



ACTION MEMORANDUM

156th Council Meeting

March 12-14, 2013

Fale Laumei

Utulei, American Samoa

American Samoa Fisheries

Regarding the National Marine Sanctuary of American Samoa, the Council:

1. Directed staff to draft a letter to the Secretary of Commerce supporting Governor Lolo Moliga's request to modify zone B (research zone) of the National Marine Sanctuary of American Samoa on the island of Aunu'u, to open the area to subsistence fishing for bottom-dwelling species and to remove the notification requirement in zone A.

Regarding the Cook Islands Ministry of Marine Resources Satellite Office in Pago Pago, the Council:

2. Recognized that this office is a direct reflection of the importance of Pago Pago as a regional fisheries hub, and directed staff to work with the American Samoa government and Cook Islands government representatives to establish the satellite office, improving the Cook Islands' ability to monitor longline vessels fishing in the Cook Islands and landing their catch in Pago Pago, and enhancing domestic implementation of international compliance and monitoring obligations stemming from the Western and Central Pacific Fisheries Commission.

Regarding fishing regulations for fishing in the Rose Atoll Marine National Monument, the Council:

3. Directed staff to inform the Government of American Samoa of the Federal Register Notice requesting comments on a proposed rule on fishing regulations in Marine National Monuments, and encouraged the American Samoa Government to comment on the proposed rule with respect to Rose Atoll by the closing date of April 8, 2013.



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Marianas Archipelago Fisheries

No Recommendations



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Hawaii Archipelago and PRIA Fisheries

Regarding Hawaii Bottomfish, the Council:

1. Requested the DLNR sponsored BotCam Bottomfish research final analyses be completed as soon as possible and results be presented to the 113th SSC and 157th Council Meetings in June 2013.
2. Requested the proceedings of the March 1, 2013 Bottomfish Research coordination workshop be published as soon as possible. In addition, the Council further recommended that PIFSC conduct additional workshops to address issues raised during the bottomfish coordination workshop.
3. Requested PIFSC conduct a research project or survey focused on estimating the ratios of non-commercial catch and effort to commercial catch and effort in the Deep-7 bottomfish fishery for incorporation into the next (2014) stock assessment.
4. Given the relevance and concern raised by the fishing community about the State of Hawaii's Bottomfish Restricted Fishing Areas, current management under an ACL quota system, and that the NWHI Marine National Monument may not be functioning as a primary source of larval recruits for the MHI, recommended:
 - a. Staff continue to engage the DLNR Chair regarding the utility of BRFAs in federal waters.
 - b. UH present the results of research on larval dispersal between MHI and NWHI at the 113th SSC meeting.
 - c. HIMB continue its genetic studies to elucidate the connectivity of bottomfish populations between the NWHI, MHI, offshore banks, and Johnston Atoll.

Regarding the Western Pacific Community Development Program, the Council:

5. Supported the proposal from Nephi Ohai, Captain, Libra Corporation, and will transmit the proposal to the NMFS PIRO for review and implementation.

Regarding the Hawaiian Green Sea Turtle, the Council:

6. Expressed its disappointment regarding NMFS' decision to conduct a global status review of green turtles in response to the petition to designate the Hawaiian green turtles as a DPS and to delist the DPS from the ESA, which has resulted in the delay of the 12-

month finding publication. The decision of whether to conduct a status review directly responding to the petition or in a broader context is at the discretion of the agency rather than policy directive. The Council urged the NMFS and USFWS to expedite the review by prioritizing the decision regarding the Hawaiian green turtles and responding to the petition in a timely manner.



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Program Planning and Research

Regarding Fishery Data Coordinating Committee, the Council:

1. Endorsed convening the Technical Subcommittee in April 2013 provided that all pending Council data requests are filled prior to the April meeting.

Regarding Annual Catch Limits, the Council:

2. Endorsed the SSC's recommendation to utilize a modified version of the Martell and Froese (2012)¹ model incorporating biomass information from the NOAA Coral Reef Ecosystem Division RAMP surveys as an input parameter in the model and to allow constraint of the intrinsic growth rate parameter, r , to a range reflective of similar species. Further, the Council directed staff to draft a working paper that describes the model results and be presented on the June meeting.
3. Recommended reconvening a working group to identify the risk of overfishing level (P^*) for the management unit species analyzed using the modified Martell and Froese model (2012) in order for the SSC to set the Acceptable Biological Catch. The working group shall be comprised of the following members:
 - Dr. Bob Skillman;
 - Dr. Pierre Kleiber;
 - Dr. Domingo Ochavillo (DMWR);
 - TBD (PIRO-SFD);
 - Dr. Frank Camacho (UOG);
 - Dr. Todd Miller (DLNR-DFW);
 - Dr. Eric Franklin (UH-HIMB)
 - Dr. Bob Humphreys (PIFSC-FRMD);
 - Mr. Ed Watamura (AP);
 - A fisherman;
 - A Council member.

¹ Martell, S. and Froese, R., 2012. A simple method for estimating MSY from catch and resilience. Fish and Fisheries. DOI:10.1111/j.1467-2979.2012.00485.x

Regarding the Marianas skipjack resource assessment, the Council:

4. Requested the NMFS Office for Law Enforcement provide the Council with catch information from foreign vessel incursion cases that have occurred in the Western Pacific region. Further, the Council requested an assessment and evaluation of all catches from such illegal fishing activities.

Regarding education and outreach, the Council:

5. Recommended forming a committee to discuss providing more opportunities for a degree in Marine Science for college students from the territories, such as the program with UH Hilo where the students were required to go back to the territory to work.



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Protected Species

Regarding False Killer Whales, the Council:

1. Endorsed the SSC Subcommittee Report on False Killer Whales and directed staff to work with appropriate agencies to address the recommendations contained within the report.
2. Recommended a comprehensive independent review be conducted through the WPSAR process on the current genetic information on the pelagic, MHI insular, and NWHI stocks as presently recognized under the MMPA and ESA.
3. Directed staff to work with NMFS and other appropriate agencies and research institutions to obtain all available photographic ID data of the insular false killer whales for the purpose of conducting independent analysis of the data.
4. Requested NMFS provide resources necessary to conduct EEZ-wide stock assessment surveys of marine mammals every four years starting in 2014 to provide more frequent updates of marine mammal abundance estimates.

Regarding the Proposed Listing of 66 Coral Species, the Council:

5. Directed staff to include in the Council comment letter the following issues:
 - a. The determination tool is biased toward listing due to its heavy reliance on high importance threats, lack of credible structural logic, and lack of methods to account for uncertainty of information and coral adaptability to threats. The Council requests NMFS to consider an alternative determination tool using a Bayes net approach suggested by the SSC.
 - b. A number of scientific concerns remain, such as misidentification of some coral species proposed for listing likely resulting in false distribution ranges, and quantitative abundance data and trends being absent for Indo-Pacific coral species proposed for listing.
 - c. Listing of Indo-Pacific coral species is contradictory to the recent negative 90-day finding in response to a petition to list 44 deep water coral species in Alaska.

- d. Alternatives to listing such as “warranted but precluded” or candidate species designation should be considered instead of threatened or endangered listing for Indo-Pacific species.

Regarding the Hawaii Deep-set Longline Fishery ESA Section 7 Reconsultation, the Council:

6. Requested NMFS include the Council in the consultation process and provide the Council with a draft Biological Opinion for review and comment.



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Pelagics and International Fisheries

Regarding Management Options for American Samoa South Pacific Albacore Fishery, the Council:

1. Recognized the difficult conditions facing the American Samoa longline fishery and did not recommend any regulatory measures at this time. The Council recommended continued cooperation with Te Vaka Moana (TVM) arrangement members, and for staff to facilitate American Samoa government and Council observer status in TVM meetings, with a goal of stronger WCPFC conservation and management measures of the South Pacific albacore fishery across the entire range of the stock.

Regarding the American Samoa longline vessel dock issues the Council:

2. Recommended staff works with the AS Dept. of Marine and Wildlife Resources and the US Fish and Wildlife Service to identify an immediate solution to the current lack of dock space in Pago Pago Harbor.

Regarding Levels of Observer Coverage in the Shallow-Set Swordfish Fishery, the Council:

3. Endorsed the SSC recommendation that NMFS PIFSC examine what level of observer coverage is required to provide an early warning trigger (relative to management under a hard cap scenario), and develop this into a simple risk curve tool to advise management.

Regarding the American Samoa and Hawaii Longline Quarterly Reports, the Council:

4. Recommended future GIS maps produced by PIFSC for displaying longline fishery effort and catch include a prominent percentage metric that indicates the fraction of data being shown. The Council further recommended that the American Samoa and Hawaii quarterly reports both be presented in a similar format, using time series of catch and effort information, rather than presenting only year on year quarterly comparisons, as in the American Samoa report.

Regarding the trend of increasing opah in the Hawaii longline fishery, the Council:

5. Requested PIFSC develop a research project on fishing practices that result in high CPUEs of opah.

Regarding WCPFC conservation and management measures, the Council:

6. Recommended NMFS develop a proposal to cap vessel capacity in the purse-seine and longline fisheries in the WCPO.
7. Recommended NMFS develop a proposal that considers spatial management options for the longline fisheries targeting bigeye tuna, specifically taking into account the fishing locations of the Hawaii longline fishery which is predominately in areas with low fishing mortality levels.

Regarding the Hawaii offshore handline/shortline fishery, the Council:

8. Directed staff to work with the Hawaii Division of Aquatic Resources, NMFS, and United Fishing Agency to gather more information on the status of the fishery in terms of landings and participation.

Regarding American Samoa limited entry permit program, the Council:

9. Directed staff work with NMFS PIRO to review the permit program's permit eligibility criteria with regards to documenting past history in the fishery.

Regarding the annual protected species workshop requirements, the Council:

10. Directed staff to review the protected species workshop regulations and evaluate whether an annual certification vs a multiyear certification is necessary for all longline fisheries managed under the Pelagics FEP.



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Administrative Matters

Regarding Administrative Matters, the Council:

1. Supported the following changes to the Advisory Bodies:
 - a. Appoints Dr. Erik C. Franklin to replace Dr. Brian Bowen on the SSC;
 - b. Appoints Ms. Alice Lawrence to replace Mr. Benjamin Carroll on the American Samoa Archipelagic Plan Team;
 - c. Appoints Mr. TeeJay Letalie to replace Mr. Nonu Tuisamoa as the American Samoa representative on the Pelagic Plan Team;
 - d. Appoints Mr. Sean McDuff to the Marianas Archipelagic Plan Team;
2. Directed staff to restructure the Non-commercial Advisory Committee as presented to base membership on established and active fishing clubs and organizations throughout the region that largely comprise non-commercial fishermen.
3. Directed staff to restructure the Sea Turtle Advisory Committee (STAC) and Marine Mammal Advisory Committee (MMAC) to establish a single Protected Species Advisory Committee with a minimum membership composition to include:
 - a. Sea Turtle expertise (2 members)
 - b. Marine Mammal expertise (2 members)
 - c. Seabird expertise (1 member)
 - d. Shark expertise (1 member)
 - e. Coral and reef fish expertise (1 member).
 - f. One representative from the SSC
 - g. One representative from the Advisory Panel