



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**DRAFT MINUTES OF THE
155th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

October 29 – November 1, 2012

**Laniakea YWCA-Fuller Hall
1040 Richards Street
Honolulu, Hawai'i**

Approved by Council:



Arnold Palacios, Chair

Western Pacific Regional Fishery Management Council

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1. Welcome and Introductions

The following Council Members were in attendance.

- William J. Aila, Junior, Interim Chair, Hawai`i Department of Land and Natural Resources (DLNR)
- Arnold Palacios, Vice Chair, Commonwealth of the Northern Mariana Islands (CNMI), Department of Lands and Natural Resources (DLNR)
- William Sword, Vice Chair (American Samoa)
- Mariquita Taitague, Vice Chair, Guam Department of Agriculture (DOA)
- Michael Duenas (Guam)
- Edwin Ebisui (Hawai`i)
- Michael Goto (Hawai`i)
- Julie Leialoha (Hawai`i)
- McGrew Rice (Hawai`i)
- Richard Seman (CNMI))
- Ray Tulafono, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mike Tosatto, National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)
- Don Palawski, US Fish and Wildlife Service (USFWS)
- CMDR. Charter Tschirgi, Designee, US Coast Guard (USCG)

Council Member Bill Gibbons-Fly from the U.S. Department of State was absent. One Council seat from American Samoa is vacant.

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck, State of Hawai`i DLNR Designee Francis Oishi, USCG Alternate Designee CMDR. Bob Hendrickson, and National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel (GC) Fred Tucher, Elena Onaga and Kamilie Nichols.

Council Members Duenas, Goto and Ebisui were sworn in by Tosatto.

2. Approval of the 155th Agenda

Moved and seconded.

Motion passed.

3. Approval of the 154th Meeting Minutes

Moved and seconded.

Motion passed.

4. Executive Director's Report

Simonds reviewed Council actions since the 154th meeting in June 2012. An Omnibus Proposal for approval of the fishery data collection in the entire Western Pacific Region, which included the online reporting of the State of Hawai'i data, was forwarded to NMFS Headquarters on Sept. 18. The Pacific Islands Cooperative Research proposal was submitted to the NMFS Working Group for review for estimation of shark depredation rates in the small-boat fishery in the Mariana Archipelago and mapping of the coral reef fishing ground in American Samoa and the Mariana Archipelagos.

Sam Pooley, PIFSC Director, said no determinations have been made regarding any proposals submitted. He will check and provide the information before the end of the meeting.

In August 2012, the American Samoa Plan Team decided that, except for bottomfish, the majority of the management unit species (MUS) harvested in Territorial waters will be designated as Ecosystem Components for annual catch limit (ACL) management. Council and NMFS staff and NOAA GC have been working on Amendment 20. The amendment has been rewritten to include language that allows for sharing of quota within the Territories and the longline industry. It's currently in NMFS for review.

The Permanent Advisory Committee (PAC) meeting was held recently in Honolulu. Members include longliners, purse seiners, cannery and island representatives. The PAC provides advice to the US Delegation of the Western and Central Pacific Fisheries Commission (WCPFC). An important topic addressed was strengthening the Compliance and Monitoring Scheme (CMS) in the Commission and issues regarding the recent change in the makeup of the TCC leadership responsibilities. Australia, which chaired the Technical and Compliance Committee (TCC), has stepped down because of staff changes, among other reasons.

Recommendations from the Council Coordination Committee (CCC) held in May 2012 have resulted in a committee made up of Councils, NMFS and the Marine Fisheries Advisory Committee (MAFAC). A recent webinar addressed the Endangered Species Act (ESA) Jeopardy Decision process. Two representative positions have opened up on the MAFAC as Ed Ebisui and Randy Cates have ended their membership. Ebisui was recently appointed to serve on the Council. Henry Sesepasara, Ed Watamura (Council's Hawai'i Advisory Panel (AP) chair) and Jim Lynch serve on the MAFAC. The National SSC formation will be undertaken in conjunction with the CCC.

Simonds noted PIFSC will be collecting information in regard to research priorities, which is taking the Council's Five-Year Research Priorities into consideration. She asked Tosatto to clarify the consequences to countries that have been identified to have participated in illegal, unreported and unregulated (IUU) fishing.

Tosatto said he would have to take a look at the regulations, but trade sanctions can be put in place, which would also occur in the broader World Trade Organization (WTO) context. The purpose of the process is to prevent IUU fishing.

Simonds reported the Aha Moku bill was signed by the Governor of Hawai`i on July 9. The bill recognized the Aha Moku system of traditional natural resource management and creates an Aha Moku Advisory Committee within DLNR.

The Council responded to NMFS with comments for the Status of the 82 corals species petition. The Status Review is due to be published Dec. 1, 2012. The False Killer Whale (FKW) Take Reduction Plan is expected to be published Nov. 30, 2012 and the Proposed Listing of the Insular FKW Stock to the Endangered Species List will be published Dec. 11, 2012.

Simonds reported there has been no response to the letter written to Congress asking for a review of the impact of ESA and the Marine Mammal Protection Act (MMPA) actions on fisheries management.

Meetings were held during August in American Samoa regarding Territorial MUS with regard to ACL management. It was decided that except for bottomfish, the majority of MUS harvested in Territorial waters will be designated as Ecosystem Components. Staff is revising the proposals to include longline and purse seine large-boat closures for all of the Territories. Amendment 20 has been rewritten to include language that allows sharing of quota within the Territories and the longline fishery and is under NMFS review. Local, regional and Headquarters Review will take place after the NMFS review.

5. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto reported the Recreational Fishing Summit was held in August and will be reported on by the new Recreational Fishing Specialist later in the agenda. With regard to coastal marine and spatial planning (CMSP), NMFS is awaiting nominations to be submitted from the Region's Governors for members to the Regional Planning Body, at which time the first meeting will be planned. A workshop was held in October entitled Science Foundations for Ocean Planning in Hawai`i, Human Use and Habitat Characterizations, which is the first in a series of workshops that will be held in each of the island jurisdictions as the CMSP initiative progresses.

Tosatto reported various rule-makings, including the Swordfish Retention Rule in the deepset Fishery, have been finalized. The Incidental Take Statement (ITS) for protected species in the longline shallow-set fishery was implemented and will become effective in the near future. The bigeye quota for 2012 was implemented, including the provision for the assignment of catch under arrangements between participants in the fishery and the Territories. The Region was issued the first Migratory Bird Treaty Act (MBTA) permit for any fishery ever in the country, which means the shallow-set swordfish fishery is now covered with a permit under the MBTA.

Tosatto noted NMFS has begun to get briefings on the changes the Department of Defense (DOD) has planned for the Guam Military Buildup. Public meetings are planned to be held on Guam regarding the changes.

Discussion

Simonds asked if the information received in the DOD briefings will be shared with the Council. Large pieces of equipment have been left abandoned in Guam. Who will bear the cost of their removal?

Tosatto said whatever is put in writing in the briefings will be shared. He noted there is still need for significant infrastructure improvements.

Tulafono asked for clarification regarding the number of available fishing permits under the American Samoa Longline Limited Entry Program.

Tosatto said two permits are still available in the Class A size category.

2. Pacific Islands Fisheries Science Center

Pooley reported on marine debris in the Northwestern Hawaiian Islands (NWHI). The Center has responded to questions having to do with radioactivity and the aftermath from the disaster in Japan. No radioactivity has been found, but sampling is ongoing.

Carey Morishiga of the NOAA Marine Debris Office is the person to contact for information. A successful series of cruises have been ongoing in the Hawaiian Islands to explore fishery-independent ways of sampling bottomfish, such as acoustics and visual methods, in conjunction with Cooperative Research by local fishing boats. PIFSC Deputy Director Mike Seki is the chief scientist for the work and is available for presenting the efforts at a future Council meeting.

Work has also begun on a Mariana Ecosystem Science Plan as part of the Monument Program. A draft plan is out for an Expert Review, consisting of contributions from agencies and people. It will be made public for public comment and review. He suggested the plan be presented at the next Council meeting. He reported that part of the review consisted of a survey undertaken by the Center's Human Dimensions Program, which revealed a large portion of the population knows very little about the Mariana Monument.

Other activities that have occurred since the last Council meeting included a more detailed look at that data collected in Hawaii Marine Recreational Fishing Survey (MRFS), which is conducted cooperatively between the State of Hawai'i and NMFS. The annual Hawai'i Fishing and Seafood Festival had approximately 20,000 people in attendance. The International Scientific Committee (ISC) on tuna and tuna-like species met in Sapporo; it deliberated on two key points. Striped marlin is considered overfished and experiencing overfishing, which will be taken up at the December WCPFC9 in December. A working group on bluefin tuna stock assessment is scheduled to be held in Honolulu in December, with blue marlin and blue shark.

Kimberly Lowe has taken over as lead of the Western Pacific Fisheries Information Network (WPac FIN) Program. A statistical review of the boat-based and shore-based creel surveys in CNMI, Guam and American Samoa is underway. The Center is working in-house on documenting data collections and research programs more fully and integrating it with the Biosampling Program.

Ford Island is 80 percent complete. The move is expected to take place in January 2014. The Center is becoming active and exploring the use of social media to get more up-to-date information to the public.

Three Science Coordinators are now onboard in American Samoa, Guam and CNMI. The Agency hired a Senior Scientist, Rick Methot from the Northwest Center, for stock assessments. Relative to the new position, a Fish Stock 101 on NMFS is in the process of being constructed. Pooley noted the upcoming retirements of David Hamm, Jan Pappas, Pierre Kleiber, Don Tieman and Paul Shiota and commended them for their service.

Discussion

Leialoha asked for clarification as to the species of fish that were seen in the acoustic survey reported at the last Council meeting.

Pooley replied the species were found to be pufferfish.

Simonds asked if any of the research around the Main Hawaiian Islands (MHI) is being conducted inside the Bottomfish Restricted Fishing Areas (BRFAs).

Pooley said the research is being conducted outside of the BRFAs, and no license was acquired to fish inside a BRFA.

Simonds asked why no permits were obtained from the State to do the research.

Seki replied that since the research is still in the development stage the sampling is focused to ensure gear comparisons are consistent. Down the line the plan is to include all gears.

Simonds asked for clarification as to the Marianas Monument Science Plan.

Pooley said the Science Plan covers the Mariana Archipelago and is focused on pelagics, reef fish and habitat. It will be an overall look at what is being done and what needs to be done.

Simonds asked how many green sea turtle nests have been found around the MHI and if the trend is increasing.

Pooley said the nesting appears to be increasing, although the scale of the nesting has not been quantified yet. French Frigate Shoals is still where 90 percent of the nesting takes place.

Simonds asked for clarification as to the growth rate of turtles.

Pooley said turtles grow at different rates in different periods of life cycle and it varies by location. There is some question as to whether the density of turtles affects their growth rate. He suggested presentations be given by the Center’s turtle biologists in future SSC and Council meetings.

Palacios asked when the Territorial small-boat fishery economic performance surveys would be published. He was interested in seeing the reported cost of a fishing trip in the Marianas.

Pooley said they are in the process of completing the report. He offered to provide a draft for Palacios. He noted Minling Pan will be attending the meeting during the week and could provide more information in that regard.

Rice asked if the work done by Justin Hospital from PIFSC will continue.

Pooley replied in the affirmative, although the process of hiring in the Federal Government is moving at a very slow pace.

Palacios suggested that at the upcoming fisheries workshop scheduled in Saipan for February it would be valuable to include staff to report on the studies to the CNMI community, as they are very interested in receiving feedback.

Pooley acknowledge that the Center needs to do a better job at outreach, which includes providing information back to the fishermen, and added he looks forward to collaborating with the Council in outreach efforts.

Rice agreed the fishermen enjoy getting the feedback of the scientists’ efforts.

B. NOAA Office of General Counsel, Pacific Islands Report

Tucher reported on the following ongoing cases:

The National Resources Defense Council (NRDC) versus Bryson and NMFS. This case concerns the timetable for making a final determination to petition the MHI Insular FKW as an Endangered Distinct Population Segment (DPS). The process is continuing under the settlement agreement that was negotiated between NRDC, NOAA and Department of Justice (DOJ). NMFS will transmit a final decision on the petition to the Office of Federal Register no later than Dec. 11, 2012 and will pay Plaintiffs NRDC \$7,000 in attorney fees and costs in complete satisfaction of those claims.

KAHEA and Food and Water Watch versus NMFS. In April 2012 a US District Judge in the District of Hawai`i issued a final decision and order granting a Motion for Summary Judgment on a claim alleging that NMFS had no authority to issue a special permit to allow the culture and harvest of amberjack in the US exclusive economic zone (EEZ) west of Hawai`i under a Coral Reef Ecosystem Special Permit. Plaintiff Food and Water Watch appealed the verdict. KAHEA did not. Food and Water Watch filed an opening brief before the Ninth Circuit

Court of Appeals on Oct.1, 2012. The NOAA GC brief is due on Nov. 1, 2011, although an extension may have been requested.

Detting and Cabos versus NMFS. This case was filed originally in the US District Court for the District of Hawai`i and. It has been amended. The Plaintiffs alleged that NMFS failed to issue commercial fishing permits as it was allegedly required to do when the President issued an Executive Order establishing the Northwestern Coral Reef Ecosystem Reserve in 2000. It also alleged the failure of NMFS to compensate fishermen for their loss of fishing grounds upon the establishment of the Pacific Remote Islands, the four Marine National Monuments (MNM), Papahānaumokuākea and the three newer monuments in the region. DOJ filed a motion to dismiss on Sept. 21, 2012. The hearing has been continued to Feb. 25, 2013.

Turtle Island Restoration versus NMFS. This case involved Amendment 18 as originally approved and implemented by the Secretary, which was litigation over the ITS for North Pacific loggerhead and leatherback sea turtles. DOJ settled the case, and NMFS re-instituted the old ITS for loggerheads and leatherbacks and immediately commenced a new NMFS Biological Opinion, which was completed in January 2012. That ITS was recently implemented by Magnuson rule-making and will become effective in the near future. On Aug. 13, 2012, the DOJ and the Plaintiffs representing Turtle Island Restoration Network filed a stipulation settling Plaintiff's demand for attorney fees and costs in the amount of \$166,000.

The Center for Biological Diversity and Turtle Island Restoration Network versus NMFS. This case concerns the deadline for the FKW Take Reduction Plan (TRP): A transmission date to the Office of Federal Register of not later than Nov. 30, 2012, of both the plan and implementing regulations and agreement to pay \$10,000 in attorney fees and costs.

Litigation involving the overdue 12-month finding for the petition to list the bumphead parrotfish is being handled out of the Southeast Region Office in conjunction with the DOJ. That complaint was recently answered, but had no further information.

C. NOAA National Ocean Services (NOS)

Simonds noted the item will be presented under the American Samoa Archipelago section of the meeting agenda.

D. US Fish and Wildlife Service

Don Palawski, from USFWS, reported on a recent emergency situation. An employee stationed on Laysan Island became ill and had to be evacuated. He thanked the USCG for its assistance in the transport.

USFWS has been experiencing a substantial budget shortfall in the ongoing operation of Midway Atoll National Wildlife Refuge (NWR). For FY13 staff has been reduced by 50 percent, down to five people. The Visitor Services Program has been reduced. Programs across the board are reduced. Infrastructure and efforts have been reduced for more efficient fuel and power use.

Doug Staller was hired to be the new Superintendent for the Papahānaumokuākea MNM. He brings experience from work in Alaska.

Palawski announced his upcoming retirement after 35 years with the USFWS.

Discussion

Ebisui and Simonds congratulated Palawski on his retirement and thanked him for his many years of cooperation and assistance.

E. Enforcement

1. US Coast Guard

Hendrickson reported USCG law enforcement activities in the Western and Central Pacific Region for the period of June 1 to Sept. 30, 2012.

From June 10 to 29, Cutters *KUKUI* and *GALVESTON ISLAND* patrolled the boundaries and interiors of the EEZ around Kingman, Palmyra and Jarvis, including the Pacific Remote Island Area (PRIA) Monument boundaries. It completed five foreign fishing vessel boardings under the WCPFC or bilateral-assisted boardings with Kiribati. No violations were noted.

From July 21 to Aug. 5, Cutters *SEQUOIA* and *ASSATEAGUE* deployed on a multi-mission patrol of the boundaries and interiors of the EEZ around Guam and the CNMI, including the Marianas MNM Islands Unit. A Special Agent from NOAA Office of Law Enforcement (OLE) deployed with *SEQUOIA*. No violations were observed or incursions observed.

Cutter *JARVIS* deployed July 17 to Sept. 14 on a patrol of the boundaries and interior of the EEZ around Johnston Atoll, MHI and NWHI, including the boundaries of Papahānaumokuākea MNM. A Special Agent from NOAA OLE deployed with *JARVIS*. The *JARVIS* completed seven domestic boardings on the Hawai`i-based longline vessels. No fisheries violations were observed. However, some safety violations were identified.

Between June and Sept. 14, USCG District C-130 aircraft flew 15 patrols through the US EEZ, including the EEZ around Jarvis Island, Kingman and Palmyra; one of the EEZ around American Samoa EEZ; two of the EEZ around CNMI; and seven of the EEZ around the MHI and NWHI.

Cutter *WALNUT* deployed down to American Samoa from Hawai`i and has patrolled the EEZ around Kingman/Palmyra, American Samoa and Jarvis. US flagged and foreign fishing vessels were boarded with no significant violations noted to date.

USCG personnel attended several fisheries enforcement-related meetings, including the Eighth Session of the WCPFC and Hawaiian Island Humpback Whale National Marine Sanctuary Advisory Council.

The USCG is finalizing plans to form a partnership with the US Navy in an effort to place USCG boarding teams onboard US Navy vessels as they transit the Pacific to provide greater enforcement presence within the Region and hopefully have a positive impact on the fish stocks in the region. Two trips with liaison officers onboard US Naval vessels that were conducting transits have been completed. Twenty foreign fishing vessel sightings were documented.

The 14th USCG District has recently hired a Commercial Fishing Vessel Safety Coordinator, Charlie Medlicott, who will be responsible for coordinating safety inspections throughout the district.

Discussion

Aila thanked the USCG for the quick response provided in efforts to locate floating debris recently around the Hawaiian Islands.

Simonds asked for clarification as to the five-year analysis of vessel monitoring system (VMS) data being conducted for Forum Fisheries Agency (FFA).

Hendrickson replied the analysis extended back through five years of collected data and will be used to coordinate multi-national fisheries operations in Oceania.

Medlicott presented information regarding the USCG Authorization Act of 2010. The law was signed by the President in October 2010. It requires state-registered vessels to carry additional equipment that federally registered vessels are required to carry. It also includes changes to 46 CFR Part 28, which still have yet to be implemented. The regulatory process provides for public meetings, a public comment period, an interim final rule and a final rule.

A list of navigation and safety items comparing federal and state requirements was illustrated. Vessels operating beyond the 3 nautical mile (nm) territorial baseline will be required pass a dockside examination for compliance with equipment requirements and carry a Certificate of Compliance (COC), which must remain onboard the vessel and be made available to law enforcement personnel. Vessels not in possession of the COC will be subject to a fine. Currently a decal is sufficient for this purpose.

Other requirements include carry a life raft, such as SOLAS B, Coastal Pack Raft or an inflatable buoyant apparatus (IBA); logo equipment and training, such as date and time of safety drills and inspection of safety equipment; vessel operator training; changes to construction standards; and loadline changes.

Medlicott noted the concern around the Hawaiian Islands, Guam and American Samoa regarding the smaller subsistence, recreation and commercial vessels that traditionally sell some of the catch. If fish is caught outside of 3 miles and the fisherman receives something of value for the fish harvested technically the federal and State definition of being a commercial fisherman is met, and under the Authorization Act of 2010 a safety inspection is mandatory. After conducting research, he discovered in the 1990s there were exemptions for American

Samoa, Guam and Hawai'i small-boat fisheries from the requirement to carry survival craft and 406 EPIRBs and allowed for equipment such as radios. He did not find evidence there was any effort made to take advantage of the exemptions. He is working to expand on the current exemptions and update them.

He also reported on new equipment, such as GPS-enabled Personal Locator Beacons and exemptions specific to vessels less than 36 feet with four or fewer people onboard. He said he is aware of the logistical difficulties in acquiring the equipment in the island jurisdictions. The process is in progress and will take time.

Discussion

Palacios noted his appreciation that Medlicott acknowledged the difficult logistics of acquiring the required safety equipment in American Samoa, Guam and CNMI. He was glad to know about the option of looking at equivalent replacements or alternatives. He requested more effort go into the outreach part of the process in American Samoa, Guam and CNMI regarding the new rules.

Medlicott agreed to more effort put into outreach. He will be in American Samoa in the near future for just that purpose.

Rice said he is a documented charter with a 35-foot long fishing vessel and sells fish.

Medlicott suggested Rice speak with his charter boat association if there is one. The smaller boats have more difficulty meeting the requirements and will benefit from the outreach.

Rice noted past problems in Kona with regard to USCG enforcement activities. The situation improved recently with the opening of the USCG Office in Kona, but more outreach will help.

Medlicott said it will be another year before the new laws are in place, and outreach will be taking place.

Tulafono said some fishermen had recently told him about American Samoa small boats being prohibited from fishing if not in compliance with the new regulations.

Medlicott said the captain will be given time to comply. The goal was to make the small boats safe. He would communicate with the personnel in American Samoa to follow up.

Tulafono voiced concern for the potential negative economic impacts the new regulations would have on neighboring island fishing boats, which may be reluctant to offload in American Samoa.

Medlicott said if the the rules would not apply to vessels that are not U.S. flagged. Those vessels would have to adhere to their home-port maritime and international requirements.

Sword suggested that since transport of the safety equipment causes much of the difficulty, to utilize the USCG cutters to transport the needed safety equipment.

Medlicott said it was a good idea. The USCCG has historically hauled cargo to remote places.

Sword requested more outreach be done in American Samoa.

Seman spoke to the difficulties small-boat fishermen face in CNMI, such as cost of fuel, and noted his appreciation for the USCG's effort to provide alternatives to the requirements.

Medlicott reiterated that the point is to make people as safe as they can. They will be creative in trying to accomplish that.

Hendrickson added a reminder that the USCG does not condone the use of CB radios as effective communication and the USCG does not accept float plans, but encouraged boaters to inform family or friends of plans in case there is an emergency. The USCG is working closely with fishers to learn about the unique limitations within the different communities and to use that information to help develop a good, solid exemption. He added this is new and the USCG is currently in the education phase. The bottom line is to be safe.

2. NMFS Office of Law Enforcement

Bill Pickering, NMFS OLE Pacific Islands Division (PID), said 35 incidents were reported during the period. Twelve were protected resources, 22 fisheries management and one Sanctuary.

Pickering highlighted an investigation involving a foreign vessel possibly fishing near the NWHI. OLE is the process of securing logs from the Flag State to match up for those periods that the vessel was in the area. One incident involved a longliner fishing in the Monument. The USCG flew up to the monument to watch the vessel fish and bring the fish aboard. The vessel was told to leave the Monument area. The captain went back in the next day for further fishing. The fishing was documented by the USCG to be inside the Monument area, at which time the voyage was terminated and the vessel was returned to Honolulu. The investigation is ongoing.

A PID special agent in American Samoa assisted the Government of the Cook Islands with two investigations, one involving a US flagged longliner suspected of fishing illegally inside the territorial waters of the Cook Islands. The Cook Islands are attempting to negotiate a settlement agreement with the owners of the longliner for the alleged violations. The second case involves a US flagged purse seiner suspected of fishing illegally inside the territorial seas of Cook Islands. The second investigation absolved the purse seine vessel of any wrongdoing.

A PID special agent completed an investigation of a US flagged purse seiner suspected of fishing illegal inside the territorial seas of Tuvalu. The investigation resulted in the vessel being exonerated. The vessel was licensed to fish in the region under the South Pacific Treaty.

Currently 30 registered users are tracking 86 of their own commercial fishing vessels using the Google Earth interface that was introduced at previous Council meetings. Pickering encouraged more users to sign up for the service at no charge. Google Earth has been updated to include enforcement-related boundaries information with the recent changes to the American Samoa Large Vessel Prohibited Area and Rose Atoll MNM, as well as regulatory citations and updates of non-US Pacific Islands territorial sea boundaries and island/atoll names.

Discussion

Tulafono asked if the longline vessel fishing inside Cook Islands EEZ was home-based in American Samoa, as this is the first time he had heard of it.

Pickering replied in the affirmative. The Cook Island Government and the vessel are in the process of working out the decision.

Simonds asked if OLE had held meetings with the Hawaii Longline Association (HLA) in regard to the VMS Program.

Pickering replied in the affirmative. There have been a couple of meetings, and staff is available if requested to do additional meetings.

Simonds asked OLE to check the foreign vessel caught in the US EEZ around NWHI to ensure they were not also fishing in the EEZ around the PRIAs.

Pickering replied he would do so.

3. NOAA General Counsel for Enforcement and Litigation

Alexa Cole, NOAA GC Enforcement and Litigation, announced she is relocating to Washington, DC. This will be her last report to the Council as Senior Enforcement Attorney in the Pacific Islands Region. The new Senior Enforcement Attorney is not known yet, but she will continue to answer her phone for issues in the region.

Seven cases were received during the period since the last Council meeting. Five have been charged or about to be charged. One case was declined, and one is still being reviewed. Two cases involved vessels fishing in the American Samoa Large Vessel Prohibited Areas. The penalties were \$33,750 for the *Cape Breton* and \$80,000 for *Cape May*, for a total, of \$113,750.

In three cases, the vessels have not been served yet. One involved two sets on marine mammals, with a penalty of \$20,500; one case had one set on a marine mammal, a \$11,000 case, which is the statutory maximum under the MMPA. The third case involved five sets on marine mammals and fishing on a Fish Aggregating Device (FAD) during the closure period, \$149,250. Total \$294,500.

Trials are ongoing in six purse-seine cases for violations of the 2009 FAD closure under WCPFC. Total penalties approximate \$2.5 million.

A hearing is scheduled for Nov. 14 for a WCPFC longline bigeye closure violation in 2010, for \$20,000.

In-Zone VMS is the top issue being worked on at WCPFC.

Discussion

Tulafono thanked Cole for all she's done for the Region.

Eric Kingma noted that at the recent PAC meeting, members believed that there is a difference in the level of enforcement for the US purse seine and longline fisheries from other countries' fleets and that WCPFC's review of compliance by individual members is problematic and lacks consequences. Kingma asked for Cole's perspective on the continued role of the Secretariat in terms of compliance and monitoring, given its funds and technical capacity, or should more resources and effort go towards the Secretariat to fixing the process.

Cole agreed with Kingma's statement about US longline and purse-seine fleet enforcement, adding that other countries are not reviewing the vessels records for compliance violations the way the US is. GC Enforcement and Litigation and OLE have a clear mandate and cannot lower enforcement and compliance standards in the US, but can work through WCPFC to try to raise other countries' standards to the US level. It has to begin with getting the existing measures to be adopted as permanent measures. Until that time, now is not the time to be aggressively enforcing the measure. Getting the Secretariat the resources and capacity it needs to be able to do a more full review would also be beneficial.

Kingma noted a lot of the VMS and observer data are not provided on a timely basis. He asked what the US could do in terms of enhancing or improving the situation.

Tosatto said that annual reports are the core of the review and the ability to have them available for review on a timely basis is not in place at this time. Compliance would be secondary in a sense. Stock assessment data also is not available in a timely manner. More capacity building is needed. Funding is also needed in key areas. He added that direct competition is impacting the fisheries.

Kingma asked for Cole's advice and/or opinion on the chance the Commission will adopt a process to deal with noncompliance and the US will take over acting as the lead in determining what to do in terms of noncompliance. He noted a recommendation to that effect was made at the recent PAC meeting, recognizing Australia is no longer taking that role.

Cole said the US is hoping to get the measure adopted on the existing CMS in its current form and for it to become permanent. She said there is no chance for the companion measure, responses to noncompliance, to be adopted because of very little having been discussed at the TCC8. The best to hope for at WCPFC9 in response to noncompliance is an aggressive intersessional process that drafts and moves it along between now and TCC9. Somebody has to take the lead and who that will be remains to be seen.

Rice asked if there are any consequences for not turning in reports in a timely manner.

Tosatto said this time there have been no consequences and the Delegation have been working around the issue, although on paper it's recognized as an integral compliance item. It is hard to have a meaningful review without it.

Cole said three to five, mostly Cooperating Nonmembers, could not submit their report and do get a status of Compliance Review. A long debate on the issue resulted in the answer, we're still trying to get it right and let's figure it out. She said not a whole lot can be done until there is a companion measure.

F. Public Comment

No public comment offered.

G. Council Discussion and Action

Regarding USCG Commercial Fishing Vessel Safety Certificate of Compliance Requirements, the Council directs staff to work with the USCG and affected fishermen in the Western Pacific Region to identify potential exemptions and equivalencies that are locally available and appropriate for the region's fishing activities and, further, to work with the USCG on outreach and education on these issues.

*Moved by Ebisui; seconded by Palacios.
Motion passed.*

6. Program Planning and Research

A. Recommendations on Moratorium for Gold Coral (Action Item)

Joshua DeMello said past research indicated that the linear growth rate of gold coral is approximately 6.6 centimeters per year, suggesting a relatively young age for large trees. These estimates were based on the assumption that growth rings are laid down annually as in other precious corals such as black coral and pink coral. More recent research in 2006 using radiometric dating on samples collected from Makapu`u Bed and off the island of Hawai`i found that gold coral may grow at a much slower rate of 14 to 40 micrometer per year, aging samples at 450 to 2,740 years old. Research conducted on species in the Atlantic Ocean has estimated the age of large gold coral trees to be 1,800 years old. Due to this discrepancy in growth estimates, the Council recommended placing a five-year moratorium on the harvest of gold corals in the Western Pacific Region. The moratorium was put in place in September 2008 and will expire September 2013.

During the moratorium 48 gold coral colonies were marked and measured at six sites across the Hawai`i Archipelago and found no discernible growth. While this study provides additional information, studies looking at the gold coral growth over a period longer than one to nine years may needed to confirm these results as well as incorporate this information into a better assessment of the stocks and the development of a proper ACL. There is still uncertainty

regarding the growth rate of gold coral, which would result in the setting unreliable maximum sustainable yield (MSY) or quota.

No current gold coral fishery exists inside or outside of Hawai`i. No permits have been issued for gold coral. The fishery began in 1971 around Hawai`i and consisted of only one company, which professes to be the only company in the world that makes jewelry with Hawaiian gold coral.

The proposed moratorium options for the Council include the following:

Option 1: No action. The moratorium on the harvest of gold coral would expire on Sept. 11, 2013. Harvest of gold coral would be allowed and restricted to an ACL yet to be determined.

Option 2: Extend moratorium. This option would extend the moratorium on the harvest of gold coral in the Western Pacific an additional five years to 2018. The extension of the moratorium would provide time for additional research to inform the gold coral growth estimates and provide time for the development of an ACL for gold coral based upon a re-assessment of the stock utilizing any new information available.

Option 3: Prohibit the take of gold coral. This option would implement an indefinite ban on the taking of gold coral in the Western Pacific Region. An ACL would not be developed. Gold coral would continue to be a part of the MUS.

There is currently no ACL for gold coral because of the moratorium. The new growth information can be used to recalculate MSY for gold coral for use to as a basis for any future ACL. The ACL when set as well as the moratorium would be for gold coral stock in federal waters only. A State measure would be needed for gold coral stocks located in State waters.

Discussion

Rice asked where Maui Divers currently get its coral stock.

DeMello said it is using stock harvested before the moratorium was put in place.

Palacios asked for clarification regarding the length of the moratorium.

DeMello said the moratorium would last five years. The moratorium for the armorhead was set based on the life history of the stock. If the same parameter was used for the gold coral, it might be a thousand-year moratorium.

Ebisui asked if there was any industry interest to reopen the fishery.

DeMello replied in the negative, adding the one company in business has stated it has enough current stock for now, but that it would be nice to have it available.

B. Pacific Islands Fisheries Science Center’s Science Plan and Prioritization

Pooley presented the background of the Science Center’s efforts to update its Science Plan as part of a national effort by NMFS to provide input on Council interest in research topics, engage in discussion regarding PIFSC priority setting and identify any additional needed activities. Council members were asked to voice their opinions of the research priorities needed to help in their decision-making.

Discussion

Simonds asked for clarification as to whether the previous Council research plan was reviewed in this process and what do Council members do if they felt A and B were both important.

Pooley replied in the affirmative. The Council’s new research plan, which was generated in 2010, has been taken into account and closely matches the Center’s Science Plan. If Council members felt A and B were both important, A would be equal to B.

Simonds and Pooley agreed that they were glad the Council’s research plan provided to NMFS is being included in the process.

The Council was presented with paired binary choices of selected current or potential PIFSC activities. Members were asked to comment on the relative priority of each choice. Council members prioritized these choices, arbitrarily labeled A or B, as either A greater than B, A equals B, or A less than B. Pooley noted the primary criteria is what the Council would like the Science Center to address immediately or within the next two to five years, as well as any activities that are currently not on the list. The Council’s input on the relative importance of each activity included:

1.A. Monitor and assess nonfederal fisheries and 1.B. Monitor and assess Magnuson Act pelagic fisheries. **The Council recommended 1.A equal to 1.B.**

Pooley provided examples of nonfederal fisheries, such as bigeye tuna, striped marlin and yellowfin.

Tosatto clarified that Magnuson Act pelagic fisheries include species such as octopus and ulua.

Leialoha asked how the ranking would affect the handling of an emergency situation, such as a die-off of a species such as akule.

Pooley said the biological staff would address such an emergency. He clarified the item is oriented towards Fishery Management Plans or nonfishery management plans, and long-term assessment and monitoring would not occur unless A was the choice.

Simonds added the Council puts efforts into research for some of the species that are nonfederal fisheries, such as akule and opelu, through other scientific organizations. The State of Hawai`i also has a management regime for such species.

Aila asked if the current research regime is adequate in regard to the upcoming international agreements and potential quotas.

Simonds replied in the negative.

Pooley replied the Center is heavily invested in doing pelagic fisheries monitoring and fisheries biology and would be hard pressed to spend more money on pelagic fisheries.

Ebisui asked for clarification as to the “Deep Seven” bottomfish.

Pooley replied the Deep Seven does not fall in either category.

Tulafono asked how the Center would handle looking at nonfederal species.

Pooley said the Center would balance assessment efforts between the species.

Palacios noted one of the mandates of the Science Center is to support the Council in all of its research needs and at the same time the local resource agencies will need support, which would result in A equals B.

Pooley agreed, noting that the dominant perspective over the years has been 1.B, with increasing interest in 1.A.

Leialoha asked how much weight is given to the economic value of the fisheries.

Pooley said economics is a consideration, adding the Science Center is also responsible for all Magnuson Act MUS.

Sword noted the importance for the Science Center being available to provide information to local agencies regarding nonfederal fisheries.

Aila voiced his preference as A equal to B.

Rice agreed.

Pooley noted 1.A equals 1.B, with the understanding of the Council needs.

2.A. Summarize fishery-dependent data into reports to PIRO, the Council, other government agencies, fishermen, researchers, tuna and other Regional Fishery Management Organizations (RFMOs) and other clients; and 2.B. Participate in the NMFS Marine Recreational Information Program (MRIP), including enhancement of noncommercial fisheries monitoring and evaluation. **The Council recommended 2.A greater than 2.B.**

Simonds said the current effort is to have a regional program with the State of Hawai`i.

After brief discussion of MRIP funding, Aila voiced preference for B is equal to or greater than A.

Rice asked for clarification as to federal funds available for conducting projects locally.

Pooley said the Science Center contributes to the need of the Council, not what is needed from other parts of NMFS. Such a scenario would have to be negotiated out of Headquarters.

Aila asked about PFISC's ability to provide additional analysis of the data collected.

Pooley said PIFSC could provide additional analysis, but this area could be better funded.

Ebisui asked for clarification as to Item 2.A.

Pooley said this would allow flexibility to shift money from providing summary reports to perform greater analysis and participation in the MRIP Program.

3.A. Monitor and assess the RFMO-managed pelagic fisheries or 3.B. Monitor and assess Magnuson Act regulated domestic insular and pelagic fisheries. **The Council recommended 3.A equal to 3.B.**

Rice noted 3.A is equal to 3.B.

Simonds asked for clarification as to the Hawai`i longline fishery.

Pooley said this is to continue the logbook program, the assessment of the Hawai`i longline fishery and the Center's contribution to the RFMO assessment process.

4.A. Conduct coral reef assessments, including reef fish and 4.B. Conduct annual surveys of MHI monk seals for use in estimates of population size. **The Council recommended 4.A is less than 4.B in regard to Hawaii's current monk seal status.**

Palacios noted this as an unfair question as far as jurisdictional consideration, but A equals B in the Territories.

Pooley replied jurisdictional issues were not part of the question.

Ebisui asked about PIFSC's information on monk seal translocation numbers.

Pooley clarified this is in regard to the census of the entire MHI population and keeping track of the status of the population.

Leialoha noted if this were in regard just to Hawai`i issues, B would be greater than A. When taking the entire region into consideration, the choice would be A is equal to B.

Goto asked for clarification as to Pooley’s statement regarding an A-equals-B response would mean Pooley would use his own discretion.

Pooley replied then he would make the decision.

Aila noted when considering the coral reef assessment that’s been undertaken makes B the preferred choice.

Rice agreed with Leialoha’s comments of A equals B region-wide.

Simonds asked for clarification as to the Monk Seal Program versus the Coral Reef Program.

Pooley said the Coral Reef Program receives more money than the Monk Seal Program, but research is increasing on monk seals while the research on coral reef is slowing down.

5.A. Conduct fishery-independent insular resources surveys using Cooperative Research with fishermen; and 5.B. Conduct post-hooking mortality rate bycatch research and analysis, longline fisheries. **The Council recommended 5.A is less than 5.B when considering the cetacean interactions.**

Palacios noted his choice of A greater than B.

Simonds pointed out the low incidence of post-hooking mortality and bycatch in the region, as well as the small amount of funds provided for Cooperative Research.

Goto asked what species are included in the post-hooking mortality research.

Pooley said work has begun with HLA to include cetaceans and turtles in the research.

6.A. Conduct fast-track quota monitoring and forecasting (federally regulated fisheries: American Samoa and Hawai`i longline, Hawai`i bottomfish); and 6.B. Prepare reports summarizing fishery data for the Council and RFMOs, and other stakeholders, (e.g. fishermen). **The Council recommended 6.A is equal to 6.B.**

Ebisui noted the Hawaii Bottomfish TAC is working well, therefore, A is equal to B.

Aila clarified B is the same as A, just that the data is reported at a later time.

Pooley agreed.

Simonds pointed out the Council would like to get the annual reports faster and there is room for improvement.

7.A. Conduct socioeconomic, Human Dimension research on resource conflicts (e.g., monk seal critical habitat, ESA listing/delisting, et cetera) and 7.B. Prepare oceanographic integrated forecasts for bycatch mitigation (e.g. TurtleWatch). **The Council recommended 7.A**

is greater than 7.B, noting private entities should provide funding rather than the Federal Government.

Leialoha noted private entities should provide funds in this regard.

8.A. Monitor the status of non-federally managed species and 8.B. Prepare oceanographic integrated forecasts for bycatch mitigation (e.g. TurtleWatch). **The Council recommended 8.A is equal to 8.B.**

9.A. Conduct annual surveys of Hawaiian monk seals in the Main Hawaiian Islands and 9.B. Conduct regular surveys of cetacean populations outside of Hawaii (i.e. American Samoa, Guam, CNMI, PRIAs and high seas). **The Council was divided and chose all of the above.**

Leialoha noted that as a Hawaii-based Council member, A would have to be greater than B. But overall, A would equal B.

Rice chose A is greater than B, but A equals B. if the high seas was taken out.

Aila and Ebisui preferred 9.A is greater then 9.B.

10.A. Build external collaboration and partnerships working with local jurisdictions; and 10.B. Collaborate in international and multilateral and bilateral scientific bodies (including RFMO assessments). **The Council recommended 10.A is greater than 10.B.**

Simonds said PIFSC has been doing B for years and just beginning to do A.

Rice chose A is greater than B.

11.A. Monitor insular and pelagic fisheries using fishery dependent data collection (logbooks, observers, State and Territorial agency data collection and surveys (such as WPacFIN); and 11.B. Enhance onsite scientific capacity in American Samoa, Guam and CNMI across PIFSC research programs (fisheries, corals, ecosystems, protected species). **The Council recommended 11.A is equal to 11.B.**

12.A Conduct Integrated Ecosystem Assessments (IEAs) of key insular (and potentially high-seas) areas of the Western Pacific Region; and 12.B. Conduct coral reef assessments, including reef fish. **The Council recommended 12.A is less than 12.B because of the element of the high seas and the potential of more regulations included in 12.A.**

13.A. Conduct surveys and assessments of cetaceans with an emphasis on areas likely to face fishery interactions; and 13.B. Conduct fishery-independent insular resource surveys using cooperative research with fishermen. **The Council recommended 13.A is equal to 13.B.**

C. Pacific Island Recreational (Non-Commercial) Fishing Summit

Tosatto presented a table of projects entitled Compilation of Prioritized Projects, NOAA Recreational (Noncommercial)Fishing Summit, August 2012. Twenty-eight fishermen from

American Samoa, CNMI, Guam and Hawai`i continue the recreational fishing initiative to broaden outreach to the community and more fully integrate these fisheries and participants into NMFS' decision-making for fisheries, as well as protected species and habitat. Real-time polling was used to assess views on a variety of issues and develop a list of potential projects.

Within the National Recreational Fishing Initiative, each region has to develop an annual plan of projects to accomplish. A Recreational Fishing Specialist, Dave Itano, was hired in 2012. NMFS will be working to accomplish the list of projects over the next several years. The five action goals considered included a) improve recreational fishing opportunities; b) improve catch, effort and stock status data; c) improve socioeconomic data; d) improve communication; and e) improve institutional orientation.

Tosatto said some of the projects can be done by NMFS and others will require collaboration with State and Territory governments and other Federal partners. He voiced appreciation for the recurring dialogue with the participants. Itano will keep the lines of communication open.

Discussion

Rice said he heard positive feedback from various sources regarding the outreach efforts at the summit.

Tulafono asked for clarification on the percentages contained on the table and if there was any breakout by region.

Tosatto said the percentages are the results of the instant polling process, done anonymously so as to avoid any feeling of intimidation.

Sword said he attended the summit and expressed appreciation for the excellent forum provided to fishermen. He noted that each of the areas expressed great concern regarding National Goal 3, Improve Socioeconomic Data, and left the summit feeling like their concerns are not being heard. He recommended more interaction with NOAA in this way.

Rice agreed with Sword's comments. He asked if the participants received any feedback from the summit.

Tosatto said he will have to check, but he believes they all received the outcome of the voting. The results are being finalized and will also be sent to all participants. The table has been published in *Hawaii Fishing News*. He hopes to get Itano out to the communities soon.

Rice noted timely follow-up is important to keep the momentum moving forward.

Tosatto reiterated that was their intention.

Simonds asked for clarification as to how the list of projects will be used.

Tosatto said the participants did the prioritization and he intends to use the list in that respect within NMFS capabilities.

Simonds asked about the deadline for submittal of the projects for MRIP funding.

Tosatto said the MRIP-focused projects will get into the MRIP pipeline.

Tulafono asked for a copy of the report on the summit when completed.

Tosatto replied in the affirmative.

Palacios supported efforts to ascertain the value of the recreational fishing in each of the island areas and also to craft a definition for recreational fishing.

D. Education and Outreach

1. First Stewards

Sylvia Spalding reported on the inaugural First Stewards Symposium held at the National Museum of the American Indian in Washington, DC, from July 17 to 20, 2012. The symposium brought together American Indians, Alaskan Natives and indigenous US Pacific Islanders as a unified voice to urge recognition and response from the federal government on its trust responsibilities to native communities and to address the climate change impacts affecting native cultures and the natural resources they depend on for their cultural survival. The Western Pacific Regional Fishery Management Council was a member of the Steering Committee, as well as the lead, with support from PIRO, for the Pacific Islands Region. Other regions included Alaska, West Coast and the joint Great Lakes-East Coast-Gulf of Mexico. The Pacific Islands Panel consisted of Governor Ben Fitial from CNMI; Joseph Cameron from the Department of Chamorro Affairs on Guam; Council Member Ray Tulafono representing American Samoa, Department of Marine and Wildlife Resources; Tim Bailey from the Haleakala National Park in Hawaii; and Penehuro F. Lefale from New Zealand's International Cooperation and Development Unit. The Pacific Islands Panel was moderated by Hawai'i Sen. Brickwood Galuteria. The theme of the Pacific Islands Panel was Little Changes Have Big Impacts on Little Islands: Relying on Tradition to Sustain Resources. Council Chair Manuel Duenas and Office of Hawaiian Affairs Trustee Peter Apo assisted with overall moderating of the Symposium. Food, dancers and chanters were provided for the reception and cultural openings each day, as well as exhibits, including the Chamorro proa brought from Guam, with the help of Matson and TASI and the University of Guam. The winning art of the Council's lunar calendar were displayed, and the winners of the Council's high school photo essay contest gave a presentation, helped staff cultural exhibits and demonstration tables, and assisted in video interviews.

A resolution came out of the conference to hold future symposiums, and also to have First Stewards Symposium incorporated as a nonprofit organization and start a dialogue with the federal government to try to get them to support native peoples, their cultural and resource needs more so than is currently. The 2013 theme will be Indigenous Voices Address Sustainability,

Climate Change and Traditional Places, which will also be the theme of the Council’s next student art contest for the 2013 traditional lunar calendars.

Spalding shared a video produced to open the Pacific Islands Panel which consisted of interviews from the island areas of the Western Pacific Region offering insight to the cultures.

Discussion

Seman thanked Spalding for the presentation. He added he was honored to have participated, was in awe of the level at which the Western Pacific Region was represented and was glad to share with the Native American Indians and other cultures who the Pacific Islanders are and the concern there is for the climate.

Tulafono agreed with Seman’s comments. He added he had never experienced such a symposium or knew how similar the Native American culture is to the Pacific Island culture. He was impressed with the showing by the Region and noted it would be hard to duplicate it in the future. He thanked Simonds and Council staff for putting it together.

Simonds said she was moved to learn about the devastating impacts of climate change to the Native Alaskans, as it’s caused them to travel far to gather food. She also expressed appreciation the assistance provided by The Nature Conservancy (TNC) from the northwest. She expressed hope to attend in the upcoming year as well, although somewhat reduced.

Spalding added that the symposium had a huge impact and appeared on the PBS News Hour and the TNC website. With the assistance of a Communications Team headed by TNC, interviews were distributed via TV, radio and in print worldwide.

2. Managing Our Nation’s Fisheries 3

Spalding reported on the Managing Our Nation’s Fisheries 3 Conference to be held May 7 to 9, 2013, in Washington, DC. The overarching theme is Advancing Sustainability, how we can build on the success of US fisheries management. It is being organized by the eight Regional Fishery Management Councils and the NMFS. The Pacific Fishery Management Council is chair of the conference. Current talk is to launch promotion of the conference at the Pacific Marine Expo in Seattle in November, where Sam Rauch will be speaking. Simonds is on the Steering Committee. Kingma will be a rapporteur. Sean Martin and Manny Duenas will be speakers. Spalding is on the Communications Team.

3. Other Activities

Spalding reported on the International Pacific Marine Educators Network’s biennial conference, which will take place in November. It will include an Ocean Fair where Santiago educators will learn about Ocean Literacy Principles, as well as a field trip to Patagonia to meet with marine scientists, coastal villages and schools. She added that on the regional level the quarterly newsletter has been sent out, as well as a new edition of the Council process booklet.

E. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding Alternatives for the Moratorium of the Gold Coral Fishery, it was noted that the fishery can be re-opened at anytime if it is warranted and the SSC recommended extending the moratorium for another five years.

F. Public Hearing

Watamura spoke in regard to the PIFSC NMFS data collection for noncommercial fisheries. He suggested the Hawai`i Department of Boating and Ocean Recreation (DOBOR) and NOAA collaborate, so NOAA would be able to use names and addresses of boat owners and to split out the boat-based and the non-boat-based data collection, making the feasibility of the boat-based data more usable.

Roy Morioka, Hawai`i fisherman, offered comments regarding the Pacific Islands Recreational/Recreational Fishing Summit. He said the recreational sector participants now feel hopeful that PIRO will seize the momentum to build a bridge between the fishing community and the agency. One of the fishing participants summarized all of the recommendations and provided it to the agency in hope that it would accelerate the process and discussion and the momentum that was built. The items on the list should not be left for the new Recreational Fisheries Specialist to accomplish, but should be a collaborative effort between the fishers and the agency. He asked for a demonstration of commitment.

G. Council Discussion and Action

Regarding the Gold Coral Moratorium, the Council recommends extending the gold coral moratorium for another five years. The Council further recommends staff work with PIFSC and the Plan Teams in developing reference points, for example, a revised MSY for a potential ACL development prior to the expiration of the extended moratorium in 2018.

Moved by Palacios; seconded by Tulafono.

Motion passed.

Regarding Education and Outreach, the Council supports the First Stewards 2012 Resolution and the continuing involvement of Council staff in future First Stewards Symposia and associated activities.

Moved by Palacios; seconded by Tulafono.

Motion passed.

Regarding Education and Outreach, the Council supports the SSC recommendation that the Outreach and Education staff from all Regional Fishery Management Councils should have a face-to-face meeting and recommends that this meeting take place

during the February 2013 CCC Meeting in order for the RFMC's Communication Staff to review MONF3 Conference site.

Moved by Palacios; seconded by Tulafono.

Motion passed.

Regarding the Recreational Specialist Activities, the Council recommends NMFS PIRO to allow the Recreational Specialist to attend Council advisory group meetings.

Moved by Palacios; seconded by Tulafono.

Motion passed.

7. Protected Species

A. Update on Endangered Species Act and Marine Mammal Protection Act Actions

1. General Update

Lisa Van Atta, PIRO Protected Resource Division (PRD), presented an update on the ongoing ESA actions:

- Monk Seal Critical Habitat, proposed rule came out June 2011. The final rule is due out Dec. 2, 2012. A six-month extension was taken after receiving extensive public comment from the State, the Council and others. The information is being incorporated into a final rule, and an expanded economic analysis report is being done.
- The proposal to list the Hawai`i Insular FKW under the ESA came out November 2010. The final decision is due Dec. 11, 2012, by a settlement agreement with Petitioners.
- The 82 Coral Status Review was completed and released to the public in April. Public comment was open from April 15 through July 31, 2012. The deadline for publishing the 12-month finding is due by Dec. 1, 2012.
- Bumphead Parrotfish Status Review 12-month finding was due a year and a half ago. A 60-day Notice of Intent was received from the Petitioner WildEarth Guardians, which are also now Plaintiffs, in March 2011. In May 2012 they followed through, and the case is currently in litigation.
- The Scalloped Hammerhead Global Status Review is being led by Headquarters and the Southeast Fisheries Science Center. It will include recommendations on if and how to divide the species into DPS. If DPS are designated, then separate listing determinations are required for each. Due statutorily in August 2012, publication of a 12-month finding is anticipated to be published in late 2012 or early 2013.

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- Two Great White Shark Petitions were recently received from the Center for Biological Diversity and WildEarth Guardians. A 90-day finding was issued in September 2012. The Status Review Team will meet in November. The 12-month finding is due in June 2013.
- A petition was received in September 2012 from the Center for Biological Diversity to list eight species of Pomacentridae reef fish. The petition is being evaluated to determine whether a listing is warranted.
- Green Sea Turtles Global Status Review. On Aug. 1, 2012, NMFS and Fish and Wildlife Service published a 90-day finding indicating that the petition may be warranted. NMFS and USFWS are now conducting a global review of the status. The Biological Review Team (BRT) has been formed. It includes scientists from PIFSC and representatives from PIRO. The first meeting will be held in mid November in San Diego. A 12-month finding is due February 2013.
- Loggerhead Final Rule was finalized in September of 2011. The agency is now required to look at whether critical habitat should be designated and working on a proposed rule. A 60-day Notice of Intent to Sue was received from the Petitioner, Center for Biological Diversity, in October
- Work is ongoing on a Monk Seal Management Plan for the MHI, which is a Recovery Plan Action. The plan is scheduled to be finalized in late 2013.

Update on MMPA actions included the following:

- False Killer Whale Take Reduction Plan proposed rule was published in July 2011. The Final Rule is overdue, but a settlement agreement is to be submitted by Nov. 30. A TRP meeting with the entire Take Reduction Team is planned by phone, with an in-person meeting to be held early in spring. Dates for the TRP n meeting are still to be determined.
- Public comment period is open for the 2012 Draft Stock Assessment Reviews (SARs).
- A proposed 2013 List of Fisheries is being worked on and is expected to be published in late 2012 or early January 2013.
- The public comment period is open for the Guidelines for Assessment of Marine Mammal Stocks (GAMMS). The agency is reviewing comments on that proposed policy and developing a final policy.
- A Draft Proposed Spinner Dolphin Rule is being worked on to prevent harassment for spinner dolphins that are resting in bays primarily on the Big Island but also some of the other islands, including Maui. Hopes are for it to be published sometime in 2013.
- Dolphin Smart Program, a voluntary program for boat owners to be involved in and take actions that are appropriate under the Wildlife Viewing Guidelines, currently includes three operators on Oahu and one on Kauai. More are interested.

Discussion

Tulafono expressed appreciation for the public meetings recently held in American Samoa to provide information on the 82 species of corals petition to list. The people attending the meetings appreciated the opportunity to hear about the petition. The majority was opposed to the listing. The two issues of concern had to do with species identification and the need for the necessary federal funding of related federal requirements that will accompany the coral proposal if it's enacted. These were not properly addressed during the public meeting.

Rice asked for clarification as to the information the agency received when the public comment period was reopened regarding the FKW petition.

Van Atta said the second public comment period was opened on Sept. 18 and closed on Oct. 3 to offer an opportunity to receive new information that had come out after the Status Review Technical Report was finalized. Fifteen entities provided input, which is being analyzed. The agency received new information and reconvened the BRT to look at that new information. The finding will come out on December 11.

Rice asked, if the white shark is listed, will the middle of the Pacific Ocean become critical habitat.

Van Atta clarified that because most of the shark activity and shark threats occur on the West Coast, the Status Review will be handled out of the Long Beach Office. It is due June 2013. The petition specifically asked for the Northeast population to be a DPS. If that were listed in June 2013 it would become a proposal, which would be final in 2014. The agency would consider critical habitat at that point. Critical habitat is unknown at this point.

Palacios asked for a review of the petition listing process.

Van Atta explained that, when a petition is received, if there is sufficient information, it moves forward to a Status Review. A BRT was formed working with the Southeast Fisheries Science Center BRT, which together looked at the status of the species. A 400-page Technical Memorandum was issued. Because of the magnitude of issues with 82 species of corals, the agency decided to go forward with a Status Review Report and a Management Review Report to the public to gather even more input. All that was learned in the Listening Sessions and scientific workshops will inform the 12-month finding. On Dec. 1, if the decision to list as threatened or endangered, the agency would go out with a proposed rule to conduct more outreach and an extensive public comment period.

Palacios asked if the reef fish petition will go through the process.

Van Atta replied the petition is at an early stage. At the 90-day phase on Dec. 13, the Agency could find that the petition does not present sufficient information to go forward with the Status Review, which would be the end of the petition, or find there is sufficient information and would then begin the Status Review phase.

2. Honu (Hawaiian Green Sea Turtle) Petition 90-Day Finding

This item was covered in the above agenda item.

B. Main Hawaiian Islands Monk Seal Management Plan

Van Atta presented the MHI Monk Seal Management Plan. She gave a brief background of the management plan, which was updated and finalized in December 2007. It contained strategies outlined for recovery for the monk seals existing in the MHI. The MHI criterion advises the existence of 500 seals in the MHI and for that population to be stable or increasing. The four overall strategies include improve survival in NWHI, ensure management in MHI, prevent disease, and maintain research and management capacity.

Action 13 of the Recovery Plan is develop a management plan that addresses all critically important assessment, disease, regulatory, intervention, coordination and education needs. Workshops and meeting were held in 2002 and 2006, and the management plan has gone through multiple drafts and formats.

Currently the MHI Planning Process is internally drafting a conceptual model and threat rating with government partner staff, holding focus group meetings with a Hawaiian liaison contracted to work with community, using expert advisors to develop plan components, and reviewing and revising the draft plan via meetings with fishermen, lifeguards, general public, the Hawaiian Monk Seal Recovery Team and government agencies.

A successful workshop was recently held. It was noted that all options are on the table for consideration, along with ESA and MMPA compliance, the limit of NMFS jurisdiction and determining partner agency roles. Topics discussed included strategies for outreach to fishermen, prevention of illegal or harmful fishing practices, fisheries recovery and restoration, fishery best practices, cultural and community based engagement, reducing the likelihood of large-scale disease outbreak and developing associated objectives, intermediate results and activities. Next steps are to compile the workshop products into summary report; post information on the website along with plan updates; develop, review and revise draft plan; conduct outreach; and finalize and approve the plan. It will go through public, Recovery Team and agency review, before being finalized. The plan is predicted to be approved in latter part of 2013.

C. Draft 2012 Marine Mammal Stock Assessment Reports and New Abundance Estimates for False Killer Whales

Pooley presented a brief review of the SAR for FKW, which is done annually by PIFSC staff, reviewed by the Pacific Scientific Review Group (PSRG) and released for public comment. The major changes in the Draft 2012 SAR are an overview of genetic photo I.D. and movement data, the addition of the NWHI stock as a new stock, updated abundance estimates for the Hawaii Pelagic Stock and a separate SAR on the Palmyra stock.

A map was shown depicting the Hawaiian Island stock boundaries, the insular NWHI and pelagic stocks and various sightings on cetacean surveys, as well as a table listing the bycatch of

FKW by the longline fleet. Pooley noted some difficulties are how to interpret the encounter rate or sighting rate into an estimate and how to determine vessel attraction. The latest stock status in terms of numbers and potential biological removals (PBRs) with the Hawaii Insular and Hawaii Pelagic Stock is considered strategic. The Draft SAR is open for public comment.

Discussion

Rice said more work needs to be done with the genetics to determine to what extent the different groups intermingle. He added that, in regards to Baird's work on the count of animals, two-week long efforts are not sufficient to get an accurate count. Baird should consider the impact of where the animal's food source is during his count effort.

D. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the Draft 2012 Marine Mammal SARs and New Abundance Estimates for FKW, an SSC subcommittee comprising David Itano (chair), Brian Bowen, Milani Chaloupka, Pierre Kleiber, Jim Lynch and Robert Skillman was established to undertake a review of the Hawai'i FKW SAR and related documents.

E. Public Comment

Watamura said the petition for eight reef fish species is similar to the petition for the 82 coral species, in that ocean warming and acidification are the major contributing causes. He asked what can be done about it.

F. Council Discussion and Action

Regarding Hawaiian Green Turtles, the Council directs staff to work with the State of Hawai'i and other potential partner agencies, including NMFS, USFWS and the Papahānaumokuākea MNM to explore management options for Hawaiian green turtles.

Moved by Ebisui; seconded by Rice.

Motion passed.

Tosatto suggested removing the term post-delisting as being pre-decisional and management options should be explored in any case. The maker and the second agreed. Post-delisting was removed.

Regarding FKWs, the Council supports the establishment of the SSC subcommittee to undertake a review of existing scientific information on FKWs.

Moved by Ebisui; seconded by Rice.

Motion passed.

Leialoha asked for clarification on the completion of the review.

Van Atta said the settlement agreement for the listing is due Dec. 11. It's to be transmitted to the Federal Register for the TRP, which also involves FKWs, due to be transmitted to the Federal Register on Nov. 30.

Leialoha asked if the subcommittee will work in conjunction with the report on Nov. 30.

Tosatto further clarified the SAR that PIFSC is working on is done annually under the MMPA and is separate from the decision due on Nov. 30.

Asuka Ishizaki clarified the task list for the subcommittee is being finalized. Items include reviewing the Council's comment letter in response to the Draft 2012 SAR, FKW science on genetics, stock structure and assumptions going into the calculations of PBR and then formulating recommendations.

Aila asked for clarification as to the timeline of the report from the SSC subcommittee.

Ishizaki said no deadline has been set to date, but a report is expected to be presented at the next SSC and Council meetings.

Regarding FKWs, the Council requests that NMFS commission an independent review of the current scientific information on the Hawaiian FKW population abundance, genetics and stock structure.

*Moved by Ebisui; seconded by Rice.
Motion passed, with Tosatto abstaining.*

Pooley asked for clarification as to the relationship between this recommendation and the prior recommendation.

Tosatto clarified the prior recommendation will be performed by the Council's SSC and this recommendation is asking NMFS to conduct an independent peer review of the SAR. He noted his intent to abstain.

Regarding the MMPA Stock Assessment Requirements, the Council directs staff to draft a letter to the NOAA Administrator Dr. Jane Lubchenco to request the addition of two members to the PSRG, with expertise in commercial fishing technology and practices for Hawai'i and the US Insular Areas prior to the next scheduled meeting of the PSRG in April 2013. The additional members should be selected in consultation with the Council, local governments and other appropriate organizations. The letter should also include a request that a Western Pacific subgroup of the PSRG be formed to represent Hawai'i and the US Pacific Insular Areas. The PSRG currently consists of 11 members for the entire Pacific Coast and Hawai'i, but does not have any commercial fishery expertise from Hawai'i or the US Pacific Insular Area despite growing attention for marine mammal interactions in fisheries in this region.

Moved by Ebisui; seconded by Rice.
Motion passed, Tosatto abstaining.

Tulafono suggested using the words, US Pacific Insular Areas, rather than, US Pacific Territories, to be consistent. The maker and the second had no objection.

8. American Samoa Archipelago

A. Motu Lipoti

Tulafono reported on items of interest contained in the Island Report document. Meetings are ongoing with the National Park Service regarding isolated areas on the north shore, north of Tutuila and the main island of Tutuila. The FAD Program, working in conjunction with the Community Management Program, recently deployed near-shore shallow FADs in the Manu`a Islands and has plans for placement of more near-shore FADs. Fishermen have reported the FADs have been productive. A specialist from the Secretariat of the Pacific Community (SPC) has been assisting in determining placement, based on depth, habitat characteristics and degree of shelter from wind and waves.

The chief fisheries biologist, Dr. Ochavillo, from the Scientific Exchange and Staff Development Program, presented a research paper entitled, Demographic Elasticity in the Hindtail Grouper, *Cephalopis urodeta*, in the American Samoa Archipelago in the 2012 International Coral Reef Symposium in Cairns, Australia, in July of this year. The report is available for review.

DMWR staff is attending the SPC Safety Protocol and Fishing Course for four weeks in Santo, Vanuatu.

Discussion

Aila asked if the deployment of the near-shore FADs has made any difference in terms of fuel consumption for the local fishermen and what species is caught around the FADs.

Tulafono replied in the affirmative and the catch is predominantly tuna.

B. Legislative Report

Tulafono offered a correction in the Council American Samoa Fono Report document, Paragraph 4 "... the DMWR Director have assured Fono Senators that fishing will not be banned in the new site added to the sanctuary." Tulafono said he was present at the meeting, but did not say the statement that was attributed to him. He noted that his comment on the expansion was that he would not like to see fishing banned, especially subsistence fishing. The Superintendent of the National Marine Sanctuary in American Samoa made the comment that fishing would not be banned.

The new treatment process utilized by StarKist is designed to minimize waste by processing into fishmeal most of what was once disposed of at sea. This new process is believed

to minimize the total amount of waste that needs to be disposed and address the issues of environmental sustainability through continuous improvement of the cannery's carbon footprint. According to StarKist, the waste stream currently being discharged through the outfall is of a measurably better quality than what was once discharged without treatment during the initial days of operation by the two canneries. A portion of the funding for the original pipeline that was set up by the two canneries was provided by the Council. Fono members will continue to monitor the programs of this cannery development.

Samoa Tuna Processors, TriMarine, has provided its plan to the Fono to hire 1,200 to 1,500 workers towards the end of 2013. Samoa Tuna Processors currently has about 45 employees. They ship about 5 tons of fresh and frozen fish per week to Japan and California. The cannery expects to complete all major construction work, including a new dock for small boats, by the middle of next year.

Sword added, the system is becoming very efficient and is now able to extract fish oil, which used to be dumped. New employee hiring would likely increase by the end of 2013.

Discussion

Simonds asked about the status of the two small boats for use in village enforcement.

Tulafono said the boats are still operational and are alternated between the villages under the Community-based Fishery Management Program (CFMP).

Leialoha asked, with the increased processing at the StarKist facility, whether the larger boat fleet has been able to recuperate from the tsunami.

Sword said, while the local longliners have not increased, the Taiwanese longliners that fish in the upper Cooks have. The local-based purse-seiners have increased from about 14 to 18, and there is more transshipping and more unloading of fish to StarKist.

Simonds asked whether they were US-flagged purse seiners and about requirements for port call.

Sword replied in the affirmative as to the US-flagged longliners.

Tschirgi said an annual inspection is required, especially if the vessel carries an exemption letter for manning, which can be conducted in Singapore, Japan or American Samoa.

Rice asked if the TriMarine longline catch consists of albacore or bigeye.

Sword said the catch is predominantly albacore.

Kingma asked about the status of the Federal Fisheries Disaster Declaration in regard to the American Samoa tsunami.

Tosatto said Congress has not appropriated any funds.

C. Enforcement Issues

Tulafono reported that a DMWR enforcement boat recently made a successful trip to Manu`a Islands, a 70-mile trip, to verify the vessel's seaworthiness. The vessel will enhance enforcement activities in the Manu`a Islands. He expressed appreciation to OLE for providing funds for the purchase of the boat to help with enforcement efforts in the Territory.

D. Community Activities and Issues

Sword said the upcoming sports fishing tournament will be held May 6 to 10. Efforts promoting fishing tourism has been successful. He expressed thanks to DMWR for successfully deploying and maintaining FADs around the islands.

1. Update on Community Fisheries Development

Kingma reviewed of some of the Council's coordination with DMWR related to fisheries development projects established on Tutuila and the Manu`a Islands, including boat ramps and fuel storage and ice-making facilities. The Manu`a Islands fuel storage tanks and ice machines are waiting for availability of a ferry to be delivered to Manu`a. The Tutuila boat ramps are completed. The Fishermen's Co-ops have been incorporated and established. Each one has about 20 to 25 members and will manage facilities and keep records, among other tasks. Opening ceremonies will occur in March 2013. The projects would not have been completed without the help of DMWR and other local agencies in American Samoa, such as the Department of Parks and Recreation and the Department of Public Works.

Samoa Tuna Processors opened in the fall of 2010. It exports fresh fish and plans to conduct canning operations. Ongoing is significant revision of the existing facilities and plans to procure more equipment to start canning in the next year.

The Council is contributing to the addition of a small vessel dock with a baseline study of an underwater visual survey, which only found mud and industrial debris. The Council is also supporting DMWR efforts in doing human observer underwater video, as well as line transects, which will be completed in the near future.

The American Samoa Marine Conservation Plan (MCP) was recently approved. A few additional fisheries development projects include a multi-purpose fishing vessel, a local boat-building program, a fisherman training program covering safety in fishing methods, a fishing vessel loan program, continuing the Manu`a Island fisheries development and Pago Pago longline dock improvements.

Discussion

Simonds noted the two CoOps will also be responsible for collecting catch data to be added to DMWR data collection.

Rice asked about the marlin shipped to the US West Coast.

Kingma said foreign billfish landed in the Territories could be shipped to Hawai`i only according to the recent Billfish Conservation Act.

Tulafono conveyed appreciation from the two CoOps recently established to the Council for all the assistance provided, which has been very helpful to the fishermen.

E. Annual Catch Limits (Action Item)

1. Bottomfish Management Unit Species

Sabater presented updates on setting the ACLs for bottomfish MUS for American Samoa. He noted that only one analysis was conducted for all of the Territories. He provided a brief background and recap of ACL actions taken in previous Council meetings, the acceptable biological catch (ABC) rule, P-Star dimensions, the SSC subcommittee efforts, the process undertaken to reach the ABC for 2012, assessment information, uncertainty characterization, stock status, productivity and susceptibility, and the uncertainty score that resulted in an ABC of 110,000 pounds.

The Council was tasked with setting the ACL for Territory bottomfish MUS, with the following alternatives: a) Set ACL equal to ABC, which is the same as the mechanism used in 2012; b) Set the ACL equal to ABC, but set an annual catch target (ACT) similar to the MHI Deep Seven bottomfish where there's no penalty involved whether or not the ACT has been exceeded; c) Set the ACL below the ABC, which would require a social, economic, ecological and management (SEEM) uncertainty analysis. The Council will also need to set the Accountability Measure, which is an overage adjustment. The Council may want to consider a rollover of the current accountability measure. There is no new mechanism to make monitoring real-time.

2. Crustaceans (Spiny Lobster and Slipper Lobster)

Sabater presented a similar recap of the process for re-specifying ACLs for crustaceans and precious corals in American Samoa. Since there is no new information, there are no new assessments to which the ABC control rule can be applied. Most of the recent crustaceans catch in Fishing Year 2011 are below the ACL, except for the American Samoa spiny lobster, which exceeded ACL by 11 pounds and Hawai`i by 569 pounds, although it is premature to change the ACLs without knowing what 2012 catches are. Sabater reviewed the ACLs for 2011. He said the Council's task right now is to provide recommendations regarding ACLs for crustaceans and precious corals and to consider rolling over existing ACLs and the Accountability Measures since there is no new data collection program to make real-time monitoring.

3. Precious Corals

This agenda item was addressed in a previous presentation.

F. Education and Outreach Report

DeMello gave an overview of Council educational materials that were provided to various government and public school students on Tutuila as well as materials for DMWR's outreach program for the Manu`a Islands. A press release on the last Council meeting and recommendations was provided to the *Samoa News*.

The Council Coordinator Fini Aitaoto reported on his participation in a two-day workshop on Pago harbor coastal use, held at the DMWR conference room and the Fish Market. The DMWR also held the two-day teachers workshop attended by elementary school teachers from around the islands. The goal of this workshop was to educate teachers about different programs that are ongoing at DMWR.

The theme for the next Lunar Calendar Art Contest suggested by the American Samoa Island Coordinator was Traditional Fishing on Coral Reefs. This is relevant to the current issue of the proposed list of 82 coral species for the ESA being pondered by the local community. The Council staff will decide on the final theme for the next art contest.

The DMWR staff made a trip to the Manu`a Islands to distribute Council-printed materials to staff for educational programs.

G. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the ABCs for bottomfish MUS in American Samoa, based on the P-Star analysis, the SSC sets the ABCs for the bottomfish fishery in Fishing Year 2013 and 2014 to 101,000 pounds per year for American Samoa. The SSC notes that the ABCs are greater than MSY. However, whenever biomass is substantially higher than biomass at MSY, it is possible to harvest above MSY temporarily. Such a windfall catch is a well known and well understood outcome.

Regarding the ABCs for crustaceans and precious corals in American Samoa, the SSC rolls over the existing 2012 ABCs for crustaceans and precious corals for Fishing Year 2013. The SSC further recommends that additional effort be directed to obtaining better harvest estimates for refining ABCs and ACLs.

H. Public Hearing

No public comment offered.

I. Council Discussion and Action

Regarding ACLs, the Council recommends setting the ACL equal to the ABC for the bottomfish MUS in American Samoa resulting in a two-year ACL of 101,000 pounds. This landing corresponds to a risk of overfishing level of 30 and 41 percent

for Fishing Year 2013 and 2014, respectively. The current low catch due to low fishery participation makes it unlikely that the ACLs will be exceeded.

The Council recommends rolling over the ACLs for crustaceans and precious corals in Fishing Year 2012 to Fishing Year 2013 due to no new information to significantly recalculate ACLs. The ACLs are deepwater shrimp 80,000 pounds; spiny lobster 2,300 pounds; slipper lobster 34 pounds; Kona crab 3,200 pounds; black coral 790 pounds; and precious coral in exploratory areas 205 pounds.

The Council further recommends Council staff work with NMFS Science Center in getting a better estimate of the catch for the crustaceans MUS.

Regarding Accountability Measures, the Council recommends continuing the use of overage reduction in Fishing Year 2013.

*Moved by Sword; seconded by Tulafono.
Motion passed.*

9. Mariana Archipelago

A. Island Reports

1. Arongo Flaeey

Seman reported on items of interest contained in the Island Report document. With regards to Fishery Research Programs two additional species of fish have been recorded over the past months, the deep body boarfish, *Antigonia capros*, which was caught in approximately 500 feet of water west of Saipan, and the spinyface soldierfish, caught near the same area. Both species represent new records for CNMI and Saipan.

With regards to our Fisheries Development Program, the Division of Fish and Wildlife (DFW) is in the process of restating the sensor project for the FAD Program. A new project leader has been tasked with the coordination and installation of the conductivity-temperature-depth (CTD) sensors on the FAD system. Sensors will be able to provide information on ocean surface temperature, salinity, chlorophyll A level and current speed direction that will be transmitted in real-time and immediately linked to the DFW website.

The DFW's Boating Access Program is developing a plan to rehabilitate the Rota West Harbor Launching Ramp. Communication with engineers has been initiated, and a final plan is forthcoming. Structural improvements have been performed on the Tinian and Fishing Base launching ramps. Sugar dock dredging has been completed and allows for safe access to boaters using the boat ramp.

Other activities, DLNR and DFW have been conducting meetings with Council staff member Marlowe Sabater, PIRO staff member Steve McKagan and PIFSC staff member Mike Trianni on the development of a Fishermen's Workshop, planned for February of 2013.

With regards to the CNMI Sea Turtle Program, 54 immature turtles were hand-captured, tagged and released during in-water surveys accomplished in June and September of this year. Of these, 52 were green sea turtles and two were hawksbill. There was a raid on a Saipan residence in Kagman II Village by police and a DFW conservation officer, which led to the arrest of a man in possession of two immature green turtles. With nesting season nearly over, Saipan has had a total of eight nesting green turtles, six of these were flipper-tagged on four beaches, Bird Island, Wing Beach, Obyan and Tank. Combined, these eight turtles have laid a total of 37 nests on Saipan, three of which still remain unhatched.

The 20th Annual Saipan International Fishing Derby was conducted July 14 and 15. The 15-year record of a 634-pound fish was broken by a Guam fisherman who landed a 942-pound blue marlin.

Discussion

Simonds asked for clarification as to whether the CNMI Governor signed the Catch Reporting Act and what will happen if the law is not signed.

Seman replied in the negative.

Palacios said if the Governor does not respond within 60 days, it will become law, but Palacios felt sure it will be signed. It was just recently transmitted to the Governor.

2. Isla Informe

Duenas thanked DOA Director Taitague for providing the complete report from the Division of Aquatic and Wildlife Resources (DAWR) on the FADs and the Shallow Water Moorings (SWMs). According to the DAWR chart in the report, five FADs out of 14 are online, and, according to recent information, five additional FADs are being deployed in time for mahi season. The procurement process on Guam has caused delay and an increase in cost of deployment. Of the 34 established SWM sites, only nine are online, with an additional four scheduled to be installed within a couple of weeks.

NOAA Fisheries held public meetings on Guam to gather information from the public on the potential listing of the 82 corals. The meetings had a good turnout.

Tournament season was busy, with many successful tournaments, such as two children derbies and the Guam Organization of Saltwater Anglers (GOSA) Third Annual Inshore Tournament on August 10 and 11, and the Guam Fishermen's Cooperative Association's 17th Annual Guam Marianas International Fishing Derby.

Taitague reiterated the FAD Program has recently deployed five FADs, with five left to deploy. The cost of deployment has increased significantly, to \$135,000 for five FADs. Taitague thanked the Guam Coastal Management Program for offering \$60,000 for installation of the SWMs. She voiced the need for more education and outreach in regard to the purpose and use of the SWMs.

Discussion

Sword asked for clarification on the deployment cost for the five FADs.

Taitague said \$135,000 because there is only one contractor on Guam and no competition.

Sword asked if there is a public bid process and whether the Guam Fishermen’s Cooperative has the means for deployment.

Duenas said there is a vessel capable of deployment, but for safety reasons he suggested seeking funds to have a barge built for such a purpose. There are several smaller boats able to deploy at a much lower cost.

Sword suggested the Coop consider submitting a bid proposal.

Rice asked for clarification as to the manufacturer of the FADs.

Taitague said the same contractor deploys and assembles the FAD. DOA orders the components.

Rice offered contact to people who would deploy the FADs at a much lower price.

Taitague said she spoke to the USCG for assistance and was told it could not be done.

Simonds asked how many bids were submitted and if there is another opportunity to solicit bids.

Taitague said there was only one contractor with the capability who responded. If more funding is acquired, there would be another solicitation. The Sports Fishing Fund provided the funds for the FAD deployment.

Simonds suggested the way the request for proposal (RFP) was written may have been the reason there was only one bid. She offered to review the RFP for the next round.

Palacios asked whether contractors from the CNMI can bid. CNMI recently deployed eight FADs for \$30,000.

Taitague pointed out the procurement regulations are very strict on Guam.

Duenas agreed with the idea of reviewing the RFP, noting that there was a section that the contractor had to deploy two FADs at one time. If that condition was not there other boats could submit a bid.

Daxboeck said the system of deployment used in French Polynesia utilizes an aluminum raft that is towed with very small vessels to deploy the FAD.

B. Legislative Report

1. Commonwealth of the Northern Mariana Islands

Seman reported the CNMI Senate recently passed House Bill 17-282 in October 2012, establishing mandatory catch recording and reporting for any individual or business engaged in the commercial harvest of fish brought up within the Commonwealth waters, as well as recording and reporting system for any individual and/or business engaged in the commercial purchase and/or selling of locally harvested fish product. The House passed the legislation in April. It is now with the Governor for final approval. It is. Once he receives reviews from the various resource departments, the Governor will decide to approve or not to approve.

Discussion

Palacios said this law is long overdue and would help the CNMI data collection systems.

2. Guam

Taitague reported Public Law No. 31-232, 31-454 authorizing the Government of Guam to transfer the Skinner Plaza from the Guam Legislature to the Government of Guam to provide space for the building of the Cultural Educational Facility, also known as the Guam Museum.

Other Legislative Activities include Resolution No. 275-31, sponsored by Frank Blas was heavily debated at the legislative session on May 31. Resolution 275-31 would form the Mariana Island Legislature Association and establish within the entity a Mariana Islands Cooperative Initiative to explore areas of joint economic development and mutual benefit with the Government of Guam and the CNMI. The concept of unification was discussed, as noted in the previous resolution sponsored by Sen. Judy Guthertz. The resolution was moved with amendments.

C. Enforcement Issues

1. Commonwealth of the Northern Mariana Islands

Seman reported that enforcement officers responded to seven cases of illegal fishing. All seven cases took place in the Tank Beach and Managaha no-take zone marine protected areas (MPAs). Four resulted in warnings; two resulted in fines and penalties; and one was closed. Five cases of turtle poaching were reported. One resulted in an arrest and was forwarded to the CNMI Attorney General's Office for prosecution. Two cases of illegal gill net fishing were reported in LaoLao Bay and Tank Beach. However, when the conservation officers arrived at both locations they did not see any gill net fishing or fishermen. The education and outreach conservation officer conducted the Community-Oriented Policy Program, surveying fishermen who return from fishing at boat ramps and fishing docks or on the beach. Fifty fishermen participated in this survey.

Palacios added that there are five conservation officers over the entire area. There are also assigned sea patrols around Saipan and Tinian, which conduct boardings. There were no

violations of fishing regulations for those boardings. Two special permits were issued during this period for cultural and traditional community gatherings, one to the Carolinian Community in Oleai for a two-day fishing event with surround nets to commemorate the anniversary of the deaths of 13 fishermen who perished at sea. The other special permit was issued to the Village of Tanapag for the annual village fiesta with a 200-pound catch limit of reef fish. The fishing activities are conducted by either one or two elders in the village with mostly young men and women participating to learn the culture and customs and pass them to the younger generations.

2. Guam

Duenas reported the Port Authority of Guam (PAG) entered into talks with the DAWR regarding repealing Section 63-116, the taking of fish and replacing it with new fishing regulations to mirror the PAG's new marina regulations. The PAG proposed areas closed to fishing, areas with limited fishing, and the possibility of allowing certain types of net fishing in certain areas. There's been active enforcement with the PAG to regulate net fishing in the Hagatna Boat Basin. There has been an influx of 30 boaters into the area to use hook and line for the seasonal atulai.

Discussion

Palacios asked if the PAG regulation is a prohibition of fishing in the Hagatna Boat Basin.

Duenas said what is being sorted out is the PAG's interpretation of the marina proper, what is actually their jurisdiction.

Palacios said a similar situation occurred on Tinian and suggested PAG could consider a community effort.

Simonds noted PAG was just sent \$250,000 for the project.

Seman asked Taitague for up-to-date rules and regulations governing the MPAs on Guam.

Taitague said no rules and regulations are up to date. She offered to check to be sure and get back to Seman.

Taitague reported that, in regard to Public Law 29-127, the Indigenous Fishing Regulations, she has been tasked to submit a draft of the rules and regulations since the efforts for Public Law 29-127 started on Dec 31, 2008. After much correspondence and numerous drafts submitted, Taitague recently submitted Draft No. 21, which is three pages long. She is awaiting a response.

Simonds asked about the USFWS letter sent in 2009 and what, if any, response there was.

Taitague replied in the affirmative. The response that it would jeopardize the funding the Chamorro people agreed to and they have to comply with the determination of the use by USFWS.

Simonds asked for a copy of the response.

Taitague agreed to send a copy of the Draft No. 21 as well.

D. Status of Guam Indigenous Fishing Rights PL 29-127

This item was already discussed in another agenda item.

E. Annual Catch Limits (Action Item)

1. Bottomfish Management Unit Species

Sabater repeated the same information as was reported for the same P-Star analysis exercise performed for American Samoa, highlighting difference in the productivity and susceptibility analysis scores for CNMI and Guam. For CNMI the score is more related to having the island chain in terms of the productivity and susceptibility. For Guam, the score is more related to the life history characteristic of the fish, itself, and the species being a shallow-water species, which makes it more accessible to fishing pressure and is more productive than the deepwater species. For CNMI the P-Star analysis average score is 4.61, while in Guam it's 4.45. Taking this into consideration, summing up all of the uncertainty scores, both have a score of 11, which would translate to a probability of overfishing of 39 percent, which was rounded to 40 percent, resulting in a corresponding ABC of 66,800 pounds for Guam. The catch level corresponds to 28 percent risk of overfishing for 2013, and 40 percent in 2014. For CNMI, it corresponds to an ABC of 228,000 pounds, which corresponds to an 28 percent risk of overfishing in 2013 and 39 percent risk of overfishing in 2014.

The Council was tasked with setting the ACL for Territory bottomfish MUS, with the following alternatives: a) Set ACL equal to ABC, which is the same as the mechanism used in 2012; b) Set the ACL equal to ABC, but set an ACT similar to the MHI Deep Seven bottomfish where there's no penalty involved whether or not the ACT has been exceeded; and c) Set the ACL below the ABC, which would require a SEEM analysis. The Council would also need to set the Accountability Measure, which is an overage adjustment. The Council may want to consider a rollover of the current accountability measure. There is no new mechanism to make monitoring real-time.

2. Crustaceans (Spiny Lobster and Slipper Lobster)

Sabater repeated the same presentation as was given earlier, but highlighting the difference between American Samoa and the Mariana Archipelagos. For deepwater shrimp the control rule that was used was the Tier 4 Control Rule, which is ABC equals to 91 percent of MSY for both CNMI and Guam because there is an MSY estimate for the Mariana Archipelago. For spiny lobsters, it's one times the 75th percentile. An ad hoc method was used for slipper

lobsters and Kona crab, because no is data available or not enough data in the time series to generate a percentile. An ABC by essential fish habitat (EFH) proxy was used, using Hawai`i data as a base. Same for the black coral, habitat area is estimated from the Hawai`i habitat area by the CNMI and Guam coastlines. For precious corals in the exploratory areas, for the Mariana Archipelago the existing quota was adopted at 1,000 kilograms. The Council set the ACL equal to ABC. Given there is no new information available, and no overage in the ACL, the Council may want to consider rolling over the existing ACLs for crustaceans and precious corals, as well as the Accountability Measures.

3. Precious Corals

This item has already been addressed.

F. Community Activities and Issues

Seman reported that the Northern Marianas Fishermen’s Marketing Association has located a facility for the new CoOp in San Jose Village. A lease agreement has been drafted and ready to be signed. A contractor has been located to do the renovation and is ready to receive funds from the MCP for the development of a processing facility and fishing development.

The Office of the Northern Island Mayor is moving forward with its plan to resettle the Northern Islands. The Mayor’s Office held a summit to discuss potential economic activities in the Northern Islands in order to help the people resettle their island. Panelists discussed options ranging from agriculture, tourism, filming and production, free trade zone, homestead, land use and fishing. The Northern Island Mayor’s Office will use the Summit proceedings as a guide for the potential investment and business redevelopment program in the Northern Islands. In addition to the three fishing vessels that are currently fishing in the Northern Islands, which can be used to transport people and cargo to and from Saipan, there’s also the Arctic Circle Air cargo plane that has expressed interest to provide services to these remote and beautiful islands north of Saipan.

Discussion

Simonds expressed her hope that the market would be successful.

Seman noted he is the new president for this CoOp and is very determined to make sure that the fishermen and the need to sell their catch are adequately taken care of. He will make sure that it shall not fail. He is very involved in the whole process.

Simonds asked for the plans for the resettlement of the Northern Islands.

Seman noted that prior resettlement attempts were interrupted when the volcano became active.

Palacios said there is a whole series of issues with regard to local and federal policies and politics. He asked for the length of the lease for the new fishermen’s market.

Seman said the contract calls for two years at a time, and it has adequate space in the back for unloading.

Duenas reported on three issues of interest: The Guam Environmental Protection Agency (EPA) Recreational Water Advisory Reports, which provides weekly reports of 42 sampled locations, noted that on average 20 of them are polluted. The Governor's Guam Military Buildup Office Director Mark Calvo announced in the Sept. 5 issue of *Pacific Daily News* that a new environmental impact statement (EIS) is in the works for the impacts of the revised military buildup, which would reflect 5,000 Marines plus their dependents, which is down from 8,600 Marines and approximately 9,000 dependents. Additional options are being explored for a new firing range for the Marines being stationed on Guam. Marines are having their exercises in existing areas. An area of particular concern is Whiskey 517, which continues to be used, with 11 days of closure to the local fishing community during the period since the last Council meeting. This area encompasses two southern seamounts, which are a vital fishing area. The military has been asked to relocate the closure area 30 miles to the east. So far, the response has been positive.

Taitague reported DOA has received notice from the USFWS the memorandum of understanding (MOU) is being drafted so the second phase of the GOSA American Disability Act (ADA) Compliant Fishing Platform can progress. She reported the \$1 million DOA building will be completed by December 2012.

Discussion

Simonds noted the Council's share in the GOSA Project is \$350,000.

Rice asked for clarification as to the water quality testing.

Duenas said Guam EPA conducts the testing.

G. Education and Outreach Initiatives

DeMello reported that the Council participated in the CNMI Youth Spear Fishing Derby, which is to promote spearfishing for the youth and provide a safe activity in the hope that they grow up to be responsible and contributing members of their community. The Council is also participating in the Radio Fish Talk every other Wednesday on KKMP Radio, Channels 1440 AM or 91.2 FM. The program involves different guest speakers attempting to reach out to fishermen and the public by discussing different fishery topics. The broadcast is in English, Chamorro and Carolinian.

In Guam the Fishermen's Festival was held in August, as well as the GOSA Mafute and Lililok Fishing Tournament and the Marianas Spearfishing Challenge. The Council had a booth and sponsored some of these events. The Council is conducting a poster competition for Guam for the Chamorro Lunar Calendar and planning for the festival scheduled for February 2013. The theme encourages discussion on how traditional knowledge and cultural practices promote sustainable use of natural resources and ensures the island's food security.

Discussion

Palacios noted the radio show has been very helpful in educating the public and has generated more participation in public meetings.

H. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

In Regard to the ABCs for bottomfish MUS in American Samoa, based on the P-Star analysis the SSC sets the ABCs for the bottomfish fishery in Fishing Year 2013 and 2014 at 66,800 pounds per year for Guam and 228,000 pounds per year for the CNMI. The SSC notes that the ABCs are greater than MSY. However, whenever biomass is substantially higher than biomass at MSY, it is possible to harvest above MSY temporarily. Such a windfall catch is a well known and well understood outcome.

In Regard to the ABCs for crustaceans and precious corals in Guam and CNMI, the SSC rolls over the existing 2012 ABCs for crustaceans and precious corals for Fishing Year 2013. The SSC further recommends that additional effort be directed to obtaining better harvest estimates for refining ABCs and ACLs.

I. Public Hearing

No public comment offered.

J. Council Discussion and Action

Regarding Annual Catch Limits, the Council recommends setting the ACL equal to the ABC for the bottomfish MUS in Guam and CNMI resulting in a two-year ACL of 66,800 pounds and 228,000 pounds, respectively. This landing corresponds to a risk of overfishing level of 28 percent and 40 percent in Guam and 28 and 39 percent in CNMI for Fishing Year 2013 and 2014, respectively. Based on historical catch data the fishery would need to harvest nearly twice the recent average catch in Guam and seven times in CNMI for two consecutive years for overfishing to occur.

Moved by Palacios; seconded by Seman.

Motion passed.

Regarding Annual Catch Limits, the Council recommends rolling over the ACLs for crustacean and precious corals in Fishing Year 2012 to Fishing Year 2013 due to no new information to significantly recalculate ACLs. The ACLs are as follows for CNMI: seepwater shrimp 275,570 pounds; spiny lobster 5,500 pounds; slipper lobster 60 pounds; Kona crab 6,300 pounds; black coral 4,630 pounds; and precious coral in exploratory areas 2,205 pounds. The ACLs are as follows for Guam: deepwater shrimp 48,488 pounds; spiny lobster 2,700 pounds; slipper lobster 20 pounds; Kona crab 1,900 pounds; black coral 1,543 pounds; and precious coral in

exploratory areas 2,205 pounds. Regarding Accountability Measures, the Council recommends continuing the use of overage reduction in Fishing Year 2013.

Moved by Palacios; seconded by Seman.

Motion passed.

10. Pelagic and International Fisheries

A. American Samoa and Hawaii Longline Quarterly Reports

Hamm reported on the second quarter for the American Samoa longline fishery. Russell Ito, PIFSC, reported on the second quarter for the Hawaii longline fishery. Due to his upcoming retirement, Hamm included a pictorial history since the beginning of data collection in American Samoa fisheries. His report revealed catch had increased in the second quarter of 2012 as compared to the second quarter of 2011, with the exception of the billfish catch.

Hamm's report for the second quarter of 2012 in American Samoa included the following information: number of vessels 25; Number of sets 1,072; number of hooks 3,099,063; number of hooks/set 2,890; Total fish 73,716; albacore 48,172; bigeye 2,633; billfish 1,045; Total catch per unit effort (CPUE) 23.6; albacore CPUE 15.5; bigeye CPUE .85.

For the Hawaii-based longline fishery's second quarter of 2012, Ito reported the following: number of vessels 128; number of trips 368 (339 tuna and 29 swordfish trips); number of sets 4,494 (4,066 deeps sets and 428 shallow sets); and number of hooks 10.3 million (75 percent outside EEZ, 12 percent MHI EEZ, 7 percent NWHI EEZ, 6 percent PRIA EEZ). For catch, he reported bigeye tuna 30,153; pomfret 15,579; mahimahi 11,632; blue shark 10,233; albacore 10,127; and swordfish 5,593.

Discussion

Kingma asked about the class of the three new vessels.

Hamm was not sure, but he noted there is only one alia fishing in the Samoa fishery. He guessed it must be a bigger boat class.

Goto noted Ito's report is accurate to what is being seen at Pier 38. July 2012 was the highest month on record, coinciding with March of 2011, which saw peaks in the catches. He noted the fishery seems to be showing stability.

Rice asked Goto how fish prices are in comparison to 2011.

Goto said there are many different factors that contributed to the economics of 2012, such as marketing, which has improved the perception of Hawaii-landed tuna, as well as the mixed species, which are becoming popular domestically. There have been several restrictions on imports, which is the one competitor to the local bigeye and yellowfin market. It is unclear what the prices will do in the future.

Pooley acknowledge Hamm’s contributions over the decades.

B. International Fisheries Meetings

1. Western and Central Pacific Fisheries Commission’s Scientific Committee

Keith Bigelow, PIFSC, reported on the 8th Session of the Scientific Committee of the WCPFC, which was held from Aug. 7 to 15, 2012, in Busan, Korea. The SPC presented its annual overview of tuna catch in the Western and Central Pacific Ocean (WCPO). In 2011, the total tuna catch was the lowest overall catch since 2005. Much of this decrease resulted from lower overall catches of skipjack, lowest catch in the past five years, and yellowfin, lowest catch since 1996, particularly in the purse-seine fishery. Total catches of bigeye and albacore were relatively stable in comparison to recent years. While catches of skipjack and yellowfin were low in the purse-seine fishery in 2011, the catch of bigeye was the highest on record and thought to be a result of a record number of FAD sets and a possible increase in bigeye recruitment.

Despite lower catches in the purse-seine fishery in 2011, the total value of the purse-seine catch was over \$3 billion, a 23 percent increase on value in 2010. Total catch of tunas by the longline fleet was 251,298 metric tons (mt) with 86,187 mt of yellowfin, 67,599 mt of bigeye and 96,219 mt of albacore. The total value of the longline catch in 2011 was over \$1.85 billion, an increase of \$145 million from 2010. SPC noted a decrease in bigeye catch in the eastern tropical longline fishery, but a recent increase in vessel numbers in the WCPFC area. SPC postulated there may be a change in what some of the vessels are targeting.

The Scientific Committee reviewed four stock assessments this year, South Pacific albacore, Southwest Pacific striped marlin, silky sharks and oceanic whitetip sharks, as well as discussed the ISC assessment of North Pacific striped marlin and progress made working towards a stock assessment for South Pacific swordfish. Stocks not overfished or subject to overfishing included South Pacific albacore and Southwest Pacific striped marlin. The stocks that may be overfished or subject to overfishing include North Pacific striped marlin and oceanic whitetip sharks.

The major impact on the stocks of both shark species was from longline fisheries. For silky sharks there were also substantial impacts from the high catch of juveniles associated with purse seining. The Science Center is recommending three stocks assessments next year, a Pacific-wide blue shark, a revised silky shark and Southwest Pacific swordfish. The three tropical tunas are scheduled for 2014 as the three species are ideally conducted together given the multi-species nature of the purse seine fishery and projections for management.

Discussion

Ebisui asked Bigelow for more information in regard to the whale shark interaction and if the take of whale shark is more prevalent in FAD fishing or unassociated school fishing.

Bigelow noted interactions in the purse-seine fishery. WCPFC had a conservation and management measure (CMM) for cetaceans in March of this year, but whale sharks were excluded because of the use of the word, intentional. It is difficult for purse-seine fishermen to see the whale shark before the set. The SPC did a paper on interaction rates and it reported 120 interactions per year documented with 100 percent observer coverage. The key is what handling guidelines should be constructed to release the whale sharks, as they are 3 to 6 meters in length. The handling guidelines will be considered in the December WCPFC meeting. Bigelow said he would have to look at the report to answer the questions as to which fishery has more takes.

Rice asked if there will be a limit on the number of purse-seine vessels.

Bigelow said a decade ago the number of purse seiners were limited under the Palau Arrangement to a maximum of 205. That arrangement was discarded. The Vessel Day Scheme is in place, which limits the amount of effort as in fishing days by the purse seiners. There is no current limit on the number of purse seiners, just a limit on the vessel days.

Dalzell presented a slide depicting the results of a polling exercise conducted at the recent Hawaii Fishing and Seafood Festival and Fishers Forum to gather information on peoples' preference on yellowfin minimum size, with choices of 3 pounds, 10 to 19 pounds, 20 to 29 pounds, 30 to 39 pounds and 40 to 60 pounds. At the Festival, with 259 people weighing in, the preference was the 30 to 39 pound size. At the Fishers Forum, with 63 people voting, the preference was the 10 to 19 pound size.

Dalzell presented information on three CMMs that will be discussed at the upcoming WCPFC9 meeting in December 2012 that have consequences for Western Pacific fisheries. He provided background on CMM 2008-01, including the Scientific Committee review of its effectiveness, the clause for Small Island Developing States (SIDS) and Participating Territories, and other basic elements of the measure. With no consensus on how to replace CMM 2008-01 earlier in 2012, the provisions were rolled over to remain in effect until Feb. 28, 2013.

The review by the Scientific Committee on its effectiveness concluded that FAD sets made in 2011 were highest on record; total purse-seine catch of bigeye in 2011 was the highest on record and the second time the purse seine catch had exceeded the longline catch; and longline catch of bigeye tuna in 2011 was 24 percent lower than in the 2001 to 2004 level. However, CPUE declined with declining catch in core area; 2010 levels of bigeye F at FMSY and is at a projected level of .96 in 2001; the 2011 fishery conditions, F at FMSY stabilizes at a projected level of 1.29 in 2021; and reduction in purse seine FAD effort in 2010 has the greatest effect in terms of removing overfishing, it's 67.4 percent of overfishing removed, followed by the reduction of longline catch in 2010, and that removed 34.7 percent of the overfishing.

WCPFC Chair Charles Karnella, PhD, has been working on various drafts for a replacement CMM. It contains targets for the three tropical tunas treated together because of the way that the fisheries interact. Average fishing mortality for skipjack in the new measure would not exceed a total catch limit of 1.65 million mt. Fishing mortality for bigeye tuna to reduce to FMSY would be a 28 percent reduction from the original 2001 to 2004 baseline or a 39 percent reduction from 2004 with a catch approximately equal to 77,000 mt, which is half of the current

catch of 150,000 mt; and the fishing mortality for yellowfin tuna equal to or less than the 2001-2004 or 2004 with a catch approximately 538,500 mt. The Parties to the Nauru Agreement (PNA) members would keep their effort levels at or below 2010 levels. The high seas purse-seine effort would be at or below 10,000 vessel days. There would be two six-month closures, January to March and July to September, a FAD management plan, longline bigeye catch levels at or below the 2011 levels and yellowfin tuna catch at levels specified in CMM 2008-01.

Japan proposed a limit of 15,000 purse seine FAD sets, commensurate with the 2010 FAD effort level. The Philippines wants an extension of the CMM in 2011-01. A six-month FAD closure is not popular with either the Asian longline countries or the FFA/PNA countries. FFA/PNA countries want the US and China to take the full 30 percent longline catch reduction from the 2004 baseline, which would mean it would go from 3,763 mt to slightly below 3,000 mt.

Dalzell presented background on the South Pacific albacore and the CMM 2010-05 that called for no increase in the vessels fishing for South Pacific albacore in the Convention Area south of 20° South above the current 2005 levels, the SIDS clause as before, as well as reporting to the Commission. Dalzell also presented the FFA/Te Vaka Moana proposal from the Cook Islands and New Zealand. There is concern about the doubling of the catch over 20 years. The fishing mortality is moderate, but the biomass trend, particularly the spawning biomass, is showing a decreasing trend. The FFA/Te Vaka Moana group proposed preemptive action to limit catch before the stock is overfished or subject to overfishing. The proposal would have catch limits in the EEZ and high seas at some fraction of the MSY of 85,200 mt. Most of this catch would come from in-zone. Dalzell presented a table depicting the MSY-proportion-to-EEZ catch limits.

CMM 2010-01 is still active. It aims to reduce striped marlin to 80 percent of the highest catch within the baseline years, 2000 to 2003, which is 543 mt for the US. Catches for striped marlin in the North Pacific from 2000 to 2011 ranged from 135 to 425 mt with a mean of 286 mt, which applies to all US fisheries. Most of the catch is taken in the longline fishery, with only small amounts taken by troll.

Discussion

Rice asked for clarification as to the striped marlin stock question.

Bigelow said there has been much deliberation between the Inter-American Tropical Tuna Commission (IATTC) and the ISC as to where the stock boundary occurs. They've separated the boundary at 140° W, which is a little further east of the Big Island, due to some mark-recapture information looking at the catch rates in the spatial context.

2. Northern Committee

The focus of the Northern Committee (NC) is on northern stocks, which include Pacific bluefin tuna, North Pacific albacore and North Pacific swordfish. North Pacific striped marlin is

not officially a northern stock, although the stock assessment is conducted by the ISC for Tuna and Tuna-like species in the North Pacific Ocean.

In the absence of a stock assessment, the NC recommended an extension of the current measure through 2013, with inclusion of a requirement for members to track and report on international trade of Pacific bluefin. A statement made by Mexico alleges that more than half the fishing mortality on Pacific bluefin is exempted from the current CMM. This would include coastal artisanal fisheries such as troll and handlining in Japan and set netting in Korea. The NC also agreed to consider shifting from effort controls to catch controls when it reviews the CMM next year to consider implementing a catch documentation scheme for the species.

For North Pacific albacore, good progress was made on documenting those fisheries subject to the current CMM. There was discussion about limit reference points for the stock with the US proposing a fishing mortality limit. But no consensus was reached at the meeting. The NC agreed to pose questions to the ISC on the expected consequences in terms of yield and biomass associated with various candidate limit reference points for F.

The NC also discussed North Pacific swordfish and references points without achieving consensus. Discussion on North Pacific striped marlin was largely confined to an expression of general support for the existing CMM. Although not the focus of the NC, there were discussions on the tropical tunas, skipjack, yellowfin and bigeye. Japan continues to be concerned about the poor performance of seasonal pole-and-line and troll fisheries being evidence of skipjack range contraction.

Other items discussed at NC included bycatch, regional observer program and vessel monitoring.

3. Technical and Compliance Committee

Tosatto reported that he led the delegation to the TTC meeting in Pohnpei. The meeting addressed technical and compliance issues, among other issues, including the CMS, a companion measure that has response to noncompliance, VMS (some progress has been made), a provision for in-zone VMS data, maintaining the integrity of data, tropical tunas, FAD management, reports of IUU vessels, transshipment (purse seiners are no longer allowed to transship on the high seas), vetting applications for Cooperating Nonmember status and what the rights would be to those members, chartering issues and retention of sharks.

4. North Pacific Regional Fishery Management Organization

This item was discussed in another agenda item.

5. Western and Central Pacific Fisheries Commission Permanent Advisory Committee

Kingma reported on the recent PAC, the US section of the WCPFC that advises the US government on negotiating positions for the WCPFC meeting. The meeting was held in Honolulu

in October 2012. Simonds represents the Council on the PAC; other Council members from the US Participating Territories are also members, as well as representatives from US purse seine fishery, canned tuna processing industry, Hawai'i longline fishery, albacore troll fishery, and the American Tuna Boat Association of purse seine owners. The PAC meeting provided opportunity for US government representatives to gain insights of the fishing industry and fishery participants, as well as other members, such as Pew and other environmental organizations. The PAC is mandated under the WCPFC Implementation Act and is required to meet every year.

Some points of agreement and discussion at the PAC meeting included the following. The needs and interests of American Samoa, Guam, and CNMI should be considered by the US in the development of Port State measures to deter IUU fishing. The US should be incorporating issues relevant to the US Territories into their negotiations, as well as taking into consideration their existing conditions. For example, Guam and CNMI are seeing effects from the world's largest tuna fishery on their coastal artisanal fleets, which also indicated support for skipjack tagging research due to likely range contraction. American Samoa listed concerns regarding the increase in southern albacore catches in the South Pacific region, especially given the relative dependence on albacore for the Pago Pago-based longline fleet. In terms of Compliance and Monitoring Review, there was consensus within the PAC for the need to strengthen the CMS and that the US should take the leadership and for a new tropical tuna measure for skipjack, bigeye and yellowfin in terms of the US purse seine interests. There was support for high seas pockets to be open and for the high seas to also be open for purse-seine fishing. The six-month FAD closure was not supported by the US purse-seine industry. There were suggestions, which were generally agreed upon, to not have any further longline reductions in the new CMM given that the longline fisheries, in general, have met or nearly met the required 30 percent reduction in bigeye catch. Discussions also included the need for a stronger CMM for South Pacific albacore with a possible exemption for troll fisheries and support for development of a stronger measure and request for further information from FFA regarding identification of in-zone limits for South Pacific albacore. It was noted that North Pacific striped marlin is in poor shape, overfishing and overfished. However, given current catches of the stock, based on those levels it may lead to some stock recovery. There was some support in the PAC to leave the current measure as is and re-evaluate next year. The PAC agreed that the US should introduce its FAD data collection proposal.

Discussion

Tulafono noted if the port measure is approved, the Territory of American Samoa will have a problem with funding for the mandate.

Kingma clarified that the FAO Port State Measure Agreement has been signed by the US and so the US has some obligation. However, in the development of Port State measures within the WCPFC, the US needs to ensure that the US Territories are not overly burdened and that adequate funding and support is provided to meet their obligations to board and inspect foreign vessels that are landing in their ports.

Tosatto noted that the members on the PAC serve two-year terms. The process for membership includes selecting members for the subsequent Advisory Committee to be in place

by August so the PAC can continue to meet. A notice will be published in the Federal Register calling for nominations. There will be 25 members selected, with representatives from the Territories and Commonwealth, the Western Pacific Fishery Management Council Chair and ad hoc Council positions.

C. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

The SSC thanked Dave Hamm for his many years of service reporting on these fisheries and appreciated his pictorial summary of the changes in the American Samoan government facility and the longline fleet. The SSC wishes Dave well in his forthcoming retirement.

Regarding opah, the SSC recommended that it be added to the list of species described in the Hawai`i quarterly report because of its increasing importance in the Hawai`i longline fishery.

The SSC recommended that vessel departures from the longline fishery, switching between tuna and swordfish components of the fishery, and other possible consequences of management changes be investigated in the next assessment. The study showed in 2000 a majority of the fishery switched longline bait from Pacific saury to various sardine species. However, this bait switch was unable to explain the steep decline in opah rates. The SSC recommended that highliner opah fishermen be interviewed to determine how they completed their logbooks when using a mixture of saury and sardine on the same set.

The SSC further recommended that highliner opah fishermen be asked for their opinions on why the opah catch rates declined.

Regarding CMM 2008-01, the SSC noted that the longline fisheries in the WCPO have, by and large, reduced their catches of bigeye in compliance with CMM 2008-01, especially the Hawai`i longline fishery. By contrast, CMM 2008-01 has failed to control FAD-associated purse-seine fishing effort, which is the main source of juvenile bigeye fishing mortality. The SSC reiterates its recommendation that a new CMM must address the substantial catch of juvenile bigeye by purse-seine fleets, especially in light of the continued increase in the number of purse-seine vessels, fishing effort, purse-seine catch of juvenile bigeye and increasing prevalence of FAD sets.

Regarding CMM 2010-01, the SSC notes the seriously depleted condition of North Pacific striped marlin from the recent ISC stock assessment and encourages the WCPFC to take the required management action to rebuild the stock.

Regarding CMM 2010-05, the SSC supports the timely development of CMMs for South Pacific albacore currently being pursued by the FFA/Te Vaka Moana members. This may include in-zone South Pacific albacore MSY-based catch limits and limits on high seas catches. However, the SSC encourages the act of participation of American Samoa in this Te Vaka Moana process.

Regarding International Seafood Sustainability Foundation (ISSF) research, the SSC strongly supports this research and recommends continued Council support for this collaborative research with ISSF and the purse-seine fishing industry.

Regarding tracking the changes of economic performance Indicators for the main commercial fisheries in the Western Pacific areas, the SSC endorses this PIFSC initiative and makes the following recommendations for additional associated research:

- Efforts be undertaken to expand the measurements of fisheries benefits by incorporating the psychological, social, cultural and other nonmarket values that accrue to practitioners and their communities.
- To improve understanding of the Hawaii-based longline fishery, develop bio-economic models, which include the following:
 - Catch as a function of season, effort and other relevant environmental and operational factors.
 - Effort as a function of fish prices, fuel costs and relevant socio-economic factors; and
 - Price as a function of catch, and the price of substitutes and other relevant consumer factors.

Regarding levels of observer coverage in the shallow-set fishery, the SSC recommends that the Council task the SSC to address the six questions posed by McCracken via a subcommittee.

Discussion

Rice asked if the opah research was focused on Hawai`i.

Daxboeck replied it was just the Hawai`i longline.

Dalzell reiterated points from his prior presentation on CMMs for tropical tunas, South Pacific albacore and North Pacific striped marlin. In addition to the recent increase in number of purse seiners, there is a large number of relatively small longliners coming out of China with ultra low temperature freezers able to produce very high quality frozen fish. Many are operating in the waters of the Cook Islands; 250 to 300 more vessels are expected to join the existing longline fleets in the South Pacific. There is also concern that vessels from Asian longline fishery fleets may move from the Indian Ocean into the South Pacific.

Discussion

Simonds asked Tosatto how is the bigeye issue going to be solved when there are rumors the six-month FAD closure is going to be rejected at the upcoming WCPFC meeting.

Tosatto said he has not seen the Chair's latest draft, but he has heard various options that may or may not happen, such as PNA did not implement moving from a three-month to a four-month FAD closure in advance of some other change; Japan put a measure on the table to

manage FAD sets; the next draft may include a measure regarding managing FAD sets; the FAD closure may be augmented by a FAD set limit. He said Simonds' guess was as good as his.

D. Public Comment

Morioka asked NOAA GC about the status of the shark measures regarding the difference between State and Federal regulations.

Onaga said Headquarters is still reviewing it to develop an interpretation of the interplay of the act with State laws, particularly in the Western Region. There are a number of western states, such as Oregon and California, that also have active shark prohibition laws, as well as the Territories.

Morioka asked when the review will be concluded.

Onaga estimated that possibly in the next month or two there would be more information available about where it stands.

Morioka asked if that information will be forwarded to the Council.

Onaga pointed out being it is legal advice, to the extent GC can provide explanation based on GC's interpretation of the preemptive status, information would be provided to NMFS and the Council.

Morioka asked what the next step would be.

Onaga said it would depend on the interpretation of the law and the possible need to coordinate with the States, depending on which view the GC takes.

Morioka asked if the federal government would be motivated to take preemptive measures.

Onaga said she does not know.

Morioka said it is affecting fishermen. One rule says you cannot land shark without fins, and the other one says you have to have fins.

Onaga replied she would think it would be a practical and legal interpretation such that it wouldn't be burdensome upon fishermen, but she cannot say for sure at this time.

E. Council Discussion and Action

Regarding economic performance indicators, the Council endorsed the SSC recommendations for the PIFSC economics project tracking changes of economic performance indicators for the main commercial fisheries in the Western Pacific.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding Hawai`i longline shallow-set observer coverage levels, the Council recommends that the SSC form a subcommittee to review various questions relating to a recent PIFSC study on levels of observer coverage in the shallow-set swordfish longline fishery.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding opah catches in the Hawai`i longline fishery, the Council recommended that opah be added to the list of species described in the Hawai`i quarterly report because of its increasing importance in the Hawai`i longline fishery. Further, the Council endorsed SSC recommendations for future research on opah, including seeking the opinions of highline fishermen on why opah catch rates declined so precipitously in the year 2000.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding the new WCPFC tropical tuna measure, the Council notes that the longline fisheries in the WCPO have reduced their catches of bigeye in compliance with CMM 2008-01, including the Hawai`i longline fishery. By contrast, CMM 2008-01 has failed to control total purse seine fishing effort and FAD-associated purse seine catch of juvenile bigeye. Therefore, the Council reiterates its recommendation that a new CMM must address the substantial catch of juvenile bigeye by purse-seine vessels, fishing effort, purse-seine catch of juvenile bigeye and increasing prevalence of FAD sets.

The Council recommends that no additional longline bigeye catch reductions be included in new measure.

The Council further recommends that the US develop future proposals that may be more effective for conservation of bigeye tuna, including individual purse-seine bigeye catch limits, individual purse-seine FAD limits, spatial longline bigeye limits and fishing capacity limits for purse-seine and longline fisheries.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding North Pacific striped marlin, the Council notes the seriously depleted condition of North Pacific striped marlin from the recent ISC stock assessment, but is encouraged that current catches of this stock, if maintained and not increased, in the North Pacific are expected to lead significant stock recovery. Therefore, the

Council does not recommend the adoption of a new measure at WCPFC9 and suggests that the WCPFC review the status of North Pacific striped marlin in 2013.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding South Pacific albacore, the Council supports the development of a stronger CMM for South Pacific albacore due to the dependence of the American Samoa longline fishery on this stock. Further, the Council tentatively supports the development of a CMM that includes high seas and EEZ-based catch limits and directs staff to request further information from the FFA on how they are developing EEZ numbers, as well as for staff to continue to engage with Te Vaka Moana members on this and other associated issues.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding WCPFC compliance monitoring, the Council notes that the WCPFC CMS relies on incomplete self-reporting by WCPFC member and cooperating nonmembers and recommends that the US lead a working group to improve this process and, further, that the US consider providing monetary and technical support to the Secretariat to enhance the CMS review process.

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Regarding WCPO skipjack range contraction, the Council recommends that tagging studies and catch rate analyses be conducted in the Mariana Archipelago by NMFS PIFSC to help understand potential effects from WCPO skipjack range contraction and directs staff to identify funding sources and potential partners for this work

Moved by Ebisui; seconded by Tulafono.

Motion passed.

Simonds suggested to note the task to be done by NMFS PIFSC. The addition was agreed to by the mover and second.

11. Hawai`i Archipelago and Pacific Remote Islands Areas

A. Moku Pepa

Rice reported he attended the Recreational Summit, which was very successful. Many participants were enthused with the direction of the summit. He added the ACL and MMPA public meeting held in Kona was much appreciated.

Leialoha thanked the Council staff for the ACL and MMPA outreach conducted in Hilo, which was attended by a full house with high interest.

B. Department of Land and Natural Resources Administrative Report/Update

Oishi reported that the DLNR received two letters from the Council asking for clearly defined objectives for proposed rules for West Hawai`i and to consider a singular licensing and reporting from boat captains or owners. The proposed new rules for West Hawai`i are the outcome of a community-based process. The communities have objectives, and the proposed rules are the outgrowth of community concerns.

He also reported that the Department is considering the issuance of a vessel license. So if the boat is licensed, the owner of the boat could report the catch.

DLNR also received another letter as a function of an outgrowth of the June meetings. The Council recommended that the State begin drafting a Green Sea Turtle Management Plan. Response back to the Council is that NOAA has begun a Status Review and the outcome of that review process cannot be predicted. The Department cannot initiate a plan until it is assured that the species would be delisted.

C. Enforcement

Oishi reported the Board of Land and Natural Resources (BLNR) on June 8, 2012, approved entering into a grant agreement between various parties for enhancing fisheries enforcement. With respect to that, the Division of Conservation and Resources Enforcement (DOCARE) is proceeding with an initial phase to begin on Maui. The project manager position was filled, and equipment was purchased.

Bottomfish for the 2011-2012 Fishing Year attained 70 percent of the ACT as of Sept. 24. As for the 2012-2013 Fishing Year, 10 percent of the ACT has been attained as of Oct. 26.

For other fishery-related issues, the aquarium fish fishery notices to hold public hearings on Dec. 5 on the draft rules for O`ahu and West Hawai`i District have been issued. Meetings for those public hearings will be held simultaneously, one in West Hawai`i at Kealakehe High School and on O`ahu at Waimalu Elementary School.

DLNR awaits the findings of a multi-year data analyses from the Bot-cam work. DLNR suggested that the principal investigator conduct some outreach to fishers on other findings, such as larval transport dissertation results, new aging study, a size structure inside the BRFA's, gene flow results. There's been communication between DLNR's outreach specialist and the principal investigator.

Discussion

Rice asked about the State's consideration of a management measure for tuna size limits.

Oishi replied in the negative.

Simonds asked for clarification as to the equipment purchased on Maui for enforcement.

Oishi replied the agreement included the purchase of a new vessel, which is customized 23-foot boat and is built on the West Coast.

Simonds ask for clarification as to the closure being considered off of West Hawai`i, which is proposed to cut off access to shoreline. It has become a concern to the communities as well as TNC and Kamehameha Schools. A letter sent to the Kona Civic Club said it was going through the process. She wanted to know where it is in the process.

Oishi commented that is Kaupuehu. It is part of the proposed rule and will be part of the Dec. 5 public hearing.

Simonds asked for clarification as to the timeline for getting the BRFA report for the four years of information that has not been released.

Oishi said Drazen is supposed to be looking at Years 1 through 3 this year.

Simonds asked if it will be available at the next Council meeting.

Oishi stated that he hoped so.

Simonds asked if the contractor has been paid and what are the consequences for not providing the reports.

Oishi said they had been paid for Years 1 to 5.

Ebisui asked what year is Year 1 of the study.

Oishi replied Year 1 was 2007 and 2008.

D. Annual Catch Limits (Action Item)

1. Non Deep 7 Bottomfish

Sabater repeated the same presentation that was given earlier, highlighting the specifics to the Hawai`i Non-Deep Seven bottomfish. In the previous specification the Council set the ACL equal to ABC derived from a model average of a) 50 percent risk of overfishing by analogy from the risk table of the MHI Deep Seven bottomfish stock assessment; b) 75th percentile of the entire catch time series; or c) the mean of the last five years.

Adding the most recent year (2011) data to the time series of the 75th percentile and mean of the last five years slightly changed the model average results. Doing the model average resulted in catch levels of 140,000 pounds. This is 5,000 pounds higher than the established ACL at 135,000 pounds. Total landing of the Non-Deep Seven bottomfish in 2011 was 131,391 pounds.

Options for the Council include 1) No action - maintain the current ACL at 135,000 pounds. This will not result in additional administrative burden. The current ACL appears to be

adequate in maintaining the fishery; and 2) Set ACL equal to ABC at 140,000 pounds (5,000 pounds higher than previous based on record data). This would entail additional administrative burden because a separate environmental assessment (EA) and National Environmental Policy Act (NEPA) document would be drafted. Catch levels at 140,000 pounds was not analyzed in the previous EA. The Council will also evaluate a multi-year specification to minimize burden of annual specifications.

Discussion

Rice asked, if the current catch continued, would the limit be reached by the end of the year.

Sabater said it looks as if it will be at the same level as 2011, but he cannot say for sure.

Rice asked about the 26 percent risk of overfishing.

Sabater said the current ACL of 135,000 pounds has approximately a 25 percent risk of overfishing.

2. Crustaceans (Spiny Lobster and Slipper Lobster)

Sabater repeated the same presentation given earlier, but referencing information relative to Hawai`i. The Council was tasked to address the need to re-specify the ACL for the crustaceans and precious corals because the specification was only good for one year, although the NEPA analysis included in the EA was good for two years.

Different control rules pertain to Hawai`i, as there is more data for the Hawai`i MUS. The Tier 4 Control Rule for the deepwater shrimp, an ad hoc method of one times the 75th percentile for spiny lobster, slipper, Kona crab, and used the Tier 4 Control Rule at 91 percent of MSY for the black coral, pink, gold, bamboo corals in established and conditional beds, and adopted the existing quota for the exploratory areas. The Council set the ACL equal to ABC.

There's no new information available to significantly change the ACLs. No new assessments for the corals and for comparing the commercial catch landing in Fishing Year 2011. Only spiny lobster exceeded, but does not count against the tally. The fishery is currently inactive for the precious corals. For deepwater shrimp, slipper lobster and Kona crab the landings are below the established ACLs. It is premature to change the ACL at this point not knowing what the 2012 catches are. The data will be re-evaluated in the next meeting.

The Council was tasked to provide recommendations for ACLs. On crustaceans and precious corals, the Council may want to consider rolling over the existing ACL, as well as the Accountability Measure, which is an overage adjustment.

3. Precious Corals

This item was discussed in another agenda item.

E. Bottomfish Fishery

1. Cooperative Research Bottomfish Tagging Projects in Hawai`i

Gerard DiNardo, PIFSC, presented an update on the Cooperative Research Bottomfish Tagging Projects in Hawai`i. PIFSC has been supporting bottomfish Cooperative Research activities in the Hawaiian Island Archipelago for the past three years. Research activities included bottomfish Deep Seven tagging, biosampling to support life history analysis and gear calibration cruises to test acoustic technology, automated underwater vehicles, bot-cam and traditional fishing effort.

The goals of the Bottomfish Research Program is to provide timely estimates of stock status based on best available scientific information and to the extent possible include relevant stakeholders with cooperative research. A lot of the information from bottomfish life history is outdated. The parameter estimates may be different now and the standardized abundance estimates may be biased. The bottomfish, occupy diverse habitats with varying occupancy rates. No population level monitoring program is in place. The fishery industry is knowledgeable, engaged and want to help. Bottomfish are an economically important resource.

Two future MHI surveys are scheduled for 2013 to get background information to help with the design of the survey in the Maui area using bot-cam, SeaBED AUV, EK60 Active Acoustics and Pacific Islands Fisheries Group (PIFG) Cooperative Research.

Because the problem is multi-disciplinary, a business-type model is applied to the research program with input from each of the divisions. The goal is to have all historical data processed by mid December and by mid February to conduct the analysis and the comparisons. DiNardo would like to be operational no later than 2014.

Discussion

Rice asked if any of the surveys were conducted in the BRFAs and, if not, are permits being obtained to survey in the BRFAs.

DiNardo replied in the negative. There are no plans to do so.

Rice asked if the State-contracted survey results will be available and presented at the next Council meeting.

DiNardo did not know the answer.

Simonds asked why it was decided not to conduct tagging inside the BRFAs.

DiNardo said tagging will only provide some of the information. What is needed is a survey to determine if what is being seen is a natural occurrence due to a large environmental change or due to the BRFA. The tagging data will provide information about whether or not the fish transit in and out of a BRFA, but the question to get answered is whether the fish are actually providing increased productivity, are they adding to the population. The first step is to

figure out what gears are to be used, and then take it operational not only inside, but outside the BRFA.

Simonds asked DiNardo when he planned to do that.

DiNardo said he would leave that up to the PIFSC director. It is an interesting question. The first thing to do is to determine the goal of the BRFA.

Simonds said the goal is to remove the BRFAs.

DiNardo reiterated the first stage is to get the gear, then survey with the types of gear that will provide the information.

Simonds said the Council urges DiNardo to do that.

2. Preliminary Results on Acoustic Tagging of Bottomfish

Kevin Weng, Pelagic Fisheries Research Program (PFRP), reported on the use of telemetry tagging on Deep Seven bottomfish. Weng deployed an array of listening devices on the bottomfish habitat and BRFA off of Niihau and tagged bottomfish with acoustic tags to assess movement and retention between closed BRFA and open areas. More recently, the system has been moved to the bottomfish have areas off of Penguin Banks and Makapu`u to assess movement between these areas. Conclusions from the preliminary dataset include a) frequent crossings of BRFA border by onaga; b) few crossing of BRFA border by ehu; c) no evidence for movements across greater than 400-meter depths, with no tagging at South Pinnacle; and d) movements are common where habitat is less than 400 meter depth.

Discussion

Ebisui asked if Weng was familiar with reports of schools of large onaga moving at the surface over very deep water.

Weng replied in the negative, but hopes to extend the project to use depth tags. One fisherman told him he had once caught a Deep Seven species at the surface and would be interested in learning more.

Ebisui offered to have the fishermen who know of this information contact him.

F. Update on Hawaiian Island Humpback Whale Sanctuary Review

Joe Paulin and Elia Herman, Hawaiian Island Humpback Whale National Marine Sanctuary Advisory Committee, provided an update on the Sanctuary's Management Plan review process. The State of Hawai'i has joined NOAA as co-lead on the EIS being developed to support the new management plan. It is anticipated that the draft Management Plan EIS will be available in mid 2013. A major aspect of the Management Plan review is the Sanctuary shift from humpback whales to ecosystem-based management, including maritime heritage, such as shipwrecks, and native Hawaiian culture resources, such as fishponds and heiau.

A brief background and history of National Marine Sanctuaries in general and the Hawaiian Island Humpback Whale National Marine Sanctuary was provided, including the co-management arrangement with the State of Hawai`i, the Sanctuary Advisory Committee members, State of Hawai`i Governor's support, the Management Plan review process and the Aloha `Aina document, which is a framework for integrating community knowledge into resource management. It includes a range of values to consider and incorporate when developing the strategies and actions used in resource management planning and tools for assessing, evaluating and prioritizing needs and uses when making management decisions.

Discussion

Rice asked if there was a socioeconomic group that looks at the economics of adding more species to the sanctuaries.

Herman said the socioeconomic impact was one of the over-arching topics considered throughout the process and incorporated into their recommendations. The EIS is required to address socioeconomic impacts on any actions taken. They are working hard to collect all of the relevant data that would help inform management decisions.

Kingma asked how the goals and objectives are developed. During the Sanctuary process in the NWHI, the Council did not participate in the during the development of the goals and objectives, particularly of issues associated with fishing activities. He also asked if the Sanctuary is planning on proposing regulations or rules that would affect fishing activities either in federal or State of Hawai`i waters.

Paulin said that a Policy Team of Sanctuary staff will be working primarily on the writing of the draft Management Plan. It has been involved throughout the last two years and is actually in the process right now of working to develop the objectives for the draft Plan.

Herman added that several different communities and areas have approached them to look at adding other regulations, and the request will be considered, but is an extensive process. It requires looking at science and extensive community input. If fishing regulations were to occur in State waters they would need to have approval by the BLNR as well. Should fishing regulations come up, they would be considered like anything else.

Kingma asked Herman to answer in regard to fishing regulations in federal waters. The National Marine Sanctuaries Act provides the Council first opportunity to develop regulations for federal waters. Penguin Banks is an important fishing area within federal waters in the Sanctuary.

Herman said they are not currently considering new fishing regulations in federal waters.

Paulin agreed that the National Marine Sanctuaries Act describes the process and includes engaging the Fishery Management Council.

Tosatto asked how the Sanctuary managers are viewing the State of Hawai`i's Aha Moku legislation and implementation.

Herman replied that, as the Aha Moku process moves forward and provides advice to the Chair, their advice gets incorporated. The way decisions are made at the Sanctuary, especially from the State perspective, obviously that will provide the information. If they're advising the Chair, that advice will come forward to the Sanctuary. On a more local level, just like the Sanctuary is engaging with a whole range of communities, local Aha Moku Councils, as they want to work with the Sanctuary, the Sanctuary certainly is talking with them, engaging with them and incorporating what relevant information they might provide, just like any other community organizations and individuals.

G. Community Projects, Activities and Issues

1. Status of the Aha Moku Legislation

Charles Ka`ai`ai, Council staff, reported that Act 228 was signed into law on July 9, 2012. Act 288 recognizes the Aha Moku system as the traditional resource management system in Hawai`i and creates a committee within the DLNR called the Aha Moku Advisory Committee to advise DLNR on traditional practices and cultural management of the resources. Pursuant to Act 288, the Governor will select members of the Aha Moku Committee to advise the BLNR on traditional, natural and cultural resource management.

2. Report on Aha Moku Projects

Ka`ai`ai reported that contracts for Ola Mau Ke Aha Moku projects are ending, such as the Maunalei Ahupua`a Restoration Project, and results are being reviewed to improve future projects. New projects to support this initiative are being developed.

H. Education and Outreach Activities

1. Hawai`i Summer High School Course

Mark Mitsuyasu, Council staff, reported that the Council supported the Hawai`i Summer High School course on marine science and fisheries in partnership with the Moanalua High School. The course ran from June 1 to July 6, 2012, with 18 students attending from public, private and home schools. Students can now receive a science credit for completing the course. The course included class work, lectures and field trips, culminating in a field trip to Moloka`i where the students helped to host a Keiki Fishing Tournament at which more than 130 children participated. Students learned about Hawai`i fisheries, ocean safety, resource monitoring and research, resource conservation and management, the ecosystem, industry and marketing. The students hosted a gyotaku booth and imprinted fish on Council logo shirts. The students also spent two days at Mo`omomi learning about traditional resource management. From this course, students produced a short video on the topic.

2. Community Meetings on Annual Catch Limits and the Marine Mammal Protection Act

Ishizaki reported on a series of workshops held in Hawai`i to inform the fishing community about ACL-based management and the MMPA. The workshops were conducted in response to Council recommendations from the 153rd Council meeting in March 2012 to conduct outreach with fishing communities on these topics. In addition to the two main topics, updates were also provided on recent Council actions regarding EFH and habitat areas of particular concern (HAPC). Representatives from the Hawai`i DLNR and NMFS PIFSC were present and contributed their expertise. Approximately 125 participants attended the five sessions in Lihue, Hilo, Kona, Kahalui and Honolulu.

A NMFS website is being created for the public to provide photographs, locations and sighting information about marine mammals. There is an effort to get more from the windward sides of the islands to help improve stock assessments and increase the information available for management of marine mammals and fisheries.

Some of the discussion and questions from participants included a) clarification on where and which fishery ACLs apply, including whether the State of Hawai`i has plans to develop complementary measures; b) use of recreational fishery data and how they affect ACLs; c) incentives for small-scale fishermen to report catches; d) BRFAs; e) what constitutes an MMPA take; f) what are, if any, penalties for a take; g) concerns for tendency for fishing activities to be identified as primary anthropogenic threats while other sources may also contribute to negative impacts, such as tourism; and h) benefits and challenges to fishermen contributing marine mammal information to researchers.

Discussion

Tosatto congratulated the Council for holding the outreach sessions, but wished to make clear NMFS PIRO did not participate because they were not able to participate. The statutory authority under the MMPA belongs to NMFS. Answering questions about where it is, what it means and how to get input is a serious topic that NMFS did not have time to prepare for to do the round of meetings on the schedule that the Council set. Hopefully, the information that was provided was correct. He reiterated the recommendation was to work with NMFS to go to communities and provide input in a range of topics. The Council should and does speak with authority on the MSA. He asked the Council to continue to work with NMFS to make sure correct information is provided to communities and to have the most effective interaction going forward. He reiterated his apology NMFS was not able to prepare for the meetings on the Council's timeline.

Rice noted the meeting was positive and covered everything that is covered at Council meetings in regard to MMPA and ACLs. A very good analysis was given.

3. Other Hawai`i Outreach Activities

Spalding reported on the outreach activities including a Council booths at the Hawaii Teachers Association Conference on Sep. 8 and the Native Hawaiian Convention Conference Oct. 2-4; participation in the Island Earth Communications Committee meeting, which is part of the Center for Ocean, Sciences Education and Excellence funded by the National Science Foundation; and a Council tent at the October Fishing and Seafood Festival, where outreach materials were distributed regarding yellowfin minimum commercial size, ACLs, Aha Moku, the First Stewards Symposium and the Council in general.

Outreach products that have been produced include media ads depicting Council activities and bag tags distributed at the Fishers Forum promoting the Council's social networking and the Council's communication frameworks four primary messages (i.e., the Council gives fishermen a voice; the Council helps prevent overfishing and protect the ocean ecosystem; the Council supports the fishing industry and the livelihood and culture of all fishermen; and the Council provides consultations and recommendations as required by law).

Upcoming activities include the Hawaii Traditional Lunar Calendars and expanding the Fishermen's Code of Conduct signs that went up into some small-boat harbors. The Aha Moku on O`ahu and Maui are interested in partnering with the Council to maintain the signs

I. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the MHI Non-Deep Seven bottomfish species ABC, the SSC sets the ABC for the MHI Non-Deep Seven bottomfish at 140,000 pounds.

Regarding the ABCs for crustaceans and precious corals in Hawai`i, the SSC rolls over the existing 2012 ABCs for crustaceans and precious corals for Fishing Year 2013. The SSC further recommends that additional effort be directed to obtaining better harvest estimates for refining ABCs and ACLs.

Regarding the BRFA's, the SSC recommends that tagging be conducted in BRFA's in the future.

J. Public Hearing

Ebisui directed the Council's attention to written testimony included in the Council briefing materials from Kaua`i fishermen Greg Holzman regarding BRFA's and other fishery issues.

Watamura asked USCG and OLE for clarification on the current policy on enforcement of the BRFA's in federal waters and if there is any collaboration or cooperation in that regard with the State of Hawai`i.

The USCG representative said the USCG can only enforce federal regulation and has not taken an active role in the BRFA enforcement. In regard to coordination with the State, if USCG witnessed a fishermen in the BRFA, they would work with State partners.

Cole agreed with USCG's response. OLE's position is it does not enforce State law regardless of whether it's in federal waters or State waters. But if federal law enforcement partners, either the USCG or OLE, were to become aware of a State violation that information would be passed to DOCARE, and vice versa.

Watamura further commented that the Humpback Whale Sanctuary presentation sounded similar to the Aha Moku and the ahupua`a concepts. There seems to be overlapping and duplicative efforts with other agencies. He questioned that due to the present difficult budgetary situation.

Layne Nakagawa, Hawaii commercial fisherman, spoke in support of removal of the BRFAs. Doing so would give back an area that was taken away from some bottomfish fishermen, and it would benefit the whole bottomfish community in the State of Hawaii.

Rice voiced agreed with Nakagawa. He said the BRFAs regulate themselves due to the weather.

Ebisui agreed that the TAC and ACL are more than sufficient biological controls in place to assure sustainability.

Nakagawa asked Oishi if the State could ask all bottomfish fishermen the same question that was asked of him regarding how he is benefited by the establishment of the BRFAs.

Ebisui said the question was probably well intended and mostly likely was an effort to learn what Nakagawa's individual perspective was and not intended to substitute his statements for all of the bottomfish fishermen.

Morioka spoke to the Hawaiian Islands Humpback Whale National Marine Sanctuary, pointing out that overfishing is not occurring and the bottomfish stocks are not overfished. He urged the Council to receive and review the Hawai`i BRFA analysis by the March SSC and Council meeting, which the fishermen have been waiting for since 2003. Morioka also suggested coordination should occur among agencies active in all of the scientific research and not waste precious resources by focusing on issues that are not relevant. Consistency and complementary science is a requisite. He also agreed with DiNardo's view that the science of the BRFA should focus on the purpose for creating the BRFAs. He also agreed with Watamura's comments.

Leialoha reported a comment via e-mail from Kekaulike Tomich, who was following the meeting online. He offered a clarification with regard to the Kaupulehu Reserve Fisheries Management Plan, which is a 3-mile stretch of coastline in the Kaupulehu Ahupua`a being considered for a 10-year "rest period." It does not include any access closure and is a culmination of a 15-year lawsuit with the Hualalai development for ancestral families to manage the coastal resources. The rules that were drafted were approved by the West Hawai`i Fisheries

Council and submitted to DLNR in August. The Dec. 5 meeting probably does not include their management plan, as it's still under review.

K. Council Discussion and Action

Regarding ACLs, the Council recommends setting the Fishing Year 2013 ACL equal to ABC for the Non-Deep Seven bottomfish species in Hawai'i resulting in an ACL of 140,000 pounds. Applying the Deep Seven stock assessment's risk projection by analogy, this catch level corresponds to less than 26 percent risk of overfishing.

Moved by Goto; seconded by Rice.

Motion passed.

Regarding ACLs, the Council recommends rolling over the ACLs for the crustacean and precious corals in Fishing Year 2012 to Fishing Year 2013 due to no new information to significantly recalculate ACLs. The ACLs are as follows: deepwater shrimp 250,773 pounds; spiny lobster 10,000 pounds; slipper lobster 280 pounds; Kona crab 27,600 pounds; other crustacean 20,686; for black coral, Au`au Channel 5,512 pounds and Exploratory Area 2,205 pounds; and for pink/bamboo coral: Makapu`u Bed 2,205/551; 180 Fathom Bank 489/123; Brooks Bank 979/245; Ka`ena Point Bed 147/37; and Keahole Bed 148/37.

Moved by Goto; seconded by Rice.

Motion passed.

Regarding Accountability Measures, the Council recommends continuing the use of overage reduction in Fishing Year 2013.

Moved by Goto; seconded by Rice.

Motion passed.

Regarding Hawai'i bottomfish research, the Council requests the State DLNR to provide the presentation on the results of their first three years of bot-cam research at the March 2013 meeting of the SSC and the Council and a final report on the analysis of the full five-years of bot-cam data at the June 2013 SSC and Council meetings.

Moved by Goto; seconded by Rice.

Motion passed.

With regard to Hawai'i bottomfish research, the Council requests PIFSC convene a meeting of all agencies and institutions conducting Hawai'i bottomfish research to coordinate ongoing Cooperative Research and fishery-independent research efforts.

Moved by Goto; seconded by Rice.

Motion passed.

Regarding Hawai`i bottomfish research, the Council requests that PIFSC expand its multi-disciplinary surveys to include sampling within the State’s BRFA’s to help determine the efficacy of the BRFA’s.

Moved by Goto; seconded by Rice.

Motion passed.

Regarding education and outreach, the Council supports the installation of the Fishermen Code of Conduct signs in additional small-boat harbors.

Moved by Goto; seconded by Rice.

Motion passed.

12. Public Comment on Non-Agenda Item

No public comment was offered.

13. Administrative Matters

A. Council Member Ethics and Rules of Conduct Training

Nichols, NOAA GC Office, presented information on ethics and rules of conduct for Council members. Topics of the rules included financial disclosure, restrictions on voting and participating in deliberations, contacting the Federal Government on behalf of others and lobbying restrictions after leaving Council service. Some of the requirements presented in a true-or-false format included a) Council members are required by 50 CFR 600.235(b)(2) to file a financial disclosure form annually, regardless of whether the information previously reported is unchanged; b) Disclosing “no interests” in any harvesting, processing, lobbying advocacy or marketing activity in any fishery under the jurisdiction of the Council is also the type of disclosure required by Subpart 600.235(b); c) Lobbying members of Congress is not prohibited, provided that appropriated funds are not used. 60 CFR 600.227; d) Costs associated with providing a factual presentation directly related to the performance of a grant are allowable if made in response to a documented request. 50 CFR 600.227(b)(4); e) Public members of Fishery Management Councils are prohibited from representing others before a federal agency or court on a specific party matter on which they personally and substantially participated as a Council member. 18 USC 203 & 205; and f) A Council member may represent others before a federal agency or court on broad policy matters, even those in which he or she participated as a Council member.

Discussion

Tucher clarified the rules of conduct apply to public Council members.

Leialoha asked for clarification as to the process once a rule was violated.

Tucher said, if a violation was determined, NOAA GC would advise the individual whether he or she could participate or would need to recuse or abstain from voting, or recuse

completely. A violation of conflict of interest laws would be investigated by the Inspector General Office or other federal entity, which could result in a removal decision recommendation by the Counsel and removal by the Secretary.

Ebisui said the presentation's over-arching message is check with GC if in doubt.

Tosatto urged Council members to file the financial disclosures in a timely manner.

B. Financial Reports

Simonds reported the Council's information technology specialist left for another job. Candidates are being interviewed to replacement him. An education and outreach support candidate will begin Nov. 15 on a contract basis.

The 2011 audit was completed and received an unqualified opinion, which is very good. The audit is available on the Department of Commerce website.

Freedom of Information Act (FOIA) requests from Environment Hawaii and Turtle Island Restoration Network are being addressed.

Discussion

Ebisui asked if all Council audits are available online.

Kitty replied in the affirmative.

Leialoha asked if the reef stock assessment has begun.

DeMello said there is a contract with HPU to do a kumu stock assessment. Another student is looking at life history information of palani and menpachi. Another student is due to be used in the project. Another person is working with the Science Center on developing a framework on how to do stock assessments using the coral reef fish and creel survey information from the other island areas. The product of that work will be shared with DAWR, DFW and DMWR for use in stock assessments.

Ebisui congratulated the Council on the audit results.

Simonds noted that it has always been done annually. She believed that in the past Councils have done theirs every other year. She added that the multi-year report is on schedule. The report consists of administrative expenses, Council compensation, personnel wages, advisors and SSC compensation and travel, some contracts, the office lease and equipment leases, among others. It is budgeted annually, but allows for funds to be used under the five-year budget, which works well.

In regard to the Bigeye Cooperative Agreement, staff made suggestions to the Executive Committee. Some ideas include supporting a position to address the WCPFC compliance problem and contribute to akule and opelu tagging for stock assessments. At this time the

Sustainable Fisheries Fund 1 is depleted. Sustainable Fisheries Fund 2 is ongoing. The Council has committed \$40,000 to the fisheries impacts mitigation.

C. Administrative Reports

This item was reported in an earlier agenda item.

D. Freedom of Information Act Requests

This item was covered in the Administrative Report section of the agenda.

E. Council Family Changes

1. Scientific and Statistical Committee

Mitsuyasu reported that Jim Lynch and Dr. Todd Miller from the CNMI DFW would be joining the SSC. Miller is replacing Mike Tenorio, as well as. Manny Duenas will join the Guam Advisory Panel.

Discussion

Simonds noted that a letter was sent to all SSC members as a result of the recommendation for term limits for SSC members from a prior Council meeting. No SSC members expressed interest in leaving his/her post. She is currently reviewing the makeup of the SSC and may offer recommendations at the March meeting.

Leialoha asked about the consequences of SSC members who miss multiple meetings.

Simonds said the Council has discussed the topic in the past. It is being considered in her review.

F. Meetings and Workshops

Simonds reported the upcoming meetings of Council include the International Pacific Marine Educators Network conference, which Spalding previously reported on; the Japanese Sea Turtle Symposium, which Ishizaki usually attends; the WCPFC9 in December held in the Philippines, with delegates from all of the jurisdictions attending; Puwalu scheduled in January, as the agenda is being worked on in collaboration with the Hawai'i DLNR and the Office of Hawaiian Affairs; the Third Annual Symposium on Sea Turtle Biology and Conservation; the CNMI Fisheries Workshop in February; and the Coral Reef Task Force Meeting, which occurs in Washington, DC, in February. The Council Coordination Committee meeting will be in Washington, DC, also in February. The 112th SSC meeting will be held in the last week of February. The 156th Council meeting will be held in American Samoa in March, as well as the Regional Ecosystem Advisory Committee, Advisory Committee, Plan Teams, CMSP meetings and teacher workshop.

G. Approval of Statement of Organization Practices and Procedures

Tucher reported the background of the Statement of Organization Practices and Procedures (SOPP) over the last two years. The delay was caused by conflicting reviews of the preliminary draft. Two primary concerns at the Department level, the Labor and Employment Section and the Administration and Budget, have been addressed. The Labor and Employment Section are not required under the regulations. Tucher recommended the SOPP be reviewed by the Council and action be taken. If the SOPP is approved, the action should also authorize the executive director to make minor technical corrections as may be necessary to respond to Agency and Department Review to be able to act in a more timely fashion.

Discussion

Simonds noted that the SOPP is basically the same SOPP that was submitted two years ago. Other Councils were waiting to see the outcome of the Council's SOPP review before they submitted their SOPPs.

H. Department of Commerce's Office of Inspector General Review of the Fishery Management Rulemaking Process

Tosatto reported there has been little progress. NMFS is looking at how regulations are developed and working with the Councils to develop recommendations on what helpful improvements can be made within the MSA framework. NMFS is also working with the Councils on developing the Managing Our Nations Fisheries framework, to get at the policy side of a potential reauthorization and the process side.

Discussion

Simonds noted Council and PIRO staffs are working on the document and will meet in the future to discuss the Consistent Framework Procedure document.

I. Other Business

Simonds reported Rice is representing the Council on the Pacific Islands Ocean Observing System (PacIOOS) board. There is discussion of possibly activating the Turtle Advisory Group and the Marine Mammal Committee to form a joint committee to address the current issues before the Council. An e-mail was distributed from the PAC Chair with the update. The Fagatele Bay regulations became effective Oct. 15. The Council remains firm about subsistence fishing. There are requirements that were not addressed in the Federal Register. A letter was sent reiterating the Council's concerns.

Rice said, at the recent PacIOOS meeting, he learned the website included a page in regard to Voyager, which the Council would find interesting.

Simonds reported the ESA Committee has been formed, which addresses issues with ESA consultations and exploring ways to keep it consistent across the Councils. Ebisui is on the committee, and Lynch is the alternate. The first meeting is scheduled for February.

Tosatto reported Pua Kamaka is the technical lead on traditional ecosystem knowledge efforts and a new Regional Coordinator. It has not been determined how Coastal America is going to be handled.

Simonds asked for Council member for comments on addressing NMFS’ draft 2012 SAR.

Discussion

Simonds asked if there was anything new in regard to CMSP activities.

Tosatto replied it still remains an unfunded initiative. Invitation letters have gone to the governors and the Fishery Management Council to nominate members for the Regional Planning Body. Responses were received from the Fishery Management Council and three of the four Governors. NMFS is awaiting a response from American Samoa.

Palacios noted he attended the CMSP workshops and found it valuable.

Simonds noted that the CNMI Governor submitted a proposal, which wasn’t funded. The Governors are sending a follow-up letter to the head of NOAA describing why they should have funds for the Mariana Archipelago and are requesting a separate pot to work with multiple international organizations and countries on ocean policy and climate change.

J. Standing Committee Recommendations

Ebisui reported the activities of the Executive and Budget Standing Committee held on Oct. 29. The committee received reports and discussed matters such as financial reports, including staffing issues, FOIA requests, budgets, funding for turtle restoration projects, meetings and workshops, among other things. The committee had four recommendations: 1) approve the Council SOPP for transmittal to NMFS for review and approval; 2) appoint Miller to the SSC replacing Tenorio; 3) appoint Lynch to the SSC; and 4) appoint Manny Duenas as the vice chair for the Guam AP.

K. Public Comment

No public comment offered.

L. Council Discussion and Action

Regarding Administrative Matters, the Council approves the Council SOPP for transmittal to NMFS for review and approval and, in addition, authorizes the executive director to make minor or technical adjustments to the SOPP as may be necessary to respond to Department of Commerce review.

*Moved by Palacios; seconded by Tulafono.
Motion passed.*

Regarding Administrative Matters, the Council appoints Dr. Todd Miller to the SSC to represent CNMI DFW, replacing Mike Tenorio and appoints Mr. Jim Lynch to the SSC and appoints Manny Duenas as vice chair of the AP for Guam.

Moved by Palacios; seconded by Tulafono.

Motion passed.

Regarding Administrative Matters, the Council directs staff to explore expanding the Sea Turtle Advisory Committee to include expertise for marine mammals and other protected species.

Moved by Palacios; seconded by Tulafono.

Motion passed.

The Council requests the National Ocean Council to include indigenous Pacific Islands representatives on the Governance Coordinating Committee.

Moved by Palacios; seconded by Tulafono.

Motion passed.

14. Election of Officers

Ebisui presented the Election Committee recommendations: chair, Arnold Palacios; American Samoa vice chair, Will Sword; CNMI vice chair, Richard Seman; Guam vice chair, Michael Duenas; and Hawai`i vice chair, Ed Ebisui.

Moved by Sword; seconded by Tulafono.

Motion passed.

15. Other Business

No other business.

List of Acronyms

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
ADA	American Disability Act
AP	Advisory Panel
BLNR	Board of Land and Natural Resources (Hawai`i)
BRFAs	Bottomfish Restricted Fishing Areas
BRT	Biological Review Team
CCC	Council Coordination Committee
CFMP	Community-based Fishery Management Program (American Samoa)
CMM	conservation and management measure
CMS	Compliance and Monitoring Scheme
CMSP	coastal marine and spatial planning
CNMI	Commonwealth of the Northern Mariana Islands
COC	Certificate of Compliance
CPUE	catch per unit effort
CTD	conductivity-temperature-depth
DAWR	Division of Aquatic and Wildlife Resources (Guam)
DFW	Division of Fish & Wildlife (CNMI)
DLNR	Department of Lands and Natural Resources (CNMI)
DLNR	Department of Land & Natural Resources (Hawai`i)
DMWR	Department of Marine & Wildlife Resources (American Samoa)
DOA	Department of Agriculture (Guam)
DOBOR	Department of Boating and Ocean Recreation (Hawai`i)
DOCARE	Division of Conservation and Resources Enforcement (Hawai`i)
DOD	Department of Defense
DOJ	Department of Justice
DPS	Distinct Population Segment
EA	environmental assessment
EEZ	exclusive economic zone
EFH	essential fish habitat
EIS	environmental impact statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FAD	Fish Aggregating Device
FAO	Food and Agriculture Organization (United Nations)
FFA	Forum Fisheries Agency
FKW	False Killer Whale
FOIA	Freedom of Information Act
GAMMs	Guidelines for Assessment of Marine Mammal Stocks
GC	General Counsel
GOSA	Guam Organization of Saltwater Anglers

HAPC	habitat areas of particular concern
HLA	Hawaii Longline Association
IATTC	Inter-American Tropical Tuna Commission
IEA	Integrated Ecosystem Assessment
ISC	International Scientific Committee
ISSF	International Seafood Sustainability Foundation
ITS	Incidental Take Statement
IUU	illegal, unreported and unregulated
MAFAC	Marine Fisheries Advisory Committee
MBTA	Migratory Bird Treaty Act
MCP	Marine Conservation Plan
MHI	Main Hawaiian Islands
MMPA	Marine Mammal Protection Act
MNM	Marine National Monument
MOU	memorandum of understanding
MPA	marine protected area
MRFS	Marine Recreational Fishing Survey
MRIP	Marine Recreational Information Program
MSY	maximum sustainable yield
mt	metric tons
MUS	management unit species
NC	Northern Committee
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NRDC	National Resources Defense Council
Nm	nautical mile
NWHI	Northwestern Hawaiian Islands
NWR	National Wildlife Refuge
OLE	Office of Law Enforcement
PAC	Permanent Advisory Committee
PacIOOS	Pacific Islands Ocean Observing System
PAG	Port Authority of Guam
PBR	potential biological removal
PFRP	Pelagic Fisheries Research Program
PID	Pacific Islands Division
PIRO	Pacific Islands Regional Office
PIFG	Pacific Islands Fisheries Group
PIFSC	Pacific Islands Regional Office
PNA	Parties to the Nauru Agreement
PRD	Protected Resource Division (PIRO)
PRIA	Pacific Remote Island Area
PSRG	<i>Pacific Scientific Review Group</i>
RFMO	Regional Fishery Management Organizations
RFP	request for proposal

SAR	Stock Assessment Review
SEEM	<i>social, economic, ecological and management</i>
SIDS	Small Island Developing States
SSC	Scientific and Statistical Committee
SOPP	Statement of Organization Practices and Procedures
SPC	Secretariat of the Pacific Community
SWM	<i>Shallow Water Mooring</i>
TCC	Technical and Compliance Committee
TNC	The Nature Conservancy
TRP	Take Reduction Plan
USCG	US Coast Guard
USFWS	US Fish and Wildlife Service
VMS	vessel monitoring system
WCPFC	Western and Central Pacific Fisheries Commission
WCPO	Western and Central Pacific Ocean
WPac FIN	Western Pacific Fisheries Information Network
WTO	World Trade Organization