



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

ACTION MEMORANDUM

170th Council Meeting
June 20-22, 2017
Laniakea YWCA Fuller Hall
Downtown Honolulu, Hawaii

ENFORCEMENT

Regarding Compliance Issues in the Hawaii Longline Fleet, the Council:

1. Directed staff to write a letter to the Hawaii Longline Association to communicate to its membership compliance issues related to two-way communication devices, permit renewals, and other enforcement related matters.

Regarding the Landing of Sharks in American Samoa, the Council:

2. Requested American Samoa DMWR move quickly to finalize the American Samoa shark law that would exempt the landing of sharks with fins attached by federally authorized fisheries managed under the Council's Fisheries Ecosystem Plans.



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PROGRAM PLANNING AND RESEARCH

Regarding the Stock Assessment and Fishery Evaluation report, the Council:

1. Recommended evaluation of the increasing trend in olive ridley turtles in the Hawaii deep-set and American Samoa longline fisheries, with consideration given to the overlap of Olive Ridley thermal habitat (vertical and horizontal) and fishery operational characteristics. The Council noted that the two fisheries are exhibiting similar trends and factors influencing the trend could be evaluated together, and may also be combined with a larger effort to evaluate ecosystem factors influencing bycatch in the longline fishery as previously recommended in the review of the 2015 report.
2. Recommended evaluation of the effectiveness of the 2011 American Samoa longline fishery (ASLL) green turtle measure that required gear configuration to set hooks below 100m.
3. Directed staff to continue exploring the applicability of the Control Chart as an approach to monitor protected species interactions for longline fisheries with observer coverage through a standardized approach.
4. Directed staff to work with the Council Data Integration contractor in incorporating the following variables in the exploratory data analysis:
 - Effect of subsidy program
 - Market forcing
 - Effects of fish import-export
5. Directed staff to, in coordination with NMFS-WPacFIN staff, convene a Plan Team working group to finalize the species table used to generate fishery statistics
6. Directed staff to explore avenues of further funding to support development of future climate indicators that have been identified as SAFE work items for the future, such as rainfall, wind, extra-tropical storms, etc.
7. Directed staff to scope the non-fishing impacts review through its advisory bodies.

8. Directed staff to develop options for refining precious corals essential fish habitat for the Council's consideration.
9. Directed staff to work with PIFSC and PIRO to review whether the updated information in the precious corals species descriptions requires amendment to the precious corals regulations and specifications.
10. Endorsed the Scientific and Statistical Committee formation of a working group to support staff analyzing and evaluating EFH reviews. The working group is comprised of Frank Camacho, Domingo Ochavillo, Ryan Okano, and Mike Tenorio.

Regarding the Evaluation of 2016 Catch to the 2016 ACL, the Council:

11. Recommended the following actions related to the catch overages to the respective jurisdictions:
 - a. The American Samoa rabbitfish recent three-year average of catch amounting to 435 lbs. exceeded its ACL of 163 lbs. This catch was attributed mostly with the night time spear fishery. The increase in catch can be attributed to the data collection improvements where DMWR implemented the evening shift that captures the night time shore-based spear fishery. The calculated MSY from where the OFL, ABC, and ACL based on the BAC-MSY model did not account for the catches from the night-time spear fishery. This data improvement effort resulted in better accounting of the catch and not due to changes in the fishery and fishing effort. The Council noted that the 2016 catch estimate is possibly due to estimation error as pointed out by the SSC. Based on this, the Council recommended not taking overage adjustment for the American Samoa rabbitfish and requested NMFS PIFSC to re-examine the 2016 catch estimate for potential estimation error. Therefore the ACL for American Samoa rabbitfish remains at 163 lbs. for fishing year 2017.
 - b. The CNMI slipper lobsters recent three-year average of catch amounting to 101 lbs. exceeded its ACL of 60 lbs. The slipper lobster fishery is tracked through the Commercial Receipt Books. There was no catch time series for this MUS to base the ACLs from. The increase in catch can be attributed to the implementation of the Territory Science Initiative designed to improve the data submitted to the commercial receipt books. In 2016, 59 invoices and 19 fishermen reporting reported sale of slipper lobsters which was zeroes in the previous years. This data improvement effort resulted in better accounting of the catch and not due to changes in the fishery and fishing effort. Based on this, the Council recommended not taking overage adjustment for the CNMI slipper lobsters retaining the ACL at 60 lbs. for fishing year 2017.
 - c. The Guam jacks recent three-year average of catch amounting to 26,607 lbs. exceeded its ACL of 21,201 lbs. The ACL was reduced to this level due to the overage in the previous year. The catch in 2016 leveled at similar levels as the 2 years prior. The overage in 2016 was due to the reduction in the ACL and not due to changes in the fishery. The Council noted that the three year average catch is below

the harvest limit reference points. The Council recommends applying the overage to the original ACL resulting in an ACL of 23,894 lbs. for fishing year 2017.

- d. The Hawaii crustaceans and mollusks' recent three year average of catch amounting to 28,140 lbs. and 38,889 lbs., exceeded its ACLs at 26,637 and 31,163 lbs., respectively. Similar to Guam jack, the overage was due to the reduction in the ACL whereas the 2016 catch estimate continually decreased in the last 3 years. The Council noted that the three year average catch is below the harvest limit reference points for the coral reef crustaceans. The Council recommended applying the overage to the original ACL resulting in an ACL of 31,994 lbs. for the coral reef crustacean and 27,974 lbs. for the coral reef mollusk for fishing year 2017.
- e. The Council reiterated the importance of the ecosystem component amendment to address the operational issues associated with the data limited stocks managed under Annual Catch Limits. The Council therefore requested NMFS to support the Council and prioritize the completion of the ecosystem component amendment package.
- f. The Council requested the State of Hawaii DAR, CNMI-DLNR, Guam Department of Agriculture, and American Samoa DMWR to consider licensing and reporting requirements for fishers who harvest ACL species to support the Council coordinated management of species in the FEPs under ACL-based management.

Regarding Research Priorities, the Council:

12. Approved the updates to the MSRA five-year research priorities and cooperative research priorities and directed staff to transmit the priority documents to the Secretary of Commerce and NMFS-PIFSC.
13. Requested NMFS-PIFSC to provide updates on PIFSC activities and projects addressing the Council's MSRA 5-year research priorities using a standardized monitoring matrix

Regarding Social Science Program and Research, the Council:

14. Directs staff to provide technical support to the Social Science Planning Committee (SSPC) working group to fully develop and produce a formal Social Science Strategic Plan and update the SSPC Research Priorities for review at the 172nd Council meeting.
15. Directed staff to coordinate with PIFSC social scientists and SSPC members to support Pacific Island communities and organizations in drafting competitive SK proposals directed at territorial capacity development and research.

Regarding Fishery Data Collection, the Council:

16. Requested NMFS-WPacFIN evaluates the effects of the 24 hour shift in Guam and American Samoa for the improvements in the catch estimation. In addition, the Council requested NMFS to update the analysis of the impact and effectiveness of the American Samoa fuel subsidy program to also include: 1) analysis of the changes in species composition; 2) effects on CPUE defined as catch per trip and catch per hour; 3) changes in size structure; comparing before and after the implementation of the subsidy program;

17. Directed staff to work with the CNMI Division of Fish and Wildlife staff in finalizing the rules and regulation package to support the public law on mandatory reporting
18. Directed staff, in collaboration local fishery management agencies, to explore the options for privatizing the data collection program in the territories
19. Directed staff to finalize the Memorandum of Agreement (MOA) on Data Sharing with Guam DAWR for signature by the Council Executive Director and Department of Agriculture Secretary. Furthermore, the Council requested DMWR and DFW to provide the edits and comments on their respective MOAs to Council staff for final revision.

Regarding the Marine Recreational Information Program, the Council:

20. Directed staff to submit the Pacific Islands Regional Implementation Plan to support the improvements in fishery data collection in the Western Pacific region.

Regarding Outreach and Education, the Council:

21. Directed staff to develop and/or support the development of climate-related outreach materials and activities that are visually appealing, culturally appropriate, visual and interactive; that convey positive and empowering messages; that engage and empower youth; that integrate navigation and seafaring legacy and fisheries; that use plain language, formal and informal education venues, storytelling, translation in native languages and social media, including sustained funding for social media moderators.
22. Directed staff to develop a catchy, meaningful and memorable slogan for the climate outreach efforts.
23. Directed staff, in preparation for community workshops on climate and fisheries, to coordinate a train-the-trainers workshop that includes the NOAA scientists who presented at the 6th Marine Planning and Climate Change Committee (MPCCC) meeting and the MPCCC committee members. Prior to workshop, MPCCC members would survey their communities to assess how climate is perceived. The workshop would complete development of the PowerPoint slide deck to be used at the community workshops.
24. Directed staff to support citizen science for local data to engage the public and for community workshops on climate change.
25. Directed staff to provide the MPCCC with a list of science fair projects and identifying mentors for such projects as well as information on how to access all the websites and other material presented and discussed at the 6th MPCCC meeting.

Regarding Multi-jurisdictional Coordination in Climate Activities, the Council:

26. Requested NMFS PIFSC provide its points of contact in each jurisdiction to the MPCCC members and ask them to work closely with the MPCCC members on climate change issues related to fisheries and fishing communities and on implementation of the Pacific Islands Regional Action Plan to the NOAA Science Strategy. The Council noted the

importance of PIFSC working with MPCC members as they have local knowledge and insights.

27. Directed staff to include climate change in its Regional Ecosystem Advisory Committees' agendas as a regular item. The Council noted the importance of coordination across and among local and federal agencies on climate issues.
28. Directed staff to develop and make available to the MPCCC members the points of contact and organizational charts for federal and local agencies.
29. Requested Sea Grant to explore opportunities for better support of outreach and education and scientific projects around the region.



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PROTECTED SPECIES

Regarding Seabird Interactions in the Hawaii Longline Fishery, the Council:

1. Endorsed the plan to convene an Albatross Workshop in 2017 to evaluate the influence of oceanographic and other factors underlying fishery interactions, albatross distribution at-sea and albatross demography and directs staff to provide a report of the workshop at the March 2018 SSC and Council meetings.

Regarding the Analysis of Spatial and Temporal Trends in the Deep-set Longline Fishery, the Council:

2. Recommended PIFSC expand the analysis to include the shallow-set longline fishery and for bycatch data.

Regarding the Insular False Killer Whale Abundance Estimates, the Council:

3. Recommended that PIFSC review the saw-tooth pattern in the annual abundance estimates to support more confidence in the estimates.

Regarding the False Killer Whale Take Reduction Plan, the Council:

4. Directed staff to send a letter to NMFS requesting that it reevaluate the need for the Southern Exclusion Zone closure.



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PELAGICS AND INTERNATIONAL FISHERIES

Regarding the American Samoa Large Vessel Prohibited Area, the Council:

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

Regarding American Samoa cultural fishing, the Council:

2. Directed staff to develop a definition of cultural fishing that recognizes that Pacific Island cultures and fishing are inextricably linked, and that cultural fishing in American Samoa is grounded in cultural values embodied in Fa'a Samoa and Samoan practices such as tautua ("service"). The definition of cultural fishing should take into account the following:
 - a. fishing conducted by community residents of American Samoa in association non-commercial and commercial fishing activities involving any gear type employed;
 - b. fishing may include the use of traditional fishing gear as well as developing and new technologies and materials;
 - c. cultural fishing may include other relevant factors identified through public scoping and stakeholder participation.
3. Directed staff to consult with the American Samoa government on the issue of American Samoa cultural fishing.

Regarding the American Samoa longline limited entry program, the Council:

4. Recommended the following preliminarily preferred modifications to the LEPP and associated regulations:
 - a. Replace the four vessel classes with two, where Class A and B vessels would be considered "small" and Class C and D vessels would be considered "large";
 - b. Restrict permit ownership to U.S. citizens and nationals only and eliminate criteria for

having documented history of participation to be eligible for owning a permit, but maintain the priority ranking system based on earliest documented history of fishing participation in vessel class size if there is competition between two or more applicants for a permit;

- c. Require that permits can only be transferred to U.S. citizens or nationals, and eliminate the requirement for documented participation in American Samoa longline fishery to receive permit transfer; and
- d. Reduce the “small” vessel class minimum harvest requirement to 500 lbs. of pelagic MUS within a 3-year period, but maintain the existing 5,000 lbs. harvest for the “large” vessel class.
- e. Require that the entire minimum harvest amounts for the respective vessel classes are to be landed in American Samoa within a three-year permit period, but that the minimum harvests not be required to be caught within the US EEZ around American Samoa.
- f. Specify a fixed three-year permit period that is the same as the three-year period to make a minimum harvest requirement
- g. Require that the minimum harvest period not restart in the event of a permit transfer and that if the minimum harvest amount has not been caught at the time of transfer, the new permit owner would be required to meet the harvest requirement based on the following formula: the product of percentage of time left within the three-year permit period and the minimum harvest amount.

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

Regarding the development of new WCPFC tropical tuna measure, the Council:

5. Recommended NMFS incorporates the following elements in the US government position:
 - a. Purse Seine:
 - i. Flag-based FAD set limits with potential for transferability
 - ii. Prohibit dawn sets after FAD set limit reached
 - iii. Prohibit the deployment of FADs by tender vessels
 - iv. Require non-entangling FADs and work towards biodegradable designs
 - v. Promote evaluation that examines purse seine vessel bigeye limits
 - b. Longline:
 - i. Flag-based bigeye longline catch limits
 - Potential transferability
 - Delineate limits spatially (e.g. 20 N – 20 S)
 - ii. Ban at-sea longline transshipment and support increased port sampling and monitoring capacity
 - c. Other fisheries:
 - i. Establish flag-based catch limits for other fisheries including Indonesia and Philippines
 - ii. Continued data improvement programs

Regarding climate informed stock assessments, the Council:

6. Directed staff to write to the SPC requesting how they are incorporating climate change information into tuna stock assessments, noting that the PIRAP Plan for NOAA Climate

Science Strategy has identifying climate-informed reference points as an objective for bottomfish and billfish stocks.

Regarding Pacific fisheries, the Council:

7. Encouraged the US Pacific Island representatives that attend the SPC Head of Fisheries meetings request that climate change impacts are evaluated and incorporated into regional stock assessments and marine spatial planning efforts.

Regarding the Hawaii longline bigeye tuna projections, the Council

8. Requested that PIFSC work to include fishing effort locations and CPUE estimates into the projections.

Regarding the ISC blue marlin stock assessment, the Council

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



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MARIANAS ARCHIPELAGO

Regarding Marine Conservation Plans, the Council:

1. Directed staff to write to the Governor of Guam and the Governor of CNMI indicating the Council's review and concurrence of the MCPs at its 170th meeting and request they provide the MCPs to NMFS for approval.

Regarding Enforcement in the Mariana Archipelago, the Council:

2. Requested the Governor of Guam work with the USCG on acquiring excess vessels for filling their government needs (e.g. enforcement, fishery training, management, etc).

Regarding Guam Fishery Issues, the Council:

3. Requested DAWR enforcement review and revisit all policies including the local commercial sale of octopus and consider using community service at the harbors and marinas as a penalty for illegal fishing.

Regarding CNMI Fishery Issues, the Council:

4. Directed staff to work with CNMI Department of Land and Natural Resources to include the CNMI Advisory Panel in the discussions regarding the improvements being proposed for the Garapan Fishing Base.



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AMERICAN SAMOA ARCHIPELAGO

Regarding the Malaloa longline dock project, the Council:

1. Requested the American Samoa Government review its list of Capital Improvement Projects (CIP) and include the project to extend the Malaloa Marina Dock to provide docking space relief for American Samoa's large vessels.

Regarding fisheries training, the Council:

2. Recommended NMFS PIRO Grants Management Division explore opportunities to fund a training and marine license certification program for captains, crew and mechanics within the American Samoa and CNMI fishing communities.



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HAWAII ARCHIPELAGO AND PRIA

Regarding Options for Fishing Regulations in the NWHI Monument Expansion Area, the Council:

1. Deferred action on fishing regulations in the NWHI MEA pending the Administration's review of the National Monuments.

Regarding MHI Kona Crab ACL Re-specifications, the Council:

2. Considered a range of management alternatives for Kona crab and recommended the Alternative 4 (ACL = 3,500 pounds) which would most likely prevent overfishing. The Council further recommended that NMFS PIFSC update the Kona Crab CPUE data to the most recent year and explore other standardization methods in the next assessment update.

Further, the Council is deeming that the regulations implementing the recommendations are necessary or appropriate in accordance with Section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In doing so, the Council directs 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 authorizes the Executive Director and the Chairman 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 are 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.

3. Requested the State of Hawaii review its current management regulations for Kona Crab (to include a change to a single-layer net, a potential change in closed seasons, allowing the take of females over a (revised) minimum size, etc) and that any future regulations or revisions consider the differences in each island's fishery. The Council further requested the State of Hawaii improve the non-commercial catch, effort and size data of Kona Crab to better evaluate the fishery.

Regarding MHI Bottomfish, the Council:

4. Directed staff to request a meeting between the Governor of the State of Hawaii and the Council's Chair and Executive Director to provide a briefing on the status of Hawaii's bottomfish stock, monitoring and management regime and history of the BRFA's. The briefing should provide an option for opening the BRFA's and collect information that will establish a new baseline from which future management changes to be evaluated.

Regarding the PRIA/Hawaii Marine Conservation Plan, the Council:

5. Approved the MCP and directs staff to transmit it to NMFS for approval.

Regarding Hawaii minimum Yellowfin Tuna Size, the Council:

6. Requested State of Hawaii DAR to revisit the proposed minimum size changes for Yellowfin Tuna and provide the Council with a determination of whether the changes are warranted.

Regarding Hawaii Fish Aggregation Devices, the Council:

7. Requested the State of Hawaii DAR review the design of their FADs and provide a report to the Council with the rationale for not including structure under the existing design.

Regarding Fishing Infrastructure in Hawaii, the Council:

8. Requested the State of Hawaii DOBOR provide adequate electrical power and lighting to the mooring slips and vessel wash down facilities at Honokohau Harbor to ensure the safety of the fishermen.

Regarding the Council Appointment Process and the State of Hawaii, the Council:

9. Directed staff to express its concerns and its disappointment to the State of Hawaii regarding their failure to transmit Council member nominees to the Secretary of Commerce which will result in the potential loss of two Hawaii seats on the Council.

Regarding the Promise to Pae'Āina and the Hōkūle'a Mālama Honua Worldwide Voyage, the Council:

10. Directed staff to send a resolution from the Council to Nainoa Thompson and the Polynesian Voyaging Society recognizing and appreciating the Hōkūle'a and Polynesian Voyaging Society on their commitment and contribution to the ocean and its resources.



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ADMINISTRATIVE MATTERS

Regarding Advisory Panel Changes, the Council:

1. Recommended the following changes to the Advisory Panel
 - a. American Samoa AP
 - i. Removed Lafoga Alovao (AS AP REC)
 - ii. Appointed Edgar Feliciano as an AS AP Member
 - b. Marianas AP
 - i. Appointed Scott Schular as a CNMI AP Alternate
 - c. Hawaii AP
 - i. Appointed Clarence Yamamoto Jr as a HI AP Alternate
 - ii. Appointed Gil Kualii as a HI AP Alternate
 - d. CDPP AP
 - i. Appointed Lino Olopai and George Moses as CNMI Members
 - ii. Appointed Kamealoha Smith and Teresa Nakama as HI Members
 - iii. Appointed Howard Dunham and Dorian Salavea as AS Members
 - iv. Appointed Peter Perez and Judith Amesbury as Guam Members

Regarding the Guam AP Chair, the Council Chair:

2. Thanked Peter Perez for his outstanding work as Guam AP Chair, but in light of his move to Honolulu, replaces him as Guam AP Chair with Guam AP member Felix Reyes. Further, the Chair appointed Mr. Perez as the vice-Chair for Guam to retain continuity and provide support to Mr. Reyes.
3. Appointed McGrew Rice to the Advisory Panel as its Overall Vice-Chair for the remainder of the 2015-2018 term and for him to serve as the Council's Advisory Panel seat on the Permanent Advisory Committee to Advise the US Commissioners to the WCPFC.

Regarding the AP Plan, the Council:

4. Supported the activities and priorities as identified in the respective sup-panel plans and directs staff to work with the AP Chairs and island coordinators to facilitate its implementation.

Regarding the 2017-2019 Marine Planning and Climate Change Committee, the Council:

5. Recommended the following changes to its membership:
 - a. The current members be reappointed; and
 - b. Thomas Oliver (PIFSC), Lyn McNutt (Hawai'i community member) and Lori Crisostomo (Guam community member) be added; and
 - c. A member of the Council's Social Science Planning Committee be included as an ex officio member.

Regarding the SSC membership, the Council:

6. Appointed Dr. Ryan Okano to the SSC to replace Alton Miyasaka

7. Recognized the important contributions of Dr. Paul Callaghan and years of service to the Scientific and Statistical Committee. The Council wished Dr. Callaghan all the best on his retirement.

Regarding SOPP Changes, the Council:

8. Recommended the staff amend the SOPP to establish a Legislative Standing Committee and appoints the following as its members:
 1. John Gourley, Marianas
 2. Dean Sensui, Hawaii
 3. Archie Soliai, American Samoa

Regarding the North Pacific Fishery Commission, the Council:

9. Nominated John Gourley to represent the Council as a US Commissioner and directs staff to communicate this nomination to the Department of State.

Regarding the South Pacific Regional Fishery Management Organization, the Council:

10. Nominated Christinna Lutu-Sanchez to represent the Council as a US Commissioner, and nominates SSC member Dave Itano and Kitty Simonds or her staff designee to serve on the Permanent Advisory Committee.

Regarding American Samoa Longline Fishery, the Council:

11. Directed staff to further explore options and initiate actions to use the disaster relief provisions of the MSA to support the collapsed American Samoa longline fishery.

Regarding Saltonstall-Kennedy grant program, the Council:

12. Directed staff to send a letter to Secretary Ross stating problems such as the inclusion of the former trust territories as Pacific Islands Region projects in the solicitation, review process, criteria and to consider providing regional programs for Saltonstall-Kennedy funding.

Regarding Marine National Monuments, the Council:

13. Directs staff to send a letter to Secretaries Ross and Zinke detailing, among other things, inconsistency with the Antiquities Act in regards to the size of the monuments and the lack of transparency in the monument evaluation and designation process that occurred in

the Western Pacific, through the undue influence of several environmental advocacy organizations.

Regarding Pacific Islands Ocean Observing System PacIOOS, the Council:

14. Designated Dean Sensui as its representative on the PacIOOS governing advisory body.