **B. Shallow-Set Longline Turtle Trip Limit Review Report**

Asuka Ishizaki, Council staff, and Ahrens, PIFSC, presented a report of the PPT Working Group. The Council at its June 2023 meeting tasked the working group with initiating a detailed review of fishery performance under the loggerhead and leatherback turtle trip interaction limits in the Hawai'i SLL, including data through the 2023 fishing season. The working group provided its report to the PPT at the May 2024 meeting, which endorsed the report for review by the rest of the advisory groups and the Council.

The trip limit measure under the Pelagic FEP Amendment 10 was developed in response to the higher number of loggerhead turtle interactions in the SLL fishery observed since 2017, to provide managers and fishery participants with the necessary tools to respond to and mitigate fluctuations in loggerhead and leatherback turtle interactions, and to ensure a continued supply of fresh swordfish to U.S. markets, consistent with the conservation needs of these sea

turtles. Amendment 10 implemented an individual trip level limit of five loggerhead turtles and two leatherback turtles, and also removed the fleet-wide loggerhead turtle hard cap. Also as part of the trip limit measure, the Council recommended a process for the Council to revise the limits upon periodic review, and this working group report serves as a review under that process.

The Working Group reviewed data through 2023, which includes three years of data since the limits were implemented in September 2020. Ahrens caveated the working group's analysis noting that it is difficult to evaluate a one-off change in a management measure unless there is some type of careful block design. Additionally, the last assessment done with data through 2015 showed an increasing loggerhead turtle population, and the population is in a complex pelagic environment that is dynamic with influence from what is happening at the nesting beaches. These factors make it difficult to move beyond correlations in the evaluation of the measure. In terms of the fishing effort, participation in the SSSL has increased following the closures in 2018 and 2019, while there has been a decline in the CPUE. Loggerhead turtle interactions appear to have increased following the removal of the hard cap, but the analysis indicate there is no statistical difference in the interactions before and after the measure change, in part due to the fishery closures in 2018 and 2019. The working group's analysis also looked at fisher behavior, but there is no significant difference in the distance that the SSSL vessels move after they had a turtle encounter, although there is some indication that the vessels may make bigger moves after the fourth loggerhead interaction. There were also no significant differences with the leatherback turtle interactions before and after the measure. The working group also discussed looking at other factors such as spatial distribution, oceanographic factors, and loggerhead population trends, but new data were not yet available to update the Protected Species Ensemble Random Forest (PSERF) model or the population assessment to update those analyses in time for this report.

The working group concluded that additional years of monitoring is warranted before the Council considers any revisions to the trip limits. One success from the measure is that the fishery has operated year-round since the implementation of the trip limits, but the pre- and post-measure comparison will continue to be confounded by the various factors affecting the time frame within the evaluation. The working group also discussed potential impacts of reduced observer coverage levels on the implementation of the trip limits, but following additional Plan Team discussions, the working group is of the understanding that NMFS's current intent is to maintain 100% observer coverage in the SSSL fishery to monitor the trip limits as intended using observer's call-in information. The Council was asked to consider the working group report and provide direction for next steps.

Dang said the SSSL fishery is important to him as well as the entire longline fishery, as it creates a diversified fleet and takes some pressure off of the DSLL portion. He considers the trip limit measure a success because vessel captains consider the limits in their fishing plan, and asked that the working group keep an open mind for further improvements. If there are some limits that do not have any perceivable benefits, he hoped the working group can have those conversations to adjust them in an effort to encourage participation. Dang also said he looks forward to the PSERF update, noting that the last couple of years have been different in terms of where the fish are at certain times of the year, with shifts of hundreds of miles in where they fish.

Ahrens said he enjoys working with the fishermen on continuing to understand the dynamics, and looks forward to being able to discuss the next PSERF results for turtles and swordfish.

Muña sought clarification on what is meant by 100% observer coverage, and who pays for the observers.

Ishizaki said it means every trip that leaves the dock is assigned an observer, and that observer stays with the vessel until they return, which is typically three to four weeks on a swordfish trip. Longline vessels are required to call in 72 hours in advance of their departure and declare whether they are going swordfish or tuna fishing. If they are going swordfish fishing, the vessel will automatically get an observer assigned, whereas a deep-set trip would get a portion of their trips randomly sampled. The observer cost is covered entirely by NMFS, and it has been the policy of the Council that the federal government pays for it.

Simonds asked Dang which countries are competitors in the swordfish market with Hawai'i.

Dang said he is waiting for the information to be updated. The fishery sends swordfish to the East Coast, which is the largest market for swordfish, and the Hawai'i fishery has to land its fish before the South American fisheries do because they will flood the market and undercut the prices. If the Hawai'i fishery cannot beat the South American fisheries to the market, the swordfish cannot be sold and they are unable to recover the ex-vessel revenue to cover the expenses for the trip. The South American fisheries have been bringing in three to four million pounds every season for the last 10 years. The Hawai'i fishery used to have a pretty good program, but the fishery has lost the confidence of the market due to the volatility in the ability to put fish on the market. The wholesalers play the fisheries against each other to drive the price down, and the South American fishery has grown significantly over the past decade and has now cornered every market from Chicago, Houston, Florida and the Northeast. The South American fisheries are run by the same group of operators that re-flags between Ecuador and a neighboring country.

Muña said it is too bad that there is not a "Build America, Buy America" for fish products.

Dang said he has worked on that for years, traveling the country before every swordfish season and meeting with all the large supermarkets like Sam's Club, Whole Foods, Costco. Those retailers would love to fly the American flag on the fish in their displays, but because the supermarkets run advertisements two to three weeks before they receive the product, they are relying on the fishery to follow through. Dang said one year he was in Boston setting up the markets when the fishery closed, and that shook the buyers as it was a big failure on the Hawai'i fishery part to produce American fish for those markets. Dang said it has been difficult to recover the confidence since those interruptions. The markets desire the American product and are willing to pay more than the South American fish, but Dang said in reality the Hawai'i fishery is facing challenges unforeseen.

Dueñas asked whether the working group report means the caps can be removed, and when the 20-year exercise of putting in mitigation and conservation measures and burden on the

fishing fleet can be stopped. He also commended the working group for showing a path forward and fostering a greater resolution to the problem.

Ishizaki said the Council-directed working group sets a model for reviewing management measures that the Council recommended and NMFS implemented. The Council generally strives to review the FEPs every five years, but Plan Team working groups can also conduct a review of specific management measures and provide a report to the Council to inform decisions on next steps. The Council has the authority to decide whether to modify or remove measures based on those reviews. The current working group is not recommending any changes to the trip limit measure at this time, but the Plan Team recommended the next review to be conducted with two to three years once the loggerhead turtle population assessment is updated. That information on the overall population impact will inform the Council's discussion on removing any of the measures. Ishizaki also noted that the FIAC also discussed whether the leatherback turtle hard cap could be reconsidered, and if the Council concurs, the Plan Team can review the information and consider options in the next year.

### **C. Biological Opinion Implementation Working Group Report**

#### **1. Crew Training**

Lynn Rassel, PIRO, presented the report of the BiOp Reasonable and Prudent Measure (RPM) Implementation Working Group on crew training. The multi-divisional working group was directed by the Council to facilitate coordination for implementing the RPMs in the May 2023 BiOps for the Hawai'i DSLL and American Samoa longline fisheries. The BiOp RPM T&Cs included requirements to implement crew training for species handling in the Hawai'i DSLL and American Samoa longline fisheries within two years to reduce post-release mortality.

Since 2001, the longline fisheries have had a requirement for vessel owners and operators to annually attend Protected Species Workshops conducted by NMFS. The workshop includes information on safe handling, release and identification of protected species, as well as regulatory requirements specific to protected species. Over the years, there have been some concerns over the functionality of the workshop because the operator may not be on deck when the interactions occur. Crew training was identified as a way to alleviate the gap.

A pilot training program was initiated in April 2024 and extends through May 2025. The current goals of the pilot program are to maximize the training opportunities considering crew language, evaluate the training relative to the T&C requirement, and to transition to an ongoing crew training program. The pilot training program focuses mainly on the protected species handling and release best practices, and aims to simplify interactions into a six-step pattern based on big or small animals and associated tools. Translations are provided in Tagalog, Indonesian, and Vietnamese, and the curriculum will be refined based on input during the pilot. Three pilot training days so far has been successful as a result of the collaboration with HLA. The three training days resulted in participation of 203 crew out of an estimated 700 crew members, representing 50 out of the 149 active vessels.

The working group identified a list of issues for further consideration in developing a regulatory requirement for crew training, including crew certification, certification duration, training frequency, and methods to demonstrate compliance with the crew training requirement. The working group also developed a draft regulatory timeline for Council action, with an options

paper in September 2024 with additional considerations and final action targeted for June 2024. The Council was asked to consider the working group report and provide direction to staff and the working group on next steps.

Ramsey asked whether there are plans to understand the retention of the information, noting that if there will be a test, it should take into account the language barriers and provide different options such as written, verbal and manual.

Rassel said at this time, the training is conducted to provide the information and there are no tests.

Dang commended the collaboration between HLA and NMFS, noting that the industry has been saying for many years that crew training is highly critical to the success of any measure and even more so than gear modifications, effort reductions or closed areas. He believes training all crew on the vessel will produce positive results.

Ochavillo requested further detail on initiating the process for developing a regulatory requirement for the American Samoa longline fishery.

Rassel said the BiOp included a requirement for a crew training program in American Samoa, so the plan is to bring the training to American Samoa after piloting it in the Hawai'i DSLL fishery, if the Council deems it appropriate to make it a regulatory requirement.

Ochavillo said there may be a new entry into the American Samoa longline fishery and asked who to contact for the protected species training workshop.

Rassel said PIRO has staff in American Samoa to conduct the captain training in American Samoa, and suggested contacting Jason Mehlinger, PIRO Sustainable Fisheries Division.

Dueñas wondered if the crew training requirement could be set up with some caveats so that it is not cumbersome and delay a fishing trip. He suggested exempting crew from training every year if they responded to an interaction and helped release the animal when an observer on board, similar to the exemption for swordfish retention limit for the Hawai'i deep-set fishery when there is an observer on board.

Rassel agreed that NMFS does not want to hold up any vessels from fishing, and will take the suggestion into consideration.

Muña supported Ramsey and Dueñas's suggestions for measuring different types of learning and using different strategies for the demonstration of knowledge. She likes the idea that demonstration of skill could count toward recertification.

## **2. Insular False Killer Whale Overlap Area Monitoring Requirement**

Crigler, PIFSC, presented the report of the BiOp RPM Implementation Working Group on the IFKW overlap area monitoring requirement. The RPM T&C in the May 2023 Hawai'i DSLL BiOp requires that NMFS, within one year of the BiOp publication, determine the minimum level of observer coverage reliable for estimating the MHI IFKW interactions with the

Hawai‘i DSLL vessels. If the current level of observer coverage is below this level, the T&C requires that within two years NMFS provide observer coverage at the level determined reliable. The stated purpose of this T&C is to improve the understanding of and estimates of interactions with MHI IFKW in the overlap area. Crigler provided a brief overview of the FKW stock ranges. The IFKW overlap area refers a small triangle where the IFKW distribution range that extends beyond the MHI longline exclusion zone that was established in the early 1990s to reduce potential gear conflict between the longline and small boat fisheries.

There have been no observed FKW interactions to date inside the overlap area. The estimated number of interactions for the IFKW population is derived annually based on fishing effort, estimated density of each stock, and relative density of each stock in the overlap area. The 2023 BiOp estimated the average interaction rate of the IFKW in the DSLL fishery to be 0.043 animals per year, or one capture in 23 years. The incidental take statement is based on the maximum-five-year running sum of interactions in the historical data, which is 0.427 captures or one in every 12 years.

The working group’s analysis for determining the reliable observer coverage level used logbook data for fishing effort and observer data for interaction rate. The analysis used data from August 2016 to December 2022, after the expansion of the Papahānaumokuākea Marine National Monument to account for potential differences in the interaction rates that may have resulted from a change in fishing effort distribution. Two possible interaction rates were estimated—one for all fishing areas and the other for just the overlap area. For the purpose of the analysis, a longline set was determined to have occurred in the overlap area if any of the beginning or end points of the set or haul occurred inside the overlap area. Simulations using the available data indicate that 90% observer coverage would be needed to reliably estimate MHI IFKW interactions in the overlap area with a CV >30%. The observer coverage in the DSLL has dropped from 20% to about 13.5% in 2024.

The working group discussed potential pathways for implementing the higher observer coverage either through human observers or EM. Increasing the overall human observer coverage level in the DSLL fishery to 90% is not reasonable considering the increase in cost of human observer placement. Increasing human observer coverage within the overlap area would require modifications to the Pelagic FEP, as the overlap area would need to be defined in regulations, and fishers would likely need to be required to declare their intent to fish in that area. Industry representatives on the working group noted that requiring advanced notification for observer coverage would result in a de facto closed area. The working group also had concerns that diverting observer coverage to the overlap area may impact the overall coverage in the DSLL fishery. EM may have more potential positive outcomes if EM was implemented more broadly throughout the fleet and the audit levels could be increased for the overlap area. Implementation timeline is a concern with EM, as the RPM requires implementation by May 2026. The working group also discussed research needs and the potential for spatial management as an alternative to increasing observer coverage in the overlap area. Spatial management would necessitate regulatory changes to modify the MHI longline exclusion zone, and these options were considered to be beyond the scope of the RPM. The Council was asked to provide direction to staff and the working group on next steps for RPM implementation.

Dang said this is challenging, noting that achieving 90% observer coverage inside the overlap area is likely not feasible considering the budget issues NMFS is facing. He noted

concerns with the reduced coverage, as it would have negative impacts on the fleet in estimating the total interactions from the rare instances of takes. He said it would be helpful to discuss any ideas on how to tackle the issue.

Simonds said with the deadline of implementing the RPM for 2026 and funding uncertainties for both observers and EM, it is best to concentrate on EM. She said it is good to have a discussion about the difficulty in getting EM to work as soon as possible, as well as the observer coverage, and the Council will need time to continue to review this and consider other ways.

Dueñas sought clarification on whether there are interactions in the SSLL fishery.

Ishizaki said the RPM is pertaining to the IFKW population close to shore, whereas the SSLL fishing effort occurs further north and mostly outside of the EEZ. Where the fishery does operate inside the EEZ, it is usually outside of the IFKW range so there are no interactions with the SSLL fishery.

Dueñas said he appreciates the working group's efforts, but what he sees is work being done to qualify in the sense of throwing numbers in the air and saying they make sense, rather than to quantify. He said in reality, enough work has not been done to prove those numbers are accurately quantified, and there is little activity in the overlap area. He is apprehensive about defining these areas as it is similar to creating another protected zone like the NWHI and it is unfair to the fishing community when they continue to be financially impacted when they are not provided with the real science. He hopes the Council can come up with a more realistic food for thought as to how to achieve success for the fishery and conservation measures.

#### **D. Endangered Species Act and Marine Mammal Protection Act Updates**

Adrienne Lohe, NMFS Office of Protected Resources (OPR), provided an overview of the proposed rule to apply protective regulations to the OWT. The species was listed as a threatened species under the ESA in 2018. The species is threatened by incidental bycatch in commercial fisheries, illegal international trade of OWT fins and inadequate regulatory mechanisms to address these threats. Under the ESA, certain prohibitions automatically apply when the species is listed as endangered by not when the species is listed as threatened. ESA Section 4(d) gives NMFS the authority to issue regulations for threatened species that are necessary and advisable to provide for the conservation of the species or to prohibit any or all acts prohibited under Section 9(a)(1). In the case of the OWT, NMFS did not apply any prohibitions to the species at the time of the listing.

In the current rule, NMFS is proposing to extend all of the Section 9(a)(1) prohibitions to OWT, including prohibiting import to or export from the United States, take of the species in U.S. waters, territorial seas or on the high seas, and sale of the species in interstate or foreign commerce. NMFS is also proposing exceptions to the prohibitions that contribute to the conservation of the species, including for scientific research purposes, take for certain law enforcement purposes, and import and export for scientific research purposes. The United States already manages the capture and trade of sharks through prohibition of shark finning and prohibition of retention in fisheries that incidentally take OWTs. This rule will help reinforce those existing prohibitions and serve as an additional deterrent to illegal activities.

The rule would also make take prohibited whether it is intentional or not. Federally managed fisheries in the Pacific Islands Region that incidentally take OWTs have already undergone ESA Section 7 consultations and the resulting BiOps have incidental take statements that allow for a certain amount of take as well as RPMs to reduce incidental catch. PIRO has confirmed they do not foresee needing to reinitiate any of those fisheries consultations or changing any requirements for the affected fisheries as a result of the new rule. If the rule is finalized as proposed, incidental take of OWT in these federally managed fisheries are already authorized and the fisheries will be able to continue operating as is. For these reasons, the rule should have a relatively minor impact on U.S. fisheries overall. The proposed rule comment period will close July 15, 2024.

Sakoda asked how one would qualify for the exception for scientific research under the rule.

Lohe said the scientific research exception involves take of the species that is intended to be nonlethal, and the rule lays out the criteria wherein scientific research that involves take does not require a permit. Those include research carried out by or in collaboration with a research institution, state, tribal or federal agency, or other scientific organization in a good faith effort to advance the conservation and recovery of the species. No individuals can be intentionally killed under the research exception, and the research has to be carried out in accordance with all other applicable laws and regulations. When the research falls under those circumstances, there is no need to apply for a permit.

Sakoda asked if any fisher who participates in reporting incidental take could be exempted from the take prohibition if the State of Hawai‘i had a research project to collect incidental take information from recreational or commercial fishers that are not covered by the BiOps.

Lohe said she does believe the act of fishing and incidentally taking the species would be covered by the research exception because it is not the main activity that the individual is doing. In Sakoda’s scenario, the main activity would be fishing.

Ramsey asked how much information is coming in from fishers who fish recreationally in the State of Hawai‘i. He assumed there is some sort of data being collected when take does occur, and asked if the data re being recorded somewhere in the records.

Lohe said she is not aware of the answer to the question.

Ramsey said one of the challenges with regulations like this is that fishermen who are doing their duty in reporting catch and bycatch will stop reporting so that valuable information will be lost. He said it would be ideal if there is a way to continue to receive information while still implementing conservation measures.

Lohe said if there is a fishery that is not covered by the BiOps, there would be a way to get coverage for incidentally taking OWTs through applying for an incidental take permit. That would cover the incidental take in their activities, and that would be the only other way to get coverage and may address the situation Ramsey references.



Muña asked if there are any research or reports regarding OWTs in the Mariana Archipelago.

Lohe said she was not aware of any.

Chelsey Young, PIRO Protected Resources Division, who assisted Lohe with the proposed rule, said NMFS does not have any specific information on OWTs in the CNMI or Guam. The species' distribution includes the waters around the Mariana Archipelago, but they are typically an offshore, deep-water species, which is why they mostly interact with pelagic longline and purse seine fisheries. Regarding reporting of incidental take, this is a similar situation for many other endangered species in Hawai'i where there are listed turtles and Hawaiian monk seals that are known to have the chance of incidental interactions with fisheries. NMFS has been encouraging the State of Hawai'i to get the coverage under an incidental take permit, which is a process led out of the NMFS headquarters office.

Sakoda noted that one of the reasons for the rule is driven by the need for additional protections due to threats from international fisheries and shark finning. Hawai'i already has laws in state waters that prohibit finning and intentional take of all sharks, and there is also a federal non-retention rule. From the State's management standpoint and on behalf of the fishers, Sakoda said there is a question of what the need is for a complete no-take that also prohibits incidental take. He asked if there is a possibility of making a rule that prohibits intentional take.

Lohe said the goal of these regulations is to further deter illegal activity that is going on with the species but also try to reduce any other sources of mortality going on that NMFS is not aware of that is not part of intentional take. She did not think NMFS is going to look at options that do not include incidental take being prohibited, because they know that is an issue. NMFS is aware that there are a lot of mechanisms to address overfishing of and overutilization of the species at the state and federal levels, but NMFS is also hoping to address the incidental take through this rule.

Sakoda said from the perspective of the state management agency, they agree there should be additional protections for the species. However, they hear from the local fishers in the small boat fishery that there are incidental interactions in the form of depredation. The monthly reports include mentions of OWT depredations in the comment section, and while the reporting itself is mandatory, the comments are voluntary. He thinks there is potential for getting better data from fishers through outreach and education, but if this rule goes through without consulting with fishers and they fear they could be liable if they incidentally catch a shark and someone sees them, they might cut the line as soon as they see the shark instead of trying to bring it as close to the boat as possible before releasing it, or may start killing sharks when no one is looking to reduce future changes of interactions. This has happened with Hawaiian monk seals unfortunately, and there is even less enforcement out on the open ocean. He does not think NOAA has done a good job with outreach to the fishing community, and the State of Hawai'i will be submitting comments and a letter requesting that NOAA hold public hearings and extend the public comment period to accommodate the hearings.

Lohe said NMFS definitely wants to hear that perspective and encouraged those affected to submit public comments.

Guthertz asked why NMFS has no data to back up the requirements when the communities will be required to comply with the rules that may or may not work.

Lohe said she does not have an answer for that.

Guthertz asked that the record reflect that NMFS acknowledged they do not have any data.

Kamaka'ala, following up on Sakoda's recommendation to do further outreach, said coming from a fishing family and having experience with rulemaking processes and public hearings, those opportunities are not the most ideal space to get good input and have effective conversations with the fishing community. She suggested looking at other mechanisms to engage the community, such as getting together where fishermen like to hang out at the boat ramp and having food to bring people together.

Dueñas said his main issue with the shark is that fishermen do not look for the sharks, but rather the sharks look for fishermen and their fish. He expressed concern with fishermen being on the chopping block as the person interacting with the shark. There are federal and local laws that prohibit shark finning, which hurt Guam's fishermen because sharks were utilized. The Taiwanese longline fleet left because they could not comply with the shark finning rules. When the shark's ecosystem is impacted and shark finning is prohibited, the sharks come around to Guam because they need food. Dueñas said he has been fishing for more than 50 years and he has been asking the federal government to study Guam's sharks because there are too many of them. He asked for a comparative analysis of how many sharks have been saved through the RFMO conservation measures. He finds the proposed rule insincere because fishermen are not attacking sharks.

Malloy said she shares Dueñas's concern that NMFS never has enough data to do the kind of precise and surgical management measures that they want to do. It is always a balance between finding that point of having enough data to take action and holding off until that point. Malloy assured Dueñas that this is not an insincere effort, but rather the best effort by some folks who have a lot of passion about trying to sustain the marine ecosystem, and NMFS is doing the best they can with limited data. NMFS is also doing the best they can to get as much feedback from stakeholders and people who know the resources to do the best job they possibly can.

Dueñas expressed concern that the shark depredation issue has been on PIRO, PIFSC and Council's radar for 30 years and nothing was done about it, yet he is now being told he needs to worry about a shark attacking his lure. His suggestion is to tag the sharks using different color tags so they can be easily observed without having to read small numbers on the tags to better understand their movement.

Igisomar said the jurisdictions are desperately trying to get their voices heard, and the territorial governors sent another round of concerns to NOAA leadership. In a letter to Coit, NMFS, and Martha Williams, USFWS, dated April 26, 2024, but recently fully executed, the governors of American Samoa, the CNMI and Guam expressed their concerns about the process to designate green sea turtle critical habitat. The governors are requesting more time and pushing back on the lack of data federal government is using to implement these policies.

Muña echoed Igisomar's comments regarding the joint letter, and asked for the letter to be read into the record.

Sword concurred.

Ochavillo, speaking on behalf of Soliai, said in addition to the joint governors' letter, the lieutenant governor of American Samoa also sent an earlier letter to NMFS but the government has not received any response.

Igisomar said the CNMI governor also submitted a letter in October 2023 to NMFS and USFWS about the green sea turtle critical habitat designation, and they have yet to hear back. There are continued frustrations about these policies that keep moving, and as a government, they need some leverage in trying to figure out whether those policies are necessary. There needs to be some kind of change to take in what the communities are voicing, and the mentality that one type of cure will be applicable to all is not serving anyone good. The concerns about how these designations will affect CNMI's already struggling economy is not being considered.

Muña read the three governors' letter dated April 26, 2024, into the record. The letter requests NMFS and USFWS to work closely with the governments of American Samoa, CNMI and Guam to review the information underlying the green sea turtle critical habitat proposed rule published July 19, 2023, and consider publishing a revised proposed rule if appropriate, similar to the process undertaken by NMFS for the coral critical habitat designation. The governors commended the approach NMFS adopted for the coral critical habitat designation process in the Western Pacific, which led to NMFS redefining the focus of the designation process after extensive coordination with territorial agencies and researchers. For the proposed green turtle critical habitat designation, the American Samoa and CNMI governors asked for an extension of the public comment period to allow the affected island communities additional time to review the 800 pages of proposed rules and accompanying documentation, but neither governors received a courtesy response to their letters. The governors reiterated the request to work with the territory governments and requested a response.

Dueñas said having experienced working with federal agencies associated with the Army Corps of Engineers over the last two years, the critical habitat designation seems like the federal government's incursion into the three-mile territorial waters. He said Guam is a poor society and people live in the coastal areas, and if they are able to develop those areas, they will have to spend tens of thousands of dollars to hire environmental specialists to ensure that all of the concerns of the federal government are met. Eighty percent of Guam's waters where the fishermen fish is military controlled, and coral and green turtle critical habitat will be added to that. Dueñas noted concerns about the military firing range on Guam impacting green sea turtle nesting sites, as well as the impact of the three-minute time limit at public hearings that restrict the extent of comments people can provide. He believes the critical habitat designation is another draconian way of trying to take over and put the people of Guam under pressure. He asked NMFS to respect the governors and the people, and respond to the letter.

Weaver asked how they can work together and come to an agreement on the issues. He echoed comments made at the 198th Council meeting to give the federal representatives three minutes and give the people the time to tell their story, how they live, and how important the resources are.

Sword said they have been through this before with the sanctuary issue, and he finds it a colonialist attitude toward the governors by not responding. In the case of the sanctuary letter, when the governors finally received a response, it was a repeat letter from six months prior but with a changed first sentence as if they did not want to take the time to answer properly. It is not fair to the territories to be treated this way, and the Biden Administration needs to be aware of it. He said it is important for the Council to write a strong letter to the people in Washington D.C. and Silver Spring, MD as the governors deserve a respectful and good answer.

Guthertz expressed her appreciation for the federal partners on the Council as she hopes they are there for the same reasons. The territories and the commonwealth have been asked to take on more burdens to help the country deal with geopolitical events. Guthertz noted the history of military buildup on Guam through World War II and the Vietnam War, and now Guam is working with the military to ensure that everyone benefits from the latest buildup because Guam has a quest for the future. However, in the critical habitat situation, there is a complete lack of respect for the governors, who are the leaders to whom the people look to for guidance. Guthertz asked why there has not been a response, and said the effect of not responding is the people will feel the U.S. government is taking advantage of the territories and ignoring the territories and the commonwealth. The people of the territories live in a country with the U.S. flag, and ask for parity and fairness. Their approach to issues is sitting together and talking to come up with solutions in a team effort, and it is hurtful when they do not get a response to their leaders. She said her intent in making these comments is to draw attention to their concerns at the highest levels, like any other American citizen or national would have the right to do. Guthertz reiterated her request for a response.

Dueñas said the federal government would not be treating the territories like this if Senator Daniel Inouye were alive today. He said he represents the community and does not want to see his people subjugated to the promotion of the sanctuary program. He reiterated his concern with the disrespect to the governors, and said he hopes they get the respect they deserve. He encouraged anyone to talk to him and said he will share everything he has learned in his life because all he does is care about his people and his environment. Dueñas reiterated his concerns of military impacts on the environment.

Muña requested an update regarding giant clams.

Ishizaki said the Council was expected to receive an update from NMFS headquarters staff if the 12-month finding for the giant clam ESA listing petition was published prior to the meeting, but the rule was not published in time.

Muña said some information or discussion would be helpful considering the pending publication, as this is a similar situation with the green sea turtle critical habitat. Guam received notice of the turtle critical habitat proposed rule at the same time as another USFWS critical habitat designation proposed rule for 28 different species and while Guam was reviewing the Integrated Natural Resources Management Plan. Guam is currently addressing the missile defense system and another Integrated Natural Resources Management Plan, so it would help to have conversation and collaboration taking place now rather than being pressured with time under a 60-day comment deadline when the proposed rule is published.

Sword asked Malloy to comment on any available information.

Malloy called upon Young to provide an update.

Young said PIRO has been monitoring the action closely. It is another rule that will be coming out of the NMFS OPR at headquarters, and Young received an update from them five minutes prior that they are in the final stages of agency review. This means that the rule is expected to publish in the next couple of weeks. NMFS will be reaching out to members to provide briefings and provide the information needed to start the coordination.

Muña asked if she could request an automatic 90-day extension on the comment period now.

Young said to prepare the request.

Guthertz asked about the urgency, and why appropriate input and participation cannot happen. They know how to provide valuable input and discuss things properly, but they should not be caught in a situation where a rule is about to publish when they have not had an opportunity to participate in the rulemaking. She asked how long NMFS has been working on the rule.

Young said the petition was submitted in 2016, but it has taken a while with competing priorities and lead staff changing many times, including her when she was at NMFS OPR five years ago. NMFS has been reviewing all of the data and information for giant clams across the Indo-Pacific range to determine the status in response to the petition. The 12-month finding will be a determination of what was found in the status review process, and will be open for review during a 90-day public comment period.

Muña asked whether NMFS requested the BSIA associated with the status review. Guam DOAG has been discussing giant clams at least for the last three years in coordination with Palau, but she does not recall discussing the topic with NMFS or about a status review. She would hope DOAG would have some input on the status review as that information would be the basis for the proposed rule.

Young said is a fair point. She believes NMFS reached out to the local people working in the territories in the early part of the process for gathering information. She is certain NMFS reached out to some people in American Samoa and Guam. She is not certain what type of engagement there has been through the current OPR lead biologist, but PIRO PRD has been telling OPR that there are people working on giant clams in the territories and NMFS should gather that information. She clarified that, as it was the case with corals, this would be a proposed rule and the proposal can be revised, and she is looking to coordinate closely because she knows how important an issue it is for all in the territories.

Guthertz said she thought proposed rules come after, not before, the consultations and all the data and information are evaluated with the entities that will be impacted.

Ochavillo said American Samoa has a project in American Samoa, and reiterated the importance of community engagement. He is uncertain when the last communication occurred, but he encouraged another contact to see where American Samoa can be of help in dealing with another potential ESA issue. Giant clam is important for American Samoa, and he wants to ensure American Samoa is part of the discussion.

Sword asked if NMFS has been working with any other countries in the region.

Young said NMFS has been trying to reach out to different countries for information on basic distribution, abundance, and surveys to inform a range-wide status review from Australia to French Polynesia. NMFS was initially petitioned to list 10 species, which is part of the reason it has taken a long time to gather all the information across each of the species ranges. NMFS also goes through a peer review process for the status reviews before developing the 12-month finding or any rulemaking.

Muña said she can appreciate what Young is describing, but it is frustrating because the designation and proposed rule that will be published is not going to affect Australia or other international countries. It is going to affect Guam and the other territories. She does not recall having a consultation about any of Guam's data for giant clams, even though she has been presenting on Guam's projects at the Council meetings for the last three years. Guam would like to know what the status review will say before it is published as being factual when Guam is in the process of trying to aquaculture giant clams. The rule would directly impact the projects, which are all about community-based management and empowering the community to take responsibility and ownership. Muña said she can guarantee she will be requesting an extension if the comment period is 90 days. After the final rule comes out, she expects it will take another two years to get a permit. When the aquaculture plan was in development, she asked how the plan will affect Guam's aquaculture projects, but they did not have a response. She asked if there is a timeline for the status review or whether it can be rolled back and start over with consultations.

Young said NMFS is fairly constrained by statutory timeframes, which has past substantially for this action.

Muña said she understands, but those statutory timeframes and constraints have been rolled back before for the critical habitat, so she does not accept the answer that it cannot be done because the law says it has to follow a certain timeline. She is aware that the timelines can be changed when someone decides it can be changed.

Young said she understands the frustration. The reason that the critical habitat designation changed was because of the process put in place during the proposed rule stage where NMFS received a lot of new information and data that allowed them to go back to their leadership and say they need to go back to the drawing board. That is what the public comment phase of the process is intended to do, so that NMFS can receive the information and make those revisions if necessary.

Muña asked when the status review process was initiated.

Young said it was after the 90-day finding, so around 2017. That was when NMFS started the literature reviews, collecting the information from academic journals and getting data from people from around the species range, so it has been a long process.

Muña said Ochavillo has been in American Samoa since then and she has been with DOAG since 2019, so there was time to consult with the territories.

Young said she would need to speak with the NMFS headquarters staff who has been leading the status review process to see what the history of those conversations have been.

Muña said this warrants an agency reflection on how to be more inclusive. She suggested multiple follow-ups and check-ins to ensure the agencies have the opportunity to provide input and participate in the process.

Guthertz recommended that the Council consider an action item to request a delay on the giant clam proposed rule to give additional time for the affected areas to provide valuable input and data, and to discuss the proposed rule, because members feel that proper consultations have not been done.

Dueñas said he can show people where giant clams are on Guam. He said he has been through several of these petitions from environmental groups through the course of his Council tenure, including the Napoleon wrasse, bumphead parrotfish, and over 90 species of corals. He said NOAA's Office of Coastal Management has been around on Guam for 50 years, but they have not addressed any coastal management issues other than to say ban this and that. Dueñas said the clams are located in the most pristine part of Guam, and military buildup is happening on the cliff above the area. There used to be a beautiful white sandy beach below the cliff line, but it is now red dirt that is coming into the reef area where the clams live. Palau has grown clams for the last 40 years, and Guam is being proactive in growing baby clams. NMFS is always behind the curve, yet now NMFS is looking to put in a draconian rule that will impact his community.

Igisomar echoed the sentiments and frustrations, and it seems they are always reacting to these rules. Every time there is new leadership in place after elections, they should be brought to the table, brought up to date, and have them participate before the rulemaking takes place. Once a rule is done, everything else is just a formality.

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

### **1. Advisory Panel**

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

*Regarding the BiOp implementation working group report on the IFKW overlap area, the Hawai'i AP recommended that the Council take no action, noting that available information do not justify resources to increase observer coverage in the overlap area.*

### **2. Plan Teams**

Crigler, PPT chair, presented the Plan Team report and recommendations.

*Regarding the SLL Turtle Trip Interaction Limit Review Report, the PPT endorsed the working group report for review by the SSC, Council, and any other applicable Council advisory groups.*

The PPT concurred with the working group that revisions to the trip limits are not warranted at this time, and recommends the next review of the trip limit measure to be conducted in 2-3 years, pending update of the loggerhead turtle population model.

*Regarding BiOp RPM Implementation Working Group Report*, the PPT recommended the Council initiate the process for developing a regulatory requirement for Hawai'i and American Samoa longline crew training consistent with the BiOp RPM T&C. The PPT further recommended that the Council consider methods for monitoring and evaluating effectiveness of the crew training program as part of the regulatory requirement development.

The PPT recommended the Council further explore the use of EM to address the BiOp RPM T&C to provide observer coverage for the IFKW overlap area, considering the increasing cost of observer coverage, reduction in the DSLL observer coverage for the foreseeable future, and unintended consequences to characterizing the DSLL fishery as a whole if human observers are used to fulfill this T&C. The PPT acknowledged that EM implementation will likely not meet the observer coverage implementation timeline specified in the T&C, and recommended Council and NMFS, through the Working Group, explore interim approaches, including continued monitoring of available observer and logbook data.

### **3. Fishing Industry Advisory Committee**

Goto presented the FIAC meeting report and recommendations.

*Regarding the BiOp RPM Implementation Working Group Reports*, the FIAC recommended the Council, in developing the regulatory requirement for crew training, consider ways to ensure the crew training requirement does not create unnecessary burden for the Hawai'i and American Samoa longline fishery by prohibiting fishing if the requirement is not met.

The FIAC recommended the Council consider approaches for implementing the IFKW overlap area that does not create additional regulatory burden on the Hawai'i DSLL fishery, noting that the available information indicates little interactions with the insular population.

*Regarding the Hawai'i SLL Fishery Trip Limit Review Report*, the FIAC concurs with the working group report finding that revisions to the trip limits are not warranted at this time, noting that most sea turtle interactions in this fishery result in the animal being released alive. The FIAC further recommended the Council explore steps needed to remove the leatherback turtle hard cap, noting that trip limits provide a better solution to managing sea turtle interactions while keeping the fishery operating throughout the calendar year.

### **4. Scientific and Statistical Committee**

Lynch presented the SSC report and recommendations.

*Regarding the SLL Turtle Trip Limit Review Report*, the SSC concurred with the PPT Working Group's finding that revisions to the trip limits are not warranted at this time, and



endorses the PPT recommendation to conduct the next review of the trip limit measure in 2-3 years, pending update of the loggerhead turtle population model. The SSC noted the importance of maintaining 100% coverage in the SSL fishery to allow for that evaluation.

*Regarding the DSLL BiOp Implementation Working Group Report on IFKW Overlap Area Monitoring Requirement*, the SSC acknowledged that the ongoing reduction of human observer coverage poses significant concerns for comprehensive fishery monitoring and recommends the Council consider the potential impact of increasing human observer coverage in the overlap area on the overall precision of protected species capture estimates in DSLL fishery.

## **F. Public Comment**

Robin Baird, CRC, provided information pertaining to a Council member question about recording calves. CRC curates the long-term photo identification catalog for FKWs that includes individuals from all three populations. CRC records calves in its research but a lot of the photos contributed to the catalog are taken by tour operators or passengers on vessels, and the resolution of the cameras usually preclude being able to identify small, fast-moving animals like calves. One way they are able to get around that is to document as animals go from the unmarked part of the population to becoming marked, which is when they start to get included in the analyses for abundance. For example, in 2022, about half of the MHI IFKW population had photographs and only a single new distinctive individual was documented, and in 2023, there were no distinctive individuals documented, which shows that the recruitment into the population is extremely rare. This also illustrates the value of having high resolution cameras to photograph as many individuals as possible.

Ilaoa, restaurant owner in American Samoa, commented on the Council discussion related to the swordfish market and how the Hawai'i longline owners have to do a lot more to sell in the U.S. markets to compete with foreign imports. He said it is unfortunate that greed is at the heart of the matter, as these large corporations that could make all the difference for the U.S. fishers are choosing not to buy U.S. fish to maximize profits. He understands that is how a free market works, but there has to be something that the federal government can do to incentivize these companies to buy U.S. caught fish. The United States imports more than 80% of all seafood from foreign fisheries that are not as well managed as U.S. fisheries, and the U.S. fisheries continue to be penalized for nothing more than following the rules and with large closures to commercial fisheries in the region. Ilaoa said he would like to see the federal government spend more time and money to find a way to help the region's fishermen level the playing field instead of continuing to pile on regulations and increase an already disproportionate burden.

John Gourley, a resident of CNMI, provided comment on the green sea turtle critical habitat and the associated federal consistency determination. He does not represent any agency or the local coastal zone management office, and provided his interpretation of documents obtained through a Freedom of Information Act request he submitted to the CNMI government. For the federal consistency determination, NMFS issued a Coastal Zone Management Act negative determination on the green sea turtle critical habitat on July 28, 2023. The CNMI Division of Coastal Resources Management objected to the negative determination in a letter

dated Oct. 13, 2023, and the two agencies are working through their differences and resolving their issues. USFWS, during the in-person public outreach meeting in Saipan, informed the public they would be issuing a federal consistency determination. The Division of Coastal Resources Management office emailed USFWS Aug. 24, 2023, requesting a federal consistency determination for the green sea turtle critical habitat. Six months later on Feb. 16, 2024, USFWS sent a letter to the Division of Coastal Resources Management office claiming that critical habitat designation is not a federal action as defined under Coastal Zone Management Act part 930.31(a). Gourley said it is his opinion that this response is a sign that USFWS is not taking seriously their responsibility under Coastal Zone Management Act. USFWS should give the territories the courtesy of addressing any concerns the CNMI may have with the USFWS critical habitat designation, especially since the proposal includes sandy beaches in front of the hotels and the USFWS has a history of having a heavy hand in regulatory compliance in the Mariana Archipelago. This is an example of how many people feel in the Mariana Archipelago when federal agencies promulgate new environmental regulations.

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

*Regarding BiOp RPM Implementation Working Group Report on Crew Training, the Council:*

- 1. Directed staff to convene an action team to initiate development of a regulatory requirement for Hawai'i and American Samoa longline crew training consistent with the BiOp RPM T&C, and develop an options paper for the Council's consideration at the September 2024 meeting.**

*Moved by Guthertz; seconded by Itibus.*

*Motion passed.*

*Regarding BiOp RPM Implementation Working Group Report on the IFKW Overlap Area, the Council:*

- 2. Directed the Working Group to further explore the use of EM to meet the BiOp RPM T&C monitoring requirement for the IFKW overlap area, noting the potential negative impact of increasing human observer coverage in the overlap area on the overall precision of protected species interaction estimates in Hawai'i DSLL fishery. The Council further directed the Working Group to explore interim approaches, including continued monitoring of available observer and logbook data, noting that EM implementation likely will not meet the timeline specified in the T&C.**

Malloy commended the working group for wrestling with this difficult and complicated issue. The demands for a robust level of observer coverage of upward of 90% are something difficult that needs to be addressed. Malloy said no edits are needed but wanted to make sure the recommendation is not constrained to just look at the use of EM and/or existing observer and logbook data as potential solutions and that the Council can task the working group to explore all options without constraining them.

Sword said Malloy's comments are covered in the recommendation's wording "explore interim approaches."

*Moved by Itibus; seconded by Guthertz.*

*Motion passed.*

*Regarding the SSSL Turtle Trip Interaction Limit Review Report, the Council:*

- 3. Endorsed the PPT Working Group report on the review and directed the PPT to conduct the next review in two to three years, pending update of the loggerhead turtle population model. The Council further requested NMFS PIRO to continue to maintain 100% observer coverage for the SSSL fishery to allow for a robust evaluation.**
  
- 4. Directed the PPT to explore steps needed to remove the leatherback turtle hard cap, noting that trip limits are effective in managing sea turtle interactions while keeping the fishery operating throughout the calendar year.**

Malloy said while it looks like the fleet is changing their behavior to accommodate trip limits and having some effect, it is not completely clear whether trip limits and vessel limits are having the desired effect long-term. She wondered if it is a little premature to start looking at removing the leatherback turtle hard cap. She feels it is not quite time yet to consider managing leatherback turtle interactions using the trip and vessel limit scheme instead of the hard caps, and wondered if the Council could hold off on it or give it a couple of years to see what happens with the trip limits.

Sword said the Council needs to start somewhere, and that the recommendation is a request to start looking at the feasibility. It would be a first step in potentially many steps, and it is on the record that the Council is going to be looking at it.

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

*Regarding ESA updates, the Council:*

- 5. Directed staff to send a letter to NMFS in response to the OWT ESA 4(d) take prohibition proposed rule, requesting an extension of the public comment period as well as public hearings for fishing communities in Hawai‘i, American Samoa, Guam and the CNMI. The extension and public hearings are needed to engage fishing communities to better understand the potential impact of the proposed rule and for communities to provide comments.**
  
- 6. Requested NMFS and USFWS to work with the governments of American Samoa, Guam and the CNMI to review the information underlying the proposed green sea turtle critical habitat designation, following the collaborative process implemented for the coral critical habitat designation.**

Malloy said PIRO abstains from recommendation #6 regarding the green sea turtle critical habitat designation.

*Moved by Guthertz; seconded by Dueñas.  
Motion passed with Malloy abstaining on #6.*

*Regarding ESA updates, the Council:*

**7. Requested NMFS to coordinate with the governments of American Samoa, Guam and the CNMI to review the information used in the giant clam status review in advance of publishing the ESA-listing petition 12-month finding.**

*Moved by Guthertz; seconded by Muña.*

*Motion passed.*

**XII. Pelagic and International**

**A. 2023 Pelagic and Pacific Remote Island Areas Annual Stock Assessment and Fisheries Evaluation Report**

Remington presented on highlights of the Pelagic FEP 2023 Annual SAFE Report, focusing on the Hawai‘i longline and small boat pelagic fisheries of Hawai‘i, Guam, and the CNMI. American Samoa pelagic fisheries were covered under a previous agenda item. Hawai‘i longline participation has increased from 147 to 150 vessels, with increases in both trips and sets. The fishery in 2023 had an increase in effort and there was a slight increase in catch by about a million and a half pounds to 25.7 million total pounds. While bigeye tuna catches have declined, it has been supplanted by an increase in yellowfin tuna catch. While total catches increased in 2023, there was an economic decline of about \$9 million dollars, with revenue being about \$100.5 million dollars. This reduction was likely a result of decreased price per pound, which declined from \$4.80 in 2022 to \$4.23 in 2023. SSL trips increased in 2023, but with fewer sets, and a reduction in swordfish catch by about 300,000 pounds to about 1.6 million pounds total. Revenue in the SSL fishery declined from \$10 million dollars to about \$6.8 million dollars. This decline was preceded by an increase in revenue from 2021 to 2022.

Non-longline pelagic fisheries had a slight decline in catch from about 1.77 million pounds down to 1.6 million pounds, and revenue went from \$7.2 million to \$6.2 million. Price per pound decreased as well for most small boat non-longline fisheries. Offshore handline had an increase in price per pound, which may be attributed to the fishery landing more of their fish on the Big Island where they have more alternative markets. In CNMI, most troll trips are non-charter where they have seen under 2,500 estimated trips. Most pelagic species have declined in the last ten years. However, there are limitations to surveys throughout a portion of the year. Catch estimates are 126,000 pounds for CNMI in 2023, which is likely an underestimate. Catches in CNMI have increased recently for mahimahi and skipjack tuna. In Guam, there was a slight increase in troll pelagic catch by 14% to about 700,000 pounds, mostly driven by skipjack and yellowfin tuna. The socioeconomic section of the report indicates revenue declined for longline fisheries and small boat fisheries alike.

Under the turtle trip interaction limits in the Hawai‘i SSL fishery that was implemented under Pelagic FEP Amendment 10, one trip in 2023 reached the loggerhead limit of five interactions and returned to port, and two trips reached the leatherback limit of two interactions, and those also returned. The trip limit measure is currently being evaluated by the PPT. Observer coverage declined to 17.4% in the DSL fishery and continued to decline to 15% in the last quarter of 2023. Olive ridley turtle interactions have returned to “low normal” levels. The new seabird requirement for the DSL fishery went into effect April 1, 2024, which included the addition of tori lines while removing blue-dyed bait and offal discharge. The Plan Team will continue to monitor OWT interactions to evaluate the wire leader prohibition in the future.

Remington also reviewed oceanic and environmental drivers with associated fishery indicators, which will be available in the online SAFE Report website.

Dueñas asked if COVID-19 impacts were analyzed as having an effect on size frequency of bigeye tuna, noting that 25-50 kg sized fish were predominant. Dueñas also said striped marlin catches in the eastern Pacific have been higher than usual, with a significant number coming from Australia to Hawai'i. Dueñas asked if the closures are affecting the stock, and noted that El Nino and foreign fishing are probably also affecting data.

Remington said recently, larger bigeye tuna have been seen, averaging 85 pounds in 2023, the highest since 2015. Yellowfin tuna have also been plentiful and larger, averaging 74 pounds in 2023, highest since 2018.

Dueñas said most of the fish in the Mariana Archipelago are smaller and juvenile bigeye and yellowfin tunas. Some tuna purse seine vessels were interested in fishing there at one point.

## **B. International Fisheries**

### **1. US Stakeholder Engagement on South Pacific Albacore**

Alex Kahl, PIRO International Fisheries Division, presented on South Pacific albacore topics for 2024 and possible engagement for stakeholders in the management process within the WCPFC. An interim target reference point was revised in 2023 based on reference years. A new stock assessment is expected in 2024 and the stock will be evaluated on that target reference point. The WCPFC also needs to determine what it means for fishing vessels to be targeting albacore under the CMM, which has been a concern of the U.S. particularly in discussions on compliance. There is an expected inter-sessional working group on South Pacific albacore expected before the WCPFC Scientific Committee meeting. Fiji is the lead on this, has had turnover on leadership, and this working group is not a formal subsidiary body. The Scientific Committee will also look into the stock assessment in August along with analyses including parts of a stock under IATTC jurisdiction. The Scientific Committee will also look at operational models used for a management strategy evaluation (MSE) and scenarios that evaluated the interim target reference point. Some of this work may be delayed with civil unrest in New Caledonia. A Science Manager Dialogue workshop hosted by the WCPFC will be convened in September. South Pacific albacore compliance matters will be discussed at the Technical and Compliance Committee meeting in late September. The WCPFC at its meeting in December will be asked to adopt a management procedure for the stock, based on scientific advice and analyses. The Council and PIRO are looking to have a U.S. stakeholders meeting once the assessment and analyses are provided.

Ochavillo said there are other informal groups and discussions, such as the South Pacific Group. There was a meeting held in February where American Samoa was an observer. SPC helped facilitate this and initial discussions on a management procedure.

Dueñas asked if there is any preliminary information on MSY or catch limits for the stock. Dueñas said there is a lot of albacore in the northern extent of the Mariana Archipelago where he is hoping for an industry to develop.

Kahl said there is an MSY value in the stock assessment and effort controls are in place. However, there are none that limit vessels. The U.S. is working with American Samoa to draft something that could limit vessels and make compliance requirements clearer.

Dueñas said there are distant water vessels with 2,000 metric ton capacity. The purse seine fleet has stronger freezer capabilities.

## **2. North Pacific Striped Marlin Stock Status under the Pacific Pelagic Fishery Ecosystem Plan**

Jarad Makaiau, PIRO Assistant Regional Administrator of Sustainable Fisheries, presented on the stock status determination of the Western and Central North Pacific (WCNMP) striped marlin stock. The WCNPO stock is delineated at 150 degrees west from the eastern IATTC striped marlin stock. The stock has been assessed at the international level since 2007. The most recent assessments were completed in 2013, 2015, 2019, and 2023. Out of concerns about the increasing fishing mortality and the low stock biomass, the WCPFC had adopted CMM 2010-01 in 2010 that essentially asked each country to reduce its catch by about 20% based on the levels of fishing that they had from 2000 to 2003. The WCPFC also adopted a rebuilding plan in 2019 to rebuild the stock by 2034. The WCPFC has not adopted limited reference points for the stock.

NMFS domestically determines if a stock is overfished or experiencing overfishing based on status determination criteria, under which overfishing occurs when the fishing mortality rate exceeds the maximum fishing mortality threshold. A stock is considered overfished when its biomass falls below what we term the minimum stock size threshold. For this stock, fishing mortality exceeds maximum fishing mortality threshold but biomass is above the minimum stock size threshold prescribed in the Pelagic FEP. The stock is experiencing overfishing, but it is not overfished and the stock status has changed.

Under MSA Section 304(i), when the secretary determines that a fishery is overfished or approaching a condition of overfishing, the Council has to take some action. Specifically, the Council has to develop recommendations for domestic regulations that address the relative impact of the U.S. fishing vessels on the stock. In 2021, the Council recommended establishing a limit for the U.S. catch to 457 mt, consistent with the CMM 2010-01. This catch limit is higher than recent catch. NMFS published a proposed rule to take public comments on the Council's recommendation, but has not made a decision on whether to approve this action. The change in stock status is significant new information, and PIRO will continue to work with NMFS headquarters and GCPI to determine whether the change will have a bearing on NMFS's ability to move the Council action forward.

## **3. US Stakeholder Engagement on North Pacific Striped Marline Rebuilding Plan**

Crigler, PIFSC Fisheries Research and Monitoring Division, provided the outcomes of a U.S. stakeholder workshop on North Pacific striped marlin held virtually April 8, 2024. The stock is assessed and analyzed by ISC. The stock is overfished per the WCPFC and subject to a rebuilding plan for biomass to exceed 20% unfished levels by 2034 with at least 60% probability. Stock projections are to be provided by the ISC Billfish Working Group. Therefore a meeting was held to get the preferences of U.S. stakeholders, hosted by the Council with PIFSC and

PIRO. The meeting had 32 participants, 14 from PIFSC and PIRO, four from the Council and 14 from industry and nongovernmental organizations. Several stakeholders emphasized the importance of ten year scenarios that account for unreported discards and disparities in bycatch reporting among WCPFC members. Concerns were raised regarding the effectiveness of managing the stock solely through a total allowable catch level, with calls for consideration of complementary measures such as circle hooks, size limits, and modifications to longline gear. Additionally, participants highlighted the need for greater equity in catch reporting, monitoring, and observer coverage across member states. Phased approaches to reducing catches through the rebuilding period were favored, which coincide with a stock assessment schedule. The rebuilding analysis is expected to be reviewed by the ISC in June 2024 and the WCPFC Scientific Committee in August 2024. The WCPFC will then consider a revision to CMM 2010-01 in December 2024 based on the rebuilding analysis results.

Simonds asked what the Council should be doing.

Crigler said there will be further discussions later in the year on the rebuilding analyses and potential additional measures that could be taken at the international level, which the Council may wish to consider.

Simonds said the Council should probably be prepared to consider an action at the September meeting as all of these pieces of information should be available at that time.

Dueñas commented that the U.S. West Coast has high numbers of striped marlin catch and there is a genetic connection of fish around Hawai‘i with Australia. Dueñas asked if the closures around Hawai‘i are considered a nursery.

Crigler said the next assessment in 2027 should have improved life history and growth information that may inform the assessment. The International Biological Billfish Sampling program should have some finalized results.

#### **4. Western and Central Pacific Fisheries Commission Permanent Advisory Committee**

Dang presented on the WCPFC Permanent Advisory Committee (PAC) meeting held virtually May 13, 2024, to review the WCPFC priorities for the year. Harvest strategies and an upcoming Science-Manager Dialogue meeting were discussed. A South Pacific albacore management procedure is to be adopted in 2024 as well with discussions around developing management procedures happening this year for yellowfin and bigeye tuna adoption in 2026. There is coordination among the WCPFC to develop minimum standards for EM through a working group. The IATTC has adopted minimum standards for EM, so there may need to be consistency. The PAC noted market aspects, NGOs, and third-party certifications like MSC certifications, are looking to enhance their EM positions.

Regarding striped marlin, in the rebuilding plan to be discussed this year at WCPFC, biomass levels need to reach 20% by 2034. Industry noted that any measures suggested should be those that are enforceable across the board and would not prejudice the United States. Live release requirements are probably not enforceable, though one PAC member said other measures outside catch limits should be considered. Regarding sharks, progress on the development of reference points is needed, and the analyses of the Hawai‘i longline wire leader prohibition is

being recognized. An update to the seabird measure is expected this year, and a seabird workshop was held to inform the update with presentations provided by HLA and Council staff. American Samoa maintains it needs to have its recognition of a small islands developing state and participating territory with special privileges. The American Samoa longline fishery also remains in a precarious state. A PAC member expressed concern that American Samoa-based purse seine vessels would be short on high sea days if the U.S. will enforce the high sea limits given the FAD closure on the high seas is shortened and they should be able to fish more in the high seas. Otherwise, those vessels would not benefit from the FAD closure being reduced if high seas days are limited by removal of a combined tranche of fishing data. It was discussed as a domestic issue and NMFS is monitoring high seas days.

Dueñas asked if the aspirations of the PAC are being forwarded to the Commission.

Dang said after the December 2023 meeting, it was clear that the territories desired more from the members of the commission and related subcommittees. As part of the PAC meeting, there was a clear agenda item to discuss the challenges that American Samoa and participating territories have faced. Dang said he makes it a point to ensure that due time and energy is focused on American Samoa and participating territory issues.

Dueñas thanked Dang for the support for the territories, noting his concerns that the territories are not treated fairly and are not truly treated as their own entity at the WCPFC.

Dang said he believes there will be more intentional effort to resolve those issues.

### **C. Electronic Technologies Steering Committee Report**

Fitchett, Council staff, and Lesley Hawn, PIRO and chair of the Electronic Technologies Steering Committee presented updates on the pre-implementation of EM in Hawai‘i longline fisheries. Fitchett provided an overview of the Council’s decision at the 196th meeting, status of the observer coverage levels and funding needs, projected EM costs, and key questions for pre-implementation. Costs of implementing EM are also under review and yet to be fully determined, though estimates would total to be at least \$2.4 million a year for full implementation of cameras in all vessels.

Hawn provided a summary of Electronic Technologies Steering Committee progress in answering key questions for pre-implementation, which include addressing EM program structure and infrastructure needs, program protocols, impacts of implementation, and actual program costs. PIRO and PIFSC are utilizing IRA funding to build EM infrastructure in the region. Once development of EM infrastructure is underway, NMFS will focus on developing on phase one of the pre-implementation plan, which involves data review from 20 volunteer vessels that are already outfitted with EM systems. Once review parameters are determined, a sampling plan can be developed. Key program protocols are being evaluated in collaboration with PIROP to demonstrate which data fields collected by at-sea human observers could be collected by EM or other data sources. Research has also been conducted on the ability of EM to assess post-release mortality for cetaceans and sea turtles, which found that there was sufficient data from EM to assess serious injury for six out of eight interactions.

Next steps include determining regulatory pathways to utilizing EM and continuing to collect cost information on the EM program. Industry feedback was provided through the FIAC



meeting. Council was asked to provide feedback on whether to have EM supplement human observer coverage as more EM resources become available, issues for regulatory consideration, and whether to include SSC members on the Electronic Technologies Steering Committee to advance EM data sampling.

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

### **1. Advisory Panels**

Tam presented the AP meeting report and recommendations.

*Regarding EM*, the Hawai‘i AP recommended the Council directs staff to prepare a document outlining regulatory challenges and considerations on implementing EM.

The AP also recommended that any mandatory implementation of EM for the fishery to be at no-cost to the industry.

### **2. Pelagic Plan Team**

Crigler, PPT chair, presented the Plan Team meeting report and recommendations.

*Regarding EM*, the PPT recommended that the Council initiate exploration of regulatory processes for EM, including consideration of the pre-implementation plan and the phase-in period toward a fully implemented program. The Plan Team notes that regional fishery management organizations are developing standards for EM.

The PPT noted that current EM efforts are funded through temporary funding through request for proposal responses and that future work is contingent on available funding.

*Regarding cookiecutter shark depredation*, the PPT recommended that the Council request PIFSC compile information presented on cookiecutter shark depredation in Hawai‘i longline fisheries into a technical memorandum or report to share with Council advisory groups and stakeholders and to solicit feedback on what additional details would be useful to inform fishery operations.

The PPT recommended that PIFSC explore alternative approaches to continuing data collection on this issue, noting cessation in data collection through PIROP.

### **3. Fishing Industry Advisory Committee**

Goto presented the FIAC meeting report and recommendations.

*Regarding EM Pre-Implementation Plan*, the FIAC recommended that EM be implemented at no cost to industry

The FIAC recommended that any future requirements for EM consider a process in which vessel operators or owners may appeal conclusions or decisions made from EM footage. The fishery should remain operational until a decision is finalized.

### **4. Scientific and Statistical Committee**

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

*Regarding EM Pre-Implementation Program Plan review and timeline*, the SSC recommended that the Council include two SSC members in the Electronic Technologies Steering Committee to support consideration of relevant aspects of the operating model for EM for the Hawai‘i longline fishery. The purpose of their inclusion would be to contribute to consideration of matters such as (1) statistically robust sampling designs, (2) data collection standardization, and (3) understanding any potential unintended data/science consequences of EM monitoring.

*Regarding characterizing impacts of cookiecutter shark interactions in the Hawai‘i longline fishery*, the SSC recommended that the Council, PIFSC, and PIRO explore approaches for continuation of data collection for cookiecutter shark damage and other fish price issues such as “sashi,” noting that the PIROP no longer collects data on cookiecutter shark damage and noting uncertainties of whether “sashi” data collection exists or is adequate for analysis.

*Regarding SPC Climate Science for Ensuring Pacific Tuna Access*, the SSC recommended that the Council liaise with SPC, PIFSC, and territorial agencies to foster complementarity between regional initiatives such as the Climate, Ecosystems, and Fisheries Initiative and IRA projects involving climate change scenario planning and the Climate Science for Ensuring Pacific Tuna Access projects.

## **B. Public Comment**

There were no public comments.

## **C. Council Discussion and Action**

*Regarding EM, the Council:*

- 1. Directed staff to work with NMFS PIRO and advisory bodies to explore regulatory considerations to utilize EM for management as a means to supplement and/or fulfill data collection requirements as currently implemented through federal observers, including the following:**
  - a. Objectives of observer and EM and levels of specificity**
  - b. Benefits and Issues of EM**
  - c. Approaches to implementing EM**
  - d. Relationship between EM and human observer coverage**
  - e. Relationship between EM and (electronic) logbooks**
  - f. Costs**
  - g. Regulatory review of existing observer and logbook programs**
  - h. Contingencies and processes for EM data review and appeals**
- 2. Recommended the Electronic Technologies Steering Committee add two SSC members to its membership to support consideration of relevant aspects of the operating model for EM for the Hawai‘i longline fishery. The purpose of their inclusion would be to contribute to consideration of matters such as (1) statistically robust sampling designs, (2) data collection standardization, and (3) understanding any potential unintended data/science consequences of EM monitoring.**

Moved by Guthertz; seconded by Weaver.  
Motion passed.

*Regarding North Pacific striped marlin, the Council:*

- 3. Reiterated its previous recommendation that the U.S. position at the Northern Committee and WCPFC bodies maintain that a phased approach to rebuilding be preferred with gradual reductions in total catch over time. Further, the United States should not be subject to further reductions in catch under the rebuilding plan considering its low historical impact on overfishing.**

Moved by Weaver; seconded by Guthertz.  
Motion passed.

*Regarding South Pacific albacore the Council:*

- 4. Directed staff to work with NMFS PIRO International Fisheries Division and SPC to conduct a stakeholder engagement meeting with U.S. stakeholders to address international and domestic concerns faced by American Samoa fishermen.**

Moved by Dueñas; seconded by Guthertz.  
Motion passed.

*Regarding Climate Science for Ensuring Pacific Tuna Access, the Council:*

- 5. Directed staff to liaise with the SPC, NMFS PIFSC, and territorial agencies to foster complementarity between regional initiatives such as the Climate, Ecosystems, and Fisheries Initiative and IRA projects involving climate change scenario planning and the Climate Science for Ensuring Pacific Tuna Access projects.**

Moved by Guthertz; seconded by Itibus.  
Motion passed.

*Regarding cookiecutter shark interactions in Hawai'i longline and territorial fisheries, the Council:*

- 6. Directed staff and requests NMFS PIFSC and PIRO to explore approaches for continuation of data collection for cookiecutter shark damage and other fish price issues such as "sashi," noting that the PIROP no longer collects data on cookiecutter shark damage and noting uncertainties of whether "sashi" data collection exists or is adequate for analysis.**
- 7. Requested NMFS PIFSC compile information presented on cookiecutter shark depredation in Hawai'i longline and territorial fisheries into a technical memorandum or report to share with Council advisory groups and stakeholders and to solicit feedback on what additional details would be useful to inform fishery operations.**

Dueñas asked for Guam to be included in the recommendation, noting that Guam also has incidents of sashi in mahimahi and ono, as well as cookiecutter shark damage.

The change was adopted by general consent.

Moved by Itibus; seconded by Guthertz.

Motion passed.

*Regarding the 2023 Annual SAFE Reports, the Council:*

- 8. Endorsed the reports, including the new territorial noncommercial modules, and directed staff to publish the reports on the Council website.**

**Directed the Plan Team to explore development brief executive summary by each region in the SAFE reports that highlight substantive information about fishery performance, with some interpretation of data put in the broader context.**

Moved by Dueñas; seconded by Guthertz.

Motion passed.

*Regarding pelagic fisheries in American Samoa, the Council:*

- 9. Directed staff to send a letter to the Secretary of Commerce to convey the disproportionate burden faced by U.S.-flagged American Samoa fisheries, because imported frozen cooked tuna loins cannot be used to produce duty free canned tuna in American Samoa. The letter should request assistance to address this issue such as by increasing tariffs on imported tuna products or allowing American Samoa duty free access to the U.S. market for canned tuna produced from foreign frozen cooked tuna loins, closing loopholes on tariffs, and developing subsidy programs to increase the catch of locally caught fish.**

Moved by Guthertz; seconded by Itibus.

Motion passed.

### **XIII. 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:

- \$1,047,232 in the Administrative Multi-Year Award, ending December 2024. \$3,284,385 committed funds remaining;
- No expenditures in the 2024 Administrative Add-On funds, ending December 2024. \$85,000 committed funds remaining;
- \$166,939 in the 2022 Coral Reef Award, ending September 2025. \$91,060 committed funds remaining;
- \$132,743 in the 2023 Coral Reef Award, ending September 2025. \$119,780 committed funds remaining;
- \$29,593 in the 2022 American Samoa SFF Award, ending July 2025. \$70,407 committed funds remaining;
- No expenditures to date in the 2023 American Samoa SFF Award, ending September 2026; \$394,523 committed funds remaining;

- No expenditures to date in the 2022 CNMI SFF Award, ending July 2025. \$372,554 committed funds remaining;
- \$23,645 in the SFF PRIA Award, ending July 2025. \$64,501 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;

Sakoda asked about the status of the EEJ meetings in the MHI and if there are tentative schedule dates.

Mark Mitsuyasu said the Council hired Lynker and that they are in the planning stages. As the award was extended to 2025, initial community meetings are scheduled for August 2024.

## **B. Administrative Reports**

Simonds provided an overview of the Council's status and activities over the past five years. Funding for operations and programs has been reduced to about \$1.5 million, forcing the Council to cover program costs through base administrative funds. As a result, programs like the high school summer courses and territorial science initiatives have been modified or ended.

Since 2020, the cost of basic administrative and program operations has increased due to inflation, affecting expenses for airfare, hotels, venue rentals, supplies, and equipment leases. Given the Council's jurisdiction across the Pacific Ocean, these expenses are inherently higher. Significant cost increases include a 14.6% rise in the annual General Schedule pay rates, a 12.2% average increase in fringe benefits, and a 24% increase in office leases.

The funding cuts and rising expenses have resulted in vacant staff positions. Currently, the Council prioritizes holding meetings over filling these positions. In 2015, the Council had 19 staff members, 15 in 2020, and now 13. Filling the four vacant positions would cost \$500,000.

This summer, all eight Councils wrote to NMFS headquarters highlighting their funding issues, with this Council's situation being particularly dire due to budget cuts. The Councils urged NOAA NMFS to collaborate more effectively with DOC and Office of Management and Budget in budget planning to secure more funds for the regional fishery management council (RFMC) line item.

## **C. Council Family Changes**

Mitsuyasu reported on the proposed Council family changes. Regarding the APT, Jude Martinez from CNMI DLNR will replace Maria Angela Dela Cruz. The Council was also asked to consider Gene Pan to be added to the American Samoa AP and add Keith Ah Soon as an alternate.

## **D. Meetings and Workshops**

Simonds referred members to the meeting list in their briefing materials and added that the Coral Reef Task Force Meeting will be held in November 2024 in Saipan, hosted by CNMI.

The location for the 200<sup>th</sup> Council meeting in September 2024 is still undecided. Originally planned for American Samoa, the decision will depend on budget considerations. The December 2024 meeting will be held virtually.

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

Sword reported the Executive and Budget Standing Committee met June 21, 2024. The Committee discussed severe budgetary shortfalls, such as the budget decrease of more than \$1.5 million in the last five years. Travel costs, such as flights from Guam to Saipan rising from \$100 to \$600, are significantly impacting operations. New Council appointments are expected to be announced this week. The Council hopes for an increase in effort by NMFS leadership and congressional liaisons to secure additional funding. Budget constraints may affect the location of the September meeting, initially planned for American Samoa, and the December meeting will be virtual. The Council also discussed the upcoming 50th anniversaries of the MSA and the RFMCs in 2026, and reviewed anti-harassment policies and a code of conduct, to be further addressed in the September meeting.

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

There were no public comments.

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

*Regarding administrative matters, the Council:*

- 1. Accepted the 199th Council meeting financial and administrative reports.**
- 2. Endorsed the following changes to its advisory bodies:**
  - a. Appointed Jude Lizama to replace Maria Angela Dela Cruz on the APT.**
  - b. Appointed Gene Pan to fill the vacant position on the American Samoa AP.**
  - c. Appointed Keith Ah Soon as an alternate on the American Samoa AP.**

*Moved by Guthertz; seconded by Weaver.*

*Motion passed.*

*Regarding administrative matters, the Council:*

- 3. Directed staff to work with CNMI DLNR in the development of the agenda for the Coral Reef Task Force meeting to be held November 2024 in the CNMI.**

*Moved by Weaver; seconded by Itibus.*

*Motion passed.*

*Regarding administrative matters, the Council:*

- 4. Directed staff to convey the Council's continuing funding shortfall to the CCC Budget Committee and NMFS Headquarters staff meeting in July 2024**

**and send a letter urging the NOAA/NMFS to work with the DOC and Office of Management and Budget to increase funding to the RFMCs.**

*Moved by Guthertz; seconded by Dueñas.*

*Motion passed.*

#### **XIV. Other Business**

Dueñas addressed the chair and fellow Council members expressing his appreciation for the opportunity to provide community service with the Council, noting it was a humbling experience. Concerns were driven by his passion for his people and were never malicious. Dueñas reflected on his history with several nonprofits and dedication to the community, stating that although his term has ended, he will continue to support the Council's mission as a private citizen. His experience as an educator and military member has taught him the importance of excellence and perseverance. Dueñas thanked the Hawai'i team for their dedication and members for the opportunity to serve with them all.

Sword closed the meeting in prayer.

Meeting adjourned.