



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**MINUTES OF THE 151st MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

June 16-18, 2011

Waikiki Beach Marriott Resort & Spa
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Approved by Council:

Manny Duenas, Chair
Western Pacific Regional Fishery Management Council

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1. Introductions

The following members of the Western Pacific Regional Fishery Management Council were in attendance. Council Member Bill Gibbons-Fly from the US Department of State was absent.

- Manuel Duenas, Chair, Guam Council Member
- Stephen Haleck, Vice Chair, American Samoa Council Member
- David Itano, Vice Chair, Council Member at Large (from Hawaii)
- Ben Sablan, Vice Chair, CNMI, Council Member
- Fred Duerr, Council Member at Large (from Hawaii)
- Julie Leialoha, Council Member at Large (from Hawaii)
- Sean Martin, Hawaii Council Member
- Francis Oishi, State of Hawaii, Department of Land and Natural Resources (Hawaii DLNR)
- Arnold Palacios, Commonwealth of the Northern Mariana Islands, Department of Lands and Natural Resources (CNMI DLNR)
- Don Palawski, US Fish and Wildlife Service (USFWS)
- CMDR. Eric Roberts, US Coast Guard (USCG)
- William Sword, Council Member at Large (from American Samoa)
- Marquita Taitague, Guam Department of Agriculture
- Mike Tosatto, Regional Administrator, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)
- Ray Tulafono, American Samoa Department of Marine and Wildlife Resources (DMWR)

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Paul Callaghan and National Oceanic and Atmospheric Administration (NOAA) General Counsel (GC) Elena Onaga.

2. Approval of the 151st Agenda

Moved by Sablan; seconded by Haleck.
Motion passed.

3. Approval of the 150th Meeting Minutes

Moved by Sablan; seconded by Haleck.
Motion passed.

4. Executive Director's Report

Simonds encouraged observance of the World Sea Turtle Day and attendance of the Fishers Forum, the "Future of Honu Management." Simonds reported on the following topics among others:

- During the second quarter of 2011, progress was made on implementing the Fishery Ecosystem Plans (FEPs) for the Western Pacific Region (WPR).
- Federal funding difficulties are ongoing.
- Advanced copies are available of the book *Ecosystem-based Fisheries Management in the Western Pacific*, which details the Council's three Ecosystem Workshops that assisted the Council in the development of the Council's FEPs; the book will be publicly available in July.
- Community Development Project Program (CDPP) continues to support the development of boat ramps, fuel storage and ice-making facilities, fish market renovation and improvement of fish handling and safety procedures in American Samoa and the Marianas.
- Items specific to the Mariana Archipelago
 - The Pelagic FEP amendment to establish the closed areas in the CNMI EEZ was partially approved—the purse seine closure was rejected, and the longline closure was approved.
 - Natural cycles and other environmental processes are being investigated in an effort to improve understanding of the effects upon the spearfish fishery.
 - Continued efforts are ongoing with NMFS, Pacific Islands Fisheries Science Center (PIFSC) and the Guam Fishermen's Cooperative (GFC) to increase biosampling and collection of life history characteristics.
 - A one-hour radio talk show in Saipan on fishery management issues and sponsored by the Council is aired in English, Chamorro and Refaluwasch.
- Items specific to the American Samoa Archipelago
 - The purse seine closed area and longline modifications for sea turtle mitigation amendments to the FEP were transmitted to the Secretary of Commerce.
 - The DMWR Fishery Ecosystem Report was published as part of the Council's *Pacific Islands Fishery Monograph Series*.
- Items specific to the Hawaii Archipelago
 - The Council supported Senate Bill 23, which would create the Aha Kiole Council as an advisory body to the Hawaii DLNR; the bill passed unanimously in the Hawaii State Legislature and has been forwarded to the Governor for signature.
 - Efforts are ongoing with PIFSC to develop an assessment of the Hawaii coral reef fish market and the development of an undergraduate course to provide opportunities for students to work on coral reef projects.

- Outreach to fishing clubs and associations continues.
- A Council-sponsored one-hour radio talk show is aired weekly on fishery management issues utilizing the recently developed communications framework to provide a voice for the fishermen.
- **Regionwide efforts**
 - Independent reviews conducted of the bottomfish habitat in all of the island areas and of the data collection programs in American Samoa, Guam and the CNMI.
 - A program developed in partnership with the University of Hawaii at Hilo to provide education and employment in fisheries to students from the islands.
 - Efforts to meet the requirements of the 2006 Reauthorized Magnuson-Stevens Act (MSA) and other national and international mandates, such as the President's National Policy on Stewardship of the Ocean, Coasts and Lakes (NOP).
 - Preparation for a workshop to be presented by the Council and conducted by an International Program of the National Marine Sanctuary Program regarding coastal and marine spatial planning (CMSP), which is part of the NOP.

5. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto introduced the newly hired Deputy Regional Administrator, Lisa Croft, and reported on the following.

- With regard to national actions, Eric Schwaab and Alvin Katekaru have led efforts in working to develop a strategy to implement marine recreational fishing plans, which includes bringing onboard a Fishing Recreational Coordinator.
- In regard to CMSP, a NOP Listening Session is scheduled to be held later in the day, as well as a meeting scheduled in Washington, DC, in June. Tosatto will attend as the federal co-lead for the Region. There are plans to designate State co-leads for each of the island areas under the Council's jurisdiction.
- Requested Council input on National Standard 10 revision with regards to human safety issues.
- NOAA's National Aquaculture Policy was finalized.
- The Council's annual catch limit (ACL) amendment was approved.

Tosatto said protected resources and other updates will be addressed later in the appropriate agenda sections.

Discussion

Leialoha asked Tosatto to comment on the Hawaiian monk seal Critical Habitat Designation in the Main Hawaiian Islands (MHI). Tosatto responded that a proposed rule to redesignate monk seal critical habitat was published. A summary update will be presented to the Council later in the agenda to include proposed critical habitat in the Northwestern Hawaiian Islands (NWHI) and the MHI, which in large part does not impact private activities or private landowners. The Public Comment period is ongoing.

Haleck asked for information regarding the status of the Disaster Financial Assistance package related to the American Samoa 2009 tsunami. Tosatto replied the package was transmitted to Headquarters, and he had no projected date for when to expect the determination.

Palacios asked Tosatto to ensure his CNMI office receives information on the process for the Bumphead Parrotfish Petition to List under the Endangered Species Act (ESA), emphasizing that due to the state of the economy, his office would like to ensure the process is appropriate and fair and the information is accurate to support the Agency's decision. Tosatto replied that continued work with the Biological Review Team's (BRT) report is ongoing and the process is getting close to being able to make a determination. He further clarified economic impacts of the listing are not considered until the determination has been made to list during analysis for critical habitat designation.

Duenas pointed out the information provided with the listing petitions for the Guam area is weak and has yet to be peer reviewed; the bumphead parrotfish is not a commercially viable species according to the Guam commercial data provided, but has a large social value and is only harvested for fiestas and celebrations. Duenas also asked about whether NOAA researchers had information about habitat at the 180-foot depth. He asked Tosatto to produce documentation for the Council that contains substantial scientific information and commercial information which would support the listing of the bumphead parrotfish. He also expressed dissatisfaction with the fact that U.S. citizens are the only people prohibited from eating the green sea turtle, stating the regulation does not take into consideration the cultural value of the consumption of sea turtle to the indigenous populations. Tosatto replied the document is not final and the decision has not been determined. He added that when the determination is finalized there will be full access to the information and the rationale for the decision. He reiterated that the process includes consideration of the species throughout its range, which is the South Pacific Ocean and parts of the Indian Ocean, and looks at the risk of extinction of the species over its entire range or a significant portion of its range; the process also reviews the protections that are in place for the species and biological information.

Sword agreed with Duenas' comments concerning the impact a listing would have on the American Samoan's livelihood. He asked for clarification as to Class B licenses in regards to the dual permitting of the longline fishery, noting that he hopes the impact of issuance of dual permits will not be at the detriment of developing other fisheries in American Samoa, as one of the new canneries has stated that they will depend on the Class B vessels to supply product for the processing plant. Tosatto replied that the Council's measure underway to restructure the

permit classifications and number of permits needs to be further analyzed and developed to take Sword's point into consideration.

Itano asked if topics such as CMSP will be discussed in more detail later in the agenda. Tosatto replied in the affirmative.

2. Pacific Islands Fisheries Science Center

NOAA PIFSC Acting Science Director Michael Seki reported that PIFSC Science Director Sam Pooley is scheduled to resume his post in July. Seki also reported on the following:

- From January to April an increase in sea turtle interactions in the shallow-set fishery occurred, which prompted a review of the TurtleWatch Program. As a result, it was determined the program is a valuable tool, which provides a refined look at the habitat usage of the turtles, and will be a helpful tool moving forward with the management and science of the resource.
- The challenge of availability of sea days on NOAA ships due to the budgetary condition has served to prioritize vessel cruises, as well as review recent cruises, which included the Subtropical Front Oceanography, hydroacoustic surveys and a RAMP survey of the coral reefs.
- The NWHI monk seal winter camps were completed after evaluation of the March tsunami. A reported 50 percent of the pups tagged last year survived over the winter. As of April, 50 pups were born in the NWHI, six pups in the MHI.
- Kyle Van Houten, leader of the Marine Turtle Assessment Program, continues to work on a project to determine the influence of climate on loggerhead turtle populations, such as juvenile recruitment and breeding remigrations. One finding which resulted from his modeling effort was that the effects due to the climate index explained about 88 percent of the variability seen in nesting numbers.
- The Marine Turtle Research Program for 2010 documented 294 turtle strandings; 52 percent of stranded green turtles were dead; 45 were alive but in need of assistance.
- Justin Hospital, an Economist at PIFSC, continues his efforts with the Pacific Islands Fisheries Group on a voluntary survey to better understand the economic, social and cultural importance of boat-based fishing across the Mariana Archipelago.
- Progress continues in the efforts in partnership with United Fishing Agency to assist the life history program and stock assessment programs in Hawaii.
- Barbless circle hook outreach led by Kurt Kawamoto continues as one of the Center's most successful programs.

Discussion

Itano asked what percentage of the fishery consults the TurtleWatch Program and what kind of catch per unit of effort (CPUE) of swordfish is in the TurtleWatch band. Seki replied that there is high CPUE within the band, as they're generally very tight fronts with steep temperature

gradients. He added he has no idea to what degree the fishery utilizes the information and deferred to Martin. Itano suggested more outreach to the fleet in regards to TurtleWatch.

Itano inquired about the Center's contingency plans for the Marine Debris Program to meet the challenge of the anticipated March tsunami debris movement. Seki said discussions are underway amongst the groups of interest.

Martin asked if there has been any effort to overlay turtle interactions on an east-west basis and also asked when the analysis of the recent cetacean cruise regarding the status of the Insular False Killer Whale stock would be available. Seki replied in the affirmative regarding the turtle interaction overlay, but had nothing concrete in response to the false killer whale work. Although work is ongoing, he does not know the status. He added that the Take Reduction Team (TRT) is preparing to reconvene.

Martin said the false killer whale situation is nearly as important as the Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measures (CMMs). The industry is keenly aware of how important that is to their future. He reminded the Council members of the noteworthiness of the TRT's Take Reduction Plan.

Haleck asked for a copy of the Coral Reef Ecosystem Division (CRED) surveys done by the R/V *Hiialakai* on the sites of the proposed sanctuary areas. Seki replied in the affirmative.

Duerr questioned the report of the monk seal's decline in the NWHI being caused by competition for food by key predators. Seki clarified that there are a few factors contributing to the decline, which include lack of foraging success, predation of monk seals primarily by sharks, male mobbing and marine debris, which seem to be the most plausible explanation for the decline. He also noted the aging of the reproductive female segment of the population.

Duenas pointed out the acoustic work with the bottomfish underwater survey for recording frequency during the daytime and nighttime in Guam should take into consideration the change in the fish structure between the two times, as well as the questionable bait used in the BotCam experiments. Duenas offered to coordinate fishermen who are interested in cooperative fish research in the Marianas with the Science Center. Seki thanked Duenas for the offer and noted that past cooperative research opportunities have not worked out due to weather, but they will continue to work through the Cooperative Research Program.

Palacios asked for clarification as to the protocol for local agencies to participate. Seki replied that the Chief Scientist of the cruise works with island liaisons for each of the areas who are tasked to coordinate the activities with the cruises. He added that the Center is in the process of having staff physically located in each of the jurisdictions. Mike Trianni is now the primary contact in Saipan; Eric Cruz, in Guam; and a search is out for a person in American Samoa.

B. NOAA Regional Counsel

Onaga provided an update on the litigation to Amendment 18. All parties attended the hearing of June 13th, during which the Court took the matter under advisement. On June 14th, an

order was issued denying without prejudice Hawaii Longline Association's Motion to Modify, which means that Hawaii Longline Association may refile its motion. The Court denied the motion because any action it might have taken would have altered the status quo of the parties of an appeal at the Ninth Circuit and the Court.

Discussion

Martin said the ruling probably means the swordfish shallow-set fishery will operate a couple of years under the reduced turtle limits until the Agency is able to complete the Biological Opinion and the Council goes through whatever process is necessary to implement new regulations based on the new Biological Opinion.

C. US Fish and Wildlife Service

Palawski presented the USFWS reported that the tsunami effects in the NWHI at Midway Atoll National Wildlife Refuge, the Laysan field camp, Sand Island and Eastern Island were substantial. Emergency response has totaled over \$1 million dollars to date, with damage estimated between 50 to 55 million to maintain the emergency runway for Trans Pacific flights.

Discussion

Haleck inquired as to the availability of the USFWS conservation grants to projects and programs in American Samoa. Palawski replied the USFWS International Affairs Office operates the grants out of Washington, DC. Palawski offered to check on the rules for applying for the grants and get back to the Council with the answer.

Sablan asked for clarification as to the proposal to create a wildlife refuge in two of the units of the Monument in the CNMI and how the designation would impact the commercial fishing aspect of the monuments. Palawski replied that shortly after the Proclamation established the Mariana Trench Marine National Monument, the Secretary delegated management to the USFWS. One of the ways that delegation can happen is to designate the area be managed as if it were a National Wildlife Refuge. Therefore, for the Marianas Trench Marine National Monument, the two areas designated were the Trench Unit and the Volcanic Unit. There is no change with respect to what the Fishery Council manages and what NMFS manages.

Itano asked for an update of the plans for the Visitors Program to Midway Atoll. Palawski replied the Visitation Program is outlined in the Papahānaumokuākea Marine National Monument Management Plan developed a few years ago. The number of visitors is very limited, for example to 15 people. The Visitors Program is very active during birds' nesting season.

Martin asked for clarification on activities on Palmyra and if such activities are privately funded. Palawski replied that USFWS is embarking on a rat eradication project at Palmyra Atoll funded by a private donor, as well as an invasive species eradication project at Johnston Island for ants.

Haleck asked if grant funds of the Clean Vessel Act can also be made available to American Samoa as well as the other Territories. Palawski said he will check the availability of the grant funds as the language included in the announcements does not necessarily state the intent and may not be worded the way it should be to include the Territories.

Duenas asked if USFWS could cover any of the funding for the the South Pacific Region Environmental Programme (SPREP) Sea Turtle Conservation Project that the Council lost to budget reductions, if an advisory group was ever created for the Islands Unit of the Marianas Trench Monument, and if there has been any meeting of the group to discuss changing the designation of the Volcanic Units to refuges. Palawski replied these are tight budgetary times, but a request could be made regarding the turtle funds. He added the advisory group was formed for the entire Monument and has not met or consulted on designation of a refuge. Duenas pointed out the Agency owes an apology for the change in designation without consulting the CNMI Government and without giving recognition to the Guam Government.

Sablan asked for clarification on the status of the Visitors Center for the Monument in Guam or Saipan. Palawski replied funding proposals have been forwarded to the Chain of Command in the Department of the Interior (DOI). Due to the tight budgetary times, he encouraged the CNMI Government to continue to make requests to keep it on the list.

Palacios pointed out that he was very involved in the process of the negotiation for the marine monuments in the Marianas where one of the biggest selling points was the Visitors Center. A lot of public outreach occurred. For example the chair of the Council for Environmental Quality (CEQ) made a personal visit to CNMI and Guam. The Pew Foundation spent more money than what it would take to build a Visitors Center today to convince the people to support the creation of the monuments. He pointed out that it is disheartening that all of the promises to the local people during the Thursday night markets when the petitions were being signed did not materialize. The CNMI Congressman has secured \$200,000 to begin the planning process for the Visitors Center. There is local effort through the Congressional delegates to secure some funds to get the Visitors Center moving, but perhaps the Secretary of Interior through USFWS could push a little more. Palawski replied his office has prepared an over-target package for consideration, noting that USFWS is also trying.

D. Enforcement

1. US Coast Guard

Cmdr. Roberts reported that the *Jarvis*, a high endurance USCG cutter in Honolulu, recently completed a 71-day patrol of the Central Pacific Ocean, which included 40 fisheries law enforcement boardings. Thirteen were bilateral shiprider boardings with some Pacific Islands partners, including Kiribati, the Cook Islands, Tonga and the Federated States of Micronesia. Ten of those boardings were high seas boardings and inspections under the WCPFC, and 14 boardings were conducted on the U.S. domestic fleet, primarily longline and purse seiners based out of both American Samoa and Hawaii.

Cmdr. Roberts also announced that the USCG's primary representative on the Council beginning this summer will be Fisheries Officer Lt. Cmdr. Charter Tschirgi. He also introduced the new permanent Chief of Enforcement, Cmdr. Bob Hendrickson, who is scheduled to begin duty in August.

Discussion

Haleck requested USCG assistance in the acquisition of a small vessel to provide Search and Rescue (SAR) for the American Samoan people, as well as training as to the local current flow directions, citing a recent loss of life of a teenager on Tutuila. Roberts noted American Samoa may be outside of the U.S. General Response Area based on the way the Pacific Ocean is divided with other countries that participate in the Regional SAR Areas. Roberts said he would get back to the Council with a response about who is in charge of SAR efforts in American Samoa. He suggested the Council should continue to submit requests to the USCG District Commander to be considered in his decision-making of priorities. He offered to speak offline with Haleck to clarify the training focus to formalize a specific request for training.

Sword echoed Haleck's comments and also commended the USCG for providing an outreach program for the longliners and other fishing boats in regard to safety at sea and SOLAS and requested the USCG to sponsor more training on those types of initiatives.

2. NOAA Office of Law Enforcement

Bill Pickering, NOAA Office of Law Enforcement (OLE) Pacific Islands District, presented the NOAA OLE Report. Hawaii bottomfish training is ongoing with the Hawaii Division of Conservation and Resources Enforcement (DOCARE) through the month of June. Enforcement efforts of the bottomfish regulations are being done in conjunction with the USCG and DOCARE through July and August. The 2011 humpback whale season was quite busy, averaging an investigation every day and a half. A multitude of vessel owners are involved in the Beta Project, which enables tracking of vessels almost in real-time via the internet, which is provided at no cost to the vessels and will soon be available online. Three 2011 Joint Enforcement Agreements (JEAs) have been signed and are expected to be funded in the near future. They are standing by for the Guam JEA.

Discussion

Duerr said some whale watching tour boats illegally approach whales to increase tips from paying customers. He suggested increased fines to achieve better compliance. Pickering said the fine is assessed by NOAA GC for Enforcement and Litigation (GCEL).

Palacios thanked NOAA OLE for the support provided to the CNMI Division of Fish and Wildlife (DFW), particularly training and the open dialogue provided to his staff. He would appreciate discussion offline about CNMI enforcement issues.

3. NOAA General Counsel for Enforcement and Litigation

Alexa Cole, NOAA GCEL, presented the report. Four cases were referred from the OLE this quarter. Six cases were charged. Four received Notices of Violation: two purse seine vessels were charged under the Marine Mammal Protection Act (MMPA) for setting on marine mammals, and two vessels were charged with fishing inside the MHI Prohibited Area. Total penalties for the four cases equalled \$135,307. Two hearings are scheduled for July and August for fishing inside the Large Vessel Prohibited Area (LVPA) in American Samoa and fishing with expired permit. Two cases were resolved this period for a total of \$13,500 worth of civil penalties. On March 16, NOAA GC published a new penalty schedule that replaces all existing penalty schedules. A second million dollar payment was made toward the *Albacora Uno* case. The funds are in the process of moving to the Western Pacific Sustainable Fisheries Fund.

Discussion

Itano asked if the continued violation of setting on cetaceans is an indication that more outreach is needed to educate the fleet. He inquired about the total penalty assessed in the *Albacora Uno* case. Cole replied she does not know why this practice continues despite years of warnings. Monitoring of the fleets continues. The total penalty assessed in the *Albacora Uno* case was \$5 million, with payment of \$1 million a year; if the vessel remains free of violations through the fourth payment, the last payment will be suspended.

Martin asked if there was any discussion on the penalty schedule as to the responsibility between captain and owner. Cole said it is standard practice with fishing vessels to charge owners and operators jointly and severely. However, she added, every case is taken individually.

E. NOAA Coral Reef Conservation Program

Grants and External Funding Coordinator Jenny Waddell presented information on the NOAA Coral Reef Conservation Program (CRCP). She introduced Liz Fairey, the Federal Program Officer for the Fishery Management Council Grants, and John Christensen, Program Officer. She noted a third of the program's funds make up the Grants and Cooperative Agreements part of the CRCP, of which the Western Pacific Council is a beneficiary.

Waddell reviewed the Coral Reef Conservation Act of 2000. She said it provided authority to fund coral reef conservation projects; implemented a requirement for private matching funds, with a waiver option; established applicant eligibility; mandated expenditure of 40 percent of the funds in the Pacific Region and 40 percent in the Atlantic/Caribbean Region (the remaining 20 percent of the funding could be diverted to either region and/or also to international projects); and established a review process and selection criteria and reporting requirements for grant programs. A new set of guidelines were published in the Federal Register Notice for comments last January and was finalized based on comments from interested parties last August.

Different grant programs accomplished several objectives, as follows: The State and Territorial Management Grant objectives include management activities, as well as coral reef

ecosystem monitoring activities. The General Grants objective was for academic organizations, nongovernmental organizations, community groups and other partners to undertake coral reef activities in their communities. The International Grant Program was to encourage international recipients to do coral reef conservation projects around the world. The Fisheries Management Council grants were intended to help the Councils revise and amend Fishery Management Plans (FMPs) as they relate to coral reef ecosystems and provide additional funding to focus their efforts on coral reefs. The Research Grant Program objective was to fund major research projects related to coral reef conservation.

In 2007, after an external program review, 13 major goals and objectives were identified in the National Coral Reef Action Strategy, which included narrowing and sharpening focus on key threats having major impacts on coral reefs. Domestic Grants included climate change, fishing impacts and land-based sources of pollution as well as recreational impacts, invasive species and chemical contaminants. International Cooperative Agreement Strategies included climate change, fishing impacts, land-based sources of pollution and marine protected areas (MPAs). Fishery Management Council Strategies included obtain ecological information, obtain essential life history information, obtain information on fishing effort, assess the adequacy of fishing regulations and increase compliance, and enhance enforcement of fishery regulations.

The technical evaluation and selection process includes an initial evaluation, technical merit review, internal program review and final selection.

Discussion

Haleck asked if CRCP grants can be used in the Territories and Hawaii as scholarships for student training and if the scholarship opportunities could be conveyed to the students through the American Samoa Community College for application. Waddell replied that several of the grant programs offer scholarships, internships and other opportunities, and have supported students to work with Councils and other agencies. American Samoa has a Fellowship Program for a student to travel to the University of Hawaii (UH) Hilo. She added that the funding is provided to the Department of Commerce (DOC) in American Samoa, who distributes the information on Tutuila. [Note: The Council pays for half of the student expenses and shares the cost equally with DOC.]

Haleck asked for follow-up by the CRCP to ensure the information is made available to the students, suggesting the DMWR may be helpful, and the same efforts be extended to Guam and CNMI. Waddell replied that she will follow up by encouraging a broader distribution of information on the availability of scholarships.

Leialoha commented that there seems to be a disconnect between agencies, as the SSC recently struggled to develop ACLs and that such information would have been helpful, particularly for coral reef species. Waddell noted they recognize the need to participate more in some of the cooperative agreements. The Federal Program Officer will work with each Council to help develop proposals and determine priorities of the Councils in terms of sponsoring projects to provide information where needed.

Duenas inquired about the total amount of available grant funds. Waddell said the legislative mandate is to award approximately \$8 million a year. Half of the funding goes to the seven States and Territories to support monitoring and management of coral reefs, 7.5% is allotted for International Cooperative Agreements, and the Fishery Management Councils received \$1.25 million for 2011, which was divided among the four councils with coral reefs in their jurisdictions. The Domestic Coral Reef Grants account for approximately \$500,000.

Duenas stated he has not seen any effect of the coral grant monies and is concerned about the lack of transparency in the process, adding that the Coral Reef Task Force and the CRCP meetings are often closed meetings. Waddell replied she is not qualified to speak to the Coral Reef Task Force as she's not able to attend the meetings either. Management liaisons have recently been hired and are located in the States and Territories, with the exception of American Samoa. The process moved towards implementing a number of proposed watershed stabilization and land-based sources of pollution reduction projects. She offered to put Duenas in contact with their liaisons in Guam.

Duenas also noted the Western Pacific Council has a larger percentage of coral in its jurisdiction and should be allowed a larger percentage of the grant funds and encouraged less money be spent on employee salaries. Waddell encouraged Duenas to become involved in the development of the applications to better address his areas of concern.

Haleck asked if funds are available to enhance enforcement of the American Samoa MPAs under DMWR, as young men in the local villages can be effectively utilized for monitoring. Waddell said they have a long and strong record of providing funds for the MPA efforts, as well as for the monitoring activities since 2000 in American Samoa through DMWR and would be very interested in augmenting and enhancing the program. She encouraged submittal of an application stating Haleck's specific focus.

Palacios noted in some instances he shares some of the concerns Duenas raised, but is proud of some of the successful projects in the CNMI, such as the LaoLao Bay Project. He added that there are still areas in need of improvement.

Duenas noted the recent prohibition of mooring buoys that was supported by the CRCP. He said installing mooring buoys for protection of the coral reef would seem to have been a perfect grant project. Waddell agreed installation of mooring buoys would be an acceptable and fundable activity under the grant program, but it was never proposed. She said the management liaisons are Adrienne Loertzell on Guam and Dana Okano in CNMI.

F. Public Comment

No public comments were offered.

G. Council Discussion and Action

This agenda item was deferred to be addressed in the appropriate agenda sections.

Guest Speaker: Micah McCarty, Makah Tribe

Micah McCarty, Makah Tribal Chairman, Marine Policy and Fisheries Advisor of the Makah Tribal Council, and Tribal Representative of the National Ocean Council (NOC) Governance Coordinating Committee (GCC), presented the background on how the Makah Tribe became part of the GCC. When the State of Washington was enacting regulations that prohibited treaty fishermen from exercising their treaty rights, a legal case was brought that resulted in the Boldt Decision, which was upheld by the Supreme Court, which determined that the Coastal Treaty Tribes would retain half of the allowable catch and included criteria that the tribes and State must work together as co-managers in the resource management, which addressed salmon at that time. As stewards and as resource trustees and co-managers, Tribal Governments have begun to frame ocean policy in such a way that they have been able to secure a seat on Environmental Protection Agency (EPA) Region 10 and USCG District 13 Regional Response Team. Progress has been made in the areas of having input on oil and gas exploration in the Makah traditional territory, involvement on the Intergovernmental Policy Council (IPC), input into the National Marine Sanctuary Program Management Plan Review Process, an addition in the Conditions Report Addendum, and the creation of an Ocean Ecosystem Initiative to do sea floor mapping, habitat mapping and stock structure analysis.

Future endeavors include having an influence on the NOC's ultimate goals and the composition of the federal entities that represent the Regional Planning Bodies with regional leadership clearly defined. He emphasized that people with the long-term knowledge cannot be marginalized by emotionally charged and well-funded agendas that may not have a more complete appraisal of the situation in our oceans. Other future goals include the evolution of the IPC and eventually an Ocean Leadership Council for the Washington Coast so that regardless of who is president and which political party is in control of Congress, outside influence on policy reform can be buffered to maintain middle ground. The goal is sustainable and adaptive management practices that are not driven by extreme conservationists or by extreme over-exploitation.

McCarty said he is looking forward to the opportunity to collaborate with many people from all networks and begin a process that attempts to harmonize existing laws and regulations currently governing ocean uses in anticipation of future ocean uses. He also would like to look at shared responsibility among the federal entities and iron out jurisdictional frictions between different agencies within the federal government. He noted the issue of the collision between the ESA and the MMPA. With the success of the MMPA and the recovery of the Pacific Northwest seals and sea lions, the species have become a limiting factor in the Recovery Plan for salmon listed under the ESA. He encouraged flexibility and adaptation to this legislation to avoid being counterproductive to ecosystem-based management. He added that traditional ecological knowledge, the knowledge of the people that have lived with the environment, has scientific value, and there needs to be a way to bring that to the table at the NOC.

6. American Samoa Archipelago

A. Motu Lipoti

Tulafono reported that the Community-Based Fisheries Management Program spent a successful week in Samoa as part of the Exchange Program with community leaders in the Village of Aleipata to share experiences and information. The meeting included participation from the Ministry of the Environment and the Ministry of Natural Resources in the Samoan Government. Tulafono also reported that the proposal to NOAA for debris removal was recently approved, although with reduced funds.

Sword reported the Pago Gamefish Association hosted eight boats from New Zealand for a successful tournament held May 9 to 14.

B. Fono Report

Haleck presented the Fono Report. After the 2010, election six representatives were unseated, including the House vice speaker. The new representatives now serving in the Fisheries Committee include Chairman Faimealelei Anthony Allen and Vice Chairman Simei Pulu.

Governor Togiola provided several revenue measures to combat the shortfall in revenues that has resulted in reductions in normal working hours for some government employees. The Fono is currently researching these proposed measures.

Recent talks are being closely monitored between the Government and TriMarine, the new company that is leasing the former COS Samoa Packing operation area for Samoa Tuna Processors (STP), which began renovations expected to continue on to next year. TriMarine aims to provide 1,000 new jobs over a two-year period. Its main business will be supplying tuna to other canneries and brand. STP plans to receive, grade, store and process tuna from purse seiners and longliners and also produce canned tuna, canned wahoo, pouch tuna, fresh tuna, frozen cut tuna fish meal and fish oil. The Fono approved a 30-year lease with STP. The Legislature is also looking at the 30A tax credit for American Samoa and supported a tax exemption certificate for Star-Kist.

The Legislature had passed last February the bill to ban plastic shopping bags and is currently being enforced.

C. Enforcement Report

Tulafono reported that the DMWR Enforcement Division chief retired after three tours to Iraq. The assistant chief has taken over his position.

D. ACLs for Mollusk and Lobsters (Action Item)

Dalzell reviewed the process for establishing the acceptable biological catch (ABC) and ACL for federally managed species in the American Samoa Archipelago. These included the spiny lobster and octopus, which were originally part of the Coral Reef Ecosystem Management Unit Species (CREMUS) or the Crustaceans Management Unit Species (MUS), but were now part of the MUS complex for the American Samoa Archipelago FEP.

The following data on octopus were included in the determination: a) Number of species is unknown and not reported as individual species; b) No stock assessment or Maximum Sustainable Yield (MSY) for the species; c) Catch data ranging from the years 2000 to 2008; and d) Catch in EEZ waters is assumed to be very small.

The data following data on spiny lobster were included in the determination: a) One known species; b) No stock assessment or MSY for the species; c) Catch data ranging from the years 2000 to 2008; and d) Catch in EEZ waters is unknown.

The analysis used the reported geometric mean of the annual catches to compute the 75th percentile, which is 75 percent of all of the data included, and the 95th percentile, which is 95 percent of all of the data included.

The spiny lobster results presented were mean catches over 1,100 pounds; the 75th percentile, 2,300 pounds; and the 95th percentile, 4,600 pounds. The octopus results were mean catch, 400 pounds; 75th percentile, less than 1,500 pounds; and 95th percentile, less than 1,900 pounds.

In the Council's role of setting ACLs, Dalzell noted some added considerations: a) Conduct a social economic ecological and management (SEEM) uncertainty analysis to be presented at the next Council meeting; b) Apply a percentage reduction to the ABC, which could include a zero percentage reduction; c) In the future, better in-season monitoring of stocks to provide the Archipelagic Plan Teams the ability to evaluate annual catches relative to ACLs.

The Council action options included the following: a) Consider SSC recommendations on ABCs; b) Consider the 75th percentile of 1,474 pounds for the octopus ABC; c) Consider the 75th percentile of 2,327 pounds for the lobster ABC; d) Setting ACL: conduct SEEM analysis or percent reduction of ABC; e) What in-season accountability measures should be applied, such as fishery closure, area closure and bag limit; and f) Request NMFS to conduct in-season monitoring of stocks in order to provide Archipelagic Plan Teams the ability to evaluate annual catches relative to ACLs.

E. Marine Conservation Plan

Tulafono said the current Marine Conservation Plan (MCP) will expire in August 2012. The MCP is being reviewed to be submitted at the October Council meeting. The projects of the existing plan have been implemented and will be discussed under the appropriate agenda section.

F. Community Fisheries Development

Kingma presented an update on the American Samoa Community Fisheries Development Projects funded under the Sustainable Fisheries Fund identified in the American Samoa MCP.

Regarding the Manu'a Islands fuel storage tanks and ice-making, after a fuel and ice needs analysis was conducted, it was determined that 700 gallons a week were needed on Tau and 400 gallons on Ofu. Four 500-gallon tanks on each island are sufficient for demand and the weekly ferry schedule. Ice needs were determined to be 2,000 pounds a day, or 12,000 pounds a week, for Tau and 1,050 pounds a day, or 7,350 pounds a week, for Ofu. Two 2,000-pounds-a-day ice makers are sufficient, but 5,000 pounds a day is recommended to maintain supply. Four fuel storage containers will be at each location. They are transportable on trailers capable of being loaded onto the interisland ferry, rectangular, double-walled design, aluminized steel, carbon steel outer tank with air testable 100 percent, secondary containment, internal surge baffles and also rotary hand pumps. A typical ice maker and storage container will be accessible to fishermen. A storage unit is planned for the future. The facilities are located on government land. DMWR and the Department of Public Works are helping to implement the project and acquire needed permits.

Regarding the Tutuila Boat Ramps at Fagaalu and Lion's Park, the land at Lion's Park was donated by the American Samoa Department of Parks and Recreation. The Fagaalu boat ramp location is at Pago Pago Harbor, also owned by Department of Parks and Recreation.

Regarding the Fagatogo Fish Market/Fishermen's Cooperative, the location is at a marketplace run by the Department of Agriculture, DMWR and the DOC. Issues with membership and lease of the market continue. The markets lack an ice machine. A large freezer exists, but will be expensive to operate. The Council has offered to support a major redesign plan, but the market's management wants only minor changes.

Kingma also reported that a successful Fresh Fish Handling Workshop was recently held in American Samoa with the assistance of Dr. John Kaneko to provide training to local fishermen. He noted a potential need for more workshops in the future to cover fish handling as well. Kingma also reported that negotiations are ongoing with STP in efforts to help facilitate the construction of a small-vessel loading dock. An increased level of interest generated by STP in terms of potential for a fresh fish market and people wanting to get back into pelagic fishing in American Samoa are being fielded by the Governor's Office and DMWR.

Discussion

Alvin Katekaru, from PIRO, asked what entity will own the infrastructure entitlements and liabilities. Kingma said the government through the Council's cooperative grant has ownership of the ice-making equipment and the fuel storage. It is hoped that agreements can be made with the government or the Manua Islands Fishermen's Co-op to assume all responsibility and ownership of the equipment. The boat ramps and land are government property.

Haleck asked if similar projects could be submitted for the Aunuuu side of the island, as well as the Western District of Tutuila. Kingma said proposals could be submitted in the MCP for consideration to be funded through the Sustainable Fisheries Fund. Tulafono added such projects could be included in the next MCP.

Duenas noted his full support for the projects and said he hopes to see similar projects in other communities around the Pacific.

G. Community Activities and Issues

Fini Aitaoto, the Council's onsite coordinator in American Samoa, presented the following community activities and issues: The Council and STP sponsored a successful Fish Handling Training Workshop in American Samoa with 50 attendees. The EPA continues to work with local businesses to ban plastic shopping bags and replace them with imported biodegradable bags from Independent Samoa. The Governor supported the Fagatele Bay National Marine Sanctuary Program during the recent Ocean Forum events. An American West Aircraft Company, a Nevada-based airline, is interested in providing a cargo with passenger service from Southern California to Northern and Western Australia with fuel stops in American Samoa, using a B-747 aircraft, which may also assist with the plans to export fresh fish from American Samoa. The neighboring Independent Samoa plans to switch time zones by the end of 2011.

Discussion

Duerr asked who participated in the fish handling workshop. Aitaoto said both local residents and off-islanders. Haleck added that fishermen are trying to find ways to fund the repair of their boats and replace gear lost in the 2009 tsunami to return to fishing.

H. Education and Outreach Activities

This item was discussed under an earlier agenda item.

I. SSC Recommendations

Callaghan reported the SSC recommendations as follows:

- *With respect to the level of taxonomic aggregation*, a family-level aggregation of catch should be used to determine the ABC for coral reef finfish and shallow-water Bottomfish MUS that comprise 90 percent of the total coral reef catch. A single ABC should be applied to groups comprising the remaining 10 percent of the catch with the proviso that a few species that are of particular concern, rare or vulnerable, e.g., the bumphead parrotfish, should be considered for separate analysis.
- *With respect to specifying a definition of recent catch*, the SSC recommends the 75th percentile of the entire catch history for each family as the level of catch to apply the Tier 5 Control Rule.

- *With respect to applying an ABC control rule*, apply the Restrepo et al. guideline of 1.0 times recent catch, the 75th percentile, to calculate the ABC with the caveat that species of concern be analyzed with greater scrutiny. The SSC also notes that these coral reef taxa are Tier 5 stocks and, therefore, lack MSY values. However, stock biomass is likely to be well above the biomass at MSY (BMSY) given the low ratios of catch to estimates of biomass.
- *With respect to miscellaneous CREMUS and non-CREMUS species*, use the MSY to establish the ABCs for species where studies have been conducted and that have maximum sustainable yield (MSY), such as the Hawaii akule and opelu. For species or species assemblages with studies containing MSY but no current harvest existing, such as the CNMI deepwater shrimp, the ABC should be set at .7 times the fishing mortality at MSY (FMSY). For all other species where an assessment is not available, use the 1.0 times the 75th percentile for the entire catch time series to establish the ABC.

J. Public Comment

No public comments were offered.

K. Council Discussion and Action

This agenda item was deferred to be addressed in the appropriate agenda sections.

Council Aside

Sword briefly noted two letters received by the Council. The first was from the Pago Pago Gamefish Association's I'a Lapo'a Committee expressing opposition to the inshore closures and proposing a 50-nautical mile (nm) closure around Rose Atoll and Manu'a Islands group and the reduction of the 50-mile closure to longline vessels over 50 feet. They fear their investment put forth to promote tournaments to increase tourism would be negatively impacted and noted especially the Aunuu Reef area. The second letter was from J.D. Hall, owner of the Turtle and Shark Lodge, to the Council supporting the status quo of Larson's Cove as related to the proposed MPA and the Fagatele Bay National Marine Sanctuary, noting the need to enforce the existing laws and expressing concern for potential negative impact the proposals would have on the family business as well as to the low impact subsistence use by nearby residents.

Simonds reported the Council has written a letter to Gene Brighthouse, Sanctuary Superintendent, attaching the letters with comments. No response has been received.

7. Marianas Archipelago

A. Arongo Flaeey

Jack Ogumoro, CNMI Council Coordinator, said the CNMI Island Report is included in materials distributed to Council members. He announced that Ignacio Dela Cruz submitted his resignation to the CNMI Governor shortly before the Council meeting.

B. Isla Informe

Duenas reported that five of 14 fish aggregation devices (FADs) are offline and no more than 4 of 24 shallow-water moorings are online. A press release regarding freshwater intrusion into Tumon Bay was published noting that nothing has been done to address the complaints made by hotel operators over the past seven years. The GFC sponsored a series of events during the month of August, including the Guam Organization of Saltwater Anglers (GOSA) Mafute/Lililok Inshore Challenge (August 13), the Marianas Underwater Fishing Federation's Marianas Spearfishing Challenge (August 13), the Gupot Y Peskadot (Fishermen's Festival) on August 14 and the 16th Annual Guam Marianas International Fishing Derby on August 20-21.

C. Legislative Report

Ogumoro reported that the U.S. House Resolution 670, introduced by Congressman Gregorio Kilili Sablan, would convey submerged lands 0 to 3 miles offshore around the Northern Mariana Islands back to the people of the CNMI was approved by the House Subcommittee on Natural Resources. The resolution has passed to the Full House for consideration. The measure has wide support of the leaders in the CNMI Legislature, as well as the DOI. A similar resolution was introduced in the U.S. Senate by Senators Murkowski and Bingaman. CNMI House Bill 17-136 was passed on May 12, temporarily lifting the net fishing ban on Saipan by allowing the use of nylon, 1-inch mesh net. The House Bill mentioned chenchulu, a traditional net fishing gear. However, the description in the legislation was gillnet, which is more destructive and indiscriminate. Rota has not lifted the ban on net fishing.

Palacios added that the U.S. Senate legislation was almost identical to the House legislation and included an amendment recommended by DOI to agree to a co-management plan to be formulated by NOAA and the DOI. With regard to the CNMI House bill on gillnets, Representative Sylvestre Ilo Iguel's proposal was to alleviate some of the hardship that some of the families and community members are realizing because of the cut in hours and lack of employment opportunities. The Rota Representative has introduced legislation redefining commercial uses, meaning use of gillnet is allowed if the catch is not for commercial purpose.

Duenas reported that Bill 44-31 in the Guam Legislature, which mirrors the CNMI and Hawaii's shark finning prohibition, passed unanimously, with some controversy. Bill 31-483, the Coral Reef Protection Act, targets only marine users for damage to the coral reef. The fishing community is concerned with the penalties associated with the bill, as well as the prohibition of anchoring. There is no ban on scuba spearfishing to date, but a bill is expected to be submitted in the near future.

Discussion

Tulafono asked for clarification as to whether the intention of CNMI House Bill 17-136 was for all types of net fishing. Sablan replied the intention was to disallow commercial net fishing for five years. Palacios further added that presently there is a prohibition of gillnet fishing

in all areas in the CNMI, but allow for other methods. The measure lifts the prohibition on the use of gillnets for five years, except for commercial use.

D. Enforcement Issues

Duenas reported on the continued dilemma on Guam between MPAs and the use of mechanical equipment used for raking the beach. With regard to ESA/MMPA violations, one male was sentenced in District Court for taking green sea turtles, second offense, and sentenced to 14 months of confinement in the Federal prison. With regard to the impact of the Compact of Free Association, there is a new group of Micronesian fishermen on Guam who have acquired boats donated by the Government of Japan to fish. They routinely fish in the marine preserves. The boats are small and hard to detect by enforcement.

E. ACLs for Lobsters, Deepwater Shrimp, Mollusk (Action Item)

Dalzell reviewed the process used for determining ABCs and ACLs for federally managed species in the Mariana Archipelago. These include deepwater shrimp, spiny lobster and octopus, which were originally part of the CREMUS or Crustaceans MUS.

The data on octopus included in the determination were as follows: a) Number of species in Guam and CNMI is unknown; b) No stock assessment or MSY in Guam and CNMI for the species; c) Catch data ranging in Guam and CNMI from the years 2000 to 2008; and d) Catch in EEZ waters in Guam and CNMI is not available.

The data on spiny lobster included in the determination included a) one known species in Guam and CNMI; b) no stock assessment or MSY in Guam and CNMI for the species; c) catch data ranging in Guam from 2000 to 2008 and in CNMI from 1981 to 2008; and d) catch in EEZ waters is not available.

The data on deepwater shrimp in the determination included a) three known species in CNMI; b) MSY in CNMI of 1,492,000 pounds; c) Catch data is not available; and d) Catch in EEZ waters is not available.

The analysis consisted of using the reported geometric mean of the annual catches to compute the 75th percentile, which is 75 percent of all of the data included, and the 95th percentile, which is 95 percent of all of the data included.

Results presented for Guam spiny lobster were mean catches, 1,811; the 75th percentile, 2,704 pounds; and the 95th percentile, 4,763 pounds. Results for Guam octopus were mean catch, 3,297 pounds; 75th percentile, less than 3,748 pounds; and 95th percentile, less than 4,672 pounds. Results presented for CNMI spiny lobster were mean catch, 3,000 pounds; 75th percentile, less than 5,000 pounds; and 95th percentile, less than 7,000 pounds. Results for CNMI octopus were mean catch, 1,722 pounds; 75th percentile, less than 2,276 pounds; and 95th percentile, less than 3,823 pounds. For CNMI deepwater shrimp, the mean catch, 75th percentile and 95th percentile data was not available. All data was confidential. The ABC equaled 1,342,800 pounds.

In the Council's role of setting ACLs, Dalzell noted these added considerations:

- Conduct a SEEM analysis to be presented at the next Council meeting.
- Apply a percentage reduction to the ABC, which could include a zero percentage reduction.
- In the future, better in-season monitoring of stocks to provide the Archipelagic Plan Teams the ability to evaluate annual catches relative to ACLs.

The Council action options included the following:

- Consider SSC recommendations on ABCs.
- Consider the 75th percentile of 1,474 pounds for the octopus ABC.
- Consider the 75th percentile of 2,327 pounds for the lobster ABC.
- Setting ACL: conduct SEEM analysis or percent reduction of ABC.
- What in-season accountability measures should be applied, such as fishery closure, area closure and bag limit.
- Request NMFS to conduct in-season monitoring of stocks in order to provide Archipelagic Plan Teams the ability to evaluate annual catches relative to ACLs.

Discussion

Duenas asked Dalzell for the source of his information regarding the catch numbers. Dalzell said it came off the Western Pacific Fisheries Information Network (WestPacFIN) website. Duenas said two species of spiny lobsters and two species of slipper lobsters are found in Guam, as well as two species of octopus. Dalzell said the lobster ACL may have to include all species, but he would be happy to update the number of species.

F. Report on Commonwealth Submerged Lands Legislation

Palacios noted this item was reported within the Legislative Report section of the agenda.

G. Community Activities and Issues

John Calvo, the Council's onsite coordinator on Guam, reported on recent concerns regarding the use of the Sportsfish Restoration Fund Program run by USFWS. The Department of Agriculture's Division of Aquatic and Wildlife Resources (DAWR) administers the fund locally. FADs and shallow-water moorings continue to be an issue as DAWR has failed to maintain the current allotment of units. There's also a concern that more funds are being allocated to further research while DAWR has not been able to account for the previous biological studies paid for by the fund. The fishing community supports more oversight on the use of the program funds.

1. Community Monitoring Activities

Ogumoro reported that the Northern Islands Summit will be conducted by the Office of the Northern Island Mayors on September 19. The Summit's finding will be used to develop a plan for the redevelopment and resettlement of the Northern Islands. Government and private

presenters will discuss topics mining, fisheries, education, health, homestead, electricity, a refueling station and other topics. The CNMI has received \$219,000 in federal funds to, among other activities, renovate the old Japanese Lighthouse on Navy Hill and turn it into a Visitors Center associated with the Marianas Trench Marine National Monument. There is concern the funds CNMI received is nearing its expiration period. The CNMI DLNR requested an extension. If the extension were approved, a National Environmental Policy Act (NEPA) analysis would be conducted, which then could be used to justify additional funding for the construction.

Ogumoro also noted that the newly formed Saipan Fish Market is expected to be in full operation before the end of summer 2011. Richard Seman is its president. They are seeking bids for renovation of the site selected.

2. Shoreline Access Restrictions in Relation to Fishermen Deaths

Sylvia Spalding, Council staff member, presented an update on the recent study “The Impact of Marine Preserve Areas on the Safety of Fishermen in Guam,” written by Jennifer Lincoln and Devon Lucas of the Alaska Pacific Office of the National Institute of Occupational Safety and Health (NIOSH). The Council received many public comments regarding the report. At its 150th meeting, the Council recommended that the authors take the public comments into consideration. The authors are seeking publication of the study in a peer-reviewed scientific journal and will include expanded discussion of the shoreline restrictions beyond MPAs. They will also explore using the Guam Department of Agriculture’s bimonthly aerial survey for fishing participation along the entire Guam coastline as a denominator for their time period, which was before the MPAs and then after the MPAs were established to the present. They are not confident that they will be able to obtain the data, but they will try and they will determine if it’s appropriate as a denominator. The article is planned for publication by the end of summer. Helpful information requested by the researchers include any papers that have been written about shoreline restrictions beyond MPAs, contacts of people they should talk to about this and recommendations on who to work with to obtain the Department of Agriculture’s bimonthly aerial surveys. They welcome letters of recommendation to help facilitate in these matters.

Spalding added that the President’s FY2012 budget proposes elimination of the NIOSH Agriculture, Forestry and Fishery (AFF) Program. In 2011 the NIOSH Alaska Pacific Fishing Safety Research Program received \$1.5 million out of the \$23 million for the program. On May 20, 2011, the NIOSH AFF Program was named one of the 10 great public health achievements for 2001 to 2010 by the Centers for Disease Control. Some legislators are writing to the House Appropriations Subcommittee on Labor, HSS and Education requesting that the funding for the NIOSH FFA Program remain intact in 2012.

H. Update on Military Activities

Calvo reported that a Navy Restoration Advisory Board Meeting took place on May 24. Information was presented on the Phase II Remedial Investigation of Apra Harbor, Parcel 7, Management Action Plan, the Munitions Response Program Sites and the Site Inspection and Removal Action. A history of the site assessments was provided and indicates that potential impact to the environment was significant, with areas of contamination that could threaten

ecological receptors. Site cleanup and studies done in the mid 2000s showed removal of almost 1,400 cubic yards of soil, concrete and asphalt contaminated with PCBs, DDT, chlordane, copper and lead. The Phase II Remedial Investigation Process is ongoing with the collection of samples from drainage areas and wetlands, as well as subsurface samples.

Calvo added that outreach to inform the fishing community about military exercises in the Mariana Island Range Complex continues. The military exercises hinder fishing activity on the southern seamounts and prohibit fishermen from entering traditional fishing grounds.

Ogumoro reported the US military has been intensifying its aerial live bombing of Farallon de Medina (FDM), which includes a 10-nautical mile radius closure. Fishermen who frequent FDM have been affected by the exercises.

Discussion

Duerr noted there must be obvious logistical inconveniences for the fishermen who fish the area.

Haleck asked if there are any known effects of the radiation on the Marianas from the Japan tragedy. Calvo said the Guam EPA reported very low radiation levels. No levels were reported in the CNMI.

I. Education and Outreach Initiatives

Calvo reported on the following education and outreach activities that took place on Guam over the last quarter.

- Assistance was provided to the Micronesian Archeological Research Service with interviews and photography and logistics in regard to a grant issued to produce a film featuring traditional fishermen and methods. Once completed, the films will be featured on KGTF, Guam's public television station.
- A high school backpack laboratory project will incorporate biological, ecosystem and fishery monitoring opportunities that were discussed during the August 7th Marine Biology High School Teachers Workshop. The pilot project will incorporate an additional seven backpacks that are currently on order. The Council's FishBox will be utilized for this project to record all data.
- During the University of Guam Charter Day and in partnership with the College of Natural and Applied Sciences, the Council sponsored the Marianas Trench Marine National Monument Restricted Fish Access Map for Guam and the MARS Archeological Map of Guam which featured pelagic artifacts, the Mariana Range Complex in addition to the Ecosystem Threat Identification Game.
- The Guam Energy Office of the Guam Environmental Protection Agency held the 2011 Guahan Earth Day on April 30, which featured a Council-sponsored display.

- The Bishop Baumgartner Elementary and Middle Schools held their annual picnic at Ipao Beach. The Council exhibit included touch tables with seashells, marlin bills, crab claws, spiny lobsters, shark jaws and other items.
- Council information, programs and activities are being provided to fishermen during visits to local flea markets and night markets.

Ogumoro reported on the CNMI education and outreach activities over the last quarter:

- The Council sponsored a booth at the CNMI Environmental Expo on April 12 to 14 at the American Memorial Park. Brochures, newsletters and the Chamorro and Refaluwasch lunar calendars were distributed.
- Upcoming fishing tournaments include the spearfishing tournament scheduled for June 25 and the Saipan International Fishing Derby on July 23 and 24.
- The one-hour radio fish talk program is ongoing to provide outreach to the fishermen in the community every other Wednesday. It covers topics such as ACL, MPAs, green sea turtles, CMSP and open ocean cage aquaculture.

J. Marine Conservation Plans (MCPs)

1. CNMI

Sablan reported that the CNMI MCP has been submitted to the Council.

2. Guam

Taitague reported that three Guam MCP projects have been approved by the Council: 1) The American with Disabilities Act (ADA) accessible fishing platform at the in Paseo de Susana Park, which would create a recreational area owned and operated by the Government of Guam. 2) Rehabilitation and improvements to the Agat small boat marina docks, which will provide improvement to marina security with improved lighting across circuit cameras, replacement of a wench to offload fish, etc. 3) The project to fully develop and promote juvenile rabbitfish reproduction.

K. SSC Recommendations

Callaghan reported the SSC recommendations as follows:

- *With respect to the level of taxonomic aggregation*, use a family-level aggregation of catch to determine the ABC for coral reef finfish and shallow-water bottomfish management unit species (BMUS) that comprise 90 percent of the total coral reef catch. A single ABC should be applied to groups comprising the remaining 10 percent of the catch with the proviso that a few species that are of particular concern, rare or vulnerable, e.g., the bumphead parrotfish, should be considered for separate analysis.
- *With respect to specifying a definition of recent catch*, use the 75th percentile of the entire catch history for each family as the level of catch to apply the Tier 5 control rule.

- *With respect to applying an ABC control rule*, apply the Restrepo et al. guideline of 1.0 times recent catch, the 75th percentile, to calculate the ABC with the caveat that species of concern be analyzed with greater scrutiny. The SSC also noted that these coral reef taxa are Tier 5 stocks and, therefore, lack MSY values. However, stock biomass is likely to be well above BMSY given the low ratios of catch to estimates of biomass.
- *With respect to miscellaneous CREMUS and non-CREMUS species*, for species such as the Hawaii akule and opelu, where studies have been conducted and that have MSY, use the MSY to establish the ABCs. For species or species assemblages with studies containing MSY, but no current harvest existing, such as the CNMI deepwater shrimp, set the ABC at .7 times the FMSY. For all other species where an assessment is not available, use the 1.0 times the 75th percentile for the entire catch time series to establish the ABC.

L. Public Comment

No public comments were offered.

M. Council Discussion and Action

- *Regarding the Agreement of Free Association for the Freely Associated States of Micronesia (FAS)*, **the Council recommended that the impact of immigrants from the FAS be studied and quantified to assist the Government of Guam in pursuing Compact Impact funding to address education and outreach, fishery management and enforcement issues.**

*Moved by Sablan; seconded by Haleck.
Motion passed with abstention by Tosatto.*

- *Regarding the Sportsfish Restoration Fund, being a user-pay, user-benefits program*, **the Council recommended that there be oversight for the fishing community projects chosen to be funded and that there is quarterly progress reporting for the fishing community as it affects Federal Waters.**

*Moved by Sablan; seconded by Tulafono.
Motion was withdrawn.*

Palacios asked for clarification of the motion. Simonds clarified it is asking for more community outreach by the local agency.

Taitague noted under her leadership her department will be putting out reports.

Duerr asked if the motion is in reference to CNMI and Guam only. Duenas noted it does not single out any jurisdiction.

Martin pointed out the recommendation is too broad.

Duenas asked if there is a need for the motion. Palacios asked to defer the recommendation as he is new to the position, as well as Taitague, as they plan to coordinate with the fishing community on Guam and CNMI. The Maker and Second agreed to withdraw the recommendation.

Duenas noted the commitment from the heads of agencies that the Council will also receive a progress report.

- ***Regarding military activities on Guam and CNMI, the Council directed staff to send a letter to the military to reiterate its concern that the frequent military training activities near Guam's southern Banks, Whisky 517 and FDM is having a profound impact on the Marianas fishing communities and, further, that staff continue to correspond with the NOC regarding the potential implementation of a CMSP process with the military and other stakeholders to address existing impacts from military training, as well as future impacts from the pending military buildup on Marianas fishing communities.***

Moved by Sablan; seconded by Tulafono.
Motion passed.

- ***Regarding shoreline access restrictions in relation to fishermen's death, the Council directed staff to a) find and send to the NIOSH researchers any papers that have been written about shoreline restrictions on Guam beyond MPAs and/or contacts of people who they should talk to about this issue; b) write letters to any of these contacts recommending that they work with the NIOSH researchers; c) encourage the Guam Department of Agriculture to share their bimonthly aerial survey data to the NIOSH staff for consideration for fishing participation along the entire Guam coastline as a denominator for their time period and to write letters of recommendation to facilitate this sharing; d) write letters to the appropriate persons to support funding of the NIOSH Agriculture, Forestry and Fishing Programs in the Federal Government's FY2012 budget.***

Moved by Sablan; seconded by Palacios.
Motion passed.

Duenas asked for GC's advice as to whether the motion could be considered as lobbying. Onaga replied in the negative.

- ***Regarding Guam's Marine Conservation Plan, the Council recommended to approve Guam's Marine Conservation Plan, 7.J.1(1)-Rev.1.***

Moved by Palacios; seconded by Tulafono.
Motion passed with abstention by Tosatto.

- *Regarding CNMI's Marine Conservation Plan, the Council recommended to approve CNMI's Marine Conservation Plan, 7.J.2(1)-Rev.1.*

*Moved by Sablan; seconded by Tulafono.
Motion passed with abstention by Tosatto.*

8. Protected Species

A. Endangered Species Act and Marine Mammal Protection Act Issues

1. ESA and MMPA Updates

Tosatto presented the update on ESA and MMPA items. Regarding the corals and bumphead parrotfish petitions, it was determined that they warrant consideration. BRTs were convened and have concluded and work is ongoing to finalize the reports. Coincidental to that biological review, PIRO staff conducted a management review (i.e., biological status, management aspects, levels of protection in place and if ESA protection is needed to prevent the extinction of the species). The Council will receive the determination at the same time the public is informed.

Regarding the proposed listing of a component of the false killer whale stock, a distinct population segment (DPS) of the Hawaiian Insular Stock, as endangered has been published. Review of public comments received in the development of the final rule is ongoing. Final determination is expected later in 2011.

The False Killer Whale TRT met over a series of months and produced a consensus Draft Take Reduction Plan and submitted it to the Agency. The Agency has developed a proposed rule based on that plan and associated regulations that would implement that plan. It is hoped the proposed rule will go out for public comment in the near future. The Council will be briefed on the components of the plan, which was developed with a consensus, including members of the fishing industry and the Hawaii Longline Association.

The Agency, along with USFWS, requested a six-month extension before making final decision on the review of the loggerhead turtle stocks. A proposal was submitted for nine DPSs to be designated, including one for the North Pacific loggerhead, as endangered. A final listing is due in March. An extension has been requested to September 2011. The Amendment 18 lawsuit settlement requires production of a Biological Opinion no later than 135 days after the determination is made as a potentially significant informational change.

Work is ongoing on a proposed rule regarding the Hawaiian Spinner Dolphins scheduled to go out in 2011. A Programmatic Environmental Impact Statement (EIS) on the enhancement activities for Hawaiian Monk Seal Recovery and Critical Habitat Designation will be presented under other sections of the agenda.

Discussion

Itano asked for follow up for a request put forth at the 150th Council meeting for pictures and distribution maps and basic information on petitioned 82 corals. Tosatto said he will follow up with his staff and PIFSC staff to provide the information. Itano noted depth ranges of the corals and basic pictures were requested.

Martin asked if there is a chance the Agency will ask for an additional six-month extension in regards to the Loggerhead Turtle DPS Designation. Tosatto said the statute does not allow for a six-month extension.

Duenas asked for clarification as to the proposed Loggerhead DPS Designation. Tosatto said currently the loggerhead turtle is listed globally as one stock. The Agency is proposing to separate the stock into nine DPSs listed as endangered. The Agency hopes to have a DPS determination by September 16, 2011, and PIRO will be able to proceed to update the Biological Opinion.

Duenas asked if there is a DPS designation of the North Pacific stock will it then be uplisted to endangered. Tosatto replied if such a designation is made each segment will be looked at individually.

Duenas said it is difficult to understand how the DPS can be listed as endangered when there is proof nesting has increased. Tosatto said that the Status Review Report and Proposed Rule present the case that the DPS exists and that, given the information available to that Status Review and the measures in place to manage this DPS, the USFWS and NMFS are proposing to uplist.

Oishi asked how was it determined to include the gear types of shortline and kaka line to Category II on the List of Fisheries. Tosatto said the List of Fisheries is created for classification under the MMPA. The Agency provides guidance to the Science Centers on the assessment of marine mammal stocks, which gives them the guidance they need to create the List of Fisheries. On the management side, PIRO will create the List of Fisheries. He said he would refer Oishi to the appropriate person at PIRO for more details.

Itano said trolling ended up in the category because of one article that suggested trolling for yellowfin tuna was associated with interaction with spotted dolphin by some accidental snagging of a cetacean. He said that it does not happen and the reasoning behind it was very questionable and no one is correcting the weak assumptions. He said he is hopeful an improvement will be made in the List of Fisheries.

Martin noted the List of Fisheries is due out in the near future and he hopes to see an improved categorization.

2. Hawaiian Monk Seal Critical Habitat Proposed Rule

Jean Higgins, PIRO project lead for the Critical Habitat Proposed Revised Rule, presented information on the determination process regarding the Proposed Rule announced by NMFS to revise Hawaiian monk seal critical habitat. Public comment will be received through August 31, 2011.

Under the ESA critical habitat is defined as areas within the geographic area occupied by the species, within the current range; features essential to conservation of a threatened or endangered species; areas that may require special management or protection; areas outside the geographic area occupied by the species outside the current range; and an area, itself, is essential for conservation. The purpose of critical habitat designation is to ensure any action authorized permitted, funded or carried out by a federal agency is not likely to result in the destruction or adverse modification of the habitat. Critical habitat creates a habitat standard. Whenever monk seals are present within the range the Agency must consider whether or not jeopardy could be caused by an action by a federal agency. The last revision to the Hawaiian monk seal critical habitat was in 1988. It includes the major breeding areas in the NWHI of Gardner Pinnacles and Maro Reef and does not include Sand Island at Midway Atoll.

Physical and biological features known as the essential features include space for growth; food; water; air; shelter; breeding and nursery habitat; areas where there's no disturbance; and habitat that's representative of this historic distribution.

After a brief discussion of the steps of the determination process, the Critical Habitat Review Team (CHRT) considered the following topics: physical and biological features known as the essential features; terrestrial and marine habitat both necessary; range includes the entire Hawaiian Island archipelago and Johnston Atoll; biology of the species; identified areas meeting the ESA definition of critical habitat; supportive evidence for the expansive decision, such as continuing decline of population and the Hawaiian monk seal continues to face food limitations in the NWHI; and other statutory requirements.

Determination of proposed areas, as well as ineligible and exempted areas, includes national security proposed exclusions (i.e., Kingfisher on Niihau, Pacific Missile Range onshore and offshore on Kauai, Puuloa on Oahu and Koohalawe); identification of nonessential features of critical habitat, such as docks and fishponds; and economics, national security and other relevant impacts. Maps were shown depicting the proposed designations.

The current population in the MHI is 200. Additional habitat is needed to meet recovery goals for the species. Section 7 Consultation does not imply that the activities won't occur. A Biological Opinion will be required and contain reasonable and prudent measures. The Critical Habitat Designation provides information on habitat needs for listed species and holds federal actions under consultation to a habitat standard. Critical Habitat Designation does not place restrictions on non-federal activities and does not establish a refuge, preserve or sanctuary.

The public comment period is open until the end of August. Public hearings will be announced in the Federal Register.

Discussion

Itano asked if there is an area known to be of more importance to the monk seal than the area between the shoreline and the 500-meter depth. Higgins said individual preferences of the monk seal varies throughout its lifetime, such as juvenile monk seals forage out to around the 100-meter zone and deeper.

Itano said the fishermen's concern is between 100 and 500 meters and the tradeoffs between the pros and cons of designation depends on the impact to those fisheries in the future, while the information presented is assuming no impact. Itano was unclear why the designation needs to go beyond the outer reef slope. Higgins said that information changes over time, but currently the consideration of competition to prey resources is a concern for the species. As conditions change, the consultation will change.

Itano added that with regards to the historical use criteria for designation of essential fish habitat (EFH), his understanding was that deep slopes around the MHI were never used by monk seals in the past. Higgins clarified the EFH is being designated because the research shows the habitat is being used currently. Tosatto added with the use of research tools, such as tag and track and CritterCam footage, more has become known about monk seal foraging behavior, similar to the recent understanding of the bigeye tuna use of seamount habitat. He noted the added consideration of the up and coming development of aquaculture and offshore energy projects.

Oishi asked for clarification as to the definition of jeopardy. Higgins said that in Section 7 Consultation language jeopardy is causing harm to the species. Tosatto said the Agency cannot allow an action to take place if it will cause jeopardy to the species' continued existence.

Palawski asked why Waikiki Beach is not included in the proposal since the seals are currently using Waikiki Beach. Higgins said the Team determined the essential features for foraging are lacking along Waikiki and does not have the essential features for conservation. Palawski said Midway is not much different than Waikiki. Higgins said the proposal does not include Midway Harbor, which matches the same features as Waikiki Beach.

Leialoha asked what mitigation plans are included in the proposal and if there is evidence of monk seals moving towards other islands in the NWHI. Higgins said there is little movement between breeding subpopulations that are widely separated, but there is some movement between closer colonies, such as Sand Island.

Leialoha asked for clarification as to the request to exclude Sand Island by USFWS. Higgins said the USFWS was concerned that the Administrative Procedures that go along with the consultation process would be too much for its staff to take on. The request was denied.

Leialoha asked if a reduction of potential pupping areas on the MHI occurs would areas used by shoreline fishermen be subject to being closed. Higgins said critical habitat should not close or restrict any shoreline areas to fishing.

Duenas said he had little faith in the science he has seen so far. There is no known Hawaiian name for the monk seal and no Hawaiian recipe for monk seal, which puts into question the historical use criteria. He asked for clarification as to the report that monk seals forage shallower in the MHI than the NWHI. Higgins said the science shows the monk seals are currently using all of the coastlines of the MHI and there is current information which shows the depths they're diving to in the MHI are just as great as they are in the NWHI. The numbers of monk seals are increasing in the MHI because of births. She reiterated critical habitat designation has nothing to do with public use of coastal habitats.

Itano reiterated his point regarding the lack of a historic presence.

Simonds said monk seals can be a danger to humans.

Martin said that, from the fishery industry viewpoint, there would be significant concern about the designation of critical habitat due to the impact it would have to the industry in the future. He questioned the rationale of Waikiki Beach being exempt while all of the other coastlines around the islands, with the exception of some military exemptions, are critical to the recovery.

Leialoha noted with regards to the statements of no evidence of monk seal historic use is not accurate. She cited references to the monk seals in the Kumulipo with regards to mythological beings of the Hawaiian monk seal with sharks and other spiritual and mythological beings, as well as citations in Kamakau and other chiefs of Hawaii with regards to monk seals being utilized as a potential food source during times of famine. She agreed with Simonds' comment as the monk seal being a dangerous animal, as she once was bitten by a monk seal. She noted the name given to monk seals was akin to ilio, which refers to a barking dog, because of their vocalizations.

Itano noted the lack of bones being found in MHI middens. Hawaiians may have known of the existence of the animals but that does not mean they were common in the MHI. Leialoha said bones were recently discovered in sinkhole research in the MHI which have yet to be identified through mitochondrial DNA, but are thought to be that of a monk seal.

3. Programmatic Environmental Impact Statement on Impending Actions for the Hawaiian Monk Seal

Jeff Walters, PIRO Protected Resources Division, presented information on the Programmatic Environmental Impact Statement (PEIS) on impending actions for the Hawaiian Monk Seal Recovery, Current and Future Priorities and Partnerships. He noted a study coming out in the near future documenting the cultural significance of monk seals in Hawaiian culture, which includes discovery of at least one bone fragment identified as a monk seal in a midden in a Hawaiian settlement of Lapakahi on the Big Island dating back to the 1700s, and perhaps back to the 1400s. The authors are Jack Kittinger and Kehau Watson.

Walters provided the following points about monk seals. They are endemic to the entire Hawaiian Island Archipelago. They are the only pinniped species that make its home on a coral

reef. They give birth on the beach. Pups nurse for five to seven weeks. After weaning, pups must learn to survive on their own. Time is spent on the beach to molt and to rest during the day. Foraging is conducted during the evening and morning and late afternoons. They forage on fish over a wide area. New tagging and telemetry technology has provided tracking data on range and diving depths. Monk seals are a complex mammal predator that develops individualistic behaviors as they mature. From 2000 to 2009, the population numbers went from almost 1,400 seals down to 900 in the NWHI. Model results plot continued decline. The main reason for the decline is loss of juveniles before reaching reproductive stage.

Walters reviewed monk seal recovery challenges and opportunities, including food limitation, shark predation on pups, entanglement and habitat loss in the NWHI as well as public awareness support and participation, human-seal interactions and disease in the MHI. Current activities ongoing for monk seal recovery for the NWHI include improvement of juvenile seal survival with population monitoring and census, health and disease studies, diet and feeding behavior studies, deworming research, translocation of weaned pups and shark predation mitigation at French Frigate Shoals; disentanglement and dehooking of seals; and mitigation of adult male seal aggression. Current activities ongoing for monk seal recovery for the MHI include population monitoring; foraging and diet studies; preventing and managing nuisance seals, behavior modification and outreach; reducing fishery interactions, guidelines for fishers, outreach, barbless hooks, etc.; health and rescue response, island response networks; habitat protection, critical habitat re-designation; and enhanced public participation, including education and outreach, MHI management plan and community-based programs.

Proposed new activities for analysis in the PEIS include current activities, vaccination studies, de-worming treatments, seal translocations to and from NWHI and MHI, and behavior modifications. The future proposed activities do not include new federal regulations on fishing or public access or new federal restricted areas or closures. The EIS will also include current activities to provide NEPA coverage for several years and for the ESA/MMPA permit. This proposed translocation activity is to use the MHI as a grow-out area for the young females who would otherwise probably die in the NWHI. The translocated seals will be returned to NWHI after three years before they reach reproductive age which serves to improve the survival of juvenile females important for the population recovery and to aid in reverse of the decline of the population. Model plots forecast future population with and without translocation. There would be a temporary increase in seals in the MHI, but numbers would revert back to what they were before the translocation. The translocation is proposed in concert with other activities. The MHI population is estimated to grow from the current level of 200 to 220. More education and outreach is planned for communities. Regardless of the translocation proposal, management of the monk seals in the MHI will be ongoing to minimize interactions. Sufficient funding is needed, as well as issuance of an ESA/MMPA permit. The process will be a phased-in process and would continue only if it is successful. The plan is to start in 2012 at the earliest.

Other activities proposed include behavior modification to prevent seals from being socialized with people, interacting with fishing gear, etc.; research on how to modify seal behavior effectively; and development of tools to manage seal behavior to keep seals wild and minimize human/seal interactions.

The Draft PEIS is expected to be out in August and will include at least a 60-day public comment. Public hearings will be held in September. The Record of Decision (ROD) and permit is currently scheduled for May 2012.

Discussion

Duenas asked if population estimates were available from before the year 2000. Walters said data going back to the 1980s showed the decline began in the 1990s. Duenas said the decline may have been caused by the closure of the fishery in the NWHI, which eliminated fishery discards available for monk seal consumption. Walters said sharks were also probably chowing down on the discards.

Duenas said he is leery of bringing monk seals to the MHI considering the tourism industry and the human/seal interactions.

Itano also expressed reservations on the translocations and asked for clarification as to the proposed age of the translocated females. Walter said the seals would be translocated after weaning from the mother, which is roughly one year of age, and while in the MHI will be tagged and closely monitored.

Itano voiced concern for the level of depredation on the MHI fisheries and favored behavior modification studies that target minimizing fishery interactions.

Martin noted the conundrum of the ultimate protection provided in the NWHI marine national monument, but yet the inhabited area turns out to be considered a better environment for the endangered Hawaiian monk seal.

B. IUCN Hawaii Green Turtle Assessment

Asuka Ishizaki, the Council's protected species coordinator, presented information on the IUCN Assessment. She said that Milani Chaloupka, SSC member and chair of the Red List Authority for the Marine Turtle Specialist Group (MTSG), presented to the SSC the Draft IUCN MTSG Regional Red List Assessment for the Hawaiian Green Turtle Stock, the first regional assessment of the MTSG for the sea turtle species listed under the IUCN Red List. Under the IUCN Red List green turtles are currently globally listed as endangered. The assessment reviewed the science and status of the Hawaii green turtles. Scientific evidence reveals many of the green turtle rookeries are showing an increase despite the IUCN listing as endangered. The structure of the IUCN Red List category includes levels of extinct, threatened, critically endangered, endangered, vulnerable, three categories of threatened and near threatened, levels of data available and levels of evaluation. Under the criteria that can be used to evaluate the status of species under the IUCN Red List two categories for the evaluation of the Hawaiian Green Turtles were used, nesting trend and hazards at sea that the turtles face. Since the early 1970s nesting numbers have continued to follow an increasing trend. One of the major threats identified for Hawaii green turtles is the fibropapilloma, the tumor-forming disease. The incidence of fibropapilloma has been on a steady decline since the mid 1990s and is no longer considered a major threat as once thought. The IUCN Red List assessment concluded that the

Hawaii green turtles regional stock is no longer endangered as it is currently listed on the global listing and is now considered to be near threatened. The major reason it falls under this new threatened category is because of its geographic restriction in the nesting area. The assessment is undergoing MTSG Review. Once the review is completed it will be submitted to IUCN for inclusion in the Red List, at which time the information will be presented to the Council.

Discussion

Tosatto said the green sea turtle is endangered in US jurisdictions and for US citizens throughout the globe. They're listed globally and not as DPSs. There is a process to potentially delist the species. The IUCN Red List is not equal to ESA. He suggested the Council should support the science as it provides a good regional look at the Hawaii component of the global stock. As the process unfolds NMFS will keep the Council informed of the ESA process. The Services have been looking to undertake a Status Review of the green sea turtle, which is a lengthy process. The outcome of the green turtle is not known yet. He said the Council needs to focus on conservation of the endangered species to the extent it can, focus on cultural uses, cultural understanding of these turtles as they apply to promoting conservation of the turtles and concentrate on the science needed to make an informed Status Review.

Itano said he was astounded that Hawaiian honu are not considered a DPS even though they nest in one area and are genetically distinct, but yet the insular false killer whale can be considered a DPS. Tosatto said it is not considered a global stock and there are nesting aggregations in the Samoa Islands, Cook Islands and French Polynesia. NMFS and USFWS need to do the work to be addressed nationally. The Status Review is to begin at some time in the future.

Simonds said the Council has waited for years for the work to begin and suggested Council staff should provide a description of the process to help people have a better understanding to know what to expect. She said she understood the Hawaiian green sea turtle was threatened as opposed to endangered. Tosatto apologized for the misstatement.

C. NMFS-MCBI Meeting on Seabird and Pelagic Fish

Tosatto said a workshop was held with staff attending from a variety of governmental and nongovernmental entities, as well as Council staff. When PIRO receives the report from Marine Conservation Biology Institute (MCBI), it will be shared with the Council.

Discussion

Itano asked when the report is expected to be out. Tosatto said sometime during the fiscal year. Itano voiced concern that MCBI has maintained complete editorial control of the report and encouraged that, in future meetings, reports should be prepared in collaboration with the participants. He looks forward to reading the report.

Itano also asked for clarification as to the status of an USFWS grant to study interactions between seabirds and tuna. Palawski said he was not aware of the grant and would need

additional information to respond. Itano said he would get the information and pass it on. Tosatto was also unclear about the grant.

D. Report on the International Sea Turtle Symposium

Ishizaki gave a quick overview of the 31st Annual Symposium on Sea Turtle Biology and Conservation in San Diego, California, on April 12 to 15, 2011, at which the Council sponsored a number of sessions, including the special session “Finding Common Ground in Fisheries Management.” Panelists in the special session were Sean Martin, Marydele Donnelly, Pete Dupuy, Mark Helvey, Ray Hillborn, Steve Kennelly, Dale Squires and Todd Steiner. SSC member Stewart Allen facilitated the two and a half hour session. A common theme that emerged is that how the issue is framed and who it’s framed by is key in terms of reaching common ground in tricky issues. The participants agreed that decisions about turtle bycatch issues and fisheries management should be grounded in good science, objective, unbiased science and not science that is selectively used to support one’s position and agenda. A full report is being developed, as well as an edited video, which will be made available online.

The Council also sponsored the East Asia Regional Meeting which was held preceding the Symposium. Agreements made at the meeting included to convene Annual East Asia Regional Meetings at the International Sea Turtle Symposium to be held in Mexico in 2011; to hold additional issue-focused meetings in East Asia as they arise and are needed and as funding is available; and to establish a network for communication for future collaboration. Ishizaki stressed the importance of holding such regional meetings given the importance of East Asia, East China Sea and its habitat for North Pacific loggerhead turtles.

The Council also sponsored the Pacific Leatherback Turtle Conservation Fund Steering Committee Meeting, which is an attempt to revive a business plan that the Council developed with the Ocean Foundation several years ago. In addition, the Council staff participated in the Pacific Islands Region and Partners Meeting, which was organized by PIRO. An exhibit booth was staffed featuring the Council’s Sea Turtle Program as well as traditional ecological knowledge. The Council also provided funding for a travel scholarship.

E. Sea Turtle Advisory Committee Recommendations

Ishizaki reported that the Seventh Sea Turtle Advisory Committee (STAC) meeting was held March 22 and 23, 2011. The Committee reviewed the recommendations from the Sixth STAC meeting and an overview of the eight Council projects selected in 2010. The Council received 12 proposals from the 2011 solicitation. Decision is pending final funding decisions.

Regarding Council-funded projects, the STAC recommended that the Council develop conservation outcome-based performance measures for projects to support meaningful project success evaluations. The STAC also recommended that the Council develop a standard performance and progress report to be used for all Council-funded turtle projects. Format would include reporting against objectives and a budget summary for expense-to-date.

Regarding estimates of hatchling production, the STAC recommended that the Council develop guidelines for estimating and reporting hatchling production.

Regarding the Council-funded Turtle Research and Monitoring Database System (TREDS)S project, the STAC recommended that the Council urge SPREP to focus on the promotion and training and use of TREDS to its member countries and report to the Council on the uptake of the TREDS in the region. The STAC recommended that Council staff work with SPREP to develop approaches for liaising with various organizations in addition to the focal point within each Pacific Island country and territory to foster better sea turtle conservation and use of TREDS.

Discussion

Duenas asked in regards to the criticism of the Hawaii longline shallow-set fishery if there are any other fisheries which have achieved as great a reduction in sea turtle bycatch. Ishizaki said there will always be the sentiment expressed the decrease is not enough, which is also occurring in regards to the insular false killer whale interactions.

Martin added that one of the participants at the symposium clearly articulated that one turtle is too many. He added that zero is a pretty lofty goal.

Duenas stated that the criticism of a fishery which has made such improvements in interaction rates could prove to be a negative message to other fisheries in the world. He asked if any other organizations are willing to fund the turtle conservation projects that the Council has initiated in light of the reduction in funding. Ishizaki replied it is an option to be looked into in an effort to ensure the projects can continue.

Duenas asked if the percentage of eggs that hatch in the relocated nests is known. Ishizaki said it depends by species and by location. Leatherbacks have a much lower natural hatch success as opposed to green turtles. It is common for 80 percent of the green sea turtle nests to hatch. Leatherback numbers are lower. Other factors that affect the success rate are region and number of predators.

Duenas asked if any research has determined the effect of climate change on the turtle hatchlings. Ishizaki said a lot of research is being conducted in this area, but as yet there is no conclusive outcome.

Duenas asked if research is being conducted to analyze the size and age frequency of the turtles interacting with the Hawaii shallow-set and deepset fishery. Ishizaki was not aware of any such analysis, but surmised there were not enough interactions in the Hawaii longline fishery to run a statistical analysis.

Duerr noted the damage the Japan tsunami caused on the Big Island and its effect of washing turtles far inshore and expressed interest in the results of the Japan nesting beach turtle count to see how it affected the nesting turtles. Ishizaki said the tsunami occurred in March when temperatures are cold in the northern part of Japan where the tsunami hit the hardest. At that time

there were no nesting turtles, and most of the nesting beaches are located further south. Ishizaki was not aware of any reports of turtles washing ashore.

Martin said he is looking forward to better evaluation of the conservation project successes, which could be used in Biological Opinions and serve to generate funding sources.

Council Aside

Itano noted he found the seabird solicitation he inquired about earlier, NOAA NMFS PIRO 2011, 2002781, from the Sanctuary, specific to Rose, the Marianas Trench and the Pacific Remote Island Areas (PRIAs), a proposal to look at invasive species and to characterize the ecological interactions of seabirds, pelagic fish and their prey. He inquired if there was a chance it could be funded. Tosatto said it is a PIRO grant opportunity and to date none have been funded.

F. Advisory Group Recommendations

Ed Watamura presented some of the Advisory Panel recommendations as follows:

- *In regards to Hawaiian monk seals*, NMFS should not translocate juvenile Hawaiian monk seals from the NWHI to the MHI. NMFS should be protecting the monk seal pups in the NWHI, such as culling of competition or translocating pups between the NWHI and not compound problems already occurring with monk seals in the MHI.
- *In regards to the insular false killer whale listing*, the Advisory Panel is concerned with the listing of the stock as endangered under the ESA and recommended the Council continue to insist that NMFS look at other impacts on false killer whales aside from fishing impacts. The Advisory Panel is also concerned with the use of listing species on the ESA as a means to closing fisheries in Hawaii.

G. SSC Recommendations

Callaghan reported the SSC recommendations as follows:

- *With regard to the weak circle hook research*, the SSC thanked Dr. Boggs for an informative presentation.
- *With regard to the IUCN for the conservation of the Hawaii green turtle assessment*, the SSC thanked Dr. Chaloupka for an informative presentation and welcomed the current assessment of the Hawaii green sea turtle.
- *With regard to the STAC report*, the SSC thanked Council staff for an informative presentation and concurred with the STAC recommendations.
- *With regard to the Hawaiian monk seal critical habitat proposed rule and PEIS on implementing recovery actions for Hawaiian monk seals*, the SSC noted that these proposed measures are unlikely to stop the decline of the NWHI monk seal population.

H. Public Comment

Roy Morioka, Hawaii fishermen, spoke to the hypocrisy within the critical habitat designation presentation, pointing out the designation process calls for consultation between two federal agencies using federal monies to give exemptions to federal military properties. He said there should be no exemptions for areas that are deemed critical habitat for the Hawaiian monk seal. He added there was no mention of the behavior of male mobbing of females, which causes the demise of young females in the NWHI. He cautioned against being fooled by science advocacy and said it was time for the federal leaders to take exception to those kinds of situations and to be honest and truthful and follow their heart in their efforts. He suggested the bone fragment should be further investigated to see if they could have been transported to the MHI from the NWHI. He asked the federal agencies to do their jobs and do it conscientiously and forthrightly.

Layne Nakagawa, full-time commercial fishermen, voiced concern over the amount of food the seals would consume in the MHI, noting the estimated 1.5 million pounds per year per adult. He had concern the resource could not maintain 20 translocated seals and would probably result in fishermen being blamed for depleting the fish stocks. He expressed concern that the whole island of Maui looked as if it was deemed monk seal critical habitat and the negative impact it would have on the tourism industry. He shared the experience he had of a monk seal interaction while fishing, which was very dangerous. He did not favor more management measures put upon fishermen.

I. Council Discussion and Action

- **Regarding the sea turtle conservation projects, the Council directed Council staff to a) develop conservation outcome-based performance measures for projects to support meaningful project success evaluation and b) develop a standard performance/progress report to be used for all Council-funded turtle projects. The format should include reporting against objectives and a budget summary for expenses-to-date.**

Moved by Martin; seconded by Sablan.

Motion passed.

Duenas reiterated his earlier comment of seeking funds to ensure continuation of the projects.

- **Regarding estimates of hatchling production, the Council directed Council staff to work with appropriate experts to develop guidelines for estimating and reporting hatchling production.**

Moved by Martin; seconded by Sablan.

Motion passed.

- **Regarding the TREDs project, the Council directed Council staff to a) discuss with SPREP to encourage them to focus on the promotion and training in use of TREDs to its member countries and continue to provide reports to the Council on the uptake of TREDs in the region, and b) work with SPREP to develop approaches for liaising with various organizations in addition to the focal point within each Pacific Island country and territory to foster better sea turtle conservation and use of TREDs.**

Moved by Martin; seconded by Sablan.

Motion passed.

- **Regarding the proposed rule to list insular false killer whale under the ESA, the Council directed Council staff to send a letter to NMFS reiterating concerns regarding the historical population estimate calculated using density data from Palmyra, as well as potential impacts to fisheries from the ESA listing. The Council further recommended that Council staff work with NMFS to summarize the details included in the NMFS Status Review Report regarding the negative effects of the high contaminant levels found in insular false killer whales, the methodology adopted for estimating past and current population of Hawaii insular false killer whales and prey competition with fisheries.**

Moved by Martin; seconded by Sablan.

Motion passed with abstention by Tosatto.

Tosatto said he does not share the Council's concern regarding historical population calculation but does support Council staff working with NMFS on the action.

Itano offered a friendly amendment to include the words, impact of high contaminant levels found in insular false killer whales, comma, then the methodology adopted, etc. There was no objection to the friendly amendment by the maker and the second.

- **Regarding Hawaiian monk seals, the Council requested NMFS to work with Hawaii fishermen to inform them of reporting systems for monk seal/fishermen interaction issues as well as process to deal with nuisance animals.**

Moved by Martin; seconded by Sablan.

Motion passed.

- **Regarding Hawaiian monk seals, the Council directed Council staff to comment on Critical Habitat Proposed Rule, expressing concerns regarding the potential impacts of the Revised Critical Habitat Designation in the MHI on fisheries.**

Moved by Martin; seconded by Sablan.

Motion passed with abstention by Tosatto.

Leialoha asked for clarification if the recommendation was in regards to the open public comment period. Martin replied in the affirmative.

- **Regarding Hawaiian monk seals, the Council directed Council staff to comment on the Draft PEIS for Hawaiian monk seals when made available, expressing concerns regarding the proposal to translocate monk seals from the NWHI to the MHI and the potential increase in problematic monk seal/human interactions.**

Moved by Martin; seconded by Sablan.
Motion passed, with abstention by Tosatto.

Tosatto noted that with the understanding the Draft PEIS has not been released, the Council has been briefed on what the intentions of the proposal are and welcomes comments from the Council presently and further comment when the Draft PEIS is released. Martin pointed out this is just an opportunity to participate before the release of the Draft EIS and will also be followed up when the EIS is out for public comment.

- **Regarding the IUCN Hawaiian Green Sea Turtle Regional Assessment, the Council supported the current assessment of the Hawaiian green sea turtle stock for removal from the IUCN Red List of Threatened Marine Species or Populations and directed Council staff to send a letter expressing this support.**

Moved by Martin; seconded by Sablan.
Motion passed with abstention by Tosatto and Leialoha.

Tosatto reminded the Council that within the US and all US citizens the green turtle is an endangered species listed as threatened and suggested the Council direct its effort to the most meaningful places it can to effect both increased conservation for the species, reduced fishery interactions with the species and consideration of the best available science. He added the horizon on decisions regarding the green sea turtle is a long way off and cautioned the Council to avoid setting a false expectation within the community that there is a decision pending. A decision is not pending. A decision is not being considered.

Duenas said the recommendation opens the door to looking at other species at Council meetings so the Council can spend more time focusing on fishery management issues.

Leialoha voiced difficulty and reservation with removing the green sea turtle from the IUCN Red List and suggested the Council at some point discuss potential for cultural take within the indigenous diet to address some of the ongoing issues, particularly within the Marianas, Samoa and Hawaii.

Martin acknowledged the process for delisting a species and noted that he found the dialogue at the recent Fishers Forum beneficial to help people understand the process and to have an opportunity to hear different viewpoints.

Callaghan pointed out the SSC recommendation was not to remove the species from the Red List but to change the status from endangered to near threatened. After a brief discussion it was determined the recommendation was worded correctly.

- **Regarding the bumphead parrotfish and coral ESA listing petitions, the Council requested NMFS to provide distribution maps and photographs of the 82 species of coral considered for listing and provide presentations on the Bumphead Parrotfish and Coral Biological Reviews at the 152nd Council Meeting in October 2011.**

Moved by Martin; seconded by Sablan.
Motion passed.

Tosatto apologized for the delay in providing the materials recommended in a prior Council meeting. He noted his staff is working to provide the requested items as soon as possible. Itano noted the request also included depth ranges.

- **Regarding sea turtle conservation projects, the Council directed staff to explore support from non-governmental organizations and other potential funding opportunities for continuous funding of the existing Council-funded projects.**

Moved by Martin; seconded by Sablan.
Motion passed.

Tosatto told the Council to proceed with caution with regard to the restriction for Councils to participate in fundraising.

9. Public Comment on Non-Agenda Items

No public comments were offered.

10. Hawaii Archipelago

A. Moku Pepa

Martin reported the Hawaii deepset fishery has experienced some exceptionally good fishing and prices are good. The seven shallow-set boats fished out of California for the first four months. Presently there are only two or three shallow-set boats.

Itano noted there may be a stronger recruitment of striped marlin than has been seen in five or six years, a poor wahoo season and a slow start on the yellowfin. He recently heard that the Pelagic Fisheries Research Program (PFRP) received zero funds.

Duerr reported the sportsfishing fishery has been slow due to few charters. Bigger fish have been caught, including a 982-pound Pacific blue marlin. Lots of tournaments are planned for the summer. Fishermen are concerned about the impacts of the offshore aquaculture development.

Oishi briefly reported on the impacts of the March tsunami, which damaged primarily public facilities, small boat harbors and some private property. The biggest impact was on the Big Island with an 11-foot surge. A Presidential declaration of a major diaster on April 8 released up to \$30 million for Hawaii. The major harbors impacted included Kailua-Kona Wharf, Keauhou Small Boat Harbor, Lahaina, Maalaea, Keehi on Oahu and Manele on Lanai. The Hawaii DLNR and DOCARE are both still actively recruiting for administrators.

B. Legislative Report

Oishi said Senate Bill 23, the Aha Kiole Bill, was summarized earlier by the executive director. Regarding the final tally for Deep7 bottomfish for the fishing year, the total of 267,857 pounds exceeded the total allowable catch (TAC) of 254,050 pounds by 5.4 percent.

C. Enforcement Issues

Itano reported Hawaii's nonprofits partnered to launch an initiative to benefit Hawaii's nearshore fisheries.

Oishi added that the Governor had a short press conference to announce a new initiative with private funds from Conservation International and other NGO groups to provide funds for a pilot program to hire more people to step up enforcement and education and outreach activities.

Discussion

Duerr spoke in support of the enforcement initiative.

Duenas reported a private FAD from Hawaii has reached Guam, anchored in 100 feet of water on a southern reef with some recording equipment. He offered to retrieve it and return it to the owners when the weather conditions allow. He said a lot of striped marlin are being caught off the Mexican Coast.

D. ACLs (Action Items)

1. MHI Bottomfish

a. ACL Working Group Reports

Pautzke presented a brief background of the process for setting an ACL for the Deep7 Bottomfish, which included the Council's SSC review of the stock assessment at the 106th SSC meeting and Council recommendation for the formation of working groups at the 150th Council meeting. The P-Star Working Group addressed the process to determine P-Star for calculating ABC, which assessed four dimensions and included consideration of the following:

- Each of these dimensions adds to 10.
- The sum scores from the dimensions are subtracted from the Pmax of 50 percent resulting then in the P-Star.

- The most available points per total is 40.
- The lowest P-Star through the P-Star analysis is 10 percent.
- The justification was that the P-Star Working Group felt that the results of their deliberations should never result in a P-Star of zero.

The four dimensions were 1) P-Star Dimension 1, Assessment Information; 2) P-Star Dimension 2, Assessment Uncertainty; 3) P-Star Dimension 3, Stock Status; and 4) P-Star Dimension 4, Productivity and Susceptibility.

The SEEM Working Group assessed four dimensions to be taken into account when determining the ACL, which is used by the Council to reduce the ACL from the ABC or annual catch target (ACT) from an ACL. The four Dimensions are social, economic, ecological and management uncertainty.

Topics considered in the assessment of the social dimension included items such as food source, food security and historical dependence. The relevant factors chosen included the bottomfish fishery perpetuates cultural and traditional values; it provide symbolically valued and culturally important fish; bottomfish fishing is a unique, highly-skilled occupation that is waning and should be maintained; and its contribution to Hawaii's food security.

Topics considered in the assessment of the economic dimension included items such as the price of fish being dependent on quality, wasting of fish when prices are too high, limited market substitution, and the price of fish not keeping up with the cost of catching fish. The relevant factors chosen included economic reliance of other industries on fishery, the market effect; financial security of fishery and its participants is readily compromised by management decisions; and provides unique product.

Topics considered in the assessment of the ecological dimension included items such as key indicator species, depth range overlaps, impacts of fishery, impacts of population booms and loss of a fish species due to kahala. The relevant factors considered included uncertainty in ecosystem dynamics; and shift of fishing pressure onto species outside Deep 7 upon closure of Deep 7 fishery.

Topics considered in the assessment of the management uncertainty dimension included items such as quantification of catch, high-grading and complicated reporting. The relevant factors considered included unreported recreational landings; commercial catch reporting, including misreporting; weather influences ability to fish and productivity of fishing; monitoring includes ability to forecast; and recreational discard mortality associated with high-grading.

After explanation of the scoring system, scoring results, the SEEM Working Group consensus was as follows: ACL should be set equal to the ABC, and 6 percent for the management uncertainty dimension should be used to reduce the ACT from the ACL.

Requirements for the Hawaii Deep7 Specification are a P-Star from the Council, an ABC from the SSC and an ACL and ACT from the Council. The six alternatives available based on probability of the risk of overfishing include 1) status quo, 254,050 pounds, with less than 20

percent risk of overfishing; 2) 255,000 to 295,900 pounds, 20 to 29 percent risk of overfishing; 3) 299,000 to 316,200 pounds, 30 to 34 percent risk of overfishing; 4) 319,000 to 336,600 pounds, 35 to 39 percent risk of overfishing; 5) 341,000 to 358,430 pounds, 40 to 44 percent risk of overfishing; and 6) 361,000 to 383,000 pounds, 45 to 50 percent risk of overfishing.

The P-Star Working Group recommended a P-Star of 40.8, which equals to 345,522 pounds. The resulting ACT based on the SEEM resulted in 324,790 pounds.

The Council action options include a) selection of an alternative; b) to endorse and recommend the results of the P-Star Working Group; c) to recommend a P-Star of 40.8 percent; d) endorse and recommend the results of the SEEM Working Group; e) recommend that ACL equals ABC and the ACT equals 94 percent of the ACL; and f) provide other options.

Discussion

Duenas asked whether the State of Hawaii bottomfish restricted fishing areas (BRFAs) were included in the analysis. Pautzke said it was discussed but not included. Itano explained the stock assessment did not take the BRFAs into account. Robert Skillman, SSC and P-Star Working Group member, added that the P-Star Working Group is the Council's Working Group and clarified the P-Star value is determined by the Council and the effect of the BRFAs was included in the statistics considered. Itano said the results are considered very conservative.

2. Kona Crab Fishery

Lennon Thomas, graduate student at Hawaii Pacific University, presented the results of her thesis project of a stock assessment of the Kona crab fishery. The project description and explanation of methods included the following points: 1) The Kona crab fishery accounts for up to 25 percent of all commercial crab landings in Hawaii and up to 5 percent of all commercially landed reef species in Hawaii; 2) Only three studies have been conducted on the Kona crab fishery in Hawaii and the regulations are based largely on information from other regions or species; and 3) The last stock assessment of the Kona crab fishery in Hawaii was done in 1978 by a University of Hawaii graduate student.

The purpose of the project was to determine the current state of the Kona crab stock in the MHI. The fishery was characterized by summarizing all known life history characteristics and identifying gaps in the biological information; by summarizing commercial landings data to identify spatial and temporal trends; by providing a relative index of stock abundance by standardizing CPUE across time; and by reviewing the historical landings from 1948 to 2009 in this fishery.

Thomas summarized the Hawaii state regulations. The fishery began with three regulations: no taking of berried female crabs, no selling of crabs less than a 4-inch carapace length and a closed season from June until August. In 1958 a no spearing regulation was added. In 1993 the seasonal closure was extended to include the month of May. In 1998 a regulation was put in place that did not allow bottomfishers to take crab nets on bottomfishing trips. In 2002 the minimum size regulation was redefined to say no taking of crabs less than a 4-inch carapace

length, which included crabs taken by recreational fishers or for home consumption. In 2006 a regulation was put into place for no taking of female crabs.

Lennon then reviewed some of the methods for the assessment. The historical commercial landing data were obtained by the Hawaii Division of Aquatic Resources (HDAR) and all data were screened and filtered. Inaccurate reports were flagged and verified with original fishers or removed. Less than one percent of all reports were removed. The data were summarized to identify spatial and temporal trends. All datapoints were aggregated to include a minimum of three fishers to protect fisher confidentiality. A generalized linear model (GLM) was used to standardize CPUE across time. Three hypotheses were tested to represent the potential differences in the spatial distributions of Kona crabs. All fishing areas were categorized first by island into one of four categories: Big Island, Maui Nui, Oahu or Kauai. Fishing areas were also all categorized as inshore or offshore, whether they occurred within three miles from shore or greater than three miles from shore. This hypothesis was used as a proxy for depth. The areas were defined by predominant swell regime. The swell regimes were north swell, trades, south and shelter from swell.

A GLM was used for each area hypotheses. Significant variables were added in a step-wise process. Some of the results included a) The models did show different temporal variations after 1998 and 2006, indicating that the regulations likely impacted the population dynamics of the fishery; b) The final model explained from 1948 to 1998, 20 percent of the variation, from 1998 to 2006, 29 percent of the variation and from 2006 to 2009, 52 percent of the variation; c) CPUE varied significantly by season, with May through August having the highest CPUE values; d) Penguin Bank accounted for over 50 percent of the total landings in the fishery from 1948 to 2009 and accounts for less than 20 percent of all of the trips; and e) Concentrated fishery in terms of number of fishers from 2000 to 2009, where only three fishers accounted for over 50 percent of all of the trips. The residuals from the model did not appear to violate any of the assumptions of normality.

Discussion

Oishi asked for clarification as to the results of the efficacy of the management measures. Thomas said the catchability coefficient for the model was assumed constant throughout the entire time series of the model. However, with major regulation changes there is expectation for the catchability to change when fishers are no longer allowed to take females or when bottomfish fishers are no longer fishing, which is why the model was broken into three times series.

Oishi clarified the last four-year deviation would be the effect of the management measure of no taking of females. Thomas replied in the affirmative.

3. Deepwater Shrimp, Lobster and Mollusk

Dalzell presented information on the process used to establish ABCs and ACLs for federally managed species in the Hawaii Archipelago for deepwater shrimp, lobster and mollusk, which were originally part of the CREMUS or the Crustaceans MUS.

- Squid: One-year exception in National Standard 1 Guideline. No ACL is required, but status determination criteria are needed, such as MSY and Optimum Yield (OY), an ABC and ABC control rules.
- Deepwater shrimp: Two in Hawaii. Catch binned in 10-year intervals for confidentiality reasons, with 82 percent caught in federal waters. An MSY was developed based upon the work that was done initially in the Marianas, with the development of a simple model for the Hawaii Archipelago based upon habitat. The MSY is 282,000 pounds for one year.
- Lobster: Two species in the MHI, the spiny and the slipper. Only 2.3 percent caught in federal waters.
- Squid: Three species. To be covered in Program Planning; 75 percent taken in federal waters.
- Octopus: Reported in the aggregate; 1.5 percent caught in federal waters.
- Opihi: Caught entirely in State waters; part of the CREMUS.
- Roundscad and bigeye scad: Both have MSYs. Very little bigeye scad caught in federal waters; 20 percent roundscad caught in Federal waters.
- Black coral: More than plus species, there is an MSY and specific quotas.
- Kona Crab: No MSY; 70 percent taken in federal waters.

The means and percentiles were presented for the Hawaii Archipelago species.

For proposed options for Council action included 1) Consider SSC recommendations on ABCs and potential guidance on ACLs and establish ACLs for these miscellaneous insular stocks; 2) Lobster 75th percentile equals 33,000 pounds to equal the ABC; 3) Pelagic squid 75th percentile equals 8,251 pounds to equal the ABC; 4) Octopus 75th percentile equals 30,209 pounds to equal the ABC; 5) Opihi 75th percentile equals 14,460 pounds to equal the ABC; 6) Kona crab 75th percentile equals 27,563 pounds to equal the ABC; 7) Roundscad MSY equals 286,000 pounds to equal the ABC; 8) Bigeye scad MSY equals 610,000 pounds to equal the ABC; 9) Black coral MSY equals 115,269 pounds to equal the ABC; and 10) Deepwater shrimp MSY equals 282,112 pounds to equal the ABC.

Discussion

Itano said there are two species of opelu, macrosoma and macarellus, and a couple of opihi species.

Oishi said three species of opihi are collected, with a fourth species more common in the NWHI with some overlap with Kauai.

4. Akule/Opelu

This item was covered under an earlier agenda item.

5. Black Coral

This item was covered under an earlier agenda item.

E. EFH and Habitat Areas of Particular Concern (HAPC)

Mark Mitsuyasu, Council staff member, presented information regarding EFH, which is a requirement included in the 1996 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Requirements for designating EFH for bottomfish in the Hawaii Archipelago included a) Use of best available science; b) Use of clear geographic reference points or a defined area; c) It should be static; and d) There is more flexible guidance for designating EFH when pertinent information is sparse.

NMFS EFH guidelines state that the quality of the available data should be rated using a four level system as follows: Level 1: all that is known is the occurrence of a species based on distribution data for all or part of the geographic range of the species. Level 2: data on habitat-related densities or relative abundance of the species where available. Level 3: data on growth, reproduction or survival rates within habitat were available. Level 4: data on production rates by habitat.

Mitsuyasu presented the following background with regards to the MHI Bottomfish EFH and HAPCs. There are 14 managed species. Current EFH designation for bottomfish is characterized in two sets. The first designation is for eggs and larvae, which is from 0 to 400 meters, from shore out to the EEZ. The second designation is for juveniles and adults, which is from 0 to 400 meters, which would include the entire EEZ. HAPC, which is a subset or more refined area, is designated as 40 to 280 meters. Three known bottomfish juvenile habitat were included, two off of Oahu and one off of Molokai. PIRO contracted Chris Kelley and his team to review new scientific information to update Hawaii Bottomfish EFH and HAPC. The review was completed in 2010. In April 2011 there was an independent review of new life history, habitat mapping and other ecosystem information. There were three external reviews. The reviewed findings will be forwarded to the SSC and Council for review and Council action in June 2012.

The evaluation resulted in a proposal of 16 HAPC discrete areas across the MHI. Out of the review there was an updated Appendix 3 with all of the new life history information that was taken to the Western Pacific Stock Assessment Review (WPSAR), which was held in April.

1. WPSAR Report

Skillman presented a summary of the background and results of the recent Working Group meeting, the findings the working group made after review of the Terms of Reference

(TOR), background information, the EFH and HAPCs and the recommendations based on the findings.

Findings with regard to the TOR life history information included the following: a) The information was adequate and useful for use in developing the designations, primarily at the lowest level, Level 1; b) Groundfish information was completely lacking; c) Information mostly came from daytime observations; d) More current information available on age and growth, the MHI differences, reproductive biology; e) Investigate settlement marks on otoliths; f) Increase aging and longevity research; g) Resolve depth range discrepancies between EFH tables and life history summary; h) Clarify depth designations used, water column, bottom depth beginning from shore; g) Conduct night observations of habitat utilization; h) Increase tagging work, habitat use, movements; i) Investigate location and depth of spawning; and j) Investigate depth distribution of eggs and post hatch pelagic stages.

The TOR EFH designation findings included a) EFH document and tables do not correspond; b) Current life stage categories inappropriate for EFH purposes; c) Bottomfish no action alternative is not recommended, as it does not make use of current data and ignores the new guidelines; d) Bottomfish Action Alternative 1 is not recommended, as the habitat utilization is different by species within the three species complexes not addressed; e) Supports the use of shallow, intermediate and deep species complexes and the pelagic, benthic and benthic-pelagic water column habitat areas; f) Bottomfish Action Alternative 2 is recommended. It is the most complete use of available current information, includes all species in the MUS, life stages, water column habitat area utilization. Thus it makes the most of Level 1 data in meeting the Guidelines and the Guidance; g) Bottomfish Action Alternative 3 is not recommended as it ignores majority of MUS though sufficient data are available for their inclusion; h) Ignores a significant aspect of the Guidelines and Guidance; and i) Groundfish No Action Alternative, Action Alternative 1 and Action Alternative 2 are not recommended.

EFH designation recommendations included a) Use eggs, post hatch, post settlement and subadult to adult life stage designations; b) Improve the documentation by adding information on almaco jack, *S. rivoliana*; c) EFH definition should include description of benthic habitats; d) Add a groundfish No Action Alternative equal to the current designation; e) Groundfish EFH maps need to be provided; f) Resolve groundfish text and tables inconsistencies regarding latitude and longitude limitations; g) Life history and habitat utilization documentation needs to be provided for groundfish; h) New Groundfish Action Alternative 3 with Hancock Seamounts by each species in MUS, small discrete boundary; i) Cross Seamount for *Beryx splendens*, small discrete boundary; and j) Other areas in EEZ having significant MUS abundance.

TOR 4 HAPC findings included a) Fishing anchors and derelict fishing gear not shown to substantially impact bottomfish habitat; b) Recommended seven of 16 HAPCs, Kaena Point, Kaneohe Bay, Makapuu Point, Penguin Bank, Pailolo, North Kahoolawe and Hilo; and c) Did not recommend nine of the 16 HAPCs, Middle Bank, Kaula Rock, Niihau, Northwest Kauai, North Molokai, Hana, South Kahoolawe, Kohala, South Point.

Reasons for rejecting proposals included a) No compelling evidence that any single location near the NHWI-MHI boundary contributed significantly to connectivity; b) Benthic

sessile invertebrate beds were not shown to be essential bottomfish habitat; and c) Rare habitats not shown to be of any special importance as bottomfish habitat.

TOR 4 HAPC recommendations included a) Improve information on spawning grounds and nursery grounds; b) More concisely delineate critical areas; c) Identify areas of high adult abundance, not just high catches; and d) Maintain separation of criteria for establishing HAPCs from that of BRFA's.

2. Options for Hawaii BMUS EFH/HAPC

Mitsuyasu reported the options for refining EFH designations for shallow and deepwater bottomfish species in the Hawaii Archipelago: 1) No action, EFH designation for bottomfish remain the same; 2) Shallow, intermediate and deepwater complexes with individual EFH definitions for all species and life stages, eggs, post hatch pelagic and post settlement and subadult to adult; and 3) Shallow, intermediate and deepwater complexes with individual EFH definitions for Deep 7 species and life stages, eggs, post hatch pelagic, post settlement and sub adult to adult.

The three options presented for refining EFH Designations for seamount groundfish species in the Hawaii Archipelago included 1) No action, EFH for groundfish remain the same; 2) Define EFH for specific life stages and add area specific boundary designations for groundfish at Cross Seamount; and 3) Define species specific EFH for life stages and remove the area specific designation for groundfish.

The options presented for refining and/or designating HAPC for bottomfish in the Hawaii Archipelago included 1) No action alternative, which is the current designations; 2) Sixteen defined HAPC areas; and 3) Seven defined HAPC areas.

The options presented for defining HAPC for seamount groundfish in the Hawaiian Island Archipelago included 1) No action and 2) Define HAPC areas as defined by the WPSAR Group.

Council action was if the Council feels there is an adequate range of options for both the bottomfish and the seamount groundfish, staff will go and further flesh out the amendment document and work to fill in the data gaps that the WPSAR Committee found with regards to some of the life history information and background information.

Discussion

Duenas asked if the designations are to become BRFA's. Mitsuyasu said no, the designation of EFH and HAPC would require consultation if a federally funded activity were proposed to occur in the area.

3. Status Report on American Samoa, Guam, CNMI and PRIA Review

Chris Kelley, project contractor, presented updated information of the review of the South Pacific Bottomfish EFH Designations for the US Pacific Islands using the same approach for the work in the Hawaii Archipelago.

Review and update of life history information included a) Species consist of BMUS species found throughout the WPR; b) Mostly involves updating Appendix 3 information; c) Not much data available, but interviews and research are ongoing; and d) Published material is expected addressing two species of ehu.

Review and recommendations for EFH information included 1) Benthic Habitat Group multibeam sonar mapping used to develop EFH boundaries; 2) One single EFH definition for South Pacific, which is the eggs and larvae from shore to the EEZ down to 400 meters and juveniles and adults, 0 to 400 meters. HAPC is defined as all slopes and escarpments from 40 to 280 meters; 3) If revised EFH designations are approved, the EFH designations, must consider should the designations be applied to the Pacific Island bottomfish as applied to Hawaii Archipelago bottomfish; 4) Data may be insufficient for consideration of species EFH, which will have an impact on determination of complex EFHs; 5) EFH area estimates for CNMI, American Samoa and Guam are approximately one-fourth of EFH area in the MHI, but much more spread out; 6) Maps depicting 30 individual features, eight areas in Guam, 15 areas in CNMI and seven in American Samoa which included bottomfish depths; and 7) Did not include features which had a single fathometer sounding. When more data is achieved, more EFH areas will be added.

Kelley reviewed the egg and larval EFH information. Guam and CNMI are broken out as submanagement areas, but the suggestion was to combine the two for larval EFH. Maps depict areas in Guam, CNMI and American Samoa for egg and larval EFH, as well as the shallow, intermediate and deep complexes.

The review and recommendations for HAPCs included 1) No modeling for genetic connectivity is available for American Samoa and CNMI; and 2) Viewpoint that the smaller the area, the greater chance it would get overfished if there was an intensification of fishing effort in that area, such as Middle Bank and Kaula Bank in the Hawaii Archipelago with the closure of the NWHI. Therefore, the areas deserve closer monitoring. Kelley concluded that if ecological importance is the primary candidate by which HAPC is designated and every potential candidate has to meet that criteria before any other criteria is examined then HAPCs cannot be designated for the CNMI because data does not exist. There is no nursery data, spawning data or any other types of data that I am aware of for that area anywhere.

Discussion

Itano asked if information on the South Bank, Southeast and Northeast Bank were included. Kelley said yes, they are listed under the new names of Tulaga and Papatua.

Michael Park, co-lead on the project, said they are reviewing EFH boundaries for other MUS, such as pelagics, deepwater precious corals, coral reef species and seamounts and expect a report to be ready for review by the October meeting.

Duenas noted some missed banks that are very productive in the Guam region, such as Pathfinder. Kelley replied that where there was only a single fathometer sounding he ruled out including it as it was difficult to draw a polygon around a single sounding. Duenas invited Kelley to meet with the fishing community to get information on the seamounts.

F. Western Pacific Sustainable Fisheries Fund

Kingma reported information related to the Pacific Insular Area Fishing Agreements (PIAFAs) section contained in the MSA with regard to foreign fishing access in the WPR. MCPs outline conservation and management objectives for foreign access fees into the areas around American Samoa, Guam, CNMI and the PRIAs. Before entering into any PIAFA, the Council must develop a three-year MCP providing use and details on any funds collected from access fees. Payments made to the Secretary of Commerce for foreign fishing are deposited into the Western Pacific Sustainable Fisheries Fund. Kingma noted there have not been any PIAFAs ever agreed to or negotiated within the WPR to date. Another provision provides that any amounts received from the US government from fines and penalties from illegal foreign fishing in the PRIAs, as well as contributions received in support of conservation and management objectives, are deposited into the Sustainable Fisheries Fund. The Council's Sustainable Fisheries Fund MCP expired in April 2011. A new MCP must be approved. The MCP includes conservation and management objectives that are consistent with the MSA Section 204(e)(4), as well as management objectives in the FEP for the PRIA, which provides for research and data collection, education and outreach, regional cooperation, technology development to support monitoring, control and surveillance (MCS) activities, Western Pacific Community Demonstration Projects and PIAFA observer coverage primarily focused on the pelagic resources outside of the monument.

Projects listed in the MCP include a) Cooperative research on U.S. purse seine vessels that are fishing on FADs to understand and reduce juvenile bigeye incidental catch; b) Tagging studies to provide better understanding on the movement of pelagic species; c) Collection and analysis of life history characteristics through biosampling of MUS, including reef fish, bottomfish and pelagic species; d) Comparing life history information to fished and unfished populations; e) Education and outreach activities related to sustainable fisheries management; f) Participation in regional fora for the purposes of conservation and management of domestic and international fisheries; g) Development of MCS technologies and remote monitoring technologies; h) Support for observer coverage for PIAFAs; i) Participation in Pacific-wide vessel monitoring systems (VMS) consultations; j) Any Western Pacific Community Demonstration Projects, Community Development Program related to the PRIAs that would be focused on providing access to fisheries for eligible Western Pacific communities as consistent and listed in the provisions of the MSA; and k) A list of activities for Hawaii and Hawaii projects.

Council action options included 1) Consider improving the Sustainable Fisheries Fund MCP; 2) Transmit to the Secretary of Commerce for approval; and 3) After NMFS approval, publish a Federal Register Notice valid for three years.

Discussion

Duenas asked if a template is available for use to develop a PIAFA. Kingma said no, but the MSA has a general process that requires the governor to request the Secretary of Commerce and Secretary of State to begin negotiations with the foreign fishing nation and the Territory. Tosatto added the PIAFA remains an agreement between the US government and the government of the foreign nation. Currently there is only one PIAFA in place with Canada. If there is interest, the first step would be to engage the State Department and then seek the governor's support. The lengthy process could take up to four years. Kingma noted that the complexity of the process is probably indicative of why there hasn't been any PIAFAs to date.

G. Community Activities and Issues

1. Hawaii Regulatory Review Initiatives

This agenda item was deferred.

2. Aha Moku

This item was reported under another agenda item.

H. MHI Bottomfish Highliners Meeting

Morioka reported the results of the MHI Bottomfish Highliners meeting held April 1 as part of an ongoing series bringing fishermen and scientists together to achieve greater involvement in the Council process and improve understanding of each other's interests and concerns. Topics addressed during the meeting included the MHI bottomfish stock assessment presented by Jon Brodziak; the SSC's TAC recommendation of 383,000 pounds; the development and implications of an ACL and accountability measures; CMSP policy; how to bridge the science and the fishermen together; the regulatory review process; fishery independent research (presented by Dr. Don Kobayashi, which was well received); acoustic tagging results demonstrating that Deep7 species traverse deepwater complexes; an update on genetic research presented by Kim Andrews from the Hawaii Institute of Marine Biology; and review of the bottomfish tagging and biosampling effort, presented by Clay Tam from the Pacific Islands Fisheries Group.

Morioka reiterated the importance of collaborative science going both ways. When fishermen and researchers learn more about each other, the outcomes result in a better product.

Morioka reviewed some of the concerns noted by the fishermen: The MHI bottomfish trip reporting requirement; enforcement issues; unreported sales; tag limits for the noncommercial sector; shark feeding ventures; not enough feedback provided to bottomfish

fishermen on BRFA's; the importance of having federal and state bottomfish management rules mirror each other and the preference of them having no exceptions, that they be parallel; the absence of noncommercial sector data; request that an option be provided to extend the allowable sale of bottomfish caught on the day of a closure, such as seven days; request for clarification on why the commercial marine license (CML) language requires everyone aboard to have a CML license and the preference to allow the boat captain to be able to hold open CMLs to allow guest fishermen aboard to make the trip legal and not be subject to penalties; and the National Saltwater Angler Registry language on nonfishing individuals aboard a vessel needs to be further clarified.

I. Plan Team Recommendations

Sabater reported that the Hawaii FEP Plan Team met April 12 to 13, 2011, with representatives from HDAR, PIRO and PIFSC. Topics included the status of the fishery monitoring programs and research projects, status of the coral reef fisheries, crustaceans, precious corals, bottomfish, particularly on the TAC, ACLs and recreational permits and reporting, fisheries data collection improvement and research. In a joint session with the Advisory Panel topics covered included national fisheries mandates, such as CMSP and ACLs and upcoming fishery management actions and the Kona crab project.

The Hawaii Plan Team recommendations were as follows:

- *In regards to the State of Hawaii bottomfish regulatory changes*, a federal and state collaborative outreach effort should inform the public on the amended bottomfish regulatory and reporting changes. The State should pursue its initial efforts to establish a dealer licensing system.
- *In regards to the noncommercial fishery data reporting*, when the State of Hawaii Annual Bottomfish Registry is up and operational and fully functioning, the Council should consider repealing the federal noncommercial bottomfish permit and reporting requirement. The registry would provide the total bottomfish participants, which CML and nonCML license holders, can be identified. A targeted survey of nonCML holders could be conducted by the Fisheries Science Center and could obtain estimates of catch and effort and other fishery information from this sector. Due to the lack of complimentary mandatory noncommercial bottomfish reporting requirement for State waters the Federal requirement is ineffective in achieving its original purpose.
- *In regards to the annual report*, the management leads of PIFSC, PIRO and HDAR should assign staff to work with Council staff in drafting the annual report modules for the Hawaii FEP fisheries.
- *In regards to fisheries monitoring, with the increased requirements for permit and reporting in light of ACL management*, the Council should advocate for a corresponding increase in funding to support agencies in achieving the mandate.
- *In regards to the species list for ACL specification*, for the initial Coral Reef Ecosystem ACL specification, the specification should be made for species that comprise 90 percent

of the total coral reef catch. These species should be grouped into family and ACLs specified for each family. The species that comprise the remaining 10 percent should be grouped into a single complex and an ACL be specified for the group as a whole. Species that are of management importance/vulnerable/rare should be removed from its respective family grouping and ACLs shall be specified individually. For future years, the Plan Team recommends the Council utilize the ecosystem classification and consider moving coral reef species which are not caught at all or for which only a small percentage are caught in Federal waters into the ecosystem component category. Alternatively, the Council should also re-evaluate the need for Federal management of these species and consider removal from the management units.

J. Advisory Panel Recommendations

Watamura, Advisory Panel chair, presented the Panel's recommendations as follows:

- *In regards to the State of Hawaii bottomfish regulatory changes and the WPSAR Review on EFH and HAPC*, the Council should provide the State of Hawaii with the results of the WPSAR Review on proposed bottomfish and EFH and HAPC and continue to request that they open the BRFA's to fishing. The BRFA's were created to protect spawning areas, and according to the WPSAR Review the proposed HAPC's that overlap the existing BRFA's are not proven to be recruitment or spawning areas.
- *In regards to the MHI bottomfish ACL*, the Council, in light of the first year of trip reporting, should establish an ACL equal to the ABC at the TAC recommendation at 383,000 pounds and an ACT utilizing the SEEM analyses and management uncertainty process at a probability of overfishing not lower than 40 percent, which corresponds to 340,000 pounds.
- *In regards to the noncommercial bottomfish data reporting*, the Council should request the State of Hawaii to establish a reporting requirement for noncommercial bottomfish data collection, including a "did not fish" and "zero catch" report tied to those vessels registered as recreational or noncommercial as a condition of the State's Annual Bottomfish Vessel Registry to complement the federal Noncommercial Bottomfish Permit on a jointly managed species complex. The data collected could be used to determine the number of annual trips and pounds per registered vessel, targeted species and areas fished.
- *In regards to the Kona crab stock assessment*, the Council should look into collecting other information from the Kona crab fishery, as an example, habitat preference, noncommercial fishery participation and catch, change in regulations, et cetera, to determine an accurate ACL for the fishery.
- *In regards to life history data collection and biosampling*, the Council should continue to pursue collaboration with other groups to collect life history information to aid in development of the accurate stock assessment and ACLs.

- *In regards to limited entry criteria and environmental monitoring for offshore aquaculture*, the Council should include criteria for revoking permits if escapes are found to have negative impacts on the environment. The Council should also include in the reporting requirements that escape events should be required to be filed with NMFS within 24 hours and that negligence and escapes be considered in an annual permit review to be established by the Council and NMFS.
- *In regards to noncommercial data options*, the Council should choose the simplest option for ease of reporting by recreational fishermen.
- *In regards to aquaculture*, the criteria for limited entry should include restrictions on gear to minimize escapes, monitoring environmental effects for mandatory markings or tagging of cultured fish and utilizing federal observers.
- *In regards to CMSP*, any CMSP effort in Hawaii should consider establishing permanent shipping lanes or routes that would avoid important fishing areas.

K. Regional Ecosystem Advisory Committee (REAC) Recommendations

Itano reported that the Hawaii Archipelago FEP REAC met on April 20, 2011, with broad participation. Topics addressed included CMSP, Pacific Islands Information Ocean Observing System (PacIOOS) and protected species. He referred Council members to the seven recommendations included in their Council materials.

- *Regarding CMSP*, the NOC, and the to-be established Pacific Regional Planning Body, should actively engage communities in Hawaii to ensure that national CMSP policies properly account for Hawaii's unique natural and cultural resources.
- *Regarding CMSP*, the to-be established Pacific Regional Planning Body be further divided into sub-regional groups that separately consider unique culture and resources of Hawaii, Marianas and American Samoa Archipelagos and funding be provided to support this effort.
- *Regarding CMSP*, the counties in the State of Hawaii should be included in the Hawaii sub-regional group.
- *Regarding CMSP data*, available data held by federal agencies (e.g., NOS NCCOS) should be provided to PacIOOS for use in furthering developing its online CMSP data tools.
- *Regarding monk seals*, NOAA Fisheries should work with Hawaii fishermen to inform them of reporting systems for monk seal–fishermen interaction issues as well as process to deal with nuisance animals.
- *Regarding aquaculture*, the Hawaiian Islands Humpback Whale National Marine Sanctuary should include the aquaculture industry and fishing industry in its June 2011 aquaculture workshop.
- *Regarding the insular false killer whale proposed for ESA listing*, Council staff should work with NMFS to summarize the details included in the NMFS status review report regarding the negative effects of the high contaminant levels, the methodology adopted

for estimating past and current population of Hawaiian insular false killer whales, and prey competition with fisheries.

L. SSC Recommendations

Charles Daxboeck, SSC member, reported the SSC recommendations and endorsements:

- The SSC endorsed the notion of the continuation of Council-funded internships for degree programs at institutions of higher education.
- *With respect to the ACLs for miscellaneous CREMUS*, Hawaii akule, opelu, mollusk, and non-CREMUS, Kona crab, deepwater shrimp, lobster and precious corals, the SSC recommended for species such as the Hawaii akule and opelu, where studies have been conducted MSY be used to establish an ABC. For species or species assemblages with studies containing MSY estimates, but no current harvest, such as the CNMI deepwater shrimp, the ABC should be set at .7 times the F at MSY. For all other species where an assessment is not available the SSC recommended using 1.0 times the 75th percentile of the entire catch time series as the ABC.
- *With respect to the ACL working groups*, the SSC endorsed the methodologies developed by the Council's P-Star and SEEM Working Groups. The SSC recommended a P-Star of 40.8 percent as estimated by the P-Star Working Group. Assuming the Council endorses a P-Star of 40.8 percent, the SSC set the ABC for the Deep7 MHI bottomfish at 346,000 pounds and recommends an ACT of 325,000 pounds.
- *With respect to EFH and HAPC designation*, the SSC supported the WPSAR recommendations as a preliminarily preferred alternative.
- *With regard to the Plan Team report*, the SSC endorsed the recommendations contained therein.

Discussion

Duenas asked for clarification as to whether the 346,000 pounds of bottomfish is an ACT as opposed to an ACL. Daxboeck explained the amount is an ACT and will act as a buffer.

Duenas asked for further clarification as to whether setting an ACT will meet the Magnuson mandate. Pautzke replied in the affirmative.

Simonds clarified that, according to the PIRO website regarding definitions, the ACT control rule means a specified approach to setting the ACT for each stock or stock complex such that the risk of exceeding the ACL due to management uncertainty is at an acceptably low level. She added that the Council needs to convey to the public and the press that the target, ACT, is really a quota for the fishery for the season.

M. Public Comment

Nakagawa said, with regard to State of Hawaii BRFA's, studies on spawning and physical evidence of spawning in the areas would be beneficial for fishermen to be aware of for use in rotation of the grounds to enhance sustainability. He did not favor the use of ACLs because in the event of an overage the fishermen suffer the consequences with a decreased catch the next year. He supported an ACT and trip-by-trip reporting as he believes it provides a more accurate count.

N. Council Discussion and Action

- ***In regards to data collection, the Council will continue to collaborate with other agencies and organizations to collect basic fishery information, life history, habitat preference, et cetera, to aid in the development of accurate stock assessments and ACLs.***

Moved by Itano; seconded by Duerr.

Motion passed.

- ***In regards to the Hawaii Archipelago FEP annual report, the Council requested PIFSC, PIRO and HDAR to assign management leads to work with Council staff in drafting the various annual report modules.***

Moved by Itano; seconded by Duerr.

Motion passed.

Oishi asked for clarification as to the workload projected in working with the annual report modules. Sabater replied the data query would be standard over the years and once the initial report is drafted it's more of a matter of updating the numbers each year.

- ***In regards to Hawaii bottomfish, the Council directed staff to draft an amendment to the Hawaii Archipelago FEP to revise the Hawaii BMUS EFH and HAPC designations as included in the options document. In addition, staff should send a letter to NMFS to address the findings and recommendations from the Hawaii Archipelago Bottomfish and Seamount Groundfish EFH and HAPC independent WPSAR Review. These findings and recommendations should also be considered in the current review of the American Samoa, Guam and CNMI EFH and HAPC bottomfish designations.***

Moved by Itano; seconded by Duerr.

Motion passed.

Tosatto asked for clarification as to directing staff to draft an amendment to revise EFH meant as included in the options document. Mitsuyasu replied in the affirmative.

- ***In regards to the Hawaii bottomfish, the Council selected Alternative 5, which corresponds to a P-Star range of 40 to 44 percent. Specifically, the Council recommended a risk of overfishing, P-Star, of 40.8 and accepts the SSC's recommended ABC of 346,000 pounds for the MHI Deep7 bottomfish fishery for fishing year 2011-2012. The Council further recommended an ACL for the MHI Deep7 Bottomfish fishery for fishing year 2011-2012 that is set equal to the ABC. To ensure that the ACL is not exceeded, the Council recommended the ACL be reduced by 6 percent based on the SEEM recommendation to set the ACT at 325,000 pounds. Therefore, the 2011-2012 MHI bottomfish season quota was set at 325,000 pounds.***

Moved by Itano; seconded by Duerr.

Motion passed.

Oishi asked for confirmation that there would be no penalty for an overage of an ACT. Duenas replied in the affirmative, as the ACT acts as a buffer.

Martin appreciated the work done to arrive at the recommendation and noted that it is a conservation approach. Tosatto also appreciated the work by all staff.

- ***In regards to Hawaii bottomfish, the Council directed staff to inform the Hawaii bottomfish fishing community about upcoming management initiatives prior to the opening of the fishery on September 1, including a) implementation of an annual quota for Deep7 bottomfish; b) changes to the State of Hawaii annual BF vessel registry and reporting; and c) federal noncommercial bottomfish permit and reporting.***

Moved by Itano; seconded by Duerr.

Motion passed.

Simonds suggested use of the word "quota" in place of ACL as it is a term with which fishermen and public are familiar.

Oishi noted currently the law does not require reporting as a function of the vessel registry, but only registering of the vessel. Oishi added individuals can be identified from the registry to pursue voluntary reporting. Mitsuyasu added the vessel registry applies to commercial and noncommercial vessels and the reporting refers to the trip reports of the commercial sector.

- ***In regards to Hawaii bottomfish, the Council directed staff to work with HDAR to explore options to capture noncommercial bottomfish information based on the implementation of the new annual BF vessel registry program. Options could include linking reporting requirements, establishing a targeted survey of the noncommercial segment of registered BF vessel owners or leveraging the Hawaii Marine Recreational Fishing Survey (HMRFS) to survey the noncommercial segment. In addition, the staff should explore options to establish a seafood dealer licensing program to which the existing dealer reporting requirement would be tied.***

Moved by Itano; seconded by Leialoha.
Motion passed.

- **In regards to Hawaii bottomfish, the Council directed staff to forward the outcomes of the bottomfish highliners meeting to the State of Hawaii for consideration to improve the commercial marine license and reporting program, vessel registration and inconsistencies between federal and state bottomfish regulations.**

Moved by Itano; seconded by Leialoha.
Motion passed.

- **In regards to the Sustainable Fishery Fund, MCP, the Council approved the plan 10.F(1)-Rev. 1 as presented.**

Moved by Itano; seconded by Leialoha.
Motion passed with abstention by Tosatto.

11. Program Planning and Research

A. ACL Analysis for Coral Reef Finfish Fisheries (Action Item)

Sabater summarized the analysis conducted to develop ACLs for the coral reef finfish fisheries in the WPR with all alternative options. The 2006 reauthorized MSA required the development of ACLs not to exceed the fishing level recommendations of the SSC, as well as measures to ensure accountability. The list of action and alternatives were presented with explanation of the analysis.

- Action 1: Specify Level of Species Aggregation
 - Alternative 1A, no action, all CREMUS
 - Alternative 1B, single aggregated CREMUS
 - Alternative 1C, CREMUS groups only for top 90 percent of Coral Reef catch
 - Alternative 1D, individual CREMUS groups
 - 1E, highest taxon resolution in the database, but only the top of 90 percent

Sabater presented information used in the species level analysis as well as the family level analysis, as well as pros and cons of the alternative options.

- Action 2: Specify Definition of Recent Catch
 - Alternative 2A, arithmetic mean
 - Alternative 2B, arithmetic mean plus 1 level of standard deviation
 - Alternative 2C, arithmetic mean plus 2 levels of standard deviation
 - Alternative 2D, geometric mean
 - 2E, 75th percentile
 - 2F, 95th percentile

Sabater presented information regarding the analysis of arithmetic mean and standard deviation, as well as the geometric mean and percentiles in the regions, as well as pros and cons of the alternative options. The SSC preferred the use of 75th percentile option.

- Action 3: Specify Application of ABC Control Rule
 - Alternative 3A, no Action, use default control rule
 - 3B, utilize factor above 1.0

Sabater presented information used in the analysis of average catch in the Guam commercial reef fish fishery, catch versus biomass, CRED surveys from FDM to Guam Banks, size frequency distribution and catch trend data of the coral reef species, as well as pros and cons of the alternative options.

- Action 4: Establishing Accountability Measures
 - 4A, no action, will not identify Accountability Measures
 - 4B, in-season closure
 - 4C, in-season closure with ACT

Sabater noted no alternative was chosen by the SSC on this action because there is no real-time monitoring or in-season monitoring. The SSC suggested NMFS should try to find a way to monitor the catch throughout the fishing year.

The list of Council action options included 1) For the Council to accept the SSC recommendation to aggregate to family level for coral reef MUS comprising 90 percent of the total catch and bin the remaining 10 percent into one complex with a proviso that rare and vulnerable species will be removed from the groupings and analyzed separately when specifying ABCs and ACLs; 2) Utilize the 75th percentile of the entire time series to define recent catch; 3) Apply Tier 5 ABC Control Rule of recent catch, here defined as the 75th percentile; 4) SSC did not provide any recommendations on accountability measures; and 5) How to specify the ACLs.

Sabater presented the following for Council's guidance:

- The National Standard 1 does not provide any guidance on how to specify the ACLs. However, the amendment provides three methods: 1) Conduct a SEEM Analysis for 52 groups. A) The SEEM criteria will be the same as the recently concluded MHI bottomfish. Thus, result may be the same, which means the SEEM scores may result in an ACL equal to an ABC. B) Will be burdensome to run a SEEM for 52 groups. C) Qualitative process is more defined.
- Utilize a percentage reduction, or buffer, from the ABC. A) Gives Council more flexibility in setting the ACLs. B) Based on expert opinion and consensus building. C) Purely qualitative process.
- Use an ACT. A) Could use SEEM analysis.

Sabater offered some definitions for clarification. The Minimum Stock Size Threshold (MSST) is the greater of one-half the MSY stock size or the minimum stock size at which rebuilding to the MSY level would be expected to occur within ten years if the stocks were

exploited at the specified minimum fishery mortality threshold. A stock would be considered overfished if the size in a given year fell below that threshold. Can also use one-half of pristine biomass, which is almost impossible to estimate. MSST was defined as one-half of fished biomass. Pristine biomass is higher than fished biomass, thus using fished biomass will be more conservative.

Discussion

Palacios asked what options would be available when reporting improvements are made in the upcoming year so that CNMI reported numbers are higher than the years during poor reporting. Sabater replied a proviso could be added in the amendment to address increases due to improvements in data collection. Dalzell noted that the Caribbean Council included an accountability measure that provided for a new specification if the limit was exceeded due to improvements in reporting. He added the coral reef fishery catch is a very small percentage and data reporting is a dynamic process where improvements will be made.

Palacios appreciated their response and voiced a concern that the better reporting could be used against CNMI in the determination of the limits.

Taitague expressed concern in regards to nighttime fishermen catch reports being missed. Sword noted that the amount of information reported for Guam was very impressive.

Duenas said he agreed with the numbers reported for Guam, but they seem to represent the daytime species.

Dalzell noted that a summary of information on biological studies of reef fish conducted in American Samoa, Guam, CNMI and Hawaii was included. One published study of the red-gilled emperor in the Northern Marianas showed that the most heavily targeted reef fish was only moderately exploited. One paper coming out of Guam after review by SSC members to look at the estimates of exploitation rate was then found to have been deliberate manipulation of the data to show a very bad result. In comparing mortality rates inside and outside an MPA an equation was used to compute a natural mortality rate much lower for the exploited portion of the stock to give the impression of overexploitation. Dalzell reassured the Council members the SSC and PIRO will review and take note of all information.

Pautzke pointed out the example of the New England scallop amendment, where the limit is a survey-based determination rather than data-based. Therefore, if the survey determines more scallops are available, there is no penalty for going over the ACL.

Simonds suggested giving the CNMI an opportunity to go back and review its data with Dave Hamm and others and report the results to the Council in a few months. Sabater added he worked closely with Hamm and at this point there is nothing he can do to come up with the true catch. Palacios said the data was not complete.

Duenas asked Sabater if he consulted with Eric Cruz on the Guam information. Sabater said he did and with the WestPacFIN database. Duenas said the Guam information is comprehensive.

B. Offshore Aquaculture

1. Report on Experimental Offshore Aquaculture Project

Tosatto reported the permit has not yet been issued, but the process is in the final stages of the development of an Environmental Analysis (EA) document and when completed a decision will be made regarding the permit. The project has been modified based on an operational trial of the towed submerged aquaculture pods and has been reduced to a single pod to be towed by a sailboat to take advantage of the ocean eddies.

Discussion

Itano asked for clarification as to how long the pods have been floating and if the sailboat was capable of positioning the pod against currents. Tosatto said he did not know how long and there is no requirement for them to report their leave and return time. The operational test is outside of the permitting requirement. The idea is to use the circulating current to keep them in a general operating area, not one specific position.

2. Limited Entry for Aquaculture (Action Item)

DeMello presented options for limited entry and environmental monitoring for offshore aquaculture. He presented background information. Under the MSA, aquaculture is considered fishing. The Council definition of aquaculture is the raising and cultivation of plants or animals, both freshwater and marine, for food or other purposes, including fish farming, fish culturing, ocean ranching and mariculture. The Council developed an aquaculture policy in 2006. NOAA and the Department of Commerce recently finalized aquaculture policies. The NOAA policy does not incorporate some of the Council points, including using native species for aquaculture or other concerns that the Council pointed out. At the 148th Council meeting the Council recommended permitting for aquaculture in the EEZ, to include limited entry criteria and environmental monitoring.

DeMello said the purpose and need for the proposed action is the increase of aquaculture operations and expressed interest to begin operations in Hawaii in the recent few years. The options presented included the following:

- Option 1 - No action: Aquaculture is open to everyone and the environmental responsibilities would remain with the agencies with environmental responsibilities. No action would allow for operations and environmental concerns to be handled through the proposed amendment process and allow for growth and development of the industry. The environmental monitoring process remains unclear and there is no limit on number of operations.
- Option 2 - Establish a control date: A control date would be established for any persons interested in developing an aquaculture operation. It allows the Council to

limit participation to a time which the Council chooses and provides a way to gauge interest in the industry. Currently participation is zero in the US, with anecdotal evidence of increasing interest. Setting a control date may restrict the growth and development of the industry.

- Option 3 - Limited entry program: Limited entry would establish a limited entry program for offshore aquaculture. The number of operations would be limited to reduce impacts to protected species and habitat and provides a way to control the expansion of the industry. It would provide private user rights to public resources, may cause a loss of open access to develop operations, may be preferential to a few people, and would increase administrative and enforcement costs. Issues to consider: limits on number of operations, need to develop a process to set limit; entrance requirements, use of control date, lottery and potential qualifications; permitting and renewal requirements, development of leasing terms, business incentives, transferability and renewal requirements; and other restrictions to consider, such as gear restrictions, area restrictions and effort limitation.
- Option 4 - Environmental monitoring: This option would develop an environmental monitoring program. The monitoring would provide environmental protection. Such monitoring would involve additional costs for the part responsible for monitoring and increased administration to collect reports and analyze results. Issues to consider: Who's responsible for the monitoring? What elements should be monitored? State of Hawaii aquaculture requirements could serve as an example. Leasing area of operations process would need to be developed.

Discussion

Duerr spoke in favor of a limited entry, as well as requirement for observers on fish pens and nontransferable permits. He also voiced support for oversight regarding the use of chemicals used by aquaculture operations.

Itano spoke in favor of closely monitoring the development and control of aquaculture operations, as well as observers and VMS onboard. He also recommended having the money and program in place up front. He expressed a concern for large fish die-offs. He reiterated his recommendation to proceed with caution, with close monitoring and careful development.

Duenas asked if a baseline assessment of the environment in the area of the placement of pens is available. He suggested some thought should be given to zone designation for aquaculture operations. DeMello replied that as part of the environmental review there is information on what is in the area pre-operations.

Duerr recommend taxpayers should not be financing observers and the permit process should be such that they pay a permit fee annually to cover observer costs.

Tosatto said he would like to see an option to include burden of monitoring and observation placed on the industry participant. He suggested the Council to review the state of Hawaii program, federal laws that apply to near inshore areas, the Gulf of Mexico aquaculture amendment that is part of the NOAA Aquaculture Policy and how the WPR differs and the

NOAA National Ocean Offshore Aquaculture Act. He spoke in support of a control date since currently there are no operations, as well as in support of limited entry by including a potential case-by-case permitting system or a special permitting system. He said NOAA is interested in promoting aquaculture, creating a balance between imported aquaculture products and US grown aquaculture products and to add a level of stability that is needed for the industry.

Duenas voiced his concern of the aquaculture pens becoming de facto FADs and/or draw fish away from seamounts, impacts to the fishing community and the natural resources.

Oishi suggested instead of limited entry in the traditional sense, to restrict the number of operations at the outset of the fishery to enable the Council to get a handle on all of the issues that arise.

DeMello said Council staff is working on the permitting and review of the permits amendment.

Duerr noted creating zones for operations would be difficult.

Tosatto stated the National Aquaculture Program has agreed to provide the Pacific Islands Region with an aquaculture coordinator position in the near future.

Simonds asked Tosatto if Council comments were received and taken into consideration regarding the Blue Water request. Tosatto assured Simonds all comments were taken into consideration and will be included in the environmental review, which is close to completion.

Itano suggested permitting one operation and closely monitoring it to see how to proceed.

C. Noncommercial Data Collection Options (Action Item)

DeMello presented the options for complete data reporting in the WPR and the background of the action. At the 122nd Council meeting the Council decided that each area would decide for itself how to go about collecting fisheries data to fill in gaps that were identified. At the 146th Council meeting the Council recommended that NMFS and local agencies revise their programs as appropriate. In 2009 a Data Workshop was held to identify gaps in data collection. In 2011 the Plan Team from Guam and American Samoa made recommendations to review the data. The action is proposed to provide the WPR with a method to collect complete and accurate data for the development of accurate stock assessments, ACLs and TAC limits. DeMello reviewed the existing data collection undertaken in each jurisdiction's fisheries of the WPR, the current uses of the existing data programs and a list of the federal gaps in data collection.

The options proposed include the following:

- Option 1 - No action: Continue to collect data under existing programs.
- Option 2 - Develop federal permits and catch report for each existing fishery not currently federally permitted: This would require federal permits and catch reports for all fisheries not currently permitted under federal laws.

- Option 3 - Develop federal surveys for each existing fishery not currently federally permitted: NMFS would have to develop voluntary surveys to collect fishing catch and effort information from all fisheries not currently permitted under federal laws.
- Option 4 - Comprehensive WPR fishing permits and catch reports: This would require federal permits and catch reports for all harvest of federal MUS in federal waters only.
- Option 5 - Comprehensive WPR fishing permits and catch reports: This would require federal permits and catch reports for all harvest of federal MUS in both local and federal waters.

Issues to consider include a) CNMI submerged lands is still unresolved; b) National Standard 7 requires avoiding duplication in data collection; c) Consideration of the example of the MHI of the federal noncommercial bottomfish permit potential impacts, as well as the Pelagic FMP Amendment 14 example; and d) The external review of creel surveys in outer island areas.

Discussion

Palacios said he only recently learned of the requirement for a bottomfish permit in the CNMI. Discussions are scheduled in August and September to meet with NMFS personnel in Saipan to learn what needs to be done to go forward for implementation.

Duenas noted the Guam Volunteer Data Collection Program recently submitted a report of an analysis of the last six years, which shows a snapshot of the fishery and the amount of fish kept by the local community is quite large. There are some funding considerations, but fishermen appreciate that it is not mandated reporting and therefore feel an ownership of the information. Duenas encouraged other areas to get involved with a volunteer data collection program.

D. Coastal and Marine Spatial Planning

Tosatto said there is not much update since his last report on the Administration's NOP framework for CMSP. He is scheduled to attend a National CMSP Workshop in Washington, DC. The workshop objective is to kickoff the regional implementation of CMSP. Immediately after the workshop the NOC should reach out to the governors to begin to develop the non-federal side of the CMSP and kickoff the development of the Regional Planning Bodies, which will undertake the development of a CMSP. Tosatto is the Pacific Islands Region federal co-lead and in the future co-leads will be announced for American Samoa, CNMI and Hawaii.

Discussion

Duenas asked for clarification as to who the representatives will be. Tosatto said the co-leads will be selected from the territory, state and commonwealth and will serve for two years.

Palawski said he was recently asked to participate on behalf of USFWS on regional CMSP activities.

Simonds noted she will be at the national workshop representing the Council. Manny will represent the Governor of Guam; Tulafono, the Governor of American Samoa; and Palacios, the CNMI Governor. Simonds asked Aila who will participate for Hawaii. Aila said he would.

E. Report on Fifth International Marine Debris Conference

This agenda item was deferred.

F. Hawaii, Regional, National & International Education and Outreach

Spalding presented the activities that have taken place since the last Council meeting. Hawaii outreach activities included exhibit booths at community events; classroom lectures; weekly *Go Fish* radio show; and ads and announcements distributed in direct mailings, television radio and the web. Regional outreach activities included completion of two education outreach tools funded through the Coral Reef Conservation Program. An interactive computer game, Island Ecosystems, is geared toward middle school grades and was developed based on Fish Quest curricula. Ten video podcasts for students and fishermen were also developed. The *Pacific Islands Fishery News* newsletter continues. The Pacific Islands Fishery Monograph Series 3 contains the American Samoa Fishery Ecosystem Report. In the CNMI, there are the KKMP radio show on Saipan and Council postings on the new CNMI skin dive website, www.peska670sd.com. Direct mailings have occurred, and ads were placed in the *Marianas Fishing Magazine* and American Samoa newspapers. Q-Mark is conducting focus groups regarding the effectiveness of the traditional lunar calendar in American Samoa, Guam and CNMI as an outreach tool.

National and international outreach activities included a Regional Fishery Management Council (RFMC) brochure for the National CMSP Workshop scheduled for June 2011; review of the NOAA FishWatch website; an organizational teleconference to organize the Managing Our Nation's Fisheries 3 in D.C. in 2012; involvement in the Councils, Commissions and NOAA Fisheries Communication Working Group; participation in the Capitol Hill Ocean Week, NOAA Fish Fry and Sustainable Fisheries Panels in Washington, DC, during the International Ocean Week; articles in newsletters; the book of the Ecosystem Workshop proceedings will be available to the public in July; and funding proposals were submitted to the CRCP for 2011 to 2014 and Preserve America for 2011, but not accepted. Upcoming events include the International Pacific Marine Educators Network, National Marine Educators Association, CMSP Workshop for US Pacific island communities, World Environmental Education Congress, Pacific Oceans Conference, Fishing People of the North Conference and the Wildlife Society's Traditional Knowledge strand.

1. Report on the Q-Mark Survey

Spalding reported the Q-Mark Research involved Oahu focus group of fishermen in March 2010 and a follow-up in 2011 which was supported by the Coral Reef Conservation Program funding as an evaluation of the effectiveness of the Council's outreach activities. A communications framework was developed to convey four simple messages regarding the Council's function and process to the fishermen. The 2010 results were evaluated and compared

to the 2011 results which showed improved awareness of and engagement with the Council and Council community activities. Consistent responses between the two surveys included a) Fishermen thought the changes in fish stocks over the years were due to lack of enforcement of fishing rules and regulations; b) Both focus groups preferred contact via direct mailings, television and newspapers; and c) Information on fishing regulations and enforcement and cultural practices and values were the topics of most interest. Inconsistent responses between the two surveys included the 2010 results indicated belief fishing activities increased on Oahu and are now overfished and fishers are taking juvenile fish. The results in 2011 indicated the opinion the media claims of no more fish is not supported by fact and that there are just different kinds of fish. A new question posed in 2011 was regarding preferred meeting venue. The fishermen preferred parks or places that serve beer.

G. Council Comments on Federal Register Notices

1. Executive Order 13565: Reducing Regulatory Burden

Pautzke presented information on Executive Order (EO) 13653 regarding Reducing Regulatory Burden. The EO requires all federal agencies to adopt a regulation only upon determination that its benefits justify its cost; to tailor regulations to impose the least burden; to select management approaches that maximize net benefits; to specify performance objectives; and to identify and access available alternatives to direct regulation to encourage the desired behavior. The EO includes an adoption of regulations will include public participation; encourages greater coordination between agencies to reduce or eliminate regulatory redundancies; states that the agency will identify and consider regulatory approaches that reduce burdens on the public; requires that regulations be based on scientific integrity; requires a retrospective analysis of existing rules; analyses to be released online; agency will develop a preliminary plan within 120 days of January 21st, 2011, date the EO was published; and under the plan, the agency will periodically review its existing significant regulations to identify if any regulations would be modified or appealed. The EO applies to all federal agencies.

The focus of DOC plan includes economies of 100 million or more annually or it affects economies in a material way; anything that creates a serious inconsistency; anything that alters budgetary impact of entitlements, grants, user fees or loan programs; and anything that raises novel legal or policy issues arising from legal mandates.

NOAA's draft plan was published. A Federal Register Notice was published requesting information for its preliminary plan to review existing regulations. Comments were accepted to April 4, 2011. Comments were received from the North Pacific and Western Pacific Councils, the Gulf States Marine Fisheries Commission and the chair of the New England Council. The Federal Register Notice stated the retrospective review does not allow NOAA to contravene requirements of statutory mandates as with FMPs and regulations developed by the RFMCs. NOAA's ability to modify, streamline, expand or repeal regulations is similarly constrained. The draft plan includes an explanation of ways for identifying and prioritizing significant regulatory actions that are now unjustified, excessively burdensome or obsolete; describes how those actions will be addressed; and NOAA's discretion over the regulation content is limited by the

MSA, thus must coordinate with the councils, as with other agencies depending on applicable law.

NOAA's Draft Plan was asked to focus on allocations. It intends to look at National Standard 1. Monument regulations will come up through the process at some point through National Ocean Service (NOS).

The Council's comments noted a) the lack of cohesion between NEPA and MSA requirements for timelines and impact statements should be made the same or exceptions should be made; b) all fishery regulations should be promulgated under the MSA by NOAA instead of by USFWS under the Sanctuaries Act; c) all fishery regulations should apply equally across agencies; d) the review process is lengthy, sometimes resulting in regulations that take more than two years to implement. This process should be streamlined; and e) encouraged NOAA to provide press releases when proposed or final rules are published to better promote public participation and an open exchange of views during rule-making.

The North Pacific Fishery comments noted a) while the goal is to make NOAA's regulatory program more effective and less burdensome, the review process should not revisit basic policy or allocation decisions. The EO does not provide further impetus for NOAA's development of a plan or policy to review fishery allocations under catch share programs; and b) it also should not require a wholesale revision of all of the existing regulations.

The DOI released a draft plan, which was published in the Spring of 2011. It includes USFWS review of ESA regulations.

Focus areas for regulatory improvement included efficiency and effectiveness of designation of critical habitat; to clarify, expedite and improve procedures for conservation agreements with landowners; expand opportunities for states to engage in implementation of ESA provisions; and craft multifaceted strategy to address conservation of endangered species.

Discussion

Simonds noted the President also signed into law the Plain Writing Act. Plain writing is concise, simple, meaningful, well organized, avoids jargon, redundancy, ambiguity and obscurity and does not contain unnecessary complexity.

2. Strategic Action Plans for the National Policy for the Stewardship of the Ocean, Our Coasts and the Great Lakes

Tosatto said the recent Listening Session were an opportunity for the public within the region to comment on a series of outlines for Strategic Action Plans that the NOC is developing to implement the priorities identified in NOP, such as CMSP, ecosystem-based management and improving observation monitoring in the Arctic. There is a website to provide comments on the outlines to the plans. A variety of agencies are working on writing the full plans. Draft plans will be released and a public opportunity to comment. Tosatto estimated the strategic plans will take several months to reach the final form and invited comment on the outline of the plans.

H. Status of Funding for Pacific Islands Region Research

Seki reported there has been no decision as to the budget and had nothing else to report.

Discussion

Simonds asked for clarification as to what will happen with unspent funds. Tosatto replied the awards to Grants Management Division (GMD) have been submitted for clearance and will be able to be pulled down. The rest of the base award, plus all of the NMFS add-ons and at least a preliminary amount under the sea turtle program has been moved forward and are coming. PIRO should have the ability to spend the amounts by the deadlines. Simonds said the Council is perfectly willing to take the money if it does not get spent by the deadlines.

I. Migratory Bird Treaty Act Permit

Tosatto reported NMFS is engaging with the USFWS on pursuing permits under the Migratory Bird Treaty Act for the incidental take of migratory birds. PIRO is developing the first application for such a permit with the USFWS Pacific Region. Also ongoing is an associated consultation on the short-tailed albatross with the Hawaii shallow-set fishery. A biological evaluation is being developed. Tosatto said he looks forward to reporting on the progress in the future.

J. Report on CDPP and MET Grant Review

Tosatto reported the Service put out federal funding opportunities for the CDPP series of awards and the Marine Education and Training (MET) mini-grant program in close cooperation with the Council. Currently there is no earmark for the CDPP and no ability to cover the CDPP with existing funds. A set of 10 MET projects are set to be approved by NOAA for funding.

Discussion

Simonds asked if the Council can provide support for projects contained within the MCPs if funds are found. Tosatto said the review process could be meaningful. PIRO is involved with active discussions with GC regarding the Council's ability to fully utilize the Sustainable Fisheries Fund in third-party projects.

Duenas expressed concern of having to reapply because the funding cycle expired. He said the funding should be included in the budget since they are mandated in the MSA.

Tosatto said the projects are considered when funding is possible or likely. Once projects are accepted they are limited to the scope of the opportunity, which is one year. In some cases the Agency is able to use its broader authority to make awards outside of that one year if it has the proposals in hand. But in large part, the applicants may have to reapply.

Simonds said it took 10 years to get PFRP funds into the President's budget and the Council needs to keep asking NOAA to fund it.

K. Report on the Status of the Community Development Program (CDP) Process Development

Charles Kaaiai, Council staff member, provided an update on the Community Development Program (CDP) process. Work is ongoing on one CDP project. A template was developed for similar project requests. The deadline is July 1, 2011.

Discussion

Duenas asked the Agency to consider closure for the request noting the 10 years of waiting for action on the item.

L. Status of FEP Amendment Documents

This agenda item was deferred.

M. Advisory Group Recommendations

Sabater presented the advisory group recommendations for Program Planning as follows:

In regards to limited entry criteria and environmental monitoring for offshore aquaculture, the Advisory Panel recommended the Council include criteria for revoking permits if escapes are found to have negative impacts on the environment. The Council should also include in the reporting requirements that escape events should be required to be filed with NMFS within 24 hours and that negligence and escapes be considered in an annual permit review to be established by the Council and NMFS. The Council should include criteria for restriction on aquaculture gear, to minimize escapes, monitoring environmental effects for mandatory markings or tagging of cultured fish and utilizing federal observers.

In regards to noncommercial data options, the Advisory Panel recommended the Council choose the simplest option for ease of reporting by recreational fishermen.

In regards to CMSP, the Advisory Panel recommended any CMSP efforts in Hawaii consider establishing permanent shipping lanes or routes that avoid important fishing areas and banks.

In regards to noncommercial fishery data reporting, the Hawaii Plan Team recommended that when the State of Hawaii Annual Bottomfish Registry is operational and fully functioning the Council consider repealing the federal noncommercial bottomfish permit and reporting requirement. The Registry would provide the total bottomfish participants, from which CML and nonCML licenseholders can be identified. A target survey of nonCML holders similar to those already conducted by PIFSC could be done to obtain estimates of catch and effort and other fishery information from this sector due to the lack of a complimentary mandatory

noncommercial bottomfish reporting requirement for state waters the federal requirement is ineffective in achieving its original purpose.

In regards to the species list for ACL specification, the Hawaii Plan Team recommended that for the initial CRE ACLs specification be made for species that comprise the top 90 percent of the total coral reef catch. These species should be grouped into family and ACLs be specified for each family. The species comprising the remaining 10 percent should be grouped into a single complex and an ACL should be specified for the group as a whole. Species that are of management importance should be removed from its respective family and the ACLs shall be specified individually.

In regards to the species list for ACL specification for future years, the Plan Team recommended the Council utilize ecosystem classification and consider moving coral reef species that are not caught at all or for which only a small amount are caught in federal waters into the Ecosystem Component categories. Alternatively, the Council should also re-evaluate the need for federal management of these species and consider removal from the management units.

N. SSC Recommendations

Callaghan reported the SSC recommendations as follows:

- *With respect to non-commercial data collection options*, a modification of Option 4 should be applied to Hawaii noncommercial fisheries only, specifically, that noncommercial catch and effort information be collected via a vessel-based reporting system. The owner of every vessel that is used to fish non-commercially in the Hawaii EEZ should be required to have a non-commercial fishing permit and to report catch and effort on a per trip basis. The program should be implemented on a trial basis in Hawaii and evaluated after a three-year period. The program should be accompanied by an extensive outreach program building on the Council's existing efforts in Hawaii. The federal noncommercial bottomfish reporting system should be integrated to avoid duplication. CML holders are exempt. A request should be made of the National Saltwater Angler Registry for an exemption based on this permit. In American Samoa, Guam and CNMI, monitoring of noncommercial catch and effort should be continued through the creel surveys during the Hawaii trial program. During this time, outreach efforts should be expanded in the island areas to explore productive changes to existing data collection systems and the possibility of instituting a vessel-based reporting system. The results of these outreach efforts, plus the Hawaii vessel-based system trial, should be used to develop or modify the catch and effort monitoring systems in the island areas.

Discussion

Itano spoke in support of reporting of catch, but questioned per trip reporting and the federal reporting of all noncommercial catch. He expressed concern that data on the Cross Seamount bigeye catch is being missed. Callaghan replied all fish caught should be reported. That has been an SSC recommendation for the last five to six years, and no action ever was taken. There was hope the recommendation would catch the Council's attention and begin some action. He added the CML holders would be exempt to avoid duplication.

Simonds noted catch reporting from Hawaii noncommercial fisheries has been discussed for several years. A meeting will be held with the new administration to discuss better data collection.

O. Public Hearing

No public comments were offered.

P. Council Discussion and Action

- **Regarding ACLs of CREMUS, Miscellaneous CREMUS and nonCremus species, the Council concurred with the SSC on the following:**
 - A. To utilize family level aggregations for coral reef finfish to reduce the number of ACL specifications and limit the specifications to the top 90 percent of the total coral reef fish catch. The taxa comprising the remaining 10 percent will be grouped into one complex as minor fishery components with a single ABC. The Council further recommended that species that are particularly rare or vulnerable, e.g, *Bolbometopon muricatum*, or bumphead parrotfish, be identified and that ABC be determined by the SSC so that the Council can specify an ACL at the October meeting.**
 - B. The rationale for using the 75th percentile of the entire catch history for each family as the definition of “Recent Catch” to apply the Tier 5 Control Rule.**
 - C. The rationale for multiplying “Recent Catch,” here defined as the 75th percentile, by the multiplier of 1.0 to calculate the ABC for the total coral reef family groupings as provided for in the Tier 5 Control Rule.**
 - D. The ABC recommendations and recommends that the ACL for each coral reef family grouping be set equal to the ABC. The Council notes that although coral reef taxa are Tier 5, and most lack estimates of MSY, stock biomass, B, is likely to be above BMSY based on the ratio of catch to biomass estimates described in Luck and Dalzell 2010.**
 - E. That ABC be set equal to MSY, and recommends that ACL be set equal to ABC for species with an estimate of MSY, like Hawaiian akule and opelu, Hawaii deepwater shrimp and Hawaii black coral.**
 - F. That the ABC be set according to the Tier 4 Control Rule whereby ABC equals 0.9 MSY for species with an estimated MSY, but little to no current catch, an example is the CNMI deepwater shrimp. For these species the Council recommended ACL be set equal to ABC.**
 - G. That ABC be set to the 75th percentile of the entire catch history and recommends ACL be set equal to ABC for all remaining invertebrate species, like lobsters, all areas, octopus, all areas and Hawaii opihi.**

In addition, the Council made the following:

- H. Noted that for species listed in Line Item E to G, current catch is at or below the SSC recommended ABC values. While MSY is unknown, setting ACL equal to ABC is consistent with the NMFS approach for setting ABC for Only Reliable Catch Stocks (ORCS) and would prevent excessive increases in catch.**
- I. Recognized there is room for refining ABC and ACL specifications. However, the Council believed this approach is reasonable in order to meet the statutory deadline.**
- J. Did not recommend in-season accountability measure for coral reef and miscellaneous species given that the respective fisheries agencies and WestPacFIN are currently unable to provide real-time or near real-time catch reporting for these species. However, the approved Council ACL mechanism provides for an overage adjustment as an accountability measure should an ACL be exceeded.**
- K. Requested NMFS explore ways to developing in-season monitoring of stocks in order to provide the Archipelagic Plan Teams the ability to evaluate annual catches relative to ACLs in a timely manner.**
- L. Recommends that the SSC determine ABCs for deepwater bottomfish stock complexes in American Samoa, Guam and the CNMI, so that the Council can specify an ACL at the October meeting.**
- M. Directed Council staff to assess the species under the Coral Reef MUS and evaluate its catch history for possible ecosystem component reclassification or removal from the management units.**

*Moved by Sword; seconded by Tulafono.
Motion passed with abstention by Tosatto.*

Itano asked for clarification as to whether the recommendation was exact wording of the SSC recommendation. Sabater replied in the affirmative.

Oishi asked with respect to the recommendation if MSY is deemed equivalent to overfishing level (OFL) and also asked for clarification as to the noted adjustment accountability measures will be performed after the fact and applied to the next season as opposed to a real-time adjustment. Sabater replied in the affirmative, adding the ABC is equal to the 75th percentile of the recent catch.

Tosatto noted that while he is generally supportive of the suite of measures, he will abstain.

- **Regarding CMSP, the Council made the following recommendations:**
- A. When the NOC establishes the Pacific Islands Regional Planning Body (PIRPB), it should be comprised of representatives from the sub-regions of Hawaii, American Samoa and the Mariana Islands and each sub-region are comprised of representatives from each County to recognize the unique culture and resources at each level of organization.**

- B. The NOC, along with the PIRPB, to actively engage the communities under each sub-region to ensure that the National CMSP policies properly account for the uniqueness and cultural resources of each sub-region.**
- C. The NOC coordinate with other federal agencies that possess data from each sub-region and provide this data to PacIOOS to further develop its online CMSP data tools.**
- D. To include in its PIRPB considerations the establishment of permanent shipping lanes/routes that avoid important fishing areas and banks in Hawaii, American Samoa, CNMI and Guam.**

Moved by Sword; seconded by Haleck.

Motion passed.

Duenas offered a friendly amendment to Part D of the recommendation to apply to all jurisdictions of the WPR. He added that Part B, to actively engage the communities, is the standard operating practice for the Council. There were no objections by the maker and second.

Tosatto offered a friendly amendment under Part A, to use the acronym PIRPB. There were no objections by the maker and second.

Duenas offered another friendly amendment to include engagement with the Council. There were no objections by the maker and second.

- **Regarding offshore aquaculture, the Council recommended that research be conducted to determine user capacity, user conflicts, feed analysis, institutional capacity, etc. before a limited entry program is considered. The Council noted that limiting participation may be warranted as a future precaution and participation will be evaluated through the proposed permitting process. The Council further recommended that staff incorporate environmental monitoring, inspection and reporting requirements into the permitting amendment that are consistent with requirements already in place by the State of Hawaii or proposed through other regional/national organizations.**

Moved by Sword; seconded by Tulafono.

Motion passed.

Oishi reiterated his concern regarding establishing a limited entry program and suggested consideration be given to the government infrastructure and its ability to do adequate monitoring. If there is not enough capacity to perform adequate monitoring at the outset, one will never catch up. Duenas said the research will incorporate the concerns and be put before the Council for further review. There were no objections by the maker and second.

Itano offered a friendly amendment to include the words, inspection and reporting requirements. There were no objections by the maker and second.

Duenas reiterated his hope that the research will address concerns regarding the pens acting as a de facto FAD, which may draw fish off of seamounts or other buoys.

- **Regarding noncommercial data options, the Council directed staff to draft an amendment to the Hawaii FEP that considers alternatives for noncommercial fishery data collection. The Council recommended including an alternative to require federal permits for owners of vessels conducting noncommercial fishing in the US EEZ around Hawaii, with a requirement to report fishing catch and effort data on a per trip basis.**

Moved by Sword; seconded by Tulafono.

Motion passed.

Tosatto asked Council staff to work closely with PIRO staff and GC in developing the amendment.

Itano offered a friendly amendment to include the SSC recommendation. There were no objections by the maker and the second.

Duenas expressed concern regarding the logistics of per trip reporting. Simonds noted the need for close collaboration with the state of Hawaii in its development.

- **Regarding Hawaii, regional, national and international education and outreach, the Council directed staff to continue evaluation of its outreach and education activities.**

Moved by Sword; seconded by Haleck.

Motion passed.

- **Regarding the CDPD and MET projects, the Council approved the list of projects and priorities and directs staff to forward the recommendations to the NMFS for review and funding.**

Moved by Sword; seconded by Tulafono.

Motion passed.

- **Regarding marine debris, the Council directed staff to work with NOAA and other partners to secure funding to replace the derelict fishing gear bin and support minimal infrastructure needs at Pier 38 in Honolulu Harbor.**

Moved by Sword; seconded by Martin.

Motion passed.

Martin shared the background of the recommendation and offered a friendly amendment to include “and support minimal infrastructure needs.” There were no objections by the maker and second.

Tosatto noted NOS houses the Marine Debris Program and he will follow up with Marine Debris Program.

Guest Speaker: Dr. Charles Karnella, WCPFC Chairman Perspectives on Conservation and Management Measures for WCPFC 8 in December 2011

Karnella presented an overview of his perspectives on CMMs for the upcoming WCPFC meeting to be held in December 2011. The overview included boundary maps of the WCPFC and Inter-American Tropical Tuna Commission (IATTC) areas of jurisdiction, with the US footprint of the area, and a brief history of the Commission and CMMs.

The objective of CMM 2008-01 focus was the reduction of fishing mortality of bigeye and not increasing mortality on yellowfin. It was adopted by the Commission and is in effect until the end of 2011 to reduce the fishing mortality on bigeye by a minimum of 30 percent and to hold fishing mortality on yellowfin to the existing levels. Aspects of the measures that were adopted by the Commission included a) Fishing effort limits, which was focused on the purse seine fishery and was put in place principally because of the PNA Vessel Day Scheme (VDS); b) The FAD prohibition periods; c) High seas pocket area closures, starting with the FAD closure in 2009 in August and September of 2009 with 100 percent observer coverage required; d) Requirement to retain all catch came into effect in 2010; and e) Requirement for FAD management plans. The CMM is very unlikely to reach its intended effect, particularly with respect to bigeye. Provisions for longline vessels included catch limits for bigeye and yellowfin, which was accomplished, and different requirements for Participating Territories and Small Island Developing States (SIDS), which was not accomplished. Some concerns with CMM 2008-01 included status of the stocks, equitability, enforceability, ability to be assessed for effectiveness and transparency and accountability, implementation and reporting.

List of consideration for the 2011 WCPFC meeting includes a) redefining the objectives by species, bigeye, yellowfin and skipjack; b) capacity control; c) standardizing catch attribution and charger arrangements; d) overall TACs by region and zone; e) flag or zone based limits; f) managing gear types differently; g) include penalties for overages; and h) eliminate exemptions. Karnella noted that the Science Committee 6th meeting in 2009 concluded the CMM for yellowfin was likely to achieve its objective, but not likely to achieve its objective for bigeye. The bigeye 2010 assessment concluded overfishing is occurring, but possibly at lower level than previously estimated and is approaching an overfished state if not already slightly overfished. The yellowfin 2009 assessment concluded that under equilibrium conditions the stock would remain well above the level capable of producing MSY. The skipjack 2010 assessment concluded overfishing is not occurring in the WCPO, nor is the stock in an overfished condition. A series of plots depicting catch were shown.

Karnella presented outcomes of WCPFC7. The Commission will design, based upon most recent scientific advice, to deliver a substantial improvement in the status of the stock and promote conservation and management of skipjack and yellowfin. It will apply to all commercial tuna fisheries in the WCPO. It will include consideration of the status and distribution of stocks, fairness, equity, enforceability, compatibility, multi-species effects, socio-economic factors involved and the special requirements of developing members, SIDS and Territories. CCMs will

be encouraged to take voluntary steps to mitigate the impact of the fishing activities on sustainability of bigeye, yellowfin and skipjack. Kobe III is an opportunity for an initial discussion. Based on the Science Committee 7th meeting, the chair and vice chair assisted by the executive director will prepare a preliminary document containing a possible approach and options for the enhanced measure to be considered at Technical and Compliance Committee 7 meeting (TCC7). TCC7 will consider the document. CCMs are encouraged to share proposals and to reflect on Resolution 2008-01.

Karnella covered other CCM proposals. Philippines were looking to reopen closed high seas pockets for a certain class of purse seine vessels. Japan pushed for need to control capacity in the purse seine fishery. Korea had a proposal to prohibit night sets during the FAD closure. Parties to the Nauru Agreement (PNA) submitted a proposal to close a broad band of the high sea areas in the area of the Commission has jurisdiction over to purse seine fishing. The European Union submitted a proposal for longline and complete closure period for purse seine.

Comments were received from three parties. The South Pacific Forum Fisheries Agency (FFA) submitted a draft proposal for enhanced CMMs on tropical tunas. Both the European Union and United States had letters that had general recommendations.

Issues of importance to next round of discussions and formulation of CMM include reevaluate the objectives of the CMM; new CMM should have a measurable and credible conservation benefit; conservation burden should be distributed equitably; develop a stronger, more robust MCS regime; increase use of the observer program and VMS Program; and adopt reference points.

Karnella noted that work is ongoing with vice chair and executive director to speak with different groups of members to get ideas about what's important to them, and then try to build on things that people can generally support and identify the areas where there is disagreement and try to figure out how to make the meeting productive.

Discussion

Simonds asked for his thoughts on emerging issues such as the report of Japan sharing quota with China and the letter from China to the Secretariat stating they went over the quota but are going to fix it and what, if any, discussions have been held with other countries and if these issues could end up as possible CMMs. Karnella replied that in the FFA proposal is suggesting going from a flag-based system to a zone-based system to set, for example, a total allowable effort in a high seas area to be divided equally among members, and may included exchanging or selling those rights. He noted that if people can sell rights to things it would put more pressure on the stocks and such an approach should be thoroughly considered. He also voiced support for an incentive for staying below their limit or quota.

Itano asked if Karnella had thoughts regarding whether the VDS can provide a way of reducing overall effort in the purse seine fishery to reduce the bigeye portion of the catch. Karnella reiterated his statement on the need for greater transparency. For now, members have a theoretical picture of how the program works, but still does not know how it is being

implemented, and everyone needs to understand how the VDS is working and is not working. He added when you look at the catch numbers it is obvious conservation efforts are not working. The PNA executive director recently assured him there would be a cap on the number of vessel days. He added that if catch keeps going up, more needs to be done than just the vessel day scheme.

Itano noted increasingly at the Scientific Committee meetings high latitude countries are complaining about reductions in local abundance in tropical tunas, which should be added to the WCPFC considerations at the December meeting. Karnella agreed, adding it will probably be considered for several years and it needs to be equitable across all members and FFA's and PNA's application of the CMMs needs to be in close harmony with IATTC and WCPFC method.

Martin noted that the longline fleets throughout the Convention Area in aggregate have achieved their conservation goal or mandate of a 30 percent reduction in landings, which could be undermined by arrangements that allow SIDS to make arrangements that would allow increase in catches. He added the US was the only country that actually reached their goal and closed their fishery upon reaching the quota last year. Martin asked if recognition is given that there needs to be some consideration of how SIDS might be allowed to develop their aspirations but not without limit. Karnella acknowledged this topic as one of the hardest issues and agreed it cannot be without limits. There needs to be balance, and the word responsible needs to be better defined.

Callaghan noted the SSC view that FADs are a big problem. A FAD regulation could fit under the VDS as a gear restriction and might be of some use in solving the bigeye/yellowfin problem. Karnella said a focus should be figuring out how to release the small fish that are encircled on a FAD set and ensuring a CMM is being properly implemented.

Duenas expressed concerns regarding the various purse seine mitigation measures being ignored in the past at Commission meetings, reporting of purse seine and longline catch in pieces as opposed to metric tons would be more accurate, high seas transshipment, the decrease of skipjack around Guam, the Commission's focus on industrialized fishing and lack of consideration of coastal communities and the mitigation of the purse seiners.

Karnella responded that the Science Committee meeting report indicates that the effect of the catch of bigeye by the purse seine fleet has increased to the point where it may exceed and the Commission is going to have to pay more attention to reducing the catch of bigeye. Karnella encouraged full participation as the Commission makes its own decision and he sees his role as helping the Commission make a reasonable decision and to point out when their decision does not look reasonable, equitable or based in science.

Martin asked if it was too much to hope for a consideration of an effective CMM enacted throughout the range of the species. Karnella said it is something the Commission needs to work on. If the Commission is charged with managing a resource then Commission decisions should apply throughout the range of the Commission's jurisdiction with full transparency.

Council Aside

Duenas noted the presence of William Aila, Head of SOH DLNR.

12. Pelagic and International Fisheries

A. Action Items

1. Options Paper on Shallow-Set Longline Fishery for Swordfish

Dalzell presented the background and options for an American Samoa shallow-set swordfish fishery. It included a brief summary of the history for the American Samoa longline fishery which began in the mid 1990s. Transformation of the fleet permitted observer deployment who record green sea turtle interactions. The Council recommended an amendment to the Pelagic FEP that requires the fishery to modify the deployment of longline gear such that all hooks are set at least 100 meters deep. The amendment prohibits any shallow-set longline fishing by American Samoa longliners. Some American Samoa vessels have successfully targeted swordfish south of American Samoa. At the 150th Council meeting the Council directed staff to prepare a draft amendment to the FEP that would specify regulations for an American Samoa shallow-set longline fishery.

Staff met with PIRO and came up with the following potential options:

- Option 1, no action: This option would require no additional monitoring or enforcement burdens, minimize potential environmental risks and the deepset gear modifications would allow the retention of up to 10 swordfish per year. Also, with no action there would be no potential to develop a swordfish longline fishery, the fishery would not be able to diversify and lessen dependence on canneries and would likely not achieve OY for the fishery.
- Option 2, amend the Pelagic FEP to permit shallow-set longline fishing: This option would allow for diversification and lessen its dependence on canneries in the event of closure in the future and provides another target species for the longline fishery during periods when albacore catchability is reduced. But the amendment process requires a lengthy period of review and redrafting before approval, there is little interest in developing a swordfish fishery, marketing could be problematic and the shallow-set fishery may have greater environmental impact.
- Option 3, Exempted Fishing Permit (EFP) to allow for shallow-set swordfish fishing; This option would require fishermen to initiate the EFP process. The EFP can be recommended by the Council and issued by the NMFS Regional Administrator without Secretarial Review and Approval and can facilitate data collection to be incorporated into a potential future Pelagic FEP amendment. There have been EFPs issued in other regions of the United States. But there is little interest in developing a swordfish fishery, the process would require a completed application be submitted to NMFS a minimum of two months before the desired effective date, NMFS would be required to develop an EA and BiOP and the permit is usually effective for only one year and must be renewed per the same application procedures. Also, the fishery would have greater environmental impacts.

- Option 4, CDP to allow American Samoa communities to be exempted from the deepset requirements of the Pelagic FEP: CDP authorization can be recommended by the Council and issued by NMFS Regional Administrator without Secretarial Review and Approval and authorization for shallow-set swordfish fishing could facilitate data collection to be incorporated into a potential future Pelagic FEP amendment. But there is little interest in developing the swordfish fishery, the application process is complex and lengthy and could possibly marginalize non-indigenous fishermen and the shallow-set fishery would have greater environmental impacts.

Council action proposed included a) Council staff to investigate the interest by longline fishermen in developing a shallow-set swordfish longline fishery in American Samoa; and b) Consider the range of alternatives for facilitating the development of a shallow-set swordfish longline fishery in American Samoa and select a preferred alternative or suggest other potential alternatives.

Discussion

Itano asked if there is any interest currently in developing a shallow-set swordfish fishery. Dalzell said one person in American Samoa and a dual-permitted fisherman in Hawaii have expressed interest. Martin said both boats have American Samoa permits, one in Hawaii and the other in the Cook Islands.

2. Options for Longline Access to American Samoa Large Pelagic Fishing Vessel Area Closures

Pautzke presented the background and options for limited access to the American Samoa Large Pelagic Vessel Area Closures. It included a brief summary of the history of the American Samoa Large Pelagic Fishing Vessel Area Closure. The purpose and need of the action could provide for fishery development of the alia fleet through funding gained by arrangements made with large vessel owners and companies, allow for improved and increased harvest by large vessels and potentially decrease distance traveled by large vessels to fish.

The five proposed options included:

- Option 1 - No action: The pros are that it maintains exclusion of large vessels from the LVPA. There's no additional monitoring or enforcement costs. However, it doesn't allow for potential for fishery or community development at Swains and/or Manu'a through these agreements.
- Option 2 - Limited access around Swains: This option would establish a limited access from 25 to 50 nautical miles within the area and a portion of the profits or rent would be set aside for the fishery or the community development of Swains. Some of the pros include increases area available for large vessels to fish, allows reclamation of fund for permitting larger vessels into Swains closed area and can help achieve OY by allowing large vessels access to a greater amount of fish. Some of the cons include remove large and small vessel separation, little incentive for large vessels to seek agreement to fish inside the closed area if fishing is successful outside the area closure.

- Option 3 - Limited access around Swains and Manua: This option would establish a limited access area from 25 to 50 nautical miles within the area around Swains and/or Manua and a portion of the profits or rent would be set aside for the fishery or the community development of Swains and/or Manua. Some of the pros include increases area available for large vessels to fish, allows reclamation of fund for permitting larger vessels into Swains closed area and can help achieve OY by allowing large vessels across to a greater amount of fish. Some of the cons include remove large and small vessel separation, little incentive for large vessels to seek agreement to fish inside the closed area if fishing is successful outside the area closure.
- Option 4 - Communities of Swains and/or Manua apply for a grant through CDPP: This option would promote access by indigenous communities to fisheries, residents could apply for a grant to purchase a large longline vessel and exemption to fish the closed area and the project should incorporate one funding priority, fish processing, participation in the fishery and Council activities. The option pros include an increase in the area available for the large vessel that is involved in the program to fish and allows for reclamation of funds for permitting larger vessels into Swains and/or Manua's Large Pelagic Vessel Area Closure through the money from allowing fishing and is consistent with National Standard 8 because the management measures will take into account the importance of fishery resources to fishing communities.
- Option 5 - Communities of Swains and/or Manua develop a CDP: This option provides the opportunity for the community of Swains and/or Manua could develop a CDP and the plan must specify how communities would develop their fisheries. Some of the pros are it increases area available for large vessels involved in the fishery and allows for reclamation of funds for permitting larger vessels into Swains and/or Manua's Large Pelagic Vessel Area Closure.

3. American Samoa Pelagic Fishing Vessel Landing Requirement

Kingma presented the background and options for the American Samoa Pelagic Vessel Landing Requirement. It was recommended at the 150th Council meeting for Council staff to write an options paper investigating the pros and cons of requiring landings of PMUS in American Samoa by all longline and purse seine vessels and options for prioritizing participation in the longline fishery by American Samoa community residents, that's American Samoa community residents. The purpose and need of this action is related to conservation and monitoring of US purse seine vessels to assess species composition as well as to monitor landings of longline vessels and to maximize community benefits. Another issue is the current manning exemption that applies to the US purse seine fleet whereby if they provide to the USCG a request or an exemption to the US manning requirements that they will be going in and out of American Samoa exempt from having a US officer onboard their vessels. The benefits of the exemptions are not realized in the American Samoa community in terms of economic benefits. Currently there is a minimum harvest requirement over a three-year period.

The proposed options included the following:

- Option A - Require at least one annual landing of Pelagic MUS (PMUS) by all US longline vessels and purse seine vessels in the Western and Central Pacific Ocean

(WCPO). Some of the pros would be that it would contribute to a consistent supply of raw product to the canneries and would facilitate poor sampling of the US purse seine fleet and provide some benefits in American Samoa through offloading operations, refueling and provisioning. Some of the cons are the action could cause an oversupply of product, potential harbor over-crowding and it would require establishing these conditions on existing permitting programs.

- Option B - Require at least one annual landing of PMUS by US longline vessels and purse seine vessels that list American Samoa as its homeport. Some of the pros are similar to Option 1 pros. The con is it may not be implementable under the MSA and not all American Samoa longline vessels or US purse seine vessels list American Samoa as their homeport.
- Option C - Require that all PMUS caught by American Samoa longline-permitted vessels and U.S. purse seine vessels in the EEZ around American Samoa be landed in American Samoa. The pros are the same as A and B. Some of the cons would reduce some operational flexibility for purse seiners that do potentially fish in the EEZ but then transit off to distant fishing grounds that may either tranship or offload in some other ports, as well as flexibility for American Samoa longline permit holders that may be going between Hawaii and American Samoa.
- Option D - Require at least one annual landing by US purse seine vessels that fish in the U.S. EEZ around Guam, NMI, the PRIAs or American Samoa. This option would supply product to the canneries, as well as facilitate port sampling and benefits to the American Samoa economy. One of the cons is it reduces some operational flexibility to the purse seine fleet.
- Option E - Require annual minimum landings of PMUS by American Samoa longline limited entry permitted vessels. This option would provide some benefits to the American Samoa economy through offloading and operations and lead to more participation in the American Samoa fishery by community residents if some of those dual permitted boats choose to stay down in American Samoa. But it would reduce some operational flexibility between those boats, obviously.
- Option F - Require minimum landing requirements of PMUS over a three-year period. With this option there is no major change from the status quo. This con is it is unlikely to lead to any more community participation.

The proposed Council action included:

- Direction for staff to refine or add options for further consideration.
- Take no action at this time and continue to study and monitor the situation.

3. Overfishing of Pacific Bluefin

Dalzell presented the background and information on the determination of the occurrence of overfishing of Pacific bluefin. NMFS has determined that overfishing is occurring on Pacific bluefin. The International Scientific Committee (ISC) 2008 stock assessment and 2009 and 2010 updates reported fishing mortality is higher than many commonly used reference points. Average annual catch is about .45 metric tons or about .002 percent of total Pacific catch. West Coast

fisheries land between 60 to 567 metric tons, an average of 194 metric ton, from purse seine, sportsfishing and other gears. The Council is not required to prepare an amendment to the Pelagic FEP, but it must undertake actions under MSA Section 304(I)(2). NMFS advised the Western Pacific Regional and Pacific Fishery Management Councils to collaborate to develop and submit recommendations to the Secretary of State and to the Congress, for international actions that will end overfishing on the stock. The current CMM will expire at the end of 2011. The first year of this measure the fishery experienced a three-day closure and a 40-day closure in 2010

Dalzell presented graphs depicting the mean catch from 2004 to 2008 of Pacific bluefin by country and the Hawaii longline times series of catch of Pacific bluefin landings, and the US West Coast catch of the combined purse seine, sportsfishing and other gear fisheries.

Some possible recommendation options and a brief synopsis of their pros and cons of the options were presented.

- Possible fallback position if nothing emerges at the WCPFC8 is to maintain the current catch limits, but include specific authority for Members and Cooperating Nonmembers to try to transfer their allocations of bigeye.
- Maintain the Distant Water Fishing Nation Longline Bigeye Catch Limits, but cap the SIDS and Pacific Island Countries and Territories (PICTs) at 2,000 metric tons rather than have an open-ended statement of no limit if developing their fisheries, but with the ability to trade or transfer quota.
- Everyone get a 5,000 metric ton limit.
- A fleetwide TAC set across the entire fishery.
- Continue current bigeye longline catch limits, but applied only in waters between 20 North and 10 South.
- Suggest equity by applying the limits only in the epicenter of where the catches are being made.

Dalzell said Council action options included a) consider options for the US to develop and support for consideration under a new bigeye tuna CMM after 2011 and b) suggest other potential options for bigeye tuna CMM.

5. WCPFC CMM for Bigeye Tuna

This item was discussed in earlier agenda items.

6. Acceptable Biological Catch for Squid

Dalzell presented information on the ABC for squid. There is a squid fishery north of Hawaii and some targeting of squid out of Kauai out of Hilo known as the ika shibi fishery. Following the same process as discussed earlier in the meeting, with catch history from 1970 to 2010 and no stock assessment, the ABC will be set at the 75th percentile, 8,251.

B. American Samoa and Hawaii Longline Quarterly Reports

Ito summarized the American Samoa Longline Fishery 2011 first quarter: 19 active vessels; 560 sets; 1.6 million hooks and about 2,800 hooks per set, that hasn't changed much; 28,000 fish, with the majority being albacore (11,000 fish).

The summary for the Hawaii Longline Fishery 2011 First Quarter was presented: 123 active boats; 410 trips, most of them deepset towards tuna; 4,900 sets, majority of them are deep sets; a record 10.6 million hooks; and record catch for bigeye tuna, about 48,000 fish, as well striped marlin, 7,500 fish.

Discussion

Duenas asked if the swordfish fishing is occurring at the fringe of the zones to reduce sea turtle interactions. Ito said he sees an opposite correlation from the historical sea turtle interactions in the shallow-set fishery, and deferred to Kobayashi, who has more experience with regard to interactions in the TurtleWatch Zone.

Martin noted anecdotally that the striped marlin catch was up in the first quarter, but the fish size was quite small. Tosatto added that there is a need for the US to reassess its thinking of the striped marlin stock. He looked forward to a striped marlin stock assessment in near future.

Chris Boggs, from PIFSC, presented a preliminary overview of the bigeye quota forecast. Various graphs depicted information used in the prediction for reaching the quota. The cumulative US longline bigeye catch in the WCPFC area from 2005 to 2010, showing the level of bigeye catch is higher than all of the past six years, with a very high first quarter of 2011. Average 2005 to 2010 US WCPO longline bigeye catch compared to the 3,763 ton catch limit, depicting an extrapolation to determine a predicted date for reaching the limit, which currently is November 11. Cumulative Hawaii longline bigeye catch in the WCPFC area and forecast compared to the 2005 to 2010 average catch and showing approach to the quota limit. Cumulative striped marlin catch in the Hawaii fishery from 2005 to 2010. Cumulative Hawaii striped marlin catch and forecast compared to the 2005 to 2010 average showing approach to the 560 metric ton limit for striped marlin.

Boggs noted that the catch is above average at this time, the assumption going forward is 2011 will be an average year going forward and will get through the year under the limit for catch of striped marlin. He added the various confidence limits show uncertainty and will keep everyone apprised of where the catch level is with respect to striped marlin as well.

Martin said, from his observation, the fleet is currently experiencing slower fishing toward the end of the first quarter.

Itano asked if there has been any increased interest by the fleet in regard to options for changing the way the quota is allocated across the year. Martin said the fleet has not expressed any strong interest expressed, but there have been discussions amongst the market sector when fish landings were high and prices low. The difficulties in projecting the closure is the closure,

itself, provides no recovery method for lost quota due to miscalculations, which equals a couple of million dollars to the industry. Boggs said that the 2010 quota was missed by 4 percent worth more than a million dollars because the behavior of the catch changed significantly due to the announcement of the closure. The change may have been due to market considerations. He invited any information to help them to understand what happened once the 2010 closure was announced as it would help improve their forecast efforts.

C. International Fisheries Meetings/Items

1. IATTC Science Committee

Dean Courtney, from the PIFSC Pelagic Stock Assessment Division, presented his notes from his attendance of the IATTC, Science Advisory Committee (SAC). A full stock assessment was presented for yellowfin tuna in the Eastern Pacific Ocean (EPO) by Dr. Aires-da-Silva. The key results of the assessment were that recent fishing mortality rates are lower than those corresponding to MSY and recent levels of spawning biomass are below those corresponding to MSY. The results from the stock assessment were more pessimistic if a stock assessment recruitment relationship was assumed. The recruitment relationship between bigeye and yellowfin tuna is weak. Most of the recruitment is driven by environmental factors.

The final assessment used a steepness below 1.0, which makes for a conservative estimate. A three-year cycle was proposed for full assessments, an update will be provided in 2012 to the assessment and the next full assessment will be in 2012.

The results of a bigeye tuna in the EPO were more uncertain than the yellowfin assessment. The recent fishing mortality rates were slightly above those corresponding to MSY. From the IATTC's perspective, this is a management trigger so it would manage based on fishing mortality rates. However, recent levels of spawning biomass were above those corresponding to MSY. The results were highly uncertain. This assessment was also proposed to be put on a three-year cycle.

Effort on FAD fisheries has increased. The catch is on average smaller than those captured in the traditional longline fishery. As a result, the MSY has declined.

The skipjack tuna in the EPO was difficult to assess due to its high and variable productivity. Using nonstandard methods to develop indices for the stock the main concern with skipjack stock was the constantly increasing exploitation rate. The model-based indicators have yet to detect any adverse consequence of the increased exploitation rate. A full, more robust assessment is planned for 2012.

An assessment of swordfish in the southern EPO shows the stock is not experiencing overfishing and is not overfished, which is consistent with the recent ISC assessment of the stock in the North Pacific.

Discussion

Duenas asked if the assessment of skipjack tuna contained data from the Hawaiiia Archipelago catch rates. Courtney said he was unsure, but noted that the document includes plans to examine stocks boundaries.

2. IATTC Technical Meeting on Sharks

Courtney provided a report on the Second Technical Meeting on Sharks. The participants reviewed available fisheries statistics, such as landings, discards, CPUE, length compositions, as well as biological information, age, growth, reproductive biology and sex ratios, stock structure and model structure for an assessment of silky sharks in the EPO. From this data the IATTC staff will construct a candidate stock synthesis, stock assessment model for silky sharks in the EPO based on the preliminary information to be presented at the next meeting as a candidate model and be evaluated. The silky shark assessment is scheduled to be completed in 2011. Oceanic whitetip is the next species to be assessed.

3. IATTC/GAC Meeting

Dalzell, a member of the Scientific Subcommittee of the General Advisory Committee (GAC) to the US Commissioners to the IATTC, provided a report on the two-day GAC meeting recently held in LaJolla. The committee reviewed the output of the SAC from IATTC, looked at the status of stock updates, bycatch mitigation measures and recommendations on scientific issues that might arise at the 2011 IATTC, which included Resolution C-10-01 relating to tuna conservation, C-10-02 relating to seabird mitigation measures, and C-10-03 relating to mooring on data buoys and potential proposals from the US and other members and miscellaneous issues carried over from the 2010 meeting.

Dalzell summarized briefly a listing of recommendations made by the GAC: a) supported 5 percent observer coverage for longline vessels; b) supported establishment of a fund for technical assistance to foster development of national observer programs; c) did not support any changes to C-10-02 nor any substantial changes to C-10-01 and C-10-03; d) recommendation for a bilateral US-Mexico meeting on Pacific bluefin tuna; e) did not support longline capacity limits because of longline bigeye limits; f) supported shark proposal C-05-03; g) recommended ways to increase IATTC membership to the SAC; h) supported the Kobe strategy matrix for decision-making; i) supported the GAC to consider additional NOAA stock assessment expertise at GAC and IATTC meetings; and j) endorsed the SAC recommendations.

Discussion

Duenas asked for clarification of the 5 percent coverage for longliners. Dalzell said the measure is similar to the IATTC measures and incorporates national programs.

4. WCPFC US Advisory Committee Appointments

Tosatto said the Service published a Notice Soliciting Nominations for the WCPFC Advisory Committee. A large number of nominations were received and vetted through the WCPFC Commissioners. A provisional slate has been forwarded to NOAA Administrator Under

Secretary for Commerce for approval. The WCPFC Lead Commissioner is presently working with the front office to gain approval. Once the decision is made, a Letter of Congratulations as well as a Draft SOP for the Advisory Committee will be sent out so efforts can begin to prepare for the first meeting in October after the TCC.

D. Pelagic Plan Team Recommendations

Boggs presented the Pelagic Plan Team recommendations as follows:

- For CNMI, the landings of the emerging longline fishery should be sampled to get weights and length/weight relationships for monitoring the catch.
- For Guam, the Council should conduct an investigation to gain regular access into the bases to do surveys and also to work with the military to coordinate with Guam natural resource agencies and local fishermen groups to allow better access to open ocean and coastal fishing areas restricted due to increased military activity and exercises. Guam DAWR and WestPacFIN should conduct additional research with commercial vendors to increase participation in the commercial receipts program.
- For American Samoa, the experimental fishery process or the Council's CDP would be appropriate ways to gather information needed to develop appropriate fishery management recommendations for the American Samoa shallow-set longline fishery.
- For Hawaii, regarding the development of management options for a striped marlin limit: 1) PIFSC should apprise PIRO on a quarterly basis of the North Pacific striped marlin cumulative catch by weight in the WCPFC Convention Area from the Hawaii-based longline fishery. 2) The dealer data should be used to figure out what the cost fishermen would be if they were to let go of those live fish, if there was such a rule. 3) The amounts of retained catches now for striped marlin or for striped marlin and blue marlin combined should be looked at now to see what the effect would be if the ones that are estimated to be live were released at various different minimum sizes.
- Region-wide, bluefin tuna needs to be addressed through collaborative work between the Western Pacific and Pacific Fishery Management Councils.
- The recommendation regarding the Highly Migratory Species FMP is now moot. The item has been addressed in a letter.

E. SSC Recommendations

Callaghan reported the SSC recommendations as follows:

- *With respect to the action items*, should interest develop in shallow-set longline fishing for swordfish in American Samoa, adopt Action Item C, Exempted Fishing Permit. The Council should assist local fishers in the acquisition of an Exempted Fishing Permits. Any such permits should include requirements for 100 percent observer coverage and a

suite of protected species bycatch mitigation measures such as 18/0 circle hooks, mackerel bait and appropriate seabird mitigation measures.

- *With regard to overfishing for bluefin tuna stocks*, the Western Pacific and Pacific Fisheries Management Councils should cooperate to develop options for addressing these concerns.
- *With respect to WCPFC CMMs for bigeye tuna*, the Council should request the US Delegation to the WCPFC Commission to examine a range of management options that would be effective in conserving bigeye tuna stocks. Such measures should include restrictions on the use of FADs, area-based constraints and vessel-size regulations. The SSC noted the inconsistency between the EPO and the WCPO regulation regarding longline vessels. Specifically, longline vessels less than 24 meters are exempt from regulations in the EPO. The SSC did not see the reason vessels below this size are not also exempted in the WCPO and Central Pacific Ocean.
- *With regard to economic impacts of the 2010 WCPO bigeye closure*, this is the first use of the Social Accounting Matrix (SAM) model to quantify the impact of the 2010 WCPO bigeye tuna closure on this fishery. The SSC appreciated these efforts and encourages further work on the subject.
- *With regard to the Pelagic Plan Team report*, endorse the report with the following clarification regarding division of responsibility between the Western Pacific and Pacific Councils for swordfish and striped marlin stock assessments: The Western Pacific Council should take the lead in developing management plans for WCPO swordfish and striped marlin, and the Pacific Council should take the lead in developing management plans for Eastern Pacific swordfish and striped marlin.

F. Public Hearing

No public comments were offered.

G. Council Discussion and Action

- *Regarding a potential American Samoa shallow-set longline fishery*, **the Council recommended that staff prepare a Draft FEP amendment to establish measures for the American Samoa shallow-set longline fishery.**

Moved by Martin; seconded by Tulafono.

Motion passed.

Tosatto noted an FEP amendment needs to be driven by a management need and advised the Council to seriously consider whether the amendment is needed.

Martin stated it is reasonable to move the motion forward as there is significant interest in the fishery. Kingma added there is an obligation to achieve optimal yields in fisheries and

sometimes without such measures exploration and legitimate fishery operations can be unduly restricted.

- *Regarding the CNMI longline fishery, the Council:* **Reiterates its recommendations that the landings of the emerging CNMI longline fishery should be sampled by NMFS or Division of Fish and Wildlife to obtain average weights and length-weight conversion factors so that logbook catches in numbers can be expressed as weights.**

Moved by Martin; seconded by Tulafono.

Motion passed.

- *Regarding surveying of recreational fish catch on Guam's military bases, the Council* **recommended that Council staff discuss with the US military methods of documenting and surveying fishing activity taking place on military bases. The Council recommended that a written document defining fisheries survey protocols and the necessity for collecting fisheries data and DAWR access to address this gap in fisheries data be sent to the military.**

Moved by Martin; seconded by Palacios.

Motion passed.

- *Regarding the sampling of commercial fisheries on Guam, the Council* **encouraged DAWR and WestPacFIN to conduct additional outreach with commercial vendors to increase participation in the commercial receipts program. Changing demographics of fishermen selling to novel vendors whose transactions are not being captured by the current commercial receipts program. Similar problems are also being experienced in Saipan. Distrust of government agencies and the use of commercial receipts data seem to be a common reason for not participating in the program.**

Moved by Martin; seconded by Palacios.

Motion passed.

- *Regarding striped marlin catches, the Council* **recommended that NMFS PIFSC apprise NMFS PIRO on a quarterly basis of the North Pacific striped marlin cumulative catch by weight in the WCPFC Convention Area from the Hawaii-based longline fishery.**

Moved by Martin; seconded by Palacios.

Motion passed.

- *Regarding management options for striped marlin, the Council* **recommended that NMFS PIFSC conduct the following analyses: a) Using Hawaii longline observer data, summarize the number of striped marlin based on condition, dead or alive, upon retrieval by associated sizes; b) Using Hawaii dealer data, examine the market values of striped and blue marline size categories to ascertain the economic impacts**

to the fisheries if a minimum size category were implemented; and c) Examine the effects on the amounts of retained catches in Hawaii-based fisheries of, a, striped marline and, b, striped marlin and blue marlin combined in the North Pacific of the WCPFC area, if live boated fish smaller than specified minimum sizes were required to be released. The analysis would examine various possible minimum sizes including no minimum size.

Moved by Martin; seconded by Palacios.

Motion passed.

- **Regarding the overfishing of Pacific bluefin tuna, the Council recommended that the Pacific Council address the stock's overfishing status, given the requirement for the Council to take management action and the disparity in the US fishery catches of Pacific bluefin tuna between the Western and Eastern Pacific Ocean, with dramatically higher catches in the latter. If appropriate, the chair and appropriate member of the Pelagic Plan Team will confer with the Pacific Fishery Management Council's Highly Migratory Species Plan Team to develop options that would assist in making recommendations to the Secretary of Commerce for domestic regulations to address the relative impact of fishing vessels on the stock. Furthermore, the Teams could assist in the development of recommendations to the Secretary of State and to the Congress for international actions that will end overfishing.**

Moved by Martin; seconded by Palacios.

Motion passed.

- **Regarding a new WCPFC CMM for bigeye tuna, the Council recommended that NMFS prepare a draft CMM that would propose the following: a) Maintain Distant Water Fishing Nations longline bigeye catch limits, as well as establish longline bigeye catch limits of 2,000 metric tons or less for SIDS and Participating Territories with the ability to trade or transfer their quota; b) The application of the measure be between 20 Degrees North and 20 Degrees South; c) Establish annual bigeye catch limits for purse seine vessels that would reduce the overall purse seine catch of bigeye by 30 percent in 2014 from 2001-to 2004 baseline levels; d) The application longline catch limits be for vessels greater than 24 meters and purse seine catch limits by vessel class, as is done in the IATTC.**

Moved by Martin; seconded by Palacios.

Motion passed with abstention by Tosatto and nay by Itano.

Tosatto requested, as the letter is prepared for the chair's signature, to refer to the MOU and consult as to the best delivery of the recommendations under the MOU. Martin noted it was implied.

Itano said he was not fully onboard with some of the measures in the recommendation and will not vote in support as he does not see it as a productive measure in the conservation sense.

Itano asked whether the 20 Degree North boundary intended to cut the fishery right in half. The response was affirmative.

Tosatto said the US purse seine is not exempt from any WCPFC action that binds any other purse seine fleet in the WCPFC area.

- **Regarding the economic impacts of the 2010 closure of longline fishing in WCPO on bigeye tuna, the Council noted that this is the first SAM model to quantify the impact of the 2010 WCPO bigeye tuna closure on this fishery. The Council appreciated these efforts and encouraged further work on the subject.**

Moved by Martin; seconded by Palacios.

Motion passed.

- **Regarding limited access to 25 to 50 nautical miles of the American Samoa Large Pelagic Fishing Area Closure, the Council selected Option 5 by which this could be accomplished for Swains and Manua Islands through the CDP process and directed staff to further prepare a document.**

Moved by Martin; seconded by Haleck.

Motion passed.

- **Regarding American Samoa landing requirements, the Council directed staff to further refine options for American Samoa landing requirements related to annual longline landings and annual landings by US purse seine vessels fishing in the US EEZ and report back at October Council meeting.**

Moved by Martin; seconded by Haleck.

Motion passed.

- **The Council directed Council staff to prepare a letter to the Regional Administrator requesting an update on the previous Council action related to the swordfish retention rule that was taken up at a previous Council meeting.**

Moved by Martin; seconded by Palacios.

Motion passed.

13. Administrative Matters

A. Financial Reports

Simonds reported copies of the Financial Reports were distributed to Council Members.

B. Administrative Reports

Simonds said copies of the Administrative Reports were distributed to Council members.

C. SOPP Review and Changes

Simonds said GC is still working on Council questions posed to them regarding the SOPP in previous Council meetings.

D. Council Family Changes

Mitsuyasu reported no changes in the Council's advisory groups. Simonds said new Council members McGrew Rice and Richard Seman will attend Council training in the near future.

E. Meetings and Workshops

Duenas said the meetings and workshops document was distributed to Council members.

F. Other Business

Duenas read Resolutions of Appreciation for the years of distinguished service to the Council by Benigno Repeki Sablan representing the CNMI and Fred Duerr representing Hawaii.

G. Standing Committee Recommendations

Duenas said the recommendations have been distributed to the Council members.

H. Public Comment

No public comments were offered.

I. Council Discussion and Action

- **The Council requested PIRO and the Council staff to finalize the CDP application to facilitate the processing of the Ohai CDP project.**

Moved by Duenas; seconded by Duerr.

Motion passed.

- **The Council requested NOAA GC to follow up on the status of the legal opinion regarding consistency between local and federal shark finning laws.**

Moved by Duenas; seconded by Sablan.

Motion passed.

The 151st Council meeting adjourned.