



## **ACTION MEMORANDUM**

**151<sup>st</sup> Council Meeting  
June 15-18, 2011  
Waikiki Beach Marriott  
Waikiki, Hawaii**

### **Marianas Archipelago**

*Regarding the Agreement of Free Association for the Freely Associated States of Micronesia (FAS), the Council:*

1. Recommended the impact on Guam of immigrants from the FAS be studied and quantified to assist the Government of Guam in pursuing Compact impact funding to address fishery management, enforcement issues, and education and outreach.

*Regarding Military Activities on Guam and CNMI, the Council:*

2. Directed staff to send a letter to the Military to reiterate its concern that the frequent Military training activities near Guam's southern banks (Warning Area 517) and Farallon de Mendilla are having a profound impact on the Marianas fishing communities, and further, directed staff to continue to correspond with the National Ocean Council regarding the potential implementation of a Coastal and Marine Spatial Planning (CMSP) process with the Military and other stakeholders to address existing impacts from Military training, as well as future impacts from the pending Military Buildup, on Marianas fishing communities.

*Regarding Shoreline Access Restrictions in Relation to Fishermen's Deaths, the Council:*

3. Directed Council staff to find and send to the NIOSH researchers any papers that have been written about shoreline restrictions on Guam beyond MPAs and/or contacts of people who they should talk to about this issue.
4. Directed Council staff to write letters to any of these contacts recommending that they work with the NIOH researchers.
5. Directed Council staff to request the Guam Department of Agriculture share with NIOSH the bimonthly aerial survey data of the Guam coastline for the time period of the NIOSH study. These data could provide spatial and temporal variations in fishing effort during the period covered by the NIOSH drowning study.
6. Directed Council staff to write letters to the Administration to support funding of the NIOSH Agriculture, Forestry and Fishing Program in the federal government's FY2012 budget.

*Regarding Marine Conservation Plans, the Council:*

7. Recommended approval of Guam's Marine Conservation Plan (document 7.J.1(1)-Rev.1) and also recommended approval of CNMI's Marine Conservation Plan (document 7.J.2(1)-Rev.1).



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### **Hawaii Archipelago and PRIA**

*Regarding Fishery Data Collection, the Council:*

1. Recommended that Council staff continue to collaborate with other agencies and organizations to collect basic fishery information (life history, habitat preference, etc) to aid in the development of accurate stock assessments and ACLs.

*Regarding the Hawaii Archipelago Fisheries Ecosystem Plan (FEP) Annual Report, the Council:*

2. Requested that NMFS PIFSC, NMFS PIRO, and State of Hawaii Division of Aquatic Resources (HDAR) assign management leads to work with Council staff to draft the various annual report modules.

*Regarding Hawaii Bottomfish Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC), the Council:*

3. Directed staff to draft an amendment to the Hawaii Archipelago FEP to revise the Hawaii Bottomfish Management Unit Species (BMUS) EFH and HAPC designations as included in the options document. In addition, staff should send a letter to NMFS to address the findings and recommendations from the Hawaii Archipelago Bottomfish and Seamount Groundfish EFH and HAPC independent review by the Western Pacific Stock Assessment Review (WPSAR) panel. These findings and recommendations should also be considered in the current review of the American Samoa, Guam, and CNMI EFH and HAPC bottomfish designations.

*Regarding Main Hawaiian Islands (MHI) Bottomfish Annual Catch Limit (ACL) specification, the Council:*

4. Selected Alternative 5, which corresponds to a P\* (level of risk of overfishing) range of 40-44%. Specifically, the Council recommends a P\* of 40.8%, and accepts the SSC's recommended ABC of 346,000 lbs for the MHI Deep 7 bottomfish fishery for fishing year 2011-2012. The Council further recommends an ACL for the MHI Deep 7 bottomfish fishery for fishing year 2011-2012 that is set equal to the ABC. To ensure the ACL is not exceeded, the Council recommends the ACL be reduced by 6%, based on the SEEM recommendation, to set the Annual Catch Target (ACT) at 325,000 lbs. Therefore the quota for the 2011/2012 MHI Deep 7 bottomfish season is set at 325,000 lbs.

*Regarding Dissemination and Outreach for the MHI ACL Specification, the Council:*

5. Directed staff to inform the Hawaii bottomfishing community about upcoming management initiatives prior to the opening of the fishery on September 1, including:

- Implementation of the annual quota for Deep 7 Bottomfish,
- Changes to State of Hawaii annual “BF” vessel registry and reporting,
- Federal non-commercial bottomfish permit and reporting.

*Regarding Non-commercial MHI Bottomfish Catches, the Council:*

6. Directed staff to work with HDAR to explore options to capture non-commercial bottomfish information based on the implementation of the new annual BF vessel registry program. Options could include linking reporting requirements, establishing a targeted survey of the non-commercial segment of registered BF vessel owners, or leveraging HMRFS to survey the non-commercial segment. In addition, the staff should explore options to establish a seafood dealer licensing program to which the existing dealer reporting requirement would be tied.

*Regarding Outcomes from the Bottomfish Highliners Meeting, the Council:*

7. Directed staff to forward the outcomes of the Bottomfish Highliners meeting to the State of Hawaii for consideration to improve the commercial marine license and reporting program, vessel registration, and inconsistencies between Federal/State bottomfish regulations.

*Regarding the Sustainable Fisheries Fund (SFF) Marine Conservation Plan (MCP), the Council:*

8. Approved the plan (document 10.F(1)- Rev. 1) as presented.



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### **Program Planning**

*Regarding Annual Catch Limits (ACLs) of Coral Reef Ecosystem Management Unit Species (CREMUS), Miscellaneous CREMUS, and Non-CREMUS species, the Council:*

1. Concurred with the SSC to utilize family level aggregations for coral reef fin fish to reduce the number of ACL specifications and limit the specifications to the top 90% of the total coral reef fish catch. The taxa comprising the remaining 10% will be grouped into one complex as minor fishery components with a single ABC. The Council further recommended that species that are particularly rare or vulnerable (e.g., *Bolbometopon muricatum* or bumphead parrotfish) be identified and that the ABC be determined by the SSC so that the Council can specify an ACL at the October meeting;
2. Concurred with the SSC's rationale for using the 75th percentile of the entire catch history for each family as the definition of "Recent Catch" when applying the Tier 5 control rule;
3. Concurred with the SSC's rationale for multiplying "Recent Catch" (here defined as the 75th percentile) by the multiplier of 1.0 to calculate the ABC for the coral reef family groupings as provided for in the Tier 5 control rule;
4. Concurred with the ABC recommendations of the SSC and recommends that the ACL for each coral reef family grouping be set equal to the ABC. The Council notes that although coral reef taxa are Tier 5 and most lack estimates of MSY, stock biomass (B) is likely to be above  $B_{MSY}$  ( $B > B_{MSY}$ ) based on the ratio of catch to biomass estimates described in Luck and Dalzell (2010);
5. Concurred with the SSC recommendation that ABC be set equal to MSY, and recommended that the ACL be set equal to ABC for species with an estimate of MSY (Hawaii akule and opelu, Hawaii deepwater shrimp, and Hawaii black coral);
6. Concurred with the SSC recommendation that the ABC be set according to the Tier 4 Control Rule whereby  $ABC = 0.9 MSY$  for species with an estimate of MSY, but little to no current catch (CNMI deepwater shrimp). For these species, the Council recommends their ACL be set equal to their ABC;

7. Concurred with the SSC recommendation that ABC be set to the 75<sup>th</sup> percentile of the entire catch history, and recommended ACL be set equal to ABC for all remaining invertebrate species (lobsters in all areas, octopus in all areas, and Hawaii opihii);
8. Noted that for species listed in E to G, current catch is at or below the SSC recommended ABC values. While MSY is unknown, setting ACL equal to ABC is consistent with NMFS approach for setting ABC for Only Reliable Catch Stocks (ORCS) and would prevent excessive increases in catch;
9. Recognized that there is room for refining ABC/ACL specifications. However, the Council believes this approach is reasonable in order to meet the statutory deadline. The approved Council ACL mechanism provides for an overage adjustment as an accountability measure (AM) should an ACL be exceeded;
10. Requested NMFS explore ways to develop in-season monitoring of stocks in order to provide Archipelagic Plan Teams the ability to evaluate annual catches relative to ACLs in a timely manner;
11. Recommended that the SSC determine ABCs for deepwater bottomfish stock complexes in American Samoa, Guam, and CNMI so that the Council can specify an ACL at the October meeting;
12. Directed Council staff to assess the species in the CREMUS and evaluate their catch history for possible ecosystem component reclassification or removal from the management units.

*Regarding Coastal and Marine Spatial Planning (CMSP), the Council:*

13. Recommended that when the National Ocean Council (NOC) establish the Pacific Islands Regional Planning Body (PIRPB), that the Council be included as a member of the PIRPB. Further, that the PIRPB should be comprised of representatives from the sub-regions of Hawaii, American Samoa, and the Mariana Islands, and that each sub-region is comprised of representatives from each County to recognize the unique culture and resources at each level of organization.
14. Recommended the NOC, along with the PIRPB, actively engage the communities under each sub-region to ensure that the National CMSP policies properly account for the uniqueness and cultural resources of each sub-region.
15. Recommended that NOC coordinate with other federal agencies that possess data from each sub-region and provide this data to the Pacific Integrated Ocean Observing System (PacIOOS) to further develop its on-line CMSP data tools.
16. Recommended that the PIRPB include in its considerations, the establishment of permanent shipping lanes/routes that avoid important fishing areas and banks in Hawaii, American Samoa, Guam, and CNMI.

*Regarding Off-shore Aquaculture, the Council:*

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

*Regarding Non-commercial Data Options, the Council:*

18. Directed staff to draft an amendment to the Hawaii FEP that considers alternatives for non-commercial fishery data collection (including the SSC's recommendation). The Council recommended including an alternative to require Federal permits for owners of vessels conducting non-commercial fishing in the US EEZ around Hawaii, with a requirement to report fishing catch and effort data on a per-trip basis.

*Regarding Hawaii, Regional, National and International Education and Outreach, the Council:*

19. Directed staff to continue evaluation of its outreach and education activities.

*Regarding the CDPP and MET Projects, the Council:*

20. Approved the list of projects and priorities and directed staff to forward the recommendations to NMFS for review and funding.

*Regarding Marine Debris, the Council:*

21. Directed staff to work with NOAA and other partners to secure funding to replace the derelict fishing gear bin and support minimal infrastructure needs at Pier 38 in Honolulu Harbor.



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### **Protected Species**

*Regarding the Sea Turtle Conservation Projects, the Council:*

1. Directed staff to:
  - a. Develop conservation outcome-based performance measures for projects to support meaningful project success evaluation.
  - b. Develop a standard performance/progress report to be used for all Council-funded turtle projects. The format should include reporting against objectives and a budget summary for expenses-to-date.

*Regarding Estimates of Hatchling Production, the Council:*

2. Directed staff to work with appropriate experts to develop guidelines for estimating and reporting hatchling production.

*Regarding the Turtle Research and Monitoring Database System (TREDS) Project, the Council:*

3. Directed staff to:
  - a. Encourage SPREP to focus on the promotion and training in use of TREDS in its member countries and continue to provide reports to the Council on the uptake of TREDS in the region.
  - b. Work with SPREP to develop approaches for liaising with various organizations in addition to the focal point within each Pacific Island country and territory to foster better sea turtle conservation and use of TREDS.

*Regarding the Proposed Rule to List Insular False Killer Whales under the Endangered Species Act, the Council:*

4. Directed staff to send a letter to NMFS reiterating concerns regarding the historical population estimate calculated using density data from Palmyra, as well as concerns about potential impacts to fisheries due to the ESA listing. The Council further recommended that staff work with NMFS to summarize the details included in the NMFS status review report regarding the impact of high contaminant levels found in insular false killer whales, the methodology adopted for estimating past and current population of Hawaii insular false killer whales, and prey competition with fisheries.



*Regarding Hawaiian Monk Seals, the Council:*

5. Requested that NMFS work with Hawaii fishermen to inform them of reporting systems for monk seal-fishermen interaction issues, as well as the process to deal with nuisance animals.
6. Directed staff to comment on the Critical Habitat Proposed Rule, expressing concerns regarding the potential impacts to fisheries due to the revised critical habitat designation in the Main Hawaiian Islands.
7. Directed staff to comment on the Draft Programmatic Environmental Impact Statement (PEIS) for Hawaiian monk seals when it is made available, expressing concerns regarding the proposal to translocate monk seals from the Northwestern Hawaiian Islands to the Main Hawaiian Islands, and the potential increase in problematic monk seal-human interactions.

*Regarding the IUCN Hawaiian Green Sea Turtle Regional Assessment, the Council:*

8. Supported the current assessment of the Hawaiian green sea turtle stock for removal from the IUCN Red List of threatened marine species or populations, and directed staff to send a letter expressing this support.

*Regarding the Bumphead Parrotfish and Coral ESA Listing Petitions, the Council:*

9. Requested NMFS to provide distribution maps and photographs of the 82 species of coral considered for listing, and provide presentations on the bumphead parrotfish and coral biological reviews at the 152<sup>nd</sup> Council Meeting in October 2011.

*Regarding sea turtle conservation projects, the Council:*

10. Directed staff to explore support from non-governmental organizations and other potential funding opportunities for continuous funding of existing Council-funded projects.



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### **Pacific Pelagics and International Fisheries**

*Regarding a Potential American Samoa Longline Shallow-set Fishery, the Council:*

1. Recommended that staff prepare a draft Pelagics FEP amendment to establish measures for an American Samoa shallow-set longline fishery.

*Regarding the CNMI Longline Fishery, the Council:*

2. Reiterated its recommendation that the landings of the emerging CNMI longline fishery be sampled by NMFS or Division of Fish and Wildlife to obtain average weights and length-weight conversion factors so that logbook catches in numbers can be expressed as weights.

*Regarding Surveying of Recreational Fish Catches on Guam's Military Bases, the Council:*

3. Recommended staff discuss, with the US military, methods of documenting and surveying fishing activity taking place on military bases. The Council recommended that a written document be sent to the military that defines fisheries survey protocols, and expresses the need for collecting fisheries data and allowing DAWR access to address this gap in fisheries data.

*Regarding the Sampling of Commercial Fisheries on Guam, the Council:*

4. Encouraged DAWR and the Western Pacific Fisheries Information Network (WPacFIN) to conduct additional outreach with commercial vendors to increase participation in the commercial receipts program. Transactions between a changing demographic of fishermen and novel vendors to whom the fish are being sold are not being captured by the current commercial receipts program. Similar problems are also occurring in Saipan. Distrust of government agencies and the use of commercial receipts data seem to be a common reason for not participating in the program.

*Regarding Striped Marlin Catches, the Council:*

5. Recommended NMFS Pacific Islands Fisheries Science Center (PIFSC) apprise NMFS Pacific Islands Regional Office (PIRO) on a quarterly basis of the North Pacific striped marlin cumulative catch by weight in the WCPFC convention area from the Hawaii-based longline fishery. The Council also recommends that HDAR provide to PIRO a similar quarterly catch total of striped marlin for non-longline pelagic fisheries.

*Regarding Management Options for Striped Marlin, the Council:*

6. To help develop management options for North Pacific striped marlin, should any be needed, recommended NMFS PIFSC conduct the following analyses:
  - a. Using Hawaii longline observer data, summarize the number of striped marlin based on condition (dead or alive) upon retrieval by associated sizes.
  - b. Using Hawaii dealer data, examine the market values of striped and blue marlin size categories to ascertain the economic impacts to the fisheries if a minimum size category were implemented.
  - c. Examine the effects on the amounts of retained catches in Hawaii based fisheries of (a) striped marlin and (b) striped and blue marlin combined in the North Pacific of the WCPFC area, if live boated fish smaller than specified minimum sizes were required to be released. The analysis would examine various possible minimum sizes including no minimum size.

*Regarding the Overfishing of Pacific Bluefin Tuna, the Council:*

7. Recommended the Pacific Fishery Management Council (PFMC) address the stock's overfishing status, given the requirement for the Council to take management action and the disparity in the U.S. fishery catches of Pacific bluefin tuna between the western and eastern Pacific Ocean, with dramatically higher catches in the latter. If appropriate, the Chair and appropriate members of the PPT will confer with the PFMC's Highly Migratory Species Plan Team to develop options that would assist in making recommendations to the Secretary of Commerce for domestic regulations to address the relative impact of U.S. fishing vessels on the stock. Furthermore, the teams could assist in the development of recommendations to the Secretary of State and Congress for international actions that will end overfishing.

*Regarding a new WCPFC Conservation and Management Measure for Bigeye Tuna, the Council:*

8. Recommended NMFS prepare a draft conservation and management measure that would propose the following:
  - a. Maintaining distant water fishing nations longline bigeye catch limits, as well as establishing longline bigeye catch limits of 2,000 mt or less for Small Island Developing States and Participating Territories with the ability to trade or transfer their quota.
  - b. Application of the measure should be between 20 degrees North and 20 degrees South.
  - c. Establishing annual bigeye catch limits for purse seine vessels that would reduce the overall purse seine catch of bigeye by 30% in 2014 from the 2001-2004 baseline level;
  - d. Application of longline catch limits should be for vessels greater than 24 meters and purse seine catch limits should be determined by vessel class, as is done in the IATTC.

*Regarding the Economic Impacts of the 2010 Closure of Longline Fishing on Western and Central Pacific Bigeye Tuna, the Council:*

9. Noted that this is the first Social Accounting Matrix (SAM) model to quantify the impact of the 2010 WCPO bigeye tuna closure on this fishery. The Council appreciated these efforts and encouraged further work on the subject.

*Regarding Limited Access to 25-50 nm of the American Samoa Large Pelagic Fishing Area (LVPA) Closure, the Council:*

10. Selected option 5 by which this could be accomplished for Swains and Manua Islands through the CDP process and directed staff to work with communities under the CDP process.

*Regarding American Samoa Landing Requirements, the Council:*

11. Directed staff to further refine options for American Samoa landing requirements related to annual longline landings and annual landings by US purse seine vessels fishing in the US EEZ and report back at October 2011 Council Meeting.

*Regarding the Hawaii Longline Swordfish Retention Amendment, the Council:*

12. Directed staff to prepare a letter to the NMFS Regional Administrator requesting an update on the Hawaii longline swordfish retention measure.



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### **Administrative Matters**

*Regarding Administrative Matters, the Council:*

1. Requested that PIRO and Council staff finalize the CDP application to facilitate the processing of the Ohai CDP project.
2. Requested that NOAA GC follow up on the status of the legal opinion regarding consistency between local and federal shark fining laws.