



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

MINUTES OF THE
170th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL

June 20-22, 2017

Laniakea YWCA-Fuller Hall

1040 Richards Street, Honolulu, Hawai'i

Ahupua'a o Nu'uaniu, Moku o Kona

Mokupuni o O'ahu

Approved by Council:



Edwin A. Ebisui Jr., Chair
Western Pacific Regional Fishery Management Council

Table of Contents

I.	Welcome and Introductions	1
II.	Approval of the 170 th Meeting Agenda.....	1
III.	Approval of the 169 th Minutes	2
IV.	Executive Director’s Report	2
V.	Agency Reports.....	4
A.	National Marine Fisheries Service.....	4
1.	Pacific Islands Regional Office	4
2.	Pacific Islands Fisheries Science Center.....	6
B.	NOAA Office of General Counsel, Pacific Islands Section	8
C.	US Department of State	10
1.	United Nations Oceans Conference	10
2.	United Nations Marine Biodiversity Beyond National Jurisdiction.....	10
D.	US Fish and Wildlife Service	11
E.	Enforcement.....	12
1.	US Coast Guard	12
2.	NOAA Office of Law Enforcement.....	13
3.	NOAA Office of General Counsel, Enforcement Section	14
F.	Other Items.....	15
1.	Status of Executive Order 13792 Review	15
2.	Status of Executive Order 13795 Review	15
G.	Enforcement and Vessel Monitoring System Standing Committee Recommendations.....	17
H.	Public Comment.....	17
I.	Council Discussion and Action.....	17
VI.	Program Planning and Research	18
A.	Update on the Fishery Ecosystem Plan Management Unit Species for Ecosystem Component Analysis	18
B.	2016 Stock Assessment and Fishery Evaluation Report and Recommendations	19
1.	Archipelagic Report Overview and Highlights.....	19
2.	Pelagic Report Overview and Highlights	20
3.	Precious Coral Essential Fish Habitat Review.....	22

4.	Non-Fishing Impacts to Essential Fish Habitat Review	23
C.	Evaluation of 2016 Catch to the 2016 Annual Catch Limits (Action Item)	24
D.	Update on Essential Fish Habitat Program	25
E.	Update on Aquaculture Programmatic Environmental Impact Statement.....	25
F.	Best Scientific Information Available Policy Guidance.....	26
G.	Annual Update to the Council’s Research Priorities	27
1.	Five-year Research Priorities	27
2.	Cooperative Research Priorities.....	28
H.	Regional, National and International Outreach and Education	28
I.	Advisory Group Report and Recommendations	28
1.	Advisory Panel.....	28
2.	Archipelagic Plan Team.....	29
3.	Pelagic Plan Team.....	29
4.	Marine Planning and Climate Change Committee	30
5.	Protected Species Advisory Committee.....	31
6.	Social Science Planning Committee	32
7.	Non-Commercial Fisheries Advisory Committee	32
8.	Scientific and Statistical Committee.....	33
J.	Public Hearing	34
K.	Council Discussion and Action.....	34
VII.	Protected Species	40
A.	Main Hawaiian Islands Insular False Killer Whale Abundance Estimate	40
B.	Seabird Workshop Plan.....	44
C.	Updates on Endangered Species Act Consultations	45
D.	Updates on Endangered Species Act and Marine Mammal Protection Act Actions	45
1.	False Killer Whale Take Reduction Plan Implementation	45
2.	Other Actions	45
E.	Advisory Group Report and Recommendations	47
1.	Advisory Panel.....	47
2.	Protected Species Advisory Committee.....	47
3.	Federal Data Collection and Research Committee	48

4.	Scientific and Statistical Committee.....	48
F.	Public Comment.....	48
G.	Council Discussion and Action.....	48
VIII.	Pelagic and International Fisheries	49
A.	2017 Hawaii Longline Bigeye Tuna Catch Projection	49
B.	American Samoa Annual Longline Fisheries Report	50
C.	American Samoa Large Vessel Prohibited Area (Action Item).....	51
D.	American Samoa Longline Permit Modifications (Action Item)	54
E.	Update on Scoping and Development of Deep-Set Longline Programmatic Environmental Impact Statement.....	55
F.	Report on Forum Fisheries Commission Meeting	56
G.	International Fisheries Meetings.....	56
1.	Inter-American Tropical Tuna Commission 2016 Stock Assessments	56
2.	Western and Central Pacific Fisheries Commission.....	57
3.	International Scientific Committee Blue Marlin Stock Assessment.....	58
H.	Advisory Group Report and Recommendations	58
1.	Advisory Panel.....	58
2.	Pelagic Plan Team.....	59
3.	Marine Planning and Climate Change Committee	59
4.	Federal Data Collection and Research Committee	60
5.	Scientific and Statistical Committee.....	60
I.	Fishery Rights of Indigenous People Standing Committee	61
J.	Pelagic and International Standing Committee Recommendations.....	61
K.	Public Hearing	61
L.	Council Discussion and Action.....	61
IX.	Mariana Archipelago	65
A.	Guam.....	65
1.	Isla Informe.....	65
2.	Legislative Report.....	68
3.	Enforcement Issues	68
4.	Guam Fishery Council	68
5.	Community Activities and Issues	68

6.	Education and Outreach Initiatives	69
B.	Commonwealth of the Northern Mariana Islands.....	71
1.	Arongol Falú/Asunton i Tano	71
2.	Legislative Report.....	72
3.	Enforcement Issues	72
4.	Community Activities and Issues	72
5.	Education and Outreach Initiative	72
C.	Update on Marianas Trench Marine National Monument Management Plan and Sanctuary Request.....	72
D.	Marine Conservation Plans (Action Item)	73
1.	Territory of Guam	73
2.	Commonwealth of the Northern Mariana Islands.....	73
E.	Advisory Group Reports and Recommendations	73
1.	Advisory Panel.....	73
2.	Non-Commercial Fisheries Advisory Committee	73
3.	Federal Data Collection and Research Committee	74
4.	Scientific and Statistical Committee.....	74
F.	Fishery Rights of Indigenous People Standing Committee Recommendations ...	74
G.	Public Hearing	75
H.	Council Discussion and Action.....	75
X.	Hawai‘i Archipelago and Pacific Remote Island Areas	76
A.	Moku Pepa	76
B.	Legislative Report.....	79
C.	Enforcement Issues	80
D.	Community Issues.....	80
1.	Promise to Pae‘Aina	80
2.	Mo‘omomi Community-Based Management Plan Meetings	80
E.	Re-specification of Annual Catch Limits for the Main Hawaiian Island Kona Crab Fishery (Action Item)	81
F.	Options for Fishing Regulations in the Northwestern Hawaiian Islands Monument Expansion Area (Action Item)	84
G.	Marine Conservation Plan for Pacific Remote Island Areas and Hawai‘i (Action Item).....	86

H.	Report on Main Hawaiian Islands Bottomfish Working Group Meeting.....	87
I.	State of Hawai‘i Coral Reef Bleaching Management Plan.....	88
J.	Education and Outreach Initiatives.....	89
K.	Advisory Group Reports and Recommendations	90
	1. Advisory Panel.....	90
	2. Non-Commercial Fisheries Advisory Committee	90
	3. Federal Data Collection and Research Committee	90
	4. Scientific and Statistical Committee.....	90
L.	Fishery Rights of Indigenous People Standing Committee Recommendations ...	91
M.	Pelagic and International Standing Committee Recommendations.....	91
N.	Public Hearing	91
O.	Council Discussion and Action.....	91
XI.	American Samoa.....	92
	A. Motu Lipoti	92
	B. Fono Report	93
	C. Enforcement Issues	93
	D. Community Activities and Issues	93
	E. Fisheries Development.....	94
	1. Longline Dock Update.....	94
	2. Aunu‘u Fishermen Development.....	94
	3. Tutuila and Manu‘a Alia Repair	95
	4. Fishermen Training Program and Lending Scheme	95
	F. Shark Law Revision.....	96
	G. Education and Outreach.....	96
	1. AmeriCorps and Kupu Hawai‘i Climate Change Resilience Internship Program.....	97
	2. Graduating Scholarship Students Employment	97
	3. Summer Fisheries High School Course	97
	H. Advisory Group Reports and Recommendations	97
	1. Advisory Panel.....	97
	2. Federal Data Collection and Research Committee	97
	3. Scientific and Statistical Committee.....	97

I.	Fishery Rights of Indigenous People Standing Committee Recommendations ...	97
J.	Public Comment.....	98
K.	Council Discussion and Action.....	98
XII.	Administrative Matters	99
A.	Financial Reports	99
B.	Administrative Reports	99
C.	Update on Information Inquiries and Responses	99
D.	Council Family Changes.....	101
E.	Report on the Annual Council Coordinating Committee Meeting	102
F.	Standard Operating Practices and Procedures Changes.....	102
G.	Meetings and Workshops.....	102
H.	Other Business	102
I.	Fishery Rights of Indigenous People Standing Committee Recommendations .	103
J.	Executive and Budget Standing Committee Recommendations	103
K.	Public Comment.....	103
L.	Council Discussion and Action.....	103
XIII.	Other Business	105
APPENDIX:	List of Acronyms	106

I. Welcome and Introductions

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

- Edwin Ebisui Jr., chair (Hawai‘i)
- Michael Duenas, vice chair (Guam)
- John Gourley, vice chair (Commonwealth of the Northern Mariana Islands [CNMI])
- McGrew Rice, vice chair (Hawai‘i)
- Bruce Anderson, Hawai‘i Department of Land and Natural Resources (DLNR Hawai‘i) (designee for Suzanne Case)
- Matthew Brown, US Fish and Wildlife Service (USFWS)
- Lt. Cmdr. Adam Disque, US Coast Guard (USCG) (designee for Rear Adm. Vincent Atkins)
- Michael Goto (Hawai‘i)
- Christinna Lutu-Sanchez (American Samoa)
- Raymond Roberto, CNMI Department of Lands and Natural Resources (DLNR CNMI) (designee for Anthony Benavente)
- Matt Sablan, Guam Department of Agriculture (DOA)
- Dean Sensui (Hawai‘i)
- Henry Sesepasara, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Taotasi Archie Soliai (American Samoa)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)

Council Member Michael Brakke, US Department of State, was absent.

Also in attendance were Council Executive Director Kitty Simonds, NOAA Office of General Counsel Elena Onaga and Frederick Tucher, and Scientific and Statistical Committee (SSC) Chair Paul Callaghan.

The Council observed a moment of silence for former Council Member Richard Seman, director of DLNR CNMI, who passed away April 4, 2017.

II. Approval of the 170th Meeting Agenda

Moved by Rice; seconded by Sensui.

Motion passed.

III. Approval of the 169th Minutes

*Moved by Rice; seconded by Sensui.
Motion passed.*

IV. Executive Director's Report

Simonds provided the executive's report.

Chris Oliver was recently appointed as the new Assistant Administrator for NOAA Fisheries. He was previously the executive director of the North Pacific Fishery Management Council for 16 years.

President Trump declared June as National Ocean Month. He recognized the need to harness the seas for US national security and prosperity and noted that US fisheries are among the most valuable in the world.

The eight Regional Fishery Management Councils requested that the Departments of the Interior (DOI) and Commerce (DOC) include the Councils in the development of recommendations to President Trump on the administration's review of marine national monuments and national marine sanctuaries. Simonds recounted the Council's process to develop non-commercial fishing regulations in the monument expansion area (MEA) of the Papahānaumokuākea Marine National Monument (PMNM), including recent comments submitted by the Office of Hawaiian Affairs (OHA). OHA supported the establishment of a non-commercial fishing permit such that permit approvals would be subject to consultation with the DOI, State of Hawai'i and OHA. OHA did not support potential regulations that would allow customary exchange.

On the issue of the American Samoa Large Vessel Prohibited Area (LVPA) and recent court decision, Simonds said that the Department of Justice filed a motion of reconsideration. Meanwhile, Council staff and advisory bodies including the SSC are working to define American Samoa cultural fishing in the context of the Deeds of Cession, for the Council's review.

The Council will also consider modifications to the American Samoa longline limited entry permit program, which was recommended by the Council in 2002 and implemented by NMFS in 2005. In 2002, around 40 alia longline vessels and 25 large longline vessels were operating. Since 2006, fewer than three alia longliners have operated, with only one active in past several years. The permit program is highly complex and does not allow new entry. Given the changing conditions of the fishery, Simonds said that the Council at this meeting would reconsider its previous recommendation as well as additional options aimed at modifying the program to meet its objectives.

The Bottomfish Working Group met in May at the Council's request to re-assess the efficacy of State of Hawai'i's Bottomfish Restricted Fishing Areas (BRFAs). While the state's research on the BRFAs is inconclusive, the SSC has recommended the removal of the BRFAs twice. NMFS conducts fishery independent research, and the annual catch limit (ACL) has not

been reached for the past five years. An average of 65,000 pounds of bottomfish has been left in the water annually. With a little more than eight weeks left this season, the fishery has landed 66 percent of the quota. The Hawai'i Division of Aquatic Resources (DAR) staff and the Council have asked to brief the Board of Land and Natural Resources but have been refused. The board has also refused fishermen requests for presentation. The working group has run out options for moving forward on this issue.

A legislative bill was recently introduced to amend the Billfish Conservation Act. The existing law bans the importation of all billfish caught by foreign fleets into the continental United States but does not apply to billfish caught commercially in Hawai'i and the US Territories of American Samoa, Guam and the CNMI. The bill would amend the act so billfish landed in Hawai'i must be retained here. The Council wrote to the Secretary of Commerce about its concerns with the amendment. About 20 percent of Hawai'i billfish catch is sold to the US mainland seafood markets annually, as documented by the required Billfish Certificate of Eligibility. On May 18, the US Senate Committee on Commerce, Science, and Transportation advanced the bill during an executive session, after Sen. Brian Schatz withdrew his hold on the legislation.

The Western and Central Pacific Fisheries Commission (WCPFC) will hold its 14th meeting in December in the Philippines. A major agenda item will be the negotiation of a new tropical tuna measure based on the outcome of an upcoming bigeye tuna stock assessment. A parallel assessment in the eastern Pacific shows that bigeye tuna is no longer overfished or subject to overfishing. The Inter-American Tropical Tuna Convention (IATTC), the organization which manages stocks in the eastern Pacific, meets in plenary session in July. The Council has recommended that the IATTC increase the quota for Hawai'i longline vessels over 24 meters from 500 metric tons (mt) to 750 mt, which NMFS has advocated for in several IATTC sessions.

The United Nations (UN) Ocean Conference was held June 5 to 9 at the UN Headquarters in New York. The theme was Our Oceans, Our Future: Partnering for the Implementation of Sustainable Development Goal 14: to conserve and sustainably use the oceans, seas and marine resources. Participating entities used the conference as an opportunity to promote their agenda to increase the UN Goal 14 target to conserve at least 10 percent of coastal and marine areas by 2020 to conserving 30 percent, which they say will require many more large-scale marine protected areas (MPAs) and protected areas beyond national jurisdiction. The conference ended with a call for action, which included active engagement in discussions and the exchange of views in the preparatory committee negotiating on marine biodiversity beyond areas of national jurisdiction. Potential high seas closures of important fishing grounds is concerning for the Hawai'i longline fleet. Council staff participated in the Department of State public briefing on June 13 and noted the need to take into account sustainable, highly monitored high seas fishing; existing jurisdictions of regional fishery management organizations established by conventions, such as the WCPFC and IATTC; and the compatibility of the exclusive economic zones (EEZs) of coastal states that are already closed to commercial fishing.

V. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto said repeated news of Oliver's appointment. He summarized a note sent by Oliver to NMFS staff just that morning, which acknowledged the skill and dedication of NMFS staff and the shared mission to sustainably manage US fisheries, continue the stock rebuilding success and conserve and recover protected resources where necessary. Oliver also said he looked forward to working across the agency to promote domestic marine aquaculture production, where appropriate, and to maintain a reputation for world-renowned science and analysis, while maximizing fishing and processing opportunities for the benefit of the nation and the coastal communities who depend on them.

Tosatto reported that PIRO completed few rule-makings since March, due in part to the regulatory hold common with new administrations. The new administration is stressing regulatory minimization, including a two-for-one policy, whereby agencies must remove two significant regulations for each new proposed regulation, with the objective of reducing the burden on the regulated community. Tosatto said he thought this is a necessary and beneficial activity, but it does inhibit routine regulatory actions.

PIRO held a noncommercial fishing community round-table in May. The meeting helped to re-energize that community and reminded people of NMFS' Noncommercial Fisheries Implementation Plan, which lists related projects. PIRO has hired a full-time recreational fishing coordinator after a short gap when Dave Itano left.

Next week there will be an opportunity to host a group of agency officials from the Republic of the Philippines, including its version of NMFS, the Bureau of Fisheries, and its version of the National Ocean Service (NOS), Ocean Service, Biodiversity Management Bureau. The week-long exchange with staff will cover a variety of topics and includes a visit with Council staff to learn how domestic fishery management works.

Gourley asked whether the Endangered Species Act (ESA) Section 4(d) take prohibition exemption for corals is moving forward or is stalled or if there are some legal issues.

Tosatto said there are no known legal issues impeding the development of the rule, but they have prioritized the development of the critical habitat designation ahead of completing the 4(d) rule for threatened coral species. Progress is being made on the joint rule-making with the NMFS Southeast Regional Office. After the critical habitat proposed rule is published by mid-summer, more manpower will be directed toward 4(d) rule-making.

Gourley asked if the critical habitat maps are being shared with the CNMI or other island governments.

Tosatto said PIRO does not have maps to show until NMFS has cleared a proposal with firm boundaries.

Gourley asked if Tosatto would have the same answer for the green sea turtle critical habitat.

Tosatto answered affirmatively.

Simonds asked for an update on the DOC process to review the marine monuments.

Tosatto said that there are two separate Executive Orders (EOs), EOs 13792 and 13795. One review, led by the DOI, focuses on designation of monuments, including the marine monuments. However, in agreement with DOI, DOC is leading the marine national monument review. EO 13795, which focuses on offshore energy, directs agencies to consider marine mammal sound issues and energy exploration and focuses on the designation of sanctuaries and monuments. DOC is responding to the sanctuaries and the monument reviews and coordinating at the headquarters level with DOI and the Bureau of Ocean Energy Management on energy and marine mineral reviews. PIRO, along with NOS, is collecting information to answer the questions asked in the form of a developed template, with internal responses due by June 30 and the overall answer to the White House due at the end of August. PIRO is coordinating with NOS locally for the EO 13792 marine monument portion. NOS is leading, but coordinating with PIRO, the EO 13795 sanctuary review. There will likely be a Federal Register Notice seeking public comment on the EO 13795 review.

Sesepasara asked if the critical habitat designation would be available for public comment.

Tosatto said the critical habitat designation would first be a proposal, in which NMFS would document what it believes are the essential features needed for the species and where they occur. The proposed rule will include an economic analysis of the designation, knowing that a critical habitat designation requires federal agencies to consult and potentially mitigate or change plans. This will include a public comment period at a minimum and most likely public meetings in the local jurisdictions.

Gourley said he appreciated ongoing work by PIRO to go around the region to provide identification classes for the endangered corals.

Lutu-Sanchez asked about the economic study associated with the Tri Marine rule-making petition.

Tosatto said the study investigated the connection of the purse-seine industry to American Samoa and its impact on the American Samoa's economy more broadly. NMFS is considering its options and has not developed a full proposal for rule-making in response. The study found that the vessel day limits on the high seas and the purse-seine zones economically impacted the shore-side processing industry and the American Samoa economy. There is a basis for rule-making action, but PIRO has not determined nor justified the action it intends to propose.

Simonds asked if the fact that the request was made before Tri Marine closed is a factor in NMFS's decision-making.

Tosatto answered in the affirmative.

Lutu-Sanchez asked if NMFS's timing on the Tri Marine issue may also be tied up in the monument review, which also addresses access to fishing grounds.

Tosatto said the monument review is not delaying the Tri Marine petition rule-making, but it is potentially delaying other actions. If changes are made to the monument or the purse-seine closures, it may be beneficial but not have a meaningful economic impact. The most industry-friendly outcome would likely not go far enough to not affect shore-side processing in American Samoa.

Simonds said that she does not believe that Tri Marine has any intention of returning, with most of its equipment gone. Tuna processing is changing around the world, and it would be difficult for it to come back.

Tosatto said that even if Tri Marine does not reopen, but a second cannery does, the new cannery would likely be equally challenged by the decisions made. The key premise is that the US government should implement its WCPFC obligations without negatively impacting shore-side processing and the economies of the nation's small and developing territories. The US government can improve upon that.

Ebisui said, when Council members visited Tri Marine's operations last year, they were producing Kirkland tuna for Costco and seemed poised to contribute significantly to the canned tuna market. It is such an unfortunate thing that it never got to realize the potential.

2. Pacific Islands Fisheries Science Center

Michael Seki, director of the Pacific Islands Fisheries Science Center (PIFSC), provided the PIFSC report. Cisco Werner was recently confirmed as the NMFS chief scientist.

The field season is underway, with *OSCAR ELTON SETTE* working off the main Hawaiian Islands (MHI). The cruise conducted plankton and micronekton surveys of the forage base that occurs off West O'ahu and West Hawai'i. While off the Kona coast, researchers sampled a fair amount of slicks, which are regions of convergence.

The monk seal program has set up its camps at French Frigate Shoals, Lisianski, Pearl and Hermes and Kure. Surveys of monk seals using small vessels at Ni'ihau and other islands where NMFS does not have season-long field camps were successful. Last year NMFS brought four juvenile seals in dire need of help to Ke Kai Ola on Hawai'i Island where they were rehabilitated and returned to the field on at least their natal grounds on the survey. All four seals were released. During the course of the deployment of the camps this year, they found one seal had died, which marks the first death of a rehabilitated seal.

Sea turtle field camps have also been deployed. Field workers continue to tag animals and have saturated the turtle population with tags at East Island this year.

The *HI'IALAKAI* revisited Jarvis to survey the effects from prior coral bleaching events. The ship then went to the Marianas, where it conducted the Triennial Coral Reef Assessment and Monitoring Survey.

A cetacean survey in the Marianas, principally around Saipan, was conducted in February. There were 13 encounters with 25 individual whales. Eleven biopsies were collected, and photo images taken of 19 whales. Most of the whales encountered, particularly with respect to the humpbacks, are those that have not been catalogued.

The 2015-2016 El Niño was the strongest on record, exceeded those of prior years and is believed to have impacted the various reefs in the Pacific differently. At Jarvis, the El Niño conditions and thermal stress that the reefs encountered were quite severe, with 98 percent mortality of the reefs surveyed in 2015. At Howland and Baker, only 10 to 15 percent of the reefs bleached. There has been very little recovery at Jarvis, but Howland and Baker show some recovery. Seabirds were also impacted at Jarvis.

The Western Pacific Fisheries Information Network (WPacFIN) held two workshops in American Samoa to improve species identification, which are critical to the data collection efforts. The second workshop reviewed sampling design and length-weight data collection methods.

Brett Taylor conducted an otolith workshop on Saipan, teaching rapid sectioning of sagittal otoliths of reef fish. A subset of that workshop was conducted on Guam.

The PIFSC Socioeconomics Program was funded to conduct a study on preserving information the Hawai'i bottomfish fishery. Many of the pioneers in the field and those who have worked in fisheries for many decades have a knowledge-based skillset. Seki said it would be a shame if they moved on before their firsthand knowledge of the fishery and its evolution were captured.

The PIFSC stock assessment group completed the fifth and final bottomfish stock assessment workshop, a two-year series. The workshop series was an extensive outreach effort to the bottomfishing community on the State of Hawai'i catch database. The commercial marine license database forms the core dataset for the MHI Deep 7 bottomfish assessment. A criticism in the last benchmark assessment was suspect data quality, so the workshops aimed to ensure the commercial data represents the best information available for use in the assessment. The draft assessment is due in the fall. Steve Martell will chair Western Pacific Stock Assessment Review (WPSAR) of the MHI Deep 7 bottomfish assessment, to be completed in November, which should allow for the final assessment to be completed sometime late winter or early spring of next year.

In April, PIFSC staff travelled to Japan to meet with the Fisheries Agency of Japan and sign the US-Japan Science Bilateral Memorandum of Understanding, marking all the years of collaboration with Japan. There was no prior agreement, and the memorandum identifies collaboration on stock assessments and data-sharing efforts.

The hiring freeze is over, and PIFSC has hired two new stock assessment scientists, John Syslo and Mark Fitchett, who will report to Annie Yau. Summer Martin, a National Research Council post-doc who has worked with PIFSC, has been hired as a federal quantitative scientist. Tia Brown, who formerly worked for PIRO and NOS, has joined the Director's Office as a management analyst.

Seki closed with highlighting upcoming events such as the peer-to-peer exchange with officials from the Philippines; the annual plenary of the International Scientific Committee for Tuna and Tuna-like Species occurring in Vancouver, BC; the one-day Coral Reefs Regional Summit in Hawai'i; and external review of the socioeconomics program in late July.

Rice asked when the bottomfish heritage interview work will be finished and available for public review.

Seki did not know and said he would get back to Rice.

Simonds said that the interviews will be completed by late fall, and PIFSC will transcribe the interviews. She said it was a wonderful effort and similar work took place 20 years ago with Northwestern Hawaiian Islands (NWHI) bottomfish fishermen.

Seki said Bob Moffit's interview work is not the same as the current PIFSC project.

Sesepasara asked if invitations will be provided to the Pacific Islands Coral Reef Task Force for the coral reef summit occurring July 24.

Seki did not know and would check with Jen Koss, who runs the Coral Reef Conservation Program.

Sensui offered more information on the bottomfish heritage project. There is a lot of material, with each interview lasting at least an hour. There are no immediate plans to edit the material into videos. A number of the fishermen had some close calls including going through hurricanes to get the 'opaka, onaga and other bottomfish served in restaurants. The same goes for other fish, like in Samoa; many people have lost their lives going fishing in our jurisdiction. Sensui said he has a great deal of respect for all the fishermen who go through that for the sake of the rest of us who can't fish.

Ebisui said, in his fishing life, he has been through two full gales at night. It got nasty with white water coming down so one couldn't distinguish the horizon from the sea.

Rice said the public often does not realize that fishermen fish not to get rich but because they love to fish, and that's why they're out there.

B. NOAA Office of General Counsel, Pacific Islands Section

Tucher provided the report on two cases in active litigation.

Turtle Island Restoration Network and Center for Biological Diversity v. NMFS was decided in 2013. The district court upheld multiple claims against the agency concerning a biological opinion (BiOp) for the shallow-set longline fishery that established incidental take levels for loggerhead and leatherback sea turtles. NMFS conducted a rule-making to implement those levels by hard caps, resulting in the litigation. After the district court's decision, the plaintiffs appealed to the Ninth Circuit Court. The appeal has been briefed, and oral arguments have concluded. In April 2017, the Ninth Circuit asked for supplemental briefing on one of the two issues. The first issue is the sufficiency of the BiOp for loggerheads and leatherbacks. The appellants argued that NMFS did not rely on the best scientific information available (BSIA) to come to its conclusion in setting the Incidental Take Statement. The second issue concerns the first ever Migratory Bird Treaty Act special purpose permit that was issued to the Hawai'i longline fishery. The appellants argued that the USFWS, which is the relevant agency for issuing that permit, failed to consider alternatives that would reduce shallow-set fishery impacts on migratory birds. The Ninth Circuit recently asked for a supplemental briefing to determine if USFWS deviated from settled agency interpretation of the Migratory Bird Treaty Act and the use of the Special Purpose Permit for this particular fishery. NMFS filed its supplemental brief recently and said that a decision from the Ninth Circuit is close.

The next case is *American Samoa v. NMFS*, whereby the district court issued a decision adverse to NMFS in March. The subject was the LVPA and the exemption provided to large longline vessels that are permitted under the limited access system in American Samoa, allowing those vessels to fish beyond 12 nautical miles (nm) from the coastline rather than the 50 nm of the original LVPA. The court found that NMFS arbitrarily approved that final rule providing the exemption because it disregarded its obligations under the Deeds of Cession to protect and preserve cultural fishing rights in American Samoa. After review of the decision, the Department of Justice and NMFS filed a motion for reconsideration, based on two particular issues. The first was one of legal standing for the Territory of American Samoa to bring these claims. The second issue concerned the appropriate remedy for the court to apply upon concluding that NMFS acted arbitrary and capriciously. In the latter count, NMFS argued that the court should have asked the US government to file supplemental briefings on the impact of vacating the rule, specifically the disruptive impact on the longliners and the ability of NFMS to address the deficiency identified by the court during a period of remand. The motion asks the court to conclude that the exemption rule was good for American Samoa longliners who are operating in a serious financial loss and have been operating at a loss since about 2002. Information was presented from one year of operating under the 2016 LVPA rule that shows no adverse impact of that rule on other fishery sectors, including alia boats. Evidence was also presented to the court showing the relief that this rule has provided to American Samoa longliners during the first year of implementation. The motion did not seek reconsideration of the merits of the decision but rather requested a reasonably prompt decision as the action was taken to address serious economic distress in a fishery. The court's decision on the motion is expected by July.

Lutu-Sanchez said the Council Advisory Panel (AP) and SSC have taken steps to address and define cultural fishing. She asked if NMFS will try to define cultural fishing separately or simultaneously. She also asked if Tucher's office has considered a definition for indigenous fishing.

Tucher said his office will review Council actions, but the process to define cultural fishing originates with the Council and its associated advisory bodies. The judge stated in her decision that the Deeds of Cession requires protection and preservation of cultural fishing but did not provide a definition. The Council will need to utilize its processes and define what cultural fishing is in American Samoa. The Council will then have public hearings and public meetings, convene working groups and their advisory bodies to define what it means to preserve and protect cultural fishing. That would then be presented to NMFS as part of a rule-making package, which is submitted for public comment. NMFS will take public comment on that, and then the agency approves, disapproves or partially approves a final rule that would include a definition of American Samoa's cultural fishing and how the Council plans to protect it.

C. US Department of State

Paul Dalzell, Council staff, gave the Department of State report for Brakke, including a response on the process for designating US Commissioners to the North Pacific Fisheries Commission and the South Pacific Regional Fisheries Management Organization. These two Commissions are intended to close the gap on high seas fishery management for non-tuna species. North of the equator is the North Pacific Fisheries Commission. The principal members within this Commission are Japan, the United States, Korea and Russia, and the commission manages pelagic armorhead, alfonso and, to a lesser extent, saury. South of the equator is the South Pacific Regional Fisheries Management Organization, whose principal species are small pelagic fishes, such as the Chilean jack mackerel. Dalzell said an item that will come up again in the Executive and Budget part of the agenda will be identifying candidates to recommend as US Commissioners and advisory committee members from the Council to these organizations.

1. United Nations Oceans Conference

Dalzell reported on the UN Oceans Conference. The governments of Fiji and Sweden co-hosted the conference, which was held at the UN facility in New York. Ambassador David Balton led the US delegation. The conference resulted in almost 1,400 volunteer initiatives by various governments, the UN system, other government organizations, international and regional financial institutions and non-governmental organizations. The next Ocean Conference will be hosted by the European Union on the island of Malta in October of this year.

2. United Nations Marine Biodiversity beyond National Jurisdiction

Dalzell reported on the UN initiative on marine biodiversity beyond national jurisdiction. For the past several years, a series of preparatory committees meetings have been held to develop a recommendation on conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction for the UN General Assembly's consideration. The main option recommends that member countries develop a new legally binding convention for the high seas. One aspect of the convention would be the ability to establish large-scale MPAs on the high seas. This would have potential impacts to the Western Pacific Region's fisheries, particularly the longline fishery because three-quarters of its catch comes from high seas fishing. This would also impact the US purse-seine fishery, as some of its catch comes from high seas fishing.

Goto expressed concern with the potential for high seas MPAs and impacts to the Hawai'i longline fishery given recent closures in the US EEZ. He identified the need for the US government to look at the big picture as such initiatives could monumentally affect US fisheries.

Ebisui said one justification for the expansion of the PMNM was that longliners fish only 10 to 15 percent of the time in the US EEZ around Hawai'i, and they can always fish in the international waters. He asked, if there's movement now to shut the international waters down, where will the Hawai'i longliners go to fish?

Simonds summarized Balton's statement on the call for action, in which the United States disassociated from the proposal language. Balton said the World Trade Organization's independence from the UN must be respected and the United States continues to believe that the UN must not attempt to speak to ongoing future work in the World Tuna Organization, reinterpret the organization's existing rules and agreements or undermine the organization's independent mandate and processes. His statement said continued attempts to do so at the UN will make it difficult for the United States to join consensus on resolutions and conference documents.

D. US Fish and Wildlife Service

Matthew Brown reported that the USFWS continues to maintain field camps at remote locations throughout the Pacific, including Palmyra, Johnston and Midway. Maintaining those camps involves different ships and plane movement throughout the EEZ, which helps enforcement. Since March, several trips have been made to Rose Atoll. He thanked the USCG for its continued support including assisting with flights to both to Palmyra and to Midway.

Brown said DOI Secretary Ryan Zinke met with fishermen in New England, personnel from the New England Aquarium and Brown's counterpart in New England, the superintendent for Northeast Canyons and Seamounts Marine National Monument.

The USFWS is close to finishing the Integrated National Resource Management Plan for Wake. One of the results of finalizing that plan will be collecting fisheries information from the Air Force for pelagic and demersal species.

Leadership changes continue to take place in DOI and USFWS, with Greg Sheehan appointed as deputy director. He was previously the wildlife lead for the State of Utah. He will serve as the acting director of the USFWS until that Senate-confirmed position is officially filled.

Rice asked if there is a record of the number of purse-seine fish aggregating devices (FADs) that have washed up on Palmyra and other Pacific remote islands.

Brown did not have the information before him but could get the numbers, which are quite a few, particularly at Palmyra and Kingman.

Rice said the information would be interesting as these drifting FADs end up being trash on the islands.

Brown said that the USFWS and The Nature Conservancy try to remove FADs from the reef as quickly as possible because, when they hit, they are like a bulldozer going across a reef.

Simonds asked if the FADs are still collecting fish when they land on the coral reefs.

Brown said one concern with FADs is they could introduce invasive species. Once they hit the reef they are not aggregating tuna.

Lutu-Sanchez said finding the nationality of the FAD is important, but, in most cases, one can't identify which boats they originate from.

Brown said USFWS works with the USCG to identify the origin when it is possible. The debris does not necessarily come from the US EEZ.

Brown said 12 FADs washed up on Palmyra Atoll over the last year.

Simonds said the Council would be interested in the photos as part of the regular USFWS report.

Brown said he would include photos in future reports.

Eric Kingma, Council staff, said the IATTC requires FADs to be marked in the eastern Pacific Ocean (EPO). The WCPFC does not yet require gear marking on FADs in the western and central Pacific Ocean (WCPO).

Simonds said this could be added to recommendations later on.

E. Enforcement

1. US Coast Guard

Disque provided the USCG report. He noted this was his first meeting serving in his new capacity as the Admiral's designee to the Council and that he looked forward to working with the Council. Within the last three-month period, USCG surface patrol crafts made six deployments to support living marine resource enforcement in the MHI. In Guam, surface ships were deployed on two occasions for living marine resource enforcement and to support international patrol efforts on the high seas and inside the EEZ of Palau in accordance with the bilateral agreement. In total, there were 54 safety violations identified and three identified violations of marine pollution law.

USCG C-130 aircraft made enforcement trips to American Samoa, the NWHI and Guam to support living marine resource enforcement and to monitor US EEZ in search of foreign fishing vessel incursions. They also flew over Niue, Tokelau and the Cook Islands to support a reoccurring Forum Fisheries Agency (FFA) operation.

The USCG has made recent maintenance investments in patrol craft in Guam, resulting in a marked increase in their performance and operational availability. In September, the first of the

USCG's newest fast response cutters will arrive. Three of the six will be in Honolulu, and the other three will transfer to Guam. The 154-foot cutters have increased range and endurance; they improve USCG command and control and overall rescue and enforcement capacity.

Simonds welcomed Disque to the Council family, recognized the great news about the six new vessels and noted that the Council has been asking for new vessels for 40 years, especially for American Samoa, which doesn't have one.

Disque said that they are working on a plan to forward deploy these 154-foot vessels in American Samoa and to put more surface presence there.

Rice asked if the new vessels will be based in Honolulu, Maui or Hilo.

Disque said they will be based in Honolulu for simplicity of logistics and support.

Sensui asked how often the USCG monitors PMNM.

Disque said air surveillance flies approximately once a month. The USCG is constrained in what it can provide.

Sensui asked if there have been incursions.

Disque said the USCG has no evidence of any incursions of the US EEZ in recent history.

Soliai asked about the frequency of the patrols for the Territories, particularly American Samoa.

Disque said once a quarter is a decent metric to use but is not a hard and fast rule.

Sablan thanked the USCG for the new vessels going to Guam.

2. NOAA Office of Law Enforcement

Bill Pickering provided the NOAA Office of Law Enforcement (OLE) report. Since the last report to the Council, 133 incidents have been classified as protected resources, fishery management or sanctuary issues. One new issue is the WCPFC endorsement that is required to fish in the WCPO. Some vessels have let their endorsement lapse. The other is related to Vessel Monitoring Systems (VMS); the WCPFC rules require the ability to contact longliners on the high seas. OLE does not expect an instant response on a satellite phone or other communication device when contacting a vessel, but, after a reasonable amount of time, it is important that the vessel return contact. This has not been a problem in the past but is starting to become a problem this year. OLE is increasing outreach with boat owners and captains. Another recent issue is that two Hawai'i longline vessels were detected trolling for on-board consumption while transiting a foreign EEZ on their way to pick up crew. This appears to be an education and outreach issue that is easily solved, but the US government will have to respond if another country cites the

behavior as illegal foreign fishing at the WCPFC Technical and Compliance Committee meeting in September.

Simonds mentioned that they discussed some of these issues in the standing committee yesterday. The Hawai'i Longline Association could possibly help with outreach.

Sesepasara asked Disque if he had any information on the case of an Asian fishing boat detained in Pago Pago Harbor for pollution.

Disque said he did not but could get back with more information tomorrow.

Lutu-Sanchez asked what happens if someone lands an entire shark in American Samoa.

Tucher said American Samoa has a local regulation that restricts the landing of marine species that include sharks. There was a letter of notification to all territories and states when the NMFS implemented the Shark Conservation Act of 2010 indicating that those state and territory laws that restrict the possession of lawfully harvested sharks under a fishery management plan would be preempted by the Shark Conservation Act. The territories and states were invited to either change the interpretation of their regulations or withdraw their regulations to avoid that preemption. That process in American Samoa has been slow. The deputy attorney general working on that particular rule-making left, and it was taken over by another individual. American Samoa would need to answer whether it is enforcing its local regulation with respect to the possession of sharks that would be lawful to hold under the limited access permit or whether they withheld suspension.

Pickering said OLE is close to completing joint enforcement agreement contracts for 2018 with the territories and the State of Hawai'i. He said, if signatures from all parties aren't received by the end of July, funding would be lost for 2018.

Lutu-Sanchez thanked Tucher for answering her question. She said she asked because the question came up about two weeks ago with one of the longline vessels and she did not know what to tell the crew while the American Samoa government clarifies the interpretation of its shark law.

Sesepasara said the American Samoa shark law amendment has been drafted and should be available for public review in the coming weeks.

3. NOAA Office of General Counsel, Enforcement Section

Duane Smith provided the NOAA Office of General Council's Enforcement Section report. He commented on some issues raised by Pickering. He said if a case lands on his desk to some extent it represents a problem and a failure because it means it hasn't been handled at some other level. Many cases could be prevented by paying attention to detail, to keep the United States out of the spotlight in the international arena and prevent his office from ticketing fishermen for completely avoidable situations. Fifteen cases may receive notices of violations. He or his colleagues are actively prosecuting 12 cases. Five cases have been resolved since the last report.

Goto supported Smith's comments regarding preventing violations and said the industry has a duty to comply. Unfortunately, not too many people in the industry understand how a small issue can have big implications within the WCPFC. He said the industry is taking this seriously and wants to be in compliance.

Lutu-Sanchez said a lot of fishing businesses are family businesses. Without specific staff dedicated to tracking regulatory changes, a one-man or two-man team finds it challenging to run the business. Business owners do everything from provisioning the boat, to making sure that everyone meets their USCG requirements, to ensuring there's enough crew on the boats and that they all have boots and rain gear, to buying the gear and paying the crew, to ensuring permits are up to date. She thanked Walter Ikehara of PIRO for sending reminders about expiring permits.

Smith thanked Lutu-Sanchez for reminding him of the complexities of running small businesses and reflected on his mom's experience running a dance school for 65 years. He apologized if his earlier tone was harsher than intended.

F. Other Items

1. Status of Executive Order 13792 Review

Brown said the EO has a public comment period. The DOI has published the interim report for Bear's Ears National Monument. The agencies continue to work together to provide information to leadership so the secretaries can adequately respond to requirements in the EOs. They are managing the review consistent with the original orders until directed otherwise.

Simonds said DOI has many monuments to review. The interim reports did not talk about removing monuments but working within a monument, which is the Council's position on marine monuments.

2. Status of Executive Order 13795 Review

Tosatto reiterated that a Federal Register notice opening a public comment period is expected. There is a lot of overlap between the two EOs particularly in regards to the marine monuments. This EO additionally looks at the acreage designated and adequacy of consultations whereas the first EO looks at a broader issues, such as the availability of resources and the effects on use and enjoyment beyond monument boundaries.

Gourley asked if the agency evaluates public comment and whether comments are weighted from people that reside in the places with monuments.

Tosatto said comments are evaluated based on the value and merits of the words used. The federal government considers the method of delivery and treats all comments fairly. There is some sense of scaling value of insight on an issue within the region, particularly an indigenous community's perspective, but the best answer is that they will treat commenters fairly.

Rice said that the local paper in Hawai‘i reported a million people were for the monument expansion but only 3,000 were from Hawaii. The rest had no idea where it was. The people that are involved should have a little more say than fourth graders from Kansas.

Simonds added that she disagrees with Rice. It is good that children interested in protection. She suggested he should have picked another example, such as the scientists’ petition.

Sesepasara said more than 600,000 comments support the marine national monuments, while the population of American Samoa is about 55,000. The number of comments should not matter as much as the people commenting on it because most of those people are from environmental organizations that have been never been to Samoa. The people who live there do not want that monument.

Ebisui said the comments have a hundred-to-one ratio against any change in the monuments; he said this is an indication of who has the most effective social media network.

Sensui said science should be taken into account. Although there’s a lot of emotional value to protect something, we have to consider what’s being protected and how it’s being protected. In this case, it’s a spatial closure to try to protect highly migratory species. It’s like protecting ducks by closing off a specific section of sky. It’s not well understood that as soon as those ducks leave that section of sky, it becomes open game again, in which case, the ducks aren’t protected. They’re protected only when they’re in that section of the sky. If we’re truly interested in protecting something, then it has to be protected in the way that good science has indicated that it should be protected, which is why we have seasons, quotas and other fishery management measures.

Simonds said the Council’s 1991 closure from 0 to 50 miles in the NWHI is still largely unrecognized. Regulations that protect corals and nearshore environments are still on the books. The Council has never voted to remove the regulations that are in place. If the monument fishing provisions are changed that is something to discuss with the administration.

Ebisui added that the Magnuson-Stevens Fishery Conservation and Management Act (MSA) guides the regulations, and, according to National Standard 1, the Council is to manage to prevent overfishing, for sustainability and to optimize yield from fisheries. Closing off 600,000 square miles of US EEZ waters to US fishermen is insane and does not facilitate optimizing yield. He said it behooves the Council to balance according to law and the Council’s mission. He noted the perception that the Council is motivated by greed and supports a pillaging fishery. Ebisui said none of that is true and the Council needs to correct that misperception.

Rice said boats pulled out of the NWHI will move to the south and impact the catch of the recreational charter fleet because the fish migrate from the south through the island chain.

Goto said the Hawai‘i seafood market relies on the longline fishery and the ability to maintain a supply of healthy, safe seafood is important. He noted the recent cases of food borne illness due to consuming improperly handled imported seafood.

Ebisui said the more US fleets are constrained, the more imports are encouraged and in effect subsidized, which exposes consumers and citizens to tainted imported seafood. There's a direct link between hamstringing local fishers and public health of local consumers.

Sensui said OHA opposes customary exchange and commercial fishing in the expanded area of PMNM. If that's the case, only the well-funded people could afford to fish in the expansion area. People can't afford to get out there to fish and give the fish away for free. The vessels that can operate in that zone are large and expensive to operate. To restrict people from doing anything that could begin to cover the expense shuts the area down to practical fishing. Fishermen are there not just for themselves but for the sake of the community around them. They provide the food that the rest of us depend on.

G. Enforcement and Vessel Monitoring System Standing Committee Recommendations

Rice said the Enforcement and VMS Standing Committee met the day before and reviewed compliance issues. It deferred recommendations to the full Council.

H. Public Comment

There was no public comment.

I. Council Discussion and Action

*Regarding compliance issues in the Hawai'i longline fleet, the Council **directed staff to write a letter to the Hawaii Longline Association to communicate to its membership compliance issues related to two-way communication devices, permit renewals and other enforcement related matters.***

Moved by Rice; seconded by Sensui.

Motion passed.

*Regarding the landing of sharks in American Samoa, the Council **requested that American Samoa DMWR move quickly to finalize the American Samoa shark law that would exempt the landing of sharks with fins attached by federally authorized fisheries managed under the Council's Fisheries Ecosystem Plans (FEPs).***

Moved by Rice; seconded by Lutu-Sanchez.

Motion passed.

Sesepesara said DMWR has prepared the draft rule for a 30-day public comment period. If there are no more than five comments, the rules will pass through quickly. He said he did not see how the agency could move more quickly.

Simonds asked what the procedure is for public comment.

Sesepesara said a 30-day comment period should be publicized this week. If more than five comments are received, we have to continue the procedure.

Simonds asked if this is outside of the American Samoa government process.

Sesepasara answered yes.

Simonds asked if the American Samoa law is already on the books.

Sesepasara said the law is drafted to go along with the federal laws.

Simonds said this has taken years.

Sensui said sharks can be landed in Hawai‘i and fins can be taken for home consumption but cannot be sold.

Sesepesara said that is the difference in the laws. American Samoa is trying to allow landing of the whole shark.

VI. Program Planning and Research

A. Update on the Fishery Ecosystem Plan Management Unit Species for Ecosystem Component Analysis

Marlowe Sabater, Council staff, reported on the plans for the ecosystem component analysis. The analysis mirrors the revised National Standard 1 guidelines. The SSC and the Council provided several recommendations at their March meetings. Sabater summarized the approach for addressing each recommendation.

To explore species catch trends over time and catch to biomass for identification of species that are no longer targeted by the fishery, the SSC will evaluate plots of species catch over time and catch to biomass plots if available. A working group was formed to examine the species that are filtered out to ensure that the final listing includes those species with social, cultural, economic, biological and ecological importance.

The ecosystem component species working group will review biosampling data from PIFSC to consider whether species should be retained in the fishery management unit due to productivity and life history trait and to conduct a post-hoc analysis, which includes scoring for the National Standard 1 criteria for species in need of conservation and management that were not evaluated through the statistical analysis. Staff will not conduct the analysis on a fishery or gear level because time constraints and inadequate number of data points available. Staff will generate histograms for each of the input variables by the number of species to explore different levels of cutoff based on the distribution of input variable. For each filtering stage of the analysis, PERMANOVA will be used to test the fidelity of the groupings. In order to use an absolute cutoff for proportion of species habitat in federal waters rather than a quartile cutoff, staff will research the depth at the 3 nm boundary and apply the average depth to the proportion.

Staff will also document species that are filtered out at each stage of the decision tree and use low catch to high biomass as an input variable in order to retain heavily targeted species within the management unit and record why certain species were not retained. Staff will also explore the changes in species composition that will remain in the fishery when changing the sequence of filters in the analysis.

Gourley asked how species will be monitored once they are binned into the ecosystem component species.

Sabater said monitoring will continue and will be the main caveat when species are binned under ecosystem component. The Council should have the ability to monitor fishery impacts on ecosystem component species and whether the species require conservation and management measures. Ecosystem component species will not be removed from the FEPs.

Gourley asked if ecosystem component species will be monitored on a species or complex level and if the current level of monitoring would decrease.

Sabater said monitoring would continue at the complex level and the level of monitoring would not decrease. Improvements to fisheries data collection are necessary to ensure that the Council can determine which species are in need of federal conservation and management.

Gourley asked if the data collection program will be for commercial fisheries only or will be supplemented with non-commercial.

Sabater said the data collection will be for both commercial and non-commercial sectors.

B. 2016 Stock Assessment and Fishery Evaluation Report and Recommendations

1. Archipelagic Report Overview and Highlights

Sabater reported on the American Samoa, Mariana, Hawai'i and Pacific Remote Island Areas (PRIAs) annual Stock Assessment and Fishery Evaluation (SAFE) reports. Each report includes chapters on fishery performance, ecosystem considerations and data integration.

The fishery performance section includes trends in the bottomfish, coral reef, crustaceans and invertebrate fisheries. Performance indicators include trends in catch, effort, catch-per unit effort (CPUE), participation and bycatch. Overall, the performance indicators in the territory bottomfish and coral reef fisheries showed general lower catch, effort and CPUE levels in 2016 compared to the 10-year average. The Hawai'i Deep 7 bottomfish fishery showed a decline in effort and participation while the non-Deep 7 bottomfish fishery showed the opposite trend. The coral reef fin fish fisheries showed a decline in catch, effort and participation and a general increase in CPUE. The Hawai'i crustacean and invertebrate fishery performance indicators showed lower effort and participation for all methods.

The ecosystem considerations section includes information on protected species, essential fish habitat (EFH), climate and socioeconomics. Information on interactions with protected

species in the archipelagic fisheries was reported to be limited. ESA consultations have determined that these archipelagic fisheries pose minimal risk to ESA-listed species and as such do not have observer programs. The report uses fishing effort and gear characteristics as a proxy for monitoring potential changes to the protected species interactions. As for EFH, the monitoring content did not change this year. Precious corals EFH and non-fishing impacts to EFH were reviewed in the 2016 SAFE report. Regarding climate, a weak La Niña dissipated in 2016, and the Pacific Decadal Oscillation had a strong positive phase. The hurricane season was above average in the eastern and central Pacific in 2016. The socioeconomics section includes a description of human communities, the costs of fishing, socio-economic monitoring sources of information, and a description of ongoing research and information collection projects. Later reports will include data.

The data integration chapter this year includes a summary of the data integration workshop and a table of parameter combinations.

Ebisui said the bottomfish fishery in Hawai'i has been managed under ACLs for the last 10 years. He asked how the report explained the bump in CPUE last year.

Sabater said he would consult with fishermen, but answering questions of this type is the purpose of the data integration chapter, which a Council contractor is developing.

Ebisui asked if it could be interpreted as a validation of the ACL management system.

Sabater said the increasing trend over the last several years is hard to ignore. CPUE is being used as a proxy for abundance. It will be interesting to see what the new stock assessment concludes.

Ebisui asked if the BRFA's are superfluous.

Sabater said yes.

2. Pelagic Report Overview and Highlights

Dalzell reported on the highlights Pelagic SAFE Report. The American Samoa longline fishery is in a steady decline. The Guam troll fishery shows an increasing trend in landings, which are primarily non-commercial. CNMI shows a declining trend, in part due to hurricanes. The Guam and CNMI troll fisheries primarily target skipjack. The deep-set longline fishery set a record number of hooks in 2016, about 51 million. The shallow-set fishery has continued to decline since 2010. The cap on effort has been removed from the shallow-set fishery, but it has not returned to its full operating capacity. At one time, the fishery accounted for about a third of all swordfish caught in the north Pacific; now it sets fewer than a million hooks.

The troll and handline fisheries show stable catch. Recreational fisheries in general showed a decline in all areas. Total catch of tuna species in the WCPO ranged between three million to 3.5 million mt. WCPO bigeye catch in 2015 was about 134,000 mt. The socioeconomics section includes information on demographics and employment, people who fish and costs of fishing.

Asuka Ishizaki, Council staff, reported on protected species information. There are no notable trends in the shallow-set fishery over 2004-2016 in most turtle, marine mammal and seabird species except for a handful of pinniped interactions between 2013 and 2015; one Guadalupe fur seal interaction in early 2016; and an increase in black-footed albatross interactions since 2008, which is not seen in the Laysan albatross populations. There were no exceedances of incidental take statements in 2016. All marine mammal mortalities and serious injuries are below the potential biological removal trigger.

There were no notable trends in the deep-set fisheries, with a few exceptions. The take of olive ridleys increased in 2016, while leatherback interactions were down following a spike in 2014. Albatross interactions are increasing over time with higher levels in 2015-2016, potentially associated with a strong El Niño. The incidental take statement was exceeded for green sea turtles.

Spalding reported some highlights from the climate change indicators unique to the pelagic report. The pelagic ecosystem continues to see an increase in average sea surface temperature. Annual mean chlorophyll content reached a time series minimum in 2016. A new indicator is temperature at 300-meter depth, which is the mid-range depth targeted by the deep-set tuna fishery.

The data integration chapter of the Pelagic SAFE Report discussed the factors affecting three topical areas: seabird interactions in the Hawai‘i longline fleet, covered in the protected species portion of the agenda; attrition in the American Samoa longline fleet and Hawai‘i shallow-set longline fleet; and CPUE of target species. The American Samoa longline fishery has shown a steady decline over 10 years and is part of a region-wide economic collapse in longline fisheries based on albacore. This collapse is in part due to increased fuel prices, increased production of longline caught albacore and the low price for albacore offered by canneries. The decline of the Hawai‘i swordfish fishery may be tied to a weakened swordfish market, CPUE declines for swordfish trips and fuel prices. The increase in bigeye CPUE between 2013 and 2016 can be attributed to a recruitment pulse.

Simonds asked why the swordfish fishery has weakened.

Dalzell said the biggest market for swordfish in the United States is the East Coast, which imports swordfish from the Atlantic and the South American states.

Goto said he would like to see an increase market demand in Hawai‘i as had happened for opah and monchong. Many South American fisheries have open access to US markets plus the East Coast has its own fishery and Canada produces top tier quality swordfish. Many of the shallow-set boats have converted back to deep-set tuna fishing with the limitation in shipping introduced over the last 10 years.

Ebisui asked what percentage the Hawai‘i longline quota makes up of the overall annual longline quota for bigeye tuna in the WCPO.

Kingma said the US quota for 2017 is 3,343 mt, about 2 percent of the 130,000 mt caught in the WCPO. Including the territorial arrangement increase the percentage to about 5 percent of the WCPO catch. Pacific-wide this amounted to around 2 percent of the total production.

Ebisui said that, no matter how much we throttle and constrain our domestic fisheries, they do not have much of an impact on a Pacific-wide basis.

Dalzell said the glory days of the Hawai'i swordfish fishery coincided with the major depletion of the Atlantic swordfish stock and environmental campaigns to preserve the stock. Dependence on Pacific swordfish declined as the Atlantic stock rebuilt.

Rice said the handline fleet is a small swordfish fishery in May and June, though not during El Niño years. Swordfish is a white fish, which is not as popular as red meat fish in Hawai'i.

Simonds said it's up to the chefs to popularize swordfish, as they did with opah and monchong. Swordfish flesh is resilient.

Lutu-Sanchez asked what percentage of the swordfish demand is filled by the local fleet.

Goto said he does not know if any swordfish are imported into the islands, but that it would not make economic sense to import given the reduced demand for swordfish.

Sensui said the 10 percent of the catch coming out of the MEA shows that conservation actions are just for show, given that 10 percent of 5 percent of the overall catch in the Pacific-wide basin is such a small number.

Goto said the MEA is very productive for swordfish in the beginning part of the year. The closure has the potential to create a lack of enthusiasm for pursuing swordfish fishing once that area is closed.

Christofer Boggs, PIFSC, said one of the first areas targeted by the swordfish fishery was around the NWHI as this was a reliable location for swordfish.

3. Precious Coral Essential Fish Habitat Review

Rebecca Walker, Council staff, reported on the five-year review of precious coral EFH, produced by Michael Parke (PIFSC), a Plan Team member. Precious corals were prioritized for review in the Council's five-year program plan because they were one of the most out-of-date MUS with respect to EFH Level 1, or distribution, information. Science review highlights, approaches for EFH review and potential management measure revisions can be found in Appendix C of the Hawai'i SAFE report.

The red, pink, gold and black precious corals have all received new names since the EFH designations were approved in 1998. With respect to life history and growth revisions, the gold coral grow much more slowly than previously thought and are found only as a parasitic overgrowth of bamboo corals. Red and pink corals also grow more slowly than previously

estimated, and it is likely that the shallow water black species of *Antipathes griggi* has been misidentified frequently and does not have a deeper water refuge from harvest. Hawai'i is the only jurisdiction in the region with detailed surveys of precious coral beds and a fishery for precious corals. While the non-precious deep-sea corals are more abundant than previously thought in depths below 600 meters, many areas of the region remain unexplored. The habitat characteristics that lead to precious coral settlement, other than hard substrate, are unknown and cannot be included within a text description of EFH.

EFH is defined as six known beds of precious corals for the deep water precious corals MUS complex and three known beds of precious corals for the shallow-water species complex. The geographic extent of precious coral beds are described in the implementing regulations of the Hawai'i Archipelago FEP for the six deep-water beds and one of the shallow-water beds. The geographic extent for two of the shallow-water EFH beds is not described in the FEP.

The Council could approach EFH revisions for the deep-water complex by defining EFH as most of the known habitat, which is hard substrate between 200 and 600 meters, or by restricting the EFH designation to Level 1 distribution information. The geographic extent would be defined by an envelope around observations co-occurring with hard substrate in defined or recently observed beds. The same approaches could be taken for the shallow-water complex, and the Council would provide a geographic extent for all beds defined as EFH.

There is enough new information to revise EFH, and the Council may need to consider revising management measures which are based on old estimates of growth rates, boundaries of beds, and the MUS list. The next steps in the EFH review and precious corals management are to develop options for EFH revision and work with PIRO and PIFSC to understand which management measures may be considered with the gold coral moratorium, expiring in June 2018 and which need more scientific work.

Gourley said an options paper is timely.

4. Non-Fishing Impacts to Essential Fish Habitat Review

Walker reported on the review of non-fishing impacts to EFH, produced by a PIRO contractor in coordination with Council, PIFSC and PIRO staff. The non-fishing impacts section is identical in all five of the Council's FEPs and includes a list of activities mixed with stressors and bulleted lists of effects and best management practices. The non-fishing impacts to EFH report contains everything that the non-fishing impact section of a FEP should have, including a description of ecosystems within EFH, discussion of non-fishing activities and other sources of ecological stress, and an assessment of effects by ecological stressors. There is some guidance for determining cumulative effects and also over 80 conservation and enhancement recommendations. The report includes some regionally specific information. The report can be found in appendix D of the archipelagic SAFE reports and is referenced in the Pelagic SAFE report. Nine new non-fishing activities are discussed within the report, including climate change and offshore energy development. The next step is to scope the report through the Council advisory bodies to receive suggestions on the best way to incorporate the report findings into the five FEPs.

C. Evaluation of 2016 Catch to the 2016 Annual Catch Limits (Action Item)

Sabater presented the evaluation of catch to ACLs in 2016, which included data collection issues, a review of those species whose catch went over the ACL and options for addressing the overages. The catch of rabbitfish in American Samoa and slipper lobsters in CNMI exceeded their ACLs due to increased creel survey sampling hours and enhanced commercial vendor reporting. The catches for Guam jacks and for Hawai'i crustaceans and mollusks also exceeded their ACLs, which had been reduced by the previous year's overage. The catch levels were similar in both years. The options were 1) do not apply the overage adjustments; 2) apply the overage adjustment to the original ACLs; or 3) apply the overage adjustment to the previous year's ACLs.

Sesepasara asked Sabater to elaborate on the 163 pounds of American Samoa rabbitfish.

Sabater said 163 pounds is the estimated ACL for rabbitfish, computed using the biomass-augmented catch maximum sustainable yield (MSY) model. The model used the catch series for rabbitfish, which is traditionally low, and the PIFSC Coral Reef Ecosystem Program's biomass estimates. Rabbitfish is not a highly targeted species, and the biomass estimates are likely low because seagrass habitats are not well represented in the underwater census survey.

Sesepasara asked if any studies on the reproduction cycle of rabbitfish exist.

Sabater said he did not know of any study on rabbitfish life history in American Samoa.

Sesepasara said small rabbitfish are a delicacy in American Samoa; they run right after palolo. He preferred keeping the ACL at 163 pounds.

Sensui asked if the numbers were expanded from a small sample.

Sabater said the higher catch estimate may be an artifact of the expansion or attributed to higher sampling frequency in the night survey, which captured five fish in one sample.

Sensui said the survey assumes a universe of fishermen catching a similar number of fish as were sampled.

Sabater said if the estimation procedure pools previous data, the catch estimates exceeds 1,000 pounds. If the estimation procedure does not pool or borrow data from previous sampling events, the catch estimate is 435 pounds.

Sensui asked if this is noncommercial catch.

Sabater said the creel survey estimates include commercial and noncommercial catch. The survey asks the disposition of the catch so the proportion of the commercial and non-commercial component can be determined.

Sensui said he asked because non-commercial catch rates are important for fishery management.

Domingo Ochavillo, American Samoa DMWR, said habitat may play a significant role in the absence of large rabbitfish individuals. Juvenile rabbitfish occur in seagrass beds that are not extensive in American Samoa. A virus caused a massive juvenile rabbitfish die-off, according to samples analyzed by the US Geological Survey. The Plan Team suggested that WPacFIN should determine if corrections are needed in the expansion algorithm. Lastly, when ACLs are calculated for fish species that are rarely found in underwater surveys, the ACLs are probably underestimated.

Sabater said, in situations where the biomass estimates are unreliable or not present, the model results become the average of catch.

D. Update on Essential Fish Habitat Program

Walker provided an update on the EFH program as a result of the Council's request to develop options for excluding areas of low value and also to look at the value of nearshore areas to bottomfish and coral reef ecosystem species in future EFH reviews. She said the Council is in the process of several EFH reviews. The three main habitat issues are the Council's broad EFH designations, interpretations of those designations and potential approaches for refinement. The Council habitat staff is working to make sure that all parties involved in EFH reviews and consultations interpret EFH designations consistent with the Council's documentation for EFH. Walker reviewed the Council's supporting documentation for EFH, NMFS's guidance on refining EFH and two final rules on EFH to inform the Council's approach for EFH refinement, whether that refinement excludes low value habitat or takes a more traditional approach of performing an analysis on available EFH information. These three issues and how EFH reviews are interacting with other ongoing Council management initiatives are taken into consideration in designing the habitat program.

The Council is in the process of reviewing precious coral EFH information and non-fishing impacts to EFH. Reviews of research and information needs and of crustaceans EFH are scheduled to begin in the summer of 2017. EFH is not required for ecosystem component species, so the research and information needs review will begin by collecting metadata on large agency datasets with observations of multiple species. The Council can begin cataloging species-level information once the ecosystem component species amendment is developed. The cataloging occurs through the SAFE report process. Once the data have been catalogued, the Council can decide on approaches for refinement based on its management objectives.

E. Update on Aquaculture Programmatic Environmental Impact Statement

DeMello said the Council received an update at its last meeting on the Programmatic Environmental Impact Statement (PEIS) scoping meetings and draft alternatives. Next week the NMFS contractor developing the PEIS will workshop the preliminary PEIS with PIRO Sustainable Fisheries Division and Council staff to review the final alternatives, determine impacts and analysis criteria, and other needed analyses or modeling. NMFS hopes to provide the Council with a draft PEIS in the fall so it can select a preliminary preferred alternative for an aquaculture management program in the region.

F. Best Scientific Information Available Policy Guidance

Sabater presented the Best Scientific Information Available (BSIA) policy guidance on behalf of Patrick Lynch. The guidance framework developed by the NMFS Office of Science and Technology provides guidance beyond the National Standard 2 guidelines on documentation of the BSIA decision and how the SSC plays a role in that determination. Seven principles—including relevance, inclusiveness, objectivity, transparency and openness, timeliness, verification and validation, and peer review—define BSIA in the National Standard 2 guidelines. NMFS’s short-term plan is to develop the policy guidance in coordination with fishery management councils; in the long term, NMFS intends to document the regional processes that occur in making the BSIA determination.

National Standard 2 requires fishery management to be based on the BSIA. Stock assessments support NMFS stock status determination, the SSC’s harvest reference level advice on overfishing limit and acceptable biological catch (ABC), and the Council’s ACL. The BSIA process framework specifies the role and also facilitates the coordination of NMFS with the SSC. The process begins with generating a stock assessment followed by a regional peer review. The process then splits with the SSC being responsible for the harvest reference level and NMFS providing the status determination. The SSC may provide input on the status determination process. Ultimately all the decisions made by the SSC and the Council should be documented and be based on BSIA.

Sabater described some challenges with the BSIA process. The assessment may represent BSIA for one or more management decisions. All the information, including the stock status and the harvest limit information, can be used or just some of the information can be used, depending on whether the SSC, for example, deems the stock status results to be reliable or not. Multiple models may also provide advice for one management decision. The Council and its advisory bodies are not usually provided with more than one model to use to specify harvest limits. Generally, one model in a stock assessment provides the basis for a BSIA determination. The SSC may also have a different perspective than NMFS, or it may have a different opinion in terms of the peer review on some aspects of the assessment. Timing presents another challenge. While NMFS makes the final BSIA determination in its evaluation of Council recommendations for consistency with the National Standards, the SSC has a role in contributing to the NMFS BSIA determination and documentation.

The goal of the framework is to address these challenges and establish a process that is well understood, transparent, documented and coordinated. The SSC will provide NMFS with comments on the process framework by the end of June.

Sensui asked whether there are BSIA criteria related to maintaining the BRFA’s.

Sabater said the criteria are articulated in the National Standard 2 guidelines.

Simonds asked Sabater to relay the SSC’s concerns about peer-review terms of reference.

Sabater said the SSC asked for the opportunity to review the terms of reference for peer review of stock assessments. A peer review of a stock assessment that does not consider the quality of the input data is analogous to skipping the foundation in a building inspection. The SSC has little room to provide peer review input on stock assessments that have been subjected to the WPSAR process, so reviewing the terms of reference would ensure that major SSC concerns can be addressed early in the process. The SSC was disappointed it was asked to recommend an ABC for Kona crab using an assessment with data through 2006, which had been reviewed by the Center for Independent Experts.

Simonds said the presentation to the SSC was basic. She expected each of the regions will have different recommendations based on the general steps. The SSC had several comments on the BSIA process framework.

Gourley asked if a peer reviewed paper is considered BSIA.

Tucher said the SSC, as the primary scientific advisor, makes recommendations on BSIA and the WPSAR or peer review process that informs that decision. The SSC can comment on the peer review and document reasons new scientific information may not qualify as the best available and must identify what it considers to be the best available. The Council considers the SSC's advice and makes its recommendation. BSIA is not best scientific information possible. The Council is tasked to make decisions based on imperfect or flawed data all the time.

Simonds said approving the terms of reference for peer reviews is the job of the WPSAR steering committee. The Council should possibly develop an SSC subcommittee to review the terms of reference.

Sabater said the SSC has one month to provide comments when PIFSC releases the terms of reference at the end of June.

Sensui said the scientific community generally agrees that peer review is the gold standard.

Sabater said published articles are sometimes tainted.

Tosatto said the discussion around the BSIA for a series of decisions that are required by a certain time is an apple. The general review of scientific information to support other decisions is an orange. When decisions aren't required at a certain time, NMFS might be able to defer decisions and investigate further. NMFS might look for better information. When faced with a deadline, such as for annual specifications, the Council must make a decision based on what is available, which NMFS must then consider for approval.

G. Annual Update to the Council's Research Priorities

1. Five-year Research Priorities

Sabater provided an update on the Council five-year research priorities. The priorities are vetted through advisory groups on an annual basis. The Protected Species Advisory Committee

(PSAC) revised its second highest priority. Next, the Council should request that PIFSC provide updates to the research priorities as we're in the middle of the five-year period. Staff will also incorporate the changes to the research priorities as recommended by the different advisory groups. Another column will be added to incorporate the Council's activities to address the priority.

2. Cooperative Research Priorities

Sabater provided an update on the Council's attempt to fund cooperative research in the region. He reviewed the priorities, noting four proposals were submitted for 2017 and the two proposals that were funded.

H. Regional, National and International Outreach and Education

Sylvia Spalding, Council staff, presented the Council's work on regional, national and international outreach and education. The Council has been involved in the National Marine Educators Association, World Tuna Day, territorial scholarships, UN Ocean Conference, newsletters, the Marine Fisheries Advisory Committee activities associated with the NOAA Climate Science Strategy and the Pacific Islands Regional Action Plan (PIRAP) for that strategy.

Sesepasara said the scholarship for students is a great investment for the youth. He noted the usefulness of the two students returning home to work for the National Park Service and DMWR. The students receiving marine science degrees from the University of Hawai'i at Hilo will make it easier for the department to communicate with the village councils because the students understand the culture and speak the language. Sesepasara said he received a request from a high school student in Samoa for a scholarship as well.

Gourley said he worked successfully with one of the students for a couple of months.

I. Advisory Group Report and Recommendations

1. Advisory Panel

Richard Farrell, CNMI AP chair, presented the AP recommendations on program planning:

Regarding the Council's Research Priorities, the Hawai'i AP recommended the Council include in its research priorities that closed areas can still be accessed for research and that priorities focus research on an established list of important food fish to the communities.

Regarding non-fishing impacts to EFH, the American Samoa AP recommended the Council modify EFH based on high value habitats using available data and clarify habitat characteristics and geographic extent by defining various parameters.

2. Archipelagic Plan Team

Stephanie Dukes provided the Archipelagic Plan Team report. She described the topics discussed at the two-day meeting including an overview of the action agenda items. Then she presented the following recommendations:

Regarding the data integration chapter of the SAFE report, the Archipelagic FEP Plan Team recommended the Council include the following variables in the exploratory data analysis being conducted by the Council's contractor: effect of subsidy program, market forcing and effects of fish import-export.

Regarding the species table, the Archipelagic FEP Plan Team recommended the Council direct staff, in coordination with NMFS staff, to convene a working group to finalize the species table used to generate fishery statistics.

Regarding EFH, the Plan Team recommended that the Council consider amending the non-fishing impacts, cumulative impacts, and conservation and enhancement recommendations in the Western Pacific FEPs based on the options provided by the Plan Team and consider amending the EFH designations and species descriptions for precious corals based on the options provided by the Plan Team.

Regarding the Hawai'i Archipelago precious corals fishery, the Plan Team recommended the Council review how the updated information in the precious corals species descriptions may affect the scientific justification of precious corals conservation and management measures, noting that the gold coral moratorium expires in June 2018.

The Archipelagic FEP Plan Team provided the Council with the rationale for the overages in American Samoa rabbitfish, CNMI slipper lobsters and Guam jacks. Hawai'i data was not available during the time of the meeting so recommendations for Hawai'i were deferred.

Regarding the evaluation of 2016 catch to the 2016 ACL, the Archipelagic Plan Team recommended the Council apply the accountability measure to adjust the ACLs by the amount of the overage to the original ACLs. When the Council accountability measures are applied, the results for the 2017 ACLs are as follows: American Samoa rabbitfish, 0 pounds; CNMI slipper lobsters, 19 pounds; and Guam jacks, 23,894 pounds. The Plan Team further recommended the Council revisit its accountability measure due to the two consecutive years the ACLs have been exceeded.

The Archipelagic FEP Plan Team recognized the importance of the ecosystem component amendment to address the operational issues associated with the data limited stocks managed under ACLs.

3. Pelagic Plan Team

Keith Bigelow presented the Pelagic Plan Team Report which included the highlights of the fisheries in the Western Pacific Region and stocks, based on indicators such as CPUE and stock assessments. This year's Pelagic Plan Team generated the following recommendations:

Regarding the 2016 SAFE report, the Pelagic Plan Team recommended use of the entire time series but a move to the 10-year fishery data time series for the 2017 report for consistency between fishery chapters.

Regarding EFH, the Pelagic Plan Team recommended that Council staff explore a minimum depth for the definition of pelagic EFH that excludes depths seldom occupied by PMUS.

Regarding socio-economics and human dimensions, the Pelagic Plan Team recommended the incorporation of the following items into the socioeconomics module of the 2017 SAFE report: a) community content; b) fishery participant descriptions/and or demographics; c) costs of fishing; d) economic performance metrics and e) 2016 publication list.

Regarding the American Samoa LVPA, the Pelagic Plan Team recommended investigating commercial versus non-commercial catch in the American Samoa small boat fishery and seeking further review and clarification from WPacFIN and DMWR.

In addition to the recommendations, the Pelagic Plan Team developed 20 action items to improve the content and format of the fishery and other modules that comprise the SAFE report.

4. Marine Planning and Climate Change Committee

Spalding provided the report of the Marine Planning and Climate Change Committee (MPCCC) meeting held on April 6 and 7, 2017. The agenda included a regional update round robin and a report on the PIRAP for the NOAA Climate Science Strategy and focused on finalizing the climate change section of the SAFE report and developing outreach on climate and fisheries to the region's fishing communities. Spalding described the climate variables that were included in the SAFE reports and described their trends.

Lutu-Sanchez said in terms of practical usage for the industry, communication between agencies to ensure that data are reported consistently is important.

Spalding provided the following recommendations from the MPCCC.

Regarding multi-jurisdictional coordination in climate activities, the MPCCC recommended that the Council undertake the following:

- Request that PIFSC provide its points of contact in each jurisdiction to the MPCCC members and that these points of contact work closely with local MPCCC members on continuing basis in regards to a changing climate and fisheries and fishing communities including implementation of the PIRAP to the NOAA Science Strategy. The Committee notes the importance of local points of contact to provide local knowledge and insights.
- Include climate change in the Council's Regional Ecosystem Advisory Committees' agendas as a regular item. The Committee notes the importance of coordination across and among local and federal agencies on climate issues.

- Develop and make available to the Committee the points of contact and organizational charts for federal and local agencies.
- Request that Sea Grant explore opportunities for better support of outreach and education and scientific projects around the region.

Regarding outreach and education, the MPCCC recommended that the Council undertake the following:

- Support citizen science for local data that might not be included in the SAFE reports due to criteria used.
- Develop and/or support the development of climate-related outreach materials and activities that are visually appealing, culturally appropriate, visual and interactive; that convey positive and empowering messages; that engage and empower youth; that integrate navigation and seafaring legacy and fisheries; that use plain language, formal and informal education venues, storytelling, translation in native languages and social media, including sustained funding for social media moderators/
- Direct staff to develop a catchy, meaningful and memorable slogan for the climate outreach efforts;
- In preparation for community workshops on climate and fisheries, coordinate a train-the-trainers workshop that includes the NOAA scientists who presented at the 6th MPCCC meeting and the MPCCC committee members. Prior to workshop, MPCCC members would survey their communities to assess how climate is perceived. The workshop would complete development of the PowerPoint slide deck to be used at the community workshops.
- Provide the MPCCC with a list of science fair projects and identifying mentors for such projects as well as information on how to access all the websites and other material presented and discussed at the 6th MPCCC meeting.

Regarding the climate section in the SAFE reports, the MPCCC recommended that the Council explore avenues of further funding to support development of future climate indicators that have been identified as SAFE work items for the future, such as rainfall, wind, extra-tropical storms, etc.

5. Protected Species Advisory Committee

Ishizaki provided the PSAC report and recommendations. The PSAC met on March 30 to 31, 2017. The main task was to review the first cut of the draft protected species sections of the new SAFE reports and identify trends. The committee also received updates on fisheries and protected species management issues. The committee annually reviews the protected species research priorities.

Ishizaki provided an overview of the committee discussion on the protected species elements monitored through the SAFE report. One issue was the spatial trend of olive ridley interactions in the deep-set longline fisheries, which were concentrated in specific latitudinal band south of the MHI in 2015 and 2016. The committee concluded that the increase may be related to the fisheries overlap with preferred habitat depth. The 2015 Supplement BiOp and NMFS have concluded no jeopardy despite the increased interaction rates.

Regarding protected species, the PSAC recommended that the Council undertake the following:

- Consider whether ecosystem factors are influencing the increasing trend in interactions;
- Evaluate the 2011 American Samoa longline fishery green turtle measures; and
- Continue development of the control chart as an approach to monitor protected species interactions in longline fisheries.

6. Social Science Planning Committee

Justin Hospital, PIFSC, provided the Social Science Planning Committee (SSPC) report and recommendations. The SSPC met on April 3, 2017. The committee discussed the socioeconomic modules of the SAFE reports and reviewed current research projects and grant solicitations, including the bottomfish heritage project. There was no update on the Saltonstall-Kennedy proposals, but two grant proposals were submitted to the NOAA Preserve America; unfortunately, neither of those proposals was funded this year. The committee reviewed the SSPC Strategic Plan and research priorities and formed a working group to develop a more formal strategic plan for review at the next SSPC meeting. The working group will also consider revising the Five-Year Research Priorities.

Regarding social science planning, the SSPC recommended that the Council direct staff and PIFSC social scientists to begin preparation for the next Saltonstall-Kennedy solicitation and make every effort to support territorial capacity development.

Regarding social science planning, the SSPC recommended that the Council staff provide technical support to the working group to fully develop and produce a formal Social Science Strategic Plan and updated SSPC Research Priorities.

7. Non-Commercial Fisheries Advisory Committee

DeMello reported that there were no Non-Commercial Fisheries Advisory Committee (NCFAC) recommendations.

8. Federal Data Collection and Research Committee

Sabater reported on the Federal Data Collection and Research Committee (FDCRC) meeting held on June 19, 2017 and its recommendations. The FDCRC approved and endorsed the Pacific Islands Regional Implementation Plan for transmittal to NMFS.

Regarding fishery data collection improvement, the FDCRC recommended that the Council undertake the following:

- Direct staff to the Memorandum of Agreement (MOA) on Data Sharing with Guam Division of Aquatic and Wildlife Resources (DAWR) for signature by the Council executive director and DOA secretary and request DMWR and CNMI Division of Fish and Wildlife (DFW) to provide edits and comments on their respective MOAs to Council staff for final revision.
- Request NMFS-WPacFIN to evaluate the effects of the 24-hour shift in Guam and American Samoa for the improvements in the catch estimation and update the analysis of the impact and effectiveness of the American Samoa fuel subsidy program to also include 1) analysis of the changes in species composition; 2) effects on CPUE defined as catch per trip and catch per hour; 3) changes in size structure, comparing before and after the implementation of the subsidy program.
- Support the CNMI DFW in finalizing the rules and regulation package to support the public law on mandatory reporting; request the local fishery management agencies to explore options for licensing and reporting for species with annual catch limits; and direct staff, in collaboration local fishery management agencies, to explore the options for privatizing the data collection program in the territories.

9. Scientific and Statistical Committee

Callaghan presented the SSC report and recommendations. With respect to EFH, the SSC formed a working group comprised of Frank Camacho, Domingo Ochavillo, Ryan Okano and Michael Tenorio to support Council staff regarding all issues relevant to EFH issues. With respect to evaluation of the 2016 catch relative to the 2016 ACLs, the SSC members noted that the ACLs for rabbitfish, 163 pounds, and the CNMI slipper lobster, 60 pounds, were extremely low in absolute terms. For the rabbitfish overage, the SSC members expressed concern that the catch estimate may not be reliable due to sampling error. For Guam jacks and Hawai'i crustaceans and mollusk, there may be a need to develop species-specific ACLs in the future.

With respect to evaluation of the 2016 catch relative to the 2016 ACLs, the SSC recommended the following:

- Option 1, no overage adjustment for rabbitfish in American Samoa and slipper lobsters in the CNMI. The SSC also recommended improving the data collection for these species and re-evaluating the expansion algorithms used to determine the catch levels.
- Option 2, apply the overage adjustment to the original ACL for jacks in Guam and crustaceans and mollusks in Hawai'i. The SSC also recommended that the Council work with PIFSC and local fishery management agencies to improve data collection and management.

- The Council and local fishery management agencies work on developing licensing and reporting requirements for fishers who harvest ACL species.

With regard to the Five-Year Research Priorities, the SSC supported updates to the Council's research priorities as proposed by the PSAC.

With regard to Stock Assessment Improvement Plans, the SSC reviewed the SSC Stock Assessment Improvement Plans and working group report and endorsed the comments for transmission to the NMFS by the June 15, 2017 deadline.

With regards to BSIA, the SSC recommended that it be involved in the development of terms of reference for any peer review process. In addition, the SSC shall review draft stock assessments prior to any peer review. The SSC further recommended that it review other scientific information, including ESA consultation documents, before any final agency decision.

J. Public Hearing

Boggs said the Council recommended the ecosystem component amendment some time ago. He did not think Sabater could complete it within the next year. This is a question of taking species off the list. He said he understood the scientific enthusiasm for what should be considered a good job but suggested the Council expedite the amendment even if the Council has to sacrifice some of the analysis in order to complete the analysis sooner rather than later. The many MUS are taking up a lot of people's time. PIFSC wants a sensible set of MUS, and the amendment should be completed sooner rather than later.

Simonds said the ideal situation would be that this amendment is complete by the end of the year.

Boggs said a lot of information on which the Council may base a decision has been produced. He asked what the downside might be for changing management of a few species to ecosystem components instead of using ACLs.

Simonds said we were one of the first Councils to define EFH and NMFS was sued for not doing its job in other regions of the country.

Boggs said being on the list isn't doing the stocks any good since there are no stringent management measures in place. He asked that the Council fix it.

Simonds said the FDCRC discussed this. The territories should improve reporting for those species that will remain in ACLs and those without data should be removed from the MUS list.

K. Council Discussion and Action

Regarding the SAFE reports, the Council took the following actions:

1. **Recommended evaluation of the increasing trend in olive Ridley turtles in the Hawai'i deep-set and American Samoa longline fisheries, with consideration given to the overlap of olive Ridley thermal habitat (vertical and horizontal) and fishery operational characteristics. The Council noted that the two fisheries are exhibiting similar trends and factors influencing the trend could be evaluated together and may also be combined with a larger effort to evaluate ecosystem factors influencing bycatch in the longline fishery as previously recommended in the review of the 2015 report.**
2. **Recommended evaluation of the effectiveness of the 2011 American Samoa longline fishery green turtle measure that required gear configuration to set hooks below 100 meters.**
3. **Directed staff to continue exploring the applicability of the Control Chart as an approach to monitor protected species interactions for longline fisheries with observer coverage through a standardized approach.**
4. **Directed staff to work with the Council Data Integration contractor in incorporating the following variables in the exploratory data analysis: effect of subsidy program, market forcing and effects of fish import-export.**
5. **Directed staff to, in coordination with NMFS-WPacFIN staff, convene a Plan Team working group to finalize the species table used to generate fishery statistics**
6. **Directed staff to explore avenues of further funding to support development of future climate indicators that have been identified as SAFE work items for the future, such as rainfall, wind, extra-tropical storms, etc.**
7. **Directed staff to scope the non-fishing impacts review through its advisory bodies.**
8. **Directed staff to develop options for refining precious corals EFH for the Council's consideration.**
9. **Directed staff to work with PIFSC and PIRO to review whether the updated information in the precious corals species descriptions requires amendment to the precious corals regulations and specifications.**
10. **Endorsed the SSC formation of a working group to support staff analyzing and evaluating EFH reviews. The working group is comprised of Camacho, Ochavillo, Okano and Tenorio.**

*Moved by Sensui; seconded by Soliai.
Motion passed.*

Tosatto changed the language of recommendation number nine to review whether the updated information requires amendment to regulations and specification.

Regarding the 2016 catch overages, the Council recommended not taking overage adjustment for the American Samoa rabbitfish and requested NMFS PIFSC to re-examine the 2016 catch estimate for potential estimation error. Therefore the ACL for American Samoa rabbitfish remains at 163 pounds for fishing year 2017. The Council decision was based on the following: The American Samoa rabbitfish recent three-year average of catch amounting to 435 pounds, which exceeded its ACL of 163 pounds, was attributed mostly with the night time spear fishery and data collection improvements where DMWR implemented the evening shift that captures the night time shore-based spear fishery. The catch data used to calculate the MSY and harvest reference points did not include the night-time spear fishery. This data improvement effort resulted in better accounting of the catch; the overage was not due to changes in the fishery and fishing effort. The Council noted that the 2016 catch estimate is possibly due to estimation error as pointed out by the SSC.

Moved by Duenas; seconded by Soliai.
Motion passed.

Tosatto said he would abstain from the ACL votes since he must consider the recommendation or approval at later time. He said he supported the direction of the Council in all four recommendations but noted a need to overcome some of the operational issues associated with ACLs in order to prevent overfishing in the future. He noted that the application of the accountability measures to the original ACL is consistent with the fact that the original ACL was based on the best information available at that time. He added that in all cases the Council must closely monitor the stocks in future years to ensure that issues with those stocks are spotted.

Regarding the 2016 catch overages, the Council recommended not taking overage adjustment for the CNMI slipper lobsters and retaining the ACL at 60 pounds for fishing year 2017. The CNMI slipper lobsters recent three-year average of catch amounting to 101 pounds exceeded its ACL of 60 pounds. The slipper lobster fishery is tracked through the commercial receipt books. There was no catch time series for this MUS on which to base the ACL. The increase in catch can be attributed to the implementation of the Territory Science Initiative designed to improve the data submitted to the commercial receipt books. In 2016, 59 invoices and 19 fishermen reported sale of slipper lobsters, while none were reported in the previous years. The data is a result of better accounting of the catch and is not due to changes in the fishery and fishing effort.

Moved by Duenas; seconded by Gourley.
Motion passed.

Regarding the 2016 catch overages, the Council recommended applying the overage of the Guam jacks to the original ACL resulting in an ACL of 23,894 pounds for fishing year 2017. The Guam jacks recent three-year average of catch amounting to 26,607 pounds exceeded its ACL of 21,201 pounds. The ACL was reduced to this level due to the overage in the previous year. The catch in 2016 leveled at similar levels as the two years prior. The overage in 2016 was due to the reduction in the ACL and not due to

changes in the fishery. The Council noted that the three-year average catch is below the harvest limit reference points.

Moved by Duenas; seconded by Soliai.

Motion passed.

*Regarding the 2016 catch overages, the Council recommended applying the overage of **Hawai'i crustaceans and mollusks to the original ACLs resulting in ACLs of 31,994 pounds for the coral reef crustaceans and 27,974 pounds for the coral reef mollusks for fishing year 2017.*** The Hawai'i crustaceans and mollusks' recent three-year average of catch amounting to 28,140 pounds and 38,889 pounds exceeded their ACLs of 26,637 pounds and 31,163 pounds, respectively. Similar to Guam jack, the overage was due to the reduction in the ACL whereas the 2016 catch estimate continually decreased in the last three years. The Council noted that the three-year average catch is below the harvest limit reference points for the coral reef crustaceans.

Moved by Sensui; seconded by Soliai.

Motion passed.

Regarding the 2016 catch overages, the Council reiterated the importance of the ecosystem component amendment to address the operational issues associated with the data limited stocks managed under ACLs and requested NMFS to support the Council to prioritize the completion of the ecosystem component amendment package and requested Hawai'i DAR, CNMI DLNR, Guam DOA and American Samoa DMWR to consider licensing and reporting requirements for fishers who harvest ACL species and support the Council co-managing species in the FEPs under ACL-based management.

Moved by Sensui; seconded by Soliai.

Motion passed.

Alton Miyasaka, State of Hawai'i, asked what co-managing meant in the recommendations.

Sabater said the intent in the word co-managing would be similar to the MHI bottomfish fishery where the State and NMFS manage stocks found in both State and federal waters.

Tosatto said the State of Hawai'i and NMFS developed a management scheme where NMFS tracks the catch through the State of Hawai'i reporting system and both fisheries close together. He said the ecosystem component amendment is directly tied to improving coordinated management of these stocks.

Regarding research priorities, the Council approved the updates to the MSA five-year research priorities and cooperative research priorities and directed staff to transmit the priority documents to the Secretary of Commerce and NMFS PIFSC and requested NMFS PIFSC to provide updates on PIFSC activities and projects

addressing the Council's MSA five-year research priorities using a standardized monitoring matrix.

Moved by Sensui; seconded by Lutu-Sanchez.

Motion passed.

Regarding social science program and research, the Council directed staff to provide technical support to the SSPC working group to fully develop and produce a formal Social Science Strategic Plan and update the SSPC research priorities for review at the 172nd Council meeting; and directed staff to coordinate with PIFSC social scientists and SSPC members to support Pacific Island communities and organizations in drafting competitive Saltonstall-Kennedy proposals directed at territorial capacity development and research.

Moved by Goto; seconded by Soliai.

Motion passed.

Regarding fishery data collection, the Council requested that NMFS WPacFIN evaluate the effects of the 24-hour shift in Guam and American Samoa for the improvements in the catch estimation. In addition, the Council requested NMFS to update the analysis of the impact and effectiveness of the American Samoa fuel subsidy program to also include 1) analysis of the changes in species composition; 2) effects on CPUE defined as catch per trip and catch per hour; 3) changes in size structure, comparing before and after the implementation of the subsidy program; and directed staff to work with the CNMI DFW staff in finalizing the rules and regulation package to support the public law on mandatory reporting; to explore, in collaboration local fishery management agencies, the options for privatizing the data collection program in the territories; and to finalize the MOA on Data Sharing with Guam DAWR for signature by the Council executive director and DOA secretary. Furthermore, the Council requested DMWR and DFW to provide the edits and comments on their respective MOAs to Council staff for final revision.

Moved by Goto; seconded by Soliai.

Motion passed.

Regarding the Marine Recreational Information Program, the Council directed staff to submit the Pacific Islands Regional Implementation Plan to support the improvements in fishery data collection in the Western Pacific region.

Moved by Goto; seconded by Soliai.

Motion passed.

Regarding outreach and education, the Council directed staff 1) to develop and/or support the development of climate-related outreach materials and activities that are visually appealing, culturally appropriate, visual and interactive; that convey positive and empowering messages; that engage and empower youth; that integrate navigation

and seafaring legacy and fisheries; that use plain language, formal and informal education venues, storytelling, translation in native languages and social media, including sustained funding for social media moderators; 2) to develop a catchy, meaningful and memorable slogan for the climate outreach efforts; 3) in preparation for community workshops on climate and fisheries, to coordinate a train-the-trainers workshop that includes the NOAA scientists who presented at the 6th MPCCC meeting and the MPCCC committee members. Prior to workshop, MPCCC members would survey their communities to assess how climate is perceived. The workshop would complete development of the PowerPoint slide deck to be used at the community workshops; 4) to support citizen science for local data to engage the public and for community workshops on climate change; and 5) to provide the MPCCC with a list of science fair projects and identifying mentors for such projects as well as information on how to access all the websites and other material presented and discussed at the 6th MPCCC meeting.

Moved by Sensui; seconded by Goto.

Motion passed.

Gourley expressed concern regarding the utility of citizen science in the SAFE reports. As a fishery manager, he said he would like to see scientific information collected in a proper way. There are different levels of citizen science, and the recommendation was to direct staff to support citizen science.

Spalding said that this information will not be used for the SAFE report. The Plan Team indicated that the SAFE report will only contain long-term reliable data to which the public has access.

Simonds asked which advisory group generated this recommendation.

Spalding said it was the MPCCC.

Callaghan cautioned the Council on supporting this recommendation until the Council knows what constitutes citizen science.

Tosatto said the humpback whale counts done by the public along the shore for four weekends reported in a standardized form is an example of citizen science. That data is not used by cetacean biologists to produce stock assessments required under Marine Mammal Protection Act (MMPA). It has great value as an outreach and education opportunity for the conservation of humpbacks whales. Tosatto said the king tide photos are another example of citizen science.

Simonds suggested rewording the recommendation to add the actual action and end product into the recommendation.

Spalding revised the recommendation.

Regarding multi-jurisdictional coordination in climate activities, the Council 1) requested NMFS PIFSC provide its points of contact in each jurisdiction to the MPCCC

members and that these points of contact work closely with local MPCCC members on continuing basis in regards to a changing climate and fisheries and fishing communities including implementation of the PIRAP to the NOAA Science Strategy (the Council noted the importance of local points of contact to provide local knowledge and insights); 2) directed staff to include climate change in its Regional Ecosystem Advisory Committees' agendas as a regular item (the Council noted the importance of coordination across and among local and federal agencies on climate issues); 3) directed staff to develop and make available to the MPCCC members the points of contact and organizational charts for federal and local agencies; and 4) requested Sea Grant to explore opportunities for better support of outreach and education and scientific projects around the region.

Moved by Sensui; seconded by Goto.

Motion passed.

VII. Protected Species

A. Main Hawaiian Islands Insular False Killer Whale Abundance Estimate

Amanda Bradford reported on the new abundance estimates for the MHI insular false killer whale population. Monitoring endangered populations requires data that can be difficult to collect because by nature these populations are rare, cryptic or inaccessible. The resulting data deficiencies pose challenges, as NMFS is mandated to proceed using the best available data. The guidance for using best available data emphasizes the importance of accounting for biases and uncertainties and acknowledging the limits of inferences that can be made. Bradford said this guidance was important in working with the challenging dataset for the insular false killer whales.

Robin Baird and colleagues at the Cascadia Research Collective have studied the MHI insular false killer whale population since 2000. The population associates in three social groups, or clusters. The population was listed as endangered under the ESA in 2012 and is considered a strategic stock under the MMPA, which means that NMFS must review the Stock Assessment Report (SAR) for this species annually. A current abundance estimate would enhance the SAR process as it would allow for better tracking of the population status.

The longitudinal photo-identification dataset, which is a record of individuals that are identified by their dorsal fins, can be used for abundance estimation with the mark-recapture method. To date, mark-recapture estimates have not been used in the false killer whale SARs. Instead NMFS has used catalogue sizes spanning several years. Values from catalogues are difficult to apply to a single year, as they are sensitive to sampling variability and they do not apply to all individuals in a population.

The objective of the study was to estimate the abundance of the MHI false killer whales from 2000 and 2015 using available mark-recapture methods and the longitudinal photo-identification dataset. The study also explored the sensitivity of the resulting estimates to possible biases, as the dataset has some biases imposed by sampling constraints. The goal was to

provide a current abundance estimate that could be used to support the MHI false killer whale management needs.

The data come primarily from Cascadia odontocete surveys from 2000 to 2005, occurring from periods of one to six weeks off an island from one to six times per year during the 16-year period. The surveys are designed to maximize spatial coverage and encounters across multiple species, while also minimizing overlap and track lines during a given survey effort. The survey vessel was constrained to areas with suitable conditions for working with multiple species. As such most of the time the vessel was working in calmer waters on leeward sides. The Cascadia data were supplemented by opportunistic data from other research groups and ocean users, which enhanced the spatial and temporal coverage of the data including providing data for a couple of years in which Cascadia did not see MHI false killer whales.

In total, the data from this period resulted in 211 groups of MHI false killer whales that were encountered on 182 days from March 2000 to December 2015. For the analysis, only distinctive individuals represented by high quality photos and distinctive markings were used. As a result, the data consisted of 858 encounters of 171 distinctive individuals, about half of which are in Cluster 1 and a quarter each in Clusters 2 and 3. Bradford provided summaries of the data by year, month and island, which showed variability in encounters by year, higher encounters in August through December, and most encounters off Hawai'i Island.

The data show that individuals were encountered in as many as 11 years, although most were seen in only one or two years. The number of previously unidentified individuals encountered each year levels off toward the later years of the study period, meaning that individuals seen in later years have almost all been previously identified.

The mark-recapture method used for the abundance estimation was an open-model framework. The model used was a POPAN generalization of the classic Jolly-Seber model. The model estimates a number of parameters, which is an estimate of abundance in each sampling period, and, in this case, the years of the study from 2000 to 2015. Bradford and colleagues modeled the capture probability parameter considering a combination of effects of time and social cluster, used an AICc model selection and averaging, and then assessed goodness of fit through a variance inflation factor that addressed the lack of model fit.

It is important to define the study area in mark-recapture analysis. For the present analysis, the range of the MHI false killer whale population represented the study area, but the sampling effort did not fully cover the range of the population. The partial coverage is also not consistent between years, and it is not possible to evaluate whether all individuals in the population passed through the sampling area at some point during the sampling period. As a result, an important qualification of the analysis is that the resulting abundance estimate only applies to the portion of the population that uses the sampled area. Therefore, it may not be the total abundance of animals in the population.

Bradford explained the sensitivity analyses conducted to evaluate how robust the estimates of distinct individual abundance in the sampling area are to potential bias. The sensitivity analysis showed that the estimated abundance from subsets of data did not have major

departures from the abundance estimation based on the full dataset, indicating that the estimates from the full dataset are fairly robust to some forms of the sampling variability and bias in the data.

The POPAN model estimates are for only the number of distinct individuals in the sample there each year, which needed to be adjusted to account for all of the non-distinctive individuals that were in the sampled area. To do so, they took high-quality photos and determined the numbers of non-distinctive and distinctive individuals in each Cascadia group encounter, which gave the proportion distinctive for each group. The means for all groups were calculated after an analysis was conducted to ensure no factors were causing the distinctive proportion to change, such as encounter duration, number of photographic frames, group size or social cluster. The resulting proportion distinctive estimate of about 71 percent was used to scale the annual POPAN abundance estimates.

Bradford presented the analysis results, which showed the estimates by year, each social cluster and total abundance in the sampled area. In all years, the abundance in the sampled area was highest for Cluster 1 and lowest for Cluster 2, although the 95 percent confidence intervals overlap in most of the years. The point estimates of total abundance vary from year to year, which is likely a result of the sampling effort. To highlight one result, the estimate of abundance of all individuals in the sampled area in 2015 shows at least 167 MHI false killer whales in the population at that time.

The final estimates of the MHI false killer whale population in the sampled area from 2000 to 2015 underestimates true population size in each year. However, the magnitudes of those numbers are all less than 200, suggesting that the population is small, supported by the discovery curve. The estimates should not be used to estimate population growth rate and trends given that the relationship between the abundance estimates and true population size is unknown.

A survey design that systematically samples the study area at more comprehensive and consistent temporal and spatial scales would reduce bias in POPAN estimates. Such a study would be difficult to implement annually and costly to maintain over a long period of time. However, it may be possible to address the partial sampling bias analytically by using satellite telemetry data. Work is ongoing through a NOAA Cooperative Research grant-funded post-doc, so some results are expected in the coming year.

For now they have developed a tool that uses available data to produce current abundance estimates that more precisely meet management needs. Applying the 2015 POPAN estimate to the SAR, the new estimate increases the potential biological removal from one individual every 5.6 years to one individual every 3.3 years.

Bradford acknowledged Cascadia, funding sources and the photo data archive contributors and noted that the analysis results are in review as a manuscript.

Rice said he was happy to see the map showing half the area is not being surveyed, specifically on the windward sides. He asked if the survey coverage of July to December is because that is when Cascadia performs its two-week survey period on Kaua'i and Hawai'i

Island. He said Cascadia has been doing its research in Kawaihae and has been able to see more animals. Rice said he has been telling Baird for the last five years that he needed to go where the wind is. Rice asked if that is why Cascadia is seeing more animals (off Kawaihae) that are hardly seen in Kona.

Bradford said the satellite tag data show that the animals are using all sides of the islands whereas the sampling is occurring on the leeward sides. Any animals that only use windward sides are not accounted for in this analysis. PIFSC does not have any indication that there are animals that only use windward sides. When PIFSC encountered false killer whales off of Windward O‘ahu, they were known MHI false killer whales. Hotspots from satellite tags as well as input from people suggested sampling in areas previously not surveyed were likely to have higher encounter rates.

Rice said Baird sighted animals from the pelagic stock about a year and a half ago in an area south by Kona Point. He asked whether there have been more sightings of pelagic and NWHI stocks coming down into the MHI. He said his point over the last six years has been that they are wild animals and bulls jump the fence. They are the same species and mate with each other the same way. He asked how pelagic stock animals are distinguished from the insular stock.

Bradford said pelagic animals have been newly sighted close to Hawai‘i Island. Genetic sampling has confirmed that these populations are not breeding with each other to any meaningful degree. Baird and colleagues did not recognize the pelagic animals they encountered, and took biopsy samples and put satellite tags on them. NWHI animals have not been sighted in the MHI for some time. PIFSC will start the Hawaiian Islands Cetacean Ecosystem Assessment Survey in two weeks, which will be a five-month ship survey using two ships in the entire EEZ around the Hawaiian Islands. She said that, in her experience, drawing a line or saying these animals behave in only a certain way is like the researchers asking the animals to prove them wrong so they keep an open mind. Nevertheless, these animals are currently pretty separate populations.

Callaghan asked about the justification for using 200 as a cutoff for a small population. Would 201 be considered large?

Bradford said it was a relative term. For large animals that reproduce infrequently, a population of several hundred animals is considered small. The International Union for the Conservation of Nature has classifications based on quantitative metrics, but what was mentioned earlier was a relative term.

Rice said he has a comeback on Bradford’s point. When the listing of insular false killer whales under the ESA was considered, NMFS used photographs from the 1989 survey as a reference. The photographs were not available, but a paper said two scientists saw 400 individuals in one pile. Rice said, as someone who has been on the water 300 days a year since 1986, he has never seen a group of false killer whales that size. He has seen melon-heads and other pigmy whales in those size groups. He thinks the photos used for the ESA listing were a misidentification of animals, so it is not known if there were even 200 animals in 1989.

Bradford said she has not seen those photographs either. The person involved in those aerial surveys is deceased, but his status in the marine mammal field as an identification expert was unparalleled at the time. The person wrote multiple field guides on cetaceans and was involved in making nuanced identifications on different species or populations, identifying minor differences in morphological and identifying characteristics.

Sensui asked about the possibility of using aerial surveys.

Bradford said it is possible but logistically costly. Aerial survey is not the first choice due to human resources. Small-boat surveys provide access to animals for more than just counting them. Their group is looking at unmanned aerial technology, but the use of those for counting animals is not considered the best use of resources.

B. Seabird Workshop Plan

David Hyrenbach presented on the seabird workshop plan. He provided a brief background on the seabird mitigation in the Hawai'i longline fishery, which resulted in a large decline in seabird interactions after the measures were implemented. A recent paper published in 2014 by Gilman and Chaloupka demonstrated that a gradual increase in the number of interactions since the implementation was associated with the El Niño Southern Oscillation Index on a yearly basis and was mediated by the abundance of albatrosses around the vessels.

A large 2015 El Niño event extending into 2016 coincided with a spike in the seabird interaction rate in the deep-set longline fishery. This pattern was brought to the attention of the PSAC and the Pelagic Plan Team, and the Council recommended continued monitoring of the interactions through the SAFE report and to research the connections among oceanography, albatross foraging, at-sea distribution and interaction rates to better understand the underlying mechanisms. The higher interaction rates continued in 2016, motivating Council staff working with NMFS to convene an albatross workshop with a goal of improving understanding of these factors. Additionally, the data integration chapter of the 2016 Pelagic SAFE Report discusses the seabird-oceanography association.

The workshop is scheduled for Nov. 7 to 9 and is being planned by a steering committee consisting of Council staff, PIRO Sustainable Fisheries Division staff, Jeff Polovina and Hyrenbach. The objectives of the workshop are targeted at understanding the drivers for the increased interaction rates. The workshop will review the recent pattern, explore possible factors, explore and evaluate the potential population level impacts of these increased interactions and provide input for future analysis and data collection. The full workshop report will be made available to the SSC and Council in March 2018, and the outcomes will also inform the 2017 SAFE Report.

Simonds said the Council is pleased that the workshop is happening because, when increased interactions are reported, the Council is concerned about understanding the problem.

Goto said he is grateful that Hyrenbach put into context the mitigation techniques that have been in place for a long time and will continue to be in place with adjustments. Much of the

longline fleet's objective has been to minimize these interactions as much as possible. He agreed with Simonds that it will be interesting to see the results.

Hyrenbach said they are excited because the workshop will bring in top notch demographers who have considered climate and fisheries together to develop integrated models. He hopes that some of the hypotheses moving forward will then be funded externally to drive more research in this field.

C. Updates on Endangered Species Act Consultations

Ishizaki provided a brief update on the shallow-set longline fishery ESA consultation. It is in the process of reinitiation due to a newly observed Guadalupe fur seal interaction and the revised listing of the green turtle distinct population segments (DPSs). Since the March update, Council staff provided assistance in updating the reinitiation document, which PIRO is now reviewing.

D. Updates on Endangered Species Act and Marine Mammal Protection Act Actions

Lance Smith provided brief updates on ESA and MMPA issues, including ESA recovery plans, critical habitat, response to listing petitions, MMPA rules and the False Killer Whale Take Reduction Team (FKWTRT).

1. False Killer Whale Take Reduction Plan Implementation

Regarding the FKWTRT and the Take Reduction Plan, Smith reported that four false killer whale interactions have been observed so far this year, all in the deep-set fishery outside of the EEZ boundary. Of the four, one was a serious injury, another was a non-serious injury, and two were mortalities. The Southern Exclusion Zone has not been closed.

The FKWTRT held a webinar the day before. NMFS provided updates to the FKWTRT on the interactions, abundance information, mortality and serious injury determinations and update to the effectiveness analysis of the Take Reduction Plan. The FKWTRT also discussed its next in-person meeting, which will likely be held in early 2018. The meeting will focus on consolidating existing information and new analysis to provide a comprehensive review of the Take Reduction Plan and support the FKWTRT discussions. NMFS will be working on the details of the meeting in the coming months.

2. Other Actions

Regarding recovery plans, NMFS announced last fall its intent to write a recovery plan and five-year review for the North Pacific Loggerhead Turtle DPS. The recovery team includes members from Mexico, Japan and the United States. It will continue to meet through the end of this year. The recovery team intends to produce a draft recovery plan and five-year review simultaneously in 2018.

NMFS determined that a recovery team is not necessary for the MHI insular false killer whale DPS but held a recovery workshop last fall. The plan will be peer reviewed in early 2018. ESA-listed corals also do not need a recovery team, and a recovery outline was released in 2016 that announced NMFS' intention to develop an ecosystem recovery plan that does not focus solely on listed corals. NMFS is waiting for the NOAA Coral Reef Conservation Program to complete its five-year planning process, which will release a strategic plan soon. The recovery plan will complement the Coral Reef Conservation Program plan and any other relevant plans.

Regarding critical habitat for green turtles, the NMFS Office of Protected Resources in headquarters and USFWS are working on a joint national proposed critical habitat rule. Areas throughout Hawai'i, Guam, CNMI, American Samoa and the PRIAs are under consideration. NMFS is currently working on fulfilling requirements to consider Department of Defense's Integrated Natural Resources Management Plans and to conduct an economic and national security impact analysis. If the impacts of either of those outweigh benefits of critical habitat, then areas can be excluded. NMFS intends to issue a proposed rule by late 2017.

NMFS is also working on the critical habitat proposed rule for the MHI insular false killer whale. Due to a settlement agreement, NMFS is required to issue a proposal by early November 2017.

Coral critical habitat is being coordinated with the NMFS Southeast Region. The two rules may be merged into a single national rule. In the Pacific Islands Region, NMFS is considering areas in Guam, CNMI, American Samoa and the PRIAs. No critical habitat is considered in Hawai'i due to no listed corals. The target date is late this year.

Regarding listing petitions, the public comment period for the oceanic whitetip shark has closed and the final decision is due in December. The giant manta ray is about one month behind the oceanic whitetip timeline. The status review was recently completed for the Pacific bluefin tuna petition. NMFS will issue a proposed rule or a not warranted finding later this summer. NMFS is also working on a status review for the chambered nautilus. The 90-day finding for 10 species of giant clams will be issued later this month.

Regarding new rules under the MMPA, the humpback whale approach draft final rule has been completed internally. Its publication date is unknown. NMFS issued a proposed rule last August for the spinner dolphin approach regulations and received public comments focused on issues including the reliance of a 10-year old economic evaluation. NMFS is currently updating the economic evaluation and responses to public comments.

Rice asked how the false killer whale critical habitat rule might affect them.

Smith said critical habitat affects only federal actions through the consultation process. One would have to determine which actions are federal and if they might affect false killer whales.

Rice asked if a trolling boat fishing in a critical habitat area would be affected.

Smith said it would depend. It could be affected if it is part of a federal action.

Tosatto said critical habitat designation is for use by federal agencies to prevent adverse impacts to habitat by federal actions. If a fishery has a federal permit or is managed under a federal fishery management plan, it would be included in the consultation on the fishery. A charter fishery that does not have a federal permit is not likely to be affected by the designation. Council actions are already consulted, so it is also not likely to be affected. As NMFS implements regulations regarding impacts on a species, it would add impacts on critical habitat.

Rice asked who will enforce the approach rule for spinner dolphins.

Smith said NMFS will be involved with the enforcement, working with the State.

Tosatto said that the proposed rule is not final, so no prohibitions are currently in effect for that rule. Harassment of marine mammals is already prohibited. One of the rationales for the approach rule is the difficulty in enforcing a general harassment provision. The proposed rules would put in a series of more identifiable actions that can be enforced. Tosatto expects NOAA OLE and the State would cooperate on management to the extent possible.

Sensui asked about the status of oceanic whitetip shark petition.

Smith said NMFS was petitioned in 2015 to list the species range-wide. It issued a proposed rule last year to list the species range-wide. NMFS thinks the species warrants being listed as threatened under the ESA. It is currently evaluating public comments and any new information that became available after the proposed rule was issued to determine whether to go forward with the final listing as threatened.

E. Advisory Group Report and Recommendations

1. Advisory Panel

DeMello reported that there were no AP recommendations.

2. Protected Species Advisory Committee

Hyrenbach reported on the PSAC meeting discussions and recommendations for the sections pertaining to fisheries and protected species management. Additional recommendations were presented during the Program Planning section. PSAC made the following recommendations:

Regarding protected species, the PSAC commended PIFSC for the analysis of spatial and temporal trends in the deep-set longline fishery and recommended that the analysis be expanded to include shallow-set longline fisheries and for bycatch data.

Regarding protected species, the PSAC supported the convening of a seabird workshop to evaluate the influence of oceanographic factors on fishery interactions, albatross distribution at-sea and albatross demography. PSAC noted similar increasing interaction rates in the shallow-set and deep-set longline fisheries and recommends including both fisheries data in the scope of the workshop.

Regarding protected species, the PSAC recognized the need for information on protected species interactions with insular fisheries and supported developing mechanisms to gather those data, which may include the State of Hawai‘i obtaining applicable ESA incidental take authorization.

3. Federal Data Collection and Research Committee

Sabater reported that there were no FDCRC recommendations.

4. Scientific and Statistical Committee

Callaghan presented the following SSC recommendations:

Regarding the MHI insular false killer whale abundance estimates, the SSC recommended that PIFSC review the peculiar saw-tooth pattern in the annual abundance estimates to support more confidence in the annual population size estimates and looked forward to PIFSC’s response.

Regarding updates on ESA and MMPA actions, the SSC recommended the Council send a letter to NMFS requesting that it reevaluate the need for the Southern Exclusion Zone closure.

F. Public Comment

There were no public comments.

G. Council Discussion and Action

*Regarding seabird interactions in the Hawai‘i longline fishery, the Council **endorsed the plan to convene an albatross workshop in 2017 to evaluate the influence of oceanographic and other factors underlying fishery interactions, albatross distribution at-sea and albatross demography and directed staff to provide a report of the workshop at the March 2018 SSC and Council meetings.***

Moved by Rice; seconded by Sensui.

Motion passed.

*Regarding the analysis of spatial and temporal trends in the deep-set longline fishery, the Council **recommended PIFSC expand the analysis to include the shallow-set longline fishery and for bycatch data.***

Moved by Rice; seconded by Sensui.

Motion passed.

*Regarding the insular false killer whale abundance estimates, the Council **recommended that PIFSC review the saw-tooth pattern in the annual abundance estimates to support more confidence in the estimates.***

Moved by Rice; seconded by Sensui.
Motion passed.

Regarding the False Killer Whale Take Reduction Plan, the Council **directed staff to send a letter to NMFS requesting that it reevaluate the need for the Southern Exclusion Zone closure.**

Moved by Rice; seconded by Sensui.
Motion passed.

Tosatto said he would abstain from voting on this motion. He said that the zone was implemented as part of the Take Reduction Plan, so he would need to have input from the FKWTRT to inform his review.

VIII. Pelagic and International Fisheries

Tucher provided information on recusals for action items in the pelagic section of the agenda. He advised Soliai to recuse himself from the votes concerning American Samoa LVPA and the American Samoa longline permit modifications. He may comment on and engage in debate on these issues but must not participate in the vote on any action issues thereto.

A. 2017 Hawaii Longline Bigeye Tuna Catch Projection

Boggs reported on the bigeye tuna monitoring program used to establish temporal closures in the WCPO and EPO for bigeye tuna catches by US longline vessels. US longline vessels (Hawai'i-based) fished under a WCPFC limit of 3,554 mt in 2016, which was reduced to 3,345 mt in 2017. In the EPO, US vessels (Hawai'i- and California-based) fished under an IATTC limit of 500 mt for vessels 24 meters or more in length. Boggs showed catch projections for both the WCPO and EPO by the US longline vessels and the dates that the catch limits are likely to be reached. The longline fleet had about 700 mt remaining before the quota is reached this year.

Goto thanked Boggs and asked if e-logbook reporting would speed up the monitoring and forecasting process.

Boggs said e-reporting would help PIFSC to determine the number of fish caught, but the weight would still be uncertain. The forecast would be improved if everyone participated. One of PIFSC's goals this year is to develop a model using inputs for how many vessels are on the water, their locations, CPUE and an index of CPUE and to determine whether a new model would be an improvement over the current forecasting model.

Sesepesara asked how the territorial bigeye allocation worked.

Goto said the arrangements are specifically written. Some are multi-year; some are for a single year. The same language had not been used each time. It is based on the fishing year.

Sesepesara thanked Goto for the explanation.

Boggs explained the statistical properties of the model and how this could be used to ascertain how many territorial agreements would be needed to see out the fishing year.

Ebisui thanked Boggs for his model. He said that, despite the tiny volume of bigeye caught by the Hawai'i longline fishery, the United States appeared to be the only fishery that shuts down once its quota is reached.

Boggs said some countries operate under capacity and do not use all of their quotas. Moreover, the total Hawai'i bigeye longline catch was upwards of 9,000 mt with the territorial transfers, which was not an insignificant volume of WCPO bigeye.

Sensui asked if the quotas will be renegotiated, since some countries do not use their full quota and the US fishery reaches its quota every year.

Bigelow said the quotas will be renegotiated in December of this year as part of the new tropical tuna measure.

Simonds said Boggs should share his model with the IATTC so it would not generate incorrect bigeye forecasts and have to reopen the fishery when closed prematurely.

Boggs said EPO forecasting requires a non-simple model with electronically reported inputs.

Simonds asked when the entire longline fleet would be converted to e-logbooks.

Bigelow said e-reporting is delayed by an encryption problem in the data reported from the vessel to NMFS PIFSC. There is also a pilot project to implement electronic monitoring. Bigelow said he would give an update on this issue at the October Council meeting.

B. American Samoa Annual Longline Fisheries Report

Bigelow reported on the performance of the American Samoa longline fishery in 2016. In the March meeting he presented some preliminary catch and fishery performance statistics from the American Samoa-based longline fishery for 2016, and he was here to present the final data.

In 2016, about 20 vessels were active in the fishery, similar to 2015. The majority of those vessels fished exclusively inside the EEZ, through three vessels fished outside the EEZ in 2016. Effort has been declining. The highest effort was in 2007, at about 17 million hooks. The estimate for 2016 was about 6.8 million hooks. Effort outside the EEZ amounted to only about 62,000 hooks. South Pacific albacore is the target species, and fishery performance was lowest on record in 2014. There was some improvement in 2015 and a small decline in 2016, largely in effort. About 80,000 albacore were landed in 2016 compared to 94,000 in 2015. Albacore is seasonally most abundant during the austral winter and less abundant in the austral summer.

A 50-nm LVPA was enforced from 2002 to January 2016. Large longline vessels were allowed to fish between 12 and 50 nm from shore starting in 2016. The Council requested effort, catch and CPUE data in those previous LVPA boundaries. Of the 20 vessels that fished in the

entire fishery, 16 vessels were active in either Swains to the north or Tutuila to the south. There were 6.8 million hooks set, with about 5 percent set in Swains and about 9 percent in Tutuila. About 133,000 fish were caught with about 7 percent caught in Swains, or about 9,000 fish, and about 8 percent in Tutuila. About 20,000 fish were landed from the two areas opened in 2016.

The concern with the LVPA is the catch competition with the local trollers for species such as yellowfin and skipjack tuna. Longlines caught about 3,300 yellowfin and skipjack in Tutuila and 2,000 in Swains. A comparison of CPUE showed that Swains, at least in 2016, had a higher CPUE than non-LVPA areas for skipjack and bigeye. There were some curiosities in the troll catches when WPacFIN reanalyzed the data; the reanalysis indicates that fishery performance in 2016 was quite similar to the long-term average.

Bigelow presented preliminary information for 2017 for the closed and exempted areas. In January through April 2017, 11 vessels were active. Fewer than three vessels were active in Swains, while 11 have fished in Tutuila. Thus far, about a million hooks have been set and about 15,000 fish have been caught. The percentage of effort in Tutuila is about 7 percent of the total effort. CPUE is really low in Tutuila, since 7 percent of the overall effort accounts for only 3 percent of the catch.

Sesepasara asked why the data for longliners operating around Swains was confidential.

Bigelow said NOAA rules prevent publicly disclosing information from fewer than three fishery units or entities.

Lutu-Sanchez asked if the 2017 data extended up to March.

Bigelow said yes.

C. American Samoa Large Vessel Prohibited Area (Action Item)

Kingma presented potential options for the American Samoa LVPA, following the vacating of recent management action by the Council in early 2017. The Council's management action reduced the LVPA restrictions from 50 nm to 12 nm from shore for the American Samoa longline fleet in January 2016. The American Samoa longline fleet remains in a precarious situation economically, having reached the lowest level of participation and catch in the fishery since the mid-1990s. This, coupled with the uncertainty surrounding the future of the fish canneries in American Samoa, creates a climate of uncertainty and disincentive to invest for the future of the longline fishery.

Due to the court's decision, the Council will consider whether to take additional action on the LVPA and define cultural fishing in American Samoa and consider how to protect it. Kingma summarized definitions of cultural fishing in American Samoa. A survey of chiefs and fishing participants revealed a chief in the mid-1980s suggested that fish is culture, suggesting that the primary motivation for fishing is cultural rather than commercial. While vessel owners of large longline vessels have not been interviewed, cultures evolve to include the use of modern gear. Kingma framed options on the definition of cultural fishing around whether the definition would be gear-based, community-based, inclusive of all American Samoa residents or based on the

disposition of the catch. The options for the LVPA included an exemption beyond 12 nm and an exemption beyond 25 nm.

Sensui said Hawai'i might be facing somewhat similar issues when it comes to the concept of cultural fishing practice and what sort of gear is involved. It seemed that the value of fishing would transcend a change in gear types. In contemporary society the instrument of trade is cash money. In traditional societies, there would be something more like customary exchange where individuals bartered or traded goods and services for something of value, such as fish.

Sesepesara said there was a lack of information on why the alia longliners crashed before the larger longline vessels. He asked if the low catch of the alia was due to the longliners intercepting the albacore stock before entering the alia fishing grounds.

Simonds said that we have some of that information, but it could be that some of the small alia went bottomfishing instead.

Sesepesara said most of the alia vessels are bottom fishing now, because longline fishing is not affordable for them.

Kingma said the American Samoa longline catch rates decreased for both alia and large longline vessels in the fishery. The question still remained about whether the alia fishery reduction in CPUE was attributable to large longline vessels entering the fishery or because of the increase in catches of albacore in the whole South Pacific region. It was the Council perspective that both sectors experienced declines in catch rates at nearly the same time and rate. These stocks seasonally migrate through the US EEZ surrounding American Samoa as well as those of neighboring countries. It is believed that region-wide increased catches of South Pacific albacore by other fleets led to reduced performance across the entire range of the stock.

Sesepesara agreed about the region-wide decline in albacore longline fishing but maintained his point that the alia fleet, the fishery pioneers, was enjoying good catch rates of albacore, but these declined when the larger vessels entered the fishery.

Kingma said the reason the large longline vessels were able to endure longer was due to the economies of scale. The larger longline vessels were able to roam farther and increase their loads with less operating costs.

Rice said that, when the large longline vessels entered the American Samoa fishery, the Asian fleets in Western Samoa and Cook Islands doubled their size. Fish was caught before it entered the US EEZ around American Samoa.

Lutu-Sanchez said that her first involvement in the alia fishery was cleaning fish for her father who had a fleet of alias. Alia fishing was hard and expensive, with fuel costs and costs for outboard motors. Alias could not deliver fish directly to the cannery; fish had to be frozen in domestic chest freezers which added to the cost. Costs have continued to increase, but the price of fish has declined.

The American Samoa Government wants to build super alia at a cost of \$400,000 per vessel. She said that a conventional longliner costs the same amount but saves money over time because the trip lengths are longer, there are freezers on the boat, and the vessel uses diesel. Fishing is still expensive. The original fishery development model was to start with the alia and eventually graduate to larger longliners.

Lutu-Sanchez asked if the cultural fishing definitions would apply to anyone fishing within the LVPA, if Council staff foresees that these definitions would sufficiently address the Deeds of Cession and if the same definition must be taken into consideration on the American Samoa Longline Limited Entry Program action as well.

Kingma said Council staff would develop these definitions and consult with the public, the American Samoa Government and the fishing community to refine the definition. There was no need to be designated as a cultural fisherman to operate within the LVPA. The burden on NMFS and the Council was to preserve and protect cultural fishing on a continual basis. This includes evaluating the management regime in the context of the Deeds of Cession and cultural fishing, not designating certain areas for cultural fishing.

Tucher said that under one federal judge's decision, the Deeds of Cession impose an obligation to protect and preserve cultural fishing, whatever that means, and that this is other applicable law. Every MSA action must comply with all other applicable law. Any time the Council prepares a fishery management plan amendment or regulation it must demonstrate in the administrative record that the action protects and preserves cultural fishing. This ruling applies to any decision that affects American Samoa fisheries. He said it is important how the Council chooses to define cultural fishing. In the litigation, the American Samoa Government's linchpin for invoking the Deeds was the alia fishing fleet. There's no real reason for the Council to define cultural fishing to only include alia. That may develop during the rule-making process and the amendment process. Alternatively the Council could pursue something much broader and indicate that cultural fishing has components in all other commercial and non-commercial fisheries. The question is what is meant by to preserve and protect.

Soliai asked about the catch of the local longline vessels.

Kingma said 98 percent of the catch came from within the US EEZ around American Samoa.

Lutu-Sanchez emphasized that the remaining vessels in the American Samoa longline fleet are locally owned by American Samoans.

Kingma said that the Secretariat of the Pacific Community (SPC) conducted economic modeling with regard to the South Pacific albacore longline fleet and fishery. The projections do not foresee an improvement in the fishery. Indeed, the projections indicate a 14 percent decrease percent in CPUE of albacore over the next decade. This led FFA members and the United States to support efforts to improve international management of South Pacific albacore, but nothing has been achieved so far.

D. American Samoa Longline Permit Modifications (Action Item)

Kingma presented on the options for modifying the American Samoa longline limited entry permit program. Participation in the American Samoa longline fishery is nearly non-existent, with only one alia vessel operating since 2008. In 2002, the Council developed the longline limited entry program to limit access to the booming fishery. Since then, the alia fishery has disappeared and the large scale vessels are economically on their last legs. The Council made recommendations in 2011 to modify the permit program, specifically to remove potential regulatory barriers to new entry and streamline the program. Kingma asked the Council to review its 2011 recommendations and new information such as recent fishery performance and impacts to cultural fishing and make recommendations as appropriate.

The limited entry permit program was put in place in 2002 to prevent local depletion, maintain sustainable community participation, ensure opportunities for participation by indigenous American Samoans, reduce gear conflicts and minimize fish bycatch. The program established four vessel size classes based on vessel length. Only fishermen who landed fish prior to March 2002 are eligible for permits. Within a three-year period, there is a minimum harvest requirement in order to keep the permit.

Forty-four valid permits were issued in 2017, and 23 vessels are dual-permitted for Hawai'i and American Samoa. Most of the dual permitted vessels operate out of Hawai'i; some fish out of the US West Coast. In 2011, the Council recommended replacing the four vessel size classes with two vessel size classes, requiring US nationality for permit eligibility, eliminating the prior landings requirement and reducing the minimum harvest requirement for the smaller class. The options currently under consideration are to rescind the 2011 recommendations and maintain the status quo; maintain the 2011 recommendations and consider cultural fishing; or remove the small vessel size classes from the permit program, specify a fixed three-year period for transfers and modify the minimum harvest requirement.

One of the unforeseen issues with the permit program was that permit transfers allow the bypass of the minimum landing requirements. Hawai'i longline limited entry permit holders swapped permits or transferred them back to their original owners in American Samoa to roll the total landings back to zero. By fixing the transfer, the minimum harvest period would not restart in the event of a permit transfer and if the minimum harvest amount has not been caught at the time of transfer, the new permit owner would be required to meet the harvest requirement based on the following formula: the product of percentage of time left within the three-year permit period and the minimum harvest amount. Another option for the permit program is to require minimum landings within the territory.

The con of the status quo option is that the conditions that led to the limited entry permit program have changed. The eligibility criteria that requires prior documented history restricts new entry into the fishery, which could have an impact on cultural fishing. The complexity of the program may also discourage participation and does not address the dual permit issue, which may be diminishing benefits to the territory. The Council's 2011 recommendations, while they would allow new entry into the fishery, do not address the dual permit issue and may be overly complex. Removing the small-vessel size classes reduces barriers for new entry but would

remove the international recognition of the American Samoa albacore fleet as a 60 permit limited entry program. A fixed three-year permit period would address the dual permit issue. Requiring minimum landings within the territory would promote local economic benefits from fish landings, but it would reduce the flexibility of fishery participants and potentially cause market flooding.

Sesepasara requested time to discuss the options with all of the fishermen, the governor and political heads to avoid another lawsuit.

Kingma said that the final action on this measure would be taken in American Samoa in October.

Simonds asked the American Samoa Council members if the landing requirements cause market flooding.

Lutu-Sanchez said 98 to 99 percent of US-caught longline fish is delivered to the canneries; the claim that the US longliners flood the domestic fish markets was false. Foreign longliners unload at the canneries as well and benefit American Samoa by purchasing fuel and supplies locally. The Council has no control over whether the foreign longline fleets decide to donate 10 tons to the local hospital or sell to the highest buyer. She did not think the small amount of minimum landings would be a problem for American Samoa because the canneries buy tuna.

Simonds said the boats catch bigeye and yellowfin and not albacore.

Lutu-Sanchez said the cannery will buy yellowfin, bigeye and wahoo. The American Samoa longline limited entry program was a complicated permit system, created with the intent to meet the needs of the local community and allow for development of American Samoa fishing industry. It's important to review and amend the permit system so it reflects the current conditions in the fishery and the needs of today.

E. Update on Scoping and Development of Deep-Set Longline Programmatic Environmental Impact Statement

Ariel Jacobs, PIRO Sustainable Fisheries Division, presented an update on scoping and development of the deep-set longline PEIS. The last deep-set longline fisheries PEIS was completed in 2001. NMFS initiated public scoping for the development of draft PEIS on deep-set longline fisheries managed under the Pelagic FEP in February 2017. Public scoping meetings were held in February and March throughout the Western Pacific Region. The goal is to have a draft PEIS published by December 2017, with a public comment period running through spring of 2018 and a final PEIS in summer of 2018.

The proposed action is the continued authorization of the US Pacific Islands deep-set tuna longline fisheries of American Samoa, Guam, CNMI and Hawai'i, including vessels based on the US West Coast, as managed under the Pelagic FEP and other applicable laws. NMFS received comments from 58 separate entities, including 42 comments at public scoping meetings and 17 written responses. Comments related to the territorial bigeye tuna specifications and

allocations, comments on permitting programs and gear requirements, catch of tuna and non-target species, cumulative effects of the deep-set longline fisheries, interactions with protected species, monument expansion, socioeconomics, administrative process and authority, the purpose and need, the scoping process and alternatives and analysis. The next step is to develop a range of alternatives that respond to the purpose and need and any issues raised during the public comment period.

F. Report on Forum Fisheries Commission Meeting

Sesepasara reported on the Forum Fisheries Commission meeting. He thanked the Council for supporting his participation. The 102nd Officials Committee Meeting was held in Canberra between May 8 and 12, 2017. The meeting was mainly about approving the FFA budget and work plan. The meeting also discussed priorities for FFA member country in preparation for the 14th meeting of the WCPFC. The tropical tuna conservation and management measure was also discussed. There will be a workshop in Honolulu in August with a focus on developing a new tropical tuna measure.

G. International Fisheries Meetings

1. Inter-American Tropical Tuna Commission 2016 Stock Assessments

Dalzell reported on the stock assessments for the EPO. The tropical tuna fishery in the EPO shifted from yellowfin to skipjack when purse-seine boats began setting on FADs. The IATCC focuses on purse-seine management. The bigeye tuna population declined in the early 1990s and ceased around 2005 following IATTC conservation resolutions. The decline since 2010 may be related to below average recruitments. Increases in longline CPUE have driven improvements in the population since 2012. The bigeye stock is not overfished, and overfishing is not taking place. However, the Council must be mindful that uncertainty is always associated with stock assessments.

The yellowfin stock is evaluated to be overfished by the IATTC because the biomass is less than that which generates MSY, but overfishing is not taking place. The IATTC definition of overfished is any level of biomass below MSY. This is not the MSA definition.

IATTC infers the skipjack tuna stock status from the bigeye stock status because both stocks are considered to have the same susceptibility. Skipjack has substantially higher productivity than bigeye tuna. CPUE for skipjack is increasing, but average weight has declined. The decline in average weight could be a cause for concern, or it could mean that a large recruitment event is waning.

The United States and Canada catch Northern albacore in the North Pacific. The 2017 assessment was an improvement over 2014. Overfishing is not likely occurring, and the stock is not likely in an overfished state. A management strategy evaluation workshop will take place in Vancouver in October of this year to address the uncertainties in the assessment.

The IATTC has developed stock assessment tools for the dorado, or mahimahi. The stock structure is uncertain, and most data comes from Peruvian and Ecuadorian artisanal fisheries, the major exporters to the US mahimahi market. Recent catches are likely below MSY.

Rice asked how good the fence is that keeps the EPO and WCPO bigeye tuna stocks from mixing.

Dalzell said the Scientific Advisory Subcommittee of the US General Advisory Committee, which advises the US delegation to the IATTC, recommended applying any catch limits for tropical tunas (e.g., bigeye, yellowfin and skipjack) to all sizes of longline vessels fishing in the EPO as well as implementing and strengthening harvest control rules for tunas. The General Advisory Committee, which is made up of purse-seine and canning industry representatives, favored closure days over catch limits for the purse-seine industry, but it supported catch limits for all longline vessels and strengthening harvest control rules. The General Advisory Committee emphasized the need to show a correlation between the number of FADs with juvenile yellowfin and bigeye mortality, which work in the WCPO has well established, and acknowledged that FADs are a marine debris issue.

2. Western and Central Pacific Fisheries Commission

Kingma reported the Council's views on new WCPFC tropical tuna measures. The WCPO bigeye tuna stock assessment will be available for review in the next few weeks. NMFS will provide US government views for the chair of the WCPFC at the end of this month.

For purse seine measures, the Council may consider supporting flag-based FAD set limits, prohibiting dawn sets after a limit is reached, prohibiting FAD tender vessels, requiring non-entangling FADs and work toward biodegradable designs, and promoting research that examines purse-seine vessel bigeye limits.

In terms of longline limits, the flag-based limits were likely still appropriate, but there was also a need to explore transferability amongst all the Commission members and territories and apply limits to the Small Island Developing States and territories. The longline limits should also be delineated spatially by exploitation rates, which are highest in the equatorial band.

Sensui asked the reason for restricting setting on FADs at dawn.

Kingma said the restriction would help control compliance with a FAD set limit. Nearly all sets occur prior to dawn, so the restriction nearly eliminates FAD sets.

Sensui asked if the fish aggregate in the daylight.

Kingma said the fish move off the FAD when the sun appears.

a. Pre-Assessment Workshop Summaries

Bigelow reported on the Pre-Assessment Workshops held prior to the annual meeting of the WCPFC Scientific Committee in August. The workshops are important as member scientists

go to the SPC to agree on the assessments and sort out the data that will be used, the CPUE standardizations or relative abundance indices and the structural assumptions in the assessment. Sixteen scientists from 12 different organizations attended the two workshops on yellowfin and bigeye tuna and southwest Pacific swordfish.

The methodology for standardizing the operational longline CPUE indices was similar to the 2014 methodology. A cluster analysis separates longline vessels with more than minimal activity into their target stocks. If time permits, the SPC would like to try a geostatistical approach developed by Thorson in the Northwest Fisheries Science Center. The pre-assessment workshop is beneficial because the stakeholders agree on and understand the terms of reference of the stock assessments, which reduces confrontation in the Scientific Committee.

The new bigeye tuna assessment will consider new research suggesting that the bigeye tuna stock is more productive than previously thought and a revised spatial structure justifiable through tagging information that shows relatively little latitudinal movement from the equatorial band to the higher latitudes. The South Pacific swordfish assessment has considerable uncertainty with respect to growth, and the new assessment will use updated growth curves. The Scientific Committee will occur Aug. 9 to 17 with stock assessment documents posted by July 22.

3. International Scientific Committee Blue Marlin Stock Assessment

Dalzell reported on the blue marlin stocks assessment. Estimates of total stock biomass of blue marlin show a long-term gradual decline from 1971 to 2005. In contrast, recruitment fluctuated without trend over the same period. The base case assessment model indicates spawning stock biomass decreased to the MSY level in the mid-2000s and has since increased. The predicted value of the spawning potential ratio (the predicted spawning output at current fishing mortality as a fraction of unfished spawning output) is currently equal to 23 percent in the 2009-2011 timeframe. The stock is currently not overfished and is not subject to overfishing relative to MSY-based reference points.

H. Advisory Group Report and Recommendations

1. Advisory Panel

Judy Guthertz, overall AP chair, presented the AP recommendations for pelagic fisheries.

Regarding the limited entry permit program, the American Samoa AP recommended the Council maintain the 2011 recommendations to modify the limited entry permit program and transmit the regulatory amendments package for review and approval. Further, the AP recommended the Council specify a fixed three-year permit period that is the same as the three-year period to make minimum harvest requirements and, with permit transfers, taking the amount of time left within the three-year period and prorate it to minimum harvest amount. The AP further recommended that the Council require minimum landings to be delivered in American Samoa.

Regarding cultural fishing practices, the American Samoa AP recommended to the Council that cultural fishing can involve any gear type employed, including troll, handline and purse-seine methods using modern technology and materials.

Regarding the community considerations for cultural fishing practices, the American Samoa AP recommended to the Council that cultural fishing can involve persons from outside the American Samoa indigenous community but only if the vessel is owned by an indigenous American Samoa.

Regarding disposition of catch, the American Samoa AP recommended to the Council that cultural fishing can include non-commercial and commercial fishing activities, including commercial sale, trade or barter of the catch, either whole or in part.

2. Pelagic Plan Team

Bigelow presented four recommendations from the Pelagic Plan Team.

Regarding the SAFE report, the Pelagic Plan Team should use the entire time series for the 2016 report but move to the 10-year fishery data time series for the 2017 report for consistency between fishery chapters.

Regarding EFH, the Pelagic Plan Team recommended that Council staff explore a minimum depth for the definition of pelagic EFH that excludes depths seldom occupied by pelagic MUS.

Regarding the 2017 SAFE report, the Pelagic Plan Team recommended the following items be included in the socioeconomic module: community content, costs of fishing, economic performance metrics and a 2016 publication list.

Regarding the American Samoa small-boat fishery, the Pelagic Plan Team should investigate commercial versus non-commercial catch and seek further review and clarification from WPacFIN and DMWR.

3. Marine Planning and Climate Change Committee

Spalding presented the recommendations from the MPCCC.

Regarding tuna management, the MPCCC recommended that the Council undertake the following:

- Write to the SPC noting its support of SPC incorporating climate change information into tuna stock assessments. The MPCCC noted that the PIRAP for the NOAA Climate Science strategy identifies climate-informed reference points as an objective for bottomfish and billfish stocks but not for tuna.
- Encourage the governments of the territories to attend Head of Fisheries meetings at the SPC to ensure that future tuna stock assessments are climate informed.

- Request that the Permanent Advisory Committee to the US delegation to the WCPFC recommend that the regional allocation of bigeye tuna longline limits and purse-seine vessel day scheme be re-evaluated in light of the changing climate.

4. Federal Data Collection and Research Committee

There were no FDCRC recommendations.

5. Scientific and Statistical Committee

Callaghan reported on the SSC recommendations.

Regarding cultural fishing, the SSC agreed that the recommendations for cultural fishing should be considered by the Council in consultation with the American Samoa Government and the American Samoan fishing community. Further, the SSC recommended that the Council consider that cultural fishing can involve any gear type employed, including new technologies and materials; that the community-based option include residents of American Samoa who participate in cultural fishing; and that cultural fishing can include both noncommercial and commercial activities.

Regarding the Hawai'i longline fleet, the SSC suggested that future catch projections include effort and CPUE measures.

Regarding the blue marlin stock assessment, the SSC noted that 30 percent, or six out of 18, of the models used in the assessment indicated that the stock was overfished and experiencing overfishing. The SSC recommended that the assessment findings reflect these results and explain them in terms of management advice.

Severance reported that the SSC came to consensus that the definition of cultural fishing should be developed in concert with Samoan Council members and members of the Samoan fishing community and that it wasn't the SSC's place to develop such a definition since no SSC members are Samoan. The SSC also agreed that the Council should be cautious about setting a precedent for the other territories because of the cultural distinctiveness of each place. The SSC suggested that cultural fishing could be defined to capture Samoan values as they are embodied in Fa'a Samoa and service, collective sharing of resources, labor and income.

Severance said customary exchange is an old anthropological concept, referred to as generalized reciprocity. It's not the same as commercial, sale, trade or barter. Customary exchange emerged in non-cash cultures and is a way of giving and sharing without an explicit calculation of what will be received in return.

Lutu-Sanchez asked if it was possible to participate in commercial fishing and customary exchange.

Severance said yes, on the same trip and with the same catch.

Lutu-Sanchez asked if Severance had experienced any non-American Samoans participating in Fa'a Samoa customary exchange.

Severance said they interviewed people who married in and participated in sharing fish. In the research process, the interviewers developed a method of asking where fish came from at a party or event instead of asking the fishermen where their fish went.

Lutu-Sanchez asked whether Severance has observed differences between cultural fishing with American Samoans versus Western Samoans.

Severance said many of the interviewees identified as Samoans only. He noted that fishing in the Northern Marianas is distinctive in terms of fishing for fiestas and other types of cultural ceremonies.

I. Fishery Rights of Indigenous People Standing Committee

Soliai said the committee deferred recommendations to the plenary.

J. Pelagic and International Standing Committee Recommendations

Rice said the committee deferred recommendations to the plenary.

K. Public Hearing

Nate Ilaoa, Council on-site coordinator in American Samoa, read a comment on behalf of Rasela Feliciano in American Samoa.

Regarding Council Member Seseparasara's request to allow the American Samoa Government extra time to review the American Samoa limited entry program before taking action, Feliciano wrote the information regarding the dire status of the longline vessels is not new and have already been shared to the Governor and the Fono leaders during public meetings prior to the LVPA amendment that is now reverted by the judge. The financial data would be the only updated information. Unless there is something else new, what are we really reviewing?

Feliciano reiterated that 98 percent of her company's longline catches are sold to StarKist. The main catch is albacore, and 100 percent of that albacore goes to StarKist. Other catch includes bigeye, yellowfin and some wahoo. It is a false statement that the US longliners are flooding the local market.

L. Council Discussion and Action

Regarding the American Samoa LVPA, the Council directed staff to analyze the Council's 2015 action in light of the court decision that required consideration to protect and preserve American Samoa cultural fishing and to prepare such analyses for consideration by the Council for final action at its 171st meeting in American Samoa.

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed. Soliai recused himself.

Sesepasara asked that Kingma elaborate on what the recommendation means.

Kingma said it means the Council will consider the LVPA regulations in the context of cultural fishing and prepare documentation for final action.

Tosatto said the judge removed the regulations, but the Council recommendation remained unchanged. The Council must develop a definition of cultural fishing and consider how that would change the 2015 LVPA recommendations.

Sesepasara said he voted no because the governor has asked the fishery task force to meet with the fishing community and come up with alternatives for his review.

Regarding American Samoa cultural fishing, the Council **directed staff to develop a definition of cultural fishing that recognizes that Pacific Island cultures and fishing are inextricably linked and that cultural fishing in American Samoa is grounded in cultural values embodied in Fa‘a Samoa and Samoan practices such as tautua (“service”). The definition of cultural fishing should take into account the following: (a) fishing conducted by community residents of American Samoa in association noncommercial and commercial fishing activities involving any gear type employed; (b) fishing may include the use of traditional fishing gear as well as developing and new technologies and materials; and (c) cultural fishing may include other relevant factors identified through public scoping and stakeholder participation.**

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

Regarding American Samoa cultural fishing, the Council **directed staff to consult with the American Samoa government on the issue of American Samoa cultural fishing.**

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

Regarding the American Samoa longline limited entry program, the Council **recommended the following preliminarily preferred modifications and associated regulations:**

- a. Replace the four vessel classes with two, where Class A and B vessels would be considered “small” and Class C and D vessels would be considered “large”;**
- b. Restrict permit ownership to US citizens and nationals only and eliminate criteria for having documented history of participation to be eligible for owning a permit, but maintain the priority ranking system based on earliest documented history of fishing participation in vessel class size if there is competition between two or more applicants for a permit;**

- c. **Require that permits can only be transferred to US citizens or nationals, and eliminate the requirement for documented participation in American Samoa longline fishery to receive permit transfer;**
- d. **Reduce the “small” vessel class minimum harvest requirement to 500 pounds of pelagic MUS within a three-year period, but maintain the existing 5,000-pound harvest for the “large” vessel class;**
- e. **Require that the entire minimum harvest amounts for the respective vessel classes are to be landed in American Samoa within the three-year permit period, but that the minimum harvests are not required to be caught within the EEZ around American Samoa;**
- f. **Specify a fixed three-year permit period that is same as three-year period to make the minimum harvest requirement; and**
- g. **Require that the minimum harvest period not restart in the event of a permit transfer and that, if the minimum harvest amount has not been caught at the time of transfer, the new permit owner meet the harvest requirement based on the following formula: the product of percentage of time left within the three-year permit period and the minimum harvest amount.**

The Council further directed staff to prepare a regulatory amendment document for final action at the Council’s 171st meeting in American Samoa.

Moved by Rice; seconded by Lutu-Sanchez.

Motion passed. Soliai recused himself from the vote.

Rice asked if this is preliminary.

Simonds said it is initial action.

Sensui asked if the NMFS would multiply a percentage of time in a three-year period by a minimum harvest amount.

Kingma said that is correct.

Tosatto said he will abstain from the vote but he is supportive of the simplification of permit classes and refinement of requirements.

Regarding the development of new WCPFC tropical tuna measure, the Council recommended that NMFS incorporate the following elements in the US government position:

1. Purse Seine

- a. **Flag-based FAD set limits with potential for transferability**
- b. **Prohibit dawn sets after FAD set limit reached**

- c. Prohibit deployment of FADs by tender vessels
 - d. Require non-entangling FADs and work towards biodegradable designs
 - e. Promote evaluation that examines purse-seine vessel bigeye limits
2. **Longline**
- a. Flag-based bigeye longline catch limits
 - i. Potential transferability
 - ii. Delineate limits spatially (e.g., 20° N – 20° S)
 - b. Ban at-sea longline transshipment and support increased port sampling and monitoring capacity
3. **Other fisheries**
- a. Establish flag-based catch limits for other fisheries including Indonesia and Philippines
 - b. Continued data improvement programs

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

Regarding climate informed stock assessments, the Council directed staff to write to the SPC requesting how it is incorporating climate change information into tuna stock assessments, noting that the PIRAP Plan for NOAA Climate Science Strategy has identifying climate-informed reference points as an objective for bottomfish and billfish stocks.

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

Regarding Pacific fisheries, the Council encouraged the US Pacific Island representatives that attend the SPC Head of Fisheries meetings to request that climate change impacts are evaluated and incorporated into regional stock assessments and marine spatial planning efforts.

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

Regarding the Hawai'i longline bigeye tuna projections, the Council requested that PIFSC work to include fishing effort locations and CPUE estimates into the projections.

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

Regarding the International Scientific Committee's blue marlin stock assessment, the Council noted that Pacific blue marlin is not determined to be overfished or subject to overfishing but 30 percent (6 out of 18 models) of the model results indicate such conditions and requested NMFS, in its participation in the International Scientific Committee, encourage it to clearly indicate the full range of model results in stock assessment summaries and their implications and not just the base case model.

Moved by Rice; seconded by Lutu-Sanchez.
Motion passed.

IX. Mariana Archipelago

A. Guam

1. Isla Informe

Brent Tibbatts, DAWR, presented on the first three items in the Guam agenda. All creel surveys have been completed this quarter except for the aerial surveys. The top five species in the shore-based survey were goatfish, atulai, surgeon, jacks and rabbitfish and the top gear was rod and reel. The interaction rate for sharks in the trolling fishery decreased from 40 percent in 2016 to 18 percent this quarter.

The boating access program is solidifying plans for a boat ramp at Talofof Bay. When the approval for in-water work is received from their funder, work will be able to progress. DAWR staff participated in the Masso Kids Fishing Derby, a reservoir that is maintained as a fishing facility. DAWR is issuing cultural take permits for two marine reserves. There was a moderate juvenile rabbitfish season; it has been a good year for juvenile jacks, and large numbers of marlin are already coming in. Five FADs are out, and nine FADs are waiting for deployment pending General Services Agency (GSA) approval. Shallow-water moorings (SWMs) also await approval for in-water work.

The *HI'IALAKAI* surveyed around Guam and the southern Mariana Islands; 66 fish, coral and invertebrate surveys were performed.

DAWR has responded to four sea turtles deaths in 2017. No marine mammals have stranded this year. DAWR staff and University of Guam graduate students are taking a histology course on seven species of fish. A Navy task force, visiting Guam and Saipan for the remainder of 2017, is assisting in the removal of several grounded vessels in both jurisdictions. Coral bleaching is expected over the next five weeks in Guam.

A channel marker buoy in Apra Harbor broke loose and caused coral damage in Western Shoals. The USCG on Guam will produce a report. A French Navy vessel grounded on Jade Shoals in May, and the Navy will provide mitigation for the damage. Two marine reserve arrests have been made in the last two month. The fishing gear and vehicles were confiscated.

Two legislative actions have taken place since March. DAWR will work with Umatac to develop a community-based management plan. DAWR will be a member of a newly formed Council on climate change.

Ebisui asked what fish are caught in the kid's fishing tournament.

Tibbatts said DAWR stocks the reservoir with native eels, shrimp and local species of flagtail, but various non-native species are found in the reservoir.

Tosatto asked what types of interactions with sharks are reported in the Guam SAFE report module.

Tibbatts said predation, loss of gear and landing of a shark are reported as shark interactions. Sightings are not reported.

Tosatto asked if the funders for the boat ramp project are federal.

Tibbatts said the funding comes from the Sport Fish Restoration Program.

Duenas asked the shark interaction rates are reported by gear type.

Tibbatts said they can be broken out by gear type.

Sesepasara asked if the Navy will help remove grounded vessels.

Tibbatts said the vessel removal is practice for the Navy team.

Sesepasara said he would connect with Tibbatts later.

Gourley asked if there is any interest in serving shark in restaurants or eating shark.

Tibbatts said it is legal to land the whole shark but illegal to sell shark fin. Sharks are consumed in the home but not in restaurants on Guam.

Duenas asked about the SWMs and how many are not deployed.

Tibbatts said 35 SWMs is a full complement; about 15 to 20 are currently deployed. DAWR will replace the SWMs directly and not through comment.

Duenas said the coral damage is not in the media.

Tibbatts said the first Navy reports were of no damage, which DAWR found to be unlikely. There is no legislation on Guam that penalizes coral damage except from fishing.

Sablan said he would follow up with the contracting on the FADs.

Tibbatts said five FADs are online; nine are in the DAWR office waiting to be deployed.

Sablan said he appreciated the Guam Fishermen's Cooperative donating one FAD.

Simonds asked how long it would take for the corals to recover and how it will be monitored.

Tibbatts said part of the mitigation includes long-term monitoring of a year and a half to two years in addition to repairing the damage. After two years, there is a good feel for the survival rate of relocated corals.

Simonds asked if the Navy would pay for the monitoring,

Tibbatts said it would either conduct the work or pay for DAWR to conduct the work.

Sensui asked about the success rate of coral repairs following the grounding of a Navy destroyer.

Miyasaka said Hawai'i did a settlement for damage amount rather than restoration. Hawai'i is investigating the conditions that would maximize the chances of survival in coral mitigation project for harbor improvements and other projects.

Sensui suggested that Guam DAWR consult with Hawai'i DAR to see if the money could be better used.

Tibbatts said there is no money. A previous Navy construction in the harbor required coral transplantation and monitoring. Ninety percent survived in that effort. The same divers will be participating in this restoration effort.

Sesepesara asked if the Coral Reef Task Force is involved in this.

Tibbatts said the Marine Lab, NOAA and other resource managers on island are involved. A mitigation plan has been developed, and the Navy is acquiring resources.

Sesepesara said the suggestion to share the plan is great. American Samoa has a mitigation plan from the 2009 tsunami that could be shared. He asked how deep the FADs are deployed.

Tibbatts said either in 500 fathoms or 1,000 fathoms.

Miyasaka said the State of Hawai'i reviewed how transplantation has worked in other areas, and it is less successful after three years.

Duenas asked how long the shark interactions have been reported in the SAFE report.

Tibbatts said it has been included in the last three modules.

Duenas asked if turtles will be included.

Tibbatts said turtle interactions are rare in the boat-based fisheries.

Ebisui asked if there has been indication of one depth being more productive than the other for FADs.

Tibbatts said the sites were chosen based on currents around Guam, and the permitting process is difficult. The program is already at capacity. Two sites have been discontinued on the windward side because they are hard to maintain and they are not used as much.

2. Legislative Report

This item was covered in a previous agenda item.

3. Enforcement Issues

This item was covered in a previous agenda item.

4. Guam Fishery Council

Sablan said the Guam Fishery Council was formed through the passage of Bill 160, known as the Guam Ocean and Fisheries Conservation Act. The mandated Council includes seven members appointed by the Governor and is tasked with overseeing the expenditures and management of Guam fisheries. The Council will assist the DOA to promote the sustainable use of Guam's oceans, fisheries, and marine and freshwater resources to various communities on Guam. Jesse Rosario, a member of the Guam AP, is the Guam Fishery Council's chair.

Duenas said the selection process was given to the Governor's office, and the lengthy and detailed application process discouraged some from applying. Fishermen asked some senators to simplify the process.

5. Community Activities and Issues

a. Proposed Community Plan for Inarajan and Umatac

Carl Dela Cruz, Council on-site coordinator in Guam, reported on two community plan proposals in southern Guam. The mayors of Inarajan and Umatac contacted Sen. Wil Castro about identifying their village priorities for terrestrial and marine resource management, for which Castro said he can propose legislation if required. Merizo was a benchmark for the proposed community plans. Dela Cruz is assisting the communities in the development of the plans.

Ebisui asked how Dela Cruz got the photos.

Dela Cruz said he took one of them from a DAWR aerial survey.

Ebisui said it looked like it might have been a drone.

b. Update on Territorial Science Initiative

Dela Cruz said 10 vendors consistently report their commercial receipt books, aside from the Guam Fishermen's Cooperative. Eight of the 10 are Micronesian stores; two are locally owned. Incentives are awarded at the end of each month.

c. Update on Manell-Geus Habitat Blueprint

Gerry Davis, PIRO Habitat Conservation Division, provided an update on the Manell-Geus habitat focus area in Guam. There are 10 focus sites nationwide, and two in the Pacific. The two watershed sites are in the southern part of the island, in the village of Merizo. This area was selected because there are a number of challenges to management, including wild fires, sedimentation, erosion and bamboo that restrict water motion. Crown of thorns outbreaks, bleaching mortality and algae blooms are marine challenges. NOAA recently hired two community coordinators. One of the requirements of the blueprint program is to build an implementation plan. Measurable benefit should be shown three years in; the implementation plan was adopted this year. The plan is a combination of gathering information from stakeholders and implementing restoration projects. Progress has been made so far in hiring the community coordinator; developing the implementation plan; collecting baseline data for contamination and following up on sampling and investigations. The blueprint maintains a replanting demonstration site in partnership with the DOA, which hosted a US Coral Reef Task Force fieldtrip.

Gourley asked how improvement would be measured.

Davis said performance criteria were developed earlier in the process, when the partners realized the data gaps in terms of understanding the condition of all the sites. The implementation plan incorporates early performance criteria, including loading in the streams, ground cover, conditions of the resource and biomass estimates.

Sablan said Davis, a former chief of DAWR, is very knowledgeable about both sites.

6. Education and Outreach Initiatives

Duenas reported on the Guam Fishermen Cooperative's captain certification course. Twenty-one students were certified by a teacher from Florida. The capacity-building program recognized that many of the captains on Guam are approaching retirement and no trainers live on Guam. A grant funded the full cost of the course for all participants. A networking event was hosted so participants could encourage each other to complete the sea time requirements.

Lutu-Sanchez said she would contact Duenas for a copy of the grant because American Samoa has the same need.

Duenas said providing the training filled a skills gap in Guam's work force.

Rice said there is one class a year on Hawai'i Island, which is costly and takes place in the evenings over two weeks.

Sesepasara asked where the instructor came from.

Duenas said the instructor is based out of Florida, and he would share his contact information with Sesepasara.

Goto said this is an important effort in trying to find out the next step in the future of fisheries. Duenas's father recognized the need to bring in training, the same as Goto's grandfather. We are physically seeing the evolution of fisheries.

Dela Cruz reported on community outreach and education. Guam hosted the largest spearfishing competition in the Western Pacific in late March, with six countries participating in the competition held in Umatac. The Council hosted a seafood vendor forum in early May. In July, DAWR will hold a kid's fishing derby; another derby is held in August, along with two other fishing competitions.

Duenas said he thought the participants in the seafood vendor will start taking seafood safety more seriously.

DeMello said in 2006, when the marine education and training program was put in place, the Council worked with NFMS to look at ways to implement that part of the MSA. The high school summer course is one way in which the Council used the funding. In partnership with Moanalua High School, the course has run in the summer since 2006 in Hawai'i.

Erron Yoshioka thanked the Council for the many summers of funding. Many students share with their parents and appreciate the opportunity to learn something out of the ordinary curriculum.

Cary Molina from Moanalua High School thanked the Council for the opportunity to experience what it's like to be in the fishery part of the world. He said from a cultural perspective the class has opened up a lot of opportunities for him. He plans to work in fisheries.

Suzie from Moanalua High School thanked the Council for supporting the summer school program. She said she has learned a lot that she can apply to other things around her.

Roland Velasco from Moanalua High School thanked the Council for sponsoring the summer class because it provided a lot of opportunities and it was fun to learn about fish ponds, the MSA and fisheries management.

Simonds asked Yoshioka about the highlights of the six-week course.

Yoshioka said the culminating activity this year will be a trip to Moloka'i to work in a fishpond and visit Mac Poepoe on the North Shore to discuss community-based management. The class includes many field trips. The students understand that fish and not people are being managed. Yoshioka said one thing he wants the students to learn from the class is to understand the human dimension and compromise.

Sensui said he appreciates that Yoshioka is teaching the students to think critically about problems. He thanked him for taking an interest in this and inspiring the next generation.

Goto said he and Duenas entered this industry because of what they learned from their grandfather and father. He said we need the next generation to step up and help move this industry forward. He thanked the students for their interest.

Yoshioka thanked everyone, including staff, NMFS and those who help the students in the field trips. He said this is one of the greatest things the program has done.

Ebisui said the class looks larger.

Yoshioka said he had to turn away two students, and this is the biggest class in all of the years the program has run.

Ebisui told the students that they have a really good teacher and they should take advantage of their educational opportunities.

Yoshioka said he hopes to see the Council again next year.

Sesepasara asked how to bring the program to American Samoa.

DeMello said Sesepasara should coordinate with Ilaoa, because the program runs in all the territories.

Sesepasara asked what the grade level is.

Oshioka said nine through 12.

DeMello said that a former class member is on the AP.

Lutu-Sanchez thanked the students and encouraged them to share what they learn with their friends and family.

Sensui said one way to learn is to create your own opportunities by asking questions of the experts in the room.

B. Commonwealth of the Northern Mariana Islands

Gourley introduced Roberto, whose family has a long history of fish marketing.

1. Arongol Falú/Asunton i Tano

Jack Ogumoro, the Council's CNMI island coordinator, reported on the CNMI agenda items. DFW is implementing a fish tagging project on six species over five years. The DFW staff continues to collect shore-based, boat-based and commercial sales data and is recruiting a manager for the data systems. FADs will be deployed in September. Tracking and monitoring activities for turtles will begin in the nesting season.

2. Legislative Report

Ogumoro reported on new legislative items. House Bill 20-071 would prohibit the taking and selling of certain size fish for commercial purposes. House Bill 20-009 would require a \$10 tax on tank rentals for a decompression chamber and has been in the Senate since April.

3. Enforcement Issues

Ogumoro reported that enforcement has inspected 11 fish markets, given 172 presentations on the Managaha Marine Conservation Area and participated in eight education and outreach activities. Enforcement has responded to two incidents of fishing in a sanctuary, two speared lobsters. They issued 144 cast-net permits and two special permits for net fishing. No turtle poaching was reported this period.

4. Community Activities and Issues

Ogumoro reported that the Marine Conservation Plan (MCP) review committee met May 11-12 and recommended five community projects be funded under the MCP. A groundbreaking ceremony was held on June 9 for the parking lot with 11 parking stalls, funded under the MCP at \$120,000. The Marianas Trench Monument Seafood and Fishing Festival, held May 27 and 28, 2017, included spearfishing derby, a cooking competition and games.

5. Education and Outreach Initiative

Ogumoro reported that the winners of the calendar contest on Rota received their prizes in May. A mahi fishing derby was held in April, and the defending champion won.

Gourley gave an update on the Saipan biosampling program. In late 2010, Micronesian Environmental Services received funding for a pilot project to implement a life history program for bottomfish and reef fish landed on Saipan. Last week, PIFSC presented the company with a contract to continue on for their eighth year of biosampling. As of last week, the biosampling program has received 205,000 individual reef fish samples from 189 species of fish and 2,800 individual spearfishing catches. The program has finished collecting samples for the nine species of fish most highly targeted in the nighttime spearfishing industry. The program has spawned several published papers and draft manuscripts. The company was selected to receive a Saltonstall-Kennedy grant to help work up the life history samples. A management team to include Gourley, Taylor, Tenorio and Mike Trianni will be formed to process the samples for publications.

C. Update on Marianas Trench Marine National Monument Management Plan and Sanctuary Request

Tosatto updated the Council on the Marianas Trench Marine National Monument Management Plan. The executive order for the review of monuments was published shortly before the agency planned to release the management plan. He said the Council should not expect NMFS and USFWS to publish the management plan before completion of the monument

review. Tosatto said NOAA Sanctuaries placed the sanctuary request on a list for future consideration within the last month.

Simonds said the Council would continue to add it to the list of complaints.

Tosatto said it is factually overdue.

Gourley asked how long it was overdue.

Tosatto said it was due within two years after designation, which was 2011.

D. Marine Conservation Plans (Action Item)

1. Territory of Guam

Sablan said Gov. Eddie Baza Calvo transmitted the plan to the Council in a letter dated June 5.

2. Commonwealth of the Northern Mariana Islands

Ogumoro said DLNR staff hosted several scoping meetings for the review of the MCP. Participants identified projects they wanted funded; all of them had already been identified in the plan. There were some changes in prioritization. Gov. Ralph DLG Torres submitted the MCP to the Council on June 12 for its consideration.

E. Advisory Group Reports and Recommendations

1. Advisory Panel

Peter Perez, Guam AP chair, presented AP recommendations.

Regarding Guam fishery issues, the Guam AP recommended the Council request DAWR Enforcement to review and revisit all policies including the local noncommercial sale of octopus and consider using community service at the harbors and marinas as a penalty for illegal fishing.

Regarding Guam enforcement issues, the Guam AP recommended the Council 1) request USCG Guam Sector to work with the AP to coordinate training of Guam residents on the operation of large vessels; and 2) request USCG to start dialogue with the Governor of Guam over the interest of the USCG vessel for the local station and the auxiliary.

Regarding CNMI fishery issues, the CNMI AP recommended the Council work with CNMI DLNR to include the CNMI AP in the discussions regarding the improvements being proposed for the Garapan Fishing Base.

2. Non-Commercial Fisheries Advisory Committee

DeMello reported that there were no NCFAC recommendations.

3. Federal Data Collection and Research Committee

DeMello reported that there were no FDCRC recommendations.

4. Scientific and Statistical Committee

Callaghan reported that there were no SSC recommendations.

F. Fishery Rights of Indigenous People Standing Committee Recommendations

The committee deferred recommendations to the plenary.

Simonds asked what the second USCG meant in the AP recommendations and asked to reword the recommendation to make it clearer.

DeMello said there is a USCG vessel in the GSA inventory.

Perez said part of the decommissioning process includes giving the government of Guam (GovGuam) the opportunity to acquire older equipment.

Simonds asked if the AP had spoken with the governor.

Perez said it has not directly approached the governor but wants to.

Simonds asked if the AP was asking the Council to ask the USCG to approach the governor about this vessel.

Perez said yes.

Simonds said the recommendation needs to be reworded.

Disque asked if it is the *ASSATEAGUE* or the smaller vessel.

Perez said the *ASSATEAGUE*.

Disque said the auction for the cutter ends tomorrow, and headquarters would have more information on the disposition of the vessel.

Simonds asked if the governor would need to put in a bid before the end of the auction.

Disque said often the vessels would be put up for other governments and he assumes the vessel moved past that process because it is under auction.

Tosatto said the AP is recommending that the GovGuam take on an enforcement asset in the form of a USCG vessel operated by GovGuam, potentially in coordination with USCG and Guam citizens.

Perez said yes.

Tosatto said that GovGuam would have to seriously consider its needs because Guam is remote and has limited resources to care for an ageing vessel. GovGuam should know what it's getting into.

DeMello said they would reword during the Council recommendation.

G. Public Hearing

There were no public comments.

H. Council Discussion and Action

Regarding MCPs, the Council directed staff to write to the Governors of Guam and the CNMI indicating the Council's review and concurrence of the MCPs at its 170th meeting and request they provide the MCPs to NMFS for approval.

Moved by Gourley; seconded by Roberto.

Motion passed.

Regarding enforcement in the Mariana Archipelago, the Council requested that the Governor of Guam work with the USCG on acquiring excess vessels to fill GovGuam needs (e.g., enforcement, fishery training, management, etc.).

Moved by Gourley; seconded by Roberto.

Motion passed.

Duenas said the discussion surrounding this at the AP meeting was broader and the vessel would be used for activities other than enforcement.

Simonds said the recommendation should include the use of the vessel and an inventory.

Tosatto provided the new language.

Regarding Guam fishery issues, the Council requested DAWR Enforcement to review and revisit all policies including the local commercial sale of octopus and consider using community service at the harbors and marinas as a penalty for illegal fishing.

Moved by Gourley; seconded by Roberto.

Motion passed.

Regarding CNMI fishery issues, the Council directed staff to work with CNMI DLNR to include the CNMI AP in the discussions regarding the improvements being proposed for the Garapan Fishing Base.

Moved by Gourley; seconded by Roberto.

Motion passed.

X. Hawai'i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Anderson reported that there were no new designations for marine managed areas and provided an update on FADs deployed and missing around the state. He said recreational surveys are continuing. The state is not moving forward with a noncommercial license at this point but may in the future. He quickly reviewed the commercial fishery data on bottomfish including up-to-date landings, trips and number of fishermen and related it to the ACL. He said the State is trying to manage the health of the reefs, including removing algae from patch reefs in Kane'ōhe Bay and raising urchins to control algal growth on the reefs. He said that, as the state-wide rules move forward, consideration may be given to limiting or banning the taking of urchins due to their importance to reef health. The State is considering changes to the Commercial Marine Licensing system with an incremental increase in cost from the current \$50 to \$150. The proposal is awaiting approval from the governor before public comment and includes licensing at the vessel instead of personal level.

Simonds said the Council had the same discussion regarding an increase in licensing fees in the late 1980s and she was happy to see this happening.

Rice said the changes would be helpful for charter boats. He added that, for the last four years, there has been an effort to raise the minimum size/weight for the sale of yellowfin tuna. He asked Anderson why the government isn't pursuing this right now.

Anderson said the governor is probably unaware that there is pressure from the community to increase the minimum weight. He added that science doesn't support the increase. Increasing the size is an ethics question.

Rice said many of the State FADs do not hold any fish and putting a structure under them would increase their efficiency. He also expressed concern about the safety issue stemming from a lack of electricity at parts of Honokohau Harbor. He said the batteries for the boats need to stay charged and electricity is needed to work on the boats. Rice also brought up BRFA's and noted that a meeting at the Council office was held between the State and the bottomfish fishermen.

Anderson said the meeting was held to provide a proposal to the State on acquiring information to inform a decision on whether or not to eliminate some or all of the BRFA's.

Rice said a cost-effective way to collect the information would be to hold a limited opening of the BRFA's and monitor the catch and effort.

Anderson said there were discussions of how to do that and he hoped the meeting would provide more ideas.

Simonds said the political will to open the BRFA's is not there.

Anderson said that the current information available is inconclusive so the State is not inclined to eliminate the BRFA's.

Rice asked Anderson why his name was taken off the Hawai‘i governor’s list of Council member nominations. Rice said he is the only real fisherman in the room who fishes 300 days a year and knows more about protected species than most of the Council members. He said that he finally got the trust of the fishermen and opened the conversation with them. Now that the governor has removed one of their own, that trust is lost to the Council.

Anderson said he did not review the final list, but the list DAR sent to the governor’s office included Rice’s name. He did not know why the governor’s office missed the deadline.

Simonds said the State missed two deadlines and it was a struggle to get Hawai‘i, which received the request from NMFS on Jan. 15, to send any nomination letters. She said it was a shame that Hawai‘i could lose two at-large seats that it has held for 40 years.

Anderson said he was unfamiliar with the process and it is unfortunate that deadlines were missed.

Ebisui said that the potential cost is two seats and Hawai‘i may be down to three seats on the 13-member Council.

Rice said it is sad as Hawai‘i has the largest commercial, recreational and non-commercial fisheries.

Anderson said this issue is in the purview of the governor’s office. He supports that Hawai‘i should be represented on the Council, and current members have done a terrific job in that respect.

Tosatto said NMFS notified the governor’s office that the last letter was received too late, and, since NMFS had eligible lists from the other governors in the region, it was not able to consider Hawai‘i’s second late submission.

Lutu-Sanchez said it was unfortunate to hear that Rice would no longer be on the Council as he has helped American Samoa understand the Council process and the industry in Honolulu. She thanked him for his support.

Sensui said the loss of Rice on the Council is terrible because he’s the only commercial fisherman amongst the Council members. For him to be overlooked due to a clerical error is tremendously careless. The administration has been ignoring fishery issues, not using good science and sometimes not even listening to its own DAR when it comes to resource management. Sensui said it makes things look suspect, and he was not happy, to say the least.

Anderson said a letter from the Council to the governor’s office expressing concern and disappointment would be appropriate. He said it is unfortunate that the letter was sent so late, especially when NOAA went out of its way to try to accommodate the letter.

Sensui said that the governor needs to understand how important the Council is. To lose this kind of representation for the region is a terrible loss.

Ebisui said the issue needs to be taken up higher than Anderson. He thanked him for being the messenger.

Gourley asked Anderson about his calculation of recreational versus commercial fishing.

Anderson said the estimate is based on the creel surveys and fishermen interviews. The range is large because the amount of catch in the non-commercial sector is unknown. Conservatively the catch is likely 10 times higher than the commercial sector, particularly for nearshore species, whereas the reverse is true for pelagic species where the commercial sector is taking a larger amount of tuna and other species. The State is targeting commercial take of parrotfish for regulation.

Goto provided his island report. He said the shallow-set swordfish fishery has seen reduced effort in the first six months of the year. It is imperative that PIRO finishes the specification approval before a detrimental closure. The fleet looks forward to a strong end of the year and is grateful to the territories that have signed agreements with the Hawaii Longline Association for potential allocation of part of their quotas. The arrangement benefits the longliners and their market, as well as territories through fishery development.

Sensui said the University of Hawai'i conducted the Ala Wai Challenge, which asks students to submit ideas for cleaning up the canal. The State responded to requests to resolve issues with the design of wash downs at the Hawai'i Kai boat ramp. Sensui said he appreciated the changes made to accommodate the users. He also said he was inspired by the Guam fishing platform and suggested a project with the Castle Foundation to complete a similar project at Kaka'ako Waterfront Park. The 'Ahi Fever tournament ended a few years ago and has now been replaced with the Spinner Café 'Ahi Shootout. The organizers wanted 150 boats to participate, but the State told the organizers they would be charged \$5,000 for the use of Wai'anae Boat Harbor. The State mistakenly believed the tournament makes a profit, but all money is rerouted to the prizes. The organizers negotiated the fee down to \$1,600 and used money from a scholarship fund. Tournaments bring the community together and generate revenue for everyone, so being hit with those kinds of fees out of the blue hurts the fishing community, Sensui said.

Rice said tournaments in Kona award almost \$2 million in prize money in the summer, but the participants spend two to three weeks in Kona. He said the State seems to treat fishermen as an afterthought.

Sensui said the Pacific Islands Fishery Group is working with NMFS PIFSC on a CPUE study.

Boggs said the fishery-independent survey is designed to measure how many fish are there, including within the BRFAAs.

Sensui said it's one of those studies that could help get a better sense of what the biomass may be between the BRFAAs and non-BRFAAs.

Boggs said it's a blunt instrument that may not yield answers to the BRFA question.

Sensui said fishermen have been responsive to the monthly Thursday night meetings with the State and Anderson. He encouraged everyone to attend the meetings.

Ebisui showed a picture of imported 'opakapaka at Costco that he took on a recent shopping trip. He said that the strategic placement of the label over the eye shows that an effort is being made to enhance marketing by covering up the age of the product. The North Shore 'ahi season started in mid-May; the fish are on the smaller size so far (80 to 120 pounds) and are not schooling.

B. Legislative Report

Anderson provided the legislative report for the State. Senate Bill 1240 on the aquarium trade was waiting the governor's veto or approval. The bill mandates a definition of sustainability, requires DAR to set catch limits for 40 species of aquarium fish, limits the issuance of new permits for the aquarium fishery, prohibits the issuance of any new permits and allows for the transfer of permits for a period of up to five years. DAR recommended a veto on the measure primarily because there is no data to support the measure, as the aquarium fish population in West Hawai'i is increasing. He reviewed the fishery characteristics, describing its locations and operations, and noted that conservation groups and animal rights activists were the promoters of the bill.

Simonds asked if there was science behind the recommendations.

Anderson said the bill was developed in an abundance of caution. Similar bills are introduced every year, but there is little science to support that the aquarium fish trade is having a significant impact on fish populations. He emphasized that larger herbivores are far more important because they eat more algae and leave denuded surfaces on the reef where coral polyps can settle, whereas aquarium fish are small and have little value to the reef.

Simonds asked if the DAR has estimated the cost of the bill.

Anderson said that the estimated cost is about \$10 million a year and it would take 10 to 15 years to set catch limits for the 40 species. The cost of changing the licensing program alone is \$35,000.

Simonds said DAR has good cooperation from the fishermen.

Anderson agreed and said that their voice is being heard. Anderson said a bill to ban oxybenzone in sunscreens and two bills that would require licensing of longline fishermen through DAR were introduced but not passed.

Sensui asked how much juvenile goatfish is caught and consumed compared to the aquarium fish that are collected.

Anderson said he didn't know, but he understood Sensui's point that there are far more fishermen taking fish off the reefs than aquarium fishermen. He estimated that probably 10,000 times more pounds of fish are taken for consumption rather than the aquarium trade.

Sensui said the aquarium bill has elicited concern from fishermen that this is the first step toward restricting or stopping all fishing.

Anderson said many proponents of the measure would probably be happy if nearshore fishing ended, but ending all fishing wasn't discussed and the proponents were really focused on aquarium fish.

C. Enforcement Issues

This was covered in a previous agenda item.

D. Community Issues

1. Promise to Pae‘Aina

DeMello reported on the Promise to Pae‘Aina initiative, which began in 2013 when the Hokule‘a departed on its worldwide voyage and concluded with its arrival the previous weekend. The canoe sailed over 40,000 nm and visited 150 ports, 23 countries and territories and eight of the UNESCO Marine World Heritage Sites. The Promise included five commitments. The Council was the second signatory to the Promise. The Council worked on the targets to “explore a stronger fisheries management framework,” “strengthen fishpond restoration,” and “systemize marine monitoring.” The fisheries management framework target included a feasibility study for a registry, permit or license system for noncommercial fisheries in Hawai‘i. The fishpond restoration target is pooling the knowledge of Hawaiian fishponds and creating a toolbox to work with fishponds from restoration to production. The third target, systemize marine monitoring resulted in the creation of the Hawai‘i Monitoring and Research Collaboration, which developed a database of benthic and fish sites and surveys that, when coupled with indicators, produced a way to evaluate nearshore ecosystem status. The tool was still in development and will be housed by the State of Hawai‘i.

Anderson said DAR is scoping database hosting, but the intent is to make the monitoring data available to anyone who would like to use it.

DeMello gave a review of the other commitments, the Council’s participation in the homecoming events and the future plans for both the Promise to Pae‘Aina and the Hokule‘a.

2. Mo‘omomi Community-Based Management Plan Meetings

Anderson presented on a proposal to the State of Hawai‘i to designate a Community-Based Sustainable Fishing Area (CBSFA) at Mo‘omomi, Moloka‘i. Hui Malama o Mo‘omomi proposed the CBSFA for the north shore of Moloka‘i with restrictions on the taking of nearshore species. The state has accepted the proposal and is working to incorporate it into rules. Anderson provided data from the fisheries in that area, showing 70 catch reports: 30 from O‘ahu fishermen, 20 from Maui fishermen and eight from Moloka‘i fishermen. A summary of public comments from public scoping meetings on Moloka‘i, O‘ahu and Maui is available. There is support and opposition from people on Moloka‘i. Commercial fishermen were concerned with trolling and bottomfishing restrictions, so the State is considering shrinking the area down and allowing

trolling and bottomfishing. The rulemaking process will last at least six months as it requires multiple levels of approval.

Simonds said the comprehensive plan is much better than the other two community plans that the governor approved. The Council is concerned that not everyone is being heard. She proposed that everyone sit down with the proponents of the plan. A lot of complaints about the plan are based on assumptions. She offered the Council to facilitate the meeting between the groups.

Anderson supported further outreach and said that it is tricky to get everyone together without creating more problems. He met with two groups that have different views of the situation. There will be a lot more discussion on the plan in the future.

Gourley asked if the plan allowed for non-commercial fishing.

Anderson said the community's plan allows for it but enforcement will be a problem, since it is difficult to discern the intended disposition of the catch from shore.

Sensui said fishermen were concerned that the Mo'omomi community relies on shoreline resources, but the CBSFA extends to 1 mile where other users take resources that don't affect the nearshore resources.

Anderson said the current revision of the proposal considers this issue.

Ebisui said that the perception in the fishing community is that the proposal is a veiled attempt to exclude fishermen from other parts of the state from fishing around Moloka'i. He asked if the attorney general will review the rules for discrimination.

Anderson said the attorneys are considering this issue. The CBSFA rules apply to everyone, even subsistence users. The primary objective of the law is to ensure that subsistence fishermen have fish when they need it. The plan doesn't preclude others from using the resource.

E. Re-specification of Annual Catch Limits for the Main Hawaiian Island Kona Crab Fishery (Action Item)

Kate Taylor presented an overview of the Kona crab ACL issues including a background on the species, history of the fishery and existing regulations. Kona crab can grow to a maximum size of about 10.5 inches, with males growing slightly larger than females. The males are believed to reach maturity at a size larger than the females, i.e., around 3 inches for males and a little above 2.5 inches for females. Kona crabs are found in sandy habitats and are buried in the sand for most of the day. In the months prior to breeding, from about February to May, the females are more active as they start to search for food, making them more susceptible to fishing nets. As with many species, fecundity in females increases exponentially with size. In order to successfully reproduce, the males must be large enough to successfully dig the female out of the sand in order to mate.

The State of Hawai‘i restricted the taking of crabs less than 4 inches in 2002, which is above the size at maturity for both males and females. A prohibition on the taking of female Kona crabs was implemented in September 2006. Seasonal closures from May to August correspond to the highest frequency of egg-bearing females. Gear restrictions include a prohibition on spearing and a minimum mesh size for tangle nets. Fishermen are also required to have a commercial marine license issued by the State to harvest the crabs for commercial purposes. This allows the Council, NMFS and the State of Hawai‘i to monitor the commercial catch. The ACLs and accountability measures for the fishery are federally set.

Fishermen catch Kona crab by setting baited circular nets on the sandy bottom habitat. Average soak time is about one hour, and nets are set anywhere from about 50 to 100 feet. They’re covered in mesh, which entangles the legs or claws of the crabs. Fishermen disentangle crabs that cannot be kept and release them. Injuries from the nets may lead to a high discard mortality rate. Previous research found that if a limb is lost, the mortality rate can be up to 100 percent after eight days as Kona crabs do not have the ability to regenerate limbs similar to other crab species. Predation is expected to be a common occurrence after the crabs are discarded by the fishermen.

Landings peaked in the early 1970s at just below 70,000 pounds. Landings declined throughout the 1970s. During the 1980s and early 1990s, the landings were variable but stable, averaging about 20,000 pounds. In the early 2000s landings declined. Since 2006, when the prohibition on females went into effect, the average harvest has been about 7,500 pounds. The average harvest in the last three years was about 2,600 pounds.

Participation in the fishery has also varied from year to year. Over the past 15 years, the number of license holders in the fishery has steadily declined from 85 fishermen in 2000 to a low of 26 in 2015. In the last four years, more than 50 percent of the trips are attributed to three fishermen. In 2016 the fishery was valued at \$12,423.

The impact of recreational landings and effort in the Hawai‘i fishery is unknown, as recreational fishermen are not required to obtain a fishing license. The number of recreational crab fishermen participating is expected to be substantial and likely has significantly impacted stock abundance.

Greater than 40 percent of the catches come from the EEZ, which is predominantly Penguin Bank. The area accounts for only 20 percent of all trips and has a significantly higher CPUE in terms of larger crabs, which provides the higher landing amounts.

The SSC classified Kona crab as a Tier 5 stock in 2012 and set the ACL based on 75 percent of the average catch. A stock assessment for Kona crab underwent a Center for Independent Experts review in 2016. The reviewer noted a significant amount of uncertainty in the current status of the stock and stock structure. While the stock projections beyond 2006 probably do not accurately describe the current status of the fishery, PIFSC agreed that the assessment provides useful scientific information about the stock status within the last decade. Taylor tasked the Council with setting an ACL that takes into account the new assessment information. She presented five alternatives.

The no-action alternative means the Council would not set an ACL. This is not compliant with the MSA, which requires an ACL to be set. This option has minimal impact to non-target species and bycatch, but the effect on the target stock is unknown. Under this alternative the value and revenue of the fishery would remain similar to recent years.

Alternative 2 would set the ACL at 27,600 pounds, similar to previous years. An 8,000-pound annual harvest was the highest amount analyzed by the 2015 stock assessment. Under an 8,000-pound limit, the stock assessment authors found that there was a greater than 50 percent probability that the stock would reach zero within 10 years. The 27,600-pound ACL is more than three times the amount projected to cause the stock to go extinct within a decade. If a 100-percent post-release mortality rate for females and under-sized crabs is assumed, the total mortality associated with this alternative could actually be more than twice as high as the ACL, or 55,200 pounds for both males and females.

Alternative 3 would set the ACL at zero pounds. At this level, the stock assessment projected a rebuilding time frame of five years. Zero harvest would eliminate post-release mortality on the females and under-sized crabs. This alternative would also eliminate revenue to the fleet. The impact would be greater to those fishermen who are more active in the fishery. Landings are caught mainly by three fishermen, although there were 24 fishermen in 2016.

Alternative 4 would set the ACL at 3,500 pounds, or half of the 7,000 pound projection reviewed in the stock assessment. Assuming 100-percent post-release mortality for females and small males, the total mortality associated with the 3,500-pound ACL could be estimated at 7,000 pounds. Under this scenario, the stock might not be overfished after 20 years.

Alternative 5 would set the ACL at 7,000 pounds. The total impact on the stock could be as high as 14,000 pounds, but the impacts on non-target stock, protected resources and fishery participants are expected to be similar to Alternative 1, the no action alternative.

Sesepasara said in the 1980s, NOAA research vessels caught Kona crab at depths of 300 to 400 feet. He asked if a possible temperature difference would explain the catch at the depths deeper than reported in Hawai'i.

Taylor said that information might be available but she was not aware of it.

Anderson provided information on the current regulations and asked how the State's regulations were considered in the projections.

Taylor said that the SSC's previous ABC and Council's ACL took into account the State regulations.

Tosatto said that the Council must set an ACL for each MUS, including Kona crab.

Anderson said that DAR is considering revising its regulations with the intent to extend the closed season, impose additional gear restrictions and modify the size limits. The ACL may be the limiting factor in the fishery if it is implemented, he said, noting that the loss of one fisherman may account for the large decrease in catch.

Tosatto said hopefully the stock is resilient and a lower ACL provides a break for the stock to rebuild to a point where the ACL can accurately reflect the stock's economic and biological status.

Rice said prohibiting the take of female Kona crab might account for the drop in catch.

Anderson said that was a good point.

Simonds asked what year that was.

Anderson said the ban on females was imposed in 2006.

Sensui said he observed a fisherman catching Kona crab by hand in waters about 4 feet deep in Maui, so while American Samoa has witnessed Kona crab in deep waters, they are found in shallow water as well.

F. Options for Fishing Regulations in the Northwestern Hawaiian Islands Monument Expansion Area (Action Item)

DeMello presented a background on the PMNM expansion made through Proclamation 9478 and the requirement for the Council to provide management measures for the fisheries in the expansion area. The purpose of the presentation was to provide the Council with options for regulating fishing activities, consistent with the care and management of the objects within the expansion area. Two issues comprise the action: commercial fishing and non-commercial fishing.

DeMello presented options for commercial fishing in the expansion area that included no action and prohibiting commercial fishing. Prohibiting commercial fishing by amending the Council's FEPs is the only action consistent with the proclamation. He reviewed the pros and cons of each of the options and potential fishery impacts and existing regulations in the area.

For non-commercial fishing, three options were presented including no action, permitting non-commercial fisheries and prohibiting non-commercial fisheries. The permitting option also included sub-options for defining non-commercial fishing and including customary exchange. The definitions for non-commercial fishing and customary exchange are consistent with the definitions in the other marine national monuments in the Pacific. DeMello provided the impacts and current regulations for these options and noted some of the issues surrounding the action.

Anderson said the proclamation has clear statements related to fishing that may trump anything the Council may recommend. He asked if it was premature to spend a lot of time and effort on a management scheme for the area before the presidential review of the monuments was completed.

DeMello said he was unable to answer the legal questions.

Onaga said the Office of General Counsel in coordination with NMFS PIRO reviewed the Council members' financial disclosure forms to determine whether recusal may be required

on any Council decision. Based on their review, they determined that Goto, as a partial owner of United Fishing Agency, is required to recuse himself on these options for fishing regulations in the expanded area of the PMNM under 50 CFR 600.235(c). While Goto is required to be recused from voting, he is not prohibited from participating discussions related to this action nor is he prohibited from expressing how he may have voted but for the recusal.

Tosatto said he wanted to address some of Anderson's points in order to clarify the issues. While the Council could appropriately defer decisions on implementing the proclamation, the Council process involves many steps. The Council will not make a final decision until the outcome of the review is known. The proclamation tasks the Council with reconciling the authority of the proclamation and the Council process. The Antiquities Act prohibitions are not equivalent to administrative prohibitions under the MSA. The New England Fishery Management Council chose to take no action, so the Secretary of Commerce was required to address the proclamation. This is a viable option for this Council to consider. The proclamation does ask the Council to continue to manage fisheries, including noncommercial fisheries under the MSA and does provide some guidance as long as fish do not enter into sale, barter and trade. NMFS has found previously that the option to allow customary exchange does not violate the MSA definition of commercial fishing, which is the reason customary exchange is an allowable non-commercial activity in each of the other monuments.

Brown asked the Council to provide an opportunity for OHA to speak to the Council on this issue. The Council agreed and called upon the representative.

Keola Lindsey, OHA, greeted the Council and thanked it for the opportunity to speak, saying that the Council is meeting at an important time. Lindsey said that the Council heard about the return of the canoes from their worldwide voyage and the canoes intend to spread their message in a voyage to the NWHI. He said that it was the middle of a sacred and intense time related to the summer solstice, which ended its northwestern path yesterday in the NWHI, and that these events factor into the value of this discussion.

OHA submitted written testimony and sincerely appreciates the opportunities to engage with Council staff on the issues, process and some of the factors under consideration. Any time government, whether it be federal or state, is engaging in the idea of protecting native Hawaiian practices, that protection and the ability to perpetuate those comes with a package of regulations and numerous factors to consider. Lindsey said that, at this point, OHA is agreeable to including native Hawaiian fishing practices in a the non-commercial permit and that all other non-commercial fishing activities be subject to all of the conditions of the proclamation and MSA.

Lindsey said OHA recently concluded an effort to become a co-trustee of the monument. This gives OHA the opportunity to be involved in management actions, including permits from beginning to end, to help shape that activity. But, he said, OHA recognizes that whoever holds legal authority will make the ultimate decision, and OHA's goal is to support the decision of their partners. While OHA fully respects the idea of customary exchange in other parts of the Pacific, OHA cannot support it in Hawai'i at this time. The idea of providing fish for friends and family is addressed in other options.

Ebisui thanked Lindsey for providing insight into the situation. Ebisui said the Council is sensitive and responsive to native communities' concerns. OHA and the Council have common interests, and he looks forward to working with OHA.

Simonds asked why OHA does not agree with customary exchange, and if they are concerned about not monitoring sales.

Lindsey said OHA reviewed the responses to comments provided in the previous monument amendment, which considered monitoring of customary exchange. OHA could not find an example of the customary exchange definition in use in the other monuments.

Simonds said the difference in the populations in Hawai'i and the territories is huge, so OHA's concern could be a large concern in Hawai'i but not really a concern in the territories.

Lindsey said one of the values of attending the Council meeting is to learn. While monitoring is a concern, how perpetuating practices relates to potential cost recovery is another. He said perpetuating a practice clearly has no commercial aspect. OHA cannot determine how that separation is maintained in the Council's definition of customary exchange. Other options account for exchanging resources if that is the goal.

Sensui said National Standard 2 says that management measures must be based on BSIA. The monument expansion isn't based on any science. He asked how this would be considered in approval of implementing regulations.

Tosatto said we do our job and we comply with our laws.

Anderson said the Council's role is not to second-guess justification for the expansion but to take appropriate action within its jurisdiction.

Sensui said his intent was to clarify the Council's mandate under the MSA.

G. Marine Conservation Plan for Pacific Remote Island Areas and Hawai'i (Action Item)

Kingma presented on the PRIA and Hawai'i MCP, which is a requirement of the MSA. He reviewed Section 204 of the MSA, noting the intent and purpose for the Council to develop the PRIA MCP for Secretarial approval with projects applicable to Hawai'i. Fines and penalties from foreign fishing incursions within the PRIA can be used to support MCP projects. Kingma provided the objectives and projects as well as changes made to the MCP and asked the Council for approval. Upon approval, the MCP is sent to NMFS for review and approval; the MCP is valid for three years and can be changed at any time.

Sesepesara asked if all of the MCPs have the same expiration dates.

Kingma said the dates are a little different and the MCP for American Samoa is valid through mid-2018.

H. Report on Main Hawaiian Islands Bottomfish Working Group Meeting

Mark Mitsuyasu, Council staff, reported on a Bottomfish Working Group meeting convened at the request of the Council. Participants included bottomfish fishermen from several islands and representatives from the State of Hawai‘i, PIRO, PIFSC, SSC and Council staff. They reviewed information on the BRFA’s to develop a study or plan to develop options for opening the BRFA’s. The working group initially developed a proposal to open four of the BRFA’s and monitor production from the newly opened areas to assess the efficacy of the BRFA’s. The initial idea developed into a proposal to open six of the BRFA’s, on which the Council and the State of Hawai‘i collected public comments from each island. The State has not moved on the results from the public hearings.

Mitsuyasu said the current research on BRFA’s has been inconclusive and DAR has not shown much interest to make changes in the data collection program. The Council has sent several letters asking to brief the Board of Land and Natural Resources, which has been delayed for a year and a half. Fishermen have also petitioned the State to review and assess the BRFA’s, but their petition was denied. The working group recommended evaluating the existing data, especially CPUE in the areas adjacent to the BRFA’s against CPUE prior to the establishment of the BRFA’s. The working group also recommended a study designed to detect a BRFA effect. The last recommendation was to develop proposals for the board’s consideration.

Simonds asked if there was a final report on BRFA research.

Mitsuyasu said he was only aware of briefings to the State from the researchers.

Anderson said a final report was provided to the State on the bottom camera research.

Miyasaka said the report is available on the web, although DAR did not produce a formal evaluation or analysis of the report.

Simonds asked if DAR will perform a formal evaluation.

Anderson said DAR is considering this.

Miyasaka said the researcher thinks the closed areas provided a beneficial impact but was unable to quantify the impacts or provide that type of analysis. The overall feeling is that the BRFA’s are helpful for the fishery.

Anderson said the BRFA’s were valuable but the researcher wasn’t able to quantify the benefit.

Ebisui said there are at least two sides to every story and that the inconclusive research could be interpreted to mean that there is no evidence to support the continuation of the BRFA’s. CPUE in the bottomfish fishery is increasing with the current ACL management, and that increase affirms the validity of the ACL regime, which makes the BRFA’s superfluous and unnecessary.

Anderson said the impression is the research is not inconclusive but that the benefit isn't quantifiable. He hoped the working group would devise a way to evaluate the existing data or come up with new data to evaluate.

Sensui said the benefit has to be balanced against the effects it has on the community that depends on fish. The closures force people further from their home ports and expose them to increased risk at sea. It would be ideal to ask a third party to review the data to see what conclusions can be drawn from the research.

Anderson said bringing in a third-party for a review hasn't been discussed but might be a good suggestion. He said he is aware of the safety issues and increased costs.

Simonds asked to clarify the study sites in the research.

Miyasaka said four BRFA's were included in the research, but two BRFA's receive increased scrutiny.

Simonds asked what the SSC opinion was regarding the research results.

Mitsuyasu said the SSC raised concerns over the study design and the confidence in the results and twice recommended to remove the BRFA's from federal waters.

Anderson said he would happily consider the working group recommendations and possibly have a third-party review the research, but funds are lacking for a comprehensive study.

Sensui said various fishery experts agree that having these fixed closed areas is not in anyone's best interest. The only reason the State continues to have these closed areas is because one person supports them. It is unfortunate that one opinion adversely affects so many people.

Anderson said the board needs something new on the table for it to make a different decision on the matter.

I. State of Hawai'i Coral Reef Bleaching Management Plan

Anderson presented on the State's coral bleaching recovery plan, a study by a working group to address the 2014-2015 bleaching event in Hawai'i. The event affected Kaua'i, O'ahu, and Kona. The goal of the plan is to identify strategies to aid recovery of reefs, since climate change cannot be managed as a local threat. Some strategies to increase resiliency that the State is considering include bans on night spearing, SCUBA spear, the take of parrotfish and urchins.

Sensui asked if the plan quantified the effects of tourists stepping on the reefs.

Anderson said human traffic is an impact, but he did not believe it has been quantified.

Sensui asked how SCUBA spear differs from regular spear.

Anderson said some targeted fish are important for maintaining reef health and some gears may target fish that are easier to take.

Sensui said more fishermen are limited by their own breath than air in a SCUBA tank. SCUBA spear fishermen target different species and not necessarily parrotfish, so the State should consider the numbers before prohibiting a particular method or fishing technique.

Anderson said these are good points and any proposals moving forward will be open for public comment.

Gourley asked if there was good data on night spearfishing.

Anderson said that the data does not say whether they fished at night or during the day.

Miyasaka said the data collection forms have been revised to differentiate between SCUBA and regular spearfishing.

Goto said he can't speak to the marketability of reef fish but knows there is a direct fisherman-to-vendor market. This relationship drives certain events like clearing out a whole section of a reef of uhu. Examining the issue further would certainly show certain aspects that are not being considered now.

Anderson said other factors like ciguatera may affect the market, and this does not necessarily come out in the data.

Sensui said, if the State parses out fishing effort between SCUBA and free-dive spearfishing, it would be heavily skewed towards SCUBA.

Miyasaka said the percentage of the total catch for which each sector accounts will be determined. The State is attempting to improve its non-commercial dataset to make it suitable for management purposes and is aware of the non-commercial sector gap in fishery data.

Sensui said the non-commercial non-SCUBA spearfishing take must be taken into account.

Duenas asked what comes after picking on a certain type of gear. Free diving is on a level playing field with the SCUBA tank, so the State must take this into consideration.

Anderson said the State could implement many different fishery management measures and he only provided a sample of measures they may consider more thoroughly.

J. Education and Outreach Initiatives

Spalding presented the education and outreach report, noting the Council's activities included a spot on the weekly *Go Fish* radio show on KHNR AM 690 that provides information on fisheries in Hawai'i. She also provided information on activities dealing with the Council's lunar calendar, high school summer marine science course on fishery and resource management,

and work with the OCEANIA chapter of the National Marine Educators Association to plan the annual conference to be held in Honolulu in 2020.

K. Advisory Group Reports and Recommendations

1. Advisory Panel

Gary Beals, Hawai‘i AP chair provided the recommendations from the Hawai‘i AP.

Regarding the options for fishing regulations in the NWHI MEA, the Hawai‘i AP recommended the Council select Option A1 (No Action) for commercial fishing and Option B2 (permitting and reporting for non-commercial fishing in the MEA) for non-commercial fishing.

Regarding the re-specification of ACLs for MHI Kona crab, the Hawai‘i AP recommended the Council select Alternative 1 (no ACL) with an additional recommendation that the State of Hawai‘i review its current management regulations for Kona crab (to include a change to a single-layer net, a potential change in closed seasons, allowing the take of females over a (revised) minimum size, etc.) and develop regulations by island area to reflect the differences in each island’s fishery and stocks.

2. Non-Commercial Fisheries Advisory Committee

DeMello provided the report and recommendations from the NCFAC.

Regarding options for fishing regulations in the NWHI MEA, the NCFAC recommended the Council select option B2 (permitting of noncommercial fishing in the MEA) with a definition of noncommercial fishing that includes customary exchange (option B4).

3. Federal Data Collection and Research Committee

Sabater reported that the FDCRC had no Hawai‘i-related recommendations.

4. Scientific and Statistical Committee

Callaghan provided the SSC report and recommendations.

Regarding options for fishing regulations in the NWHI MEA, the SSC recommended deferring the establishment of fishing regulations in the NWHI MEA pending the Administration’s review of the national monuments.

Regarding the re-specification of ABC for the MHI Kona crab fishery, the SSC noted that the Council is sponsoring an experiment at the Waikiki Aquarium to evaluate post-release mortality of Kona crab. The SSC endorsed the continuation of this important project to help improve the information that can be used in future stock assessments. The SSC considered a range of management alternatives for Kona crab and recommended that the Council consider Alternative 4, an ACL of 3,500 pounds per year, which would most

likely prevent overfishing. The SSC recommended that PIFSC undertake a Kona crab CPUE data update to the most recent years and explore other standardization methodologies for the future assessments. The SSC further recommended that an evaluation of alternative management options for Kona crab include mesh size and retention of female crabs. The SSC reiterated the need for reporting and collection of data on noncommercial catch, effort and size to better evaluate the Kona crab fishery.

L. Fishery Rights of Indigenous People Standing Committee Recommendations

Soliai reported that the Fishing Rights of Indigenous People Standing Committee had no recommendations.

M. Pelagic and International Standing Committee Recommendations

Rice reported the Standing Committee had no recommendations from its meeting.

N. Public Hearing

There were no public comments.

O. Council Discussion and Action

Regarding management of nearshore fishing areas, the Council requested the State of Hawai‘i, to consider as a requirement of closing an area to fishing, developing a plan that includes regular monitoring of the management area and a periodic assessment to determine if management objectives have been met. The Council further requested the State of Hawai‘i develop guidelines for the closure of any area to fishing that considers the following where possible:

- a) **Using science-based analysis for determining stock status;**
- b) **Evaluating all factors that may affect stocks, including impacts of land-based development, fishing, recreation, etc.;**
- c) **Mandating community meetings with stakeholders early and often;**
- d) **Preparing environmental, social, cultural and economic assessments;**
- e) **Including specific performance metrics to evaluate the effectiveness of the measures through goal-appropriate, regular monitoring;**
- f) **Including provisions for such program or management regimes to be modified or removed based on the review of the performance metrics; and**
- g) **Developing a realistic and achievable enforcement plan.**

Moved by Rice; seconded by Sensui.

Motion passed.

Anderson supported the idea behind the policies and said they were consistent with what the DAR is trying to do now. He had concerns about preparing the assessments to go along with the rule-making. The agency does its best to determine impacts, but the assessment process to prepare formal documents is more detailed. That part may be problematic, but the rest of the list is consistent with what the agency does. He appreciated the intent behind the recommendation.

Regarding 2017 Hawai'i coral reef fish stock assessments, the Council recommended NMFS PIFSC incorporate the use of the abundance data from surveys comparing the low fishing pressure areas and high fishing pressure areas, in addition to length data, to validate the mean length information. The Council further recommended the NMFS PIFSC coral reef fish stock assessments undergo simulation testing using an independent operating model to fully understand the potential biases related to the assessment model assumptions and input data for the next stock assessment updates.

Moved by Rice; seconded by Sensui.
Motion passed.

XI. American Samoa

A. Motu Lipoti

Sesepasara reported on the Village MPA program, a long running community-based marine management program in American Samoa supported and administered by DMWR. The program objective is to restore viable sports fishery stocks through village-based fishery management and monitoring. Ten villages participate in the program; one village manages its coral reef resources independently. DMWR worked with the village to develop guidelines for enforcement and management activities and will continue to monitor the reef resources and assist in enforcing village regulations. Sesepasara traveled to the Manu'a islands the week prior to the Council meeting, where the mayor of Ofu expressed interest in the village MPA program. Sesepasara will travel to the village again in in mid-July for further discussions with the Ofu Council and chiefs.

Sesepasara reported on the key reef species program of DMWR. WPacFIN staff trained data collectors on species identification and measurement skills. DMWR hired three new data collectors for the program.

Three FADs have been deployed in DMWR's FAD program, but there were permit and weather delays.

Sesepasara thanked Council staff for its support in preparing the Disaster Relief Fund application package. The funds will be used to recover the bottomfish fisheries that collapsed after the 2009 tsunami. Eight projects were funded under the program, and funding became available in 2012. The first one was direct compensation for 14 fishermen who lost their boats in the tsunami. The second was construction of a trailer to haul alias out of the water for repairs. Another project is the floating dock repair and replacement, which is incomplete. DMWR has

issued a request for proposals for the placement of 10 piles to secure the floating dock. The installation of flood lights at the pier is completed, while the alia boat repair program has taken a while to get started. DMWR and Public Works have put the plans together for the alia boat ramp in Pago Pago Harbor and will publish a request for proposals. With respect to access to ice, an ice machine has been received and a structure to house the machine is planned for completion in August. DMWR is working to complete the Disaster Relief Funds as soon as possible.

Sesepasara said DMWR personnel, Ilaoa and an electrical technician accompanied Sesepasara to the Manu'a Islands the previous week to assess the refrigeration equipment there.

B. Fono Report

Ilaoa said the Legislature broke session in April. It is considering a bill to solve the port scanner issue, which carries an excessive fee of \$200 per container. The legislation has the potential to impact the cannery, since importing and exporting containers is part of the business. Congresswoman Amata Radewagen met with the US Secretary of Commerce Wilbur Ross about removing fishing restrictions within the marine national monuments. By October, the Council may hear an update on review of the marine national monuments.

Soliai said Radewagen introduced a bill that seeks to amend the 2007 Fair Wage Act. The American Samoa Jobs Protection and Expansion Act seeks to restore the pre-2007 Special Industry Committee that reviewed the minimum wage in American Samoa. The minimum wage is one of the factors that contributed to the Chicken of the Sea closure in 2009 and the Samoa Tuna Packers (STP) closure in late 2016. The current unemployment rate is about 15 percent, down from an estimated 27 percent in 2012.

Sesepasara said the shark law in American Samoa has been revised for consistency with the federal law. The revision will undergo a 30-day public comment period. If fewer than five comments are received, the full public hearing process does not need to take place.

Simonds said she was looking forward to Sesepasara's Manu'a report.

C. Enforcement Issues

Sesepasara said there were no major enforcement issues and DMWR enforcement works with NMFS OLE.

D. Community Activities and Issues

Ilaoa reviewed the Malaloa Longline Dock Extension Project. The Council provided nearly \$200,000 to the American Samoa Government's Port Administration to fund the first phase of the project design. The government would then identify construction funds. The Port Administration cancelled the current contract, and a member of the AP is developing a proposal to complete the design phase. The dock extension should be placed on the capital improvement project list given the Council's initial investment and safety concerns for the longline vessels.

Iloa reported on the Aunu'u fishermen development project. Council staff met with Aunu'u representatives and chiefs in April to discuss fishery development projects. The Council is determining the best route for installation of an ice machine in the Department of Public Works building by the boat ramp and may consider solar power for the machine to reduce costs.

Iloa said there were no updates on the super alia project, except estimates for the cost now exceed \$400,000. AP members believe a similar vessel could be produced more cheaply. The American Samoa Department of Commerce has a final design and is working to identify funding for construction. The vessel will be used as a training platform.

Simonds said the Council initially invested \$100,000 in the longline dock project but recently contributed an additional \$90,000 for Will Sword and his partner to develop a proposal for the final design. Sword is awaiting direction from the Port Administration. American Samoa needs the longline dock, but the Council must decide if it should reprogram the money for a different project. The project was removed from the capital improvement projects list, which indicates that the government does not support the project.

Sesepasara said the Council provided \$194,000 for the design work. A New Zealand firm won the initial bid for \$100,000 and, after a site visit, requested an additional \$94,000. The deputy director of the Port Administration has confirmed that the government did not pay the contractor and terminated the contract. The Port Administration director held discussions on the project with Sword and his partner but have not contracted the work. The governor informed Sesepasara that the capital improvement projects list only includes high priority projects because the funding is limited to \$25 million. The governor is working with Congresswoman Radewagen to increase funding for capital improvement projects.

Simonds said that the Port Administration director informed Council staff in April that she expected a proposal from Sword and his company within a week. One of the projects on the capital improvement projects list is to develop an airport on Swains Island, where no one lives. The government needs to decide if a longline dock is important for American Samoa or not.

Sesepasara said he would convey the information.

Lutu-Sanchez said the longline dock is for all fishing vessels and not just US albacore boats. American Samoa should have as much infrastructure as possible to encourage others to come to the tuna center of the Pacific.

E. Fisheries Development

1. Longline Dock Update

This was covered under previous agenda items.

2. Aunu'u Fishermen Development

This was covered under previous agenda items.

3. Tutuila and Manu‘a Alia Repair

This was covered under previous agenda items.

4. Fishermen Training Program and Lending Scheme

Sesepasara reported on the fishermen training program and lending scheme. The program goal is to train fishermen to use modern fishing gear. The alia fishermen have 10 miles of longline, without electric reels or hydraulics. They bottomfish using manpower only and do not have navigation equipment on their vessels. They fish within sight of shore. This program will train the fishermen in the use of navigation equipment. Sesepesara said he would submit a revised budget for the program soon to account for the cost of equipment. While the lending scheme is a good idea, Sesepasara was concerned that the bank would not back the program.

Simonds said the Development Bank agreed to raise the ceiling of how much fishermen would be able to borrow four years ago, so they could afford to purchase a small boat.

Sesepasara asked if there were any letters of agreement on the issue.

Simonds said Kingma should have reports on the discussions and they will be sent to Sesepasara.

5. Working Alia Project

This was covered in a previous agenda item.

6. Fagatogo Fish Market and Bottomfish Export

This was covered in a previous agenda item.

7. Manu‘a Fishermen Cooperatives

This was covered in a previous agenda item.

8. Relief for the Longliners

Dalzell reported on the disaster relief process. It is well understood that industrial-scale albacore fisheries are not in great shape. The longline fishery shows a long-term decline, with only 20 vessels currently active. One of the two canneries is closed, the Tri-Marine facility. The purse-seine vessels homeported in American Samoa are not able to fish in their traditional Central Pacific fishing grounds due to high seas closures and reduced availability of vessel days from Kiribati.

The MSA disaster relief process states that the governor or an elected or duly appointed representative of an affected fishing community may request a disaster determination from the Secretary of Commerce. The governor or congresswoman may make an approach to the Secretary of Commerce on behalf of the affected community, which is the American Samoa

longline fishery. Three requirements have to be met for the Secretary to make a positive fishery disaster determination. First, there must be a fishery resource disaster. The fishery has declined by 75 percent in terms of catch, effort, catch rate and economics, so the longline fishery meets the first requirement. Second, the cause for the fishery resource disaster must be an allowable cause under the MSA, which is related to the first requirement. Third, there must be an economic impact stemming from the fishery resource disaster that supports a determination of a commercial fishery failure under the MSA. There has been a significant impact since cost earnings and revenues have been collected on the fishery. Some operators in this fishery cleared \$100,000 earnings or take-home revenues. This was reduced by 90 percent in 2010 and 2011, and revenues dipped into negative territory in 2013. Economically, there is a major disaster in our second-largest fishery in the Western Pacific, and that disaster can be addressed either by the governor or an elected official. Council staff can assist the governor or duly appointed representative to document the decline of the American Samoa longline fishery in detail and has assisted with disaster relief in the past.

Soliai asked about the similar request in the past.

Dalzell said the NWHI bottomfish and lobster fisheries received disaster relief.

Simonds said Congress provided funds for the NWHI fishery relief. American Samoa also received a million dollars in relief following the 2009 tsunami.

Sesepasara asked if Council staff could assist in putting together a disaster proposal for funding the longline dock.

Simonds said they could discuss this, but it would take a lot of time.

Lutu-Sanchez said she appreciated the effort from the staff to consider other ways to address the decline in the longline industry in American Samoa in addition to the LVPA exemption. The 11 longliners still fishing will continue to fish and live in American Samoa. They will not give up and look forward to Marine Stewardship Council certification.

Soliai commended the longline fishing community for their resiliency against many challenges. He thanked the staff for its initiative and said the PIFSC report on the economics of the fishery is helpful.

F. Shark Law Revision

This item was covered in a previous agenda item.

G. Education and Outreach

Ilaoa gave the education and outreach report. The winners of the lunar calendar art contest received their prizes recently. The summer high school fishery and resource management course, taught by Mac Aveina, will begin in the second week of July. Students will have an opportunity to learn about the fisheries and fishing methods and will take swimming and water safety classes from the American Samoa Aquatic Association. Students will also receive CPR

and first aid certifications, learn from guest speakers and tour vessels. The program encourages interest in fishery management and the territorial scholarship program.

1. AmeriCorps and Kupu Hawai‘i Climate Change Resilience Internship Program

Ilaoa presented an upcoming partnership between Kupu Hawai‘i and National Marine Sanctuary of American Samoa. The program is offering two internships for climate change resilience studies in American Samoa.

2. Graduating Scholarship Students Employment

Sesepasara reported the two scholarship recipients have completed their studies at the University of Hawai‘i and are scheduled to return home in early August. One will work for the National Park in American Samoa and the other will work in DMWR on the Coral Reef Task Force program.

3. Summer Fisheries High School Course

This was covered in a previous agenda item.

Lutu-Sanchez reported on safety drill instructor certification sponsored by the USCG and PIRO Observer Program. Vessels must hold safety drills once a month, according to a USCG requirement. She thanked the USCG and NMFS for the training opportunity. She said the industry is also interested in training programs for captains and engineers, targeted toward industry members and high school graduates.

H. Advisory Group Reports and Recommendations

1. Advisory Panel

Ilaoa reported there were no AP recommendations.

2. Federal Data Collection and Research Committee

Sabater said there were no recommendations from the FDCRC.

3. Scientific and Statistical Committee

Callaghan said there were no recommendations from the SSC for American Samoa.

I. Fishery Rights of Indigenous People Standing Committee Recommendations

Soliai reported that there were no recommendations from the Fishing Rights of Indigenous People Standing Committee.

J. Public Comment

Lutu-Sanchez called for the first public comment. Ilaoa read the comment from Feliciano.

My husband and I own and manage three US longline fishing vessels with our children. We invested all of our retirement savings and effort into our business because we believe in investing in our American Samoa community and fishing is our life. We are supportive of the Council's efforts and the National Marine Fisheries Service to help. However, I do ask your expediency toward our dire situation at hand. While the Council meets only three times a year, the fleet is suffering every day. This year has been better, but unexpected, unfavorable weather conditions beyond control, coupled with other difficulties, such as tending to overdo required vessel proper repairs due to the limited financing leaves little or no room for progress, so the challenges remain. Hearing the status report on the 10-year outlook for the American Samoa longline fleet is furthermore discouraging. We are pleading for the Council's immediate help and support to save the last US longline fishery in the South Pacific from further demise.

Respectfully,
Antonio and Rasela Feliciano

Lutu-Sanchez called the second public comment, from Karlinna Sanchez.

Sanchez said the American Samoa government prioritizes alia projects over longline projects, even though no alia fishermen use the completed projects and the 11 longline vessels have been waiting for their dock for so long that the Council is considering withdrawing their support. The longline dock should be a priority because the longline vessels provide economic development that the island needs. The longline vessels aren't viewed as important because they are bigger than the alia vessels, but they are suffering. Tying the boats together damages the vessels over time and creates hazardous working conditions for the crew. The dock would be an important asset to these fishermen and to these boat owners. The port scanner introduced access fees at the airport and the port without public awareness, and the people will be paying for it for many years. The longline fisheries are an important part of American Samoa because they feed people, provide jobs, provide fish to the canneries, restaurants and their workers. Sanchez asked the Council to be as resilient as the longline owners because they are suffering while the Council waits for the government. The Council is the only support the longliners have.

K. Council Discussion and Action

*Regarding the Malaloa longline dock project, the Council **requested the American Samoa Government review its list of capital improvement projects and include the project to extend the Malaloa Marina Dock to provide docking space relief for American Samoa's large vessels.***

Lutu-Sanchez moved; Soliai seconded.
Motion passed.

Regarding fisheries training, the Council recommended that the NMFS PIRO Grants Management Division explore opportunities to fund a Training and Marine License Certification Program for captains, crew and mechanics within the American Samoa and CNMI fishing communities.

Lutu-Sanchez moved; Soliai seconded.
Motion passed.

Gourley asked to include the CNMI, and the amendment was accepted.

XII. Administrative Matters

A. Financial Reports

Simonds reviewed the financial report starting with a summary of the multi-year 2017 budget, expenditures and balance. The budget is \$3.81 million, and the Council has spent \$1.25 million excluding June Council meeting expenses. For the Coral Reef 2014 grant, \$87,500 remains to complete the comparison of data limited stock assessment methods for coral reef fisheries, the Kona crab WPSAR and other projects. The data collection for supplementing accountability measures along with stock assessment models in American Samoa and Hawai‘i is ongoing for in the Coral Reef 2015 grant. For the Coral Reef 2016 grant, catch projection methodologies, evaluating data-limited methods and other projects will need to be completed by September 30 or the Council will ask for an extension. The Council will use funds in the Turtle 2015 grant to implement recommendations from the Rare Events Bycatch Workshop and fund a false killer whale depredation device and data analysis project. Turtle 2016 will fund the seabird workshop analysis and coordination and potentially the Marianas turtle workshop. Turtle 2017 funds are earmarked to evaluate bycatch methods in the longline fishery and update the protected species module of the SAFE report. Sustainable Fisheries Fund IV ongoing projects include the pelagic and insular fisheries research program, marine planning and climate change capacity building and the ice machine project.

B. Administrative Reports

Simonds reported that there have been no staff changes since the last Council meeting although five new staff members are needed. Simonds also said the annual audit began June 12 and is projected to end on September 30, 2017.

C. Update on Information Inquiries and Responses

Simonds said that the Council wrote to the Department of State to ask when to send in nominations for the North Pacific and South Pacific commissions. Balton’s response indicated communicating directly with Brakke, which is ongoing.

The Council received a letter from Zenen Ozoa, a fisherman who used to own one of the NWHI bottomfishing permits, with a request to have his bottomfish permit restored. The Council responded that NMFS cannot restore permits until the monument review is complete.

Tosatto said if Ozoa received compensation, he would not be eligible to receive a permit.

Simonds said a whole new program would need to be developed. The Council also received a letter from Roy Morioka thanking the Council for supporting the Fishing for Hawaii's Hungry Tournament, which was a success. Fishermen donated 1,734 pounds of fish that were provided with meals at the Institute of Human Services.

Simonds mentioned Saltonstall-Kennedy funding for projects from former Trust Territories and how the priority should be the US Territories and State. She said having more and better proposals for Territorial Science would benefit the territories.

Anderson asked the Council move to abstain or move to reconsider the vote to abstain regarding the letter that the Council agreed to transmit to the governor on meeting deadlines to appoint the existing members. Although the deadline was extended, it seemed like a NOAA-imposed deadline. Instead of criticizing the governor for failing to submit the nominations on time, Anderson said it would be more productive to ask NOAA to reconsider or consider extending the invitation to the governor to appoint nominees.

Ebisui said NOAA is under a statutory deadline for Council member appointments.

Tosatto asked if there was a motion made.

Ebisui said no.

Tosatto provided general information in absence of a motion. Appointments follow a regulatory timeline. The Council is a statutory size of 13. Besides NMFS, each involved state and territory has one representative from its governor and one obligatory seat. What remains are four at-large seats which are regional in their nature. The MSA requires a balance between commercial and recreational fishermen and those representing scientific, academic and conservation advocacy in an "other" category. NMFS may only consider nominations received in accordance with the regulations. Tosatto said that it would be unfair to accept additional nominations to the governors who did meet their requirements. Eligible nominations will be considered for the at-large seats. NMFS extended a 30-day regulatory accommodation for all governors, and only two of the four governors provided letters for consideration.

Simonds said it would be difficult for the Council to write a letter supporting Anderson's request because all governors received the nomination letter sent out on Jan. 15.

Anderson said he understands the process but asked if there's a way to support the continuance of the incumbent's seat on the Council. He asked for a reconsideration of the vote on the letter to the Hawai'i governor, to change his vote to an abstention instead of in favor, for the record.

Ebisui called on general counsel.

Tucher said there have been several occasions where members have asked Council staff to change a vote. He reminded Council members that the Council follows parliamentary rules

and procedures, which are Robert's Rules of Order, so decisions may only change through motions for reconsideration or through amendment. The motion would need to be brought, seconded and then everyone would need to revote. We can't entertain e-mails after the Council meeting has closed. It must be brought up in a public forum with a record.

Anderson brought a motion for reconsideration. He moved that the Council reconsider the vote on the letter to the Hawai'i governor and that the Council revote on the matter.

*Regarding the Council appointment process in the State of Hawai'i, the Council **directed staff to express its concerns and its disappointment to the State of Hawai'i regarding its failure to transmit Council member nominees to the Secretary of Commerce, which results in the potential loss of two Hawaii seats on the Council***

Moved by Anderson; seconded by Rice.
Motion passed. Anderson abstained.

Anderson proposed to amend wording because the governor did transmit a letter.

Tosatto said the letter was mailed 10 days after the second deadline. The issue was timeliness and not submittal. There was no submission from Guam or Hawai'i, because submissions received after the deadline cannot be considered and made public along with the other governors' lists. Tosatto said that the governor of CNMI did submit the Ebisui's name as an at-large nominee and that no list includes the name of Rice, so he cannot be considered for continuation. The only amendment that might be needed is to the Secretary of Commerce in a timely manner.

Anderson said he did not want to amend the language but to express his point to members and revote on the motion as it stands.

D. Council Family Changes

DeMello said for the new three-year term for the MPCCC, the current members asked the Council to consider reappointing the existing members and to include Richard Salas for CNMI, Vincent Leon Guerrero and William McDonald from Guam, Lyn McNutt from Hawai'i, Thomas Oliver from PIFSC and an SSPC member as an ex-officio member of the committee.

The Council solicited for AP alternates and received the following applicants: Dorian Salavea and Edgar Feliciano from American Samoa; Leo Olopai and Scott Schular from CNMI; Gil Kualii, Clarence Yamamoto Jr. and Teresa Nakama from Hawai'i; and Judith Amesbury from Guam.

The Council solicited for the Community Development Project Program (CDPP) AP, and the applicants were Kamealoha Smith, George Moses, Peter Perez and Howard Dunham.

DeMello said the Guam AP chair has moved to Hawai'i as part of his job with the Navy so consideration may be given to change the chair of the Guam AP.

The State of Hawai‘i requested that Okano replace Miyasaka on the SSC.

E. Report on the Annual Council Coordinating Committee Meeting

Gourley said the MSA will be reauthorized next year. The Council Coordination Committee (CCC) is developing position statements for each section contained within the MSA. Gourley and Sensui have been assigned to the CCC’s legislative committee to help review and gather the Council’s comments on MSA reauthorization bills. The working group has divided the draft position statements for discussion at the CCC and will report back to the Council at the next meeting.

Simonds said the CCC agreed to send several letters to the administration. The letter to Secretary Zinke encouraged DOI to invite the regional fishery management councils for comment during the monument review. The second letter regarding international fisheries is still in circulation. The incumbent negotiator for US fisheries is not strong, and the CCC made the request to appoint a strong negotiator. Several industries have written to the Trump Administration asking that the President appoint Bill Gibbons-Fly as the negotiator under International Affairs with NOAA.

Ebisui said the CCC venue was appropriate. Gloucester is the oldest fishing village and has a monument to the fishermen’s lives lost to the sea.

Simonds said Gloucester is also the home of *Wicked Tuna*, and that Council members and staff also visited a virtual auction.

F. Standard Operating Practices and Procedures Changes

Simonds said other Councils have standing committees for legislation. The chair appointed an ad-hoc committee. She requested the Council create a permanent committee and appoint Gourley, Sensui and Soliai.

G. Meetings and Workshops

Simonds reported on that the NWHI Coral Reef Ecosystem Reserve Advisory Committee, Saipan Fishing Derby and IATTC meeting will take place in July. An intersessional meeting of the WCPFC will take place in August. The Council and NMFS are helping to coordinate the WCPFC meeting at the Hilton Hawaiian Village. The WCPFC Northern Committee is meeting in Korea, and the WCPFC Technical and Compliance Committee is meeting in the Federated States of Micronesia. The SSC and Council meeting will be held in Kaua‘i and American Samoa, respectively, in October. The Council will host a seabird workshop in November, and the WCPFC will meet in the Philippines in December.

H. Other Business

The Council recognized Callaghan for his service and contributions to the Council and SSC through a poem and resolution. The Council also recognized Rice for his service and contributions to the Council through a resolution.

I. Fishery Rights of Indigenous People Standing Committee Recommendations

No recommendations.

J. Executive and Budget Standing Committee Recommendations

Mitsuyasu reported the committee deferred action to the plenary.

K. Public Comment

There was no public comment.

L. Council Discussion and Action

Regarding AP changes, the Council recommended the following membership changes: 1) for the American Samoa AP, remove Lafoga Alovao and appoint Edgar Feliciano; 2) for the Marianas AP, appoint Schular as an alternate; 3) for the Hawai'i AP, appoint Yamamoto and Kualii as alternates; and 4) for the CDPP AP, appoint Dunham and Salavea as American Samoa members, Olopai and Moses as CNMI members, Perez and Amesbury as Guam members, and Smith and Nakama as Hawai'i members.

Moved by Soliai; seconded by Lutu-Sanchez.

Motion passed.

Regarding the Guam AP chair, the Council chair thanked Perez for his outstanding work as Guam AP chair, and, in light of his move to Honolulu, replaced him as Guam AP chair with Guam AP member Felix Reyes. Further, the chair appointed Perez as the vice chair for Guam to retain continuity and provide support to Reyes.

Moved by Soliai; seconded by Lutu-Sanchez.

Motion passed.

Regarding the overall AP chair, the Council chair appointed Rice to the AP as the overall vice chair for the remainder of the 2015–2018 term and to serve as the Council's AP seat on the Permanent Advisory Committee to advise the US Commissioners to the WCPFC.

Moved by Sensui; seconded by Lutu-Sanchez.

Motion passed.

Regarding the AP Plan, the Council supported the activities and priorities as identified in the respective sup-panel plans and directed staff to work with the AP chairs and island coordinators to facilitate their implementation.

Moved by Soliai; seconded by Lutu-Sanchez.

Motion passed.

Regarding the 2017–2019 MPCCC the Council recommended the following changes to its membership: 1) reappoint the current members; 2) add Thomas Oliver (PIFSC), Lyn McNutt (Hawai‘i community member) and Lori Crisostomo (Guam community member); and 3) include a member of the Council’s SSPC as an ex officio member.

Moved by Soliai; seconded by Lutu-Sanchez.

Motion passed.

Regarding the SSC membership, the Council appointed Okano to the SSC to replace Miyasaka and recognized the important contributions of Callaghan and his years of service to the SSC. The Council wished Callaghan all the best on his retirement.

Moved by Anderson; seconded by Lutu-Sanchez.

Motion passed.

Regarding Standard Operating Practices and Procedures changes, the Council recommended the staff amend the SOPP to establish a Legislative Standing Committee and appointed the following as its members: Gourley from the Mariana archipelago, Sensui from the Hawai‘i archipelago and Soliai from the American Samoa archipelago.

Moved by Lutu-Sanchez; seconded by Roberto.

Motion passed.

Regarding the North Pacific Fishery Commission, the Council nominated Gourley to represent the Council as a US Commissioner and directed staff to communicate this nomination to the Department of State.

Moved by Soliai; seconded by Lutu-Sanchez.

Motion passed.

Regarding the South Pacific Regional Fishery Management Organization, the Council nominated Lutu-Sanchez to represent the Council as a US Commissioner and SSC member Itano and Simonds or her staff designee to serve on the Permanent Advisory Committee.

Moved by Gourley; seconded by Roberto.

Motion passed.

Regarding American Samoa longline fishery, the Council directed staff to further explore options and initiate actions to use the disaster relief provisions of the MSA to support the collapsed American Samoa longline fishery.

Moved by Roberto; seconded by Soliai.

Motion passed.

Regarding Saltonstall-Kennedy grant program, the Council **directed staff to send a letter to Secretary Ross stating problems such as the inclusion of the former Trust Territories as Pacific Islands Region projects in the solicitation, review process and criteria and to consider providing regional programs for Saltonstall-Kennedy funding.**

Moved by Goto; seconded by Sensui.

Motion passed.

Regarding marine national monuments, the Council **directed staff to send a letter to Secretaries Ross and Zinke detailing, among other things, inconsistency with the Antiquities Act in regards to the size of the monuments and the lack of transparency in the monument evaluation and designation process that occurred in the Western Pacific, through the undue influence of several environmental advocacy organizations.**

Moved by Gourley; seconded by Lutu-Sanchez.

Motion passed.

Regarding Pacific Islands Ocean Observing System (PacIOOS), the Council **designated Sensui as its representative on the PacIOOS governing advisory body.**

Moved by Goto; seconded by Lutu-Sanchez.

Motion passed.

XIII. Other Business

Ishizaki reported on the Fishers Forum questionnaire filled out by attendees, which asked for ideas and considerations for future forums. Survey questions included if the attendee fishes, what kind of fishing they do and what do they do with their catch. The results of the survey will be distributed to Council members.

Ebisui thanked the Council members and staff and adjourned the 170th Council meeting.

APPENDIX: List of Acronyms

ABC	acceptable biological catch
ACL	annual catch limit
AP	Advisory Panel
BiOp	biological opinion
BRFA	Bottomfish Restricted Fishing Area
BSIA	best scientific information available
CBSFA	Community-Based Sustainable Fishing Area
CCC	Council Coordination Committee
CDPP	Community Development Project Program
CNMI	Commonwealth of the Northern Mariana Islands
CPUE	catch per unit effort
DAR	Division of Aquatic Resources (Hawai‘i)
DAWR	Division of Aquatic and Wildlife Resources (Guam)
DFW	Division of Fish and Wildlife (CNMI)
DLNR	Department of Land and Natural Resources (Hawai‘i)
DLNR	Department of Lands and Natural Resources (CNMI)
DMWR	Department of Marine and Wildlife Resources (American Samoa)
DOA	Department of Agriculture (Guam)
DOC	Department of Commerce (US)
DOI	Department of the Interior (US)
DPS	distinct population segment
EEZ	exclusive economic zone
EFH	essential fish habitat
EO	Executive Order
EPO	Eastern Pacific Ocean
ESA	Endangered Species Act
FAD	fish aggregating device
FDCRC	Federal Data Collection and Research Committee
FEP	Fishery Ecosystem Plan
FFA	Forum Fisheries Agency
FKWTRT	False Killer Whale Take Reduction Team
GovGuam	Government of Guam
GSA	General Services Agency (Guam)

IATTC	Inter-American Tropical Tuna Commission
LVPA	Large Vessel Prohibited Area (American Samoa)
MCP	Marine Conservation Plan
MEA	Monument Expansion Area (NWHI)
MHI	main Hawaiian Islands
MMPA	Marine Mammal Protection Act
MOA	memorandum of agreement
MPA	marine protected area
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSY	maximum sustainable yield
mt	metric ton
MUS	management unit species
NCFAC	Non-Commercial Fisheries Advisory Committee
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOS	National Ocean Service
NWHI	Northwestern Hawaiian Islands
OHA	Office of Hawaiian Affairs
OLE	Office of Law Enforcement
PEIS	Programmatic Environmental Impact Statement
PIFSC	Pacific Islands Fisheries Science Center
PIRAP	Pacific Islands Regional Action Plan
PIRO	Pacific Islands Regional Office
PMNM	Papahānaumokuākea Marine National Monument
PRIAs	Pacific Remote Island Areas
PSAC	Protected Species Advisory Committee
SAFE	Stock Assessment and Fishery Evaluation
SAR	stock assessment report
SSPC	Social Science Planning Committee
SPC	Secretariat of the Pacific Community
SSC	Scientific and Statistical Committee
SWM	shallow-water mooring
UN	United Nations
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
WPacFIN	Western Pacific Fisheries Information Network
WPSAR	Western Pacific Stock Assessment Review