



WESTERN  
PACIFIC  
REGIONAL  
FISHERY  
MANAGEMENT  
COUNCIL

**DRAFT MINUTES OF THE 164th MEETING OF THE  
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

**October 21–22, 2015**

**Held in Utulei, American Samoa  
Governor H. Rex Lee Auditorium (Fale Laumei)  
Department of Commerce  
Government of American Samoa**

Approved by Council:

A handwritten signature in blue ink, appearing to read 'Edwin Ebisui Jr.', is written over a horizontal line.

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



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## **I. Welcome and Introductions**

The following Western Pacific Regional Fishery Management Council members 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)
- William Sword, vice chair (American Samoa)
- Michael Goto (Hawai‘i)
- Julie Leialoha (Hawai‘i)
- Taimalelagi Dr. Claire Tuia Poumele (American Samoa)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Alton Miyasaka, Hawai‘i Department of Land and Natural Resources (DLNR) (designee)
- Matthew Sablan, Guam Department of Agriculture (DOA)
- Richard Seman, CNMI Department of Lands and Natural Resources (DLNR)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- RADM Vincent Atkins, US Coast Guard (USCG), District 14
- Michael Brakke, US Department of State
- Brian Peck (standing in for Matt Brown), US Fish and Wildlife Service (USFWS)

Also in attendance were Council Executive Director Kitty Simonds, Council Scientific and Statistical Committee (SSC) Chair Chuck Daxboeck and Kamaile Turcan, NOAA Office of General Counsel (GC).

### **Opening Remarks from The Honorable Lemanu Peleti Mauga**

The Honorable Lemanu Palepoi Sialega, Lieutenant Governor of American Samoa, welcomed the Council to the Territory of American Samoa. He looked forward to continuing the work to improve fisheries development in the territory. The 78-registered *alia* is evidence that there is need for the cooperative concept developed by the Council, with further refinement needed. He acknowledged the Council’s efforts to sustain the two canneries, StarKist and Tri Marine. He mentioned the threats of increasing the federal mandated minimum wage, the restriction of fishing in the Effort Limited Area for Purse Seiners (ELAPS) and being disqualified as a Small Island Developing State (SIDS). He cautioned against making decisions based on a set of rules from the past because some policies no longer work. American Samoans

are mindful of the need for conservation in a manner conducive and reflective of the needs of the people across the Pacific Islands. The Council decision made to open the protected zone for fishing from 50 miles from shore to 12 miles from shore are based on studies, assessments and opinions, which is good, but the will of the people should be recognized for any major judgments that will affect their lives. The American Samoa government and the Council differ on the issue, but the interests are similar with respect to sustaining subsistent fishing communities and indigenous practices.

Simonds commented that the Council was instrumental in including the three Territories in the Western and Central Pacific Fisheries Commission (WCPFC) Convention because the Council believes the Region's Territories should be sitting at the table. The Territories are now represented at all of the Commission meetings. While they are not able to sign contracts, they can speak their mind. The Council supports the Tri Marine petition and American Samoa and is in total support of saving the canneries. In a Council letter recently sent to the government of American Samoa, the bad judgements from the past are outlined. Simonds said she hoped that the petition will be approved soon. Meanwhile, work is ongoing to develop an economic report. Hopefully, the American Samoa government will ask NMFS to complete the document before the end of the year so that boats can get back to fishing.

In 2009 the executive director met with the Manu'a chiefs to begin the development of their fisheries. The Council supported the development of the bylaws for two cooperatives, as well as facilitated the placement of fuel tanks, ice plants and boat ramps. The fish market has been established on Tutuila for the sale of the Manu'a fish. By working together, boat repairs can be completed to enable fishermen to go fishing.

Ebisui said the Council has always been committed to perpetuating access by native people to the ocean and fishing. The Council will work as hard as it can to continue to do so.

The Richard Shiroma Award was presented in recognition of Lauvao Stephen Haleck's many years of outstanding contributions. His wife, Meleste Grohse-Haleck, accepted the award on his behalf. High Talking Chief Lauvao was from Aunu'u and was a former Council member and Council chair and an active member of the Council's Advisory Panel when he passed recently.

The Council awarded the first installment of funds for \$50,000 to the American Samoa Port Administration to develop a longline dock at Malaloa Dock. Chris King accepted the check.

Tosatto administered the oath to returning Council members Goto and Duenas.

## **II. Approval of the 164<sup>th</sup> Council Meeting Agenda**

Moved by Seman; seconded by Sword.

Motion passed.



### **III. Approval of the 163<sup>rd</sup> Meeting Minutes**

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

### **IV. Executive Director's Report**

(Executive Director's report was deferred to relevant agenda topics.)

### **V. Agency Reports**

#### **A. National Marine Fisheries Service**

##### **1. Pacific Islands Regional Office**

###### **a. Status of Pending Management Actions**

Tosatto reported that during the period since the June Council meeting there have been a series of expedited rule-making actions regarding international measures, high seas measures and US bigeye quota and allocation limits for the three regional territories. Specifications were made for CNMI while the agency awaited final clearance from CNMI's Coastal Zone Management offices. PIRO is moving forward with Guam's quota and allocation limit, and work is ongoing on American Samoa as circumstances allow. There are a number of final listing decisions under the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA), proposals on green sea turtles and humpback whales, and 90-day findings on a series of sharks, whales and other fish. No decision has been made regarding the Large Vessel Prohibited Area (LVPA).

Scott Yamashita, recently retired from NOAA Office of Law Enforcement (OLE), is now staffing the desk at the NOAA Service Center at Pier 38.

PIRO and Council staffs continue to work on outstanding Council actions, such as the American Samoa longline permit consolidation and the Fishery Ecosystem Plan (FEP) review and update.

##### **2. Pacific Islands Fisheries Science Center**

Evan Howell, Pacific Islands Fisheries Science Center (PIFSC) deputy director, reported recent activities of the Science Center for Director Mike Seki.

Howell highlighted recent staffing changes, which included his own position as PIFSC deputy director, as well as Protected Species Division Director Frank Parrish and Science Operations Division Director Noriko Shoji. The Ecosystems Science Division Director position is still underway. Socioeconomics Program Lead Justin Hospital, National Environmental Policy Act (NEPA) Specialist Hoku Johnson and Fisheries Data Analyst Stefanie Dukes were also appointed. The Stock Assessment Program Lead and CoastWatch Manager are ongoing. Michelle Barbieri is the new veterinarian. The social scientist and science editor positions are being re-advertised. Joint Institute for Marine and Atmospheric Research recruitments included Kimberly Harding, who will lead PIFSC's fast-tracking efforts for bottomfish information.

Ongoing projects in the Science Operations and Advanced Technologies Division included efforts to advance bottomfish fishery independent surveys to get fishery-independent information. Efforts were made to operationalize the Modular Optical Underwater Survey System to replace the use of bottom cameras. Work was conducted on the NOAA ship *Hiialakai* near the main Hawaiian Islands.

An external review of the Protected Species Science Program was held July 27 to 31 in Honolulu. The goal was to evaluate current scientific programs in the division, review and assess the extent of the current science focus on needs for PIRO managers and review of the cetacean, marine turtle and monk seal programs. The panel provided preliminary findings to the division. The Protected Species Division and the Director's Office compiled responses to the findings, which will be posted on the PIFSC website.

During a successful Mariana Archipelago cetacean survey there were 42 cetacean sightings of nine species, including spinner dolphins, rough-toothed, bottlenose and Risso dolphins, melon-headed, false killer and sperm whales, as well as Blainville's beaked and Bryde's whales. More than 6,500 photographs were taken, and more than 50 tissue samples were taken for biopsies. One satellite tag of a false killer whale was deployed. There were 45 acoustic detections, including all of the visual sightings. They were able to maintain the two High-frequency Acoustic Recording Packages near Saipan and Tinian.

The Hawaiian Monk Seal Program successfully rehabilitated the seventh and eighth monk seals, named Pearl and Hermes, at Ke Kai Ola. The two seals were returned to the field. During the summer, seven more seals arrived to the marine mammal hospital in Kona. The season's field efforts were ended in August due to the projected paths of hurricanes. One 13-year-old male monk seal was lost during research operations. Science operations were suspended, and the accidental loss is being reviewed in efforts to avoid its reoccurrence.

Major activities in the main Hawaiian Islands included Reef Fish Intensive Survey by the Ecosystem Division, an Ocean Exploration Mission with seafloor mapping and searching for deep corals and sponges near the Big Island and Maui and a successful marine debris cleanup near Midway that received a lot of good feedback. Other activities included several workshops, such as the first Hawaii Commercial Bottomfish Data Workshop, convened in September. The Second Bottomfish Workshop is scheduled in November at Pier 38 in Honolulu. Several Western Pacific Stock Assessment Review workshops were held regarding the region's bottomfish.

## Discussion

Simonds asked about activities to be conducted in American Samoa during the next two years.

Howell said the NOAA ship *Sette* is scheduled to travel to American Samoa in March 2016. Prior to that cruise, outreach teams will work with the American Samoa public to share the planned activities for the cruise. No dates have been determined. There will be follow-up to prior reef surveys. There have been proposals to work up some of the prior data from past cruises to get a better understanding from fish surveys results. Any reports available in advance of the

cruise will be provided to the community in an effort to encourage public interest. Joe O'Malley and Bob Humphreys are currently in Apia working on life history measurements.

Sword asked that the seamounts around the archipelago be included in the Science Center's scope of work for the 2016 cruise.

Howell noted Sword's request.

## **B. NOAA Office of General Counsel, Pacific Islands Section**

Turcan reported that NOAA is currently litigating and defending the Final Rule implementing Amendment 7 related to the bigeye quota and framework process for transfer of a certain amount of that quota. Briefing has been completed and submitted to the District Court in Hawai'i. Oral arguments were presented in September. A decision by the court is expected in November.

## **C. US State Department**

Brakke said the two main issues of interest to the Council are the Tokelau Arrangement related to South Pacific albacore and the South Pacific Tuna Treaty. He is aware of much concern in American Samoa and the region on the status and future of the treaty and potential impacts on the fleet operating out of American Samoa and to the supply to the canneries that are so important to the American Samoan economy. American Samoa was invited to participate in the delegations to the Tuna Treaty negotiations, as it is helpful to have those views represented on the delegation. Brakke thanked the government of American Samoa for supporting the participation.

At a meeting in Brisbane, Australia in August, an internal interim arrangement was made regarding operational continuity for the fleet during 2016. There was frustration with the direction of the negotiations and the changes in the terms offered by the Pacific Island parties of the treaty. It was stated at the meeting that the US would consider all available options. The process is ongoing in terms of US participation in the treaty as to what is the best possible way to support the US fishery interest in the region going forward and the longstanding cooperation with the Pacific Island parties.

## Discussion

Simonds asked about the process of countries or industry opting out of the treaty.

Brakke said there is a process for a party to the treaty to opt out. Either the United States or the Pacific Islands would submit their notice of withdrawal, which would take a certain amount of time to take effect. For the United States, it would take one year to take effect. He stressed the need for the delegation to think ahead in order to have operational continuity for 2016 while all options important to the fleet are considered. As far as an element of the US industry and their participation in the treaty, as currently drafted, US-flagged vessels must be licensed under the treaty in order to fish in the treaty area. One issue being considered is whether that remains a viable model or whether a different approach outside of the treaty is potentially preferable, which is subject to discussions both internally and externally. Brakke reiterated that

as it stands currently, with the treaty in force, vessels have to operate within that treaty framework and be licensed under the treaty.

#### **D. US Fish and Wildlife Service**

Peck reported that the Intergovernmental Committee has met twice. The committee consists of the agencies responsible for the management of the monument, which are the USFWS, NOAA PIRO, the National Marine Sanctuary of American Samoa, DMWR and the American Samoa Department of Commerce (DOC). The final draft of the charter is expected to be completed in the near future and will include the operational aspects of the committee. A letter was sent to the management agencies on the committee describing the activities over the past two years. In the future, this letter will serve as an annual update.

The specifics for the management of the monument are included in the Presidential Proclamation. Discussions have begun with regard to the development of a monument management plan.

The New England Aquarium and scientists from the American Samoa Marine Sanctuary visited Rose Atoll recently for data collection, coral reef transects, and seabirds and photo mosaics. The next trip is planned for early December with the NOAA Turtle Team to continue tagging green sea turtles with satellite transmitters on nesting green sea turtles for the fourth straight year. Most turtles nesting at Rose travel to Fiji for foraging and have been tracked as far as New Caledonia.

The phased draw-down of USFWS presence on Laysan Island began in September-October. Habitat restoration there has been successful.

#### Discussion

Matagi-Tofiga requested assistance with the USFWS NEPA review process in DMWR's efforts to obtain fish aggregation device (FAD) deployment permits.

Peck said he would pass the information along as an issue to be worked on.

Simonds asked if Peck had staff stationed in American Samoa to assist in drafting the NEPA document.

Peck said he is the only USFWS personnel in the southern hemisphere. Personnel stationed in Honolulu can assist DMWR.

Gourley asked if state agencies have any meaningful management authority over national marine monuments.

Peck said that the Proclamation directs the USFWS as a primary manager for the Marine National Monument, with NOAA Fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for fisheries management, which are the two management agencies. The Marine Sanctuary of American Samoa, DMWR and DOC are all in coordination

with USFWS and NOAA Fisheries. They are very much an active part of the committee and input is received from all parties.

Gourley reiterated the question, adding that they have no real management authority.

Peck replied in the affirmative.

Miyasaka updated the Council on the Hawai'i NEPA consultations with USFWS regarding essential fish habitat (EFH) and protected species. They are currently in the process of responding to the notice, especially the EFH consultations. Miyasaka said he understands that this is the last step prior to USFWS issuing a Finding of No Significant Impact, which means the process is close to being resolved.

Rice asked if funds would then become available for FADs.

Miyasaka said allocation has been given to the State. The Finding of No Significant Impact will give the authorization for the funds to be spent.

Rice asked if there would be structure placed under the FADs.

Miyasaka replied in the negative.

Poumele asked how long that process took to get to this point.

Miyasaka replied that it took close to a year.

Simonds asked about the timeline for completing this management plan with the agencies.

Tosatto said Rose Atoll consists of a wildlife refuge and sanctuary. Each of the management structures have a requirement for a management plan, a comprehensive conservation plan for the wildlife refuge and a sanctuary management plan for the sanctuary waters. The Intergovernmental Committee is looking for any gaps in the management. Once the gaps are identified, the planning and development of strategies to close those gaps will be undertaken. When all the gaps are addressed, it will be called the Monument Management Plan.

Simonds asked if there would be an opportunity for the plan to be reviewed and commented on.

Tosatto said there probably will be something written down for people to review. The Sanctuary undertook a comprehensive management strategy as a part of a broader piece.

Simonds noted it has taken seven to 10 years at this point.

Tosatto said it was closer to seven years. It is past the two-year time provided for development of a management plan, but the agency is applying the speed at which the resources were provided, which was nil.

## **E. Enforcement**

### **1. US Coast Guard**

Atkins noted that the USCG remains committed to saving lives, safeguarding the resources of the sea and ensuring that future generations enjoy the benefits of clean, sustainable and bountiful waters. He is keenly aware of the Council's efforts both in lifesaving and in enforcement. He voiced appreciation for the Council's support of the National Standard for safety of life at sea. The USCG Auxiliary in American Samoa is working with the local fishing population to support improving the safety of those vessels as they go out to sea. Certification remains important, and the USCG will work with the local community to ensure vessels are certified and all safety gear is compliant against those standards.

Regarding recent concerns that there may be inconsistencies in the application of enforcement measures, he clarified that there are two different inspection regimes. One is conducted by fishing vessel inspectors, which look at the mechanics of the vessel for all of the appropriate equipment that is needed in order to ensure that the vessel, itself, is safe. The other is the actual fishing inspection at sea, which is a different regime. What is being done locally is the USCG has begun reaching out to the local community to better explain the differences in those inspection regimes and their obligations under the law, which will result in improved compliance.

In terms of the centrality of fisheries in the American Samoa economy, the USCG understands it and the impact of USCG enforcement actions locally. When violations of the law are blatant and flagrant, people must be held accountable, and the laws will be enforced, accordingly. He and the Governor are in absolute accord on that point.

The USCG continues to support conservation efforts in terms of the Hawaiian monk seal recovery process and marine debris cleanup. The USCG agrees with the Lt. Governor's opening remarks, the sea is life, and is committed to defending the sea, which is done on a daily basis.

Lt. Cmdr. Rula Deisher reported the USCG fisheries enforcement activities in the Western Pacific Region from June 1 through Sept. 30, 2015. From April to June the USCG Cutter *Walnut* patrolled the waters of the main Hawaiian Islands, American Samoa, Kingman Reef, Palmyra Atoll and the foreign exclusive economic zone (EEZ) of Samoa. Two boardings were completed on the US distant-water tuna fleet, one violation for personal floatation devices being serviced improperly, and one boarding on a US longliner with two safety violations and a violation for improper disposal of garbage. The USCG assisted with six boardings on foreign vessels registered to fish in the Samoan EEZ. There were three safety violations with one safety termination back to Samoa for that vessel. There were six inspections under the WCPFC High Seas Boarding and Inspection Scheme. There was one potential violation for failure to log shark catch. Enforcement actions in the high seas have a derivative deterrent effect on the US EEZ and can compel foreign fishers to respect the US EEZ boundaries.

From May to June, and again in August, the USCG enforcement team deployed on US Navy assets in support of the Oceania Maritime Security Initiative. US EEZs around Guam, the main Hawaiian Islands and Howland and Baker Islands and the EEZ of the Federated States of

Micronesia (FSM) and the Republic of Marshall Islands (RMI) were patrolled. Four boardings of the US distant-water tuna fleet were conducted, with one vessel issued three safety violations and one vessel noted for failure to use an incinerator. Six boardings were conducted in RMI waters with no violations; four WCPFC inspections were conducted with no violations; and five boardings in FSM waters were conducted with no violations. In June, the *Washington* patrolled the US EEZ around Guam, noting no foreign vessel incursions. In July, the *Kittiwake* patrolled the US EEZ around the main Hawaiian Islands. No foreign vessel incursions were found, but one US vessel was cited for fishing without a federal fisheries permit. In August, *Sequoia* patrolled the waters of Guam, CNMI and the foreign EEZ of FSM. They assisted the Micronesian shiprider with boarding of eight fishing vessels and two transshipment vessels, with no violations.

In August through September the *Kukui* patrolled the main Hawaiian Islands, Kingman Reef, Palmyra Atoll and Howland and Baker Islands and the foreign EEZ of the RMI. Five inspections were conducted under the WCPFC High Seas Boarding Regime, with no violations. The boarding of five vessels registered to fish in RMI, resulted in one violation for discarding plastic at sea.

During this period, the USCG C-130 completed multiple patrols of the main Hawaiian Islands, two patrols of American Samoa and one patrol of Howland and Baker Island. No foreign vessel incursions were detected.

As of Oct. 15, all vessels are required to have a commercial dockside exam sticker. A class exemption was granted in the 14<sup>th</sup> USCG District for commercial fishing vessels less than 36 feet in length that operate less than 15 miles from shore with four or fewer people onboard.

### Discussion

Poumele voiced appreciation for the recent visits to American Samoa by the USCG admiral, which has served to strengthen the relations between the government and the USCG. She appreciated the opportunity to board the *Walnut* recently and looked forward to having a vessel assigned to American Samoa.

Atkins reiterated the USCG commitment to American Samoa, as well as efforts to find solutions to the issues in the forefront.

Gourley asked if the USCG received additional funds for enforcement of any of the monuments in the Western Pacific.

Atkins replied in the negative. Efforts are made to work with partners in order to better cover the wide swath of ocean in the jurisdiction, such as working with the US Navy as a way to increase capacity and their reach in terms of presence, as well as looking into bilateral agreements with foreign allied nations within the region.

Gourley asked about the USCG use of satellite surveillance and drones to enforce the monuments.

Atkins said there is a level of classification involved, adding that there is use of a range of technologies to support enforcement efforts inside the monuments.

Rice asked what USGC exemptions are provided to Hawai'i charter/recreational vessels that are 36 feet or less four passengers, with a licensed commercial captain.

Atkins said the baseline is safety. The port captain's determination depends on the principal purpose of the vessel, whether fishing or a tourism. Each vessel is different, and each decision will be different. The port captain through his authority will make that determination.

Rice pointed out that there is a real fine line between commercial and charter.

Atkins said the USCG recognizes that vessels 36 feet and under do not have the operating space to sustain the equipment and looks within the body of the law to allow for exemptions, for instance, the purpose of that vessel's voyage and if it is operating in tandem with another vessel as that increases their opportunity for safety at sea. For larger vessels that operate farther offshore to fish commercially, a different standard would be applied.

Rice said he wanted the problem to be brought to the attention of the admiral.

Atkins said he would pass the information on where appropriate.

Goto added, concerning the sanctuaries, when the fishing areas were closed to domestic fisheries the USCG lost their best agents of surveillance, which were the US flagged vessels who in the course of fishing within the EEZs were keeping an eye out for illegal fishing by foreign-flagged vessels. It is important to look at all scenarios, such as working with the US Navy and even foreign allied nations to patrol the areas. Fishing incursions could be taking place because of the lack of enforcement coverage. It is important to preserve the areas in the way they were meant to be and not allow an unfair advantage to occur when it comes to utilizing an area when a foreign vessel is taking resources out of these areas and pushing the product potentially into US markets, which is a market incursion, as well as a fishing incursion.

Atkins said the idea of illegal, unreported and unregulated fishing (IUU) is to make sure that all players are abiding by the rules. The USCG has access to the best available technology and works in conjunction with the Department of Justice (DOJ) to ensure that violations are prosecuted.

Simonds encouraged caution when working with certain partner countries in terms of putting together agreements. It is common knowledge that the countries are continuing to build larger boats, and there is awareness of ongoing IUU fishing. The Council has been saying for 20 years that the USCG cannot do everything and needs to work with other departments to get the job done.

Atkins said, when bilateral understandings are entered into with foreign and allied partners, US interests are carefully annotated and accorded in writing. However, at the same time, they also have equities, which is why it is a bilateral accord. In the end, these understandings with the USCG are to further governance within the region and the rule of law.



Simonds said there should be no foreign fishing in US zones.

## **2. NOAA Office of Law Enforcement**

Bill Pickering, NOAA OLE, said 105 incidents related to protected resources and fisheries management have been reported since the last Council meeting. There was a variety of investigations that included fishery enforcement, gear, ESA violations in regards to bird interaction mitigation and illegal fishing in closed areas.

In regards to the patrol and monitoring and inspection sections, two or three major joint operations were completed with the USCG, Homeland Security, the Federal Bureau of Investigation, USFWS, harbor police and others. The way of the future is multiple enforcement type operations in not only fisheries enforcement, but also the legality to be in the United States to operate on fishing vessels and protection of the homeland.

In regards to vessel monitoring system (VMS), prior to Oct. 5, 135 units were transferred to the Hawai'i longline fleet, and 13 have been installed in American Samoa. When the project is completed, the information will be near real-time. The VMS section is getting more involved in IUU with Forum Fisheries Agency (FFA) Headquarters when running their international operations. This will become more common and will increase the ability to monitor and target IUU vessels in the Western and Central Pacific Ocean (WCPO).

A positive note in regards to US flagged vessels being an observer on the water, one of the US fishing vessels that was out in the remote islands spotted a vessel that was very close to the line of the US EEZ fishing during a holiday weekend. The vessel was close to but not inside the EEZ.

### Discussion

Matagi-Tofiga thanked OLE for the Joint Enforcement Agreement (JEA) program. She asked about the timeline for completion of a case included in the report.

Pickering said some cases are quick at the dock, unless it is contested. Other cases, such as with purse seiner, could last several years.

Matagi-Tofiga said she was interested in recent cases the JEA enforcement officer identified regarding discarded nets.

Pickering said he was not aware of the case. He noted he would look into it.

Simonds asked what kind of vessel was fishing near the EEZ boundary.

Pickering said a US purse-seiner was fishing outside the zone.

## **3. NOAA Office of General Counsel, Enforcement Section**

Duane Smith reported that two cases of marine mammal harassment on the Big Island of Hawai'i are being pursued. Six cases were resolved at the District Court with a favorable District

Court opinion having to do with the implementation of the FAD closure and the Agency's definition of incidental catch for the MMPA. The District Court found in favor of the Agency. A couple of purse-seine cases settled regarding FAD counts and MMPA counts for setting on live whales, as well as a Marine National Monument case that settled for the *Sapphire III* that was inside the Marine National Monument. Two observer harassment cases settled, as well as a seabird mitigation case. One case is on appeal to District Court with indications that case will also settle. If not, that will go to a decision at the District Court.

## Discussion

Simonds asked what the biggest fine of the year was.

Smith said the consolidated amount for the six cases was over \$1.5 million. Another case settled for a little over \$200,000.

Simonds noted she is waiting for adjudication of a \$7 million bust.

Smith said the MSA provides that funds from offenses that occur in the EEZ off American Samoa go to the American Samoa government. There have been four such cases, and the paperwork has been initiated to transfer a little over \$49,000 to DMWR.

### **F. Public Comment**

Peter Crispin, owner and president of Pago Pago Marine Charters, avid fisherman and boat builder, requested careful reconsideration of the Council's decision regarding the LVPA as the seamounts in the waters around American Samoa are fragile ecosystems. Many people rely on fishing for their sustenance. More than 40 recreational boats are registered in the Territory. He voiced full support for the longliners and the local fishing industry, pointing out the importance of fishing to the local economy.

### **G. Council Discussion and Action**

No Council action was taken.

## **VI. American Samoa Archipelago**

### **A. Motu Lipoti**

Domingo Ochavillo, DMWR, reported activities conducted by the Department since the 163<sup>rd</sup> Council meeting in June. The shore-based fishery catch during the last quarter recorded species such as jacks, dogtooth tuna, bigeye, surgeonfish, octopus, emperors and squirrelfish. The major gear used included rod and reel, gleaning and throw net. The recreational sport fishery recorded the top species caught were yellowfin tuna, wahoo and *masi masi* (dolphinfish or mahimahi). The boat-based creel surveys listed bottomfish fishing, bottom troll and trolling as the dominant gear used, and barracuda, blue marlin, mahimahi, rainbow runner, skipjack tuna, wahoo and yellowfin tuna as species most caught. The *alia* longline was not reported for confidentiality reasons because only one boat actively fishes. Bottomfish species included

emperors, snappers and skipjack tuna. DMWR has a new supervisor position to overlook the bottomfish fishery.

Matagi-Tofiga reported the Community-Based Fishery Management Program conducted outreach to 38 villages and worked with the village mayors to review management plans. A climate change concept has been added to the plans. The Village of Fagaalu was added as the latest village to participate. There are 12 village marine protected areas. Workshops have been held with all of the village mayors and representatives concerning providing assistance in the co-management of the coastal resources.

The FAD Program continues to monitor nearshore FADs and has held workshops with the village mayors and village representatives to enhance utilization of the FADs. The NEPA review to deploy more FADs is still a challenge.

The Coral Reef Monitoring Program is funded by NOAA Coral Reef Conservation Program funds. DMWR continued reef flat surveys and monitoring for coral bleaching and the status of the crown of thorns threat. The Fagaalu Priority Watershed, one of the top Coral Reef Conservation Program initiatives, conducted installation management programs to counter the sediment and runoff from the quarry in Fagaalu. A rain garden was installed near Fagaalu Park to mitigate runoff destroying the reef. DMWR conducted outreach to schools and villages with the goal of promoting a healthy marine ecosystem.

The DMWR Enforcement Division conducted store and roadside inspections, patrolled the LVPA and marine sanctuary areas, worked with the Port and Airport in import and export inspections and conducted outreach to the villages. A challenge for DMWR is the scope of work for the JEA partnership. Support is needed from the partners, as well as the sanctuary, in terms of the enforcement and patrolling duties.

### Discussion

Rice asked if the DMWR oversees the wave buoy from the Pacific Islands Ocean Observing System (PacIOOS) and if the buoy was deep enough to aggregate fish.

Matagi-Tofiga replied in the affirmative to the first question and negative to the second.

Simonds asked if the Sanctuary office was assisting DMWR with enforcement duties.

Matagi-Tofiga replied in the negative, though DMWR is requesting support. The enforcement partnership is in terms of eradication of crown of thorns.

### **B. Fono Report**

Matagi-Tofiga reported that the directors of the American Samoa government overwhelmingly supported the Tri Marine petition. The Petition was approved in part and denied in part. There is sustenance harvest of sea cucumbers per regulations.

## **C. Enforcement Report**

Matagi-Tofiga said the enforcement activities were reported during the NOAA OLE report.

## **D. Communities Activities and Issues**

### **1. Report on the Governor's Fisheries Task Force Initiatives**

Alema Leota, the deputy legal counsel for Governor Lolo Letalu Matalasi Moliga, reported in place of Henry Sesesapara regarding the Governor's Task Force. Eight months ago the Governor recognized that the fisheries information he was receiving was not getting to him fast enough and it was not thorough enough. A Task Force was formed consisting of individuals from the private and public sector. The Task Force's purpose is to inform the Governor of activities from all sectors; to ensure participation and representation in fisheries-related meetings, such as the Tuna Treaty and USCG meetings; and to relay the information back to him. The Task Force also acts as a conduit between the private and public sector. Public meetings have been held monthly with the USCG to provide outreach regarding local laws and regulations and improve the public's understanding. Recent issues addressed have included the LVPA, the Tuna Treaty, the ELAPS petition submitted by Tri Marine, the USCG enforcement issues and the super alia program that is headed by the DOC.

### Discussion

Simonds asked for more information about the super *alia* program.

Leota said it is in the planning stages. She deferred to Sword for further information.

Sword said there is a report on the agenda regarding the super alia program.

Simonds said it organizing, sharing information and working together is a great idea.

### **2. Fisheries Development**

#### **a. Update on State Small Business Credit Initiative Funding for Super *Alia* Vessels and Local Fisheries Business Development Initiatives**

Sandra Lutu reported that the American Samoa government was awarded a grant of \$48,000 from the Department of the Interior to improve the design sketch that was completed by the Council. The design project went out for a request for proposals. After 30 days, there was no response. It is being revised and will go out again.

Regarding the update on the Manu'a *alia*, the 1985 Economic Development Administration (EDA) Revolving Loan Fund traditionally did not include boat building or boat repair as an eligible loan activity, so the government has requested an amendment. In August the amendment approval was received to include boat building and boat repair as eligible activities

under the EDA Revolving Loan Program, which is administered through the Development Bank of American Samoa.

Transportation of fish from Manu‘a to Tutuila remains a problem. A total of \$9 million in Capital Improvement Funds was allocated to build the transportation. More funds are needed to complete the project. The Council was invited to collaborate with the project.

### Discussion

Simonds said the boats need to be repaired because people need to go fishing.

Lutu said that, based on information from DOC Director Keniseli Lafaele, the shipyard has recently been under the purview of DOC. The shipyard is available to repair Manu‘a boats should they receive approved loans from the Development Bank of American Samoa.

### **3. Fisheries Disaster Relief**

Matagi-Tofiga gave a brief background on the Fisheries Disaster Relief Fund. A tsunami hit American Samoa in 2009, which the US president declared a major disaster. American Samoa requested the DOC to make the determination as to fishery failure. An assessment was conducted by DMWR, the Council and NOAA PIRO. The commercial bottomfish fishery was declared eligible for disaster relief. The failure of the bottomfish fishery was determined based on criteria in the MSA. The failure was the basis for Congress to appropriate the Disaster Relief Funds and for NOAA NMFS to assist the American Samoa government. NMFS issued a directive that funds are to provide shoreline fishery infrastructure, financial assistance and job training for affected fisheries. The objective of the Disaster Relief Fund was to compensate the owners of boats that were damaged or lost; to build and maintain *alia* bottomfish fishing access, boat repair and maintenance and fisherman training; and to purchase fishing gear and fishing-related supplies. For the specific project, DMWR conducted a survey among *alia* boat owners and fishermen. Priorities identified included direct compensation, a ramp built at Malaloa, floating docks maintained in Malaloa, construction of an *alia* maintenance repair and fisherman training facility, purchase of an ice machine and hiring a coordinator. Compensation was requested from 22 boats for a total of \$390,000. Currently, 13 are being compensated for an amount of \$250,000. A coordinator was hired to help implement the grant. Coordination is ongoing with NOAA Sustainable Fisheries in organizing documents for the Army Corps of Engineer permits for floating docks and working with the American Samoa Department of Public Works on the design of the Malaloa ramp. The RFP for the training facility is to be advertised soon. The site visit for the ramp and the facility was recently completed. The biological opinion (BiOp) for the Malaloa ramp was completed. Quotations are being obtained for the ice machine, air compressor and security system.

### Discussion

Sword asked whether the project permits are still being worked on since the September 2009 disaster.

Matagi-Tofiga said it has been a challenge. The DMWR received help from the Council.

Simonds said she asked Moefa'auo Bill Emmsley to get in touch with the Department to collaborate on holding training. She would like to have follow-up regarding the collaboration later in the week.

## **E. Education and Outreach Initiatives**

Nate Ilaoa, Council island coordinator, reported that the three-week American Samoa high school summer course on fisheries and marine management was recently completed. Classroom and field lessons included ecosystem management, fishing methods and Council activities. The students toured the canneries, experienced hands-on fishing lessons from local fishermen and received cardiopulmonary resuscitation and first-aid certification from the American Heart Association and water safety lessons and swimming lessons from the local aquatics association. There was also a component on seafood nutrition with a local chef providing a cooking demo and field trips to the NOAA weather station and Pacific Islands Fisheries Outreach Center in Tafuna Lyons Park.

The second seafood vendor forum under the Territorial Science Initiative was held with representatives from more than 30 businesses attending.

The Fishers Forum was held recently in collaboration between the Council, DMWR and the Port Administration with help from local stakeholders.

## **F. Advisory Group Report and Recommendations**

### **1. Advisory Council**

Christina Lutu-Sanchez introduced Advisory Panel (AP) members Krista Corry, Nonu Tuisamoa and Peter Crispin, who have been active in providing outreach to and gathering information from the communities. Lutu-Sanchez presented the American Samoa AP recommendations as follows:

*Regarding pelagic fisheries*, the AP recommended that the Council specify the 2016 US Territory longline bigeye tuna limits at 2,000 metric tons (mt) or higher, based upon scientific assessment that it does not impede international bigeye conservation objectives, whereby 1,000 mt or more would be authorized to be allocated.

The AP asked that the Council support and advocate for the participation of the local tuna fleet, as well as all of the various fishing sectors, in discussions that local, national, regional and international meetings that may affect the American Samoa fishing industry.

*Regarding vessel safety*, the AP recommended the Council request that the USCG to maintain consistent inspection and enforcement actions for both land-based and at-sea operations for the American Samoa fishing industry and that the USCG report on the potential for improving the response time to distress and emergency calls initiated from vessels within American Samoa's fishing fleet.

*Regarding shark legislation for American Samoa fishing vessels, the AP recommended that the Council support the resolution of local laws supporting the prohibition of landing shark to mirror federal regulations to allow the capture and landing of the whole shark.*

*Regarding the American Samoa bottomfish annual catch limit (ACL), the AP recommended that the Council select Alternative 2, which sets the ACL equal to ABC at 106,000 pound for the Territory bottomfish fishery in the 2016 and 2017 fishing years with a corresponding probability of overfishing of 22.9 percent and 37 percent, respectively. The current landings are low and should provide sufficient buffer from exceeding the ACL.*

*Regarding the alia fishery, the American Samoa AP recommended the American Samoa government allocate the money necessary to fix the alia vessels, preferably in Manu'a, to be seaworthy for fishing from the Disaster Relief Funds.*

*Regarding potential impacts to American Samoa for reduced access for US purse-seine vessels based in American Samoa, the AP recommended that the Council request NMFS to expedite its economic analysis on impacts of the US rules on purse-seine effort limits.*

*Regarding the marine protected areas, the AP recommended that the Council support the evaluation of the effectiveness of marine-managed areas in American Samoa.*

## Discussion

Rice commended Lutu-Sanchez and the AP members for getting the word out about what the vessels do and who they are.

Simonds congratulated the American Samoa AP and Lutu-Sanchez on their accomplishments in a short period of time.

### **2. Fishing Industry Advisory Committee**

This agenda item was deferred.

### **3. Regional Ecosystem Advisory Committee**

This agenda item was deferred.

### **4. Scientific and Statistical Committee**

This agenda item was deferred.

## **G. Public Comment**

Joe Hamby, from Tri Marine, commented on the uniqueness of American Samoa's fishing industry and the community it supports. Some people do not stop to think about how pervasive the tuna industry is or how it influences the region. Access to the fisheries is important to the fishing industry. The boats have to go far to find that tuna to bring it back to the canneries. The boats would not come to American Samoa if there were no canneries or the infrastructure.

The community supports the canneries and the market. Skilled people operate the businesses on which the fishing and tuna industry depend. Fishing provides jobs, and it is the identity of American Samoa.

Carlos Sanchez, longline fisherman, thanked the Council for the \$50,000 for the longline dock. The longliners need that dock. The longliners do not want the government of American Samoa to represent them in any forum. The longliners have not been recognized by this administration and are referred to as a foreign fleet. A meeting was requested with the director, but there was no response. The American Samoa government cannot help the longliners if they know nothing about the fishery. This situation with 12 miles happened because the longline and *alia* fishermen did not get together to discuss the issue. Longliners have been accused of fishing inside the 50 miles, even though there is tracking 24 hours a day, seven days a week. A new association was formed with the purse seiners.

Faufono Autele, from Manu'a, thanked the Council for keeping American Samoa in mind and its many efforts to improve the fishing conditions in American Samoa. The super *alia* is an interesting project. He encouraged the Council to have sufficient evidence that there will be a beneficial return before spending tax monies. He appreciated the summer programs for the kids. He commended the efforts of Lutu-Sanchez and the AP members. Everybody has ideas, but it takes a leader to get things accomplished.

Congresswoman Aumua Amata Radewagen addressed the Council pointing out the significance of fishing in the American Samoan culture. She expressed disappointment in the recent NOAA decision regarding the Tri Marine petition. She looked forward to continuing the work with NOAA regarding the vulnerable state of the Territory's fishing industry.

#### **H. Council Discussion and Action**

*Regarding participation of the American Samoa tuna industry at industry-related meetings, the Council encouraged participation of the American Samoa local tuna industry, as well as all various fishing sectors, in discussions at local, national, regional and international meetings that may affect the American Samoa fishing industry.*

*Moved by Sword; seconded by Seman.*

*Motion passed.*

*Regarding USCG enforcement and inspection actions, the Council directed staff to work with the USCG to address fishing industry concerns to maintain consistent inspection and enforcement actions for both land-based and at-sea operations for the American Samoa fishing industry. In addition, efforts should be explored to improve USCG response time to distress and emergency calls that have been initiated by vessels within the American Samoa fishing fleet.*

*Moved by Sword; seconded by Seman.*

*Motion passed.*

Atkins noted that the USCG agrees with both items and appreciates the Council's direction to staff. Concerning the distress and emergency calls, he advised the Council that the



Rescue Coordination Center for the region is New Zealand. Work is needed for American Samoa and New Zealand to understand the totality of the search and rescue requirements. Depending on where that fishing vessel is located, the distress call may not be in the USCG zone.

*Regarding national and local shark finning laws, the Council requested NMFS and American Samoa government to resolve the remaining issues between the national and local shark finning laws as soon as possible and to allow for the capture and landing of the whole shark as allowed in federal regulation.*

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

*Regarding Disaster Relief Funds, the Council encouraged the American Samoa government to allocate the funds necessary from the Disaster Relief Funds to repair the alia vessels, preferably in Manu‘a, to be seaworthy for fishing and meet safety standards.*

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

Matagi-Tofiga commented that the DOC, as heard from the earlier presentation by its representative, has allocated funds through the Development Bank to repair the boats in Manu‘a.

Simonds replied that she did not hear the presentation by the DOC Coastal Zone Management person refer to repairing the *alia* boats in Tutuila and in Manu‘a. The super alia was mentioned. It was agreed when the Council wrote the request for the government of American Samoa to the Secretary of Commerce that the hope was that all of the vessels would be taken care of. The understanding was that there are funds for the bottomfish vessels. But the grant did not limit the spending of the funds to just those vessels. The sense of the Council is that the boats need to be repaired so that people can go fishing. During discussion with the governor, it was not about those fishing vessels to take out loans. It was for the government to pay for the repairs, which was the discussion with the governor in January of this year. The Council was told that those boats would be repaired by June of this year. This is something that really needs to be done. It was an agreement that was made earlier in the year, last year and the year before. At that meeting, the department heads said they were going to do it the next week. The Council is following up with what began as a responsibility and with an agreement with the chiefs, as well as working on Fisheries Development for Tutuila. Something needs to be done right away.

Matagi-Tofiga said the discussion was with DOC when Director Keniseli alluded to them fixing the boat. The change should say the American Samoa government, and whatever department that is going to take that would be able to direct those funds to it.

Simonds said it is the sense of the Council that Disaster Relief should be in there somewhere because in that meeting the Governor was talking to both.

Matagi-Tofiga said she is worried about the language of the grant and would like to add the DOC. She said she has notes of what the representative said because it was printed out and can be made as part of the meeting.

Simonds suggested adding the DOC because it is responsible for fisheries development.

The maker and second of the motion accepted the amendments.

*Regarding marine managed areas, the Council requested DMWR provide a report on the **Community-Based Fishery Management Program to the American Samoa AP and Council regarding the evaluation of the effectiveness of marine managed areas in American Samoa.***

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

*Regarding fish handling training opportunities, the Council directed staff to work with the **local alia fleet and American Samoa government on training opportunities to improve onboard and shore-side handling of bottomfish to ensure product quality required to meet export market standards.***

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

## **VII. Pelagic and International Fisheries**

Goto said the Hawai‘i-based longline fleet was closed for two months in the WCPO. The fishery suffered a massive setback in terms of operational and personal stake in the industry. The closure reveals what mismanagement of a fishery like the Hawai‘i longline fishery could lead to.

### **A. Specification of 2016 Bigeye Tuna Territorial Catch and Allocation Limits (Action Item)**

Eric Kingma, Council staff, presented on the action to specify the 2016 longline bigeye catch limits for US Participating Territories of American Samoa, Guam and CNMI and the 2016 bigeye limit that Territories are allowed to transfer to US longline vessels under the Amendment 7 framework. Options included no action, or no 2016 Territory bigeye specification and no transfer of bigeye; a 2,000 mt longline bigeye total annual limit and 1,000 mt transferable limit per Territory for 2016; or higher or lower limits to be evaluated. The Council had already recommended 2016 Territory longline bigeye annual specifications per the Amendment 7 regulations at the Council’s 162<sup>nd</sup> meeting held in March 2015, and this action was to consider new information and analysis that were not available in March.

Amendment 7 of the Pelagic FEP in 2014 authorized a management framework to establish catch or effort limits applicable to the US Participating Territories. It also authorized US Participating Territories to use, assign, allocate and manage the catch and effort limits agreed to by the WCPFC through Specified Fishing Agreements with US vessels permitted under Pelagic FEP. Specified Fishing Agreements can be funded to support fisheries development projects in a Territory’s Marine Conservation Plan (MCP) and require annual specification of Territorial catch limits. Prior to Amendment 7, Congress provided authority for Territory agreements with US vessels permitted under the Pelagic FEP for 2011 to 2013.

Under the Amendment 7 Framework, the Council recommended and NMFS approved for 2014 and 2015 a 2,000-mt longline bigeye limit for each of the US Participating Territories, of which 1,000 mt could be transferred annually to qualified, permitted longline vessels. In 2014 and 2015, there were Specified Fishing Agreements between the CNMI government and Hawai'i longline vessels.

Kingma provided a brief background of the WCPFC and the Inter-American Tropical Tuna Commission (IATTC) areas of responsibility. He noted that the US Territories are grouped with SIDS under Article 30 of the WCPFC Convention. The language includes special requirements of developing states and the need to limit disproportionate conservation impacts on SIDS and Territories and speaks to the right to develop fisheries.

WCPO bigeye tuna is subject to overfishing but is not overfished according to FEP status determination criteria. Since 2008, WCPFC has been managing bigeye through a series of measures of seasonal FAD closures, FAD limits for purse seiners and catch limits for longliners. The longline fishery targets adult bigeye. The purse-seine fishery targets skipjack and yellowfin and incidentally catches juvenile bigeye while fishing on FADs.

Kingma reviewed various provisions under Conservation and Management Measure (CMM) 2014-01, such as the four-month FAD closure in 2015 and 2016 for purse-seine fisheries and an agreement to prohibit high seas FAD by purse-seiners in 2017.

Japan, Korea, Chinese Taipei, China, Indonesia and the USA are currently subject to longline catch limits based on historical catches and are subject to further reductions in 2017. Longline limits represent 40 percent reduction from their 2001-2004 baseline catch. Non-SIDS and Participating Territories are to ensure their catches do not exceed 2,000 mt annually. SIDS and Participating Territories—including American Samoa, Guam and CNMI—have no longline catch limits.

Kingma reviewed information regarding WCPO and Pacific-wide bigeye catches and total WCPO US and US Territory longline bigeye catches. He and Keith Bigelow (NMFS PIFSC) conducted an analysis using a similar approach as the Secretariat of the Pacific Community (SPC) evaluation of the WCPFC's CMM for bigeye. The analysis evaluates the impacts to the WCPO bigeye tuna stock under various scenarios associated with US longline catches and Territory bigeye transfers. Under the most likely outcomes as a result of Territory agreements, less than a 1 percent change would occur to the baseline stock status reference point with overfishing being eliminated in combination with international measures

As to the impacts summary regarding Option 1, without the specifications, bigeye overfishing would continue because the US catches represent less than 3 percent of the total WCPO bigeye catch. In terms of longline, it is about 7 percent of the total longline catch. If the limits are not specified, the mechanisms for the US Participating Territories to utilize their quotas through fishing agreements with US vessels is lost, and with that fisheries development opportunities would also be lost.

As to Option 2, the impact on the bigeye stock would be negligible, still not impeding international conservation measures to eliminate bigeye overfishing. Any of the catch that is

assigned to US vessels operating out of Hawai‘i is further mitigated by where the fish are caught, which is well north of the equatorial zone where approximately 90 percent of bigeye fishing mortality occurs. This option supports fisheries development funding to the US Territories. Territory MCP projects for American Samoa include the Malaloa longline dock extension. In CNMI, the projects include the Garapan fishing base improvements, fisheries database improvements and public solicitation for MCP project implementation.

The Council was asked to consider maintaining or revising the 2016 specification of annual longline bigeye catch limits for US Territories of American Samoa, Guam and CNMI and to consider maintaining or revising the 2016 specification annual bigeye limit that Territories can transfer to US longline vessels.

### Discussion

Rice said it may be in the Territories’ best interest to increase their 2,000 mt limit to 3,000 mt with 1,000 mt transferrable to avoid any overages when their fisheries are further developed. The US catch data is more reliable than other countries whose data is questionable.

Kingma agreed, as the specifications are made annually, the ability to monitor the Territorial catches exists and appropriate relief can be made when needed. Other countries submit aggregated data so there is no true sense of how much is being caught, and most of the Asian distant-water fleets have resisted attempts to improve the situation. Indonesia is not providing its operational data, and there is little to no ability to verify what information is submitted.

Matagi-Tofiga asked if there are any measures put forth in terms of sanctions for countries that are not submitting operational data.

Kingma said the WCPFC has little to zero ability to sanction countries that have demonstrated noncompliance. There are efforts to develop a compliance monitoring scheme to review countries’ obligations and whether or not they are meeting those obligations. Currently, there is no mechanism within the WCPFC to sanction obvious cases of noncompliance. A strong case could be made that, since the establishment of the WCPFC in 2000 after the Honolulu Convention, international management has impacted US fleets the most because of the stringent implementation, monitoring and enforcement of WCPFC CMMs by the US government. The same cannot be said for most other commission members.

Sword asked why the continued reductions to the US quotas when there are no similar reductions to other countries that do not submit reliable catch numbers and why are fish being processed and sold in the US from countries that do not follow the current conservation measures. These points should be addressed at the Commission meeting.

Goto said, if the United States is regulated stringently, it should be across the board. He did not foresee foreign fishing nations handing in their operational data at a compliance level that is appropriate or acceptable when they see the US longline fleet having to stop fishing for two months.

## **B. Hawai'i and American Samoa Longline Fisheries Reports**

Bigelow reported that from January to June of 2015 the number of American Samoa longline vessels decreased to 19 in 2015, down from 23 in 2014, showing a long-term decline in participation in the fishery. The number of trips inside and outside the EEZ totaled 101 trips thus far this year, with 95 percent occurring within the EEZ. There were 3.5 million hooks deployed, with about 46,000 albacore caught, which is a slightly higher rate than last year. The catch per unit effort (CPUE) rate is at about 13.44 albacore per thousand hooks. So far, the catch rates in 2015 compared to 2014 are better year for albacore, poorer for mahimahi and similar for oilfish and blue shark.

From January to June 2015, a historical high of 139 vessels participated in in the Hawai'i longline fishery. The deep-set sector targets bigeye tuna, and the shallow-set sector targets swordfish. Most of the effort occurred in the deep-set sector. The number of longline hooks has increased dramatically over the last 10 or 15 years. A total of 24.9 million hooks were set since January. For bigeye tuna, the first quarter was the highest catch in history and the second quarter was very good. It was also the highest CPUE In history. The 2015 bigeye catch increased to about 30,000 individual fish compared to 2014. Catch of pomfret, ono and skipjack tuna also increased. Some shallow-set vessels are operating out of California. The sea surface temperature is unusually warm. Electronic log trials are underway.

### Discussion

Goto said it was incredible to see fully matured, market-sized bigeye arriving at the auction from the beginning of the year through the summer months. The closure stymied any possibility of finding out if that trend could have kept on going.

Rice asked if all of the boats took off at one time once the closure was ended.

Goto replied in the negative, not all of the vessels that were sitting idle immediately went back out. A lot of them were not prepared in terms of crew and supply. A cluster of boats coming back at the same time would probably have had a negative effect on the market.

Bigelow noted the high CPUE for the Hawaii-based fleet in 2015. 2014 was a similar year compared to the historical average. Likewise, for the distant-water fleets, which typically operate from 10 degrees North to 10 degrees South, 2014 was an anomalous year as they had about 30 percent higher CPUE. This cannot be explained scientifically yet, but things are happening in other fleets in other areas of the ocean.

Paul Dalzell, Council staff, presented an informal anecdotal report of comments that were received from fishermen when interviewed for a documentary being produced by the Council to illustrate the financial impacts to fishermen and to fish wholesale and retail markets in Honolulu due to closures after US catch limits were reached. The WCPO was closed from Aug. 5 to Dec. 31. The Eastern Pacific Ocean (EPO) was closed to all US longliners greater than 24 meters in length from Aug. 12 to Dec. 31. The WCPO fishery reopened on Oct. 9 with publication of the bigeye transfer arrangement with CNMI. A more formal analytical study is being worked up by PIFSC. About 40 vessels did not fish during the closure, including 30 vessels greater than 24

meters in length and 10 vessels that were too small to fish in the Eastern Pacific. There were 10 hurricanes in August of 2015 in the same area. The WCPFC fishing area was closed to all longline vessels with Hawai‘i permits, which was the majority of the fleet. Nineteen vessels with American Samoa dual permits were allowed to fish on the high seas and retain their bigeye. There were vessels that were able continue fishing in the IATTC fishing area, i.e., the EPO.

Dalzell said the two-month closure had a more widespread impact than expected. Losses of income for 40 vessels amounted to an estimated \$1.4 million per week, or \$11.4 million for the two-month period. In addition, the vessel owners were subject to an estimated \$5,000 a day to cover various expenses while their vessels were idle, such as dock fees, crew wages, crew food, loan payments, insurance and vessel maintenance. Crews could not work when vessels tied up and could not engage in maintenance work on the vessels. Vessel owners were reluctant to let crews go since they expected the fishery to reopen. Vessel owners were unable to work another job since they needed 10 to 12 days a month to work on their vessels. The owners spoke in favor of a government buyback scheme. However, even if vessel owners and fishermen were to get out of fishing they have a limited skill set for employment and are not eligible for unemployment benefits.

Goto said another effect of the closure was a reduction in the volume of product available for sale. Vendors were forced to pay prices not consistent with the quality to which they were accustomed. Those prices trickle down to the consumer. The biggest impact is fishermen feeling displaced. It is a way of life that provides US commerce with US product and supposedly sets a good example internationally. When international regulation forces a fishery to close, it is unrealistic to expect other nations to abide by the same standard. When domestic fisheries have no support, it can turn into an extensive disaster that filters into every aspect of the seafood industry.

Rice said the State of Hawai‘i should be involved because tax money could be lost.

Duenas commented on confidence in the “buy local, support local” mentality that is lost during such a closure and difficult and costly to regain.

Goto agreed with Duenas. Market incursion is a big risk during closures. Tuna is a global commodity. Hawai‘i is a center point for integrating into the fresh tuna market. Shutting down US production opens the door for incursion of tuna from multiple sources. When US fishermen are displaced, it could start the downhill trend and would be difficult to regain the market that has taken 67 years to develop into a strong, vibrant, proud industry that is representative of not only the State of Hawai‘i but also the United States as a nation. Another closure similar to the two-month closure could spell disaster. It does not help when foreign fisheries see a regulated nation put in a position of losing its markets to nations that do not adhere to that compliance.

Sword said the Territory is looking at the obvious decline and possible death of the American Samoan fisherman. The denial of the Tri Marine petition is devastating. Efforts should not be delayed to turn things around as soon as possible. Ideas for solutions should be in the mind of those who go to the Commission meetings with the job of advocating for the fishing industry. Trade is declining because of current geopolitical, international pressures. Something needs to be done before there is nothing left.

Simonds noted the importance of the comments made by Goto, Duenas, Rice and Sword.

### **C. National Bycatch Reports 2011 to 2013**

Bigelow reported that the first edition and online updates of the National Bycatch Report include information from 2005 to 2013 and evaluation of bycatch data sources and estimation methods for 152 federal commercial fisheries. Bycatch estimates are provided for 81 fisheries. The Pacific Islands Region has 31 domestic commercial fisheries of which two had bycatch estimates, the Hawai'i-based deep-set and shallow set longline fisheries. The second online update of the first edition with results from 2011 to 2013 data is scheduled to be published in early 2016.

Bycatch defined in the MSA is anything discarded or released back into the ocean. There is regulatory bycatch, such as marine mammals, seabirds and sea turtles. There is economic bycatch, which are fish that are too small or damaged by predation or undesirable for the market. The regional summary covers species-specific bycatch estimates, as well as by various fisheries of the three Pacific Island regional fisheries, the Hawai'i deep-set and shallow-set fishery and the American Samoa deep-set fishery, which account for 90 percent of the landings in the Pacific Island region.

For the Hawai'i deep-set fishery, there were 8 million pounds of fish bycatch in 2011 each year, mostly comprised of blue shark and lancetfish. The Hawai'i shallow-set fishery had 500,000 pounds of bycatch in 2011, which decreased remarkably in 2013 to 300,000 pounds, predominantly consisting of blue shark. The American Samoa bycatch estimate in 2011 was 1.4 million pounds, but decreased dramatically to 800,000 pounds in 2013.

Bycatch of sea turtles during the three-year period for the American Samoa and the Hawai'i shallow-set fishery included 20 to 40 interactions. The Hawai'i deep-set fishery ranged from 40 to 70 individuals per year.

Bycatch of seabird is considered a very rare event in American Samoa, but occurred more frequently in the Hawai'i shallow-set and deep-set fisheries, ranging from 300 to more than 500 interactions per year. One area for concern in PIRO and PIFSC is the increase in the deep-set fishery from 2011 to 2013.

Marine mammal bycatch data for 2011 and 2012 show six to seven interactions in the shallow-set fishery and 30 to 35 interactions in the deep-set fishery. There were 25 interactions in the American Samoa fishery in 2011. The 2013 Stock Assessment Report has not been finalized.

The weight of the total bycatch divided by the weight of the dead bycatch and retained catch results in the percentages of bycatch per sector and year. The total shows a decrease in the American Samoa deep-set from 17 percent to 13 percent. The least amount of bycatch occurs in the shallow-set fishery and the greatest amount in the deep-set fishery and is stable from year to year. American Samoa observer coordinators noted the two reasons why the American Samoa bycatch would be declining is retention of more catch by the fishers, especially skipjack and

wahoo, and the requirement in 2012 to deploy gear deeper in the water column to reduce sea turtle interactions.

## Discussion

Simonds asked how information from the longline bycatch reports is integrated into stock assessments.

Bigelow said it is important to characterize the fishery as a high or low bycatch fishery. The Hawai'i shallow-set fishery is considered to have a relatively low amount of bycatch, and the deep-set fishery is considered relatively high. The actual bycatch estimates or discards for some of the species are also included into the stock assessments, especially for blue and other shark species as they are largely discarded, which is meaningful to NMFS Science and Technology.

### **D. International Fisheries**

#### **1. Western and Central Pacific Fisheries Commission Science Committee**

Bigelow reported on the annual meeting of the WCPFC Scientific Committee held in FSM in August. Twenty-six members were present, including the US Delegation. Four broad themes were data and statistics, stock assessment, management issues, and ecosystem and bycatch.

In 2014, the WCPO had its largest historical catch, about 2.8 million tons of fish, largely comprised of the purse-seine fishery, with a catch of 2.0 million tons. The longline fishery catch was relatively stable at 268,000 tons, and the international pole-and-line catch decreased to 203,000 tons. It was the largest skipjack catch at 2.0 million tons and largest yellowfin catch in history at over 600,000 tons. The bigeye catch was relatively stable at 161,000 tons. Catch from two populations of albacore equaled 132,000 tons.

Bigelow emphasized 2014 had the highest historical catch but declining values. The total value was \$5.8 billion. The purse-seine value decreased by 21 percent to \$3.1 billion, and the longline value increased by 18 percent to \$7.0 billion. Value by species in 2014 included \$2.9 billion for skipjack due to lower prices; \$1.8 billion for yellowfin; \$755 million for bigeye; and \$370 million for albacore. An estimated 302 purse-seine vessels operated in 2014. There is concern that since 2005 there has been a disproportionate increase in vessel capacity.

The International Scientific Committee and the WCPFC Scientific Committee in 2015 reviewed stock assessments reviewed for South Pacific albacore, WCPO North Pacific striped marlin and shortfin mako shark. The WCPO North Pacific striped marlin stock is subject to overfishing and is overfished. Overfishing occurs when the current fishing mortality is greater than the fishing mortality at maximum sustainable yield (MSY). The stock is overfished when the spawning biomass is less than the spawning biomass at MSY. Depletion is currently at 88 percent under the Council control rules; the WCPFC does not yet have striped marlin reference points. The International Scientific Committee attempted a stock assessment on mako shark, but



there was not enough data since it is a data-poor species. No determination was made as to the status of the stock. Another attempt at a stock assessment is planned for 2018.

At its 11<sup>th</sup> meeting, the Scientific Committee recommended a review of information identifying changes in the spatial distribution of skipjack, including range contraction, in response to increase in fishing pressure. Project 67 on the impacts of recent catches of skipjack tuna on fisheries on the margins of the WCPFC Convention Area demonstrated no statistical evidence for skipjack range contraction. Another recommendation was to review information related to the identification of an appropriate target reference point (TRP) for South Pacific albacore, noting in particular a decline in the economic performance of this fishery and the consequences for the stock and the fishery of a range of candidate target reference points. The Committee noted the analyses and recommended that the latter be updated based on the 2015 stock assessment of South Pacific albacore and that TRPs be considered.

Regarding ecosystems and bycatch of sharks, the Scientific Committee recommended consideration of the Monte Carlo analysis of longline shark mitigation methods to inform WCPFC's further consideration of revising shark CMMs to incorporate shark mitigation requirements that reduce catch rates and at-vessel mortality. Also, a study reviewed the ratio of fin weight to shark carcass and demonstrated that shark fin weight data suffered from some serious limitations, potential biases and errors. The Committee was unable to confirm the validity of using a 5 percent fin to carcass ratio in CMM 2010-07 and forwarded the concerns to the Technical and Compliance Committee (TCC), noting that an evaluation of the 5 percent ratio is not currently possible due to insufficient information for all but one of the major fleets implementing the ratios.

The Committee proposed \$1.7 million budget, which will be discussed by the WCPFC in December. The proposed stock assessments for 2016 are skipjack tuna, South Pacific blue shark and thresher sharks.

**a. South Pacific Albacore Stock Assessment and Economic Performance**

Bigelow presented the results from a study presented in August to the Scientific Committee on South Pacific albacore conducted by FFA and the Vanuatu Fisheries Department. North Pacific and South Pacific albacore stocks do not overlap. American Samoa and other Pacific Island Countries and Territories have domestic fisheries built on South Pacific albacore. Three items go into a stock assessment: CPUE indices, length structure and tagging data.

The South Pacific albacore spawning stock is currently above both the level that will support MSY and the adopted spawning biomass limit reference point. Overfishing is not occurring; however, further increases in effort will yield little or no increase in long-term catches and result in further reduced catch rates. Decline in abundance of albacore is a key driver in the reduced economic conditions experienced by many domestic longline fleets. Further, reductions in prices are also impacting some distant-water fleets. For several years, the Scientific Committee has noted that any increases in catch or effort in subtropical longline fisheries is likely to lead to declines in catch rates in some regions, especially for longline catches of adult albacore, with associated impacts on vessel profitability. Despite the fact that the stock is not

overfished and overfishing is not occurring, the Committee at its 11<sup>th</sup> meeting reiterated the advice from its 10<sup>th</sup> meeting that longline fishing mortality and catch be reduced to avoid further decline in the vulnerable biomass so that economically viable catch rates can be maintained.

## **2. Western and Central Pacific Fisheries Commission Northern Committee**

Tosatto reported that the United States went into the Northern Committee with four proposals dealing with all three northern stocks and North Pacific bluefin tuna. The proposals included an overall harvest strategy, as well as a rebuilding proposal, which was stymied by Japan to avoid using data from both years available to the Northern Committee. The United States was hoping to be quicker in bringing rebuilding decisions to the WCPFC. There was an overall harvest strategy proposal on swordfish deferred until 2016 because of lack of time. The North Pacific albacore has a harvest strategy in place. The United States brought a proposal for a Management Strategy Evaluation (MSE) for the stock. There was no consensus on the topic. The US proposal remains. During the intersession, members will submit input to the Secretariat to be consolidated by the International Scientific Committee. A reconstituted Northern Committee will convene in Bali on the margins of the WCPFC12 meeting to formulate input to the International Scientific Committee on the MSE proposal. There was much discussion but no hard decisions were made due to a lack of a quorum. The United States reiterated its offer to host the next Northern Committee meeting in Honolulu, which has not been accepted. Japan also requested to hold the meeting in Japan.

### Discussion

Simonds pointed out the problem that several island groups joined the Northern Committee without having any fisheries in the Northern Committee area of jurisdiction and some who do fish in the area of jurisdiction do not attend meetings, which results in not having enough members present to have a quorum so nothing gets done.

Tosatto said Northern Committee membership requires a history of fisheries in the area north of 20 degrees North latitude. Vanuatu, Cook Islands and Fiji have demonstrated the requirement but did not show up to the meeting. China has never attended a meeting and does not plan to. Cook Islands, the Philippines and Vanuatu have regularly showed up. Fiji attended the latest meeting.

Simonds said no one should complain at the December meeting that nothing was done.

## **3. Western and Central Pacific Fisheries Commission Technical and Compliance Committee**

Tosatto reported that the TCC met with a quorum and a new chair. The meeting focused on technical and compliance matters, as well as compliance and monitoring reports, which was a US objective. The TCC will be convening ahead of the Bali meeting to finalize the Draft Compliance Monitoring Report. The United States incrementally advanced a revised permanent compliance monitoring measure that puts in place the process to monitor compliance and to grade countries on their compliance. The United States is still interested in but not able to advance consequences of noncompliance. It took the approach of putting in place a sturdy

permanent measure to measure compliance and advance consequences of noncompliance. Among those countries found noncompliant year after year is the United States because of its high standard. The United States is demonstrating the measure of how to show compliance.

## Discussion

Goto said the United States may be well intentioned in setting the standard for compliance but it had the opposite effect when it resulted in the recent fishery closure.

### **4. Report on Majuro Purse Seine Bigeye Workshop**

Kingma reported on the Majuro Purse Seine Workshop held in August. It was the second Council-sponsored bigeye management workshop and was co-hosted by Marshall Islands Marine Resource Authority. The workshop focus was to address the incidental catch of purse-seine bigeye; however, the workshop also considered purse-seine and longline management options, avoiding the transfer of a disproportionate conservation burden to SIDS and Territories, issues of compliance and key bigeye tuna research themes. The main objective was to support the adoption of more effective measures for reducing bigeye mortality in WCPO tuna fisheries at the 12<sup>th</sup> Session of the WCPFC scheduled in December 2015.

Kingma provided a brief background on bigeye tuna. He said WCPO purse-seine bigeye catches are at peak levels, and WCPFC measures are not effective in restricting the purse-seine bigeye catch to acceptable levels. The existing measures need to be refined and/or new or supplementary measures that are more effective need to be developed. The first bigeye management workshop held in Honolulu resulted in a category of measures, such as FAD-based measures, market-based measures and technological and gear modifications, among others.

The two workshops provided an informal non-Commission setting where industry participants worked to identify solutions. It promoted a free exchange of views. The participants looked at major versus minor changes to purse-seine management options, such as prohibiting FAD servicing during the FAD closure, prohibiting support vessel FAD deployment throughout the year, prohibiting the setting of purse seine gear prior to local dawn and prohibiting FAD deployment before FAD closures. The measures would improve effectiveness of the current measure and/or compliance. Major changes included splitting the FAD closure or total seasonal closure, which was identified as important by industry members. A combination of FAD and total closure and the issue of moving up the high seas FAD closure to 2016 were discussed.

The Parties of the Nauru Agreement (PNA), which are influential within the Commission in terms of purse-seine fisheries, are proposing a measure in 2015 at the annual Commission meeting that has a package of longline and purse-seine measures with a focus on high seas transshipment. The measures would not apply to the Hawai'i or American Samoa longline fleet. The issue of observer coverage remains significant.

Banning of predawn sets, FAD deployments by tender vessels and no servicing during the FAD closure were discussed concerning purse seiners.

There were three breakout groups. The purse-seine group looked at minor and major options and alternatives. The longline breakout group addressed subjects such as long-term

alternatives and the need to tighten up on high seas transshipment. The research group noted one critical priority is the development of WCPFC tuna research plan to improve science and management, among others.

The reports of the Majuro and Honolulu workshops were submitted to the WCPFC at the TCC meeting held in September by the Marshall Islands. The topics were introduced at that meeting, discussed in the margins and reviewed at the meeting. PNA is expected to introduce a proposal to modify the existing tropical tuna measure CMM 2014-01 with small tweaks and address the high seas transshipment issue. It is not known what other members may do.

The US Permanent Advisory Committee of the WCPFC has recently provided the United States Commissioners with several recommendations with respect to the tropical tuna measures.

### Discussion

Atkins asked which flag state vessels were catching the majority of the bigeye catch.

Kingma said that information was not identified, but the likely vessels fish in the EPO and Western Pacific and are perhaps Spanish- and Ecuadorian-flagged vessels. The vessels that are responsible for a quarter of the purse-seine bigeye catch are operating mostly in the Central Pacific and were not identified at the meetings. The SPC needs to get further recommendations to make that known.

Rice asked if the accuracy of the fish being transshipped is an issue for the quotas.

Kingma replied in the affirmative. Transshipping on the high seas is a major issue. Most of the Asian distant-water fleets are not meeting the required 5 percent of observer coverage. Reports go to the Commission of the high seas transshipments, but it is clear that they are not capturing all of the tuna transshipped at sea

## **5. Tri Marine Petition**

Tosatto reported that the Agency filed a notice in the Federal Register that denies the Tri Marine petition, as requested. At the same time, an Advanced Notice of Proposed Rule-Making was released. Tri Marine petitioned for emergency rule-making for relief from an effort limit for purse seining in the high seas and zones for vessels that intend to make 50 percent of their landings in American Samoa. Key to Agency's review was that specific relief became difficult when based on 50 percent of landings as potential future landings could not be guaranteed. There is also a gap in information about the impact that the 2015 ELAPS is having on the purse seiners, support facilities, support for the purse seiners and the canneries, the economy of American Samoa and the product that they deliver through the cannery.

There are valid issues raised in the Advanced Notice of Proposed Rule-Making in that the ELAPS limit may be having adverse economic impacts on the purse-seine fishing industry and related businesses. The Agency does not have the information necessary to determine what level of impact the action is having and, if so, what level of relief to provide. Responses will be collected for the next 30 days for input on the decision. Concerted effort will be made to locate information that helps to determine the level of the impacts the action is having.

The Agency has to comply with all applicable US law and consider the special status of American Samoa as a Participating Territory to the WCPFC. With more time and information, hopefully a fuller and potentially more satisfying response will be provided.

## **6. US Proposals for Western and Central Pacific Fisheries Commission's 12<sup>th</sup> Session**

Bigelow presented background of management action recommendations to be considered for advancement by the US Delegation at the upcoming WCPFC meeting in December.

Bigeye is distributed across that entire conservation area from Japan to New Zealand, from Indonesia to French Polynesia. Fishery management could address the entire range of bigeye tuna in that conservation area. Alternatively, a spatial management approach could address high and low fishing mortality in sub-regions within the conservation area.

The bigeye tuna assessment is a disaggregated stock assessment with nine spatial areas in the stock assessment. The Commission has tried spatial management before for the purse-seine fishery with four areas of High Seas Pockets closed to purse seining in 2009. Soon thereafter, it was realized that there was not much conservation benefit because the purse-seine vessels moved into EEZ waters or the broader high seas so there wasn't any reductions in bigeye catch. Those areas were subsequently reopened in 2013.

The idea is to spread out the exploitation in relation to the population abundance. The spawning stock biomass of bigeye has been declining since the 1960s. In about 1965 the stock went from no overfishing occurring to overfishing occurring. The corresponding overfishing reduced the total biomass 29 percent from 1995 to 2012. The spawning biomass had a 40 percent reduction over that time period due to the longline sector and the purse-seine sector fishing primarily on drifting FADs lately and previously naturally-occurring logs. The impact for the longline sector on total biomass is about 20 percent from 2001 to 2004, and about 24 percent after. The impact for the purse seine sector is 34 percent to 38 percent. Purse-seine has a greater impact on the total biomass than longline fishing.

Additional considerations include accuracy of regional biomass estimates. Biomass distributions are calculated based on the long-term average distribution of recruitment among regions, estimated movement parameters and natural mortality.

## **7. Tokelau Arrangement**

Brakke reported on the process of evaluating the potential benefits, drawbacks and complexities of the government of American Samoa obtaining formal status under the Tokelau Arrangement. Working with the Regional Administrator and his staff, several options were considered per the terms of the Tokelau Arrangement for American Samoa to become an Associate Participant or as an observer.

The Tokelau Arrangement's objective is to agree and implement measures applying to fisheries that catch South Pacific albacore within zones of the Participants and assist them to manage fishing within their zones and the distribution of fishing between them. The initial step of the Tokelau participants was to agree to catch levels. They are in the process of developing a

formal catch management scheme. In December 2014 at the last WCPFC regular session, some officials from American Samoa informally approached the US government to express their interest in discussing how they may be able to cooperate with the Tokelau Arrangement given the concerns about the longline fishery here.

The WCPFC is charged with managing highly migratory species in its large convention area. The existing WCPFC management measure for South Pacific albacore 2010-05 imposes limits on the number of vessels fishing for albacore south of 20 degrees South latitude. There are concerns about the effectiveness of that measure and the ability to assess compliance with it. As originally envisioned, the Tokelau Arrangement would be developed in harmony with a replacement CMM of WCPFC. That measure at the WCPFC would establish the overall catch limit for the convention area and include governing fishing on the high seas.

The arrangement, itself, is for fishing within the zones of participants. FFA members proposed a CMM at last year's regular session. It did not pass, largely due to opposition from China, Chinese Taipei. That measure would have established zone-based catch limits that are based on the highest historical catch in recent history and then supplemented those with flag-based limits on the high seas based on historical averages. FFA will not re-introduce that measure this year at the Commission meeting. They are likely to focus on trying to establish an interim target reference point for South Pacific albacore and perhaps expand the amount of data on the existing measure to improve ability to assess and ensure compliance and potentially expand the area of application from 20 degrees South up to the equator.

Currently, the Tokelau Arrangement has 11 participants, all FFA members: Australia, Cook Islands, Fiji, New Zealand, Niue, Samoa, Solomon Island, Tokelau, Tonga, Tuvalu and Vanuatu. Only FFA members can be Participants. The Associate Participant provision allows a State or Territory with a qualifying EEZ that hosts fisheries for South Pacific albacore to participate via a Memorandum of Understanding with the minimum requirement being the implementation of comparable catch limits. There are no other Associate Participants of the Tokelau Arrangement at this stage. The FFA is currently developing a standard MOU. More information will be available at the next meetings. The FFA will provide information on how they would envision Associate Participants participating in the Tokelau Arrangement through signing an MOU.

The Tokelau Arrangement is nonbinding. It is meant to facilitate cooperation on South Pacific albacore but not be an internationally binding agreement, as a treaty or convention would be. There are concerns with some of the language in the agreement that is very binding in nature, imposing limits on the period in which an Associate Participant can leave the arrangement. There are other issues with the text that the United States would not be able to influence because only the FFA members that participate in the Tokelau Arrangement can change the text. The United States would have to be completely comfortable with the text as it stands, which would potentially have implications down the road on the management of the sector and catch limits in American Samoa. There are related concerns about the decision-making process.

There are some general issues with the Tokelau Arrangement, itself. There would be challenges to overcome in order to pursue Associate Participant status for either the United States or American Samoa.

The other status considered by the Council is as an observer role. There is no official observer status envisioned in the Tokelau Arrangement, itself. They call observers just those Associate Participants that are not participating in decision-making for an issue in which they have agreed not to be bound. A more informal approach suggested was to observe the Tokelau Arrangement as an interim step until there is greater clarity. American Samoa has been invited to participate in some of the meetings of the Tokelau Arrangement, which can occur without having to go through any more formal processes, which is a good interim step.

### Discussion

Matagi-Tofiga noted that, when in Apia, the American Samoa Delegation made the recommendation to make sure that the South Pacific albacore stock is healthy. The request was made to be involved in discussions and to keep American Samoa and the fishery in the limelight. It was understood there was a process to achieve the status of Associate Participant, but the goal was to have American Samoa involved in the discussions in the region.

Simonds said the three Territories have held observer status. The Council requested to be invited to the meetings and have gone to observe, learn more about each other and influence things outside of the decision-making process. She supported continuing to attend in the observer status or being invited by the FFA or the Tokelau Arrangement Secretariat. By having the Territories and the Council participate, everybody knows what is going on with the fishery. The Council is concerned about the American Samoa longline fishery for albacore.

## **8. Permanent Advisory Committee Meeting**

Tosatto provided a brief summary of 25 recommendations, which resulted out of the recent Permanent Advisory Committee meeting, and are forwarded to the five US Commissioners to the WCPFC. The recommendations deal with issues such as compliance within the WCPFC. The US is compliant, and others are not so much so. This brings the subject of compliance monitoring forward, as well as build compliance into some of the measures.

Other recommendations related to implementing purse-seine effort limits, ELAPS limits, the bigeye quotas and changes to the tropical tuna measure along the lines of spatial management, consolidating quota for all US fisheries and others going forward. PIRO staff has been tasked by the US Commissioners to review the recommendations in preparation for the upcoming December meeting. There are three outcomes possible: 1) advance the proposal 30 days prior to the meeting; 2) layout talking points or position statements to be able to react to others' proposals; and 3) prepare the Commissioners to provide meaningful deliberation on topics as they arise.

### Discussion

Goto reiterated that the timing in November is to put in potential proposals in support of US fisheries from the US delegation to avoid a repeat of fisheries having to be shut down.

Simonds said sooner would be better so as to provide time for committee members and others to share the proposals with the industries of other nations and have government-to-government discussions.

Goto said he and the other Commissioners will be having discussions when he gets back to Hawai‘i. They are pushing that forward, especially with Russell Smith, Head of Delegation.

## **E. Advisory Group Report and Recommendations**

### **1. Advisory Panel**

Lutu-Sanchez presented the AP recommendations as follows:

*Regarding the Territorial bigeye tuna catch limits specification for 2016:*

The Guam AP recommended the status quo.

The Hawai‘i AP recommended that the Council request the WCPFC provide a larger quota to the Hawai‘i longline fishery to avoid the need to transfer quota from the territories. In the event that this is not possible, the AP supported the existing or larger total bigeye tuna catch limits and transferrable limits.

The CNMI AP recommended that the Council select Alternative 2, which specifies 2,000 mt of longline total ACL and 1,000 mt of transferrable catch limits for bigeye per Territory.

The American Samoa AP recommended that the Council specify the 2015 US Territory bigeye tuna limits at 2,000 mt per Territory, or higher, based upon scientific assessment that it doesn't impede international bigeye conservation objectives and 1,000 mt per Territory or more would be authorized to be allocated to US fishermen through Amendment 7 specified fishing agreements.

*Regarding Hawai‘i classification under WCPFC,* the Hawai‘i AP recommended the Council continue to request the WCPFC change the classification of Hawai‘i under WCPFC.

*Regarding bigeye catch in purse-seine fisheries,* the Hawai‘i AP recommended the Council request that the WCPFC and the purse-seine fishery look at methods to mitigate the bigeye catch in purse-seine fisheries. Further, the Council should request WCPFC establish catch limits for bigeye and purse-seine fisheries with strict enforcement and penalties.

*Regarding fisheries development in American Samoa,* the American Samoa AP recommended that the Council support fisheries development in American Samoa as a SIDS in international Commissions and organizations.

*Regarding participation of the local tuna industry,* the American Samoa AP recommended that the Council support and advocate for participation of the local tuna fleet, as well as all of the various fishing sectors in discussions at local, national, regional and international meetings that may affect the American Samoa fishing industry.

*Regarding potential impacts to American Samoa from reduced access for US purse-seine vessels based in American Samoa,* the American Samoa AP recommended that the Council



request that NMFS expedite its economic analysis on impacts of the US rules on purse-seine effort limits.

## **2. Fishery Industry Advisory Committee**

Mark Mitsuyasu, Council staff, presented the Fishery Industry Advisory Committee (FIAC) recommendations as follows:

*Regarding South Pacific albacore*, the FIAC recommended that the Council continue to advocate for more effective international management of the South Pacific albacore longline fishery and noted that the economic conditions for longline fisheries across the region remain well below historic levels.

*Regarding the American Samoa longline fishery and potential Marine Stewardship Council (MSC) certification*, the FIAC recommended that Council initiate further discussions with American Samoa longline participants, American Samoa canneries and other interested parties on the costs and benefits of obtaining certification.

*Regarding potential impacts to American Samoa from reduced access for US purse-seine vessels based in American Samoa*, the FIAC recommended that the Council request that NMFS expedite its economic analysis on impacts to American Samoa of the US rules on purse-seine effort limits.

*Regarding impacts to the Hawai'i longline fishery from WCPFC bigeye limits*, the FIAC recommended that the Council request that the US government work to restore US bigeye limits applicable to the Hawai'i fishery and recognized that it is highly monitored, fishes in an area of low impact to the bigeye stock and supplies a local domestic market.

*Regarding IUU Task Force and traceability*, the FIAC recommended that the Council continue to request that NMFS work with the fishing industry on the development of the National Traceability Program and to limit impacts on US fishermen and US seafood products.

*Regarding American Samoa bottomfish exports*, the FIAC recommended that the Council continue to work with the local *alia* fleet and American Samoa government on training opportunities to improve seafood handling and quality, identification of export markets and reduced freight costs.

*Regarding the MMPA import provision*, the FIAC recommended that Council respond to the proposed rule comment period by including the following:

Support the general intent of the provision, which is to level the playing field for US fisheries by requiring similar marine mammal bycatch mitigation provisions for foreign fisheries exporting fish and fish products to US.

Express concern that the process and requirements outlined in the proposed rule are extremely complex and burdensome, have the potential to divert resources necessary to implement MMPA provisions for domestic fisheries, and may impact the US seafood

import industry and result in other unintended consequences to the domestic fishing and seafood industries.

### **3. Regional Ecosystem Advisory Committee**

There were no Regional Ecosystem Advisory Committee (REAC) recommendations regarding Pelagic and International Fisheries.

### **4. Scientific and Statistical Committee**

Daxboeck presented the SSC recommendation as follows:

*Regarding Regional Fishery Management Organization (RFMO) spatial management, the SSC adopted the reports of the RFMO Spatial Management, Research and Monitoring Working Group and the Socio-Economic Working Group.*

### **F. Standing Committee Recommendations**

Goto reported that the Standing Committee discussed all recommendations in depth and supported all recommendations from the advisory groups.

### **G. Public Hearing**

No public comment was offered.

### **H. Council Discussion and Action**

*Regarding longline bigeye limits for the US Participating Territories of American Samoa, Guam and CNMI under the Amendment 7 framework, **the Council maintained the recommendation it made at its 162nd meeting to specify 2016 US Participating Territory longline bigeye tuna limits at 2,000 mt per Territory, whereby up to 1,000 mt per Territory would be authorized to be allocated to US fishermen through specified fishing agreements authorized under Amendment 7. The Council further recognized that these limits are consistent with the WCPFC conservation and management framework and are not impeding international conservation objectives to eliminate bigeye overfishing.***

**Further, the Council deemed that regulations implementing the recommendation are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorized the executive director and the chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and the chairman were authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.**

Moved by Goto; seconded by Rice.  
Motion passed, with abstention by Leialoha.

Goto spoke in support of the motion in an effort to avoid the problems experienced during 2015.

Simonds said Council staff would work with the Regional Administrator on a timeline for 2016.

*Regarding future Council Amendment 7 specifications, the Council requested that PIFSC continue to assist in conducting analyses using a range of catch assumptions to evaluate future US Participating Territory bigeye longline limits.*

Moved by Goto; seconded by Seman.  
Motion passed, with abstention by Leialoha.

*Regarding compliance and monitoring and the uneven playing field for US fisheries operating in the WCPO, the Council recognized that there are serious concerns of an uneven playing field with regards to compliance and monitoring with the WCPFC and recommended that the United States significantly increase its efforts to gain improvements in enforcement and monitoring of fisheries of other members of the Commission to a level that is comparable to the United States, and further recommended that the United States not agree to any further reductions in catch or effort for US purse seine, US longline and US troll fisheries until there is a high-level of confidence that the other Members and Cooperating Nonmembers are enforcing and monitoring their fisheries to same standard as the United States.*

Moved by Goto; seconded by Rice.  
Motion passed, with abstention by Tosatto.

Simonds said the recommendation is similar to IUU fishing; it is an effort to have other countries' fisheries adhere to the MMPA and ESA along the same lines as the US fisheries.

Tosatto said he agreed in principle with the recommendation but would abstain in order to remain flexible in developing the US position.

*Regarding development of US proposals, the Council recommended that the United States develop proposals to improve the WCPFC compliance monitoring review process and include mechanisms to appropriately sanction Cooperating Members and Nonmembers noncompliance.*

Moved by Goto; seconded by Seman.  
Motion passed.

*Regarding impacts to US fishery participants, the Territory of American Samoa and Hawai'i seafood markets from WCPFC CMMs, the Council recognized that US fisheries operating in the WCPFC convention area meet or exceed numerous safety, monitoring, reporting, environmental and protected species standards that are not*

met by the fisheries of many other CCMs. US purse-seine vessels need access to the high seas, and limitations on high seas effort is damaging to the US purse seine fleet and the canneries in American Samoa. The Council further noted that the United States is the only nation to have provided notice of having reached its bigeye quota for longline vessels and having closed the WCPO to the Hawai'i longline fishery in 2009, 2010 and 2015. When these US fisheries are excessively restricted or closed, domestic demand is satisfied by foreign fleets that fall far short of the rigorous standards applicable to US fleets. Therefore, the Council recommended that the US at WCPFC12 invoke Article 10, Paragraph 3, of the Honolulu Convention with regards to allocations and work to restore the bigeye catch limit applicable to the Hawai'i longline fishery to the 2009 level, which is 3,763 mt, and also, restore the US high seas purse-seine effort limit to historical levels of approximately 3,000 days.

Moved by Goto; seconded by Rice.

Motion passed, with abstention by Tosatto.

*Regarding potential impacts to American Samoa from reduced historic fishing grounds for US purse-seine vessels based in American Samoa, the Council requested that NMFS expedite its economic analysis on impacts of the US rules on purse seine effort limits.*

Moved by Goto; seconded by Rice.

Motion passed.

*Regarding spatial management of longline bigeye fisheries, the Council recommended that the United States develop, introduce and strongly advocate for a spatial management proposal regarding bigeye conservation for the longline fishery at WCPFC12 and further evaluate the following spatial management options:*

- a) Catch limits applying only to equatorial region where bigeye catches are highest, for example, between 15 degrees South latitude and 15 degrees North latitude. Fisheries in areas outside of the equatorial region of the WCPO would not be subject to such limits.
- b) Catch limits in the WCPFC stock assessment regions according to estimated proportion to the total stock in the region.
- c) Closure of the high seas to longline fishing West of 150 degrees West and South of 5 degrees North, the area near the Line Islands, suspected to be a bigeye spawning area to be complementary to Options a) and b) above.

Moved by Goto; seconded by Rice.

Motion passed, with abstention by Tosatto.

Goto asked about the US Delegation's promotion of spatial management measures at WCPFC12.

Tosatto said spatial management measures for the WCPFC are between a full proposal and a pocket statement, depending on whether a viable proposal is in hand at the time of the meeting.

*Regarding longline transshipment on the high seas, the Council recommended that the US support WCPFC decisions to prohibit the transshipment of frozen bigeye on the high seas or at a minimum that the United States support measures to tighten control and monitoring of at-sea transshipment by longline vessels.*

*Moved by Goto; seconded by Rice.*

*Motion passed, with abstention by Tosatto.*

Simonds noted US support for Japan and the PNA.

*Regarding a WCPFC tuna research plan, the Council recommended that the United States propose that the Commission direct the scientific provider to develop a WCPFC Tuna Research Plan to improve science and management. Research needs to support management include, but are not limited to, the following:*

- a) Further characterization of the nature of the problem of high incidental catch of juvenile bigeye, for example, net depth and mesh size;**
- b) Increased research on bigeye population dynamics and mixing;**
- c) Additional technological research to improve selectivity (echo-sounder buoy ability to discern yellowfin and bigeye from skipjack) of purse-seine fishing;**
- d) Improved sampling to reduce uncertainties in the estimated proportion of the bigeye in purse-seine sets (associated and unassociated);**
- e) Factors determining the association of tuna with FADs (school dynamics, residence times, aggregation times, etc.);**
- f) FAD tracking and monitoring (FAD data, tracking, biomass to characterize hot spots); and**
- g. Movement and residency (to inform spatial management) patterns.**

*Moved by Goto; seconded by Rice.*

*Motion passed.*

Simonds said the SPC suggested the recommendation and it was raised in discussion at the Council's Majuro meeting and encouraged to be tabled as a measure at the WCPFC12.

*Regarding the impact of purse-seine vessels on bigeye fishing mortality, the Council recommended that the United States advocate that the WCPFC support further investigation of individual vessel dynamics and operational characteristics with respect to purse-seine bigeye catch, noting between nine and 14 vessels catch*

**approximately 25 percent of purse-seine bigeye catch and that approximately 50 percent of bigeye purse-seine catch was from 34 to 43 vessels.**

Moved by Goto; seconded by Rice.

Motion passed.

**Regarding FAD set limits, the Council recommended that the United States request that the Commission task the Scientific Committee at its 2016 meeting to develop a table of the reduction in FAD set limits by country that would be required to achieve the necessary reductions to end overfishing of bigeye mortality and submit those findings to the Commission prior to the 2016 annual meeting.**

Moved by Goto; seconded by Rice.

Motion passed.

**Regarding the new WCPFC tropical tuna measure, the Council recommended that the US Government be proactive regarding the next iteration of the tropical tuna measure, including undertaking consultations with US stakeholders and other WCPFC members during 2016 and 2017 and well in advance of WCPFC annual meetings.**

Moved by Goto; seconded by Rice.

Motion passed.

Tosatto voiced support for the recommendation and will try to get ahead of any complicating factors that may arise when the new Administration is put in place in January 2017.

**Regarding South Pacific albacore, the Council recommended that the US support measures to facilitate effective international management of South Pacific albacore, which may include WCPFC agreement on appropriate target reference point for this stock, and further to ensure that the interests of American Samoa longline fishery and US troll fishery are fully protected.**

Moved by Goto; seconded by Rice.

Motion passed.

**Regarding the issue of disproportionate conservation burden within the WCPFC, the Council, recalling the findings of the workshop it convened in 2014 on the issue of disproportionate conservation burden that there is a need to establish a process to evaluate the issue of disproportionate burden that includes independent expert panels and peer review, recommended that the United States establish a group of experts to complete economic modeling that can be used to prevent and/or address assertions that WCPFC measures are resulting in the transfer of a disproportionate conservation burden on SIDS and Participating Territories.**

Moved by Goto; seconded by Rice.

Motion passed.

*Regarding the status of American Samoa, Guam and CNMI as SIDS within the WCPFC, the Council recommended that the US Government ensure that the US Participating Territories to WCPFC are linked with SIDS in terms of WCPFC CMMs and that they are afforded the same recognition and opportunities as other SIDS in the region.*

*Moved by Goto; seconded by Rice.*

*Motion passed.*

*Regarding the Tokelau Arrangement and American Samoa, the Council, noting the challenges identified with formal participation by American Samoa under the Tokelau Arrangement, recommended that American Samoa continue to participate as invited to observe the meetings of the Tokelau Arrangement.*

*Moved by Goto; seconded by Rice.*

*Motion passed.*

Brakke suggested, in an effort to avoid laborious State Department and diplomatic processes because there is no actual observer status that can be pursued, that wording such as “recommended that the State Department monitor developments of the Tokelau Arrangement and not pursue Associate Participant as of this time while American Samoa considers observing informally at meetings of the Tokelau Arrangement.”

Simonds pointed out that American Samoa should continue to observe the meetings as invited, without having observer status because there is no such status.

Brakke said the wording of the recommendation is acceptable.

*Regarding potential MSC certification for the American Samoa longline fishery, the Council recommended initiating further discussions with American Samoa longline participants, American Samoa canneries and other interested parties on the costs and benefits of obtaining MSC certification.*

*Moved by Goto; seconded by Rice.*

*Motion passed.*

Simonds pointed out the expense of obtaining the certification but supported further discussions on the topic to ensure getting better value for the fish.

Goto said the reputation of the Hawai‘i longline fishery was enough to carry it through any market hurdles, but he supported looking to see if there is any value in the certification.

Simonds said, because the fish come mainly to Hawai‘i, it was not felt to be necessary.

*Regarding seafood traceability, the Council continued to recommend that NMFS work with the fishing industry on the development of the National Traceability Program and to limit impacts on US fishermen and US seafood products.*

Moved by Goto; seconded by Rice.  
Motion passed.

*Regarding longline observer coverage in the WCPO, the Council endorsed the SSC recommendation that the 5 percent of all longline trips for carrying certified observers be the primary metric for measuring observer coverage and for the United States to recommend this metric to the WCPFC.*

Moved by Goto; seconded by Rice.  
Motion passed.

Tosatto noted that the US position has been that 5 percent coverage in the longline fisheries is not enough and is pursuing increased coverage levels but supported the metric as trips.

*Regarding observer data, the Council recommended that the United States ensure that the WCPFC analyze resulting data to estimate coverage from the perspective of hooks set and days fished to help evaluate the efficacy of the observer program and, further, that competing coefficients of variation for key factors to be estimated from the observer data to ensure that the data collecting can statistically inform management.*

Moved by Goto; seconded by Rice.  
Motion passed.

## **VIII. Protected Species**

### **A. American Samoa Longline Biological Opinion**

Ariel Jacobs, PIRO Sustainable Fisheries Division (SFD), updated the Council on the ESA Section 7 consultation for the American Samoa longline fishery. In May, NMFS re-initiated Section 7 formal consultation for the American Samoa longline fishery, which was triggered when the fishery had exceeded the previous 2010 BiOp incidental take statement (ITS) for olive ridley and leatherback sea turtle. The previous ITS for the two species was set at one interaction over a three-year period.

The proposed federal action analyzed is the continued operation of the American Samoa longline fishery under the Pelagic FEP, with annual effort anticipated at approximately 5,920 sets and 17,554,000 hooks. This level of effort corresponds to levels fished in 2007.

Increased effort is anticipated in the fishery due to actions that have been proposed by the Council. Those actions are included in the scope of this BiOp, such as the proposed LVPA action, as well as the permit consolidation action. The BiOp estimates anticipated annual interactions for the species based on previous documented observed interactions by the NMFS Observer Program. Anticipated annual interactions are as follows: 20 green sea turtles; 23 leatherback sea turtles; 11 olive ridley sea turtles; 2 hawksbill sea turtles; and two South Pacific loggerhead sea turtle Distinct Population Segment (DPS). Hawksbill and South Pacific loggerhead sea turtles have no observed interactions in the fishery though they do occur in the



action area. Loggerheads have had observed interactions with similar gear types in Hawai'i. Hawksbill turtles have been observed in the same area as longline vessels.

Based on the estimated annual interactions, the corresponding estimated annual mortalities are calculated. For green sea turtles, that corresponds to 18 annual mortalities. The annual female mortality for green sea turtles is 0.1. Estimated mortalities for turtles are based on mortality rates using the Ryder et al. Based on the estimated annual mortalities, PIFSC calculated the Annual Female Mortality using a discounting method that discounts the total annual mortality for natural juvenile mortality and for sex ratio.

The conclusion for the BiOp is that the proposed action will not jeopardize any of the six species considered. Included in the BiOp are a three-year ITS and a Conference Opinion for the green sea turtle proposed DPSs, which would go into effect if and when the proposed rule becomes final. If there are changes from the proposed rule, the Conference Opinion would be revised.

### Discussion

Rice asked why the hawksbill and loggerhead turtles are included in the action if there were no observed interactions.

Jacobs explained that these two species were included because there is the possibility to observe interactions moving forward in the future. Hawksbill turtles tend to occur in nearshore areas, and there is the possibility there could be a take a hawksbill sea turtle. In the past, the observer coverage has been low for the fishery. Observer coverage is now consistently at 20 percent, which increases the possibility of observing interaction in the future.

Gourley said, with that same argument, the rest of the endangered species list that occur in the area could be added to the proposed action.

Tosatto said endangered species that are present in the action area must be considered in the consultations. If a potential to interact with the species exists, the species is added to the ITS. If the species is not included in the ITS, then any take could be unlawful by the fishery, leave the fishery liable to injunction and close the fishery. It is in the best interest to have the broadest consideration of species and the broadest ITS, which gives the fishery coverage so that it can continue to be covered and reduce liability.

Gourley said it seems that, when actual take numbers are included in the ITS, it gives the impression that it is expected to happen. He asked how green turtle takes will be allocated to the DPSs.

Jacobs said a simple proration based on the percentages outlined in the presentation would be used given that genetic results typically take time.

Gourley asked how the DPS-specific takes would be monitored and if genetic samples would be taken of every turtle that is taken in the fishery.

Tosatto said the best available information indicates that all of the green turtle DPSs included in the BiOp might exist in the action area. In determining the DPSs and their

boundaries, the Agency did not look at where the fisheries were but rather where the turtles were and their genetics. Based on the best available information, any turtle interaction in this fishery could belong to any one of the DPSs included in the BiOp. With the current state of the science, genetic results may also not show conclusively that the turtle belongs to a certain DPS. In the current case, none of these turtles is in jeopardy and the fisheries interactions are not expected to bring them to jeopardy, so it is reasonable to use the proration based on the best available science. The best available science has to be balanced out, as it is not timely to always wait for the result of the genetic analysis.

Gourley asked if an ITS would have to be developed for each of the DPS, individually.

Jacobs said that was done under the Conference Opinion.

Gourley asked if the percentages equate to a hard number cap for each DPS.

Tosatto replied in the affirmative.

Peck asked if the proration of 50 percent for the South Central DPS is based on the estimated population size within that DPS or some other metric.

Jacobs said it is based on genetic analyses of all of the green sea turtle samples that have been taken from observed interactions in this fishery, to present.

Tosatto said, rather than percentage of the population size, it is the number or fraction present in the action area and the likelihood of an interaction. In this area, some observed information resulted in a likelihood of 50 percent.

Matagi-Tofiga said American Samoa's concern is not taking into account other potential nesting habitats, thus underestimating the nesting turtle abundance. American Samoa in 1995 had no-take for sea turtles, and a regulation is already in the legislature.

Sword asked if there are ITSs for unobserved trips.

Jacobs said typically observer coverage is 20 percent for the fishery. A simple expansion is used when there is no statistical analysis done by PIFSC. With 20 percent observer coverage, one observed interaction multiplied by five would be the expanded interaction for the fleet.

Tosatto said an ITS has been based on a simple expansion. If the question is whether the ITS has been reached based on a simple expansion, then the answer is yes, as that is what caused the re-initiation of this consultation.

Sword asked if any other fishery in the WCPFC is going through the same kind of analysis.

Tosatto replied that the ESA is US law. All US fisheries are abiding by the law. He knows of no other ESA equivalent law in any foreign fishery.

Rice said an everyday fisherman or person that looks at this would not understand. It looks like there is take of turtles by the fishery, which is why he asked the question.

**B. Update on the Leatherback Turtle Interaction in the Hawai‘i Deep-Set Longline Fishery**

Asuka Ishizaki, Council staff, provided a brief update on a recommendation from the 163rd Council meeting in Honolulu regarding leatherback turtle interactions in the Hawai‘i deep-set longline fishery. The recommendation directed Council staff to evaluate spatial and environmental information regarding leatherback turtle interaction trends in the Hawai‘i deep-set longline fishery to assess if there are any significant correlations that should be considered in analyzing impacts and developing proposed fishery actions. When making that recommendation, the Council, noted recent consultation conclusions that population level impacts of the deep-set fishery on Western Pacific leatherbacks remain negligible, despite having seen some slightly higher takes in 2014 and possibly in 2015.

NMFS recently concluded the Hawai‘i deep-set fishery BiOp in September 2014. The BiOp concluded that the fishery has an about 0.2 Annual Female Mortality equivalence in a given year, and that level was considered not likely to jeopardize the existence of leatherback turtles. It was based on the anticipated take of 72 total interactions over three years, which would equate to approximately 27 leatherback mortalities. Most large leatherbacks survive the interactions and are released alive. Smaller leatherbacks tend to have a higher mortality.

Since the 2014 BiOp, the level of interactions observed has not exceeded the ITS. By looking at the interactions and trends, the Council is taking a precautionary and responsible approach to monitor the interactions in the fishery. The interaction rate in the deep-set fishery has been historically low compared to the shallow-set longline fishery in Hawai‘i. Even though there has been a slightly higher interaction rate in the deep-set fishery in 2014, it is still two orders of magnitude lower in terms of interaction rates when compared to the shallow-set fishery.

Progress made since the 163<sup>rd</sup> Council meeting include preliminary analysis conducted by Council staff and an informal working group convened by PIRO SFD in coordination with Council staff and PIRO Protected Resource Division (PRD) to review leatherback turtle interactions in longline fishery. The working group includes staff from the Council, SFD, PRD, PIRO Observer Program and PIFSC. Council staff presented the preliminary analysis at the August 2015 meeting. There have been several follow-up meetings since then.

In the preliminary analysis or preliminary review of the observer data that Council staff undertook, staff looked at whether the higher number of takes seen in 2014 and 2015 are significantly greater than what would be expected and whether there are any discernable patterns in the observed take data to better understand the higher take. The fishery has 20 percent observer coverage. If there is a higher number of observed takes, it could statistically mean that it is within the expected range. It could also be that the higher observed takes are statistically significant. The full dataset is needed to know what it means. The 2014 observer dataset is still awaiting clearance. There has been no detailed analysis to know whether it is within the anticipated range based on the historical take or if it is higher than anticipated.

Location of takes is within the expected range, although there is a narrow longitudinal range in 2014. There is no apparent shift east in take location, except for one in 2013. With respect to size, it is difficult to discern a pattern, but most takes have been with larger leatherbacks and there does not appear to be an increase in smaller sizes in recent years. The weak circle hook requirement implemented as part of the False Killer Whale Take Reduction Team was also considered, but no pattern is apparent. A noticeable pattern was a higher concentration of takes within a two-month period between December 2013 and February 2014. In all years of data, there is a seasonal pattern with higher takes in December through April and lower or no takes May to November with a peak in April. Higher takes in spring appear to overlap with migratory patterns. Nest count estimates for recent years are forthcoming, but it is unlikely that nesting has been higher since 2013. There may be some links to the Pacific Decadal Oscillation (PDO).

For the next steps, PIFSC has agreed to conduct an evaluation as to whether the higher number of observed interactions recorded in the Hawai'i deep-set longline fishery in 2014 are within anticipated levels or if it is an anomaly. Another more detailed evaluation will be conducted to look at fishing effort and other factors for patterns of interaction by spatial, temporal, environmental and operational characteristics, as well as natural variability, to determine whether they contributed to the higher observed interaction levels in 2014. Additional research and analyses needed includes review of leatherback interaction trends in the Hawai'i shallow-set, American Samoa and non-US longline fisheries. The impacts of PDO and El Nino on the leatherback distribution were discussed and would warrant further analysis and research.

### Discussion

Leialoha said the interactions did not necessarily correlate with expanded effort. It would be interesting to see, especially given the PDO continuation, if the numbers of interactions in 2015 would increase. She said she looked forward to the analysis results due in March 2016.

Rice asked whether the two-month closure of the deep-set fishery in 2015 and El Nino year had any effect.

Ishizaki was not sure if the 2015 data will be included, but it may include data up to 2014. The full 2015 dataset will be included in the analysis when it becomes available. The 2014 dataset has not cleared through the Observer Program yet. Hopefully, clearance will be expedited and those factors can be looked into without too much delay.

Simonds asked how long it takes Marti McCracken to analyze the data.

Ishizaki said the observer dataset used to be cleared by the conclusion of the calendar year and McCracken provided the estimates by May 1. Currently, it is 12 months behind so that the full observer dataset for 2014 is due in December.

Simonds asked if the problem is due to a lack of staff.

Tosatto said it is complicated. There were some issues with staff shortages. McCracken has a backlog. It is a combination of a program that collects a lot of data and a program that is

ensuring that there is a quality data stream. This is an unusual backlog, but efforts are in place to catch up and make sure it does not happen again.

## **C. Advisory Group Report and Recommendations**

### **1. Advisory Panel**

Charles Ka'ai'ai, Council staff, reported the protected species recommendations of the Hawai'i AP as follows:

*Regarding protected species*, the Hawai'i AP recommended the Council request NMFS PRD and OLE to clarify its position on regulations regarding monk seal haul-outs and its activities to protect the animal from the public.

### **2. Fishing Industry Advisory Committee**

Ishizaki reported the FIAC had one agenda topic pertaining to protected species, which was regarding a MMPA provision on fish and product importation. The committee's recommendation was as follows:

*Regarding protected species*, the FIAC recommended that Council respond to the proposed rule comment period by including the following:

- a) Support the general intent of the provision, which is to level the playing field for US fisheries by requiring similar marine mammal bycatch mitigation provisions for foreign fisheries exporting fish and fish products to US; and
- b) Express concern that the process and requirements outlined in the proposed rule are extremely complex and burdensome, and have the potential to divert resources necessary to implement MMPA provisions for domestic fisheries, may impact the US seafood import industry and may result in other unintended consequences to the domestic fishing and seafood industries.

Rice said he received an email recently indicating that the troll fishery is still being closely watched for interactions with false killer whales, which he believed is a waste of time and money because there are no documented take or interaction with the false killer whales in the troll fishery.

Goto said the Hawai'i longline fishery might undergo another closure within the EEZ in the Southern Exclusion Zone when interacting with protected species, like the false killer whale. To limit the fishery with another closure opens the door for other fisheries to come into the market with product that is not held up to the same standard. No other country would close their fishing grounds due to interactions with these species. It begs the question of whether we regulate ourselves to the point that the industry cannot support the market anymore. It is imperative to show that the entire Pacific can support the mitigation of these species.

Tosatto said that, from the US domestic law perspective, MMPA is a hard regulator with which to deal. There are efforts to clarify which sections need work, such as alternatives to

Potential Biological Removal and a greater amount of effort in stock assessments, so that the best decisions are made within the domestic regulatory context. No other country in the world bans purse setting on whales except the United States. Japan does not ban the setting on whales. The US imports billions and billions of dollars' worth of seafood from Japan. Having a level playing field for the fisheries on the water is necessary and the right thing to have in place.

### **3. Regional Ecosystem Advisory Committee**

Chris Hawkins, Council staff, reported that the REAC had no protected species recommendations.

### **4. Scientific and Statistical Committee**

Daxboeck said there were no protected species recommendations. However, with respect to the BiOp for the American Samoa longline, even though the data are from 2007 levels, the three-year ITS does not jeopardize the species listed. Regarding the leatherback turtle interactions in the Hawai'i deep-set longline, the SSC concurred with the working group's suite of proposed future actions for research. The Council and staff have an ongoing project to look at alternative approaches for estimating abundance and for setting Potential Biological Removal under the MMPA.

Simonds reminded the Council of the ongoing complaint for the last several years trying to get access to information related to false killer whales. Neither the Service nor the Council can adequately review the information because the contractor has refused to submit his information. She asked the Regional Administrator if the use the Freedom of Information Act (FOIA) would be productive in getting access to the information.

Tosatto replied in the negative, stating that a FOIA is for government records. If the information were considered government records, the information would be sharable. Until the researcher volunteers the information, old data is not accessible.

Rice asked if the contractor's new data that is used in the recent troll fishery research would be accessible.

Tosatto replied that it was not a requirement of old contracts and old grants. Any new data, going forward, would follow the new guidelines. If it is somewhere in the middle, it may or may not follow the new guidelines. It is now federal policy that the public have access to research results, including the underlying data.

Simonds said the Agency is not using the best available information since the Agency is not able to look at the best available science. She asked if the Agency's response would then be that it is the best available science because that's the only science that you can look at.

Tosatto said the MMPA contains provisions that create issues with what one would consider the best available science. It is an underlying premise that the best available science is used. Inside the MMPA it says anecdotal information can be used, which many people wouldn't consider best available science. However, it is usable within the MMPA. The Agency in some cases is not required to find new and independent information. In other cases, it is in its best

interest to do so. There are certain statutory responsibilities. For example, the annual Stock Assessment Report is based on a variety of data, including 10-year old surveys. Decisions are based on the best science available to the Agency. Sometimes it entails going out and getting new data and sometimes it is relying on others. Sometimes it is having access to the underlying data, and sometimes it is not. Sometimes it is peer reviewed, and sometimes it is not.

Simonds said the terms just used by the Regional Administrator was the best available science to the Agency, which is different from the best available science. She asked if both terms are used.

Tosatto said it depends on which law is involved, as different laws have different standards.

Simonds suggested that Congress should be consistent in their legislation.

Leialoha asked for clarification as to whether the new Public Access to Research Results rule would include the current data that is unavailable, other than when in a final report.

Tosatto replied that the new Public Access to Research Results guideline is to make up for the past and have a new way forward. The Service is going through the inventory of its data as to what can be made available to the public. Some of the underlying data will have to follow the law that says it is confidential. Underlying marine mammal survey data going backwards will look at what data is currently available to the public. If it can be made available, it will be. Going forward, the Service would look at underlying data streams to be contracted and granted to be made available to the public.

#### **D. Public Comment**

Kitara Vaiau, past Council AP member, spoke of danger turtles encounter when coming ashore to lay eggs. He has found carcasses of turtles in the past on Aunu'u and Muliava where turtles laid eggs near trees and then could not maneuver through the vegetation and trees on their return to the ocean. He suggested the appropriate agency should start cutting trees based on the width between trees so that turtles can lay eggs without risk of not being able to re-enter the ocean.

Simonds noted that the USFWS would be happy to help because they have federal jurisdiction when turtles go ashore.

#### **E. Council Discussion and Action**

***Regarding the American Samoa longline fishery BiOp, the Council requested PIRO work with the Council to clarify the procedure for assigning incidental take of green turtles to DPSs in preparation of the DPS-specific ITS, which would be implemented if the green turtle listing decision is finalized as proposed.***

*Moved by Leialoha; seconded by Seman.  
Motion passed.*

Miyasaka suggested changing recommended to requested. No one objected.

Tosatto clarified that the current BiOp process included a Conference Opinion because the proposed DPS is not final decision. When the BiOp is signed, the Conference Opinion and ITS will be completed. There is a very narrow window to when the BiOp is signed. The BiOp will contain how NMFS is going to assign the take of green turtles. Following NMFS policy to allow the Council input on the BiOp and the ITS, the Council has the opinion and ITS for review in a very short time in order for the Agency to be timely in issuing the opinion and the ITS. The Agency needs to hear from the Council and its staff during their review and any input they have on the Conference Opinion and incidental take assignment. The opinion will be signed as soon as the Council's comments are received and the legal review is completed.

Ishizaki said that the Draft BiOp currently does not include a procedure for how the takes would be assigned to the DPS, other than to list them separately.

Tosatto said he understood the Council's view to be that the procedures for assigning incidental take are not clearly specified. If it is not clear to a reader how the incidental take is assigned, that needs to be clarified. Tosatto said he will continue dialogue with Ishizaki in her review to ensure it will be clearly understood.

Simonds said it is good to know that it is something that can be done without difficulty.

*Regarding the leatherback turtle interaction in the Hawai'i deep-set longline fishery, the Council requested PIFSC to provide presentations of the leatherback analysis results to the SSC at the March 2016 meeting and other meetings of applicable advisory groups reviewing the new annual report in 2016.*

*Moved by Leialoha; seconded by Rice.*

*Motion passed.*

*Regarding the MMPA Imports Provisions Proposed Rule, the Council directed staff to draft a letter responding to the proposed rule comment period and include the following:*

- a) Support the general intent of the provision, which is to level the playing field for U.S. fisheries by requiring similar marine mammal bycatch mitigation provisions for foreign fisheries exporting fish and fish products to the United States; and**
- b) Express concern that the process and requirements outlined in the proposed rule are extremely complex and burdensome, and has the potential to divert resources necessary to implement MMPA provisions for domestic fisheries, may impact the U.S. seafood import industry, and result in other unintended consequences to the domestic fishing and seafood industries.**

*Moved by Leialoha; seconded by Seman.*

*Motion passed.*

Sword spoke favor of the recommendation's intent, especially item b). His concern focused on saving the two canneries and ensuring an adequate supply of readily available fish.



*Regarding Hawaiian monk seals, the Council directed staff to work with NMFS to address the AP's concern that monk seal haul-outs at boat ramps and other public areas may temporarily block public access, by clarifying appropriate procedures that may be followed in such situations and ensuring such information are readily available to fishermen, ocean users and members of the public.*

*Moved by Leialoha; seconded by Seman.*

*Motion passed.*

## **IX. Public Comment on Non-Agenda Items**

Russ Cox, boat operations manager of Pago Pago Marine Charters and president of Pago Pago Game Fishing Association, spoke for the Pago Pago Game Fishing Association and Pago Pago Marine Charters in opposition to the opening up the 50-mile zone in the LVPA.

Commercial fishing has been the mainstay of the American Samoa economy for a long time, and he voiced support of them in every way except for allowing them within the 50-mile LVPA. The sport fishermen fish extensively around the banks, which are fragile areas and nurseries. He does not want to see them destroyed by overfishing. There are many small tournaments throughout the year, including junior and ladies tournaments. Many Samoan boats travel from Western Samoa to participate. There is tourism-based fishing as well. It is a fledgling tourism industry, but it can grow. Many vessels fish within the 50-mile zone. Currently, 90 vessels are registered with the Department of Public Safety and Marine Patrol.

Sesepasara shared information regarding the Tri Marine petition. It originated from the American Samoa Fisheries Task Force. The Task Force was in Washington, DC, and asked Hamby of Tri Marine to introduce the request. The petition is not just for the Tri Marine fishing boats but for all vessels fishing for the two tuna canneries in American Samoa, the 10 vessels from Tri Marine and the eight or nine vessels from StarKist. If American Samoa is considered a SIDS, why isn't its purse-seine fishery considered a SIDS? If one fishery is considered a SIDS, the others should be as well.

Lutu-Sanchez spoke on behalf of Tautai Longline Association. She thanked the Council for its assistance when requested by the longliners. She stressed the importance of supporting the US fleet. It is about access to the fishing grounds. Fishers want to adhere to conservation measures placed upon them, but they do not want to sacrifice the US fleet when its impact is small compared to other fisheries. She asked NMFS to expedite the pending requests so no more boats would have to leave American Samoa.

## **X. Program Planning and Research**

### **A. Annual Catch Limit Specification for Territorial Bottomfish (Action Item)**

#### **1. P\* Working Group Report**

Marlowe Sabater, Council staff, reported the results of the P\* Working Group for the Territorial bottomfish, one of the first steps in specifying ACLs for the bottomfish fishery. The working group members included PIFSC staff, fishermen, local representatives, SSC members and PIRO staff. They met in September to re-evaluate the various criteria under the four P\*

dimensions: assessment information, uncertainty characterization, stock status and productivity and susceptibility analysis.

Currently, the Territory bottomfish is under Tier 2, which would require a P\* analysis in order for the SSC to specify the acceptable biological catch (ABC) and the Council to specify the ACL. After a brief review of the P\* process and description of the four dimensions, Sabater reported the Dimension Score Equivalents were 4.0 points for American Samoa and 3.6 for Guam and CNMI.

For uncertainty characterization, a score of 5.0 remained across the three jurisdictions. It is a medium uncertainty characterization because the stock assessment was not standardized. There was no CPUE standardization, and the uncertainty was not carried forward in the projection.

For the stock status, there was no reduction in scores. It did not change from the previous P\* because the stock is still not overfished and still not experiencing overfishing.

Summarizing the scores for the productivity and susceptibility across all 17 species resulted in a risk reduction score of 4.1 for American Samoa, 5.6 for Guam and 5.3 for CNMI. The total risk reduction score was 13.1 in American Samoa, 14.2 in Guam and 13.9 in CNMI.

When subtracted from the 50 percent risk, the fishery is recommended to be managed at a 37 percent risk level for American Samoa and 36 percent risk level for Guam and CNMI.

### Discussion

Matagi-Tofiga asked, in regards to American Samoa's risk of overfishing, 37 percent equates to what.

Sabater said the 37 percent risk of overfishing would generate an ABC of 106,000 pounds, which is 5,000 pounds higher than the previous ACL.

## **2. Social, Economic, Ecological and Management Uncertainty Working Group Report**

Hawkins presented outcomes of the working group on social, economic, ecological, and management uncertainty (SEEM), which met in September. The Council must consider SEEM factors when setting ACLs. SEEM information must be compiled and analyzed by a team that may include Council and SSC members, Council staff and other individuals knowledgeable in the fishery. The team develops the criteria and scoring values regarding the quality and completeness of the information. Scores for each dimension are added, and the total score is subtracted from the ABC. SEEM analyses are unique for each fishery.

Efforts were made to solicit participation and input from fishermen. The working group consisted of Craig Severance (chair), Justin Hospital, Cindy Grace-McCaskey and Minling Pan from PIFSC and Sabater and Hawkins from the Council. Ariel Jacobs and Sarah Ellgen from PIRO were observers.

The group noted that the bottomfish fisheries are important to the sociocultural fabric of the islands and had few specific reasons to argue for reducing the allowable harvest. The island areas are subject to dynamic natural events, such as hurricanes and tsunamis. In the face of impacts from these events, fishing is one of the only immediate ways to obtain fresh food.

In terms of economics, the group noted that bottomfish fishing does not play a large role in the economies of the island areas. Bottomfish prices tend to be the highest locally, and 100 percent of bottomfish are sold versus retained, unlike other species. In CNMI, specifically, working group members noted that bottomfish tend to be quite important economically in some of the smaller islands, such as Tinian and Rota. There is the potential for casino development to increase the demand on the local bottomfish supply.

Ecologically, many of the shallow-water bottomfish species may be considered as coral reef-associated species, and there is a need to consider threats to the species.

Working group members were concerned about some of the management issues in the bottomfish fisheries in the Territories. There is no real-time tracking of catch. It takes more than a year to understand what is going on in terms of catch and fishery participation. There is also limited capacity to manage the fishery and to enforce bottomfish regulations in the Territories.

Each member developed a score for each of the SEEM dimensions for each of the three fisheries. Scores were based on a scale of zero to 10, where a zero score indicated the member felt no reduction was necessary. Each number represented a percent. Each score was averaged and then added to arrive at a recommended reduction percentage. The recommended reductions were for American Samoa, 5 percent, or 102,000 pounds; for CNMI, 6 percent, or 216,000 pounds; and for Guam, 5 percent, or 64,000 pounds.

The Council was asked to accept, reject or modify the recommended reductions. The Council could elect to set the ACL directly based on the scientific uncertainty and SEEM reductions. Or the Council could elect to set the ACL equal to ABC and use the SEEM reductions as the basis for an annual catch target.

### Discussion

Matagi-Tofiga asked whether the American Samoa government was taking into consideration the effects of the Disaster Relief Fund on bottomfish fishers in the analysis.

Hawkins said the topic was discussed. The committee hopes that development of the bottomfish fishery occurs to benefit of territorial residents. In a couple of years, there may be more participation and more effort that may warrant the SEEM reduction to kick in.

### **3. Options for Territorial Bottomfish Annual Catch Limit for Fishing Years 2016 and 2017**

Sabater presented options for the Council to consider for specification of the Territorial Bottomfish ACLs and accountability measures for fishing years 2016 and 2017. The ACL specification process is similar to the P\* analysis. A brief background was presented which began with the 119<sup>th</sup> SSC meeting where the 2015 stock assessment updates were presented, up

to the 121st SSC meeting where the ABCs were specified based on the recommended risk level. Reference points from the stock assessment updates were presented to the Council.

The bottomfish MSY estimate for American Samoa is 76,000 pounds; for CNMI, 173,000; and for Guam, 56,000 pounds. The current harvest level at MSY is at 23 percent for American Samoa, 26 percent for CNMI and 35 percent for Guam. The bottomfish fisheries in American Samoa, CNMI and Guam are not overfished and are not in an overfishing condition. The stock is healthy and can allow the fishery to develop and grow.

The risk level between 2016 and 2017 has increased. The P\* recommendations were applied on the second year, which increases the probability of overfishing because it is assumed the total ACL was taken.

Sabater presented the following alternatives to the Council for specifying the ACL for the Territorial bottomfish, noting that cumulative impacts under all three alternatives are considered minor.

- 1) Status Quo. The previous ACL would be rolled over, and the Council would specify the ACL for fishing years 2016 and 2017 at the same level as the 2015 ACL. The stock assessment update will not be used, and the new P\* will not be applied. The alternative does not comply with National Standard 2, and NEPA requires all information available be used. Therefore, Alternative 1 would be out of compliance. The expected outcome is no adverse effect because currently the fishery is catching far below the established MSY and proposed ACL.
- 2) Set the ACL equal to ABC. The new P\* will be applied. The new stock assessment update would be used, which is the best scientific information available. NEPA analysis would be in compliance. The expected outcome is no adverse effect.
- 3) Specify the ACL lower than the SSC recommended ABC. The new P\* and SEEM reduction would be applied. Additional precaution is provided due to uncertainties outside the stock assessment update. The expected outcome is no adverse effect because the recent catch is below the MSY level in the proposed ACL.

For the Accountability Measures, if the Council sets the ACL less than the ABC, the overage adjustment would apply and reduce the following year's ACL by the amount of overage. The overage would be defined as a three-year running average. Or, if the Council sets an annual catch target (ACT) lower than the ACL, the overage adjustment would not apply as long as the overage does not exceed the ACL. In terms of the Accountability Measures, monitoring of the fisheries would continue. The Plan Team would annually evaluate catch against the ACLs using a three-year running average of catch and would strive to improve monitoring to near-real-time.

The Council was tasked to select one of the alternatives presented and set the Accountability Measures.

### Discussion

Matagi-Tofiga asked if the unfished biomass could be rolled over to the next year.

Sabater said the Draft National Standard 1 guideline would allow that to occur. However, since the catches are currently far below the biomass, the urgency to rollover that unused portion of the ACL is negligible.

Poumele pointed out that the report says some of the data from American Samoa was unreliable. She pointed out that getting accurate data is something that NMFS and the Council should emphasize when working with DMWR on data collection.

Sabater said one of the purposes of the Fishery Data Collection and Research Committee is to improve the dataset. Numerous data-related projects on the island are geared towards getting better information. Some representatives in the P\* Working Group from American Samoa were pessimistic in their scoring of the assessment aspect in the first dimension. It was recognized that the quality is not as reliable, but it is the available information and is the same information used in the stock assessment.

Duenas asked if the information of the 254 vessels in Guam came from the creel survey.

Sabater replied in the affirmative. The numbers are estimates from the creel survey as the number of boats that reported or got interviewed that they had landed bottomfish management unit species during the year.

Duenas asked where the information on price per pound was obtained.

Sabater said it was taken from the Draft 2014 Annual Report bottomfish module.

Seman asked the same question regarding the 10 vessels for CNMI.

Sabater said it was from the creel surveys as reported in the Annual Report bottomfish module.

Seman noted that it looked like old information.

Sablan clarified that the 254 vessels in Guam included both commercial vessels and small boats coming into port. Technically, the only parameter that would be affected by inaccuracy in the number of vessel estimates would be the individual revenue. It would not change the value of the total fleet-wide revenue in the analysis. There is room for improvement on the data. The analysis did not account for high-liners, the vessels that land most of the fish. The analysis is across-the-board, average retail price.

Gourley agreed that the CNMI numbers looked low, and, even though the number of boats and the price do not directly reflect into the accounting of the ACLs, it does undermine the credibility of the database. Data quality needs to be improved.

Sabater agreed, noting that the numbers in the alternative are higher than the MSY value estimated in the stock assessment. Since the harvest at MSY level is so low and the estimated biomass from the stock assessment is so large, over a period of two years it is allowed to exceed MSY to bring the stock down to the MSY level, which is not unusual. Some stock assessments

could allow overfishing of the stock over a short period to bring the stock down to the MSY level. In such a case, low harvest rates and high biomass value would result.

## **B. Integrated Stock Assessment Model for Data-Poor Stocks**

Sabater briefed the Council on the status of the project that started with the PIFSC stock assessment program working with Steve Martell from the International Pacific Halibut Commission to develop an integrated catch-MSY model for data-poor stocks. The objective is to improve specification of ABCs for data-poor stocks by integrating disparate sources of information into a model-based framework in order to move most of the Council's Tier 5 stocks into Tier 3. There is more testing to be done. The project is ongoing with hopes that the model could be used by PIFSC for stock assessments.

### Discussion

Gourley asked if this is a new and unique process being developed for the Council.

Sabater said Martell was one of the reviewers in the NMFS program review and worked with Pierre Kleiber on the catch-MSY model for use in the ACL specification process.

Gourley said there is a movement by an NGO for analysis of data-poor stocks for use in determining fishery management measures that may be another useful tool for setting ACLs.

Sabater said many data-poor models are available, but so far, they have not been able to determine the MSY is for a particular stock. With the integrated stock assessment, it is possible to determine the MSY level.

Gourley asked if this is the first time that all variables are being considered in the same model.

Sabater said this is the first time where all variables are integrated into one framework.

## **C. Territorial Science Initiative Project Updates**

Sabater presented updates on projects in the Territorial Science Initiative. The bulk of the data collection burden is currently in the hands of the State and the Territories, with limited manpower, technical resources and funding.

In June 2013 the Territorial Science Initiative was announced. The goals were to increase locally based science and build local scientific and monitoring capacity. In June 2014 the Data Collection Research Committee was formed to coordinate efforts in improving fishery data collection and research within the jurisdictions of the Council and improve the information used for fishery management. PIFSC provided funding support for fishery data collection improvement.

The Council submitted a proposal to improve the commercial vendor reporting data collection system, which started in July 2014. The main objectives of the project were to expand vendor capacity-building and data collection, enhance the interaction and feedback of the data

collectors, provide feedback of the data collected to the vendor community and conduct extensive outreach and provide recognition for their participation. Contractors were hired in American Samoa, Guam and CNMI to conduct weekly follow-up with the vendors selling fish, conduct training on fish identification and assist in the accurate keeping of logbooks. Several vendor forums and one-on-one consultations were held, which established a working relationship with the vendors. Efforts for outreach and education included distribution of printed media and radio broadcast of ads and talk shows discussing the initiative. Monthly raffles were held to provide incentives, and Certificates of Recognition were issued, including the presentation of certificates to 40 vendor participants in the American Samoa program. The vendors, managers and staff were provided training to fill out receipt books. There were weekly follow-ups and checks for data accuracy. Posters were distributed as an aid in fish identification for vendors and customers. There was a threefold increase in the number of vendors submitting their reports during the implementation of the project.

Other data collection projects are ongoing in the Territories, such as a Marine Recreational Information Program project to quantify the contribution of seasonal run fisheries to the overall fisheries in the Territories. Current surveys are inadequate to quantify the seasonal run fisheries because of problems with expansion of the data. Another goal of the project is to expand the catch documentation outside the current sampling frame and capture rare fishing methods with low catch interviews. The project has ended in American Samoa, and the data is being analyzed.

Later in the meeting, Plaques of Appreciation were presented to Mac Aveina and Britty Smith for their dedication in data collection efforts in the Territory of American Samoa

#### **D. Fishery Ecosystem Plan Modifications (Action Item)**

Hawkins reported that it has been five years since the Council transitioned from the Fishery Management Plan (FMP) framework to the FEP framework. It is time to review the FEPs for revision or modifications. The Council was updated at the 162nd and 163rd meetings about engaging the Council, public and other individuals in each of the jurisdictions between November 2014 and February 2015. The Council also contracted with Hawaii-based Sustainable Resources Group International to provide an external review and critique of the FEPs. Both exercises were helpful.

The Council was asked to approve the proposed management policy, goals and objectives for the American Samoa, Hawai'i, Mariana, Pelagic and Pacific Remote Island Areas (PRIA) FEP and the revised plan format and incorporation by reference approach and to direct staff to transmit the plans to NMFS for review and approval. The Council desires comprehensive agency feedback, input and guidance regarding the draft plans by December 15, 2015.

There are no new regulations. Regulations established since 2009—such as the Community Development Program, the ACL process and Accountability Measures, Marine National Monument Management measures and others—have been incorporated.

The Council's management policy is to apply responsible and proactive management practices, based on sound scientific data and analysis and inclusive of fishing community members, to

conserve and manage fisheries and their associated ecosystems. The four goals common to all of the FEPs are to conserve and manage target and non-target stocks, protect species and habitats of special concern, understand and account for important ecosystem parameters and their linkages, and meet the needs of fishermen, their families and communities. There are 10 overarching objectives for all five FEPs: a) Support fishing communities; b) Prevent overfishing; c) Rebuild overfished stocks; d) Improve fishery monitoring and data collection; e) Promote compliance; f) Reduce bycatch and minimize interactions that impacts the protected species; g) Refine and minimize impacts to Essential Fish Habitat and review and update EFH and HAPC regularly at five years based on best available scientific information; h) Increase traditional local knowledge and decision-making; i) Consider the implication of spatial management and decision-making; and j) Consider the implication of climate change, as well.

To improve public readability and understanding of the documents fishery information was consolidated including MSA conservation and management measures. There is better description of the planning and amendment process, including the Council-agency partnership. The plans are formatted to facilitate an integrated living FEP structure and approach. About 100 pages of generic ecosystem information were removed.

Sociocultural considerations, protected species, climate change, marine planning and aquaculture were added and emphasized as important ecosystem elements.

The Draft Revised FEPs were sent to PIRO in September. No written feedback has been received. There have been a number of staff-to-staff discussions on the review process and timeline, elements required under MSA, level of NEPA review necessary for the action and description of the MSA conservation measures.

Next steps are to send the review draft to initiate action plans and action teams and to develop the living FEP procedures. PIRO review will focus on ensuring that the revised FEPs comport with National Standards and other requirements and that nothing is missing or has been inadvertently changed.

## **E. Regional, National and International Outreach and Education**

Sylvia Spalding, Council staff, reported on the National Marine Educators Association (NMEA) conference in Rhode Island during the summer. Spalding is the chair of the Traditional Knowledge Committee. The NMEA Traditional Knowledge scholarship went to Ann Marie Chischilly, who is a Navajo Nation (Diné) tribal member, the executive director of the Institute for Tribal Environmental Professionals at Northern Arizona University and the former secretary of First Stewards. Chischilly presented on the findings of a working group for the Department of the Interior on the tribal issues related to climate change.

The Council provided support for the 'Aimalama Lunar Calendar Conference. Council staff Ka'ai'ai and Jesse Rosario, who has provided fishing data for the Guam and CNMI calendars for the past seven years, attended the conference.

The Guam DOA requested permission to use the Council's Fishermen Code of Conduct in their tide calendar. The pictures are from the public service announcements put out by the



Council in the languages of English, Samoan, Hawaiian, Chamorro, Refaluwasch and Chuukese. The short videos have been distributed to broadcast media and to schools. The Council also contributed the tide charts to the Guam Fishermen's Cooperative calendar, which also included the Fishermen Code of Conduct.

This year, the Council's traditional lunar calendar for Guam will focus on traditional fishing and hunting. This theme was chosen because the Festival of Pacific Arts will be held on Guam in May 2016 and will include mini-festivals on the themes of traditional fishing and hunting and traditional navigation and seamanship. The American Samoa and CNMI calendars focus on traditional navigation, seamanship and fishing. A short video was made and provided to teachers as an educational resource to encourage them to include art contests on this theme in their classrooms. The winning art graces the calendars. The video includes interviews with the traditional navigators who were brought to Honolulu for the 2011 Hawaii Fishing and Seafood Festival. The video and the complete interviews are available online at the Council's website. Manny Sikau, who has since passed away, is one of the four navigators featured in the video. The others are Wally Thompson from Swains Island, Cecilio Raiukiulipiy from CNMI and Chadd Paishon from Hawai'i.

The Council office also helped each of the APs with the development of their individual AP brochure. The idea of the AP brochure came from the Guam AP. American Samoa completed theirs in time for the Fishers Forum. CNMI just completed theirs, and work is ongoing to complete the Hawai'i AP brochure. Six live interviews conducted by 93KHJ during the Fishers Forum are available online at the Council's website. Daily press releases put out during the Council meeting have been picked up by multiple news organizations.

The summer newsletter has been mailed out. Work is ongoing on the final newsletter of the year, as well as postings on other social media, such as Facebook and Twitter. Public engagement with the Council via social media continues to increase. There are over 1,000 subscribers who receive the Council's newsletters and other communiques electronically in addition to the mailing database of approximately 6,000 entities.

The NOAA Climate Science Strategy has been finalized and is out. Spalding pointed out that US Pacific Territories were not included on the map that accompanied the Climate Science Strategy publication. The next step for the Climate Science Strategy is development of Regional Action Plans. The Council has been on the Pacific Islands Team and has encouraged them to include the Council's Marine Planning and Climate Change actions in their plan and not just focus on the PIRO and PIFSC actions. Wider input is being encouraged before finalizing the draft plan. The group will meet in November and have a draft available for review and comment.

### Discussion

Simonds said the MSA is almost 40 years old and policies continue to have maps that do not include the Western Pacific Council's jurisdiction.

Spalding added that it was suggested to the NMFS Marine Fishery Advisory Committee's Climate Change and Marine Resources Task Force to consider the Territories as they formulate

their outreach strategy, for example, translations into indigenous languages and the use of radio and television instead of relying on communications requiring use of the internet.

Simonds said NMFS is onboard with the Councils being included in the Science Strategy initiatives.

## **F. Advisory Group Recommendations**

### **1. Advisory Panel**

Richard Farrell, chair of the CNMI AP, reported the Program Planning and Research recommendations of the AP as follows:

*Regarding territorial bottomfish ACL specifications,*

- Guam AP recommended Option 1, retain the same ACL;
- CNMI AP recommended Alternative 2 and set the ACL at 228,000 lbs. They also recommended the Council not prematurely reduce the ACL given the fishery currently lands a small portion relative to the established ACL and the Commonwealth is still recovering from the recent typhoon; and
- American Samoa AP recommended Alternative 2, set the ACL equal to ABC at 106,000 pounds for the Territory bottomfish fishery in the 2016 and 2017 fishing years with a corresponding probability of overfishing of 22.9 percent and 37 percent, respectively. The current landings are low and should provide sufficient buffer from exceeding the ACLs.

*Regarding FEP modifications,*

- Hawai‘i AP supported the proposed modifications to the Hawai‘i FEP;
- Guam AP supported the proposed modifications to the Mariana FEP; and
- CNMI AP supported the proposed modifications to the Mariana FEP.

### **2. Fishing Industry Advisory Committee**

Mitsuyasu reported the FIAC had no Program Planning recommendations.

### **3. Regional Ecosystem Advisory Committee**

Hawkins reported the REAC had the following Program Planning and Research recommendation:

*Regarding the FEPs,* the REAC concurred with the contents of the expanding Council archipelagic and pelagic fishery ecosystem reports and provided recommendations to

Council staff regarding data availability. Further, members agree that that the REAC Committee should participate in reviewing the draft reports for completeness and accuracy.

#### **4. Scientific and Statistical Committee**

Daxboeck reported the Scientific and Statistical Committee recommendations as follows:

*Regarding the specification of ABC for the territorial bottomfish fishery for fishing years 2016 and 2017, the SSC recommended that the Council adopt a 30 percent to 39 percent overfishing probability for the 2016 and 2017 territorial bottomfish ABC specification, with specific recommendations of 37 percent for American Samoa, 36 percent for Guam and 36 percent for CNMI for 2017, in accordance with the P\* analysis:*

- For American Samoa, the 2016 and 2017 ABC would be set at 106,000 pounds.
- For Guam, the 2016 and 2017 ABC would be set at 66,000 pounds.
- For CNMI, the 2016 and 2017 ABC would be set at 228,000 pounds.

Gourley asked whether the SSC wanted to set the ACL equal to the ABC.

Daxboeck said the SSC sets the ABC. The Council is responsible for the ACL.

#### **G. Standing Committee Recommendations**

Sabater reported the Standing Committee recommendations as follows:

*Regarding the ACLs, the Program Planning and Research Standing Committee recommended the Council set the ACL equal to the ABC for the bottomfish management unit species in American Samoa, Guam and CNMI for fishing years 2016 and 2017. The corresponding ACLs and probabilities of overfishing are as follows:*

- American Samoa: ABC of 106,000 pounds, ACL of 106,000 pounds, risk of overfishing of 22.9 percent in 2016 and 37 percent in 2017.
- Guam: ABC of 66,000 pounds, ACL of 66,000 pounds, risk of overfishing of 25 percent in 2016 and 36 percent in 2017.
- CNMI: ABC of 228,000 pounds, ACL of 228,000 pounds, risk of overfishing of 24.2 percent in 2016 and 36 percent in 2017.

The Council considered the reductions recommended by the SEEM Working Group for the 2016 and 2017 fishing years but determined that the difference between the recent harvest levels and ACLs in all three island areas were sufficient to ensure the ACLs will not be exceeded. However, if bottomfish catch in a particular jurisdiction nears any ACL, the Council may consider implementing the relevant SEEM Working Group recommendation in the future.

*Regarding the Accountability Measures, the Program Planning and Research Standing Committee recommended that, if the catch exceeded the ACL, the Council apply a*

downward overage adjustment in the following fishing year as an Accountability Measure. The Committee further recommended the overage adjustment shall be determined using a three-year average of recent catch.

*Regarding the FEP modification*, the Program Planning and Research Standing Committee recommended the Council approve the proposed changes in the Council's five FEPs and work with NMFS to finalize the document.

Simonds asked if the reductions are because of the new stock assessment.

Sabater replied in the affirmative.

Simonds said it seemed odd that Guam is fishing at 50 or 60 percent of MSY, which is low.

Sabater said each island jurisdiction has its own datasets and each dataset behaves differently. For Guam, the harvest rate is slightly higher and the MSY level is rated slightly low. Therefore, Guam's projection went down as part of the stock assessment generation process.

Simonds asked if the model would continue to reduce the levels when the risk of overfishing is so low.

Sabater said the Tier 3 Western Pacific Stock Assessment Review panel noticed the signs in the assessment, wanted to incorporate more information in the next benchmark and would resolve the ratchet-down effects. A different type of modeling approach will be used and the CPUE standardized. The current Hawai'i risk of overfishing is at 30 percent. It is higher because of real-time monitoring. The Council removed the ACT buffer of 6 percent, and the ACL is equal to the ABC. The Hawai'i stock assessment attempts to model the effects of season, inter-annual variations and area through the standardizations so it has less uncertainty. The territory assessment used nominal CPUE (meaning taking the CPUE as it is and not controlling for other factors), which has more uncertainty because it does not account for those factors.

Simonds said better information for the Territories would help to avoid a negative result from stock assessments.

Sabater agreed.

## **H. Public Hearing**

Saite Fuega Moliga, a local fisherman and newly elected president of the American Samoa Alia Fishing Association, said he had two issues that he wished to convey to the Council. The first is the 12-mile zone that's been talked about. He said he understood the Council had already made its decision. He said that they submitted a petition and sent letters, but he guessed it does not make any difference. Moliga said he hoped the Council is sincere about its effort and support of the island community, noting that what's good for CNMI and Guam is not necessarily good for American Samoa. He said we live on the oceans in the islands and all have the same interest in our people and our own culture. Moliga said he was speaking frankly, because he is 65 years old and has been fishing for more than 40 years. Fishing is our livelihood. He said he has

not had a problem with the longliner association or the longline fleet. He was pretty sure that they could come together if they had good communication and talked things out. However, speaking on behalf of the *alia* fishing association, what they've seen is that in the early 1970s they had quite a few of *alia* longliners in American Samoa and now they have only one, and that individual is hardly making it up with the longlines. He said they have all given up and have gone back to bottomfish fishing.

Moliga then asked if the Council has done research on the local bottomfish fishery in American Samoa. He said, if they did, they haven't talked to the local fishermen. He said that's one thing that really gets on their nerves, when decisions are made for them without even asking them what's going on or opportunity to provide input on what's better for the people in American Samoa. With all due respect to the President, President Obama, Moliga noted that he declared most of the Pacific Ocean as a sanctuary.

"Where the hell are we going to go fishing," Moliga asked. He said Obama never fished in the waters of American Samoa or CNMI, but he may have in Hawai'i. He does not understand our needs in American Samoa, Moliga said. "We solely depend on the ocean for our living."

Moliga said that the difference between the *alia* fishermen and the longliners is the *alia* fishermen fish only for consumption, their own livelihood and their expenses and not for profit, while the longliners sell their fish to the canneries for profit.

The *alia* have had a buffer from the longliners out to 50 miles from shore. Now that will be reduced to 12 miles from shore. Moliga said he doesn't have an issue with the longliners, but there's a big ocean out there and the *alia* fishermen can't accept the longliners coming to within 12 miles of the land.

Moliga said the second issue he had was about enforcement. He said the American Samoa government doesn't have the resources to enforce the 12-mile zone and the USCG probably has other priorities.

In closing, Moliga made some comments about the Council's support of the local fishermen with the fish market, which he previously ran. He said he cannot afford to run that fish market the way it is right now. He said his interest is to make it work for the local fishermen, not for profit. He said he is paying the bills out of his own pocket. He is not making enough money out of selling fish because he cannot compete with the local canneries selling local fish to the customers and the stores. They sell it for 50 to 70 cents per pound. He goes out every day to fish for marlin and yellowfin and tries to sell them for a dollar a pound. Nobody will go for it. They would rather buy the cheap stuff from the black market.

He thanked Simonds and the Council for continuing to assist American Samoa with its efforts. He had faith it can make work. He acknowledged that he is always complaining about the local government not providing enough supporting and hoped that others would tell that to the Governor because it is true. Fishing and farming are the only two resources on which the Pacific must solely depend. The islands cannot provide industry or manufacture cars or anything else because they don't have those resources. They depend on the ocean and the land. He said he would appreciate the Council taking that to heart because nobody else cares about how they feel.

Ebisui encouraged Moliga to stay engaged in the process. There are advisory groups and other ways that fishermen and locals can provide input into the process and be part of the solution.

Howard Dunham said he was born and raised in American Samoa. He recalled riding the bus to school and seeing fish as the bus passed by the beach. He later became a night diver. He said every year he attended meetings when Ray Tulafono, the then DMWR director, was looking to ban night diving because the data showed too many fish were being taken. Night diving was his livelihood and the way he supported his family, so he would disagree and did not believe too many fish were being taken. Eventually, he realized Tulafono was right. Now there is no more night scuba diving. He spoke in favor of avoiding conflict between the longline and the *alia* fishermen within the LVPA. He said he is just a local boy trying to protect the ocean to go fishing and try to make a living.

Kit Vitara thanked Simonds, Council staff, Council members and the others gathered in the room for a productive and educational two days. He said he was representing the Pago Alia Fishing Association and Aunu'u Island. He said he wished to discuss overfishing in reference to the bottomfish ACL.

He said that fish, whales and dolphins migrate in the Southern Hemisphere, especially in October. They arrive from Baja California and the Northern Hemisphere below Alaska to eat fish in American Samoa. The offshore banks are loaded with the fish arriving from states in the northern part of the northern hemisphere and Baja California. The two big banks in American Samoa are called Taema and Nafanua. East Bank, Southeast Bank is located at 60, 65 degrees; Northeast Bank at 50 degrees; and the South Bank at 162, 165 degrees. He said the banks are the only place where these fish come to this area of Samoa because it is nice and warm. By the end of April next year, they start migrating north. All the bottomfish go underneath the reef, night and day. As a certified scuba diver instructor who used to work for DMWR, he has been taking scientists to Taema and Nafanua Banks. He has studied and watched as the whales drank the fish that lived on top of the reef. In order to solve this problem, he recommended a big boat that could move farther down into the deep water to catch some more 'opakapaka.

He then relayed a story about a biologist who in the 1960s believed the flowing of the current and the circular motion would reach Pago, Samoa. He rafted from Peru to the South Pacific with a parrot and cat onboard. He went north in a spiral formation and ended up in Samoa just below the equator. When he was 20 miles away from here, he called to the Governor and Public Safety for help. The Governor sent a man from Public Safety to help out. The biologist tried to survive after running out of food. The cat ate the parrot and then the biologist ate the cat. He wasn't able to catch fish because the only fishing equipment he had was for bottomfish.

## **I. Council Discussion and Action**

***Regarding the ACLs, the Council set the ACLs equal to the ABCs for the bottomfish management unit species in American Samoa, Guam and CNMI for fishing years 2016 and 2017. The corresponding ACLs and probabilities of overfishing are as follows:***

**American Samoa: ABC of 106,000 pounds, ACL of 106,000 pounds, risk of overfishing 22.9 in 2016 and 37 percent in 2017.**

**Guam: ABC of 66,000 pounds, ACL of 66,000 pounds, risk of overfishing 25 percent in 2016 and 36 percent in 2017.**

**CNMI: ABC of 228,000 pounds, 228,000 pounds for ACL, risk of overfishing 24.2 in 2016 and a 36 percent in 2017.**

**The Council considered the reductions recommended by the SEEM Working Group for the 2016 and 2017 fishing years but determined that the difference between the recent harvest levels and ACLs in all three island areas were sufficient to ensure the ACLs will not be exceeded. However, if bottomfish catch in a particular jurisdiction nears any ACL, the Council may consider implementing the relevant SEEM Working Group recommendation in the future.**

*Moved by Gourley; seconded by Seman.*  
*Motion passed.*

**Regarding Accountability Measures, the Council, in the event that the catch exceeded the ACLs, recommended applying a downward overage adjustment in the following fishing year as the Accountability Measure. The overage adjustment shall be determined using a three-year average of recent catch.**

**Further, the Council deemed that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the MSA. In doing so, the Council directed Council staff to work with NMFS to complete regulatory language to implement the Council's final action. Unless otherwise explicitly directed by the Council, the Council authorized the executive director and chair to review the draft regulations to verify that they are consistent with the Council action before submitting them, along with this determination, to the Secretary on behalf of the Council. The executive director and chair were authorized to withhold submission of the Council action and/or proposed regulations and take the action back to the Council if, in their determination, the proposed regulations are not consistent with the Council action.**

*Moved by Gourley; seconded by Seman.*  
*Motion passed.*

**Regarding the Annual Report modifications, the Council appreciated the willingness of the Committee members to participate in the production and review of the Archipelagic and Pelagic Fishery Ecosystem Annual Reports and directed staff to work with REAC member agencies and organizations to obtain relevant data, as well as to investigate the feasibility of the American Samoa Community College's offer to serve as a local data repository for these efforts.**

Moved by Gourley; seconded by Seman.  
Motion passed.

*Regarding the five-year review of and proposed revisions to its FEPs, the Council approved the proposed management policy, goals and objectives for the American Samoa, Hawai'i, Mariana, Pelagic and PRIA FEPs, as well as the revised plan format and incorporation by reference approach and directed staff to work with NMFS PIRO and PIFSC staff to review the draft plans, to provide comprehensive agency feedback, input and guidance by Dec. 15, 2015.*

Policy: The Council's management policy is to apply responsible and proactive management practices, based on sound scientific data and analysis and inclusive of fishing community members, to conserve and manage fisheries and their associated ecosystems.

Goals: 1) Conserve and manage target and non- target stocks; 2) Protect species and habitats of special concern; 3) Understand and account for important ecosystem parameters and their linkages; and 4) Meet the needs of fishermen, their families and communities.

### Objectives

#### Support Fishing Communities

- a. Identify the various social and economic groups within the region's fishing communities and their interconnections.
- b. Ensure that regulations designed to meet conservation objectives are written to be as minimally constraining as possible.
- c. Select alternatives that minimize adverse economic impacts to fishing communities when possible.
- d. Eliminate regulations that are no longer necessary (e.g., eliminate access barriers).
- e. Increase communication among fishery sectors.
- f. Support fishery development, training and processing opportunities.
- g. Support projects, programs and policies that increase sustainable fishing opportunities.

#### Prevent Overfishing on Council-Managed Stocks

- a. Develop status determination criteria for appropriate stocks.
- b. Monitor fisheries to understand when overfishing may be close to occurring.

#### Rebuild Overfished Stocks (Hawai'i)

- a. Maintain the Hancock Seamounts Ecosystem Area.



- b. Maintain the fishing moratorium within the Hancock Seamounts Ecosystem Area until surveys show that the armorhead stock has been rebuilt.
- c. Participate in international conservation and management efforts to rebuild armorhead stocks.
- d. Identify research priorities for armorhead and other relevant species within the Hancock Seamounts Ecosystem Area.

#### Improve Fishery Monitoring and Data Collection

- a. Increase the number of fishery ecosystem elements being monitored.
- b. Improve the timeliness of data availability.
- c. Improve the quantity and quality of relevant fishery data.
- d. Encourage research to improve precision of data regarding protected species populations and distributions.
- e. Increase research coordination between the Council, the state and federal agencies.
- f. Increase the quality and quantity of monitoring and enforcement data through improved technology.

#### Promote Compliance

- a. Understand factors that may result in non-compliance.
- b. Consider ways to develop or increase buy-in from affected parties.
- c. Ensure that regulations are written and implemented so as to be easy to follow and enforce.
- d. Develop codes of conduct specific to individual fisheries.

#### Reduce Bycatch and Minimize Interactions and Impacts to Protected Species

- a. Maintain minimal impacts to protected species and other bycatch species while maintaining the viability of fisheries.
- b. Encourage non-regulatory approaches to reducing protected species and bycatch impacts where necessary and appropriate.
- c. Increase fishermen's knowledge about protected species issues and regulations and ways to minimize interactions.
- d. Continue to work with federal and state agencies to protect relevant threatened and endangered species.
- e. Improve assessment of protected species and bycatch species impacts through improvements in data collection, research and monitoring.
- f. Encourage research that examines whether and to what extent bycatch is an issue in the fisheries covered by this management plan.

#### Refine and Minimize Impacts to Essential Fish Habitat

- a. Review and update EFH and habitat areas of particular concern (HAPC) designations on regular schedule (five years) based on the best available scientific information of a higher EFH level than was used for the original designation.
- b. Identify and prioritize research to assess adverse impacts to EFH and HAPC from fishing and non-fishing activities, including, but not limited to, activities that introduce land-based pollution into the marine environment.

#### Increase Traditional and Local Knowledge in Decision-making

- a. Identify relevant indigenous (Samoan, Hawaiian, Chamorro and Refaluwasch) practices and knowledge that may improve scientific inquiry regarding Council-managed fisheries.
- b. Utilize cultural practitioners, concepts, and bodies in the analysis of management alternatives.
- c. Utilize fishermen knowledge in the analysis of management alternatives.

#### Consider the Implications of Spatial Management Arrangements in Council Decision-Making

- a. Identify and prioritize research that examines the positive and negative consequences of current no-take fishing areas to fisheries, fishery ecosystems and fishermen, such as, but not limited to, bottomfish fishing restricted areas (BRFAs), Northwestern Hawaiian Islands restrictions, marine life conservation areas, military installations, monuments and marine conservation areas.
- b. Consider whether the goals of any spatial-based fishing restrictions proposed in federal waters appear to be achievable.
- c. Establish effective spatially based fishing
- d. Remove spatial-based fishing restrictions that are no longer necessary.

#### Consider the Implications of Climate Change in Council Decision-Making

- a. Identify and prioritize research that examines the effects of climate change on Council-managed fisheries and fishing communities.
- b. Ensure climate change considerations are incorporated into the analysis of management alternatives.
- c. Monitor climate-change related variables via the Council's Annual Reports.
- d. Engage in climate change outreach with US Pacific islands communities.

*Moved by Gourley; seconded by Duenas.  
Motion passed, with reservation by Miyasaka.*

Seman asked to include Refaluwasch to the objective to increase traditional and local knowledge in decision-making. There was no objection.

Tosatto did not agree with the use of the word, transmit as used in directs the staff to transmit. Transmit is a loaded word within Magnuson. It generally takes the form of an FMP amendment package. The recommendation before the Council is not for an amendment, FMP or Omnibus Amendment package. It would be premature to add “transmit,” particularly if it follows with NMFS review and approve. He voiced support in taking action to approve the policy statements, goals and objectives, and embraced the revised plan format and reference approach. Changing objectives is a meaningful part of the plan, and the action is premature. He suggested inserting language such as “direct staff” and “take the action of adopting the objectives and the plan changes.” There is more work to do before this action can be transmitted. Transmit is very specific language and is not appropriate in this context.

Simonds noted that first step is to have the Council adopt the objectives and the changes. Council staff has been coordinating with PIRO staff regarding review, which has a Dec. 15 deadline for agreement on everything included in the amendment. A separate meeting is planned when the review is finished instead of waiting until the March Council meeting so it will be included in the Annual Report. This recommendation is not about going to Headquarters, but that there will be agreement when the package will be ready.

Tosatto suggested the wording “submit the plans to NMFS for review.” Any other word than transmit, because transmittal is a Magnuson term, and Secretarial approval is a meaningful piece. Transmit and approval equal Magnuson process. He recommended to use any word other than submit and approval.

Hawkins suggested “direct staff to submit the plans to NMFS for review and approval” and “the Council desires comprehensive agency feedback, input and guidance.”

Tosatto suggested “request comprehensive Agency feedback, input and guidance regarding draft plans.”

Simonds agreed with the use of “direct.”

Hawkins noted the change of “desire” to “request.”

Simonds reiterated the action is to direct staff to work with NMFS with PIRO so that, by Dec. 15, the Council has comprehensive Agency feedback, input and guidance.

Miyasaka asked for clarification as to who determines if spatial-based fishing regulations and the removal of spatially based fishing restrictions are no longer necessary.

Simonds said the scientists have informed the Council that the BRFA's are no longer necessary because of ACLs and that information coming out of the BRFA's by the State contractor is not included in the stock assessments. Everybody is in general agreement to start all over, remove the BRFA's and have a system where fishermen report exactly where the fish is caught rather than the grid system that is currently used. Bottomfish will have a different regime and has been worked on by Miyasaka's staff, the State contractor, NMFS staff and the Council staff. The Council has already voted that BRFA's should be removed; formal letters have gone to the State of Hawai'i; and the Council is waiting for a response.

Hawkins said the Council has determined that the CNMI bottomfish closed areas spatial restrictions for larger vessels are no longer necessary. Staff is working with PIRO currently on the Environmental Assessment and the amendment, which would be another example of where the Council has determined that some spatial-based restriction is no longer necessary and is working towards removing it for specific reasons.

Gourley suggested the use of sustainably conserve and manage fisheries rather than conserve and manage fisheries.

Simonds said, according to Magnuson, it means wise use.

Miyasaka asked for clarification as to whether the vote is for the entire recommendation.

Ebisui said the motion is for the adoption of the entire recommendation. He said Miyasaka can vote in favor with reservation of whatever part he wishes.

Simonds said Miyasaka could explain which part he disagrees with.

Miyasaka supported all except d) of the second to the last objective.

## **XI. Hawai'i Archipelago and Pacific Remote Island Areas**

### **A. Moku Pepa**

Goto reported that the high level of bigeye landings continued until the August shutdown in the fishery, which led to a massive downhill trend with obvious effects of the closure and caused a huge disturbance to the industry and specifically with the fishermen. He and Council staff held talks with fishermen at Pier 19 in an effort to reassure them that everything was being done to get them back fishing. If anything positive can be taken from the closure, it is we now know what happens when a small break in the flow of Hawai'i longline product brought into the state occurs. It caused the wholesalers to lose confidence in the process and in the viability of the market.

Rice reported his attendance of the recent PacIOOS Governing Council meeting. PacIOOS provides information regarding ocean wind and currents. In CNMI, American Samoa and Marshall Islands buoys are used to gather information regarding tidal waves. O'ahu has a radar system reporting currents, wind and tiger shark tracking. The information on the nearshore environment is used by the USCG and ocean users.

Danielle Rowe, part of the IUU Task Force, spent a weekend in Kona observing a recent tournament and interviewing fishermen. The tournament director, Jody Bright, sent Rowe information on the amount of money generated by Kona tournaments. The direct spending on entry fees is \$2,222,000 for 229 teams averaging three guests per team. Approximately \$3,234 was spent per person during a tournament that lasted 19 days. Rice pointed out that the harbor facility in Kona is considered a third-world country facility with no electricity or pavement. More than 100 charter and dive boats work out of the harbor, which is 10 minutes from some of the richest people in the world. Kona is the No. 1 blue marlin capital in the world. Hale'iwa Boat

Harbor recently finished \$5 million worth of improvements and has no harbor master. Rice encouraged developing a state, federal and private partnership to enhance the harbor facilities.

Rice also addressed the proposed increase of minimum weight of commercially caught tuna to 10 pounds and the opening of the BRFA's, which has been addressed at several Council meetings with no decisions being made. Fishermen want to keep fishing and pass the lifestyle to the next generation. He spoke in favor of working hand-in-hand with the State to build up the infrastructure and keep fishing as a viable option for generations to come.

Goto agreed that Honolulu Harbor, Pier 38 is a focal point of the longline industry. It took a lot of work, but it is important to convey the perception about the industry and is always a pleasant thing to display the pier and highlight the industry.

Rice agreed that Pier 38 is a good example of what a harbor should be, with restaurants and a place where people like to spend time.

Ebisui expressed surprise regarding \$5 million being put into improvements to the Hale'iwa Boat Harbor. The repairs were minimal. He noted there seems to be efforts to privatize and unload the harbors to make them somebody else's problem other than the State of Hawai'i.

Rice said Hawai'i harbors could generate jobs and bring in a lot of revenue to the state. The State needs to help the fishermen.

Simonds said the Council is waiting on the response from the State of Hawai'i regarding the BRFA's and minimum size change of yellowfin, noting there has been some delay with the change of the new administration.

## **B. Legislative Report**

Miyasaka reported that the Department would be introducing the Mitigation Bank Bill during the next legislative session. The Mitigation Bank is a system where the State can receive funds from developers who are having an impact on the nearshore resources, such as a harbor developer taking out a pier with corals on the pilings. The loss of the corals requires some mitigation. The value of the mitigation for the coral loss would be deposited into the mitigation bank site. The funds could be used for a number of different projects. The Department would be authorized to initiate this system statewide. It is a system used nationwide. Hawai'i would be the first place where it would be applied to coral reefs. It has not received the Governor's approval yet, but the Department is hopeful it will be introduced during the next legislative session.

The State of Hawai'i co-manager positions for the Hawaiian Islands Humpback National Marine Whale Sanctuary and the Papahānaumokuākea Marine National Monument co-manager positions are being worked on. Currently, they are supposed to be funded under Memoranda of Agreement with the National Marine Sanctuaries Office. The monument co-manager has been funded, but the Sanctuary co-manager position has not, which means the State no longer has a Sanctuary co-manager. Two bills that were not approved in the past year will be renewed. The loss of the State Sanctuary co-manager was a particularly troubling development where the federal government was obligated to fund the position but was not able to.

## Discussion

Gourley asked if the State of Hawai'i could break the memoranda unilaterally and remove its waters from the monument.

Miyasaka said the sanctuary and the monument are different. The monument is part of a tripartite agreement with NMFS, USFWS and Hawai'i for management. It would be very difficult for the State to remove itself from the monument. The Governor has to approve the Sanctuary in state waters before it can be implemented. If the Governor chose not to sign the agreement, there would be no sanctuary in State waters. The monument is not subject to the Governor's approval.

Gourley asked if the State owns from the shoreline to 3 miles offshore in the monument.

Miyasaka said it depends on who is asked the question. The State believes it owns from 0 to 3 miles offshore.

Gourley asked for more clarification as to whether the State could back out of the management authority agreement.

Miyasaka said removal of the State's portion of the monument is not something that anybody would advocate for or even consider. The relationship with the federal partners is not perfect but is doable currently. The sanctuary and the monument are different animals.

Simonds said there is a process to opt out if a party decides that is what it wants to do in the sanctuary. In monuments, the DOI claims ownership of waters. It is difficult to work together.

Rice asked if there was a way to have buoys deployed with structure under the buoys.

Miyasaka replied that Kim Holland, in charge of deployment of buoys, said that placement of streamers under the FAD creates drag on the mooring system causing it to fail faster. It was not economical to continue to put structure under the FADs.

Rice disagreed and learned from a Council workshop on construction and deployment of buoys that using a zigzag pattern to set the buoys relieves the drag from the buoy.

Miyasaka said Holland believes that it is not worth putting streamers on the buoys. There may be FADs in certain areas that are more subject to drag than others. It is a general statement that it is not worth it; that seems to be his opinion at the current time.

Rice said FADs work better in rough water; his area is in calm waters. FADs are needed, but they need to be done correctly.

Miyasaka said he would talk to Holland about the subject of structure beneath the FADs.

Rice said Holland has avoided speaking to him for two years.

Simonds suggested inviting him to a Council meeting.

Rice added that he was invited to the last Council meeting but failed to show up.

### **C. Enforcement Issues**

Miyasaka reported that, in September 2013, the *Ocean Odyssey* grounded off of Ma‘alaea south of Maui. At its June 2015 meeting, the Board of Land and Natural Resources approved a \$75,000 settlement with the vessel owners for damage to corals the grounding created. The check was received in September and will be used to fix and install new moorings in the South Maui area.

The Governor approved emergency rules to prohibit the taking of sea cucumbers in June. The process to turn the temporary emergency rules into permanent rules is ongoing. Statewide hearings on the proposed permanent rules are scheduled for Nov. 9, 10 and 12. The fishery was divided into three segments, a commercial consumption fishery, a commercial aquarium fishery and a noncommercial fishery. The commercial consumption fishery will continue to be closed as that was where the problem occurred with the large numbers of cucumbers being taken. The aquarium fishery will be under a quota system based on reported landings during eight years prior to the closure. There is no data for consumption fishery. A quota system will be created for that segment of the fishery. The noncommercial fishery has a daily bag limit of five animals per person, per day. There are subsistence level takes and medicinal takes. The Board decided not to implement the registration requirement, but it is subject to change based on the comments received during the public hearings. A report will be presented to the Council on the results of the public hearings.

The Division has selected a new administrator, Dr. Bruce Anderson, who will be sitting at the next Council meeting. Miyasaka thanked the Council members for their camaraderie. He will continue to be active with the Council process in an advisory role to the chair and new administrator.

### Discussion

Rice thanked Miyasaka for always providing assistance whenever there was a need.

### **D. Education and Outreach Initiatives**

Spalding presented a documentary video produced by the Council regarding the Hawai‘i longline fleet 2015 closure.

Simonds said it is available on YouTube for viewing. She thanked all of the participants who got the word out about the people who were suffering from the closure.

Spalding reported that two press releases sent out were picked up by the Associated Press and were widely distributed, including in the *US News and World Report* and *Washington Post*. They are on the WCPFC website.

## **E. Advisory Group Recommendations**

### **1. Advisory Panel**

Peter Perez, Guam AP chair, provided the Hawai‘i Archipelago and PRIAs AP recommendations:

*Regarding Hawai‘i fisheries*, the Hawai‘i Archipelago AP recommended the Council request the State of Hawai‘i to determine impacts of Maui bag and size limit regulations on the subsistence fishermen and provide for identification of subsistence fishing.

*Regarding Hawai‘i fisheries*, the Hawai‘i Archipelago AP requested the Council support the community being involved in sanctuary and monument designations.

### **2. Fishing Industry Advisory Committee**

Mitsuyasu said the FIAC had no Hawai‘i Archipelago or PRIA recommendations.

### **3. Regional Ecosystem Advisory Committee**

Hawkins said the REAC had no Hawai‘i Archipelago or PRIA recommendations.

### **4. Scientific and Statistical Committee**

Daxboeck said the SSC had no Hawai‘i Archipelago or PRIA recommendations.

## **F. Public Comment**

Esther Fiatoa, American Samoan resident, spoke regarding the petition signed by more than 60 chiefs to delay on the decision-making on the American Samoa 50-mile limit. She has been waiting to find out when the Council would go to the villages and counsel with the American Samoa people, which is their due process and constitutional right. She said she had a joint statement of all of the Chiefs of Tutuila, Aunu‘u and Manu‘a. She asked the Council not to ignore the chiefs and the rights of the American Samoan people. She asked the Council go to the villages before making any further decisions on the issue.

## **G. Council Discussion and Action**

*Regarding Hawai‘i fisheries*, **the Council directed staff to work with Hawai‘i Division of Aquatic Resources (HDAR) to address the effectiveness of the Maui bag and size limit regulations and the impacts of those regulations on subsistence fishermen.**

*Moved by Rice; seconded by Sword.*

*Motion passed.*

*Regarding Hawai‘i fisheries*, **the Council directed staff to work with HDAR in the development of a definition for subsistence fishing and other definitions of fishing practices.**



Moved by Rice; seconded by Sword.  
Motion passed.

**The Council supported the State’s effort to implement a mitigation bank to address impacts to marine habitat.**

Moved by Rice; seconded by Sword.  
Motion passed.

Miyasaka said the mitigation bank is not limited to impacts of EFH. It is to look at impacts along the shoreline and places where mitigation can be conducted. The mitigation bank should not be tied to EFH because EFH is federal. The mitigation bank is a State effort. He suggested using impacts to habitat rather than EFH.

Simonds suggested the term “marine habitat.”

**Regarding Hawai‘i fisheries, the Council supported the State’s efforts to fund two State of Hawai‘i co-manager positions, one for the sanctuary and one for the monument, to improve management capacity for the State.**

Moved by Rice; seconded by Sword.  
Motion passed.

**Regarding Hawai‘i fisheries, the Council requested that Council staff work with HDAR to evaluate the effectiveness of the Hawai‘i Island FADs attracting marine fish, taking into account FAD characteristics, ocean conditions, FAD substructures and local fishermen knowledge and to report back to the Council at its March 2016 meeting.**

Moved by Rice; seconded by Sword.  
Motion passed.

**Regarding Hawai‘i fisheries, the Council requested that the Hawai‘i Division of Boating and Ocean Recreation undertake improvements to State Harbors taking into account the needs of Hawai‘i’s fishing community. For example, Kona’s Honokohau Small Boat Harbor is home to fishing vessels operating in the marlin capital of the world, yet the infrastructure lacks adequate electrical power and restroom facilities and has one fuel service provider and unpaved parking lots and roads.**

Moved by Rice; seconded by Sword.  
Motion passed.

Rice said this has been needed for years. He recommended including state, private and federal entities in the recommendation.

Miyasaka said the State is already working through the Dingell-Johnson Sport Fish Restoration Act program for federal funds used to improve boating access. The State is also trying to utilize private partnership as well, but it has not worked out.

Simonds suggested those points could be included in the Council letter when written.

## **XII. Mariana Archipelago**

### **A. Guam**

#### **1. Isla Informe**

Sablan reported on the activities that occurred from July to September for the shore-based and boat-based surveys. There was 100 percent participation, with 12 surveys conducted. The top species caught by weight by the shore-based fishery during the period was *atulai* (bigeye scad). Currently, there are five boat access points: Merizo, Guam Harbor of Refuge, Hagatna Boat Basin Marina, Inarajan Boat Ramp and the Agat Marina. The Merizo Boat Marina has significant damage to the boat ramp walkways, pier bumpers and lighting. A contract was awarded to repair all necessary work and is expected to be completed by the end of 2015.

Special permits continue to be issued for the seasonal take of *atulai*, *i'e'e* (juvenile jack), *tia'oa* (juvenile goatfish) and *mañahak* (juvenile rabbitfish). Special terms and conditions apply in the Piti Bomb Holes and Achang Reef Flats Marine Preserves.

Eight of 14 FADs are online. Aerials will be done to confirm inventory. The Guam Division of Aquatic and Wildlife Resources (DAWR) received the requisition to deploy four FAD systems and retrieve one errant buoy.

The Paseo de Susana Fishing Platform project is located in the Village of Hagatna, the capital of Guam. The platform is 136.8 feet in length and 50 feet in width. It will be utilized as one of the 12 venues during the 12th Festival of Pacific Arts scheduled for May 2016. The project's Notice to Proceed was issued in August 2015. The Ground Breaking Ceremony took place in September with Gov. Eddie Calvo in attendance. The completion and ribbon cutting ceremony is scheduled for March 2016.

The Aquatic Education has three programs: Help Save Guam's Reefs, the Piti Pride Campaign and the Kids Fishing Derby. Jane Dia, information education officer, is in charge of the programs. The programs enhance community involvement and learning about watersheds and how they impact the reef and habitat. One of the messages is to encourage the protection of Guam's marine preserves by reporting damaged sea grass beds and coral bleaching sites and by removing animals or dangerous marine debris.

Kids Fishing Derbies were held in July and August. Kids learn about fishing techniques and the concept of preservation with catch and release. More than 100 kids aged seven to 12 participated. Sablan acknowledged and extended special thanks to NOAA Fisheries, PIFSC, UH Joint Institute for Marine and Atmospheric Research and the Council.

DAWR is working with the Council in developing the 2016 Tide Chart Calendar based on the Council's Fishermen Code of Conduct. Completion is scheduled for late 2015.

## **2. Legislative Report**

Duenas reported on Bill 160-33, the Guam Ocean and Fisheries Conservation Act of 2015, introduced by Sen. Brant McCreadie. The bill establishes a Fisheries Council that will assist in creating legislation and rules and regulations for fisheries. The council would also assist in prioritizing projects, seeking funding for different marine-related projects and developing a permitting system. Funding would be generated from the establishment of a fee or a tax that would be imposed on visitors arriving into Guam, similar to the hotel occupancy tax. The funds would help improve the marine projects around Guam, such as the marina, boat ramps and boating access.

## **3. Enforcement Issues**

Sablan reported that 18 arrests were made for illegal fishing during the period of May through September. The majority of the arrests occurred in the Tumon Bay marine protected area. There are only five conservation officers island-wide to enforce aquatic and wildlife laws.

Duenas said the 20th annual Guam-Marianas International Fishing Derby was held in August. There were 84 boats participating with a record number of larger fish. Throughout the summer season, there was an influx of larger yellowfin and tuna. There has been an absence of seasonal juvenile runs of mañahak and atulai.

## **4. Community Activities and Issues**

### **a. Report on Indigenous Fishing Rights Initiatives**

Ka'ai'ai reported that the Indigenous Fishing Rights Initiative came out of the 2009 Guam Legislature and created the Indigenous Fishing Rights Act. The act required the community to establish an Indigenous Fishing Rights Task Force. The task force has met every month for the last four months in an effort to develop a package of fishing rules and regulations through the administrative process in Guam.

### **b. Atlantis Integrated Ecosystem Model**

Howell presented a summary of the Atlantis Integrated Ecosystem Model as a potential management tool and preliminary results of the model on the nearshore ecosystem of Guam. Climate change impacts are expected to result in future loss of coral growth, a reduction in habitat complexity and a decline of fish biomass, which would affect the reef-fish fishery and the resilience of reefs to disturbances. To prepare for the consequences of climate change, fisheries managers and resource users would benefit from a decision-support tool that can evaluate the socioecological impacts of alternative regulations under climate change projections. Effective coral reef management must be based on proper understanding of coral reefs as ecosystems and the complex and simultaneous impacts of different stressors while considering humans as an integral part of the ecosystem. Ecosystem models can deal with this level of complexity and provide insight into the impacts of stressors to reef dynamics and society.

To support management of coastal resources in a changing climate, use of an integrated assessment framework was proposed. Decision-makers would be able to assess relevant data

sources to be incorporated in the ecosystem model and develop management scenarios that can offset or mitigate expected effects of climate change to the natural resources. It also provides an way to assess the best way to simulate climate variability impacts to Guam's coral reef ecosystems and the possible modification of an existing interdisciplinary modeling approach to quantify tradeoffs in ecosystem services of a set of management scenarios based on socioeconomic, or fishery yield, and ecological performance indicators in the face of climate change. The use of these risk assessments would effectively communicate the tradeoffs to decision-makers and resource users.

For the Guam Atlantis model, there was not a coral reef component. The model was successfully fitted to historical fish biomass. The expected impacts from land-based source pollution were added, and plausible outcomes to climate change appeared. In terms of the Guam applications, the model recreated as much reality as it could. The model is a tool for use in MSE and looks at different management measures that can occur. Next steps include updating information, identifying data gaps, monitoring, collecting more information to feed into the model and determining if the model is applicable to other regions or particular species of interest.

#### Discussion

Sablan asked if Valerie Brown from NOAA created the model.

Howell said Mariska Weijerman worked with Brown to create the model.

Sablan asked for a copy of the files.

Howell replied in the affirmative.

#### **c. Report on the Yigo Community-Based Management Plan**

Ka'ai'ai reported the Council traveled to Yigo in August to in efforts to their Community-Based FMP. The process involved two whole-day workshops with the community. A trip is tentatively planned in January or February to further engage the community in the project and to meet with the Northern Islands Community.

#### **5. Education and Outreach Initiatives**

Carl Dela Cruz, Council island coordinator on Guam, reported that the Fanha'aniyan Pulan CHamoru (Chamorro Lunar Calendar) is currently being worked on. The calendar commences on the new moon of January 2017 and ends in February 2017, closing out a 13-month lunar year. The art contest is still being worked on. Art contests announcements are sent to 147 private, public and military schools. The 2016 calendar will be included in Guam's celebration of the Festival of Pacific Arts. The Chamorro Lunar Calendar Festival is scheduled in February 2016 at the Sagan Kotturan Chamoru Cultural Center, which is located just above the Hilton Resort in Tumon.

The 2016 Festival of Pacific Arts will be hosted by Guam from May 22 to June 4, 2016. John Calvo is chairing the Traditional Arts and Fishing and Hunting Disciplines Committees. There will be almost 15,000 square feet of exhibit space. The Council will take up about 1,200

square feet of that space. The Council contractor is working with the Navigation and Seafaring Traditions representatives to plan a mini festival on May 27 and 28. The mini festival will bring together the Fishing and Hunting Traditions and Navigation and Seafaring Traditions to provide opportunity for sharing of traditional knowledge and promote the sustainable use of natural resources. Also included in the Fishing and Hunting values is the Chamorro Cultural Values and the Inifresi. They are the foundations for participation in Festival of Pacific Arts.

The Fishermen Code of Conduct was provided in languages specific to the island area. At a recent AP meeting, the Port Authority of Guam expressed its interest and willingness to work with the Guam AP to fund the creation of signs for every boat marina displaying the Fishermen Code of Conduct. The proposed completion is set for the end of this year.

Cultural methods, traditions and practices will be showcased in the Festival of Pacific Arts with cultural practitioners' pictures and artifacts on display. The evolution of gear will be illustrated with a timeline of historic to modern gear and will demonstrate the ingenuity of the Chamorro people from the past to the present. The Council exhibit will feature the ecosystem approach to fishery management, emphasizing awareness and education of sustainable use, threats and other issues. The Community-Based Marine Management Plans of Malesso and Yigo will be presented. In addition to the distribution of Council material, the exhibit will feature interactive activities that will be manned by students from an environmental high school club and Marine Mania from the George Washington High School.

## **B. Commonwealth of the Northern Marianas**

### **1. Arongol Falu**

Seman reported activities performed by the Division of Fish and Wildlife (DFW) and the CNMI DLNR since the 163<sup>rd</sup> Council meeting held in June. In August, Typhoon Soudelor resulted in CNMI being declared as a major disaster. Most of the island was without electrical power for over a month. A manuscript is being developed detailing the results from the information collected around the Mañagaha Marine Conservation Area.

A new creel biologist is being recruited after the resignation of Sean Macduff, who relocated to Washington State. Personnel actions are being processed for the hiring of three fisheries creel data technicians after the loss of three veteran data collectors.

The DLNR and DFW assisted the Luta Fishing Derby as fishing tournament officials and the 31st International Fishing Derby on Saipan.

Sport Fish Restoration funding for fiscal year 2016 has been awarded for the maintenance and redeployment of FADs in waters around Rota, Tinian and Saipan. The USCG Private Aids to Navigation permit for the use of the Indian Ocean-type FAD was approved.

The Fisheries warehouse will undergo renovation due to extensive termite damage. An Invitation to Bid has been drafted for the purchase and installation of two new outboard engines for the Division's 27-foot Boston Whaler.

The marine protected area coordinator compiled a packet with all the CNMI laws and regulations pertinent to marine protected areas and distributed it to stakeholders and local resource managers. The packet is available on the homepage of the DFW website.

Funding has been secured to repair the Rota West Harbor Marina. Funding was received for the improvement of the fishing base parking lot and boat-based wash-down facility.

Gourley reported that the second week in November, a PIFSC scientist will come to Saipan to hold a workshop on otolith preparation for the staffs of the Division and Micronesian Environmental Services. In January 2016, PIFSC and the Western Pacific Fisheries Information Network will hold a four-day workshop on biosampling. External reviews on the Biosampling Programs will take place with representatives from American Samoa, Guam and CNMI in attendance.

## **2. Legislative Report**

Seman reported that Public Law 19-5, which was introduced by Rep. Joseph Lee Pan Guerrero, was signed into law in September 2015. The law prohibits boating while under the influence of alcohol or controlled substance. The bill proposes to amend an existing law that is confusing and difficult to enforce, thus making the waters of the Commonwealth safer for fishermen, swimmers, divers, snorkelers and tourists.

## **3. Enforcement Issues**

Seman reported that the conservation enforcement officers performed inspection of domestic vessels and monitoring of offloaded cargo for evidence of ESA and MMPA violations, such as turtle, dolphin and/or whale take. One illegal fishing activity took place at the Tank Beach Sanctuary during a turtle monitoring activity. This case is still pending. They also conducted dockside inspections of domestic fishing vessels for violations of the bottomfish and pelagic fishing regulations and the Shark Finning Prohibition Act. Eleven vessels have been issued federal permits to do bottom fishing in the CNMI. During marine patrols, the conservation officers made 142 at-sea contacts.

## **4. Community Activities and Outreach Initiatives**

### **a. Report on Northern Islands Community-Based Management Plan**

Ka'ai'ai said the Council plans to travel to the Marianas in January and February to complete the community-based management plan activity with the Northern Islands group.

## **5. Education and Outreach Initiatives**

Seman the annual International Fishing Derby sponsored by the Rota Mayors Office was conducted on Oct. 9 and 10. The Fishermen Code of Conduct has been translated to Chamorro, Refaluwasch and Chuukese and distributed to different organizations throughout Saipan, Tinian and Rota. The narration in the different languages has been made and will also be distributed to the KKMP radio station and to Marianas cable TV to be aired whenever possible.

Marine protected area brochures for Tinian and Rota Brochures are being developed in partnership with the Council to showcase DLNR DFW fishery activities on Tinian and Rota. The brochures came as a result of community meetings held by the Council on Rota and Tinian. Community members said they realized that the surveyors come each year but the community had no idea what they were doing or what they had found. Two hundred copies of each brochure will be made and be distributed to dive shops, Marianas Visitors Authority and to public/private high schools. On Tinian copies will be provided to the DLNR office, Marianas Visitors Bureau and the Tinian High School.

The Chamorro and Refaluwasch 2016 Lunar Calendar Art Contest will be announced at various schools on Saipan, Tinian and Rota. Students from grades K to 12 are eligible to participate, and winners will have their winning artwork in the calendar, in addition to receiving prizes. The theme for the competition is Traditional Fishing, Navigation and Seafaring.

## **C. Advisory Group Report and Recommendations**

### **1. Advisory Panel**

Perez reported the Guam AP recommendations as follows:

*Regarding enforcement*, the Guam AP is concerned that there is limited enforcement by local conservation officers and recommended the Council explore ways to allow NMFS OLE to enforce Guam's marine areas and preserves and for PIRO to provide education and outreach in regards to communication efforts of establishing a hotline to call for violations.

*Regarding enforcement*, the Guam AP recommended the Council communicate with the USCG in regards to providing training for the deployment and disposal of expired safety pyrotechnics (i.e., flares).

*Regarding Mariana fisheries*, the Guam AP recommended the Council develop a smartphone app for fish identification to help with catch reporting and gathering better data.

*Regarding Mariana fisheries*, the Guam AP recommended the Council explore ways to provide marine mechanic training.

*Regarding Mariana fisheries*, the Guam AP recommended the Council dedicate funding and support towards working with fishermen and the off-road community to install bio-socks and other tree planting programs in areas that are highly subject to soil erosion that initially affect coastal waters on Guam.

Farrell reported the CNMI AP recommendations as follows:

*Regarding the Marianas FEP*, the CNMI AP recommended the Council consider printing the Fishermen Code of Conduct in Mandarin Chinese or Korean.

**2. Fishing Industry Advisory Committee**

Mitsuyasu said the FIAC had no Mariana Archipelago-specific recommendations.

**3. Regional Ecosystem Advisory Committee**

Hawkins reported the REAC had no Mariana-specific recommendations.

**4. Scientific and Statistical Committee**

Daxboeck reported the SSC had no Mariana-specific recommendations.

**D. Public Comment**

There was no public comment offered.

**E. Council Discussion and Action**

*Regarding enforcement of the Guam marine preserves, the Council thanked DAWR for the reports on the marine preserves as requested. After hearing the results of the Atlantis Model as applied to Guam's fishery resources and the marine preserves providing limited ecosystem benefits, the Council directed staff to work with NMFS PIFSC, DAWR and University of Guam to further evaluate model outcomes and assess potential management strategies. In addition, consideration for the installation of bio-socks and other tree planting programs in areas highly subject to soil erosion should be considered in the Atlantis Model discussions.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

**The Council understood local enforcement resources are limited and, therefore, recommended that the NMFS OLE and USCG explore options to assist Guam's conservation officers in monitoring and enforcing the marine preserves.**

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding Mariana Archipelago fisheries, the Council requested the USCG to provide training for the deployment, storage and proper disposal of expired safety pyrotechnics, i.e., flares.*

*Moved by Duenas; seconded by Sword.*

*Motion passed.*

*Regarding Mariana Archipelago fisheries, the Council directed staff to work with the Guam AP to develop fish species identification, education and outreach tools, such as smartphone apps and waterproof ID cards, to help novice fishermen and visitors with Mariana species identification.*



Moved by Duenas; seconded by Sword.  
Motion passed.

**Regarding Mariana Archipelago fisheries, the Council directed staff to investigate the lack of access to certified marine mechanics on Guam and explore options for providing marine mechanic training and certification.**

Moved by Duenas; seconded by Sword.  
Motion passed.

**Regarding Mariana Archipelago fisheries, the Council directed staff to print the Fishermen Code of Conduct in Chinese and Korean for distribution in CNMI.**

Moved by Duenas; seconded by Sword.  
Motion passed.

**Regarding ecosystem models, the Council requested NMFS and PIFSC to explore the applicability of the ecosystem modeling framework to the American Samoa, CNMI and Hawai'i near-shore ecosystems that would support fisheries management.**

Moved by Duenas; seconded by Sword.  
Motion passed.

**Regarding Mariana Archipelago fisheries, the Council supported Guam's effort to establish a Fishery Council consisting of all fishing sectors, non-government organizations and interested parties to advise the government on the conservation and management of Guam fisheries.**

Moved by Duenas; seconded by Sword.  
Motion passed.

**Regarding Mariana Archipelago fisheries, the Council requested that the Governments of Guam and CNMI provide the Council with the applicable laws or policies that pertain to authorization of fishing in waters under State or Territory jurisdiction and further noted that this information will assist the Council in its education and outreach activities in these areas.**

Moved by Duenas; seconded by Sword.  
Motion passed.

### **XIII. Administrative Matters**

#### **A. Financial Reports**

Simonds reported on the period between June and October 2015. This is the first year of a five-year budget, and the budget is on track. The budgets never change, with items such as Council compensation, wages, advisor compensation and travel. Project funds have been received, such as the Territorial Science Initiative and the Council's high school summer

courses. Contracts included office leases, vehicle equipment, meeting rooms and professional services. Communications included education and outreach and media activities and subscriptions. There is \$1.7 million remaining in the budget for 2015. The Coral Reef grant ends in 2017, which is to pay stock assessments and coral reef stock projects. The list of projects has been reported on throughout the meeting. Turtle 2014 is used to pay for the Council's staff person. Impacts included fishery impacts review and assessment, data population and evaluations. The Council is planning to publish a book of the green turtle projects, similar to the Council's three ecosystem publications. A similar publication is planned for the corals projects. The deadline for the publications is June 2016. A list of projects was included in the Turtle 15 and the Sustainable Fisheries Fund 4. The Sustainable Fisheries Fund 5, a grant for the CNMI, just began. Most of the projects are from the CNMI MCP.

**B. Administrative Reports**

(Subject covered in prior agenda item.)

**C. Council Family Changes**

Mitsuyasu reported Council family changes, as follows:

*Regarding the American Samoa AP, Council family changes included Peter Crispin to replace Michael Crook on the Pelagic Fisheries Sub-Panel and Nonu Tuisamoa to fill Stephen Haleck's position on the Ecosystem and Habitat Sub-Panel.*

*Regarding the Hawai'i AP, Council family changes included Daniel Roudebush to replace Steven Yamasaki on the Ecosystem and Habitat Sub-Panel and Geoff Walker to replace Sean Asuncion on the Pelagic Fisheries Sub Panel.*

*Regarding the FIAC, Council family changes included Archie Taotasi Soliai, StarKist manager.*

*Regarding the SSC, Council family changes included Mike Tenorio to replace Todd Miller.*

**D. Statement of Organization Practices and Protocols**

(The agenda item was deferred.)

**E. Meetings and Workshops**

Simonds noted that Guam and CNMI suggested that the Council meeting be held during the Festival of Pacific Arts in the last week of May and first week of June 2016. Hence, the March 2016 meeting will be held in Honolulu.

Discussion

Leialoha pointed out that March is the same time as the Hawai'i legislative session.

Poumele agreed that early June would be fine.

Simonds confirmed the Council meeting would be held in Hawai‘i in March 2016.

#### **F. Other Business**

(There was no other business.)

#### **G. Standing Committee Recommendations**

Mitsuyasu reported there were no Standing Committee recommendations.

#### **H. Public Comment**

Simonds asked to where the fines from the recent Tri Marine vessel that received a violation are being directed, as there has been a longstanding recommendation that any fines collected from violations within the waters of the Territories go to the Territories.

Tosatto said, when the DOJ adjudicates penalties for a variety of circumstances, it tries to be thoughtful in directing the funds. Those options are available to the Department. He supported directing the funds to the Sustainable Fisheries Fund or the Territory MCP and encouraged the Council to make DOJ aware that these are viable options for the funds.

#### Discussion

Poumele said the American Samoa Governor wrote a letter to Tosatto, as well as to DOI and DOJ, and is still awaiting a written response.

Tosatto said NMFS is not creating the settlements. NOAA GC, on the behalf of NMFS, and DOJ are most likely ensuring that the letter and request get into the right people’s hands. He did not recall a response to the Governor’s letter being sent.

Poumele said she would appreciate hearing to whom to direct the letter. In the past, whenever the Agency met with the Governor, it was pointed out that Tosatto would be the most responsive and would work with the Territory on these issues. Hence, the American Samoa government entrusted Tosatto to respond.

#### **I. Council Discussion and Action**

***Regarding administrative matters, the Council appointed Peter Crispin to replace Michael Crook on the Pelagic Fisheries Sub-Panel and Nonu Tuisamoa to fill Stephen Haleck’s position on the EFH Sub-Panel of the American Samoa AP.***

***Regarding administrative matters, the Council appointed Daniel Roudebush to replace Steven Yamasaki on the EFH Sub-Panel and Geoff Walker to replace Sean Asuncion on Pelagic Fisheries Sub Panel of the Hawai‘i AP.***

***Regarding administrative matters, the Council appointed Archie Taotasi Soliai, StarKist manager, to the FIAC.***

*Regarding administrative matters, the Council appointed Mike Tenorio to replace Todd Miller on the SSC.*

*Moved by Sword; seconded by Rice.*

*Motion passed.*

*Regarding administrative matters, the Council directed staff to request that the DOJ consider directing funds received from fines and penalties from marine pollution violations that occur in waters of the Territory of American Samoa or in the US EEZ around American Samoa be provided to American Samoa government to support conservation and management activities identified in American Samoa's MCP.*

*Moved by Sword; seconded by Poumele.*

*Motion passed.*

Simonds noted the recommendation may not be necessary because there is a longstanding recommendation that violations and fines should be directed to the Territory with written letters. It could be reiterated.

Ebisui asked if the maker and second were willing to withdraw the motion.

Poumele replied that a letter may serve as an emphasis or reminder because a letter has been written and it is not happening.

Simonds asked for a copy of the letter.

Poumele said she would ask the Governor's office to send a copy.

Simonds reiterated that the recommendation is not necessary since a letter has been sent.

Poumele noted they would appreciate going ahead with the recommendation because it would be from the Council and it might emphasize that the Council's concern and support of it.

Simonds agreed.

#### **XIV. Election of Officers**

Sword said the vice chairs and delegation have met. There are no changes to the officers.

Ebisui asked if there were any nominations from the floor. There was none.

Council members agreed verbally by consensus to reappoint for 2016 Ebisui as the chair; Duenas as Guam vice chair; Gourley as CNMI vice chair; Rice as Hawai'i vice chair; and Sword as American Samoa vice chair.

#### **XV. Other Business**

There was no other business.

## Appendix: List of Acronyms

ABC	acceptable biological catch
ACL	annual catch limit
ACT	annual catch target
AP	Advisory Panel
BiOp	biological opinion
BRFA	bottomfish fishing restricted area
CMM	Conservation and Management Measure
CNMI	Commonwealth of the Northern Mariana Islands
CPUE	catch per unit effort
DAWR	Guam Division of Aquatic and Wildlife Resources
DFW	Division of Fish and Wildlife
DLNR	Hawai‘i Department of Land and Natural Resources
DLNR	CNMI Department of Lands and Natural Resources
DMWR	American Samoa Department of Marine and Wildlife Resources
DOA	Guam Department of Agriculture
DOC	American Samoa Department of Commerce
DOJ	US Department of Justice
DPS	Distinct Population Segment
EEZ	exclusive economic zone
EFH	essential fish habitat
ELAPS	Effort Limited Area for Purse Seiners
EPO	Eastern Pacific Ocean
ESA	Endangered Species Act
FAD	fish aggregation device
FEP	Fishery Ecosystem Plan
FFA	Forum Fisheries Agency
FIAC	Fishery Industry Advisory Committee
FMP	Fishery Management Plan
FOIA	Freedom of Information Act
FSM	Federated States of Micronesia
GC	NOAA Office of General Counsel
HAPC	habitat areas of particular concern
HDAR	Hawai‘i Division of Aquatic Resources
IATTC	Inter-American Tropical Tuna Commission
ITS	incidental take statement
IUU	illegal, unreported and unregulated fishing
JEA	Joint Enforcement Agreement
LVPA	Large Vessel Prohibited Area
MCP	Marine Conservation Plan
MMPA	Marine Mammal Protection Act
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSC	Marine Stewardship Council
MSE	Management Strategy Evaluation
MSY	maximum sustainable yield

mt	metric tons
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OLE	NMFS Office of Law Enforcement
PacIOOS	Pacific Islands Ocean Observing System
PDO	Pacific Decadal Oscillation
PIFSC	Pacific Islands Fisheries Science Center
PIRO	Pacific Islands Regional Office
PNA	Parties of the Nauru Agreement
PRD	PIRO Protected Resource Division
REAC	Regional Ecosystem Advisory Committee
SFD	PIRO Sustainable Fisheries Division
SPC	Secretariat of the Pacific Community
SSC	Scientific and Statistical Committee
TCC	Technical and Compliance Committee
TRP	target reference point
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