



**WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL**

**DRAFT MINUTES OF THE
156th MEETING OF THE
WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL**

March 12–14, 2013

Governor H. Rex Lee Auditorium (Fale Laumei)

Pago Pago, American Samoa

Approved by:

A handwritten signature in black ink, appearing to read 'Arnold Palacios', is written over a horizontal line.

Arnold Palacios, Chair
Western Pacific Regional Fishery Management Council



Contents

1. Opening Ceremony	1
2. Lieutenant Governor’s Remarks	1
3. Welcome and Introductions	1
4. Welcoming Remarks.....	2
5. NOAA Fisheries Remarks	2
6. Approval of the 156 th Agenda.....	2
7. Approval of the 155 th Meeting Minutes.....	2
8. Executive Director’s Report	2
9. Agency Reports	
A. National Marine Fisheries Service	
1. Pacific Islands Regional Office	3
2. Pacific Islands Fisheries Science Center.....	4
B. NOAA Office of General Counsel, Pacific Islands Report	6
C. NOAA.....	6
D. US Fish and Wildlife Service	7
E. Enforcement	
1. US Coast Guard	7
2. NMFS Office for Law Enforcement.....	9
3. NOAA General Counsel for Enforcement and Litigation	9
F. Public Comment.....	9
G. Council Discussion and Action.....	10
10. American Samoa Archipelago	
A. Motu Lipoti	10
B. Fono Report	11
C. Update on Two Samoas Initiative.....	11
D. Enforcement Issues	12
E. Community Activities and Issues	
1. Update on Community Fisheries Development.....	12
2. Report on Samoa Tuna Processors Cannery Development	14
F. Update on American Samoa National Marine Sanctuary.....	16
G. Rose Atoll Marine National Monument	
1. Pacific Islands Regional Office–Pacific Islands Fisheries Science Centers’ Monument Projects	17
2. Update on Rose Atoll Marine National Monument.....	17

3. American Samoa Community College Rose Atoll Study.....	18
H. Cook Islands Satellite Fisheries Office.....	19
I. Education and Outreach Initiatives.....	20
J. Coastal and Marine Spatial Planning Workshop Report	20
K. Scientific and Statistical Recommendations.....	21
L. Public Comments.....	21
M. Council Discussion and Action.....	28
11. Public Comment on Non-Agenda Items.....	29
12. Program Planning and Research	
A. Report on Fisheries Data Coordination Committee.....	29
B. Methods for Annual Catch Limit Specifications	31
C. Report on the National Marine Fisheries Service’s Science Plan.....	33
D. Marianas Skipjack Resource Assessment.....	33
E. National Ocean Council Governance Coordination Committee.....	35
F. Update on Pacific Islands Regional Planning Body	36
G. Education and Outreach.....	36
H. Scientific and Statistical Committee Recommendations	38
I. Public Comment.....	38
J. Council Discussion and Action.....	40
13. Protected Species	
A. False Killer Whale Assessments: Report of SSC Subcommittee	42
B. Update on Endangered Species Act and Marine Mammal Protection Act Actions	
1. Final False Killer Whale Take Reduction Plan.....	44
2. Final Rule to List the Main Hawaiian Islands Insular False Killer Whales as Endangered under the Endangered Species Act	44
3. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the Endangered Species Act.....	44
C. Endangered Species Act Section 7 Reconsultation of the Hawai`i Deep-set Longline Fishery	48
D. Update on the Monk Seal Recovery Program.....	48
E. Update on the Council Coordination Committee–Marine Fisheries Advisory Committee’s Endangered Special Act Working Group.....	48
F. Update on the Council Sea Turtle Conservation Program.....	50
G. Scientific and Statistical Committee Recommendations	51
H. Public Comment.....	52
I. Council Discussion and Action.....	52

14. Mariana Archipelago	
A. Island Reports	
1. Arongo Flaeey	54
2. Isla Informe	55
B. Legislative Report	
1. Commonwealth of the Northern Mariana Islands	55
2. Guam	56
C. Enforcement Issues	
1. Commonwealth of the Northern Mariana Islands	57
2. Guam	57
D. Pacific Islands Regional Office–Pacific Islands Fisheries Science Center’s Marianas Trench Monument Projects	57
E. Community Activities and Issues	58
F. Education and Outreach Initiatives	58
G. Tanapag Coastal and Marine Spatial Planning Training Workshop Report	58
H. Scientific and Statistical Recommendations	58
I. Public Comment.....	58
J. Council Discussion and Action.....	58
15. Pelagic and International Fisheries	
A. Management Options for American Samoa South Pacific Albacore Fishery (Action Item).....	58
B. Longline Quarterly Reports	
1. Hawai`i.....	62
2. American Samoa.....	62
C. Outcomes of Western and Central Pacific Fisheries Commission 9 th Regular Session	63
D. Scientific and Statistical Committee Recommendations	66
E. Public Hearing	66
F. Council Discussion and Action.....	67
16. Hawai`i Archipelago and Pacific Remote Island Areas	
A. Moku Pepa	70
B. Department of Land and Natural Resources Report	70
1. Deep Sea to Clouds (fisheries/watershed management).....	71
2. Enforcement.....	71
3. Legislation.....	72
C. Hawaii Green Sea Turtle Status Review under the ESA	72

D. Bottomfish Fishery	
1. Report on State Evaluation of BRFA's through BotCam Research.....	72
2. Report on Main Hawaiian Islands Bottomfish Research Coordination Meeting	73
3. Kampachi Farms Permit for Open Ocean Aquaculture of Amberjack	74
E. Community Projects, Activities and Issues	
1. Community Development Program Multi-fishery Proposal.....	74
2. Report on Aha Moku Projects.....	75
F. Report on Pacific Islands Regional Office–Pacific Islands Fisheries Science Center’s Northwestern Hawaiian Islands Monument Projects.....	75
G. Education and Outreach Activities	76
H. Scientific and Statistical Committee Recommendations	76
I. Public Comment.....	77
J. Council Discussion and Action.....	77
17. Administrative Matters	
A. Financial Reports	79
B. Administrative Reports	79
C. National Marine Fisheries Service–Council Coordination	
1. February 2013 Council Coordination Committee Meeting	79
2. Marine Fishery Allocation Issue	79
3. Inspector General Report on Council Rulemaking Process.....	80
4. National Environmental Policy Act Guidance.....	80
D. Council Family Changes	
1. Scientific and Statistical Committee.....	80
2. Protected Species Standing Committee	80
3. Plan Team	81
4. Noncommercial Fisheries Advisory Committee.....	81
E. Meetings and Workshops.....	81
F. Other Business	82
G. Standing Committee Recommendations.....	82
H. Public Comment.....	82
I. Council Discussion and Action.....	82
18. Other Business	82
Appendix: List of Acronyms	83

1. **Opening Ceremony**

A traditional Ava Ceremony was held at Fale Samoa.

2. **Lieutenant Governor's Remarks**

American Samoa Lt. Gov. Lemanu Mauga, speaking in Samoan and English, welcomed the Western Pacific Regional Fishery Management Council. He said fishing is life to Samoans, as with all Pacific Islanders, and there is a clash of efforts between fisheries, sanctuaries and coral reef initiatives in which some are trying to protect, some are trying to revive and some are trying to survive amongst the different government and community entities. He voiced his desire for the 156th Council meeting to find ways of going forward in bringing the efforts together with a common goal of the important concept that fishing is life to Samoans.

3. **Welcome and Introductions**

The following Council members were in attendance.

- Arnold Palacios, chair, Commonwealth of the Northern Mariana Islands (CNMI) Department of Lands and Natural Resources (DLNR)
- Michael Duenas, vice chair (Guam)
- Edwin Ebisui, vice chair (Hawai`i)
- Richard Seman, vice chair (CNMI)
- William Sword, vice chair (American Samoa)
- Michael Goto (Hawai`i)
- Julie Leialoha (Hawai`i)
- McGrew Rice (Hawai`i)
- Ruth Matagi-Tofiga, American Samoa Department of Marine and Wildlife Resources (DMWR)
- Mariquita Taitague, Guam Department of Agriculture (DOA)
- Alton Miyasaka, Hawai`i Department of Land and Natural Resources (DLNR) (designee)
- Mike Tosatto, National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO)
- CMDR. Charter Tschirgi, US Coast Guard (USCG) (designee)

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

Bill Gibbons-Fly from the US Department of State and the US Fish and Wildlife Service (USFWS) representative were absent.

4. Welcoming Remarks

Palacios said he felt honored to be able to hold the Council meeting in American Samoa. The Western Pacific Region encompasses the largest regional fishery area of the United States with members from the diverse cultures of CNMI, Guam, Hawai`i and American Samoa, who all depend on the sustainability of the marine resources now as well as for future generations. He looked forward to having a productive meeting.

Matagi-Tofiga thanked the Council for traveling to American Samoa. She looked forward to sharing information and addressing the fisheries issues in American Samoa.

5. NOAA Fisheries Remarks

No NOAA Fisheries remarks were given.

6. Approval of the 156th Agenda

Moved and seconded.

Motion passed.

7. Approval of the 155th Meeting Minutes

Moved and seconded.

Motion passed.

8. Executive Director's Report

Simonds reviewed Council actions since the 155th meeting in October 2012. The pelagic fishery continues to be the most important fishery managed in the Western Pacific Region in terms of volume and value and consistently places Honolulu in the top 10 ports in the United States in terms of landed value of catch. Hawai`i is among the top five states in the nation with respect to recreational landings.

The Council plans to discuss the current problems in the American Samoa longline fishery, most notably the current albacore market and its impact on the American Samoa longline fleet. Most of the fleet's vessels remain at the dock awaiting a change in conditions to resume fishing. According to a presentation by a NMFS economist at the 112th SSC meeting, an economic earnings study revealed that the economic returns to captains and owners had declined by 94 percent due to such factors as increases in trip costs and major decline in the price paid for albacore by the canneries.

The Council is waiting to hear from PIRO regarding an amendment to the Pelagic Fishery Ecosystem Plan (FEP) submitted to permit shallow-set longline fishing in the event that the longline fleet would choose to diversify to target swordfish. The fishery is currently required to

fish all hooks deeper than 100 meters (m) to avoid catching green sea turtles, which prevents the fishery from diversifying to target swordfish.

Simonds voiced her hope to see new management measures developed at the annual meeting of the Western and Central Pacific Fisheries Commission (WCPFC) to halt the increase in bigeye fishing from purse seiners.

In efforts to open a satellite office in American Samoa, Simonds met with officials from the Cook Islands and the Forum Fisheries Agency (FFA) together with directors from the American Samoa government for discussion of the benefits of such an office. The Cook Islands and the South Pacific countries are members of an FFA subgroup called Te Vaka Moana. Te Vaka Moana is working to cap the catch of albacore. Albacore is the mainstay of the Cook Islands fishery and the American Samoa canneries. The expected increase in capacity in the albacore fishery is a huge problem in the Pacific. China reportedly plans to increase its fleet of longline boats by 50. Spain is building purse seiners from Mexico. Simonds stressed the importance of American Samoa getting more involved with Te Vaka Moana to address the current problems of the albacore fishery.

9. Agency Reports

A. National Marine Fisheries Service

1. Pacific Islands Regional Office

Tosatto said several regulatory actions have been finalized since the October 2012 Council meeting. He congratulated the Council for having the annual catch limits (ACLs) in place for the second consecutive year and encouraged Council efforts to continue improving the process.

The False Killer Whale (FKW) Take Reduction Plan (TRP) was finalized, and measures are in place for the deepset fishery. The Council's omnibus amendment and proposed Rule for fishing in the Region's Marine National Monuments (MNM) are currently out for public comment. It includes proposed fishing regulations in the Rose Atoll MNM.

David Itano, who was recently hired as PIRO's recreational fisheries coordinator, is moving forward with efforts toward the Region's noncommercial fishery.

International fisheries and protected species issues will be discussed later in the meeting. The federal government recently went through sequestration in the federal budget. Even with the continuing resolution going forward all indications are that NMFS will be operating under a reduced budget. What the impacts will be is unclear. Monies that have gone to the Council may be affected, as well as grant money that has gone out to programs in the Territories and the State of Hawaii. *He will pass on information to Council as time goes on.*

Discussion

Palacios asked if regulations in the final rule for noncommercial fishing are consistent with the proposed rule.

Tosatto replied in the affirmative, noting that at the Council meeting held in Saipan the Council finalized its recommendation for no mixed trips and provided for either a noncommercial or commercial fishing trip only. The final recommendation was written as the omnibus amendment. It amended the plans for the Pacific Remote Island Areas (PRIAs), Mariana and American Samoa Archipelagos and is deemed consistent with the Council's action.

Palacios asked about the request submitted by the Department of Defense (DOD) for a Section 7 consultation on potential marine activities by the DOD for Tinian and potentially for the island of Pagan in the development of a firing range. He also received via email information regarding a notice of intent (NOI) due out by April.

Tosatto replied that the DOD developed an expanded Marianas Range. It is currently developing an environmental impact statement (EIS) on the scope of activities to be allowed in that range and requested NOAA to be a cooperating agency. NOAA has yet to respond to the request. A consultation will likely be needed. The NOI was in regard to developing an EIS, which is the first opportunity to comment on the proposed activities. A Draft EIS will be published and public comment taken prior to the Final EIS. Generally, after the release of the Draft EIS, the consultation with regulatory agencies is conducted.

Palacios said the Council is interested in engaging in the process. *He asked Tosatto to keep the Council informed in light of CNMI's efforts to develop small artisanal fisheries in the northern islands.*

2. Pacific Islands Fisheries Science Center

Sam Pooley said sequestration impacts include a 5 percent loss for the Pacific Islands Fisheries Science Center (PIFSC) for the current fiscal year, lost days at sea on NOAA ships and canceled trips, including a reef fish ACL cruise. He predicted travel would also be impacted.

The Ford Island building is approximately 95 percent complete. The laboratory will move in July. The rest of PIFSC will move between November 2013 and March 2014. Plans for the Dole Street facility are undecided. Scientific operations and analyses scheduled for the latter half of 2013 are likely to be difficult to accomplish in a timely way.

A number of science projects are ongoing, including shore-based, small-boat surveys to fill gaps in ship-based surveys around the main Hawaiian Islands (MHI) to better understand the distribution of coral reef species. One finding from the study is the less populated islands tend to have higher reef fish communities compared to O`ahu, which has the least. Another ongoing PIFSC Corals Program project is the Coral Triangle Initiative with the State Department and US Agency for International Development, which resulted in picking up substantial funding. Data from coral reef surveys conducted since 2003 are being re-analyzed. The surveys will be

conducted every three years rather than every other year. One analysis showed a spike in the crown of thorns in Guam in 2007 and an apparent decline in coral presence in the years as the crown of thorns went up. Crown of thorns is usually connected to land-based issues, such as sedimentation and runoff.

Pooley thanked the American Samoa government for working with NOAA on the deeper coral surveys around Manu`a in 2012. The report has been written. PIFSC has increasingly tried to involve people from local resource agencies and to conduct activities that are of value to the agency in the context of a comprehensive survey.

Pooley noted that Jeff Polovina, from the PIFSC Ecosystem Program, has been looking at a change in the species and size composition in the Hawai`i deep-set longline fishery. There appears to be a change in the ecosystem. As some higher-level predators are fished out, previously discarded fish become more interesting.

The International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean assessment of bluefin tuna in the North Pacific, which is a fishery of key importance to the Council and the United States, concluded that bluefin are overfished and overfishing is occurring. However, it is hard to understand the dynamics of the fishery because of the impact on recruitment.

Another project is studying how and if FKWs are attracted to longline vessels. It includes conducting acoustic trials with a longline vessel.

NMFS has named three senior scientists: Richard D. Methot, Jr., senior scientist for stock assessment; Jason Link from the Northeast Center for Ecosystem Management; and Doug Lipton from the University of Maryland. They bring a broader range of economic insights into the agency.

The PIFSC Science Plan is complete and will be posted on the web. An Implementation Plan will be developed during Fiscal Year 2014, which will include a prioritization exercise.

An External Program Review in June on fishery-dependent and -independent data will be conducted, which will explore how best to apply the data into fishery stock assessments.

Discussion

Palacios said he hoped the funding and technical support provided by NOAA PIRO and PIFSC to the local agencies receives priority. Their support is valuable, such as Reef Assessment and Monitoring Program (RAMP), Coral Reef Ecosystem Division (CRED) and many small projects.

Pooley said the work in American Samoa, Guam and the CNMI is viewed with long-term importance, as well as the PIFSC initiative to enhance PIFSC's capability. The intent is to continue, while acknowledging limitations on the reallocation of funds. The Council input from the October 2012 meeting influenced the change in the upcoming cruise schedules. The intent is

to be as even-handed as possible, but efforts will be to reduce costs in areas that are not of immediate priority. There is less flexibility in moving funds between programs than in the past. Fisheries programs have better funding support than protected species.

Simonds asked for clarification as to the 5 percent reduction “being across the board.”

Pooley said the 5 percent reduction is across the board at a national level. How it allocates down into the field is uncertain with no instruction as to how it will be implemented. Further, it is not 10 percent across all of NOAA or all of NMFS, but across the major funding lines within NMFS.

Simonds asked about the ability to move line items and if excess funds could be used where needed.

Pooley said a Congressional initiative gives agencies more discretion on allocation of cutbacks and sequester, but it is still unknown.

Tosatto said the bigger concern is not necessarily taking that cut from sequester, but what the 2013 funding level will be. There are no discretionary awards being given, and the Council is given awards quarterly. The programs in support of Territories are largely discretionary awards, which will be reduced by at least 5 percent. Agencies will then make decisions based on Congressional appropriations for the rest of 2013. The 2013 total is where the more meaningful decisions will be made.

B. NOAA Office of General Counsel, Pacific Islands Report

Nichols provided an update on three active litigation cases.

C. NOAA

Eileen Shea, NOAA Pacific Island regional coordinator, reported on the regional collaboration team network, which is an effort that began in 2006 to integrate and share knowledge, networks and resources to address issues of priority. In addition, it will facilitate in the sharing of ideas and focus resources on specific place-based problems and offer a place-based approach to engaging partners and the public to take advantage of assets to benefit each other.

Regional collaboration is twofold, to look across NOAA and bring assets together and to provide a local or regional face to issues that affect NOAA that go beyond one line organization. Her job is to bring NOAA’s expertise together with that of partners to promote long-term growth and sustainability of communities, natural resources and business in the Pacific by advancing NOAA’s national goals and mission responsibilities in the region, by addressing distinct regional challenges related to NOAA’s mission, by strengthening regional partnerships in and out of NOAA to advance NOAA’s mission responsibilities and respond to stakeholder needs and by ensuring a sustained and collaborative engagement with regional stakeholders to listen, understand information needs and develop products and services to address those needs.

Regional collaboration in NOAA includes national and local programs. Some programs in NOAA will cross over all of the regions in the agency, such as regional marine planning or coastal marine and spatial planning (CMSP); national ecosystem programs, such as looking at pilot projects to understand habitats and ways to approach ecosystem management in those habitats; Marine Debris Program; hazards risk management, such as the Pacific Risk Management Ohana; climate, such as the Pacific Climate Information System, which is available to provide targeted information products about climate, such as marine and coastal ecosystems to the public; the Pacific Region Outreach Group (PROG), which is a coordinated approach to working with partners in the area of outreach and education and meeting with NOAA partners to expand communication avenues; and observation and data management, such as Pacific Islands Ocean Observing System, which provides products such as online real-time mapping of ocean conditions and forecasts.

Shea invited partners of NOAA who work in climate to establish a way to help guide thinking about what kind of climate-related products would be most useful to the Council that will bring together not just NMFS, but also other parts of NOAA. She looked forward to being a part of defining those products in the near future and is available and eager to provide another voice in the region to assist in addressing the regional priorities.

Discussion

Rice said understanding the overall picture of how climate influences fishing is important and he looks forward to seeing her progress.

Shea agreed and said she looks forward to working to target specific information on the climate system in the Pacific.

Simonds noted that the Council would like to be a part of the PROG and requested to include the Council's communications director.

Shea said the discussion is ongoing about membership on the PROG and membership opportunities are being explored. *She will keep the Council updated in regard to membership of the communications director.*

Palacios said he sees great value in the approach and looks forward to working together.

D. US Fish and Wildlife Service

Frank Pendleton said Susan White from the Honolulu office was unable to travel to American Samoa due to the budget.

E. Enforcement

1. US Coast Guard

Tschirgi reported USCG law enforcement activities in the Western and Central Pacific Region for the period of Oct. 1, 2012, to Feb. 27, 2013.

From Sept. 10 to Nov. 6 the USCG Cutter *WALNUT* patrolled the exclusive economic zone (EEZ) surrounding Kingman, Palmyra, Jarvis and American Samoa. Eleven boardings were conducted on domestic longline vessels and five on the high seas on foreign fishing vessels under the WCPFC scheme. The reason for the high seas boardings is to protect the fisheries stocks within the US EEZ.

From Oct. 22 to Dec. 7, *KUKUI* deployed on a multi-mission patrol that included the MHI, Kingman, Palmyra, Jarvis, American Samoa, Howland and Baker and passed by Rose Atoll. They conducted five boardings of the domestic longline vessels and two international WCPFC boardings. While in Samoa, a Samoan ship rider worked with enforcement personnel onboard and met with dignitaries.

From Oct. 27 to Nov. 2, *GALVESTON ISLAND* patrolled the EEZ around the MHI and conducted nine boardings of domestic longline vessels out of Honolulu.

In January, the USCG Cutter *SEQUOIA* patrolled the EEZ around Guam, Wake and the MHI in route to Honolulu. During this period a C130 aircraft conducted 11 patrols of the US EEZ, which included the waters surrounding Jarvis, Kingman, Palmyra, American Samoa, CNMI, Guam, Johnston and one of the Northwestern Hawaiian Islands (NWHI). No foreign fishing vessel incursions were detected.

A joint patrol of Tuvalu and Kiribati EEZs was conducted. Data was provided to the FFA to assist in its patrol.

Eric Roberts presented a report at the Quadrilateral Defense Group meeting, which includes Australia, France, US and New Zealand. The FFA provided the fishing vessel data. Work is ongoing to compile and present it in a graphical form for possible use in recommendations concerning multi-national operations within the region for fisheries enforcement.

There are plans to place a USCG boarding team on a US Navy asset patrolling from the Western Pacific to Honolulu. The WCPFC and FFA have been notified that the planned boarding operations will occur in the spring/summer of 2013. *He asked the Council to help spread the information to the fleets that the USCG boarding will be conducted from a Navy vessel platform.*

Surge Operations are ongoing in the MHI. These aerial and surface patrols aim to prevent interactions with humpback whales during the peak whale season.

Discussion

Rice voiced concern about the new ruling on commercial vessel safety equipment exemptions for small boats, which does not include a charter boat exemption. He provided a copy of a letter addressing his concerns to the USCG.

Tschirgi looked forward to receiving Rice's letter. He said any feedback provided will be helpful in getting the message across regarding the Western Pacific Region and reaching an equitable solution. Time will be allowed to get things in place in a reasonable fashion.

Palacios voiced his appreciation that FFA is sharing information with the US. He asked whether the 11 violations in the American Samoa domestic longline fishery were vessels homeported in Samoa and if the Council could do anything to assist the longline vessels to stay compliant.

Tschirgi said the violations were largely safety issues. It is a challenge to carry the required safety equipment and maintain it. In one instance, numerous hazardous conditions existed and the vessel had to return to Pago Pago to correct them before returning to the fishing grounds. The lack of proper turtle release gear onboard was the most frequent violation.

Palacios said the Council could explore to seeing what could be done to avoid this in the future.

2. NMFS Office of Law Enforcement

Palacios referred the Council members to the NMFS Office of Law Enforcement (OLE) report contained in the Council meeting documents.

3. NOAA General Counsel for Enforcement and Litigation

Nichols, on behalf of Alexa Cole, said there was no enforcement and litigation report.

Discussion

Simonds asked for any update on filling the position to replace Cole.

Nichols said she did not know the status of the search for Cole's replacement.

F. Public Comment

Ray Tulafono, retired American Samoa Council member, fisherman and farmer, expressed concern for the ongoing unavailability of safety equipment for small boats in American Samoa. Some of the equipment, like emergency position-indicating radio beacons (EPIRBs) and rafts, cannot be found in American Samoa. He asked the USCG commander to explore the possibility of providing the equipment for American Samoan small boats.

Wally Thompson, mayor of Swains Island, asked if there are sufficient USCG assets to conduct thorough patrols for illegal fishing in the EEZ around American Samoa. He also asked about the status of the Code of Federal Regulations regarding for-hire vessels carrying passengers between islands.

Tschirgi said the vessel monitoring system (VMS) run by NOAA and shared with USCG for monitoring activity is currently on all domestic vessels. The US has limited access to the

foreign fleet of a 100-mile buffer zone around the EEZ that allows the USCG to view the WCPFC VMS. Within the coming weeks, foreign vessels transiting the US EEZ will be visible to the USCG. Due to budget constraints, more assets are needed, but they continue to push assets for use in protecting the EEZ. The regulations have not changed for vessels carrying passenger for-hire, which include higher safety and licensing requirements than a recreational vessel. The USCG recognizes the operators in the region face unique situations and challenges and welcomes feedback.

Palacios said that in the past the CNMI faced a similar situation regarding the for-hire operators. The USCG Marine Safety Officer and the Northern Marianas College created a program out of Guam to create training in CNMI and there are certified operators up to 100 tons. *He suggested the Council could explore collaborating with the community college in this effort.*

Carlos Sanchez, American Samoa longline fisherman, speaking on behalf of the longline association, alerted the Council to the very bad conditions the longline fishery is experiencing in American Samoa. There are no fish, low prices and no dock. At 4 p.m., 21 longline boats were asked to move in order to allow one purse seiner to take their place. The boats did not move because there was no place for them to go and many of them were undergoing repairs. More than two months ago, the longliners requested a meeting with the DMWR director and has had no response. He asked the Council to adopt the American Samoa longline fisheries as an endangered species so they will receive some attention.

Palacios said the Council would discuss the issue brought up by Sanchez and explore options that can be taken to provide some assistance.

G. Council Discussion and Action

There were no action items for this agenda section.

10. American Samoa Archipelago

A. Motu Lipoti

Matagi-Tofiga highlighted ongoing programs in fisheries management. The Marine Protected Area (MPA) Program has approached the American Samoa House of Representatives and Senate for assistance with gaining community buy-in concerning no-take zones. Eight villages are participating in the Community-Based Fishery Management Program. Efforts are ongoing to bring villages in the bay area onboard. Eight Fish Aggregation Devices (FADs) are operating in the FAD Program.

The Inshore Fishery Documentation Program, along with the boat-based fishery data collection, is ongoing. The program has lost grant funds and requested assistance from the Council for funds for staff training. Crown of thorns is being removed along the shores in collaboration with the National Parks Service. One four-month employee was hired to assist the Monitoring and Key Reef Species Programs.

B. Fono Report

Fini Aitaoto, Council coordinator, reported that the Fono is working with the new Administration to improve the Territory's financial situation. Su'a Alexander Jennings has been reelected to the House of Representatives. Since the last Council meeting the Fono has been busy with the elections that took place in the last two months of 2012.

C. Update on Two Samoas Initiative

Lelei Peau, deputy director of the American Samoa Department of Commerce, provided an update on the Two Samoas Initiative. This initiative aims to increase cooperation between American Samoa and the neighboring Independent State of Samoa and is supported by NOAA's Coral Reef Conservation Program (CRCP) as a primary vehicle for coral reef conservation within the region. To develop a strategic policy framework, CRCP established an inaugural cooperative agreement with the Samoa government to assist in strengthening local community participation in management and monitoring of its marine resources and enforcement of bylaws and regulations. The initiative was established in 2007 and assisted with linking policies, information and community meetings; helps track activities taking place; and ensures accountability for action and agreement. Information is shared with member countries through the Secretariat of the Pacific Regional Environment Programme (SPREP). The intent is to expand to the rest of Polynesia and is equivalent to the Micronesian Challenge in CNMI.

Among accomplishments during the last meeting held in 2011 was the adoption of the Two Samoa Strategic Plan, which features goals for building partnerships and collaboration. The NOAA CRCP International Grant was discussed, priorities reviewed and consensus reached prior to the grant application submission. The governance framework of the Two Samoas was discussed to define the chain of command and determine membership, protocols and operational procedures. Though American Samoa is not eligible for international funding, agreements were worked out so Independent Samoa could share with the Territory on collaborations.

The Governor's Two Samoas framework defines the chain of command and determines membership protocols and operational procedures. The Strategic Plan goals include building a regional partnership between the two Samoas for improved archipelago-wide environmental management; maintaining and improving status of fish stocks to ensure sustainable fisheries that will support future generations of Samoans; building ecological and community resilience to the effect of climate change; improving water quality and ecosystem health through the reduction of land-based pollution and marine debris; and ensuring continued protection of endemic terrestrials and marine biodiversity of the Samoa Archipelago from the threats of invasive species.

Funds from the NOAA International Grant were received for 2012 to supported two projects: 1) a Two Samoas Environmental Collaboration Secretariat Coordinator, who would be responsible for facilitating and strengthening cooperation among local members and international affiliates, in addition to providing fundraising for outreach and other support; and 2) a placeholder amount to support the implementation of activities related to the Two Samoas Environmental Collaboration as described in the Strategic Plan. Once the money is placed into the General Account, the Secretariat's position will be advertised.

The next Two Samoas meeting is in the planning stages, tentatively for the June/September 2013 timeframe. A six-day Two Samoas Resilience MPA Workshop is planned for the first week of August in collaboration with The Nature Conservancy (TNC) and SPREP. The workshop aims to bring together MPA managers to discuss principles and practices for resilient MPAs and share ideas on best practices for MPAs in the archipelago.

Discussion

Palacios about the timing of the Two Samoas Initiative. The effort was impressive and needed in many areas of the Pacific Islands. There are efforts in the Mariana Archipelago between CNMI and Guam.

Peau said the Two Samoas Initiative began in 2007 and the Coral Reef Advisory Committee (CRAG) began in 1997.

Sword asked if there were any specific ideas regarding the goal to maintain and improve fish stocks and if there was an MPA Program in Samoa.

Peau said the idea was to take lessons learned from both countries and look at ways to protect and conserve the resources to be replenished and sustained. There has been a series of information exchanges with village communities about fishery sustainability, although funding is lacking to expand the scope of surveys to their areas. There are MPAs in Aleipata and Savai'i.

D. Enforcement Issues

Matagi-Tofiga said the International Shipping Monitoring Program conducts inspections on arrival of carrier vessels, including baggage; inspections of coolers at the Pago Pago International Airport; and regular patrol and store inspections throughout the island in efforts to enforce fisheries regulations.

E. Community Activities and Issues

1. Update on Community Fisheries Development

Ueta Faasili, the Council's American Samoa fisheries development coordinator, reported on the completed Manu'a Islands fishermen's facilities, the Fagaalu and Lyon's Park boat ramps on Tutuila and renovation of the fish market in Tutuila.

The Manu'a projects included the establishment of the Tai Samasama Fishermen's Cooperative for Ta'u fishermen and the Faleluaanu'u Cooperative for Ofu and Olosega fishermen, as well as construction of fishermen's facilities on Ta'u and Ofu. The articles of incorporation and bylaws, developed during many meetings with the Manu'a fishermen, were approved in 2012. The completed Tau and Ofu fishermen's facilities include ice-making and fuel storage components. The dedications of the facilities were held in March 2013. The Council and DMWR will work with the facility managers on basic operation and record-keeping training, such as writing receipts and data entry using Excel, routine maintenance procedures and developing a pricing formula to adhere to the operation of a nonprofit organization.

The boat ramp projects were constructed to provide more fishing access points to fishermen. The work was completed March 2012 after design improvements were made. Partners included the DMWR, which provided administrative support; the Department of Parks and Recreation, which provided land; and the Department of Public Works, which provided technical support. During the dedication on March 8, 2013, the Lieutenant Governor of American Samoa delivered the keynote address and Simonds delivered the opening speech. The police patrol boat was the first boat to be launched.

The renovation of the fish market was to redesign and re-equip the present fish market to provide a facility that better serves fishermen and the public as a place for quality fish. A redesign was prepared. Due to the elections during the end of 2012 work has been pending. There is hope this project will begin again soon.

Future fisheries development initiatives for American Samoa include the following: A) Development of affordable, multi-purpose fishing boats to improve sea safety of fishermen, cater to longer fishing trips, facilitate fishing operations, improve quality of fish catches and provide low operational costs. B) Hands-on training on environmentally and economically sustainable fishing methods to enable American Samoa fishermen to increase fish catches and obtain good quality fish for better market prices. The training will include the use and operation of new fishing equipment; basic navigation and seamanship; vessel operations and management; vessel and crew safety; fishing gear and methods, such as small-scale tuna longlining, deep-water snapper fishing; onboard fish handling and preservation of catch to export standard; and basic financial management of small-scale fishing businesses. C) A lending scheme for fishermen to facilitate the purchase of fishing boats.

Discussion

Sword suggested translation of the rules and regulations and articles of incorporation into Samoan to ensure the fishermen's understanding and also assistance from a Council economist to determine ongoing operational costs.

Rice noted his appreciation for the hospitality during the dedication ceremonies. He hoped that the training and new facilities will serve as motivation for the younger generation to become more involved in fishing.

Leialoha asked if there is a cooperative related to the Fagatogo fish market.

Faasili said no fishermen's cooperative currently exists, but the intent is to form one.

Leialoha asked for an update as to the marketplace renovation.

Matagi-Tofiga said staff members conduct boat-based and creel surveys at the market when the fishermen arrive. One of the challenges is getting the fishermen to sell their fish at the market. Assistance is needed to get the fishermen to use the market. The DMWR, Department of Commerce and DOA are discussing ways to make progress in the fish market.

Simonds said funds are available for the redesign once the contractors are lined up to do the work. There is interest in a cooperative for agricultural products as well.

Palacios noted his appreciation for Faasili's accomplishments as well as the efforts of the Council and DMWR in accomplishing the projects. He said it will provide great benefits to the fishermen and communities. He noted that the CNMI has benefited from projects done in the 1990s with Saltonstall-Kennedy (SK) Grant Program as well.

Simonds asked Tosatto about the status of the SK Funds.

Tosatto said that for 2013 the SK and Interjurisdictional Fisheries Act (IFA) grants have been directed to different areas while at the same time Congress has appropriated less. He is aware the Territories rely on the funds. NMFS has tried to fill in the gap, but each year it has become more difficult. More work is needed to keep the capacity in place.

Simonds noted the IFA funds have been zeroed out, but she was asking specifically about the SK funds that NMFS receives.

Tosatto said Congress is putting forth objectives for the use of the SK funds. It is a competitive process for funding projects. NMFS no longer has control of SK Funds. He did not have a good answer for what is going to happen in 2013.

Simonds recalled the total receipts for the SK Funds to NMFS used to be about \$10 million. In 2012, an Appropriations Committee Report addressed taking money and redistributing it back to the fishing industry to perform research, which was the original purpose of the funds, but over the years the funds have been utilized by the Administration.

2. Report on Samoa Tuna Processors Cannery Developments

Dan Sullivan of TriMarine, the parent company of Samoa Tuna Processors (STP), presented an update on the project to rebuild the STP facilities in Pago Pago harbor. The plans include four major components to support Tri Marine's commitment to Samoa as a purse-seine and longline base.

The basic layout of the cannery will not change. Rooms will be built inside the structure, and major portions of the facility will be air conditioned and built to a new standard of sanitation. The fish will come off the boat and directly into the sizing area and will never come outside of the facility as it goes through the process.

The main office and amenities will remain and be upgraded. The cold store will be capable of receiving, sizing and storing approximately 7,000 tons total capacity. The construction is nearing completion with commissioning set for early April.

The new fresh and frozen processing plant will be able to grade and ship sashimi-grade tuna and to freeze and process high quality fish at minus 60 ultralow temperature. Construction is underway with completion scheduled for September 2013. Small volumes are being processed currently. Volumes will be expanded. Hiring of staff is expected with completion of the facility.

The process for the seawall and small vessel dock is ongoing. The permit has not been issued yet, but there is optimism that it will be approved in the near future. If the permit is not approved, the design will be reconsidered.

The tuna canning facility is currently designed to process more than 60,000 tons annually and would create more than 1,200 jobs. If the permit is not approved another location will have to be found and downsized for the meal plant. Total estimated construction time is 18 months.

Discussion

Simonds asked for an update on the permit process.

Tosatto said NMFS has been working with the Army Corps of Engineers and DMWR to make sure that an adequate assessment was done of the project site so an essential fish habitat (EFH) assessment could be conducted as well as consulting on the Endangered Species Act (ESA) for the protected species in the area. The Corps is working with both USFWS and the Environmental Protection Agency (EPA) under a variety of their mandates to ensure all of the natural resource agencies are onboard with the project, commenting under the National Environmental Policy Act (NEPA) and Clean Water Act, along with consultation under EFH and ESA. He signed the EFH consultation letter recently and hopes to finish the ESA consultation shortly. There are corals in the EFH. The Agency will provide conservation recommendations in the areas where the project affects EFH. The Corps has the opportunity to implement those recommendations or not. If it does not implement the recommendations, it must say why it is not implementing them. The ESA consultation is incomplete, but it is no jeopardy. The consultation when concluded will not affect the project. Comments were provided to the Corps under the Clean Water Act and NEPA with regard to the Corps' Environmental Analysis, as well as under the Fish and Wildlife Coordination Act.

Simonds asked if the Corps has a deadline to respond regarding the mitigation recommendations and the next steps following the response.

Tosatto said the Corps must reply within 30 days. The conservation recommendations would have to be implemented over the life of the project and should not hold up the project.

Simonds said the Council would like to see the project completed and noted the need for the small-boat dock.

Sword reported on the sports fishing sector in American Samoa. The T'a Lapo`a Tournament is scheduled for the week of May 6, 2013. Ten boats, including six from New Zealand, are currently registered for the tournament. Many boats were damaged during Cyclone Evan. He looks forward to more entrants. He reported repeat visits from fishermen from New Zealand. Fishing has been very good for charter boats. For the last four years each winner has gone to the International Game Fish Association fishing championships, which in 2012 was in Cabo San Lucas and 2013 will be held in the Virgin Islands. He estimated over the last four years the tournament has brought in over \$200,000 into the American Samoa economy.

F. Update on the American Samoa National Marine Sanctuary

Simonds said Gene Brighthouse, representative from the American Samoa National Marine Sanctuary, informed the Council that Sanctuary personnel would not be available to provide an update. Simonds asked Peau if he had any information on the process for implementing the fishing regulations in the Sanctuary.

Peau said he could speak as co-manager from the Department of Commerce but he could not speak for the Sanctuary. At a February 2013 meeting with the Office of Samoan Affairs, an update was provided with regard to the five sites. He encouraged the Council to stop by the Ocean Center to learn the latest news. He looked forward to a close working relationship between the Council and Sanctuary. He offered, as a co-manager, to facilitate participation by the Council member representing the American Samoa government in consultations with the Sanctuary.

Simonds asked about the implementation of the regulations in terms of permits, such as having to call in before fishing and how the regulations will be enforced.

Peau said he is not qualified to speak for the Sanctuary, but his understanding is that the only no fishing regulations are the no-take areas in Fagatele Bay and Rose Atoll.

Simonds said the Council wrote to the previous Governor of American Samoa and the Sanctuary regarding the no bottomfish fishing around Aunu`u for subsistence and was shocked that the previous Governor agreed to such a regulation. She asked Peau to clarify his understanding of the rule. She would like to get the correct answer because fishing around Aunu`u for bottomfish and subsistence is important.

Peau said the Research Zone allows trolling. He encouraged the Council members to sit down with the Sanctuary personnel to address any misperceptions. Zone A is status quo, business as usual. Zone B, also known as the Research Zone, allows trolling according to the regulations that came out of the Federal Register.

Simonds said she understood that the regulation allowed trolling, but no bottomfish fishing in the Aunu`u research zone and that there is no research plan as part of the rule.

Peau said the depth of the research area is 600 to 800 feet, which is why trolling was allowed. *He reiterated again for Council Members Sword and Matagi-Tofiga to meet with the Sanctuary and report back at the next meeting to clear up any confusion.*

G. Rose Atoll Marine National Monument

1. Pacific Islands Regional Office–Pacific Islands Fisheries Science Center’s Monument Projects

Tosatto said PIRO and PIFSC continue to meet in an intergovernmental committee formed immediately after the Proclamation to coordinate what each of the agencies (the American Samoa government, the USFWS, Refuges and NOAA) are managing in the area.

NOAA has gone through the process directed by the Proclamation and recently concluded to add the marine areas of Rose Atoll MNM as well as seamount area known as the Muliawa Unit of the Sanctuary of American Samoa. NOAA would act on the regulations that control the activities in the marine area. The noncommercial fishing regulations are out for public comment. The amendment and the regulations prohibit commercial fishing and allow some noncommercial activities in the MNM area. There is still interest, though no funding, in marine debris and how climate change is affecting the ecosystem. Consideration is also being given to support both USFWS and the Territorial government in enhancing the education and outreach of the area. Tosatto voiced interest in upholding the Proclamation's mandate for exploration to find out what the ecosystems have and how each one is unique. He hopes to apply some of the research funds for efforts in Rose Atoll as well as the Marianas MNM.

Pooley presented a general overview on PIFSC activities in the American Samoa Monument, which included ecosystem research planning, biosampling, cruise support, local science support, coral surveys, and turtle nesting and tracking. PIFSC has hired logistical support in American Samoa. One key thing PIFSC is doing is an Ecosystem Science Plan. The in-house draft is expected to be completed in April 2013. *DMWR and other agencies will be contacted to discuss priorities, gaps and needs relative to the Rose Atoll Monument.*

Discussion

Tosatto clarified NOAA's responsibilities are managing not only fisheries but also protected species, cetaceans, turtles, marine debris, ocean exploration, etc.

2. Update on Rose Atoll Marine National Monument

Pendleton presented background information and an update on the Rose Atoll MNM and National Wildlife Refuge (NWR). Rose Atoll was named after an explorer's wife, Rose Freycinet. Rose is also known by the Samoan names Nuu O Manu, the Village of Seabirds, and Muliava. The wildlife found on Rose includes giant clams, black tip and gray reef sharks, green and hawksbill turtles, and a large nesting population of seabirds, including sooty terns, red-tailed tropic birds and fairy terns, among others.

In regard to fish research, reef line surveys have been conducted that compare fish populations in MPAs and fished areas throughout the Pacific. DMWR has genetic work planned to compare differences in fish stocks throughout the Samoan Archipelago. CRED has placed ecological acoustic recorders to help detect the level of use in the area.

The Rose Atoll NWR was created in 1973 via an agreement between the USFWS and American Samoa Governor Hayden and the American Samoa Fono. In the resolution the NWR goes to low water line; protects seabirds, turtles and giant clams; and is managed by USFWS. It is still part of American Samoa and Manu'a as stated in the 1904 Deed of Cession. In 2009 the Rose Atoll MNM was created via Presidential Proclamation 8337, which directs Secretaries to prohibit commercial fishing within 50 nautical miles (nm). USFWS manages the NWR; NOAA manages fisheries-related activities outside of the NWR; and the American Samoa government is a cooperating agency, as is DMWR and Department of Commerce. The Sanctuary overlays

activities outside of the Refuge. All agencies meet in the InterGovernmental Committee to determine management.

In 1975 President Ford reserved submerged lands around Rose Atoll NWR for the United States to protect marine life, including green and hawksbill sea turtles under Presidential Proclamation 4347, which included two other locations, one in Guam and the other in the Virgin Islands, both for military reasons. There is also a Large-Vessel Fishing Exclusion Area in place around Rose Atoll.

USFWS is completing the Comprehensive Conservation Plan, a 15-year management plan for the NWR mandated by Congress. The goal is to protect the habitats, conduct research and monitoring as well as education and outreach, and protect cultural resources. Recent trips to the atoll have included a crew of chiefs, teachers and students, and archeological and insect surveys.

Discussion

Sword asked for clarification as to the territorial seas section and if the community was permitted to submit public comment on the Proclamation.

Pendleton said there are no territorial waters around Rose Atoll. The Atoll was pointed out specifically for conservation. He understands no public outreach was conducted at the time. The president just signed the document, and it became law.

Sword said it was a shame such a thing can happen without people knowing about it.

3. American Samoa Community College's Rose Atoll Study

Okenaisa Fauolo, from the American Samoa Community College (ASCC), Samoan Studies Institute, presented the results of a study focused on the oral traditions of Rose Atoll, or Muliava, to find cultural connections with the people of the Manu`a Islands. The study was contracted by DMWR. Samoan tradition links Muliava as part of the Manu`a Islands. Oral interviews were conducted with Manu`a residents with respect to traditional knowledge and indigenous connections, as well as to gain their perspectives on the establishment of the Rose Atoll MNM.

Some of the challenges of the study were to follow Samoan protocol in conducting the interviews. The stories of Manu`a have been treasured and well-kept, which has resulted in mistrust as well as overuse or over-research by outsiders coming to document the information. Transportation to Manu`a was scarce, and many homes stood empty, though they believe the spiritual guardians remain. At the end of the study there was also the challenge to respect the sacredness of the stories while being true and letting the stories be heard.

According to the oral traditions, Rose Atoll is common knowledge to the residents and is known by different names, as well as long-standing proverbial expressions used today. Fishing

expeditions included trips targeting sharks and skipjack tuna. Samoans are still in tune with the environment and have an understanding of ocean movements and seabird behavior.

The product of the contract included a report, brochure and a DVD documentary.

Discussion

Palacios asked about the entity that contracted the documentation of Rose Atoll and its historical reference to the Samoan people.

Matagi-Tofiga said the contract was a partnership between DMWR and the ASCC to document the oral history. She thanked the ASCC faculty and Fauolo for the documentation provided.

Palacios said the CNMI went through a similar exercise in regards to the Marianas MNM to prove the CNMI people used the islands traditionally for fishing. He encouraged similar studies.

H. Cook Islands Satellite Fisheries Office

Matagi-Tofiga reported that in August 2012 the American Samoa and Cook Islands governments signed a memorandum of understanding (MOU) to cooperate on fisheries management, conservation, development and research to support a Cooks Islands satellite office in Pago Pago. The office would allow the Cook Islands to monitor, place observers on and obtain catch logbooks from vessels that fish in the Cook Islands waters but offload in Pago Pago. Since the signing of the MOU, interest has appeared to expand the planned field office into a sub-regional office and include the monitoring of vessels that offload in Pago Pago but fish in the waters of the Te Vaka Moana countries, i.e., Samoa, Tonga, Cook Islands, Niue and Tokelau, as well as vessels fishing within Vanuatu and Solomon Islands waters and the high seas.

A delegation of Cook Islands and FFA representatives met on Tutuila with representatives from the American Samoa government and the Council to discuss an MOU to establish a satellite office in Pago Pago. The delegation was led by Josh Mitchell, the director of offshore fisheries in the Cook Islands. The group discussed the issues faced in American Samoa, the reason for a regional office in American Samoa and some of the functions of the office, such as capacities for observer management, monitoring, inspection, food safety and USCG regulations in American Samoa. There was some concern that the MOU was signed in 2012 before the new Administration took over. Concerns regarding the American Samoa longliners and fishery development programs were also discussed. Discussions are ongoing, and issues will be resolved before the partnership is established. The Council has made a commitment to support the partnership. The Council and the Governor's office see the MOU as an opportunity to better address and resolve issues.

I. Education and Outreach Initiatives

Aitaoto reported that local students are being provided with printed materials, posters and brochures by the Council to help with schoolwork. A local magazine called *Busycorner* has provided Council staff with information related to education in American Samoa. The Council sponsors a course every summer that has had much participation from the local schools and which also has provided the Council with ideas on a new display for outreach.

The Council has completed a traditional lunar calendar that uses traditional names used by the Samoan ancestors. Aitaoto noted the Council's thanks for the assistance provided by Fauolo and the ASCC with the research for the calendar.

The Council has provided assistance and printed materials to the DMWR for its education and outreach programs to schools, communities (including Manu'a) and other government agencies doing community outreach.

J. Coastal and Marine Spatial Planning Workshop

Mark Mitsuyasu, Council staff member, reported on the CMSP Workshop that was held March 6 and 7, 2012, in American Samoa. There were 28 participants and 11 American Samoa government agency representatives. The workshop was held in relation to the Council's continuing efforts to support President Obama's Executive Order on CMSP, to build on the Council's August 2011 CMSP Workshop held in Honolulu, to build and develop capacity within the Council family (such as the Plan Teams and Advisory Panels) and to take advantage of the opportunity to engage agencies, organizations and communities on coastal and marine resource management issues to further develop the Council's Fisheries Ecosystem Plans.

In collaboration with the NOAA International Capacity Building Office, the workshop was condensed from prior one-week training workshops. The agenda included an overview of the Pago Pago study area (including a physical description of the area, human uses and activities and biological resources) and a series of presentations and exercises. Divided into five groups, participants worked to define management areas, assess resources, develop objectives, identify stakeholders, set priorities and develop management measures.

Outcomes of the workshop were varied in terms of level of detail and analytical assessment. Based on evaluations completed by participants, almost everyone found the workshop to be informative and helpful in understanding the planning process. The general feedback was that the CMSP process could be helpful in the Pago Pago area. It was requested that the head of the American Samoa government agencies participate in the entire workshop.

Discussion

Tosatto applauded the Council's efforts to prepare the stakeholders with information to accomplish the CMSP initiative under the National Ocean Policy.

Taitague asked if Guam was invited to the workshop.

Simonds said the Mariana CMSP workshop is being planned. She asked that preferred dates be provided to the Council.

K. Scientific and Statistical Committee Recommendations

Daxboeck deferred SSC recommendations regarding American Samoa to the Program Planning and International Fisheries agenda item.

L. Public Comments

Christina Lutu-Sanchez, from the American Samoa longline fishery, asked Tosatto for an update on the 2009 tsunami Disaster Relief Package and for clarification on the determination that a failure occurred in the bottomfish fishery but not in the longline fishery.

Tosatto said the national office made the determination in response to the original request of disaster relief for fisheries. During deliberations, distinct components of the fisheries were broken out. *He offered to provide the analysis, if it can be released, to the Council and the American Samoa government.* With any disaster declaration, Congressional appropriation is needed. No appropriation exists to date for the American Samoa bottomfish fishery.

Palacios asked that the information be provided to the Council and Lutu-Sanchez if possible.

Lutu-Sanchez asked Council staff to provide feedback and guidance on the disaster relief process. She thanked the Council for holding the CMSP Workshop, which she found helpful. She asked for clarification as to the small vessel dock mentioned during the STP presentation.

Simonds said the dock is for small longline vessels delivering catch.

Lutu-Sanchez thanked Faasili for his efforts regarding the fisheries development projects. The current situation faced by the American Samoa longline fishery includes a lack of space for docking of vessels, unloading facilities, lighting, bathroom facilities and security. She asked the Council to make similar efforts to help the longline fishery as was done in the Manu`a Islands. Training of American Samoans to become a navigator or master on vessels is needed. She referred to a letter written to the Council requesting representation of the commercial fishery in American Samoa on the Council.

Sanchez voiced concerns regarding efforts to establish a Cook Islands satellite fisheries office. He asked how could the Council and American Samoa government meet with Cook Islands representatives without first meeting with American Samoa fishermen to understand their issues regarding Te Vaka Moana. He said there is an obvious preference to issue Cook Islands license to Chinese fishermen over American Samoa fishermen and charge higher prices to the American Samoan vessels. The Chinese are increasing capacity at a high rate, which include reefer. Soon they will not need to offload in American Samoa. He asked the Council and the American Samoan government to speak with the longline fishermen and to hear their side of the issues.

Matagi-Tofiga deferred her comments on the issues until the pelagic section of the agenda.

Palacios said the concerns regarding increase in capacity will be addressed then.

Simonds recalled that in the 1990s the SK Fund was created in the amount of \$100 million to help the commercial fishing industry, but over the years that is no longer the case.

Jennings, from the Swains Island, said he is in his fifth term at the legislature. He reminded the Council members of his presentation to them in Honolulu for a proposal for a fisheries development project on Swains Island. He said Swains Island contributes one-third of the EEZ surrounding American Samoa. He asked how much the Council has done for Swains, as it is 200 miles from Tutuila and has no dependable, safe transportation. He provided a copy of a letter written to the Council asking for assistance for Swains Island. He said he gave up on waiting for assistance from the Council and asked Dan Basta from the Sanctuaries Program to consider Swains Island as part of the sanctuary. Today Swains is part of the National Marine Sanctuary. The Sanctuary has dedicated more resources to Swains Island, brought more exposure to Swains Island and created more opportunities for development in the last three years than ever before. He asked Simonds to revisit his proposal to see what else can be done to help Swains Island.

Simonds said it was a wonderful thing for him to become part of the Sanctuary process. She asked how the sanctuary has helped with development on Swains Island. She said the proposal the Council received requested \$500,000 to purchase a boat. The amount was too high for the Council. At the time, it was explained that there were needs for partnerships to be developed and structural items on Swains to be able to fish. She was unsure of the population size on Swains, but would be happy to revisit his plan.

Thompson asked the USCG Lieutenant Commander if any of the old Navy vessels stored in Honolulu would be available to bring to American Samoa to be manned by locals and used as a multi-purpose boat to do surveillance and/or safety and fishing training for vessel captains. He added there is a strong USCG Auxiliary in American Samoa.

Palacios said that kind of initiative could start from the local government and could also be applicable to the CNMI.

Kitara Vaiau, resident from Aunu`u Island, thanked Faasili for the work in the fishery development projects and asked if the same could be done for Aunu`u Island. He also relayed some experience he had visiting Rose Atoll. Turtles, in the process of laying eggs, would get stranded behind some of the vegetation on the island and die. He asked if there was something that could be done to prevent this from happening. He voiced criticism of the EPA in American Samoa for not doing an adequate job in regard to coastal water quality. In regard to the American Samoa sanctuary, he pointed out the need for more coordination between the federal and American Samoa governments and better adherence to the provisions in the Deed of Cession and respect for the American Samoa culture.

Louis Bowman appreciated the presentation regarding the fisheries cooperative projects on Manu`a. He encouraged inclusion of a public-private partnership in the local implementation of the effort with an emphasis on the private to enable the fishermen and the public to get the best prices and product.

Brett Butler asked about the capacity of STP dock for longliners.

Eric Kingma, Council staff member, said the dock length was 75 to 100 feet.

Butler said Star-Kist has been a major stakeholder with the development of the local longliners in American Samoa and he had concerns about the new STP dock taking the local longline vessels into the potential competitive cannery.

Kingma said the dock would support the existing large vessel longline fleet if there is enough draft in that area to offload but is probably better suited for the smaller alia vessels than the higher loading dock that already exists in front of the STP facility as well as Star-Kist. The dock enhances the ability of smaller alia vessels to offload directly in front of the cannery areas.

Butler reiterated his concern regarding competition and access to the fisheries.

Simonds read from the Federal Register regarding fishing activities in the American Samoa Sanctuary: "The following activities are prohibited in the Aunu`u Unit, fishing for bottom-dwelling species or otherwise harvesting, catching, removing, taking, injuring, destroying, collecting, moving or causing the loss of any bottom-dwelling species or attempting any of these activities."

Peau reiterated his understanding that there are two zones. Zone A is status quo and fishing is allowed. In the Research Zone trolling and handllining is also permissible. He added that clarity can be sought from the Sanctuary.

Simonds said Aunu`u is where bottomfish fishing is good. The Council has written several times to the Governor and the Sanctuary Office in December 2012 stating that fact.

Peau reiterated his suggestion that Council members and local agencies meet with the Sanctuary Office to clarify the confusion.

District Governor Alo Paul Stevenson, from the Eastern District, expressed concerns with the sanctuary created within the territorial waters. He brought a 2009 resolution put forth regarding the Rose Sanctuary expansion stating opposition because it was felt it would take away too large an area of ocean from the American Samoa people. He stressed American Samoans are not against conservation. Pacific Islanders are stewards of the land and ocean. There would be no Pacific Islanders if conservation was not a part of their lives. There is also the concern because there is no effort to provide the community members with an understanding of the process in the sanctuary creation and to ensure there is balance between what is dictated or mandated and what the community receives in return. The fishing grounds around Rose Island provide potential economic benefit for the islanders. At a previous meeting a NMFS report stated within the area

of ocean between Manu`a, Swains and Rose potential income to the Territory's local fishermen amounted to \$1.2 million annually. The report was not discussed. The fairness of the process is not clear in terms of public hearings to engage the community. Also, adequate scientific data and studies of social, cultural or economics in the development of regulations are lacking. There was too much haste to create a good deed for the rest of the world that American Samoan people were forgotten in the process. He would like to turn things around, but there is nowhere to turn.

Like all Pacific Islanders, American Samoans eat fish every day. Cultural activities and Samoan history relate to fishing. There is a Samoan saying, "Don't worry about the fish, you can catch fish tomorrow. Worry about the net, because if you cannot mend the net you won't be able to eat. Always proceed with caution."

It is said fishing will be allowed in the sanctuaries, but with requirements. What are the requirements?

This is a fishing community, and for many years the Councils have made efforts to develop fisheries as part of the Territory's economic development. Thirty years later we now have boats but are being told we cannot go there. Families still need to be fed through commercial means and through bartering means.

His district consists of five counties and 26 villages, the majority of which are ocean-front. He asked to go through the right process, talk to the right people. Get the organization, regulations and process in place so the American Samoan people can fully understand what needs to be done.

District Governor Misaalefua Hudson, from Manu`a, asked, how would anybody feel if they owned something for 3,000 years and then all of a sudden somebody said you are not allowed to go there anymore. Two years ago when the issue first came up there was a petition signed by all of the leaders of Manu`a that was given to the American Samoa Governor. The petition was ignored. When the issue of a sanctuary around Rose Atoll was discussed, no one came to Manu`a for discussion. Rose Island is part of the Manu`a Islands. He asked the Council to help the people of the Manu`a Islands to continue to fish where they have always fished. The sanctuary encroaches upon the waters of the Manu`a Islands.

Sagele Tuiteleapaga, from Samoan Affairs, spoke to the conceptual framework of the Samoan society. He explained the first unit is family. The second unit is village. The third unit is the county. The fourth unit is the district. There are 56 villages in American Samoa, and each is independent from one another. Each village has a foundation or constitution of its own, which is why when federal legislation is written it is almost inapplicable to American Samoa because independent units do not obey federal laws that are not in line with their constitution.

Samoans have been populating the Pacific Islands since three or four thousand years ago. All of a sudden somebody wrote legislation, President Bush signed it and then the people of Manu`a were forbidden to go to Rose Island. Rose Island belongs to Manu`a. There are six villages in Manu`a, and each one of those villages has a specific claim to the island. That was never considered in the legislation throughout the process.

There are mechanisms in each of the Pacific Islands that are not very well understood even by those Pacific Islanders who are members of the Council. The mentality of the Samoans with regard to the sea and the land is where you live is your piece of land; when that land stretches out to the beach, your ownership goes as far as your eye can see out to the ocean and nobody should say to you that you cannot fish in front of your house. Difficulties arise because the ownership of property is very different from the concepts of Westernized people. He asked for the Westerners to have regard for the peculiarities of each Pacific Island. The Samoans are very structured.

He did not want to fail to share this information with the Council. The honesty and the willingness to share our cultural heritage is something Samoans are very proud of. He asked that when policies and practices are going to be established that affect Pacific Islanders, that thought be given to the peculiarities that each little island represents.

There are commonsense practices of the Samoans throughout the years. People don't say it to your face, but they come over and ask, why do they tell us to have sanctuaries? We know when we're not supposed to go there. One year we close that place, and then two months of the year we are allowed to go there.

The Village Council in each of the villages is the paramount power of authority in the village. If you want to discuss a sanctuary, go to that village. If you want to get permission on the land, go to the family who owns the land. You cannot just make a universal conceptual framework that governs anybody and everybody. That's where the problem lies. Families who object to having their land as sanctuaries, they're now coming to Samoan Affairs.

If Samoan traditional issues arise, the governor steps aside for the local government to take over. Fiji is the same. Tonga is very similar. Rarotonga is almost the same. The Maoris are the same. You have to be aware of those intricacies of our Pacific countries and people. He urged the study of the lives of those who are most affected by the decisions and actions taken. Get to know those people and your problems will be a little easier to solve.

Representative Va'amua Henry Sesepasara, from Pago Village, said a petition is going around to present to the Council later, signed by bottomfish fishermen opposing the extension of the marine sanctuary in American Samoa. He said, there was a time when he was in favor of the Fagatele Bay Marine Sanctuary, which was created to save the small bay for educational purposes, so young children could go there to observe marine life, and it turned out to be a good decision. The sanctuary expansion was heavily opposed. The chiefs of Manu'a signed a petition in opposition of Rose Atoll. The Governor just pushed it aside. The same happened with Aunu'u and Taema Bank. Sesepasara said he was a member of the American Samoa Marine Sanctuary Advisory Board. He always let it be known he was against the sanctuary extension. When the extension was addressed at a meeting for a vote by the board of directors, it was voted down by the majority of the members. Unfortunately, three days later another special meeting was called because the Governor instructed some of his cabinet members, the previous director of DMWR and the previous director of EPA, to change the vote and support the extension of the sanctuary. He said the federal government should know that the Governor's wish was not the people's wish. This was in his self-interest. The Governor received a lot of awards from the federal government

for supporting what the federal government wants to do. He received special awards from the coastal group. He received special awards from the Marine Sanctuary group. The Governor did not take into consideration the interest of the people. He attended a hearing that was conducted in the Eastern District at the Village of Amouli. The Chief of that county strongly opposed it, yet the Governor never listened. He went against it. What is written or approved for the Fagatele extension is not the people's wish but rather the selfish wish of one individual.

One of the bottomfish fishing areas is around Aunu`u Island and part of Taema Bank that is closed because of the extension. Bottomfish fishermen have attended the Council meeting to make it known that they do not support the extension because it is their livelihood. Seseparasara asked the Council to reverse the process and open the areas to fishermen to fish. He fishes the area with his cousin for the Sunday meal. He said, once the federal government puts regulations, it will never open up again.

Representative Talaimatai Elisara Su`a from the Saole District, which includes the villages of Alofau, Amouli and the Island of Aunu`u, spoke on behalf of the people of Saole and especially the people of Aunu`u. The American Samoa Department of Commerce representatives who introduced the sanctuary provided inaccurate information. The people will never get back what they have lost with the creation of the sanctuaries. Among the most important values in the life of the Samoan people are the land, the ocean, the matai titles and their god. He stands in front of the Council in high opposition to the sanctuary throughout the Saole District, including the Island of Aunu`u. It is a critical decision for the people of American Samoa, looking forward to 100 years from now, to 1,000 years from now. Talaimatai voiced concern for the freedom of the people to access and enjoy their shoreline, which is a source of food for them. On behalf of the Village Council, the High Chiefs and the Chiefs of Aunu`u Island and the district, he spoke in strong opposition of the sanctuary in the Saole District. He appreciated the Council coming to hear the sentiments of the Samoan people. He agreed with the comment regarding what the Governor did, as he also signed the petition. But the Governor ignored the petition.

Eo Mokama, American Samoa master fisherman, said he was born and raised in the village of Pago Pago. He is 65 years of age and has fished all his life. He voiced concern regarding the closing of the Taema Bank, which is where he fishes every week for his Sunday meal for his family and his village. He was told by his grandfather as a child to fish Taema Bank because it's a good fishing spot. He is not a commercial fisherman. He fishes for family and his village. He asked that Taema Bank not be touched, that it be left alone.

Sword asked Mokoma if the Aunu`u reef is included in his request.

Mokoma replied that he would like to include the whole Island of American Samoa, including Aunu`u and Manu`a.

Jerome Ierome, from the Aasu District, said he submitted his comments on the regulations at the hearing during the previous month and would be happy to supply the tracking number of his comments so the Council members can view them. He voiced agreement with all that was said by the District Governors. He encouraged the Council to work to get the responsible party that created the sanctuary to work with the grassroots people and the villages

from one end of the island to the other. His village is located on the far end of the Eastern District. He encouraged them to hold a hearing in his village. The people in the outskirts of the Island of Tutuila need to hear the information and share their comments as they will be heavily impacted.

Sword asked District Governor Hudson if he had a comment as to the removal of the 12-mile closure on fishing around Rose Atoll, including sustenance and recreational.

Hudson said he preferred there be no fishing restrictions as the people Manu`a depend on those waters.

Discussion

Paul Dalzell, Council staff member, presented graphs to illustrate the status of bottomfish and coral reef fish in American Samoa. From 1986 to 2011, the biomass of bottomfish in American Samoa has been considerably higher than the biomass at maximum sustainable yield (MSY), which means the stock is in very good condition. The graph depicting fishing mortality is also well below the MSY and includes fish being caught on the deep-slope areas of Aunu`u. Similar graphs for reef fish catch for a broad range of families showed that, except for rabbitfish, the amount of fish being harvested relative to the biomass is very small, and all of the species are at a sustainable catch level.

Dalzell noted that another tool used to look at the status of the fishery is the average size over time. It indicates that the level of catch or the level of exploitation is having very little impact on reef fish populations. From the stock assessment for bottomfish and from evaluating catch versus biomass for reef fish and their average size, one would conclude that the stocks were at best moderately exploited.

Sesepasara asked Dalzell to clarify the status of the bottomfish stock in American Samoa.

Dalzell said the bottomfish stock is in great shape and the level of exploitation is easily sustainable and could be fished at two to three times of MSY for many years before there was any danger of overfishing the stock.

Sesepasara thanked Dalzell for the presentation because it confirms the argument he raised during the Marine Sanctuary Advisory Board discussions regarding the reef fish and bottomfish resources. He also raised the point that the data is from DMWR.

Sword agreed with Sesepasara's comment. According to the best scientific data the bottomfish stock is nowhere close to being overfished, which was also indicated in the Fishers Forum presentation.

Dalzell said Marlowe Sabater, Council staff member formerly with DMWR, has published a peer-reviewed paper on American Samoa reef fish that includes archeological data that shows what is being harvested now is similar to what was being harvested 3,000 years ago. Dalzell also published a similar paper on reef fish catches in New Guinea.

Matagi-Tofiga asked if models have come to the same conclusions in regard to the status of the bottomfish and reef fish stocks in American Samoa.

Dalzell said the information presented comes from PIFSC. The results show the stock can be fished at two times MSY without much risk of overfishing the stock.

Sword thanked the speakers for speaking up on a very valid and important point.

Palacios thanked the community leaders for taking the time to share their thoughts

M. Council Discussion and Action

Regarding the National Marine Sanctuary of American Samoa, the Council directs staff to draft a letter to the Secretary of Commerce supporting Governor Lolo Moliga's request to modify Zone B, the Research Zone, of the National Marine Sanctuary of American Samoa on the Island of Aunu'u to open the area to subsistence fishing for the bottom-dwelling species and to remove the notification requirement in Zone A.

Moved by Sword; seconded by Goto.

Motion passed.

Leialoha asked for clarification of the notification requirements for Zone A.

Dalzell said that, to go fishing in Zone A, fishermen would have to first either notify the Office of Marine Sanctuaries in American Samoa or the delegated representative on Aunu'u.

Simonds said language should be included in the letter to the Governor's that the fishermen should report to the DMWR because it is in charge of fisheries, not the Sanctuary.

Dalzell added that there is also the issue that data on fisheries is being collected by DMWR through its creel survey program and this would then have a duplicative effect of an office not charged with collecting fisheries data collecting fisheries data.

Regarding the Cook Islands Ministry of Marine Resources satellite office in Pago Pago, the Council recognizes that this office is a direct reflection of the importance of Pago Pago as a regional fisheries hub and directs staff to work with the American Samoa government and Cook Islands government representatives to establish the satellite office, improving the Cook Islands' ability to monitor longline vessels fishing in the Cook Islands and landing their catch in Pago Pago and enhancing domestic implementation of international compliance and monitoring obligations stemming from the WCPFC.

Moved by Sword; seconded by Goto.

Motion passed.

Matagi-Tofiga asked to include the FFA requirement for VMS in the recommendation.

Dalzell noted that the WCPFC conservation and management measures (CMMs) for longline fisheries require logbooks, observers and VMS. These obligations are being met because they are already required domestically by the Cook Islands.

Simonds noted that Matagi-Tofiga was concerned about the foreign vessels.

Sword asked for clarification to ensure there would not be double requirements for longliners to subscribe to the FFA VMS tracking as that would be an additional \$3,000.

Dalzell replied in the negative.

Tosatto said the WCPFC places obligations on countries. Countries then place obligations on vessels. He did not see an issue.

Regarding fishing regulations for fishing in the Rose Atoll MNM, the Council directs Council staff to inform the Government of American Samoa of the Federal Register Notice requesting comments on a proposed rule on fishing regulations in the MNM and encourages the American Samoa Government to comment on the proposed rule with respect to Rose Atoll by the closing date of April 8, 2013.

Moved by Sword; seconded by Goto.

Motion passed.

Sword asked to include the 12 miles that Chief Misaalefua Hudson asked to be removed.

Simonds noted that's the opportunity for the Governor to comment on all regulations that are in the proposed rule and to be sure he has a copy of the Federal Register Notice and is reminded of the deadline.

11. Public Comment on Non-Agenda Items

No public comment was offered.

12. Program Planning and Research

A. Report on Fisheries Data Coordination Committee

Kimberly Lowe, from PIFSC, presented a quick summary of the Fisheries Data Coordinating Committee, held on March 11, 2013. The committee advises on data management and data coordination throughout the island areas. American Samoa, CNMI, Guam and Hawai'i were represented at the meeting.

An overview of the data collections from each island area was presented, and each database was reviewed. All areas reported 2012 data is up to date and have been entered for the Plan Team summary reports, which are currently being worked on by the local agencies.

There was limited discussion on funding issues. Adjustments are being made in efforts to meet commitments with data shortage. Each agency has submitted a “bare bones” proposal. The budget request was in the amount of \$821,000. A shortfall of up to \$30,000 is expected. The budget shortfall strategy includes sharing reductions across the board amongst the members, recycling as much as possible the remaining balances and working with the Council to locate other sources of funding to reduce the impact of the cutbacks.

Ongoing Council projects include 1) a short-term project to design a pilot creel survey for Tinian to look at the amount of total catch from areas that are not being surveyed; 2) biosampling of commercial fisheries in American Samoa, Guam and CNMI; and 3) the processing of life history data from Guam and CNMI for two species of fish each.

Long-term funding for fisheries data monitoring is important. Some positive proposals include efforts to improve data collection as a group and possibly expand boat-based and shore-based creel surveys; a summary of all of the historical data collections, which go back 25 to 30 years; and an analysis of the data to determine how it’s distributed geographically and temporally from the beginning of its inception and the changes, which will help with catch limit determinations.

There are plans for a workshop to be held in April to share data analysis. There is consideration for extending the meeting if funding is available.

Action items from the meetings include 1) Members were asked to complete proposals and be prepared to submit them around April 1, 2013; 2) Polling will be done online to get approval for staff to attend the in-person technical meetings, pending available funding; and 3) The chairmanship was rotated to the Guam Bureau of Statistics and Plans for the year to come.

Discussion

Palacios reiterated the need for reports or technical reports to be available for the fisheries data collected over the years.

Lowe agreed and said her first goal as the new manager of the Western Pacific Fisheries Information Network (WPacFIN) program will be to publish a report covering all data collections back to the beginning of WPacFIN so there is a product available when needed. The long-term commercial to noncommercial data used to estimate overall catch comes from comparisons of creel data and commercial receipt data, which needs to be described so anyone looking at the time series can understand what was captured. The role of the WPacFIN is to support data collections in the island areas. The data collections belong to each of the agencies. Part of assessment and management of fisheries is collection of data. Few of the fisheries have been assessed as to the status of the fishery. WPacFIN supports the agencies having the data to be able to answer the questions as to status, but the assessment has to be looked at critically.

Palacios said it is hard for managers who are not scientists to make decisions, and the data needs to be analyzed and not just input into a computer.

Lowé said part of the Fisheries Data Coordination Committee discussion is an effort to make long-term summaries of catch and catch per unit effort (CPUE) trends and publication of past works available online to fisheries managers, researchers, assessment staff and the public.

Pooley said PIFSC hears the problem of time series and comparability over time and will take advantage of Lowé in her new position to be focused on output and to have time series presented in a way that's more comparable.

Palacios said he is hopeful.

Lowé said new elements of the new website will include a description and metadata for data collections on a year-to-year basis and adjusted data to look at comparable data from year to year.

Palacios said he now requires a report on all fisheries data collected. He asked if there is any publication that has commercial fishery landings for the CNMI.

Lowé said it might be in the Fisheries of the US annual publication in the section on associated nations and territories. She said she will request funding to do the things she reported on.

Palacios acknowledged PIRO's efforts in the creel survey pilot project on Rota and Tinian in CNMI. He looks forward to getting out of the data-poor category for better fisheries management.

B. Methods of Annual Catch Limit Specifications

Sabater presented an update on the revision of the acceptable biological catch (ABC) and ACL for the management unit species (MUS) in the Western Pacific Region. After providing a brief background on ACL specifications, Sabater said the Council's tasks are 1) to receive an overview of the model-based approach that the Council has been working on to re-specify ABCs, using four different models, and 2) to assign Council members to be part of the P-Star Working Group to evaluate the range of risk of overfishing that will provide the Council with a recommended risk level for the coral reef MUS.

Sabater reviewed the ABC control rule and the previous ABC specification. The four model approaches used in the revision included a modified Scheafer and Fox model; the Depletion-Based Catch Model (DCAC), which corrects average catch for depletion; the Depletion-Based Stock Reduction Analysis (DBSRA), which merges the stock reduction analysis with DCAC; and the Martell and Froese MSY Estimator, which estimates MSY using catch and resilience information.

Sabater provided an in-depth comparison of the models and the data and assumptions used, including the status quo, which is one times the 75th percentile used for specification for ABCs for 2012 and 2013. He presented several tables comparing data requirements and results of each of the models. Efforts are ongoing to finalize the model results. The SSC opted to move

forward with just one model with the proviso that the model be modified to incorporate biomass as an input parameter.

Sabater noted that since 1989 there has been the problem of not having enough data. The data-poor situation is not specific to the Western Pacific Region, as the whole nation is looking for ways to come up with MSY and get out of a data-poor situation.

Discussion

Matagi-Tofiga asked for clarification as to the Schaefer model used for American Samoa.

Sabater said that the American Samoa fishery stocks have been stable and that stocks are affected by factors other than fishing.

Sword asked about the model results for many of the reefs around American Samoa compared to Sabater's observations of the reef area around Aunu'u,

Last night's presentation showed Aunu'u was one of the more robust areas for fishing, bottomfish fishing and trolling in American Samoa.

Sword asked with respect to Aunu'u, what percentage of MSY would justify placement of a closure.

Sabater replied that based on analysis of the dataset on an island level and the initial results of the catch relative to the existing biomass, Aunu'u would be a site that has very high biomass. The catch at Aunu'u is extremely small compared to the biomass and even if the catch was doubled, tripled or quadrupled the catch would still be way below the potential MSY for Tutuila.

Sword asked if there was any justification for a bottomfish closure at Aunu'u.

Sabater replied in the negative. Based on the recent stock assessment by PIFSC, the projected biomass at that location is way bigger than what is being harvested and the system could allow for fishing above MSY over a certain period of time without harm to the standing stock.

Sword asked if the information was available during the public hearing period held for the American Samoa Sanctuary.

Sabater said he does not know what happened during the public meetings.

Leialoha voiced frustration with the task being required of the Council to develop ACLs despite the lack of data. Funding is not to the level that is required in order for the Councils to have enough data to make the decisions that impact fishermen and communities in the Western Pacific Region. She expressed her thanks for all the hard work needed to analyze the models.

Sword asked if any Council staff could answer the question as to what information was available during the public hearings on the closure around Aunu'u.

Dalzell said that, even if the new stock assessment wasn't available the old stock assessment of bottomfish clearly showed that American Samoa bottomfish were under no threat of overfishing and the new 2012 was available, which shows it can be fished well over MSY and not do any damage to the stock. For the last five years, Council staff has been presenting information about the biomass of reef fish versus catch of reef fish. The catch of reef fish relative to biomass is extremely small for most species in American Samoa.

Sabater said the information was submitted in the Council comment letter during the public comment period.

C. Report on the National Marine Fisheries Service's Science Plan

Pooley reported on the strategic planning exercise that PIFSC has been engaged in as part of a national effort. The PIFSC Science Plan addresses research and monitoring activities, infrastructure and support services identified as key to meeting scientific information mandates over the next three to five years. The intent of this plan is to provide the framework for organizing and prioritizing research and monitoring activities and to communicate the framework in a more transparent and understandable manner so the public, key stakeholders and staff can see how PIFSC's work relates to PIFSC's mission. The plan also identifies strategic mandates that lead to key research and monitoring activities and informs the budget planning process.

NOAA Fisheries is focusing its research and monitoring efforts on core missions to advance science and methodologies for assessing and managing fish stocks and protected resources related to three key federal regulatory mandates for which NOAA fisheries is primarily responsible, the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Marine Mammal Protection Act (MMPA) and ESA.

Ecosystem, habitat, climate science and other important research areas are assessed first as they apply to the three conservation and management mandates and second as they improve the underlying scientific understanding of the ecosystems comprising the marine resources managed by NOAA Fisheries. The Coral Reef Conservation Act and the NOAA Habitat Blueprint are additional top level guidance for PIFSC activities.

The next step in the NMFS Science Plan is to develop an implementation plan. *Then PIFSC will return to the SSC and the Council.*

D. Mariana Skipjack Resource Assessment

Dalzell presented efforts to assess skipjack resources in the Mariana Archipelago in light of the expansion of the skipjack fishery south of the Archipelago in the Pacific warm pool. The situation concerns small troll fishermen in Guam and CNMI and raises questions about availability and catchability of skipjack and yellowfin tuna in the area. The fishery has doubled

since an assessment conducted in 1998 by Keith Bigelow, which at the time estimated that the area was capable of producing 18,000 metric tons (mt) of skipjack annually. A brief background and history of the Mariana skipjack fishery was shared.

The Council has requested the Secretariat of the Pacific Community (SPC) Oceanic Fisheries Program (OFP) to provide an update on the potential productivity and evaluate the skipjack resources within the US EEZ around the CNMI and Guam using the Seapodym model. The model framework allows national extraction of population estimates from a stock-wide model, provides individual estimates for spatial distributions and will use the latest skipjack information available. The following points of information will be included in the report:

- Summary of the oceanographic data for CNMI and Guam
- Summary of fishing conditions for CNMI and Guam as can be practically reported
- Summary of data and fisheries history for CNMI and Guam
- Model diagnostics for the fit to the EEZ around CNMI and Guam
- Seasonal variability in skipjack tuna biomass estimates
- Interannual variability in skipjack tuna biomass estimates
- Connectivity with neighboring regions
- Fisheries impacts within the subregion of CNMI and Guam
- Simulations of future fishing effort, as specified by NOAA

The Council is also exploring potential for collaborative efforts in the future with SPC OFP and the Japanese National Institute of the Far Seas Fisheries to evaluate the potential for tagging of skipjack and other tunas within the US EEZ around the Mariana Archipelago. The project would be mutually beneficial to the US, OFP and Japan in determining the movement and connectivity of tunas to the north and south of the Mariana Archipelago, which lies immediately to the north of the world's largest tuna fishery in the warm pool between the Federated States of Micronesia (FSM) and Papua New Guinea. Japan, in particular, has voiced concern for several years that the scale of skipjack catches in the warm pool is negatively impacting seasonal pole-and-line and troll fisheries around the Japanese Archipelago. There is discussion with SPC on the potential to extend its tagging program, which has been conducted in the US EEZ around Guam and CNMI.

Discussion

Goto said the Hawai'i longline fisheries saw an unprecedented amount of skipjack catch in the past six months, which was a significant part of the good market availability for skipjack.

Dalzell said the general trend in skipjack in troll fisheries has been flat over 30 years so the upswing in the longline fishery, which is not targeting skipjack, is noteworthy.

Rice asked if the tagging program will be in CNMI only or region-wide.

Dalzell said, if a tagging project takes place, it would be just in the Mariana Archipelago. If the Japanese tag skipjack from their long-range pole-and-line boats in the area, it would be a natural extension for them to be allowed to fish in the EEZ around the Mariana Archipelago. Tagging around Hawai`i has been the subject of numerous research projects in the past.

Seman asked if any data from the illegal fishing cases in CNMI waters could be used to determine the catch level of skipjack.

Dalzell said he had information on the catch level related to the illegal fishing violations in the CNMI.

Seman said some information might be gleaned from past and future foreign fishing violations in the Mariana Archipelago and suggested making an effort to gather as much data as possible.

Rice added there may be information for Hawai`i skipjack fisheries from the time before Tuna Packers closed down as there was a major pole-and-line fishery with a big skipjack catch.

Dalzell said that data has been analyzed by Chris Boggs. One of the things noted from the era when pole-and-line boats were operating across the Pacific, from Papua New Guinea, Palau, Tuvalu, Fiji, Solomon Islands, Kiribati, Japan and Hawai`i, all of CPUE trends tended to be in the same way and was considered a good monitor for the performance of the skipjack stock resource in any given year.

Kevin Painter, from OLE, responding to Seman's question, said all catch reports and logbooks are kept and available in every fishing case in US waters. The data could be provided upon request.

E. National Ocean Council's Governance Coordination Committee

Peau presented information regarding the National Ocean Council (NOC) and the Governance Coordinating Committee, as well as the Pacific Islands Regional Planning Body (RPB). The Pacific Islands RPB held its first official teleconference with federal and nonfederal members on Feb. 29. A brief NOC update was provided, as well as timing of the first official RPB meeting, which may be held in conjunction with the PROG meeting. The status of Council representation was discussed. Follow-up with NOC is needed. Some of the confusion arises in regard to whether Fishery Council members fall under federal or nonfederal membership. Nonfederal members qualify to represent the Councils on the RPB.

Fishery Council representatives who sit on the RPB can take issues to the Council for review and discussion and relate the Council's position to the RPB. Other Council members are welcome to attend RPB meeting; however, during official discussions or deliberations, their representative on the RPB speaks for the group. The Fishery Council, itself, will determine how its representatives on the RPB should act on its behalf.

As for the NOC, its NOC Implementation Plan is due out shortly. The plan has been shortened and simplified without losing the substance of the work it will support. The intent is to more clearly communicate why the policy is needed and what it will do. The revision incorporates comments received that the policy should support local and regional initiatives and expertise guided by local and regional needs.

The CMSP handbook has been edited and is scheduled to be released shortly after the completion of the implementation plan. The handbook discusses how to start planning, that the region sets its own objectives, describes contents of work plans and prepares draft and final CMSP plans. There is also a section on the stakeholder RPB membership, operations and responsibility.

He added the non-federal RPB members recently held a teleconference call with two representatives from each of the jurisdictions, with the exception of American Samoa. The nomination from the Governor's Office for the second representative is Dr. Matagi-Tofiga.

Peau said he looks forward to the upcoming events and keeps in close consultation with Tosatto.

F. Update on Pacific Islands Regional Planning Body

Tosatto recommended the Council review the implementation plan when it is released. It addresses CMSP as well as other priorities within the NOC, such as ecosystem-based management and national priorities. He looks forward to the first in-person RPB meeting, which will cover rules of operation, organization, priorities and objectives, among other items. He acknowledged the jurisdictions have their own individual priorities.

G. Education and Outreach

Sylvia Spalding, Council staff member, presented the Council's regional, national and international education and outreach activities.

The fourth biennial conference of the International Pacific Marine Educators Network Conference (IPMEN) was held Nov. 27 to Dec. 2, 2012, in Santiago and Patagonia, Chile. The conference included a Forum on Marine Education at the Ministry of Foreign Affairs, an Ocean Fair during which the IPMEN delegates taught school teachers ocean literacy activities, and a plenary session. By video, Simonds briefed the participants on the bigeye issue and the collaborative work the Council is doing with the International Seafood Sustainability Foundation (ISSF) to work on purse seine bycatch issues. In Patagonia scientists shared information regarding the environmental issues going on with the area's rivers and aquatic systems, such as aquaculture. A field trip was taken to Tortel, a coastal village, where delegates met with fishermen and the Mayor of Tortel and took a tour of the Jorge Montt glacier. The Council helped sponsor the event, was on the Organization Committee and delivered presentations, lesson plans and made the welcoming remarks. Some of the outcomes of the conference included the status of marine education in Chile and Fiji were discussed; ocean literacy concepts and activities were shared with the teachers in Santiago; international networks were built and

strengthened and the Caribbean Fishery Management Council plans to start a similar network to IPMEN in the Caribbean. Conference materials are online. The next conference is scheduled to be held Japan in July 2014 with the themes of coastal recreation areas devastated by disasters, disaster prevention, balancing traditional ecological knowledge (TEK) with science and technology, and food culture and tradition.

Staff attended the Pacific Islands Regional Climate Assessment Forum in December 2012 at the East-West Center in Honolulu. The report from the forum will feed into the national report. Staff also attended a Communicator's Workshop associated with the Forum.

Upcoming events include the Managing Our Nation's Fisheries (MONF) 3 conference scheduled for May 2013 in Washington, DC. It is predicted to have 600 participants in attendance. The Council is on the Communications Team. Council chair Manny Duenas and past chair Sean Martin will be speakers. Kingma and SSC member Craig Severance will be rapporteurs. Three Council posters and a Council display have been accepted. The outcomes of the meeting will help inform the next reauthorization of the MSA.

The First Stewards is scheduled for October 2013 to be held at the National Museum of the American Indian in Washington, DC. The event brings together the Pacific Islander indigenous groups, the tribal Indians of North America and Alaskan Natives to address climate change impacts on indigenous communities in the United States and how their TEK and tribal rights may help the nation to address climate change. The theme is United Indigenous Voices Address Sustainability: Climate Change and Traditional Places. Poster contests have been held on the theme, and the American Samoa posters are on display at the Council meeting.

Spalding also reported on the redesign of the Council website, development of a Council electronic newsletter and recent Council social media efforts. The Council's FaceBook reach has increased by 725 percent.

Discussion

Matagi-Tofiga asked if there is funding available for ASCC students to further their education in marine science.

Simonds replied in the past the American Samoa Department of Commerce and the Council sponsored a student at University of Hawaii (UH) at Hilo with the agreement that the student would return to American Samoa each summer for employment and then once the student graduated be eligible for employment at DMWR or the Department of Commerce. A graduate of the program currently works at CRAG.

Matagi-Tofiga asked if there are any open slots to which current students could apply.

Simonds said the Council can make arrangements. She suggested a committee be formed, have students apply and the Council would be willing to assist and support the initiative.

H. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC Recommendations as follows:

Regarding methods for ABC specifications, the SSC found that all of the four models could be used in a Tier 3 Analysis to establish ABC. However, after extended discussion the SSC came to a consensus that a modified version of the Martell and Froese model was the most appropriate, modified and expanded to include biomass as an input parameter and to allow constraint of the intrinsic growth rate parameter, r , to a range reflect of similar species.

Regarding methods for ABC specifications, the SSC recommends that the Council staff and the contractor develop and implement a modified Martell and Froese model. The SSC further recommends that a working paper be drafted that describes the model results and that this information be presented to the June SSC meeting.

Regarding methods for ABC specifications, the SSC recommends that the Council form a P-Star Working Group that would include SSC members Bob Skillman, Domingo Ochavillo, David Itano, Frank Camacho, Pierre Kleiber, Erik Franklin and Todd Miller, as well as Bob Humphreys, Ed Watamura and an additional fisherman. The SSC recommends that the Council also appoint a Council member to this group.

I. Public Comment

Jennings spoke in response to prior comments from the executive director in regards to his public comment regarding a proposal submitted to the Council and Swains Island's involvement with the sanctuary. He took issue with the statement that she was happy Jennings was a Sanctuary Advisory Council member and did not see how Swains Island benefited by being part of the sanctuary. He submitted a package to the Council that included public statements to the sanctuary and read:

Dear Miss Brighthouse,

As accurately stated in the Draft Management Plan (DMP), it was at the request of the Jennings family that Swains Island be added to the National Marine Sanctuary Protective Programs. So I want to begin by saying thank you for considering Swains Island in your Management Plan. Sadly, however, the reason for wanting to join the sanctuary was based more on the health, social, economic and security needs of Swains Island, not the conservation of our marine resource. The pristine condition of the marine life and the corals on Swains Island was not the result of regulatory restrictions imposed by any government agency.

In fact, even if the DMP is adopted Swains Island must continue to comply with long-standing conservation traditions handed down from previous generations. Instead, by participating in this program Swains Island is also concerned with preserving the livelihood of the people and revitalizing our traditions and culture. Because of its remote

location and isolation from the rest of the Territory the National Marine Sanctuary will also bring an extra layer of security.

Swains Island has been an independent economic asset to the Territory of American Samoa for over 86 years. When it first joined this union in May 1925 initially the tax revenues generated by the Swains Island copra helped stimulate the very fragile and newly developed economy of American Samoa. It also allowed local farmers to sell what copra they could harvest from an otherwise mountainous terrain that cannot sustain large plantations. This practice continued for years until our relations were formalized by the United States in 1929.

Then around 1970s the copra industry experienced a drastic decline that ultimately devastated Swains Island's economy. Around the same time two tuna canneries were constructed in Tutuila. That resulted in an increased demand for tuna.

It also escalated the need to establish Exclusive Economic Zones between states. The Swains Island waters were used to define the United States boundaries. It brought in 200 miles of ocean, which represents one-third of the total EEZ in the South Pacific.

Unfortunately, Swains Island received no benefit or assistance for surrendering its ocean resources for the EEZ, not even a single program to assist the development of Swains Island has ever been awarded.

Jennings encouraged the Council to visit the site of the National Marine Sanctuary and pointed out there are displays at the airport and hospital. He said more attention has been given to Swains Island since the sanctuary was put in place than in the 40 years since the Council came into existence.

Palacios said Jennings' comments were not in regard to Program Planning and would be more appropriate during the Non-Agenda Public Comment section of the agenda.

Jennings asked for the American Samoa Council member to make a motion requesting an exception to the rules to allow him to finish his comment. He said he did not request \$500,000, but \$1.2 to \$2.5 million. He said Simonds sent a letter in support of the request, which is included in the package he submitted. He reiterated communication between the executive director and himself regarding the evacuation of Swains Island due to lack of employment and hurricane seasons and Simonds' positive response to his proposal for assistance to work together. Then in December 2011 during the sanctuary public hearings he received many e-mails from Council members and the executive director with statements against the sanctuary, especially Swains. He added that Swains Islands is being discriminated against because of the decision to include Swains Island as part of the sanctuary. He said he submitted a simple proposal and was told it could be done. He asked for Council consideration of his statements.

Palacios noted that the issue will be revisited.

J. Council Discussion and Action

Regarding the Fishery Data Coordinating Committee, the Council endorses convening the Technical Subcommittee in April 2013 provided that all pending Council data requests are made available to the Council prior to the April meeting.

Moved by Sword; seconded by Seman.

Motion passed.

Regarding ACLs, the Council endorses the SSC's recommendation to utilize a modified version of the Martell and Froese model incorporating biomass information from the NOAA CRED RAMP surveys as an input parameter in the model and to allow constraint of the intrinsic growth rate parameter, r , to a range reflective of similar species. Further, the Council directs Council staff, in collaboration with the contractor, to draft a working paper that describes the model results to be presented at the June meeting.

Moved by Sword; seconded by Seman.

Motion passed.

Regarding ACLs, the Council recommends reconvening a working group to identify the risk of overfishing level, P-Star, for the MUS analyzed using the modified Martell and Froese model in order for the SSC to set the ABC. The working group shall be comprised of the following members: Bob Skillman, Pierre Kleiber, Domingo Ochavillo, David Itano, Frank Camacho, Todd Miller, Erik Franklin, Bob Humphreys, Ed Watamura, a fisherman and a Council member.

Moved by Ebisui; seconded by Sword.

Motion passed.

Tosatto noted he will vote in support of the recommendation, but regarding PIRO's participant (David Itano), Tosatto needs to verify who the appropriate person is given the recreational fishing focus of Itano's duties.

Palacios noted PIRO will be on the committee.

Regarding the Marianas skipjack resource assessment, the Council requests the NMFS OLE provide the Council with catch information from foreign vessel incursion cases that have occurred in the Western Pacific Region. Furthermore, the Council requests an assessment and evaluation of all catches from illegal fishing activities.

Moved by Sword; seconded by Seman.

Motion passed.

Seman asked to include language to request the Council to assess and evaluate old catch data from such illegal fishing activity for use to establish and quantify a catch level for the archipelago.

Palacios asked to include incursions of all areas of the EEZ under the Council's jurisdiction.

Sword agreed with Palacios' addition.

Dalzell said the data will only provide catch limit, catch composition and CPUE for whatever methods of fishing are being used.

There were no objections to the change.

Regarding education and outreach, the Council recommends forming a committee to discuss providing more opportunities for a degree in marine science for college students from the Territories, such as the program with UH Hilo, where the students were required to go back to the Territory to work.

Moved by Sword; seconded by Seman.
Motion passed.

Matagi-Tofiga suggested the recommendation be changed to indicate marine science or related fields in the marine science area.

Tosatto asked for clarification as to what program the recommendation speaks to expand, as the Council does not have the authority to give scholarships.

Simonds said in the past, in terms of building capacity, which is part of the Council's mission, there was an opportunity to use coral grants to support a degree for students with the understanding that they would go back to the Territories to work in one of the departments, either DMWR or a department where they could use their degree. It is part of the Council program, but there is no special program for it.

Spalding suggested language to include discussion to provide additional opportunities, as this is asking for a committee to be formed

Tosatto spoke in support of the recommendation, noting the difficult budgetary times.

Simonds said it was included in one of the MSA reauthorizations and funds were provided specifically for the program. But those funds are no longer provided so the Council does this when it is able to do it.

Palacios agreed with continuing efforts to build capacity in the Territories.

Leialoha suggested including all the territorial colleges to expand the effort. She noted the housing is currently overcrowded at UH.

Spalding spoke to the need for students to seek education outside the Territory to further studies beyond an associate degree.

Leialoha spoke in support of the recommendation.

Simonds noted UH Hilo was chosen because Craig Severance was at UH Hilo at the time and put this program together and it was worked out with UH Hilo.

Palacios said the issue would be fleshed out at a later time in developing the proposal.

There were no objections to the changes.

13. Protected Species

A. False Killer Whale Assessments: Scientific and Statistical Subcommittee

Asuka Ishizaki, Council staff member, provided a report of the SSC subcommittee on FKWs. The subcommittee was established at the 155th Council meeting in October 2012 to review the current FKW stock assessment and associated documents. The specific tasks included 1) review of the Council letter on the Draft 2012 Stock Assessment Report (SAR) in November 2012, and 2) review of current guidelines and approaches for calculating potential biological removal (PBR) and mortality and serious injury (M&SI) to identify any issues or concerns and recommend alternative approaches, solutions and necessary research. The draft report was reviewed and endorsed at the recent 112th SSC meeting.

PBR and M&SI are used to evaluate fishery impacts under the MMPA. The goal of the M&SI is to be below PBR. If M&SI is above PBR the take is considered unsustainable for the stock. In the Hawai'i longline deep-set fishery currently the estimated M&SI is above PBR and has been evaluated at such a level since 2000.

Ishizaki described the process of determining PBR and M&SI and the list of documents reviewed by the subcommittee, which included the Guidelines for Assessing Marine Mammal Stocks (GAMMS), the FKW SAR, the most recent abundance estimate, the Policy on Distinguishing Serious from Non-Serious Injury of Marine Mammals and reports on serious injury determinations and adjustment of FKW and pilot whale bycatch estimates. Some of the key issues raised were a) Spatial genetic structure of the FKW stocks, which forms the basis for SAR, is a contentious issue and warrants careful consideration; b) Regarding FKW population abundance accounting for temporal and spatial variation, population estimates in SAR are contentious and warrant more careful consideration; and c) Key demographic parameters such as survival and recruitment probabilities are essential for diagnosing population abundance trends; these can be best derived from a photo-identification (ID)-based capture-mark-recapture modeling approach.

Ishizaki described briefly some of the topics that were discussed in the deliberations of the subcommittee on ways to improve PBR estimates and M&SI estimates. The recommendations for improving PBR estimates are 1) NMFS undertake comprehensive photo ID capture-mark-recapture analysis to estimate key demographic parameters; 2) a comprehensive analysis of spatial genetic structure; and 3) use of a hierarchical or state-spaced distance sampling approach in future stock assessment surveys. The recommendations for improving

M&SI estimates are 1) to have a team-based serious injury determination, especially in data-poor cases, and expand the membership of the Determination Working Group; 2) NMFS to enhance quality of observer data by improving training; 3) NMFS to review key outcomes and recommendations of the 2007 Serious Injury Technical Workshop to assess state of implementation and implement those where progress is lacking; 4) to develop a fourth modified model for prorating unidentified blackfish takes; and 5) the subcommittee to further the examine process used to assign FKW takes to either insular or pelagic stock.

The next steps include presenting the subcommittee report to the Pacific Scientific Review Group (PSRG) at the upcoming April 2013 meeting. The PSRG is established under the MMPA to review SARs and make recommendations on PBR and M&SI calculations. *Other subcommittee tasks identified will be reported at the June 2013 Council meeting.*

Discussion

Leialoha asked for clarification as to the fourth model regarding observer discrepancies.

Ishizaki said that recommendation was to apply the model after data comes in. They put the observed takes through the model to come up with a proration.

Leialoha asked if there is a system being utilized with the current observer program to limit observer discrepancies in regard to unidentified blackfish.

Ishizaki said that, in the new TRP, the training program is being enhanced to differentiate between FKWs and pilot whales and observe pertinent features to distinguish one species from the other.

Tosatto noted two issues. First, it has always been important for observers to identify to the best of their ability what they're seeing. But it's a problem to clearly identify something seen in the dark at distance at times with just a glance, as well as trying to identify a species that is a very rare event in the deep-set fishery. He added the model is another aspect where PIFSC takes the best available information, where a debriefer is utilized to gain information, including the use of photographs. If it still is unknown, it is an unknown blackfish. The model then is an added step to analyze the data to prorate the observations. PIFSC would determine as to any newly developed model for prorations.

He noted there has been a concern in regard to how the MMPA and fishery interactions have been handled. He appreciated the graphics in the presentation that help explain the complex issue of calculating PBR and determining M&SI. Recently his focus has moved to the policy, such as the GAMMS. He encouraged getting good data, improving training and using the best models, but to also look at the guidance, as was pointed out by the presentation. The MMPA must be adhered to, but the agency can begin to get discretion in the policy it uses and using supportable science of high integrity going forward.

Rice asked if the PBR was affected in real-time when it was discovered there were more animals than once thought.

Ishizaki replied in the negative. It took probably two years for it to be reflected in the SAR. The SAR is published annually. The number was changed quite a bit. For the pelagic stock, based on the 2002 survey, the assumed abundance was 484 animals within the EEZ. The PBR calculated on that number was 2.5 animals. With the new abundance the estimate is close to 1,500 animals with a PBR of 9.1. She added it also had an impact on how the final rule for the TRP was written.

Rice suggested tagging the animals would provide useful information in regard to M&SI. In his opinion, an animal released with a hook is not very injured. He's seen lots of fish with hooks in their mouths that are doing just fine.

B. Update on Endangered Species Act and Marine Mammal Protection Act Actions

1. Final False Killer Whale Take Reduction Plan

Tosatto said the FKW TRP final rule was published on Nov. 29, 2012. The regulations became effective on Dec. 31, except the gear requirements were delayed 60 days. The regulations went into effect as of Feb. 27, including weak hooks, stronger lead lines and other gear requirements. On Jan. 29, a FKW interaction occurred in the deep-set fishery in the EEZ. Following the TRP procedure, NMFS went through an expedited process to determine whether it was a serious injury. On March 8 it was determined that it was one of the two serious injuries that are allowed in the fishery before the Southern Exclusion Zone is triggered.

2. Final Rule to List the Main Hawaiian Islands Insular False Killer Whales as Endangered under the Endangered Species Act

Tosatto said the final rule to list the MHI Insular FKW population as a distinct population segment (DPS) and endangered under the ESA was published on Nov. 28, 2012. The listing became effective on Dec. 28. The next step involves determining critical habitat and whether the critical habitat is prudent and determinable.

3. Proposed Rule to List 66 Species of Coral as Endangered or Threatened under the Endangered Species Act

Tosatto reported that a proposed rule to list 66 species of the 82 coral species as threatened or endangered was published on Dec. 7, 2012. It was determined 59 of the 66 species are found in the Indo-Pacific area: three in Hawai'i (all proposed as threatened), 30 in Guam (all proposed as threatened), 29 in the CNMI (one proposed as endangered) and 46 in American Samoa (three proposed as endangered). Public hearings were held in the Hawaiian Islands, American Samoa, CNMI, Guam and Washington, D.C. The public comment period has been extended by 30 days and will close April 6, 2013. The agency has one year to determine the status of the proposed species for listing, but there is some doubt as to meeting the deadline.

The green turtle status review is under way. A petition was received from a native Hawaiian group to designate a Hawaiian green turtle DPS and to delist it. The Status Review

Team has been meeting and making progress. The global green turtle population is being considered, and each segment of the global population will be determined. Once the status review is completed, the agency will draft a 12-month finding.

In regard to the proposed rule to revise the critical habitat published in June 2011, public comment has been taken and the agency is considering the proposal, including conducting a thorough economic analysis of the decision.

In November 2012 NMFS published a 12-month finding with the conclusion that ESA listing of the bumphead parrotfish is not warranted.

In regard to the petition to list the humphead wrasse under the ESA, in February 2013 NMFS published a 90-day finding that the petition viewed in the context of information readily available on file presents substantial scientific and commercial information indicating the petitioned action may be warranted. NMFS has initiated a status review to determine whether the petitioned action is warranted.

Four petitions regarding sharks were received: the scalloped hammerhead, great white shark, whale shark and great hammerhead. *NMFS is participating in various degrees on those status reviews and will report to the Council when any determinations are made.*

In regard to the petition to list eight species of Pomacentrid reef fish under ESA, which was received in September 2012, a 90-day finding is pending. *Tosatto said he will report the progress at the June 2013 meeting.*

Discussion

Rice asked for clarification as to what the impacts would be with the critical habitat designation for FKWs or monk seals.

Tosatto said critical habitat is designated when species use habitat in such a way that makes it critical to their survival. Along with that designation comes no other extraordinary restriction on any activity outright. It does require federal agencies that are authorizing and permitting activities, including NMFS that authorizes fishing, to consider the impacts of the activity on that critical habitat. Critical habitat in the marine environment, particularly for a pelagic animal that is highly migratory and free-roaming, will not have a direct or immediate impact on an activity. It will involve lengthier consultation on permitting or authorizing activities. It also must be determined whether critical habitat is prudent or determinable.

Rice asked for more information regarding the parrotfish and an explanation as to why it was not warranted for listing while the species is declining.

Tosatto said NMFS determined the listing under the ESA was not warranted knowing that that final determination relies on biological, demographic and geographic range information; status of the species; and the management structure in place across the range of that species. A good definitive past population does not exist for the bumphead parrotfish. While there was a

decline, it was for a variety of reasons, including ecological and human-induced. In many jurisdictions adequate measures are in place to limit and address some of the threats.

Rice asked how the reconsultation process for the deep-set fishery was conducted.

Tosatto said the re-initiation of consultation in the deep-set fishery took place for a variety of reasons, including the listing of the Insular FKW; a need for a negligible impact determinations on the humpback whale, the FKW insular stock and the sperm whale (a large whale listed already and having a take of a sperm whale in the fishery); and a new sea turtle structure with the DPS for the North Pacific now listed as endangered. The Protected Resources Division (PRD) is compiling biological evaluation of all the species for the reconsultation. The information has been collected and was provided to the Hawaii Longline Association (HLA) for its review. Tosatto hopes to reinitiate consultation in the near future. The ESA timeline is 135 days to complete, with extensions with the cooperation of the requester and applicant.

Rice asked whether alternatives to listing are available, such as warranted but precluded or candidate species.

Tosatto said the USFWS has a framework to make a listing determination that is warranted for listing but precluded due to the level of available resources. That option is not available to NMFS, which does not have the same legislative framework that USFWS has for outcomes.

Rice asked if the monk seal translocation proposal was deferred.

Tosatto said that, every five years, the NMFS Monk Seal Research and Management Program needs to get a permit from NMFS to handle endangered species and marine mammals. The current permit expires in 2014. When the Draft Programmatic EIS was released on a range of research and management activities, which included the proposal for monk seal temporary translocation, it was determined that portion of the proposal would be dropped due to continued community comments and continued development of the proposal. Seals will be brought from the NWHI to the MHI for care under certain conditions. The permit is a five-year permit. Things change, and this may or may not be put back on the table as an option.

Rice said the determination of M&SI to FKWs when hooked needs to be evaluated as he has seen the animals are very resilient.

Tschirgi said one of the regulatory requirements under the FKW TRP is the placement of two placards in the vessel where the crew and master have access to them. One is a notification to the master that a FKW potentially has been hooked. The other lists how to release that FKW as safely as possible. During boardings, the USCG has found some Hawaii-based longline vessels do not have the placards. *He asked the Council and HLA to continue to get the word out to the fleet.*

Simonds asked what percentage of monk seal mortality is attributed to sharks and what percentage to starvation.

Tosatto said a number of juvenile seal deaths are attributed to sharks each year. Statistics is clear that the shark predation problem is dominant at French Frigate Shoals more than any of the other breeding population site. It is difficult to say it is shark predation versus overall starvation, as it may be unsuccessful foraging or other unknowns.

Simonds asked for clarification as to how the NMFS and USFWS culling agreement on sharks every year works.

Tosatto said NMFS and USFWS are not in complete agreement, although both USFWS and the Sanctuary have been supportive recently. Several actively patrolling sharks in the lagoons have been targeted for culling. Preventative measures have been explored to keep sharks from entering the lagoons. There is a sound premise that it is a learned behavior with a group of sharks. Every year a program is developed, an application for a permit is submitted and approval is sought from the Land Board.

Simonds said it sounds like getting a permit to bring them back to MHI is faster than seeking a permit each year. She asked why NMFS must conduct a global status review to determine a DPS for the Hawaiian green sea turtle.

Tosatto apologized for misspeaking, as there is no statutory requirement in ESA to conduct a global status review. However, NMFS chose to conduct a national status review and not a regional status review. The decision was likely due to the amount of time it has been since the green sea turtle stock was reviewed.

Simonds noted that, according to the turtle scientists, the science exists to designate it as a DPS. She asked if the Insular FKW had to also go through a global status review.

Tosatto replied in the negative. With the Insular FKW, it was decided to focus on the singular DPS question and not the broader question. Tosatto said it would be safe to say that, as long as the agency is accomplishing the petitioned action, it is safe.

Rice said when scientists come to Kona they never see FKWs. But with all the weather buoys, the fishermen have seen their feeding pattern and it's further offshore. When it was windy they would come in to the ledges, but with the weather buoys they are staying further out. He also opined the monks started going down when the fishing was shut down in the NWHI and then the sharks became a problem.

Goto said it was brought to his attention that at least one vessel owner never received the placard. He will do his best to relay the USCG message to HLA, and, hopefully, there is some kind of back up to see if everyone is accounted for on the agency's end.

Sword agreed with Rice's remark regarding shark. Since there was a moratorium on shark take, trolling is experiencing more shark depredation.

Ebisui suggested that things are out of balance, noting the increase of sea turtles in the Haleiwa area where they are swimming up rivers to graze because algae on the reefs no longer

exist. The number of shark attacks around all of the Hawaiian Islands has increased. Turtles are a food item of tiger sharks. He asked Tosatto why the agency is resisting delisting the Hawaiian green sea turtle and not view the green sea turtle as an example of a successful recovery from an ESA listing.

Tosatto said neither he nor the agency is resisting delisting the Hawaiian green sea turtle, but rather the agency is looking at what it takes to delist and that it meets the recovery criteria that would warrant it for delisting. The ESA does not allow the species to be broken up into segments for the purpose of delisting.

Ebisui said it seems comparatively easy to get something listed but virtually impossible to get anything delisted. He thought the agency would view delisting as a job well done.

Tosatto said that one of his criticisms of the agency is a lack of clear and measurable recovery goals.

Simonds said there are recovery plans but no management plan for the green sea turtle. She looks forward to the State of Hawaii drafting the management plan for when the green sea turtle is delisted.

C. Endangered Species Act Section 7 Reconsultation of the Hawaii Deep-Set Longline Fishery

This item was discussed under a prior agenda item.

D. Update on the Monk Seal Recovery Program

This item was discussed under a prior agenda item.

E. Update on the Council Coordination Committee–Marine Fisheries Advisory Committee’ Endangered Species Act Working Group

Ishizaki provided a brief update on the ESA Working Group that was established at the May 2012 Council Coordination Committee (CCC) meeting. The working group is a joint working effort of the CCC, Marine Fisheries Advisory Committee (MAFAC) and NMFS. Its purpose is to identify options for improving the process used for ESA Section 7 Consultations on fishery management actions. Membership consists of Council members from the Regional Fishery Management Councils (with Ebisui representing the Western Pacific Council and members from the Pacific, North Pacific and Gulf of Mexico Councils), four MAFAC members and three NMFS staff members.

The working group officially convened for the first time in October as part of the MAFAC meeting. A webinar was conducted on the ESA Section 7 issues. Following that, the working group conducted a survey among its members to identify high priority issues based on the discussions had at the October 2012 webinar. The working group subsequently met by teleconference in January and February and an update was provided to the CCC at the February 2013 meeting.

Some of the priority issues of concern to all of Councils are as follows:

- Clarify legal and regulatory constraints on communication between Protected Resources and Councils during consultation. Council would like the option to be treated as action agency or applicant. NMFS does not see Councils as an action agency or applicant, although no case law, issues of draft documents and legal risks.
- Develop standard processes for specific types of triggers that initiate consultations, new management action, new information, litigation settlements negotiated by NOAA GC.
- Protected Resources participates early with Council during development of management measures, providing technical assistance and/or consultation assessment. Interdisciplinary Plan Team used in the Southeast as potential model for early coordination; however this applies when there is a Council action, such as an FEP amendment.
- Protected Resources communicates jeopardy bar to Council early in the process and provides clear guidance to the Councils on regulatory packages that would likely meet No Jeopardy standards. Pacific salmon example of joint committee to develop model worked well, but the jeopardy bar still an issue for data-poor situations, tied to data issue.
- Define standards and levels of best available data and data chosen for biological opinions (BiOps). BiOps to state the level of data available based on articulated standards. The working group members are developing a potential data quality matrix for information used in BiOps. Issues of NMFS not following up on peer review recommendations.

As for next steps, the Council representatives on the working group are developing a proposal to address the action agency and data quality and peer-review issues. The proposal will be presented to the full working group at the next meeting, scheduled for late March. An in-person meeting is tentatively planned in conjunction with MONF 3.

Discussion

Ebisui asked Tosatto, in view of the current ongoing re-consultations of the Hawai'i longline deep-set fishery and the working group efforts to begin communication early in the process, if the Region had plans to engage the Council early in the re-consultation.

Tosatto said the biological evaluation is being developed and Council staff and PIFSC is involved. Council staff and the applicant, HLA, have reviewed that information. There are points along the way where the agency will look at information and begin to develop the BiOp. It is unlikely that the Council would be able to look at that, comment on that, potentially affect change in that and see how we're using and effect an outcome how the information is used in the BiOp.

The Council is not an action agency nor an applicant so there is limited opportunity to provide information to the Council and Council staff has not yet been involved in the consultation process. The negligible impact determinations are driven by two separate mandates. It is not likely the Council will see that until the negligible determination has been made. These are some of the reasons the agency finds itself in a quandary as to how to treat the Council. A consultation is among PRD, the Sustainable Fisheries Division and the applicant. HLA has privileges.

Ebisui said the Council and SSC members have expertise and experiences and could be valuable sources of information.

Tosatto agreed the Council and SSC members and Council staff have unique and in some cases necessary information that the BiOp needs, particularly around the nature of the fishery, but it would be difficult to do much more than rely on the PIFSC director to get the information needed.

Ebisui said if the Council and NMFS are partners he would like to be treated as a partner.

Simonds said the fact that these discussions are occurring will serve to make a better product. In the 1980s the Council, NMFS and USFWS would work together developing the amendment and BiOp. Since then things have become more complicated. Hopefully progress will be reported at MONF3.

Matagi-Tofiga agreed with Simonds. She noted a case in American Samoa in which personnel submitted things without going through the agency for consultation before the determination.

F. Update on the Council Sea Turtle Conservation Program

Ishizaki gave an update on the Council Sea Turtle Conservation Program. Due to the continued low-level funding in 2012 the Council funded only three sea turtle projects. Two of the projects contributed to baseline nesting beach data for loggerheads and leatherbacks in Papua New Guinea and Japan. The other project is an assessment of coastal fisheries and sea turtle bycatch in Japan.

Recent publications and presentations of Council-funded projects include the project Estimating At-Sea Mortality of Marine Turtles from Stranding Frequencies and Drifter Experiments in PLOS ONE in 2013, which looked at mortality rates of loggerhead in the coastal fisheries in Baja California. Also, the project New Insights for Sea Turtle Distribution in Coastal Waters of Japan Inferred from Fishermen Surveys was presented at the 33rd Annual Symposium on Sea Turtle Biology and Conservation in February 2013.

Council staff attended the 23rd Japanese Sea Turtle Symposium in November 2012. During the symposium the Sea Turtle Association of Japan reported that 14,632 loggerhead turtle nests were recorded in Japan during 2012. This number represents tallied counts from numerous volunteer organizations and university groups contributing information to Sea Turtle Association

of Japan for the purpose of producing annual summaries. The number should be considered a minimum count and not an estimated total for the North Pacific loggerhead population. Loggerhead nesting trend in Japan has been on the increase for 15 years since 1997.

Staff also attended the 2nd East Asia Regional Meeting in February 2013, which provided an opportunity for people to exchange information and enhance collaboration. This information exchange provides the Council with data on loggerhead turtles in the East China Sea that may relate to the loggerhead turtles that interact with the Hawai'i longline fishery.

G. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding FKWs, the SSC recommends that NMFS expand the membership of the Serious Injury Working Group to include non-NMFS scientists, cetacean veterinarians, fishery experts and vessel captain and crew, as appropriate, to further improve the clarity and transparency of the process.

Regarding FKWs, the SSC recommends NMFS should continue to enhance the quality of data collected by observers by improving training to minimize the number of cases that are classified as unidentified blackfish or M&SI cannot be determined.

Regarding FKWs, the SSC recommends that NMFS review key outcomes and recommendations from the Report of the Serious Injury Technical Workshop, Sept. 10 to 13, 2007, to assess their state of implementation on an annual basis and where progress is lacking, implement these recommendations to further refine the serious injury determination process.

Regarding future work on the proration of unidentified blackfish takes, the SSC recommends that McCracken develop a fourth model with no island effect close to the islands and a distance from shore effect beyond that point. The subcommittee does not recommend any specific point of demarcation from shore at this time.

Regarding FKWs, the SSC is concerned about the process used to assign FKW takes to either insular or pelagic stock and, therefore, recommends that the subcommittee re-examine the criteria and provide a report to the SSC at the June 2013 meeting.

Regarding FKWs, the SSC requests that all photo-ID data of the Insular FKW be made available to the Council so that independent analysis of the data can be conducted.

Regarding to the proposed rule to list 66 species of coral as endangered or threatened under the ESA, the SSC recommends the Council include in its comment letter to NMFS a suggestion to consider the alternative determination tool.

H. Public Comment

Sesepasara asked if any of the coral species petitioned to be listed under the ESA exist in the waters around American Samoa.

Matagi-Tofiga replied that 46 species on the threatened list and three species on the endangered list are said to exist in the waters surrounding the American Samoa Archipelago. The deadline to submit public comments is April 7, 2013. The best scientific information will be put forth when the decision is announced to the public.

Sesepasara expressed concern about the impacts that the coral listing will have on the American Samoa community, especially to common fishing activities conducted on the reef flats around the islands, such as women who fish for octopus and the palolo season. He hoped no regulations would be promulgated that would interfere with these cultural methods.

Ebisui acknowledged Sesepasara's fears regarding the impacts. He cited cases on the mainland where endangered corals prevented repairs to a pier, noting there is a precedent for being prohibited from doing things that commonsense tells you should be no problem.

I. Council Discussion and Action

Regarding FKWs, the Council endorses the SSC subcommittee report on FKWs and directs staff to work with appropriate agencies to address the recommendations contained within the report.

*Moved by Rice; seconded by Sword.
Motion passed, with Tosatto abstaining.*

Tosatto said the request to expand the membership of the Serious Injury Working Group as worded is likely inconsistent with NMFS policy, which describes that Serious Injury Working Group as consisting of only PIFSC personnel. The policy does not even include PIRO personnel. PIFSC personnel make a science-based decision based on their knowledge, expertise and experience and then that's reviewed by PIRO. The overall sense of work with the appropriate agencies is fine, but is likely inconsistent with NMFS policy.

Regarding FKWs, the Council recommends that a comprehensive independent review be conducted through the Western Pacific Stock Assessment Review process on the current genetic information on the pelagic, MHI insular and NWHI stocks as presently recognized under the MMPA and ESA.

*Moved by Rice; seconded by Sword.
Motion passed, with Tosatto abstaining.*

Regarding FKWs, the Council directs staff to work with NMFS and other appropriate agencies and research institutions to obtain all available photographic ID data of the insular FKWs for the purpose of conducting independent analysis of the data.

Moved by Rice; seconded by Sword.
Motion passed.

Rice supported the recommendation because all of the ID data comes from private sectors and not PIFSC and that the group that provides the photo-ID spends a short time to conduct the work.

Regarding FKWs, the Council requests NMFS to provide resources necessary to conduct EEZ-wide stock assessment surveys of marine mammals every four years starting in 2014 to provide more frequent updates of marine mammal abundance estimates.

Moved by Rice; seconded by Sword.
Motion passed.

Simonds said the letter should go to Dr. Merrick and Sam Rauch at headquarters.

Tosatto said it should also request resources to conduct the assessment surveys.

Regarding the proposed listing of 66 corals species, the Council directs staff to include in the Council comment letter the following issues:

- **The determination tool is biased towards listing due to its heavy reliance on high importance threats, lack of credible structural logic and lack of methods to account for uncertainty of information and coral adaptability to threats. The Council request NMFS to consider an alternative determination tool using a Bayes net approach suggested by the SSC.**
- **A number of scientific concerns remain, such as misidentification of some coral species proposed for listing likely resulting in false distribution ranges and quantitative abundance data and trends being absent for Indo-Pacific coral species proposed for listing.**
- **Listing of Indo-Pacific coral species is contradictory to the recent negative 90-day finding in response to a petition to list 44 deep-water coral species in Alaska.**
- **Alternatives to listing such as warranted but precluded or candidate species designations should be considered instead of threatened or endangered listing for Indo-Pacific species.**

Moved by Rice; seconded by Sword.
Motion passed, with Tosatto abstaining.

Tosatto said he welcomes the Council letter and all comments. He will abstain from voting.

Seman noted the broad distribution range of the corals and the impact that the coral listing would have on island communities. He asked if the Council could include a statement that it is time for the ESA to be amended to better address the complexity of the situation and that the listing would not provide the protection intended for the coral species.

Simonds said the Council voted in June 2012 to send a letter to the chair of the House Resources Committee asking for a review of the ESA and the MMPA, and it is also part of the package being developed in the MAFAC on ESA and jeopardy. The request has been made, and the other Councils are making the same request.

Regarding the Hawai`i deep-set longline fishery ESA Section 7 reconsultation, the Council requests NMFS to include the Council in the consultation process and provide the Council with the Draft BiOp for review and comment.

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

Tosatto said he will vote in support of the recommendation. It may serve to help determine what can be shared.

14. Mariana Archipelago

A. Island Reports

1. Arongo Flaeey

Jack Ogumoro, CNMI island coordinator, reported that, with regards to the Fisheries Research Program, CNMI continues to conduct fish tagging and monitoring of marine sanctuaries and is in the process of deploying new FADs to replace missing ones. An MPA Workshop was held on Jan. 29, 2013. It was designed to discuss existing CNMI MPAs and their effectiveness. Participants attended from Guam, Palau and Hawai`i, including Allen Tom from the Sanctuaries Office. A Fisheries Workshop, sponsored by PIRO in collaboration with DLNR, was designed to disseminate fishery activities by fisheries agencies as well as to solicit feedback from the community and stakeholders. A CMSP Workshop was held in February 2013 with 32 participants, including Council Advisory Panel and Regional Ecosystem Advisory Committee (REAC) members.

Discussion

Rice asked if the CNMI participants who attended the February 2013 FAD Workshop in Honolulu provided any feedback.

Palacios thanked the Council for sponsoring the FAD Workshop noting it was timely for all of the island areas as the cost has increased for fabrication and deployment. Two staff attended from Saipan, and it was well worth it. Five FADs are being prepared to be deployed for a cost of \$40,000. The information learned at the FAD workshop will be utilized in the CNMI FAD Program. The three workshops held in CNMI were all well attended. He intends to

continue to engage the communities on fisheries issues and resource management. The territory has seven MPAs with a lot of management challenges. When an MPA is set up a lot of thought must be given to management and CNMI clearly failed to do so. His department continues to struggle with enforcement, and he looks for to collaborating in the future with SPC and SPREP for guidance. The Fisheries Workshop was funded by PIRO, and the attendance by PIRO and Council staff members was appreciated. The main focus was on coral reef fisheries, which is the most active fishery in CNMI. The CMSP Workshop was also well attended. He thanked the Council and PIRO for sponsoring it.

2. Isla Informe

Duenas highlighted fabrication and deployment costs of FADs in Guam. In 2012 five FAD systems were purchased. He calculated the costs of hardware and mooring line at \$101,219; anchors at \$28,000; and deployment at \$131,612.26. Total cost per FAD equaled \$48,566.25. He noted the costs were much better in Saipan.

Duenas also highlighted the USCG International Rescue section of the island report, noting that the captain of a Taiwanese fishing vessel requiring medical attention was rescued on Jan. 21 by a helicopter from the US Navy after the vessel lost contact with the USCG and Naval officials on Sunday evening. USCG and Navy rescue crews were deployed to locate the fishing vessel. He also noted that a local fisherman was rescued with the help from other fishermen who were able to relay his distress call to the USCG on Guam, which effected the rescue via a helicopter. Local boats stayed to help locate the vessel. He thanked the USCG for bringing home the local Guam fishermen.

Discussion

Palacios offered to assist with Guam FAD deployment as there are many local companies willing to deploy for the price of \$5,000 apiece.

Taitague said the funding specifications and procurement process have strict requirements.

Rice said the Guam participants also got useful information from the FAD workshop. He agreed it shouldn't cost more than \$5,000 to deploy a FAD.

Taitague said only one company on Guam is able to deploy FADs and dictates the price. She is interested in hearing the FAD workshop information to try to get costs down.

B. Legislative Report

1. Commonwealth of the Northern Mariana Islands

Seman reported the Northern Marianas Fisheries Act of 2013, which was first introduced as the Northern Mariana Act of 2000, was introduced on Feb. 11, 2013. The legislation would provide for the conservation of fisheries in the CNMI and require permits and licenses; provide law enforcement authority to arrest, inspect, board and seize any vessel; provide fishing

surveillance, such as coastal and surface watch, observers and VMS; impose penalty of \$50,000 and imprisonment for falsification or tampering with monitoring devices; provide fees, royalties and auction of quotas for any fishery in a management plan; and more. The legislation will be up for the full session in March 2013.

Congressman Gregorio Camacho Sablan has introduced legislation in the US House of Representatives conveying ownership of the lands and water surrounding each of the 14 islands of CNMI to the people of the Commonwealth. This is the third time Congressman Sablan has authored legislation for this purpose.

Representative Felicidad Ogumoro has introduced House Resolution 18-1 in January 2013 requesting the US Congress to return to the people of the Northern Marianas descent the waters and submerged lands surrounding the CNMI from the mean low tide mark to 200 miles.

House Bill 18-25, known as the Marine Resources Investment Act of 2013, was introduced. It would assess user fees on non-resident tourists in three MPAs.

In November 2012 House Bill 17-282, known as Public Law 17-89, enacted into law the Division of Fish and Wildlife (DFW) mandatory recording and reporting system.

Discussion

Sword asked if the Northern Marianas Fisheries Act is directed at commercial fisheries.

Seman said the law that created the DFW under the DLNR was enacted in 1981 and is primarily for subsistence and recreational fisheries of the artisanal type. This Fisheries Act will provide more authority with regard to commercial fisheries and will allow DLNR to promulgate rules and regulations for commercial fisheries.

2. Guam

Taitague reported that Bill 31-120 originally introduced by Senator BJ Cruz in 2011, also known as the Coral Reef Protection Act, was introduced as Bill 32-11. It has many of the components of the original bill with some additions. However, it didn't go through because there were some issues, including land use and other impacts to the coral reef that are greater than anchoring and boat grounding. The bill is being worked on to try again in the future. The DOA is still in the process of drafting rules and regulations for the Indigenous Fishing Rights bill. Community-based management patterned after the program in Hawai'i is now being considered.

Discussion

Seman asked about the discrimination issues with the Guam Indigenous Fishing Rights bill.

Taitague said it is about special fishing rights for indigenous Chamorro.

Seman said there is case law that needs to be followed to enable the legislation to pass.

Taitague is hopeful that an acceptable version will be out soon. Meanwhile, efforts are being made to implement community-based management.

C. Enforcement Issues

1. Commonwealth of Northern Mariana Islands

Jack Ogumoro said the DFW conservation officers continue to respond to reported illegal activities, including illegal fishing, turtle poaching, shark possession and illegal harvest of trochus. The officers are also performing education and outreach, including appearing on the KKMP radio show to discuss MPA regulations and encourage community participation at the MPA and fishery workshops.

Palacios said enforcement is one of the biggest challenges for fisheries and MPAs and has the smallest budget. Progress has been made following the recent community outreach efforts by the enforcement officers.

2. Guam

Duenas reported that the Division of Aquatic and Wildlife Resources (DAWR) continues to work closely with the Port Authority of Guam to find an acceptable solution to the net fishing issues in the Hagatna Marina, which is included in Bill 32-11, the Coral Reef Protection Act. The community reacted strongly to the scuba spear ban during public hearings. He hopes the bill comes back as a real Coral Reef Protection Act that includes land-based issues.

D. Pacific Islands Regional Office–Pacific Islands Fisheries Science Center’s Marianas Trench Monument Projects

Tosatto provided an update on the Advisory Committee. It has continued to meet monthly by teleconference, including DOD and USCG representatives, to make progress on the action items. Progress is slow. The fishing regulations for the monuments prohibiting commercial fishing and setting up a framework for noncommercial fishing are out for public comment.

Pooley said the next step in the PIFSC Science Plan for the Marianas Trench MNM is to have an Implementation Workshop in CNMI, which is tentatively scheduled for June in Saipan. Biosampling and other projects are ongoing. PIFSC is looking forward to planning cruises in the Marianas in the upcoming year, pending the budget.

Palacios said the last meeting was held just recently and a series of topics were discussed. Some were resolved efficiently; others are still on the table. One issue has to do with some of the commitments that were made to the Commonwealth when negotiations were ongoing in CNMI. The next meeting is scheduled the first week of April 2013. Subsistence fishing regulations are coming out. Agreement was reached on the proposed rule.

E. Community Activities and Issues

Ogumoro reported that, thanks to OLE, CNMI received more than \$500,000 in 2012 for its Marine Conservation Plan (MCP). The DLNR awarded seven projects worth more than \$200,000. In 2013 DLNR received eight more projects for a total of \$300,000 to be awarded in March 2013.

Palacios added that only five of the seven awarded projects are being implemented. He is working to ensure the contractors are accountable. Micronesian Environmental Services just completed spear fishing surveys.

F. Education and Outreach Initiatives

Taitague reported on the Guam Organization of Saltwater Anglers project funded by NOAA and the MCP to construct a fishing platform in Hagatna. The DOA was recently designated as the project lead. The project is awaiting word from the Army Corps of Engineers regarding its application. She looks forward to timely completion of the project.

G. Tanapag Coastal and Marine Spatial Planning Training Workshop

Palacios referred members to the report that is included in the Council documents.

H. Scientific and Statistical Committee Recommendations

There were no SSC recommendations.

I. Public Comment

No public comment was offered.

J. Council Discussion and Action

No Council action was taken.

15. Pelagic and International Fisheries

A. Management Options for American Samoa South Pacific Albacore Fishery (Action Item)

Dalzell reported that American Samoa is the second largest US longline fishery in the Western Pacific Region and is focused almost entirely on South Pacific albacore. The catch of South Pacific albacore doubled from 40,000 mt in the year 2000 to 80,000 mt at present. Catch of South Pacific albacore is around 95 percent of the MSY of about 85,200 mt. The American Samoa fishery for South Pacific albacore is caught for the American Samoa canning industry, with only a small domestic market and limited access to overseas markets. South Pacific albacore is also important to the countries neighboring American Samoa, which also supply the American Samoa canning industry.

The purpose and need for the Council to explore management options is to conserve South Pacific albacore and maintain the viability and continuity of the American Samoa longline fishery and the sustained participation of the American Samoa fishing community.

Options must take into account South Pacific albacore stock status and current management measures, such as regional fishery management initiatives and adoption of an enhanced WCPFC CMM for South Pacific albacore.

Catches of South Pacific albacore by all fleets south of the equator have more than doubled in the past decade and are currently about 90 percent MSY, due primarily to the doubling of vessels from China fishing under access agreements with the Solomon Islands and switching by Taiwanese longliners from targeting bigeye to targeting albacore.

The American Samoa longline fishery began in 1994. In 2001 there was a meteoric rise in the fishery. A complex limited entry program was developed, consisting of four different vessel size classes. Initially 60 permits were issued; today there are 24 active permits.

The fishery operates in a limited area, comprising 30 percent of the EEZ around American Samoa. An estimated eight vessels operating in the fishery also have permits to operate in the Cook Islands.

The albacore catch rate has declined between 2010 and 2011 from 18 to 20 fish per thousand hooks to 12 fish per thousand hooks. At one time catch was 20 to 30 fish per thousand hooks. When skipjack prices were higher than South Pacific albacore prices, fishermen retained skipjack for sale to the cannery. Catch of yellowfin and bigeye have been similarly flat. Catch rates have tended to decline over the past five or six years. CPUEs of the other species, such as mahi, billfish and sharks are relatively flat.

Most of the catch of South Pacific albacore has been taken by longliners with some trolling activity. The catch has increased to 80,000 mt in the period of a decade. The catch is focused in two areas, the sub-equatorial fishery and the subtropical fishery from Papua New Guinea to French Polynesia. While there are some juvenile fish, the fishery is focused almost entirely on large adult fish ranging in size from 80 to 215 centimeters, which has some consequences with respect to the dynamics and resiliency of the stock. The SPC stock assessment estimates biomass at 600,000 mt for South Pacific albacore in the South Pacific.

Regional management for South Pacific albacore includes the following:

- WCPFC CMM 2010-05, no increase of fishing vessels targeting South Pacific albacore south of 20° South. Fishing has increased north of 20° South.
- New Zealand and Central South Pacific countries (Cook Islands, Niue, Samoa, Tokelau and Tonga) have formed a regional arrangement, Te Vaka Moana.
- Te Vaka Moana wants a total allowable catch (TAC) adopted for by the WCPFC, with a catch limit for high seas and within EEZs.

-
- Cook Islands is opening a satellite office in American Samoa to manage its longline fleet.

The options and scenarios presented to the Council presented included the following:

1. No action. Do nothing and see what happens with respect to developments in terms of the continued operations by different fleets on the albacore fishery. Or wait and see what comes out of the WCPFC in terms of albacore conservation.
2. Independently establish an in-zone TAC for South Pacific albacore, but with no guarantee no other fleet would establish an in-zone TAC.
3. Work with Te Vaka Moana to explore management options such as a TAC, maintain economically viable catch rates, catch transferability and EEZ access agreements.
4. American Samoa becomes a member of Te Vaka Moana.
5. Explore other options not yet listed.

Pooley presented a cost earnings study of the American Samoa longline fishery based on the 2009 operation. The study was conducted by PIFSC economist Minling Pan and Shawn Arita, from the UH Joint Institute of Marine and Atmospheric Research (JIMAR). Cost-earning surveys are conducted by interviewing captains or owners. A previous cost-earnings study was conducted based on 2001 operations. NMFS Headquarters has suggested that cost-earnings assessments be conducted every five years. The fieldwork started in the summer of 2010 based on 2009 operations looking at variable costs on a trip basis and fixed costs on an annual basis. Variable costs include items such as labor, fuel and ice. Fixed costs include items such as the mortgage on the vessel and major equipment changes. The revenue data was provided by the WPacFIN database. Of the 25 active vessels in the fleet, 23 were surveyed.

Pooley showed graphs depicting the American Samoa longline fleet dynamics from 1995 to 2010, fleet-wide revenue and landings from 2000 to 2010 and the average nominal price of albacore from 2000 to 2010. The albacore CPUE from 2002 to 2010 has declined substantially, which is a principal driver of the economics of the fleet. The Thai import market prices for albacore have been rising since 2000, which contradicted information via the canneries that there was a glut on the market and prices were suppressed. Pooley noted a need for a follow-up study regarding the pricing information.

The cost-earnings table showed a) a decline of revenue and an increase in trip cost, due to fuel and fixed costs as the vessels become amortized; b) declining crew payments, partly related to revenue; and c) declining return to captain and owners, e.g., in 2009, if the captain's income was greater than \$15,000, the return to the owner or return on investment would be negative on a fleet-wide average.

Some differences between 2009 versus 2001 included lower revenue, lower CPUE and lower price of albacore in 2009. Revenue per vessel in 2001 was estimated by full-time equivalent; more trips were taken than were actually documented in the study. In 2009 it was estimated by actual landings. Other differences between 2009 and 2001 included higher variable costs in 2009, lower payment to non-captain crew, lower fixed cost in 2009 and less maintenance. Revenue is sensitive to albacore price. The albacore price was reported from the fishermen interviews as \$3,300 per mt in the 2012 field trip. The price has gone up since 2009 to the current price.

In summary, the study showed a) earnings were low in 2009 and probably lower in 2012; b) lower CPUE, higher fuel costs versus 2001; and c) different method in estimating number trips and revenue.

Further analyses are needed to develop a cost-earnings table with payment distribution between hired captain and owners; to compare profitable and unprofitable vessels; and for a sensitivity analysis under various price scenarios, full-time equivalent, and other.

Discussion

Matagi-Tofiga asked for clarification of the EEZ boundary.

Dalzell illustrated the EEZ boundaries around the Cook Islands and American Samoa.

Rice asked if the days and hook numbers are calculated in catch history.

Dalzell said albacore catch is based upon the volume of hooks deployed and the number of vessels operating every year. The declines in the graph are due to reduction in CPUE.

Duenas noted the size frequency shows the majority of the bigger fish are caught by the longlines and the smaller fish are caught by trolling fishermen. He asked Dalzell if the trollers caught the smaller fish in the North Pacific.

Dalzell said the North Pacific has a much more diverse range of fisheries operating to catch albacore, including purse seiners and a pole-and-line fishery operating seasonally in Japan, as well as the longliners. So the exploitation of the juvenile portion of the segment of the population is much higher than in the South Pacific.

Pooley said there may be issues of vessel competition within the American Samoa zone rather than issues about stock. The stock is much broader than the American Samoa zone. Also, oceanographic conditions over time are known to affect availability of fish, even though it's not affecting the stock on a South Pacific wide basis, which is something the Council may want to consider in terms of conducting an analysis. Competition by the surrounding countries is also an important consideration.

B. Longline Quarterly Reports

1. Hawai`i

Low reported the number of active vessels remain stable at 129 vessels for 2012. The 2012 fishing year included 1,380 total trips; 19,422 sets; and 45.5 million hooks set. Tuna and marlin catches increased. Swordfish and most of the shark catch decreased. Catch is variable for other pelagic species.

Discussion

Goto said the short-billed spearfish is becoming a significant addition to the pelagic catch, especially in Hawai`i. The landed value is at a record high. He would like to see it broken out as part of the billfish species.

Rice asked if there is a size difference in the bigeye catch.

Low said the overall weight of the catch is summarized at the end of the year. There are seasonal differences in size and, throughout the year, some differences in size structure.

2. American Samoa

Low provided the 2012 third quarter highlights of the American Samoa longline fishery. Trips in American Samoa tend to be longer, sometimes 60 to 90 days. The summary for the fishery included no change in active vessels (24), similar number of sets, slightly more hooks set, and much higher albacore catch and CPUE in 2012.

Discussion

Taitague asked whether the increased catch was caused by better management or better data collection.

Rice said the short-nose spearfish is becoming an economic draw in the noncommercial fishery as people are traveling to Hawai`i just to fish for the species. More data on how much fish is in the area will help both the longline and recreational fisheries.

Low said that is one of the reasons for closing the area from shore out to 50 to 75 nm from shore to longline vessels and keeping the area open to smaller boats to fish.

Goto agreed.

Sword asked from which area he catch data is collected and whether the catch for the Cook Islands and American Samoa are reported separately.

Low said the data is from all vessels in the American Samoa longline fishery. There is only one logbook. She was not sure of how it is reported to the Cook Islands. The estimate of the weight is from the cannery data. She believes all catch is landed in Pago.

Sword asked if other variables could be used to identify fluctuations in the catch rate.

Lowe said the logbook includes data on the fish per thousand hooks, types of bait, beginning and end of the set, the length of the set and the number of hooks. Additional data might be available from the observer program.

**C. Outcome of Western and Central Pacific Fisheries Commission
9th Regular Session**

Dalzell reported on the outcomes of the WCPFC 9 meeting held in December 2012 including the CMMs of interest to the Council that were addressed.

The WCPFC adopted a one-year measure for the three tropical tuna stocks.

- For the purse seine sector:

a) a three-month FAD closure from July to September and b) an optional fourth month closure in October or an annual limit of FAD sets equal to eight-twelfths of the average number of annual FAD sets between 2001 and 2011.

For the Small Island Developing States: eight-ninths of the three-year average of years 2009 to 2011.

For the Parties to the Nauru Agreement (PNA): purse-seine effort level in their EEZ restricted to 2010 levels for the PNA Vessel Day Scheme.

For other coastal states with effort in their EEZs exceeding 1,000 days over the period 2006 to 2010: effort in their EEZs limited to the 2001 to 2004 average, or 2010 levels.

For each cooperating member and cooperating non-member country: measures shall be taken to not increase fishing days on the high seas.

Development of FAD management plans by July 2013.

Opening of the two western high seas pockets, but regulating the Philippine ice boat fleet in the most westerly high seas pockets.

- For the longline sector:

Subject to the same bigeye tuna catch limits, including Hawai`i, but China Taipei and Korea will take an additional 2 percent cut, and China a 10 percent cut.

All longline fleets no longer subject to yellowfin catch limits.

A WCPFC working group will develop a multi-year management measure in 2013 to be adopted at WCPFC 10 for bigeye tuna.

South Pacific albacore biomass is believed to be above biomass at MSY. Catch of South Pacific albacore has doubled from 1990 to the present, from 40,000 mt to 80,000 mt. The most recent stock assessment showed a continued decline of the biomass ratio. FFA members, led by Te Vaka Moana members, worked on a proposal to establish a stock-wide TAC and zone-based and flag-based catch limits. However, FFA members were unable to conclude their internal allocation discussion in time to offer a proposal to WCPFC 9. Discussions were limited to general statements, most in favor of adopting a stronger management measure at WCPFC 10.

Regarding the CMM for striped marlin, WCPFC continues to be concerned about the major depletion of North Pacific striped marlin. Catches by all fisheries in Hawai`i have continued to be below 434 mt, which is 90 percent of the highest catch between 2000 and 2003 of 543 mt and in compliance with the existing measure. The US drafted a proposal for a new measure to replace CMM 2010-01 with a TAC of 3,000 mt for North Pacific striped marlin. Allocation to WCPFC members would be based on their percent contribution to the average North Pacific striped marlin catch between 2005 and 2009. This was not pursued; the prevailing consensus was to let CMM 2010-01 run its course and then evaluate if additional conservation measures are required after 2013. Two-thirds of the North Pacific striped marlin catch is taken by Japan in its EEZ. There was a question if Japan's striped marlin catch would be high as previous levels as a result of the March 2011 tsunami.

Regarding sharks, a new CMM prohibits intentional purse-seine sets on whale sharks and includes a provision that allows Japan a dispensation to consider adoption of compatible measures in its EEZ. The measure does not go into effect until 2014. The FFA proposed shark CMM revision for sharks caught by longliners that would have required, among other things, a provision for fins attached along with a ban on the use of wire leaders, was not adopted. Asian countries could not agree with the fins-attached provision or the leader ban. The science provider was requested to do a more complete analysis on the efficacy of wire leaders and report to the WCPFC Scientific Committee.

Discussion

Tosatto said a proposed rule for the purse-seine FAD closure includes the option of the fourth month versus the set limit. Work is ongoing on a proposed rule for a 2013 longline bigeye quota. Charles Karnella was re-elected as the chair of the WCPFC for another two-year term.

Goto said his constituents in the Hawai`i longline fleet are concerned about the shortline fishery. This fishery, comprised of six or seven vessels, has been steadily growing and is doing well economically. It is worthy of the Council's attention. The fishery operates within the Southern Exclusion Zone, which is set to close probably sometime this year if another FKW is caught within the US EEZ around Hawai`i. The shortline fishery is not monitored as intensively as the regular longline fishery. The shortline fishery has been discussed during prior Council meetings. He hoped to see some kind of program for the shortline fishery.

Rice asked about the sentiments of the longline fishermen in regard to the shortline fishermen and if any specific measures were voiced.

Goto said the reactions are mixed. Although longline and shortline fishermen are in some ways the same boat, they are viewed unequally. He preferred to wait until there was official discussion of the issue but wanted to bring the issue to the Council's attention. No specific measures were suggested. The fleet is growing, with four boats under construction in Kona.

Rice said he knows a bit about the fishery because most of the shortliners came from Kona. One big issue with shortline boats is they fill their boats up at the end of their trip with thousands of pounds of juvenile bigeye because the required weight is only 3 pounds instead of 10 or 15 pounds. He has recommended an increase in the weight limit to 10 pounds.

Dalzell added that in 1996 the Cross Seamount/NOAA weather buoy fishery was a significant agenda item for the Council. The Cross Seamount fishery had expanded rapidly from zero vessels in the early 1990s to between 20 and 30 boats by the mid-1990s. The issue at the time related to swordfish longline vessels fishing on the Cross in the off season filling up with juvenile bigeye and fishing side-by-side with the shortline fishermen. The issue of juvenile fish has been one of concern because of the idea that juvenile bigeye move from the Cross into nearshore waters of Hawai'i to become available to nearshore handline fishermen. However, a UH tagging project showed that bigeye tuna leaving the Cross Seamount have a tendency to move into the wider ocean and become more vulnerable to the longline fleet.

The fishery became an issue again in the 2000s at which time an amendment was developed for a limited entry program for the Cross Seamount longline fishery. In the end, the fishery contracted down to three key individuals who were fishing on the Cross. The fishery has evolved from using handlines and surface gears to using shortlines, which are less than 1 nm in length. Some of the exponents of the fishery have become skilled at floating the lines across the Cross to catch bigeye or seamount monchong, which has become a significant part of the fishery. Because different gears and different fishing methods have been used to accumulate the catch, it is difficult to get a sense of what the true CPUE is. After the amendment was prepared the Council decided not to go any further. He is aware of interest by new vessels to enter the fishery, and funding exists to take another look at the Cross Seamount fishery. The fishery may be operating in the southern area closure for the Hawai'i longline fishery and runs the risk of interacting with FKWs that could result in mortality or a serious injury. Dalzell voiced interest in characterizing the fishery as it exists now to determine the composition of the fishermen in the fishery. PIFSC looked at the fishery 20 years ago. The fishery also had problems with species identification, but tuna are now better recognized. He suggested finding a suitable contractor to characterize the fishery and see if any management measures are warranted to bring before the Council.

Rice said the main concern for the last 15 to 20 years of fishermen fishing the seamount was the take of the small juvenile fish, which has the concern of the whole fleet except for the fishermen who were catching the juveniles.

Tschirgi said, if action is taken on the shortline fleet, one of the challenges for at-sea enforcement is the determination of the length of the 1 nm line. He encouraged close collaboration with the USCG.

D. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the management options for American Samoa South Pacific albacore fishery, the SSC recommends the Council encourage American Samoa to cooperate with the Te Vaka Moana arrangement with a view to ultimately becoming a Te Vaka Moana member and WCPFC to better manage the South Pacific albacore fishery. Therefore, the recommendation is a mix of options 3 and 4.

Regarding the American Samoa and the Hawai`i longline quarterly reports, the SSC recommends that future geographic information system (GIS) maps produced by PIFSC for displaying longline fishery effort and catch include a prominent percentage metric that indicates the fraction of data being shown

Regarding international fisheries meetings, the SSC recommends that additional research be conducted on conservation of bigeye tuna using spatial fisheries management policies stemming from a recent paper by SSC member John Sibert and coauthors, which would prove useful for the WCPFC.

Regarding levels of observer coverage in the shallow-set swordfish fishery, the SSC recommends that McCracken examine what level of observer coverage is required to provide an early warning trigger relative to management under a hard cap scenario and develop this into a simple risk curve tool to advise management.

E. Public Hearing

Sanchez noted the lack of docking space for the American Samoa longline fleet and said he was not in favor of entering into any arrangement with Te Vaka Moana. He reiterated the lack of communication between the longline fishermen and government. He said American Samoa longline fishermen cannot fish in the Cook Islands' EEZ without being detected by VMS and alias are not capable of traveling that far. Some of the American Samoa licensed vessels are now fishing in Honolulu. The American Samoa fishery is surrounded by Chinese fleets, which are buying up the licenses in the surrounding Pacific Islands countries and are subsidized by the Chinese government. Bumble Bee, TriMarine and Chicken of the Sea are all buying loins from China. Vessels and reefer boats are under construction and will soon not need to offload in American Samoa.

Stuart Chikami, American Samoa purse-seine and longline fisherman, opposed entering into any arrangement with Te Vaka Moana because the US is already negotiating regional management regulations for the Pacific at the WCPFC and the people who sit at the table at Te Vaka Moana are negotiators who are at the table at the WCPFC. Any action that comes out of Te Vaka Moana may compromise the US negotiating position at WCPFC. If Te Vaka Moana issues an albacore TAC for such a small area, it will not have much effect. He is cautiously optimistic Te Vaka Moana will be able to control the area, noting the PNA failure to be successful. He agreed with Sanchez regarding outside countries coming into the fishery. He preferred to be

observers with a group like Te Vaka Moana, hear their ideas and the direction they are moving in and work toward regional coordination. He reiterated his reservations about American Samoa as a voting member with Te Vaka Moana. In regards to a TAC for the American Samoa fishery, he said the financial viability of American Samoa is as a volume business. Efforts for a fresh fish market have been attempted, but exporting is not easy. Air freight is expensive. The primary catch, albacore, has limited markets. A vessel has to average at least between 200 and 300 tons of albacore a year in order to be financially viable because of fuel and labor costs. When considering a TAC, one must consider the maximum number of vessels in American Samoa that would be fishing and the maximum amount of catch needed in a year. The price will usually decrease when catch increases around the Pacific. When considering a TAC, the fishery needs to be at a financially viable level.

John Gibbs, an American Samoa fisherman who owns two longline vessels working out of American Samoa and Cook Islands, agreed with Chikami's comments. US logbooks require fishermen to fill out a page every day fished, even if they're fishing in the Cook Islands. The Cook Islands logbooks are recorded only when the vessel is in Cook Island waters, which means when fishing in Cook Island waters they are filling out two logbooks every day. He voiced concern about double-counting. He also voiced concern regarding the redundancy on the turtle placard and pamphlet issuance and suggested changing the timing of the protected species workshop from annually to every two or three years.

Lutu-Sanchez reiterated her request to have a Council member representing the American Samoa commercial or longline fishery on the Council. She also reiterated her request for the Council assistance in providing a dock for the longline fishery. She provided background information to Council staff regarding an ongoing problem with documentation of her historical participation in the longline fishery related to the American Samoa Longline Limited Entry Program. She asked the Council to look at what she has given them as it is a serious flaw that needs to be corrected because that was not the intent of the program when it was created. She also asked the Council to review the Te Vaka Moana options and find how else the Council can help the American Samoa longline fleet. She said the Council has an obligation to look out for the interests of the American Samoa Nationals first and then everybody else in the world.

Matagi-Tofiga said is taking the longliner issue seriously. She will work with the Council and other agencies to find a solution. She has met with the alias and sports fishermen and some of the longliners regarding the docking at the marina.

Simonds referred Council members to a press release provided in the Council's documents regarding a company in the process of building 20 more tuna purse-seiners, as well as develop a factory in Papua New Guinea.

F. Council Discussion and Action

Regarding management options for American Samoa South Pacific albacore fishery, the Council recognizes the difficult conditions facing the American Samoa longline fishery and does not recommend any regulatory measures at this time. The Council does recommend continued cooperation with the Te Vaka Moana arrangement

members and for staff to facilitate the American Samoa government and Council observer status in Te Vaka Moana meetings, with a goal of stronger WCPFC CMMs of the South Pacific albacore fishery across the entire range of the stock.

Moved by Sword; seconded by Goto.

Motion passed.

Tosatto supported the action and encouraged the Council and the American Samoa government to participate in the Te Vaka Moana and its deliberations on South Pacific albacore management, adding a note of caution to ensure that any of their efforts do not preclude the US government from a full range of options to negotiate in the broader context within the WCPFC.

Simonds agreed, saying the same applies to the Council's observer status with FFA.

Regarding the American Samoa longline vessel dock issues, the Council recommends that staff work with the American Samoa DMWR and the USFWS to identify an immediate solution to the current lack of dock space in Pago Pago harbor.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding levels of observer coverage in the shallow-set swordfish fishery, the Council endorses the SSC recommendation that NMFS PIFSC examine what level of observer coverage is required to provide an early warning trigger relative to management under a hard cap scenario and develop this into a simple risk tool to advise management.

Moved by Sword; seconded by Goto.

Motion passed.

Tosatto reiterated the current framework in the shallow-set fishery requires NMFS to ensure the fishery does not conduct fishing operations beyond the hard cap limit. The agency is looking at observer programs being managed in as an efficient way as possible. Reducing the financial burden is desirable while ensuring adequate opportunity exists to avoid surpassing the hard cap.

Daxboeck said the hard cap consequences were discussed at the SSC meeting and this recommendation is the initial action in case a decision was ever made to decrease observer coverage to a level of less than 100 percent.

Regarding the American Samoa and Hawai'i longline quarterly reports, the Council recommends that future GIS maps produced by PIFSC for displaying longline fishery effort and catch include a prominent percentage metric that indicates the fraction of data being shown.

The Council also recommends that the American Samoa and Hawai'i quarterly reports both be presented in a similar format, using time series of catch and effort

information, rather than presenting only year on year quarterly comparisons, as in the American Samoa report.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding the trend of increased opah in the Hawai`i longline fishery, the Council recommends that the Council request PIFSC develop a research project on fishing practices that result in high CPUEs of opah.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding the WCPFC CMMs, the Council recommends that NMFS develop a proposal to cap vessel capacity in the purse-seine and longline fisheries in the Western and Central Pacific Ocean.

The Council also recommends that NMFS develop a proposal that considers spatial management options for the longline fisheries targeting bigeye tuna, specifically taking into account fishing locations of the Hawai`i longline fishery are predominately in areas with low fishing mortality levels.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding the Hawai`i offshore handline/shortline fishery, the Council directs staff to work with Hawai`i DAR, NMFS and United Fishing Agency to gather more information on the status of the fishery in terms of landings and participation.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding the American Samoa limited entry program, the Council directs staff to work with NMFS PIRO to review the program's permit eligibility criteria with regards to documenting past history in the fishery.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding the annual Protected Species Workshop requirements, the Council directs staff to review the Protected Species Workshop regulations and evaluate whether an annual certification versus a multi-year certification is necessary for all longline fisheries managed under the Pelagics FEP.

Moved by Sword; seconded by Goto.

Motion passed.

16. Hawai`i Archipelago and Pacific Remote Island Areas

A. Moku Pepa

Rice said work continues with the USCG to develop regulations for the noncommercial charter fleets. He thanked the Council for holding the buoy workshop in Honolulu. Fishermen from around the region who attended were provided useful information on FAD fabrication and deployment. He also attended the Recreational Summit in August, which was productive.

Goto reported that the Hawai`i-based longline fleet saw a record total value in late 2012, which illustrates the importance of avoiding closure of the fishery during the end of the year. Value continued to rise into 2013 as well as catch of bigeye. The shallow-set swordfish fishery is slower than normal the first of the year, possibly due to owners targeting tuna for the price it's bringing. All pelagic species have seen a considerable rise in value. The year started strong. Shortline will continue to be monitored.

Leialoha thanked Council staff for the ACL workshops to help the public gain a better understanding. She has received good feedback from participants.

B. Department of Land and Natural Resources Report

Miyasaka reported on the public meeting on Maui in March 2013 to discuss the Keawakapu Artificial Reef site and the recommendations in the environmental assessment that addresses damage that occurred in an accident in 2009. The public comment received was that, since so much time has passed and the removal of the debris would cause additional damage, the preference would be to remove what would not cause more destruction and use the remaining funds on other projects. The DLNR chair has been briefed on the results, and his decision is pending. The chair intends to reinstate the Artificial Reef Program after the issue is resolved.

DLNR has entered into a contract with a web developer to modify the Commercial Marine License (CML) system. The CML system will be linked to the DLNR Administrative Proceeding Office's case management system, which tracks and records Civil Resources Violations System citations for commercial fishermen who do not comply with the monthly and deep-seven bottomfish fishing trip report requirements. Fishermen have been informed that the CML will be refused if they do not comply with the requirements.

The Bottomfish Reporting System between September and December 2012 achieved a reporting compliance rate of between 75 percent and 81 percent. He added that 42 percent of the annual catch target of 225,000 pounds has been reached. The fishery will hopefully remain open the full year.

The DLNR's Alien Invasive Species Team removed 87,000 pounds of alien algae in Kane`ohe Bay last quarter. Twenty-five thousand urchins are planted in order to keep the algae from returning. There are efforts to reconvene the Alien Aquatics Organism Task Force to discuss issues regarding fouling organisms being transported by the smaller vessels in the State of Hawaii and the development of a management plan for the hull fouling.

Discussion

Rice said the State FAD Program needs to consult fishermen on proper placement of the FADs and he would like to be involved in the process.

Miyasaka said he would raise Rice's concerns with the appropriate person.

1. Deep Sea to Clouds (Fisheries–Watershed Management)

Miyasaka referred Council members to the Local Action Strategy section in the Island Report, which contains a list of the DLNR watershed initiatives. Senate Bill 1166 was submitted to increase the conveyance tax on luxury home real estate transactions and direct an additional amount of conveyance tax revenues to the natural area reserve fund for watershed protection and invasive species control. The bill crossed over to the House and has been referred to the House, Water, Land Committee and the Finance Committee. Another funding initiative the Department was seeking was the Brown Bag Bill to set 10 cents per bag at the market. The bill died.

Discussion

Leialoha said the watershed initiative is still alive in the Senate. Unfortunately the House version died. She expects this initiative, as well as the Invasive Species Program, to expand as it has been ongoing for a number of years and is more focused than before on obtaining funding.

2. Enforcement

Miyasaka reported a number of bills related to enforcement.

House Bill 989, specific to West Hawai'i only, requires the DLNR to calculate penalties for the unlawful taking of each saltwater or freshwater non-game fish or any specimen of aquatic life by multiplying each separate species unlawfully taken by the quantity of that species taken, using the appropriate funds based on the species of the fish or aquatic life. DLNR provided comments, such as it is easier to count numbers rather than try to identify species and to expand it to the whole state. The bill was not amended but passed over to the Senate. There are hopes it will be amended to make it more broadly applicable.

Senate Bill 1170 provides alternative civil enforcement options that may be utilized by the Board of Land and Natural Resources (BLNR) in the process of natural and cultural resource violations cases. The bill seeks an option when the violator does not have the ability to pay, such as community service in place of a monetary fine and also attach it to the driver's vehicle registration in hope of better compliance. The bill is still alive.

House Bill 1330 restores \$2 million of funds cut from the Division of Conservation and Resource Enforcement budget over the past four years. The bill passed the House.

3. Legislation

House Concurrent Resolution 14 dealing with green sea turtle delisting urges the United States to recognize the recovery of the Hawaiian green sea turtle and begin active management of this important species. It passed the House committee to three joint committees in the Senate. A hearing has yet to be scheduled. DLNR testified in opposition feeling it was premature. The status review is ongoing, and the resolution presupposes that delisting will be approved. DLNR prefers to see the review before deciding how to proceed.

C. Hawai'i Green Sea Turtle Status Review under the Endangered Species Act

This agenda item was discussed under Protected Species, Item 13.

D. Bottomfish Fishery

1. Report on State Evaluation of the Bottomfish Restricted Fishing Areas through Bottomfish-Camera Research

Miyasaka said Dr. Jeff Drazen will be presenting an internal report to the DLNR chair and staff with an update of the bottomfish camera (Bot-cam) data analysis of the 12 Bottomfish Restricted Fishing Areas (BRFAs) throughout the State of Hawai'i on March 15, 2013. Of the six years of data, analysis will be presented on Years 1 through 4. The Division of Aquatic Resources (DAR) is funding the analysis of the final two years of data in a contract that will be heard by the BLNR at its March 22, 2013, meeting. DAR is also submitting to the BLNR a new research project by Dr. Kevin Weng to tag bottomfish movement in and out of BRFAs. He has completed a proof of concept study, which was presented at the Bottomfish Research Workshop. Both contracts would be dependent upon the Chair's decision on the future of the BRFAs. The contracts are being submitted now to meet internal funding deadlines to provide the option of future funding should the BRFAs be continued.

Discussion

Duenas asked whether the Bot-cam data is being gathered or is the analysis of already-existing data.

Miyasaka said it is analysis of already-existing data. Additional funds were requested to get more data. DLNR's response was to analyze the existing data before more is gathered.

Duenas asked if the Bot-cams were deployed specifically to analyze bottomfish inside the BRFAs.

Miyasaka said the Bot-cams work in both areas so they can compare what is happening inside and outside of the BRFAs. Valid conclusions could not be made. The idea is to focus more intensive sampling in certain BRFAs.

Duenas said his question was whether the Bot-cams were placed to specifically target deep bottomfish movement.

Miyasaka said this part of the study was not looking at movement. It analyzes presence/absence within a closed area for an increase in size or abundance. Past criticism has been that the Bot-cam was looking at the ground rather than up into the water column. He will see whether that needs to be corrected in future experimental design.

Leialoha was encouraged that progress is being made so answers can be provided to Hawai'i's bottomfish fishermen at the June Council meeting.

2. Report on Main Hawaiian Islands Bottomfish Research Coordination Meeting

Pooley reported on the Deep Slope Bottomfish Research Coordination Workshop held on Feb. 25, 2013, at the NMFS Pier 38 facility. Historically, PIFSC has used fishery-dependent data, such as logbooks, commercial catch reports and auction data from fishermen to do stock assessments. It has begun to look at how fishery-independent methods can best be integrated into bottomfish stock assessments. The workshop's aim was to engage fishermen involved in cooperative research and other stakeholders in this effort and to refine PIFSC's scientific direction, explore partnerships and build collaborations. Another objective was to ensure that the different agencies and institutions communicate with each other on projects that are being conducted.

The workshop began with an overview of the needs for stock assessments. Drazen presented some of his research with the Bot-cam, as well as stereo cameras, bioacoustics, autonomous underwater vehicles (AUVs), habitat work done by Michael Park, State of Hawai'i fishery-dependent monitoring and PIFSC's biosampling results. He also covered how socioeconomic work may inform the design of alternative methods to get bottomfish information. Weng, director of the Pelagic Fisheries Research Program (PFRP) at UH, talked about his acoustic tag work, as well as work from Whit Au of the Hawai'i Institute of Marine Biology (HIMB) on broadband acoustics and the use of sophisticated sonars to identify species of bottomfish. Brian Bowen presented some of his work on genetics.

Notable discussion points included a) seeing where additional information is needed with the stock assessment; b) the interrelationships in the ecosystem between trophic levels; c) noncommercial catch estimates done by the national Marine Recreational Fisheries Survey program in Hawai'i in collaboration with the DAR and looking for a better approach to get at accurate estimates; and d) ideas about how to share information, using a centralized website and efforts to bring fishermen into the design of surveys. A write-up of the discussion and presentation will be published in an informal report by PIFSC later in the spring of 2013.

Discussion

Leialoha asked whether the research is conducted outside of the BRFA.

Pooley said all of the Bot-cam, bioacoustics and AUV work with commercial fishing operations is done outside the BRFAs because PIFSC does not have a permit to take bottomfish

within the BRFA's. Weng and Drazen, because they're not taking fish, conduct work both inside and outside of BRFA's.

Miyasaka said Drazen and Weng both need a permit from State of Hawai'i because in some cases they conduct tagging. Donald Kobayashi from PIFSC also requires a permit to take bottomfish in closed areas during the closed season.

3. Kampachi Farms Permit for Open Ocean Aquaculture of Amberjack

Tosatto directed the Council members to the written copy of the application from Kampachi Farms provided for Council review. The agency will consider comments received from the Council and USFWS. A draft environmental assessment will be published for public comment before making a final determination on the environmental impacts and whether to issue the permit. Kampachi Farms received a Coral Reef Ecosystem FEP permit to use a small aquapod to grow out Kona Kampachi, or amberjack, which served to test the concept of a drifting pod supported by a remote feeding vessel. The next step is to attach the pod to the bottom in deep water and use a remote vessel to automatically feed and clean the pod along the grow-out period, checking the pod frequently. Tosatto said the structure is not permanent and it is experimental in nature. He encouraged Council members to submit comments. The permit is valid for one year. A potential benefit to the fisheries is it could serve as an aggregating device.

Discussion

Rice said the area being sought to conduct the experiment is fine by him and will be a good buoy. He has yet to get the opinions of other fishermen in his area, but he thinks the reaction will be positive. The pod could replace two of the State FADs, the BB and F buoys.

F. Community Projects and Activities and Issues

1. Community Development Program Multi-Fishery Proposal

Mitsuyasu presented the background and updated the Council on the Community Development Program (CDP) multi-fishery proposal. Some time ago the Council approved a proposal from Leo Ohai for a Hawai'i longline permit exemption and a request to fish in the longline closed area around the Hawaiian Islands. Ohai is retired, and his son Nephi Ohai and daughter Leo Kau have amended the proposal to request an exemption from a longline permit requirement to conduct fishing training under the CDP. The Council can choose to support Nephi Ohai in providing access to a longline permit to support their training program or, if the Council does not want to act at this time, staff can work with Ohai on what might need to be changed to present their request.

Discussion

Rice asked if an educational plan was submitted to the Council

Mitsuyasu said the proposal includes an outline that shows the use of different types of fishing gear and targets, such as shrimp, Kona crab, opelu and akule.

Rice asked if the two families that have been grandfathered into the fishery still possess a longline permit and suggested something could be worked out if their permits were still active.

Mitsuyasu did not know the status of the permits.

Miyasaka asked whether the proposal applied to outside of 3 miles.

Mitsuyasu said it was outside of the 50-mile closure for longlining.

Goto voiced concern on behalf of the regular longline fleet in regards to this proposal. He said Ohai has not owned the longline vessel *LIBRA* for some time and asked if there were plans to acquire a new vessel.

Mitsuyasu said the *KAUAI* was identified as the fishing vessel.

2. Report on the Aha Moku Projects

Simonds said it was reported at the 155th Council meeting that the Governor signed the legislation formally recognizing the Aha Moku system and establishing a committee in DLNR to assist with recommendations from the communities on best practices for natural resource management. Eight members of the committee were confirmed by the Senate recently. A Puwalu is scheduled to be held in the near future so that members of the committee and the moku representatives will meet each other, the agencies and other nongovernmental organizations so that there will be an understanding of what is going to be done and how they interact with each other in terms of making recommendations to departments or agencies.

Discussion

Leialoha asked when the Puwalu would take place.

Simonds said no date has been set, but she expects it to be held in April or May 2013.

F. Report on Pacific Islands Regional Office's Northwestern Hawaiian Islands Monument Issues

Tosatto said NMFS continues to carry out the monk seal camps and turtle work in the NWHI. The facilities at French Frigate Shoals were damaged, which has limited USFWS activities on the island. Due to budget constraints, USFWS also has limited activity at Midway which limits NMFS' ability to work in the area. Activities are continuing but are constrained.

Leialoha said that, after the 155th Council meeting in November, the DLNR chair asked her to fly to Midway for a week to participate in the Cultural Working Group Plan Team sponsored by the MNM, DLNR and the Office of Hawaiian Affairs. It brought together their cultural practitioners and agency heads. She attended the meeting as an agency head representing DLNR's Division of Forestry and Wildlife. She was hoping the replacement for Don Palawski would be at the meeting so she could voice her concern about the need to fund some of the Federal Aviation Administration issues to keep the runway open at Midway, which takes away

from the operating budget of USFWS. *She will bring the issue up with the new administrator who is onboard at the Council's June meeting.*

G. Education and Outreach Activities

Spalding said two traditional lunar calendars were completed for Hawai'i. For Kaua'i, the Council worked with an after-school program to feature the ahupua`a of Anahola. The dedication was locally televised with the Kaua'i mayor. Kalei Nuuhiwa had been contracted to work with community and students on the traditional lunar system. The Maui traditional calendar was also completed. The Council partnered with the Aha Moku O Maui, which is the Moku Council for the 12 districts on Maui.

The Council has two 30-second spots on *Let's Go Fishing*. One includes results of recent research that indicate yellowfin tuna around Hawai'i belong to a resident stock as well as information on the age of spawning by size and weight. The other 30-second spot is on ACLs. The Council is partnering with the State of Hawai'i to get the word out about the yellowfin tuna research results, including ads in *Lawai`a* magazine and *Hawaii Skin Diver* magazines.

Other activities included production of ACL displays and participating on the Communication Team for the MONF 3 conference. The Council's backgrounder on the Western Pacific Region for MONF 3 was published in *Hawaii Fishing News*.

H. Scientific and Statistical Committee Recommendations

Daxboeck presented the SSC recommendations as follows:

Regarding the BRFA Bot-cam research, the SSC requests the analyses be completed in time for presentation to the SSC at the June 2013 meeting. If the analyses are incomplete by its June meeting then the SSC requests the work to date be presented.

Regarding the Bottomfish Research Coordination meeting, the SSC recommends that proceedings of the workshop be published as soon as possible. The SSC also recommends that PIFSC conduct additional workshops to address issues that were raised during the Bottomfish Coordination Workshop.

Regarding scenarios presented for discriminating between noncommercial and commercial catch in the deep-seven fishery, the SSC recommends that the Council request PIFSC develop a research project or survey focused on estimating the ratios of noncommercial catch and effort to commercial catch and effort in the deep-seven bottomfish fishery. If possible, this should be done in time to be incorporated into the 2014 stock assessment.

The SSC further recommends that Council staff continue to engage the director of DLNR regarding the utility of BRFAs in federal waters for a fishery managed under an ACL. The SSC recommends that UH present the results of research on larval dispersal between the MHI and NWHI at the next SSC meeting. The SSC further recommends that HIMB

continue genetic studies to elucidate the connectivity of bottomfish populations between the NWHI and MHI, offshore banks and Johnston Atoll.

I. Public Comment

No public comment was offered.

J. Council Discussion and Action

Regarding DLNR-sponsored Bot-Cam bottomfish research, the Council requests that the final analyses be completed as soon as possible and results be presented to the 113th SSC and 157th Council meeting in June 2013.

Moved by Sword; seconded by Goto.

Motion passed, with Miyasaka abstaining.

Miyasaka said, while he had no problem with the recommendation, he would abstain.

Regarding bottomfish research coordination, the Council requests the proceedings of the March 1, 2013, Bottomfish Research Coordination Workshop be published as soon as possible. In addition, the Council recommends that PIFSC conduct additional workshops to address issues raised during the workshop.

Moved by Sword; seconded by Goto.

Motion passed.

Regarding the MHI deep-seven bottomfish stock assessment, the Council requests PIFSC conduct a research project or survey focused on estimating the ratios of noncommercial catch and effort to commercial catch and effort in the deep-seven bottomfish fishery for incorporation into the next 2014 stock assessment.

Moved by Sword; seconded by Goto.

Motion passed.

Given the relevance and concern raised by the fishing community about the State of Hawai`i's BRFA's, current management under an ACL quota system and the NWHI MNM may not be functioning as a primary source of larval recruits for the MHI, the Council recommends that a) Staff continue to engage the DLNR chair regarding the utility of BRFA's in federal waters; b) UH present the results of research on larval dispersal between MHI and NWHI at the 113th SSC meeting; and c) HIMB continue its genetic studies to elucidate the connectivity of bottomfish populations between the NWHI, MHI, offshore banks and Johnston Atoll.

Moved by Sword; seconded by Goto.

Motion passed, with Miyasaka abstaining from 4a.

Leialoha noted the recommendation seems to be pre-concluding the results in regard to the functioning ecosystem and suggested language such as “may not be the primary source of larval recruits.”

Simonds recalled HIMB conducting a connectivity study in the past that was reported at one of the national coral reef meetings.

Pooley said the connectivity study came up at the Bottomfish Research Workshop. It addressed the question about larval connection between Johnston Atoll and French Frigate Shoals, how it moves and to what extent there’s connectivity, which relates to the “c” recommendation as well, which is Bowen’s genetic work. Kobayashi is also doing the UH study on larval connectivity.

Miyasaka said he would prefer to abstain from recommendation 4a, but vote yes to the rest of the recommendation.

Regarding the Western Pacific CDP proposal from Nephi Ohai, captain of Libra Corporation, for a Hawaii Longline Fishing Permit Exemption in support of a multi-fisheries training program, the Council supports the issuance of a longline permit to support the training program and will transmit the proposal to NMFS PIRO for review and implementation.

Tosatto said he will abstain from voting on the recommendation.

Goto reiterated his concerns about the project in relation to the Hawai`i longline fleet, regarding perception and other issues. He understood the progressiveness of the proposal, but, in light of his position within the fleet, he chooses to abstain.

Nichols raised a point of clarification regarding the wording of the recommendation, noting the language says the Council supports the issuance of a longline permit, but the prior sentence says the request is a permit exemption.

Mitsuyasu said the Hawaii Longline Permit Exemption is the title of the proposal. If the Council supports the proposal they’re voting in support of the issuance of the proposal as requested, which requests a permit be issued without the fee because at this time the available permits are freely transferrable for purchase. The CDP provision of the MSA allows the Council to explore options through a regulatory means to provide benefits to the indigenous communities if they meet all these criteria in the MSA, all of which would be explored once the proposal is transferred to NMFS and the details are worked out.

Nichols thanked Council staff for the clarification.

Leialoha said, if that is the case, the recommendation needs to be further revised. She would abstain rather than cast a vote of nay. She asked whether the Council is seeking support for an application on a no-fee permit basis.

Mitsuyasu replied in the affirmative, that is what the community is requesting.

Palacios noted GC advised to redo the entire process.

Nichols agreed.

There was no final determination of the vote.

17. Administrative Matters

A. Financial Reports

Simonds reported that first quarter funds were received in the amount of \$705,794. There are many uncertainties in the 2013 budget with respect to how the 5 percent sequestration will be handled by the government. The report on the grants included two coral reef grants, one turtle grant, one Sustainable Fisheries Fund (SFF) grant and the bigeye tuna SFF grant. The Council is working with PIRO and fishermen to change some of the projects. SFF 3 started in October. The line items of expenditures are for supplies and for the American Samoa fisheries development coordinator. SFF 2, which will end in 2013, funded Guam's Americans with Disabilities Act Compliant Fishing Platform. This project has been delayed due to reviews and discussions among the departments. The final version to be submitted to the Army Corps of Engineers will be completed before the end of September, which is when the grant ends. The Council does have an opportunity to extend the grant without incurring additional costs.

B. Administrative Reports

Simonds reported that information technology specialist has been hired as an employee, and an education assistant is under contract. They are busy exploring options to improve the database and website. A developer has been chosen to create a new WPCouncil.org website. The annual audit begins in May and is scheduled to conclude in September. There were a number of Freedom of Information Act requests. She referred Council members to the list in the Council documents.

C. National Marine Fisheries Service–Council Coordination

1. February 2013 Council Coordination Committee Meeting

Simonds said she attended the CCC meeting with Palacios and Ebisui. It included the status of the actions taken at the CCC meeting held in May 2012 in Hawai'i as well as a report from the ESA Working Group, which was reported during Protected Species, agenda item 13.

2. Marine Fishery Allocation Issue

Tosatto reported that NMFS contracted George Lapointe to look at the allocation of fisheries resources among sectors and among commercial fisheries sectors. He referred Council members to the report in the Council documents. After the report is reviewed by the CCC, the agency intends to use it to develop policy direction, if necessary, within the National Standards to enable correct and consistent decisions.

3. Inspector General Report on Council Rule-Making Process

Tosatto reported that the Government Accounting Office at the request of several members of Congress took a look at how NMFS and the Councils were doing fisheries management. When the report was published it created the need for NMFS to develop an action plan to make the fisheries management process more transparent and consistent. The CCC reviewed the report as well as the draft action plan. The CCC wanted the opportunity to comment and help NOAA develop its action plan. Some of the issues brought up by the Inspector General were how the conflict of interest provisions were implemented and how the Council and NMFS work together on streamlining to make the process efficient and transparent. After input is provided by the CCC to NMFS, the action plan will be finalized.

4. National Environmental Policy Act Guidance

Tosatto said the MSA 2006 reauthorization directed NMFS to work in consultation with the Council and the Council on Environmental Quality on a process to integrate the fisheries management process under MSA with NEPA to make it more streamlined, transparent and cohesive. The CCC was presented with what NMFS felt was a final policy directive. The CCC felt that NMFS had not adequately consulted, as required by law in the MSA, with the Councils regarding this NEPA policy and that NMFS did not make any improvements but merely memorialized the status quo. The CCC is looking to work with NMFS to accomplish the goals.

Simonds said a committee of NMFS and CCC representatives will meet to send some initial comments on the NOAA policy directive. She noted that in the beginning the Council and NMFS produced integrated documents and one document covered both MSA and NEPA requirements. As the years went by, separate documents were produced that were 8,000 pages long. The CCC will be working with NMFS at the CCC meeting to be held in Washington, DC.

D. Council Family Changes

1. Scientific and Statistical Committee

Mitsuyasu reported the Council family changes as follows: A) Appoint Erik Franklin to the SSC to replacing Bowen, a geneticist from HIMB. Franklin works for the UH School of Ocean and Earth Science and Technology as well as HIMB. He participated in the last SSC meeting. B) Appoint Alice Lawrence to replace Benjamin Carroll on the American Samoa Archipelago Plan Team. C) Appoint TeeJay Letalie to replace Nonu Tui as the American Samoa representative on the Pelagic Plan Team. D) Appoint Sean McDuff to the Mariana Archipelago Plan Team.

2. Protected Species Standing Committee

Ishizaki reported that, based on a recommendation from the last Council meeting, the Council is considering consolidating the Sea Turtle Advisory Committee and the Marine Mammal Advisory Committee into a single Protected Species Advisory Committee. The protected resources issues are diversifying, with turtle, marine mammal, seabird, corals and now

potentially reef fish and sharks. The new committee will have various experts in a single committee, such as sea turtles, marine mammals, sharks, seabirds, coral and reef sharks, as well as SSC and Advisory Panel members.

3. Plan Team

This item was reported under a prior agenda item.

4. Noncommercial Fisheries Advisory Committee

Mitsuyasu provided background on the Noncommercial Fisheries Advisory Committee, which was formed to address recreational fishery data gaps, especially in the Hawai`i region. The committee has met a few times over the years. The recreational and noncommercial fishing issues are still a priority for the Council. PIRO recently filled a new recreational fishery coordinator position. The Council is exploring restructuring the committee to improve the functioning of the noncommercial side and provide input as the Council addresses some of the priorities. The strategy is to create a committee with designated members of active boat clubs and organizations so there would be participation when input is needed. A list was provided in the Council members documents. He invited Council members to provide names to be included.

Discussion

Rice said the idea was good and Council members from each Territory should take part in the endeavor.

E. Meetings and Workshops

Simonds reported on upcoming meetings in 2013. Joint Plan Team meetings are scheduled for April 2013. The Puwalu meeting is scheduled for April or May. In May the Hawai`i REAC meeting is scheduled to be held in Honolulu and the CCC and MONF3 meetings in Washington, DC. Council, SSC members and Advisory Panel members will be attending the meetings in DC. In June the Capitol Hill Ocean Week is scheduled; participation depends on budget allocation. The SSC meeting will be held in Honolulu and the Council meeting on June 17 to 21. She asked Council members to notify her if there are problems with meeting those dates. In July, the 21st Annual Hawaii Conservation Conference is being held in Honolulu. A presentation is planned from members of First Stewards. Spalding will attend the annual National Marine Educators Association meeting in July in Alabama. The WCPFC Scientific Committee annual meeting is Aug. 6 to 14 in FSM. The annual meeting of the Northern Committee in Japan and the Technical and Compliance Committee in FSM will be held in September. The SSC is meeting in Oct. 8 to 10 and the Council will meet Oct. 15 to 18 in Honolulu. The following week is Council training for new members, even if reappointed. The First Stewards Symposium will be in October in Washington, DC. The WCPFC annual meeting is scheduled for early December; the location is undecided, possibly Guam or Australia.

F. Other Business

There was no other business.

G. Standing Committee Recommendations

Palacios reported that there were no Standing Committee recommendations.

H. Public Comment

No public comment was offered.

I. Council Discussion and Action

Regarding administrative matters, the Council supports the following changes to the advisory bodies: a) appoints Eric C. Franklin to the SSC, replacing Brian Bowen; b) appoints Alice Lawrence to replace Benjamin Carroll on the American Samoa Archipelago Plan Team; c) appoints TeeJay Letalie to replace Nonu Tui as the American Samoa representative on the Pelagic Plan Team; and d) appoints Sean McDuff to the Mariana Archipelago Plan Team.

Moved by Sword; seconded by Rice.

Motion passed.

Regarding administrative matters, the Council directs staff to restructure the Noncommercial Fisheries Advisory Committee as presented based on membership on established and active fishing clubs and organizations throughout the region that are largely comprised of noncommercial fishermen.

Moved by Sword; seconded by Rice.

Motion passed.

Regarding administrative matters, the Council directs staff to restructure the Sea Turtle Advisory Committee and Marine Mammal Advisory Committee to establish a single Protected Species Advisory Committee with a minimum membership composition to include a) sea turtle expertise, two members; b) marine mammal expertise, two members; c) seabird expertise, one member; d) shark expertise, one member; e) coral and reef fish expertise, one member; f) one representative from the SSC; and g) one representative from the Advisory Panel.

Moved by Sword; seconded by Rice.

Motion passed.

18. Other Business

There were no items under Other Business.

List of Acronyms

acceptable biological catch (ABC)
American Samoa Community College (ASCC)
annual catch limit (ACL)
autonomous underwater vehicle (AUV)
biological opinion (BiOP)
Board of Land and Natural Resources (BLNR – Hawai`i)
bottomfish camera (Bot-cam)
Bottomfish Restricted Fishing Area (BRFA)
catch and catch per unit effort (CPUE)
coastal marine and spatial planning (CMSP)
Commercial Marine License (CML)
Commonwealth of the Northern Mariana Islands (CNMI)
Community Development Program (CDP)
Conservation and Management Measure (CMM)
Coral Reef Advisory Committee (CRAG)
Coral Reef Conservation Program (CRCP)
Coral Reef Ecosystem Division (CRED)
Council Coordination Committee (CCC)
Department of Agriculture (DOA – Guam and American Samoa)
Department of Defense (DOD)
Department of Land and Natural Resources (DLNR - Hawai`i)
Department of Lands and Natural Resources (DLNR - CNMI)
Department of Marine and Wildlife Resources (DMWR - American Samoa)
Depletion-Based Catch Model (DCAC)
Depletion-Based Stock Reduction Analysis (DBSRA)
distinct population segment (DPS)
Division of Aquatic and Wildlife Resources (DAWR - Guam)
Division of Aquatic Resources (DAR – Hawai`i)
Division of Fish and Wildlife (DFW – CNMI)
Draft Management Plan (DMP)
emergency position-indicating radio beacons (EPIRBs)
Endangered Species Act (ESA)
environmental impact statement (EIS)
Environmental Protection Agency (EPA)
essential fish habitat (EFH)
exclusive economic zone (EEZ)
false killer whales (FKW)
Federated States of Micronesia (FSM)
fish aggregation device (FAD)

Fishery Ecosystem Plan (FEP)
Forum Fisheries Agency (FFA)
General Counsel (GC)
geographic information system (GIS)
Guam Department of Agriculture (DOA)
Guidelines for Assessing Marine Mammal Stocks (GAMMS)
Hawai`i Institute of Marine Biology (HIMB)
Hawaii Longline Association (HLA)
identification (ID)
Interjurisdictional Fisheries Act (IFA)
International Pacific Marine Educators Network Conference (IPMEN)
International Seafood Sustainability Foundation (ISSF)
Joint Institute of Marine and Atmospheric Research (JIMAR)
Magnuson-Stevens Fishery Conservation and Management Act (MSA)
main Hawaiian Islands (MHI)
management unit species (MUS)
Managing Our Nation's Fisheries (MONF)
Marine Conservation Plan (MCP)
Marine Fisheries Advisory Committee (MAFAC)
Marine Mammal Protection Act (MMPA)
Marine National Monuments (MNM)s
marine protected area (MPA)
maximum sustainable yield (MSY)
memorandum of understanding (MOU)
meters (m)
metric tons (mt)
mortality and serious injury (M&SI)
National Environmental Policy Act (NEPA)
National Marine Fisheries Service (NMFS)
National Ocean Council (NOC)
National Oceanic and Atmospheric Administration (NOAA)
National Wildlife Refuge (NWR)
nautical mile (nm)
Northwestern Hawaiian Islands (NWHI)
Oceanic Fisheries Program (OFP)
Office of General Counsel (GC)
Office of Law Enforcement (OLE)
Pacific Islands Fisheries Science Center (PIFSC)
Pacific Islands Regional Office (PIRO)
Pacific Regional Outreach Group (PROG)
Pacific Remote Island Areas (PRIAs)
Pacific Scientific Review Group (PSRG)

Parties to the Nauru Agreement (PNA)
Pelagic Fisheries Research Program (PFRP)
potential biological removal (PBR)
Protected Resources Division (PRD)
Reef Assessment and Monitoring Program (RAMP)
Regional Ecosystem Advisory Committee (REAC)
Regional Planning Body (RPB)
Saltonstall-Kennedy Grant Program (SK)
Samoa Tuna Processors (STP)
Scientific and Statistical Committee (SSC)
Secretariat of the Pacific Community (SPC)
Secretariat of the Pacific Regional Environment Programme (SPREP)
Stock Assessment Report (SAR)
Sustainable Fisheries Fund (SFF)
Take Reduction Plan (TRP)
The Nature Conservancy (TNC)
total allowable catch (TAC)
traditional ecological knowledge (TEK)
University of Hawaii (UH)
US Fish and Wildlife Service (USFWS)
US Coast Guard (USCG)
vessel monitoring system (VMS)
Western and Central Pacific Fisheries Commission (WCPFC)
Western Pacific Fisheries Information Network (WPacFIN)